

KERRVILLE CITY COUNCIL AGENDA
REGULAR COUNCIL MEETING, MARCH 27, 2018, 6:00 PM
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION: OFFERED BY ROMAN GARCIA.

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. PRESENTATIONS

3.A Certificate of Recognition and Resolution of Commendation presented to Sandra Yarbrough for 34 years of service to the citizens of the City of Kerrville.

[Sandra Yarbrough.pdf](#)

[Resolution of Commendation-Sandra Yarbrough.pdf](#)

3.B Proclamation to declare March 27, 2018 as Our Lady of the Hills State Champion Girls Soccer Team Day.

[OLH Soccer award.pdf](#)

3.C Proclamation declaring March 28, 2018 as Our Lady of the Hills State Champion Girls 50 Meter Freestyle Swim Ella Junker Day.

[OLH Swim award.pdf](#)

3.D Certificate of Recognition to the Our Lady of the Hills Hawks 2017-18 Boys Basketball Team for their 28-7 overall record.

[OLH Boys Basketball Team.pdf](#)

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: March 23, 2018 5pm and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

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

4.A Minutes of the city council workshop held February 20, 2018, and the regular meeting held February 27, 2018.

[2018 0220 Workshop.doc](#)

[2018 0227.docx](#)

4.B Project funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and the City of Kerrville, Texas for an aquatics feasibility study.

[AB Funding Agreement, Aquatics.docx](#)

[EIC Funding Agreement, Aquatics.pdf](#)

[EIC Application for Aquatics Feasibility Study \(1.16.2018\).pdf](#)

[Letters of support from KISD and SU.pdf](#)

END OF CONSENT AGENDA

5. ORDINANCE, SECOND AND FINAL READING:

5.A Ordinance No. 2018-07 amending Chapter 74 "Parks and Recreation". Article I "Rules and Regulations for City Park and Recreation Areas" of the Code of Ordinances of the City of Kerrville, Texas, by amending various sections to address the operation and use of the Kerrville Sports Complex; containing a cumulative clause; containing a savings and severability clause; providing a penalty; and providing other matters relating to the subject.

[AB Ordinance 2018-07 second reading.docx](#)

[Ordinance 2018-07.pdf](#)

6. PUBLIC HEARING AND RESOLUTION:

6.A Resolution No. 09-2018 granting a Conditional Use Permit for lot 3, Block 1, Sutton Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 3410 Memorial Boulevard (State Highway 27); said tract is located within the 29-E Zoning District; by permitting said property to be used for a manufactured home or manufactured housing; and making said permit subject to certain conditions and restrictions contained herein.

[Agenda_Bill_03.27.2018 public hearing.docx](#)

[PZ PH 03.01.18.docx](#)

[Resolution_09-2018.pdf](#)

7. ORDINANCE, FIRST READING:

7.A Ordinance No. 2018-11 adopting the "Design Manual for the Installation of Network Nodes and Node Support Poles pursuant to Texas Local Government Code, Chapter 284"; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject.

[DesignManual_agenda-bill.docx](#)

[Ordinance No. 2018-11.pdf](#)

[Draft_Design manual_03.22.18.pdf](#)

8. CONSIDERATION AND POSSIBLE ACTION:

8.A Resolution No. 07-2018 requesting financial assistance from the Texas Water Development Board to finance certain improvements to the City's sewer system; authorizing the filing of an application for financial assistance, and making certain findings in connection therewith.

[Agenda_Bill_-_TWDB-revised.docx](#)

[Resolution No. 07-2018.docx](#)

[Debt Capacity Analysis.pdf](#)

[CWSRF_Program_Information_Sheet.pdf](#)

8.B Authorization to proceed with a Funding Application to the Kerrville Economic Improvement Corporation for the enhancement of Legion Lift Station to encourage economic development.

[AB_-_Funding_request_to_EIC_for_Legion lift station - 20180327.docx](#)

[Legion Lift Station EIC Application - 20180322.pdf](#)

8.C Authorize the City Manager to finalize a scope of work for professional services and proceed with developing a Long-Range Water Supply Plan for the City.

[AB_Long Range Water Supply.docx](#)

[HDR Scope of Work.pdf](#)

8.D Resolution No. 05-2018 adopting the Water Conservation Initiative - Low Flow Rebate Program as part of the City of Kerrville Water Conservation Plan

[Agenda Bill - Water Conservation Initiative- Low Flow Rebate Program.docx](#)

[Resolution 05-2018.pdf](#)

8.E Waiver of perimeter sidewalk construction, per City Code Section 26-36(f), for property located at 410 Junction Highway adjacent to the north frontage of State Highway 27 and being located between Florence Street and Center Avenue.

[AB_Sidewalk_Waiver_Request_for_410_Junction_Hwy - revised.docx](#)

[Exhibit #1 - 410 Junction_Aproved DSP.pdf](#)

[Exhibit #2 - 410 Junction_Site Photos.pdf](#)

[Exhibit #3 - Sidewalk Master Plan_Sector 3.pdf](#)

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: March 23, 2018 5pm and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

8.F Waiver of perimeter sidewalk construction, per City Code Section 26-36(f), for property located at 3410 Memorial Blvd. adjacent to the northeast frontage of State Highway 27 and being located south of State Loop 534 in front of the VA Hospital.

[AB_Sidewalk_Waiver_Request_for_3410_Memorial_Blvd \(1\) - revised.docx](#)

[Exhibit #1 - Site Plan.pdf](#)

[Exhibit #2 - Site Photos.pdf](#)

[Exhibit #3 - Sidewalk Master Plan Sector 5.pdf](#)

8.G Authorize the City Manager to initiate a process to develop a public-private partnership for the development of approximately 34 acres of City-owned property on Loop 534 for the primary purpose of providing new housing options.

[Agenda_Bill_-_534_Housing_RFP.docx](#)

[Aerials maps - Tax parcel ID 66218 and 66219 - Loop 534 - 20180327.pdf](#)

9. INFORMATION AND DISCUSSION:

9.A Budget and economic update for the month ended February 28, 2018.

[AB Financial Update 2-28-18.docx](#)

[2-28-18 Budget and economic update.pdf](#)

10. BOARD APPOINTMENTS:

10.A Appointments to the Parks and Recreation Advisory Board.

[AB PRAB 3-27-18.docx](#)

[Parks and Recreation Advisory Board.docx](#)

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.

Certificate of Recognition

Is hereby presented to

Sandra G. Yarbrough

For 34 years of service to the citizens of the City of Kerrville,
and the City Finance Department.
Congratulations on her service since 1983.



Hereunto set my hand and caused the
Seal of the City of Kerrville to be
affixed hereto, the 27 day of March, 2018.

Mark L. McDaniel, City Manager

RESOLUTION OF COMMENDATION

- WHEREAS,** *Sandra G. Yarbrough is a citizen of the great City of Kerrville; and*
- WHEREAS,** *Sandra began her employment with the City of Kerrville on September 12, 1983, and started her career in Finance as an Accounting Clerk; and*
- WHEREAS,** *Sandra began serving as the Interim Director of Finance beginning in 2007, and was promoted to Assistant Director of Finance in January 2010; and*
- WHEREAS,** *Sandra was promoted to Director of Finance in May 2013; and*
- WHEREAS,** *Sandra has provided excellent leadership, financial advice, and professional fiscal services for the Finance Department and the City of Kerrville; and*
- WHEREAS,** *Sandra has provided information and assistance to fifteen different Mayors and City Councils, and has worked for nine different City Managers since September 1983; and*
- WHEREAS,** *It is with sincere appreciation that the City of Kerrville recognize Sandra G. Yarbrough for her 34 years of dedication and service to our community.*

NOW, THEREFORE, We, the Mayor and City Council of the City of Kerrville, Texas, do hereby proclaim March 29, 2018, as

“SANDRA YARBROUGH DAY”

in the city of Kerrville, and ask all citizens to honor and congratulate Sandra on her retirement.

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Seal of the City of Kerrville to be affixed hereto, the 27 day of March, 2018.

Bonnie White, Mayor

Vincent Voelkel, Place 1

George Baroody, Place 2

Mary Ellen Summerlin, Place 3

Warren Ferguson, Place 4



PROCLAMATION

WHEREAS, Our Lady of the Hills is a Catholic High School located in Kerrville, Texas. OLH opened in 2002 with 19 students and has since grown its enrollment to 103 as of this year. It is a Christ-centered, co-educational college preparatory high school that offers a number of varsity sports, including girls' soccer. The school's girls' soccer program competes in Division III of the Texas Association of Private and Parochial Schools as the OLH Lady Hawks; and

WHEREAS, The Lady Hawks' 2018 soccer team won their district with an unbeaten 12-0 record and finished the season 18-1-2 overall after shutting out McKinney Christian Academy, 5-0, in the TAPPS Division III state championship game Friday, Feb. 23 at Waco ISD Stadium. OLH's victory produced the school's first-ever state championship in a girls' team sport; and

WHEREAS, Our Lady of the Hills' TAPPS Division III state champions include Briana Alcorta, Abie Benitez, Rylee Coldwell, Lucy Fritz, Haiven Furbush, Nancy Garcia, Rocia Garcia, Mikayla Grocki, Gabby Michalak, Gracie Morris, Maddie Morris, Anna O'Leary, Shay Smith, Annette Viveros, and coach George Salinas. The team also drew support from OLH classmates, teachers, parents, friends, fans and the great community of Kerrville.

NOW, THEREFORE, I, Bonnie White, Mayor of the City of Kerrville, Texas, do hereby proclaim March 27, 2018 as

Our Lady of the Hills State Champion Girls Soccer Team Day

in the City of Kerrville and urge all citizens to join with me on this day in honoring these student-athletes and their contributions to our community.



IN WITNESS WHEREOF, I have
Hereunto set my hand and caused the seal
of the City of Kerrville to be affixed hereto,
the 27th day of March 2018.

Bonnie White, Mayor

PROCLAMATION

WHEREAS, Our Lady of the Hills is a Catholic High School located in Kerrville, Texas. OLH opened in 2002 with 19 students and has since grown its enrollment to 103 as of this year. It is a Christ-centered, co-educational college preparatory high school that offers a number of varsity sports, including girls' swimming. The school's girls' swimming program competes in Division III of the Texas Association of Private and Parochial Schools as the OLH Lady Hawks; and

WHEREAS, Lady Hawks' 2018 swim team member Ella Junker is a Junior at Our Lady of the Hills Catholic High School; and

WHEREAS, Lady Hawks' 2018 swim team member Ella Junker has been named as an academic all-state swimmer; and

WHEREAS, Lady Hawks' 2018 swim team member Ella Junker won the 50 Meter Freestyle Swimming State Championship.

NOW, THEREFORE, I, Bonnie White, Mayor of the City of Kerrville, Texas, do hereby proclaim March 28, 2018 as

Our Lady of the Hills State Champion Girls 50 Meter Freestyle Swim Ella Junker Day

in the City of Kerrville and urge all citizens to join with me on this day in honoring this student-athlete and her contribution to our community.

IN WITNESS WHEREOF, I have Hereunto set my hand and caused the seal of the City of Kerrville to be affixed hereto, the 27th day of March 2018.

Bonnie White, Mayor



Certificate of Recognition

Is hereby presented to

The Our Lady of the Hills Hawks 2017-18 Boys Basketball Team

This Certificate of Recognition is being presented to the Our Lady of the Hills Hawks' 2017-18 boys basketball team. The defending state-champion Hawks compiled a 28-7 overall record this winter and advanced to the Texas Association of Private and Parochial Schools' Class 3A state championship game for a second straight year before falling to El Paso Faith Christian March 2 in West, Texas. The City of Kerrville congratulates the Hawks for having another outstanding season.



Hereunto set my hand and caused the
Seal of the City Kerrville to be affixed
hereto the 27th day of March, 2018.

Bonnie White, Mayor

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

CITY COUNCIL MINUTES
WORKSHOP

KERRVILLE, TEXAS
FEBRUARY 20, 2018

On Tuesday, February 20, 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
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
Kim Meismer	Director of General Operations
Drew Paxton	Director of Development Services
Ashlea Boyle	Director of Parks and Recreation
Stuart Barron	Public Works Director

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

1. PARKS AND RECREATION PROGRAMS AND ACTIVITIES

Ms. Boyle presented an overview of the Parks and Recreation Department including 19 parks, tennis center, golf course, sports complex and almost 5 miles of river trail. In addition to maintaining parks, the parks maintenance division provided mowing services for street right of ways, well sites, drainage ways, and other city properties. They also provided custodial services for 15 city buildings, and building maintenance services for 40 city buildings. Projects planned in the near future were: river trail construction from Lowry Park to Dietert Center and trailhead, tennis center renovation, aquatics feasibility study and possible improvements. She also discussed events and activities.

2. STORMWATER DRAINAGE AND LOCALIZED FLOODING

Mr. Barron discussed waterways located throughout the city and noted the city did not have: an ordinance requiring maintenance of waterways on private property, design standards for driveways, or a master drainage plan or system.

Mr. Barron reviewed possible future objectives: update development standards, develop a drainage master plan, develop driveway standards, develop water quality areas, implement green storm drain drainage standards, develop a funding source to fix drainage problems, and enhance private property maintenance standards. Mr. Barron also reviewed a list of potential drainage projects.

Mr. McDaniel noted the comprehensive plan subcommittee may submit a list of drainage projects for consideration in a future bond issue.

Council discussed considering ETJ (extraterritorial jurisdiction) development standards in the drainage master plan.

3. ZEBRA MUSSEL PREVENTION AND EDUCATION CAMPAIGN

Tara Bushnoe, Natural Resources Coordinator for Upper Guadalupe River Authority, discussed the invasion of zebra/quagga mussels in Texas waterways. She discussed the recreational, ecological, and economic impact of zebra mussels and noted they were very costly to remove from pipelines and intake structures; of particular concern for the city was the water treatment plant. Possession or transport of zebra mussels and other prohibited species was illegal in Texas.

The meeting adjourned at 12:08 p.m.

APPROVED: _____
ATTEST:

Bonnie White, Mayor

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
FEBRUARY 27, 2018

On February 27, 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 Warren Ferguson, followed by the Pledge of Allegiance led by Stuart Cunyus.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
George Baroody	Mayor Pro Tem
Vincent Voelkel	Councilmember
Mary Ellen Summerlin	Councilmember (arrived at 6:30 p.m.)
Warren Ferguson	Councilmember

COUNCILMEMBERS ABSENT:

CITY CORE STAFF PRESENT:

Mark McDaniel	City Manager
Mike Hayes	City Attorney
Brenda Craig	City Secretary
E.A. Hoppe	Deputy City Manager
Cheryl Brown	Deputy City Secretary
Sandra Yarbrough	Director of Finance
Amy Dozier	Asst. 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
Dannie Smith	Fire Chief
Guillermo Garcia	Executive Director of Strategic Initiatives
Charvy Tork	Director of Information Technology

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:** no one spoke.
3. **PRESENTATIONS**
 - 3A. Report from Mayor's Youth Advisory Council. Deferred to a future meeting.
4. **CONSENT AGENDA:**

Mr. Voelkel removed item 4D from the consent agenda.

Mr. Ferguson moved for approval of consent agenda Items 4A, 4B, and 4C. Mr. Baroody seconded the motion and it passed 4-0:

4A. Approval of minutes for the regular city council meeting held January 23, 2018, and the special city council meeting held February 1, 2018.

4B. Budget/Economic Update Ending January 31, 2018.

4C. Authorize the execution of a construction contract with Huband-Mantor Construction, Inc. for the Sports Complex Reuse Pond & Pump Station project in an amount of \$300,000.00.

END OF CONSENT AGENDA

4D. Authorize the acceptance of 6.097 acre tract of land from the Cailloux Foundation Properties, LLC to be used for the city's construction of Sports Complex Reuse Pond & Pump Station project.

Mr. Voelkel questioned why the city was not required to plat the property. Mr. Hayes noted staff planned to plat the entire property after the deed for this tract and other easements were finalized.

Mr. Voelkel moved to approve acceptance of the 6.097 acre tract; Mr. Ferguson seconded the motion and it passed 4-0.

7A. Presentation and acceptance of the Fiscal Year 2017 City of Kerrville Comprehensive Annual Financial Report (CAFR).

Karen Kurtin, auditor with BKD, presented the audit results for FY2017, and stated an unmodified "clean" opinion with no material weaknesses or significant deficiencies. The audit was performed in accordance with government auditing standards, and she expected the city would receive the Government Finance Officers' Association (GFOA) award for FY2017 for the 34th consecutive year. The audit included the City of Kerrville, the Economic Improvement Corporation, and the Kerrville Public Utility Board; the Kerrville-Kerr County Airport Board budget would be audited by another auditing firm. GFOA recommends an unassigned fund balance of 16%; the city's balance was 32%.

Mr. Ferguson moved to accept the report; Mr. Voelkel seconded the motion and it passed 4-0.

5. ORDINANCES, FIRST READING:

5A. Ordinance No. 2018-08, an Ordinance approving a tariff authorizing an Annual Rate Review Mechanism ("RRM") as a substitution for the Annual Interim Rate Adjustment Process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company") and the Steering Committee of Cities Served by Atmos; requiring the Company to reimburse Cities' reasonable ratemaking expenses; adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the Company and Legal Counsel for the Steering Committee. Mayor White read the ordinance by title only.

Mr. Hayes reported the ordinance would approve a RRM tariff with Atmos as recommended by the Atmos Steering Committee. This year the rate review mechanism resulted in a reduction on the rate of return on equity from 10.50% to 9.8% and a reduction in federal income tax rates from 35% to 21%. He recommended adopting the ordinance approving the negotiated settlement to be effective mid-March.

Mr. Ferguson moved for approval of Ordinance No. 2018-08 on first reading; Mr. Baroody seconded the motion and it passed 4-0.

5B. Ordinance No. 2018-09, an Ordinance amending Chapter 10, "Alcoholic Beverages" of the Code of Ordinances of the City of Kerrville, Texas; by amending Section 10-3 "Licensing Requirements; Fees"; by reducing the applicable fee for alcoholic beverage licenses; 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. Mayor White read the ordinance by title only.

Mr. Baroody noted the ordinance was changed in January to reduce the brewer's permit fee paid to the city from "one-half of the permit or license fee paid to the state" (\$1,500) to "the fee applicable for an on-premises retailer" (\$175) in order to support the craft agriculture businesses. He proposed to amend the ordinance to reduce the fee for all licenses to "one-half of the permit or license fee paid to the state, or \$200, whichever amount was lower."

Ms. Summerlin arrived at 6:30 p.m.

Mr. Baroody noted the reduction in the fee as stated would result in a net loss of approximately \$4,500 annually to the city. In order to break even, the average fee would have to be \$695 for all licenses. He then proposed raising the fee to \$400.

Mr. McDaniel noted that TABC had 20 classifications; however, the city did not have to follow the state's prescribed format, and the state could change its fees at any time.

Mr. Ferguson moved to approve Ordinance No. 2018-09, changing the fee from one-half of permit or license fee paid to the state or \$500 whichever amount is lower. Mr. Baroody seconded the motion and it passed 4 – 1 with Councilmembers Ferguson, Baroody, White, and Summerlin voting in favor of the motion and Councilmember Voelkel voting against the motion.

6. ORDINANCES, SECOND AND FINAL READING:

6A. 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.

Mr. Paxton noted two changes since first reading:

1. Allowing one non-resident employee, other than the occupant, to be on site at any one time.

2. Allowing home sales to customers who visit the residence, but not more than 4 times per calendar year.

Mr. Baroody stated the city was allowing a business to be established in residential zones and it appeared that the city was violating the private real property preservation rights act without due process. He opined that the code was unenforceable.

Ms. Summerlin moved for approval of Ordinance No. 2018-04 on second reading as presented; Mr. Ferguson seconded the motion and it passed 4-1 with Councilmembers Summerlin, Ferguson, White, and Voelkel voting in favor of the motion, and Councilmember Baroody voting against the motion.

7. CONSIDERATION AND POSSIBLE ACTION:

7A. Presentation and acceptance of the Fiscal Year 2017 City of Kerrville Comprehensive Annual Financial Report (CAFR).

This matter was heard earlier in the meeting after Item 4D.

8. CITY MANAGER'S REPORT:

Mr. McDaniel discussed the monthly capital improvement project report and the budget calendar. He noted that the comprehensive plan committee and subcommittee meetings were continuing, and the open house events were well attended by the community. He discussed three issues that were already underway: 1) Study for the possible creation of a tax increment reinvestment zone in downtown; 2) Hotel and conference center study; and 3) Scope for long range water planning.

9. ITEMS FOR FUTURE AGENDAS:

-Appointment to Recovery Community Coalition.
-Presentation by Mayor's Youth Advisory Council.

10. EXECUTIVE SESSION: None.

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

ADJOURNMENT: The meeting adjourned at 6:58 p.m.

APPROVED: _____

ATTEST:

Bonnie White, Mayor

Brenda G. Craig, City Secretary



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

SUBJECT: Funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and the City of Kerrville, Texas for an aquatics feasibility study.

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 3/21/2018

SUBMITTED BY: Ashlea Boyle
Director of Parks and Recreation

EXHIBITS: Funding Agreement
EIC Funding Application
Letter of Support from KISD and Schreiner University

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
Not to exceed \$100,000	\$100,000	\$100,000	70-7000-5100 Project # 70-16004

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

As discussed in previous meetings and workshops, the Economic Improvement Corporation (EIC) has programmed dollars into their budget to fund a feasibility study for the Olympic Pool. This allocation in the EIC's budget was included in the FY16 budget that was adopted by City Council. These funds are still allocated as an EIC project.

If funded, the City intends to hire a consulting firm, via a Request for Qualifications (RFQ) process, that will conduct the feasibility study. This process will engage various aquatics-related community stakeholders such as Kerrville Independent School District (KISD) and Schreiner University, who have expressed interest in a year-round competitive aquatics facility with the intent of their active use, to include possibly fielding competitive swim teams. The study will be utilized for a subsequent project design effort, if found to be feasible, and ultimately the public bidding process for construction of a project.

If funded, the feasibility study is to include the following:

- Evaluation of the condition of the existing complex in its entirety including applicable local, state, and federal code;
- Needs assessment including public / stakeholder input;
- Recommended improvements / enhancements and conceptual planning of the entire facility;
- Necessary research to appropriately evaluate the viability of such

- improvements; local work force to support an extended season / year-round facility; and
- Cost analysis for construction and operation

On January 23, 2018, City Council authorized City staff to submit a funding application to the EIC in an amount not to exceed \$100,000 for this study. As a reminder, for City-sponsored Public Infrastructure and Quality of Life projects, authorization from the City Council is required in order for an application to be made to the EIC.

On February 19, 2018, the EIC considered the funding application and directed staff to prepare a funding agreement. On March 19, 2018, the EIC held the required public hearing and unanimously approved the funding agreement.

The last step in this process is consideration and final approval by City Council.

RECOMMENDED ACTION:

Approve funding agreement as presented.

PROJECT FUNDING AGREEMENT BETWEEN THE CITY OF KERRVILLE, TEXAS, ECONOMIC IMPROVEMENT CORPORATION AND THE CITY OF KERRVILLE, TEXAS FOR AN AQUATICS FEASIBILITY STUDY

THIS PROJECT FUNDING AGREEMENT is entered into this ____ day of _____, 2018, by and between the City of Kerrville, Texas Economic Improvement Corporation ("EIC"), a Texas non-profit corporation established by City pursuant to Section 4B of Tex. Rev. Civ. Stat. Art. 5190.6 and now codified in Chapters 501, 502, and 505 of the Texas Local Government Code (otherwise known as the Development Corporation Act of 1979 and hereafter called "the Act"); and the City of Kerrville, Texas ("City"), a Texas home-rule municipality.

WITNESSETH:

WHEREAS, pursuant to Chapter 505 of the Act, the EIC is authorized to undertake, or to provide funding to City to undertake, projects which the EIC finds to be encompassed by the definition of "projects" as that word is defined in Chapters 501 and 505 of the Act; and

WHEREAS, EIC was formed to administer the sales and use tax approved by the citizens of Kerrville, Texas, in May 1995 and collected for projects as defined by the Act, including:

Projects related to recreational or community facilities, to include land, buildings, equipment, facilities, and improvements found by the Board to be required or suitable for use for professional and amateur sports, including children's sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, parks and park facilities, open space improvements, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of the previously described items; and

WHEREAS, City proposes to enter into an agreement with a professional firm to analyze and develop an aquatics feasibility study with respect to the City's existing swimming pool (the "Project"); and

WHEREAS, the EIC finds that the Project as described generally above constitutes a "project" as defined by the Act; and

WHEREAS, the EIC finds that the Project is required or suitable for the study and consideration of a proposed recreational and community facility; and

WHEREAS, the EIC finds that it will be in the public interest to enter into this Agreement with City to provide sales tax revenues collected pursuant to the Act ("4B Revenues") to City for costs related to the Project; and

WHEREAS, on March 19, 2018, in a meeting that was open to the public in accordance with the Texas Open Meetings Act, the EIC held a public hearing pursuant to Section 501.072 of the Act related to the proposed expenditure of 4B Revenues for the Project;

NOW THEREFORE, for and in consideration of the recitals set forth above and the promises made herein, the EIC and City agree as follows:

1. **"Project" Defined:** When used in this Agreement, the phrase "Project" means the project summary as described in **Exhibit A** attached hereto and included herein for all purposes. City shall not substantively alter the description of the Project in any respect without the prior approval of the EIC.
2. **Agreement to Fund Project:** the EIC agrees to provide City an amount up to and not to exceed \$100,000.00 in 4B Revenues to be used for the Project. City is authorized to make payments for the herein described purposes directly from funds allocated for Project #70-16004 in the General Capital projects Fund. The City shall limit transfers to the actual amount of the payment draws submitted by the professional firm related to the Project.
3. **Eligible Costs:** Payments made by City from 4B Revenues as authorized by Section 2, above, are limited to the payment of "costs" as defined in the Act.
4. **Applicable Law:** This Agreement is governed by and construed in accordance with the laws of the State of Texas. The Agreement is entered into and fully performable within Kerr County, Texas. Accordingly, venue for any cause of action arising pursuant to this Agreement is proper only in Kerr County, Texas.

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

CITY OF KERRVILLE, TEXAS

By: _____
Bonnie White, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM: -



Michael C. Hayes, City Attorney

**CITY OF KERRVILLE, TEXAS ECONOMIC
IMPROVEMENT CORPORATION**

By: _____
Kenneth Early, President

ATTEST:

Cheryl Brown, Secretary for the EIC



City of Kerrville

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

**Aquatics Feasibility Study
Scope of Work**

This project will consist of a feasibility study for the City's Olympic Pool located at 601 Olympic Drive in Kerrville, Texas to be funded through the City of Kerrville, Texas Economic Improvement Corporation.

The Olympic Pool was built in 1970 and has not seen significant improvements since. Most of the original infrastructure is still in place and the facility is in need of renovation. The facility is outdated and would be evaluated for basic needs and updates as well as feature and improvement recommendations based on current trends in aquatics (slides, interactive toys, etc.) and the specific needs of the Kerrville community. At a minimum, the mechanical equipment and filtration system needs to be addressed in addition to evaluating pool leaks. Preliminary discussions have been held with Kerrville Independent School District (KISD) and Schreiner University. Both organizations have expressed interest in a year-round competitive aquatics facility with the intent of their active use, to include possibly fielding competitive swim teams. Schreiner University indicated a willingness to consider providing financial support in some capacity. KISD is also willing to consider some financial support. This would require updates in addition to heating the pool. The feasibility study could provide improvement options for a year-round competitive pool, recreational improvements, or a combination of both.

If funded, the City intends to hire a consulting firm, via a Request for Qualifications (RFQ) process, that will conduct the feasibility study. This process will engage various aquatics-related community stakeholders such as KISD and Schreiner University, and the general public. The study will be utilized for a subsequent project design effort, if found to be feasible, and ultimately the public bidding process for construction.

If funded, the feasibility study is to include the following:

- evaluation of the condition of the existing complex in its entirety including applicable local, state, and federal code;
- needs assessment including public / stakeholder input;
- recommended improvements / enhancements and conceptual planning of the entire facility;
- necessary research to appropriately evaluate the viability of such improvements;
- evaluation of the amount of local work force needed to support an extended season / year-round facility; and
- cost analysis for construction and operation.

APPLICATION FOR 4B SALES TAX FUNDS

CITY OF KERRVILLE ECONOMIC IMPROVEMENT CORPORATION

Both the Economic Improvement Corporation Board of Directors (EIC) and the Kerrville City Council must approve all expenditures of 4B funding. Before a project may be considered and awarded any funds, the attached application must be completed and submitted to:

Kerr Economic Development Corporation
1700 Sidney Baker, Ste. 100
Kerrville, TX 78028
(830) 896-1157

All actions of the EIC are subject to the Development Corporation Act of 1979, article 5190.6 Vernon's Civil Statutes, Section 4B (now codified in Chapters 501, 502, and 505 of the Texas Local Government Code). The EIC is a legal entity with statutory authority to spend economic development sales tax dollars. The Corporation is city-chartered and governed by a Council-appointed board of directors. The EIC is a 4B Corporation and may fund "projects" focused on the creation of "primary jobs" and / or to provide an economic benefit to the City of Kerrville, as well as "Quality of Life" projects. Application approvals are subject to funding availability.

APPLICATION SECTION 1 - DEFINITIONS

Business Incentives - Economic incentives for a Primary Employer to induce the creation or retention of primary jobs and Capital Investment that may include, but not limited to job, land, facilities, equipment and infrastructure grants or reimbursements of new facilities or modernizations of current facilities to be determined by the EIC and the City Council.

Capital Investment - The increase in the assessed value of an eligible property as a result of 'expansion' or 'modernization' of an 'existing facility' or construction of a 'new facility'.

City - City of Kerrville, Texas

Clawback - That provision in a Funding Agreement, which states how and to what extent any incentive payments from public funds must be repaid if the stated Performance Standards are not met.

Current Payroll - The company's total expenditure for all employees for the month immediately preceding this application multiplied by 12.

Deferred Maintenance - Improvements necessary for continued operations which do not improve productivity or are preformed to meet regulatory obligations.

Economic Life - The number of years a property improvement or manufacturing / processing equipment is expected to be in service in a facility.

EIC - Kerrville Economic Improvement Corporation

Employee Benefit - Incentives offered to employees and paid for by the employer such as health care coverage, vacation, etc. If an employee pays 30% of the cost, or more, it should not be considered a “benefit” for purposes of this application.

Facility - Property Improvements completed or in the process of construction which together compromise an integral whole, as well as new fixed machinery and equipment. Includes an existing building purchased for expansion or relocation

Full Time Job - The employment of a person for a minimum of 35 hours per week and offering that person all those benefits adopted by company policy for Full Time Employees. Major stockholders or immediate family members should not be included in this number when considering “New Full-Time Jobs Created.”

Funding Agreement - A written contract designed to protect the interest of local taxpayers by putting a businesses’ job creation or capital investment commitments in writing and by linking the payment of any financial incentive to the business fulfilling its written commitments (i.e. clawbacks).

Hourly Wage - The gross amount paid to the employee for each hour worked not including the Employer’s portion of FICA or FWH. Benefits should not be included in this figure, but should be listed separately under the compensation per employee section of the application.

KEDC - The Kerr Economic Development Corporation

Modernization - The replacement and upgrading of existing facilities which increase the productive input or output, updates the technology or substantially lowers the unit cost of the operation, and extends the economic life of the facilities. Modernization may result in from the construction, alteration or installation of buildings, structures, fixed machinery or equipment. It shall not be for the purpose of reconditioning, refurbishing, repairing or the completion of deferred maintenance.

New Facility - Property previously undeveloped which is placed into service by means other than in conjunction with an expansion or modernization.

Owner - The owner of a facility or program subject to business incentives. If the facility is constructed on a leased property, the owner shall be the party which owns the property subject to the business incentive. A lessee or other interested third party may, at the discretion of the City, be required to join in the execution of the Agreement but shall not be obligated to assure performance of the party receiving the Business Incentive.

Part-Time Job - A person working less than 35 hours per week. Major stockholders or immediate family members should not be included in this category when completing the application under New Part-Time Jobs Created.

Public Capital Project - Improvements owned and maintained by the City of Kerrville included in the Capital Improvement Plan and funded by the capital budget.

Payoff Period - The amount of time in years that it will take the EIC and the City to recover the costs of business incentives from additional revenues it will receive from the facility.

Primary Employer - A business in which at least 51% of its goods and / or services are sold to customers that are located outside Kerr County, Texas and / or are in one of the following three digit NAICS codes: 31-33 Manufacturing, 42 Wholesale Trade, 48-49 Transportation and Warehousing, 52 Finance and Insurance, 54 Professional and Technical, or 55 Management of Companies (as defined by Texas Legislature HB 2912, 2003 Regular Session); or is a supplier who supplies at least 70% of its non-retail goods and/or services to local primary employer(s) that are located outside of Kerr County, Texas.

Submittal Date: ____/____/____**ORGANIZATION**_____
Applicant Name_____
Address_____
City_____
State_____
Zip_____
Phone_____
Alt. Phone_____
Fax_____
Website**PROJECT CONTACT**_____
Contact Person Name_____
Title_____
Address_____
City_____
State_____
Zip_____
Phone_____
Alt. Phone_____
Fax_____
Email Address**Amount of Funding Requested: \$** _____

Please include a cover letter and supplemental information as deemed appropriate that:

- clearly states the mission statement of the organization(s),
- what the requested funding shall be used for,
- pertinent financial information (costs, revenues, percentage of funding request of total budget and financial history), and
- other information, as requested.

Continue to Section III

Submittal Date: ____/____/____

ORGANIZATION_____
Applicant Name_____
Address City State Zip_____
Phone Alt. Phone Fax_____
Website**PROJECT CONTACT**_____
Contact Person Name Title_____
Address City State Zip_____
Phone Alt. Phone Fax_____
Email Address

Type of Business Structure: Corporation __ Partnership __ Sole Proprietorship __

Year Business Started: Year _____ Location _____

Current Employment: Permanent Full-Time _____ Permanent Part-Time _____

Average Production Wage _____

Full-Time Employees receive the following benefits:

Financial Information: Five Years Annual Financials Attached _____
Include: Statement of profit and loss; Balance sheet; Cash Flow
Statement; IRS reporting forms, Pro forma

Annual Sales for Corporation / Company \$ _____

This Facility \$ _____

Local Sales Tax paid Annually \$ _____

Current Payroll \$ _____

Has the Company ever filed for bankruptcy protection under Chapter 7 or
Chapter 11 of the Bankruptcy Statutes? No () Yes () Details:

SECTION III - PROJECT INFORMATION

This application is for a:

Business Development ()

- Expansion of Existing Facility () or
- New Construction ()
- Other ()

Capital Improvements for Public Infrastructure

- Utilities ()
- Roadways ()
- Other ()

Quality of Life

- Community Event ()
- Project ()

The proposed improvements are to be located within the following taxing
district(s): City of Kerrville () Kerr County () Kerrville ISD ()
Ingram ISD () Center Point ISD ()

SECTION IV - PROJECT DESCRIPTION

Please attach a statement on company letterhead and signed by an officer of the
company (1) fully explaining the nature and scope of the project; (2) describing the
proposed site and existing improvements, if any; (3) describing all proposed

improvements; and (4) providing a list of eligible improvements; (5) provide a list of major, fixed equipment along with manufacturer specifications and cost quote from the manufacturer.

Should this project be approved, the Economic Improvement Corporation may require performance criteria as a part of the funding agreement, in addition to this application. The funding agreement is between the Economic Improvement Corporation and the City of Kerrville. Said funding agreement will outline project costs, timelines, other information may be necessary to carry out the project in an efficient manner.

SECTION V – ECONOMIC IMPACT INFORMATION

Part A - Project Investment in Improvements

Total	\$ _____
Sq. Footage of New Building (s)	_____
Size of Parking	_____
Other	_____

Part B - Project Investment in Fixed Equipment

(New)\$ _____
Manufacturer of Equipment _____
Anticipated Useful Life of Equipment _____
Purchase Price \$ _____ Installation Cost \$ _____
Anticipated Delivery time from Date of Order _____

Part C - Permanent Employment Estimates- (do not include owners, stockholders or their dependents)

Anticipated Number of New Full-Time Employees as a result of this project _____
Anticipated Number within 12 months of Completion of this project _____
Anticipated Number within 24 months of Completion of this project _____
Typical Job Descriptions or Job Titles _____

Anticipated starting salaries of these employees: (avg.) \$ _____/hour

Part D - Permanent Part-Time Employment Estimates- (do not include owners, stockholders or their dependents)

Anticipated Number of New Part-Time Employees as a result of this project _____

Anticipated Number within 12 months of Completion of this project _____
Anticipated Number within 24 months of Completion of this project _____
Typical Job Descriptions or Job Titles of these employees: _____

Anticipated starting salaries of these employees: (avg.) \$ _____ / hour

Part E - Payroll Impact

Within 12 months of Project Completion _____ Within 24 months of Project
Completion _____

\$ _____ \$ _____
FTE X Avg. Wage X 40 hrs X 52 wks PTE X Avg. Wage X 20 hrs X 52 wks

SECTION VI - OTHER ASSISTANCE

Has the Company applied for any State or Federal assistance on this project?

No () Yes ()

Describe:

To the best of my knowledge, the above information is an accurate description of the proposed project details.

Printed name

Date

Title

Signature



Aquatics Feasibility Study Scope of Work

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- needs assessment including public / stakeholder input;
- recommended improvements / enhancements and conceptual planning of the entire facility;
- necessary research to appropriately evaluate the viability of such improvements;
- evaluation of the amount of local work force needed to support an extended season / year-round facility; and
- cost analysis for construction and operation.



Phone: (830) 257-2200 ext. 1011
Fax: (830) 257-2249

Mark J. Foust, Ed.D.
Superintendent

1009 Barnett Street
Kerrville, TX 78028

May 1, 2017

City of Kerrville
ATTN: E.A. Hoppe
Deputy City Manager
701 Main Street
Kerrville, TX 78028

Dear Mr. Hoppe,

On behalf of Kerrville ISD I would like to confirm our interest in exploring the feasibility of developing long term swimming opportunities that would benefit our students, Schreiner University students, and our community. An important step to building a relationship between KISD, Schreiner University, and the City of Kerrville in relation to a swimming program, is determining the potential interest and cost of starting such programs. Data and information related to these questions will be vital in determining our next steps in this joint venture.

Thank you for your willingness to partner with our district in this opportunity to improve the quality of life and educational experiences of our students and our community.

Sincerely,

Mark J. Foust, Ed.D.
Superintendent

Schreiner University

LEARNING BY HEARTSM

OFFICE OF THE
VICE PRESIDENT FOR
ADMINISTRATION
AND FINANCE

2100 MEMORIAL BLVD.
KERRVILLE, TEXAS 78028-5697
830.792.7355

May 8, 2017

E. A. Hoppe
Deputy City Manager
701 Main Street
Kerrville, TX 78028

Dear Mr. Hoppe,

E.A.

Pursuant to our discussions, this letter communicates Schreiner University's interest in exploring the feasibility of a project that would enable the university to join with KISD and the City of Kerrville in providing enhanced opportunities for swimming programs that would be of mutual interest and benefit.

We understand that the compilation of data related to costs and potential utilization will be necessary—to inform decisions by all parties going forward. We appreciate the interest and willingness of the City and KISD to collaborate with us in our continued efforts to enhance our community and the quality of life afforded its citizens.

Best regards,



Bill Muse



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

SUBJECT: Ordinance No. 2018-07 amending Chapter 74 "Parks and Recreation". Article I "Rules and Regulations for City Park and Recreation Areas" of the Code of Ordinances of the City of Kerrville, Texas, by amending various sections to address the operation and use of the Kerrville Sports Complex; containing a cumulative clause; containing a savings and severability clause; providing a penalty; and providing other matters relating to the subject.

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 3/14/2018

SUBMITTED BY: Ashlea Boyle
Director of Parks and Recreation

EXHIBITS: Ordinance No. 2018-07

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

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

On March 13, 2018 City Council approved Ordinance No. 2018-07 at its first reading. As a reminder, this ordinance adds language to the code of ordinance specific to the Kerrville Sports Complex as outlined below.

Staff worked with the Parks and Recreation Advisory Board, stakeholders including D-BAT, and researched other complexes to identify specific regulations related to the new complex. The Parks and Recreation Advisory Board approved this draft ordinance on March 9, 2018.

Recommended amendments:

- 1) Add language specifying that the complex is by reservation only;
- 2) Add language prohibiting the sale, use, consumption, or possession of an alcoholic beverage;
- 3) Add language prohibiting pets or domesticated animals, except those trained to assist a person with a disability;
- 4) Add language prohibiting abusive, vulgar, threatening, or disruptive language or behavior;
- 5) Add language prohibiting artificial noise makers;
- 6) Add language prohibiting skateboards, scooters, roller blades, or roller skates;

- 7) Add language prohibiting bicycles anywhere other than within the parking lot and paved / improved surfaces; and
- 8) Add language prohibiting operating drones, generators, or grills unless pursuant to the appropriate form of approval from the director.

This is the second and final reading of Ordinance No. 2018-07. No changes have been made since the first reading.

RECOMMENDED ACTION:

Approve Ordinance No. 2018-07.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2018-07**

AN ORDINANCE AMENDING CHAPTER 74 "PARKS AND RECREATION", ARTICLE I "RULES AND REGULATIONS FOR CITY PARK AND RECREATION AREAS" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY AMENDING VARIOUS SECTIONS TO ADDRESS THE OPERATION AND USE OF THE KERRVILLE SPORTS COMPLEX; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, City Council, pursuant to Ordinance 2004-24, previously adopted rules and regulations for the City parks and recreation areas, which as defined includes the City's athletic fields, accompanying facilities, and parking areas; and

WHEREAS, Ordinance 2004-24, as amended, was codified at Chapter 74 of the Code of Ordinances of the City of Kerrville, Texas, which is titled "Parks and Recreation" and contains separate articles concerning rules and regulations for the City's park and recreation areas and the Parks and Recreation Advisory Board; and

WHEREAS, the City Council now wishes to amend those rules and regulations by revising various sections to address the operation and use of the Kerrville Sports Complex; and

WHEREAS, the City's Parks and Recreation Advisory Board has considered all proposed revisions and voted to approve each one specified within this Ordinance; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend Chapter 74 of the Code of Ordinances of the City of Kerrville, Texas, by revising and adding to sections regarding conduct within City parks and recreation areas;

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

SECTION ONE. Chapter 74 "Parks and Recreation", Article I "Rules and Regulations for City Park and Recreation Areas" of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 74-4 to add the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

“Sec. 74-4. - Special events, uses~~[, programs]~~.

~~[(a) Except as provided hereafter and with the exception of the pavilions within Louise Hays Park and Kerrville Schreiner Park, and the Boardwalk pavilion, and the Kerrville River Trail in areas located outside of Louise Hays Park and Kerrville Schreiner Park, all City parks and recreation areas shall be open daily to the public between dawn and 11:00 p.m. Each City park and recreation area shall be closed to the public from 11:00 p.m. to dawn, and also as otherwise closed by orders of the director for the purpose of rehabilitation, cleaning, general supervision, or to protect the health, safety, and welfare of the public.]~~

~~[(b)]~~ (a) It shall be unlawful for any person to conduct or to participate in any organized assembly or public participation event except pursuant to ~~[a permit]~~ the appropriate form of approval issued by the director.

~~[(e)]~~ (b) It shall be unlawful for any person to enter into or remain in an area or facility for which a public use limit has been established, by application of the fire code or otherwise, when such action will have the effect of exceeding the established limitations.”

SECTION TWO. Chapter 74 “Parks and Recreation”, Article I “Rules and Regulations for City Park and Recreation Areas” of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 74-5, subsection (a), to add the language that is underlined (added) and deleting the language that is bracketed and stricken (~~[deleted]~~) as follows:

“Sec. 74-5. - Opening and closing hours.

- (a) ~~[Except as provided hereafter and with the exception of the pavilions within Louise Hays Park and Kerrville Schreiner Park and the Boardwalk pavilion, all city parks and recreation areas shall be open daily to the public between dawn and 11:00 p.m. Each city park and recreation area shall be closed to the public from 11:00 p.m. to dawn, and also as otherwise closed by orders of the director for the purpose of rehabilitation, cleaning, general supervision, or to protect the health, safety, and welfare of the public.]~~ Except as provided hereafter, all City parks and recreation areas are open daily to the public between dawn and 11:00 p.m. Each City park and recreation area shall be closed to the public from 11:00 p.m. to dawn, and as otherwise closed by orders of the director for the purpose of rehabilitation, cleaning, general supervision, or to protect the health, safety, and welfare of the public.

(b) The Kerrville Sports Complex ("KSC") is open to the public from dawn to 10:00 p.m. Sunday through Thursday, and from dawn to 11:00 p.m. on Friday and Saturday. Field usage may only occur pursuant to reservation. Following closing time, no person is permitted to use or to remain within or enter the KSC. Violators shall be subject to trespassing and the issuance of a citation."

SECTION THREE. Chapter 74 "Parks and Recreation", Article I "Rules and Regulations for City Park and Recreation Areas" of the Code of Ordinances of the City of Kerrville, Texas, is amended by revising Section 74-23 to add the language that is underlined (added) as follows:

"Sec. 74-23. - Additional rules applicable to the Kerrville Sports Complex.

(a) The following rules and regulations apply to the Kerrville Sports Complex ("KSC") and are in addition to the other rules and regulations in this chapter. Should a conflict arise between the provisions contained in this section and provisions found in the rest of this chapter, the rules and regulations found within this section control.

(b) The following activities are prohibited at the KSC:

- i. The sale, use, consumption, or possession of any alcoholic beverage.
- ii. Bringing any pet or domesticated animal onto the KSC, except those trained to assist a person with a disability.
- iii. Engaging in abusive, vulgar, threatening, or disruptive language or behavior.
- iv. Using artificial noise makers, such as air horns.
- v. Using a skateboard, scooter, roller blades, or roller skates.
- vi. Using a bicycle anywhere other than within a paved or improved surface.
- vii. Using or operating a drone, generator, or grill unless pursuant to the appropriate form of approval from the director."

SECTION FOUR. The City Secretary is authorized and directed to submit this amendment to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct

typographical errors and to index, format, and number and letter paragraphs to the existing Code, as appropriate.

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

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

SECTION SEVEN. 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.

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

PASSED AND APPROVED ON FIRST READING, this the 13th day of March A.D., 2018.

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

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Bonnie White, Mayor

ATTEST:

Brenda G. Craig, City Secretary



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

SUBJECT: A Resolution granting a Conditional Use Permit for Lot 3, Block 1, Sutton Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 3410 Memorial Boulevard (State Highway 27); said tract is located within the 29-E Zoning District; by permitting said property to be used for a manufactured home or manufactured housing; and making said permit subject to certain conditions and restrictions contained herein.

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 3/9/2018

SUBMITTED BY: Sabine Kuenzel

EXHIBITS: Resolution No. ; Staff report

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:

The applicants own a 2.08 acre lot with an existing single family home. They would like to add a second dwelling unit in the form of a manufactured home. The property is situated near the Veterans' Administration Hospital and is zoned District 26-E. The zoning is intended for uses that are compatible with the VA Hospital, and in support of the goal of the area, which is to develop as an enhanced eastern gateway into the City.

The Planning and Zoning Commission held a public hearing on the request on March 1, 2018 and the applicant made a brief presentation. No one else spoke. The Commission recommended denial of the request after discussion regarding the question of compatibility with the purpose of the existing zoning for development and redevelopment of the area.

Since the time of the public hearing, Staff has received a call in opposition from the owner of the property at 105 Cartuck Drive East, which is within the 200' notification area.

RECOMMENDED ACTION:

Planning and Zoning Commission recommends denial.



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 4A
Action: Public Hearing, Consideration and Action
Planning File #: 2017-070
Representative: Wendy Wickware
Legal Description: An approximate 2.08 acres tract, Lot 1 Block 3 Sutton Addition, located at 3410 Memorial Boulevard; east of Loop 534, between Carmichael Street East and Tucker Road East.

Proposal

A conditional use permit to allow the installation of a manufactured home.

Analysis

Adjacent Zoning and Land Uses

Subject site

Current Zoning: 29-E

Current Land Uses: Vacant

Direction: South

Current Zoning: 30-E

Current Land Uses: Single family mixed with limited commercial

Direction: East

Current Zoning: 29-E

Current Land Uses: Veterans' Health Care Systems Hospital campus

Direction: West

Current Zoning: 29-E

Current Land Uses: Vacant

Direction: North

Current Zoning: 29-E

Current Land Uses: Veterans' Health Care Systems Hospital campus

Thoroughfare: Memorial Blvd. is a major arterial (Highway 27)

Parking Information: Parking will meet the standard requirement of two spaces at 9'X19' on a stabilized granite surface

Access: Access will be exclusively off of a 10' private driveway from a private access easement that is the sole access driveway off of Memorial Blvd.

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

1. Compatibility with stated purpose of the zoning district

The property's zoning classification is a relatively broad classification that lists many residential, commercial, and even some light industrial uses as either permitted by right or as conditional uses. Its purpose statement specified that uses are to be compatible with the Veterans' Administration Hospital and should enhance the eastern entrance to the City.

LAND USES	29
Agricultural - General	
Agricultural Service	
Bed and Breakfast	
Building Construction, General	
Building Construction, Specialist	
Business Services I	P
Business Services II	P
Cocktail Lounge	P
Detention Facilities	C
Dwelling , Single Family, Detached	P
Manufactured Home or Manufactured Housing	C
Dwelling, Multiple Family	P
Dwelling, Single Family with apartment	P
Dwelling, RC District Uses (with plat)	
Education, Secondary and College	P
Education, Primary	C
Equipment Sales/Repair/Storage (Heavy)	
Fuel Sales	C
Funeral Services	P
Institutional and Public Use Facilities	P
Life Care Development	P
Manufacturing, Custom	P
Manufacturing and Industrial, Heavy	

Manufacturing and Industrial, Limited	C
Manufactured Housing Sales	C
Personal Services I	P
Personal Services II	P
Personal Services-Limited	P
Professional Offices	P
Restaurant, General	P
Restaurant, Limited	P
Retail Trade – I	P
Retail Trade – II	C
Retail Trade – III	
Retail Trade – Limited	P
Tourist/Visitor & Recreation Service	P
Transportation Terminal (Bus/Aviation)	C
Vehicle Maintenance and Repair	C
Vehicle Sales/Service-Used	C
Vehicle Sales/Services – New	P
Warehousing & Distribution	C

2. Compatible with surrounding uses:

The requested conditional use permit will have little impact on the surrounding properties. The existing zoning district and proposed conditional use are consistent with the surrounding area. The surrounding area will be impacted minimally due to the proposed use.

3. Vehicle and pedestrian safety:

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

A public sidewalk would be specifically exempted by ordinance if the property were to develop as commercial. However, the exemption does not apply to residential development. On March 27, 2018, the City Council is scheduled to hear and decide whether to grant a waiver to the sidewalk requirement along Memorial Blvd.

4. Limit drainage and erosion impacts:

No additional impervious cover is proposed.

5. Nuisance prevention:

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

6. Preservation of significant terrain features:

No physical changes to the site are proposed.

7. Other Considerations

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

Procedural Requirements

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

Staff Recommendation:

Approval

Attachments:

Location map

Zoning map excerpt

Site plan illustration

Location Map



Location Map

Case # 2017-070

Location:
3410 Memorial Boulevard

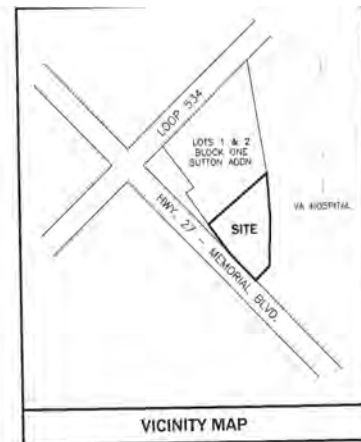
Legend
200' Notification Area
Subject Properties



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

[illegible]

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

[illegible]

1) OWNER: CHARLES & WENDY WICKWARE OWNERS
3410 MEMORIAL BLVD.
(B30) 370-8449

2) LEGAL LOT 3 BLOCK ONE SUTTON ADDITION V. 7, P. 159 PLAT RECORDS

3) PROPOSED USE: RESIDENTIAL

4A) N/A

4B) N/A

4C) VETERANS ADMIN. PROPERTY USED TO CARE FOR VETERANS INCLUDING MY FATHER
LOT 2 VACANT

4D) AS SHOWN

4E1) AS SHOWN HEREON.

4E2) AS SHOWN HEREON

4E3) LIGHT POLES SHOWN (LP)

4E4) AS SHOWN HEREON

4E7) AS SHOWN HEREON

5) PHOTOGRAPHS OF EXISTING RES. AND PROPOSED MOBILE HOME ATTACHED
6A,B,C) N/A

7) N/A

8)

9) AVERAGE SLOPE NOT GREATER THAN 15% N/A

10) N/A

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 09-2018**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR LOT 3, BLOCK 1, SUTTON ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, AND OTHERWISE KNOWN AS 3410 MEMORIAL BOULEVARD (STATE HIGHWAY 27); SAID TRACT IS LOCATED WITHIN THE 29-E ZONING DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR A MANUFACTURED HOME OR MANUFACTURED HOUSING; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

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

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

SECTION ONE. A Conditional Use Permit is granted to permit the property described below to be developed and used for a manufactured home or manufactured housing as that term is defined by Title 11, Chapter I of the Zoning Code of the City of Kerrville, Texas ("Zoning Code"), and such use is subject to the provisions of this Resolution and other applicable City ordinances and regulations:

Lot 3, Block 1, Sutton Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and more commonly known as 3410 Memorial Boulevard (State Highway 27), Kerrville, Texas, 78028.

Hereafter referred to as "the Property."

SECTION TWO. In addition to the development and use regulations currently applicable to the Property, development and use of the Property is subject to the following additional conditions:

- A. **Site Plan:** The development and use of the Property must conform to the site plan, attached as **Exhibit A**.
- B. **Platting:** An administratively complete application for a replat of the Property must be submitted to the City for approval before the issuance of any permit.
- C. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, as amended or superseded, the provisions of this Resolution will prevail.

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


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

Bonnie White, Mayor

ATTEST:

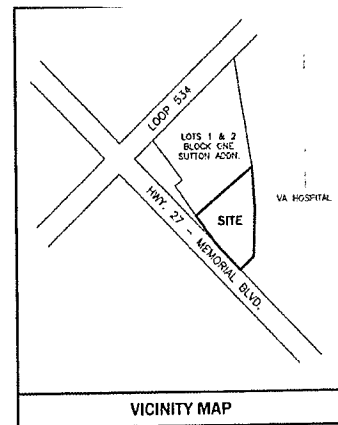
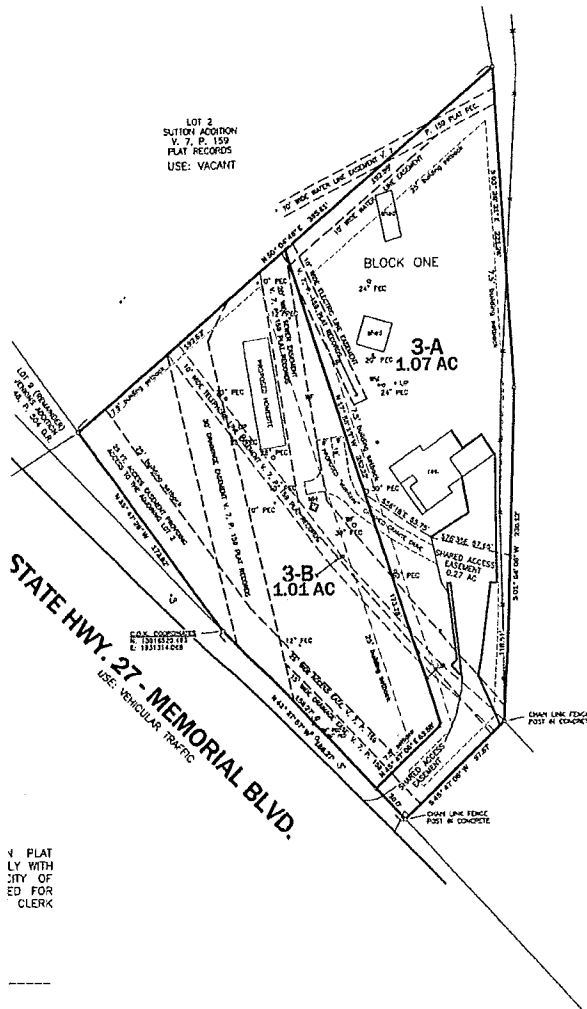
Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

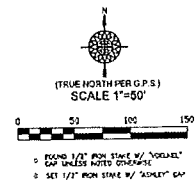


Michael C. Hayes, City Attorney

Site Plan Illustration



U.S. VETERANS ADMIN.
V. 163, P. 279
DEED RECORDS
USE: TO CARE FOR VETERANS



CHECKLIST FOR CUP REQUEST

- 1) OWNER: CHARLES & WENDY WICKWARE OWNERS
3410 MEMORIAL BLVD.
(830) 370-8449
- 2) LEGAL: LOT 3 BLOCK ONE SUTTON ADDITION V. 7, P. 159 PLAT RECORDS
- 3) PROPOSED USE: RESIDENTIAL
- 4A) N/A
- 4B) N/A
- 4C) VETERANS ADMIN. PROPERTY USED TO CARE FOR VETERANS INCLUDING MY FATHER LOT 2 VACANT
- 4D) AS SHOWN
- 4E1) AS SHOWN HEREON
- 4E2) AS SHOWN HEREON
- 4E3) LIGHT POLES SHOWN (LP)
- 4E4) AS SHOWN HEREON
- 4E5) AS SHOWN HEREON
- 5) PHOTOGRAPHS OF EXISTING RES. AND PROPOSED MOBILE HOME ATTACHED
- 6A,B,C) N/A
- 7) N/A
- 8)
- 9) AVERAGE SLOPE NOT GREATER THAN 15% N/A
- 10) N/A



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

SUBJECT: Ordinance No. 2018-11 adopting the "Design Manual for the Installation of Network Nodes and Node Support Poles pursuant to Texas Local Government Code, Chapter 284"; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject.

AGENDA DATE OF: 3/13/2018

DATE SUBMITTED: 3/6/2018

SUBMITTED BY: Drew Paxton

EXHIBITS: Ordinance No. 2018-11, Design Manual for Network Nodes

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

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

In 2017 staff began working with City Council on a multi-step process to develop specific guidelines and rules regarding the installation of Small Cell Tower or Network Nodes. In response to the State Legislature and the addition of Chapter 284 of the Texas Local Government Code (TxLGC), City Council approved amendments to the zoning code to designate specific design districts.

Step two is the adoption of a Design Manual for the Installation of Network Nodes and Node Support Poles, pursuant to Chapter 284 of the TxLGC. This Design Manual will create regulations to manage the public right of way, ensure public health, safety, and welfare and promote the most efficient use of the right of way to benefit the citizens of the City of Kerrville. The Design Manual will give assistance and guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of these facilities.

RECOMMENDED ACTION:

Approve Ordinance No. 2018-11.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2018-11**

**AN ORDINANCE ADOPTING THE “DESIGN MANUAL FOR THE
INSTALLATION OF NETWORK NODES AND NODE SUPPORT
POLES PURSUANT TO TEXAS LOCAL GOVERNMENT CODE,
CHAPTER 284”; CONTAINING A CUMULATIVE CLAUSE;
CONTAINING A SAVINGS AND SEVERABILITY CLAUSE;
PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00;
ORDERING PUBLICATION; PROVIDING AN EFFECTIVE
DATE; AND PROVIDING OTHER MATTERS RELATED TO THE
SUBJECT**

WHEREAS, the City of Kerrville, Texas (“City”) recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public; and

WHEREAS, during the 2017 legislative session, the Texas Legislature adopted Senate Bill 1004; and

WHEREAS, Senate Bill 1004 added Chapter 284 to the Local Government Code to regulate the deployment of network nodes for wireless services within public right-of-way; and

WHEREAS, Chapter 284 of the Texas Local Government Code (“the Code”) allows certain wireless network providers to install equipment and facilities in the public rights-of-way, such facilities more fully described and defined in Section 284.002 of Chapter 284 as “Micro Network Nodes”, “Network Nodes”, and “Node Support Poles” and related equipment; and

WHEREAS, as expressly allowed by Section 284.108 of the Code and pursuant to its police power authority reserved in Sec. 284.301 of the Code, the City desires to adopt “*The City of Kerrville, Texas Design Manual for the Installation of Network Nodes and Node Support Poles Pursuant to Texas Local Government Code Chapter 284*” (“the Design Manual”) in order to meet its fiduciary duty to the citizens of the City and the State of Texas, and to give assistance and guidance to wireless telecommunications network providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment; and

WHEREAS, City Council has determined that the adoption of the Design Manual is in the best interest of the public and will promote the public health, safety, and welfare of the City;

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

SECTION ONE. The forgoing recitals are the findings of the City Council and are incorporated into this Ordinance as if set forth fully herein.

SECTION TWO. The City Council hereby adopts the “*City of Kerrville, Texas Design Manual for the Installation of Network Nodes and Node Support Poles Pursuant to Texas Local Government Code Chapter 284*”. A copy of the Design Manual is attached hereto as **Exhibit A**.

SECTION THREE. This Ordinance shall be construed in accordance with Chapter 284 of the Texas Local Government Code (“the Code”) to the extent not in conflict with the Constitution and laws of the United States or of the State of Texas.

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

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

SECTION SIX. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, 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.

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



Design Manual

for the

*Installation of Network Nodes and Node Support Poles
pursuant to Tex. Loc. Gov. Code, Chapter 284.*

Adopted by Ordinance No. 2018-11

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SECTION 1. PURPOSE AND APPLICABILITY.

The City of Kerrville (“City”) recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities.

Purpose: Loc. Gov. Code, Chapter 284 allows certain wireless Network Providers to install in the public rights-of-way their wireless facilities, described and defined in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 as “Micro Network Nodes”, “Network Nodes”, and “Node Support Poles”.

As expressly allowed by Tex. Loc. Gov. Code, Chapter 284, Section 284.108, and pursuant to its police power authority reserved in Sec. 284.301¹, the City enacts these Design Guidelines in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment.

Applicability: This Design Manual is for siting and criteria for the installation Wireless Facilities, including Micro Network Nodes, Network Nodes, Node Support Poles and related ground equipment being installed pursuant to Loc. Gov. Code, Chapter 284

This Design Manual shall apply to any sitings, installations, collocations in, on, over or under the public rights-of-way of Network nodes, Node support poles, Micro network nodes, Distributed Antenna Systems, microwave communications or other Wireless Facilities, by whatever nomenclature, whether they are installed pursuant to Chapter 284, or installed pursuant to an agreement as agreed to and consented to by the City in its discretion, or installed as may otherwise be allowed by state law.

SECTION 2. DEFINITIONS.

Abandon and its derivatives means the facilities installed in the right-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by Provider in an unused or non-functioning condition for more than 120 consecutive calendar days unless, after notice to Provider, Provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, is still in active use.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes means:

- (A) building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (B) local amendments to those codes to the extent not inconsistent with Chapter 284.

City means the City of Kerrville, Texas or its lawful successor.

City Manager shall mean City Manager or designee

Chapter 284 means Tex. Loc. Gov. Code, Chapter 284.

Collocate and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

Concealment or Camouflaged means any Wireless Facility or Pole that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Wireless Facility blends into the surrounding environment and is visually unobtrusive. A Concealed or Camouflaged Wireless Facility or Pole also includes any Wireless Facility or Pole conforming to the surrounding area in which the Wireless Facility or Pole is located and may include, but is not limited to hidden beneath a façade, blended with surrounding area design, painted to match the supporting area, or disguised with artificial tree branches.

Decorative pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

Design District means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

Disaster emergency or *disaster* or *emergency* means an imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the residents of the city is

threatened, and includes, but is not limited to any declaration of emergency by city state or federal governmental authorities.

Distributed Antenna System or DAS shall be included as a type of “Network Node.”

Easement means and shall include any public easement or other compatible use created by dedication, or by other means, to the city for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

Federal Communications Commission or FCC means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

Highway right-of-way means right-of-way adjacent to a state or federal highway.

Historic district means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

Law means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

Local means within the geographical boundaries of the City.

Location means the City approved and lawfully permitted location for the Network Node.

Macro tower means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Chapter 284, Section 284.103 and that supports or is capable of supporting antennas.

Micro network node means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Municipal park means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

Municipally owned utility pole means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way. This includes utility poles owned and/or controlled by Kerrville Public Utility Board (KPUB).

MUTCD means Manual of Uniform Traffic Control Devices.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

- (i) equipment associated with wireless communications;
- (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
- (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

- (i) an electric generator;
- (ii) a pole; or
- (iii) a macro tower.

Network provider means:

- (A) a wireless service provider; or
- (B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
 - (i) network nodes; or
 - (ii) node support poles or any other structure that supports or is capable of supporting a network node.

Node support pole means a pole installed by a network provider for the primary purpose of supporting a network node.

Park has the same meaning as “Municipal Park.”

Permit means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

Pole means a service pole, municipally owned utility pole, node support pole, or utility pole.

Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Provider has the same meaning as “Network Provider.”

Public right-of-way means the surface of, area on, below, or above a public street, roadway, highway, freeway, land, path, public way or place, public sidewalk, alley, court, boulevard, parkway, drive, waterway, utility easement in which the municipality has an interest, or other easement now or hereafter held by the city (including any street, as defined, which is acquired by eminent domain) for the purpose of public travel and shall include other easements or rights-of-way now or hereafter held by the city (including any easements or rights-of-way acquired by eminent domain) which shall, with their proper use and meaning, entitle the city or utility provider, with proper authorization, to use thereof for the purpose of installing or transmitting utilities over poles, wires, cable, conductors, ducts, conduits, viaducts, manholes, amplifiers, appliances, attachments, and other property as may ordinarily be necessary. The term does not include:

- (A) a private easement; or
- (B) the airwaves above a public right-of-way with regard to wireless telecommunications.

Right-of-way means “Public right-of-way”.

Service pole means a pole, other than a municipally owned utility pole, owned or operated by a

municipality and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

Small cell shall be included as a type of “Network Node.”

State means the State of Texas.

Street means only the paved portion of the right-of-way with a specially prepared surface used for vehicular travel, which surface may be concrete, blacktop or other material commonly used to prepare a surface for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A “Street” is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements, a “Street” does not. A “street” does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

SWPPP shall mean Storm Water Pollution Prevention Plan.

TAS means Texas Accessibility Standards.

Thoroughfare shall have the same meaning as “Street.”

Traffic Signal means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

Underground Requirement Area shall mean means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground pursuant to municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way.

User means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

Utility pole means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Chapter 284, Section 51.002, Utilities Code.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

Wireless service provider means a person that provides wireless service to the public.

Wireless facilities mean “Micro Network Nodes,” “Network Nodes,” and “Node Support Poles” as defined in Texas Local Government Code Chapter 284.

SECTION 3. PROHIBITED AND PREFERRED LOCATIONS OF MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

A. Prohibited or Restricted Areas for Certain Wireless facilities, except with Separate City Agreement or Subject to Concealment Conditions.

1. ***Municipal Parks and Residential Areas.*** In accordance with Chapter 284, Sec. 284.104 (a), a Network Provider may not install a Node Support Pole in a public right-of-way without the City's discretionary, nondiscriminatory, and written consent if the public right-of-way is in a Municipal park or is adjacent to a street or thoroughfare that is:

(a) not more than 50 feet wide of paved street surface, being the area measured as the shortest distance between the inside of the curb to the inside of the opposite curb, or the area measured as the shortest distance between the two parallel edges of the paved roadway for vehicular travel where there is no curb; and

(b) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

1.1. In accordance with Chapter 284, Sec. 284.104 (b), a Network Provider installing a Network Node or Node Support Pole in a public right-of-way described above shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

1.2. Each permit application shall disclose if it is within a Municipal Park and Residential Areas as described above.

2. ***Historic District and Design Districts.*** In accordance with Chapter 284, Sec. 284.105, a Network Provider must obtain advance written approval from the City before collocating Network Nodes or installing Node Support Poles in a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

2.1. As a condition for approval of Network Nodes or Node Support Poles in Design Districts with Decorative Poles or in a Historic District, the City shall require reasonable design or Concealment measures for the Network Nodes or Node Support Poles. Therefore, any request for installations in a Design District with Decorative Poles or in a Historic District, must be accompanied with proposed Concealment measures in the permit applications.

2.2. The City request that a Network Provider explore the feasibility of using Camouflage measures to improve the aesthetics of the Network Nodes, Node Support Poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in Design Districts or in an Historic District.

2.3. Network Provider shall comply with and observe all applicable City, State, and federal historic preservation laws and requirements.

2.4. Each permit application shall disclose if it is within a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

3. **Historic Landmarks.** A Network Provider is discouraged from installing a Network Node or Node Support Pole within 300 feet of a historic site or structure or Historic Landmark recognized by the City, state or federal government (*see, for example, and not limited to* §442.001(3) of the Texas Government Code, and 16 U.S.C. §470), as of the date of the submission of the permit. It is recommended that each permit application disclose if it is with 300 feet of such a structure.

4. **Compliance with Undergrounding Requirements.** In accordance with Chapter 284, Sec. 284.107, a Network Provider shall comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

4.1 Areas may be designated from time to time by the City as Underground Requirement Areas in accordance with filed plats, and or conversions of overhead to underground areas, as may be allowed by law.

4.2 Each permit application shall disclose if it is within an area that has undergrounding requirements.

B. Least preferable locations.

1. **Residential Areas and Parks.** A Network Provider is discouraged from installing a Network Node on an existing pole in a public right-of-way without written consent from the City Council if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

1.1 In accordance with Chapter 284, Sec. 284.104 (b) a Network Provider installing a Network Node or a Node Support Pole in a public right-of-way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

2. **Historic Districts and Design Districts.** A Network Provider is discouraged from installing a Network Node or a Node Support Pole in the public right-of-way in any area designated by the City as a Design Districts or in an area of the City zoned or otherwise designated as a Historic District unless such a Network Node or a new Node Support Pole is camouflaged.

C. Most preferable locations

1. *Industrial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

2. *Highway Rights-of-Way* areas if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

3. *Retail and Commercial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

D. Designated Areas.

1. The City Council may designate an area as a Historic District or a Design District under Chapter 284.105 at any time.

2. Currently designated *Design District* areas are:

(a) Design District Number 1 is the area referred to as Guadalupe River District. Its generic boundaries are areas along or near the Guadalupe River.

(b) Design District Number 2 is the area referred to as Central Business District. Its generic boundaries are north and east of the Guadalupe River, south of Hays Street, west of Barnett Street, and north of Tivy Street.

(c) Design District Number 3 is the area referred to as Gateway District. Its generic boundaries are the areas adjacent to Sidney Baker Street (Highway 16) corridor and the area adjacent to the intersection of Interstate Highway 10 and Highway 16 (Sidney Baker Street).

Applicant shall confirm with the City of Kerrville Planning Department to confirm the location of Design Districts and each districts specific boundaries.

3. Reserved for designated *Historic Districts* are:

4. The failure to designate an area in this Chapter shall not mean that such an area is not within a defined district, if so designated by the City Council. Future areas may be designated as one of these Districts at any time. Such a designation does not require a zoning case.

5. While not required under Chapter 284 to designate Underground Compliance Areas to prohibit above ground Wireless facilities, the City may also, from time to time, also designate Underground Compliance Areas.

Currently designated *Underground Compliance Areas* are all areas within the city limits. Within the City of Kerrville all utilities shall be placed underground unless located within service drives, alleys, or rear lot easements.

E. Exceptions

The City by its discretionary consent and agreement may grant exception to the above prohibited locations and sizes, but only in a non-exclusive, and non-discriminatory manner, as allowed or required by Chapter 284, Sec. 284.109 and Sec. 284.110.

F. Order of Preference regarding Network Node attachment to existing facilities and New Node Support Poles.

1. *Existing telephone or electrical lines between existing utility poles.* Micro Network Nodes shall only be lashed on existing telephone or electrical lines between existing utility poles (electric poles or telephones poles), with notice to the pole owner as required by the Federal Pole Attachment Act, and not placed on Utility Poles, Node Support Poles or Service Poles.

2. *Existing Utility Poles* (electric poles or telephones poles), shall be the preferred support facility for Network Nodes and related ground equipment.

3. *Municipal Service Poles:*

a. *Non-decorative street lights* with a height of more than 20 feet.

b. *Traffic signal structures* when such installation will not interfere with the integrity of the facility and will not interfere with the safety of public and in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).

c. *Street signage* shall be a low priority use for attachment of a Network Node.

d. *Other municipal Service pole* use is discouraged.

4. *New node support poles* shall be the least preferred type of allowed facility for attachment of Network Nodes.

5. *Ground Equipment.* Ground equipment should be minimal and the least intrusive.

SECTION 4. GUIDELINES ON PLACEMENT.

A. Generally.

In accordance with Chapter 284.102, a Network Provider shall construct and maintain Network Nodes and Node Support Poles in a manner that does not:

1. obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
2. obstruct the legal use of a public right-of-way by other utility providers;
3. violate nondiscriminatory applicable codes;
4. violate or conflict with the municipality's publicly disclosed public right-of-way policy or this Design Manual.
5. violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

B. General Requirements and Information:

1. *Size Limits.* Network Providers shall provide detailed drawings, with calculations to show strict conformity to the size limitations as set forth in Chapter 284, in accordance with, but not limited to Chapter 284, Sec. 284.002, size of a Micro Network Node, Sec. 284.003, Size of Network Nodes, and Sec. 284.103, Max. pole height, with each application and with each request for a permit for each location.²

2. *State and Federal Rights-of-way permit.* If the project lies within a Highway Right-of-Way, the applicant must provide evidence of a permit from the State or Federal Government.

3. *Confirmation of non-interference with City Safety Communication Networks.*

a. The Network Provider needs to provide analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, or other city safety communications components in accordance with Chapter 284, Sec. 284.304.

b. It shall be the responsibility of the Network Provider to evaluate, prior to making application for permit, the compatibility between the existing City infrastructure and Provider's proposed Network Node. A Network Node shall not be installed in a location that causes any interference. Network Nodes shall not be allowed on City's public safety radio infrastructure.

4. *Improperly Located Network Node facilities, Node Support Poles and related ground equipment:*

a. Improperly Located Network Node facilities, Node Support Poles and related ground equipment shall not impede pedestrian or vehicular traffic in the Right-of-Way. If any Network Node facilities, Node Support Poles or ground equipment is installed in a location that is not in accordance with the plans approved by the City Manager and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Right-of-Way non-compliant with applicable Laws, including the American Disabilities Act, then Network Provider shall promptly remove the Network Node facilities, Node Support Poles or ground equipment.

b. Notice to Remove unauthorized facilities and relocate and penalty: After 30 days' notice to remove of Network Node facilities, Node Support Poles or ground equipment that

is located in the incorrect permitted location, if not relocated the Network Provider shall be subject to a penalty of \$500 per day penalty until the Network Node facilities, Node Support Poles or ground equipment is relocated to the correct area within the permitted Location, regardless of whether or not the Network Provider's contractor, subcontractor, or vendor installed the Network Node facilities, Node Support Poles or ground equipment in strict conformity with the City applicable ordinances concerning improperly located facilities in the rights-of-way.

C. Underground Requirement Areas.

1. In accordance with Chapter 284.107, a Network Provider shall, in relation to installation for which the City approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

2. If a location is designated by the City to transits to be an Underground Requirement Area, then a Network Provider's permit for the location of the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location will be revoked 90 days after the designation, with removal of said the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location within 90 days of such designation, or as otherwise reasonably allowed by the City for the transition of other overhead facilities.

D. Network Node facilities placement:

1. *Right-of-Way:* Network Node facilities, Node Support Poles and related ground equipment shall be placed, as much as possible, within two feet of the outer edge of the Right-of-Way line to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way.

2. *Height above ground.* Network Node attachments to a pole shall be installed at least eight (8) feet above the ground in accordance with Chapter 284, Sec. 284.108, and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

3. *Protrusions.* In accordance with Chapter 284, Sec. 284.003 (a) (1) (C), Sec. 284.003 (a) (2) (C) and Sec. 284.003 (a) (3) (B) no protrusion from the outer circumference of the existing structure or pole shall be more than two (2) feet.

4. *Limit on number of Network Nodes per Site.* There shall be no more than one Network Node on any one Pole.

E. New Node Support Poles.

1. *New Node Support Poles Spacing.* New node support poles shall be spaced apart from existing utility poles or Node Support poles at the same as the spacing between utility poles in the immediate proximity, but no less than at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

2. *Height of Node Support Poles or modified Utility Pole.* In accordance with Chapter 284, Sec. 284.103 a Node support pole or modified Utility Pole may not exceed the lesser of:

- (1) 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or
- (2) 55 feet above ground level.

F. Ground Equipment.

1. *Ground Equipment near street corners and intersections:* Ground equipment should be minimal and the least intrusive. In accordance with Chapter 284.102 (1), to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within 250 feet of a street corner or a street intersection.

2. *Ground Equipment near Municipal Parks.* For the safety of Municipal park patrons, particularly small children, and to allow full line of sights near Municipal park property, the Network Provider shall not install Ground Equipment in a Right-of-Way that is within a Park or within 250 feet of the boundary line of a Park, unless approved by the City Manager and Parks Director in writing.

3. *Minimize Ground equipment density:*

In accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City's designee may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more.

G. Municipal Service Poles:

1. *In accordance with Agreement:* Installations on all Service Poles shall be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).

2. *Required industry standard pole load analysis:* Installations on all Service Poles shall have an industry standard pole load analysis completed and submitted to the municipality with each permit application indicating that the Service Pole to which the Network Node is to be attached will safely support the load, in accordance with Chapter 284.108.

3. *Height of attachments:* All attachments on all Service Poles shall be at least 8 feet above grade, in accordance with Chapter 284, Sec. 285.108 (a) (1) - (2) and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

4. *Installations on Traffic Signals:* Installations on all Traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b). Installation of Network Node facilities on any traffic signal structures shall:

- (a) Be encased in a separate conduit than the traffic light electronics;

- (b) Have a separate electric power connection than the traffic signal structure; and
- (c) Have a separate access point than the traffic signal structure; and

5. *Installations on Street signage:* Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public. Installation of Network Node facilities on any street signage structures that has electrics shall:

- (a) Be encased in a separate conduit than any City signage electronics;
- (b) Have a separate electric power connection than the signage structure;
- (c) Have a separate access point than the signage structure; and

SECTION 5. GENERAL AESTHETIC REQUIREMENTS

A. Concealment.

1. Concealment of Network Nodes and Node support poles shall be required by the City in Design Districts with Decorative Poles and in Historic Districts pursuant to Chapter 284.105.

2. It is also the City's preference that all new node support poles be camouflaged, except those located in an area zoned or predominantly industrial area. Companies shall submit their proposal for camouflage with the permit application.

3. The Network Node facilities shall be concealed or enclosed as much as reasonably possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

Each permit application shall include documentation showing that the color of the network node shall match the existing pole color such that the network node blends with the color of the pole to the maximum extent practicable.

The Network Node facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible, except to the extent not consistent with Chapter 284.

B. New Node Support Pole Spacing.

New node support poles shall be at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to roadways and to minimize effect on property values and aesthetics on the area.

C. Minimize Ground Equipment Concentration.

In order to minimize negative visual impact to the surrounding area, and in accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City's designee may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more to minimize effect on property values and aesthetics on the area.

D. Allowed Colors.

Colors in Historic Districts and Design Districts must be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284

Colors in Historic Districts and Design Districts must be approved by the City Manager from a palette of approved colors. Unless otherwise provided, all colors shall be earth tones or shall match the background of any structure the facilities are located upon and all efforts shall be made for the colors to be inconspicuous. Colors in areas other than in Historic Districts and Design

Districts shall conform to colors of other installations of telecommunication providers in the immediately adjacent areas.

Each permit application shall include documentation showing that the color of the network node shall match the existing pole color such that the network node blends with the color of the pole to the maximum extent practicable.

SECTION 6. ELECTRICAL SUPPLY

A. Network Provider shall be responsible for obtaining any required electrical power service to the Micro Network Node, Network Node facilities, Node Support Poles and ground equipment. The City shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to the Micro Network Node, Network Node facilities, Node Support Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or Network Provider of the structure, or for any other cause beyond the control of the City.

B. Network Provider shall not allow or install generators or back-up generators in the Right-of-Way in accordance with Chapter 284, Sec. 284.002 (12) (B) (1).

SECTION 7. INSURANCE, INDEMNITY, BONDING AND SECURITY DEPOSITS.

1. Insurance, bonding and security deposits shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

2. Indemnity shall be in accordance with Chapter 284, Sec. 284.302, as provided for in Chapter 283, Sec. 283.057 (a) and (b) of the Texas Loc. Gov't Code.

SECTION 8. REQUIREMENTS IN REGARD TO REMOVAL, REPLACEMENT, MAINTENANCE AND REPAIR

A. REMOVAL OR RELOCATION BY NETWORK PROVIDER.

1. Removal and relocation by the Network provider of its Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284
2. If the Network Provider removes or relocates a Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, it shall notify the City Manager in writing not less than 10 business days prior to removal or relocation. Network Provider shall obtain all Permits required for relocation or removal of its Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment prior to relocation or removal.
3. The City shall not issue any refunds for any amounts paid by Network Provider for Micro Network Node, Network Node facilities, Node Support Poles or related ground equipment that have been removed.

B. REMOVAL OR RELOCATION REQUIRED FOR CITY PROJECT.

1. Removal and Relocation of Network Provider's Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof required for a City project shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284, Sec. 284.107, except as provided in existing state and federal law.
2. In accordance with Chapter 284, Sec. 284.107, except as provided in existing state and federal law, a Network Provider shall relocate or adjust Micro Network Node, Network Node, Node Support Pole and related ground equipment in a public right-of-way in a timely manner and without cost to the municipality managing the public right-of-way
3. Network Provider understands and acknowledges that the City may require Network Provider to remove or relocate its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or any portion thereof from the Right-of-Way for City construction projects as allowed by state and feral law, including the common-law.
4. Network Provider shall, at the City Manager's direction, remove or relocate the same at Network Provider's sole cost and expense, except as otherwise provided in existing state and federal law, whenever the City Manager reasonably determines that the relocation or removal is needed for any of the following purposes: Required for the construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project of a street ort public rights-of-way to enhance the traveling publics use for travel and transportation.
5. If Network Provider fails to remove or relocate the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof as requested by the City Manager within 90 days of Network Provider 's receipt of the request, then the City shall be entitled to remove the Micro Network Node, Network Node, Node

Support Pole or related ground equipment, or portion thereof at Network Provider's sole cost and expense, without further notice to Network Provider.

6. Network Provider shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof.

C. REMOVAL REQUIRED BY CITY FOR SAFETY AND IMMINENT DANGER REASONS.

1. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City Manager if the City Manager reasonably determines that the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment (a) is necessary to protect the public health, safety, welfare, or City property, (b) the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property, or (c) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or use of any Location under applicable law in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.
2. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.
3. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City Manager if the City Manager reasonably determines that the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment (a) is necessary to protect the public health, safety, welfare, or City property, (b) the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property, or (c) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or use of any Location under applicable law. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense.
4. The City Manager shall provide 90 days written notice to the Network Provider before removing a Micro Network Node, Network Node, Node Support Pole and related

ground equipment under this Section, unless there is imminent danger to the public health, safety, and welfare.

5. Network Provider shall reimburse City for the City's actual cost of removal of Micro Network Node, Network Node, Node Support Pole and related ground equipment within 30 days of receiving the invoice from the City.

SECTION 9. INSTALLATION AND INSPECTIONS

A. INSTALLATION.

Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284

Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner and in accordance with the requirements promulgated by the City Manager, as such may be amended from time to time. Network Provider's work shall be subject to the regulation, control and direction of the City Manager. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment shall be in compliance with all applicable laws, ordinances, codes, rules and regulations of the City, applicable county, the state, and the United States ("Laws").

B. INSPECTIONS.

The City Manager, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way shall be allowed in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284

The City Manager, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way as the City Manager deems appropriate without notice. If the inspection requires physical contact with the Micro Network Node, Network Node, Node Support Poles or related ground equipment, the City Manager shall provide written notice to the Network Provider within five business days of the planned inspection. Network Provider may have a representative present during such inspection.

SECTION 10. REQUIREMENTS UPON ABANDONMENT OF OBSOLETE MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

Abandoned or obsolete Micro Network Node, Network Node, Node Support Pole and related ground equipment shall be removed in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

Network Provider shall remove Micro Network Node, Network Node, Node Support Pole and related ground equipment when such facilities are Abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the Micro Network Node, Network Node, Node Support Pole and related ground equipment being Abandoned or within 90 days of receipt of written notice from the City. When Network Provider removes, or Abandons permanent structures in the Right-of-Way, the Network Provider shall notify the City Manager and City Manager in writing of such removal or Abandonment and shall file with the City Manager and City Manager the location and description of each Micro Network Node, Network Node, Node Support Pole and related ground equipment removed or Abandoned. The City Manager may require the Network Provider to complete additional remedial measures necessary for public safety and the integrity of the Right-of-Way.

SECTION 11. GENERAL PROVISIONS.

A. As Built Maps, Records, and Inventory.

Network Provider's as built maps and records shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

The Provider shall maintain a list of its network nodes and node support poles, and shall provide to the City an inventory of the locations of such nodes and poles within ten (10) days of their installation. The inventory of network nodes and node support poles shall include GIS coordinates, date of installation, City pole ID number (if applicable), type of pole used for installation, pole owner, and a description of the type of installation for each network node and node support pole installation.

The Provider shall provide an inventory of its network nodes and node support poles within thirty (30) days of City's written request. Concerning network nodes and node support poles that become inactive, the inventory shall include the same information as active installations in addition to the date the network node or node support pole was deactivated and the date the network node or node support pole was removed from the Right-of-Way. The City may compare the inventory to its records to identify any discrepancies.

Network Provider shall maintain accurate maps and other appropriate records of its Network Node facilities, Node Support Poles and related ground equipment as they are actually constructed in the Rights-of-Way, including, upon request, the use of Auto CAD/GIS digital format. Network Provider will provide additional maps to the City upon request.

B. Courtesy and Proper Performance.

Courtesy and Proper Performance of Network provider's personnel, and contractors shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

Network Provider shall make citizen satisfaction a priority in using the Right-of-Way. Network Provider shall train its employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its Micro Network Node, Network Node, Node Support Pole and related ground equipment in the Right-of-Way. Network Provider's employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public. If, in the opinion of the City Manager or designee, Network Provider is not interacting in a positive and polite manner with citizens, he or she shall request Network Provider to take all remedial steps to conform to these standards.

C. DRUG POLICY.

Drug policy of Network provider's personnel, and contractors in the rights-of-way shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

It is the policy of the City to achieve a drug-free workforce and workplace. The manufacture, distribution, dispensation, possession, sale, or use of illegal drugs or alcohol by Network Provider's employees, contractors, subcontractors, sub-Network Provider's, or vendors while on City rights-of-way is prohibited.

D. ALLOCATION OF FUNDS FOR REMOVAL AND STORAGE.

The City has appropriated \$0 to pay for the cost of any removal or storage of Micro Network Node, Network Node, Node Support Pole and related ground equipment, as authorized under this Article, and no other funds are allocated.

E. OWNERSHIP.

Ownership of Network Node and related equipment shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

No part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment erected or placed on the Right-of-Way by Network Provider will become, or be considered by the City as being affixed to or a part of, the Right-of-Way. All portions of the Micro Network Node, Network Node, Node Support Pole and related ground equipment constructed, modified, erected, or placed by Network Provider on the Right-of-Way will be and remain the property of Network Provider and may be removed by Network Provider at any time, provided the Network Provider shall notify the City Manager prior to any work in the Right-of-Way.

F. Tree Maintenance.

Tree maintenance shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

Network Provider, its contractors, and agents shall obtain written permission from the City Manager before trimming trees hanging over its Micro Network Node, Network Node, or Node Support Pole, to prevent branches of such trees from contacting attached Micro Network Node, Network Node, or Node Support Pole. When directed by the City Manager, Network Provider shall trim under the supervision and direction of the Parks Director. The City shall not be liable for any damages, injuries, or claims arising from Network Provider's actions under this section.

G. Signage.

Signage shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

Network Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the Network Node facility that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law (e.g. RF ground notification signs) or the City Manager.

Except as required by Laws or by the Utility Pole owner, Network Provider shall not post any other signage or advertising on the Micro Network Node, Network Node, Node Support Pole, Service pole or Utility Pole.

H. Graffiti Abatement.

Graffiti abatement shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

As soon as practical, but not later than fourteen (14) calendar days from the date Network Provider receives notice thereof, Network Provider shall remove all graffiti on any of its Micro Network Node, Network Node, Node Support Pole, and related ground equipment located in the

Right of Way. The foregoing shall not relieve the Network Provider from complying with any City graffiti or visual blight ordinance or regulation.

I. Restoration.

Network Provider shall restore and repair of the rights-of-way from any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

Network Provider shall repair any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) within 10 calendar days following the date of such removal or relocation, at Network Provider's sole cost and expense, including restoration of the Right-of-Way and such property to substantially the same condition as it was immediately before the date Network Provider was granted a Permit for the applicable Location or did the work at such Location (even if Network Provider did not first obtain a Permit), including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City Manager.

J. Network provider's responsibility.

Network Provider shall be responsible and liable for the acts and omissions of Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

Network Provider shall be responsible and liable for the acts and omissions of Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions.

SECTION 12. ADMINISTRATIVE HEARING – REQUEST FOR EXEMPTION

Should the Network Provider desire to deviate from any of the standards set forth in the Design Manual, the Network Provider may request an Administrative Hearing before a Board of Appeals. The Zoning Board of Adjustment shall act as the Board of Appeals for a Request for Exemption.

The process for an application, hearing and vote shall follow the process set out for a variance.

SECTION 13-19. RESERVED

SECTION 20. DESIGN MANUAL - UPDATES

Placement or Modification of Micro Network Node, Network Node, Node Support Pole and related ground equipment shall comply with the City's Design Manual at the time the Permit for installation or Modification is approved and as amended from time to time.

¹ Sec. 284.301. LOCAL POLICE-POWER-BASED REGULATIONS. (a) Subject to this chapter and applicable federal and state law, a municipality may continue to exercise zoning, land use, planning, and permitting authority in the municipality's boundaries, including with respect to utility poles.

(b) A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all persons subject to the municipality.

(c) A municipality may impose police-power-based regulations in the management of the activities of network providers in the public right-of-way only to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

² Sec. 284.002. DEFINITIONS (8) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Sec. 284.003. LIMITATION ON SIZE OF NETWORK NODES. (a) Except as provided by Section 284.109, a network node to which this chapter applies must conform to the following conditions:

- (1) each antenna that does not have exposed elements and is attached to an existing structure or pole:
 - (A) must be located inside an enclosure of not more than six cubic feet in volume;
 - (B) may not exceed a height of three feet above the existing structure or pole; and
 - (C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;
- (2) if an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements:
 - (A) must fit within an imaginary enclosure of not more than six cubic feet;
 - (B) may not exceed a height of three feet above the existing structure or pole; and
 - (C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;
- (3) the cumulative size of other wireless equipment associated with the network node attached to an existing structure or pole may not:
 - (A) be more than 28 cubic feet in volume; or
 - (B) protrude from the outer circumference of the existing structure or a node support pole by more than two feet;
- (4) ground-based enclosures, separate from the pole, may not be higher than three feet six inches from grade, wider than three feet six inches, or deeper than three feet six inches; and
- (5) pole-mounted enclosures may not be taller than five feet.

(b) The following types of associated ancillary equipment are not included in the calculation of equipment volume under Subsection (a):

- (1) electric meters;
- (2) concealment elements;
- (3) telecommunications demarcation boxes;
- (4) grounding equipment;
- (5) power transfer switches;
- (6) cut-off switches; and
- (7) vertical cable runs for the connection of power and other services.

(c) Equipment attached to node support poles may not protrude from the outer edge of the node support pole by more than two feet.

(d) Equipment attached to a utility pole must be installed in accordance with the National Electrical Safety Code, subject to applicable codes, and the utility pole owner's construction standards.



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

SUBJECT: Resolution No. 07-2018 requesting financial assistance from the Texas Water Development Board to finance certain improvements to the City's sewer system; authorizing the filing of an application for financial assistance, and making certain findings in connection therewith

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 3/19/2018

SUBMITTED BY: EA Hoppe, Deputy City Manager

EXHIBITS: Resolution No. 07-2018
Financial analysis
CWSRF Program Information Sheet

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

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

The City of Kerrville is currently in the process of designing and engineering a major overhaul and capacity expansion to the Legion Lift Station, which is a key component to providing wastewater service to a major corridor of the City.

The scope of this project includes the design and construction of a proposed lift station and force main with an ultimate peak capacity of 6,250 GPM. The existing Legion Lift Station will be decommissioned and the existing wastewater lines will be rerouted to the proposed Legion Lift Station site. The proposed Legion Lift Station will convey wastewater to the City's water reclamation plant (WRP) headworks through a proposed 20-inch force main. The existing Legion Lift Station has a firm pumping capacity of 5.76 MGD. The Legion Lift Station basin has experienced significant growth over the past several years and it has been determined the firm capacity of this lift station needs to be expanded to 9.0 MGD. Design is currently 60% completed and initial estimates indicate the project to cost around \$9.85 million dollars.

The City has explored various funding options and is now evaluating the potential to utilize Texas Water Development Board (TWDB) low-interest financing for at least a portion of the project, rather than traditional open-market bond financing. The State-facilitated program utilizes the Clean Water State Revolving Fund to provide a discounted interest rate to public entities that are in the process of trying to achieve water and/or wastewater enhancement to their systems.

Overall, the utilization of this program is estimated to save the City over \$1.4 million dollars in interest costs over the 30 year life of the loan. (See attached Debt Analysis)

The City has already initiated the process with TWDB by holding a pre-application meeting and by submitting a project information form. However, before submitting the full application, the City must pass a Resolution of support for the project and the utilization of this funding method.

Staff is working closely with the project engineer, financial advisor, and bond counsel on this application process, all of which are very familiar with the program. They recommended that an even \$10 million be indicated in the project application and Resolution at this time, as this will be the maximum ceiling for the funding request. However, as the final engineering and construction bids are achieved, a smaller final request amount can be actually utilized. In addition, a separate agenda item is on the Council's agenda to request funding from the Kerrville Economic Improvement Corporation (EIC) in the amount of \$2,000,000 over the next two fiscal years to offset this project cost for to the Water Sewer Fund.

RECOMMENDED ACTION:

Approve Resolution No. 07-2018.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 07-2018**

**A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE
TEXAS WATER DEVELOPMENT BOARD TO FINANCE CERTAIN
IMPROVEMENTS TO THE CITY'S SEWER SYSTEM; AUTHORIZING
THE FILING OF AN APPLICATION FOR FINANCIAL ASSISTANCE;
AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH**

WHEREAS, the City of Kerrville, Texas (the "City") in Kerr County, Texas, is a political subdivision of the State of Texas operating as a home-rule municipality pursuant to the Texas Local Government Code and its City Charter, which was initially approved by the qualified voters of the City on February 24, 1942, and which has been amended from time to time, with the most recent amendments being approved by the qualified voters of the City on May 10, 2014; and

WHEREAS, City Council hereby finds and determines that there is an urgent need to make certain improvements to the City's sanitary sewer system (including the construction and equipping of a new lift station known generally as the "Legion Lift Station") (the "Project"); and

WHEREAS, it is hereby officially found and determined that public notice of the time, place, and purpose of this meeting was given, all as required by Texas Government Code, Chapter 551;

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

SECTION ONE. REQUEST FOR FINANCIAL ASSISTANCE; APPROVAL OF APPLICATION. The Texas Water Development Board is hereby requested to grant financial assistance through its Clean Water State Revolving Fund program in an amount not to exceed \$10,000,000.00 to finance the improvements to the City's sanitary sewer system described above, all as further described in the application for financial assistance related to the Project (the "Application").

SECTION TWO. AUTHORIZED REPRESENTATIVES OF CITY. The City Manager, Deputy City Manager, Public Works Director, City Engineer, and Director of Finance of the City each are hereby designated as an authorized representative of the City for purposes of furnishing such information and executing such documents as may be required in connection with the preparation and filing of the Application for financial assistance and the rules of the Texas Water Development Board. The City Manager, Deputy City Manager, Public Works Director, City Engineer, and Director of Finance of the City, together with bond counsel, financial advisor, and consulting engineers named in Section Three, below, are hereby authorized to appear before the Texas Water Development Board in support of such Application and the Project. The City Manager, Deputy City Manager, Public Works Director, City Engineer, and Director of Finance of the City each are further specifically authorized to make the required assurances to the Texas Water Development Board in accordance with the rules, regulations, and policies of the Texas Water Development Board.

SECTION THREE. APPROVAL OF PROFESSIONALS. The following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of the Application and appear on behalf of and represent the City before any hearing held by the Texas Water Development Board on the Application, to-wit:

ENGINEER	FINANCIAL ADVISOR	BOND COUNSEL
Coby C. Gee Freese and Nichols, Inc. 10431 Morado Circle., Ste. 300 Austin, Texas 78759	Anne Burger Entekin Hilltop Securities Inc. 70 NE Loop 410, Suite 710 San Antonio, Texas 78216	Thomas K. Spurgeon Orlando "Jay" Juarez McCall, Parkhurst & Horton L.L.P. 700 N. St. Mary's, Suite 1525 San Antonio, Texas 78205

SECTION FOUR. INCLUSION OF RESOLUTION. A certified copy of this Resolution shall be included with the Application herein authorized to be prepared in final form and submitted to the Texas Water Development Board.

SECTION FOUR. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City hereby incorporates such recitals as a part of this Resolution.

SECTION FIVE. EFFECTIVE DATE. This Resolution shall become effective immediately after its adoption.

PASSED AND APPROVED ON 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

Execution Page to Resolution Requesting Financial Assistance
from the Texas Water Development Board

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS
COUNTY OF KERR
CITY OF KERRVILLE

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I, the undersigned City Secretary of the **CITY OF KERRVILLE, TEXAS** (the “**City**”), hereby certify as follows:

1. The City Council of the City (the “**City Council**”) convened in Regular Meeting on _____, 2018 at the City Hall (the “**Meeting**”), and the roll was taken of the duly constituted officers and members of the City Council, to wit:

Bonnie White, Mayor
Vincent C. Voelkel, Councilmember, Place 1
George Baroody, Councilmember, Place 2
Mary Ellen Summerlin, Councilmember, Place 3
C. Warren Ferguson, Councilmember, Place 4

and all of the officers and members of the City Council were present, except the following absentees: - _____; whereupon, among other business, the following was transacted at the Meeting: a written Resolution No. _____ entitled

**RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS
WATER DEVELOPMENT BOARD TO FINANCE CERTAIN IMPROVEMENTS
TO THE CITY’S SEWER SYSTEM; AUTHORIZING THE FILING OF AN
APPLICATION FOR FINANCIAL ASSISTANCE; AND MAKING CERTAIN
FINDINGS IN CONNECTION THEREWITH**

(the “**Resolution**”) was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be passed and, after due discussion, said motion carrying with it the adoption of the Resolution, prevailed and carried by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS: _____

2. A true, full and correct copy of the Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Resolution has been duly recorded in the City Council's minutes of the Meeting; the above and foregoing paragraph is a true, full and correct excerpt from the City Council’s minutes of the Meeting pertaining to the passage of the Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of said officers and members consented, in advance, to the holding of the Meeting for such purpose, and that the Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

Signed and sealed the ____ day of _____, 2018.

(SEAL)

City Secretary

Debt Service Model - Water and Sewer Fund
Debt Capacity Analysis

Year								REVENUE		
	2018 \$7.85/1.80% 30 yr TWDB	2019 \$4.1/1.75% 30 yr TWDB	2023 \$8.0/3.0%	2026 \$8.0/4.0%	Total New Debt Service	Existing Annual Debt Service	Total Annual Debt Service	W&S Revenue Forecast	35% of Revenue Limit	Remaining Capacity
2018						3,192,598	3,192,598	12,265,456	4,292,910	1,100,311
2019	341,300	176,750			518,050	3,803,074	4,321,124	12,859,284	4,500,750	179,626
2020	342,700	174,913			517,613	4,001,248	4,518,861	13,426,364	4,699,227	180,366
2021	339,010	178,075			517,085	3,697,477	4,214,562	13,720,352	4,802,123	587,562
2022	340,320	176,150			516,470	3,709,834	4,226,304	13,930,407	4,875,642	649,339
2023	341,540	179,225	418,667		939,432	3,720,483	4,659,914	14,144,954	4,950,734	290,820
2024	342,670	177,213	536,000		1,055,883	3,810,426	4,866,308	14,752,406	5,163,342	297,034
2025	338,710	175,200	536,850		1,050,760	3,793,786	4,844,546	15,215,782	5,325,524	480,977
2026	339,750	178,188	537,400	428,222	1,483,560	3,758,122	5,241,682	15,695,902	5,493,566	251,884
2027	340,700	176,088	537,650	589,200	1,643,638	3,730,533	5,374,170	16,193,378	5,667,682	293,512

Assumptions:

1. Water rate increases:

FY2019 - 6%

FY2020 - 6%

2. Sewer rate increases:

FY2019 - 2%

FY2020 - 2%

FY2021 - 2%

3. Assumes partial cash funding of Legion Lift Station project from EIC

Clean Water State Revolving Fund (CWSRF) Loan Program

CWSRF Program Information Sheet

1. What can the program do for you?

The Clean Water State Revolving Fund, authorized by the Clean Water Act, provides low-cost financial assistance for planning, acquisition, design, and construction of wastewater, reuse, and stormwater infrastructure.

2. Who can borrow?

Eligible applicants for the CWSRF include cities, counties, districts, river authorities, designated management agencies, authorized Indian tribal organizations, and public and private entities proposing nonpoint source or estuary management projects.

3. What types of projects can I use the loan funding for?

Financial assistance from the CWSRF can be utilized for:

- wastewater treatment facilities
- collection systems
- wastewater recycling and reuse improvements
- stormwater mitigation
- nonpoint source pollution control
- estuary management project
- eligible green project reserve components
- disaster recovery

4. Are loans or grants offered?

Both below market interest rate loans and loan forgiveness (similar to grants) is offered.

For loans, the interest rate subsidy is 130 basis points off the entity's underlying credit rating. For example, if an applicant has an underlying rating of "AA" then the interest rate is reduced 130 basis points off the market's "AA" scale. For equivalency projects the interest rate subsidy is increased to a 165 basis point reduction. Loan terms are available up to 30 years.

Principal forgiveness is available on a limited basis to eligible disadvantaged communities and green projects. The amount of principal forgiveness for a disadvantaged project (up to 70%) is dependent upon the annual median household income and household cost factor for the project area. Entities may receive subsidized green funding (up to 15% forgiveness from green component costs) if their project has eligible components that total 30% of the project's total cost.

5. What phases of the project are eligible for funding?

The CWSRF provides financial assistance for planning, acquisition, design and construction of your wastewater, reuse, and/or stormwater project.

6. How much funding is available?

Whether you are seeking financial assistance for smaller projects or large scale capital improvement projects, the CWSRF is an excellent fit for your system's needs. The CWSRF program has approximately \$525 million available on an annual basis but can be increased based on demand.

1

7. What if an entity requires funding over a period of time for a project?

For entities that have funding needs for a project that may span over several years, the CWSRF has the ability to provide multi-year commitments. This option allows borrowers to receive a funding commitment for the full amount of their project, but close on portions of it over a multiyear schedule.

8. When can I apply for SRF financial assistance?

CWSRF financing is available year round. In order to be invited to apply for funding, entities must submit a completed Project Information Form.

Special Requirements

Financial assistance through the CWSRF program requires compliance with applicable rules, policies, and statutes including:

- Submittal of a Project Information Form to be listed in the current Intended Use Plan (see below)
- 1.75% loan origination fee
- National Environmental Policy Act-type environmental review
- Adoption of a Water Conservation and Drought Contingency Plan for all loans greater than \$500,000
- Application of Davis-Bacon wage rate requirements
- Compliance with EPA's American Iron and Steel Provisions
- For equivalency projects:
 - EPA's Disadvantaged Business Enterprise program, which requires applicants and prime contractors to follow six affirmative steps in procurement (Guidance and additional information is available).
 - Additional steps when procuring architecture and engineering services

IUP and Loan Process



IUP Process



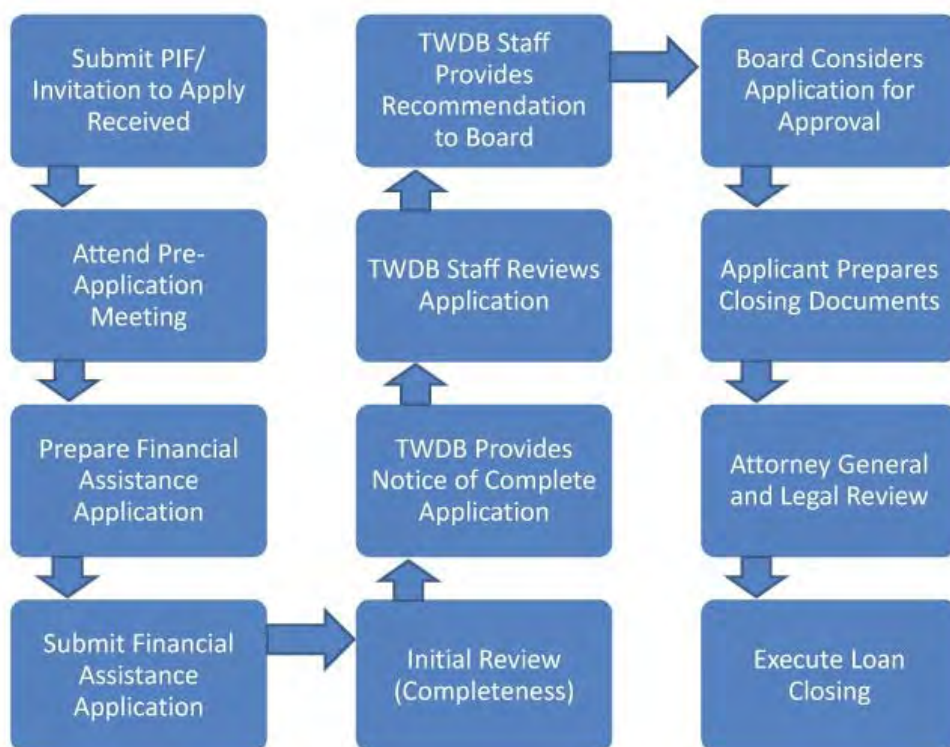
Application Process

Zoom In

Zoom In

Where Can I Get More Information?

In order to provide you with a single point of contact at the TWDB, our project implementation staff is organized into six regional project implementation teams. Each team is led by a manager that serves as the primary point of contact for both our existing and future customers. For assistance with the application or any questions related to your project, please look up contact information for your Regional Team.





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

SUBJECT: Authorization to proceed with a Funding Application to the Kerrville Economic Improvement Corporation for the enhancement of Legion Lift Station to encourage economic development.

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 3/19/2018

SUBMITTED BY: E.A. Hoppe, Deputy City Manager

EXHIBITS: EIC Funding Application

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$2,000,000 (over two fiscal years)	Pending	\$200,000	40-4000-9375

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

The City of Kerrville is currently in the process of designing and engineering a major overhaul and capacity expansion to the Legion Lift Station, which is a key component to providing wastewater service to a major corridor of the City.

The scope of this project includes the design and construction of a proposed lift station and force main with an ultimate peak capacity of 6,250 GPM. The existing Legion Lift Station will be decommissioned and the existing wastewater lines will be rerouted to the proposed Legion Lift Station site. The proposed Legion Lift Station will convey wastewater to the City's water reclamation plant (WRP) headworks through a proposed 20-inch force main. The existing Legion Lift Station has a firm pumping capacity of 5.76 MGD. The Legion Lift Station basin has experienced significant growth over the past several years and it has been determined that the firm capacity of this lift station needs to be expanded to 9.0 MGD. Design is currently 60% completed and initial estimates indicate the project cost to be around \$9.85 million dollars.

The City is currently evaluating debt-financing a large portion of the Legion Lift Station project, supported via revenues to the Water and Sewer Fund. However, because this lift station is not simply replacing existing infrastructure, but in fact enhancing the facility's capacity by over 50% for anticipated future economic development within that lift station basin, the City would like to explore the possibility of EIC providing support for the project. In fact, the Economic Improvement Corporation (EIC) has programmed dollars into their approved budget for the debt financing of a portion of this project for the next 20 years. Their budget includes a payment of \$200,000 this year, and then \$400,000 in the ensuing years. City staff recommends a support level

of \$2,000,000 toward the project, with two instalments to occur over the next two fiscal years.

RECOMMENDED ACTION:

Authorize staff to submit a Funding Application to the Kerrville Economic Improvement Corporation for the enhancement of Legion Lift Station to encourage economic development.

Submittal Date: ____/____/____

ORGANIZATION_____
Applicant Name_____
Address_____
City_____
State_____
Zip_____
Phone_____
Alt. Phone_____
Fax_____
Website**PROJECT CONTACT**_____
Contact Person Name_____
Title_____
Address_____
City_____
State_____
Zip_____
Phone_____
Alt. Phone_____
Fax_____
Email Address

Type of Business Structure: Corporation ____ Partnership ____ Sole Proprietorship ____

Year Business Started: Year _____ Location _____

Current Employment: Permanent Full-Time _____ Permanent Part-Time _____

Average Production Wage _____

Full-Time Employees receive the following benefits:

Financial Information: Five Years Annual Financials Attached _____
Include: Statement of profit and loss; Balance sheet; Cash Flow
Statement; IRS reporting forms, Pro forma

Annual Sales for Corporation / Company \$ _____

This Facility \$ _____

Local Sales Tax paid Annually \$ _____

Current Payroll \$ _____

Has the Company ever filed for bankruptcy protection under Chapter 7 or
Chapter 11 of the Bankruptcy Statutes? No () Yes () Details:

SECTION III - PROJECT INFORMATION

This application is for a:

Business Development ()

- Expansion of Existing Facility () or
- New Construction ()
- Other ()

Capital Improvements for Public Infrastructure

- Utilities ()
- Roadways ()
- Other ()

Quality of Life

- Community Event ()
- Project ()

The proposed improvements are to be located within the following taxing
district(s): City of Kerrville () Kerr County () Kerrville ISD ()
Ingram ISD () Center Point ISD ()

SECTION IV - PROJECT DESCRIPTION

Please attach a statement on company letterhead and signed by an officer of the
company (1) fully explaining the nature and scope of the project; (2) describing the
proposed site and existing improvements, if any; (3) describing all proposed

improvements; and (4) providing a list of eligible improvements; (5) provide a list of major, fixed equipment along with manufacturer specifications and cost quote from the manufacturer.

Should this project be approved, the Economic Improvement Corporation may require performance criteria as a part of the funding agreement, in addition to this application. The funding agreement is between the Economic Improvement Corporation and the City of Kerrville. Said funding agreement will outline project costs, timelines, other information may be necessary to carry out the project in an efficient manner.

SECTION V – ECONOMIC IMPACT INFORMATION

Part A - Project Investment in Improvements

Total	\$ _____
Sq. Footage of New Building (s)	_____
Size of Parking	_____
Other	_____

Part B - Project Investment in Fixed Equipment

(New)\$ _____
Manufacturer of Equipment _____
Anticipated Useful Life of Equipment _____
Purchase Price \$ _____ Installation Cost \$ _____
Anticipated Delivery time from Date of Order _____

Part C - Permanent Employment Estimates- (do not include owners, stockholders or their dependents)

Anticipated Number of New Full-Time Employees as a result of this project _____
Anticipated Number within 12 months of Completion of this project _____
Anticipated Number within 24 months of Completion of this project _____
Typical Job Descriptions or Job Titles _____

Anticipated starting salaries of these employees: (avg.) \$ _____/hour

Part D - Permanent Part-Time Employment Estimates- (do not include owners, stockholders or their dependents)

Anticipated Number of New Part-Time Employees as a result of this project _____

Anticipated Number within 12 months of Completion of this project _____
Anticipated Number within 24 months of Completion of this project _____
Typical Job Descriptions or Job Titles of these employees: _____

Anticipated starting salaries of these employees: (avg.) \$ _____ / hour

Part E - Payroll Impact

Within 12 months of Project Completion _____ Within 24 months of Project
Completion _____

\$ _____ \$ _____
FTE X Avg. Wage X 40 hrs X 52 wks PTE X Avg. Wage X 20 hrs X 52 wks

SECTION VI - OTHER ASSISTANCE

Has the Company applied for any State or Federal assistance on this project?

No () Yes ()

Describe:

To the best of my knowledge, the above information is an accurate description of the proposed project details.

Printed name

Date

Title

Signature



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

SUBJECT: Authorize the City Manager to finalize a scope of work for professional services and proceed with developing a Long-Range Water Supply Plan for the City.

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 3/13/2018

SUBMITTED BY: EA Hoppe, Deputy City Manager

EXHIBITS: HDR Scope of Services

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$ 99,700 (Over two fiscal years)	\$49,850 each year	\$49,850 each year	02-0290-3105

PAYMENT TO BE MADE TO: Lloyd Gosselink Rochelle and Townsend, P.C.

SUMMARY STATEMENT:

In an effort to evaluate and prioritize all possible future water supplies, staff proposes to conduct a long-range water supply study that would evaluate future raw water sources for the City. The plan will in part determine and analyze the availability of different water resources within this area and include an analysis of our existing water rights. As part of this analysis, staff recommends that the City use an experienced water law attorney who is familiar with the legal issues that can arise and who, based upon previous work for the City, understands Kerrville's water system and available resources. Legal issues include the City's ability or authority to use or acquire various water sources, conveyance methods, and use restrictions. Other legal issues that may arise are any pending legislative studies or near-term laws that may affect future use.

Based upon these legal issues, the scarcity of such resources, and acquisition costs, staff recommends that the City work through an external law firm to complete the study. The City will contract with the outside law firm who in turn, directly hires (and accounts for) the Consulting Firm ("Firm") responsible for producing the study. This arrangement helps the City to protect its proprietary interests and potential water supply strategies.

In previous discussions with an outside attorney that the City is currently contracted with, Lloyd Gosselink, staff considered and selected the Consulting Firm we wished to use (HDR). The attorney has worked closely with the Firm on several other projects and

supports this selection. The City has also previously used the Firm. Staff has worked with the Firm and attorney on a scope of services that has been provided in your agenda packet. Essentially, HDR will develop a plan for the City to meet current and future water demands for the next 100 years. These objectives will be met through the following tasks:

- Task 1 – Data Collection, Population, Water Demands, and Existing Supplies
- Task 2 – Identify and Evaluate Water Supply Alternatives
- Task 3 – Water Supply Plan Formulation
- Task 4 – Report and Presentation.

As indicated in the Resolution, staff is proposing that the City continue using the Austin law firm Lloyd Gosselink with respect to development of the water plan, and Lloyd Gosselink will in turn contract with HDR for the engineering portion of the study.

Representatives from Lloyd Gosselink and HDR will be in attendance at the Council meeting should you have any specific questions.

This item will be funded across two Fiscal Years; FY 18 and FY 19.

RECOMMENDED ACTION:

Authorize the City Manager to proceed.

SCOPE OF WORK FOR PROFESSIONAL SERVICES

City of Kerrville Long Range Water Supply Plan

HDR Engineering, Inc.
March 22, 2018

HDR Engineering, Inc. (HDR) will perform professional engineering services described in this scope of work. Services include the production of a final report describing the Long Range Water Supply Plan (Plan) for the City of Kerrville and presentation to City Staff.

Background

The City of Kerrville (City) continually strives to provide a reliable, high quality water supply to its citizens as part of its mission to create an environment that fosters prosperity and opportunity. Currently, the City obtains its water supplies from surface and groundwater sources, reuse, and aquifer storage and recovery (ASR). During the recent drought beginning in 2011, the City's water supplies were strained, diversions were curtailed by the TCEQ watermaster, and customers were required to reduce consumption in accordance with the City's drought contingency plan. As a result, the City wishes to develop a long-term plan to reliably meet the growing demands of its customers for the next 100 years.

Basic Services

The objective of this study is to develop a feasible plan of action allowing the City to meet its current water supply demands and future water needs of its customers for the next 100 years. These objectives will be met through the following tasks:

- Task 1 – Data Collection, Population, Water Demands, and Existing Supplies
- Task 2 – Identify and Evaluate Water Supply Alternatives
- Task 3 – Water Supply Plan Formulation
- Task 4 – Report and Presentation

Task 1 – Data Collection, Population, Water Demands, and Existing Supplies

As part of Task 1, the HDR Team will work with City Staff to compile existing planning data, review population and water demands, and quantify existing supplies.

Task 1.1. Data Request. HDR will submit a request to the City for fundamental planning data prior to the kickoff meeting for the project. Data likely to be requested include, but are not limited to, the following:

- The City's current population estimates and future projections,
- Economic development projections,

- Status of ongoing water supply projects,
- Water supply contracts with other wholesale water providers
- Daily water use data, including per capita use and annual volumes,
- Existing facility capacity constraints (e.g., water treatment capacity, ASR well injection & production capacities, surface water diversion pumping capacity, etc.), and
- Other important information relevant to the development of the plan.

Task 1.2. Kickoff Meeting. The HDR Team will work with City Staff and Lloyd Gosselink to identify and clearly define objectives and goals for the study. This effort will commence with a kickoff meeting with City Staff to develop performance measures for each task, review data provided by the City in Task 1.1 and identify any additional data needs, confirm the schedule for the project, and identify water supply alternatives that could provide future water supplies.

Task 1.3. Stakeholder Meetings / Interviews. The HDR team will meet with up to four (4) stakeholders (UGRA, Headwaters, Kerr County, etc.) to discuss objectives and goals of the study, request and obtain additional planning data, and identify additional water supply alternatives that could be evaluated in the Kerrville Plan.

Task 1.4. Data Collection and Review of Previous Planning Efforts. The HDR Team will review relevant available data from the State and Regional Water Plans (2016 Plateau Region Water Plan & preliminary data from the 2021 Plateau Region Water Plan) and compare to the City's own data. This review is expected to include: population, per capita use, water demands, and current supplies. The information developed in this task will be used to understand any differences between the Regional Water Plan and the City's data. Copies of current groundwater production and ASR permits will be obtained and reviewed, along with historical operations data for these sources.

Task 1.5. Development of Future Water Demands.

Relying on input from the City and various identified demand drivers, the HDR Team will develop up to three different sets of decadal water demand projections through 2120. These projections will be compared to the demands in the Plateau Region Water Plan (2016 and/or 2021). The HDR Team with input from City Staff and Lloyd Gosselink will select one set of demand projections to use as a baseline estimate for future direct reuse supplies and future water supply needs.

Task 1.6. Evaluation of Existing Supplies.

The HDR Team will evaluate the current and future availability and reliability of the City's existing surface water, groundwater, ASR, and direct reuse supplies. The existing supply sources will be evaluated as stand-alone sources and in coordination with one another where appropriate to determine the benefit of system operations.

1.6.1 Surface Water Supplies

The 2016 Plateau Region Water Plan Group evaluated the reliability of the City's surface water supplies using the TCEQ Guadalupe-San Antonio Basin water availability model (GSA WAM). The period of record of the GSA WAM extends from 1934 to 1989 and does not include 2011, the critical drought year of record for much of Texas. Additionally, the GSA WAM uses a monthly timestep to determine available streamflow and subsequent reliability of diversions associated with surface water rights. Run-of-river diversions taken directly from a stream, such as those authorized under the City's existing water rights, are operationally constrained by minimum daily streamflow levels and this

limiting factor is not accounted for in the GSA WAM monthly timestep. As a result of the recent drought conditions and monthly timestep of the GSA WAM, the estimated reliability of the City's surface water supplies included in the Plateau Region Water Plan are most likely inaccurate and should be refined in order to provide a more accurate reliability estimate. The HDR Team will complete the following tasks related to evaluating the City's surface water supplies.

- Lloyd Gosselink will provide information regarding the City existing water rights and any relevant agreements regarding their use.
- Develop a subset (Mini-WAM) of the GSA WAM to include the City's surface water rights and other relevant water rights in the Upper Guadalupe River Basin.
- Extend the Mini-WAM hydrologic database period of record for the 1990-2016 period to include the recent drought.
- Extract monthly available streamflow data from the Mini-WAM for the 1934-2016 period at priority dates and diversion locations authorized under the City's water rights.
- Develop daily available streamflow at the City's diversion locations using daily USGS gaged streamflow. USGS daily streamflow adjusted for historical discharges of treated effluent will be used as a pattern to disaggregate the monthly available streamflow extracted from the Mini-WAM for the 1934-1989 period.
- Develop a daily timestep model to simulate the City's water right diversions and subsequently determine the reliability of the City's surface water supplies considering the recent drought and daily operating constraints. The model will also be used to quantify the amount of supply deficits that will need to be satisfied with groundwater supplies and the amount of surface water supplies that may be available for ASR supply.

1.6.2 Groundwater

The City's diversified supply portfolio allows for the coordinated operation of their surface water, groundwater, and ASR supply sources to increase the reliability of the City's overall water supply system. For the purpose of assessing supply deficits, groundwater will be assumed to be available at a rate up to the current production permit issued by the Headwaters GCD (District). The permitted rate may be reduced during drought period, as indicated in the WAM, based on historical drought declarations by the District. Lloyd Gosselink will review and provide input regarding potential legal factors that may result in the reduction or increase in the reliability of the City's groundwater supplies. No groundwater modeling will be performed to assess the availability of groundwater.

1.6.3 ASR Supplies

The City of Kerrville currently operates two ASR wells. The wells store treated surface water from the Guadalupe River. Storage is allowed above and below specified flows that are protective of environmental and recreational uses in the River. Operation of the existing wells could be modified to increase the availability of drought supplies. The HDR Team will complete the following tasks related to evaluating the reliability of ASR supplies.

- Lloyd Gosselink will review and provide input regarding the City's ASR permits with regard to the current TCEQ rules effecting ASR operation.
- Review historical storage and recovery rates.

- Using the daily model developed for the evaluation of the City's surface water supplies, develop a monthly time series of the amount of surface water that could have been diverted to for storage in ASR, and subsequently recovered, to meet identified deficits. The impacts of these ASR operations on the aquifer will be simulated with AquiferWin32 and a simplified storage and recovery scenario. Results of this impact model will be compared against predetermined mounding and drawdown limits to bracket ASR operations.

1.6.4 Direct Reuse Water Supplies

The HDR Team will use historical discharge data and operations of the City's new direct reuse water storage pond to estimate current direct reuse supplies. The selected set of future demands developed in Task 1.5 and historical return flow factors will be used to extend the estimates of direct reuse supplies to the year 2120. The estimates of available treated effluent discharges developed in the 2014 Wastewater Master Plan update will be used in this task, if appropriate.

Task 1.7. Comparison of Future Water Demands and Existing Supplies. The HDR Team will perform a needs analysis comparing future water demands with existing supplies. These data will determine when and how much new water supply will be needed.

Deliverables: Task 1 meeting with City Staff summarizing:

- Available data considered in the development of the Task 1 Analysis
- Population and per capita water use estimates and how they compare to the Plateau Region Water Plan (2016 and/or 2021)
- Water demand estimate scenarios through 2120 and how they compare to the Plateau Region Water Plan (2016 and/or 2021)
- Current and future Water supply estimates through 2120 and how they compare to the Plateau Region Water Plan (2016 and/or 2021)
- Comparisons of future water demands with existing water supplies to determine future needs

Task 2 –Evaluate Identified Water Supply Alternatives

The HDR Team working closely with the City of Kerrville staff will identify and complete a preliminary evaluation of up to twelve water supply strategies identified in Tasks 1.2 and 1.3. These alternatives could include, but are not limited to: new water rights or amendments to existing rights, water conservation, direct and indirect use of reclaimed water, new on- and off-channel reservoirs, and potential water purchases from other entities, fresh and brackish groundwater supplies, expansion of ASR, and rainwater harvesting. Based on input from the City up to four of the identified strategies included in the preliminary evaluation will be selected for a full planning level evaluation. Additional strategies can be selected for a full planning level evaluation at the request of the City authorizing these additional services.

In this scope of work, a preliminary level evaluation includes the following tasks.

- Description of strategy, understanding of concept, and identification of potential fatal flaws.
- Estimation of the firm water supply of the strategy based on known permitting, infrastructure, and logistical constraints. Availability modeling is simplified and limited as part of the preliminary evaluation.

- If required to determine feasibility, a basic cost estimate using simplified cost assumptions to deliver raw or treated water to the City's treatment or distribution system could be completed.

In this scope of work, a planning level evaluation includes the following tasks.

- Estimation of the firm water supply of the strategy as a stand-alone source or in coordination with existing sources where appropriate. Groundwater modeling will be limited to assessing potential for additional ASR capacity (recharge and recovery) and will use the analytical model with an idealized operating scenario.
- A planning level cost estimate (using the TWDB unified costing model) to deliver raw or treated water (depending on the strategy) to the City's treatment or distribution system, but not full integration into the system.
- A planning level strategy write up that provides information from available sources for cultural resources, environmental, water quality, etc.

Deliverable: Task 2.1 meeting with City Staff summarizing:

- Identified water management strategies.
- Preliminary and planning level evaluation summaries
- Identify criteria and decision support metrics for ranking evaluated strategies for use in Task 3.

Task 3 – Water Supply Plan Formulation

In consultation with City staff, the HDR Team will develop a strategy evaluation matrix that includes the economic, environmental, social, and development benefits and risks related to each of the evaluated strategies as identified by the City in the Task 2 meeting. The HDR Team, with input from City staff and Lloyd Gosselink, will score the evaluated strategies using the criteria and decision support metrics. The resulting strategy rankings will be used along with input from City Staff to select the optimal strategies to be considered to provide future supplies to the City. The HDR Team will then formulate a plan to integrate the selected strategies into the City's supply system to meet future demands.

Deliverable: Task 3.1 meeting with City Staff summarizing:

- Matrix table of strategy scoring and rankings
- Integration plan for selected strategies

Task 4 – Reports and Presentations

Task 4.1. Draft Report. The HDR Team will prepare a draft report documenting the tasks performed, evaluation of the results, and recommendations developed as part of the project. The report will include an executive summary. The draft report will be submitted to City Staff and Lloyd Gosselink for review and comment.

Task 4.2. Final Report. After receiving comments on the draft report from the City Staff and Lloyd Gosselink, the HDR Team will address comments within one month of receipt from the City and submit one signed and sealed original and fifteen copies, and one electronic version (PDF) of the final report to the City.

Task 4.3 Presentation to City Council. A summary of the Long Range Water Supply Plan will be developed in Power Point format and presented to the City Council.

Deliverables:

- Prepare and submit electronic “Draft” report to City for review and comments.
- Prepare and submit one original and fifteen copies of the final report to the City, as well as an electronic version of the report.
- Preparation and presentation of the Long Range Water Plan to City Council.

Project Schedule

The following table shows estimated schedule of tasks for completion of the project. Note that the schedule will likely be refined after the kickoff meeting when goals and metrics of the planning effort are established by City staff with HDR and Lloyd Gosselink.

Task	Basic Services Task Description	Time for Completion (from Notice to Proceed)
1	Data Collection, Population, Water Demands, and Existing Supplies	3-4 months following receipt of necessary data from the City
2	Identify and Evaluate Water Supply Alternatives	3-4 months following completion of Task 1
3	Water Supply Plan Formulation	1-2 months following completion of Task 2
4	Reports and Presentation	2 months following completion of Task 3
Anticipated Total Time to Complete Tasks 1 – 4		9-12 months

Additional Services

Upon request of the City of Kerrville, HDR will perform additional services not currently defined in this scope of work. The only anticipated additional services is the evaluation of additional water management strategies at the full planning level evaluation. If the preliminary evaluation results in more than four strategies being recommended for the full evaluation or additional strategies for evaluation become identified later in the process, then the City can authorize HDR to perform these additional services. It is estimated that each additional planning level cost estimate would cost an additional \$3,000 - \$4,000 depending on the complexity of the strategy.

Compensation

The following table summarizes the fee estimated to complete the above scope of work. Compensation will be on a Lump Sum basis in the amount of \$99,700. HDR will submit monthly invoices based on the percentage of the work complete.

Task	Task Description	Fee
1.1	Data Request	1,400
1.2	Kickoff Meeting	3,800
1.3	Stakeholder Meetings / Interviews	3,100
1.4	Data Collection and Review of Previous Planning Efforts	2,500
1.5	Development of Future Water Demands	1,800
1.6.1	Existing Supplies – Surface Water – Existing & Extended Period of Record (existing data 1934-1989 & extend data 1990-2016)	34,000
1.6.2	Existing Supplies – Groundwater	5,000
1.6.3	Existing Supplies – ASR	2,800
1.6.4	Existing Supplies – Direct Reuse	1,800
1.7	Comparison of Future Water Demands and Existing Supplies	1,600
1.8	Task 1 Results Summary & Meeting	3,800
2.0	Preliminary & Planning Level Evaluations of Water Supply Alternatives	14,000
2.1	Task 2 Results Summary & Meeting	3,800
3.0	Plan Development	1,500
3.1	Task 3 Results Meeting	3,800
4.0	Reports and Presentation	15,000
Total Fee		\$99,700



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

SUBJECT: Resolution No. 05-2018 adopting the water conservation initiative – Low Flow Rebate Program as part of the City of Kerrville Water Conservation Plan

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 3/21/2018

SUBMITTED BY: Stuart Barron, Director of Public Works

EXHIBITS: Resolution No. 05-2018, Procedures and Application

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$ 16,785	\$ 16,785	\$ 16,785	02-0190-4990

PAYMENT TO BE MADE TO: Program Participants

SUMMARY STATEMENT:

High flow toilets account for millions of gallons wasted water per year. Replacing a higher flow toilet (4 gallons per flush) with a low flow toilet (1.6 gallons per flush) up to 9,600 gallons per year could be saved. To assist customers in replacing these older toilets, the City of Kerrville offer a pilot program for a \$75 rebate on each high flow toilet replaced. It is recommended that once the rebate is approved by staff, it will be applied to the customer's water/sewer bill as a credit.

This Pilot program would initially last 12 months, with an estimated 225 replaced toilets at a cost to the City of \$16,785 spread between the FY18 and FY19 budgets. More detail regarding eligibility and the application procedures is attached.

Staff will also brief the City Council on other recently initiated water conservation measures, such as water conservation education and rainwater harvesting possibilities at Louise Hays Park.

RECOMMENDED ACTION:

Approve Resolution No. 05-2018.

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

**A RESOLUTION ADOPTING THE WATER CONSERVATION INITIATIVE –
LOW FLOW REBATE PROGRAM AS PART OF THE CITY OF KERRVILLE
WATER CONSERVATION PLAN**

WHEREAS, Section 11.1271 of the Texas Water Code and the rules of the Texas Commission on Environmental Quality (TCEQ) at 30 Texas Administrative Code Chapter 288, require the City to adopt a Water Conservation Plan; and

WHEREAS, City Council, pursuant to Resolution No. 26-2014, adopted the City's *Water Conservation Plan*, dated August 2014; and

WHEREAS, in order to encourage the efficient use of water resources and to help lower treatment costs, City staff has developed and recommends that Council adopt, a water conservation rebate program; and

WHEREAS, the initial part of this program is to offer rebates to a City water customer who purchases, installs, and uses an applicable toilet, in accordance with the *City's Water Conservation Initiative – Low Flow Rebate Program*; and

WHEREAS, the City Council finds it in the public interest to amend its Water Conservation Plan, to add the *Water Conservation Initiative – Low Flow Rebate Program*, which the Council finds: accomplishes the public purpose of water conservation; is a rebate program and as such, the City retains sufficient control over public funds to ensure that the public purpose is accomplished and to protect the public's investment; and, that it will ensure that the City and its citizens receive a return benefit, the primary one being the conservation of water;

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

SECTION ONE. City Council adopts the findings specified above.

SECTION TWO. City Council approves and adopts the *Water Conservation Initiative – Low Flow Rebate Program* as an amendment to and part of the City's Water Conservation Plan, dated August 2014. The application for the Program is attached hereto as **Exhibit A**.

PASSED AND APPROVED ON 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



Water Conservation Initiative – Low Flow Rebate Program

Program Eligibility and Guidelines

- Applicant must currently own a home or building built in 1994 or earlier that has a City of Kerrville ("City") water utility account in good financial standing for the property where the toilet(s) will be installed.
- All purchases must be made from a retailer located within the City.
- Completed applications must be received by the City within 60 days of both purchase and installation date.
- Only new reservoir-type toilets manufactured in 1994 or after are eligible to receive a rebate.
- To qualify for the rebate, the toilet(s) must be purchased between April 1, 2018, and March 31, 2019.
- The City reserves the right to terminate or modify this rebate program at any time.

Process

- Completed applications, proof of purchase (which may include a store receipt, licensed plumber invoice, etc.) and before/after photos must be received by the City within 60 days of purchase date.
- The City will issue a credit to the person named on the water utility account for \$75.00 for each qualifying toilet replaced. Residential properties may replace up to 3 toilets while commercial properties may replace up to 50 toilets. Commercial applicants seeking to receive a rebate for 5 or more toilets must contact the City's Public Works Department prior to replacement to confirm eligibility and to set up site visit(s).
- If the owner of the property does not have an active City water account (e.g., leases building and water account is in lessor's name), a rebate check may be issued upon approval by the City.
- Applications may take up to 30 days for review and approval and City reviews in order received.
- If an application is incomplete, the City will deny the rebate.
- Completed applications must be sent or delivered to:
City of Kerrville
Public Works
City Hall, 701 Main Street
Kerrville, Texas 78028
- Applicants may email scanned/digital copies of applications, receipts, and photos to publicworks@kerrvilletx.gov.
- The City may inspect the home or building to verify installation.

Questions about the program? Contact publicworks@kerrvilletx.gov or call 830-257-8000.

Water Conservation Initiative – Low Flow Rebate Program Application for Rebate

Participant Information

City of Kerrville Utility Account Number: _____

Name of Account Holder: _____ Phone Number: _____

Street Address of House/Building where toilet(s) were replaced: _____

Email Address: _____ (where notification sent unless otherwise indicated)

Purchase & Installation Information

Year house or building was built: _____ (must be 1994 or earlier)

Are you the owner of the home/building? _____

How many toilets were installed? _____

Date of Purchase: _____ (attach receipt, invoice from licensed plumber, etc.)

Date of Installation: _____

Name of person who installed the new toilet(s): _____ Yourself ☐

Licensed Plumber ☐ Other ☐

Rebate Program Terms

By signing below, I confirm that I have read and understand the program guidelines and agree to the following:

- I understand while my application is being processed a representative from the City of Kerrville ("City") may contact me to verify the installation of the new toilet(s) before a rebate is issued.
- In accepting this rebate, I acknowledge that the City is in no way responsible for the operation or condition of service lines from the City's meter to the home or building.
- I understand that the City of Kerrville does not endorse specific brands, products, dealers, or plumbers; nor does it guarantee materials, workmanship, performance, or durability of the purchased product or service.
- I understand I will receive a rebate not to exceed the amount outlined in the program guidelines.
- Processing of completed applications takes approximately 30 days. Once processing is completed and the rebate is approved, a credit will appear on my utility bill (or a rebate check where approved).
- I have included all of the required documentation to apply for this rebate.
- I certify that the information on this application is true and correct to the best of my knowledge.
- I understand and agree that the City may conduct an inspection of the installed toilet(s) to verify program requirements.

Participant Signature: _____ Date: _____

Approved Date: _____ Denial Date: _____

Rebate Amount: _____ Reason for Denial: _____



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

SUBJECT: Waiver of perimeter sidewalk construction, per City Code Section 26-36(f), for property located at 410 Junction Highway adjacent to the north frontage of State Highway 27 and being located between Florence Street and Center Avenue.

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 3/16/2018

SUBMITTED BY: Kyle Burow

EXHIBITS:

- Exhibit #1 - 410 Junction_Approved DSP
- Exhibit #2 - 410 Junction_Site Photos
- Exhibit #3 - Sidewalk Master Plan_Sector 3

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

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

The City of Kerrville's Development Review Committee (DRC) reviewed a site plan proposing the addition of a metal building to the property located at 410 Junction Highway. A waiver for the sidewalk requirements established in the City's Code of Ordinances: Section 26-36 for the subject property was requested through the DRC process by the owner (Jason Avery). The process to secure a waiver is as follows:

1. Administrative waiver – the city engineer may provide a waiver for all or a portion of the sidewalk only if he/she determines that adequate right-of-way does not exist to allow for the construction of a sidewalk.
2. Appeal to city council – should the city engineer deny a waiver request, the petitioner may then file an appeal to the city council. The city council may grant a waiver by considering the following:
 - a. Topographic restrictions such as slope, drainage structures, etc.;
 - b. Whether all property(s) adjacent to the subject property, whether or not the said property(s) is separated from the subject property by a public or private road, alley, or easement, is exempted from sidewalk construction by operation of the sidewalk code;
 - c. Whether all property(s) adjacent to the subject property(s) is developed property, whether or not separated from said subject property by a public

or private road, alley, or easement, and does not have existing sidewalks as of the effective date of the sidewalk code; or

- d. If it is shown to the satisfaction of the city council that any of the requirements of the sidewalk code, if complied with, would work an undue hardship on the property owner, the requirements required by the sidewalk code would not be in the best interest and general welfare of the public and, that the intent of the sidewalk code was met by the granting of the requested waiver.

City of Kerrville Sidewalk Master Plan (2008)

In 2008, the City of Kerrville adopted the Sidewalk Master Plan. The purpose of the plan was to create a document that enabled the city to provide for alternative modes of transportation and to enhance pedestrian mobility between commercial developments and between residential areas and special points of interest, parks, schools, etc.

The Sidewalk Master Plan identifies a pedestrian corridor immediately adjacent to the subject tracts. Sector 3 shows the sidewalk plan for the subject tracts, in which, there are no nearby landmarks.

Existing Development/Conditions

The property fronts the north side of Junction Highway and surrounded by other commercial properties along Junction Highway and by residential properties north of Florence Street. The subject tract has adequate right-of-way width and therefore the administrative waiver was denied.

The subject tract does not have topographic restrictions and is overall relatively flat. The properties adjacent to the subject tracts have not been exempted; however, the properties were developed prior to the effective date of the sidewalk code. Only one adjacent property (414 Florence) has existing sidewalk and is across Florence Street from the subject property. The property consists of a large section of concrete with a small green area in the north corner and would not require major physical improvements to typical sidewalk construction.

RECOMMENDED ACTION:

Deny request for the sidewalk waiver.

Exhibit #1

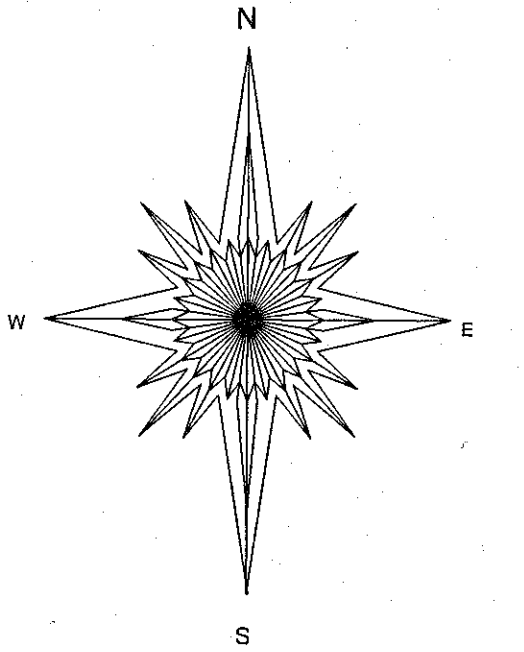
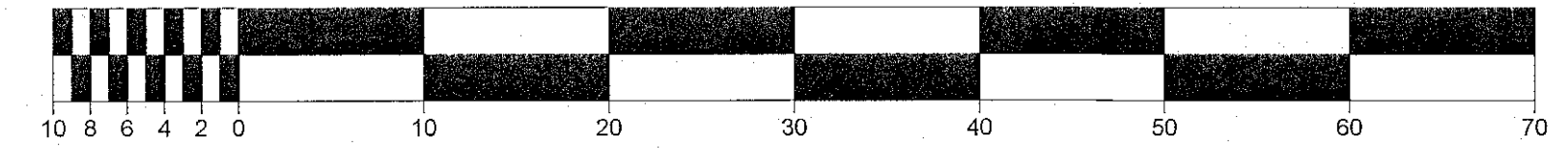
Approved Development Site Plan



VICINITY MAP NOT TO SCALE

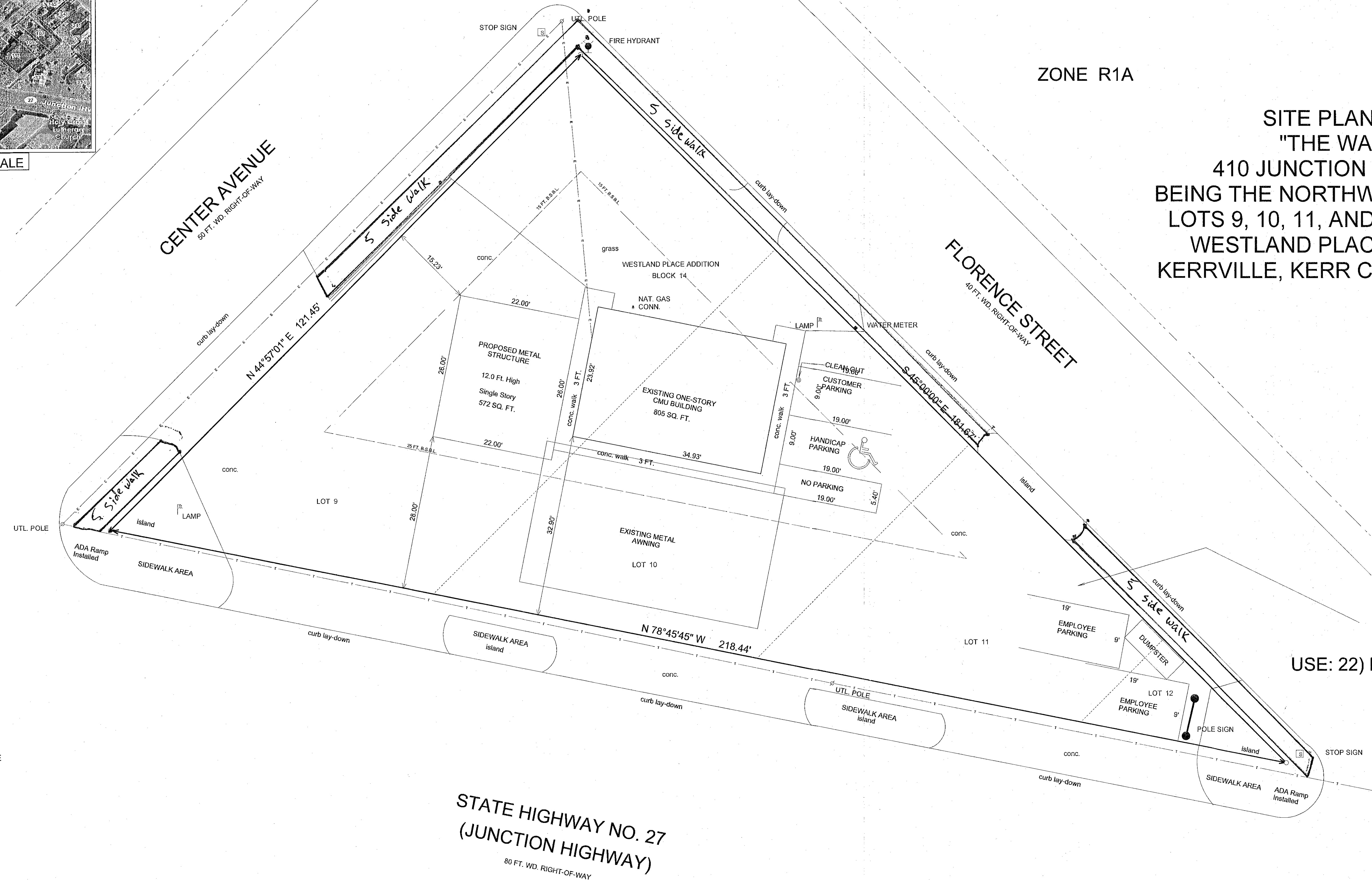
ZONE R1A

SCALE: 1" = 10 FEET



ZONE R1A

SITE PLAN FOR
"THE WASH"
410 JUNCTION HIGHWAY
BEING THE NORTHWEST PARTS OF
LOTS 9, 10, 11, AND 12; BLOCK 14
WESTLAND PLACE ADDITION
KERRVILLE, KERR COUNTY, TEXAS



ZONE W10

USE: 22) BUSINESS SERVICES II
(V) CAR WASHES

NOTES:

THE DRC HAS DETERMINED A PARKING REQUIREMENT OF 5 SPACES FOR THE PROPOSED USE.

ANY VACUUMS, COMPRESSORS, ETC... WILL BE LOCATED A MINIMUM OF 100 FT. FROM ANY AREA USED OR ZONED AS RESIDENTIAL.

THIS SITE IS NOT LOCATED WITHIN 100 FT. OF THE 100-YEAR FLOODPLAIN.

NO PORTIONS OF PARKING SPACES WILL EXTEND BEYOND THE PROPERTY LINES.

STATE HIGHWAY NO. 27
(JUNCTION HIGHWAY)
80 FT. WID. RIGHT-OF-WAY

THIS DEVELOPMENT SITE PLAN HAS BEEN APPROVED BY:

Salvin Denny ON *3/6/2018*
NAME DATE

THIS APPROVAL WILL BECOME VOID AFTER THREE YEARS FROM THE INDICATED APPROVAL DATE AS STATED IN CHAPTER 1, CITY OF KERRVILLE ZONING CODE, ARTICLE 11-1-15(U)(5) UNLESS CONSTRUCTION HAS BEGUN PURSUANT TO A BUILDING PERMIT WHILE EVERY EFFORT HAS BEEN MADE TO MAKE A COMPLETE AND COMPREHENSIVE REVIEW OF THE SUBMITTED PLANS, ANY OMISSION AND/OR DELETIONS IN THIS PLAN DOES NOT RELIEVE THE CONTRACTORS, ARCHITECTS, ENGINEERS, OR OTHER INDIVIDUALS INVOLVED IN THIS PROJECT FROM THEIR RESPONSIBILITY TO FULLY COMPLY WITH APPLICABLE CODES, REGULATIONS AND ORDINANCES.

Pull string for 15' side street (Center setback + front setback (25')) from HWY 27
Sidewalk unless waived from City Council on Florence + Center

ZONE W10

Exhibit #2
Aerial Photo



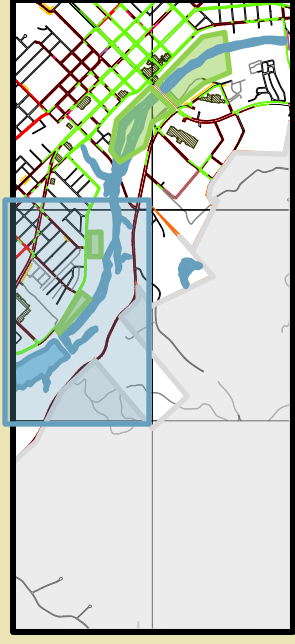
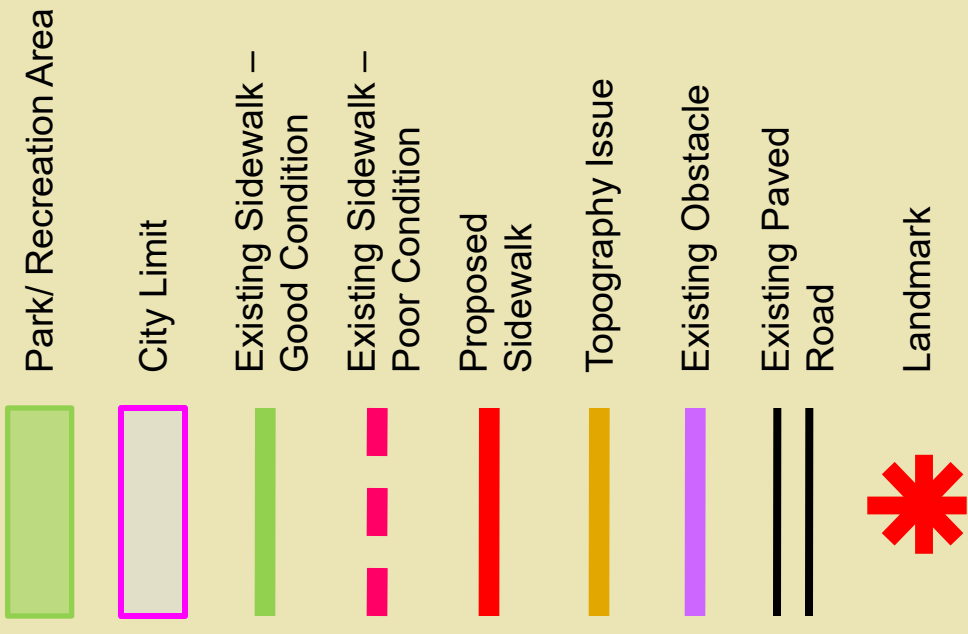
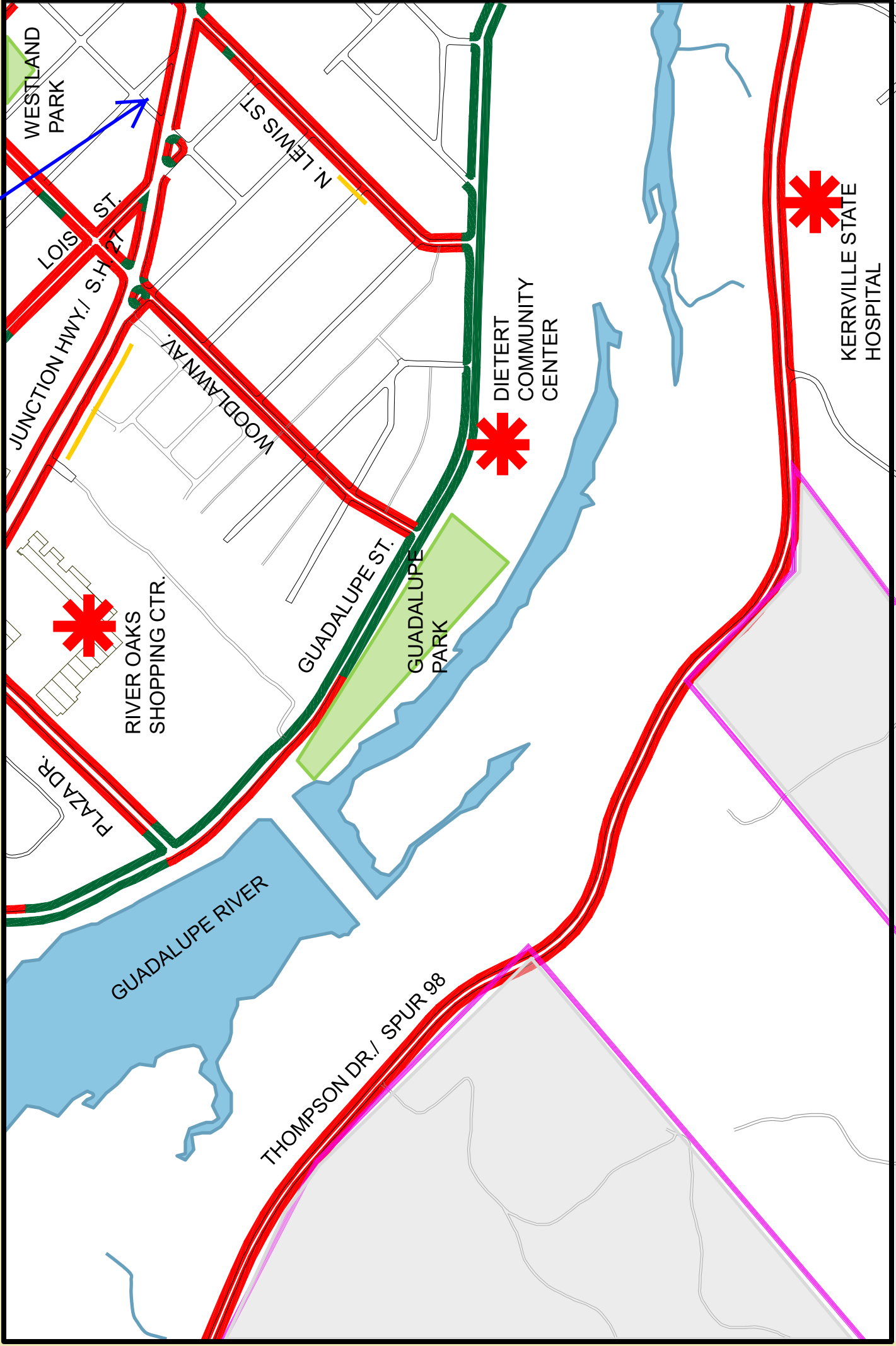




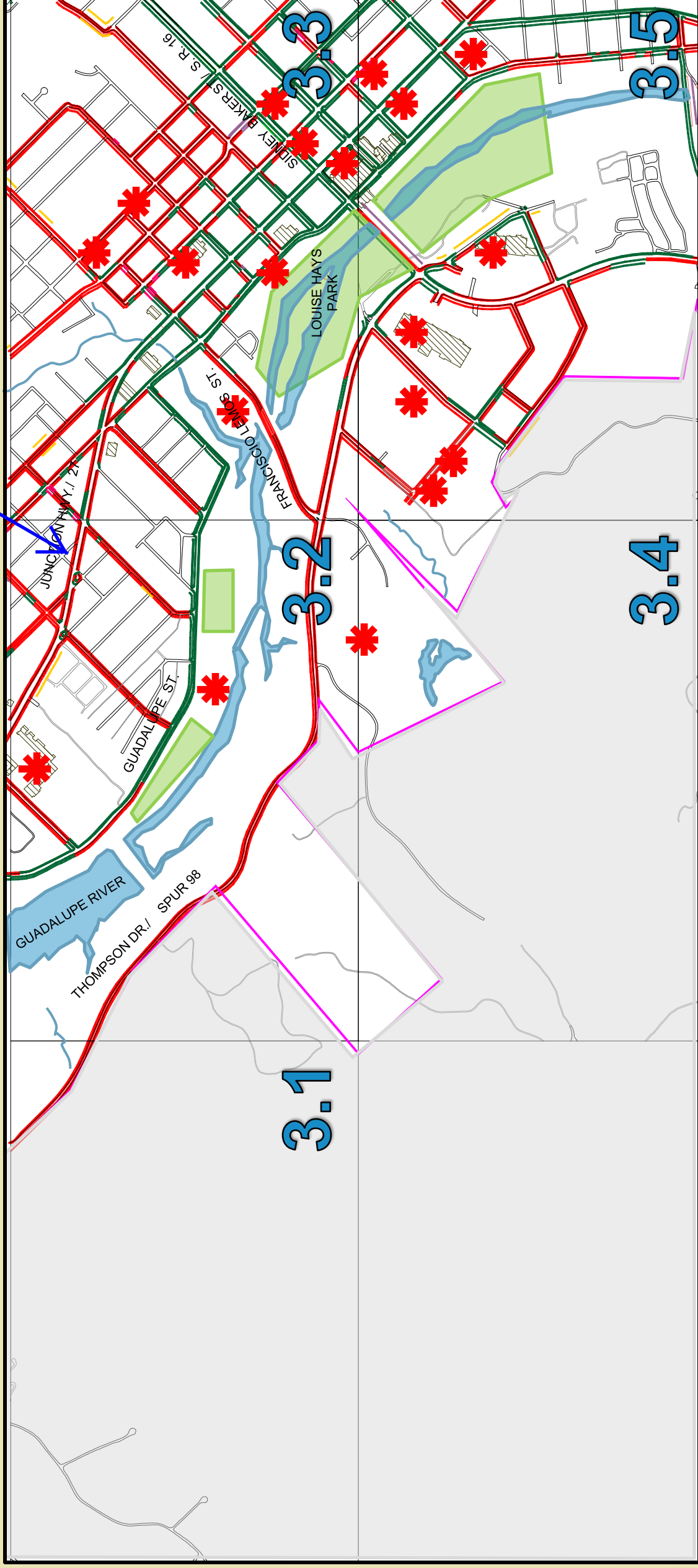
Exhibit #3

Sidewalk Master Plan Sector 3

Approximate
Location of Property



Approximate
Location of Property





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

SUBJECT: Waiver of perimeter sidewalk construction, per City Code Section 26-36(f), for property located at 3410 Memorial Blvd. adjacent to the north frontage of State Highway 27 and being located south of State Loop 534 in front of the VA Hospital.

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 3/16/2018

SUBMITTED BY: Kyle Burow

EXHIBITS:

- 1.) Exhibit #1 - Site Plan
- 2.) Exhibit #2 – Aerial Photo
- 3.) Exhibit #3 - Sidewalk Master Plan Sector 5

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

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

The City of Kerrville's Development Review Committee (DRC) reviewed a site plan and plat proposing the addition of a manufactured home to the property located at 3410 Memorial Boulevard. A waiver for the sidewalk requirements established in the City's Code of Ordinances: Section 26-36 for the subject property was requested through the DRC process by the owner's representative (Eric Ashley). The process to secure a waiver is as follows:

1. Administrative waiver – the city engineer may provide a waiver for all or a portion of the sidewalk only if he/she determines that adequate right-of-way does not exist to allow for the construction of a sidewalk.
2. Appeal to city council – should the city engineer deny a waiver request, the petitioner may then file an appeal to the city council. The city council may grant a waiver by considering the following:
 - a. Topographic restrictions such as slope, drainage structures, etc.;
 - b. Whether all property(s) adjacent to the subject property, whether or not the said property(s) is separated from the subject property by a public or private road, alley, or easement, is exempted from sidewalk construction by operation of the sidewalk code;
 - c. Whether all property(s) adjacent to the subject property(s) is developed property, whether or not separated from said subject property by a public

or private road, alley, or easement, and does not have existing sidewalks as of the effective date of the sidewalk code; or

- d. If it is shown to the satisfaction of the city council that any of the requirements of the sidewalk code, if complied with, would work an undue hardship on the property owner, the requirements required by the sidewalk code would not be in the best interest and general welfare of the public and, that the intent of the sidewalk code was met by the granting of the requested waiver.

City of Kerrville Sidewalk Master Plan (2008)

In 2008, the City of Kerrville adopted the Sidewalk Master Plan. The purpose of the plan was to create a document that enabled the city to provide for alternative modes of transportation and to enhance pedestrian mobility between commercial developments and between residential areas and special points of interest, parks, schools, etc.

The Sidewalk Master Plan identifies a pedestrian corridor immediately adjacent to the subject tracts. Sector 5 shows the sidewalk plan for the subject tracts. The VA Hospital is listed as a landmark in the Sidewalk Master Plan.

Existing Development/Conditions

The property fronts the northeast side of Memorial Boulevard and surrounded by the VA Hospital and partially developed commercial properties on the northeast side in addition to a mixed use of residential and commercial properties on the southwest side of Memorial Blvd. The subject tract has adequate right-of-way width and therefore the administrative waiver was denied.

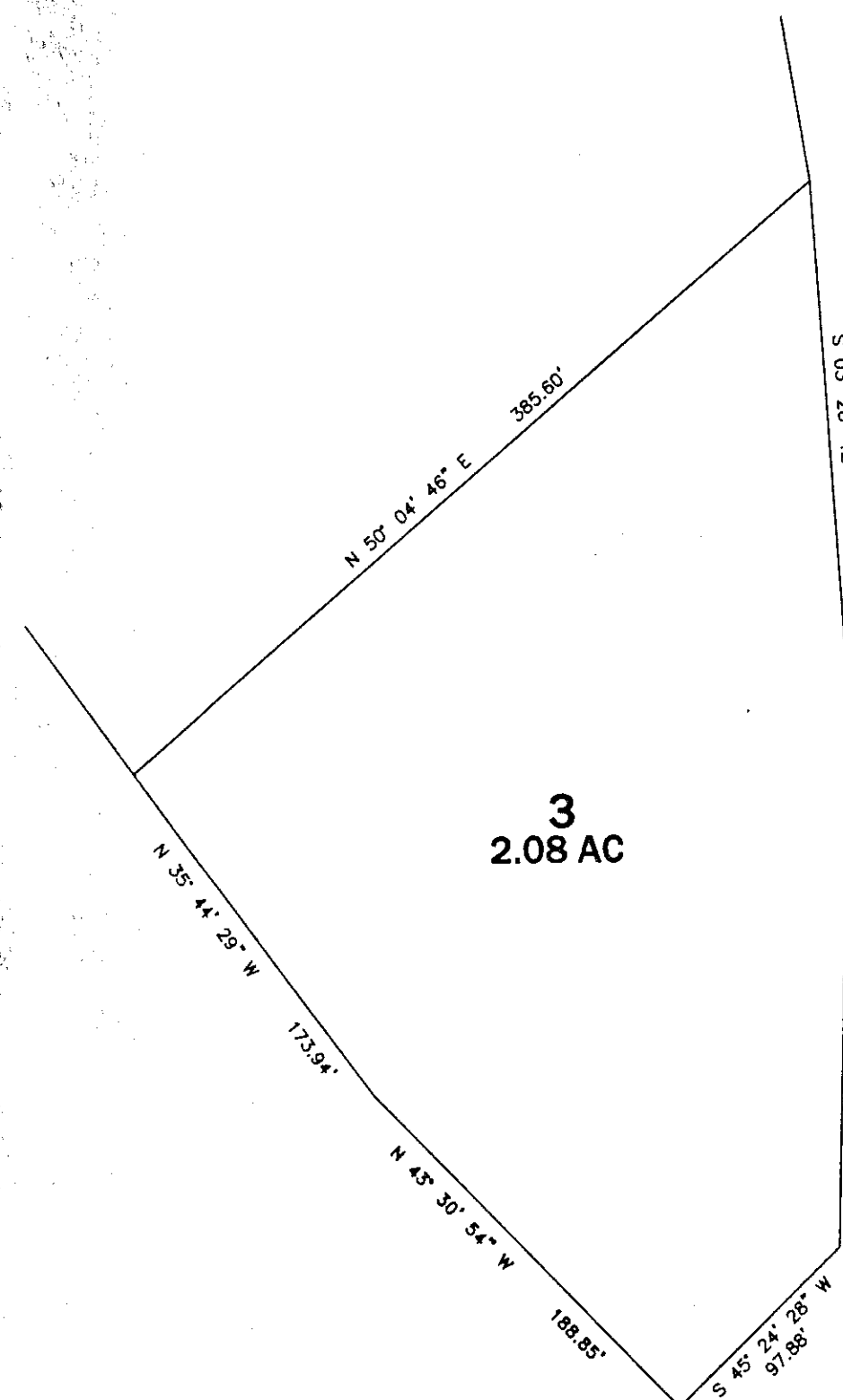
The subject tract does have some topographic restrictions adjacent to Memorial Blvd. A slope exists from the back of curb to the headwall of a large drainage structure that may add additional cost to typical sidewalk construction but could still be constructed to meet the Sidewalk Master Plan requirements. The properties immediately adjacent to the subject tract have not been exempted; however, the properties are undeveloped, consist of the VA Hospital, or were developed prior to the effective date of the sidewalk code. The more recent development of nonresidential properties in this area (Mini-Mart drive thru and car wash) have implemented sidewalk construction.

RECOMMENDED ACTION:

Deny request for sidewalk waiver.

Exhibit #1

Site Plan



LOT 3 SUTTON ADDITION
AS PLATTED IN V. 7, P. 159 KERR COUNTY PLAT RECORDS

STATE OF TEXAS*
COUNTY OF KERR*

KNOW ALL MEN BY THESE PRESENTS,

THAT, CHARLES WICKWARE AND WENDY WICKWARE ARE THE OWNERS OF THE PROPERTY SHOWN AND HEREBY REPLATTED INTO SUTTON ADDITION REPLAT OF LOT 3 AS SHOWN AND PLATTED HEREON, HEREBY ADOPT THIS PLAT OF SUBDIVISION AND DEDICATE ALL EASEMENTS FOR PURPOSES NOTED.

DATED THIS THE ____ DAY OF _____, 2018

CHARLES WICKWARE

WENDY WICKWARE

STATE OF TEXAS*
COUNTY OF KERR*

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CHARLES WICKWARE AND WENDY WICKWARE, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THEY EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY HEREIN SIGNED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF _____, 2018.

NOTARY PUBLIC
KERR COUNTY, TEXAS

ERIC N. ASHLEY
LAND SURVEYOR
317 "A" STREET
KERRVILLE, TEXAS 78028
(830) 257-7722

FIELD FOR RECORD ON THE _____ DAY OF _____, 2018 A.D. AT ____ O'CLOCK ____ M.
2018 A.D., AT _____ O'CLOCK _____ M. UNDER
CLERKS FILE NO. 18-_____, OFFICIAL PUBLIC
RECORDS OF KERR COUNTY, TEXAS.

REBECCA BOLIN
COUNTY CLERK OF KERR COUNTY, TEXAS

TXDOT NOTES

- 1) FOR DEVELOPMENTS DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER AND/OR LANDOWNER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR PRESENT AND/OR FUTURE NOISE MITIGATION.
- 2) THE DEVELOPER AND/OR THE LANDOWNER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY. A HYDRAULIC REVIEW IS REQUIRED.
- 3) DRIVEWAY ACCESS TO THE STATE HIGHWAY WILL BE REGULATED AS DIRECTED BY THE CURRENT EDITION OF THE TXDOT ACCESS MANAGEMENT MANUAL. ACCESS TO STATE HIGHWAY NO. 27 SHALL BE LIMITED TO THE SHARED ACCESS EASEMENT SHOWN.
- 4) IF SIDEWALKS ARE REQUIRED BY TXDOT OR THE APPROPRIATE CITY ORDINANCE, THE LOCATION, THE DESIGN, AND SPECIFICATIONS SHALL ADHERE TO TXDOT REQUIREMENTS WHEN PERMITTED IN TXDOT RIGHT-OF-WAY, A TDLR INSPECTION REPORT WILL BE REQUIRED.
- 5) TXDOT WILL USE THE CURRENT EDITIONS OF THE APPROPRIATE MANUALS WHEN ISSUING PERMITS. TYPICAL MANUALS USED, BUT NOT LIMITED TO ARE: TXDOT ACCESS MANAGEMENT MANUAL, SAN ANTONIO DISTRICT DRIVEWAY, SIDEWALK, LANDSCAPING, AND DRAINAGE PERMIT PACKAGE, TXDOT ROADWAY DESIGN MANUAL, TXDOT HYDRAULIC MANUAL, TXDOT CONSTRUCTION SPECIFICATIONS, AND TXDOT STANDARD SHEETS WHEN THE SITE DEVELOPS.

I HAVE REVIEWED THIS PLAT WITH RESPECT TO ITS ACCESS AND HEREBY APPROVE THIS PLAT FOR RECORDING.

DATED THIS ____ DAY OF _____, 2018

MICHAEL A. COWARD, P.E.
AREA ENGINEER

FROM THIS POINT THE WEST OR UPPER
RIVER CORNER OF THE SAM WALLACE
SURVEY NO. 111, ABSTRACT NO. 350 BEARS
APPROXIMATELY 856 FT. S 71° 52' W
G.O.K. COORDINATES
N: 1331650.546
E: 1931212.542

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT
SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH
THE SUBDIVISION REGULATIONS FOR THE CITY OF
KERRVILLE, TEXAS, AND HAS BEEN APPROVED FOR
RECORDING IN THE OFFICE OF THE COUNTY CLERK
OF KERR COUNTY, TEXAS.

DATE: _____, 2018

CITY PLANNER
CITY OF KERRVILLE, KERR COUNTY, TEXAS

GENERAL NOTES

BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF KERRVILLE ZONING ORDINANCE.

THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP PANEL NO. 48265C0490F, REVISED MARCH 3, 2011.

A DRAINAGE STUDY CONFORMING TO THE APPLICABLE DRAINAGE SPECIFICATIONS SHALL BE SUBMITTED TO, AND APPROVED BY, THE CITY ENGINEER BEFORE A BUILDING PERMIT IS ISSUED FOR ANY LOT IN THIS SUBDIVISION. DRAINAGE IMPROVEMENTS WHICH ADEQUATELY ADDRESS THE FINDINGS OF THE STUDY SHALL BE MADE PART OF THE BUILDING PERMIT APPLICATION, AND SHALL BE CONSTRUCTED CONCURRENTLY WITH THE DEVELOPMENT OF THE SITE.

THE SUBJECT PROPERTY IS IN THE KERRVILLE INDEPENDENT SCHOOL DISTRICT.

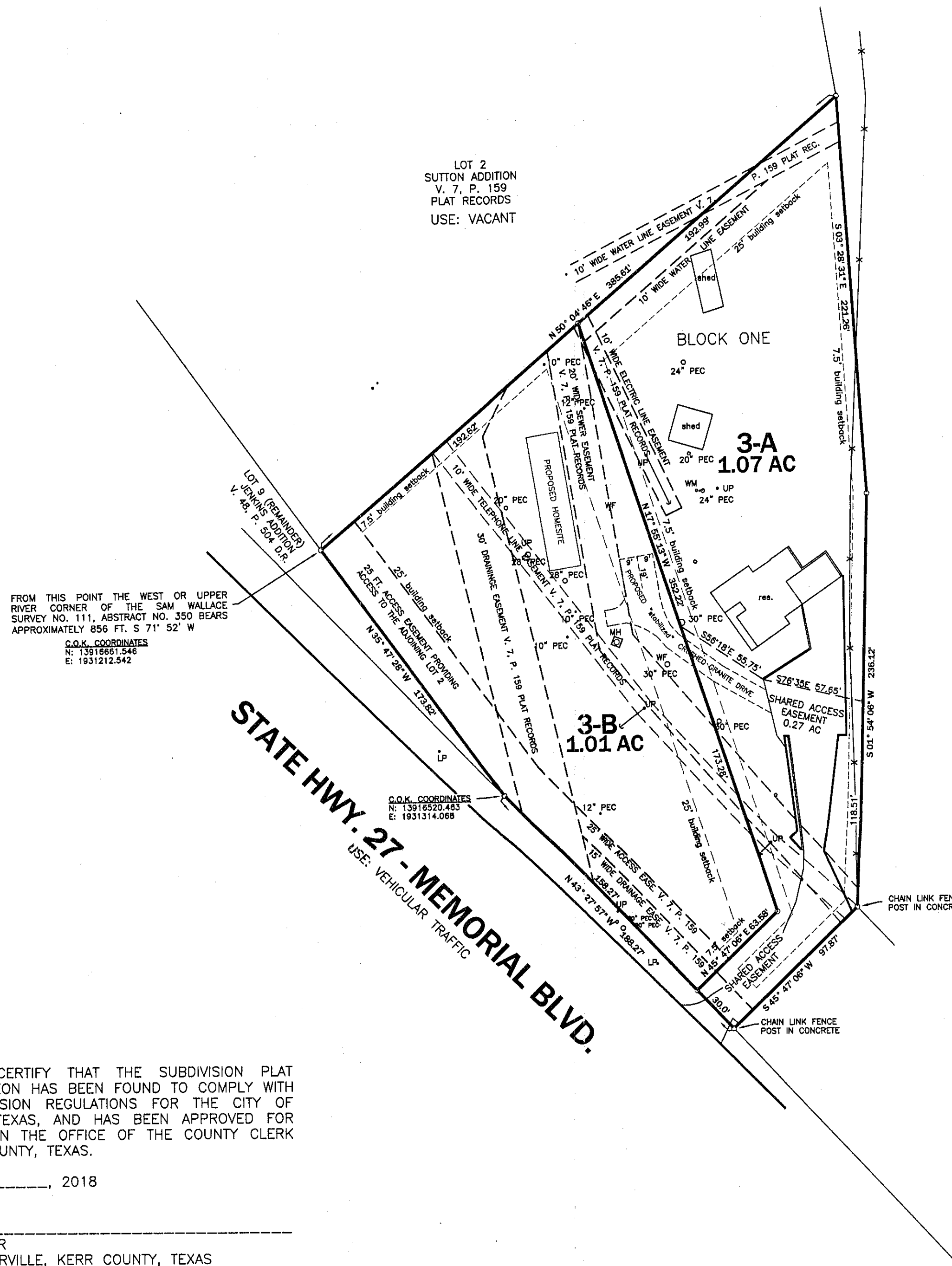
THE RECTANGULAR COORDINATES SHOWN HEREON WERE CALCULATED USING THE CITY OF KERRVILLE COORDINATE SYSTEM. THESE COORDINATES ARE FOR CITY OF KERRVILLE MAPPING PURPOSES ONLY, AND ARE NOT TO BE USED TO REPLACE MISSING CORNERS ON THE GROUND.

RECORDS PLAT CALLS ARE SHOWN ON SKETCH AT UPPER LEFT

THE 30 FT. ACCESS EASEMENT LOCATED ON LOT 3-A, SHALL PROVIDE ACCESS TO BOTH LOTS 3-A AND 3-B, AND SHALL BE THE ONLY ACCESS POINT TO STATE HIGHWAY 27, WHICH INCLUDES ANY ACCESS POINT NEEDED FOR LOT 2. ACCESS TO LOT 2 SHALL BE ALLOWED FROM SAID 30 FT. ACCESS EASEMENT, AND THEN ALONG THE 25 FT WIDE ACCESS EASEMENT SHOWN

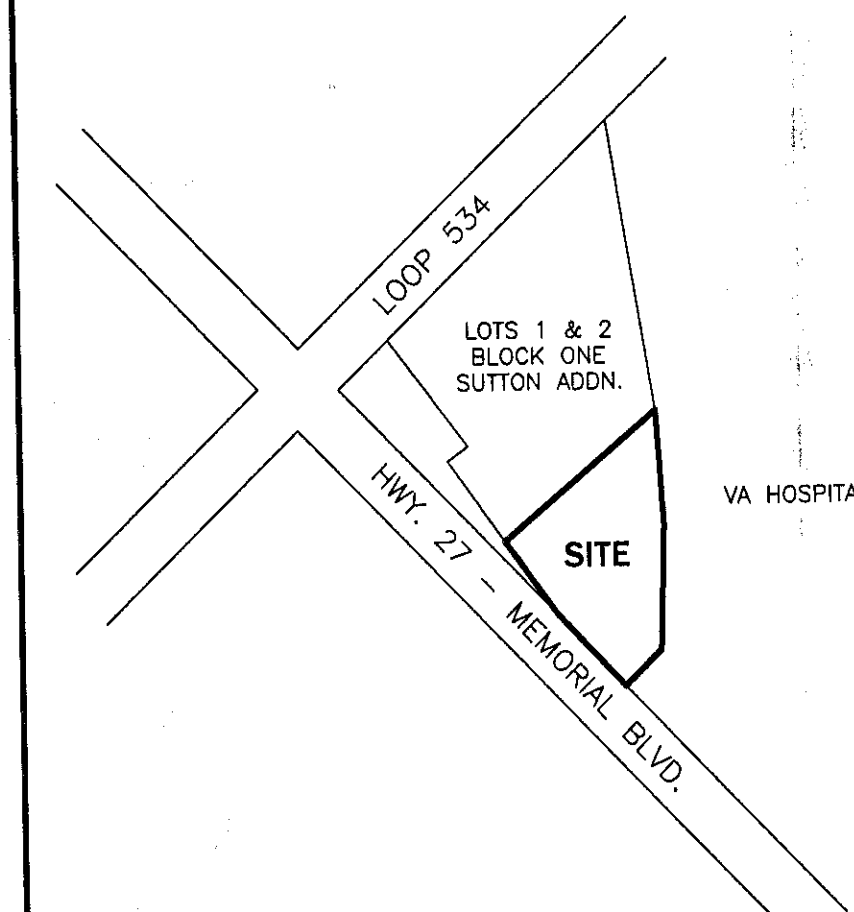
THE ORIGINAL PRELIMINARY PLAT WAS APPROVED ON 2-21-2002

A "BLANKET" WASTEWATER EASEMENT WILL BE PROVIDED FROM LOT 3-A ACROSS LOT 3-B, TO THE EXISTING SEWER LINE AS EXISTING, OR AS NEEDED

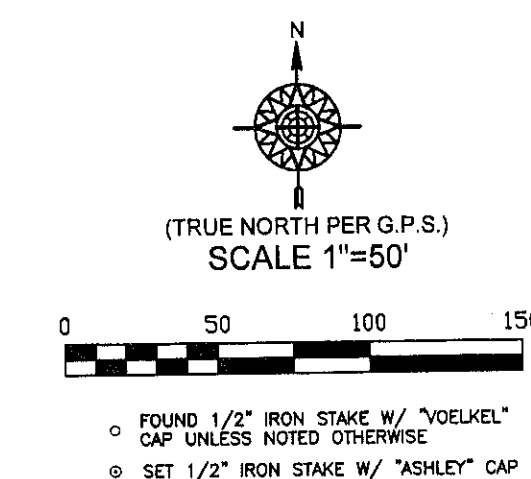


U.S. VETERANS ADMIN.
V. 163, P. 279
DEED RECORDS
USE: TO CARE FOR VETERANS

FILE NO. 18 -

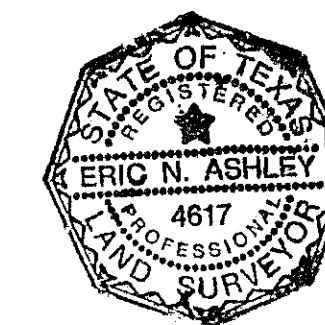


VICINITY MAP



CHECKLIST FOR CUP REQUEST

- 1) OWNER: CHARLES & WENDY WICKWARE OWNERS
3410 MEMORIAL BLVD.
(830) 370-8449
- 2) LEGAL: LOT 3 BLOCK ONE SUTTON ADDITION V. 7, P. 159 PLAT RECORDS
- 3) PROPOSED USE: RESIDENTIAL
- 4A) N/A
- 4B) N/A
- 4C) VETERANS ADMIN. PROPERTY USED TO CARE FOR VETERANS INCLUDING MY FATHER
LOT 2 VACANT
- 4D) AS SHOWN
- 4E1) AS SHOWN HEREON
- 4E2) AS SHOWN HEREON
- 4E3) LIGHT POLES SHOWN (LP)
- 4E4) AS SHOWN HEREON
- 4E5) AS SHOWN HEREON
- 5) PHOTOGRAPHS OF EXISTING RES. AND PROPOSED MOBILE HOME ATTACHED
6A,B,C) N/A
- 7) N/A
- 8) N/A
- 9) AVERAGE SLOPE NOT GREATER THAN 15% N/A
- 10) N/A



STATE OF TEXAS*
COUNTY OF KERR*

THIS PLAT REPRESENTS A SURVEY MADE ON THE
GROUND UNDER MY DIRECTION.

DATED THIS THE 3RD DAY OF JANUARY, 2018

Eric N. Ashley
ERIC N. ASHLEY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4617

**SUTTON ADDITION
REPLAT OF LOT 3, BLOCK ONE**

A SUBDIVISION OF 2.08 ACRES OF LAND OUT OF THE
SAM WALLACE SUREVY NO. 111, ABSTRACT NO. 350, IN
THE CITY OF KERRVILLE, KERR COUNTY, TEXAS

DATE: 01/03/2018

Exhibit #2
Aerial Photo

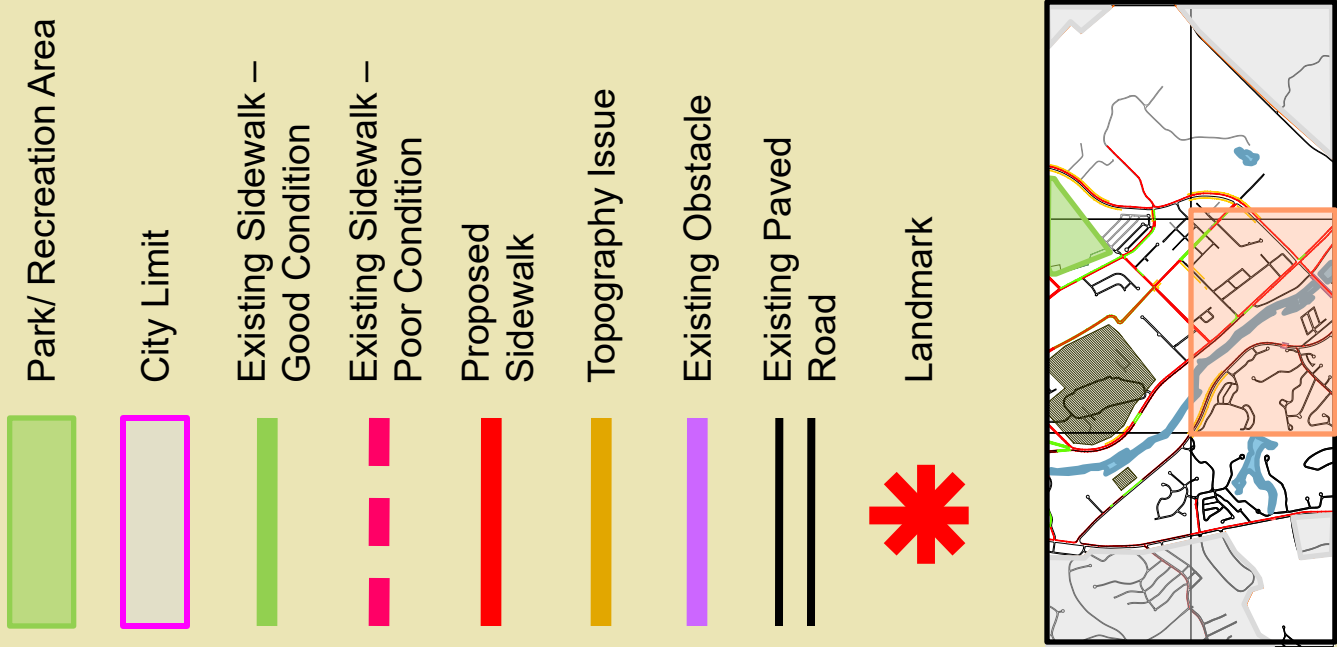
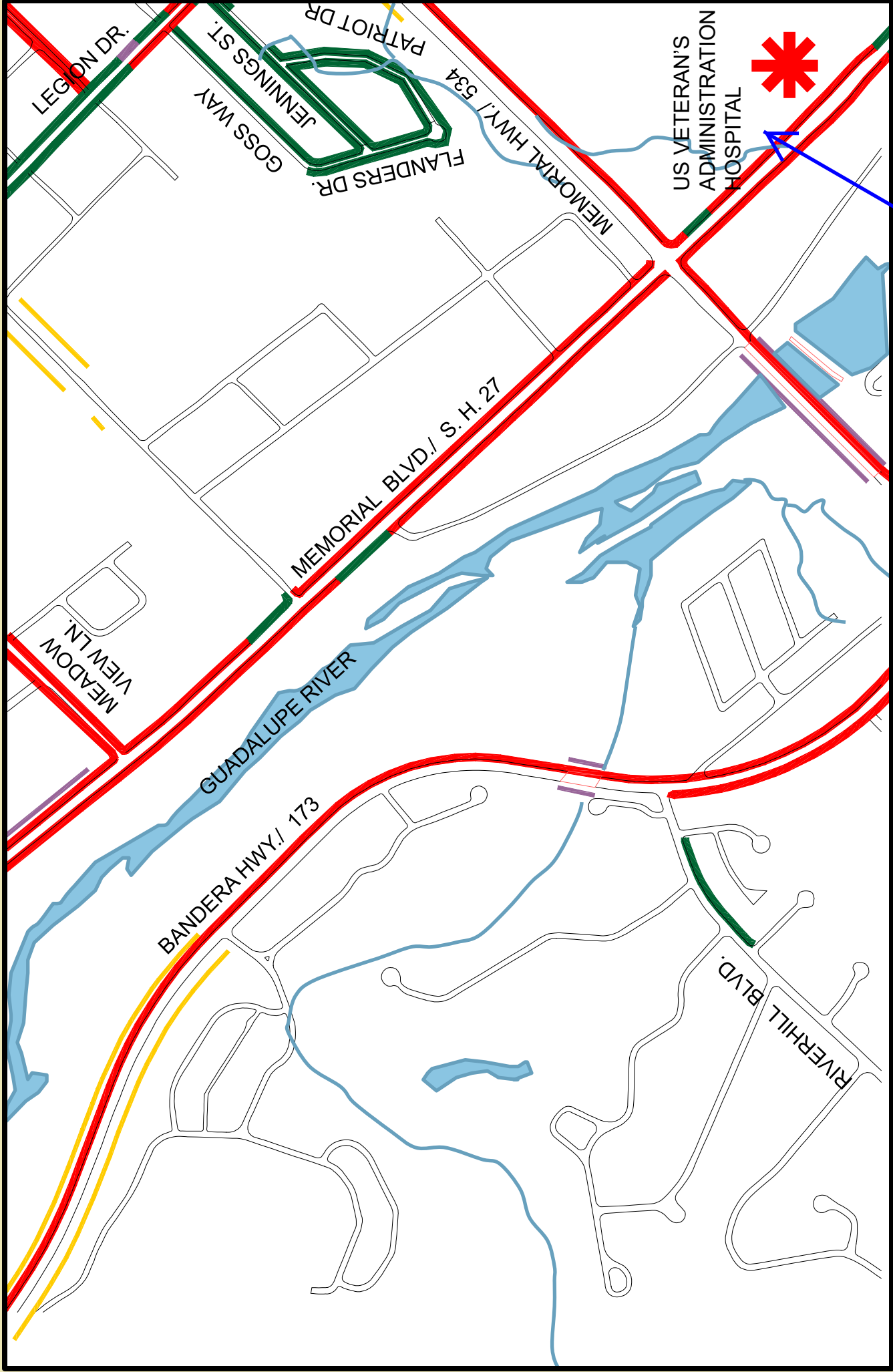


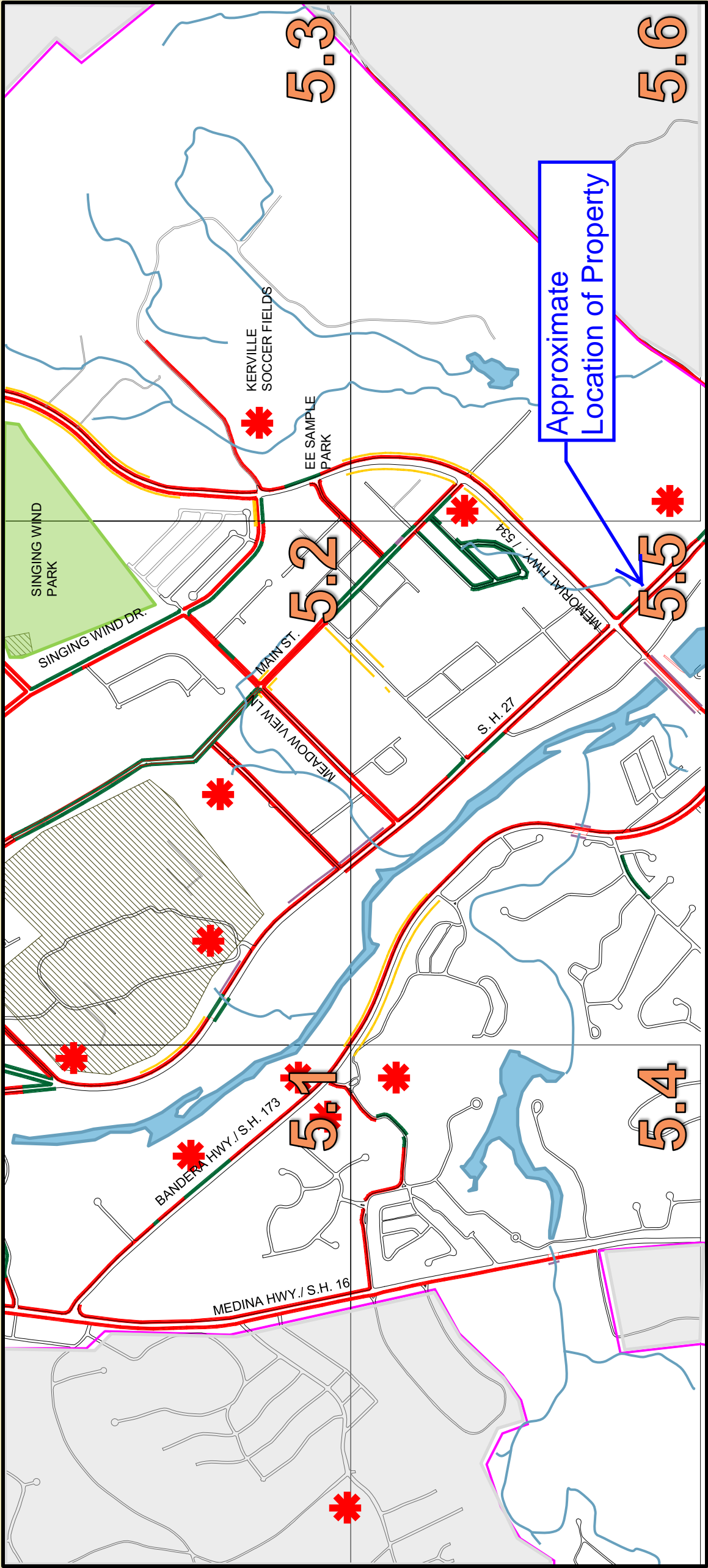




Exhibit #3

Sidewalk Master Plan Sector 5







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

SUBJECT: Authorize the City Manager to initiate a process to develop a public-private partnership for the development of approximately 34 acres of City-owned property on Loop 534 for the primary purpose of providing new housing options.

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 3/21/2018

SUBMITTED BY: Mark McDaniel, City Manager

EXHIBITS: Aerial Exhibits

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

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

The City of Kerrville currently owns two parcels of property that have a combined acreage of nearly 34 acres off of Loop 534 across from Tivy High School. This property is ideally located within nearby proximity to major employers.

The City has a rental occupancy rate in the high 90th percentile. Coupled with an unemployment rate below 4 percent, the City needs to expand its housing stock to accommodate the growth in primary jobs for major industries as well as general job growth expected to occur in other employment sectors.

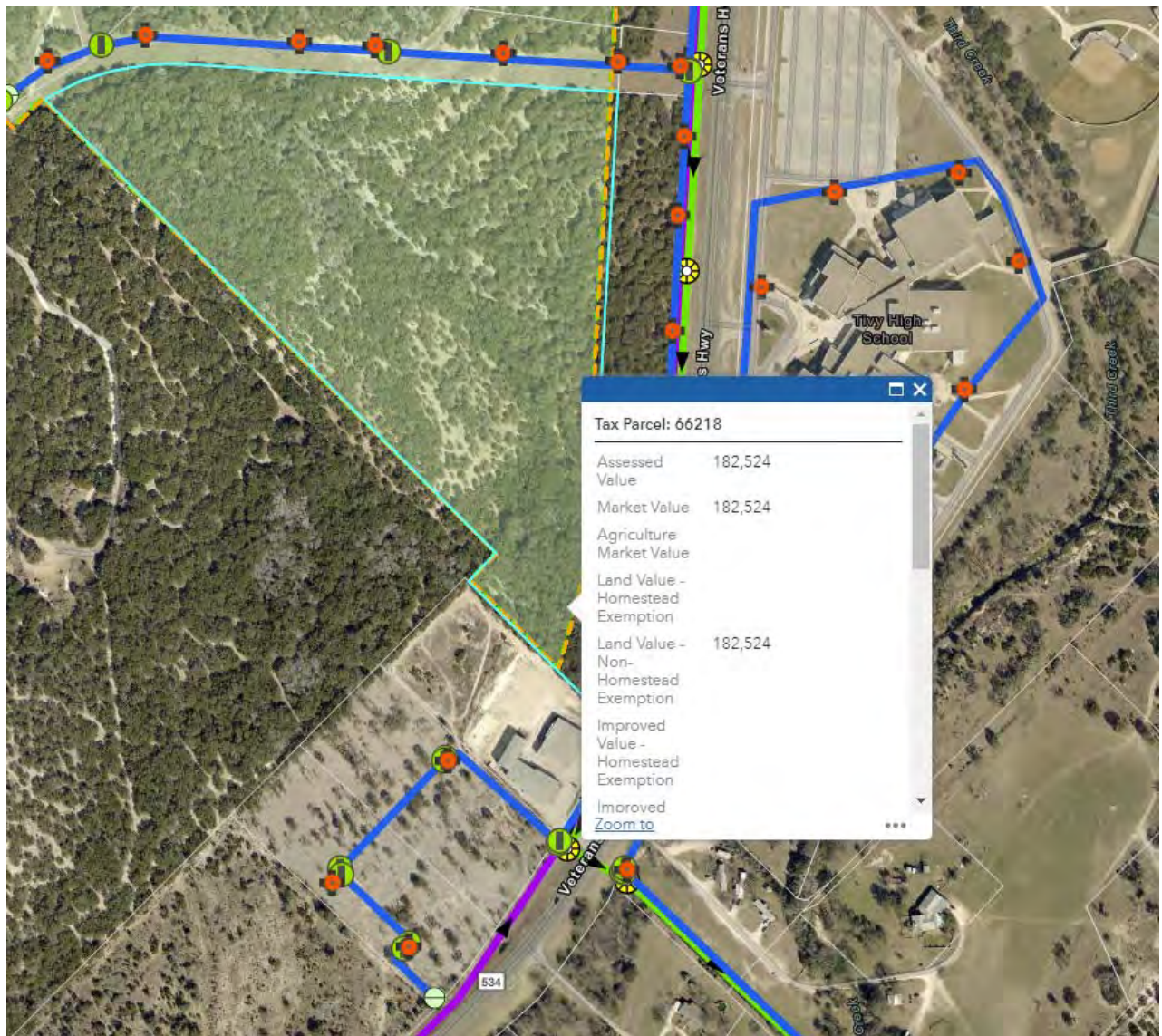
City staff proposes to initiate a process to solicit potential development partners to bring a quality residential development to that corridor on the City-owned property. The City would likely enter into a public-private partnership to help achieve multiple community goals with the development within the shortest reasonable timeframe.

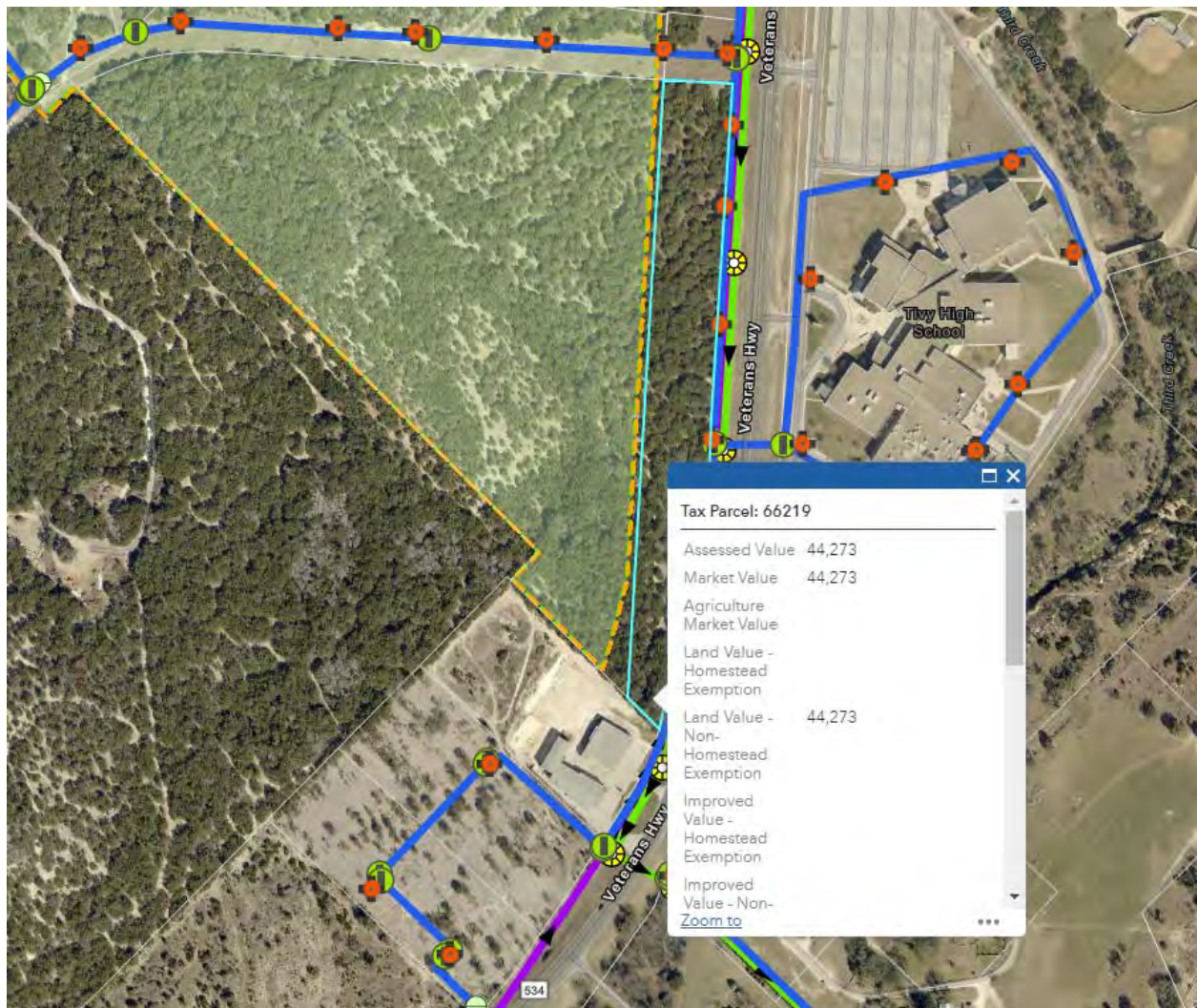
Elements identified could be:

- Desired mix of housing options and related price points.
- Plans for Olympic Dr.
- Possible incentives, such as land, permit waivers, etc.
- Reasonable schedule and mutually acceptable business plan.
- Marketing ability for the project.

RECOMMENDED ACTION:

Authorize the City Manager to proceed.







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

SUBJECT: Budget and economic update for the month ended February 28, 2018.

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 3/20/18

SUBMITTED BY: Amy Dozier

EXHIBITS: Budget and Economic Update

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

PAYMENT TO BE MADE TO: N/A

SUMMARY STATEMENT:

The General Fund received revenues of \$3.7 million in February compared to expenditures of \$1.9 million. On a year-to-date basis, the General Fund has revenues of \$16.0 million compared to expenditures of \$10.9 million.

Property tax collections are at 93.4% of budget and appear to be on track to meet budget for the year. Sales tax collections are flat compared to FY2017, although we budgeted sales tax to be 3.6% higher. A closer look at our sales tax sources shows decreases in categories relating to construction, waste management and a category called other services that includes auto body repair. These decreases indicate that in FY2017 we saw a bump in revenue related to hail damage repair. The largest sales tax category, retail, is up 1.9% for the year, which is still lower than our 3.6% forecast. We will continue to monitor sales tax very closely.

The Water and Sewer Fund received revenues of \$839,420 compared to expenditures of \$959,034. On a year-to-date basis, the Water and Sewer Fund has revenues of \$5.1 million compared to expenditures of \$5.3 million. Compared to the prior year, revenues have increased primarily due to a transfer in related to the debt refinancing. Expenses have increased due to increased transfers out for capital projects and asset replacement items. Utility accounts billed increased slightly from January. Due to the seasonal nature of water sales, it is typical for expenditures to exceed revenues at this time of year.

The Hotel/Motel Fund generated \$76,213 in revenue compared to \$263,750 in expenses for February. On a year-to-date basis, the Hotel/Motel Fund has revenues of \$441,055

compared to expenditures of \$535,800. February expenditures included a quarterly payment to the CVB.

Economic activity continued at a steady pace with extremely low unemployment in Kerr County and healthy residential sales activity.

RECOMMENDED ACTION:

Information purposes only. No action required.

Budget and Economic Update

Month ending February 28, 2018

	Current Month	Y-T-D Total	Budget @ 41.66%	Prior Year-To-Date	% change vs. prior year
General Fund					
Total Revenues	\$ 3,746,601	\$ 15,959,032	59.77%	\$ 17,989,461	-11.29%
Property tax	1,972,490	8,818,607	93.42%	8,627,545	2.21%
Sales tax	709,563	2,873,333	41.28%	2,870,506	0.10%
Total Expenditures	\$ 1,915,246	\$ 10,876,386	40.74%	\$ 11,894,790	-8.56%
Water and Sewer Fund					
Total Revenues	\$ 839,420	\$ 5,135,169	41.87%	\$ 4,709,303	9.04%
Water Sales	358,509	2,202,411	37.91%	\$ 2,156,882	2.11%
Sewer Service	426,341	2,173,701	38.76%	\$ 2,223,311	-2.23%
Total Expenditures	\$ 959,034	\$ 5,268,172	42.95%	\$ 4,766,519	10.52%
Hotel/Motel Fund					
Total Revenues	\$ 76,213	\$ 441,055	36.60%	\$ 428,106	3.02%
Total Expenditures	\$ 263,750	\$ 535,800	45.59%	\$ 500,200	7.12%

Community Investment Plan	Project Budget	Current Month	P-T-D Expense	Project Budget Balance
Kerrville Sports Complex	\$ 10,500,000	\$ 7,518	\$ 10,445,250	\$ 54,750
Legion Lift Station (design)	\$ 734,000	\$ 43,013	\$ 227,490	\$ 506,510
Reuse System	\$ 23,003,000	\$ 1,267,905	\$ 14,570,601	\$ 8,432,399
River Trail	\$ 6,000,000	\$ 282	\$ 5,251,935	\$ 748,065
Sports Complex Indoor Athletic Facility	\$ 2,196,000	\$ 3,622	\$ 1,763,713	\$ 432,287

Development Activities:		
<u>Residential</u>		<u>Commercial</u>
Oct	7	\$ 8,883,507
Nov	6	\$ 1,217,122
Dec	5	\$ 6,365,835
Jan	11	\$ 500,000
Feb	2	\$ 1,015,000
Mar		
Apr		
May		
June		
July		
Aug		
Sept		
YTD	31	\$ 17,981,464

Housing - February (Source: Kerrville Board of Realtors)		
438 active residential listings; 47 residential sales February 2018		
\$13,450,350 total residential sales dollars February 2018		
\$23,287,207 total residential sales dollars Y-T-D in calendar 2018		

Unemployment - January (Source: Bureau of Labor Statistics)		
	<u>2018</u>	<u>2017</u>
National	4.1%	4.7%
Texas	4.2%	5.0%
Kerr County	3.5%	3.9%

Utility Accounts Billed - February:	
Water - Residential units - 10,973; Commercial units - 1,616; Irrigation - 519	
Sewer- Residential units - 10,657; Commercial units - 1,318	
Garbage - Curbside - residential only - 8,146	



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

SUBJECT: Appointments to the Parks and Recreation Advisory Board.

AGENDA DATE OF: 3/27/2018

DATE SUBMITTED: 03/19/2018

SUBMITTED BY: Brenda Craig

EXHIBITS: Board Sheet

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:

Parks and Recreation Advisory Board:

Three terms to expire on March 31, 2018.

RECOMMENDED ACTION:

Consider appointments to the Parks and Recreation Advisory Board.

PARKS AND RECREATION ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
BRADSHAW, ROSE 2132 Arcadia Loop	895-3248 (H) 377-8948 (C)	05-09-17		03-31-19
GARDNER, JAMES 123 Forest Circle	285-2129 (H)	09-23-14	05-09-17	03-31-19
HARRISON, JOHN 2911 Dry Hollow	257-2899 (H)	05-09-17		03-31-19
KAYNE, JACKLYN 3564 Fredericksburg Rd	895-7524 (W) 895-7962 (H)	03-11-14	03-22-16	03-31-18
McMAHON, DIANE 2311 Birkdale Lane	896-3195 (H) 370-6590 (C)	05-12-15	05-09-17	03-31-19
MITCHELL, BEDFORD 313 Lakewood Drive	896-4321 (H) 377-1114 (C)	05-12-15	05-09-17	03-31-19
MUNSON, JAY 501 Lucille St.	370-8344 (C)	03-11-14	03-22-16	03-31-18
NYE-SALLADIN, LISA 1015 Morningside Dr.	377-7198 (C)	05-09-17		03-31-19
GREG SHRADER 321 Englewood Dr. E.	739-9219 (C)	03-22-16		03-31-18

CITY STAFF:

Ashlea Boyle 258-1153 (O)
Director of Parks & Recreation

Tina North 258-1156
Parks & Recreation Office Manager

Qualifications: A majority shall be residents of the city of Kerrville, and all shall be residents of Kerr County.

Powers and Duties: Shall constitute an advisory board to the city council and shall periodically assist city staff in procedural matters. The board shall have authority to hold hearings in the city and to consider and make recommendations to the city council in writing on any and all matters pertaining to the city's parks and recreation system.

Term of Office: Two years with a maximum of two terms. No member shall serve more than two terms without having at least one full year off between terms.

Quorum: Five

Members: Nine

Meeting Time & Place: Quarterly, on the Third Thursday of the month, at 8:15 a.m., City Hall Upstairs Conference Room

Absences: Any member having three consecutive unexcused absences shall have his membership reviewed by the board. By majority vote, the board may recommend to the council that such member be removed from office. The council may then act upon such recommendation and either remove or retain such member.

Established by: Ordinance No. 1984-37, amended by Ordinance No. 1987-24; amended by Ordinance 2017-12.

Code of Ordinances: Chapter 74 - Article II – Sections 74-31 through 74-38

Revised: May 25, 2017