

# **AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING**

**TUESDAY, MARCH 10, 2020, 6:00 P.M.**

**KERRVILLE CITY HALL, COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

## **The Community Vision**

*Kerrville will be a vibrant, welcoming and inclusive community that:*

- *Respects and protects the natural environment that surrounds it;*
- *Seeks to attract economic growth and development;*
- *Provides opportunities for prosperity, personal enrichment and intellectual growth for people of all ages; and*
- *Does so while preserving the small-town charm, heritage, arts and culture of the community.*



Kerrville2050



**KERRVILLE CITY COUNCIL MEETING AGENDA**  
**MARCH 10, 2020, 6:00 PM**  
**701 MAIN STREET, KERRVILLE, TEXAS**  
**CITY HALL, COUNCIL CHAMBERS**



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

*Citizens may speak to the City Council on posted agenda items. Prior to speaking, each speaker must fill out the speaker request form and submit it to the City Secretary. The speaker request form must be submitted before the item is called or read into record. Each speaker is limited to four minutes.*

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**CALL TO ORDER:**

**INVOCATION, AND PLEDGE OF ALLEGIANCE TO THE FLAG:**

*Led by Councilmember Kim Clarkson*

**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 PRESENTATIONS:**

2.A. Proclamation proclaiming March 2020 as the 18th Annual March for Meals Month.

Attachments:

[20200310\\_Proclamation\\_March 2020 as March for Meals Month.pdf](#)

**3 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. The speaker request form must be submitted to the City Secretary before the item is called or read into record. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.*

**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. Resolution No. 05-2020. A Resolution authorizing the submission of a grant application to the Office of the Governor, Criminal Justice Division, by the City of Kerrville for the purchase of a tactical micro robot / recon throwbot system with command monitoring station.

Attachments:

[20200310\\_Resolution\\_05-2020 Grant Application for Robot KPD.pdf](#)

4.B. Minutes for the City Council workshop held February 25, 2020.

Attachments:

[20200310\\_Minutes\\_Council Workshop 4pm 2-25-20.pdf](#)

4.C. Minutes for the City Council meeting held February 25, 2020.

Attachments:

[20200310\\_Minutes\\_Regular Council meeting 6pm 2-25-20.pdf](#)

**END OF CONSENT AGENDA**

**5 PUBLIC HEARING AND ORDINANCES, FIRST READING:**

5.A. Ordinance No. 2020-07. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas which adopted zoning regulations, use districts, and a zoning map in accordance with the City's Comprehensive Plan, such Chapter more commonly known as the City's Zoning Code; by changing the zoning and classification of a property located northwest of and adjacent to Spur 100, more commonly known as 199 Spur 100, and comprising approximately 15.51 acres; from a Medium Density Residential Zoning District (R-2) to a Residential Mix Zoning District (RM); providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matter relating to the subject.

Attachments:

[20200310\\_Ordinance No. 2020-07.pdf](#)

**6 ITEMS FOR FUTURE AGENDAS:**

*City Council may suggest items or topics for future agendas.*

**7 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.*

**8 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:**

**ADJOURN**



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

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**SUBJECT:** Proclamation proclaiming March 2020 as the 18th Annual March for Meals Month.

**AGENDA DATE OF:** March 10, 2020      **DATE SUBMITTED:** Jan 28, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20200310\\_Proclamation\\_March 2020 as March for Meals Month.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
N/A	N/A	N/A	N/A

**PAYMENT TO BE MADE TO:** N/A

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

Requested by Brenda Thompson, Dietert Claim, Meals on Wheels program.

**RECOMMENDED ACTION:**

Present proclamation to Dietert Center, Meals on Wheels.



# CITY OF KERRVILLE PROCLAMATION

**WHEREAS**, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older. Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month and to raise awareness about the escalating problem of senior hunger in America. The 2020 observance of March for Meals celebrates 18 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering, and raising awareness about senior hunger and isolation; and

**WHEREAS**, the Meals on Wheels programs – both congregate and home-delivered, in Kerr County has served our community admirably for more than 50 years. Volunteers for Meals on Wheels are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare. The Meals on Wheels program in Kerr County provides a powerful socialization opportunity for seniors to help combat the negative health effects and economic consequences of loneliness and isolation; and

**WHEREAS**, the Meals on Wheels program in Kerr County deserves recognition for the contributions they have made and will continue to make to local communities, our State, and our Nation. Our recognition of, and involvement in, the national 2020 March for Meals can enrich our entire community and help combat senior hunger and isolation.

**NOW, THEREFORE**, I, Bill Blackburn, Mayor of the City of Kerrville, Texas, do hereby proclaim March 2020 as the:

## **“18TH ANNUAL MARCH FOR MEALS MONTH”**

and urge every citizen to honor the Meals on Wheels program, the seniors it serves, and the volunteers who care for the seniors.



**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Kerrville to be affixed this 10th day of March 2020.

\_\_\_\_\_  
Bill Blackburn, Mayor





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

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**SUBJECT:** Resolution No. 05-2020. A Resolution authorizing the submission of a grant application to the Office of the Governor, Criminal Justice Division, by the City of Kerrville for the purchase of a tactical micro robot / recon throwbot system with command monitoring station.

**AGENDA DATE OF:** March 10, 2020      **DATE SUBMITTED:** Mar 04, 2020

**SUBMITTED BY:** David Knight

**EXHIBITS:** [20200310\\_Resolution\\_05-2020 Grant Application for Robot KPD.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$0	\$0	\$0	N/A

**PAYMENT TO BE MADE TO:** N/A

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

The City of Kerrville has completed a grant application to the Criminal Justice Division Office of the Governor in an amount not to exceed \$26,656 for State Funding to purchase a Tactical Micro Robot / Recon Throwbot System with Command Monitoring Station and associated licensing and support accessories for the Hill Country Combined Special Operations Unit (SOU). The grant application is available for review in the office of the police chief. The resolution designates the Chief of Police as the grantee's authorized official given the authority to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

Note: Applied last year for this same item, but was unsuccessful.

This equipment is utilized to clear hazardous areas of threats without exposing officers to dangers.

This equipment will be used for SOU and patrol operations within the City. This equipment will be available for regional use as requested.

**RECOMMENDED ACTION:**

The Police Chief recommends that council approve the resolution and grant application for the purchase of equipment for the Hill Country Combined Special Operations Unit.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 05-2020**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A  
GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR,  
CRIMINAL JUSTICE DIVISION, BY THE CITY OF KERRVILLE  
FOR THE PURCHASE OF A TACTICAL MICRO ROBOT /  
RECON THROWBOT SYSTEM WITH COMMAND MONITORING  
STATION**

**WHEREAS**, the Kerrville Police Department ("KPD") seeks authorization to submit a grant application to the Office of the Governor, Criminal Justice Division ("CJD") for the purchase of a Tactical Micro Robot / Recon Throwbot System with Command Monitoring Station in an amount not to exceed \$26,656.00; and

**WHEREAS**, the City Council of the City of Kerrville, Texas finds it to be in the public interest to authorize KPD to submit a grant application to the CJD, for the purpose expressed above;

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


**SECTION ONE.** City Council authorizes the submission of a grant application to the Office of the Governor, Criminal Justice Division in an amount not to exceed \$26,656.00, for the purpose of acquiring funding to be used to purchase a Tactical Micro Robot / Recon Throwbot System with Command Monitoring Station.

**SECTION TWO.** Pursuant to the grant application, the City agrees to return grant funds to the CJD in the event of loss or misuse of any grant funds.

**SECTION THREE.** The City designates the City's Chief of Police as the City's authorized official who is given the authority to apply, reject, alter, or terminate the grant on behalf of the City.

**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_ A.D.,  
2020.**

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Bill Blackburn, Mayor

ATTEST:

\_\_\_\_\_  
Shelley McElhannon, City Secretary





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

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**SUBJECT:** Minutes for the City Council workshop held February 25, 2020.

**AGENDA DATE OF:** March 10, 2020      **DATE SUBMITTED:** Feb 11, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20200310\\_Minutes\\_Council Workshop 4pm 2-25-20.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
N/A	N/A	N/A	N/A

**PAYMENT TO BE MADE TO:** N/A

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

Minutes for the City Council workshop held February 25, 2020 at 4pm.

**RECOMMENDED ACTION:**

Approve minutes as presented.

CITY COUNCIL MINUTES  
WORKSHOP, COUNCIL CHAMBERS

KERRVILLE, TEXAS  
FEBRUARY 25, 2020 4:00 PM

**CALL TO ORDER:** On February 25, 2020, at 4:00 p.m., the Kerrville City Council Workshop was called to order by Mayor Bill Blackburn in City Hall Council Chambers, 701 Main Street.

**COUNCILMEMBERS PRESENT:**

Bill Blackburn	Mayor
Gary Cochran	Councilmember Place 1
Kim Clarkson	Councilmember Place 2
Judy Eychner	Councilmember Place 3
Delayne Sigerman	Councilmember Place 4

**COUNCILMEMBER ABSENT:** None

**CITY STAFF PRESENT:**

Mark McDaniel	City Manager
E.A. Hoppe	Deputy City Manager
Mike Hayes	City Attorney
Shelley McElhannon	City Secretary
David Barrera	Assistant Director of Public Works
Stuart Barron	Director of Public Works
Donna Bowyer	Neighborhood Engagement Manager/Code Enforcement
Guillermo Garcia	Executive Director of Innovation
Drew Paxton	Planning Director
Trina Sanchez	Assistant Director of Development Services

**VISITORS PRESENT:**

Jess Swain with 6S Engineering  
On file in City Secretary's Office for required retention period

**1. PUBLIC COMMENT**

No citizen(s) provided public comment.

**2. INFORMATION AND DISCUSSION**

2.A. Pavement Management Program update, and 2020 Slurry Seal Program.

E.A. Hoppe and Stuart Barron presented information, and responded to questions.

**RECESS:** Mayor Blackburn recessed workshop at 4:34 p.m.

**RECONVENE:** The workshop was reconvened by Mayor Blackburn in the upstairs large conference room at 4:45 p.m.

2.B. Progress report regarding Development Services improvement.

Guillermo Garcia presented information, and responded to questions.

**ADJOURN**

The meeting was adjourned at 5:40 p.m.

APPROVED BY COUNCIL: \_\_\_\_\_

APPROVED:

ATTEST:

\_\_\_\_\_  
Bill Blackburn, Mayor

\_\_\_\_\_  
Shelley McElhannon, City Secretary



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

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**SUBJECT:** Minutes for the City Council meeting held February 25, 2020.

**AGENDA DATE OF:** March 10, 2020      **DATE SUBMITTED:** Feb 19, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20200310\\_Minutes\\_Regular Council meeting 6pm 2-25-20.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
N/A	N/A	N/A	N/A

**PAYMENT TO BE MADE TO:** N/A

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

Minutes from the City Council meeting held February 25, 2020 at 6:00 p.m.

**RECOMMENDED ACTION:**

Approve minutes as presented.

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
FEBRUARY 25, 2020

On February 25, 2020, at 6:00 p.m. the meeting was called to order by Mayor Bill Blackburn in the City Hall Council Chambers at 701 Main Street. The invocation was offered by Councilmember Gary Cochrane, followed by the Pledge of Allegiance led by Councilmember Cochrane.

**COUNCILMEMBERS PRESENT:**

Bill Blackburn	Mayor
Judy Eychner	Mayor Pro Tem
Kim Clarkson	Councilmember
Gary Cochrane	Councilmember
Delayne Sigerman	Councilmember

**COUNCILMEMBER ABSENT:** None

**CITY EXECUTIVE STAFF PRESENT:**

Mark McDaniel	City Manager
E.A. Hoppe	Deputy City Manager
Mike Hayes	City Attorney
Shelley McElhannon	City Secretary
Stuart Barron	Director of Public Works
Stuart Cunyus	Public Information Officer
Amy Dozier	Chief Financial Officer
Guillermo Garcia	Executive Director of Innovation
David Knight	Chief of Police
Eric Maloney	Deputy Fire Chief
Kim Meismer	Executive Director of General Operations
Sherry Mosier	Manager of Strategic Initiatives
Drew Paxton	Chief Planning Officer

**VISITORS PRESENT:** On file in City Secretary's Office for required retention period.

**1. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

No items were presented.

**2. PRESENTATIONS:**

2A. Chief David Knight with the Kerrville Police Department bestowed the *Citizen's Certificate of Merit* to citizens Richard Carpenter and Richard Carpenter Jr.

2B. Mayor Blackburn presented a proclamation recognizing March 2020 as American Red Cross month in Kerrville, Texas. Red Cross volunteers Linda Castro, Dee Delesandri, and Richard McAlister received the proclamation.

**3. VISITORS FORUM:**

No citizen signed up to speak.



#### **4. CONSENT AGENDA:**

Mayor Blackburn requested to pull item 4A, and Councilmember Judy Eychner requested to pull item 4B from the Consent Agenda. Councilmember Delayne Sigerman moved to approve items 4C and 4D as presented. Councilmember Kim Clarkson seconded, and the motion passed 5-0.

4C. Minutes for the City Council workshop held February 11, 2020.

4D. Minutes for the City Council regular meeting held February 11, 2020.

#### **END OF CONSENT AGENDA**

4A. Construction contract with Intermountain Slurry Seal for the 2020 Slurry Seal project in an amount of \$345,150.00.

Mayor Blackburn made statements.

Councilmember Cochrane made a motion to approve the construction contract with Intermountain Slurry Seal for the 2020 Slurry Seal project, and Councilmember Eychner seconded. The motion passed 5-0.

4B. Construction contract with JK Bernard Construction Co LLC for the Peterson Plaza Clock Tower Elevator Enclosure project in the amount of \$348, 242.00.

E.A. Hoppe presented information, provided clarification, and responded to questions.

Councilmember Eychner made a motion to approve the item as presented, and Councilmember Sigerman seconded. The motion passed 5-0.

#### **5. ORDINANCES, SECOND READING:**

5A. Ordinance No. 2020-05. Second reading. An Ordinance annexing an approximate 33.56 acre tract of land located adjacent to and northwest of the intersection of State Highway 16 North and Benson Drive with the address of 2700 Fredericksburg Road into the City of Kerrville, Kerr County, Texas, and extending the boundary limits of the city so as to include such property within the city limits; adopting a mutual services agreement for the annexed property; and adopting zoning for the annexed property.

The Ordinance caption was read into record by Shelley McElhannon.

Drew Paxton presented information, and Mr. Paxton and USDA Laboratory Director Adalberto Perez DeLeon responded to questions.

The following person spoke:

- Brenda Hughes

Councilmember Eychner moved to approve Ordinance No. 2020-05 second reading as presented. Councilmember Clarkson seconded, and the motion passed 5-0.

5B. Ordinance No. 2020-06. Second reading. An Ordinance amending Chapter 102 "Traffic and Vehicles", Section 102-119 by adding Paschal Avenue as a City Street where through truck traffic is prohibited; containing a cumulative clause; containing a savings and severability clause; providing a penalty; and providing other matters relating to the subject.

The Ordinance caption was read into record by Shelley McElhannon.  
David Knight presented information and responded to questions.

Councilmember Clarkson moved to approve Ordinance No. 2020-06 second reading, and Councilmember Eychner seconded. The motion passed 5-0.

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

6A. Resolution No. 04-2020. A Resolution supporting the application of OPG Ridgehill Partners, LLC, to construct affordable rental housing pursuant to the Low Income Housing Tax Credit (LIHTC) Program administered by the Texas Department of Housing and Community Affairs.

The Resolution caption was read into record by Shelley McElhannon.  
Sherry Mosier introduced both the item and speaker Matt Gillam, Managing Partner of OPG Ridgehill Partners, who presented information and responded to questions.

Councilmember Eychner moved to approve the resolution as presented.  
Councilmember Sigerman seconded, and the motion passed 5-0.

6B. Presentation and acceptance of the City of Kerrville's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2019.

Item 6B caption was read into record by Shelley McElhannon.  
Amy Dozier introduced both the item and speaker Danny Martinez, BKD Managing Director, who presented information and responded to questions.

The following person spoke:

- George Baroody

Ms. Dozier provided summary of report, conclusion, and responded to questions.  
Councilmember Eychner moved to approve and accept the CAFR for the fiscal year ended September 30, 2018 as presented. Councilmember Clarkson amended the motion to approve and accept the CAFR for the fiscal year ended September 30, 2019. Councilmember Sigerman seconded, and the motion passed 5-0.

## **7. INFORMATION & DISCUSSION:**

7A. Financial update for the month ended January 31, 2020.

Amy Dozier presented information and responded to questions.

## **8. ITEMS FOR FUTURE AGENDAS:**

- Review of Zoning and Sign Ordinance (Councilmember Clarkson)

**9. BOARD APPOINTMENTS:**

- 9A. Appointment to the Kerrville Public Utility Board of Trustees, position #2. Requested by Kerrville Public General Manager Mike Wittler. (This item is eligible for discussion in executive session under Section 551.074)

Councilmember Eychner made a motion the City Council adjourn into closed executive session under 551.074 (personnel/officers) of Chapter 551 of the Texas Government Code, and Councilmember Clarkson seconded. The motion passed 5-0.

City Council convened into closed executive session at 7:36 p.m.

**10. EXECUTIVE SESSION:**

- 10A. Section 551.074: Personnel/Officers. Appointment to the Kerrville Public Utility Board of Trustees, position #2.

City Council reconvened in open session at 7:58 p.m.

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

Councilmember Eychner made a motion to appoint Larry Howard to the Kerrville Public Utility Board of Trustees, position #2, and Councilmember Cochrane seconded. The motion passed 5-0.

**ADJOURNMENT**

The meeting was adjourned at 7:59 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Bill Blackburn, Mayor

\_\_\_\_\_  
Shelley McElhannon, City Secretary

APPROVED BY COUNCIL: \_\_\_\_\_



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

**SUBJECT:** Ordinance No. 2020-07. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas which adopted zoning regulations, use districts, and a zoning map in accordance with the City's Comprehensive Plan, such Chapter more commonly known as the City's Zoning Code; by changing the zoning and classification of a property located northwest of and adjacent to Spur 100, more commonly known as 199 Spur 100, and comprising approximately 15.51 acres; from a Medium Density Residential Zoning District (R-2) to a Residential Mix Zoning District (RM); providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matter relating to the subject.

**AGENDA DATE OF:** March 10, 2020

**DATE SUBMITTED:** Mar 05, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20200310\\_Ordinance No. 2020-07.pdf](#)

<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$0	\$0	\$0	N/A

**PAYMENT TO BE MADE TO:** N/A

<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

A request to change the zoning from R-2 Medium Density Residential District to RM Residential Mix District on approximately 15.51 acres, 1 acre out of Survey No. 110, Thomas N. Minter, Certificate No. 38, Abstract No. 248 and 14.51 acres out of Survey No. 111, Samuel Wallace, Certificate No. 1399, Abstract No. 359; and generally located at 199 Spur 100.

Consistency with the Kerrville 2050 Comprehensive Plan: The property is designated as Agriculture and Outdoor Tourism (AOT) and the surrounding area is designated as Community Commercial (CC) and Public and Open Space (PO). While the Future Land Use Plan place types are not specific to zoning, they relate to the types of land uses permitted by certain zoning districts. The Agriculture and Outdoor Tourism place type does not specifically align with the current R-2 (Medium Density Residential) zoning, however both include single family detached homes as a primary use. Similarly, the Residential Mix zoning allows for single family detached homes, in several variations. In general, both the R-2 and the RM can be considered as consistent with the comprehensive plan in this location.

#### Adjacent Zoning and Land Uses

##### Subject Property

Current Zoning: R-2

Existing Land Uses: vacant land

Direction: North

Current Zoning: PI

Existing Land Uses: VA Hospital

Direction: East

Current Zoning: PI

Existing Land Uses: Kerrville National Cemetery

Direction: South & West

Current Zoning: PI

Existing Land Uses: Kerr County Road & Bridge

Thoroughfare Plan: The property has direct access to an arterial and should have limited impact on the overall thoroughfare plan.

Traffic Impact: To be determined

Parking: To be determined

On February 6th, the Planning and Zoning Commission recommended approval for the zone change with a unanimous vote.

Five letters were sent out. No letter or opposition received or noted.

#### **RECOMMENDED ACTION:**

Approve Ordinance No. 2020-07.



**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2020-07**

**AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, WHICH ADOPTED ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE PLAN, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY CHANGING THE ZONING AND CLASSIFICATION OF A PROPERTY LOCATED NORTHWEST OF AND ADJACENT TO SPUR 100, MORE COMMONLY KNOWN AS 199 SPUR 100, AND COMPRISING APPROXIMATELY 15.51 ACRES; FROM A MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (R-2) TO A RESIDENTIAL MIX ZONING DISTRICT (RM); PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT**

**WHEREAS**, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on March 10, 2020, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in the change of a zoning district for a property generally located northwest of and adjacent to Spur 100; such change to result in the removal of the property from a Medium Density Residential Zoning District (R-2) to placement within a Residential Mix Zoning District (RM); and

**WHEREAS**, on March 10, 2020, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

**SECTION ONE.** The Zoning Code for the City of Kerrville, Texas, as enacted by City Council and effective October 1, 2019 and included within Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* be and the same are hereby amended to designate the following described property zoned as a Residential Mix Zoning District (RM):

**Legal Description:** Being all that certain tract or parcel of land, lying and being situated within the City of Kerrville, Kerr County, Texas, and comprising 15.51 acres, more or less, of which 1.00 acre, more or less, is out of Survey No. 110, Thomas N. Minter, Certificate No. 38, Abstract No. 248, and the balance of 14.51 acres is out of Survey No. 111, Samuel Wallace, Certificate No. 1399, Abstract No. 359; said tract being more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."

**SECTION TWO.** The City Manager or designee is authorized and directed to amend the City's *Official Zoning Map* to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with the City's Zoning Code.

**SECTION THREE.** The City Manager or designee is authorized and directed to amend the City's Comprehensive Plan (*Kerrville 2050*), together with its *Future Land Use Map*, as necessary to make it consistent with the amendment(s) to the Zoning Code authorized by this Ordinance.

**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.** The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

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

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

PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2020.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ of \_\_\_\_\_, A.D., 2020.

\_\_\_\_\_  
Bill Blackburn, Mayor

ATTEST:

\_\_\_\_\_  
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



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

199 SPUR 100 - MCCARTY

## Exhibit "A"

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, comprising 15.51 acres of land, more or less, of which 1.00 acre, more or less, is out of Survey No. 110, Thomas N. Minter, Certificate No. 38, Abstract No. 248 and the balance of 14.51 acres is out of Survey No. 111, Samuel Wallace, Certificate No. 1399, Abstract No. 359, being bounded on the Southwest by the Southern Pacific Railroad right-of-way, on the Northwest by a chain link fence, on the extreme Northeast by barb-wire fence at the top of a sloping bank, and on the Southeast by State Highway Spur No. 100, the Brown Cemetery and the United States Government Cemetery, and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at an iron fence post and iron stake for the North corner of the U.S. Government Cemetery, for the East corner of this tract, this corner being five (5) feet Northeast from a 30 inch diameter live oak tree marked "X", and this corner being located 142 feet N. 45 deg. W. and 4666.8 feet S. 45 deg. W. from the North corner of the original Survey No. 110, Thomas N. Minter;

THENCE with barb-wire fence line N. 55 deg. 45' W. 162.5 feet to an iron stake set adjacent to an iron corner post in a chain link fence, but not touching said post or fence;

THENCE parallel to and immediately adjacent to, but not touching a high chain link fence, S. 68 deg. 35' W. 1576.5 feet to an iron stake set adjacent to an iron post in said fence, but not touching said post or fence, for the West corner of this tract, this point being the Northeast right-of-way line of 100-foot right-of-way of the Southern Pacific Railroad Company;

THENCE along the Northeast line of said S.P. Railroad right-of-way S. 63 deg. 35' E. 1150 feet to a corner fence post set in the Northwest line of State Highway Spur 100, an iron stake at its base, for the South corner of this tract;

THENCE with existing fence line, the Northwest line of said Spur No. 100, N. 34 deg. E. 359 feet to a corner fence post, an iron stake;

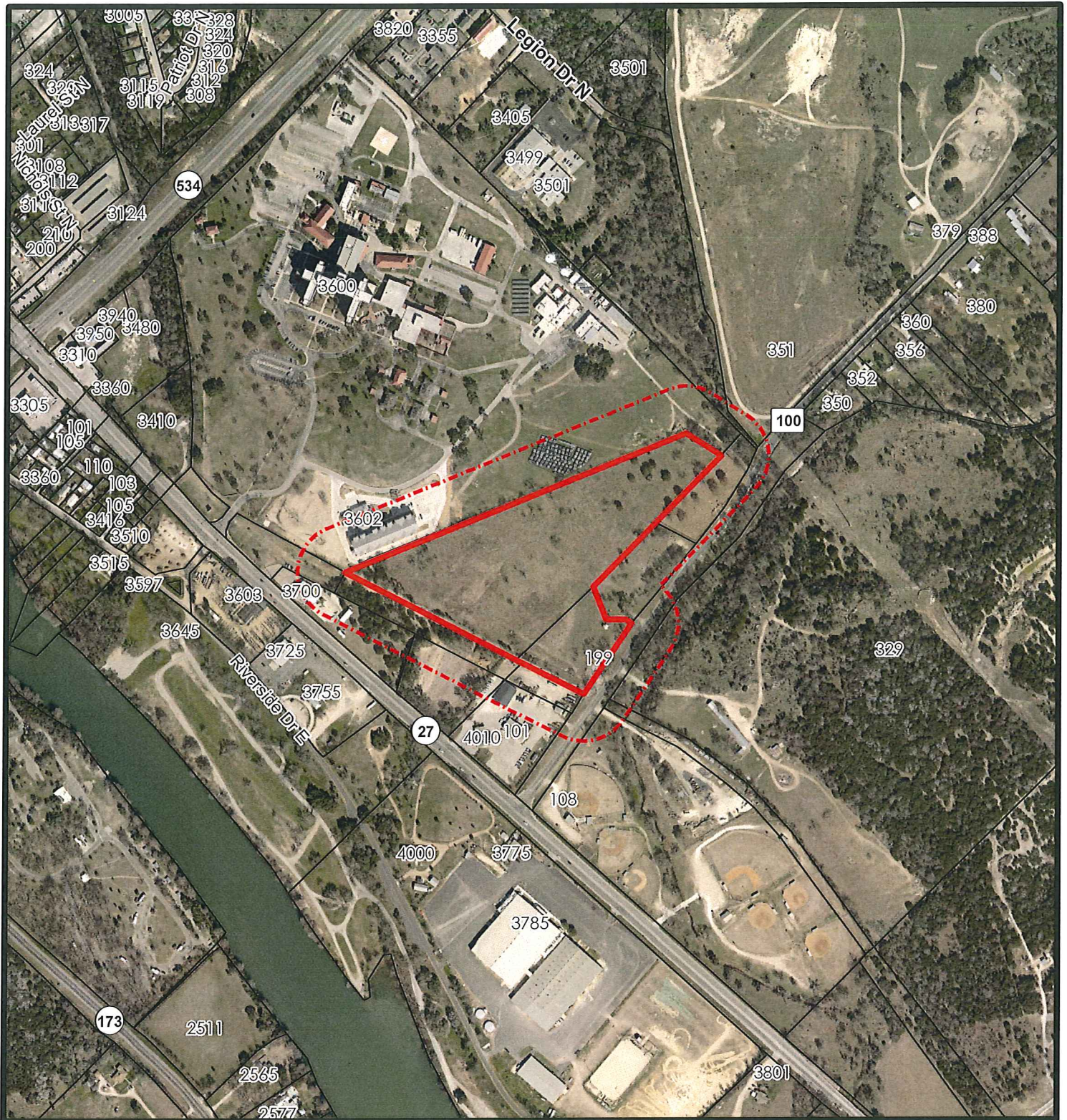
THENCE N. 57 deg. W. 28 feet to a fence corner post, and an iron stake, for a corner of the Brown Cemetery;

THENCE with cemetery fence line West 83.3 feet to a fence corner post and iron stake, which corner is in or near the common line between original Surveys Nos. 110 and 111;

THENCE with cemetery fence line N. 21 deg. 30' W. 149.8 feet to a corner fence post and iron stake;

THENCE with cemetery fence N. 44 deg. 30' E. at 368.5 feet passing a fence post and iron stake marking the North corner of the present Brown Cemetery and being the West corner of the United States Government Cemetery, and a total distance of 773.8 feet to the PLACE OF BEGINNING, and containing in all 15.51 acres of land, more or less.





## Location Map

Case # 2019-090

Location:  
199 Spur 100

### Legend

200' Notification Area  
Subject Properties



0 200 400 800

Scale In Feet