

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

**TUESDAY, JANUARY 12, 2021, 6:00 P.M.**

**CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

### **The Community Vision**

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

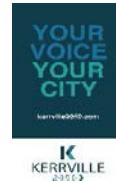
- *Respects and protects the natural environment that surrounds it;*
- *Seeks to attract economic growth and development;*
- *Provides opportunities for prosperity, personal enrichment and intellectual growth for people of all ages; and*
- *Does so while preserving the small-town charm, heritage, arts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



Kerrville2050



**KERRVILLE CITY COUNCIL MEETING AGENDA**  
**JANUARY 12, 2021, 6:00 PM**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**



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***City Council Meeting Procedures during the Disaster Declaration  
and Citizen Participation Guidelines***

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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, or partially, virtual setting (telephonic/videoconference). The Governor has extended this order each month since this time.

Due to increasing Covid concerns and in an effort to avoid and mitigate health risks and limited occupancy levels in Council Chambers, City Council will convene the January 12, 2021 meeting in a virtual forum and attendance will be limited to only those persons essential to holding the meeting. No member of the public will be admitted into City Hall during this time.

City Council will use the following process for its meeting:

1. Citizens may view and hear City Council meetings on Spectrum Channel 2, or by live-streaming via the City's website ([www.kerrvilletx.gov](http://www.kerrvilletx.gov)).
2. City Council meetings are recorded and recordings are posted on the City's website.
3. Any person who wishes to participate and speak to City Council on an agenda item must call into the City by Zoom between 5:00 p.m. and 5:45 p.m. and register with the moderator.

**Instructions for Zoom callers:** The Zoom moderator will be accepting calls starting at 5:00 p.m. The deadline to place your call is 5:45 p.m. Place your call before the 5:45 p.m. deadline in order to register with the Zoom moderator and participate. 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. Dial the toll free number: **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 webinar passcode.

**The Meeting ID is 949 2808 0395# Passcode is 700755.**

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 workshop has started, you will be able to listen to proceedings even if your microphone is muted.

**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 5:00 p.m. the afternoon of the Council workshop.
- **OPTION 2 by email** - Comments may be emailed to [shelley.mcelhannon@kerrvilletx.gov](mailto:shelley.mcelhannon@kerrvilletx.gov) and must be received by 5:00 p.m. the afternoon of the Council workshop. In addition, anyone may email Councilmembers via their City email addresses as specified on the City's website.

Citizens may view and hear City Council workshops on Spectrum Channel 2 or by live-streaming via the City's website ([www.kerrvilletx.gov](http://www.kerrvilletx.gov)). City Council meetings are recorded and the recordings are posted on the City's website.

Thank you for your participation!

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**KERRVILLE CITY COUNCIL MEETING AGENDA**  
**JANUARY 12, 2021, 6:00 PM**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**



**CALL TO ORDER:**

*Call to order by Mayor Bill Blackburn.*

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

*Led by Councilmember Judy Eychner.*

**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:

[20210112\\_Recognition\\_Kerrville Kindness Award Blue Santa.pdf](#)

**3 VISITORS/CITIZENS FORUM:**

*Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. The speaker request form must be submitted to the City Secretary before the item is called or read into record. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.*

**4 CONSENT AGENDA:**

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

4.A. Resolution No. 05-2021. A Resolution authorizing the appointment of Assistant City Attorney.

Attachment:

[20210112\\_Resolution 05-2021 Authorizing Appointment of Assistant City Attorney.pdf](#)

4.B. Purchase of two International dump trucks with Warren 6/8 yard dump bodies, via HGAC Purchasing Cooperative in an amount not to exceed \$201,252.00.

Attachment:

[20210112\\_Quote Dump\\_Truck\\_Purchase.pdf](#)

4.C. Purchase of new Vac-Con sewer vacuum truck from Heil of Texas via Buy Board in an amount not to exceed \$377,735.75.

Attachments:

[20210112\\_Quote\\_VacCon.pdf](#)

[20210112\\_Contracts\\_Buyboard HeilofTexas.pdf](#)





4.D. Execute a change order decreasing the awarded amount for the 2019 Bond Street Reconstruction Package A project.

Attachment:

[20210112\\_Change order deduction 2019 Bond Phase A Street REconstruction.pdf](#)



4.E. Application for a license agreement to authorize a Downtown Sidewalk Cafe: PAX Coffee Shop, 203 Earl Garrett Street.

Attachment:

[20210112\\_Application\\_Sidewalk\\_Cafe\\_PAXCoffee\\_Shop.pdf](#)



4.F. Community Services Agreement by and between the City of Kerrville, Texas, and the Barnett Chapel United Methodist Church for renovation of the Glory Community Garden.

Attachment:

[20210112\\_Community Service Agreement\\_Barnett Chapel for Development of Glory Garden.pdf](#)



4.G. Funding Agreement between the City of Kerrville, TX Economic Improvement Corporation and the City of Kerrville, TX to fund a Concept Feasibility Study for an extension of the Kerrville River Trail from G Street to Downtown Kerrville.

Attachment:

[20210112\\_Agreement\\_EIC Project Funding Agreement Concept Feasibility Study - Extend River Trail.pdf](#)



4.H. Designation of an administration service provider for the 2021 Texas Capital Fund Downtown Revitalization/Main Street Program of the Texas Community Development Block Grant (TxCDBG) Program for application and project implementation.

Attachments:

[A508 CDBG Form - GrantWorks - 20210108.pdf](#)

[A507 - CDBG - Grant Works.pdf](#)

4.I. Minutes for the City Council meeting held December 08, 2020.

Attachment:

[20210112\\_Minutes\\_CC Regular meeting 6pm 12-08-20.pdf](#)

4.J. Minutes for the City Council special-called meeting held December 17, 2020.

Attachment:

[20200112\\_Minutes\\_CC special-called meeting 12-17-20.pdf](#)

**END OF CONSENT AGENDA.**

**5 PUBLIC HEARINGS AND RESOLUTIONS:**

5.A. Resolution No. 02-2021. A Resolution granting a Conditional Use Permit to authorize a Tattoo shop on the property consisting of Lot 5, Block 33, of the Schreiner Addition, a Subdivision of record within the City of Kerrville, Kerr County, Texas; and located at 215 Water Street; said property is located within the Downtown Arts and Culture (DAC) Zoning District; and making said permit subject to certain conditions and restrictions contained herein.

Attachment:

[20210112\\_Resolution 02-2021 Conditional Use Permit 215 Water Street.pdf](#)

5.B. Resolution No. 03-2021. A Resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property consisting of approximately 0.37 acres, comprising all of Lots 1 and 2, Block 3 of the Hill Crest Addition, a Subdivision within the City of Kerrville and more commonly known as 900 Tivy Street; said property is located within an R-1A Single-Family Residential with accessory dwelling unit Zoning District; and making said permit subject to certain conditions and restrictions contained herein.

Attachment:

[20210112\\_Resolution 03-2021 Conditional Use Permit 900 Tivy.pdf](#)

5.C. Resolution No. 04-2021. A Resolution amending Resolution No. 03-2019, which granted a Conditional Use Permit for the property located at 200 Main Street (State Hwy. 27); by amending the development site plan applicable to the gasoline station (fuel sales) with car wash and convenience store.

Attachments:

[20210112\\_Resolution 04-2021 CUP 200 Main Street.pdf](#)

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

6.A. Ordinance No. 2021-02, public hearing and first reading. An Ordinance vacating, abandoning, and closing a public right-of-way consisting of a portion of a sixteen foot wide alley, which was originally located in its entirety between Francisco Lemos Street and Hays Street; said portion consisting of approximately 0.0508 acres out Block 48 of the Chas Schreiner 2nd Addition to the City of Kerrville; making a finding that the alley is not required for present or future public use; authorizing the City Manager to take all necessary action to effectuate the vacation, abandonment, closure, and quitclaim; and providing for a public hearing.

Attachments:

[20210112\\_Ordinance 2021-02 HEB purchase of ROW alley closure.pdf](#)

6.B. Ordinance No. 2021-01, public hearing and first reading. An Ordinance annexing an approximate 33.81 acre tract of land out of the Samuel Wallace Survey No. 113, Abstract No. 347, into the corporate limits of the City of Kerrville, Texas; said tract generally located in the 3200 block of Loop 534 (Veterans Highway).

Attachments:

[20210112\\_Ordinance 2021-01 Annexing Loop 534 property.pdf](#)

**7 ORDINANCES, FIRST READING:**

7.A. 2018 Building and Related Codes. The following items will be presented and considered together as one item:

7A (1) Ordinance No. 2021-03, first reading. An Ordinance amending Section 26-32 of Chapter 26 "Building and Building Regulations" of the Code of Ordinances of the City of Kerrville, Texas, in its entirety by adopting the International Residential Code, 2018 Edition, for one- and two-family dwellings, regulating the construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all one- and two-family dwellings and multiple single-family dwellings (townhouses) within the city; adopting local amendments; and renumbering Section 26-1 concerning the moving of a house upon city streets.

7A (2) Ordinance No. 2021-04, first reading. An Ordinance amending Section 26-31 of Chapter 26 "Building and Building Regulations" of the Codes of Ordinances of the City of Kerrville, Texas, in its entirety by adopting the International Building Code, 2018 Edition, regulating the construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, use, height, area, and maintenance of all buildings or structures within the city except one-and two-family dwellings and multiple single-family dwellings (townhouses), and including the National Electrical Code as referenced herein; adopting local amendments; and adopting a new Section 26-38 to require a permit for the construction of a fence.

7A (3) Ordinance No. 2021-05: first reading, adoption of an Ordinance amending Articles II, III, IV, V, and VI Chapter 26 "Building and Building Regulations" of the Code of Ordinances of the City of Kerrville, Texas, in their entirety by adopting the existing International Building Code, National Electrical Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Energy Conservation Code, and the International Swimming Pool and Spa Code, 2018 Editions; and adopting local amendments to each code.

7A (4) Ordinance No. 2021-06, first reading. An Ordinance amending Chapter 50 "Fire Prevention and Protection" of the Code of Ordinances of the City of Kerrville, Texas, by deleting Sections 50-2 and 50-3; adding a new Section 50-5, to adopt the National Fire Prevention Association 101, Life Safety Code, 2018 Edition; and adopting local amendments to said code.

Attachments:

[20210112\\_Ordinance 2021-03 Adoption of 2018 International Residential Code.pdf](#)

[20210112\\_Ordinance 2021-04 Adoption of 2018 International Building Code.pdf](#)

[20210112\\_Ordinance 2021-05 Adoption of 2018 Mechanical Code.pdf](#)

[20210112\\_Ordinance 2021-06 Adoption of 2018 Fire Code.pdf](#)

**8 ORDINANCES, SECOND READING:**

8.A. Ordinance No. 2020-27, second reading. 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.

Attachment:

[20210112\\_Ordinance 2020-27 Zoning Code 401 W Water Street - second reading.pdf](#)

8.B. Ordinance No. 2020-26, second reading. 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).

Attachment:

[20210112\\_Ordinance 2020-26 Annexing 5275 State Highway 27 - second reading.pdf](#)

**9 CONSIDERATION AND POSSIBLE ACTION:**

9.A. The following Resolutions will be presented and considered together as one item:

9A (1) Resolution No. 06-2021. A Resolution concerning air quality permit (RN 163301), which if approved will authorize the construction and operation of a permanent rock and concrete crushers (quarry) at a site south of the intersection of Al Mooney Road and State Highway 27; expressing concerns regarding public health, safety, and welfare implications due to the impact of this operation; and urging thorough review of said application.

9A (2) Resolution No. 01-2021. A Resolution adopting the City of Kerrville's 2021 State Legislative priorities for the 87th Texas Legislature.

Attachments:

[20210112\\_Resolution 06-2021 Air quality permit operation of rock and concrete crusher.pdf](#)

[20210112\\_Resolution 01-2021 2021 State Legislative Priorities.pdf](#)

9.B. Construction Agreement with SJ&J Construction, LLC for the Guadalupe River Utility Crossing project in an amount of \$1,033,455.00.

Attachments:

[20210112\\_Bids\\_Guadalupe River Utility Crossing\\_Received Bids.pdf](#)

[20200112\\_Letter\\_Kimley Horn recommendation letter SJ-J Construction.pdf](#)

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

**10 ITEMS FOR FUTURE AGENDAS:**

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

## **11 BOARD APPOINTMENTS:**

11.A. Appointments to the Building Board of Adjustment and Appeals. (This item is eligible for discussion in Executive Session 551.074).

Attachments:

[20200128\\_Board Appointments\\_BBA.pdf](#)

11.B. Appoint members to the Library Advisory Board.

Attachments:

[20201110\\_Library Advisory Board.pdf](#)

11.C. Appoint members to the Kerrville Recovery Community Coalition.

Attachments:

[20201208\\_Board Roster\\_Recovery Community Coalition 9-01-02.pdf](#)

11.D. Reaffirmation of member appointments and alternate member appointments to the Zoning Board of Adjustment. (This item is eligible for discussion in Executive Session 551.074).

## **12 EXECUTIVE SESSION:**

*City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above 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.*



12.A. Public Safety Building (551.071, 551.072).

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

**ADJOURN.**



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

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**SUBJECT:** Kerrville Kindness award.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Dec 14, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20210112\\_Recognition\\_Kerrville Kindness Award Blue Santa.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

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

Recipient: Blue Santa

**RECOMMENDED ACTION:**

Announce recipient.



# CITY OF KERRVILLE

recognizes

## THE KERRVILLE POLICE DEPARTMENT'S “BLUE SANTA” PROGRAM

with the January 12, 2021

### *KERRVILLE KINDNESS AWARD*

Each year, the Kerrville Police Department's “Blue Santa” program provides a full holiday meal for needy families, as well as clothing for their children and a Christmas gift for each child ages 13 and under. This is only possible because of the goodwill and big hearts of Kerrville's citizens, businesses, and civic groups that support Blue Santa each year. The December 2020 “Blue Santa” collection resulted in 71 area families and more than 300 area children enjoying a merry Christmas season. The Kerrville Kindness program offers a sincere “Thank you” to all who organized and participated in another successful “Blue Santa” event.

Mayor Bill Blackburn

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Councilmember Gary Cochrane

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Councilmember Kim Clarkson

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Councilmember Judy Eychner

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Councilmember Brenda Hughes

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

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**SUBJECT:** Resolution No. 05-2021. A Resolution authorizing the appointment of Assistant City Attorney.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Jan 05, 2021

**SUBMITTED BY:** Maya Johnson

**EXHIBITS:** [20210112\\_Resolution 05-2021 Authorizing Appointment of Assistant City Attorney.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$68,000 (salary for FY21)	\$42,494	\$42,494	01-0103-0000

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

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

**SUMMARY STATEMENT:**

Section 7.01 of the City Charter authorizes the City Attorney, with the approval of Council, to hire an Assistant City Attorney. After advertising for the position and reviewing candidates, the City Attorney is seeking Council's approval of the appointment of William Tatsch to become the City's Assistant City Attorney. Mr. Tatsch is a Kerrville native and has nearly twenty years of legal experience. Based upon his qualifications, experience, interviews, and discussions with references, the City Attorney is confident that Mr. Tatsch will ably represent and serve City Council and the City. This expenditure will utilize unused budgeted funds in other line items, such as contract labor to cover the expenditure.

**RECOMMENDED ACTION:**

Adopt Resolution No. 05-2021 approving the hiring of Mr. William Tatsch.

**CITY OF KERRVILLE, TEXAS**  
**RESOLUTION NO. 05-2021**

**A RESOLUTION AUTHORIZING THE  
APPOINTMENT OF AN ASSISTANT CITY  
ATTORNEY**

**WHEREAS**, the City Attorney has previously sought candidates to fill the position of Assistant City Attorney; and

**WHEREAS**, having concluded this search, the City Attorney is recommending William L. Tatsch be appointed as Assistant City Attorney in accordance with Section 7.01 of the City Charter; and

**WHEREAS**, City Council finds it to be in the public interest to approve the appointment of William L. Tatsch to this position;

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

**SECTION ONE.** In accordance with Section 7.01 of the City Charter, City Council approves the City Attorney's appointment of William L. Tatsch as Assistant City Attorney.

**SECTION TWO.** Pursuant to state law and the City's Code of Ordinances, the Assistant City Attorney will act as a deputy city attorney with respect to all duties stemming from Municipal Court.

**PASSED AND APPROVED ON** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

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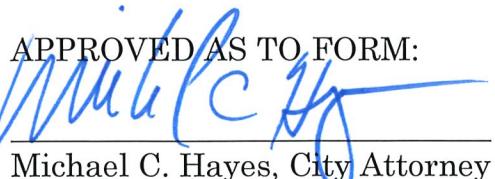
Bill Blackburn, Mayor

ATTEST:

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Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



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Michael C. Hayes, City Attorney



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

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**SUBJECT:** Purchase of two International dump trucks with Warren 6/8 yard dump bodies, via HGAC Purchasing Cooperative in an amount not to exceed \$201,252.00.

**AGENDA DATE OF:** January 12, 2021    **DATE SUBMITTED:** Dec 22, 2020

**SUBMITTED BY:** Stuart Barron

**EXHIBITS:** [20210112\\_Quote Dump\\_Truck\\_Purchase.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$201,252.00	\$201,252.00	\$201,252.00	18-1861-5200

**PAYMENT TO BE MADE TO:** HGAC Purchasing Cooperative

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	M - Mobility / Transportation
<b>Guiding Principle</b>	M4. Place a high priority on the maintenance of existing streets
<b>Action Item</b>	M4.2 - Continue implementing the plan for street repairs, including a timeline and funding, based on the road conditions data collection and evaluation completed in 2016

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**SUMMARY STATEMENT:**

The City of Kerrville Street Paving Program is a major component of Street Division operations. These paving operations are completely reliant upon mechanically sound and safely operating vehicles and equipment. These trucks are also utilized in winter for critical de-icing and bridge sanding activity.

The Street Division currently owns two dump trucks in need of replacement: a 1995 Chevrolet Kodiak dump truck that has become aged, unreliable and interferes with critical operations when down for repairs. The other, a 2004 Freightliner, is anticipated to be repurposed to another Public Works division to be used in a light duty capacity, as it has experienced frequent maintenance issues in recent years under the strain of paving.

The new dump trucks are equipped with a 2021 International HV507 SFA chassis, Cummins L9 330 HP engine, Allison 3000RDS transmission, and includes a Warren 6/8

yard dump body. The purchase of the two vehicles presents an expenditure total \$30,710 over the original anticipated expenditure for this item, which was originally just for one dump truck. Staff has evaluated the functionality of purchasing the two smaller dump trucks and feels that they will add more overall functionality to the department. In addition, several options have been added to the base model vehicles to add functionality to the City's street paving operations. The additional options are: towing pintle hitches, hydraulics to operate tailgate spreaders for de-icing, and electric tarp frames with high temperature tarps to cover hot-mix loads for heat retention during paving operations. The additional expense will be covered using a portion of the FY2020 year-end transfer to the asset replacement fund. For this purchase the City of Kerrville purchasing requirements have been satisfied by purchasing the trucks through the HGAC purchasing cooperative.

**RECOMMENDED ACTION:**

Approve purchase of two International dump trucks.



# Kyrish Truck Centers

*Driving Business*

December 17, 2020

Mr. Brandon Kelly  
City of Kerrville  
620 Hays St.  
Kerrville, Texas 78028

Dear Mr. Kelly:

Attached you will find the paperwork required to purchase the 2 International HV507 Dump trucks thru our HGAC contract HT06-20. This pricing reflects the additional discount offered on a purchase of two trucks as outlined in my prior letter. I have attached my proposal 9698-02, the Warren Truck & Trailer body Quote 11262, and the HGAC pricing worksheet.

If you have any questions regarding any of the paperwork, please do not hesitate to give me a call.

Once again we appreciate the opportunity to quote on your truck needs.

Sincerely,

Richard Woerndell



**AUSTIN South**  
5010 Burleson Road

**AUSTIN North**  
16336 N. IH 35

**SAN ANTONIO**  
1380 Ackerman Rd.

**TEMPLE**  
6043 N. IH-35

**HOUSTON (East)**  
8900 N. Loop E.

**BRYAN**  
4050 Hwy 21 E.

**HOUSTON (West)**  
14201 Hempstead Rd.

**VICTORIA**  
2605 Port Lavaca Dr.

**PHARR**  
711 N. Cage Blvd



**CONTRACT PRICING WORKSHEET**  
For MOTOR VEHICLES Only

Contract No.: HT06-20 Date Prepared: 12/17/2020

**This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents  
MUST be faxed to H-GAC @ 713-993-4548 and to Contractor.**

Buying Agency:	City of Kerrville		Contractor:	Santex Truck Centers, Ltd.
Contact Person:	Brandon Kelly		Prepared By:	Carlos Weeber
Phone:	830-739-3792		Phone:	(832) 642-1729 (713) 933-2396
Fax:			Fax:	(210) 661-0226
Email:	brandon.kelly@kerrvilletx.gov		Email:	cweeber@kyrishtrucks.com
Product Code:	HT06-20F5	Description:	HV507, Conv. Cab, SFFA, SRA	

**A. Product Item Base Unit Price Per Contractor's H-GAC Contract:** 58228

**B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.**

(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
1CAG Frame Rails Heat Treated 120K PSI	455	14051 Axle Rear Single 23K Capacity	1157
2ARW Axle Front Don Driving 12K Capacity	273	16LUM Seat Passenger Non Suspension	518
4619 Trailer Connections Four Wheel With Hand Control	542	60AAA BDY INTG Remote Power Module	690
4EBD Air Dryer Wabco SS 1200	497	Warren Truck & Trailer Quote 11262	22670
6DGC Driveline System	612		
7BLW Exhaust System Vertical Pipe	2128		
8RGA 2-Way Radio Wiring Effects	211		
8RPT Radio AM/FM/WB/ Clock	368		
8TMG Trailer Connection Socket	439		
12VHR Federal Emissions	350		
13AVR Transmission Automatic Allison 3000 RDS 6-Speed	10451	Subtotal From Additional Sheet(s):	
13WVV Neutral At Stop	525		Subtotal B: 41886

**C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.**

(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
Customer Required Published & Unpublished Options for			
Dump Truck Operation	12	Subtotal From Additional Sheet(s):	
			Subtotal C: 12

**Check:** Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). **For this transaction the percentage is:** 0%

**D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)**

Quantity Ordered: 2 X Subtotal of A + B + C: 100126 = Subtotal D: 200252

**E. H-GAC Order Processing Charge (Amount Per Current Policy)** Subtotal E: 1000

**F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges**

Description	Cost	Description	Cost
			Subtotal F: 0

**Delivery Date:**

**G. Total Purchase Price (D+E+F):**

201252



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

**SUBJECT:** Purchase of new Vac-Con sewer vacuum truck from Heil of Texas via Buy Board in an amount not to exceed \$377,735.75.

**AGENDA DATE OF:** January 12, 2021    **DATE SUBMITTED:** Dec 22, 2020

**SUBMITTED BY:** Stuart Barron

**EXHIBITS:** [20210112\\_Quote\\_VacCon.pdf](#)  
[20210112\\_Contracts\\_Buyboard HeilofTexas.pdf](#)

<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$377,735.75	\$395,000	\$395,000	19-1906-5200

**PAYMENT TO BE MADE TO:** Heil of Texas via Buy Board

<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	W - Water / Waste-Water / Drainage
<b>Guiding Principle</b>	W3. Address water quality challenges with proven solutions
<b>Action Item</b>	W3.1 - Examine all potential solutions o improving water quality that could be applicable to Kerrville

**SUMMARY STATEMENT:**

The Wastewater Collections Division utilizes a Vac-Con unit to perform various tasks extensively in its operations. These tasks are essential to protect the public health, as well as fulfilling TCEQ requirements for owners of sanitary sewer systems. The Vac-Con is a valuable and critical unit that is relied upon, and often used for all emergency sewer calls, preventative cleaning of sewer lines throughout the system, hydro excavating, and used as a backup for lift stations in the event that power is lost so that sewer overflows are prevented. These actions ultimately help keep the City in compliance with TCEQ regulations and help maximize water quality for the community. The new unit will be replacing a 2010-year model that has experienced unpredictable failures resulting in significant downtime due to its age and maintenance availability. The purchase of the new unit will enable our crews to utilize a reliable piece of equipment with features allowing for operational efficiencies, as well as the ability to provide better and more reliable service to the citizens of Kerrville.

**RECOMMENDED ACTION:**

Approve purchase of Vac-Con sewer vacuum truck.



# FREIGHTLINER OF AUSTIN

1701 Smith Rd. (Hwy. 183 So.)  
Austin, Texas 78721

Bus: 512-389-0000  
FAX: 512-389-2663  
Wats: 1-800-395-2005

INV.

PURCHASING NAME <b>CITY OF KERRVILLE</b>				TELEPHONE <b>830-257-8000</b>
ADDRESS <b>701 MAIN ST</b>		CITY <b>KERRVILLE</b>	STATE <b>TX</b>	ZIP CODE <b>78028</b>
I/We Hereby Purchase from You, Under the Terms and Conditions Specified, the Following:				
YEAR <b>2020</b>	MAKE <b>FREIGHTLINER</b>	MODEL/BODY <b>114SD</b>	VIN <b>ORDER</b>	LICENSE PLATE
<p>A documentary fee is not an official fee, a documentary fee is not required by law but may be charged to buyers for handling documents and performing services relating to the closing of a sale. Buyers may avoid payment of the fee to the seller by handling the documents and performing the services relating to the closing of the sale. A documentary fee may not exceed \$50.00. This notice is required by law.</p> <p><i>El cobro documental no es un cobro oficial. El cobro documental no es un requisito bajo la ley, pero se le puede cobrar. Al comprador por el rendimiento de los servicios relacionados con la completacion de la venta y por completar los documentos. El comprador puede evitar el pago al vendedor de este costo si el comprador mismo se encarga de mandear los documentos y de los servicios necesarios para la completacion de la venta. El cobro documental no puede sobrepasar los \$50.00 (U.S.) Este aviso es requerido bajo la ley.</i></p>				
<b>MILEAGE:</b>				
BUY BOARD CONTRACT #603-19				
CHASSIS SELLING PRICE \$ 92,992.00				
VAC-CON BODY \$ 284,343.75				
BUY BOARD FEE \$ 400.00				
CUSTOMER SIGNATURE				
SALESMAN SIGNATURE <b>KEVIN KRIEG</b>				

CONTRACTUAL DISCLOSURE STATEMENT FOR USED VEHICLE ONLY. *The information you see on the window form for this vehicle is part of this contract. Information on the window form overrules any contrary provisions in the contract of sale. *				
<b>MILEAGE:</b>		<b>TRADE-IN</b>		
YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE
<b>MILEAGE:</b>		<b>TRADE-IN</b>		
YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE
				<b>TOTAL</b> \$ 377,735.75
				<b>Trade Allowance</b> N/A
				<b>Trading Difference</b> N/A
				<b>Sales Tax</b> N/A
				<b>Vehicle Inventory Tax</b> N/A
				<b>License Fee</b> N/A
				<b>Documentary Fee</b> N/A
				<b>Federal Excise Tax</b> N/A
				<b>TOTAL SALE PRICE</b> \$ 377,735.75
DATED: LIEN AMOUNT \$		License:		
DRAFT FOR \$		Title:		
DRAFT THRU:		Transfer:		
				<b>Payoff on Trade</b>
				<b>Ext. Service Agreement</b>
				<b>Less Deposit</b>
				<b>Total Balance Due</b> \$ 377,735.75

Full disclosure required by federal regulation "Z", The Consumer Protection Act and The Texas Consumer Credit Code, will be made prior to consummation of a credit sale. This written order comprises the entire agreement pertaining to this purchase and no other agreement of any kind, verbal understanding or promise whatsoever, will be recognized. It is expressly agreed that the purchaser acquires no right, title or interest in or to the property which he agrees to purchase hereunder until such property is delivered to him/her and either the full price is paid in cash or satisfactory deferred payment agreement is executed by the parties hereto, the terms of which shall thereafter be controlling, and a clear title is furnished to dealer for the used cars or trucks involved, if any. THIS IS NOT A CONDITIONAL SALES CONTRACT, BUT IS A BUYER'S ORDER. All new vehicles carry the standard factory warranty. It is understood there is no guarantee on the above described new or used vehicle other than appears on this Buyer's Order. Mileage, if used vehicle model is not guaranteed and a verbal agreement by the Salesman will not be considered binding on the Seller. It is agreed that neither Freightliner of Austin nor the manufacturer will be



# Vendor Contract Information Summary

Vendor Name	Heil of Texas
Contact	Cody Garefalos
Phone Number	7139237600
Email	codyg@heiloftexas.com
Website	www.heiloftexas.com
Federal ID	76-0681266
Accepts RFQs	Yes
Address Line 1	5900 Wheeler St.
Vendor City	Houston
Vendor Zip	77023
Vendor State	TX
Vendor Country	USA
Delivery Days	90
Freight Terms	FOB Destination
Payment Terms	1 % in 10/Net 30 days
Shipping Terms	Pre-paid and added to invoice
Ship Via	Common Carrier
Is Designated Dealer	No
EDGAR Forms Received	Yes
Service-Disabled Veteran Owned	No
Minority Owned	No
Women Owned	No
Is National	Yes
No Excluded Foreign Terrorist Orgs	Yes
No Israel Boycott Certificate	Yes
Is MWBE	No
Regions Served	All Texas Regions
States Served	All States
Contract Name	Construction, Road and Bridge, Ditching, Trenching, and Other Equipment
Contract #	597-19
Effective Date	12/01/2019
Expiration Date	11/30/2022
Quote Reference Number	597-19
Return Policy	No returns on equipment.



## Vendor Contract Information Summary

Additional Dealers Texan Waste Equipment locations in: El Paso, TX, Houston, TX, Irving, TX, San Antonio, TX

Manufacturer Designated Dealers Yes

Additional Info null



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

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**SUBJECT:** Execute a change order decreasing the awarded amount for the 2019 Bond Street Reconstruction Package A project.

**AGENDA DATE OF:** January 12, 2021    **DATE SUBMITTED:** Dec 23, 2020

**SUBMITTED BY:** Kyle Burow

**EXHIBITS:** [20210112\\_Change order deduction 2019 Bond Phase A Street REconstruction.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
-\$50,655.79	\$5,620,663.27	\$8,500,000.00	70-19011

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**PAYMENT TO BE MADE TO:** Allen Keller Company, LLC

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	M - Mobility / Transportation
<b>Guiding Principle</b>	M4. Place a high priority on the maintenance of existing streets
<b>Action Item</b>	M4.2 - Continue implementing the plan for street repairs, including a timeline and funding, based on the road conditions data collection and evaluation completed in 2016

**SUMMARY STATEMENT:**

In August 2020, the City contracted Allen Keller Company, LLC to rehabilitate the initial list of streets identified for reconstruction in the updated 10-year maintenance plan completed by 6S Engineering, Inc. The reconstruction streets were funded by the issuance of \$10.5 million in Certificates of Obligation for street and drainage improvements. Allen Keller Company, LLC was deemed substantially complete with the rehabilitation of the first group of streets on December 22, 2020 and worked on punchlist items while opening all roads for public use. The project has now been fully completed and the closeout of the project involves a deductive change order in the amount of \$50,655.79 for items not utilized by Keystone Construction to finalize contractual obligations for construction. State law and City policy requires any change order (additive or deductive) over \$50,000 be approved by the City Council. The balance of the funding for this project is intended to be allocated to the next group of identified reconstruction streets approved by City Council in the 10-year maintenance plan. Construction of the next group of streets is anticipated to commence in Spring 2021.

**RECOMMENDED ACTION:**

Authorize the City Manager to execute a deductive change order.



**FINAL  
CHANGE ORDER**

PROJECT: 2019 Bond Phase A Street Reconstruction - Package 1 (FY 2020)

OWNER: City of Kerrville

OWNER PROJ # 19-023

CONTRACTOR: Allen Keller Company I, LLC

CONTRACTOR # 648

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ENGINEER: 6S Engineering

ENG. PROJ. # 19-023

CHANGE ORDER NO. 2

**CHANGE ORDER DATE:**

Make following additions/deletions or modifications to work described in the Contract Documents:

*The compensation agreed to upon in this change order is full, complete and final payment for all costs the Contractor may incur as a result of or related to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay, extended overhead,ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.*

#### Contract Cost and/or Time Impacts:

Original Contract Amount	\$2,862,618.20
Previously Approved Change Order Amount	\$18,914.49
Adjusted Contract Amount	\$2,881,532.69
ed Change Order Amount (this change order)	<b>-\$50,655.79</b>
Revised Contract Amount	\$2,830,876.90
Previous Contract Time	
Previous Substantial Completion Date	120 + 30 Days
Previous Final Completion Date	2-Jan-21
Net Change in Contract Time	2-Feb-21
Revised Contract Time	
Revised Substantial Completion Date	0 Days
Revised Final Completion Date	120 + 30 days
	2-Jan-21
	2-Feb-21

Recommended by:

~~Architect/Engineer~~

By

ded by:  
(Architect/Engineer)  
John Swain, P.E. 1/4/21  
Date

Approved by:

(Contractor)

PM

1) Will Br. 1/5/21 Date

Approved by:

by.  
(Owner)

Bv

—100—



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

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**SUBJECT:** Application for a license agreement to authorize a Downtown Sidewalk Cafe: PAX Coffee Shop, 203 Earl Garrett Street.

**AGENDA DATE OF:** January 12, 2021    **DATE SUBMITTED:** Dec 18, 2020

**SUBMITTED BY:** David Barrera

**EXHIBITS:** [20210112\\_Application\\_Sidewalk\\_Cafe\\_PAXCoffee\\_Shop.pdf](#)

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	D - Downtown Revitalization
<b>Guiding Principle</b>	D2. Foster a Downtown that tells the community's history/story/lore by preserving and enhancing historic features and a sense of place, celebrating and connecting Downtown to the Guadalupe River and developing a brand and a unified identity for Downtown
<b>Action Item</b>	D2.11 - Promote outdoor dining, especially overlooking the river

**SUMMARY STATEMENT:**

Staff has accepted the PAX Coffee shop's application. The application is administratively complete, and being presented to Council for review and acceptance as per Article II Sec. 30-55. As explained in the last presentation for a similar downtown sidewalk cafe application, Staff is currently in the process of reviewing amendments to this Ordinance. Those amendments are anticipated to be on a future Council Agenda in January or February 2021.

**RECOMMENDED ACTION:**

Approve Sidewalk Cafe Permit for PAX Coffee Shop.



Case # \_\_\_\_\_

# Sidewalk Café License Application

Chapter 30, Article II - Sidewalk Cafes

AN INCOMPLETE APPLICATION WILL DELAY PROCESSING.

Return completed application to 200 Sidney Baker Street, Kerrville, Texas 78028 or via email [planning.division@kerrvilletx.gov](mailto:planning.division@kerrvilletx.gov)  
Questions? Call (830) 258-1514

## 1. APPLICANT/OWNER CONTACT INFORMATION

Name of Owner: Russell Bachre Email: MAIL@Bachre.com  
Mailing Address: 612 Sidney Baker St Phone: 830-896-5050  
Name of Applicant: Heather M'Clure Email: h.m.miller3891@gmail.com  
Mailing Address: 203-305 Earl Garrett Phone: 830-370-1289

## 2. SUBJECT PROPERTY

Project Name: Pax Coffee and Goods  
Street address: 203-305 Earl Garrett  
Tax/Property ID Number: 23849  
Legal Description/Subdivision Name: BROWN  
~~BROWN BIK 7~~ Block: 89 Lot: PART OF 90 Acreage: \_\_\_\_\_ Zoning District: C 3

Attach metes and bounds description if the property is not platted

## 3. OWNER / APPLICANT ACKNOWLEDGEMENT

I hereby certify that I am the Owner of the subject property. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the application may be denied and/or the permit or approval may be revoked. I further acknowledge that application processing does not formally begin until application is deemed complete and all fees have been paid.

Owner Signature: Bill Bachre Date: 11-19-20

If application is not signed by Owner, an Owner Affidavit (DVS-FRM-066.PLN) is required.

I hereby certify that I am the Duly Authorized Agent of the Owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the application may be denied and/or the permit or approval may be revoked. I further acknowledge that application processing does not formally begin until application is deemed complete and all fees have been paid.

Applicant Signature: Heather M'Clure Date: 11/19/20

Sign here if you are the Applicant. If Owner not signing, an Owner Affidavit (DVS-FRM-066.PLN) is required.

PAX is a small coffee shop that is proposing to place 2 round tables outside, and adjacent to the building. These tables will have each have 2 chairs. The dimensions of the tables will be 2 feet in diameter and will be located approximately 5'9" from the curb. The intent is to remove these tables and chairs on a daily basis once the business closes.

The hours of operation are as follows –

- Monday though Friday – 6:30am to 6:00pm
- Saturday and Sunday – 7:00am to 6:00pm

Additional Information –

- The nearest ADA ramp to our establishment is located at the corner of Water Street and Earl Garrett and is approximately 70 feet from our door.
- Two business are located on both sides of our establishment
  - Rita's Famous Tacos – Restaurant
  - Francisco's – Restaurant



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/20/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		CONTACT NAME: Ruth Busby	
Garrett Insurance Agency, Inc. 212 Sidney Baker Street S PO Box 291425 Kerrville		PHONE (A/C, No, Ext): (830) 896-6600	
		FAX (A/C, No): (830) 896-1822	
		E-MAIL ADDRESS: ruth@frantzen-insurance.com	
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A: Continental Casualty	20443
INSURED		INSURER B:	
Heather McClung DBA Pax Coffee 203 EARL GARRETT ST KERRVILLE TX 78028		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

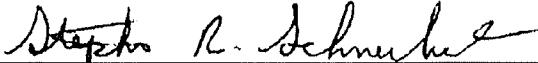
COVERAGES		CERTIFICATE NUMBER: CL20112011785		REVISION NUMBER:				
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.								
INSR LTR	TYPE OF INSURANCE	ADDL/SUBR INSD	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY  CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y	6025125479	02/15/2020	02/15/2021	EACH OCCURRENCE	\$ 1,000,000	
	DAMAGE TO RENTED PREMISES (Ea occurrence)					\$ 300,000		
	MED EXP (Any one person)					\$ 10,000		
	PERSONAL & ADV INJURY					\$ 1,000,000		
	GENERAL AGGREGATE					\$ 2,000,000		
	PRODUCTS - COMP/OP AGG					\$ 2,000,000		
BAIL	\$ 1,000							
GEN'L AGGREGATE LIMIT APPLIES PER:  POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:						COMBINED SINGLE LIMIT (Ea accident)		
						\$		
						BODILY INJURY (Per person)		
						BODILY INJURY (Per accident)		
						PROPERTY DAMAGE (Per accident)		
						\$		
AUTOMOBILE LIABILITY  ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						EACH OCCURRENCE		
						\$		
EXCESS LIAB <input type="checkbox"/> OCCUR CLAIMS-MADE						AGGREGATE		
						\$		
DED <input type="checkbox"/> RETENTION \$								
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE	OTHER	
						E.L. EACH ACCIDENT		
						E.L. DISEASE - EA EMPLOYEE		
						E.L. DISEASE - POLICY LIMIT		

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Kerrville is listed as an Additional Insured

## CERTIFICATE HOLDER

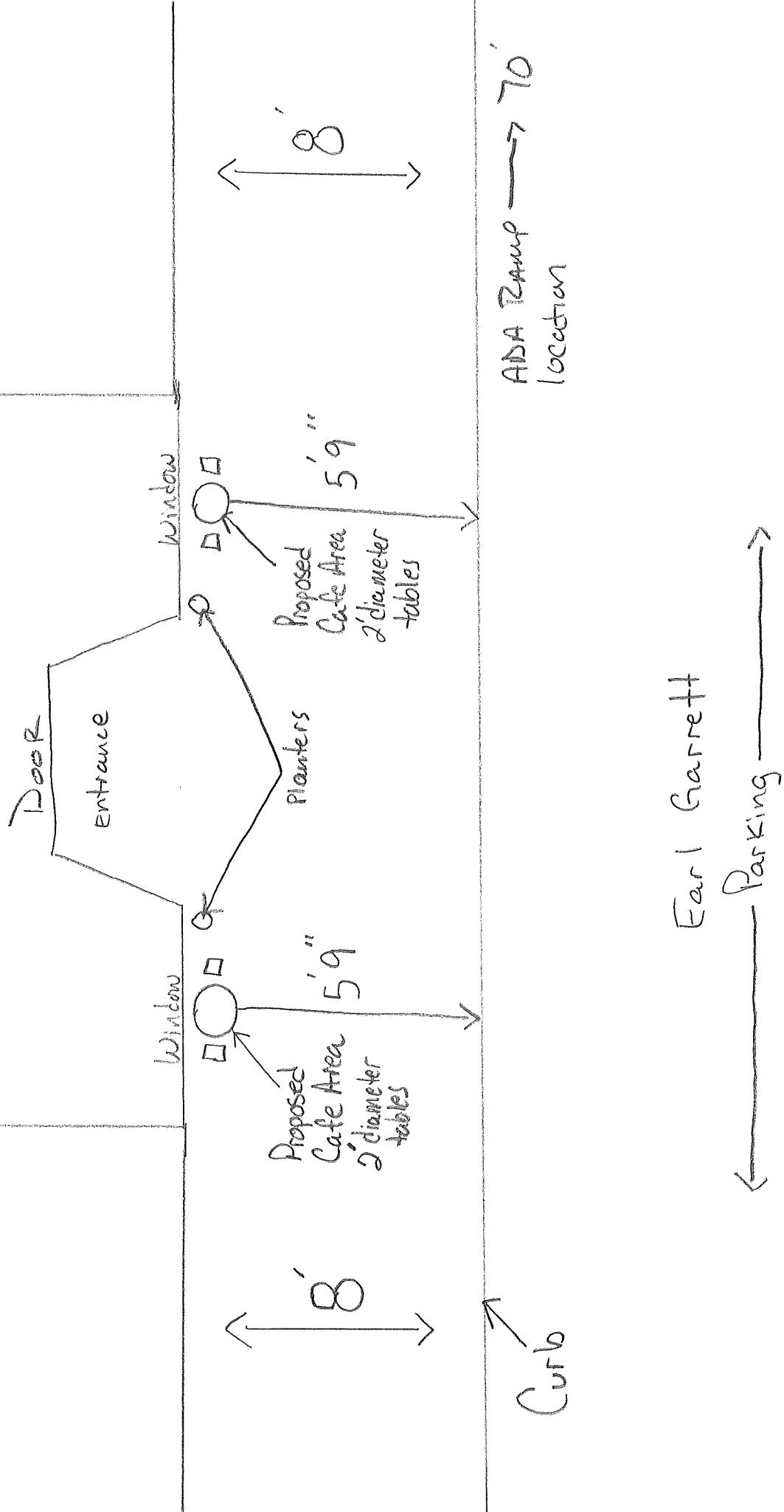
## CANCELLATION

City of Kerrville 701 Main  Kerrville TX 78028	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.	
	AUTHORIZED REPRESENTATIVE	
 © 1988-2015 ACORD CORPORATION. All rights reserved.		

# Pax Coffee Shop

Dita's  
Restaurant

Francisco's  
Restaurant









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

---

**SUBJECT:** Community Services Agreement by and between the City of Kerrville, Texas, and the Barnett Chapel United Methodist Church for renovation of the Glory Community Garden.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Jan 05, 2021

**SUBMITTED BY:** EA Hoppe

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**EXHIBITS:** [20210112\\_Community Service Agreement\\_Barnett Chapel for Development of Glory Garden.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$5,000	N/A	N/A	TBD

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**PAYMENT TO BE MADE TO:** Barnett Chapel, a United Methodist Church

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**Kerrville 2050 Item?** Yes

**Key Priority Area** F - Public Facilities and Services

**Guiding Principle** F5. Consider opportunities for interlocal agreements and collaborations with other government entities and partner agencies for the provision of services

---

**Action Item**

**SUMMARY STATEMENT:**

The Glory Community Garden (GCG), located at 202 West Davis Street, is a mission of the Barnett Chapel, a United Methodist Church. The GCG approached the City to assist with possibilities for enhancing restroom and wastewater services at the site to make it more functional for users. The City helped them evaluate various site options regarding the location of restrooms, wastewater main tap locations, and service line routes. Ultimately, a Community Service Agreement was drafted that outlines \$5,000 in total assistance for this effort; \$1,770 of in-kind services related to the sewer main taps and a waiver of new account fees, in addition to up to \$3,230 in reimbursement for a licensed plumber to install the private service lines on their property. This agreement is structured in a similar way to those that the City has with other non-profit entities that the City partners with to provide various community services identified in the Kerrville 2050 Comprehensive plan, such as Kerr Konnect and the Dietert Center.

**RECOMMENDED ACTION:**

Authorize the City Manager to finalize and Execute the Community Service Agreement.

**COMMUNITY SERVICES AGREEMENT BY AND BETWEEN  
THE CITY OF KERRVILLE, TEXAS, AND BARNETT CHAPEL  
METHODIST CHURCH FOR DEVELOPMENT OF THE GLORY  
GARDEN**

This Community Services Agreement ("Agreement") is entered into by and between the **City of Kerrville, Texas**, a home-rule municipality with its offices located at City Hall, 701 Main Street, in the City of Kerrville, Texas ("CITY"); and **Barnett Chapel Methodist Church**, whose mailing address 710 Paschal Ave., Kerrville, Texas 78028, ("SERVICE ORGANIZATION").

**WITNESSETH**

**WHEREAS**, SERVICE ORGANIZATION possesses specialized expertise, personnel, property, and/or training necessary to provide certain community-based specialized services unique to the organization; and,

**WHEREAS**, CITY desires to enter into this Agreement with the SERVICE ORGANIZATION to provide such specialized services to the CITY and its citizens; and,

**WHEREAS**, the SERVICE ORGANIZATION will provide certain specialized services as described herein and as further described in the SERVICE ORGANIZATION's mission statement to the community that will benefit the CITY by providing specialized services: 1) for which the CITY has limited or no expertise; 2) in a more efficient manner and at a lower cost; and 3) under a recognized name and as a recognized resource within the community; and,

**WHEREAS**, City Council finds and determines that contracting with said SERVICE ORGANIZATION will benefit the health, safety, and welfare of the citizens of the City of Kerrville in the furtherance of a public purpose;

**NOW, THEREFORE, FOR AND IN CONSIDERATION OF THESE PREMISES** and the mutual consideration as set out herein, CITY and SERVICE ORGANIZATION agree as follows:

**I. Obligation to Provide Services**

SERVICE ORGANIZATION shall provide the following services to CITY and its citizens as set forth in more detail in the Request for Funding documents attached hereto and incorporated herein as **Exhibit A** during the term of this Agreement:

*Development and use of a community garden to be open to the public, including students, for planting, cultivation, education, and other*

*activities. The garden will include new restroom facilities for use by visitors and others.*

## **II. Funding**

For and in consideration of these services, CITY agrees to provide services and partial funding to the SERVICE ORGANIZATION as follows:

1. CITY shall waive its tap and new account fees pursuant to SERVICE ORGANIZATION's extension of a new wastewater service line to its property (the "WW Line").
2. CITY shall reimburse SERVICE ORGANIZATION for a portion of said organization's costs specifically related to the work done for the WW Line in an amount not to exceed \$3,230.00.

Following the work done to extend the WW Line, SERVICE ORGANIZATION may seek reimbursement from CITY by submitting copies of invoices related to such work. Said invoice(s) must be in a form and contain such information as CITY may require. Upon receipt of the aforesaid one-time payment, SERVICE ORGANIZATION shall be obligated to provide said services throughout the term of this Agreement.

## **III. Reporting**

No later than ninety (90) days prior to the termination of this Agreement as provided herein, SERVICE ORGANIZATION shall provide to CITY the following information in writing:

1. A financial statement, in such detail and containing such information as CITY may require;
2. A report of the number of people served, including City residents, and directly benefitted by the services provided under this Agreement during the previous nine (9) months of services, or such other similar information as the CITY may require; and
3. Any other information which CITY may reasonably require.

#### **IV. Agreement Term**

This Agreement shall begin on January 13, 2021, and terminate on January 12, 2022, unless terminated earlier as provided herein.

#### **V. Termination**

This Agreement may be terminated by either party hereto at any time upon ten (10) days written notice of termination to the other party. Such notice may be delivered personally to the address shown in this agreement or by forwarding said notice to the other party by certified mail, return receipt requested and shall be effective ten (10) days following receipt thereof by the other party. If the SERVICE ORGANIZATION terminates the Agreement prior to providing all the services required herein or the end of the term, the SERVICE ORGANIZATION shall refund all funds previously provided to it by CITY, unless CITY agrees otherwise.

#### **VI. Release/Indemnification**

BY ENTERING INTO THIS AGREEMENT, THE SERVICE ORGANIZATION EXPRESSLY AGREES TO DEFEND, INDEMNIFY, AND HOLD THE CITY OF KERRVILLE, TEXAS AND ITS OFFICERS, AGENTS AND EMPLOYEES HARMLESS FROM AND AGAINST ALL DAMAGES, INJURIES, INCLUDING DEATH; CLAIMS; PROPERTY DAMAGES, INCLUDING LOSS OF USE; LOSSES; DEMANDS; PENALTIES; SUITS; JUDGMENTS AND COSTS, INCLUDING ATTORNEY'S FEES AND EXPENSES; IN ANY WAY ARISING OUT OF, RELATED TO, OR RESULTING FROM THE SERVICE ORGANIZATION'S ACTIVITIES OR SERVICES PROVIDED UNDER THIS AGREEMENT AND/OR CAUSED BY THE NEGLIGENCE, ERRORS, OMISSIONS, OR INTENTIONAL WRONGFUL ACTS OF THE SERVICE ORGANIZATION OR THE SERVICE ORGANIZATION'S OWNERS, OFFICERS, EMPLOYEES, OR AGENTS.

#### **VII. NO WAIVER OF IMMUNITY**

It is expressly understood and agreed that under this Agreement CITY does not waive, nor shall be deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

### **VIII. Coordination/Independent Contractor**

SERVICE ORGANIZATION's Rev. Allen Noah, or designated representative, and CITY's City Manager, or designated representative, shall coordinate, as needed, toward efforts to ensure effective implementation of this Agreement. SERVICE ORGANIZATION shall be considered for all purposes under this Agreement an independent contractor and not an employee, agent, employee, or other representative of CITY. Nothing in this Agreement shall change the SERVICE ORGANIZATION's independent contractor status or create any kind of joint enterprise between SERVICE ORGANIZATION and CITY.

### **IX. NOTICES**

Any notices due under the provisions of this Agreement shall be made in writing and shall be addressed to the following:

**CITY:**

City Manager's Office  
City Hall, 701 Main Street  
Kerrville, Texas 78028  
Office: (830) 258-1105  
Fax: (830) 792-3850

**SERVICE ORGANIZATION:**

Barnett Chapel, a United  
Methodist Church  
710 Paschal Ave.  
Kerrville, Texas 78028  
Telephone: (830) 257-5365  
Email: [profit199@gmail.com](mailto:profit199@gmail.com)

### **X. Miscellaneous**

**A. Assignment.** This Agreement may be assigned by SERVICE ORGANIZATION only with the express written consent of the City Manager.

**B. Venue.** SERVICE ORGANIZATION and CITY agree that the services provided under this Agreement are to be performed within Kerr County, Texas, and venue for any and all legal actions arising under this Agreement, if any, shall lie exclusively in the State Courts of Kerr County, Texas and in the Federal Courts for the Western District of Texas.

**C. Severability.** This Agreement, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause, or provisions of this Agreement shall not affect the validity of any other portion of this Agreement.

**D. Amendment.** This Agreement may be amended or modified by the mutual agreement of both parties in writing, such writing to be attached hereto and incorporated into this Agreement.

**E. Entire Agreement.** This Agreement contains all commitments and obligations of the parties and represents the entire Agreement of said parties. No verbal or written conditions not contained herein shall have any force or effect to alter any term of this Agreement.

**F. Authority.** This Agreement shall be executed by the duly authorized official(s) of SERVICE ORGANIZATION and CITY as expressed in the approving resolution or order of the governing body of such party.

**G. Headings.** The captions, numbering sequences, titles, paragraph headings, punctuation, and organization used in this Agreement are for convenience only and shall in no way define, limit, or describe the scope or intent of this Agreement or any part of it.

**H. Understanding, Fair Construction.** By execution of this Agreement, the parties acknowledge that they have read and understand each provision, term, and obligation contained in this Agreement. This Agreement, although drawn by one party, shall be construed fairly and reasonably and not more strictly against the drafting party than the non-drafting party. This Agreement shall be interpreted exclusively under the laws and ordinances of the State of Texas and the City.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF KERRVILLE, TEXAS

BARNETT CHAPEL

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Mark McDaniel, City Manager

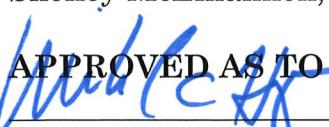
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Rev. Allen Noah

ATTEST:

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Shelley McElhannon, City Secretary

  
APPROVED AS TO FORM:

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Michael C. Hayes, City Attorney

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*Community Services Agreement – City and  
Barnett Chapel*

Page 5 of 5

# EXHIBIT A

## **Exhibit A**

### **Glory Community Garden**

Glory Community Garden is an outreach ministry of Barnett Chapel United Methodist Church. Our Mission is to develop a community garden that produces healthy food, community cooperation, and knowledge and skills of gardening, to the glory of God. Our vision is to improve health, foster community collaboration and sharing the love of God.

Glory Community Garden has thirty raised beds that are rented to the public for \$25.00 annually to raise vegetables. We provide two 1500-gallon rainwater catchment tanks to water the garden and a garden center with tools. We have a pavilion on site where we host various community activities including: A annual cowboy breakfast, partner luncheon, Burgers in the Garden for High School graduates and a Fall Festival. We partner with the Doyle School Community Center and Light on the Hill Ministry to recruit and sign-up children for back packs and other school supplies. We partner with Kerr County Master Gardeners to provide training and continuing education in gardening, pest control, canning and preserving vegetables. We partner with the KISD to allow elementary students to take field trips to the garden to learn about conservation and gardening.

For security purposes our gates are kept locked, our gardeners have access via a combination lock. The bathroom facilities will be used by our gardeners and those who attend our various community gatherings. Prior to the pandemic we averaged a minimum of sixty people per event.

Community Events held annually:

Cowboy Breakfast-March

Elementary students field trip-May (pending)

Music in the Garden -May & September

Burgers in the Garden for High School Graduates & School back-pack signup

Gardeners Potluck-June & July

Partners Luncheon-September

Fall Festival-November



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

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**SUBJECT:** Funding Agreement between the City of Kerrville, TX Economic Improvement Corporation and the City of Kerrville, TX to fund a Concept Feasibility Study for an extension of the Kerrville River Trail from G Street to Downtown Kerrville.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Jan 05, 2021

**SUBMITTED BY:** EA Hoppe

**EXHIBITS:** [20210112\\_Agreement\\_EIC Project Funding Agreement Concept Feasibility Study - Extend River Trail.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$50,000	\$50,000	\$50,000	TBD

**PAYMENT TO BE MADE TO:** City of Kerrville, TX

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	D - Downtown Revitalization
<b>Guiding Principle</b>	D5. Promote a walkable, useable, uniform and pedestrian-oriented public space linking Downtown to the surrounding neighborhoods through streetscape elements, access, connections and crossings
<b>Action Item</b>	D5.16 - Develop a plan to extend the River Trail beyond its current limits

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**SUMMARY STATEMENT:**

The Kerrville Economic Improvement Corporation (EIC) directed City staff to include an allocation of \$50,000 in their FY2021 EIC Budget for the completion of a Concept/Feasibility Study for the extension of the Kerrville River Trail from G Street to the Tranquility Island on the north side of the Guadalupe River. Staff has developed a scope of work with local consultants who have helped design/engineer and implement several previous sections of Kerrville River Trail, to include: Site visits and data collection

Evaluation of potential trail alignments Identification of property ownership and required easements

Evaluation of both "lower" and "upper" trail alignments along the riverbank

Evaluation of required and existing drainage features Identification of constructability and contractor access issues Identification of natural resource and animal habitat constraints

Perform a cursory cultural resource evaluation

Review and summarize various regulatory issues that may exist

Evaluate and recommend potential project phasing Determine anticipated design and construction schedules and estimated costs

Prepare a final Concept Study Report

The EIC held a Public Hearing on Monday, December 14th and subsequently took action to enter into the Funding Agreement with the City of Kerrville.

**RECOMMENDED ACTION:**

Authorize the City Manager to finalize and execute the Funding Agreement.

PROJECT FUNDING AGREEMENT BETWEEN THE CITY OF  
KERRVILLE, TEXAS, ECONOMIC IMPROVEMENT CORPORATION  
AND THE CITY OF KERRVILLE, TEXAS FOR A CONCEPT  
FEASIBILITY STUDY FOR AN EXTENSION OF THE RIVER TRAIL  
THROUGH DOWNTOWN AND INTO LOUISE HAYS PARK

THIS PROJECT FUNDING AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the City of Kerrville, Texas Economic Improvement Corporation ("EIC"), a Texas non-profit corporation established by City pursuant to Section 4B of Tex. Rev. Civ. Stat. Art. 5190.6 and now codified in Chapters 501, 502, and 505 of the Texas Local Government Code (otherwise known as the Development Corporation Act of 1979 and hereafter called "the Act"); and the City of Kerrville, Texas ("City"), a Texas home-rule municipality.

WITNESSETH:

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

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

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

**WHEREAS**, City proposes to enter into an agreement with a professional firm(s) to develop a concept feasibility study for an extension of the City's River Trail from G Street along the north side of the Guadalupe River to Tranquility Island within Louise Hays Park (the "Project"); and

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

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

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

**WHEREAS**, on December 14th, 2020, in a meeting that was open to the public in accordance with the Texas Open Meetings Act, the EIC held a public hearing pursuant to Section 501.072 of the Act related to the proposed expenditure of 4B Revenues for the Project;

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

1. **"Project" Defined:** When used in this Agreement, the phrase "Project" means the project summary as described in **Exhibit A** attached hereto and included herein for all purposes. City shall not substantively alter the description of the Project in any respect without the prior approval of the EIC.
2. **Agreement to Fund Project:** the EIC agrees to provide City an amount up to and not to exceed \$50,000.00 in 4B Revenues to be used for the Project. City is authorized to make payments for the herein described purposes directly from funds allocated for Project #70-21004 in the General Capital Projects Fund.
3. **Eligible Costs:** Payments made by City from 4B Revenues as authorized by Section 2, above, are limited to the payment of "costs" as defined in the Act.
4. **Applicable Law:** This Agreement is governed by and construed in accordance with the laws of the State of Texas. The Agreement is entered into and fully performable within Kerr County, Texas. Accordingly, venue for any cause of action arising pursuant to this Agreement is proper only in Kerr County, Texas.

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

**CITY OF KERRVILLE, TEXAS**

By: \_\_\_\_\_  
Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

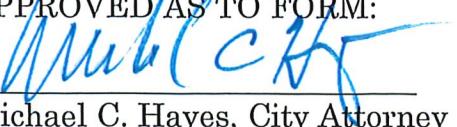
**CITY OF KERRVILLE, TEXAS ECONOMIC  
IMPROVEMENT CORPORATION**

By: \_\_\_\_\_  
Greg Richards, President

ATTEST:

Kesha Franchina, Secretary for the EIC

APPROVED AS TO FORM:

  
Michael C. Hayes, City Attorney

L:\Legal\EIC\Contract\City Projects\Park Facilities\EIC Project Funding Agreement\_River Trail Extension through Downtown into LHIP\_121120.docx

## Exhibit A

- Site visits and data collection
- Evaluation of potential trail alignments
- Identification of property ownership and required easements
- Evaluation of both "lower" and "upper" trail alignments along the riverbank
- Evaluation of required and existing drainage features
- Identification of constructability and contractor access issues
- Identification of natural resource and animal habitat constraints
- Perform a cursory cultural resource evaluation
- Review and summarize various regulatory issues that may exist
- Evaluate and recommend potential project phasing
- Determine anticipated design and construction schedules and estimated costs
- Prepare a final Concept Feasibility Study



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

---

**SUBJECT:** Designation of an administration service provider for the 2021 Texas Capital Fund Downtown Revitalization/Main Street Program of the Texas Community Development Block Grant (TxCDBG) Program for application and project implementation.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Jan 05, 2021

**SUBMITTED BY:** EA Hoppe

**EXHIBITS:** [A508 CDBG Form - GrantWorks - 20210108.pdf](#)  
[A507 - CDBG - Grant Works.pdf](#)

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	F - Public Facilities and Services
<b>Guiding Principle</b>	D5. Promote a walkable, useable, uniform and pedestrian-oriented public space linking Downtown to the surrounding neighborhoods through streetscape elements, access, connections and crossings
<b>Action Item</b>	D5.3 - Make Downtown more pedestrian-friendly by improving walkways, adding accessibility ramps, beautifying the area with landscaping and street trees, etc.

**SUMMARY STATEMENT:**

The 2021 TxCDBG Downtown Revitalization/Main Street Fund is a competitive grant program facilitated by the Texas Department of Agriculture. The grant application for 2021 has a due date of May 2021. The grant contract requires implementation by professionals experienced in the administration of federally-funded community development projects, but allows for grant funding to be utilized for grant administration if awarded.

In order to identify qualified and responsive providers for these services a Request for

Proposals (RFP) process for administration services was issued in December 2020 and has been completed in accordance with Texas CDBG requirements. Proposals were received by the due date in early 2021 and have been reviewed to determine the most qualified and responsive providers for professional services. The selection committee, which included the City Manager as a designated voice of the City Council for such matters, recommends that Grant Works, Inc. be awarded a contract to provide Texas CDBG application and project-related Administration Services for the 2021 TXCDBG Downtown Revitalization/Main Street Fund project. Any and all contracts or commitments made with the Grant Works, Inc. as a services provider are dependent on the successful negotiation of a contract with the service provider.

**RECOMMENDED ACTION:**

Approve the designation and authorize the City Manager to finalize and execute a contract with the provider.

**Texas Community Development Block Grant**  
**Phase Two Solicitation for Administrative/Planning Services**  
**Evaluation of Proposals**

<b>Applicant Community:</b>	City of Kerrville, TX						
<b>Evaluation Team:</b> (at least three persons required, including one local official)	<b>Name of Evaluator</b>			<b>Title</b>			
	Mark McDaniel			City Manager			
	EA Hoppe			Deputy City Manager			
	Ashlea Boyle			Director of Parks & Recreation			
<b>Program:</b> (list ONLY one program per form, create a separate A508 for each additional program)	2021 Main Street Program						
<b>Description of Anticipated Project:</b>	Eligible Activities						
<b>Date Solicitation Sent:</b>	December 23, 2020						
<b>Responses received:</b>	<b>Name of Firm</b>			<b>Date Response Received</b>			
	GrantWorks, Inc.			January 5, 2021			
<b>Evaluation of Proposals:</b> (revise/add/delete services in this section as appropriate)	<b>Enter for each criterion &amp; proposal:</b> (criteria listed on A506) <ul style="list-style-type: none"> <li>• Points awarded, or</li> <li>• Evaluation such as Highly Advantageous (H), Advantageous (A), Not Advantageous (N), or Unacceptable (U).</li> </ul>						
Name of Firm	Experience	Prior Work Performance	Capacity to Perform	Proposed Cost	Other	Other	Notes
	30	30	20	20			
GrantWorks, Inc.	30	28.3	20	20			98.3 Cumulative average score
<b>Firm Recommended:</b>	GrantWorks, Inc.						
<b>Firm Selected:</b>	* If Firm Selected differs from Firm recommended by Evaluators, provide explanation						
<b>Conflict of Interest Evaluated by:</b> Maya Johnson	<input type="checkbox"/> Conflict exists, firm disqualified			<input checked="" type="checkbox"/> No conflict exists			
<b>Date Awarded by Governing Body:</b>							
<b>Signature of Lead Evaluator:</b>							

**Texas Community Development Block Grant**  
**Phase Two Solicitation for Administrative Services - 2020**  
**Response from Service Provider (Optional Format)**

Applicant Community:	City of Kerrville	Name of Firm Providing Proposal:	GrantWorks, Inc.
Fund Category:	2021 DRP-MS	Firm Point of Contact:	Emily Phalan
Date Proposal Submitted:	January 5, 2021	Total Proposed Cost:	\$35,000 or 10% of the total grant award
Conflict of Interest: (identify any actual or potential conflict of interest that must be addressed)	<input checked="" type="checkbox"/> No employee, officer or agent of the Grant Recipient or Applicant/Service Provider shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. <input type="checkbox"/> The following potential or actual conflict of interest must be addressed: <ul style="list-style-type: none"> <li>○ Owner or employee of the firm has a familial relationship with a local official, including the utility provider.</li> <li>○ Owner or employee of the firm has financial interest in the utility provider intended to benefit from the project.</li> <li>○ Other _____</li> </ul>		
Cost Category	Proposed Fee	Self-Performed or Subcontracted	
<b>Pre-application Costs (not payable or reimbursable with TxCDBG funds)</b>			
Preparation and submittal of grant application	\$0	GrantWorks performed	
<b>Basic Services (all grant administration contracts)</b>			
Environmental review	\$7,000	GrantWorks performed	
Assistance in procurement process	Included in Contract management	GrantWorks performed	
Preparation and submittal of drawdown requests	Included in Contract management	GrantWorks performed	
Record keeping	Included in Contract management	GrantWorks performed	
Preparation and submittal of reports as required	Included in Contract management	GrantWorks performed	
Contract management	\$17,500	GrantWorks performed	
Preparation and submittal of close-out documents	\$3,500	GrantWorks performed	
<b>Other Services (include only applicable services)</b>			
Housing activities	Included in Labor standards**	GrantWorks performed	
OSSF activities	Included in Labor standards**	GrantWorks performed	
Acquisition of real property services	Included in Contract management	GrantWorks performed	
Labor standards	\$7,000	GrantWorks performed	
<b>*GrantWorks is happy to negotiate Cost and Scope of Services prior to final selection, as allowed by TDA. An Administrative Services contract will be executed between GrantWorks and the Client only in the event of a Texas Community Development Block Grant Fund award. No fee shall be charged for Application Services whether a grant award is made to the Client or not.</b> **If Housing or OSSF activities are awarded, the overall fee proposed remains the same and Labor standards will be adjusted accordingly.			

## **Other Fees**

List any other fees necessary to successfully complete a project (add rows as necessary).

## **Proposed Scope of Services**

Check services proposed for the anticipated TxCDBG project (add rows as necessary).

### **Application Preparation Services**

- ✓ Provide general advice and technical assistance in preparing the application in conformance with TxCDBG program requirements;
- ✓ Prepare beneficiary documentation in conformance with TxCDBG program requirements; and
- ✓ Ensure the completed application is submitted to TDA on or before the application deadline.
- ✓ Other:

### **Basic Contract Implementation Services**

- ✓ Provide general advice and technical assistance on regulatory matters and implementing project activities included in the approved grant application in conformance with TxCDBG program requirements;
- ✓ Assist in the procurement process such as preparing notices and solicitation of bids for engineering, construction activities, or other grant-related services;
- ✓ Assist in meeting financial, administrative, and bookkeeping requirements of the TxCDBG program, including review of invoices received for payment, preparation of grant fund drawdown requests and retention of all pertinent records and documents sufficient to reflect all charges submitted;
- ✓ Assist in meeting record keeping requirements of the TxCDBG program, including the establishment and maintenance of an acceptable filing system;
- ✓ Assist in contract administration and monitoring requirements of the TxCDBG program, including enforcement of compliance requirements;
- ✓ Assist in the environmental review process for the proposed project, including preparing and submitting necessary documentation to the appropriate agency for clearance or approval, and preparing Request for Release of Funds and required certifications and submitting them to TDA;
- ✓ Assist in meeting all special condition requirements stipulated in the grant contract;
- ✓ Act as a liaison between the local government, construction contractors, and TDA to ensure an efficient, smoothly managed program;
- ✓ Monitor the work of authorized contractors and subcontractors.
- ✓ Furnish necessary forms and submit all required reports as outlined in the grant contract;
- ✓ Prepare and submit any program amendments, including re-assessments of environmental clearances, as necessary during the duration of the project; and
- ✓ Prepare and coordinate the submission of appropriate documents for TxCDBG contract close-out and completion.
- ✓ Assist in developing, implementing and documenting new activities to affirmatively further fair housing during the grant term;
- ✓ Other:

### **Assistance for Acquisition of Real Property**

- ✓ Provide guidance regarding real property acquisition activities and assistance in meeting real property acquisition/URA requirements, including preparation of correspondence to property owners, and preparation and submission of required reports to TDA.
- ✓ Other:

### **Compliance with federal Labor Standards**

- ✓ Provide guidance regarding federal labor standards and assistance in meeting Davis-Bacon Act and related federal labor laws; and
- ✓ Serve as Labor Standards Officer for the project.
- ✓ Other:



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

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**SUBJECT:** Minutes for the City Council meeting held December 08, 2020.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Dec 15, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20210112\\_Minutes\\_CC Regular meeting 6pm 12-08-20.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

Minutes for the City Council meeting held December 08, 2020 at 6:00 p.m. at the Cailloux City Center.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**CITY COUNCIL MINUTES  
REGULAR MEETING**

**KERRVILLE, TEXAS  
DECEMBER 08, 2020**

On December 08, 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 Kim Clarkson, followed by the Pledge of Allegiance led by Councilmember Clarkson.

**COUNCILMEMBERS PRESENT:**

Bill Blackburn	Mayor
Judy Eychner	Councilmember, Mayor Pro Tem
Kim Clarkson	Councilmember
Gary Cochrane	Councilmember
Brenda Hughes	Councilmember

**COUNCILMEMBER ABSENT:** None

**CITY EXECUTIVE STAFF:**

Mark McDaniel	City Manager	Stephen Boyd, Deputy Fire Chief
E.A. Hoppe	Deputy City Manager	Stuart Cunyus, Public Information Officer
Mike Hayes	City Attorney	Amy Dozier, Chief Financial Officer
Shelley McElhannon	City Secretary	Jeremy Hughes, Fire Division Chief
		Drew Paxton, Planning Director

**VISITORS PRESENT:** A list of the citizen speakers 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 Mayor Blackburn, Councilmember Clarkson, Councilmember Judy Eychner, and Stuart Cunyus.

**2. PRESENTATIONS:**

2A. Kerrville Kindness award.

Mayor Blackburn presented the Kerrville Kindness award to the Kerrville Utility Fund, represented by Glenn Andrew, Councilmember Clarkson, and Mindy Wendele.

**3. VISITORS FORUM:**

The following person(s) spoke:

- Vincent Voelkel

**4. CONSENT AGENDA:**

Councilmember Eychner pulled item 4D from the consent agenda, and citizen George Baroody pulled items 4A and 4B from the consent agenda.

Councilmember Clarkson made a motion to approve the consent agenda items 4C, 4E, 4F, 4G, and 4H, and Councilmember Gary Cochrane seconded. The motion passed 5-0.

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

4E. 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.

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

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

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

**END OF CONSENT AGENDA**

4A. 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.

The following person(s) spoke:

- George Baroody

Councilmember Eychner made a motion to approve Resolution No. 29-2020 as presented, seconded by Councilmember Cochrane. The motion passed 4-1, with Mayor Blackburn, Councilmember Clarkson, Councilmember Cochrane, and Councilmember Eychner voting in favor and Councilmember Brenda Hughes voting against.

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

The following person(s) spoke:

- George Baroody

Mike Hayes provided clarification.

Councilmember Eychner made a motion to approve item 4B as presented, seconded by Councilmember Clarkson. The motion passed 5-0.

4D. 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.

Stephen Boyd provided information and responded to questions.

Councilmember Eychner made a motion to approve item 4D as presented, seconded by Councilmember Hughes. The motion passed 5-0.

**5. PUBLIC HEARINGS AND RESOLUTIONS:**

5A. 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.

Shelley McElhannon read Resolution No. 28-2020 caption into record.  
Mayor Blackburn opened the public hearing at 6:28 p.m.  
Drew Paxton presented information and responded to questions.  
No citizens/persons spoke.  
The public hearing closed at 6:30 p.m.

Councilmember Cochrane made a motion to approve Resolution No. 28-2020, seconded by Councilmember Eychner. The motion passed 5-0.

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

6A. 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).

Mayor Blackburn opened the public hearing at 6:31 p.m.  
Shelley McElhannon read Ordinance No. 2020-26 caption into record.  
Drew Paxton presented information and responded to questions.  
No citizens/persons spoke.  
The public hearing closed at 6:33 p.m.

Councilmember Eychner made a motion to approve Ordinance No. 2020-26, seconded by Councilmember Cochrane. The motion passed 5-0.

6B. 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.

Shelley McElhannon read Ordinance No. 2020-27 caption into record.  
Drew Paxton presented information and responded to questions.  
Mayor Blackburn opened the public hearing at 6:38 p.m.  
The following person(s) spoke:  
• Vincent Voelkel  
The public hearing closed at 6:40 p.m.

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

**7. ORDINANCES, SECOND READING:**

7A. 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.

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

Councilmember Cochrane made a motion to approve Ordinance No. 2020-23 second reading, seconded by Councilmember Hughes. The motion passed 5-0.

7B. 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).

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

Councilmember Clarkson made a motion to approve Ordinance No. 2020-24 on second reading, seconded by Councilmember Cochrane. The motion passed 5-0.

7C. 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.

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

Amy Dozier presented information and responded to questions by Council.

Councilmember Eychner made a motion to approve Ordinance No. 2020-25, seconded by Councilmember Cochrane. The motion passed 5-0.

**8. INFORMATION & DISCUSSION:**

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

Shelley McElhannon read item 8A caption into record.

Jeremy Hughes presented information and responded to questions.

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

Councilmember Cochrane provided information. Councilmember Eychner provided information on food relief and the community food bank.

**9. ITEMS FOR FUTURE AGENDAS:**

No items were presented for future agendas.

**10. BOARD APPOINTMENTS:**

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

Four vacancies exist on the Food Service Advisory Board. Councilmember Hughes moved to reappoint Monica Egelson and Angela Fielder, and appoint Wendy Massey and Bernadette Winn as members. Councilmember Cochrane seconded, and the motion passed 5-0.

10B. Appoint members to the Planning & Zoning Commission.

Item deferred to Executive Session.

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

Six vacancies exist on the Senior Services Advisory Committee. Councilmember Eychner moved to reappoint Misty Blevins, Karen Burkett, and Christine Klima, and appoint Karen Martin, Karen Mattox, and Neil Powers as members. Councilmember Eychner seconded, and the motion passed 5-0.

10D. Appoint members to the Zoning Board of Adjustment.

Item deferred to Executive Session.

10E. Appointment of Councilmember to the Kerrville Economic Development Corporation (KEDC) Board.

Councilmember Cochrane moved to appoint Mayor Blackburn as the member to the KEDC. Councilmember Eychner seconded, and the motion passed 5-0.

10F. Appointment of Mayor Pro Tem.

Councilmember Cochrane made a motion to nominate Councilmember Clarkson to serve as Mayor Pro Tem. Councilmember Eychner seconded, and the motion passed 5-0.

Councilmember Eychner made a motion the City Council adjourn into closed executive session under 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.074 (personnel/officers), and 551.087 (deliberation regarding economic development negotiations). Councilmember Clarkson seconded, and the motion passed 5-0.

**RECESS:** Mayor Blackburn recessed the meeting at 7:07 p.m., and reconvened in closed executive session in the Cailloux City Center upstairs conference room.

**11. EXECUTIVE SESSION:**

10B. Appoint members to the Planning & Zoning Commission.

10D. Appoint members to the Zoning Board of Adjustment.

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

11B. 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).

11C. 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).

**RECONVENED:** The closed executive session adjourned, Council returned to open session at 8:05 p.m.

**12. ACTIONS ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:** N/A

No action was taken in Executive Session.

10B. Appoint members to the Planning & Zoning Commission.

Four terms expire January 01, 2021 on the Planning and Zoning Commission. Councilmember Clarkson moved to reappoint John Lipscomb and Clifford Tuttle, and appoint Shane Bourgeois and Michael Sigerman as members. Councilmember Eychner seconded, and the motion passed 5-0.

10D. Appoint members to the Zoning Board of Adjustment.

Four vacancies exist on the Zoning Board of Adjustment. Councilmember Clarkson moved to appoint Pablo Brinkman, Paul Zohlen, Mike Asmus, and Michael Killeen for the regular members, and Jim Sandy as alternate. Councilmember Eychner seconded, and the motion passed 5-0.

**ADJOURN.** The meeting adjourned at 8:08 p.m.

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

APPROVED:

ATTEST:

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Bill Blackburn, Mayor

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Shelley McElhannon, City Secretary



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

---

**SUBJECT:** Minutes for the City Council special-called meeting held December 17, 2020.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Dec 17, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20200112\\_Minutes\\_CC special-called meeting 12-17-20.pdf](#)

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

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

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

**SUMMARY STATEMENT:**

Minutes for the City Council special-called meeting held December 17, 2020 at 5:30 p.m.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**CITY COUNCIL MINUTES  
SPECIAL-CALLED MEETING  
CITY HALL COUNCIL CHAMBERS, KERRVILLE, TEXAS**

**DECEMBER 17, 2020 5:30 PM**

**CALL TO ORDER:** On December 17, 2020, at 5:30 p.m., the Kerrville City Council special-called meeting was called to order by Mayor Bill Blackburn at the City Hall Council Chambers, 701 Main Street. Mayor Blackburn provided the invocation and led the pledge of allegiance.

**COUNCILMEMBERS PRESENT:**

Bill Blackburn	Mayor
Kim Clarkson	Mayor Pro-Tem, Councilmember Place 2
Gary Cochrane	Councilmember Place 1
Judy Eychner	Councilmember Place 3
Brenda Hughes	Councilmember Place 4

**COUNCILMEMBER ABSENT:** None

**CITY STAFF PRESENT:**

Mark McDaniel	City Manager
E.A. Hoppe	Deputy City Manager
Mike Hayes	City Attorney
Shelley McElhannon	City Secretary

**VISITORS PRESENT:** Dr. William Rector, and Sue Tiemann. Zoom webinar was offered, but no citizens engaged through Zoom.

**1. CONSIDERATION AND POSSIBLE ACTION:**

1A. Sixth Amendment to the Development Agreement with Comanche Trace.

Shelley McElhannon read 1A caption into record.

E.A. Hoppe provided information.

Councilmember Gary Cochrane made a motion to approve the sixth amendment to the Development Agreement with Comanche Trace, seconded by Councilmember Kim Clarkson. The motion passed 5-0.

1B. 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.

Shelley McElhannon read 1B caption into record.

The following citizens spoke:

Dr. William Rector

Sue Tiemann

Councilmember Clarkson made a motion that City Council adjourn into closed executive session under 551.071 (consultation with attorney), 551.072 (deliberation regarding real

property), and 551.087 (deliberation regarding economic development negotiations). Councilmember Brenda Hughes seconded, and the motion passed 5-0.

Mayor Blackburn recessed the special-called meeting at 5:38 p.m. and convened in closed executive session.

**2. EXECUTIVE SESSION:**

*City Council may adjourn into executive (closed) 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 (deliberations regarding gifts), 551.074 (personnel/officers), 551.076 (deliberation regarding security devices), and 551.087 (business prospect/economic development) of Chapter 551 of the Texas Government Code. Council will discuss the following matters in executive session:*

2.A. 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).

The closed executive session adjourned, Council returned to open session at 5:52 p.m.

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

No action was taken in executive session.

**ADJOURN.**

The special-called meeting adjourned at 5:52 p.m.

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

APPROVED:

ATTEST:

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Bill Blackburn, Mayor

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Shelley McElhannon, City Secretary



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

---

**SUBJECT:** Resolution No. 02-2021. A Resolution granting a Conditional Use Permit to authorize a Tattoo shop on the property consisting of Lot 5, Block 33, of the Schreiner Addition, a Subdivision of record within the City of Kerrville, Kerr County, Texas; and located at 215 Water Street; said property is located within the Downtown Arts and Culture (DAC) Zoning District; and making said permit subject to certain conditions and restrictions contained herein.

**AGENDA DATE OF:** January 12, 2021    **DATE SUBMITTED:** Dec 14, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20210112\\_Resolution 02-2021 Conditional Use Permit 215 Water Street.pdf](#)

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

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

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

**SUMMARY STATEMENT:**

Proposal

Public hearing, consideration and action to recommend a resolution to allow a Conditional Use Permit for a Tattoo Shop on Schreiner Subdivision, Block 33, Lot 5, City of Kerrville, Texas; and more commonly known as 215 Water Street.

Procedural Requirements

12 letters were mailed on 11/19/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 11/12/2020. 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: DAC Downtown Arts and Culture

Existing Land Use: Vacant Building

Direction: North

Current Zoning: C-3 General Commercial

Existing Land Uses: Auto Dealership

Direction: South, West, East

Current Zoning: DAC Downtown Arts and Culture

Existing Land Uses: Various businesses and vacant land

### Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is identified as D Downtown, which allows retail, commercial, condominiums, apartments, offices, hotels, entertainment centers, service and office uses. Because the applicant is not requesting a zoning change and current zoning is consistent with K2050 future land use, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan: The subject property is located on a collector street, consistent with the proposed use.

Traffic Impact: No traffic impact is anticipated.

Parking: All off street parking requirements will be met per zoning code.

### Case Summary:

The applicant is requesting a Conditional Use Permit for a Tattoo Shop that is intended to be part of an overall art studio concept that will also provide art classes and art displays. In order to obtain State certification for the Tattoo Shop portion of the business, the Conditional Use Permit is required in order to meet zoning code.

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

### Recommendation:

Because the request is consistent with the Kerrville 2050 Comprehensive Plan and no change in zoning is being requested, staff recommends approval of the Conditional Use Permit, with the attached conditions.

On December 3rd, the Planning and Zoning Commission recommended the case for approval with a 6-1 vote.

**RECOMMENDED ACTION:**

Approve Resolution No. 02-2021.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 02-2021**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO  
AUTHORIZE A TATTOO SHOP ON THE PROPERTY  
CONSISTING OF LOT 5, BLOCK 33, OF THE SCHREINER  
ADDITION, A SUBDIVISION OF RECORD WITHIN THE CITY  
OF KERRVILLE, KERR COUNTY, TEXAS; AND LOCATED AT  
215 WATER STREET; SAID PROPERTY IS LOCATED WITHIN  
THE DOWNTOWN ARTS AND CULTURE (DAC) ZONING  
DISTRICT; AND MAKING SAID PERMIT SUBJECT TO  
CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED  
HEREIN**

**WHEREAS**, the owner of the property graphically depicted in the location map in **Exhibit A** (the "Property"), being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (CUP) to allow an approximate .15-acre tract of land located within the Downtown Arts and Culture (DAC) Zoning District to be used for a tattoo shop; and

**WHEREAS**, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances), and in particular, the approval of Conditional Use Permits, and the official zoning map; having given the requisite notices by United States mail, publication, and otherwise; and after holding due public hearings and affording a full and fair hearing to all of property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, City Council, finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit, subject to the special conditions and restrictions set out hereinafter on the Property;

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

**SECTION ONE.** A Conditional Use Permit is granted to permit the property described below, and located within the Downtown Arts and Culture (DAC) Zoning District, to be developed and used for a Tattoo Shop as that term is defined in and pursuant to the City's Zoning Code (Chapter 60, Article XI), and such use is subject to the provisions of this Resolution and other City ordinances and regulations:

**Legal Description:** Being an approximate 0.15 acre tract of land lying and being situated within the City of Kerrville, Kerr County, Texas, and being Lot 5, Block 33, of the Schreiner Addition, a subdivision of record within Kerr County, Texas; said lot being graphically depicted on the location map at **Exhibit A**, attached hereto and made a part hereof for all purposes.

**General Location:** 215 Water Street.

**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. State Licensing:** All workers and services offered shall comply with state law, including applicable licensing regulations.
- B. Inspections:** the owner and operator shall allow and comply with state inspections with respect to the services performed and products offered.
- C. 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 Conditional Use Permit granted herein is 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.,  
2021.

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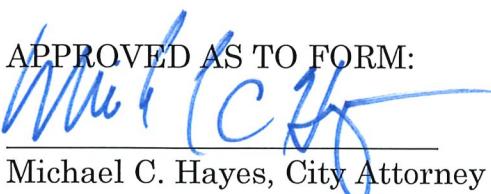
Bill Blackburn, Mayor

ATTEST:

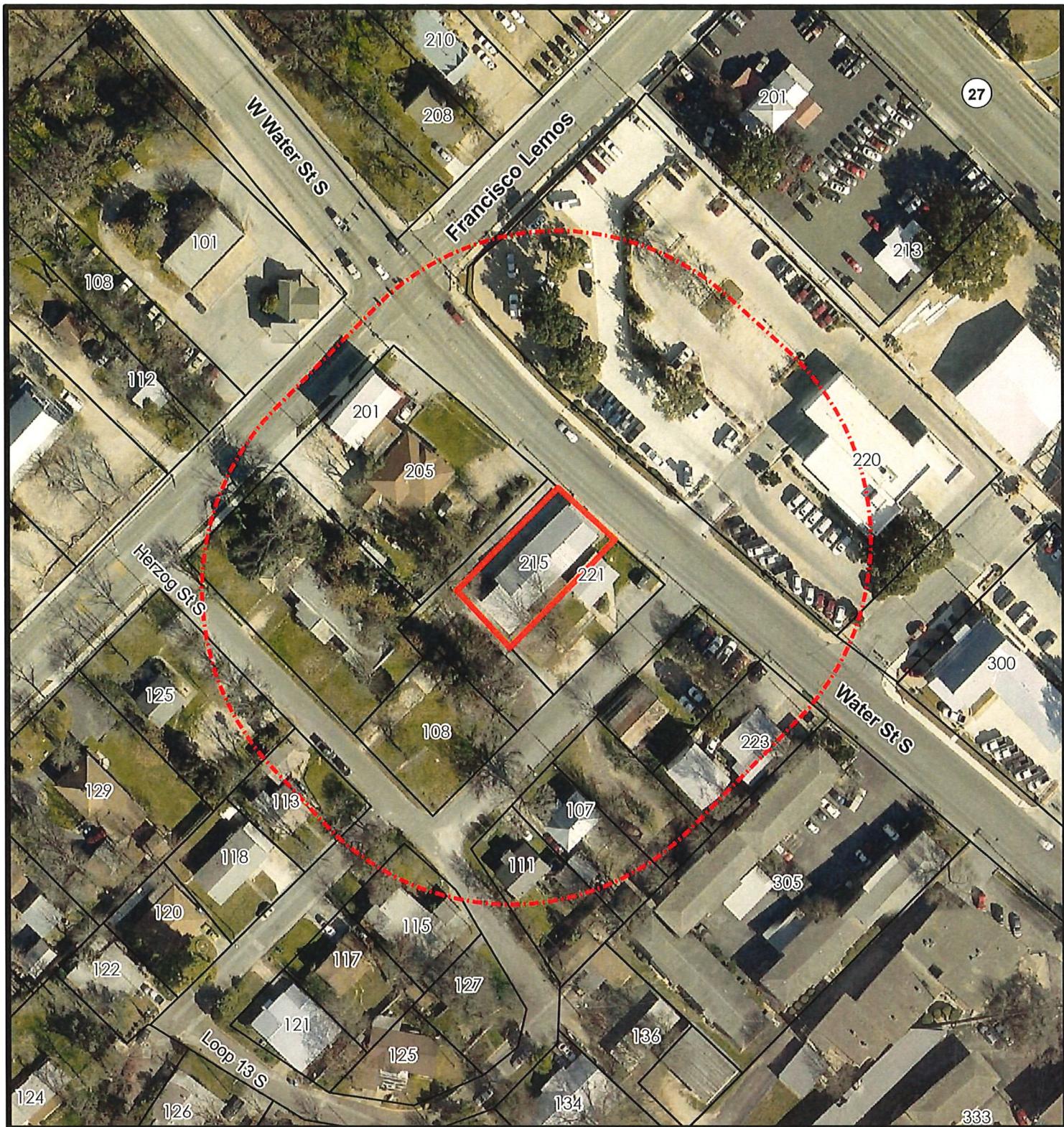
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Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

  
Michael C. Hayes, City Attorney

## **EXHIBIT A**



## Location Map

Case # 2020-065

**Location:**  
**215 Water St S**

## Legend



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**

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**SUBJECT:** Resolution No. 03-2021. A Resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property consisting of approximately 0.37 acres, comprising all of Lots 1 and 2, Block 3 of the Hill Crest Addition, a Subdivision within the City of Kerrville and more commonly known as 900 Tivy Street; said property is located within an R-1A Single-Family Residential with accessory dwelling unit Zoning District; and making said permit subject to certain conditions and restrictions contained herein.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Dec 14, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20210112\\_Resolution 03-2021 Conditional Use Permit 900 Tivy.pdf](#)

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

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

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

**SUMMARY STATEMENT:**

Proposal

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for Short Term Rental Unit on Hillcrest Subdivision, Block 3, Lot 1 and 2, City of Kerrville, Texas; and more commonly known as 900 Tivy Street.

Procedural Requirements

26 letters were mailed on 11/19/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 11/12/2020. At the time of drafting this Agenda Bill, no comments had been received from the mailings or published notice.

## Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

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

Existing Land Use: Single Family Residence

Direction: North, South, West, East

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

Existing Land Uses: Single Family Residences

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is designated Neighborhood Residential (NR) as are the properties to the north, south and east. The primary land use for Neighborhood Residential is single-family detached homes. Properties to the west are designated Transitional Residential (TR). Transitional Residential allows for small lot single family homes, single family detached homes, patio homes, townhomes, duplexes, condominiums and apartments. Because the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan: The subject property is located on a collector 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 four (4) bedrooms and no onsite manager so five (5) off street parking spaces are required. The applicant has identified five (5) available off street parking spaces on the attached Site Plan. Parking requirements will be met.

Case Summary:

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

The subject property is located within an R-1A zoning district. As such, a Short Term Rental requires a Conditional Use Permit.

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

Short-Term Rental Unit: A facility, used for the purpose of providing short-term lodging for compensation, architecturally designed to look like a single-family dwelling, 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 (6) 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 (6) 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.

The applicant has identified the following amenities as in close driving proximity (less than two miles) to the proposed Short Term Rental: Golden Antler Boutique; Arcadia Theater; Grape Juice Restaurant; Kerr Arts & Culture Center; Cailloux Theater; Scott Schreiner Municipal Golf Course; Francisco's Restaurant; Nobili Tea; Basement Brewers of Texas; Rails Café; Pint & Plow Brewing Co.; Kerrville Farmer's Market; Louise Hays Park; Broken Stone Pizza; Downtown Parking Garage.

Recommendation:

The subject property had been vacant for close to a year prior to purchase by the current owner. Current owner has renovated and continues to renovate the property. Although no written comments have been received in regard to the legal notice or mailed letters, several surrounding property owners have called to say that the renovations have improved the neighborhood and that they are in support of the CUP.

Because the Conditional Use Permit request is consistent with the Kerrville 2050 Comprehensive Plan, will meet all zoning regulations, and there are numerous amenities in close proximity to this proposed Short Term Rental location, staff recommends approval with consideration and inclusion of the attached Proposed CUP Conditions.

On December 3rd, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

**RECOMMENDED ACTION:**

Approve Resolution No. 03-2021.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 03-2021**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO  
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE  
PROPERTY CONSISTING OF APPROXIMATELY 0.37 ACRES,  
COMPRISING ALL OF LOTS 1 AND 2, BLOCK 3 OF THE HILL  
CREST ADDITION, A SUBDIVISION WITHIN THE CITY OF  
KERRVILLE AND MORE COMMONLY KNOWN AS 900 TIVY  
STREET; SAID PROPERTY IS LOCATED WITHIN AN R-1A  
SINGLE-FAMILY RESIDENTIAL WITH ACCESSORY  
DWELLING UNIT ZONING DISTRICT; AND MAKING SAID  
PERMIT SUBJECT TO CERTAIN CONDITIONS AND  
RESTRICTIONS CONTAINED HEREIN**

**WHEREAS**, the owner of the property known as 900 Tivy Street 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-1A Single-Family Residential with Accessory Dwelling Unit 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 with Accessory Dwelling Unit 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:** approximately 0.37 acres of land, out

of the B.F. Cage Survey No. 116, Abstract No. 106, within the City of Kerrville, Kerr County; comprising all of Lots 1 and 2 in Block 3 of the Hill Crest Addition, a subdivision of Kerr County and being more specifically described and depicted on the site plan and location map found at **Exhibit A**.

**General Description:** 900 Tivy Street.

**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., 2021.

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Bill Blackburn, Mayor

APPROVED AS TO FORM:



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Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary

## EXHIBIT A

# STR SITE PLAN 900 TIVY STREET

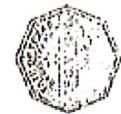
NAME: 1" = 20'  
LEGEND

הנִזְקָנָה

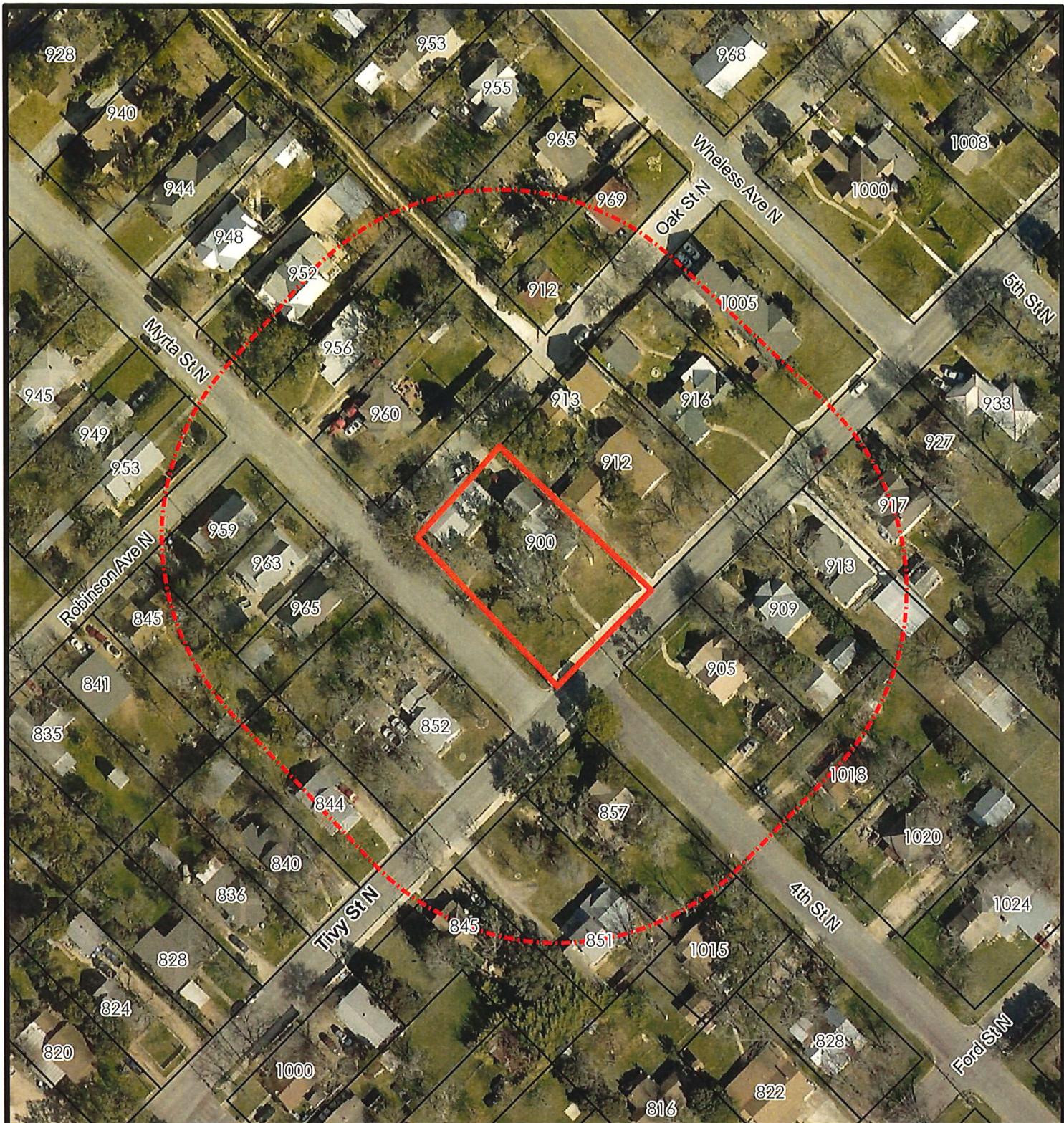
VOELKEL  
LAND SURVEYING, INC.  
615 BARTON, BIRMINGHAM, ALABAMA  
TELEGRAMS: VOELKEL, BIRMINGHAM, ALABAMA

CURRENT DRIVEWAY  
PARKING FOR FOUR

The diagram consists of four vertical rectangles, each with a black border and white text. From left to right, the rectangles represent: a proposed 10x16 inground pool; a proposed 15x15 patio area; a proposed privacy fence with gate; and a proposed driveway/parking for two.



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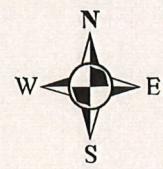
## Location Map

Case # 2020-071

Location:  
900 Tivy St N

### 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.

## **EXHIBIT B**



## SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 03-2021

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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:** Resolution No. 04-2021. A Resolution amending Resolution No. 03-2019, which granted a Conditional Use Permit for the property located at 200 Main Street (State Hwy. 27); by amending the development site plan applicable to the gasoline station (fuel sales) with car wash and convenience store.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Dec 14, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20210112\\_Resolution 04-2021 CUP 200 Main Street.pdf](#)

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

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

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**Kerrville 2050 Item?** Yes

**Key Priority Area** D - Downtown Revitalization

**Guiding Principle** D9. Other (Plug in where appropriate)

**Action Item**

---

**SUMMARY STATEMENT:**

Proposal

Public hearing, consideration and action to recommend a resolution for a Conditional Use Permit Amendment (Resolution 03-2019) for a modification to the approved Site Plan on all of Lot 1, Block 1 of the HEB Kerrville #1 Subdivision within the City of Kerrville, Kerr County, Texas; and more commonly known as 212 and 300 Main Street.

Procedural Requirements

17 letters were mailed on 11/19/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 11/12/2020. At the time of drafting this Agenda Bill, no written comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: DAC Downtown Arts and Culture (CUP 03-2019)

Existing Land Use: Parking Lot

Direction: North, West

Current Zoning: C-2 Light Commercial

Existing Land Uses: Residential, Retail and Vacant Buildings

Direction: South

Current Zoning: C-3 General Commercial

Existing Land Uses: Auto Dealership

Direction: East

Current Zoning: DAC Downtown Arts and Culture

Existing Land Uses: HEB Parking Lot and New HEB Store

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is identified as Strategic Catalyst Area (SCA) 1 in the Kerrville 2050 Comprehensive Plan and is comprised of the downtown core and central business district. Allowable place types are transitional residential with a focus on downtown development and redevelopment. Because the applicant is not requesting a zoning change, current zoning is consistent with K2050 future land use, and the proposed CUP amendment is supporting downtown redevelopment, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan: The subject property is located on a primary arterial, consistent with the proposed use.

Traffic Impact: No traffic impact is anticipated since existing use is not changing.

Parking: All off street parking requirements are being met per zoning code.

Case Summary:

The applicant is requesting a Conditional Use Permit Amendment to an approved Site Plan for a proposed fuel station and car wash. Applicant is proposing to purchase additional property at the east corner of Main Street and Francisco Lemos Street to relocate an already approved fuel station and car wash, further to the west, in order to provide more off street parking for the new HEB store. The property to be purchased is zoned C-2 Light Commercial, which already allows the fuel station and car wash, so no additional Conditional Use Permit is required. Since the existing CUP Site Plan would

require the fuel station and car wash to be built under the existing plan, the site plan is being amended. After redesign, the only remaining facility within the Downtown Arts and Culture District will be the fuel tanks, and possibly some eave overhangs from the new fuel station structures. Please see the attached Existing CUP Site Plan and Proposed CUP Site Plan for reference.

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

Recommendation:

Because the request is consistent with the Kerrville 2050 Comprehensive Plan, no change in zoning is being requested, and this proposal will increase the amount of parking for the new HEB facility, staff recommends approval of the Conditional Use Permit site plan amendment. No additional conditions are being proposed by staff.

On December 3rd, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

**RECOMMENDED ACTION:**

Approve Resolution No. 04-2021.

**CITY OF KERRVILLE, TEXAS**  
**RESOLUTION NO. 04-2021**

**A RESOLUTION AMENDING RESOLUTION NO. 03-019, WHICH  
GRANTED A CONDITIONAL USE PERMIT FOR THE  
PROPERTY LOCATED AT 300 MAIN STREET (STATE HWY. 27);  
BY AMENDING THE DEVELOPMENT SITE PLAN APPLICABLE  
TO THE GASOLINE STATION (FUEL SALES) WITH CAR WASH  
AND CONVENIENCE STORE**

**WHEREAS**, the City Planning and Zoning Commission recommended, and City Council, pursuant to Resolution No. 03-2019, thereafter granted, a Conditional Use Permit for the property located at 300 Main Street; and

**WHEREAS**, the owner of said property, pursuant to its recent acquisition of additional property to be used to expand its use at the site, has requested that the City amend Resolution No. 03-2019 to amend the development site plan attached to that resolution; and

**WHEREAS**, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances), and in particular, the approval of Conditional Use Permits, and the official zoning map; having given the requisite notices by United States mail, publication, and otherwise; and after holding due public hearings and affording a full and fair hearing to all of property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, City Council, finds that the health, safety, and general welfare will be best served by amending the Conditional Use Permit as previously granted by the adoption of Resolution No. 03-2019;

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

**SECTION ONE.** Resolution No. 03-2019 is amended by revising and replacing the exhibit previously included as part of Section Two. A., attached as **Exhibit A**, and which includes the addition of the property described and depicted in **Exhibit B** hereto.

**SECTION TWO.** Other than the amendment specified above, Resolution No. 03-2019 remains in full force and effect.

**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_, A.D.,  
2021.**

ATTEST:

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Bill Blackburn, Mayor

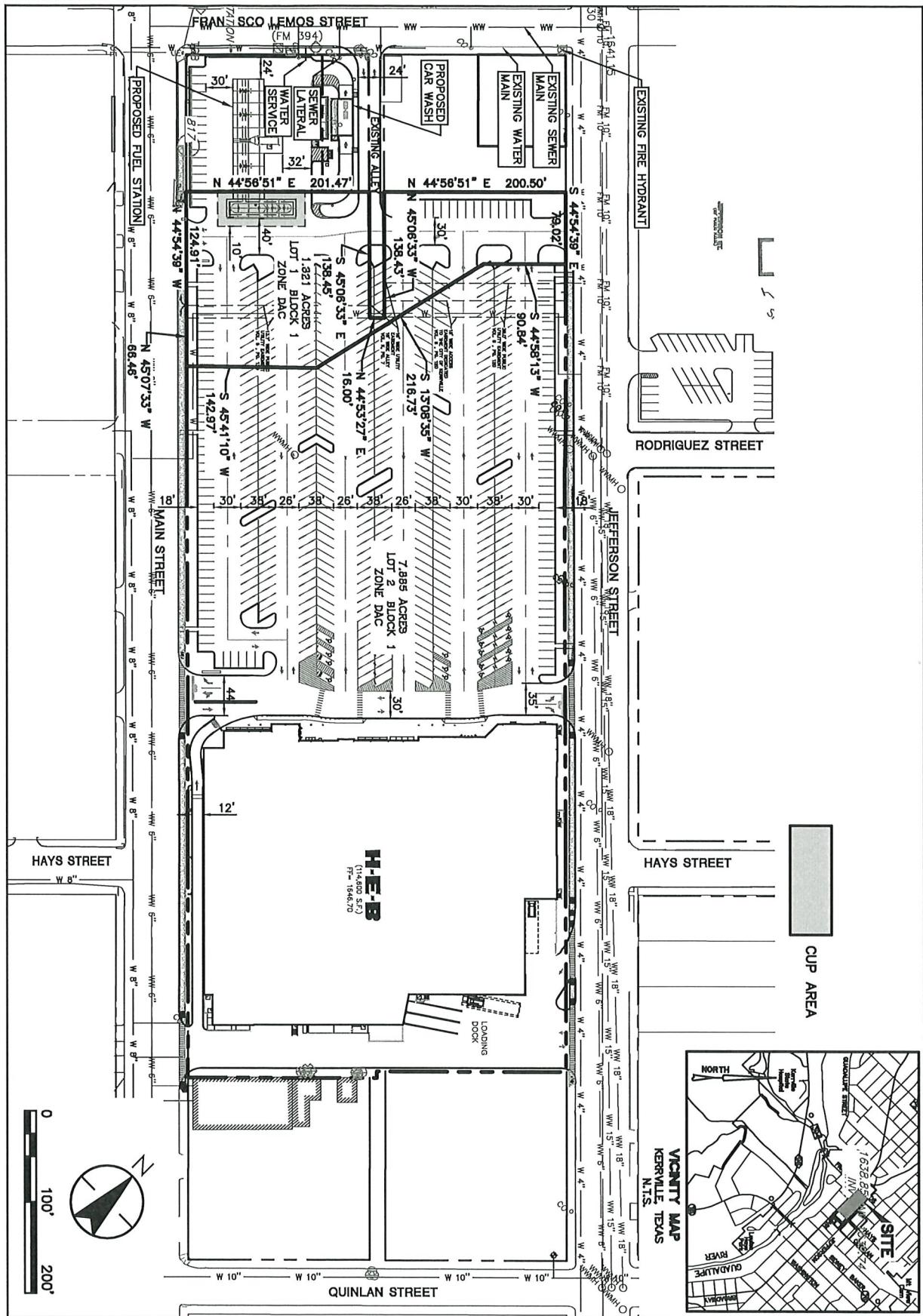
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

## EXHIBIT A



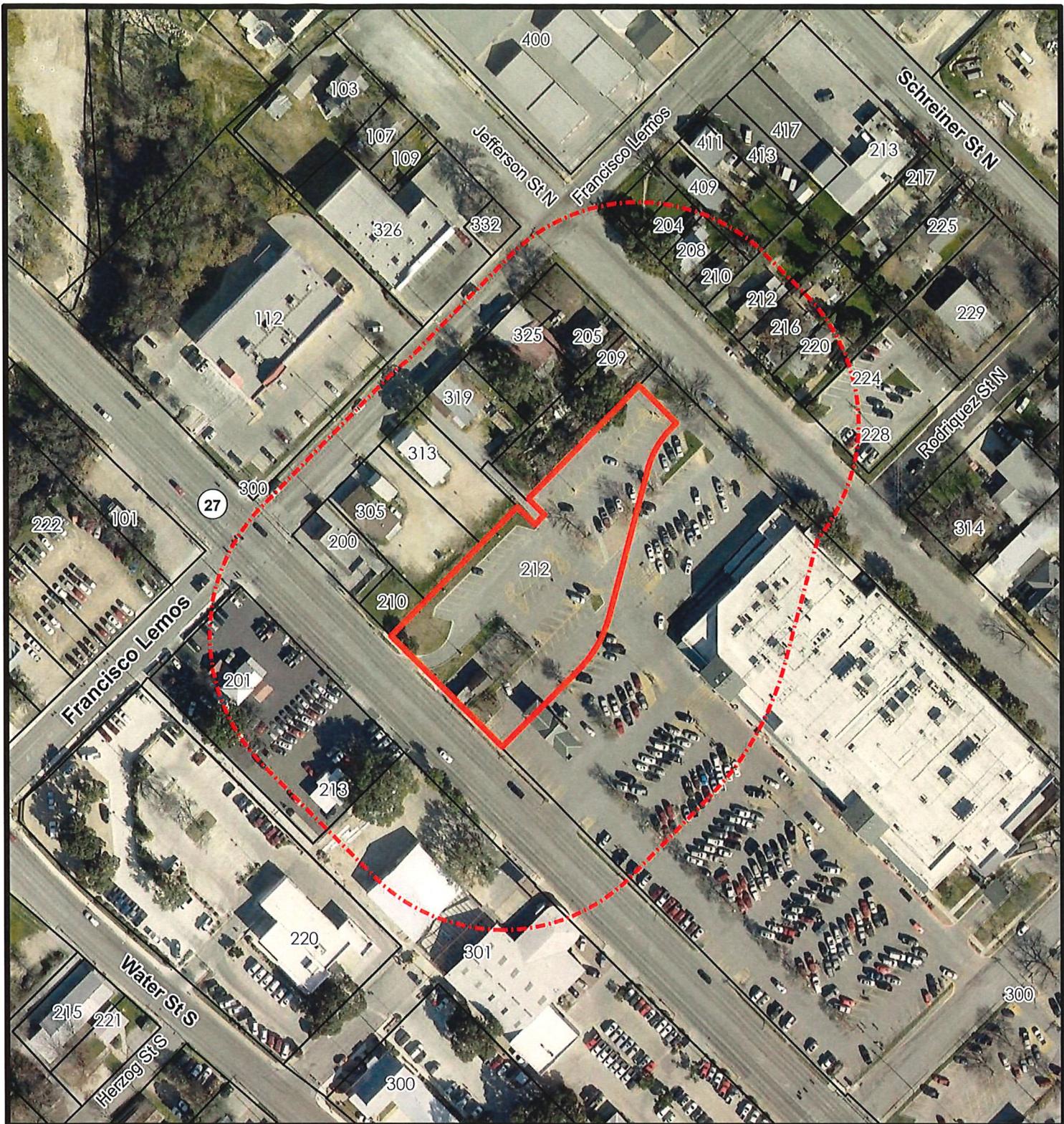
HEB KERRVILLE - FUEL STATION

CONDITIONAL USE PERMIT EXHIBIT  
11/03/2020



70 NE Loop 410 Suite 1100  
San Antonio, Texas 78216  
TBPE#6324 TBPLS#10194228  
[www.stantec.com](http://www.stantec.com)

## **EXHIBIT B**



## Location Map

Case # 2020-072

**Location:**  
**212 Main St N**

## 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**

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**SUBJECT:** Ordinance No. 2021-02, public hearing and first reading. An Ordinance vacating, abandoning, and closing a public right-of-way consisting of a portion of a sixteen foot wide alley, which was originally located in its entirety between Francisco Lemos Street and Hays Street; said portion consisting of approximately 0.0508 acres out Block 48 of the Chas Schreiner 2nd Addition to the City of Kerrville; making a finding that the alley is not required for present or future public use; authorizing the City Manager to take all necessary action to effectuate the vacation, abandonment, closure, and quitclaim; and providing for a public hearing.

**AGENDA DATE OF:** January 12, 2021    **DATE SUBMITTED:** Dec 14, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20210112\\_Ordinance 2021-02 HEB purchase of ROW alley closure.pdf](#)

---

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	E - Economic Development
<b>Guiding Principle</b>	E4. Balance, broaden and diversify the City's tax base, shifting the tax burden away from residential property owners
<b>Action Item</b>	E4.2 - Explore opportunities to capitalize on existing businesses, such as Mooney, the Airport, and James Avery

---

**SUMMARY STATEMENT:**

The Kerrville 2050 Comprehensive plan called for the City to look at opportunities to help existing local businesses expand their operations in order to achieve the overall goal of balancing, broadening, and diversifying the City's tax base, helping shift the tax burden away from residential property owners. In addition, the Kerrville 2050 plan also called for the City to assist in the assembly of land for new Downtown investments.

H-E-B has requested the closure and abandonment of a portion of (adjacent to their property) a dead end alley from Francisco Lemos Street.

This street closure ties into the Conditional Use Permit amendment request as well as H-E-B's overall redevelopment of the site. Property on both sides of the alley are owned by HEB and will function as parking lot. There is no future public purpose for the alley ROW. The request is consistent with the Kerrville 2050 Comprehensive Plan, as previously stated. The subject property is located within Strategic Catalyst Area 1 which comprises the downtown core and central business district. "There should be a strong focus on redevelopment and catalyzing a renewed public interest in the area."

The City previously received a recent appraisal as to the fair market value of the City's interest in the Rights-of-way (ROW) along Hayes Street and adjacent alleys, which was assessed at \$8.80 per square foot, and is in the same general vicinity of the city. The portion of the alley to be closed is approximately 2,212 square feet, and therefore the extrapolated assessed value is \$19,465. If approved, the closure will be contingent upon payment from HEB in this amount.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2021-02 on first reading.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2021-02**

**AN ORDINANCE VACATING, ABANDONING, AND CLOSING A PUBLIC RIGHT-OF-WAY CONSISTING OF A PORTION OF A SIXTEEN FOOT WIDE ALLEY, WHICH WAS ORIGINALLY LOCATED IN ITS ENTIRETY BETWEEN FRANCISCO LEMOS STREET AND HAYS STREET; SAID PORTION CONSISTING OF APPROXIMATELY 0.0508 ACRES OUT BLOCK 48 OF THE CHAS SCHREINER 2<sup>ND</sup> ADDITION TO THE CITY OF KERRVILLE, A SUBDIVISION OF KERR COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME K, PAGES 1-7 OF THE DEED RECORDS OF KERR COUNTY, TEXAS; MAKING A FINDING THAT THE ALLEY IS NOT REQUIRED FOR PRESENT OR FUTURE PUBLIC USE; PROVIDING FOR THE TERMS AND CONDITIONS OF VACATION, ABANDONMENT, AND CLOSURE; PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, AS A QUITCLAIM DEED; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO EFFECTUATE THE VACATION, ABANDONMENT, CLOSURE, AND QUITCLAIM; AND PROVIDING FOR A PUBLIC HEARING**

**WHEREAS**, the owner of the property located at 300 Main Street (“Owner”) and adjacent properties is currently redeveloping property and expanding its use; and

**WHEREAS**, pursuant to this redevelopment, the Owner has requested that the City vacate, abandon, and close a portion of an alley, which as originally established was located between and intersected with Francisco Lemos Street and Hays Street; such interest is more specifically described below and is referred to herein as the “Right-of-way”; and

**WHEREAS**, the Owner owns the property on both sides of the Right-of-way; and

**WHEREAS**, City staff has considered the public’s present and future use of the Right-of-way and do not believe that the alley is required for such use; and

**WHEREAS**, based upon its analysis, City staff recommends vacating, abandoning, and closing the Right-of-way; and

**WHEREAS**, the City previously received an appraisal as to the fair market value of the City’s interest in other rights-of-way interests in the immediately vicinity

of the Right-of-way, and taking that appraisal, have applied it to the interest here to determine what they believe to be the fair market value of this Right-of-Way; and

**WHEREAS**, in reviewing this analysis, Council finds that the City is receiving adequate value for the action it is taking herein; and

**WHEREAS**, the City of Kerrville, Texas, is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, Texas Transportation Code Section 311.007 authorizes any such city to vacate, abandon, or close any street or alley; and

**WHEREAS**, City Council held a public hearing beginning at approximately 6:00 p.m. on January 12, 2021, as advertised, to consider public comments regarding the issue of vacation, abandonment, and closure of the Right-of-way; and

**WHEREAS**, City Council authorizes the City Manager to effectuate the formal vacation, abandonment, closure, and quitclaim of the Right-of-way, subject to the terms of this Ordinance; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, acting pursuant to state law and to facilitate the redevelopment of property and the expansion of its use, finds it to be in the public interest and advisable to vacate, abandon, close, and quitclaim the Right-of-way, subject to the limitations and conditions which follow;

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

**SECTION ONE.** The facts and findings set forth in the preamble to this Ordinance are hereby found to be true and correct and are adopted.

**SECTION TWO.** Subject to the limitations and conditions which follow, the City Council hereby vacates, abandons, closes, and quitclaims in favor of the abutting property owner, all of the City's right, title, and interest of the public in and to the following public street right-of-way, constituting a portion of the alley that intersects Francisco Lemos Street and continues east toward Hays Street; said interest being more particularly described and depicted in **Exhibit A**, attached hereto and incorporated herein by reference. The vacation, abandonment, and closure does not extend to any portion of the alley referenced above not described in **Exhibit A**.

**SECTION THREE.** The vacation, abandonment, and closure of the Right-of-way described in **Exhibit A**, and authorized herein, is made and accepted subject to all existing easements, whether apparent or non-apparent, aerial, or underground. In addition, the approval of this Ordinance does not waive any part of the City's development process or approvals required by City Code for development and construction activities, which may include platting and the conveyance of easements to the City in connection with such plat, such as easements for utilities, storm drainage, fire lanes, and access.

**SECTION FOUR.** The vacation, abandonment, and closure authorized herein shall extend only to the public right, title, easement, and interest for the street and alley and shall be construed to extend only to that interest which the City Council may legally and lawfully vacate, abandon, and close, to include quitclaiming such rights in favor of the abutting property owner to the street and alley.

**SECTION FIVE.** The City Secretary is authorized and directed to prepare a certified copy of this Ordinance and furnish the same to abutting property owner(s), and in addition, record this abandonment Ordinance in the Official Public Records of Kerr County, Texas, which such recording shall serve as the quitclaim deed of the City of Kerrville, Texas, of all the right, title, or interest of the City in and to said Right-of-way described in **Exhibits A and B**.

**SECTION SIX.** The Owner shall pay \$19,465.00 to the City as a portion of the value to be realized by the City and public in response to the vacation, abandonment, and closure of the Right-of-way.

**SECTION SEVEN.** The City Manager is authorized to execute any documents necessary to complete the vacation, abandonment, and closure, and quitclaim contemplated herein.

**SECTION EIGHT.** The payment that the City receives pursuant to Section Six above shall be transferred into the appropriate budget line item and shall be utilized solely for street maintenance purposes in accordance with Section 253.001, Texas Local Government Code.

**SECTION NINE.** This Ordinance takes effect upon its adoption.

PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

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Bill Blackburn, Mayor

ATTEST:

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Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

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Michael C. Hayes

Michael C. Hayes, City Attorney

# EXHIBIT A



0.0508 Acres  
(3,163 Sq. Ft.)  
2220-12143 ex1 .dwg

Fn. No. 2220-12143-ex1  
November 18, 2020  
Job No. 2220-12143

## FIELD NOTE DESCRIPTION

Being 0.0508 acres situated in the city of Kerrville, Kerr County, Texas, being a portion of a 16' wide Public Alley in Block 48 located between Francisco Lemos Street and Hays Street as shown on Block 48 of the Chas Schreiner Addition to the City of Kerrville, a Subdivision of Kerr County Texas, according to the plat of said subdivision recorded in Volume K, Page 1-7 of the Deed Records of Kerr County Texas; This 0.0508 acres being more particularly described by Metes and Bounds with all bearings being referenced to the Texas State Plane Coordinate System, South Central Zone, North American Datum of 1983;

**Commencing**, at a set 1/2 inch iron rod on the northeasterly Right-of-Way (ROW) line of Main St, being the most westerly corner of Lot 1, Block 1 of the H.E.B. Kerrville #1 Subdivision as recorded in Instrument No. 19-07830 of the Public Records of Kerr County Texas, being also the most southerly corner of Lot 299, Block 48 of said Schreiner Addition;

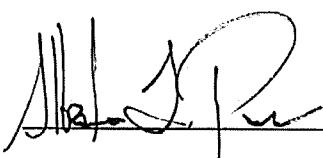
**Thence**, along the common line of said Lot 1 and Lot 299, N 44° 56' 51" E, 201.47 feet, to a corner being on the southwesterly ROW line of said 16' Alley, the most easterly corner of said Lot 299 and an interior corner of said Lot 1 for the **Point of Beginning** of herein described tract;

**Thence**, crossing said 16' Alley, N 44° 56' 51" E, 16.00 feet to a corner on the northeasterly ROW line of said 16' Alley, being the most southerly corner of Lot 350, Block 48 of said Schreiner Addition and an interior corner of said Lot 1;

**Thence**, along the northwesterly line of said Lot 1, the following courses;

- S 45° 06' 33" E, 138.43 feet to a corner;
- S 44° 53' 27" W, 16.00 feet to a corner;
- N 45° 06' 33" W, 138.45 feet to the **Point of Beginning**, containing 0.0508 acres (2,215 square feet) of land, more or less.

Note: Sketch of even date to accompany this Field Note Description

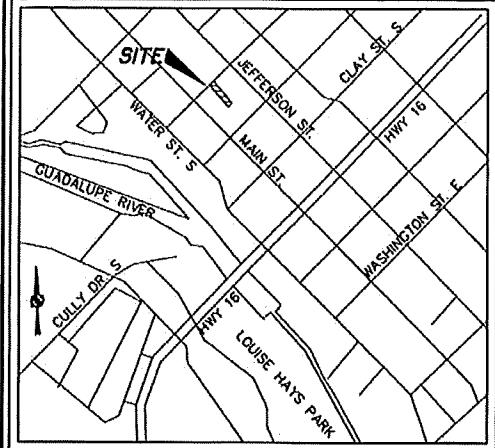


11/18/2020

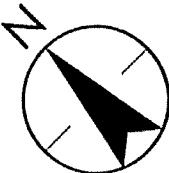
Date

Alberto Jonathan Perez  
Registered Professional Land Surveyor  
Texas Registration Number 6572  
Stantec Consulting Services, Inc.  
70 NE Loop 410, Suite 1100  
San Antonio, Texas 78216  
210/525-9090  
TBPLS Firm No.: 10194228





VICINITY MAP  
N.T.S.  
KERR COUNTY, TEXAS



LEGEND

- 1/2" IRON ROD FOUND
- ▲ PK NAIL FOUND
- 1/2" IRON ROD SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT.

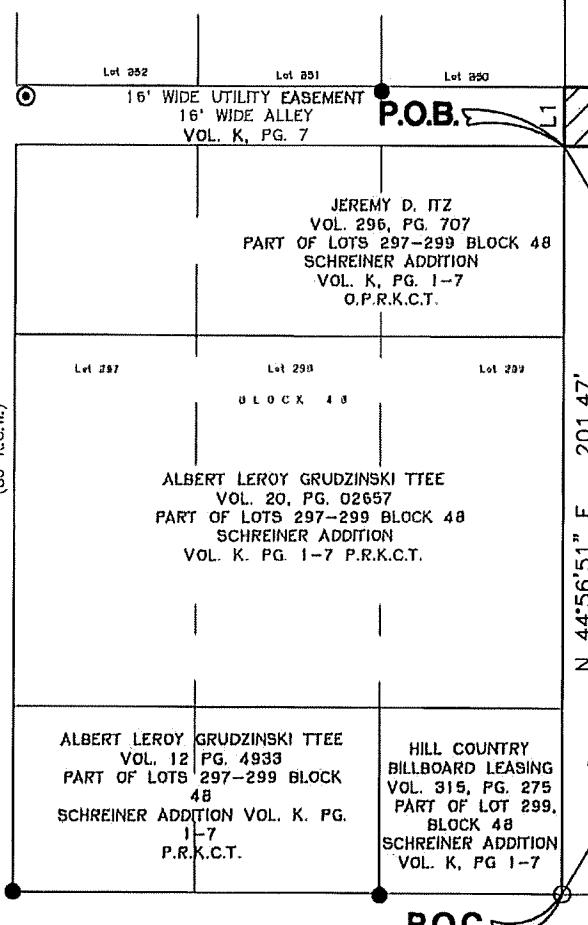
BEARING BASIS

BEARINGS ARE BASED ON NORTH AMERICAN DATUM, 1983, TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, ESTABLISHED FROM GPS OBSERVATIONS UTILIZING THE WDS COOPERATIVE NETWORK.

KERRVILLE SPC, LLC  
BLOCK 2, LOT 1, HEB  
KERRVILLE #1  
INSTRUMENT NO. 19-07830  
P.R.K.C.T.

FRANCISCO LEMOS STREET

(80' R.O.W.)



MAIN STREET-(HWY 27)

(80' R.O.W.)

N 44°56'51" E  
201.47'

S 45°06'33" E 138.43'

N 45°06'33" W 138.45'

0.0508 ACRES

(2,215 SQ. FT.)  
PORTION OF 16' ALLEY  
TO BE VACATED

KERRVILLE SPC, LLC  
BLOCK 1, LOT 1, HEB  
KERRVILLE #1  
INSTRUMENT NO. 19-07830  
P.R.K.C.T.

LINE DATA		
LINE #	BEARING	DISTANCE
L1	N44°56'51"E	16.00'
L2	S44°53'27"W	16.00'



**Stantec**

70 NE Loop 410, Suite 1100  
San Antonio, TX 78216  
Tel. (210) 525-0000 Fax (210) 525-0528  
TBPELS # F-1048 TBPLES # F-10194228  
Copyright © 2020

SKETCH TO ACCOMPANY DESCRIPTION OF

OF A 0.0508 ACRE TRACT SITUATED IN KERR COUNTY, TEXAS, BEING A PORTION OF A CALLED 16' ALLEY AS SHOWN ON BLOCK 48 OF THE SCHREINER ADDITION AS RECORDED IN VOLUME K, PAGE 1-7 OF THE PLAT RECORDS OF KERR COUNTY, TEXAS

PORTION OF A 16' ALLEY  
CLOSURE

SHEET 3 OF 3

DATE: 11/18/2020

SCALE: AS SHOWN

DRAWN BY: STAFF

FILE: 12143v01\_ex01.dwg

PROJECT No : 222012143



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

---

**SUBJECT:** Ordinance No. 2021-01, public hearing and first reading. An Ordinance annexing an approximate 33.81 acre tract of land out of the Samuel Wallace Survey No. 113, Abstract No. 347, into the corporate limits of the City of Kerrville, Texas; said tract generally located in the 3200 block of Loop 534 (Veterans Highway).

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Dec 14, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20210112\\_Organization 2021-01 Annexing Loop 534 property.pdf](#)

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	H - Housing
<b>Guiding Principle</b>	H1. Provide a diverse range of housing options to meet the needs and desires of all age groups, income levels, and lifestyles
<b>Action Item</b>	H1.5 - Examine the use of City property for desired housing products

**SUMMARY STATEMENT:**

Proposal

Public hearing consideration and action for an ordinance for annexation and zoning change to R-2 Medium Density Residential on approximately 33.81 acres situated in the Samuel Wallace Survey No. 113, Abstract No. 347, Kerr County, Texas; and more commonly located in the 3200 Block of Loop 534.

Procedural Requirements

7 letters were mailed 11/19/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 11/12/2020. At the time of drafting this Agenda

Bill, no written comments had been received.

#### Staff Analysis and Recommendation

The City of Kerrville owns approximately 33 acres of land along Olympic Drive and Loop 534 that backs up to Singing Wind Park. This property has been targeted for housing and is currently under an agreement with a developer to develop a single family workforce housing subdivision. Through this development agreement, the City is requesting annexation and zoning of R-2, Medium Density Residential.

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and surrounding area are designated as Strategic Catalyst Area (SCA) #8. This property is specifically one of the catalyst properties identified in the SCA for development.

Strategic Catalyst Area 8 calls for Community Commercial place types as most appropriate along the highway corridor. Transitional Residential, Preservation Residential, Neighborhood Residential, and Estate Residential place types are more appropriate as topography becomes hillier and more challenging.

Medium density residential, R-2, is consistent with the Neighborhood Residential place type. The annexation and zoning request for R-2 are both consistent with the Kerrville 2050 Comprehensive Land Use Plan.

#### Adjacent Zoning and Land Uses:

##### Subject Property

Current Zoning: N/A

Existing Land Uses: Vacant

Direction: North

Current Zoning: Public and Institutional

Existing Land Uses: Hal Peterson Middle School (KISD)

Direction: South

Current Zoning: Public and Institutional and C-3

Existing Land Uses: Singing Wind Park and Motorcycle, All Terrain Vehicle, Personal Watercraft Dealership

Direction: East

Current Zoning: Public and Institutional

Existing Land Uses: Tivy High School (KISD)

Direction: West

Current Zoning: Public and Institutional and R-1

Existing Land Uses: Singing Wind Park and Single Family Neighborhood

Thoroughfare Plan:

The property is located at the intersection of Olympic Drive (collector) and Loop 534 (principle arterial).

Traffic Impact: To be determined.

Parking: To be determined.

Recommendation:

Based on the consistency with the Kerrville 2050 Comprehensive Plan, staff recommends approval of the annexation and zoning request.

On December 3rd, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2021-01 on first reading.

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2021-01**

**AN ORDINANCE ANNEXING AN APPROXIMATE 33.81 ACRE TRACT OF LAND OUT OF THE SAMUEL WALLACE SURVEY NO. 113, ABSTRACT NO. 347, INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SAID TRACT BEING LOCATED WITHIN KERR COUNTY, TEXAS, AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KERRVILLE, TEXAS; AND GENERALLY LOCATED IN THE 3200 BLOCK OF LOOP 534 (VETERANS HIGHWAY); FURTHER DESCRIBING THE PROPERTY TO BE ANNEXED; ADOPTING A SERVICE PLAN FOR THE PROPERTY ANNEXED; AND ESTABLISHING THE ZONING FOR THE PROPERTY ANNEXED**

**WHEREAS**, Texas Local Government Code Section 43.0671, authorizes the City of Kerrville, Texas, to annex an area upon request of the owner; and

**WHEREAS**, the City is the owner of the land that is the subject of this annexation ordinance; and

**WHEREAS**, the land to be annexed is an 33.81- acre tract of land, as more specifically described below; and

**WHEREAS**, in accordance with Texas Local Government Code Section 43.0672, the City has prepared a written service plan, which is attached; 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, and complying with other requirements in Section 43.0673 of the Texas Local Government Code, City Council finds it to be in the public interest to approve this Ordinance annexing the subject property, to adopt a service plan as required by state law, and to establish zoning regulations for the property;

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

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

**SECTION TWO. PETITION FOR ANNEXATION.** The petition for annexation concerning the Property, which the City Manager is hereby authorized to approve, is attached as **Exhibit B** and incorporated herein by reference.

**SECTION THREE. AGREEMENT REGARDING SERVICES.** An agreement regarding services (the “Services Agreement”), which provides a service plan for the provision of public services, is hereby adopted for the Property, as required by Section 43.0672 of the Texas Local Government Code. The Services Agreement is attached as **Exhibit C** and incorporated herein by reference. The City Manager is authorized to offer the Services Agreement to the future owner of the Property and pursuant to negotiations, if any, make changes he deems necessary in the public interest so long as the substantive provisions do not change.

**SECTION FOUR. ZONING.** Upon the adoption of this Ordinance, the Property will be zoned as a Medium Density Residential (R-2) Zoning District.

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

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

**SECTION SEVEN. PENALTY.** 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 EIGHT. PUBLICATION OF ORDINANCE.** 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 NINE. CITY MAP.** The City Manager or designee shall amend the official City Limits of the City to reflect the annexation Property.

**SECTION TEN. POST ANNEXATION ACTIONS.** The City Manager or designee shall provide a certified copy of this Ordinance to the Texas Secretary of State, Kerr County, and Kerr Central Appraisal District and any other entity as may be required.

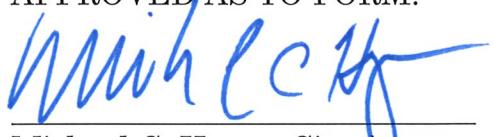
**PASSED AND APPROVED ON FIRST READING,** this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2021.

**PASSED AND APPROVED ON SECOND READING,** this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2021.

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Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary

# EXHIBIT A

FIELD NOTE DESCRIPTION  
33.81 ACRES

VOL. 1077 OF 0355

Being a tract of land containing 33.81 acres situated in the Samuel Wallace Survey No. 113, Abstract No. 347, Kerr County, Texas and being a portion of a 711 acre tract of record in Volume 71, Page 573, Deed Records of Kerr County, Texas and being also more particularly described by metes and bounds as follows:

BEGINNING at a  $\frac{1}{2}$ " iron rod found in the west right of way line of Texas State Highway Loop No. 534 and being the east corner of the Kee Subdivision, a subdivision of record in Volume 5, Page 304, Plat Records of Kerr County, Texas and being also the most southeasterly corner of the subject tract;

THENCE with the common line of said subdivision and the subject tract, with a fence, N  $45^{\circ}02'W$ , 551.78 feet to a  $\frac{1}{2}$ " iron rod found at a fence corner post at the intersection of the southeast line and the northeast occupied fence line of a certain parcel being 100 acres of record in Volume 140, Page 162, Deed Records of Kerr County, Texas and being the north corner of said subdivision;

THENCE with the southeast line of said 100 acres, N  $44^{\circ}39'E$ , 97.79 feet to a  $\frac{1}{2}$ " iron rod set for the east corner of said 100 acres;

THENCE through the interior of said 711 acre tract and with northeast line of said 100 acres, generally running approximately 98 feet northeast of and parallel to the northeast occupied fence line of said 100 acres, N  $45^{\circ}02'W$ , 1664.44 feet to a  $\frac{1}{2}$ " iron rod set in the south right of way line of a proposed 80' wide public roadway being the extension of Olympic Drive and being in a curve to the right with a 560 foot radius and a central angle of  $37^{\circ}50'$  and being the most westerly corner of the subject tract;

THENCE with the south right of way line of said proposed extension of Olympic Drive and continuing through the interior of said 711 acres; along the arc of said curve to the right a distance of 369.73 feet (chord bearing & distance, N  $74^{\circ}42'E$ , 363.05') to a  $\frac{1}{2}$ " iron rod set for the end of said curve;

THENCE continuing with the south right of way line of said proposed extension of Olympic Drive and continuing through the interior of said 711 acres, S  $86^{\circ}23'E$ , 1337.96 feet to a  $\frac{1}{2}$ " iron rod set in the west right of way line of the aforementioned Texas State Highway Loop No. 534 and being the northeast corner of the subject tract;

THENCE with the west right of way lines of said Highway the following calls:

S  $03^{\circ}37'W$ , passing at 178.07 feet a found TxDOT typ. 1 concrete right of way monument and continuing a total distance of 877.74 feet to another found TxDOT typ. 1 concrete right of way monument;

S  $03^{\circ}14'W$ , passing at 229.71 feet a found TxDOT typ. 1 concrete right of way monument and continuing a total distance of 392.82 feet to another found TxDOT typ. 1 concrete right of way monument;

S  $14^{\circ}42'W$ , 191.22 feet to a found TxDOT typ. 1 concrete right of way monument;

and S  $17^{\circ}14'W$ , 203.18 feet to the POINT OF BEGINNING and containing 33.81 acres within these metes and bounds.

This description is a companion to a Plat of Survey dated May 11, 2000 and was prepared this 6<sup>th</sup> day of June 2000.



Charles Digges RPLS  
Texas Registration No. 4061  
File#00041901-33.81ac msword DP



Metes and Bounds

## 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:

33.82 acres situated in the Samuel Wallace Survey No. 113, Abstract No. 347, Kerr County, Texas. (See attached Exhibit A)

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: \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for  
\_\_\_\_\_  
County, Texas.

# EXHIBIT C

**EXHIBIT C**  
**ANNEXATION SERVICES AGREEMENT**

- 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.

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

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
<b>Fire Protection and Emergency Medical Services (EMS)</b>	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
<b>Fire Prevention</b>	The services of the City of Kerrville Fire Marshall shall be provided to the area.	Immediately following annexation.
<b>Library</b>	Residents of the area, if any, will continue to be entitled to utilize all City of Kerrville Library facilities.	Immediately following annexation.
<b>Parks and Recreation Facilities</b>	The City will maintain park and recreation facilities located within the annexation area, if any, 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
<b>Police Protection</b>	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

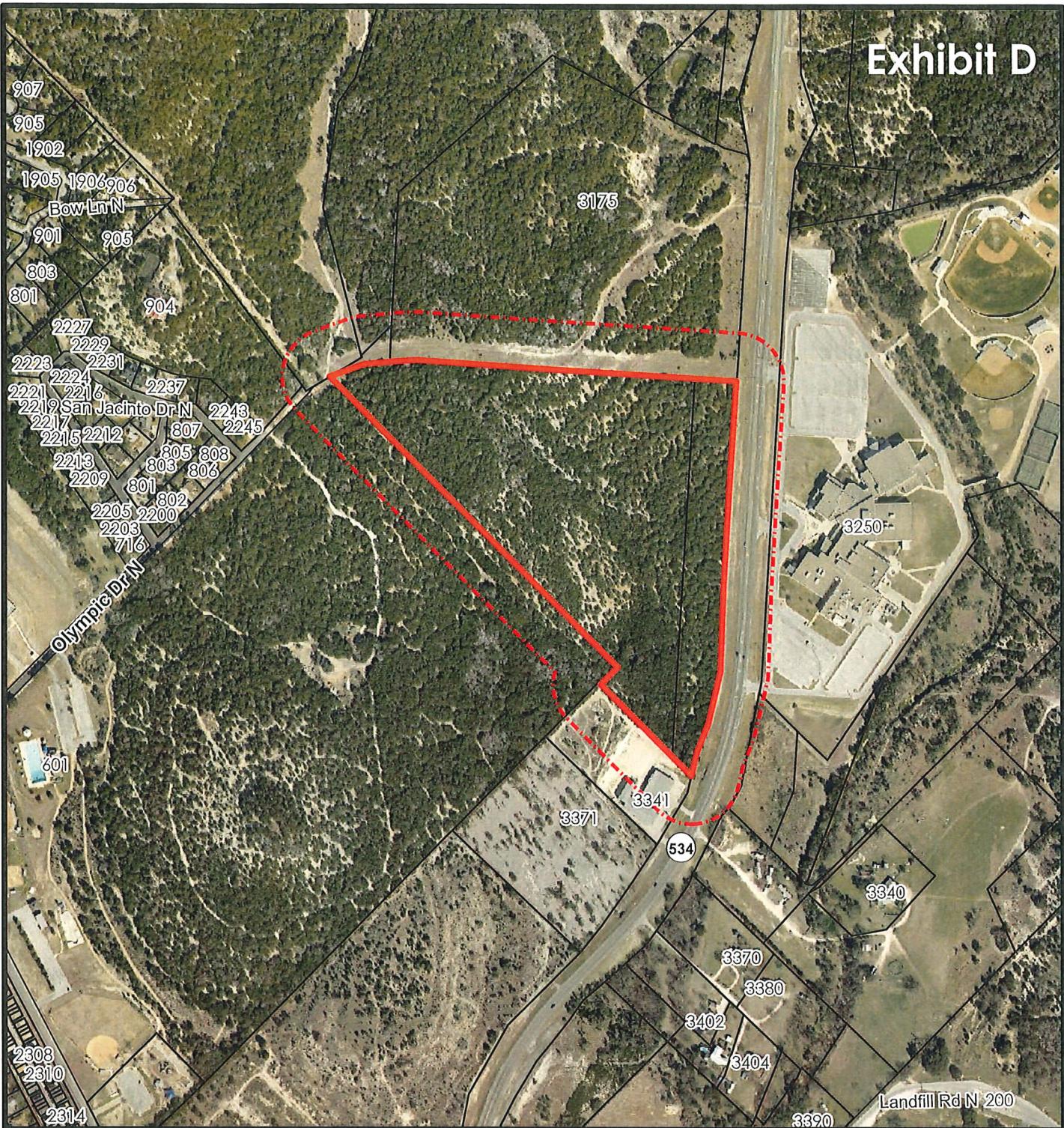
SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
<b>Maintenance of Existing Roads &amp; Streets</b>	<p>The City's Public Works Department will maintain existing roads and streets, drainage, and regulatory signs on the effective date of annexation. The same basis and level of services currently provided throughout the City will be adhered to as follows:</p> <ol style="list-style-type: none"> <li>1. Emergency maintenance of streets to include repair of hazardous potholes, ice and snow monitoring of major thoroughfares necessary for traffic flow.</li> <li>2. Routine maintenance of public streets and rights-of-way performed within the City.</li> <li>3. Street sweeping services may occur based upon need and funding.</li> <li>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.</li> </ol>	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
<b>Solid Waste Collection</b>	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
<b>Traffic Engineering</b>	Traffic control devices and street markers shall be installed where deemed necessary by the city street department, except as provided by the Texas Department of Transportation.	Immediately following annexation
<b>Water Service</b>	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

# Exhibit D



## Location Map

Case # 2020-070

Location:  
Kerr CAD #66218, #66219

Legend  
200' Notification Area   
Subject Properties 



0 200 400 800

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**

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**SUBJECT:** 2018 Building and Related Codes. The following items will be presented and considered together as one item:

7A (1) Ordinance No. 2021-03, first reading. An Ordinance amending Section 26-32 of Chapter 26 "Building and Building Regulations" of the Code of Ordinances of the City of Kerrville, Texas, in its entirety by adopting the International Residential Code, 2018 Edition, for one- and two-family dwellings, regulating the construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all one- and two-family dwellings and multiple single-family dwellings (townhouses) within the city; adopting local amendments; and renumbering Section 26-1 concerning the moving of a house upon city streets.

7A (2) Ordinance No. 2021-04, first reading. An Ordinance amending Section 26-31 of Chapter 26 "Building and Building Regulations" of the Codes of Ordinances of the City of Kerrville, Texas, in its entirety by adopting the International Building Code, 2018 Edition, regulating the construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, use, height, area, and maintenance of all buildings or structures within the city except one-and two-family dwellings and multiple single-family dwellings (townhouses), and including the National Electrical Code as referenced herein; adopting local amendments; and adopting a new Section 26-38 to require a permit for the construction of a fence.

7A (3) Ordinance No. 2021-05: first reading, adoption of an Ordinance amending Articles II, III, IV, V, and VI Chapter 26 "Building and Building Regulations" of the Code of Ordinances of the City of Kerrville, Texas, in their entirety by adopting the existing International Building Code, National Electrical Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Energy Conservation Code, and the International Swimming Pool and Spa Code, 2018 Editions; and adopting local amendments to each code.

7A (4) Ordinance No. 2021-06, first reading. An Ordinance amending Chapter 50 "Fire Prevention and Protection" of the Code of Ordinances of the City of Kerrville, Texas, by deleting Sections 50-2 and 50-3; adding a new Section 50-5, to adopt the National Fire Prevention Association 101, Life Safety Code, 2018 Edition; and adopting local amendments to said code.

**AGENDA DATE OF:** January 12, 2021    **DATE SUBMITTED:** Dec 14, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20210112\\_Ordinance 2021-03 Adoption of 2018 International Residential Code.pdf](#)  
[20210112\\_Ordinance 2021-04 Adoption of 2018 International Building Code.pdf](#)  
[20210112\\_Ordinance 2021-05 Adoption of 2018 Mechanical Code.pdf](#)  
[20210112\\_Ordinance 2021-06 Adoption of 2018 Fire Code.pdf](#)

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	C - Community / Neighborhood Character and Place Making
<b>Guiding Principle</b>	C5. Establish clear guidelines for code enforcement and zoning, educate the public on the value and importance of property maintenance, and focus on proactive code enforcement and maintaining minimum property standards.
<b>Action Item</b>	C5.12 - Engage third-party services to assist with the review and rewrite of existing City codes, including the zoning and subdivision ordinances and zoning map, to ensure they are consistent with and support Kerrville 2050

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#### **SUMMARY STATEMENT:**

The City of Kerrville adopts the International Code Council (ICC) series of building codes. The ICC produces these consensus based codes through a review process that includes jurisdictions nationwide and internationally. While the ICC publishes updated codes every three years, many municipalities and state governments adopt new versions of the building codes on a six year cycle. These codes help ensure the life safety and construction methods of new construction and building updates and renovations.

The Kerrville 2050 Implementation Plan includes reviews and updates to many of the development related codes, including the Building Codes.

C5.12 - Engage third-party services to assist with the review and rewrite of existing City codes, including the zoning and subdivision ordinances and zoning map, to ensure they are consistent with and support Kerrville 2050

Currently the City of Kerrville is still utilizing the 2006 ICC codes with the exception of the International Energy Compliance Code (IECC), which was updated to the 2015 code, consistent with the State of Texas.

City staff has reviewed the previous amendments to the codes and incorporated those

amendments into the 2018 ICC codes accordingly. The Building Board of Adjustments and Appeals as well as city staff, have met with local contractors and architects to review the updates to the 2018 ICC codes.

The Building Board of Adjustments and Appeals has recommended adoption of the codes as presented.

**RECOMMENDED ACTION:**

Approve Ordinances No. 2021-03, No. 2021-04, No. 2021-05, and No. 2021-06 on first reading, as presented.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2021-03**

**AN ORDINANCE AMENDING SECTION 26-32 OF CHAPTER 26 “BUILDING AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, IN ITS ENTIRETY BY ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, FOR ONE- AND TWO-FAMILY DWELLINGS, REGULATING THE CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL ONE- AND TWO-FAMILY DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS (TOWNHOUSES) WITHIN THE CITY; ADOPTING LOCAL AMENDMENTS; RENUMBERING SECTION 26-1 CONCERNING THE MOVING OF A HOUSE UPON CITY STREETS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

**WHEREAS**, the City of Kerrville, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, City Council deems it necessary, pursuant to the approval of this Ordinance, to adopt the *International Residential Code, 2018 Edition* (“IRC”), providing minimum standards to safeguard the health, property, and welfare of the citizens of Kerrville by regulating and controlling the use, occupancy, maintenance, repair, design, and construction for residential buildings and structures, as defined, within the City; and

**WHEREAS**, the City’s Building Board of Adjustment and Appeals has reviewed the IRC and recommends its adoption, along with local amendments; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to adopt the IRC, along with local amendments thereto, and in so doing, to amend in its entirety Chapter 26 “Building Codes”, Article II, Section 26-32 of the City’s Code of Ordinances;

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

**SECTION ONE.** Chapter 26 "Building Codes," of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-32 in its entirety and replacing it with new language that is underlined (added) as follows:

**"Sec. 26-32. – International Residential Code, 2018 Edition.**

(a) Adoption. The *International Residential Code, 2018 Edition ("IRC")*, a publication of the International Code Council (I.C.C.), is adopted and designated as the Residential Building Code for the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the IRC is on file in the office of the City Secretary and within the City's Department of Development Services.

(b) Amendments. The IRC is amended as follows:

(1) R103.1 is deleted.

(2) Section R105 is amended by adding R105.1.1 to read as follows:

**R105.1.1 Contractor's license required.** Any person who is required by the IRC to make application for a building permit shall first obtain a contractor's license from the City. The City will issue a contractor's license for a period not exceed one year, and all such licenses will expire on December 31 of each year. As a condition of obtaining such license, an applicant shall provide proof of a \$5,000 surety bond.

**Exceptions:** i) a homeowner seeking a building permit to make repairs or other alterations to his or her homestead is not required to obtain a contractor's license prior to being issued a permit for work to be done on such dwelling, if the work is to be a) performed exclusively by the homeowner; and b) the dwelling is the homeowner's primary residence; or ii) where a person is conducting or managing a single project within a one-year period; however, the person is required to obtain a single-permit license from the City prior to being issued a permit for the project.

(3) R105.2 is amended by deleting exemption 5. under "Building".

(4) R108.6 is amended in its entirety to read as follows:

**R108.6 Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IRC or other applicable laws.

(5) Section R202 is amended by adding the following definitions:

**Occupancy.** The fact or condition of holding, possessing, or residing in for the purpose of using a building or structure for the intended use. Occupancy exists when any activity or use, other than construction work on the building itself, is conducted within or from the building or structure, including the primary business of the occupancy and any ancillary activity of the occupancy classification, such as bookkeeping, telephoning, holding meetings and the like.

**Occupancy Classification.** The classifying of buildings or structures according to their proposed use for the purpose of determining construction requirements as they pertain to the *International Residential Code*, *International Electrical Code*, *International Mechanical Code*, *International Plumbing Code*, *International Energy Code*, *International Fuel Gas Code*, *International Fire Code*, and other City regulations. Occupancy classification takes place when plans and/or a permit application are received for review by the City or at the time that an existing building is changing occupancy type. The occupancy classification is determined by the Building Official.

(6) Tables R402.2 and R403.1(1) and (2) are amended to add the following specifications and tables:

**Footing design.** "Post-tension" tendonics cable-type foundations shall meet the following requirements, each of which shall be performed by a licensed engineer:

(a) submit complete layout of cable with all figures and calculations;

- (b) inspect the installation immediately before pour along with City inspectors;
- (c) conduct an on-site inspection while pour is in progress;
- (d) supervise the pulling of the tendons along with City inspectors; and
- (e) complete a certificate after completion that the above requirements have all been met, and submit same to City.

Minimum 2500 psi concrete placed with no more than a four-inch slump without admixtures or additives unless the mix is certified by a licensed engineer. Foundations shall be placed monolithically after the removal of all vegetation and compaction of placed fill. Reinforcing steel shall be clean and free of scale and extensive rust. No concrete shall be placed in conditions where the temperature is less than 40 degrees or where the temperature is expected to fall below 40 degrees within 24 hours unless provisions have been made to maintain a temperature of 40 degrees or greater for a period of at least 24 hours.

#### Frame Construction:

<b><u>Exterior Beams Dimensions and Requirements</u></b>	
<u>Width</u>	<u>12" Minimum over all dimensions</u>
<u>Height</u>	<u>18" Minimum over all dimensions</u>
<u>Continuous Reinforcing</u>	<u>4 - #4 Rebar</u>
<u>Stirrups</u>	<u>#3 stirrups every 3' or as required</u>
<u>Depth</u>	<u>Minimum 12" undisturbed soil</u>

<b><u>Interior Bearing Beams Width</u></b>	
<u>Width</u>	<u>12" Minimum over all dimensions</u>
<u>Height</u>	<u>16" Minimum over all dimensions</u>
<u>Continuous Reinforcing</u>	<u>2 - #4 Rebar</u>
<u>Stirrups</u>	<u>#3 stirrups every 3' or as required</u>
<u>Depth</u>	<u>Into compacted fill</u>

## Masonry Veneer Construction:

<u>Exterior Beams Dimensions and Requirements</u>	
<u>Width</u>	<u>12" Minimum over all dimensions</u>
<u>Height</u>	<u>24" Minimum over all dimensions</u>
<u>Continuous Reinforcing</u>	<u>4 - #5 Rebar</u>
<u>Stirrups</u>	<u>#3 stirrups every 3' or as required</u>
<u>Depth</u>	<u>Minimum 12" undisturbed soil</u>
<u>Interior Bearing Beams Width</u>	
<u>Width</u>	<u>12" Minimum over all dimensions</u>
<u>Height</u>	<u>18" Minimum over all dimensions</u>
<u>Continuous Reinforcing</u>	<u>2 - #5 Rebar</u>
<u>Stirrups</u>	<u>#3 stirrups every 3' or as required</u>
<u>Depth</u>	<u>Into compacted fill</u>

Not less than six-inch by six-inch, #6 gauge wire mesh shall be used for the reinforcement of all foundations and monolithic slabs.

When beams exceed twenty-four (24) inches in height, a detail of the reinforcing steel shall be shown on the drawing.

The minimum thickness of concrete floor slabs supported directly on the ground shall not be less than four (4) inches. An approved vapor barrier of at least 0.060 polyethylene plastic or equivalent with twelve-inch overlap at seams shall be installed underneath all slabs under spaces to be occupied but excluding patios, sidewalks, and driveways.

Sidewalks shall have a minimum six-inch by six-inch, #6 gauge wire mesh with one (1) #4 bar steel around perimeter.

Concrete driveways shall have a minimum of six-inch by six-inch, #6 gauge wire mesh and one (1) #4 bar steel around perimeter.

(7) R905.7 is amended in its entirety to read as follows:

**R905.7 Wood shingles and shakes.** The installation of roof coverings shall comply with the provisions of this section.

**R905.7.1 New wood roofs prohibited.** Wood shingles and shakes are prohibited, are not allowed as an alternative material, and shall not be installed or used on any new construction or the re-roofing of any structure.

**R905.7.2 Repair of existing roofs.** Any existing structure which has wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade. “Repair” means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the existing roof. Any percentage greater than twenty-five percent (25%) will be considered “re-roofing” in which event the use of wood shingles or shakes is prohibited as provided by R905.7.1. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken in an attempt to meet the definition of “repair”.

(8) R905.8, including the subsections, is deleted.

(9) M1411.3 is amended in its entirety to read as follows:

**M1411.3 Condensate disposal.** Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to a place of disposal as approved by the Building Official. Condensate shall not be discharged into a street, alley, or other area so as to cause a nuisance or hazard. The condensate from any heating system, air conditioning system, or other source shall not be discharged into the sanitary sewer. Condensate shall discharge to the exterior, an adequately-sized French drain, or other location approved by the Building Official.

**Exception:** an air conditioning system that meets all of the following criteria may discharge the condensate generated by these unit(s) into the sanitary sewer:

1. eligible systems must be a secondary system operating with a climate controlled structure. The primary unit is not eligible for an exception;
2. each individual air handling unit shall not generate more than 0.75 gallons of condensate per day; and

3. total condensate discharge may not exceed 15 gallons per day per lot or tract of land.

(10) Section P2501 is amended by adding P2501.1.1 to read as follows:

**P2501.1.1 Requirements not covered by IRC.** The Building Official may impose any requirement(s) necessary for the strength, stability, or proper operation of an existing or proposed plumbing system or to ensure the public safety, health, and welfare, not specifically covered by the IRC.

(11) P2503.8.2 is amended in its entirety to read as follows:

P2503.8.2 Reduced pressure principal, double check, double check detector, and pressure vacuum breaker backflow preventer assemblies shall be tested at the time of installation or immediately after repairs or relocation. Any backflow assembly installed to protect from contamination or health hazard shall be tested annually.

(12) A new Section P2610 is added to read as follows:

**SECTION P2610. CROSS-CONNECTION (BACKFLOW) CONTROL.**

**P2610.1 Applicability of section.** This section applies to anyone who receive potable water from the City. No water service connection from the City's public water supply system shall be allowed to any residence, establishment, or property where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination in accordance with state law. At any residence, establishment, or property where an actual or potential contamination hazard exists, the City will require additional protection at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified by the Texas Commission on Environmental Quality or its successor ("TCEQ"), and its *Rules and Regulations for Public Water Systems*, specifically Chapters 290 and Chapter 344 of the Texas Administrative Code; and this section. The City shall discontinue water service if a required backflow prevention assembly is not installed, maintained, and tested in accordance with TCEQ, its rules, and this section.

**P2610.2 Responsibility.** The Manager shall be responsible for the protection of the public potable water distribution from contamination or pollution due to the backflow of contaminants or pollutants through each water service connection. If the Manager believes that an actual or potential contamination hazard exists, an approved backflow prevention assembly or device shall be required at each customer's water service connection or within the customer's private water system for the safety of the City's public water system.

**P2610.3 Definitions.**

- (a) **Auxiliary water.** A water supply on or available to a building or establishment from a source other than the City's potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or a natural source(s) such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.
- (b) **City.** The City of Kerrville, Texas, or any authorized person acting on its behalf.
- (c) **Contamination.** An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.
- (d) **Customer.** The person receiving potable water service from the City or another water purveyor.
- (e) **Health hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, the spread of disease, or has a high probability of causing such effects if introduced into the public water system.
- (f) **Nonhealth hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the public water system.
- (g) **Person.** An individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust,

partnership, association, and other legal entity, but does not include the City.

(h) Pollution. The presence of any foreign substance that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

(i) Potable water. Water that complies with TCEQ rules for human consumption and other domestic uses.

(j) Private plumbing system. The plumbing located between the point of delivery and the point of use including pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, recycle, store, or use potable water on a customer's premises.

(k) Public water system. A system for the provision of piped water for human consumption as further defined in 30 Texas Administrative Code § 290.38, et seq., as amended.

(l) Reclaimed water. Treated water from a wastewater treatment facility.

(m) Service connection. The terminal end of a connection to the public water system, that is, the downstream end of the meter installed at the end of the service connection. There shall be no unprotected takeoffs from the service connection ahead of the meter and/or backflow prevention assembly.

(n) Used water. Water supplied by a water purveyor from a public water system to a customer's water system that has passed through the point of delivery and is no longer controlled by the water purveyor.

(o) Utility. Water and/or wastewater utility.

(p) Water purveyor. A private owner, political subdivision, or other operator of a potable water system that supplies a minimum of 15 service connections or serves a minimum of 25 individuals for at least 60 days during a calendar year.

P2610.4 Landscape Irrigation. A double check backflow prevention assembly may be used for landscape irrigation if there are no conditions that present a health hazard.

**P2610.5 Rainwater Harvesting System.** Installation and use of a rainwater harvesting system shall comply with 30 Tx. Administrative Code, §290.44, et seq., as amended.

**P2610.6. Customer Service Inspection.** The City shall complete a customer service inspection certificate of the customer's potable water system before providing service to prevent cross-connections between the customer's potable water system and contamination or pollution sources, in accordance with 30 Tx. Administrative Code, §290.44, et seq., and as may be amended.

**P2610.7 Civil Remedies.**

**P2610.7.1 Equitable relief.** The City Attorney may enforce this section by injunction, declaratory relief, or any other action at law or in equity. The Attorney may initiate a suit against the owner, tenant, or lessee of property or facilities that are the source of a violation of this section, to recover a civil penalty for each violation not to exceed \$2,000. Each day that a violation continues constitutes a separate violation. A person who violates this section shall be liable to the City for expenses, loss, or damage incurred by the City.

**P2610.7.2 Termination of service.** The Manager may terminate service in accordance with this section. The Manager may refuse or discontinue water service if a backflow prevention assembly is not installed, certified for operation, repaired, or replaced as required by this section. The Manager may require submission of test and maintenance reports before the final release of water or wastewater inspections.

(12) Section P3002.1 is amended by adding a new exception as follows:

*Exception:* The use of SDR 35 and SDR 26 is prohibited except for those sizes six inches (6") and larger.

(13) Section P3002.2 is amended by adding a new exception as follows:

*Exception:* The use of SDR 35 and SDR 26 is prohibited except for those sizes six inches (6") and larger.

(14) Section P3005.2 is amended to add the following new section:

P3005.2.12. Two-Way Cleanout Required. The owner or occupant shall provide an approved two-way cleanout on the building sewer at the property line.

(15) Tables P3107.3, P3108.3, and P3109.4 are amended by adding the following footnote to each table:

Fn: The minimum size of a vent serving a water closet shall be two inches (2").

(16) Section P2903.1 is amended by adding the following new subsection:

P2903.1.1 Water service shut-off valve. An approved shut-off valve shall be installed in the water service line at the customer side of the water meter upon installation of a new water service line or when any repair, addition, and/or alteration of the plumbing system is made which requires the water supply to the system to be turned off. NOTE: An owner, occupant, plumber, or any other individual other than a City employee is prohibited from operating, closing, opening, or tampering with the shut-off valve on the supply side (City side) of the water meter. Where it should become necessary for the shut-off valve on the supply side (City side) of the water meter to be turned off, the City shall be contacted to have the shut-off valve turned off. Any damage to the City's water supply system, including the shut-off valve, caused by any person other than a City employee attempting to operate, close, open, or tamper with the shut-off valve shall be charged to the customer served by the damaged system.

(c) Appendices. The following appendices of the IBC are adopted: A through E, G, H, J, M, N, and Q."

**SECTION TWO.** Chapter 26 "Building Codes," of the Code of Ordinances of the City of Kerrville, Texas, is amended to renumber Section 26-1 as Section 26-33.

**SECTION THREE.** Future amendments, not including clarifications or technical notices of any type, of the IRC must be subsequently approved and adopted by City Council.

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

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

**SECTION FIVE.** The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 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). Each continuing day's violation under this Ordinance shall constitute a separate offense.

**SECTION SIX.** The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances in direct conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict. This Ordinance is not intended to and does not replace the following laws of the City: Zoning Code, Subdivision Code, or Sign Code, as such codes exist or as may be amended.

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

**SECTION EIGHT.** In accordance with Section 3.07 of the City Charter and Section 52.013(a) of the Texas Local Government Code, 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. The Ordinance shall then become effective in accordance with this Charter section.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.**

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Bill Blackburn, Mayor

APPROVED AS TO FORM:



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Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2021-04**

**AN ORDINANCE AMENDING SECTION 26-31 OF CHAPTER 26 “BUILDING AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, IN ITS ENTIRETY BY ADOPTING THE INTERNATIONAL BUILDING CODE, 2018 EDITION, REGULATING THE CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES WITHIN THE CITY EXCEPT ONE- AND TWO-FAMILY DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS (TOWNHOUSES), AND INCLUDING THE NATIONAL ELECTRICAL CODE AS REFERENCED HEREIN; ADOPTING LOCAL AMENDMENTS; ADOPTING A NEW SECTION 26-38 TO REQUIRE A PERMIT FOR THE CONSTRUCTION OF A FENCE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

**WHEREAS**, the City of Kerrville, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, City Council deems it necessary, pursuant to the approval of this Ordinance, to adopt the *International Building Code, 2018 Edition* (“IBC”), providing minimum standards to safeguard the health, property, and welfare of the citizens of Kerrville by regulating and controlling the use, occupancy, maintenance, repair, design, construction and quality of materials for buildings and structures within the City; and

**WHEREAS**, the *ICC Electrical Code* is no longer published as a separate document, but the electrical provisions are included as Appendix K, the *National Electrical Code*, and is being adopted as a part of this Ordinance and the IBC; and

**WHEREAS**, the City's Building Board of Adjustment and Appeals has reviewed the IBC and recommends its adoption, along with local amendments; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to adopt the IBC, along with local amendments thereto, and in so doing, to amend in its entirety Chapter 26 "Building Codes", Article II, Section 26-31 of the City's Code of Ordinances;

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

**SECTION ONE.** Chapter 26 "Building Codes," of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-31 in its entirety and replacing it with new language that is underlined (added) as follows:

**"Sec. 26-31. – International Building Code, 2018 Edition.**

(a) Adoption. The International Building Code, 2018 Edition ("IBC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Building Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the IBC is on file in the office of the City Secretary and within the Department of Development Services.

(b) Amendments. The IBC is amended as follows:

(1) 101.4.1 is amended in its entirety to read as follows:

101.4.1 Electrical. The Electrical Code currently in effect for the City applies to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

(2) 101.4.4 is deleted.

(3) 102.6 is amended by deleting the reference to the International Property Maintenance Code.

(4) 105.1.1 is amended in its entirety to read as follows:

**105.1.1 Contractor's license required.** Any person who is required by the IBC to make application for a building permit shall first obtain a contractor's license from the City. The City will issue a contractor's license for a period not exceed one year and all such licenses will expire on December 31 of each year. As a condition of obtaining such license, an applicant shall provide proof of a \$5,000 surety bond.

(5) 105.2 is amended by deleting 6. under "Building".

(6) 109.4 is amended in its entirety to read as follows:

**109.4 Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IBC or other applicable laws.

(7) Section 202 is amended by adding the following definitions:

**Occupancy.** The fact or condition of holding, possessing, or residing in for the purpose of using a building or structure for the intended use. Occupancy exists when any activity or use, other than construction work on the building itself, is conducted within or from the building or structure, including the primary business of the occupancy and any ancillary activity of the occupancy classification, such as bookkeeping, telephoning, holding meetings, and the like.

**Occupancy Classification.** The classifying of buildings or structures according to their proposed use for the purpose of determining construction requirements as they pertain to the *International Building Code*, *International Electrical Code*, *International Mechanical Code*, *International Plumbing Code*, *International Energy Code*, *International Fuel Gas Code*, *International Fire Code*, and other City regulations. Occupancy classification takes place when plans and/or a permit application are received for review by the City or at the time that an existing building is changing occupancy type. The occupancy classification is determined by the Building Official.

(8) 1101.1 is amended in its entirety to read as follows:

**1101.1 Scope.** The provisions of this chapter shall control the design and construction of facilities for accessibility for disabled persons. In addition, the City shall apply and enforce applicable federal and state laws, including those administered by the Texas Department of Licensing and Regulation.

(9) 1507.8 is amended in its entirety to read as follows:

**1507.8 Wood shingles and shakes.** The installation of wood shingle and wood shake roof covering must comply with the following:

**1507.8.1 New wood roofs prohibited.** Wood shingles and shakes are prohibited, are not allowed as an alternative material, and shall not be installed or used on any new construction or the re-roofing of any structure.

**1507.8.2 Repair of existing roofs.** Any existing structure which has wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade. “Repair” means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the existing roof. Any percentage greater than twenty-five percent (25%) will be considered “re-roofing” in which event the use of wood shingles or shakes is prohibited as provided herein. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken in an attempt to meet the definition of “repair”.

(10) 1507.9, including the subsections, is deleted.

(11) 1907.1 is amended by revising its first sentence as follows with the remainder of the section to remain the same:

**1907.1 General.** The thickness of concrete floor slabs supported directly on the ground shall not be less than 4 inches.

**(c) Appendices.** The following appendices of the IBC are adopted: C, E, F, G, I, J, L, and N.”

**SECTION TWO.** Chapter 26 "Building Codes," of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 26-38 indicated by new language that is underlined (added) as follows:

**“Sec. 26-38. – Construction of Fences.**

It shall be unlawful for any person, firm, or corporation to erect, construct, or to place or to have erected, constructed, or placed or to make substantial repairs, suffer, or permit a fence or any part of a fence of permanent construction without first obtaining a fence permit from building official. Such permit is subject to the submission of an application and the payment of a fee and any fence constructed without first being issued the required building permit will be subject to an additional fee. "Fence" is defined as any wall, berm, or structure more than two and one-half (2-1/2) feet in height erected, constructed, placed, or maintained for the purpose of enclosing, screening, restricting access to or decorating the surrounding lot, parcel, building or structure, located entirely on private property."

**SECTION THREE.** Future amendments of the IBC, not including clarifications or technical notices of any type, must be subsequently approved and adopted by City Council.

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

**SECTION FIVE.** The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 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). Each continuing day's violation under this Ordinance shall constitute a separate offense.

**SECTION SIX.** The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances in direct conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict. This Ordinance is not intended to and does not replace the following laws of the City: Zoning Code, Subdivision Code, or Sign Code, as such codes exist or as may be amended.

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

**SECTION EIGHT.** In accordance with Section 3.07 of the City Charter and Section 52.013(a) of the Texas Local Government Code, 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. The Ordinance shall then become effective in accordance with this Charter section.

**PASSED AND APPROVED ON FIRST READING,** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

**PASSED AND APPROVED ON SECOND AND FINAL READING,** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

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Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2021-05**

**AN ORDINANCE AMENDING ARTICLES II, III, IV, V, AND VI CHAPTER 26 “BUILDING AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, IN THEIR ENTIRETY BY ADOPTING THE INTERNATIONAL EXISTING BUILDING CODE, NATIONAL ELECTRICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL ENERGY CONSERVATION CODE, AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITIONS (UNLESS OTHERWISE STATED), AS TO BUILDINGS, STRUCTURES, SYSTEMS, AND OTHER APPLICATIONS WITHIN THE CITY; ADOPTING LOCAL AMENDMENTS TO EACH CODE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

**WHEREAS**, the City of Kerrville, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, City Council deems it necessary, pursuant to the approval of this Ordinance, to adopt the *International Existing Building Code*, *National Electrical Code (2017)*, *International Plumbing Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Energy Conservation Code*), and *International Swimming Pool and Spa Code, 2018 Editions*, unless otherwise stated; and collectively referred to herein as the “Codes”; each of which to provide minimum standards to safeguard the health, property, and welfare of the citizens of Kerrville by regulating and controlling the use, occupancy, maintenance, repair, design, construction and quality of materials for buildings, structures, systems, and other applications within the City; and

**WHEREAS**, the City’s Building Board of Adjustment and Appeals has reviewed each of the codes specified above and recommends adoption, along with local amendments; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to adopt the Codes, along with local amendments thereto, and in so doing, to amend in its entirety Articles III, IV, V, and VI of Chapter 26 "Building Codes", of the City's Code of Ordinances;

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

**SECTION ONE.** Chapter 26 "Building Codes," of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-41 in its entirety and replacing it with new language that is underlined (added) as follows:

**"Sec. 26-41. - International Existing Building Code, 2018 Edition.**

(a) Adoption. The *International Existing Building Code, 2018 Edition* ("IEBC"), a publication of the International Code Council (I.C.C.), is adopted to the same extent as if such were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the IEBC is on file in the office of the City Secretary and within the City's Department of Development Services.

(b) Amendments. The IEBC is amended as follows:

(1) All references to the ICC Electrical Code within the IEBC shall instead refer to the City's electrical code.

(2) 101.4.2 and 1301.3.2 are amended by deleting the references to the *International Property Maintenance Code* ("IPMC"). Any other reference within the IEBC to the IPMC may be ignored as the City has neither adopted nor enforces the IPMC.

(3) Section 103 is amended in its entirety to read as follows:

**Section 103 Building Inspection Division.** The City has previously created a Building Inspection Division. The City's Chief Building Official is the City employee in charge thereof and is the "Code Official" as defined. All references within the IEBC to the "Department of Building Safety" shall instead refer to the "Building Inspection Division."

(4) 105.2 is amended by deleting exemption 1. under "Building".

(5) 105.5 is amended by adding the following sentence at the end of the subsection:

The Code Official may grant a reasonable period of time to complete large projects that require an extended construction period.

(6) Section 112 is amended in its entirety to read as follows:

**Section 112. Building Board of Adjustment and Appeals.** Subject to its specific authority as found elsewhere in the City's Code of Ordinances, the Building Board of Adjustment and Appeals ("BBA") shall hear appeals of orders, decisions, or determinations made by the Code Official or requests for variances relative to the application and interpretation of the IEBC.

(7) Section 305 is amended by adding 305.1.1 to read follows:

**305.1.1 Standards.** All structures shall conform to the State of Texas Accessibility Standards.

(8) Section 401 is amended by adding 401.2.1 to read as follows:

**401.2.1 Extent of repair for noncompliance buildings.** If the evaluation does not establish compliance of a pre-damaged building in accordance with 401.2, then the building shall be rehabilitated to comply with applicable provisions of the *International Building Code* ("IBC") for load combinations, including wind. The wind design level for the repair shall be as required by the building code in effect at the time of original construction, unless the damage was caused by wind, in which case the design level shall be as required by the code in effect at the time of original construction or as required by the IBC, whichever is greater.

(9) 504.2 is amended by replacing the reference to twelve feet (12.0') in the last sentence with thirteen and one-half feet (13.5').

(10) 504.3, 504.4, and 504.5 are deleted.

(11) 802.5.1 is amended by deleting "a loading dock" and replacing this phrase with "other elevated floor surface."

(12) 803.1 is amended in its entirety to read as follows:

**803.1 Scope.** The requirements of this subsection are limited to work areas in which Level 2 alterations are being performed and only apply beyond the work area where specified on the approved drawings and specifications.

(13) 906.3 is amended in its entirety to read as follows:

**906.3 Substantial structural alteration.** Where more than 30 percent of the total floor area and roof areas of the building or structure have been or are proposed to be involved in structural alteration within a 12-month period, the evaluation and analysis must demonstrate that the altered building or structure complies with the IBC for wind loading.

(14) 1006.3 is deleted.

(15) 1402.4 is deleted.”

**SECTION TWO.** Chapter 26 “Building Codes,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-61 in its entirety and replacing it with new language that is underlined (added) as follows:

**“Sec. 26-61. – National Electrical Code, 2017 Edition.**

(a) Adoption. The National Electrical Code, 2017 Edition (“NEC”), is adopted and designated as the Electrical Code for the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the NEC is on file in the office of the City Secretary and within the City’s Department of Development Services.

(b) Compliance. No electrical work performed within the City shall be approved unless the work is in strict conformity with this section, state laws, and Chapter 26 of this Code of Ordinances.

(c) Applicability to the International Residential Code. The NEC shall serve as the electrical provisions of the International Residential Code (“IRC”).

(d) Amendments. The NEC is amended as follows:

(1) Section 80.2 of Annex H is amended in its entirety to read as follows:

Authority Having Jurisdiction (AHJ) shall mean an organization, office, or individual responsible for enforcing the requirements of the NEC or for approving equipment, materials, an installation, or a procedure. The City's Chief Building Official or designee, and known as the "Code Official", is hereby designated as the AHJ and is authorized to interpret and enforce the provisions of the NEC.

(2) Sections 80.3, 80.5, 80.15, 80.25, 80.27, 80.31, 80.33, and 80.35 of Annex H are deleted.

(3) Section 80.19 of Annex H is amended in its entirety to read as follows:

**Section 80.19 ADMINISTRATION AND ENFORCEMENT.** Permits and approvals shall conform as follows:

(A) Application.

(i) Scope of Permit. Activity authorized by a permit issued under the NEC shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of the NEC and in accordance with the approved plans and specifications. No permit issued under the NEC shall be interpreted to justify a violation of any provision of the NEC or any other law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the AHJ as evidenced by the issuance of a new or amended permit.

(ii) A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the AHJ.

(B) Content. Permits shall be issued by the AHJ and shall bear the name and signature of the AHJ or the designated representative of the AHJ. In addition, the permit shall include the following:

(i) Operation or activities for which permit is issued;

(ii) Address or location where the operation or activity is to be conducted;

(iii) Name and address of the permittee;

(iv) Permit number and date of issuance;

(v) Period of validity of the permit; and

(vi) Inspection requirements.

(C) *Issuance of Permits.* The AHJ shall be authorized to establish and issue permits, certificates, notices, and approvals or orders pertaining to electrical safety hazards pursuant to Section 80.23, except that no permit shall be required to execute any of the classes of electrical work specified in the following:

(i) Installation or replacement of equipment such as lamps and of electric utilization equipment approved for connection to suitable permanently installed receptacles. Replacement of flush or snap switches, fuses, lamp sockets, and receptacles, and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device;

(ii) The process of manufacturing, testing, servicing, or repairing electric equipment or apparatus; or,

(iii) Changes in occupancy within the same occupancy group, as established by the Building Code, which is adopted by the City and cited within Chapter 26 of the Code of Ordinances, shall not require upgrading the existing structure to the NEC. Additionally, where the Code Official determines that change in occupancy to another group does not increase the hazard level based on life and fire risk and the structure was constructed to the then current codes, there shall be no requirement to upgrade the existing structure to newer or more stringent codes unless there is an existing health or safety hazard present.

(D) *Fees.* The City shall assess fees in accordance with its adopted fee schedule.

(E) *Inspection and Approvals.*

(i) Upon the completion of any installation of electrical equipment that has been made under a permit, it shall be the duty of the person, firm, or corporation making the installation to notify the Code Official, who shall inspect the work within a reasonable time.

(ii) Where the Code Official finds the installation to be in conformity with the NEC, the Code Official shall issue to the person, firm, or corporation making the installation a certificate of approval authorizing connection.

(F) Revocation of Permits. Revocation of permits shall conform to the following:

(i) The authority having jurisdiction shall be permitted to revoke a permit or approval issued if any violation of the NEC is found upon inspection or in case there have been any false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.

(ii) Any attempt to defraud or otherwise deliberately or knowingly design, install, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by the NEC is prohibited. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates, or permits issued by City. In addition, any such violation shall be subject to any other criminal or civil penalties.

(iii) Revocation shall be constituted when the permittee is duly notified by the authority having jurisdiction.

(iv) Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefore has been suspended or revoked pursuant to the provisions of the NEC, and before such permit has been reinstated or a new permit issued, shall violate the NEC.

(v) A permit shall be predicated upon compliance with the requirements of the NEC and shall constitute written authority issued by the AHJ to install electrical equipment. Any permit issued under the NEC shall not take the place of any other license or permit required by other regulations or laws of the City.

(vi) The AHJ may require an inspection prior to the issuance of a permit.

(vii) A permit issued under the NEC shall continue until revoked or for the period of time designated on the permit. The permit shall be issued

to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

(G) *Applications and Extensions.* Applications and extensions of permits shall conform to the following:

(i) The AHJ shall be permitted to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.

(ii) Applications for permits shall be made to the AHJ on forms provided by the jurisdiction and shall include the applicant's answer in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the authority having jurisdiction, such as plans and specifications, location, and so forth.

(iii) The AHJ shall review all applications submitted and issue permits as required. If an application for a permit is rejected by the AHJ, the applicant shall be advised of the reasons for such rejection. Permits for activities requiring evidence of financial responsibility by the jurisdiction shall not be issued unless proof of required financial responsibility is furnished.

(4) Section 80.23(B) of Annex H is amended in its entirety to read as follows:

(B) *Penalties.* It shall be unlawful for any person, firm, or corporation to violate any of the provisions of the NEC. Penalties for violations of the NEC are set forth in the City Code.

(5) Section 80.29 of Annex H is amended in its entirety to read as follows:

**80.29 Liability.** Neither the City nor its employees or agents charged with the enforcement of the NEC shall be liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. The NEC shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects nor shall the City be held as assuming any such liability by reason of the inspections

authorized by the NEC or any permits or certificates issued under the NEC.

(6) Section 230.28 is amended in its entirety to read as follows:

**230.28 Service Masts as Supports.** Where a service mast is used for the support of service-drop conductors, it shall be of adequate strength or be supported by braces or guys to safely withstand the strain imposed by the service drop. Where raceway-type service masts are used, all raceway fittings shall be identified for use with service masts. Only power service-drop conductors shall be permitted to be attached to a service mast. All service risers shall be made of rigid metallic conduit, intermediate metal conduit, or electrical metallic tubing subject to the following specifications:

**(A) Drops of 30 Feet or Less.** Service risers that penetrate a roof and have a service drop of thirty feet (30.0') or less shall be made of rigid metallic conduit or intermediate metal conduit of not less than two inches (2.0") in diameter; and

**(B) Drops Exceeding 30 Feet.** Service risers that penetrate a roof and have a service drop of more than thirty feet (30.0') shall be made of rigid metallic conduit or intermediate metal conduit of not less than two inches (2.0") in diameter.

(7) Section 314.3 is amended in its entirety to read as follows:

**314.3. Nonmetallic Boxes.** Nonmetallic boxes shall be permitted only with open wiring on insulators, concealed knob-and-tube wiring, cabled wiring methods with entirely nonmetallic sheaths, flexible cords, and nonmetallic raceways.

(8) Section 320.12 is amended by adding the following prohibited use:

(6) Where the cable exceeds twenty-five feet (25.0') in length.

(9) Section 338.12 is amended by adding the following:

**(C) Additional Uses Not Permitted.** In no instance shall Type SE and Type USE cable be used in structures used for commercial purposes, other than apartments of three stories or less, and in compliance with "Assembly" classification restrictions.

(10) Section 340.12 is amended by adding the following prohibited uses:

(12) In structures used for commercial purposes, other than apartments of three stories or less, and in compliance with "Assembly" classification restrictions.

(11) Section 352.12 is amended by adding the following:

**352.12 Uses Not Permitted.** PVC conduit shall not be used under the conditions specified in 352.12(A) through (G).

(12) Section 680.62 is amended by adding the following:

**(G) Accessibility.** Branch circuit conductors shall be directly and readily accessible for the purpose of allowing the inspection, maintenance, replacement, and repair of any and all associated motors.

(13) Section 680.71 is amended by adding the following sentence at the end of the section:

Branch circuit conductors shall be directly and readily accessible for the purpose of allowing the inspection, maintenance, replacement, and repair of any and all associated motors.

**SECTION THREE.** Chapter 26 "Building Codes," of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-121 in its entirety and replacing it with new language that is underlined (added) as follows:

**"Sec. 26-121. - International Plumbing Code, 2018 Edition.**

**(a) Adoption.** The International Plumbing Code, 2018 Edition ("IPC"), a publication of the International Code Council (I.C.C.), is adopted and designated as the Plumbing Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the IPC is on file in the office of the City Secretary and within the Department of Development Services.

**(b) Amendments.** The IPC is amended as follows:

(1) 106.6.1 is amended in its entirety to provide as follows:

**106.6.1. Work commencing before permit issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IBC or other applicable laws.

(2) Section 109 is deleted.

(3) 312.10.2 is amended in its entirety to provide as follows:

**312.10.2 Testing.** Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, spill-resistant vacuum breaker backflow preventer assemblies, and hose connection backflow preventers shall be tested at the time of installation and immediately after repairs or relocation. Any backflow assembly installed to protect from contamination or health hazard shall be tested annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10.1.

(4) 314.1 is amended in its entirety to provide as follows:

**314.1 Fuel-burning appliances.** Liquid combustion byproducts of condensing appliances shall be collected and discharged to a place approved by the City for disposal. Condensate may not be discharged into the sanitary sewer. Condensate piping shall consist of corrosion resistant material as approved by the City and may not be smaller than the drain connection on the appliance. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth unit vertical in 12 units horizontal (1-percent slope).

(5) 314.2.1 is amended in its entirety to provide as follows:

**314.2.1 Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to a place

approved by the City for disposal. Condensate shall not discharge into a street, alley, or any other area so as to potentially cause a nuisance. Condensate shall not be discharged into the sanitary sewer or into any building drain, fixture trap, vent, or other arrangement, which would convey the condensate to the City's wastewater system.

**Exception:** an air conditioning system that meets all of the following criteria may discharge the condensate generated by this unit(s) into the City's sanitary sewer:

1. a secondary system operating within a climate controlled structure. A primary unit is not eligible for an exception.
2. each individual air handling unit may not generate more than 0.75 gallons per day of condensate during the summer months.
3. total condensate discharge into the City's sanitary sewer may not exceed 15 gallons per day per lot or track of land.

(6) 608.1 is amended by adding the following new subsection:

**608.1.1. Water Service Shut-Off Valve.** A shut-off valve approved by the City shall be installed in the water service line at the customer side of the water meter upon installation of a new water service line or when any repair, addition, and/or alteration of the plumbing system is made which requires the water supply to the system to be turned off. NOTE: An owner, occupant, plumber, or any other individual other than a City employee is prohibited from operating, closing, opening, or tampering with the shut-off valve on the supply side (City side) of the water meter. Where it is necessary for the shut-off valve on the supply side (City side) of the water meter to be turned off, the City shall be contacted to have the shut-off valve turned off. Any damage to the City's water system, including the shut-off valve, caused by any person other than a City employee attempting to operate, close, open, or tamper with the shut-off valve shall be charged to the customer served by the damaged system.

(7) 608.14 is amended in its entirety to provide as follows:

**608.14 Cross-connection (backflow) control.**

**608.14.1 Applicability of subsection.** This subsection applies to anyone who receives potable water from the City. No water service

connection from the City's public water supply system shall be allowed to any building, establishment, or property where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination in accordance with state law and City ordinances. At any building, establishment, or property where an actual or potential contamination hazard exists, the City will require additional protection at the meter in the form of an air gap or backflow prevention assembly. The type of backflow prevention assembly required shall be determined by the specific potential hazard identified by the Texas Commission on Environmental Quality or its successor ("TCEQ"), and its Rules and Regulations for Public Water Systems, specifically Chapters 290 and Chapter 344 of the Texas Administrative Code; and this subsection. The City shall discontinue water service if a required backflow prevention assembly is not installed, maintained, and tested in accordance with TCEQ, its rules, and this subsection.

**608.14.2 Responsibility.** The Manager shall be responsible for the protection of the public potable water distribution from contamination or pollution due to the backflow of contaminants or pollutants through each water service connection. If the Manager believes that an actual or potential contamination hazard exists, an approved backflow prevention assembly or device shall be required at each customer's water service connection or within the customer's private water system for the safety of the City's public water system.

**608.18.3 Definitions.**

**(a) Air gap.** A physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An air gap shall be at least twice the diameter of the water supply outlet, but in no event shall the air gap separation be less than two inches (2").

**(b) Atmospheric vacuum breaker.** An assembly containing an air inlet valve, a check seat, and an air inlet port(s). The flow of water into the body causes the air inlet valve to close the air inlet port(s). When the flow of water stops the air inlet valve falls and forms a check valve against back-siphonage. At the same time it opens the air inlet port(s) allowing air to enter and satisfy the vacuum. A shutoff valve immediately upstream may be an integral part of the assembly, but the assembly shall not be subjected to operating pressure for more than twelve (12) hours in any twenty-four (24) hour period. An atmospheric

vacuum breaker is designed to protect against a non-health hazard (i.e., pollutant) or a health hazard (i.e., contaminant) under a back-siphonage condition only.

(c) Auxiliary water. A water supply on or available to a building or establishment from a source other than the City's potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or a natural source(s) such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

(d) Backflow. The undesirable reversal of flow in a water system from a private plumbing system into the public water system whether caused by backpressure, back-siphonage, or a cross-connection.

(e) Backflow prevention assembly. An aggregation of devices designed and manufactured in conformance with the standards established by the American Water Works Association to prevent backflow into the potable water system, including reduced pressure backflow assemblies, double-check valve assemblies, pressure vacuum breaker assemblies, or an air gap separation.

(f) Backflow prevention device. A device designed to prevent backflow into the potable water system.

(g) Backpressure. Hydraulic or atmospheric pressure higher than the supply pressure, caused by a pump, elevated tank, boiler, or other means that may cause backflow.

(h) Back-siphonage. A form of backflow caused by a reduction in hydraulic system pressure that causes a negative or sub-atmospheric pressure.

(i) City. The City of Kerrville, Texas, or any authorized person acting on its behalf.

(j) Contamination. An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

**(k) Cross-connection.** An actual or potential connection to a public or private water system through which it is possible to introduce contamination or pollution or any source of water treated to a lesser degree.

**(l) Customer.** The person receiving potable water service from the City or another water purveyor.

**(m) Double check detector backflow prevention assembly.** An assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves located at each end of the assembly and fitting with properly located resilient-seated test cocks. This assembly shall also be provided with a means to detect system leaks and/or unauthorized use(s) of the fire protection system.

**(n) Health hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, the spread of disease, or has a high probability of causing such effects if introduced into the public water system.

**(o) Human consumption.** Use by humans in which water can be ingested into or absorbed by the human body. Examples include drinking, cooking, brushing teeth, bathing, washing hands, washing dishes, and preparing food.

**(p) Manager.** The person who is performing the duties of Manager or director of the City's water and wastewater system, as designated by the City Manager, or designee.

**(q) Nonhealth hazard.** A cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the public water system.

**(r) Person.** An individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and other legal entity, but does not include the City.

**(s) Pollution.** The presence of any foreign substance that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

**(t) Potable water.** Water that complies with TCEQ rules for human consumption and other domestic uses.

**(u) Potential contamination hazard.** A condition, which, by its location, piping or configuration, has a possibility of being used incorrectly, whether through carelessness, ignorance, equipment failure, or negligence. A backflow condition may be created by which contamination or pollution can be introduced into the public water system.

**(v) Private plumbing system.** The plumbing located between the point of delivery and the point of use including pipes, conduits, tanks, receptacles, fixtures, equipment, and appurtenances used to produce, convey, recycle, store, or use potable water on a customer's premises.

**(w) Public water system.** A system for the provision of piped water for human consumption as further defined in 30 Texas Administrative Code § 290.38, et seq., as amended.

**(x) Reclaimed water.** Treated water from a wastewater treatment facility.

**(y) Reduced pressure backflow prevention assembly.** Two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and are equipped with properly located resilient-seated test cocks.

**(z) Service connection.** The terminal end of a connection to the public water system, that is, the downstream end of the meter installed at the end of the service connection. There shall be no unprotected takeoffs from the service connection ahead of the meter and/or backflow prevention assembly.

**(aa) Used water.** Water supplied by a water purveyor from a public water system to a customer's water system that has passed through the point of delivery and is no longer controlled by the water purveyor.

**(bb) Utility.** Water and/or wastewater utility.

(cc) Water purveyor. A private owner, political subdivision, or other operator of a potable water system that supplies a minimum of 15 service connections or serves a minimum of 25 individuals for at least 60 days during a calendar year.

**608.18.4 Cross Connections Prohibited.** A person shall not:

(a) Install a potable water supply that creates an actual or potential cross-connection or which allows, or may allow, used or polluted water, mixtures, or gasses, to enter potable water by back-siphonage, backpressure, or other means;

(b) Connect to the public water system, water operated equipment, or water treating chemicals or substances to the public water system that may cause pollution or contamination of the public potable water supply unless the equipment is equipped with an approved backflow prevention device or assembly installed in accordance with the requirements of this subsection;

(c) Connect, directly or indirectly, to the public water system an auxiliary water supply;

(d) Connect to the public water system a mechanism or system designed to return water to the public water system;

(e) Connect a reclaimed water system to the public water system or to the water system of a customer who receives water service from the public water system; or

(f) Install any takeoffs from the service connection ahead of the backflow prevention assembly that would require protection.

**608.14.5 Backflow prevention assembly.** A person shall not install a backflow prevention assembly in a private plumbing system, fire protection system, process water system, irrigation system, or other private water distribution system connected to the public water system unless:

(a) The assembly has been designed, manufactured, and tested in accordance with the standards adopted by the American Water Works Association;

(b) The assembly has been tested and listed as an approved backflow prevention assembly by the University of Southern California Foundation for Cross-connection Control and Hydraulic Research; and

(c) The installation complies with the IPC.

**608.14.6 Customer Duties.**

(a) A customer shall install new, replacement, or reconditioned backflow prevention assemblies and devices in accordance with the IPC.

(b) No person shall install or maintain a backflow prevention assembly upon or within any City right-of-way except as provided by this subsection and City Code. All permits required by the City to perform work in the right-of-way shall be obtained. A backflow prevention assembly required by this subsection may be installed upon or within any City right-of-way only if the owner proves to the City that there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic, utilities, or public safety. The City retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.

(c) Any assembly or portion of an assembly in a City right-of way which extends aboveground shall be located no closer than eighteen inches (18") to the face of the curb. A property owner shall, at the request of the City and at the owner's sole expense, relocate a backflow prevention assembly which encroaches upon any City right-of-way when such relocation is necessary for street or utility construction or repairs or for purposes of public safety.

(d) A person commits an offense if the person installs or maintains a backflow prevention assembly in violation of this subsection.

(e) A person commits an offense if the person fails to relocate a backflow prevention assembly located in or upon any City right-of-way after receiving a written order from the City to do so. A backflow prevention assembly installed or maintained in City right-of-way in violation of this subsection is declared to be a nuisance.

(f) A customer shall submit to the Manager a test and maintenance report of a backflow prevention assembly upon installation or relocation.

A water meter shall not be installed unless the customer has submitted a test and maintenance report.

**608.14.7. Special Hazards.**

- (a) A customer who installs testable backflow prevention assemblies that protect potable water from hazards to the health, safety, or life of humans or animals shall test the assemblies at least annually. Such tests must be performed by a certified backflow prevention assembly tester registered with the City.
- (b) A customer who connects to the public potable water system and adds chemicals or additives to automatic fire protection systems, standpipe systems, or privately owned fire hydrants shall install a reduced pressure detector backflow prevention assembly.
- (c) A customer who connects a dedicated fire line to the public potable water supply system and does not add chemicals or additives to the automatic fire protection system, standpipe systems or privately-owned fire hydrants, shall install a double check detector backflow prevention assembly.
- (d) A customer who obtains potable public water from the public water system for use at a construction site shall install a reduced pressure backflow prevention assembly.
- (e) A customer who purchases water for the purpose of resale or distribution shall install a reduced pressure backflow assembly at the service connection. A backflow prevention assembly tester shall certify the installation and provide the certification to the Manager within 10 days after the installation.
- (f) A person using a water-hauling vehicle to take water from the public potable water system shall have a permanently installed air gap on the vehicle.

**608.14.8 Cost Recovery.** Upon application made in writing and approved by the City Manager, the City may arrange to recover the costs to purchase and install the assembly through monthly billing on the customer's utility bill, which shall include interest and any applicable fee. The Manager may establish a cost recovery period that does not exceed 36 months.

**608.14.9 Inspection and Testing of Backflow Prevention Assemblies.** A customer shall test backflow prevention assemblies as required by 30 Texas Administrative Code §290.44. The Manager may require additional testing by a registered, licensed backflow prevention assembly tester. The customer shall pay the cost of such testing only if the prior test has failed and shall repair, overhaul, or replace an assembly that fails a test and shall pay all costs of same. The customer shall keep records of tests, repairs, and overhauls and make the records available to the Manager within five days of a test, repair, or overhaul of a backflow prevention assembly.

**608.14.10 Removal or Replacement.** A customer shall not remove from use, relocate, or substitute another device or assembly without the approval of the Manager.

**608.14.11 Cross-Connection Survey For New Service.** The Manager shall conduct a cross-connection survey of the customer's potable water system before providing service to prevent cross-connections between the customer's potable water system and contamination or pollution sources.

**608.14.12 Maintenance responsibility.** The customer is responsible for general maintenance and upkeep of backflow prevention assembly. An owner, tenant, and/or lessee are jointly and individually responsible for maintenance.

**608.14.13 Registered/Licensed Backflow Prevention Assembly Tester.**

(a) Backflow prevention assembly testers shall be licensed by the State.

(b) In order to be qualified to test and repair backflow assemblies or devices within the City, licensed backflow prevention assembly testers shall register with the City prior to performing any such service. Such registration shall require that the tester provide written proof of current State certification. Such registration shall be updated upon renewal of state certification, or at any earlier time that there is any change in the registrant's license.

(c) Licensed and registered backflow prevention assembly testers are qualified to test and repair assemblies on any domestic, commercial, industrial, or irrigation service.

(d) Licensed and registered backflow prevention assembly testers may test and repair assemblies on fire lines only if currently employed by a fire line contractor approved by the State Fire Marshal's Office.

**608.14.14 Proof of Equipment.**

(a) A licensed backflow prevention assembly tester shall furnish the following evidence to show that the tester has the necessary tools and equipment to properly test and certify backflow prevention assemblies:

(i) A tester shall provide the serial number of each test kit to the Manager; and

(ii) A tester shall:

A. Annually test each recorded test kit for accuracy;

B. Calibrate the test kit to a two percent accuracy factor; and

C. Maintain the test kit at a two percent accuracy factor.

(b) A tester shall perform competent and accurate certifications of backflow prevention assemblies tested and submit the reports to the Manager. Such reports shall include a copy of the tester's current license.

(c) A tester shall:

(i) register test gauges used by the tester; and

(ii) list the registered serial numbers of test gauges on tests and maintenance reports before submitting the reports to the Manager.

**608.14.15 Quality Control.** The Manager may take the following quality control measures relating to a licensed backflow prevention assembly tester:

(a) retest a certified backflow prevention assembly; and

(b) notify the tester who has certified a backflow prevention assembly of test discrepancies.

**608.14.16 Revocation.** The Manager may revoke a tester's registration for:

- (a) failure to register the serial number or calibrate gauges annually;
- (b) three testing or reporting discrepancies within a two-year period, beginning with the first discrepancy, including:
  - (i) false, incomplete, or inaccurate reporting of test completion or certification of a backflow prevention assembly;
  - (ii) use of inaccurate gauges;
  - (iii) incomplete backflow tests and maintenance reports.

**608.14.17 Design Changes.** A certified tester shall not change the design or operational characteristics of an assembly during repair or maintenance.

**608.14.18 Public Water Supply System Personnel.** The City employee who tests a backflow prevention system under this subsection shall be licensed by the State as a backflow prevention assembly tester.

**608.14.19 Enforcement.**

**608.14.19.1 Right of Entry.** A City employee may enter a customer's property or facilities to inspect a cross-connection, backflow prevention assembly, or piping. The right of entry is a condition of the City providing water service, directly or indirectly, to a customer's property or facilities, whether within or outside the City limits, and is a condition of connection to the public water system.

**608.14.19.2 Inspections Outside City Limits.** A City employee may inspect a customer's potable water system, piping, or the records required under this Chapter or the rules of a governmental entity with which the City has an interlocal agreement for wholesale water services. The right of entry extends to public streets, easements, and private property on which public or private potable water systems are located.

**608.14.20 Offenses.** A person commits an offense if:

(a) The person commits or assists in the commission of a violation of this subsection;

(b) The person is the owner, occupant, lessee, or manager of property or facilities that are the source of a violation of this subsection; or

(c) The person obstructs or delays the City's access to a customer's property or facilities.

**608.14.21 Penalties for Repeated Violations.** If a person is convicted of two or more distinct violations of this subsection within one calendar year, the Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of an authorized reconnection charge as adopted by City Council within the City's fee schedule, and any other costs incurred by the City in discontinuing service. In addition, written assurance shall be given to the Manager that no additional violations will occur. Compliance with this subsection may also be sought through injunctive relief in District Court and the City Attorney is hereby authorized to initiate such actions. These remedies are cumulative of all other remedies and a choice to proceed under this provision does not operate as an election of remedies.

**608.14.22 Search Warrant.** If a customer refuses to allow the City access to a building, structure, property, or a private potable system connected to the public water system in order to regulate water connections in strict conformance with this subsection, the Manager may seek a court-ordered search warrant.

**608.14.23 Notice of Violation.**

(a) The Manager may serve a written notice of violation on a person who has violated the conditions of registration as a certified tester, a plumbing permit, installation requirements of a backflow prevention assembly, or other requirement of this subsection.

(b) Notice of violation shall inform the person that within five (5) days of receipt, the person receiving the notice shall provide the Manager a written explanation of the violation and a plan that includes specific corrective actions.

(c) Submission of a proposed corrective plan does not relieve the person of criminal or civil liability for violations of this subsection.

**608.14.24 Nuisance.** Backflow entering or potentially threatening to enter the public water supply system is declared to be a nuisance and as such, the City, pursuant to authority granted by state law, shall regulate such activities within 5,000 feet beyond the City's limits.

**608.14.25 Civil Remedies.**

**608.14.25.1 Equitable Relief.** The City Attorney may enforce this subsection by injunction, declaratory relief, or any other action at law or in equity. The Attorney may initiate a suit against the owner, tenant, or lessee of property or facilities that are the source of a violation of this subsection, to recover a civil penalty for each violation not to exceed \$2,000. Each day that a violation continues constitutes a separate violation. A person who violates this subsection shall be liable to the City for expenses, loss, or damage incurred by the City.

**608.14.25.2 Termination of Service.** The Manager may terminate service in accordance with this subsection. The Manager may refuse or discontinue water service if a backflow prevention assembly is not installed, certified for operation, repaired or replaced as required by this subsection. The Manager may require submission of test and maintenance reports before the final release of water or wastewater inspections.

**608.14.26 Water Purveyor.**

**(a) A water purveyor has primary responsibility to prevent water from unapproved sources, or other substances, from entering the public potable water supply. A water purveyor shall not install or maintain a water service connection to a customer's water supply system within the purveyor's jurisdiction if a health, contaminant, plumbing or pollution hazard exists, or will potentially exist, unless the purveyor protects the potable water supply with a backflow assembly.**

**(b) A water purveyor shall exercise reasonable care to ensure that the purveyor's customers have taken steps to protect the public potable water supply.**

(c) A water purveyor shall determine the degree of hazard to the public potable water supply presented by the purveyor's customers.

(d) If, in the judgment of the Manager an actual or potential contamination hazard exists, the water purveyor shall require the purveyor's customer, at the customer's expense, to:

- (i) Install an approved backflow prevention assembly;
- (ii) To immediately test the assembly; and
- (iii) Periodically test the assembly as required by this subsection and the IPC.

**608.14.27 Inspections.** The Manager may inspect or require an inspection of property or facilities, real property, or buildings connected to the public potable water system. An inspection shall include:

- (a) A survey of the property or facilities, real property, or buildings for cross-connections;
- (b) Inspection of existing backflow prevention assembly installation; and
- (c) Annual testing and certification of assemblies by a certified backflow prevention assembly tester.

(8) 701.2 is amended by adding the following new subsections:

**701.2.1 Mandatory connection; general rule.** Unless an exception applies as specified below or the City has specifically authorized the use of on-site sewage facilities pursuant to a development agreement, whenever the public wastewater system is available within one-hundred feet (100.0') in horizontal distance from any property, as measured on the closest practicable route from the public wastewater system to the property line of the lot or property in question, that property and any improvements thereon shall be connected to and served by the public wastewater system. The cost of such connection shall be solely at the customer's expense.

**Exceptions:** Where such a property described above is using an on-site sewage facility (septic system), the property is not required to connect

to the public wastewater system where the on-site sewage facility meets all of the following conditions:

(a) the on-site sewage facility is licensed and is in full compliance with federal, state, and local laws;

(b) the on-site sewage facility does not create any nuisance conditions, which would include:

(i) sewage, human excreta, or other organic waste discharged or exposed in a manner that makes it a potential instrument or medium in the transmission of disease to or between persons;

(ii) an overflow from a septic tank or similar device, including surface discharge from or groundwater contamination by a component of an on-site sewage facility; or

(iii) a blatant discharge from an on-site sewage facility;

(c) is in need of substantial repairs, “substantial repairs” being defined as any repair that exceeds 25% of the current replacement cost of the on-site sewage facility; and/or

(d) there is not a change in the use of the property or an enlargement of that use.

**701.2.2 Remediation of private sewage facility.** When any property previously connected to a private sewage facility is connected to the public wastewater system, the private sewage facility shall be abandoned, plugged, and disconnected in accordance with applicable law.

**701.2.3 City's right to connect property and recoup costs.** In the event that the required connection to the public wastewater system is not completed within 180 days of notification to the record owner of the property, in addition to any other rights, remedies, or penalties arising by virtue of the failure to connect, the City may plug and disconnect the private sewage facility on the property and may connect the property to the public wastewater system, including taking any and all actions necessary to complete every act required for such disconnection and connection, as provided for in this subsection.

**701.2.4 Required notice.** Prior to the City Manager taking the action permitted by 701.2.3, the record owner of the property shall be provided with a “Notice of Commencement,” which shall be addressed to the record owner of the property and sent by certified mail, return receipt requested, to the owner’s address as indicated on the tax records. Such notice shall be mailed at least thirty (30) days prior to commencement of the work and entry onto the property. If the City Manager has actual knowledge of an address for owner that is different from that listed in the tax records, notice by certified mail shall be sent to this address. A copy of such notice shall also be mailed or delivered to any tenant of the property. Evidence that notice was delivered or attempted to be delivered to the owner or tenant as directed above shall constitute proof that sufficient notice was given.

**701.2.5 Information contained within notice.** The notice required by 701.2.4 shall contain the following information:

- (a) The date and time that entry onto the property and commencement of the work will occur, and the estimated time it will take to complete the work;**
- (b) A general description of the work to be done;**
- (c) The address and legal description of the property on which the work is to be done;**
- (d) An estimate of the costs and expense for completion of the work;**
- (e) A statement that the work has been necessitated by the owner’s failure to comply with this subsection and that the owner shall be held liable for all costs of the work. The statement shall also provide that the owner shall pay the entire cost of the work within 120 days after receipt of a request for payment for these costs and failure of the owner to make payment as required will result in an assessment lien being filed against the property for such costs and expenses; and**
- (f) A statement that the owner has thirty (30) days from the date of receipt of the notice to bring the property into compliance with this subsection and avoid incurring any of the costs associated therewith.**

**701.2.6 Commencement of work.** If the owner fails to initiate the required disconnection and connection within thirty (30) days of receipt

of the notice, and/or fails to complete this work within ninety (90) days of such receipt, the City may enter the property and proceed to undertake the work described in the Notice.

**701.2.7 Payment request.** Upon completion of the work, the City shall send a request for payment to the owner, by certified mail, return receipt requested, to such address(es) as the original notice was sent, or to such other address that the City Manager has actual knowledge that the owner receives mail. This request for payment shall set forth the costs and expenses incurred by the City for the work done and shall state that a lien may be filed against the property if payment is not made in full within 120 days after the date the request for payment was mailed.

**701.2.8 Remedies in seeking repayment.** If payment is not made in full within 120 days after the date that request for payment was mailed, the City shall have all rights and remedies available to claimants under law to secure recovery of its costs and expenses, and shall be entitled to recover from the property owner all costs of work done, as well as costs incurred in the enforcement and foreclosure of such assessment lien, including attorney fees and costs of judicial foreclosure.

**701.2.9 Obligation for costs.** The costs and expenses payable under 701.2.8 shall be a personal obligation of the property owner(s) regardless of and independent of any lien claim and shall be the same as any obligation of such owner(s) for any service of the City, including without limitation water and/or wastewater charges and services.

**701.2.10 Right of entry.** The Manager may enter any building, structure, or premises at all reasonable times to make an inspection and/or to enforce the provisions of this subsection. When entering a building, structure, or premises for the purpose of making an inspection under this subsection, the Manager shall identify himself, present proper credentials, and request permission to enter and inspect. If the building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate and obtain permission from the owner or person having charge of the premises. If entry is refused, or the owner or person in charge of the premises cannot be located after reasonable efforts, the Manager shall have recourse to every remedy provided by law to secure entry and accomplish inspection.

**701.2.11 Refusal of entry prohibited.** No person, owner, or occupant shall refuse to permit a reasonable request for entry for the purpose of

inspection or work to be completed under this Chapter. Violation of this provision shall be punishable under Section 1-7 of the City's Code of Ordinances.

**701.2.12 No appeal right.** Decisions made by the Manager under this subchapter are not subject to appeal.

(9) 702.2 is amended by adding the following new subsection:

**702.2.1. The use of SDR 26 and SDR 35 for building drains or vents is prohibited.**

(10) 702.3 is amended by adding the following new exception:

**Exception:** The use of SDR 35 and SDR 26 for building sewers shall be prohibited except for sizes of six inches (6") or larger.

(11) Section 708 is amended by adding the following new subsection:

**708.10. An approved two-way cleanout shall be installed at the property line.**

(12) 918.2 is amended by adding the following exception:

**Exception:** Where it is impractical to install a vent to the exterior as determined by the Code Official, an approved air admittance valve may be allowed to vent an island counter sink. All air admittance valves shall be listed, labeled, and shall comply with the requirements of ANSI/ASSE 1051 for the design, construction, and installation of air admittance valves. The air admittance valve shall be installed as high as possible and allow access for repair and/or replacement.

(13) 1003.1 is amended by adding the following new subsection:

**1003.1.1. All grease traps and grease interceptors shall be installed, sized, and shall meet all applicable City requirements, including the City's regulations pertaining to grease traps. In the case of conflicting requirements between the City's regulations and the IPC, the strictest requirement shall apply. The discharge line from the grease traps and/or grease interceptors shall be provided with an approved sample well, which meets all of the requirements of the City's regulations and specifications pertaining to sample wells.**

(c) Appendices. The following appendices of the IPC are adopted: B, C, D, and E.”

**SECTION FOUR.** Chapter 26 “Building Codes,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-122 in its entirety and replacing it with new language that is underlined (added) as follows:

**Sec. 26-122. - International Fuel Gas Code, 2018 Edition.**

(a) Adoption. The *International Fuel Gas Code, 2018 Edition* (“IFGC”), a publication of the International Code Council (I.C.C.), is adopted and designated as the Fuel Gas Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the IPC is on file in the office of the City Secretary and within the Department of Development Services.

(b) Amendments. The IFGC is amended as follows:

(1) 106.6.1 is amended in its entirety to read as follows:

106.6.1. Work commencing before permit issuance. The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City’s utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City’s right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IFGC or other applicable laws.

(2) 109.1 is amended in its entirety to provide as follows:

109.1 Application for appeal. A person shall have the right to appeal a decision of the Code Official or the Fire Code Official to the Building Board of Adjustment and Appeals.

(3) 109.2 through 109.7 are deleted.

(4) Section 301 is amended by adding 301.16 to read as follows:

**301.16 Electrical code.** All references to the *ICC Electrical Code* within the IFGC shall instead refer to the applicable provisions of the Electrical Code currently adopted by the City.

(5) 307.2. is amended in its entirety to read as follows:

**307.2. Fuel-burning appliances.** Liquid combustion by-products of condensing appliances shall be collected and discharged to the exterior of the building, an adequately sized French drain, or the storm sewer. Condensate shall not be discharged into the sanitary sewer or to any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance. Condensate piping shall be of approved corrosion-resistant material and shall not be smaller than the drain connection on the appliance. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth (1/8) unit vertical in 12 units horizontal (1 % slope).

(6) Section 307 is amended by adding 307.7 to read as follows:

**307.7 Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to the exterior of the building, an adequately sized French drain, or the storm sewer. Condensate shall not be discharged into the sanitary sewer or any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance.

(c) Appendices. The following appendices of the IFGC are adopted: NONE.”

SECTION FIVE. Chapter 26 “Building Codes,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-171 in its entirety and replacing it with new language that is underlined (added) as follows:

**Sec. 26-171. - International Mechanical Code, 2018 Edition.**

(a) Adoption. The *International Mechanical Code, 2018 Edition (“IMC”)*, a publication of the International Code Council (I.C.C.), is adopted and designated as the Mechanical Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject

to deletions, additions, and amendments prescribed in this Article. A copy of the IPC is on file in the office of the City Secretary and within the Department of Development Services.

(b) Amendments. The IMC is amended as follows:

(1) 106.5.1 is amended in its entirety to read as follows:

**106.5.1. Work Commencing Before Permit Issuance.** The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the IMC or other applicable laws.

(2) 109.2 through 109.7 are deleted.

(3) 301.10 is amended in its entirety to read as follows:

**301.10. Listed and Labeled.** All references to the *ICC Electrical Code* within the IMC shall instead refer to the applicable provisions of the Electrical Code adopted by the City.

(4) Section 303 is amended by adding 303.10 to read as follows:

**303.10. Natural Draft and Forced Draft.** Equipment which utilizes a natural draft venting system shall not be installed in a room, enclosure, alcove, closet, or other space where a return air intake and/or equipment utilizing a forced draft venting system in close proximity thereto could prevent the natural draft system from functioning properly.

(5) 307.1 is amended in its entirety to read as follows:

**307.1. Fuel-Burning Appliances.** Liquid combustion by-products of condensing appliances shall be collected and discharged to the exterior of the building, an adequately sized French drain, the storm sewer. Condensate shall not be discharged into the sanitary sewer or to any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk,

patio, street, alley, public way, or any other location which could create a hazard and/or nuisance. Condensate piping shall be of approved corrosion-resistant material and shall not be smaller than the drain connection on the appliance. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than one-eighth (1/8) unit vertical in 12 units horizontal (1% slope).

**Exception:** an air conditioning system that meets the following criteria may discharge the condensate generated by these unit(s) into the sanitary sewer:

1. eligible systems must be a secondary system operating with a climate controlled structure. The primary unit is not eligible for an exception;
2. each individual air handling unit shall not generate more than 0.75 gallons of condensate per day; and
3. total, combined condensate discharge from all of the eligible systems shall not exceed 15 gallons per day per lot or tract of land.

(6) 307.2.1 is amended in its entirety to read as follows:

**307.2.1. Condensate disposal.** Condensate from all cooling coils and evaporators shall be conveyed from the drain pan outlet to the exterior of the building, an adequately sized French drain, or the storm sewer. Condensate shall not be discharged into the sanitary sewer or any plumbing fixture or drain which is connected directly or indirectly to the sanitary sewer. Condensate shall not be discharged onto a sidewalk, patio, street, alley, public way, or any other location which could create a hazard and/or nuisance.

**Exception:** an air conditioning system that meets the following criteria may discharge the condensate generated by these unit(s) into the sanitary sewer:

1. eligible systems must be a secondary system operating with a climate controlled structure. The primary unit is not eligible for an exception;
2. each individual air handling unit shall not generate more than 0.75 gallons of condensate per day; and

3. total, combined condensate discharge from all of the eligible systems shall not exceed 15 gallons per day per lot or tract of land.

(7) Section 801 is amended by adding 801.4.1 to read as follows:

**801.4.1. Natural Draft and Forced Draft.** Equipment which utilizes a natural draft venting system shall not be installed in a room, enclosure, alcove, closet, or other space, where a return air intake and/or equipment utilizing a forced draft venting system in close proximity thereto could prevent the natural draft system from functioning properly.

(c) Appendices. The following appendices of the IMC are adopted: A.”

**SECTION SIX.** Chapter 26 “Building Codes,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 26-201 in its entirety and replacing it with new language that is underlined (added) as follows:

**Sec. 26-201. - International Energy Conservation Code, 2018 Edition.**

(a) Adoption. The International Energy Conservation Code, 2018 Edition (“IECC”), a publication of the International Code Council (I.C.C.), is adopted and designated as the Energy Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the IPC is on file in the office of the City Secretary and within the Department of Development Services.

(b) Amendments. The IECC is amended as follows:

(1) Section C105 is amended by adding a new subsection to read as follows:

**C105.2.7 Energy efficiency inspections.** Inspections shall be made to determine compliance with 4(CE) of the IECC for all occupancies, as amended, and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency. For detached one and two-family dwellings and multiple single-family dwellings (townhomes) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, an independent certified RESNET energy rater or an alternative approved by the code official using objective, verifiable testing criteria, shall test and inspect

the air barrier as per R402.4 Air leakage, of the IECC. The results must be submitted on a form approved by the code official. The form shall show that construction is in compliance with the IECC.

(2) Section C402.3 is amended in its entirely to read as follows:

**C402.3 Roof solar reflectance and thermal emittance.** Low-sloped roofs, with a slope less than or equal to 2 units vertical per 12 units horizontal, directly above cooled conditioned spaces in *Climate Zones 1, 2, and 3* shall comply with one or more of the options in Table C402.3. Roof surfaces with a slope greater than 2 units vertical per 12 units horizontal, directly above cooled conditioned spaces shall have a minimum reflectance of 0.35 or a minimum Solar Reflective Index of 29.

(3) C402.4.2 is amended by adding the following exception:

6. In warehouses protected by Early Suppression Fast Response (ESFR) fire sprinklers where vertical wall fenestration is provided with a minimum area.

(4) Section C404.6.1 is amended in its entirely to read as follows:

**C404.6.1 Circulation systems.** Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and thermosyphon circulation systems are prohibited. Controls for circulating hot water system pumps shall comply with one of the following:

1. pump starts upon identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water; or

2. include a timer clock switch operating pumps based on time of day/night. Controls shall also include a return water temperature sensor switch to pause the re-circulating pump whenever the return water is hot.

(5) Section C501.6 is amended in its entirely to read as follows:

**C501.6 Historic buildings.** No provisions of this code relating to the construction, repair, alteration, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings.

(6) Section R105.2 is amended in its entirely to read as follows:

**R105.2 Required inspections.** The code official or his or her designated agent, upon notification, shall make the inspections set forth in R105.2.1 through R105.2.5 and C105.2.1 through C105.2.7.

(7) R105.2 is amended by adding new subsections to read as follows:

**R105.2.6 Duct test for one- and two-family dwellings and townhomes.** All ducts for one- and two-family dwellings as well as townhomes, in unconditioned spaces, shall be duct tested prior to covering or concealment to disclose leaks and defects. Tests shall be made by an independent certified RESNET energy rater or an alternative approved by the code official using objective, verifiable testing criteria and results provided to the code official. Apparatus, material, and labor required for testing a mechanical system shall be furnished by the independent certified RESNET energy rater or code official approved alternate. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made to achieve compliance with this chapter. The work or installation shall then be re-submitted to the code official for inspection and testing. *See also 403.3.3 of the IECC.*

**R105.2.7 Energy efficiency inspections.** Inspections shall be made to determine compliance with 4(CE) of the IECC for all occupancies, as amended, and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency. For detached one and two-family dwellings and multiple single-family dwellings (townhomes) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, an independent certified RESNET energy rater or an alternative approved by the code official using objective, verifiable testing criteria, shall test and inspect the air barrier as per R402.4 Air leakage, of the 2018 IECC. The results must be submitted on a form approved by the code official. The form shall show that construction is in compliance with the 2018 IECC.

(8) R402.4.1.1 is amended in its entirely to read as follows:

**R402.4.1.1 Installation.** The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. An approved third party shall inspect all components and verify compliance. Insulation letters shall not be submitted to the code official prior to the inspection being performed and shall be submitted on a form approved by the code official.

(9) Section R402 is amended by adding a new subsection to read as follows:

**R402.6 Radiant Barrier.** In new dwellings, a roof radiant barrier with an emittance of 0.10 or less as tested in accordance with ASTM C-1371 or ASTM E-408 is required above conditioned spaces. The radiant barrier shall be installed according to the manufacturer's instructions.

**Exceptions:**

1. Roofs covered with materials that have a solar reflectance of 0.4 or greater.
2. Residential buildings with sealed attics such as foam type insulation or similar.
3. Residential buildings with all mechanical equipment and all ductwork located wholly within the conditioned space.

(10) R403.5.1.1 is amended in its entirety to read as follows:

**R403.5.1.1 Circulation systems.** Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and thermo-syphon circulation systems shall be prohibited. Controls for circulating hot water system pumps shall comply with one of the following:

1. start the pump based on the identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water; or
2. include a timer clock switch operating pumps based on time of day/night. Controls shall also include a return water temperature

sensor switch to pause the re-circulating pump whenever the return water is hot.

(11) R501.6 is amended in its entirety to read as follows:

**R501.6 Historic buildings.** No provisions of this code relating to the construction, repair, alteration, restoration and movement of structures, and change of occupancy shall be mandatory for historic buildings.”

**SECTION SEVEN.** Chapter 26 “Building Codes,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding Section 26-210 as indicated by the new language that is underlined (added) as follows:

**“Sec. 26-210. - International Swimming Pool and Spa Code, 2018 Edition.**

(a) Adoption. The *International Swimming Pool and Spa Code, 2018 Edition* (“ISPSC”), a publication of the International Code Council (I.C.C.), is adopted and designated as the Pool and Spa Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. A copy of the ISPSC is on file in the office of the City Secretary and within the Department of Development Services.

(b) Amendments. The ISPSC is amended as follows:

(1) Section 105 is amended by adding 105.1.1 to read as follows:

**105.1.1 Contractor's license required.** Contractor's license required. Any person who is required by the ISPSC to make application for a building permit shall first obtain a contractor's license from the City. The City will issue a contractor's license for a period not exceed one year, and all such licenses will expire on December 31 of each year. As a condition of obtaining such license, an applicant shall provide proof of a \$5,000 surety bond.

**Exceptions:** i) a homeowner seeking a building permit to make repairs or other alterations to his or her homestead is not required to obtain a contractor's license prior to being issued a permit for work to be done on such dwelling, if the work is to be a) performed exclusively by the homeowner; and b) the dwelling is the homeowner's primary residence; or ii) where a person is conducting or managing a single project within a one-year period; however, the person is required to

obtain a single-permit license from the City prior to being issued a permit for the project.

(2) 105.6.1 is amended in its entirety to read as follows:

**105.6.1 Work commencing before permit issuance. The City will apply an additional fee to any person who commences work requiring a permit prior to obtaining such permit. Such fee is in addition to the required permit fee(s). The City's utilization of this remedy does not constitute an election of remedies for future incidents nor does such application constitute a waiver of the City's right to utilize alternate legal remedies to address future incidents of work being commenced without a permit, including criminal prosecution under applicable provisions of the ISPSC or other applicable laws.**

(3) 105.6.3 is amended in its entirety to read as follows:

**105.6.3 Fee Refunds. The building official is authorized to establish a refund policy.**

(4) Section 108 is deleted.”

**SECTION EIGHT.** Future amendments, not including clarifications or technical notices of any type, of the Codes must be subsequently approved and adopted by City Council.

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

**SECTION TEN.** The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 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). Each continuing day's violation under this Ordinance shall constitute a separate offense.

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

such inconsistency or conflict. This Ordinance is not intended to and does not replace the following laws of the City: Zoning Code, Subdivision Code, or Sign Code, as such codes exist or as may be amended.

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

**SECTION THIRTEEN.** In accordance with Section 3.07 of the City Charter and Section 52.013(a) of the Texas Local Government Code, 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. The Ordinance shall then become effective in accordance with this Charter section.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_**  
**day of \_\_\_\_\_, A.D., 2021.**

**PASSED AND APPROVED ON SECOND AND FINAL READING,**  
**this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.**

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Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2021-06**

**AN ORDINANCE AMENDING CHAPTER 50 “FIRE PREVENTION AND PROTECTION” OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY DELETING SECTIONS 50-2 AND 50-3; ADDING A NEW SECTION 50-5, TO ADOPT THE NATIONAL FIRE PREVENTION ASSOCIATION 101, LIFE SAFETY CODE, 2018 EDITION; DELETING SECTION 50-6 AND ADOPTING A NEW SECTION 50-6 TO ADOPT THE INTERNATIONAL FIRE CODE, 2018 EDITION; ADOPTING LOCAL AMENDMENTS TO SAID CODE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

**WHEREAS**, the City of Kerrville, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, City Council finds that the regulations of the City governing the safeguarding of life and property from fire and explosion hazards within its corporate limits, and within its extraterritorial jurisdiction when authorized by law, should be updated to conform with modern fire protection methods and materials; and

**WHEREAS**, the Fire Chief and Fire Marshal for the City have reviewed 2018 edition of National Fire Protection Association 101, Life Safety Code (“NFPA 101”) and the International Fire Code, 2018 Edition (“IFC”) and have recommended that the City adopt the NFPA 101 and the IFC, both to include local amendments, as the regulations governing the safeguarding of life and property from fire and explosion hazards; and

**WHEREAS**, City Council finds it to be in the public interest to adopt the NFPA 101 and the IFC, along with local amendments, and in so doing, to amend Chapter 50 “Fire Prevention and Protection” of the City’s Code of Ordinances as provided below;

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

**SECTION ONE.** Chapter 50 “Fire Prevention and Protection,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by deleting Sections 50-2 and 50-3.

**SECTION TWO.** Chapter 50 “Fire Prevention and Protection,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 50-5 as indicated by the new language that is underlined (added) as follows:

**“Sec. 50-5. – National Fire Prevention Association 101, Life Safety Code, 2018 edition.**

- (a) *Adoption.* The 2018 edition of the *NFPA Life Safety Code 101* (“NFPA 101”), as published by the National Fire Protection Association, is adopted and designated as the Life Safety Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Article, subject to deletions, additions, and amendments prescribed in this Article. Copies of the NFPA 101 shall remain on file in the office of the City Secretary, within the Department of Development Services, and in the office of the Fire Marshal.
- (b) *References to Officials.* Where the NFPA 101 references duties of certain officials named therein, the designated official of the City who has duties corresponding to those of the named official is deemed the responsible official.
- (c) *Annexes.* The following annexes of the NFPA 101 are adopted: A, C, and D.
- (d) *Amendment.* The NFPA 101 is amended by deleting section 24.3.5.1.”

**SECTION THREE.** Chapter 50 “Fire Prevention and Protection,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by deleting Section 50-6 in its entirety and replacing it with new language that is underlined (added) as follows:

**“Sec. 50-6. – International Fire Code, 2018 Edition.**

- (a) *Adoption.* The *International Fire Code, 2018 Edition* (“IFC”), a publication of the International Code Council (I.C.C.), is adopted and designated as the Fire Code of the City of Kerrville, Texas, to the same extent as if such Code were copied verbatim in this Section, subject to the amendments prescribed herein. A copy of the IFC shall remain on file in the office of

the City Secretary, within the Department of Development Services, and in the office of the Fire Marshal.

(b) Appendices. The following appendices of the IFC are adopted: B, C, D, E, F, G, I, and N.

(c) Amendments. The IFC is amended as follows:

(1) Section 101.1 is deleted and replaced with a new section to read as follows:

**101.1 Title.** These regulations will be known as the *Fire Code of the City of Kerrville, Texas*, hereinafter referred to as the “Code”.

(2) A new Section 101.6 is added to read as follows:

**101.6 Requirements of other agencies.** The City’s Code of Ordinances do not include all requirements for buildings and structures that may be imposed by other entities, including the state, county, and occupational licensing boards. It is the responsibility of a permit holder, design professional, contractor, or occupational license holder to determine whether any additional requirements exist.

(3) A new Section 104.3.2 is added to read as follows:

**104.3.2 Photographic Documentation.** In the course of his or her right to conduct an inspection on a property, the fire code official shall have the right and authority to take photographs or videos for the purpose of inspection and examination pursuant to this code.

(4) Section 105.4.1 is deleted and replaced with a new section to read as follows:

**105.4.1 Submittals.** Construction documents and supporting data shall be submitted in two or more sets, and at least once by portable document format (PDF) accepted on electronic/digital copy, with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared by a registered design professional where required by law.

**Exception:** The fire code official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the

nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

(5) Section 105.6.14 is deleted and replaced with a new section to read as follows:

**105.6.14 Explosives.** The manufacture, storage, handling, sale, or use of any quantity of explosives, explosive materials, fireworks, or pyrotechnic special effects within the City is prohibited, unless authorized by a City-issued permit.

(6) Section 105.6.32 is deleted and replaced with a new section to read as follows:

**105.6.32 Open burning.**

(a) Adoption of Texas Administrative Code Regarding Outdoor Burning. The City hereby adopts the outdoor burning rules as outlined in the Texas Administrative Code, Title 30, Part I, Chapter 111, Subchapter B, as may be amended (“TAC”). If a conflict occurs between TAC and this section, the most stringent provision shall prevail.

(b) Outdoor burning prohibited. Outdoor burning of any kind is prohibited except where such burning is authorized pursuant to an exception as specified below or by a permit issued by the City. This prohibition includes the burning of household trash, furniture, electrical insulation, treated and untreated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, chemical wastes, natural or synthetic rubbers, garbage of any form, or municipal solid waste, including grass, leaves, and branch trimmings.

(c) Outdoor disposal or deposits of ignitable material prohibited. The outdoor disposal or disposition of any material capable of igniting spontaneously, with the exception of solid fossil fuels, is prohibited.

(d) Exceptions. Outdoor burning may be authorized under the following exceptions and pursuant to a permit issued by the City:

(i) Fire training. Outdoor burning is authorized for training fire-fighting personnel. Facilities dedicated solely for fire-fighting training shall provide an annual written notification of intent as to such burning to the fire code official and the Texas Commission on Environmental Quality (“TCEQ”) or its successor, and shall provide each with notice at least 24 hours in advance of any scheduled

training session. No more than one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial notice includes the specific dates and times of all sessions.

(ii) *Outdoor fires for non-commercial food preparation.* Outdoor fires are authorized for cooking, provided such fire is built and maintained in a pit that fully contains the fire, or a fireproof container such as a barbecue pit or chimenea made of brick, stone, metal, or other fireproof material in such a manner as to prevent any fire from escaping. Outdoor fires for non-commercial food preparation do not require a burn permit. This exception does not permit or authorize the burning of waste or other matters not being prepared for consumption.

(iii) *Fires used for recreation and ceremony.* Outdoor burning is authorized for fires used solely for recreational or ceremonial purposes pursuant to the issuance of a City permit.

**Exception:** for one and two family dwellings, such a fire may be used for recreation or any other purely domestic purpose with a permit. However, such fire must be built within an appropriate fire-resistant container made of brick, stone, metal, or other fire-resistant material, and must include an appropriate screen and be set in such a manner as to prevent the fire from escaping. The fire-resistant container must not exceed three (3) feet in diameter and must be located a minimum of 25 feet from any structure or combustible materials. This exception from a permit does not apply to the burning of leaves, trash, construction waste, yard debris, or vegetation, which remains strictly prohibited. In addition, no such fire may occur where a burn ban is in effect.

(iv) *Disposal fires.* The City may authorize outdoor burning for the following purposes, such activities subject to a City-issued permit:

A. Diseased animal carcass burning where burning is the most effective means of controlling the spread of disease.

B. On-site burning of trees, brush, and other plant growth for right-of-way maintenance, land clearing operations, and maintenance along water ways when a practical alternative to burning does not exist for any such purpose and when the materials are generated only from that property. Sensitive

receptors, such as neighboring properties, persons, animals, must not be negatively affected by the burn. For a single project entailing multiple days of burning, an initial notice delineating the scope of the burn is sufficient if the scope does not constitute circumvention of any other provision provided herein and with the understanding that the fire code official may revoke such permit after issuance for reasons such as where conditions change or a violation occurs.

C. Crop residue burning for agricultural maintenance purposes when no practical alternative exists. Structures containing sensitive receptors must not be negatively affected by the burn.

D. Brush, trees, and other plant growth causing a detrimental public health and safety condition may be burned by a local government at a site it owns upon receiving approval from the fire code official. Such a burn may only be authorized where there is no practical alternative and, it may be done no more frequently than once every two months. Such burning is prohibited at the City's landfill.

(v) *Prescribed burn.* The City may authorize outdoor burning for prescribed burning for forest, range, and wildland/wildlife management purposes pursuant to the issuance of a City permit. Such burning is prohibited where the fire code official determines that the burning will have an adverse effect on any building or structure. In addition, the fire code official may revoke the authority to burn at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of the permit, or causes a violation of any air quality standard.

(vi) *Hydrocarbon burning.* The City may authorize outdoor burning for hydrocarbon burning from pipeline breaks and oil spills only upon proper notification to the TCEQ or the appropriate state agency, and after the fire code official has determined that the burning is necessary to protect the public health, safety, and welfare. Sampling and monitoring may be required to determine and evaluate environmental impacts.

(vii) *Other necessary burning.* If not otherwise authorized by this section, outdoor burning may be authorized by the City if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard, or violate any federal or

state law. The fire code official may specify procedures or methods to control or abate emissions from outdoor burning as authorized. The fire code official may revoke the authority to burn at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision the permit, or causes a violation of any air quality law.

(e) Revocation of permit or authority to burn. The fire code official may revoke any person's or entity's right to conduct an outdoor burn and may pursue any legal recourse against the person or entity if the fire code official determines that federal or state law, this section, or a permit was violated.

(f) Requirements and procedures for obtaining outdoor burning permit.

(i) The owner of the property upon which a burn is to occur must submit an application for a "Permit to Burn", as provided by City, to the fire code official (Fire Marshal).

(ii) The permit is effective for the specific time period indicated on the permit.

(iii) The permit is effective only if the burn is conducted in strict compliance with and under the conditions specified in the permit.

(iv) The applicant shall obtain final approval to burn from the fire code official immediately prior to the start of burning and at the beginning of each day upon which burning is to take place to ensure that weather conditions are and will remain conducive to the type of burning authorized by the permit.

(v) The fire code official may void a permit in any instance where he or she determines, in his or her sole discretion, that conditions have changed to the extent that the burn is no longer safe and possesses a risk to the public health, safety, and welfare.

(g) Fee for permit. The fees for all permits under this section are established by City Council.

(h) General requirements for burning. Outdoor burning which is otherwise authorized is also be subject to the following requirements:

(i) Burning is permitted only when wind direction and other meteorological conditions are such that smoke and other pollutants

will not present a hazard to any public road, landing strip, navigable water, or have a negative effect on any building, structure, or sensitive receptor.

(ii) If at any time the burning causes or may tend to cause smoke to blow onto or across a street, road, or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.

(iii) Fires shall be maintained at least 300 feet from any neighboring structure or sensitive receptors, unless prior written approval is obtained from the adjacent occupant with possessory control and such approval is submitted to the fire code official prior to the burn.

(iv) Burning shall be conducted in compliance with the following meteorological and timing considerations:

A. The burning may not commence earlier than 9:00 a.m. Burning shall be completed on the same day not later than one hour before sunset and shall be monitored by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.

B. In cases where fires will occur over more than 1 day pursuant to a permit, the permittee or designee shall contact the fire code official each day of continued burning prior to the fire being lit, to determine whether and under what conditions burning will be allowed on that day.

C. Burning shall not be commenced when surface wind speed is predicted to be less than 5 miles per hour or greater than 15 miles per hour during the burn period.

D. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.

E. The permittee or designee shall be present at all times when a burn is active. Such person shall have a water hose connected

to a reliable water supply or have other appropriate fire extinguishing equipment, such as a bulldozer or water tankers, readily available for use.

F. In order to allow time for the extinguishments of a fire, no new material shall be added to the burning pile after 3:00 p.m.

G. Any residual fires and/or smoldering objects that continue to emit smoke shall be extinguished each day at the end of the burn.

H. Only brush and vegetation generated and gathered from the burn site area shall be permitted. There shall be no importation of brush or any other material from another property for the purpose of burning.

(i) Responsibility for consequences of outdoor burning. The authority to conduct outdoor burning under this section does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this section. Further, each permittee assumes liability and responsibility for damages to persons or property caused by burning.

(7) Section 105.6.37 is deleted.

(8) Section 105.7.21 is deleted and replaced with a new section to read as follows:

**105.7.21 Solar photovoltaic power systems.** A construction permit is required to install or modify solar photovoltaic power systems. Photovoltaic power systems shall be installed and maintained according to listed manufacturer instructions and the most current standards established by the International Electrotechnical Commission (IEC).

(9) Section 106.5 is deleted and replaced with a new section to read as follows:

**106.5 Refunds.** Once paid, the City will not refund any fee paid for a permit or another type of application.

(10) A new Section 108.3.1 is added to read as follows:

**108.3.1 Records of Hazardous Materials.** An owner, or designee, of a building or property that stores or uses hazardous materials shall maintain chemical documents (SDS) and building/site data, construction, maintenance, and modifications over the entire life of the building or property. The owner shall maintain a copy(s) of the documents at an off-site location. In addition, a secondary source of this information shall be made available in suitably designed hard copy or electronic format for use by emergency responders within a reasonable timeframe. The primary source of information shall be easily accessible by responders during emergencies.

(11) Sections 109.1 and 109.3 are deleted and Section 109.1 is replaced with a new section to read as follows:

**109.1 Appeals.** Appeals of orders, decisions, or determinations made by the fire code official in interpreting or applying the code shall be to the Building Board of Adjustments and Appeals (“Board”) for the City, with an appeal from this Board to City Council. The Board may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration. The Board may adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with duplicate copy delivered to the fire code official.

(12) Section 110.4 is deleted and replaced with a new section to read as follows:

**110.4 Violation penalties.** Any person, firm, or corporation violating any of the provisions or terms of this code shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed TWO THOUSAND AND NO/100 (2,000.00) DOLLARS for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

(13) Section 202 is amended to add the following new definitions:

**FIRE HAZARD.** Any condition or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fires; or, which may obstruct, delay, hinder, or interfere with the operations of the fire department or the egress of occupants in the event of fire.

**FIRE LANE.** Any area appurtenant to entrances or exits of a building deemed necessary by the Fire Chief to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by him/her as such, and may include sidewalks, driveways, portions of parking lots, or any other area adjacent to or near building entrances or exits or any fire hydrant.

**FIRE WATCH.** Qualified individuals are defined as State Certified Fire Inspectors assigned to the City's Fire Prevention Division, or, if approved by the fire code official, Texas Certified Firefighters, Peace Officers, individuals employed by a private security firm, or other designated individuals whose sole duty when assigned a fire watch is to perform constant patrols of the premises and keep watch for signs of unwanted fire. A written attendance log must be maintained and personnel must have at least one approved means of notifying the fire department of fire or other emergencies.

**HIGH WINDS.** Sustained wind velocity of 15 mph or gusts of 25 mph.

**MOBILE FOOD UNIT.** A mobile food operation using any heat producing equipment to cook, fry, or warm products for consumption from a motorized vehicle, towable trailer, or watercraft.

(14) Section 307.1 is deleted and replaced with a new section to read as follows:

**307.1 General.** Except for domestic purposes to include cooking food or heating, open burning of any material, to include leaves, trash, yard debris, and any vegetation is prohibited.

**Exception:** When authorized and supervised by the fire department, open burning for ceremonial or training purposes, such as a flag retirement or live fire training by and for fire department personnel is allowed.

(15) Sections 307.2, 307.2.1, 307.4, 307.4.1, and 307.4.2 are deleted.

(16) A new Section 307.6 is added to read as follows:

**307.6 Sky lanterns.** Sky lanterns, also known as Chinese lanterns, sky candles, or fire balloons, and which are airborne lanterns constructed of combustible material and contain a candle or fuel cell that when lit, cause the device to go airborne and travel in the air are prohibited.

(17) A new Section 308.1.1.2 is added to read as follows:

**308.1.1.2 Commercial barbeques.** A permit shall be obtained from the fire code official to install or utilize a barbecue pit for commercial purposes.

(18) Section 308.1.4 is deleted and replaced with a new section to read as follows:

**308.1.4 Open-flame cooking devices.** Charcoal grills and other similar devices used for cooking may not be constructed, installed, stored, maintained, located, or used on combustible balconies, decks, or within 10 feet of combustible construction.

**Exception:** One- and two-family dwellings.

(19) A new Section 319.4.1.1 is added to read as follows:

**319.4.1.1 Fire protection for cooking equipment.** Mobile food units not equipped with a fire protection system as required under this code must meet a distance of not less than 50 feet from any structure.

(20) A new exception is added to Section 503.1.1 to read as follows:

3. For any one or two family dwelling that the fire code official determines is unable to meet the requirement of 503.1.1, the driveway shall have an unobstructed width of not less than 12 feet (6096 mm), except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet, 6 inches (4115 mm).

(21) A new Section 503.2.1.2 is added to read as follows:

**503.2.1.2 Mountable/Rollover curbs.** Mountable or rollover curbs are permitted when approved by the fire code official. Upon approval, such curbs must meet the City's public improvement specifications.

(22) Section 503.2.4 is deleted and replaced with a new section to read as follows:

**503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be determined by the fire code official. The turning radii of a fire apparatus access roadway requires a minimum of 50 feet outside radius and a minimum of 25 feet clear distance to the inside radius on all turns.

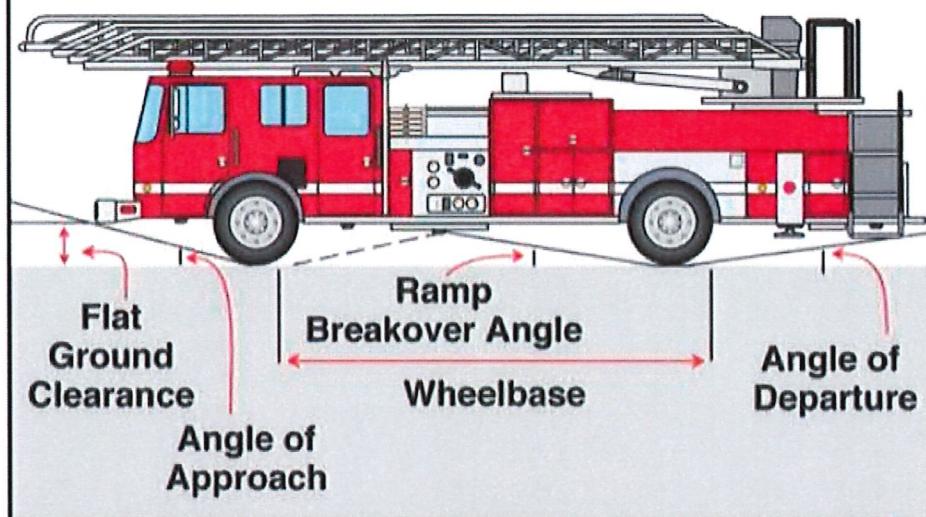
(23) Section 503.2.7 is deleted and replaced with a new section to read as follows:

**503.2.7 Grade.** The gradient for a fire apparatus access road may not exceed ten percent (10%).

(24) Section 503.2.8 is deleted and replaced with a new section to read as follows:

**503.2.8 Angles of approach and departure.** An angle of approach and an angle of departure must be designed so that at least 8 degrees is maintained at the front and the rear of the fire department's apparatus when loaded to the estimated in-service weight.

## Points of Potential Contact of Aerial Apparatus



Aerial Apparatus Driver/Operator  
5-23



(25) Section 503.3 is deleted and replaced with a new section to read as follows:

**503.3 Marking.** Where the fire code official requires approved signs or other approved notices, such signs shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and replaced or repaired when necessary to provide adequate

visibility. Whenever any provision regarding the regulation of fire lanes contained in the code is in conflict with the provisions of this section, the provisions of this section will apply. The owner of a building or property for which fire lanes have been approved or required by the fire code official shall mark and maintain said fire lanes as follows.

- (a) Fire lanes may not be located immediately adjacent to a structure if other possible locations exist that are not immediately adjacent but close enough to give sufficient access to at least three sides of the structure. The minimum corner radius on the turns must be 25 feet on the inside and 50 feet on the outside.
- (b) All curbs and curb ends must be painted red with white lettering 4 inches high and at least one half-inch (1/2") stroke, stating "NO PARKING – FIRE LANE." Wording may not be spaced more than 25 feet apart. Fire lanes must be marked on both sides of access roads so as to assure a minimum of 20-26 foot clear width in the middle of said access roads.
- (c) In areas where fire lanes are required but no continuous curb is available, one of the following methods must be used, in conjunction with curb markings where possible, to indicate that the fire lane is continuous:

  - (i) Signs may be not less than twelve inches (12") wide by eighteen inches (18") tall. Signs must read "NO PARKING-FIRE LANE" and have a white, reflective background with red lettering not less than two inches (2") tall and with three-eighths inch (3/8") stroke. Signs must be installed conspicuously along the edge of the fire lane, spaced no greater than 25 feet apart, alternating on either side of the road, and their height must equal 6 feet to the bottom of the sign.
  - (ii) From the point the fire lane begins to the point the fire lane ends, including behind all parking spaces which adjoin a fire lane, there must be painted one continuous red stripe having a minimum width of at least six inches (6"). Fire lanes must be stenciled every 25 feet apart "NO PARKING FIRE LANE" with white lettering four inches (4") high and at least one half-inch (1/2") stroke. Fire lanes must be so marked on both sides of the lane.

(26) A new Section 503.3.1 is added to read as follows:

**503.3.1 Maintenance of markings.** The owner of a building or property on which a fire apparatus access roadway or fire lane is required shall be solely responsible for the maintenance of such roadways or fire lanes and all required signs. No such person(s) shall abandon, close, or alter the fire apparatus roadway or any part thereof without permission of the fire chief. The owner shall be responsible for ensuring that the fire apparatus roadways are clear at all times.

(27) Section 503.6 is deleted and replaced with a new section to read as follows:

**503.6 Security Gates.** The installation of a security gate across a fire apparatus access road must first be approved by the fire chief. Where a security gate is authorized, such gate must include a siren operated sensor and/or manual access controls (KNOX Gate opener). The siren operated sensor must open the gate when approached by a fire emergency apparatus. Manual access controls must open the gate during non-emergency responses and serve as a backup in the event that the siren operated sensor fails to operate. The owner is responsible for maintaining the access controls and the siren operated sensor system at all times so that the gate remains accessible for emergency access. Electric gate operators, where provided, must be listed in accordance with UL 325. Gates intended for automatic operation must be designed, constructed and installed to comply with the requirements of ASTM F 2200.

(28) Section 506 is deleted and replaced with a new section to read as follows:

**506.1 Key boxes required.** The following structures and properties must be equipped with a key lock security system box at or near their main entrance or at such other location and/or specification as the fire code official may require:

- (a) Structures that are either equipped with, or required to be equipped with, fire sprinkler systems or fire systems or fire detection alarm systems that report to an alarm monitoring center;
- (b) Multi-family residential structures that have restricted access through locked doors or gates and that have a common area or corridor for access to the living units;
- (c) Buildings that contain 6 or more occupancies within the same structure that have restricted common entryways and exit ways into the common area of the building.

(d) Properties having mechanical gates that control vehicular and pedestrian access to commercial property or to private streets in subdivisions, apartment complexes, condominiums, or other residential developments which contain more than two residential units; or

(e) Commercial properties with parking garages or secured parking and storage unit areas that will restrict access for emergency services.

**Exception:** Single family residential dwellings

**506.2 New construction.** All newly constructed structures subject to this section must have the key lock box installed and operational prior to the issuance of an occupancy permit. Any existing structure subject to the key lock box requirement that does not have a key lock box installed and operational must have the same installed as soon as practicable, but in no event later than 30 days after the effective date of these regulations.

**506.3 Type of key lock box required.** The fire code official shall designate the type of key lock box system to be implemented within the City and shall have the authority to require owners of all structures and/or properties to use the designated system.

**506.4 Access to buildings.** The owner of a structure and/or property required to have a key lock box shall at all times keep the required keys in the lock box that will allow for access to the structure or property. Required keys must not include keys to individual living units.

(29) Section 507.3 is deleted and replaced with a new section to read as follows:

**507.3 Fire flow.** The approved method to determine the required fire-flow for buildings or portions of buildings and facilities must comply with Appendix B of this code.

(30) Section 901.4.6 is deleted and replaced with a new section to read as follows:

**901.4.6 Pump and riser room size.** The main fire sprinkler valve assembly and riser area must be installed inside the building. The fire chief may require a door that provides direct access from the exterior wall into the room containing fire sprinkler controls. The main fire sprinkler valve assembly and riser area must be installed in accordance with NFPA 13 and must be equipped with a listed double horizontal or

vertical backflow prevention device(s) sized to match the riser piping.  
Clearance around the fire riser and other equipment may not be less  
than 36 inches. This room must be designed and used for fire protection  
and fire detection equipment only. Fire pump and automatic sprinkler  
system riser rooms must be provided with a door(s) and an unobstructed  
passageway large enough to allow removal of the largest piece of  
equipment.

(31) A new Section 901.4.6.5 is added to read as follows:

**901.4.6.5 Exterior identification of main fire sprinkler valve assembly and riser area.** Where an exterior access door is required by the fire chief, a weatherproof horn and strobe unit must be installed on the exterior wall outside of the main fire sprinkler valve assembly and riser area. The horn and strobe unit must be installed according to the requirements for a water-flow notification appliance referenced in NFPA 13 and interconnected to actuate concurrently with the water-flow alarm-initiating device of the system, but its placement is in addition to the minimum requirements for water-flow alarm, unless otherwise approved by the fire chief.

(32) Section 901.5 is deleted and replaced with a new section to read as follows:

**901.5 Installation Acceptance Testing.** Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains, and all other fire protection systems and appurtenances thereto must be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official must be notified before any required acceptance testing. The fire code official shall witness all required acceptance tests for all these systems.

(33) A new Section 903.3.1.4 is added to read as follows:

**903.3.1.4 NFPA 13D sprinkler system.** If by definition, a one- and two-family dwelling is defined as an R1 occupancy, a 13D dedicated system, at a minimum, is required to be installed. A 13D multi-purpose system is not allowed under this application.

(34) Section 906.1 is amended by deleting the exceptions.

(35) A new Section 912.2.1.1 is added to read as follows:

**912.2.1.1 Remote Fire Department Connections.** Remote fire department connections (“FDC(s)”) must be located at a distance of  $1\frac{1}{2}$  times the building or structure height or at least 40 feet away from the building, whichever is greater; and in a remote location approved by the fire code official. FDCs must be located within 75 feet of a fire hydrant and 25 feet of a fire lane; a minimum of two (2) feet above finished grade and a maximum of four (4) feet above finished grade for standard inlets; and a minimum of 30 inches at lowest point above finished grade and maximum of four (4) feet above finished grade for the five inch (5”) inlet. The approval of the fire code official is required as to the location of any freestanding FDCs.

(36) A new Section 912.5.1 is added to read as follows:

**912.5.1 Signs.** All signs utilized for the following must be as listed below for FDC and Dry Stand Pipe Only and comply with the following:

- (a) constructed from a 15 inches high by 18 inches wide metal substrate no thinner than .063”;
- (b) have rounded corners;
- (c) background color must be “Fire Engine Red” non-reflective; and
- (d) white reflective letters must be used as follows:
  - (i) letters must be a font comparable to “Folio medium” or “Helvetica medium”;
  - (ii) first line must be six inch (6”) high letters with three inch (3”) spacing between letters;
  - (iii) second and third lines shall be two inch (2”) high letters with one-half inch ( $\frac{1}{2}$ ”) spacing between letters;
  - (iv) must be a one inch (1”) margin completely around sign and one inch (1”) spacing between lines of text;
  - (v) must be two inch (2”) spacing between complete words;
  - (vi) second line must have the building address numbers; and
  - (vii) where applicable, the third line shall have the building number (alpha or numeric as assigned by Kerr County 911) if the

FDC system supplies the fire sprinkler system to only one building in a multi-building complex or the individual lease space number where the FDC only supplies a sprinkler system to an individual lease space.

(e) The sign must be permanently attached to a wall directly above a wall mounted FDC on existing buildings and subject to the following:

(i) where sign is attached to an existing building, it must be 72 inches from the ground to the bottom of sign, unless otherwise approved by the fire code official; and

(ii) where the sign is to be mounted to a remote FDC, it must be mounted on a galvanized steel pipe, such as a chain link fence post. The post must be mounted behind the FDC within 1 to 1½ feet from the FDC or an area approved by the fire code official. The post must be set in concrete below ground. The sign must be mounted to the post four to six inches (4-6") above the FDC. The sign must be mounted to the post using stainless one-way screws or stainless bolts using a stainless locking nut. The post must be cut to four inches (4") above the sign and a cap placed on top of the post.

(37) A new Section 912.6.1 is added to read as follows:

**912.6.1 Backflow Prevention.** When distance from City tap to riser is greater than 100 feet, the backflow prevention must be placed at the tap in a vault. Where such distance is less than 100 feet, the backflow prevention may be placed on the riser.

(38) A new Section 1003.8 is added to read as follows:

**1003.8 Special Provisions.** Rooms in E occupancies used for kindergarten or daycare with children age 5 or under may not be located above or below the first story.

(39) A new Section 1010.1.10.3 is added to read as follows:

**1010.1.10.3 Exit hardware.** Panic and fire exit hardware is required on all exit doors with the exception the main/front door in all commercial occupancies. Regardless if additional exit doors are required by this code or placed at the request of owner or occupant, additional exit doors must also have panic and fire exit hardware with self-closures installed.

(40) A new Section 2301.7 is added to read as follows:

**2301.7 Responsibility for cleanup.** A person responsible for any unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual. When the fire code official deems necessary to minimize damage or to protect public health, safety or welfare, the City may initiate cleanup. Costs associated with such cleanup must be borne by the person responsible for the unauthorized discharge. Costs incurred by the City for the cleanup must be reimbursed to the City within 10 days after written demand.

(41) A new Section 2303.2.2 is added to read as follows:

**2303.2.2 Additional emergency disconnect for attended self-service.** Attended facilities must have an additional emergency disconnect switch located inside the building for attendant use at a location approved by the fire code official.

(42) A new Section 2304.3.8 is added to read as follows:

**2304.3.8 Additional fire protection devices.** Additional fire protection must be provided where required by the fire code official. Additional fire protection considerations may include such items as fixed suppression systems, automatic fire detection, manual fire alarm stations, and/or transmission of alarms to offsite locations.

(43) A new Section 5607.16 is added to read as follows:

**5607.16 Blasting permits.**

**(a) General requirements for blasting permits.** An operational permit is required from the City prior to the commencement of blasting operations. The fire code official shall deny issuing the permit when in his or her opinion a substantial danger exists to life, health, or property in the immediate area exposed to the blasting for which a permit is being requested. Should no such condition exist, the fire code official shall seek the review and approval of City departments which may be affected by such activities. When in the opinion of the fire code official such departments have a valid objection to the issuance of a permit, no permit may be approved until such objection has been resolved to the satisfaction of the fire code official.

(b) Insurance requirements. Any applicant for a blasting permit shall meet the following insurance requirements:

WORKERS' COMPENSATION - as required by law

COMPREHENSIVE GENERAL LIABILITY -

\$1,000,000.00 per occurrence

\$2,000,000.00 annual aggregate

AUTOMOBILE LIABILITY -

\$10,000.00 each occurrence

\$250,000.00 medical

Each insurance policy must name the City as an additional insured on the certificate of insurance. The policies must include a waiver of subrogation in favor of the City. The certificate of insurance must provide that the City will be provided at least 30 days prior written notice of cancellation or modification of coverage.

(c) General requirements for blasting permit. A blaster shall:

(i) be at least 21 years of age;

(ii) have general knowledge of federal, state, and local laws and regulations pertaining to explosive materials; and

(iii) Have no record of criminal charges or convictions relating to blasting activities from a federal, state, county, or municipal court.

(d) Blast monitor required. A blast monitor, such as a seismic blast recording machine, and a monitoring technician not employed by a blasting operator is required during all blasting operations. Monitoring technicians must be trained in the proper placement of monitor sensors and proper function of the instrument to be used. All monitoring reports must carry the seal of a State of Texas Professional Engineer and must be retained by the permit holder. These reports must be made available to the City upon request.

**EXCEPTION:** When, in the opinion of the City Engineer, the damage to structures or buildings due to blasting operations is unlikely, (a) the requirements for the need for a monitor may be waived; or, (b) the fire code official may allow a trained blasting

operator, rather than an independent technician, to operate the monitor and maintain the required records.

(e) *Wire specifications.* Blasting trunk wire of 18 gauge minimum must be used while conducting blasting operations.

(f) *Blasting machine specification.* Approved blasting machines must be used. All other equipment is prohibited.

(g) *Detonating cord use.* A detonating cord may be used only when approved by the blasting permit. Unauthorized use of detonating cord will result in the revocation of the blasting permit and is unlawful.

(h) *Additional conditions.* The fire code official or City Engineer may establish or require other conditions for approval of a permit application if those conditions are necessary, in the judgment of the fire code official or City Engineer, to adequately protect public health, safety, and welfare. Such conditions may include: reduction of allowable particle velocities; additional monitoring requirements; modifications to permissible hours of operation; changes in type and amount of explosives used; and requirement that blasting plans be approved by a professional engineer.

(44) A new Section 5608.1.1 is added to read as follows:

**5608.1.1 Prohibition of sale or shooting of fireworks inside city limits; exception.** It is unlawful for any person to possess, sell, use, shoot, discharge, explode, ignite, or display any fireworks within the City, except as provided in this section. A public fireworks display is permissible provided that all state and local laws are met and a permit is issued by the City. The applicant shall meet the insurance requirements specified below as a prerequisite to obtaining a permit. Insurance requirements for a public fireworks display must include commercial general liability insurance. All insurance must name the City as an additional insured and the insurance certificates must provide that the City is provided 30 days prior written notice of cancellation or modification of coverage. Insurance must include a waiver of subrogation in favor of the City. The insurance provided by the supplier and/or operator also must name the sponsor as an additional insured. Any applicant for a fireworks display permit must meet the following insurance requirements:

AGGREGATE –

\$3,000,000.00 combined single limit.

Bodily injury/property damage per occurrence \$1,000,000.00 combined single limit.

Personal injury \$500,000.00

Medical \$5,000.00

No such permit will be granted to any applicant more than twice during any calendar year. A fireworks display must be concluded not later than 10:00 p.m. on the date specified.

As used in this Section, the term “fireworks” is given its usual and ordinary meaning and includes the following: firecrackers, Roman candles, sparklers, torpedoes, buzz bombs, skyrockets, atomic wings, aerial flash salutes, and trailblazers.

(45) Section 5704.2.9.6.1 is amended to add the following Zoning Districts as to where such storage tanks are prohibited: RE, R-1, R-1A, R-2, R-3, RM, RT, C-1, DAC, and MU.

(46) A new Section B105.4 is added to read as follows:

**B105.4 Fire Flow Testing.** Where a fire flow test(s) is required, a person must submit an application and the applicable fee to the City for the City to perform such test. The City shall conduct the test by utilizing a modeling system. If for any reason a live fire flow is requested or a person seeks an alternative method for testing, the City Engineer must approve.

(47) The following notes under Table C102.1 are deleted: f and g.

(48) A new Section C103.4 is added to read as follows:

**C103.4 Additional Distribution.** A fire hydrant must be located not more than 75 feet from an unobstructed and approved route to a fire department connection (FDC) located at ground level. The FDC may be installed in an approved remote location and within 75 feet to a fire hydrant. This distance and route is as approved by the fire code official.

(49) A new Section C103.5 is added to read as follows:

**C103.5 Hydrant location in relation to a building or structure.** A fire hydrant must be located remotely 1.5 times the building height or 40 feet from the building or structure, whichever is greater. This distance and route is as approved by the fire code official.

(50) Figure D103.1 is amended to add the following:

**Dead-End Fire Apparatus Access Road Turnaround.** Any street 150 feet long or longer must have a hammerhead or cul-de-sac at its end, which dimensions must be no smaller than the dimensions set out in Figure D103.1. Dead-end turnarounds are only permitted as one of the following: an Acceptable Alternative 120 foot Hammerhead, a round cul-de-sac with a 100 foot diameter, or a 150 foot hammerhead.

**NOTE:** See IFC Appendix D, Figure D103.1, diagram No. 4 amended from 60 foot distance from edge of hammerhead to middle of intersection, to 75 foot distance from edge of hammerhead to middle of intersection.”

**SECTION FOUR.** Chapter 50 “Fire Prevention and Protection,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 50-7 as indicated by the new language that is underlined (added) as follows:

**“Sec. 50-7. - Conflict with Federal and State law; and/or between NFPA 101 and IFC.**

- (a) This article shall be construed and applied under and in accordance with the Constitution and laws of the United States and the State of Texas (“Federal and State law”). For the purpose of this section, Federal and State law include administrative agency interpretative rules required or allowed to be adopted pursuant to law. In the event of a conflict between the NFPA Life Safety 101, 2018 Edition, and the International Fire Code, 2018 Edition and applicable Federal or State law, Federal or State law shall control and the City Code shall be interpreted and applied accordingly.
- (b) In the event a conflict occurs between the NFPA Life Safety 101, 2018 Edition, and the International Fire Code, 2018 Edition, the IFC shall control.”

**SECTION FIVE.** Future amendments, not including clarifications or technical notices of any type, of the IFC must be subsequently approved and adopted by City Council.

**SECTION SIX.** The City Secretary is authorized and directed to submit this amendment to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code as appropriate, to include renumbering Chapter 50 to start with Section 50-1.

**SECTION SEVEN.** The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 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). Each continuing day's violation under this Ordinance shall constitute a separate offense.

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

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

**SECTION TEN.** In accordance with Section 3.07 of the City Charter and Section 52.013(a) of the Texas Local Government Code, 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. The Ordinance shall then become effective in accordance with this Charter section.

**PASSED AND APPROVED ON FIRST READING,** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

**PASSED AND APPROVED ON SECOND AND FINAL READING,** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

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Bill Blackburn, Mayor

APPROVED AS TO FORM:

A blue ink signature in cursive script, appearing to read "Michael C. Hayes".

Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary



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

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**SUBJECT:** Ordinance No. 2020-27, second reading. 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:** January 12, 2021      **DATE SUBMITTED:** Nov 30, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20210112\\_Ordinance 2020-27 Zoning Code 401 W Water Street - second reading.pdf](#)

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

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

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

**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.

City Council approved Ordinance No. 2020-27 first reading on December 08, 2020.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2020-27 on second reading.

**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 08 day of DECEMBER, A.D., 2020.

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

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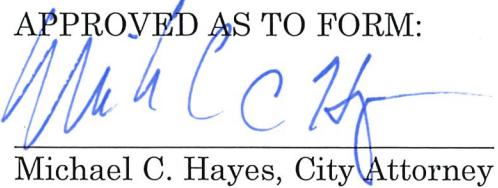
Bill Blackburn, Mayor

ATTEST:

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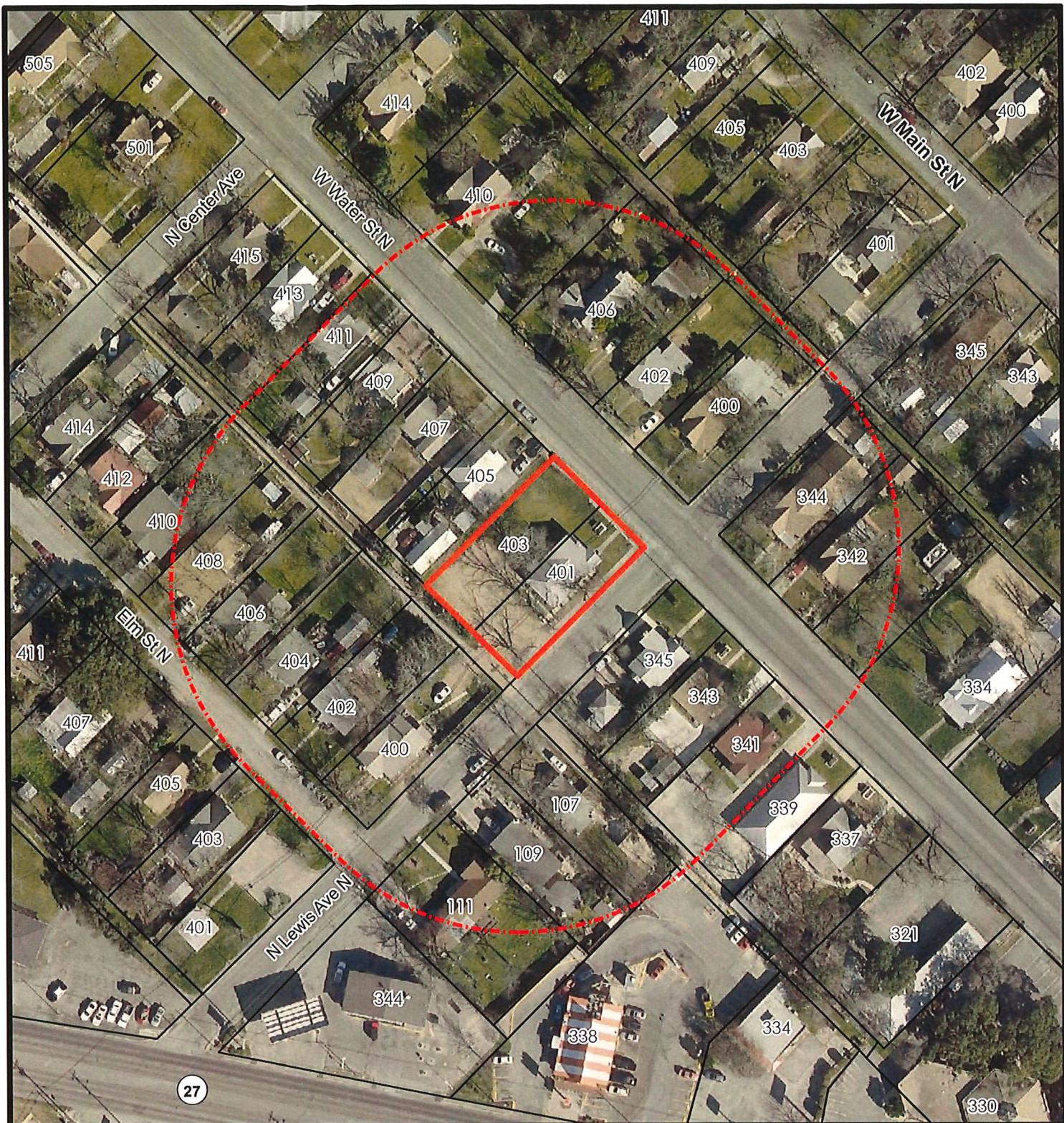
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



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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**

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**SUBJECT:** Ordinance No. 2020-26, second reading. 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:** January 12, 2021      **DATE SUBMITTED:** Nov 30, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20210112\\_Ordinance 2020-26 Annexing 5275 State Highway 27 - second reading.pdf](#)

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

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

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

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**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.

City Council approved Ordinance No. 2020-26 first reading on December 08, 2020.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2020-26 on second reading.

**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 the 08 day of DECEMBER, A.D., 2020.**

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

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Bill Blackburn, Mayor

ATTEST:

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Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



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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;

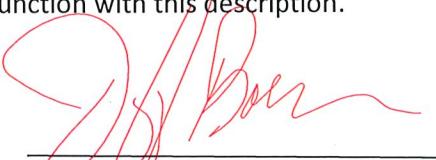
**THENCE S 52°12'48" E**, along the southwest right-of-way line of State Highway No. 27, **a distance of 449.84'** (S 52°14' E) to a  $\frac{1}{2}$ " rebar found for northeast corner at the northwest corner of Lot 1, Block 1, Kerrville Airport Commerce Park, Phase 1, recorded in Volume 7, Page 220, Plat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

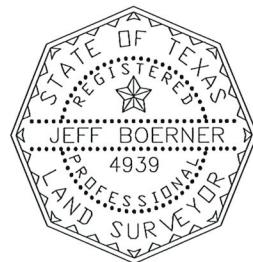
**THENCE S 89°07'25" W**, with the north boundary line of Lot 2R, Block 1, **a distance of 351.13'** (S 89°03'06" W, 351.18') to a  $\frac{1}{2}$ " rebar with "Voelkel" cap found for southwest corner in the east boundary line of the remaining portion of the called 141.38 acre tract;

**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



ADDRESS:  
5225 HWY 27 E.  
KERRVILLE, TX 78028

LEGEND

POB POINT OF BEGINNING  
( ) RECORD BEARING & DISTANCE  
COV COVERED  
MD MARK  
OPRK OFFICIAL PUBLIC RECORDS OF KERR COUNTY  
GA GUY ANCHOR  
DP DRAIN PIPE ENCASED IN CONCRETE

POWER POLE  
AIR CONDITIONING UNIT  
MAILBOX  
FIRE HYDRANT  
WATER VALVE

— ADJACENT LINE  
— BOUNDARY LINE  
— OVERHEAD POWER  
— X—X—X— WIRE FENCE

NORTH

GENERAL NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OR 1983, SOUTH CENTRAL (4204).
- DEPTHS SHOWN HEREON ARE IN FEET AND 0.00' VALUES.
- FIELD SURVEY COMPLETED 5-26-2020.
- VISIBLE IMPROVEMENTS/UTILITIES LOCATED WITHIN THIS SURVEY. NO SUBSURFACE FEATURES, EXCAVATIONS OR OTHER CONSTRUCTION PERTAINING TO THIS SURVEY. UNDERGROUND UTILITIES MAY EXIST WHICH ARE NOT SHOWN HEREON.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS FOR KERR COUNTY, TEXAS, THIS PROPERTY IS LOCATED OUTSIDE THE FEDERAL FLOODPLAIN. AREAS LOCATED WITHIN UNSHADDED ZONE 2 ARE DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE ANNUAL CHANCE FLOODPLAIN. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
- DEEDS, PLAT RECORDS, OWNERSHIP, LOCATION, OR DEVELOPMENT OF MINERALS RELATED TO THE SUBJECT TRACT FALL OUTSIDE THE SCOPE OF THIS SURVEY. SUCH MATTERS SHOULD BE DIRECTED BY THE CLIENT OR PROSPECTIVE PURCHASER TO AN EXPERT CONSULTANT.

TITLE COMMITMENT NOTES:

REFERENCE COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE GUARANTY COMPANY, OF NO. 42849, HAVING AN EFFECTIVE DATE OF APRIL 8TH, 2020 AND AN ISSUED DATE OF APRIL 10TH, 2020. NO FURTHER RESEARCH FOR EXEMPTIONS OR ENCUMBRANCES WAS PERFORMED BY MDS LAND SURVEYING COMPANY, INC.

- THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW.

VOLUME 1099, PAGE 408 AND AMENDED IN VOLUME 1140, PAGE 243, REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS

10. THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS.

B. EASEMENT TO SOUTHWESTERN BELL TELEPHONE COMPANY DATED AUGUST 25, 1971, RECORDED IN VOLUME 6, PAGE 535, EASEMENT RECORDS OF KERR COUNTY, TEXAS.

(SHOWN HEREON)

C. RESERVATION OF WATER RIGHTS AS DESCRIBED IN DEED DATED DECEMBER 15, 2000, EXECUTED BY RICHARD B. COLVIN AND NANCY W. COLVIN TO CHAPMAN BUILDING SYSTEMS, INC., RECORDED IN VOLUME 1099, PAGE 413, OF THE REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS.

(NOT A SURVEY MATTER)

D. EASEMENT TO THE CITY OF KERRVILLE DATED MAY 17, 2002, RECORDED IN VOLUME 1195, PAGE 20, REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS.

(SHOWN HEREON)

E. EASEMENT TO BANDERA ELECTRIC COOPERATIVE, INC. DATED JULY 10, 2012, RECORDED IN DOCUMENT NO. 12-5050, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS.

(EASEMENT IS DESCRIBED AS 10' WIDE AND CENTERED ON LINES AS INSTALLED, UNDERGROUND UTILITIES WERE NOT INCLUDED IN THE SCOPE OF THE SURVEY, EASEMENT CANNOT BE SHOWN HEREON DUE TO AN INSUFFICIENT DESCRIPTION OF RECORD)

LOT 1, BLOCK 1  
KERRVILLE AIRPORT COMMERCE  
PARK PHASE I  
VOLUME 1, PAGE 220  
PLAT RECORDS  
KERR COUNTY, TEXAS

PLAT SHOWING 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 THE  
COSTANZA TRACT, 5.00 ACRES, THAT IS RECORDED IN VOLUME  
1140, PAGE 80, OFFICIAL PUBLIC RECORDS OF KERR COUNTY,  
TEXAS.

LAND TITLE SURVEY  
OF  
**5.00 ACRES OUT OF THE  
O.V. ROBINSON  
SURVEY No. 44,  
ABSTRACT No. 282  
KERR COUNTY, TEXAS  
MAY 2020**

STATE OF TEXAS  
COUNTRY OF KERR

6

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION, THIS 26TH DAY OF MAY, 2020, THAT THE PLAT IS CORRECT, THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

*Jeff Boerner*  
JEFF BOERNER  
REGISTERED PROFESSIONAL LAND SURVEYOR

# 4939  
TEXAS REGISTRATION NO.  
REVISED: 08-20-2020



**MDS** LAND SURVEYING  
COMPANY, INC.  
ALTA | BOUNDARY | CONSTRUCTION | OIL & GAS | TOPOGRAPHIC  
TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FIRM REGISTRATION NO. 10079500  
7208 SIDNEY BAKER - KERRVILLE, TX 78028 • 830-696-1814  
JOB No. 20-116-00 SURVEYORS: JB/TA SHEET 1 OF 1

## 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, 9/1/2020  
M. R.

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 5<sup>th</sup> 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.

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

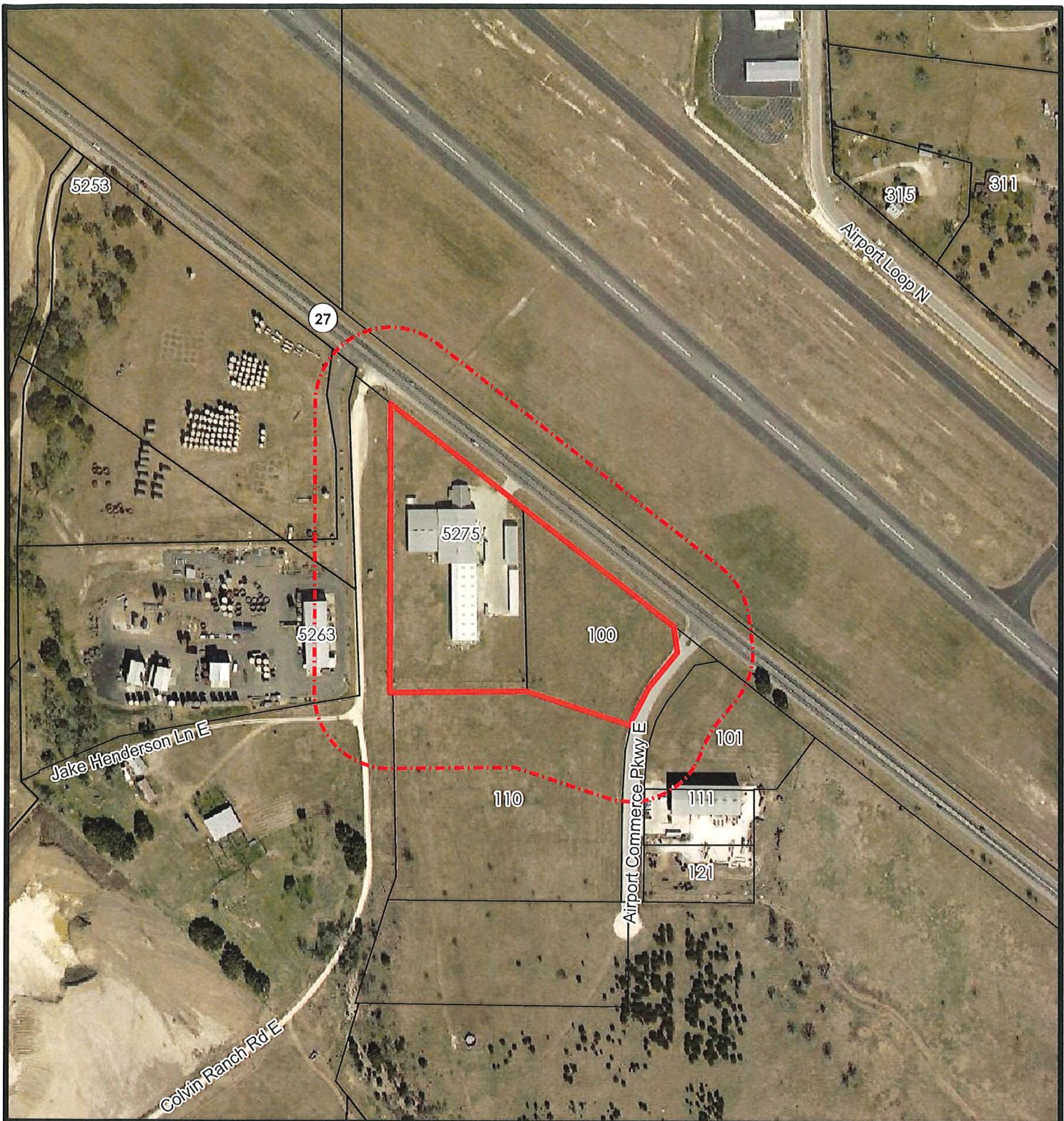
SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
<b>Fire Protection and Emergency Medical Services (EMS)</b>	Fire protection and emergency medical services will be provided to the annexation area. The City will serve the annexation area from existing fire stations closest to the area of annexation. Emergency 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
<b>Fire Prevention</b>	The services of the City of Kerrville Fire Marshall shall be provided to the area.	Immediately following annexation.
<b>Library</b>	Residents of the area, if any, will continue to be entitled to utilize all City of Kerrville Library facilities.	Immediately following annexation.
<b>Parks and Recreation Facilities</b>	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
<b>Police Protection</b>	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
<b>Maintenance of Existing Roads &amp; Streets</b>	<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"> <li>1. Emergency maintenance of streets to include repair of hazardous potholes, ice and snow monitoring of major thoroughfares necessary for traffic flow.</li> <li>2. Routine maintenance of public streets and rights-of-way performed within the City.</li> <li>3. Street sweeping services may occur based upon need and funding.</li> <li>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.</li> </ol>	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
<b>Solid Waste Collection</b>	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
<b>Traffic Engineering</b>	Traffic control devices and street markers shall be installed where deemed necessary by the city street department, except as provided by the Texas Department of Transportation.	Immediately following annexation
<b>Water Service</b>	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
<b>Wastewater Service</b>	<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
<b>Provision for Other City Services</b>	<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**

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**SUBJECT:** The following Resolutions will be presented and considered together as one item:

9A (1) Resolution No. 06-2021. A Resolution concerning air quality permit (RN 163301), which if approved will authorize the construction and operation of a permanent rock and concrete crushers (quarry) at a site south of the intersection of Al Mooney Road and State Highway 27; expressing concerns regarding public health, safety, and welfare implications due to the impact of this operation; and urging thorough review of said application.

9A (2) Resolution No. 01-2021. A Resolution adopting the City of Kerrville's 2021 State Legislative priorities for the 87th Texas Legislature.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Jan 06, 2021

**SUBMITTED BY:** Mark McDaniel

**EXHIBITS:** [20210112\\_Resolution 06-2021 Air quality permit operation of rock and concrete crusher.pdf](#)  
[20210112\\_Resolution 01-2021 2021 State Legislative Priorities.pdf](#)

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

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

<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	P - Parks / Open Space / River Corridor
<b>Guiding Principle</b>	P1. Enhance the aesthetics and mitigate the ecological impacts of development on the River corridor while preserving scenic views and the natural beauty of the area
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

Item 9A (1): West Texas Aggregate has recently begun some operations on property between the Guadalupe River and Fox Tank, which is also behind Killdeer Mountain Manufacturing's (KMM) new facility and near the James Avery Craftsman manufacturing

plant. While most of the subject project is currently located in the City's ETJ, Kerrville 2050 has designated this area to be part of Strategic Catalyst Area 11 and a future investment location. This area is already a major employment center for the City, and will continue to grow with the addition of KMM.

Parties in opposition need to submit their comments to the Texas Commission on Environmental Quality (TCEQ) before January 15, 2021. The attached Resolution expresses the City's opposition to the permanent permit given air quality, water, environmental, safety, and economic development concerns.

Item 9A (2): The Texas Legislature meets regularly every other year in the spring of odd-numbered years. As such, for Council consideration the City staff has prepared a Legislative Agenda for the upcoming 2021 Legislative Session. The attached Resolution supports this Legislative Agenda by outlining both broad and specific legislative efforts or concerns that may come up during the Session. In addition, it also authorizes City staff to engage in legislative or state agency processes to help educate local legislators and state officials as to the effect that various pieces of State legislation may have on the Kerrville community and/or City operations.

**RECOMMENDED ACTION:**

Approve Resolutions No. 06-2021 and No. 01-2021 as presented.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 06-2021**

**A RESOLUTION CONCERNING AIR QUALITY PERMIT (RN 163301), WHICH IF APPROVED WILL AUTHORIZE THE CONSTRUCTION AND OPERATION OF A PERMANENT ROCK AND CONCRETE CRUSHERS (QUARRY) AT A SITE SOUTH OF THE INTERSECTION OF AL MOONEY ROAD AND STATE HIGHWAY 27; EXPRESSING CONCERNS REGARDING PUBLIC HEALTH, SAFETY, AND WELFARE IMPLICATIONS DUE TO THE IMPACT OF THIS OPERATION; AND URGING THOROUGH REVIEW OF SAID APPLICATION**

**WHEREAS**, City Council finds it to be in the public interest and necessary for the public health, safety, and welfare to announce and submit its concerns regarding potential nuisances stemming from a proposed use that it believes is incompatible with surrounding uses and sound regional planning; and

**WHEREAS**, West Texas Aggregate, LLC, Midland, Texas, is seeking to build and operate a permanent rock and concrete crushers operation (quarry) at a site generally located south of the intersection between Al Mooney Road and State Highway 27; and

**WHEREAS**, a portion of the site is currently located within the City, with a remainder located within the City's extraterritorial jurisdiction; and

**WHEREAS**, West Texas Aggregate, LLC, has applied to the Texas Commission on Environmental Quality ("TCEQ") for an Air Quality Standard Permit (Registration No. 163301), which would authorize construction of the permanent rock and concrete crushers (quarry); and

**WHEREAS**, TCEQ is seeking written comments about the permit application, which the public may submit through TCEQ's website, though there is a deadline; and

**WHEREAS**, City Council is concerned about the proposed location of the permanent rock and concrete crushers operations (quarry) for reasons that include its compatibility with surrounding uses, such as the airport, industry, and residential areas; its impact on water quality due to the adjacency of the site to the Guadalupe River; and its consistency with the City's Comprehensive Plan; and

**WHEREAS**, City Council believes that approval of this permit may result in significant negative impacts to health, safety, and welfare of citizens; water

quality and availability; the watershed and floodplain; air quality; traffic flow; roadway safety; wildlife habitat; and property values within the City and its extraterritorial jurisdiction; and

**WHEREAS**, City Council is also concerned about potential noise pollution from the proposed permanent rock and concrete crushers (quarry) and the nuisance conditions that could result from the operation; and

**WHEREAS**, the site for the proposed permanent rock and concrete crushers (quarry) is located in the middle of a major and growing employment corridor, which includes jobs that are incentivized by the State of Texas and local jurisdictions; and

**WHEREAS**, City Council supports private property rights and the rights of property owners to develop their property as they wish so long as they do so in compliance with all federal, state, and local laws and regulations, and they do so in ways that do not impact surrounding property owners or their uses and property values; and

**WHEREAS**, based upon the information and concerns stated above, City Council finds that its action in adopting this Resolution is in the public interest as to the public's health, safety, and general welfare;

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

**SECTION ONE.** City Council hereby states its opposition to the permanent rock and concrete crushers operation pursuant to the application before TCEQ (RN 163301). Pursuant to this opposition, City Council requests the following:

1. That TCEQ, in reviewing the air quality permit application submitted for the construction and operation of the permanent rock and concrete crushers operations (quarry), use its expertise and authority to protect the health, safety, and welfare of the citizens, property owners, and environment of the City; and
2. That all operations at the proposed site, including air emissions, water usage and water protection, water run-off, and increased traffic be thoroughly reviewed for health, safety, and compatibility purposes; and
3. That the City's representatives in the Texas Legislature work with TCEQ to review requirements for air quality permits, water quality

oversight, and other environmental protections in Texas, for Texans, and strengthen them as needed.

**SECTION TWO.** City Council hereby directs City staff and/or the Mayor to submit written comments, including this Resolution, to TCEQ as evidence of the City's concerns. Such concerns may include the filing of these public comments with TCEQ, other state agencies, and the Texas Legislature along with seeking a contested case hearing or taking other appropriate actions.

**SECTION THREE.** City Council urges other local entities, to include Kerr County, the Upper Guadalupe River Authority, and Headwaters Groundwater Conservation District to consider the pending action before TCEQ regarding RN 163301 and to take steps to protect the public interest in accordance with their respective authority and missions.

**PASSED AND APPROVED ON** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

---

Bill Blackburn, Mayor

APPROVED AS TO FORM:



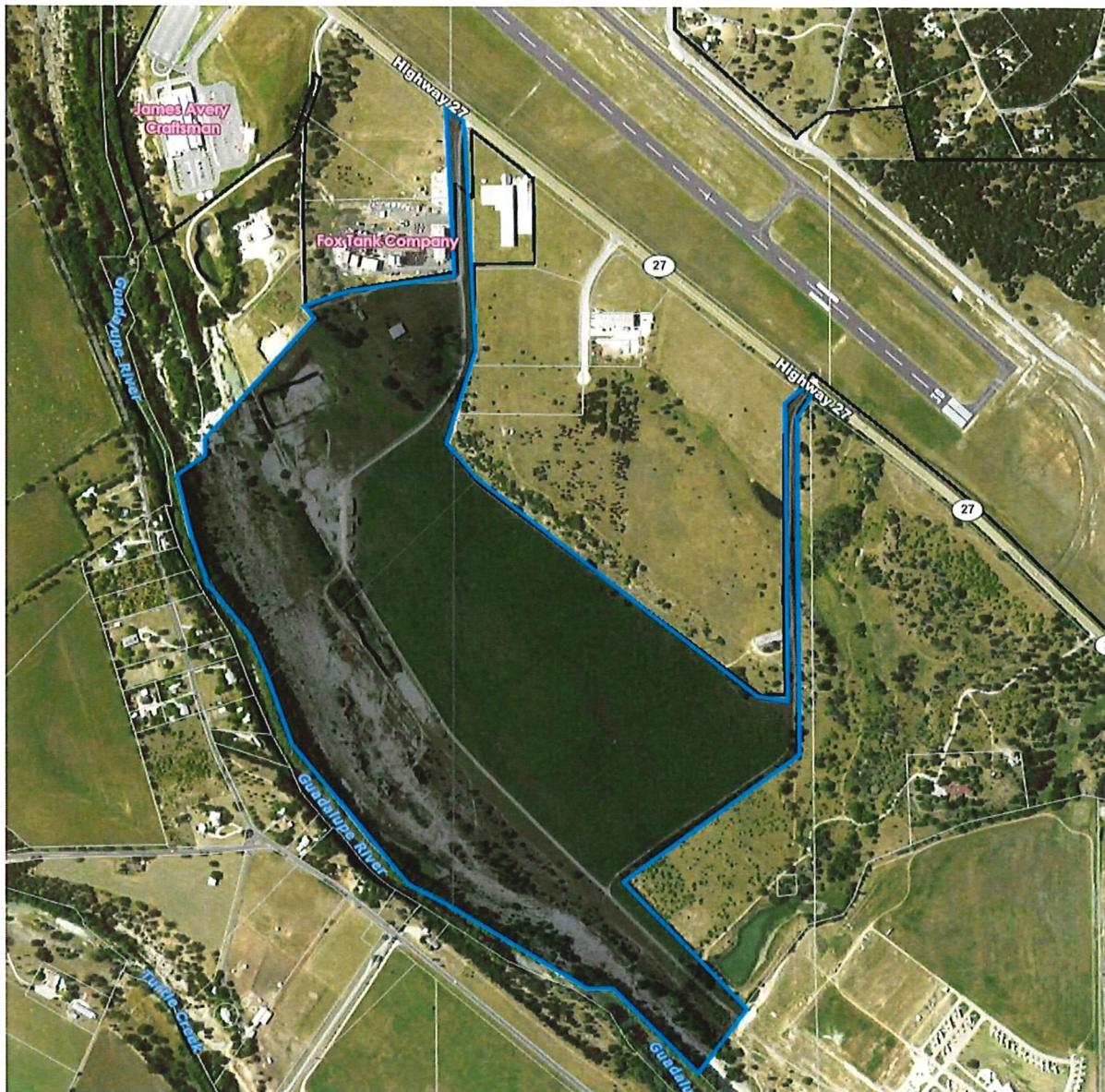
Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary

General location of site along HWY 27



**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 01-2021**

**A RESOLUTION ADOPTING THE CITY OF KERRVILLE'S 2021  
STATE LEGISLATIVE PRIORITIES FOR THE 87<sup>TH</sup> TEXAS  
LEGISLATURE**

**WHEREAS**, the 87<sup>th</sup> Texas Legislature is scheduled to commence in January 2021; and

**WHEREAS**, it is anticipated that many legislative issues affecting local government will be considered; and

**WHEREAS**, attached as **Exhibit A** is a proposed 2021 Legislative Program; and

**WHEREAS**, City Council is of the opinion that such 2021 Legislative Program is in the best interest of the City and the Kerrville community, to include citizens, businesses, and property owners, and should be adopted and forwarded for consideration to the Legislature; and

**WHEREAS**, City Council finds it to be in the public interest to adopt the City of Kerrville 2021 Legislative Program for the 87<sup>th</sup> Texas Legislature;

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

**SECTION ONE.** The City of Kerrville's 2021 Legislative Program for the 87<sup>th</sup> Texas Legislature, which is attached as **Exhibit A** ("Legislative Program"), is adopted.

**SECTION TWO.** The City Manager, City Attorney, or designees, are directed to communicate the items included in the Legislative Program to members of Congress, the Texas Legislature, in general, and/or to the appropriate legislative committees, committee members, and others designated by the City Manager, to include Senator Buckingham and Representative Murr.

**SECTION THREE.** Pursuant to the Legislative Program, the City Manager, City Attorney, or designees, are authorized to actively pursue or oppose the passage of legislation if it is introduced by some other entity. The efforts to obtain passage of legislation may include drafting appropriate legislation, seeking a sponsor, and actively pursuing passage of legislation by providing testimony and through other means. For items "opposed" by the Legislative Program, the City Manager, City

Attorney, or designees, are authorized to attempt to impede the passage of any such legislation.

**SECTION FOUR.** It is recognized that in carrying out and supporting the Legislative Program, any such activities will often be implemented in the context of great numbers of legislative proposals being considered within short time periods. City representatives, including City Council, are authorized to act on behalf of the City consistent with the necessary broad policy concerns set forth in the program, to include acting in conjunction with other cities and entities in both the area and statewide in furtherance of the City's goals.

**SECTION FIVE.** This Resolution is effective immediately upon approval.

**PASSED AND APPROVED ON** this the \_\_\_\_\_ day of \_\_\_\_\_ A.D.,  
2021.

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Bill Blackburn, Mayor

APPROVED AS TO FORM:

A blue ink signature of Michael C. Hayes.

Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary

***EXHIBIT A***

**City of Kerrville  
2021 Legislative Program  
87<sup>th</sup> Legislative Session**  
(to include Special Session(s), if any)

**I. General Purpose.** This 2021 Legislative Program (“Legislative Program”) is a guide for the City of Kerrville (“City”) with respect to its positions and priorities for the upcoming 87<sup>th</sup> Texas legislative session. The purpose of the City’s legislative efforts is to protect the City’s interests by advocating for what is in the best interest of the Kerrville community, to include its citizens, businesses, and property owners. The Texas Legislature considers making and then at times makes, significant decisions affecting Texas cities. Therefore, the City seeks to have a voice during the upcoming legislative session.

**II. Specific Interests and Goals.** As the level of government closest to its citizens, the City bears the primary responsibility for ensuring health and safety, for providing a variety of daily services, and for the provision of capital infrastructure. In line with these responsibilities, the following are the interests and goals of the City through this Legislative Program:

- A.** The City seeks to preserve home-rule authority for its citizens. The City may oppose bills that will provide for state preemption of municipal authority in general or specifically erode the City’s authority to govern locally.
- B.** Municipal revenue is made up of sources such as property tax, sales tax, right-of-way revenues, service fees, and court fines. The City seeks to maintain a predictable level of revenue and oppose state mandates that do not allow the City to provide a stable source of funding to meet the needs of its citizens.
- C.** The City supports legislation that would increase the uses for the revenue it receives from the application of hotel occupancy tax, to include making improvements to its parks and facilities.
- D.** The City opposes legislation that removes authority and choice from its citizens. The City opposes legislation that would erode authority for adequate compensation for use of the City’s public rights-of-way or erodes municipal authority over the management and control of its public rights-of-way, including by state or federal rules or federal legislation.

## ***EXHIBIT A***

- E.** Supporting a change in existing state law that would authorize the City, under specific conditions, to sell unused and unusable property that was dedicated to the City for park purposes. This authority would be similar to authority previously currently granted to other cities. Such specific conditions may include a park size of less than 1 acre.
- F.** Supporting a review by the Texas Legislature of rock (aggregate) mining operations (quarries) both within the City and within its extraterritorial jurisdiction as a way to mitigate the negative impacts of this industry to air and water quality and to balance the rights of this type of property use with the rights of other property owners to use and enjoy their properties.
- G.** The City supports funding and programs that are intended to increase services for those suffering from or otherwise impacted by mental health issues, to include access to medical care, housing, education, and training.



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

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**SUBJECT:** Construction Agreement with SJ&J Construction, LLC for the Guadalupe River Utility Crossing project in an amount of \$1,033,455.00.

**AGENDA DATE OF:** January 12, 2021    **DATE SUBMITTED:** Dec 23, 2020

**SUBMITTED BY:** Kyle Burow

**EXHIBITS:** [20210112\\_Bids\\_Guadalupe River Utility Crossing\\_Received Bids.pdf](#)  
[20200112\\_Letter\\_Kimley Horn recommendation letter SJ-J Construction.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$1,033,455.00	\$1,132,537.25	\$1,500,000.00	71-19001b

**PAYMENT TO BE MADE TO:** SJ&J Construction, LLC

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	W - Water / Waste-Water / Drainage
<b>Guiding Principle</b>	W1. Develop and maintain long-range water plans that prioritize infrastructure needs and identify funding sources.
<b>Action Item</b>	W1.2 - Determine short- and long-range timelines for increasing water supply (i.e., the amount to be added per period in accordance with the master plan)

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**SUMMARY STATEMENT:**

In October 2018, flooding along the Guadalupe River damaged and separated a steel frame bridge supporting a waterline and two reclaimed water lines. The damaged infrastructure was removed in February 2019. The City of Kerrville applied for Texas Water Development Board (TWDB) funding assistance to receive reimbursement for the costs to remove the damaged utility lines and support bridge in addition to the planning, acquisition, and design for the replacement of the utility lines in an alternative and more secure location. The City of Kerrville was awarded \$1,000,000.00 from the Clean Water State Revolving Fund and \$500,000.00 from the Drinking Water State Revolving Fund for a total of \$1.5 million for Emergency Relief stemming from the need left by the October 2018 flood. In August 2019, the City entered into a professional services agreement with Kimley-Horn & Associates, Inc. to implement the development of a feasibility and design

for the relocation of the potable water and reclaimed water systems. Kimley-Horn & Associates, Inc. received preliminary approval from the TWDB and Texas Department of Transportation (TxDOT) after a feasibility analysis, then completed the design of a new potable and two reclaimed water lines (3 total) connecting to the existing piping systems spanning across the Guadalupe River using the support of the existing Loop 534 TxDOT bridge. Construction bid documents were completed and the project was placed for advertisement. The bid opening was held online on October 23, 2020 and three bids were received with SJ&J Construction, LLC as the apparent low bid. Staff, along with Kimley-Horn & Associates, Inc., evaluated the contractor and recommend awarding the base bid contract amount of \$1,033,455.00 to SJ&J Construction, LLC.

**RECOMMENDED ACTION:**

Authorize the City Manager to finalize and execute a construction contract.

**APPARENT LOW BIDDERS****Kerrville Guadalupe River Utility Crossing**

<b>Bid Summary</b>	
Engineers Estimate	\$930,000
Total Bids	3
AMLT \$	\$422,945.00
AMLT %	40.93%
Average Bid	\$1,329,740.00

	<b>Bidder</b>	<b>BASE BID</b>
1	SJ&J CONSTRUCTION, LLC <i>Submitted: 10/23/2020 1:03:19 PM</i>	\$1,033,455.00
2	Qro Mex Construction Co. Inc. <i>Submitted: 10/23/2020 10:37:18 AM</i>	\$1,456,400.00
3	Keystone Construction <i>Submitted: 10/23/2020 2:50:29 PM</i>	\$1,499,365.00

*Bids opened at: 10/23/2020 3:04:15 PM*

# Kimley»Horn

December 30, 2020

Via Electronic Mail

Mr. Kyle Burow, P.E.  
Director of Engineering  
City of Kerrville

**RE: Recommendation Letter – Lowest Responsive Bidder  
Guadalupe River Utility Crossing  
SAWS Project No. 13-2506  
COK Project No. 19-016  
TWDB Project No. 73840  
KHA No. 064241005**

Dear. Mr. Burow:

We have reviewed SJ&J Construction, LLC's Reference and Qualification Package. In addition, we have contacted references from current and prior projects, listed in SJ&J's Reference Package.

Based upon our review of the qualifications and references, it is our opinion that SJ&J Construction, LLC is the lowest responsive bidder for the above referenced project.

Should you have any questions, do not hesitate to call me at 210-321-3417.

Sincerely,

Kimley-Horn and Associates, Inc.  
State of Texas Registered Firm #F-928

  
Kendall NeSmith, P.E.

Copy to: Mr. Hiwa Majeed, P.E., Texas Water Development Board



**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:** January 12, 2021    **DATE SUBMITTED:** Dec 17, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:**

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

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

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

**SUMMARY STATEMENT:**

On-going responsiveness to changing conditions and situations.

**RECOMMENDED ACTION:**

None at this time.



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

---

**SUBJECT:** Appointments to the Building Board of Adjustment and Appeals.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Aug 06, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20200128\\_Board Appointments\\_BBAA.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

The Building Board of Adjustment and Appeals require members: \* Architect - licensed to practice in the state; \* Professional Engineer - licensed to practice in the state; \* Master Electrician - licensed to practice in the state; \* Unrestricted Master Plumber - licensed to practice in the state; \*Mechanical Contractor with a Class A state license; \* A person licensed by the city as a contractor; \* A person active in the construction industry.

7 regular members require appointment, and 2 alternate members.

Six applications have been received: Master Plumber Mack Edmiston, Construction Industry Jennifer Hyde, Master Plumber David Lowery, Professional Engineer Bruce Motheral (reappointment), Construction Industry Bob Rue, and Architect Michael Walker (reappointment).

**RECOMMENDED ACTION:**

Appoint members to the Building Board of Adjustment and Appeals.



City of Kerrville  
701 Main Street  
Kerrville, Texas 78028  
(830) 257-8000

## BUILDING BOARD OF ADJUSTMENT AND APPEALS

At least quarterly at the call of the chair

NAME	ADDRESS	PHONE #	EMAIL ADDRESS	APPT	EXP	TERM#
Architect					8/31/21	
Professional Engineer					8/31/21	
Master Electrician					8/31/22	
Master Plumber					8/31/22	
Vacant: Mechanical Contractor with a Class A State License					8/31/22	
Contractor					8/31/21	
Active Construction Industry					8/31/21	
Alternate:					8/31/21	
Alternate:					8/31/22	

City Staff: Drew Paxton, Planning Director

Qualifications: Members shall be composed of the following:

An architect licensed to practice in the state;  
A professional engineer licensed to practice in the state;  
A master electrician licensed to practice in the state;  
An unrestricted master plumber licensed to practice in the state;  
A mechanical contractor with a Class A state license;  
A person licensed by the city as a contractor;

A person that is active in the construction industry; provided, however, if the city council determines that there is no architect or professional engineer available to serve on the board, then council shall select a second person meeting this description to serve.

Functions:

1. To hear appeals of decisions and interpretations of the chief building official and fire code official and to consider variances to the standardized building codes as more specifically described in Sec. 26-251 of Ordinance No. 2010-15. No appeal may arise out of the city's issuance of citation for violation of any of the standardized building codes as the procedure for the consideration and decision regarding citations is solely under the purview and authority of the municipal court. In addition, the board shall have no authority to waive, and is prohibited from waiving, any requirement of the standardized building codes.
2. Recommend amendments to this chapter; any standardized building code adopted by the city council; or any other code, application, or process applicable to the city's review, application, interpretation and enforcement of the standardized building codes with the goal toward addressing any deficiencies, voids, inconsistencies, inefficiencies, or technical errors.
3. To hear appeals, issue orders, and fulfill other duties pursuant to the authority established in Article VII of this Chapter for unsafe building abatement.

Number of Members: Seven and two alternates Quorum: Four

Established By: Ordinance No. 2010-15 and 2010-26; Revised by Ordinance No. 2017-09; Revised by Zoning Code Ord 2019-17

Term Limit: 3 Term Date: Exp August 31 - 2 YR Terms



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

---

**SUBJECT:** Appoint members to the Library Advisory Committee.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Sep 14, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20201110\\_Library Advisory Board.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

Three vacancies exists.

One vacancy is due to County Commissioner Tom Moser, who will be a renewal.

Four applications have been received: Alfred Anderson, Bev Avery, Janyce Fry, and Carol Wichman (reappointment).

The interview team for this board is Councilmember Place 3 Judy Eychner and Councilmember Place 4 Brenda Hughes.

**RECOMMENDED ACTION:**

Appoint members.

## LIBRARY ADVISORY BOARD

Name	Term	Start date	End date
Megan Bean	1	14-Jan-20	30-Nov-22
Joseph Conklin	1	9-Oct-19	<b>22-Nov-20</b>
Tom Moser	1	9-Jan-18	<b>22-Nov-20</b>
Erin Sullivan	1	14-Jan-20	22-Nov-22
Carol Wichman	1	9-Jan-18	<b>22-Nov-20</b>

The Library Board is an Advisory Board to the City Council that shall have the authority to hold meetings within the city and to consider and make recommendations to the Council from time to time on any and all matters pertaining to the Library.

Members must maintain a library card in good standing. Kerrville City Council shall appoint four (4) members; and The Friends of the Butt-Holdsworth Memorial Library shall appoint one (1) member.

5 members, 2 year terms with a 2 term limit

Staff Liaison: Danielle Brigatti

Ordinance No. 1967-17 amended by Ordinance Nos. 80-5, 84-14, 84-58, 85-01, 87-24, 87-60, 87-61, and 2005-19 (in its entirety) Resolution Nos. 045-2006, 107-2006, 076-2007, and 122-2007 did not change this board. Code of Ordinances: Chapter 66 - Article II Sections 66-31 through 66-34  
Amended by Ordinance No. 2010-05 Amended by Ordinance No. 2011-16  
amended by Ordinance 2017-11



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

---

**SUBJECT:** Appoint members to the Kerrville Recovery Community Coalition.

**AGENDA DATE OF:** January 12, 2021      **DATE SUBMITTED:** Sep 11, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20201208\\_Board Roster\\_Recovery Community Coalition 9-01-02.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

Eight vacancies exists.

Eight applications have been received: Randie Benno (7) reappointment; Joseph Duprie (3) (4); LeighAnn Fitzpatrick (5) reappointment; Thomas Hurt (4); Sabine Kuenzel (8) reappointment Joseph Piszcior (6); Nikki Saurage (3); and Cynthia Tate (4)

The interview team for this board is Councilmember Place 1 Gary Cochrane and Councilmember Place 3 Judy Eychner.

**RECOMMENDED ACTION:**

Appoint members.

RECOVERY COMMUNITY COALITION				
Name	Position	Term	Start date	End date
Brittany Andry	2	1	14-Jan-20	31-Dec-21
Randie Benno	7	1	22-Jan-19	31-Dec-20
Brian Brannon	8	1	N/A	31-Dec-20
Micheal Brooks	1	1	14-Jan-20	31-Dec-21
LeighAnn Fitzpatrick	5	1	13-Mar-18	31-Dec-20
Laura Godwin	2	2	1-Jan-17	31-Dec-20
Kara Grant	3	1	11-Dec-18	31-Dec-20
Sabine Kuenzel	3	1	8-Jan-19	31-Dec-20
Christa Lovett	4	1	14-Jan-20	31-Dec-21
Lesley Marek	8	1	14-Jan-20	31-Dec-21
Claudia Richner	4	2	14-Jan-20	31-Dec-21
Richard Stolpman	3	2	14-Jan-20	31-Dec-21
Dale Trees	8	2	10-Jan-17	31-Dec-20
Kendall Young	4	2	14-Jan-20	31-Dec-21
<b>Vacancy</b>	6	1	14-Jan-20	31-Dec-21

NOT ELIGIBLE FOR REAPPT

NOT ELIGIBLE FOR REAPPT

**PURPOSE:** To enhance the opportunities for the recovery community to become fully integrated into the fabric of Kerrville. The Coalition shall work toward considering and identifying strategies and techniques for reducing barriers for the recovery community to be fully integrated into the local community as well as to identify and advocate goals and ideas for enhancing positive relationships by and amongst the recovery community.

**DESCRIPTION:** On annual basis, or more frequently as deemed proper by the Coalition or City Council, the Coalition should attend and report its conclusions, achievements, ideas, desires and plans to the City Council. It is recommended that the initial issue with which the Coalition is charged to review is Ordinance No. 2013\_06 (Chapter 30, Article I, code of Ordinances), which addresses the operation of group homes and boarding home facilities operating within the City.

**QUALIFICATIONS:** At least one member from each of the following, but any of which may include more than one member:

1. Owner of a male boarding home facility with valid permit issued by the City;
2. Owner of a female boarding home facility with valid permit issued by the City;
3. Member of the recovering community;
4. Citizen of Kerrville with interest in these issues;
5. Representative of mental health support organizations such as Kerrville State Hospital;
6. Representative of Peterson Health
7. Representative of Hill Country MHDD Centers; and
8. Representative from a residential addiction treatment facility located within Kerr County.

Members: 15

Term: 2 years

Term limit: 2 terms

Contact: Chief Dannie Smith

Resolution: 26-2016



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

---

**SUBJECT:** Reaffirmation of member appointments and alternate member appointments to the Zoning Board of Adjustment. (This item is eligible for discussion in Executive Session 551.074).

**AGENDA DATE OF:** January 12, 2021    **DATE SUBMITTED:** Dec 17, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:**

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

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

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

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**SUMMARY STATEMENT:**

Confirming appointments from 12/08/2020 meeting.

Four vacancies existed for the Zoning Board of Adjustment at the December 08, 2020 City Council meeting. Six applications were discussed: Mike Asmus, Pablo Brinkman, Michael Killeen, Bill Morgan, Jim Sandy, and Paul Zohlen.

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

**RECOMMENDED ACTION:**

Appoint members.