

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, DECEMBER 08, 2020, 6:00 P.M.

CAILLOUX CITY CENTER

910 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



CITY COUNCIL MEETING AGENDA

DECEMBER 08, 2020, 6:00 PM

CAILLOUX CITY CENTER, 910 MAIN STREET, KERRVILLE, TX



Council Meeting Procedures during the Disaster Declaration and Citizen/Public Participation Guidelines

COVID-19 (Coronavirus) provides a unique concern in that gathering members of the public, City Council, and City staff within a physical setting constitutes a public health risk. On March 16, 2020, the Texas Governor suspended certain requirements of the Open Meetings Act to permit open meetings to occur in a fully virtual setting (telephonic/videoconference). The City Council will conduct the December 08, 2020 City Council meeting as an open public meeting. In an effort to avoid and mitigate health risks and due to limited occupancy levels in Council Chambers, City Council will convene the December 08, 2020 meeting at the Cailloux City Center, 910 Main Street.

Standard safety protocol will be observed by City Council, City staff, and citizens/visitors attending the City Council meeting at the Cailloux City Center. When entering the Cailloux City Center you will be required to sanitize hands and wear a mask. Your temperature will be taken at a temperature station with a thermal digital thermometer before entering the theater. Any persons with a temperature of 100.2 or above will not be allowed entry. Masks are required at all times in the Cailloux City Center. The public podium will be sanitized between each public speaker. Six-foot distance seating will be observed, and open seating will be designated.

Citizens wishing to speak shall submit a completed "speaker request form" to the City Secretary before City Council meeting is called to order, definitely before the item is called or read into record. Each speaker is limited to four minutes.

The Zoom platform will also be active during this meeting.

Instructions for Zoom callers: Dial the toll free numbers: **1-800-832-5611**. If the toll free number is not functioning, call the Zoom alternative back-up numbers **1-346-248-7799** or **1-669-900-6833**.

When your call is answered you will hear "**Welcome to Zoom, enter your Meeting ID followed by pound**". Enter in the Meeting ID below followed by the pound sign (#), when prompted enter the passcode.

The Meeting ID is **986 3432 8137#**. The passcode is **867904**.

Once you have called into the meeting, your microphone will be placed on mute and your call will be placed in the call queue. At this point, you will hear silence on the phone. Do not hang up. The moderator will unmute your microphone as he/she is going down the list. Once the meeting has started, you will be able to listen to proceedings even if your microphone is muted.

The Zoom moderator will be accepting calls starting at 5:00 p.m. Place your call before 5:45 p.m. in order to register with the Zoom moderator and participate. You will be queued to speak. Any calls made after the 5:45 p.m. deadline will not be answered, and microphones will be kept muted. Each speaker is limited to four minutes.

NOTE: Zoom is a third party vendor which provides the ability for remote participation. Software changes may be beyond what the City can control. If the City is notified of any issues from the third party vendor, the City will notify citizens and provide alternatives for engagement and participation.

Instructions for written comments:

Written comments will be accepted for any agenda items, including Public Hearings. You are required to provide your first and last name, address, and identify the item you wish to comment on. All information must be provided in order for your comments to be read into record. Written comments can be provided two different ways:

- **OPTION 1 by hard copy** – Comments may be dropped off at the City Hall Utility Payments Drop-Box on the north side of City Hall by 4:00 p.m. the afternoon of the Council meeting.
- **OPTION 2 by email** - Comments may be emailed to shelley.mcelhannon@kerrvilletx.gov and must be received by 4:00 p.m. the afternoon of the Council meeting. In addition, anyone may email Councilmembers via their City email addresses as specified on the City's website.

Citizens may view and hear the City Council meetings on Spectrum Channel 2 or by live-streaming via the City's website (www.kerrvilletx.gov). City Council meetings are recorded and the recordings are posted on the City's website. Thank you for your participation!



**CITY COUNCIL MEETING AGENDA
DECEMBER 08, 2020, 6:00 PM
CAILLOUX CITY CENTER, 910 MAIN STREET,
KERRVILLE, TX**



CALL TO ORDER:

Call to order by Mayor Bill Blackburn.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Led by Councilmember Place 2 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. Kerrville Kindness award.

Attachments:

[20201208_Kerrville Kindness Award_12-8 Utility Fund.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. 29-2020. A Resolution ordering that a General Election be held on May 1, 2021, for the election of Councilmember Place 1 and Councilmember Place 2; establishing the dates and times for early voting for such election; appointing election judges; and providing other matters related to subject.

Attachments:

[20201208_Resolution_29-2020 Ordering General Election May 1 2021 for CM1 and CM2.pdf](#)

4.B. A Joint Election Agreement between the City of Kerrville and Kerr County for the May 1, 2021 City General Election.

Attachments:

[20201208_Contract 2020-77 City of Kerrville - Kerr County Joint Election Agreement.pdf](#)

4.C. City's Participation in TxDOT's Adopt a Highway Program and approval of agreement.

Attachments:

[20201208_Application_Letter w app to TxDOT_111320.pdf](#)

[20201208_Guidelines_TxDOT adopt a Highway.pdf](#)



KERRVILLE 4.D. Purchase and remount of one (1) Type 1 Ambulance from Mac Haik Dodge Chrysler Jeep (quote from BuyBoard), at a price not to exceed \$175,025.

Attachments:

[20201208_Quote_Ambulance Kerrville_BuyBoard Q1849-1.pdf](#)



KERRVILLE 4.E. Purchase of three servers for replacement of the City's datacenter virtual hosts in the amount of \$95,000 from C.D.W.G utilizing the National IPA Technology Solution Contract 2018011-01.

Attachments:

[20201120_Proposal_Dell VxRails.pdf](#)

4.F. Approval to move more than 5% of the Airport Board Budget from Fund Balance to Capital, requested by Airport Manager Mary Rohrer.

Attachments:

[20201208_Letters_Airport Board Emergency Expenditure.pdf](#)

4.G. Minutes for the City Council meeting held November 10, 2020.

Attachments:

[20201208_Minutes_Council regular meeting 11-10-20.pdf](#)

4.H. Minutes for the City Council Canvassing of the Election held November 17, 2020.

Attachments:

[20201208_Minutes_Council meeting Canvass of Election 11-17-20.pdf](#)

END OF CONSENT AGENDA

5 PUBLIC HEARINGS AND RESOLUTIONS:

5.A. Resolution No. 28-2020. A Resolution granting a conditional use permit to authorize a short-term rental unit on properties consisting of approximately 0.97 acres out of the Samuel Wallace Survey No. 112, Abstract No. 360; more commonly known as 3030 Riverside Drive; said properties are located within an R-1 Single Family Zoning District; and making said permits subject to certain conditions and restrictions contained herein.

Attachments:

[20201208_Resolution_28-2020 CUP short-term rental 3030 Riverside Drive.pdf](#)

6 PUBLIC HEARING AND ORDINANCES, FIRST READING:



6.A. Ordinance No. 2020-26. An Ordinance annexing an approximate 5.00 acre tract of land known as 5275 Highway 27 into the City's corporate limits; adopting a service plan for the property annexed; establishing the zoning for the property and an adjacent property known as 100 Airport Commerce Parkway E. as an Industrial and Manufacturing Zoning District (IM).

Attachments:

[20201208_Ordinance_2020-26 Annexing 5275 State Highway 27 and 100 Airport Commerce Parkway E.pdf](#)

6.B. Ordinance No. 2020-27. An Ordinance amending Ordinance No. 2003-16, which created a Planned Development District (PDD) for the property known as 401 W. Water Street; by adding Tattoo Shop as an authorized use for the property.

Attachments:

[20201208_Ordinance_2020-27 Zoning Change 401 W Water St.pdf](#)

[20201208_LocationMap_401 W Water St.pdf](#)

7 ORDINANCES, SECOND READING:

7.A. Ordinance No. 2020-23, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, the City's Zoning Code by changing the zoning of a portion of the property generally located east of and adjacent to State Highway 16 South, south of Riverhill Boulevard, and comprising approximately 172.56 acres, said property's zoning previously amended by Ordinance No. 2020-03; from a Medium Density Residential Zoning District (R-2) to a Residential Estate Zoning District (RE); and amending the Comprehensive Plan (Kerrville 2050) to make it consistent with such amendment.

Attachments:

[20201208_Ordinance_2020-23 Zoning Change 2601 Medina Hwy Vintage Heights property - second reading.pdf](#)



7.B. Ordinance No. 2020-24, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, the City's Zoning Code; by changing the zoning of the property known as 1421 Junction Highway (SH 27); from being part of a planned development district established by Ordinance No. 2004-19, to a Light Commercial Zoning District (C-2).

Attachments:

[20201208_Ordinance_2020-24 Zoning Change 1421 Junction Hwy - second reading.pdf](#)

7.C. Ordinance No. 2020-25, second reading. An Ordinance amending the City's Fiscal Year 2020 and Fiscal Year 2021 budgets to account for the transfer of excess funds, the receipt of additional revenue, and to make other amendments as provided herein.

Attachments:

[20201208_Ordinance_2020-25 Amending Citys FY2020 and FY2021 budgets - second reading.pdf](#)

[20201208_Ordinance_Financial Presentation.pdf](#)

8 INFORMATION & DISCUSSION:

8.A. Briefing and possible action as to the City's ongoing preparedness and response to COVID-19 (Coronavirus).

8.B. Declaration of local state of disaster due to a public health emergency, March 20, 2020.

Attachments:

[20200922_Resolution_16-2020 Extending Mayor's Disaster Declaration Covid-19 7-28-20.pdf](#)

9 ITEMS FOR FUTURE AGENDAS:

City Council may suggest items or topics for future agendas.

10 BOARD APPOINTMENTS:

10.A. Appoint members to the Food Service Advisory Committee.

Attachments:

[20201110_Food Service Advisory Board 9-14-20.pdf](#)

10.B. Appoint members to the Planning & Zoning Commission. (This item is eligible for discussion in Executive Session 551.074).

Attachments:

[20201208_Board Roster_Planning & Zoning 9-2020.pdf](#)



10.C. Appoint members to the Senior Services Advisory Committee.

Attachments:

[20200922_Board Appt_Senior Services Advisory Committee.pdf](#)

10.D.Appoint members to the Zoning Board of Adjustment. (This item is eligible for discussion in Executive Session 551.074)

Attachments:

[20200908_Roster_ZBA.pdf](#)

10.E.Appointment of Councilmember to the Kerrville Economic Development Corporation Board. (This item is eligible for discussion in Executive Session 551.074).

10.F.Appointment of Mayor Pro Tem. (This item is eligible for discussion in Executive Session 551.074).

11 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.

 11.A.6th Amendment to the Development Agreement with Comanche Trace (551.071, 551.072, 551.087).

 11.B. Chapter 380 Economic Development Agreement with D&V Development, LLC., for the development of a Marriott Springhill Suites in the downtown area located near Water Street and Spring Street (551.071, 551.072, 551.087).

 11.C. Development and Management Agreement with the Heart of the Hills Heritage Center, Inc. for use of the City's property located at 529 Water Street (551.071 and 551.072).

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

ADJOURN.



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

SUBJECT: Kerrville Kindness award.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Sep 14, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20201208_Kerrville Kindness Award_12-8 Utility Fund.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

A citizen or entity who has impacted the City of Kerrville in a positive way.

Recipient: Utility Relief Fund.

RECOMMENDED ACTION:

Announce recipient.



CITY OF KERRVILLE

recognizes

THE KERRVILLE KINDNESS UTILITY FUND

with the December 8, 2020

KERRVILLE KINDNESS AWARD

In the spring of 2020, a group of citizens united to establish the Kerrville Kindness Utility Fund through the Community Foundation of the Texas Hill Country. The fund received donations from 52 households and 7 companies or foundations totaling \$20,265. This money was used to pay city utility bills for 245 Kerrville citizens experiencing financial hardship due to COVID-19. The fund paid bills based on established need criteria and did not require citizens to apply for the aid. Instead, a payment from the fund just appeared on each utility account as an unexpected, freely given gift. The Kerrville Kindness Utility Fund exemplifies the true spirit of Kerrville Kindness, and we wish to recognize this compassionate community initiative.

Mayor Bill Blackburn

Councilmember Gary Cochrane

Councilmember Kim Clarkson

Councilmember Judy Eychner

Councilmember Brenda Hughes



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

SUBJECT: Resolution No. 29-2020. A Resolution ordering that a General Election be held on May 1, 2021, for the election of Councilmember Place 1 and Councilmember Place 2; establishing the dates and times for early voting for such election; appointing election judges; and providing other matters related to subject.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Sep 15, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20201208_Resolution_29-2020 Ordering General Election May 1 2021 for CM1 and CM2.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Resolution to order a General Election to be held Saturday, May 1, 2021. Electing Councilmember Place 1 and Councilmember Place 2.

The period for filing an application for place on the ballot is January 13, 2021 through February 12, 2021.

The City Secretary recommends the following:

1. Early voting be held at the Cailloux City Center, 910 Main Street as follows:

April 19, 2021 and April 20, 2021: 7:00 a.m. to 7:00 p.m.

April 21, 2021 through April 23, 2021: 8:00 a.m. to 5:00 p.m.

April 26, 2021 and April 27, 2021: 8:00 a.m. to 5:00 p.m.

2. Election Day is Saturday, May 01, 2021: 7:00 a.m. to 7:00 p.m. at the Cailloux City Center, 910 Main Street.

3. Bob Reeves, Kerr County Tax Assessor/Collector is appointed Early Voting Clerk; and applications for ballot by mail be addressed to Bob Reeves, Attn Early Voting Clerk, Kerr County Courthouse, 700 Main Street. Applications for ballot by mail must be received no later than April 20, 2021 at 4:30 p.m.

4. The Election Judge and officers for the polling place and the Early Voting Ballot Board shall be appointed in accordance with the provisions of the joint election agreement for the conducting of the election on the aforesaid election date with Kerr County.

5. Official canvass of the election be held Tuesday, May 11, 2021.

RECOMMENDED ACTION:

Approve Resolution No. 29-2020.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 29-2020**

A RESOLUTION ORDERING THAT A GENERAL ELECTION BE HELD ON MAY 1, 2021, FOR THE ELECTION OF COUNCILMEMBER PLACE 1 AND COUNCILMEMBER PLACE 2; ESTABLISHING THE DATES AND TIMES FOR EARLY VOTING FOR SUCH ELECTION; APPOINTING ELECTION JUDGES; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, Section 2.03 of the City Charter establishes a two-year term of office for each Councilmember, and until a successor is elected; and

WHEREAS, the term of office for Councilmember Place One and Councilmember Place Two will expire in May 2021; and

WHEREAS, City Council finds it to be in the public interest to call a general election to be held on May 1, 2021, for the election of persons to the offices of Councilmember Place One and Councilmember Place Two; and

WHEREAS, the City shall conduct the election pursuant to the provisions of the Texas Election Code and as established in a joint election agreement for election services with the Kerr County Elections Officer;

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

SECTION ONE. The findings above are hereby found to be true and correct.

SECTION TWO. City Council orders that a general election be held within the City of Kerrville, Texas, on Saturday, the 1st day of May 2021, for the purpose of electing persons to the offices of Councilmember Place One and Councilmember Place Two for the City of Kerrville, Texas.

SECTION THREE. City Council orders that the municipal polling place for such election will be the Kathleen C. Cailloux City Center of the Performing Arts, 910 Main Street, Kerrville, Texas, 78028.

SECTION FOUR. On Election Day, May 1, 2021, the polls shall be open from 7:00 AM to 7:00 PM. Early voting by personal appearance shall be conducted at the Kathleen C. Cailloux City Center of the Performing Arts, 910 Main Street, Kerrville, Texas, 78028, April 19 through April 27 as follows:

- **Monday, April 19, 2021:** 7:00 AM to 7:00 PM
- **Tuesday, April 20, 2021:** 7:00 AM to 7:00 PM

- **Wednesday, April 21, 2021, through Friday, 23, 2021:** 8:00 AM to 5:00 PM
- **Monday, April 26, 2021:** 8:00 AM to 5:00 PM; and
- **Tuesday, April 27, 2021:** 8:00 AM to 5:00 PM

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board shall be appointed and designated in accordance with the provisions of the joint election agreement between the City and the Kerr County Elections Officer.

SECTION FIVE. Qualified persons may file for a place on the ballot by filing an application in the Office of the City Secretary during regular business hours from 8:00 AM to 5:00 PM each weekday, beginning Wednesday, January 13, 2021, and continuing until 5:00 PM on Friday, February 12, 2021.

SECTION SIX. The Kerr County Elections Officer, Bob Reeves, 700 Main Street, Kerrville, Texas, 78028 is hereby appointed as Early Voting Clerk; and Shelley McElhannon, City of Kerrville City Secretary, 701 Main Street, Kerrville, Texas, 78028, shall serve as the Deputy Early Voting Clerk. Applications for ballot by mail must be received by mail no later than the close of business on Monday, April 20, 2021, at the following Mailing Address: Bob Reeves, 700 Main Street, Kerrville, Texas, 78028; *Attn:* Early Voting Clerk.

SECTION SEVEN. All resident qualified electors of the City shall be permitted to vote at said election. This election shall be held and conducted in accordance with the aforesaid joint election agreement, election laws of the Texas Election Code, the Federal Voting Rights Act of 1965, as amended, the Charter of the City of Kerrville, and as may be required by law. All election materials and proceedings shall be printed in both English and Spanish. Kerr County will utilize its voting equipment for this election.

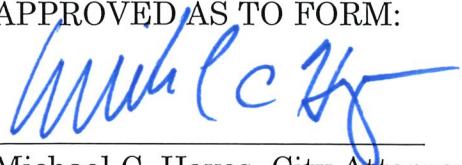
SECTION EIGHT. The Election Judge and officers for the polling place and the Early Voting Ballot Board shall be appointed in accordance with the provisions of the joint election agreement for the conducting of the election on the aforesaid election date with Kerr County.

SECTION NINE. City Council will conduct the official canvass of the election at a special meeting on Tuesday, May 11, 2021, in the Council Chambers, City Hall, 701 Main Street, Kerrville, Texas.

PASSED AND APPROVED ON this the _____ day of _____ A.D.,
2020.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



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

SUBJECT: A Joint Election Agreement between the City of Kerrville and Kerr County for the May 1, 2021 City General Election.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Sep 15, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20201208_Contract 2020-77 City of Kerrville - Kerr County Joint Election Agreement.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
9,085.15	9,085.15	9,085.15	01-0102-4920

PAYMENT TO BE MADE TO: Kerr County Tax Assessor/Collector

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

SUMMARY STATEMENT:

The City of Kerrville will reimburse Kerr County for the actual expenses attributable to the cost of the City Election, rental of equipment and supplies, plus 10% of the cost incurred, and a \$50.00 administrative fee. The agreement is the same as in previous years.

Note: the attachment to the agreement is an estimate only and election cost may vary. The County Elections Office will inform the City Secretary prior to purchasing additional ballots, hiring additional workers, or any adjustments that may significantly increase the cost estimate.

RECOMMENDED ACTION:

Approve Agreement.

**THE STATE OF TEXAS
COUNTY OF KERR**

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

THIS AGREEMENT is made and entered into by and between Bob Reeves Tax Assessor/Collector (or designated employee) on behalf of Kerr County, Texas duly constituted and acting as County Elections Officer and the City of Kerrville by and through Bill Blackburn, its Mayor, hereinafter referred to as “CITY OF KERRVILLE” and by authority of Section 31.092, Vernon’s Texas Civil Statutes, Election Code for conducting and supervision of the election for the CITY OF KERRVILLE in conjunction with the Election.

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

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

I. DUTIES AND SERVICES OF KERR COUNTY

Bob Reeves Tax Assessor/Collector (or designated employee) agrees to coordinate, supervise, and handle all aspects in administering the CITY OF KERRVILLE election in accordance with the provisions of the Texas Election Code and as outlined in this Agreement. Said election is scheduled to occur on May 1, 2021, to include early election dates and times required by state law. Should the City reschedule the election pursuant to state law, order, or otherwise, this Agreement shall remain valid for the rescheduled date, to include early voting, unless terminated by Bob Reeves, Tax Assessor/Collector (or designated employee).

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

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

Election Contract – CITY OF KERRVILLE

- c. Procure, prepare, proof, and distribute ballots.
- d. Procure, prepare, and distribute election judges' kits.
- e. Arrange for the use and compensation of polling locations.
- f. Use Optical scanning Verity Scan (Version Number 2.02) and DAU Verity Touch w/Access (Version Number 2.0.3 for counting of ballots as certified by the Secretary of State to comply with election laws (to include the Help America Vote Act or "HAVA") for early voting and election day.
- g. Assemble the list of registered voters to be used in conducting the election in conformity with the election precincts established for the election.
- h. Publish the legal notice of the date, time and place of the testing of the electronic tabulation equipment and conduct such testing.
- i. Supervise the handling and disposition of election returns, voted ballots, etc., and tabulate unofficial returns and assist in preparing the tabulation for the official canvass.
- j. Bob Reeves, Tax Assessor/Collector (or designated employee) will prepare the unofficial tabulation report after all precincts have been counted, and will provide a copy of the report to the CITY OF KERRVILLE as soon as possible after all returns have been tabulated, but in no event later than 2:00 p.m. on the 10th day following the election. CITY OF KERRVILLE will be responsible for the official canvass of its General Election.
- k. All early voting ballots (those cast by mail and those cast by personal appearance) will be prepared for counting by an Early Voting Ballot Board.
- l. Handle all aspects of Early Voting including those voting by mail.
- m. Prepare the results of the election for CITY OF KERRVILLE to conduct its own canvass of the election as prescribed by law.
- n. Provide at no cost for the storage of all election records as provided by law
- o. As the general custodian of election records shall conduct a criminal background check for relevant election officials, staff, and temporary workers upon hiring.
- p. will ensure that Hart Intercivic certifies that a criminal background check on all employees, including temporary employees that may program, test, perform maintenance, transport equipment, or perform technical support on the voting system equipment for KERR COUNTY has been performed. The Company has determined there are no findings that would prevent the employees from performing their assigned duties.

II. DUTIES AND SERVICES OF CITY OF KERRVILLE

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

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

III. PAYMENT FOR SERVICES

- a. CITY OF KERRVILLE shall pay to Kerr County the actual expenses directly attributable to the Contract including ten percent (10%) of the budget cost for Election Service Contract Fee pursuant to the Texas Election Code, Section 31.100

Election Contract – CITY OF KERRVILLE

and the administrative fee of \$50.00 per election. (See attached Estimated Cost Sheet.)

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

IN WITNESS WHERE OF, the parties hereto have made and entered into this agreement this _____ day of December, 2020.

Bob Reeves, Tax Assessor/Collector
Or Designated Employee
Kerr County, Texas

Bill Blackburn, Mayor
City of Kerrville, Texas



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

SUBJECT: City's Participation in TxDOT's Adopt a Highway Program and approval of agreement.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Dec 02, 2020

SUBMITTED BY: Mike Hayes

EXHIBITS: [20201208_Application_Letter w app to TxDOT_111320.pdf](#)
[20201208_Guidelines_TxDOT adopt a Highway.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

In January 2020, City employees created the Make a Difference Committee, which is made up of employees selected by department directors. The Committee's purpose is to seek different ways and events for which employees could volunteer their time. Some of these events include City-created or sponsored events but most consist of activities held by third parties and local nonprofits.

Through the Committee's notices and encouragement, City employees have participated in food drives, UGRA's River Clean-up, blood drives, and Thanksgiving activities held by the Salvation Army's Kroc Center. The Committee is now seeking for the City, through the volunteer efforts of its employees, to participate in the Texas Department of Transportation's Adopt-a-Highway Program. Under this program, an entity, if approved, essentially "adopts" a two-mile stretch of state highway for litter pick-up. The program requires the entity to conduct a litter pick-up four different times per year and to coordinate with TxDOT as to TxDOT's supply of trash bags, signs, and safety vests. To participate,

City employees will volunteer during their off-hours and sign a waiver of liability, as they will not be acting as City employees and thus, would not be covered by the City's insurance.

Based upon current availability, the Committee has selected a two-mile portion of Thompson Drive (State HWY Spur 98), which begins at its intersection with State Highway 16, continues west, and runs along a portion of Louise Hays Park. Should Council approve the agreement with TxDOT, TxDOT requires that the City commit to at least two years. Part of the reason for this is that upon approval, TxDOT will post signs along the highway which specify that City employees are participating in the program. The Committee anticipates that the 1st litter pick up will be held in January 2021.

RECOMMENDED ACTION:

Approve the TxDOT Adopt-a-Highway Program Agreement.



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

Via Email (melanie.mcbride@txdot.gov)

Ms. Melanie McBride
TxDOT San Antonio District
Utility Permit, Adopt a Highway &
Oversized/Overweight Coordinator
4615 NW LP 410
San Antonio, TX 78229

Re: Application for Participation – Adopt-a-Highway Program

Dear Ms. McBride:

Please find attached a completed application for participation in the Adopt-a-Highway Program. The City is excited about this opportunity and the chance to serve this community. As I mentioned, this application is subject to our City Council's approval at its Dec. 8, 2020 meeting, though they have been informed about this program and the City's participation. Once Council takes action, I will confirm with you.

Should you have any questions or if we need to submit anything else, please let me know. Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Michael C. Hayes".

Michael C. Hayes
City Attorney

C: Mark McDaniel, City Manager
E.A. Hoppe, Deputy City Manager
Make a Difference Committee



ADOPT-A-HIGHWAY PROGRAM APPLICATION FOR PARTICIPATION

Form 2221
(Rev. 2/19)
Page 1 of 2

The Texas Department of Transportation will work with the adopting group to determine the specific section of state highway right of way to be adopted. The Department may consider such factors as width of right of way, geometrics, congestion and sight distance of roadways in determining what sections of highway shall be eligible for adoption. Please read Page 2 for the Adopt-a-Highway program guidelines.

CITY OF KERRVILLE (Name of organization)	11/10/20 (Date of application)
701 MAIN STREET (Street address)	KERR (County)
KERRVILLE, 78028 (City, Zip Code)	10 (Est. No. People Participating in Each Clean-up)
MIKE HAYES (Name of authorized representative)	mike.hayes@kerrvilletx.gov Authorized Representative's E-mail Address
701 MAIN STREET (Street address)	830-258-1115 (Day phone number)
KERRVILLE, 78028 (City, Zip Code)	830-890-1350 (Evening phone number)
EA HOPPE (Printed name of alternate representative)	ea.hoppe@kerrvilletx.gov Alternate Representative's E-mail Address
701 MAIN STREET (Street address)	830-258-1106 (Day phone number)
KERRVILLE, 78028 (City, Zip Code)	

Highway section you are interested in adopting:

2 MILE SECTION ON SPUR 98 (THOMPSON DRIVE), STARTING AT SH16 AND WEST TO JAMES ROAD

If you would prefer to mail in this application, please print this document by clicking
the "Print Form" button at left and send this document to Catherine Cromer,
125 E. 11th Street, Austin, TX, 78701.

Apply online at www.txdot.gov.

We thank you for your time, participation and cooperation.



Adopt-A-Highway Program New Agreement

Form 2346
(Rev. 9/19)
Page 1 of 4

ID #: _____

Office Use Only Agreement ID#: _____

Name: CITY OF KERRVILLE

Location: SPUR 98, BETWEEN SH16 AND JAMES ROAD

Agreement Start Date: _____ Agreement End Date: _____

Length of adopted section: 2 miles Cleaning cycle for adopted section: 4 times per year

TxDOT Contact: _____ Phone: _____

The Texas Department of Transportation (Department) and (Group) recognize the need and desirability of litter-free highways and are entering into this Agreement to permit the Group to contribute toward the effort of maintaining litter-free highways through the Adopt-A-Highway Program.

By signature below, the Group and its members, both jointly and severally, acknowledges the hazardous nature of the work and agree, both jointly and severally, to the following terms and conditions:

- Participants in the Group agree to abide by all laws and regulations relating to safety and such other terms and conditions as may be required by the District Engineer for special conditions on a particular adopted section.
- Program participants must agree to hold the department harmless and agree not to hold the department responsible for any injuries that they may suffer or damages they may cause or suffer as a result of participation in the Program.
- If the Group wishes to perform a clean-up before the official Program signs are erected, the Group must receive approval from the District and display TxDOT-issued safety signs.
- The Group must be incorporated, or at least one member of the Group must reside, in the county or county adjacent to the county in which the adopted section is located.
- When any participants are 15 years of age or younger, the Group will furnish adequate supervision during cleanups by one or more adults, with at least one adult for every three children ages seven to fourteen years of age. Children under the age of seven may not participate in the program.
- The Group will conduct at least one safety meeting per year. Participants must attend a safety meeting conducted by the Group before participating in a cleanup.
- Participants must watch the Adopt-a-Highway Safety Video before participating in a cleanup of the adopted section.
- The Group will pick up litter a minimum of 4 times per year at approximately quarterly intervals and at such additional times as required by the District Engineer. It is desired that one of these pickups occur during the Department's annual Don't Mess With Texas Trash-Off event.
- The Group will not subcontract or assign its responsibilities to any other group, organization or enterprise without the express written authorization of the Department.
- The Group will appoint or select an authorized representative and alternate to serve as spokesperson for the group.
- The Group will obtain required supplies and materials from the Department during regular business hours.
- Assure that traffic control signs are open during a cleanup and returned to the closed position (or removed in the case of a detachable sign) after the cleanup.
- Individuals will wear Department-furnished safety vests during the trash cleanup.
- The Group will be responsible for placing litter in trash bags furnished by the Department, placing filled trash bags at the sign base, and contacting the area maintenance office the first working day after cleanup.
- All clean-ups must be reported to the department. Unreported clean-ups may result in cancellation of the Agreement and removal of signs.
- Unused materials and supplies furnished by the Department will be returned to the Department within one week following each cleanup. The Group is responsible for TxDOT-issued materials. The Group will be required to reimburse the department for lost or stolen materials.
- The Group will neither possess nor consume alcoholic beverages or illegal drugs while on the adopted section.
- Groups that perform or participate in illegal acts may be removed from the Program.
- The Group will maintain a first-aid kit and adequate drinking water while on the adopted section.
- The Group will have the option of renewing the agreement subject to the approval of the District Engineer and continuation by the Department of the Adopt-a-Highway Program.
- School or College Groups will provide a faculty or staff spokesperson contact information in addition to their authorized representatives.
- Correctional or probationary groups that include inmates, defendants or individuals on probation may not participate in the Program. The Program is a volunteer program and individuals cannot participate as a mandatory service requirement.

The Group acknowledges that the Department is generally prohibited by law from expending any funds, directly or indirectly, for the purpose of influencing the outcome of any election or the passage or defeat of any legislation.

The Group must comply with state laws prohibiting discrimination based on race, religion, color, age sex, national origin and other applicable laws.

The Group agrees if any actions by the Group relative to the performance of this agreement are determined to be contrary to any legislative restrictions or any restrictions on the use of appropriated funds for political activities, the Department, at its sole discretion will take any and all necessary remedial actions, including, but not limited to, the removal of signs displaying the Group's name or acronym.

If the Group requests a name change to the sign after it has been produced, the Group is responsible for payment of the replacement sign.

If the department undertakes a construction project on an adopted section, the group may suspend its agreement or choose a new section to adopt for duration of the construction project.

The Department agrees to accomplish the following:

- Erect a 4' x 4' sign at each end of the adopted section with the Group's name or acronym displayed.
- Provide fold-down traffic control signs, safety vests, trash bags and safety literature.
- After notification from the group, remove the filled trash bags after the cleanup.

If in its sole judgement the Department determines that the Group is not meeting the terms and conditions of the agreement, the Department may terminate the agreement and remove the signs.

This agreement may be modified in any manner at the sole discretion of the Department. The Department reserves the right to terminate or revise the Program at any time and for any reason at the sole discretion of the Department and the Texas Transportation Commission.

The Department and Group both recognize and agree that in no event, shall the Department have the right to control the Group in performing the details of picking up litter from the section of highway adopted by the Group, and, in picking up litter, the Group shall act as an independent contractor.

Litter Pick-Up Schedule

Required Number of Pickups Per Year: 4

Year:	Year:	Year:
January	January	January
February	February	February
March	March	March
April: Trash-Off	April: Trash-Off	April: Trash-Off
May	May	May
June	June	June
July	July	July
August	August	August
September	September	September
October	October	October
November	November	November
December	December	December

Additionally, it is desired that the Group participate in the "Don't Mess With Texas" Annual Trash-Off Event held every April.

Primary Spokesperson for Group:

Please correct and complete any missing information.

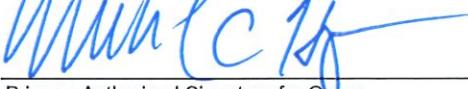
Name: MIKE HAYES

Group: CITY OF KERRVILLE

Address: 701 MAIN STREET

City: KERRVILLE Zip: 78028

Phone: 830-258-1115 E-mail: mike.hayes@kerrvilletx.gov



Primary Authorized Signature for Group

Date: 11/10/20

Alternate Spokesperson for Group:

Please correct and complete any missing information.

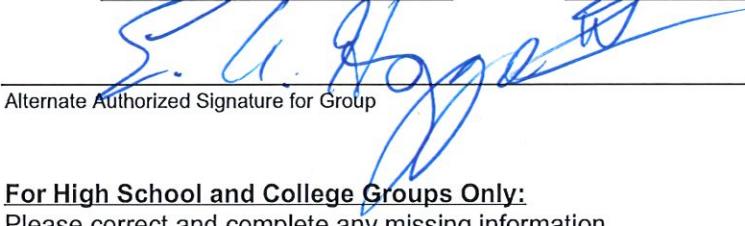
Name: EA HOPPE

Group: CITY OF KERRVILLE

Address: 701 MAIN STREET

City: KERRVILLE Zip: 78028

Phone: 830-258-1106 E-mail: ea.hoppe@kerrvilletx.gov



Alternate Authorized Signature for Group

Date: 11/13/2020

For High School and College Groups Only:

Please correct and complete any missing information.

Faculty/Staff Spokesperson for the Group: _____

Name: _____

Group: _____

Address: _____

City: _____ Zip: _____

Phone: _____ E-mail: _____

Date: _____

Alternate Authorized Signature for Group

Date: _____

District Representative Signature

Once the agreement has been signed and the sign design mutually agreed-upon, the Department will erect the Group's signs.

TxDOT will provide each group a 48" x 48" sign at each end of the adopted section. The Group may have their name or acronym on the sign; up to 3 lines of no more than 11 characters per line, or 4 lines no more than 13 characters per line.

Detailed sign requirements are found in the Adopt-a-Highway Eligibility and Sign Guidelines and in the Standard Highway Sign Designs for Texas (SHSD) Manual at www.txdot.gov.

In Memory signs are reserved for those who have passed away due to a motor vehicle accident on the state highway system. The sign may include "In Memory of" and the individual's name.

Private businesses and nonprofits, civic, government, and school groups must use their official organization name. Any business or commercial group must include "Members," "Employees," "Volunteers," or an equivalent on their sign.

ADOPT A HIGHWAY NEXT (2) MILES

Line 1

C	I	T	Y		O	F						
1	2	3	4	5	6	7	8	9	10	11	12	13

Line 2

K	E	R	R	V	I	L	L	E				
1	2	3	4	5	6	7	8	9	10	11	12	13

Line 3

E	M	P	L	O	Y	E	E	S				
1	2	3	4	5	6	7	8	9	10	11	12	13





Adopt-a-Highway Eligibility and Signage Guidelines

Adopt-a-Highway signs are a form of acknowledgment for the service volunteers provide in litter-pick up on state maintained roadways. They are not and cannot be used for advertising. Signs that are determined to not be in the public interest will not be permitted in accordance with [Federal Highway Administration Policy](#).

The Texas Department of Transportation may deny a sign or group request to adopt a section of highway if, in its opinion, granting the request would jeopardize the program, be counterproductive to its purpose, or create a hazard to the safety of the traveling public. Highway safety is a principal concern in all decisions related to Adopt-a-Highway.

TxDOT will work with volunteers to determine official sign names based on TxDOT sign dimensions, character limit and verbiage guidelines. TxDOT may ask for name changes or abbreviations in order to fit within standard sign guidelines.

Eligibility

Groups must comply with state laws prohibiting discrimination based on race, religion, color, age, sex, national origin and other applicable laws.

Groups must have at least one volunteer located in the county or county adjacent to where the signs will be posted.

Groups that primarily sell or promote alcoholic beverages, tobacco products or sexually-orientated products or services are not eligible for Adopt-a-Highway

Groups that advocate or participate in violent activity or illegal acts are not eligible.

Groups that have participated in illegal acts are ineligible for Adopt-a-Highway.

Groups cannot advocate for a specific legislation, political activity, political cause or election. General political groups are eligible to adopt signs. Ex: County Republicans or County Democrats

Correctional or probationary groups that include inmates, defendants or individuals on probation are not eligible. AAH is a volunteer program and individuals cannot participate as a mandatory service requirement.

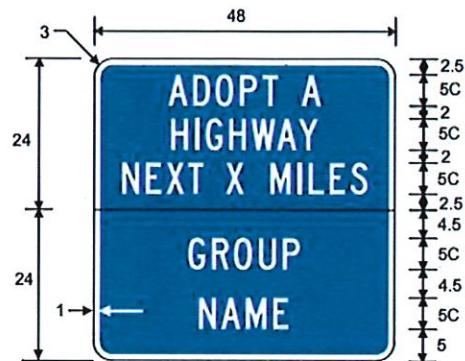
Groups may adopt a section of highway as a memorial to an individual who has died as a result of a motor vehicle accident on the state highway system



Sign Details

An Adopt-a-Highway sign will be placed at each end of the adopted section as long as the group's agreement is in good standing.

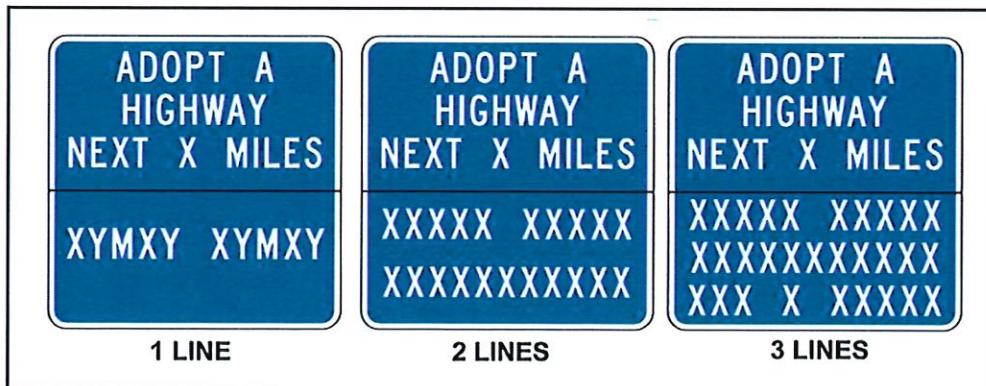
The top panel displays ADOPT A HIGHWAY NEXT X MILES while the bottom panel is removable and displays the group name. Signs have white text and border with a blue background and consist of two panels of equal size.



Sign Verbiage

Signs with up to 3 lines are restricted to the following:

- 5 inch font size
- No more than 11 characters
- Spaces count as characters
- No more than 2 spaces per line





Signs with 4 lines are restricted to the following:

- 4 inch font size
- No more than 13 characters
- Spaces count as characters
- No more than 2 spaces per line



Characters per line may vary based on letter width and sizing. Adopt-a-Highway coordinators will work with volunteers on length and positioning of group names.

General Verbiage Rules

- Standard English letters and numbers only. Exceptions are made for the following symbols: dashes, ampersands and apostrophes.
- No phrases or slogans
- No hashtags or social media or social media handles
- No websites or phone numbers
- No Greek letters
- No letter accents
- No logos or icons
- No directions or addresses
- No political/elected official or candidate names
- No appropriation or wordplay of political slogans or recognized groups.
- No wording that could be perceived as suggestive or controversial
- Acronyms may be used to fit into the sign character guidelines

Private Businesses

- Businesses must use the legal name of the business. TxDOT may ask for documents of proof such as business license, tax certificate, etc.
- Must include acknowledgment of volunteers by including verbiage such as "Volunteers", "Employees" on the sign
- Agents/Individual Business Names: Individual business names such as realtors, insurance agents, car dealers may include their name on the sign if it is an official business title.



Nonprofit and Civic Groups

- Groups with 501c and 501c3 status must use their official legal name
- Religious organizations must use the official group name or name of the organizations official place of worship
- Volunteer and Community Organizations must use their official group name
- Social Group names, such as motorcycle group, must match the name on official marketing or business materials.

Schools

- Schools must include official group name on signage
- Group may be asked to include school name for clarification purposes
- All school groups must provide a faculty/staff representative or other point of contact that will represent the group long-term.

Governmental entities

- Government entities must include the full legal agency name or abbreviation.
- Can include localized area or campus: Ex: TxDOT Austin District

Families and Individuals

- Individual adoptions must display the individual's first and last name
- Volunteers can include the word "family" after names if they would like to adopt as a family. Ex: The Hernandez Family
- No additional ambiguous phrases, descriptions or personalization's

In Memory

- Signs must include "In Memory of" and the individual's name
- If the sign is in memory of multiple individuals, sign design will be addressed on a case-by-case basis



ADOPT-A-HIGHWAY VOLUNTEER PROGRAM PARTICIPATION GUIDELINES

The following guidelines apply to the Texas Department of Transportation's (TxDOT) Adopt-a-Highway program (AAH):

- Participation in the volunteer program is open to members or employees of civic and nonprofit organizations; employees of private businesses and governmental entities; families; and individuals.
- A group must be located or reside in the county or county adjacent to the county in which the adopted section is located.
- The department may consider such factors as width of right of way, geometrics, congestion, and sight distance of roadways in determining what sections of highways shall be eligible for adoption. In no circumstance is a section of interstate highway eligible for adoption.
- Program participants must agree to hold the department harmless and agree not to hold the department responsible for any injuries that they may suffer or damages they may cause or suffer as a result of participation in the Program.
- An individual or group may adopt a section as a memorial to an individual who has died as a result of a motor vehicle accident. The adopting group must include family members of the individual in whose memory the section of highway is adopted. All applicable provisions for this program apply to memorial adoptions. Sign will include "In Memory of" and the name of the individual in whose memory the section is adopted, along with the name of the adopting group.
- Adopting groups and individuals must perform litter pickups willingly and without pay with no legal obligation or enforcement in order to be eligible to participate in the program.

Adopt-a-Highway sign name guidelines:

- Signs must state the group name or acronym
- Signs for businesses must include "members of," "employees of," or an equivalent to recognize the work of the volunteers
- Use "In Memory of" on memorial adoption signs for individuals who have died as a result of a collision on a Texas highway

Signs cannot:

- Include the full name or official title of an elected official
- Reflect group names that are directly or indirectly responsible for influencing the outcome of any election or legislation
- Include slogans, advertisements, phone numbers, website/email addresses or directions (unless it is the legal business name)
- Include logos or icons



The group will:

- Obey and abide by all laws and regulations relating to safety and such other terms and conditions as may be required by the District Engineer for special conditions on a particular adopted section.
- Adopt a section of roadway that is a minimum of two centerline miles in length for a minimum of two years, unless the District Engineer determines a shorter length is in the best interests of the Department.
- Pick up litter a minimum of four times a year at approximately quarterly intervals and at such additional times as required by the District Engineer, unless the District Engineer determines that a lesser amount is adequate to maintain an acceptable right of way. It is desired that one of these pickups occur during the Department's annual "[Don't Mess with Texas Trash-Off](#)" events in April.
- Appoint or select an authorized representative and alternate to serve as spokesperson for the Group.
- Furnish adequate supervision by one or more adults for minor participants of a group who are 15 years of age and older, with at least one adult for every three children who are seven to 14 years of age. Children under the age of seven may not participate in the program.
- Conduct or attend at least two safety meetings per year and ensure all participants attend a safety meeting and view the [Safety Video](#) before participating in a cleanup of the adopted section.
- Obtain required supplies and materials from the Department during regular business hours.
- Not perform a cleanup until after their group signs are mounted on the road segment
- Open traffic control signs during a cleanup and return them to the closed position (or remove in the case of detachable signs) after the cleanup.
- Wear Department-furnished safety vests during the trash pickup.
- Place litter in trash bags furnished by the Department, place filled trash bags at the sign base, and contact the district maintenance office the first working day after the cleanup for removal of the bags.
- Return unused materials and supplies to the Department within one week following each cleanup.
- Not possess or consume alcoholic beverages or illegal drugs while on the adopted section.
- Maintain a first-aid kit and adequate drinking water while picking up litter on the adopted section on the adopted section.
- Not subcontract or assign its responsibilities to any other group, organization or enterprise without the express written authorization of the Department.
- Have the option of renewing an agreement subject to the approval of the District Engineer and the continuation of the program.



The Department will:

- Work with the Group to determine the specific section of the State highway right of way to be adopted.
- Erect a 4' x 4' sign at each end of the adopted section with the Group's name or acronym displayed.
- Provide traffic control signs, safety vests, trash bags and safety information.
- Remove the filled trash bags after the pickup.
- Remove litter from the adopted section only under unusual circumstances, i.e., to remove large, heavy or hazardous items or if the group has not fulfilled its responsibilities.

The District Engineer may defer approval of this application to the Executive Director or the Executive Director's designee. Should the District Engineer deny approval, in whole or in part, of this application, the applicant may appeal that action to the Executive Director or the Executive Director's designee.

If in its sole judgment the Department determines that the Group is not meeting the terms and conditions of the agreement, the Department may terminate the agreement and remove the sign upon 30 days notice.



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

SUBJECT: Purchase and remount of one (1) Type 1 Ambulance from Mac Haik Dodge Chrysler Jeep (quote from BuyBoard), at a price not to exceed \$175,025.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Nov 11, 2020

SUBMITTED BY: Eric Maloney

EXHIBITS: [20201208_Quote_Ambulance Kerrville_BuyBoard Q1849-1.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
175,025	175,175	175,025	18-1830-5200

PAYMENT TO BE MADE TO: Mac Haik Dodge Chrysler Jeep

Kerrville 2050 Item?	Yes
Key Priority Area	F - Public Facilities and Services
Guiding Principle	F2. Place the highest priority on public safety (police, fire, EMS).
Action Item	F2.1 - Devote the necessary resources (funding, equipment) to ensure quality fire, police and EMS services

SUMMARY STATEMENT:

The Fire Chief is requesting authorization from the City Council to award a contract for the purchase of one (1) Dodge Ram 4500, 6.7 diesel chassis and module remount of a Type 1 Ambulance from Buyboard Quote #Q1849-1. Buyboard contract #570-18 was awarded to Frazer Ambulance Company through their licensed dealer, Mac Haik Dodge Chrysler Jeep. By contracting through Buyboard, the City will be able to purchase this units using the bid price. Such agreements are allowable under State Law. The purchase and remount of the ambulance is scheduled in the 7-year vehicle replacement plan.

RECOMMENDED ACTION:

Authorize the City Manager to purchase and remount of one (1) Type 1 Ambulance from Mac Haik Dodge Chrysler Jeep at a price not to exceed \$175,025.



November 9, 2020

Eric Maloney
Fire Chief
Kerrville Fire & EMS
eric.maloneyn@kerrvilletx.gov

Buyboard Quote # Q1849-1

Fire Chief Eric Maloney -

Below is itemized pricing for contract Ambulance #570-18:

Item #	Description	Quantity	Unit Price	Total Price
1	Remount of 14' Module on RAM 4500 Diesel 4x2 Reg Cab	1	\$ 81,500.00	\$ 81,500.00
	Published Options			
1	Chassis // Suspension // LiquidSpring	1	\$ 11,000.00	\$ 11,000.00
2	Chassis // Heat Shielding // Heat Shielding	1	\$ 1,500.00	\$ 1,500.00
3	Chassis // Grille Guard // Black Ranch Hand Grille Guard/Full Replacement with Wrap-arounds	1	\$ 1,300.00	\$ 1,300.00
4	Chassis // Go-Light // Go-Light Mounted on Chassis Roof	1	\$ 1,250.00	\$ 1,250.00
5	Remount Module // Paint // Non-White Single Stage 14'	1	\$ 18,250.00	\$ 18,250.00
6	Remount Module // Power Source // Furnish & install Onan 5.5kW generator with non permeable hoses, emissions canister kit and add fuel tank and fuel pump (existing removed prior to remount drop-off)	1	\$ 7,500.00	\$ 7,500.00
7	Remount Module // Conspicuity // Remove Conspicuity on Rear Wall	1	\$ 600.00	\$ 600.00
8	Module // Conspicuity // Conspicuity on the Rear of the Module in a Chevron Pattern	1	\$ 1,500.00	\$ 1,500.00
9	Remount Module // A/C // Furnish & install Dometic self-contained A/C unit	1	\$ 6,000.00	\$ 6,000.00
10	Remount Module // Electric Locks // New Locks	1	\$ 2,000.00	\$ 2,000.00
11	Remount Module // Floor // Furnish & install Alucabond subfloor and Lonseal vinyl floor - Sapphire; includes replacing thresholds & floor hardware (discard existing)	1	\$ 3,100.00	\$ 3,100.00
12	Remount Module // Front I/O // Front I/O with Lexan	1	\$ 1,500.00	\$ 1,500.00

13 .	General // All products listed in the current Stryker / Physio-Control List Price Book	\$ 28,000.00
14 .	Chassis // Air Horn System // Dual 10" & 12" Air Horns	\$ 1,050.00
15 .	Module // Shorepower // Single 30 Kussmaul	\$ 450.00
16 .	Module // Hold-Open // Gas Hold-Open (each Compartment)	\$ 1,050.00
17 .	Remount Module // Counter tops // New Counter tops	\$ 750.00
18 .	Remount Module // Treadbrite // Furnish & install treadbrite at front, wheel wells, and rear corners (discard existing)	\$ 900.00
19 .	Remount Module // Bumper // Furnish and install entire rear bumper (discard existing)	\$ 700.00
20 .	Remount Module // Wise Trim // Furnish & install Cobalt Wise trim throughout module including squad bench cabinet (discard all arm knockers)	\$ 375.00
	Total Published Options	\$ 88,775.00

Unpublished Options

1 .	Frazer Provided Graphics	\$ 2,550.00
2 .	Furnish and Install Kwikee electric step	\$ 1,400.00

Total Unpublished Options	\$ 3,950.00
Subtotal (1)	\$ 174,225.00
Extended Total (1)	\$ 174,225.00
Grand Total	\$ 175,025.00

Qty **1**

Buyboard fee

\$ 800.00

Terms and Conditions

1 . All pricing is F.O.B. Houston.

2 . Per TMVCC we are quoting this through our licensed franchise dealer, MacHaik Dodge Chrysler Jeep.
3 . Please make your purchase order out to Mac Haik Dodge Chrysler Jeep (11000 North Freeway Houston, TX 77037).
Please email a copy of your purchase order and this quote to David Sheehy with Mac Haik Dodge Chrysler Jeep at dsheehy@machaikdcj.com and to Adam Fischer at sales@frazierbilt.com.

Thank you for the opportunity to quote this job. If you have any questions please call me at 888-372-9371.

Best Regards,



Kalyn Salsman
Territory Manager
Frazier, Ltd.



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

SUBJECT: Purchase of three servers for replacement of the City's datacenter virtual hosts in the amount of \$95,000 from C.D.W.G utilizing the National IPA Technology Solution Contract 2018011-01.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Nov 20, 2020

SUBMITTED BY: Charvy Tork

EXHIBITS: [20201120_Proposal_Dell VxRails.pdf](#)
[20201120_Information VxRails.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$95,000	\$99,000	\$99,000	01-0107-5320

PAYMENT TO BE MADE TO: CDWG

Kerrville 2050 Item?	Yes
Key Priority Area	F - Public Facilities and Services
Guiding Principle	F3. Address long-term technology needs through public-private partnerships to support public safety, information services and the library
Action Item	N/A

SUMMARY STATEMENT:

The City's datacenter virtual hosts are up for replacement in fiscal year 2021 and were budgeted accordingly. The City's IT department had several criteria in mind when selecting the final solution. The IT department worked diligently with several vendors to design the best solution that made the most economical sense. The proposed solution met the following criteria:

1. An economical solution that would provide performance, redundancy and ease of management.
2. A system that can integrate into the City's virtual ecosystem to provide zero learning curve to adopt the new platform.

3. A cloud ready system to provide the ability to migrate to cloud providers as part of a future disaster recovery plan.

4. The ability to add hardware, nodes or software upgrades without interruption to business operations.

The solution will be purchased from C.D.W.G with a partnership with Dell Technologies. We utilized the National IPA Technology Solution Contract 2018011-01 but was able to negotiate an additional 9% discount. The purchase through a cooperative purchasing organization exempts us from having to go out for bids.

The proposed solution ties into the IT Department's Business Plan under Objective 3: Provide technology support and solutions to enhance the City's overall service and achieve operational excellence.

RECOMMENDED ACTION:

Purchase the servers to replace the virtual hosts.

QUOTE CONFIRMATION



DEAR JARED JONES,

Thank you for considering CDW•G for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
LTNQ131	12/2/2020	VXRAIL - CITY V2	0667202	\$94,916.00

QUOTE DETAILS					
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE	
Dell EMC VxRail Hyperconverged Infrastructure S570 Chassis	2	6128297	\$26,305.00	\$52,610.00	
Mfg. Part#: 210-APXN Contract: National IPA Technology Solutions (2018011-01)					
Dell EMC VxRail Hyperconverged Infrastructure S570 Chassis	1	6128297	\$28,264.00	\$28,264.00	
Mfg. Part#: 210-APXN Contract: National IPA Technology Solutions (2018011-01)					
DELL CTO VXRAIL S570 6242	1	6314541	\$7,053.00	\$7,053.00	
Mfg. Part#: 3000072311893 Contract: National IPA Technology Solutions (2018011-01)					
DELL CTO VXRAIL S570 6242	1	6314541	\$6,989.00	\$6,989.00	
Mfg. Part#: 3000072311893 Contract: National IPA Technology Solutions (2018011-01)					

PURCHASER BILLING INFO	SUBTOTAL	\$94,916.00
Billing Address: CITY OF KERRVILLE ACCOUNTS PAYABLE 701 MAIN ST KERRVILLE, TX 78028-5301	SHIPPING	\$0.00
Phone: (830) 257-8390	SALES TAX	\$0.00
Payment Terms: NET 30-VERBAL	GRAND TOTAL	\$94,916.00
DELIVER TO		Please remit payments to:
Shipping Address: CITY OF KERRVILLE IT DEPARTMENT CHARVY TORK 219 CLAY ST KERRVILLE, TX 78028-5302	CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	
Shipping Method: DROP SHIP-GROUND		

Need Assistance? CDW•G SALES CONTACT INFORMATION			
	Lena Pekaj		(866) 567-1653

LEASE OPTIONS			
FMV TOTAL	FMV LEASE OPTION	BO TOTAL	BO LEASE OPTION
\$94,916.00	\$2,544.70/Month	\$94,916.00	\$2,939.55/Month

Monthly payment based on 36 month lease. Other terms and options are available. Contact your Account Manager for details. Payment quoted is subject to change.

Why finance?

- Lower Upfront Costs. Get the products you need without impacting cash flow. Preserve your working capital and existing credit line.
- Flexible Payment Terms. 100% financing with no money down, payment deferrals and payment schedules that match your company's business cycles.
- Predictable, Low Monthly Payments. Pay over time. Lease payments are fixed and can be tailored to your budget levels or revenue streams.
- Technology Refresh. Keep current technology with minimal financial impact or risk. Add-on or upgrade during the lease term and choose to return or purchase the equipment at end of lease.
- Bundle Costs. You can combine hardware, software, and services into a single transaction and pay for your software licenses over time! We know your challenges and understand the need for flexibility.

General Terms and Conditions:

This quote is not legally binding and is for discussion purposes only. The rates are estimate only and are based on a collection of industry data from numerous sources. All rates and financial quotes are subject to final review, approval, and documentation by our leasing partners. Payments above exclude all applicable taxes. Financing is subject to credit approval and review of final equipment and services configuration. Fair Market Value leases are structured with the assumption that the equipment has a residual value at the end of the lease term.

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at
<http://www.cdwg.com/content/terms-conditions/product-sales.aspx>

For more information, contact a CDW account manager

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

SUBJECT: Approval to move more than 5% of the Airport Board Budget from Fund Balance to Capital, requested by Airport Manager Mary Rohrer.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Nov 24, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20201208_Letters_Airport Board Emergency Expenditure.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
400,000.00	598,222.37	N/A	47-800-220

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

On July 30, 2020, the Kerrville - Kerr County Airport experienced a wind storm that caused damage to the north hangar doors located at 1815 Airport Loop. Upon inspection of these doors for repairs and out of a need for caution and preservation of the property, the determination was made that both the north and south hangar doors be replaced. The President of the Joint Airport Board has declared this storm damage an "Emergency Expenditure" in the letter attached.

In accordance with the Interlocal Agreement, paragraph 4(d) the Joint Airport Board is prohibited in moving more than 5% of the Board Budget (about \$23,000) in one fiscal year.

The door repair cost requires the movement of \$400,000 from the Airport's Fund Balance (Operations) and insurance proceeds of \$160,000 for the storm damage received in FY2020 into the Airport's Expenditures (Account 47-800-220).

As of September 30, 2020 (End of FY 2020) the Airport fund balance is \$598,222.37

The remaining fund balance is \$198,222.37 after transferring \$400,000 Airport capital fund.

RECOMMENDED ACTION:

Approval to move \$400,000 from the Airport's Fund Balance and \$160,000 from insurance proceeds into airport expenditures account for use to replace the north and south hangar doors at 1815 Airport Loop.



Kerrville/Kerr County Airport
Mary Rohrer, Airport Manager
1877 Airport Loop
Kerrville, TX 78028
mrohrer@kerrvilleairport.com
830-896-9399

November 18, 2020

Judge Rob Kelly
Kerr County
700 Main Street
Kerrville, TX 78028

Mayor Bill Blackburn
City of Kerrville
701 Main Street
Kerrville, TX 78028

RE: Declaration of Emergency Expenditure
Hangar Door repairs, 1815 Airport Loop

Dear Sirs,

In accordance with the Interlocal Agreement Paragraph 4(c) I, Mark Mosier, as the President of the Joint Airport Board declare an "Emergency Expenditure" to replace the hangar doors on both the north and south sides of the Brinkman Hangar located at 1815 Airport Loop in the amount of \$400,000. The existing doors pose an immediate danger to the property, safety and health to the four tenants and the public using this hangar.

The cost to replace the north hangar door is estimated at \$280,000, less insurance proceeds of \$160,000. The cost to replace the south hangar door is also estimated \$280,000. The funds need to accomplish the south door replacement shall come from the Airport's Fund Balance.

Respectfully,

Dr. Mark Mosier
President
Joint Airport Board



Kerrville/Kerr County Airport
Mary Rohrer, Airport Manager
1877 Airport Loop
Kerrville, TX 78028
mrohrer@kerrvilleairport.com
830-896-9399

November 18, 2020

Judge Rob Kelly and County Commissioners
Kerr County
700 Main Street
Kerrville, TX 78028

Mayor Bill Blackburn and City Council Members
City of Kerrville
701 Main Street
Kerrville, TX 78028

RE: Movement of more than 5% of Board Budget

Dear Judge, Commissioners, Mayor and City Council Members,

In accordance with the Interlocal Agreement Paragraph 4 (d) the Joint Airport Board is prohibited in moving more than 5% of the Board Budget in one fiscal year. The President of the Joint Airport Board has declared an "Emergency Expenditure" that requires the movement of \$400,000 from the Airport's Fund Balance (Operations) and insurance proceeds for the storm damage received in FY 2020 to the Airport's Capital Fund (Capital).

We are seeking to notify and gain your approval of this measure as the owners of the Kerrville – Kerr County Airport.

Respectfully,

A handwritten signature in black ink, appearing to read "M. Mosier".
Dr. Mark Mosier
President
Joint Airport Board
Kerrville – Kerr County Airport



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

SUBJECT: Minutes for the City Council meeting held November 10, 2020.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Sep 15, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20201208_Minutes_Council regular meeting 11-10-20.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
0	0	0	N/A

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Minutes for the City Council regular meeting held November 10, 2020 at 6:00 p.m.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
NOVEMBER 10, 2020**

On November 10, 2020, at 6:00 p.m. the meeting was called to order by Mayor Bill Blackburn in the Cailloux City Center at 910 Main Street. The invocation was offered by Councilmember Delayne Sigerman, followed by the Pledge of Allegiance led by Councilmember Sigerman.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF:

Mark McDaniel	City Manager	Julie Behrens, Asst Finance Director
E.A. Hoppe	Deputy City Manager	Stuart Cunyus, Public Information Officer
Mike Hayes	City Attorney	Amy Dozier, Chief Financial Officer
Shelley McElhannon	City Secretary	Eric Maloney, Fire Chief
		Drew Paxton, Planning Director

VISITORS PRESENT: A list of the citizens present during the meeting is on file in the City Secretary's Office for the required retention period. In addition, a Zoom webinar was offered.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Item of Interest to the Community was presented by Stuart Cunyus, Mark McDaniel, and Mayor Blackburn.

2. PRESENTATIONS:

2A. Kerrville Kindness award.

Mayor Blackburn presented the Kerrville Kindness award to the Doyle Community Center and Community Hope for Health Clinic, which was received by representatives of the Community Center and Clinic.

2B. Proclamation naming November 2020 as Home Care and Hospice month.

Mayor Blackburn presented a proclamation proclaiming November 2020 as Home Care and Hospice month. The proclamation was accepted by Peterson Health representatives: Amy Ives, Director of Peterson Home Based Services; Deepti Nagpal, Director of Peterson Transitional and Pailliative Care; Tracy Davis, Vice President of Population Health; and Bethany Brown, Marketing/Community Outreach for Peterson Home Based Services.

Mayor Blackburn shifted the Information and Discussion item 9B forward.

9B. Commendation to outgoing Councilmember Place 4 Delayne Sigerman, and statement by the outgoing Councilmember Sigerman.

Mayor Blackburn presented the commendation to Councilmember Sigerman for her service as Councilmember Place 4. Councilmember Sigerman accepted the commendation and gave an outgoing speech.

The following person(s) spoke:

- Karen Johnson

3. VISITORS FORUM:

The following person(s) spoke:

- Mario Garcia
- George Eychner
- Bruce Stracke

4. CONSENT AGENDA:

Councilmember Gary Cochrane made a motion to approve the consent agenda items, and Councilmember Judy Eychner seconded. The motion passed 5-0.

4A. Purchase of three (3) replacement police vehicles, not to exceed \$135,000.

4B. Minutes for the City Council workshop held October 27, 2020.

4C. Minutes for the City Council meeting held October 27, 2020.

END OF CONSENT AGENDA

5. PUBLIC HEARINGS AND RESOLUTIONS:

5A. Resolution No. 25-2020. A Resolution for a Conditional Use Permit (CUP) for Accessory Dwelling Unit and Short Term Rental on 3112 Riverside Drive.

Mayor Blackburn opened the public hearing at 6:37 p.m.

Shelley McElhannon read Resolution No. 25-2020 caption into record.

Drew Paxton presented information and responded to questions.

No citizens/persons spoke.

The public hearing closed at 6:40 p.m.

Councilmember Kim Clarkson made a motion to approve Resolution No. 25-2020 as presented, seconded by Councilmember Eychner. The motion passed 5-0.

5B. Resolution No. 26-2020. A Resolution for a Conditional Use Permit (CUP) for Short Term Rental on 201 Starkey Street.

Mayor Blackburn opened the public hearing at 6:40 p.m.

Shelley McElhannon read Resolution No. 26-2020 caption into record.

Drew Paxton presented information and responded to questions.

No citizens/persons spoke.

The public hearing closed at 6:43 p.m.

Councilmember Eychner made a motion to approve Resolution No. 26-2020 as presented, seconded by Councilmember Sigerman. The motion passed 5-0

6. PUBLIC HEARING AND ORDINANCES, FIRST READING:

6A. Ordinance No. 2020-23. 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 portion of the property generally located east of and adjacent to State Highway 16 South, south of Riverhill Boulevard, and comprising approximately 172.56 acres, said property's zoning previously amended by Ordinance No. 2020-03; from a Medium Density Residential Zoning District (R-2) to a Residential Estate Zoning District (RE); amending the Comprehensive Plan (Kerrville 2050) to make it consistent with such amendment; providing a cumulative clause; providing for severability ; providing an effective date; ordering publication; and providing other matters relating to the subject.

Mayor Blackburn opened the public hearing at 6:43 p.m.

Shelley McElhannon read Ordinance No. 2020-23 caption into record.

Drew Paxton presented information and responded to questions.

The following person(s) spoke:

- Greg Richards
- Bruce Stracke

The public hearing closed at 6:54 p.m.

Councilmember Cochrane made a motion to approve Ordinance No. 2020-23, seconded by Councilmember Eychner. The motion passed 4-1, with Councilmembers Cochrane, Clarkson, Eychner, and Sigerman voting in favor and Mayor Blackburn voting against.

6B. Ordinance No. 2020-24. 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 the property being Lot 3AR, Block One, Overstreet Park, a subdivision within the City of Kerrville, Texas and more commonly known as 1421 Junction Highway (SH 27); from being part of a planned development district established by Ordinance No. 2004-19, to a Light Commercial Zoning District (C-2) providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Mayor Blackburn opened the public hearing at 6:54 p.m.

Shelley McElhannon read Ordinance No. 2020-24 caption into record.

Drew Paxton presented information and responded to questions.

No citizens/persons spoke.

The public hearing closed at 6:58 p.m.

Councilmember Eychner made a motion to approve Ordinance No. 2020-24 first reading, seconded by Councilmember Sigerman. The motion passed 5-0.

7. ORDINANCES, FIRST READING:

7A. Ordinance No. 2020-25. An Ordinance amending the City's Fiscal Year 2020 and Fiscal Year 2021 budgets to account for the transfer of excess funds, the receipt of additional revenue, and to make other amendments as provided herein.

Shelley McElhannon read Ordinance No. 2020-25 caption into record.

Amy Dozier and Mark McDaniel presented information and responded to questions by Council and citizen inquiries.

The following person(s) spoke:

- Peggy McKay

Councilmember Cochrane made a motion to approve Ordinance No. 2020-25 amending the City's Fiscal Year 2020 and Fiscal Year 2021 budgets to account for the transfer of excess funds, the receipt of additional revenue, and to make other amendments as provided herein, seconded by Councilmember Eychner. The motion passed 5-0.

8. CONSIDERATION AND POSSIBLE ACTION:

8A. Master Project Agreement with Core & Main for the purchase and installation of data collector, software and training, and metering supplies for the City's Advanced Metering Infrastructure (AMI) project.

Shelley McElhannon read item 8A caption into record.

Amy Dozier introduced Assistant Finance Director Julie Behrens, who presented information and responded to questions.

Councilmember Sigerman made a motion to authorize the City Manager to sign the agreement, seconded by Councilmember Eychner. The motion passed 5-0.

8B. Resolution No. 27-2020. A Resolution setting the date, time, and place for a public hearing for the City's annexation of an approximate 33.81 +/- acres of land, currently owned by the City and located adjacent to Loop 534 (Veterans Highway) and north of the intersection between Loop 534 and the newly constructed extension of Olympic Drive; authorizing the submission and acceptance of a petition for annexation; directing the publication of notice for a public hearing; directing the City Manager to prepare a written agreement for the provision of services for the property; and containing other provisions relating to the subject.

Shelley McElhannon read Resolution No. 27-2020 caption into record.

Drew Paxton presented information and responded to questions.

Councilmember Clarkson made a motion to approve Resolution No. 27-2020, seconded by Councilmember Cochrane. The motion passed 5-0.

8C. Mutual release and settlement agreement regarding the aerial pipe bridge Loop 534 project.

Shelley McElhannon read item 8C caption into record.
Mayor Blackburn deferred this item to Executive Session item 11.

9. INFORMATION & DISCUSSION:

9A. Briefing and possible action as to the City's ongoing preparedness and response to COVID-19 (Coronavirus).

Shelley McElhannon read item 9A caption into record.
Fire Chief Eric Maloney presented information and responded to questions.

9B. Commendation to outgoing Councilmember Place 4 Delayne Sigerman, and statement by the outgoing Councilmember Sigerman.

Mayor Blackburn shifted item 9B forward, after Presentations item 2B and before the Visitors Forum item 3 (see above).

10. ITEMS FOR FUTURE AGENDAS: No items were presented for future agendas.

Councilmember Sigerman made a motion the City Council adjourn into closed executive session under 551.071 (consultation with attorney). Councilmember Eychner seconded, and the motion passed 5-0.

RECESS: Mayor Blackburn recessed the meeting at 7:53 p.m., and reconvened in closed executive session in the Cailloux City Center upstairs conference room.

11. EXECUTIVE SESSION:

11A. Mutual Release and Settlement Agreement regarding the aerial pipe bridge Loop 534 project. (551.071)

RECONVENED: The closed executive session adjourned, Council returned to open session at 8:08 p.m.

12. ACTIONS ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY: N/A
Mayor Blackburn announced that no action was taken in Executive Session.

E.A. Hoppe presented information and responded to questions regarding the Mutual Release and Settlement Agreement regarding the aerial pipe bridge Loop 534 project.

Councilmember Cochrane made a motion to authorize the City Manager to approve the mutual release and settlement agreement, seconded by Councilmember Eychner. The motion passed 5-0.

ADJOURN. The meeting adjourned at 8:17 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary



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

SUBJECT: Minutes for the City Council Canvassing of the Election held November 17, 2020.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Sep 15, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20201208_Minutes_Council meeting Canvass of Election 11-17-20.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
0	0	0	N/A

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Minutes for the City Council Canvassing of the Election held November 17, 2020 at 5:30 p.m.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
OF A SPECIAL MEETING**

**KERRVILLE, TEXAS
NOVEMBER 17, 2020**

On November 17, 2020, 5:30 p.m. the Kerrville City Council special meeting was called to order by Mayor Bill Blackburn at the Arcadia Live!, 717 Water Street. The invocation was offered by Councilmember Place 1 Gary Cochrane, followed by the Pledge of Allegiance to the Flag led by Councilmember Cochrane.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Judy Eychner	Mayor Pro Tem
Gary Cochrane	Councilmember Place 1
Kim Clarkson	Councilmember Place 2
Brenda Hughes	Councilmember Place 4 Elect

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

Mark McDaniel	City Manager
EA Hoppe	Deputy City Manager
Mike Hayes	City Attorney
Shelley McElhannon	City Secretary
Kesha Franchina	Deputy City Secretary

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

**1. RESOLUTION NO. 24-2020 CANVASSING THE RETURNS AND DECLARING
THE RESULTS OF THE NOVEMBER 3, 2020, CITY GENERAL ELECTION:**

Shelley McElhannon read Resolution No. 24-2020 caption into record.

Councilmember Kim Clarkson moved to approve Resolution No. 24-2020, and Councilmember Cochrane seconded. The motion passed 4-0.

**2. OATHS OF OFFICE GIVEN BY THE HONORABLE ALBERT D. PATTILLO,
PRESIDING JUDGE OF THE 216TH JUDICIAL DISTRICT:**

Judge Pattillo issued the oaths of office to the following re-elected councilmembers:

- Mayor: Bill Blackburn
- Councilmember Place Three: Judy Eychner

Judge Pattillo issued the oath of office to the following newly elected councilmember:

- Councilmember Place Four: Brenda Hughes

After given the oath of office, Councilmember Brenda Hughes commenced seat on Council.

**3. CERTIFICATES OF ELECTION SIGNED AND ISSUED BY MAYOR BILL
BLACKBURN:**

Certificates of election were signed and issued by Mayor Bill Blackburn:

- Mayor: Bill Blackburn
- Councilmember Place Three: Judy Eychner
- Councilmember Place Four: Brenda Hughes

4. STATEMENTS BY RE-ELECTED AND NEWLY ELECTED COUNCILMEMBERS:

Statements were made by re-elected and newly elected councilmembers:

- Mayor: Bill Blackburn
- Councilmember Place Three: Judy Eychner
- Councilmember Place Four: Brenda Hughes

ADJOURN. The meeting adjourned at 5:45 p.m.

APPROVED BY COUNCIL: _____

ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: Resolution No. 28-2020. A Resolution granting a conditional use permit to authorize a short-term rental unit on properties consisting of approximately 0.97 acres out of the Samuel Wallace Survey No. 112, Abstract No. 360; more commonly known as 3030 Riverside Drive; said properties are located within an R-1 Single Family Zoning District; and making said permits subject to certain conditions and restrictions contained herein.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Nov 30, 2020

SUBMITTED BY: Drew Paxton

EXHIBITS: [20201208_Resolution_28-2020 CUP short-term rental 3030 Riverside Drive.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Proposal

Public hearing, consideration and action to recommend a resolution to allow a Conditional Use Permit for Short Term Rental Unit on approximately 0.97 acre out of Samuel Wallace Survey No. 112, Abstract No. 360, City of Kerrville, Texas, and more commonly known as 3030 Riverside Drive.

Procedural Requirements

12 letters were mailed on 10/22/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 10/15/2020. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1 Single Family Residential

Existing Land Use: Single Family Residence

Direction: North, South, West

Current Zoning: R-1 Single Family Residential

Existing Land Uses: Vacant Land & Single Family Residences

Direction: East

Current Zoning: C-3 General Commercial

Existing Land Uses: Commercial / Residential

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are designated Transitional Residential (TR) and Community Commercial (CC) in the Kerrville 2050 Comprehensive Plan. Transitional Residential allows for small lot single family homes, single family detached homes, patio homes, townhomes, duplexes, condominiums and apartments. Community Commercial, primarily along Memorial Blvd, allows for retail and commercial uses. Since the underlying zoning is not changing, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

A Short Term Rental requires one (1) off street parking space per bedroom and one (1) additional off street parking space for a manager that does not live onsite. This rental has two (2) bedrooms and no onsite manager so three (3) off street parking spaces are required. The applicant has identified three (3) available off street parking spaces on the attached Site Plan. Parking requirements can be met.

Case Summary:

The applicant is proposing to use an existing single family detached home as a Short Term Rental.

A Short Term Rental is defined in the zoning code as follows:

Short-Term Rental Unit: A facility, located in a residential zoning district, used for the purpose of providing short-term lodging for compensation, architecturally designed to look like a single-family dwelling, which may also be occupied concurrently as the residence for the owner, operator, or manager of the property, or providing separate lodging units such as cabins, guest homes, or similar residential-scale structures, with no more than six bedrooms total on the property, and offering meals only to those who receive lodging, and providing that all bedrooms used as a permanent residence shall count toward the maximum six bedrooms of the short-term rental unit.

Required legal and public notices have been sent. Proposed CUP conditions have been drafted for consideration to address staff comments and any comments submitted by adjacent property owners and other interested citizens.

Recommendation:

Because the Conditional Use Permit request is consistent with the Kerrville 2050 Comprehensive Plan, will meet all zoning regulations, and there is direct access to the river from the property as the primary local amenity, staff recommends approval with consideration and inclusion of the attached Proposed CUP Conditions.

On November 5th, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Resolution No. 28-2020.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 28-2020**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON PROPERTIES
CONSISTING OF APPROXIMATELY 0.97 ACRES OUT OF THE
SAMUEL WALLACE SURVEY NO. 112, ABSTRACT NO. 360;
MORE COMMONLY KNOWN AS 3030 RIVERSIDE DRIVE; SAID
PROPERTIES ARE LOCATED WITHIN AN R-1 SINGLE FAMILY
ZONING DISTRICT; AND MAKING SAID PERMIT SUBJECT TO
CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED
HEREIN**

WHEREAS, the owner of the properties known as 3030 Riverside Drive and graphically depicted on the location map at **Exhibit A** (the “Property”), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (“CUP”) to authorize a short-term rental unit on the Property, which is located within an R-1 Single-Family Residential Zoning District; and

WHEREAS, the City Planning and Zoning Commission (the “Commission”), in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances) (“Zoning Code”), and in particular, the procedures for obtaining a CUP; having given the requisite notices by United States mail, publication, and otherwise; and after holding a public hearing and affording a full and fair hearing to all of property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Commission recommends that City Council grant the CUP applied for and referenced herein, subject to the special conditions and restrictions set out hereinafter on the Property;

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission and referenced herein on the Property;

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

SECTION ONE. A Conditional Use Permit is granted to permit the Property described as follows, and located within an R-1 Single-Family Residential Zoning District, to be developed and used for a Short-Term Rental Unit (“STRU”) as that term is defined in and pursuant to the Zoning Code, such use subject to the provisions of this Resolution and other City ordinances and regulations:

Legal Description: Samuel Wallace Survey No. 112, Abstract No. 360, City of Kerrville, Texas, and being graphically depicted on the Location Map found at **Exhibit**

A.

Address: 3030 Riverside Drive.

Hereinafter, the properties are collectively 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. Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as **Exhibit B**.
- B. Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- C. Sign:** The Property may not use more than one non-illuminated, on-site sign, in conjunction with its STRU. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and not exceed six square feet in size and three feet in height. Any such sign shall comply with the City’s Sign Code.
- D. Parking:** The Property must include at a minimum, one off-street parking space per bedroom, plus an additional space for the manager, if living off-site.
- E. Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

SECTION THREE. This Resolution and the CUP granted herein are subject to termination in accordance with the Zoning Code.

SECTION FOUR. City Council finds and determines that its adoption of this Resolution promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City’s police powers.

SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the _____ day of _____, A.D.,
2020.

Bill Blackburn, Mayor

APPROVED AS TO FORM:

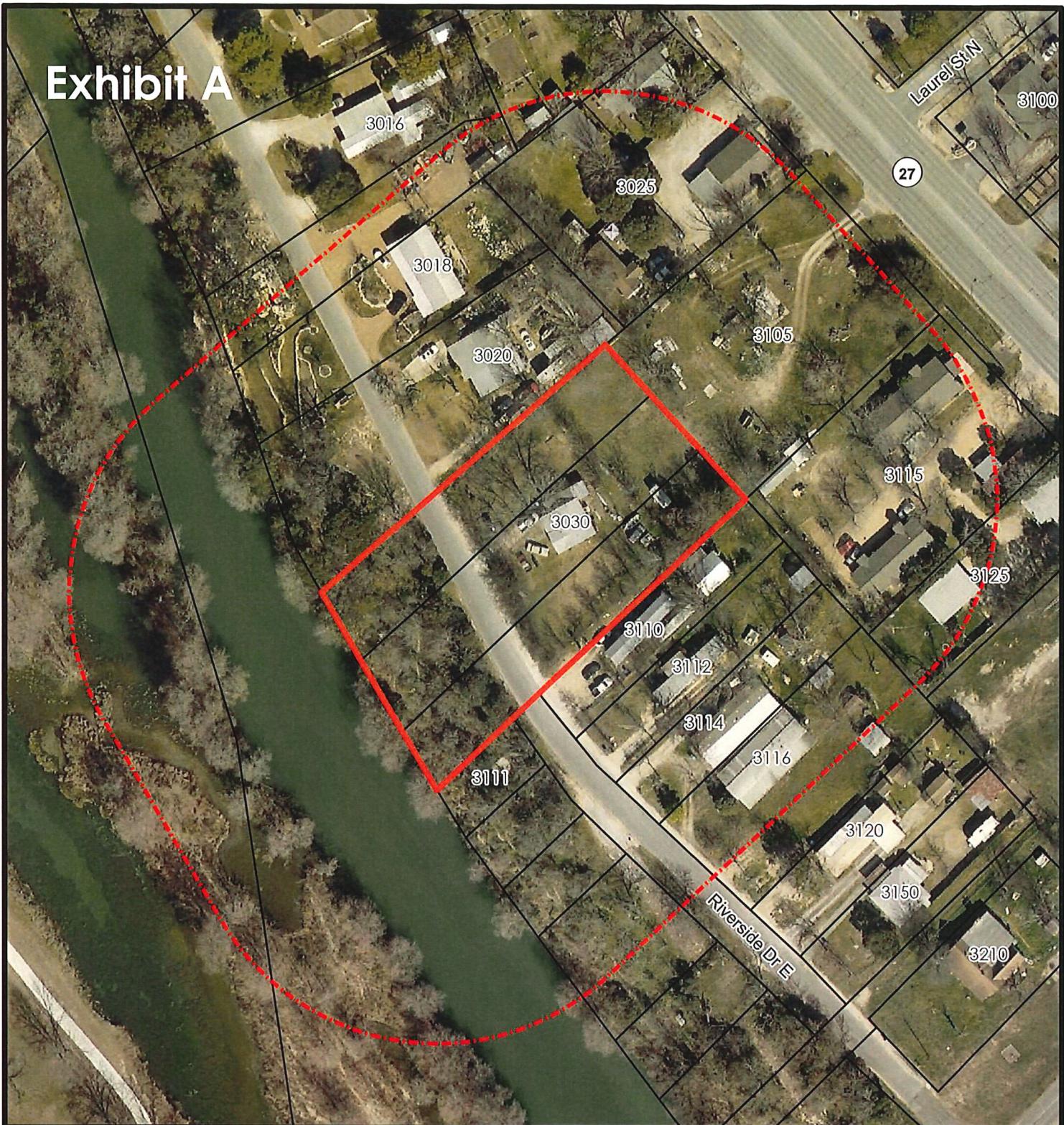


Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

Exhibit A



Location Map

Case # 2020-056

Location:
3030 Riverside Dr

Legend
200' Notification Area
Subject Properties



0 37.5 75 150

Scale In Feet

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



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 28-2020

This short term rental has been permitted by the City of Kerrville as a conditional use under the above referenced resolution within a residential neighborhood and requires all guests to be aware of the following:

Because this short term rental is located within a residential neighborhood, proper etiquette should be observed at all times. The conditional use permit was issued in an effort **“to preserve the health, safety, and general welfare of adjacent property and its occupants and to protect such property and occupants from excessive noise, vibration, dust, dirt smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view, or other undesirable hazardous conditions....”**

As a guest, please be aware of the proximity of your neighbors and be respectful of their right to privacy, a quiet environment, and unobstructed access to their property. Loud music, loud parties and excessive noise should be avoided. Parking should be limited to onsite parking spaces provided by short term rental management.

If you should have any questions regarding this notification, please contact the short term rental management.

Thank you!

This Guest Notification should be posted by short term rental management in a location clearly visible by all guests and provided with check-in information. Posting of duplicate copies of this Guest Notification within each guest room is highly encouraged to clearly communicate the importance of proper etiquette within a residential neighborhood. Thank you!



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

SUBJECT: Ordinance No. 2020-26. An Ordinance annexing an approximate 5.00 acre tract of land known as 5275 Highway 27 into the City's corporate limits; adopting a service plan for the property annexed; establishing the zoning for the property and an adjacent property known as 100 Airport Commerce Parkway E. as an Industrial and Manufacturing Zoning District (IM).

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Nov 30, 2020

SUBMITTED BY: Drew Paxton

EXHIBITS: [20201208_Ordinance_2020-26 Annexing 5275 State Highway 27 and 100 Airport Commerce Parkway E.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	E - Economic Development
Guiding Principle	E4. Balance, broaden and diversify the City's tax base, shifting the tax burden away from residential property owners

Action Item

SUMMARY STATEMENT:

Proposal

Public hearing, consideration and action to recommend an ordinance for annexation and zoning change to IM Industrial and Manufacturing on 5.0 acres out of the O.V. Robinson Survey No. 44, Abstract No. 282, Kerr County, Texas, and more commonly known as 5275 Highway 27; and for a zoning change from PDD 16-05 to IM Industrial and Manufacturing on approximately 3.2 acres of Kerrville Airport Commerce Park Phase 1, Block 1, Lot 1, City of Kerrville, Texas, and more commonly known as 100 Airport Commerce Parkway.

Procedural Requirements

9 letters were mailed on 10/22/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 10/15/2020. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: County and City PDD 16-05 (Airport Commerce Park)

Existing Land Use: Vacant Business (County) / Vacant Land (City)

Direction: North, East

Current Zoning: AD Airport District

Existing Land Uses: Airport

Direction: West

Current Zoning: IM Industrial and Manufacturing

Existing Land Uses: Fox Tank Company (Manufacturing)

Direction: East

Current Zoning: PDD 16-05 (Airport Commerce Park)

Existing Land Uses: Vacant Land

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are within Strategic Catalyst Area 11 of the Kerrville 2050 Comprehensive Plan. Heavy commercial and light industrial uses are defined as the best uses adjacent to the airport. Since the annexation and associated zoning changes are for IM Industrial and Manufacturing, this request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on primary arterial.

Traffic Impact:

No traffic impact is anticipated.

Parking:

All off street parking requirements will be met through final project design and approval.

Case summary:

The applicant is requesting annexation to allow for the use of City services. A request is also being made to zone the annexed property IM Industrial Manufacturing to accommodate future business plans. In addition, a request is being made to change zoning on an adjacent parcel (100 Airport Commerce Way) so that the newly annexed parcel and rezoned parcel can be platted into one larger parcel for future business expansion. Both newly zoned parcels will be zoned IM Industrial Manufacturing, consistent with the K2050 Comprehensive Plan.

Required legal and public notices have been sent. No comments have been received.

Recommendation:

Because the request is consistent with the Kerrville 2050 Comprehensive Plan and meets all zoning and subdivision codes, staff recommends approval of the annexation and zoning change requests. On November 5th, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2020-26.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2020-26**

AN ORDINANCE ANNEXING AN APPROXIMATE 5.00 ACRE TRACT OF LAND LOCATED IN THE O. V. ROBINSON SURVEY NO. 44, ABSTRACT NO. 282, MORE COMMONLY KNOWN AS 5275 STATE HIGHWAY 27, INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SAID TRACT LOCATED WITHIN KERR COUNTY, TEXAS, AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KERRVILLE, TEXAS; ADOPTING A SERVICE PLAN FOR THE PROPERTY ANNEXED; ESTABLISHING THE ZONING FOR THE PROPERTY; ALSO REZONING A PROPERTY ADJACENT TO SAID TRACT, SAID PROPERTY BEING LOT 1, BLOCK 1, KERRVILLE AIRPORT COMMERCE PARK, PHASE 1, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, TEXAS, AND MORE COMMONLY KNOWN AS 100 AIRPORT COMMERCE PARKWAY E.; FROM BEING PART OF A PLANNED DEVELOPMENT DISTRICT ESTABLISHED BY ORDINANCE NO. 2001-23, AS AMENDED BY ORDINANCE NO. 2016-05, TO AN INDUSTRIAL AND MANUFACTURING ZONING DISTRICT (IM); 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 Chapter 43, Subchapter C-3, the owner of the property described in Section One, below ("Property 1"), previously petitioned the City to annex Property 1 into the corporate limits of the City of Kerrville, Texas; and

WHEREAS, having provided all required public notices, held all required public hearings at which persons with an interest in the matter were provided an opportunity to be heard, City Council finds it to be in the public interest to approve this Ordinance which will annex Property 1 into the City, adopt a service plan as required by state law, and establish zoning regulations for Property 1; and

WHEREAS, the owner of Property 1 owns an adjacent undeveloped property, which is located within the Airport Commerce Park subdivision ("Property 2") and is more specifically defined in Section Five, below; and

WHEREAS, the owner intends to use Property 1 and Property 2 as a single property and to eventually combine them through the platting process; and

WHEREAS, Property 2 is currently zoned as a Planned Development District (“PDD”) pursuant to Ordinance No. 2001-23, as amended by Ordinance 2016-05, which the owner now seeks to have rezoned and removed from the PDD so as to align it with the zoning being applied to Property 1 upon annexation; and

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 December 8, 2020, which considered a report of the City’s Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in the application of zoning to Property 1 and the rezoning of Property 2; and

WHEREAS, on December 8, 2020, City Council held a public hearing on the annexation, zoning, and rezoning 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. Property 1, as described and depicted in **Exhibit A**, is annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

SECTION TWO. The petition requesting annexation concerning Property 1 is attached as **Exhibit B**, and incorporated herein by reference.

SECTION THREE. The service plan regarding the provision of public services, as set forth in **Exhibit C**, attached hereto and incorporated herein by reference, is hereby adopted for Property 1, as required by Section 43.0672, Texas Local Government Code.

SECTION FOUR. Upon the adoption of this Ordinance, Property 1 will be zoned as an Industrial and Manufacturing Zoning District (“IM”).

SECTION FIVE. Ordinance No. 2001-23, as amended by Ordinance 2016-05; the Zoning Code for the City of Kerrville, Texas; Chapter 60 of the Code of Ordinances for the City of Kerrville; and the *Official Zoning Map* are hereby each amended by removing the following described property (Property 2) from the Planned Development (Zoning) District and rezoning Property 2 as an Industrial and Manufacturing Zoning District (IM):

Legal Description: Lot 1, Block 1, Kerrville Airport Commerce Park, Phase 1, a subdivision located within the City of Kerrville, Kerr County, Texas, referred to herein as "Property 2."

General Description: 100 Airport Commerce Parkway E.

SECTION SIX. The City Manager or designee is authorized and directed to amend the City's *Official Zoning Map* to reflect this zoning and rezoning amendment, as appropriate, and to take other actions contemplated by and in accordance with the City's Zoning Code. Property 1, as designated by a portion of its address "5275", and Property 2, as designated by a portion of its address "100", are depicted on the attached Location Map, attached as **Exhibit D**.

SECTION SEVEN. The provisions of this Ordinance are cumulative of all ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance, including Ordinance Nos. 2001-23 and 2016-05, are expressly repealed to the extent of any such inconsistency or conflict.

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

SECTION TEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION ELEVEN. 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 _____ 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

EXHIBIT A

FIELD NOTES FOR A 5.00 ACRE TRACT OF LAND

BEING A 5.00 ACRE TRACT OF LAND LOCATED IN THE O. V. ROBINSON SURVEY NO. 44, ABSTRACT NO. 282, KERR COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN CALLED 10.00 ACRE TRACT, RECORDED IN VOLUME 1186, PAGE 80, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, SAID 5.00 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Note: all bearings based on the Texas State Plane Coordinate System, South Central Zone (North American Datum of 1983, 2011 Adjustment);

BEGINNING at a $\frac{1}{2}$ " rebar with "Voekle" cap found in the southwest right-of-way line of State Highway No. 27, (100' right-of-way) at the northwest corner of the herein described tract, the northeast corner of the remaining portion of a called 141.38 acre tract, recorded in Volume 882, Page 638, Real Property Records of Kerr County, Texas;

THENCE S 52°12'48" E, along the southwest right-of-way line of State Highway No. 27, **a distance of 449.84'** (S 52°14' E) to a $\frac{1}{2}$ " rebar found for northeast corner at the northwest corner of Lot 1, Block 1, Kerrville Airport Commerce Park, Phase 1, recorded in Volume 7, Page 220, Plat Records of Kerr County, Texas;

THENCE S 00°55'28" E, with the west boundary line of Lot 1, Block 1, **a distance of 479.85'** (S 00°57' E) to a $\frac{1}{2}$ " rebar with "Voelkel" cap found for southeast corner at the southwest corner of Lot 1, Block 1, Kerrville Airport Commerce Park, Phase 1, an angle point in the north boundary line of Lot 2R, Block 1, Kerrville Airport Commerce Park, Phase 1 Replat, recorded in Volume 7, Page 383, Plat Records of Kerr County, Texas;

THENCE S 89°07'25" W, with the north boundary line of Lot 2R, Block 1, **a distance of 351.13'** (S 89°03'06" W, 351.18') to a $\frac{1}{2}$ " rebar with "Voelkel" cap found for southwest corner in the east boundary line of the remaining portion of the called 141.38 acre tract;

THENCE N 00°54'57" W, with the east boundary line of the remaining portion of the called 141.38 acre tract, **a distance of 760.89'** (N 00°57' W, 2029.5') to the **POINT OF BEGINNING, CONTAINING 5.00 acres of land, more or less.**

Note: This description was prepared from a survey made on the ground by employees of MDS Land Surveying Company, Inc. in May, 2020 () denotes record information. A survey plat of equal date was made in conjunction with this description.



Jeff Boerner, RPLS #4939
Date: 05-29-2020
Job # 20-116-00
Revised: 08-20-2020



EXHIBIT B

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF KERRVILLE, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby [if applicable: waive the requirement to be offered a development agreement pursuant to Section 43.016, and] petition your honorable Body to extend the present city limits so as to include as part of the City of Kerrville, Texas, the following described territory, to wit:

5275 Highway 27, 5 acres (see attached description)

We certify that the above described tract of land is contiguous and adjacent to the City of Kerrville, Texas, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: Prairie Gold Real Estate, LLC, My V

Signed: _____

Signed: _____

THE STATE OF TEXAS

COUNTY OF KERR

BEFORE ME, the undersigned authority, on this day personally appeared Donald Hedger, _____, and _____, known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 5th day of October, 2020.


Notary Public in and for
Kerr County, Texas.



EXHIBIT C

EXHIBIT C
ANNEXATION SERVICE PLAN

- I. INTRODUCTION:** This service plan for the extension of municipal services to the area to be annexed was developed in accordance with state law. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the City of Kerrville, Texas ("City") at the levels and schedule specified below.
- II. UNIFORM LEVEL OF SERVICES:** The City shall provide services by any of the methods by which it extends the services to any other area of the municipality, based upon differing characteristics of topography, land use, and population density, which may be considered a sufficient basis for providing differing levels of service.
- III. SPECIFIC FINDINGS:** City Council finds and determines that this Service Plan, as provided below, will provide full municipal services to the annexation area both adequate to serve the annexation area and commensurate with the levels of services provided in other parts of the City with the same or similar topography, land use, and population density, and it will not provide a lower level of service in the annexation area than were in existence at the time immediately preceding the effective date of annexation.

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Code Enforcement	The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related code requirements adopted by the City of Kerrville shall be made immediately to the area upon annexation. The preparation of a zoning plan shall serve as a basis for the zoning of land following annexation. The adoption of the zoning plan shall be in accordance with the procedures of the City of Kerrville's Zoning Ordinance.	Immediately following annexation, zoning to be concurrent with annexation

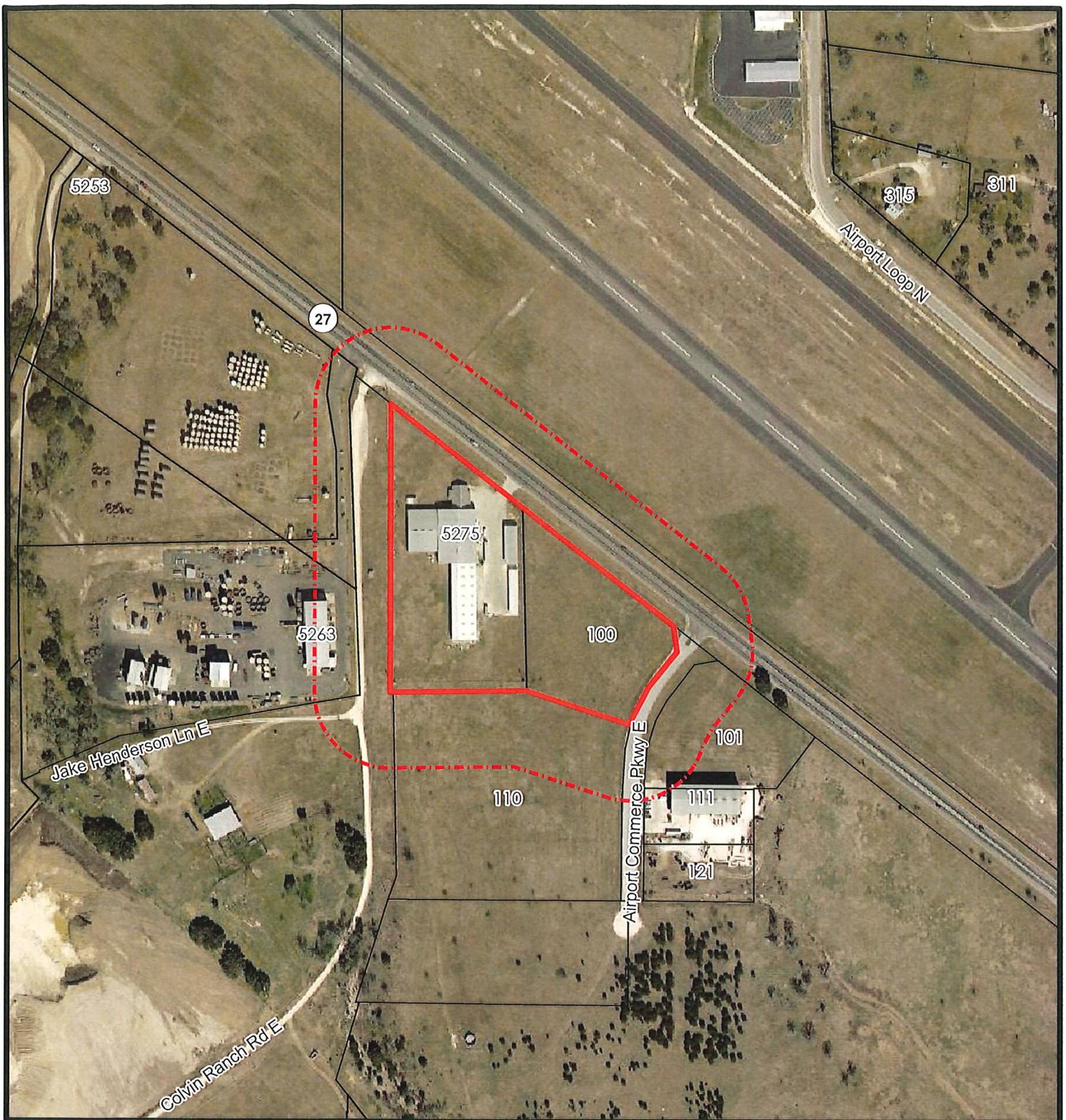
SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Fire Protection and Emergency Medical Services (EMS)	Fire protection and emergency medical services will be provided to the annexation area. The City will serve the annexation area from existing fire stations closest to the area of annexation. Emergency dispatch assignment of Fire Services resources to the annexation area would be the same as currently provided in areas of similar land use and population within the City.	Immediately following annexation
Fire Prevention	The services of the City of Kerrville Fire Marshall shall be provided to the area.	Immediately following annexation.
Library	Residents of the area, if any, will continue to be entitled to utilize all City of Kerrville Library facilities.	Immediately following annexation.
Parks and Recreation Facilities	The City will maintain any park and recreation facilities located within the annexation area on the effective date of annexation on the same basis and at the same level as similar facilities are maintained throughout the City.	Immediately following annexation
Police Protection	Police Services will provide protection and law enforcement services to the annexation area. The level of service will be at the same level as currently provided in areas of similar land use and population within the City. These services include the following: 1) regular patrol of the area, 2) handling of complaints and incidents, 3) traffic enforcement, and 4) special units, such as criminal investigations, narcotics, crime prevention, neighborhood services, and special weapons and tactics.	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Maintenance of Existing Roads & Streets	<p>The City's Public Works Department will maintain existing roads and streets, drainage, and regulatory signs on the effective date of annexation. The same basis and level of services currently provided throughout the City will be adhered to as follows:</p> <ol style="list-style-type: none"> 1. Emergency maintenance of streets to include repair of hazardous potholes, ice and snow monitoring of major thoroughfares necessary for traffic flow. 2. Routine maintenance of public streets and rights-of-way performed within the City. 3. Street sweeping services may occur based upon need and funding. 4. Installation and maintenance of traffic signs, street markings, and other traffic control devices as the need is established by appropriate study and traffic standards. Private streets, including ingress/egress easements, access easements, common areas, common driveways and anything else which has not been specifically dedicated and accepted as public right-of way, will not be maintained by the City. Public streets will be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized and scheduled based on a variety of factors, including surface condition, transversibility, age, traffic volume, density of dwellings per block, adjacent street conditions and available funding. Any necessary rehabilitation or reconstruction will be considered on a citywide priority basis. 	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Solid Waste Collection	Solid Waste collection to the annexation area will be provided on the same basis and at the same level as provided throughout the City, in accordance with applicable law.	Immediately following annexation
Traffic Engineering	Traffic control devices and street markers shall be installed where deemed necessary by the city street department, except as provided by the Texas Department of Transportation.	Immediately following annexation
Water Service	The City will provide for the maintenance of City-owned public water lines within the annexation area provided that the area is within the City's Certificate of Convenience and Necessity area as determined by the Texas Commission on Environmental Quality (TCEQ) beginning on the effective date of the annexation. Water service is provided at the same level as currently provided in areas of similar topography, land use, and population within the City. The City's policy that water extensions are the responsibility of the developer of property will be applied in this area.	As the property develops

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Wastewater Service	<p>The City will provide for the maintenance of sanitary sewer lines within the annexation area provided that the area is within the City's Certificate of Convenience and Necessity area as determined by the Texas Commission on Environmental Quality (TCEQ) beginning on the effective date of the annexation. Sanitary sewer service is provided at the same level as currently provided in areas of similar topography, land use, and population within the City. The City's policy that sanitary sewer extensions are the responsibility of the developer of property will be applied to this area. Maintenance of all parts of the sewer system will begin as those parts are put into service. The sewer system will be maintained with the same frequency and level of effort as comparable parts of the system in other parts of the City.</p>	As the property develops
Provision for Other City Services	<p>Other City services that may be provided by the City such as planning, inspection, code enforcement, animal control, library, parks and recreation, municipal court, and general administration will be made available on the same basis and at the same level as provided throughout the City.</p>	Immediately following annexation

EXHIBIT D



Location Map

Case # 2020-057

Location:

5275 Highway 27
100 Airport Commerce Parkway

Legend

200' Notification Area
Subject Properties



0 125 250 500

Scale In Feet



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

SUBJECT: Ordinance No. 2020-27. An Ordinance amending Ordinance No. 2003-16, which created a Planned Development District (PDD) for the property known as 401 W. Water Street; by adding Tattoo Shop as an authorized use for the property.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Nov 30, 2020

SUBMITTED BY: Drew Paxton

EXHIBITS: [20201208_Ordinance_2020-27 Zoning Change 401 W Water St.pdf](#)
[20201208_LocationMap_401 W Water St.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Proposal

Public hearing, consideration and action to recommend an ordinance for a zoning change for a Planned Development District Amendment (PDD 03-16) to include Permanent Cosmetic Shop on Lots 15 and 16, Block 16, Westland Place Subdivision, City of Kerrville, Texas, and more commonly known as 401 W. Water Street.

Procedural Requirements

28 letters were mailed on 10/22/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 10/15/2020. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: Planned Development District 03-16 (Beauty Shop)

Existing Land Use: Beauty Shop

Direction: North, West

Current Zoning: R-1A Single Family Residential with Accessory Dwelling Unit

Existing Land Uses: Single Family Residential

Direction: South, East

Current Zoning: R-T Residential Transition

Existing Land Uses: Beauty Shop, Office (Business/Professional), Residential

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is identified as NR Neighborhood Residential, which allows small amounts of neighborhood serving retail and office in carefully chosen locations. Directly south of the subject property is identified as CC Community Commercial, which also allows similar uses. Because the applicant is only requesting an addition to existing services and this does not impact the intent of existing zoning, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a collector street, consistent with the current use.

Traffic Impact:

No traffic impact is anticipated.

Parking:

All off street parking requirements are being met.

Case Summary:

The applicant is requesting an amendment to the existing Planned Development District 03-16 to add the service of Permanent Cosmetics Shop. The current PDD does not specifically allow Permanent Cosmetics Shop, so an amendment is necessary. Due to State licensing requirements and current zoning code, this approval will also allow tattooing and body piercing. Please note that the applicant has been recently certified in permanent cosmetics and only intends to provide a permanent cosmetics service.

Required legal and public notices have been sent. No comments have been received.

Recommendation:

Because the request is consistent with the Kerrville 2050 Comprehensive Plan and meets current zoning code, staff recommends approval of the Planned Development District amendment.

On November 5th, the Planning and Zoning Commission recommend the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2020-27.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2020-27

**AN ORDINANCE AMENDING ORDINANCE NO. 2003-16, WHICH
CREATED A PLANNED DEVELOPMENT DISTRICT (PDD) FOR
PERSONAL SERVICES I (BEAUTY PARLOR/BARBER SHOP)
ON LOTS 15 AND 16, BLOCK 16, WESTLAND PLACE
SUBDIVISION, CITY OF KERRVILLE, TEXAS; AND MORE
COMMONLY KNOWN AS 401 W. WATER STREET; BY ADDING
“TATTOO OR PERMANENT COSMETICS SHOP, BODY
PIERCING” AS AN AUTHORIZED USE FOR THE PROPERTY;
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 December 8, 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 an amendment to Ordinance 2003-16, as adopted on or about September 9, 2014, said amendment to add “Tattoo or Permanent Cosmetics Shop, Body Piercing” as an authorized use on the Property, as defined below; and

WHEREAS, Ordinance No. 2014-18 and the uses it authorized for the “Property”, as defined below, while still applicable to the Property, are no longer used by the City, as the City has adopted a new Zoning Code, which is found within Chapter 60 of the City’s Code of Ordinances; and

WHEREAS, on December 8, 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. Ordinance No. 2014-18, as enacted by City Council on or about September 9, 2014; the Zoning Code for the City of Kerrville, Texas; Chapter 60 of the Code of Ordinances for the City of Kerrville; and the Official Zoning Map are each amended by adding Tattoo or Permanent Cosmetics Shop, Body Piercing as an authorized use for the Property, as defined:

Legal Description: Being Lots 15 and 16, Block 16, Westland Place Subdivision, an addition to the City of Kerrville, Texas, the plat of which is filed of record at Volume 1, Page 26, Real Property Records of Kerr County, Texas, and located within the City of Kerrville, Kerr County, Texas, referred to herein as the "Property."

General Description: 401 W. Water Street, Kerrville, TX 78028

SECTION TWO. The City Manager or designee is authorized and directed to amend the City's *Official Zoning Map* to reflect this amendment, as appropriate, and to take other actions contemplated by and in accordance with the City's Zoning Code.

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

SECTION FOUR. 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 FIVE. 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 SIX. 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.

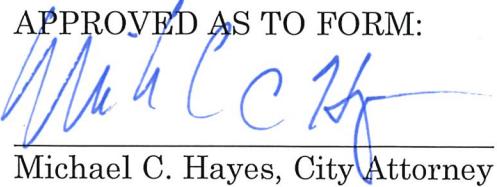
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2020.

Bill Blackburn, Mayor

ATTEST:

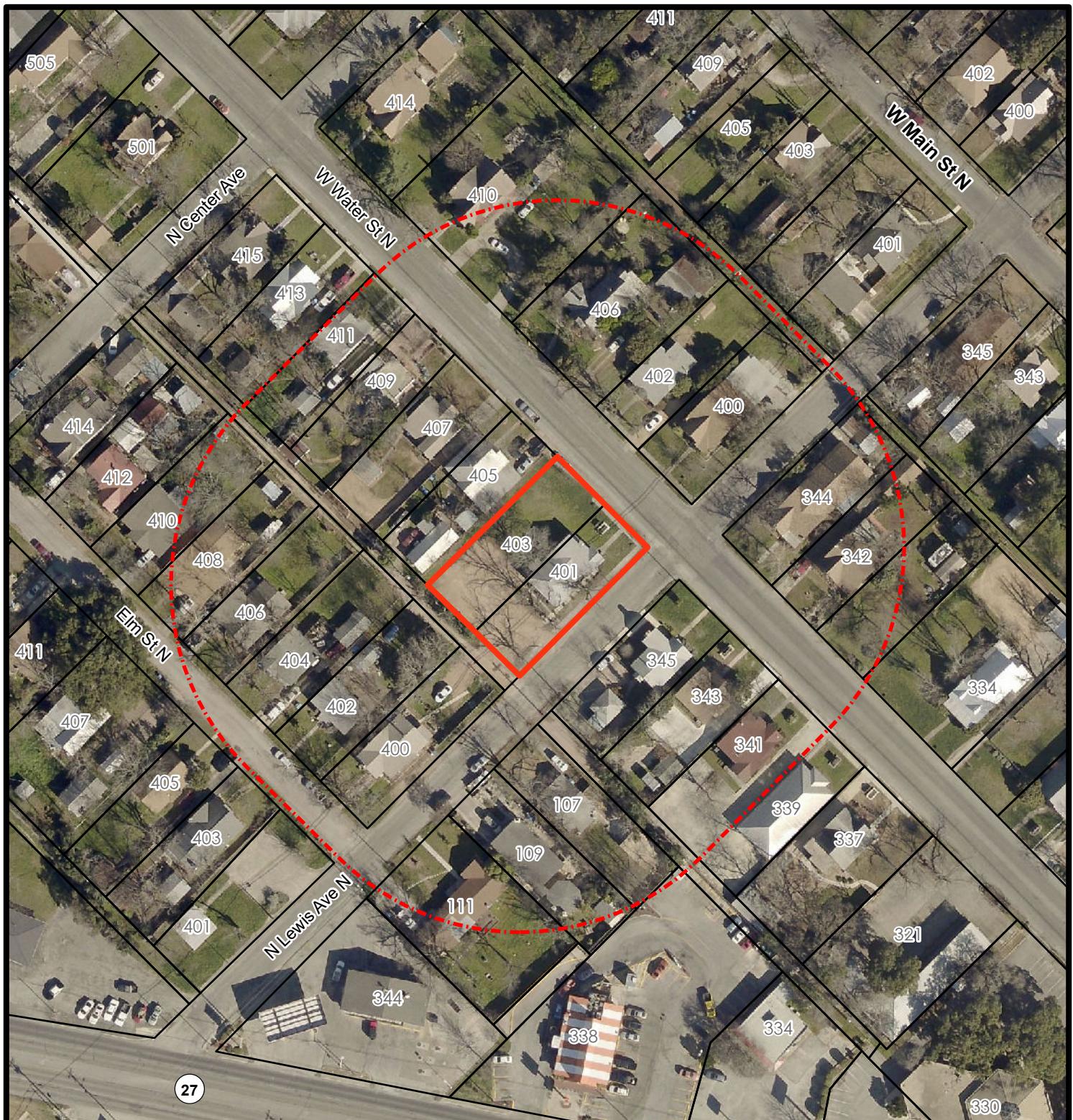
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes

Michael C. Hayes, City Attorney



Location Map

Case # 2020-058

Location:

401 W Water St
403 W Water St

Legend

200' Notification Area
Subject Properties



0 37.5 75 150

Scale In Feet

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



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

SUBJECT: Ordinance No. 2020-23, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, the City's Zoning Code by changing the zoning of a portion of the property generally located east of and adjacent to State Highway 16 South, south of Riverhill Boulevard, and comprising approximately 172.56 acres, said property's zoning previously amended by Ordinance No. 2020-03; from a Medium Density Residential Zoning District (R-2) to a Residential Estate Zoning District (RE); and amending the Comprehensive Plan (Kerrville 2050) to make it consistent with such amendment.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Nov 04, 2020

SUBMITTED BY: Drew Paxton

EXHIBITS: [20201208_Ordinance_2020-23 Zoning Change 2601 Medina Hwy Vintage Heights property - second reading.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Proposal

Public hearing, consideration, and action to recommend an ordinance to change the zoning from R-2 Medium Density Residential District to RE Residential Estates District on approximately 172.56 acres a portion out of Nathaniel Hoyt Survey No. 147, Abstract No. 178 a portion out of John A Southmayd Survey No. 148, Abstract No. 288; and generally located east of Medina Highway and south of Riverhill Boulevard.

Procedural Requirements

56 letters were mailed on 9/17/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 9/10/2020. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-2 Medium Density Residential

Existing Land Uses: Vacant Land

Direction: North

Current Zoning: R-1 Single Family Residential

Existing Land Uses: Single Family Residential

Direction: South

Current Zoning: R-1 Single Family Residential

Existing Land Uses: Vacant Land

Direction: West

Current Zoning: County/ETJ

Existing Land Uses: Large Lot Single Family Detached Homes

Direction: East

Current Zoning: PI Public and Institutional

Existing Land Uses: Kerrville-Schreiner Park

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is currently zoned R-2 Medium Density Residential which is most consistent with Transitional Residential (TR) within the Kerrville 2050 Comprehensive Plan. Transitional Residential allows for small lot homes, single family detached homes, patio homes, townhomes, duplexes, condominiums and apartments. Directly north of the subject property are K2050 zoning designations for Preservation Residential (PR), designating the primary land use as single family detached homes, patio homes, townhomes, and other single-family attached dwellings, along with Neighborhood Residential (NR), allowing primarily single-family detached homes. Land directly west of the subject property is designated as Estate Residential (ER), consisting primarily of large lot single family housing, and to the south, land designated for Agriculture & Outdoor Tourism (AOT), with

primary uses of agriculture, outdoor tourism such as camping, hunting, and other nature based recreational activities, as well as single family detached homes. The request for RE Residential Estate zoning on a majority of the property and to retain R-2 zoning on a portion of the property furthest away from existing and future single family residential homes is consistent with the Kerrville 2050 Plan.

Thoroughfare Plan:

The subject property is located adjacent to Medina Hwy (Hwy 16), a primary arterial.

Traffic Impact:

No traffic impact is anticipated. Safe property ingress and egress will be designed and incorporated into the project as development plans are designed and approved.

Parking:

All parking requirements of the zoning code shall be met, therefore, adequate parking will be provided at the time of site design and construction.

Case Summary:

Current property zoning is R-2 medium density residential. In general, R-2 allows for single-family detached homes, patio homes, townhomes, duplexes, certain public and institutional uses, and activities allowed subject to the approval of a Conditional Use Permit. The applicant is requesting to rezone a majority of the property to RE Residential Estate, where the minimum lot size is one acre, thus significantly reducing the density of any future housing developments. The portion of the site requested to remain R-2 Medium Density residential is proposed for the south end of the property, where it would be located furthest away from existing single family detached homes.

Recommendation:

Because applicant is proposing to reduce overall housing density and the request is consistent with current zoning and future K2050 zoning, it seems reasonable to grant this zoning change request. Based on these circumstances and the consistency with the Kerrville 2050 Plan, staff recommends the zoning change request. The Planning and Zoning Commission recommended the case for approval on October 1st with a unanimous vote.

Ordinance No. 2020-23 first reading was approved by City Council 4-1, on November 10, 2020.

RECOMMENDED ACTION:

Approve Ordinance No. 2020-23 on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2020-23**

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 PORTION OF THE PROPERTY GENERALLY LOCATED EAST OF AND ADJACENT TO STATE HIGHWAY 16 SOUTH, SOUTH OF RIVERHILL BOULEVARD, AND COMPRISING APPROXIMATELY 172.56 ACRES, SAID PROPERTY'S ZONING PREVIOUSLY AMENDED BY ORDINANCE NO. 2020-03; FROM A MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (R-2) TO A RESIDENTIAL ESTATE ZONING DISTRICT (RE); AMENDING THE COMPREHENSIVE PLAN (KERRVILLE 2050) TO MAKE IT CONSISTENT WITH SUCH AMENDMENT; 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 November 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 portion of a property generally located east of and adjacent to State Highway 16 South and south of Riverhill Boulevard; such change to result in the removal of the property from a Medium Density Residential Zoning District (R-2) to placement within a Residential Estate Zoning District (RE); and

WHEREAS, on November 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 Estate Zoning District (RE):

Being 172.56 acres of land comprising, approximately, 169.36 acres out of Nathaniel Hoyt Survey No. 147, Abstract No. 178, and 3.20 acres out of John A. Southmayd Survey No. 148, Abstract No. 288, within the City of Kerrville, Kerr County, Texas; part of 225.69 acres conveyed to Medina River Estates, LLC from 2HM Real Estate Company, LLC in a Special Warranty Deed with Vendor's Lien recorded in File No. 18-00421 Deed Records of Kerr County, Texas; 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, to include changing the designation of the Property on said map to "Estate Residential."

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, to include Ordinance No. 2020-03, 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 10 day of November, 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

ATTACHMENT A

FIELD NOTE DESCRIPTION OF A 172.56 ACRE PARCEL
BEING WITHIN AND PART OF THE TUSCANY LAND, LTD.
PROPERTY ON STATE HIGHWAY NO. 16 IN THE CITY
OF KERRVILLE, KERR COUNTY, TEXAS

Being 172.56 acres of land comprising, approximately, 169.36 acres out of Nathaniel Hoyt Survey No. 147, Abstract No. 178, and 3.20 acres out of John A. Southmayd Survey No. 148, Abstract No. 288, within the City of Kerrville, Kerr County, Texas; part of 225.69 acres conveyed to Medina River Estates, LLC from 2HM Real Estate Company, LLC in a Special Warranty Deed with Vendor's Lien recorded in File No. 18-00421 Deed Records of Kerr County, Texas; more particularly described by its metes and bounds as follows:

(NOTE: The following courses are based on a RTK/GNSS survey conducted on the ground, N.A.D.83 datum, Texas State Plane Coordinates, South Central Zone reduced to horizontal ground distances expressed in U.S. Survey feet. Where record or deed courses differ from the surveyed values, the record value is shown in parenthesis)

BEGINNING at a 1/2 inch steel rod found in the southeast right-of-way line of Texas State Highway No. 16 for the northwest corner of the herein described tract, the southwest corner of Block 1, Riverhill No. 11, replat recorded in Volume 6, Page 350, Plat Records, Kerr County, Texas; from which point a 1/2 inch diameter steel rod marking the northwest corner of said Block 1, Riverhill No. 11 bears N18°09'32"E, 300.0 feet;

THENCE along the southwesterly line of said Riverhill No. 11, S71°49'52"E (S71°49'28"E), at 74.86 feet passing a 1/2 inch diameter steel rod marking the southwest corner of Lot 4 of said Block 1, at 150.00 feet passing a 1/2 inch diameter steel rod marking the southwest corner of Lot 5 of said Block 1, in total 304.96 feet, (305.07 feet) parallel to a wrought iron fence to a 1/2 inch diameter steel rod marking the southeast corner of Lot 6, Block 1;

THENCE along the easterly line of said Lot 6, Block 1, N18°33'18"E, 49.97 feet (N18°03'56"E, 50.00 feet) to a 1/2 inch diameter steel rod marking the southwesterly terminus of the right-of-way of Green Tree Lane, a 60.00 foot wide public street;

THENCE S81°52'00"E, 60.52 feet (S81°49'40"E, 60.91 feet) to a 1/2 inch diameter steel rod with plastic cap stamped "VOELKEL" marking the southeasterly terminus of said Green Tree Lane at a point of intersection with the westerly line of Lot 21, Block 2 of said subdivision;

THENCE southerly along the said westerly line of Lot 21, Block 2, S18°08'08"W, 50.03 feet (S18°03'56"W, 50.00 feet) to a 1/2 inch diameter steel rod marking the southwest corner of said Lot 21, Block 2;

THENCE southeasterly along the southerly line of Lots 21 and 20, Block 2, of said subdivision, S71°46'00"E, 162.70 feet (S71°50'19"E, 162.65 feet) to a 1/2 inch diameter steel rod with plastic cap stamped "MDS" marking the common corner of said Lot 20 and Lot 19 of said Block 2;



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THENCE southeasterly along and with an intermittent wrought iron and wire fence and the southwesterly lines of Lots 19, 18, 17, 16, 15 and Lot 14, S62°45'06"E (S62°50'45"E), at 371.16 feet pass a 1/2 inch diameter steel rod marking the common corners between Lot 15 and Lot 14 of said Block 2, in total 465.98 feet, (466.07 feet) to a 1/2 inch diameter steel rod marking the southeast corner of said Lot 14, Block 2 being at a point of intersection with the westerly line of Lot 13R, Block 2 of said subdivision;

THENCE southwesterly along and with a wire fence and the southwesterly line of said Lot 13R, Block 2, S27°00'37"W, 59.73 feet (S27°01'06"W, 59.85 feet) to a 1/2 inch diameter steel rod marking the southwesterly corner of said Lot 13R for a reentrant corner of the herein described parcel;

THENCE southeasterly along and with a wire fence line and the southwesterly line of said Lot 13R, S62°46'27"E, 221.79 feet (S62°51'53"E, 221.79 feet) to a 1/2 inch diameter steel rod marking the common corner between said Lot 13R and Lot 12, Block 2 of said subdivision;

THENCE continuing southeasterly with said wire fence line and the southwesterly line of said Lot 12, Block 2, S73°16'47"E, 30.72 feet (S73°09'48"E, 30.48 feet) to a 1/2 inch diameter steel rod;

THENCE continuing southeasterly with the wire fence, S73°10'55"E, 63.12 feet (S73°09'12"E, 63.26 feet) to a 1/2 inch diameter steel rod marking the southeast corner of said Lot 12, Block 2 of said subdivision for a reentrant corner of the herein described parcel;

THENCE northerly with the wire fence line along the southeasterly line of said Lot 12, Block 2 of said subdivision N17°08'54"E, 59.18 feet (N16°59'24"E, 59.28 feet) to a 1/2 inch diameter steel rod marking the southeast corner of a 14 foot wide drainage easement dedicated in Volume 947, Page 534 Official Public Records, Kerr County, Texas;

THENCE continuing with the wire fence line along the southeasterly line of said Lot 12, Block 2 of said subdivision N17°13'46"E (N17°11'54"E), at 184.12 passing a 1/2 inch diameter steel rod marking the southeast corner of said Lot 11 of said Block 2, in total 349.82 feet (349.78 feet), to the northeast corner of said Lot 11, Block 2, identical to the southwest corner of Lot 8, Block D, Riverhill No. 1, as recorded in Volume 4, Page 22, Plat Records, Kerr County, Texas;

THENCE southeasterly along the southwesterly line of said Lot 8, Block D with a wire fence line S73°06'21"E, 125.00 feet (S73°12'44"E, 124.81 feet), to a 1/2 inch diameter steel rod marking the southwesterly terminus of the westerly right-of-way line of Hickory Hills Drive, a 50.00 foot wide public street;

THENCE across said southwesterly right-of-way of Hickory Hills Drive and said wire fence line, S74°38'41"E, 49.93 feet (S74°38'21"E, 50.07 feet) to a 1/2 inch diameter steel rod marking southeasterly terminus of said Hickory Hills Drive identical to the southwest corner of Lot 1, Block H of said Riverhill No. 1;

THENCE continuing with the wire fence line along the southwesterly line of said Lot 1, Block H, S75°19'01"E, 190.77 feet (S75°24'35"E, 190.65 feet), to a 1/2 inch diameter steel rod found marking the common corner between said Lot 1 and Lot 2, Block H of said subdivision;



THENCE following along the wire fence on the southeasterly line of said Lot 2, Lot 3 and Lot 4 of said Block H, S83°43'48"E (S83°46'15"E), at 129.82 feet pass a 1/2 inch diameter steel rod found marking the common corner between said Lot 2 and Lot 3 of said Block H, in total 456.83 feet (457.08 feet), to a 1/2 inch diameter steel rod found marking the southeast corner of said Lot 4, being at a point of intersection with the westerly right-of-way line of Ridgewood Lane, a 50 foot wide public street;

THENCE along the said westerly right-of-way of Ridgewood Lane, S12°24'04"W, 60.21 feet (S12°29'46"W, 60.06 feet), to a 1/2 inch diameter steel rod found marking the point of curvature in said westerly right-of-way of Ridgewood Lane;

THENCE 29.23 feet (28.05 feet) along the arc of a curve concave to the northwest thru a central angle of 7°22'26" (7°03'02"), said curve having a radius of 227.15 feet (227.15 feet) the chord of which bears S16°06'32"W, 29.21 feet (S16°16'26"W, 27.93 feet), to a 1/2 inch diameter steel rod with plastic cap stamped "VOELKEL" for a reentrant corner of the herein described parcel;

THENCE southeasterly across said Ridgewood Lane S70°44'42"E, 49.54 feet (S70°12'03"E, 50.00 feet), to a 1/2 inch diameter steel rod marking the southeasterly right-of-way of said Ridgewood Lane found at a point of intersection with the northwest line of Lot 2, Riverhill Estates No. 3 as recorded in Volume 4, Page 114, Plat Records, Kerr County, Texas;

THENCE southwesterly with the westerly line of said Lot 2, Riverhill Estates No. 3 along the easterly right-of way of said Ridgewood Lane 120.88 feet (121.66 feet) along the arc of a curve concave to the northwest thru a central angle of 24°59'20" (25°09'04"), said curve having a radius of 277.15 feet (277.15 feet) the chord of which bears S32°22'10"W, 119.92 feet (S32°22'29"W, 120.69 feet) to a 1/2 inch diameter steel rod found marking the point of tangency of said curve;

THENCE continuing along said easterly right-of-way and westerly line of said Lot 2, S45°02'08"W, 98.46 feet (S44°57'01"W, 98.46 feet), to a 1/2 inch diameter steel rod found marking the common corner between said Lot 2 and Lot 3 of said Riverhill Estates No. 3 a reentrant corner of the herein described tract;

THENCE along the southwesterly line of said Lot 3, S49°19'36"E, 179.90 feet (S49°22'53"E, 180.02 feet), to a 1/2 inch diameter steel rod found marking the common corner between said Lot 3 and Lot 4 of said Riverhill Estates No. 3;

THENCE along the southwesterly line of said Lot 4, S49°20'08"E, 199.78 feet (S49°23'27"E, 199.67 feet), to a 1/2 inch diameter steel rod found marking the common corner between said Lot 4 and Lot 5 of said Riverhill Estates No. 3;

THENCE along the southwesterly line of said Lot 5, S49°04'08"E, 78.22 feet (S49°12'32"E, 78.20 feet), to a 1/2 inch diameter steel rod found marking the southeast corner of Lot 5 of said Riverhill Estates No. 3 being at a point of intersection with the northwest line of that certain 8.57 acre tract of D.R. Wilson according to the Warranty Deed, recorded in Volume 1149, Page 121, Deed Records, Kerr County, Texas



THENCE southwesterly along a wire fence line between said 8.57 acre tract, and the herein described parcel, S44°55'24"W, 398.92 feet (*S44°51'12"W, 398.59 feet*) to a 1/2 inch diameter steel rod found marking the southwest corner of said 8.57 acre tract, at a point of intersection with the northeasterly line of a 500 acre tract conveyed to the City of Kerrville from Texas Parks and Wildlife Department by Deed, recorded in Volume 1334, Page 43, Deed Records, Kerr County, Texas, herein described tract;

THENCE northwesterly with a wire fence line along the northeasterly line of said 500 acre tract N44°56'31"W, 292.59 feet (*S45°04'10"W, 292.50 feet*) to a 1/2 inch diameter steel rod found marking a reentrant corner of the herein described tract;

THENCE southwesterly continuing along a wire fence line between said 500 acre tract and the herein described parcel, S44°56'45"W, 1396.95 feet (*S44°53'05"W, 1397.12 feet*), to a 5 inch cedar post marking an angle point in said line;

THENCE continuing southwesterly with the wire fence line, S47°37'09"W, 296.86 feet (*S74°39'40"W, 297.03 feet*), to a 10 inch cedar post marking an angle point in said line;

THENCE continuing along the wire fence line between said 500 acre tract and the herein described parcel, S16°02'06"W (*S15°56'25"W*), 734.95 feet, to an unmarked point being the southeastern corner of the herein described tract;

THENCE westerly over open pasture across said 225.69 acre tract, N73°57'54"W, 364.15 feet to an unmarked point;

THENCE S53°54'56"W, 1429.24 feet to an unmarked point;

THENCE S83°21'47"W, 833.30 feet to an unmarked point;

THENCE S66°01'00"W, 319.09 feet, to a concrete TxDOT monument found in the east right-of-way line of Texas State Highway No. 16, marking the southwest corner of the herein described tract;

THENCE northeasterly between said easterly right-of-way line of Highway No. 16 and the herein described tract with a wire fence line the following courses each point marked with a found concrete TxDOT monument:

N03°12'36"E, 559.19 feet (*N03°08'27"E, 559.23 feet*);
N26°59'47"E, 275.49 feet (*N26°54'50"E, 275.58 feet*);
N17°13'16"E, 315.09 feet (*N17°13'42"E, 314.97 feet*);
N17°34'43"E, 65.50 feet (*N17°13'42"E, 65.57 feet*);
N37°20'34"E, 700.23 feet (*N37°15'25"E, 700.04 feet*);
N26°09'46"E, 101.72 feet (*N26°09'13"E, 101.86 feet*);
N36°28'22"E, 1799.97 feet (*N36°24'01"E, 1799.95 feet*);
N38°13'12"E, 241.18 feet (*N38°12'35"E, 241.27 feet*);
N38°20'10"E, 271.29 feet (*N38°12'35"E, 271.06 feet*) and



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THENCE continuing northerly along the wire fence line, N18°12'03"E, 161.09 feet (N18°07'08"E, 160.79 feet), along the said right-of-way of Highway No. 16 to the POINT of BEGINNING the whole of which contains 172.56 acres more or less.

Based upon a survey conducted on the ground
Under my direction and supervision May - October, 2020



Dated: 09/10/2020

R. Scott McClintock, Sr.
Registered Professional Land Surveyor
State of Texas
Registration No. 5907



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631 WATER STREET
KERRVILLE, TX 78028



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

SUBJECT: Ordinance No. 2020-24, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, the City's Zoning Code; by changing the zoning of the property known as 1421 Junction Highway (SH 27); from being part of a planned development district established by Ordinance No. 2004-19, to a Light Commercial Zoning District (C-2).

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Nov 04, 2020

SUBMITTED BY: Drew Paxton

EXHIBITS: [20201208_Ordinance_2020-24 Zoning Change 1421 Junction Hwy - second reading.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	L - Land Use
Guiding Principle	D3. Maintain and support small businesses with a local identity
Action Item	N/A

SUMMARY STATEMENT:

Proposal

Public hearing, consideration, and action to recommend an ordinance to change the zoning from PDD Planned Development District to C-2 Light Commercial District on Lot 3-AR Block 1 Overstreet Park Subdivision; and generally located 1421 Junction Hwy.

Procedural Requirements

11 letters were mailed on 9/17/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 9/10/2020. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: PDD 2004-19

Existing Land Uses: Former Fuddruckers Restaurant

Direction: North

Current Zoning: C-2 Light Commercial, C-3 General Commercial, R-2 Medium Density Residential

Existing Land Uses: Retail, Used Cars, Office, Medium Density Housing

Direction: South

Current Zoning: N/A

Existing Land Uses: Nimitz Lake

Direction: West

Current Zoning: C-2 Light Commercial

Existing Land Uses: Restaurant, Car Wash, Oil Change, Laundromat

Direction: East

Current Zoning: PDD 2004-19, C-2 Light Commercial

Existing Land Uses: Retail, Starbucks, Fast Food

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is located within Strategic Catalyst Area 3 (SCA 3) of the Kerrville 2050 Comprehensive Plan. The focus of SCA 3 is on mixed use, riverfront developments. Applicant is proposing a restaurant and brewery that will utilize the existing building with restaurant service overlooking Nimitz Lake from an existing deck. The brewery is not allowed under the current Planned Development District (PD 2004-19), however, the K2050 comprehensive plan encourages this type of development along the riverfront. The intended use, and thus the zoning change, is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located adjacent to Junction Hwy (Hwy 27), a primary arterial.

Traffic Impact:

No traffic impact is anticipated. Safe property ingress and egress already exist at this location.

Parking:

All parking requirements of the zoning code shall be met. As having been a previous restaurant, adequate parking already exists.

Case Summary:

Applicant has purchased the former Fuddruckers building and parking lot and is planning a restaurant and brewery. The current Planned Development District does not allow for the brewery use, so the applicant has requested a zoning change from PD 2004-19 to C-2 Light Commercial, where a microbrewery is permitted.

Surrounding current uses along Junction Hwy (Hwy 27) are primarily C-2 Light Commercial and C-3 General Commercial. This zoning change request would be consistent with current zoning. Additionally, the K2050 Strategic Catalyst Area 3 guidelines encourage this type of development along the waterfront.

Having already been used as a restaurant in the past, there is adequate parking and safe ingress and egress to and from Junction Hwy (Hwy 27) are also already in place.

Recommendation:

Because the requested zoning change is consistent with current zoning and future K2050 Strategic Catalyst Area 3 recommendations, it seems reasonable to grant this zoning change request. Based on these circumstances and the consistency with the Kerrville 2050 Plan, staff recommends the zoning change request. The Planning and Zoning Commission recommended approval on October 1st with a unanimous vote.

Ordinance No. 2020-24 first reading was approved by City Council 5-0, on November 10, 2020.

RECOMMENDED ACTION:

Approve Ordinance No. 2020-24 on second reading.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2020-24

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 THE PROPERTY BEING LOT 3AR, BLOCK ONE, OVERSTREET PARK, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, TEXAS, AND MORE COMMONLY KNOWN AS 1421 JUNCTION HIGHWAY (SH 27); FROM BEING PART OF A PLANNED DEVELOPMENT DISTRICT ESTABLISHED BY ORDINANCE NO. 2004-19, TO A LIGHT COMMERCIAL ZONING DISTRICT (C-2); 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 November 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 portion of a property known as 1421 Junction Highway (SH 27) (Lot 3AR, Block 1, Overstreet Park); such change to result in the removal of the property from a Planned Development District, as established by Ordinance No. 2004-19, to placement within a Light Commercial Zoning District (C-2); and

WHEREAS, on November 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* and Ordinance No. 2004-19, be and the same are hereby amended to designate the following described property zoned as a Light Commercial Zoning District (C-2):

All that certain tract or parcel of land, lying and being situated within the City of Kerrville, Texas, and being Lot 3AR, Block One, of Overstreet Park, a subdivision of Kerr County, Texas; 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 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, to include Ordinance No. 2004-19, are expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. 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 FIVE. 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 SIX. 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 10 day of
November, 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:

A blue ink signature of Michael C. Hayes.

Michael C. Hayes, City Attorney

ATTACHMENT A



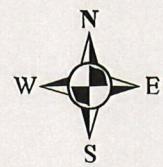
Location Map

Case # 2020-052

Location:
1421 Junction Hwy

Legend

200' Notification Area
Subject Properties



0 50 100 200

Scale In Feet

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



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

SUBJECT: Ordinance No. 2020-25, second reading. An Ordinance amending the City's Fiscal Year 2020 and Fiscal Year 2021 budgets to account for the transfer of excess funds, the receipt of additional revenue, and to make other amendments as provided herein.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Nov 04, 2020

SUBMITTED BY: Amy Dozier

EXHIBITS: [20201208_Ordinance_2020-25 Amending Citys FY2020 and FY2021 budgets - second reading.pdf](#)
[20201208_Ordinance_Financial Presentation.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

See attached financial presentation and budget amendment detail. Ordinance No. 2020-25 first reading was approved by City Council 5-0, on November 10, 2020.

There has been one change since the first reading. Final FY2020 fiscal activity information is received in mid-November. The final adjustments increased sales tax by \$150K. Accordingly, the budget amendment transfer to General Capital Projects Fund has been increased by \$150K since the first reading.

The amendment contains no other changes since the first reading.

RECOMMENDED ACTION:

Approve Ordinance 2020-25 on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2020-25**

**AN ORDINANCE AMENDING THE CITY'S FISCAL YEAR 2020
AND FISCAL YEAR 2021 BUDGETS TO ACCOUNT FOR THE
TRANSFER OF EXCESS FUNDS, THE RECEIPT OF
ADDITIONAL REVENUE, AND TO MAKE OTHER
AMENDMENTS AS PROVIDED HEREIN**

WHEREAS, Ordinance No. 2019-21, as approved upon second reading on September 24, 2019, adopted the Fiscal Year 2020 Budget for the City of Kerrville, Texas; and

WHEREAS, Ordinance No. 2020-16, as approved upon second reading on September 8, 2020, adopted the Fiscal Year 2021 Budget for the City of Kerrville, Texas; and

WHEREAS, since March 2020, and the beginning of the pandemic, the City has experienced lower than budgeted revenues; and

WHEREAS, in response to an anticipated decrease in revenues, the City implemented mid-year budget reductions and applied for grant funding; and

WHEREAS, at the end of Fiscal Year 2020, the City's financial stabilization efforts proved successful such that operating funds ended the year with excess fund balance because revenue decreases were less severe than expected, the City's budget cuts significantly reduced expenses, and the City received COVID related grant funding; and

WHEREAS, the City needs to amend its Fiscal Year 2020 Budget, before closing the fiscal year, and Fiscal Year 2021 Budget accordingly; and

WHEREAS, City Council finds that amending the City's Fiscal Year 2020 and Fiscal Year 2021 Budgets are in the best interest of the citizens of the City of Kerrville;

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

In accordance with Section 8.06 of the City Charter, the Official Budgets for Fiscal Year 2020 and Fiscal Year 2021 are amended as set forth in **Attachment A**.

**PASSED AND APPROVED ON FIRST READING, this the 10 day of
November, A.D., 2020.**

PASSED AND APPROVED ON SECOND AND FINAL READING, this
the _____ day of _____, A.D., 2020.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

ATTACHMENT A

Fund	Account #	Account Name	Debit	Credit	Budget Year
1. Transfer or use excess fund balances at the end of Fiscal Year 2020:					
General Fund	01-0100-9018	Transfer Out - Asset Replacement	1,451,030		FY2020
Asset Replacement	18-7001	Transfer In - General Fund		1,451,030	FY2020
General Fund	01-0100-9070	Transfer Out - Capital Projects			FY2020
Capital Projects	70-7001	Transfer In - General Fund	1,975,000		FY2020
Water Fund	02-0200-9019	Transfer Out - Asset Replacement		1,975,000	FY2020
Asset Replacement	19-7002	Transfer In - Water Fund	100,000		FY2020
General Fund	various	Compensation - One-time discretionary pay		317,000	FY2021
General Fund	various	Compensation - reinstate Public Safety step plan		48,000	FY2021
Water Fund	various	Compensation - One-time discretionary pay		54,000	FY2021
Garage Fund	various	Compensation - One-time discretionary pay		6,000	FY2021
Development Services Fund	various	Compensation - One-time discretionary pay		15,100	FY2021
2. To record grants received and spent during FY2020:					
Grant Fund	85-6713	Police - Grants/Donation		55,712	FY2020
Grant Fund	85-6719	Covid-19 Grants		1,399,180	FY2020
Grant Fund	85-6782	Grant - Recycle		25,000	FY2020
Grant Fund	85-8513-0000	Salaries And Wages		933,324	FY2020
Grant Fund	85-8513-0001	Overtime		60,883	FY2020
Grant Fund	85-8513-0004	Longevity		5,009	FY2020
Grant Fund	85-8513-0005	Certification Pay		17,772	FY2020
Grant Fund	85-8513-0009	Other Pay		4,140	FY2020
Grant Fund	85-8513-0101	Social Security		75,177	FY2020
Grant Fund	85-8513-0102	Retirement		105,452	FY2020
Grant Fund	85-8513-0103	Group Insurance		130,617	FY2020
Grant Fund	85-8513-1100	Tools And Equipment		6,187	FY2020
Grant Fund	85-8513-5320	Technology Equipment		49,525	FY2020
Grant Fund	85-8530-9001	Transfer Out - General Fund		66,805	FY2020
Grant Fund	85-8562-3140	Recycling Services		25,000	FY2020
3. To record transfer to Capital Projects for Airport t-hanger project:					
General Fund	01-0100-9070	Transfer Out - Capital Projects		27,825	FY2020
Capital Projects Fund	70-7001	Transfer In - General Fund		27,825	FY2020

Fund	Account #	Account Name	Debit	Credit	Budget Year
4. To close out HOT Reserve Fund:					
HOT Reserve Fund	16-1600-9020	Transfer Out - HOT Fund	3,340		FY2020
HOT Fund	20-7016	Transfer In - HOT Reserve		3,340	FY2020
5. To re-budget for a FY2019 budgeted purchase that was not received until October 2019 (FY2020)					
Water Asset Replacement Fund	19-1900-5300	Machinery-Tools-Equipment	28,550		FY2020
6. To budget for EIC project agreements approved and signed in FY2020:					
EIC Fund	40-4000-4355	Project Contribution	1,931,530		FY2020
7. To budget for the Library Endowment Fund received in FY2020:					
Library Endowment Fund	83-8300-3105	Legal Services	2,250		FY2020
Library Endowment Fund	83-8300-3110	Investment Services	6,000		FY2020
Library Endowment Fund	83-8300-3190	Other Professional Services	890		FY2020
8. To budget for additional Insurance Reserve Fund revenues and expenditures:					
Insurance Reserve Fund	90-6920	Reimbursement - Vehicles / Equipment	15,515		FY2020
Insurance Reserve Fund	90-6921	Reimbursement - Buildings / Structures	48,850		FY2020
Insurance Reserve Fund	90-9000-2000	Building & Structure Maintenance	2,000		FY2020
Insurance Reserve Fund	90-9000-3105	Legal Services	38,000		FY2020
Insurance Reserve Fund	90-9000-3190	Other Professional Services	15,500		FY2020
Insurance Reserve Fund	90-9000-5320	Technology Equipment	5,600		FY2020
Insurance Reserve Fund	90-9000-9018	Transfer Out - Asset Replacement	3,800		FY2020

Budget Amendment and Financial Update

City Council Meeting

December 8, 2020



General Fund Summary

General Fund	Fund	Total FY2020 Budget	FY2020 Actual	Better / (Worse) than Budget	FY2019 Actual	Change from FY2019
General Fund						
Revenues						
Property Tax		\$ 9,922,412	\$ 9,984,974	\$ 62,562	\$ 9,578,673	\$ 406,301
Sales Tax		7,470,865	7,825,534	354,669	7,297,167	528,367
Other Revenue		11,368,800	10,665,373	(703,428)	10,891,635	(226,262)
Total Revenue		28,762,077	28,475,880	(286,197)	27,767,475	708,406
Expenditures		28,762,077	24,559,369	4,202,708	27,725,596	(3,166,227)
Net		\$ -	\$ 3,916,512	\$ 3,916,512	\$ 41,879	\$ 3,874,633

- Final FY2020 fiscal activity information is received in mid-November. The final adjustments INCREASED sales tax by \$150K and INCREASED EMS revenue by \$17K.
- The budget amendment transfer to Capital Projects has been increased by \$150K since 1st reading. No other changes.

Budget Amendment

1. To account for surplus transfers and expenditures:

GENERAL FUND				
Transfer to Asset Replacement - Brush Truck	79,000			
Transfer to Asset Replacement - Lucas Device	24,000			
Transfer to Asset Replacement - Ambulance PowerLoad system	27,000			
Transfer to Asset Replacement - IT Items	21,030			
Transfer to Asset Replacement - Streets Paver	500,000			
Transfer to Asset Replacement - Reserved for future purchases	800,000			
Total Transfer to Asset Replacement	1,451,030			FY2020 Budget Amendment
Transfer to Capital Projects - Streets	1,250,000			
Transfer to Capital Projects - Base Map	75,000			
Transfer to Capital Projects - Reserved for future projects	650,000	**increased by \$150,000		
Total Transfer to Capital Projects	1,975,000			FY2020 Budget Amendment
One-time payment to full time employees	317,000			FY2021 Budget Amendment
Reinstate Public Safety Step Plans on 4/1/2021	48,000			FY2021 Budget Amendment
Total Compensation Adjustments	365,000			
TOTAL GENERAL FUND	3,791,030			
WATER FUND				
Transfer to Capital Projects - Vac-Con Truck	100,000			FY2020 Budget Amendment
One-time payment to full time employees	54,000			FY2021 Budget Amendment
TOTAL WATER FUND	154,000			
GARAGE FUND				
One-time payment to full time employees	6,000			FY2021 Budget Amendment
DEVELOPMENT SERVICES FUND				
One-time payment to full time employees	15,100			FY2021 Budget Amendment

Budget Amendment

1. To account for surplus transfers and expenditures:

- Proposed purchases include ONE TIME capital expenditures purchased through the Asset Replacement Fund or Capital Projects Fund.
- Money transferred to the Asset Replacement Fund or Capital Projects Fund is used for items that meet the criteria for those funds.
- Individual purchases over \$50,000 must be approved by Council.
- Council approves the budget for the Asset Replacement Fund and Capital Projects Fund as part of the normal budget process.
- The proposed payment to employees is a one-time discretionary payment to full time employees equal to 2% of their salary. Employees did not receive merit or COLA raises for FY2021.
- Step adjustments for Public Safety personnel were not included in the FY2021 budget. This amendment proposes reinstating step plan adjustments beginning on April 1st.

Budget Amendment

2. To account for Grants received and spent:

Texas Department of Emergency Mgmt - CARES Funding	1,332,375
Health & Human Services - COVID EMS Lost Revenue Grant	66,805
Office of the Governor - Narcotics Analyzer Grant	49,525
AACOG - Household Hazardous Waste Event	25,000
Department of Justice - Ballistic Body Armor	6,187
Total Grant Funding	<hr/> 1,479,892

3. To record \$27,825 transfer from General Fund to Capital Projects Fund for Airport T-Hangar Project

4. Transfer \$3,340 from HOT Reserve Fund to HOT Fund to close out fund following Arcadia Renovations

5. To re-budget \$28,550 for a Water Production generator budgeted in FY2019, but received in October 2019

Budget Amendment

- 6. To budget for EIC project agreements approved in FY2020 (amounts represent FY2020 spending only):**
 - * Killdeer Mountain Manufacturing: **\$1,817,862**
 - * Doyle School: **\$113,668**
- 7. To budget for \$9,140 in professional services expenditures related to the Library Endowment Fund that was transferred to the City in FY2020**
- 8. To budget for \$64,365 in additional claims reimbursement received and \$64,900 in unbudgeted expenditures in the Insurance Reserve Fund during FY2020**

October 2020

Fund	Total	Year to Date	Year to Date	Better / (Worse)	Year to Date	Change from
	FY2021	FY2021	FY2021	FY2020	FY2020	FY2020
General Fund						
Revenues						
Property Tax	\$10,234,372	\$ 394,631	\$ 527,454	\$ 132,823	\$ 391,215	\$ 136,239
Sales Tax	7,022,613	557,086	623,505	66,419	589,565	33,940
Other Revenue	10,807,266	637,262	824,254	186,992	855,175	(30,921)
Total Revenue	28,064,251	1,588,979	1,975,214	386,235	1,835,955	139,259
Expenditures	28,064,251	2,280,443	2,103,800	176,643	1,643,791	460,009
Net	\$ -	\$ (691,464)	\$ (128,586)	\$ 562,878	\$ 192,164	\$ (320,750)
Water Fund						
Revenues						
Water Sales	\$ 6,315,482	\$ 603,088	\$ 617,694	\$ 14,606	\$ 586,503	\$ 31,190
Sewer Sales	5,758,854	480,603	476,849	(3,754)	458,072	18,778
Reuse Sales	145,495	13,894	32,263	18,369	19,085	13,179
Other Revenue	842,838	58,426	74,774	16,348	66,244	8,530
Total Revenue	13,062,669	1,156,011	1,201,580	45,569	1,129,903	71,676
Expenditures	13,062,669	1,142,771	1,011,148	131,623	1,034,709	(23,561)
Net	\$ -	\$ 13,240	\$ 190,432	\$ 177,192	\$ 95,194	\$ 95,237

October 2020 Highlights

- Property tax collections are off to a strong start. Bob Reeves reports an increase in property owners opting for the half pay option.
- Very strong sales tax results continue. October 2020 sales tax was 5.6% higher than October 2019 in spite of a state reporting issue that caused the City to receive October's payment in November for one large retailer.
- Increases continue in regional retail (home improvement, big box, etc.), online sales, and manufacturing.
- November 2020 sales tax is up 24.9% compared to November 2019! A portion of the increase is due to the large retailer double payment. In addition to previous trends, the food service category is up 8.5%.

October 2020

Fund	Total FY2021 Budget	Year to Date FY2021 Budget	Year to Date FY2021 Actual	Better / (Worse) than Budget	Year to Date FY2020 Actual	Change from FY2020
Development Services Fund						
Revenues						
Permits & Fees	\$ 613,830	\$ 51,152.50	\$ 30,092	\$ (21,061)	\$ 187,148	\$ (157,056)
Transfer In	272,260	22,688.33	22,688	-	19,785	2,903
Total Revenue	886,090	73,841	52,780	(21,061)	206,933	(154,153)
Expenditures	1,003,647	86,854	79,819	7,035	42,560	37,259
Net	(117,557)	(13,013)	(27,039)	(14,026)	164,373	(191,412)
Golf Fund						
Revenues						
Recreation	867,705	73,230	79,820	6,590	59,184	20,637
Transfer In	80,000	5,833	5,833	-	5,833	-
Total Revenue	947,705	79,064	85,654	6,590	65,017	20,637
Expenditures	947,705	63,235	89,096	(25,860)	64,076	25,020
Net	-	15,828	(3,442)	(19,270)	941	(4,383)
Hotel Occupancy Tax Fund						
Revenues	1,281,685	86,210	108,051	21,841	113,938	(5,887)
Expenditures	1,281,685	8,970	8,333	637	-	8,333
Net	\$ -	\$ 77,240	\$ 99,718	\$ 22,478	\$ 113,938	\$ (14,220)

**Council Questions or
Comments?**





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

SUBJECT: Briefing and possible action as to the City's ongoing preparedness and response to COVID-19 (Coronavirus).

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Sep 24, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

On-going responsiveness to changing conditions and situations.

RECOMMENDED ACTION:

Actions for the preparedness and response to COVID-19 (Coronavirus) circumstances.



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

SUBJECT: Declaration of local state of disaster due to a public health emergency, March 20, 2020.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Sep 24, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20200922_Resolution_16-2020 Extending Mayor's Disaster Declaration Covid-19 7-28-20.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Review the Disaster Declaration revised March 20, 2020.

RECOMMENDED ACTION:

Review declaration.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 16-2020**

**A RESOLUTION AUTHORIZED BY SECTION
418.108(B) OF THE TEXAS GOVERNMENT CODE
EXTENDING THE MAYOR'S DECLARATION THAT
COVID-19 (CORONAVIRUS) POSES AN IMMINENT
THREAT OF DISASTER WITHIN THE CITY OF
KERRVILLE AND DECLARING A STATE OF
DISASTER WITHIN THE CITY**

WHEREAS, on March 16, 2020, Mayor Bill Blackburn, acting in accordance with authority granted to him under the City's Charter and Section 418.108(a) of the Texas Government Code, declared a local state of disaster ("disaster declaration") for the City due to concerns related to the coronavirus disease 2019 (COVID-19); and

WHEREAS, the Mayor revised and reissued the disaster declaration on March 18, 2020 and March 19, 2020 to account for new information and health recommendations; and

WHEREAS, Section 418.108(b) of the Texas Government Code provides that the disaster declaration may not be continued for a period of more than seven days except with the consent of City Council; and

WHEREAS, City Council, pursuant to its adoption of Resolution No. 06-2020 consented to the Mayor's declaration and extended it in accordance with state law; and

WHEREAS, the Mayor, on today's date, has issued a revised declaration, which revises his previously issued declaration to update it to current conditions and needs; and

WHEREAS, City Council believes that the conditions necessitating the disaster declaration will continue to exist for a period of more than seven days; and

WHEREAS, City Council supports the disaster declaration signed by Mayor Bill Blackburn on July 28, 2020, and consents to its continuation for a period of more than seven days;

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

City Council hereby ratifies the disaster declaration signed by Mayor Bill Blackburn on July 28, 2020 and consents to its continuation indefinitely or until such time as it is terminated by order of the Council. Said declaration is attached hereto as **Exhibit A**.

PASSED AND APPROVED ON this the 28 day of July, A.D., 2020.

ATTEST:


Shelley McElhannon, City Secretary


Bill Blackburn, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

**DECLARATION OF LOCAL STATE OF DISASTER DUE TO A PUBLIC
HEALTH EMERGENCY – EXTENDED (4th Declaration)**

**A DECLARATION OF THE MAYOR OF THE CITY OF
KERRVILLE, TEXAS, DECLARING THAT COVID-19
(CORONAVIRUS) REMAINS AN IMMINENT THREAT OF
DISASTER WITHIN THE CITY OF KERRVILLE AND
EXTENDING THE DECLARATION OF A STATE OF DISASTER
WITHIN THE CITY; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of Kerrville, Texas (the “City”) from on or before the 16th day of March 2020, prepared for damage, injury, or loss of life resulting from the novel coronavirus (COVID-19), which has been recognized globally as a contagious respiratory virus; and

WHEREAS, it is critical that the City continue taking actions to respond to and mitigate the spread of COVID-19 to protect the health and welfare of the public; and

WHEREAS, extending the City’s *Declaration of Local State of Disaster Due to a Public Health Emergency* will continue to help facilitate and expedite the use and deployment of resources to enhance the City’s ongoing response and mitigation to COVID-19; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas certified that COVID-19 poses an imminent threat of disaster and declared a state of disaster for all counties in Texas, has extended his declaration several times, and to date, has issued approximately twenty-two orders, many of which remain in effect, in an effort to mitigate said disaster; and

WHEREAS, the Texas Department of State Health Services (“DSHS”) has previously determined, including an updated declaration issued on May 15, 2020, that as of March 19, 2020, COVID-19 represented and continues to represent a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, the Mayor urges all citizens of Kerrville and this community to continue to monitor government websites such as the Centers of Disease Control and Prevention (“CDC”), DSHS, and the Texas Governor as well as news sources in an attempt to remain aware and vigilant about COVID-19 and the evolving situation; and

WHEREAS, the Mayor, in seeking information from national, state, and local experts continues to believe that extraordinary measures must continue to be taken to respond to and to mitigate the spread of COVID-19 and its impact to the public health and welfare;

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF KERRVILLE:

SECTION ONE. Extending Declaration of Local State of Disaster. A local state of disaster (“disaster declaration”) was previously declared for the City of Kerrville, Texas, pursuant to Section 418.108(a), Texas Government Code, on March 16, 2020, and then revised on March 18, 2020 and March 19, 2020. The Mayor hereby extends the March 19, 2020, declaration in accordance with law.

SECTION TWO. Duration of Local State of Disaster. Pursuant to Section 418.108(b), Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by Kerrville City Council.

SECTION THREE. Publicity and Filing. Pursuant to Section 418.108(c), Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary, to include posting it on the City’s website.

SECTION FOUR. Continuing the Activation of the City Emergency Management Plan. Pursuant to Section 418.108(d), Texas Government Code, this declaration of a local state of disaster continues the activation of the City’s Emergency Management Plan.

SECTION FIVE. Public Meetings - Audience and presenter social distancing; public testimony and public hearing input. City Council meetings and meetings of other City Boards and Commissions may be delayed, rescheduled, or conducted in accordance with alternate measures as permitted by law. To reduce the chance of COVID-19 transmission, the City shall hold its public meetings in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with other members of the community, City Council and other Board and Commission members, and City staff. Public testimony and public hearing input for public comment and on all items on the agenda at public meetings of the City Council and City Boards and Commissions shall be provided in a manner that best serves these purposes, but balancing the right of a person to make a public statement, orally and in person, virtually, or in writing but keeping in mind the public health and safety. The City shall establish and provide notice of its *Council Meeting Procedures during Disaster Period* and shall also provide notice on its website of the meeting schedule for City Council and its other Boards and Commissions and the health measures applicable to each.

SECTION SIX. Municipal Court. All court proceedings in the City’s Municipal Court may be altered or even postponed in accordance with state law, including orders and direction from the Texas Supreme Court and the state’s Office of Court Administration.

SECTION SEVEN. City Manager Authority. The City Manager, or designee, is authorized to take the following actions, but shall provide notice of such to City Council following such action:

- a. make application for local, state, and federal assistance as necessary and/or applicable;
- b. accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials from private, nonprofit, or government sources;
- c. suspend disconnections, fees, and penalties related to the City's provision of services.

SECTION EIGHT. Limitation of Declaration. This disaster declaration does not extend to law enforcement activities, emergency responses, or to school districts or private school facilities within the City.

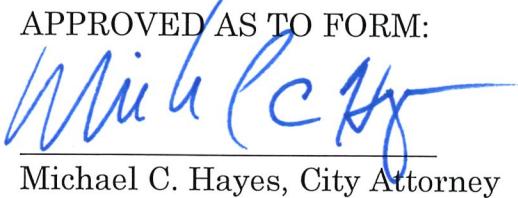
SECTION NINE. Effective Date. This proclamation shall take effect immediately from and after its issuance. This disaster declaration supersedes all previous declarations on this matter.

ORDERED and REVISED this the 28 day of July, 2020.

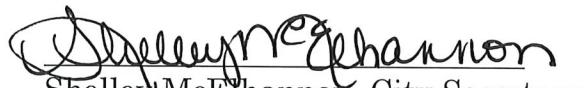
THE CITY OF KERRVILLE, TEXAS


Bill Blackburn, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary



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

SUBJECT: Appoint members to the Food Service Advisory Committee.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Sep 14, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20201110_Food Service Advisory Board 9-14-20.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Four vacancies exists.

Five applications have been received: Monica Egelston (reappointment), Angela Fiedler (reappointment), Wendy Massey, Bernadette Winn, and Larry Wray.

The interview team for this board is Councilmember Place 1 Gary Cochrane and Councilmember Place 4 Brenda Hughes.

RECOMMENDED ACTION:

Appoint members.

FOOD SERVICE ADVISORY BOARD			
Name	Term	Start date	End date
Shonna Ebert	1	12-May-20	1-Dec-22
Monica Egelston	1	28-Mar-17	1-Dec-20
Angela Fiedler	1	28-Mar-17	1-Dec-20
Martino Ortega	1	2-Dec-19	1-Dec-22
Monty Rusch	1	28-Mar-17	1-Dec-20
Seth White	1	28-Mar-17	1-Dec-20
Marcus Willis	1	12-May-20	1-Dec-22

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

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

MEMBERS: 7 **TERM: 2 YEARS** **TERM LIMIT: 2 TERMS**

LIAISON: DARYLE POE

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

The interview team for this Board is Councilmember Place 1 Gary Cochrane and Councilmember Place 4 Brenda Hughes.



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

SUBJECT: Appoint members to the Planning & Zoning Commission. (This item is eligible for discussion in Executive Session 551.074).

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Sep 21, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20201208_Board Roster_Planning & Zoning 9-2020.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Four vacancies exists.

Five applications have been received: Shane Bourgeois, Chase Gray, David Lipscomb (reappointment), Michael Sigerman, and Clifford Tuttle (reappointment).

The interview team for this board is Councilmember Place 2 Kim Clarson and Councilmember Place 4 Brenda Hughes.

RECOMMENDED ACTION:

Appoint members.

PLANNING & ZONING COMMISSION

Name	End date	Term	
Tricia Byrom	1-Jan-22	1	
Garrett Harmon	1-Jan-21	3	term out
T David Jones	1-Jan-22	2	
David Lipscomb	1-Jan-21	1	eligible
Hunter Patterson	1-Jan-22	1	
Cliff Tuttle	1-Jan-21	1	eligible
Rustin Zuber	1-Jan-21	3	term out

QUALIFICATIONS: The Commission shall be composed of seven (7) members. At least five (5) members shall be residents and a qualified voter of the City of Kerrville, Texas; two (2) members may reside in the City's extraterritorial jurisdiction (ETJ) and shall be a qualified voter of Kerr County. Commission members are appointed by a majority vote of City Council.

POWERS AND DUTIES:

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

Staff Contact: Drew Paxton

7 members, 2 year terms, for 3 term limit

Resolution: Zoning Code, Ordinance No. 2019-17 effective 10-01-2019



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

SUBJECT: Appoint members to the Senior Services Advisory Committee.

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Sep 16, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20200922_Board Appt_Senior Services Advisory Committee.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Six vacancies exists.

Seven applications have been received: Misty Blevins - reappointment, Karen Burkett - reappointment, Christine Klima - reappointment, Karen Martin, Karen Mattox, Mary Mays, and Niel Powers.

The interview team for this board is Councilmember Place 2 Kim Clarkson and Councilmember Place 3 Judy Eychner.

RECOMMENDED ACTION:

Appoint members.

SENIOR SERVICES ADVISORY COMMITTEE

Name	Start date	End date	Position
Janice Andersen	8-Jan-19	30-Sep-21	
Misty Blevins	8-Jan-19	30-Sep-20	
Karen J. Burkett	8-Jan-19	30-Sep-20	
Marilyne Cizmich	15-Jan-20	30-Sep-22	
Christine Klima	8-Jan-19	30-Sep-20	Vice Chair
Margie Jetton	8-Jan-19	30-Sep-20	
Waverly Jones	8-Jan-19	30-Sep-21	Chair
Melba Maring	8-Jan-19	30-Sep-20	
Dwight McDonald	15-Jan-20	30-Sep-22	
Rebecca Piszcior	8-Jan-19	30-Sep-21	
Theresa Standage	12-Feb-19	30-Sep-21	
Mike Wilson	12-Feb-19	20-Sep-21	
Sandra Yarbrough	12-Feb-19	30-Sep-21	
Vacancy	8-Jan-19	30-Sep-21	

The Senior Services Committee shall act as an advisory body to the City Manager and City Council.

Members must be at least 55 years of age, or have relative experience in providing services to seniors, should be persons who are concerned about senior affairs in the community, and must reside within the City.

- a. recommend the role of the City and the Committee in ensuring the provision of services to the elderly;
- b. advise City Council as requested on elderly issues;
- c. assist the City in identifying programs for the elderly that are needed in the community; and
- d. perform other duties assigned by City Council.

14 members

2 year terms with a 2 term limit

Staff liaison: Kim Meismer

Ordinance 2018-32 Amended 2019-05; Amended 2020-02



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

SUBJECT: Appoint members to the Zoning Board of Adjustment. (This item is eligible for discussion in Executive Session 551.074).

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Sep 24, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20200908_Roster_ZBA.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Four vacancies exists for the Zoning Board of Adjustment.

Six applications: Mike Asmus (currently an alternate board member), Pablo Brinkman (reappointment), Michael Killeen, Bill Morgan, Jim Sandy, and Paul Zohlen (reappointment).

The interview team for this board is Mayor Bill Blackburn and Councilmember Brenda Hughes.

RECOMMENDED ACTION:

Appoint members.

Zoning Board of Adjustment

Name	Term	Start date	End date	Position
Pablo Brinkman	1	12-Jun-18	30-Sep-20	
Ernest Garza	1	9-Jun-20	30-Sep-22	
Robert Irvin	1	12-Jun-18	30-Sep-20	
Sam Ligon	3	9-Jun-20	30-Sep-22	
Paul Zohlen	2	12-Mar-19	30-Sep-20	
Mike Asmus	1	9-Jun-20	30-Sep-22	Alternate
Vacant		30-Aug-19	30-Sep-20	Alternate

Qualifications:

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

Powers and Duties:

1. The board shall hear and decide an appeal that alleges an error in any order, decision, or determination made by an administrative official of the city in the interpretation or enforcement of Chapter 211 of the Texas Local Government Code, as amended, or the zoning code.
2. The board shall grant, upon written request, variances from the height, yard, area, coverage, floor-to-area, and buffering regulations and required number of parking and loading spaces prescribed by the zoning code, which variances are not contrary to the public interest, and which, because of special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

Membership: 5 with 2 alternates

3 Term Limits with 2 year term length

Staff Liaison: Drew Paxton

Enacting Ordinance No. 1997-07.



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

SUBJECT: Appointment of Councilmember to the Kerrville Economic Development Corporation Board. (This item is eligible for discussion in Executive Session 551.074).

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Nov 20, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
0	0	0	N/A

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

The City Council is responsible for appointing one member to the KEDC Board. The Mayor currently serves in this capacity, as have Mayors before him. He would like to continue serving in this capacity.

RECOMMENDED ACTION:

Appoint a member of Council.



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

SUBJECT: Appointment of Mayor Pro Tem. (This item is eligible for discussion in Executive Session 551.074).

AGENDA DATE OF: December 8, 2020 **DATE SUBMITTED:** Nov 20, 2020

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
0	0	0	N/A

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

In accordance with the City Charter, Section 3.02, following the canvass of the general election, the City Council shall choose one of its members, other than the Mayor, to serve as Mayor Pro Tem. The current Mayor Pro Tem is Councilmember Judy Eychner.

RECOMMENDED ACTION:

Appoint Mayor Pro Tem.