

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY JUNE 28, 2011, 6:00 P.M.

CITY HALL COUNCIL CHAMBERS

800 JUNCTION HIGHWAY, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, JUNE 28, 2011, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
800 JUNCTION HIGHWAY, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION offered by Reverend Patty Edwards, Unity Church of the Hill Country.

PLEDGE OF ALLEGIANCE TO THE FLAG led by Kevin West and Jayden, with Big Brothers Big Sisters.

1. VISITORS/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers will be limited to the first ten speakers and each speaker is limited to four minutes.

2. PRESENTATIONS:

2A. Proclamation to honor Clarabelle Snodgrass for receiving the Governor's Award for Historic Preservation for 2010. (Mayor Wampler)

2B. Kerrville Police Department's Police Commendation Award to Officer Josh Jureczki for received the Police Officer of the Year Award. (staff)

2C. Kerrville Police Department's Certificate of Merit Award to Officer David Torres. (staff)

2D. Kerrville Police Department's Certificate of Merit Award to Investigator John Latham. (staff)

2E. Kerrville Fire Department's 2011 EMS Person of the Year Award to Paramedic Alexis Hutcherson.

2F. Kerrville Fire Department's 2011 Firefighter of the Year Award to Firefighter/ Paramedic Jerremy Hughes. (staff)

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

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: June 24, 2011 at 3:00 p.m. and remained posted continuously for at least 72 hours proceeding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

3. 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 council approve the following items which will grant the Mayor or City Manager the authority to execute all documents necessary for each transaction:

3A. Approval of the minutes of the regular meeting held June 14, and special meeting held June 16, 2011. (staff)

3B. Authorize amendment to the funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and the Hill Country Home Opportunity Council in the amount of \$100,000. (staff)

3C. Nominations to the Kerrville Area Chamber of Commerce Board of Directors. (staff)

END OF CONSENT AGENDA

4. ORDINANCE, SECOND AND FINAL READING:

4A. An ordinance amending the budget for fiscal year 2011 to account for changes in the operating budget and the status of various capital improvement projects; and to amend other city funds to account for balances for approved purposes. (staff)

5. ORDINANCE, FIRST READING:

5A. An ordinance amending Chapter 58, Article II "food establishments" of the Code of Ordinances of the City of Kerrville, Texas, by adding a new Section 58-33 "mobile food establishments", to establish regulations applicable to mobile food vending and to require a permit for such activities; containing a cumulative clause; containing a savings and severability clause; ordering publication; providing for an effective date; and providing other matters relating to the subject. (staff)

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Review current concept plan for 413 Main Street, Crenwelge Motor Sales expansion, including acceptance of the third party appraisal of the right of way (Rodriguez Street) to be abandoned with the project and direction to staff to initiate the abandonment process. (staff)

6B. Authorize the execution of a construction contract with JM Lowe & Company for the renovation/expansion of the Butt-Holdsworth Memorial Library in the amount of \$1,478,000.00 and authorize the execution of additional change orders in an amount not to exceed \$200,000.00. (staff)

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Brenda Craig
City Secretary, City of Kerrville, Texas

6C. Building Board of Adjustment and Appeal's (BBAA) recommendation to amend the City plumbing code to allow grey water reuse systems in the City of Kerrville. (Councilmember Keeble)

6D. Naming policy for City property and facilities. (staff)

6E. Discussion and direction to City staff regarding parking strategies for the Central Business District. (staff)

6F. Update regarding 2011 Texas Legislative Session. (staff)

6G. Update regarding Lower Colorado River Authority Transmission Services Corporation (LCRA-TSC) application for the proposed McCamey D to Kendall to Gillespie CREZ project PUC Docket No. 38354; City of Kerrville, Kerrville Public Utility Board, and City of Junction v. PUC, Cause No. D-1-GV-000324, in the 98th District Court of Travis County. (staff)

7. INFORMATION AND DISCUSSION:

7A. Budget and economic update. (staff)

8. ITEMS FOR FUTURE AGENDA

9. 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.

10. EXECUTIVE SESSION:

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed as permitted by law including if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices) and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code, including the following matters:

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Brenda Craig
City Secretary, City of Kerrville, Texas

Section 551.071:

- LCRA Transmission Services Corporation proposed McCamey D to Kendall to Gillespie 345-kV CREZ Transmission Line in Schleicher, Sutton, Menard, Kimble, Mason, Gillespie, Kerr, and Kendall Counties, Texas. Public Utility Commission of Texas (PUC) Docket No. 38354; City of Kerrville, Kerrville Public Utility Board, and City of Junction v. PUC, Cause No. D-1-GV-000324, in the 98th District Court of Travis County.
- Consult with attorney about pending litigation or settlement regarding the application from the City of Kerrville before the Texas Commission on Environmental Quality to amend its Certificate of Convenience and Necessity (CCN) for its water utility, no. 12928 in Kerr County, Texas.
- Consult with attorney about pending or contemplated litigation or settlement of same relating to Janet Holmes vs. City of Kerrville, Texas, No. SA10CA0970 OG (U.S.D.C. Western District, San Antonio Division).

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

12. ADJOURNMENT.

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

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Brenda Craig
City Secretary, City of Kerrville, Texas

Agenda Item:
(Mayor Wampler)

- 2A. Proclamation to honor Clarabelle Snodgrass for receiving the Governor's Award for Historic Preservation for 2010.

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

SUBJECT: Presentation of a Proclamation to Clarabelle Snodgrass, the 2010 Governor's Award for Historic Preservation Honoree

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 16, 2011

SUBMITTED BY: Mindy N. Wendele **CLEARANCES:** Todd Parton
Director of Business Programs City Manager

EXHIBITS: Proclamation

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

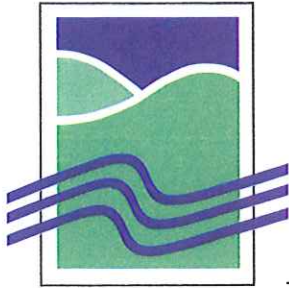
REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Mrs. Clarabelle Snodgrass, lifelong resident of Kerr County, was honored on June 15, 2011 in Austin by Governor Rick Perry and the Texas Historical Commission with the Governor's Award for Historic Preservation. Secretary of State Hope Andrade presented Mrs. Snodgrass with the highest award from the Texas Historical Commission an individual can receive.

RECOMMENDED ACTION

Staff recommends the City Council join Governor Rick Perry and Secretary of State Hope Andrade in honoring Mrs. Snodgrass for the outstanding work she has done in historic preservation for our community.



CITY OF KERRVILLE

MAYOR AND CITY COUNCIL

800 Junction Highway

Kerrville, Texas 78028

830-257-8000 / www.kerrvilletx.gov

PROCLAMATION

- WHEREAS,** Clarabelle Snodgrass was recently presented with the Governor's Award in Austin Texas for Historical Preservation; and
- WHEREAS,** Secretary of State Hope Anrade presented Mrs. Snodgrass with the award and referred to her as 'a true treasure to all, especially to the city of Kerrville'; and
- WHEREAS,** In 1977, Clarabelle Snodgrass joined the Kerr County Historical Commission where she served as the Kerr County Historical Commission Marker chairwoman for more than 20 years; and
- WHEREAS,** Clarabelle was appointed chairwoman of the Historical Commission in 1983 and served until 1986; and
- WHEREAS,** By the placement of dozens of historical markers, she has enabled area history to be preserved for generations to come; and
- WHEREAS,** Clarabelle has been instrumental in the preservation of historic buildings in Kerrville, including the Union Church and Tivy High School Building.

NOW, THEREFORE, I, David Wampler, Mayor of the City of Kerrville, Texas, does hereby honor **Clarabelle Snodgrass** for her dedication to preservation and recognition of historic Kerrville, on behalf of the City of Kerrville.



IN WITNESS WHEREOF,

I have hereunto set my hand and caused the Seal of the City of Kerrville to be affixed hereto, the 28th day of June, 2011.

David Wampler, Mayor

Agenda Item:

(Staff)

- 2B. Kerrville Police Department's Police Commendation Award to Officer Josh Jureczki for received the Police Officer of the Year Award.

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

SUBJECT: Presentation of Officer of the Year Award: Officer Josh Jureczki - Police Commendation Award

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 13, 2011

SUBMITTED BY: Chief John Young **CLEARANCES:** Todd Parton, City Manager

EXHIBITS: Nomination Document

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:
REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Officer Josh Jureczki was assigned to Patrol Division and has performed his duties in an outstanding manner. During this time period Officer Jureczki was assigned as a field training officer, training newly hired officers. In spite of not receiving recognition for arrests made by his trainee, Officer Jureczki was still able to make 101 arrests. He takes significant pride in his work and his consistency in productivity is evident. Officer Jureczki is also involved in community activities as an instructor in the Citizen Police Academy.

Officer Jureczki is a field training officer, firearms training instructor, special operations team member and an evidence technician. He has become an officer that others look up to and search out for assistance and guidance on and off duty. He has become a leader within the department earning respect through performance, productivity and job knowledge. He demonstrates daily his commitment to this community through quality performance and devotion to duty. Officer Jureczki knows and strives to achieve the goals and objectives of the department, investing his time and efforts to accomplish our mission. As a result of his outstanding performance, devotion to duty and demonstrated commitment to the department and to this community, Officer Jureczki was recently transferred to the Special Crimes Unit as an investigator.

RECOMMENDED ACTION

Officer Jureczki will be awarded the Kerrville Police Department Police Commendation Award for his selection as Police Officer of the Year.



City of Kerrville
Police Department
429 Sidney Baker
Kerrville, Texas
78028-5069

TO: Meritorious Conduct Board
FROM: Sergeant Phil Engstrom, Patrol Division
DATE: December 1, 2010
SUBJECT: Officer of the Year Nomination

I, Sergeant Phil Engstrom nominate Patrol Officer Joshua Jureczki for Officer of the Year based on the following criteria:

Performance

1. Overall performance for the year –

Officer Jureczki is statistically rated with the fifth highest arrest record for the year (101). This number is inaccurately low because Officer Jureczki has field trained many new officers throughout the year and did not receive recognition for their arrests.

Officer Jureczki acts as acting supervisor in the Sergeant's absence and is an officer that many go to for assistance and guidance.

2. Commendations –

Officer Jureczki received the Firearms Marksmanship Award September 27, 2010.

On June 2, 2010, Officer Jureczki received a citizen appreciation letter detailing an event in which he performed a self initiated welfare check. Late one evening a man laid down in his yard after running out of gas in his lawn mover. The man advised in less than two minutes, Officer Jureczki drove up and was checking on him. The citizen advised what a great deal and stated he liked living in a town where courteous police officers notice you are down, even if you are not out.

3. Work on special projects –

Officer Jureczki is regularly requested by the Special Crimes Unit to assist with narcotic operations and to handle evidence gathering.

4. Extra police duties –

Field Training Officer, Special Operations operator/sniper, On-call Evidence Technician, Firearms Team instructor

Officer Jureczki trains the majority of the new officers and is one of the most aggressive and proactive Field Training Officers utilized. He commonly performs Special Operations training and assists with departmental firearms training. As an extra duty within the Special Operations Unit, Officer Jureczki maintains a Sniper status requiring extra hours at the range to document his shooting skills and to maintain his accuracy.

5. Civic activities –

Officer Jureczki has instructed the Citizen's Police Academy on two separate occasions. In the first class Officer Jureczki instructed academy cadets on evidence gathering and collection. In the second class he assisted other officers with a building clearing and search class. Both of these classes are very popular as they require students to have "hands on" and group participation.

6. Attendance record –

Officer Jureczki lives in Bandera, Texas and is married with three children. He has not used any sick time this year, is always early for work, and has had no unexcused tardiness.

Officer Jureczki is always eager and available to perform extra duties other than his patrol responsibilities. He is currently assigned with more additional duties than any other patrol officer in the department. He is an operator/sniper with the Special Operations Unit, a Field Training Officer, an instructor with the departmental Firearms Team, an on-call Evidence Technician, and currently has been selected for a position with the Special Crimes Unit.

Officer Jureczki has become an officer that others look up to and search out for assistance and guidance on and off the job. He has become a leader within the department earning respect through performance, productivity, and job knowledge. He demonstrates daily his commitment to this community through quality performance and devotion to duty.

Respectfully submitted,

Phil Engstrom

Agenda Item:
(Staff)

- 2C. Kerrville Police Department's Certificate of Merit Award to Officer David Torres.

**BUSINESS OF THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Presentation of Awards: Certificate of Merit – Officer David Torres

FOR AGENDA OF: June 28, 2011

DATE SUBMITTED: June 13, 2011

SUBMITTED BY: Chief John Young

CLEARANCES: Todd Parton, City Manager

EXHIBITS: Nomination Documents

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Officer David Torres is being recognized for excellence in police work and individual merit for his performance over a period of time. During this period Officer Torres has demonstrated exceptional performance in his duties as a School Resource Officer. He has been recognized for his unselfish personal contribution to the students, teachers and parents in the community. Officer Torres has worked tirelessly to successfully strengthen the ties and working relationship between the school district and the police department. He is one of the most visible persons on the Tivy Campus, a campus of over 1,350 students. He's admired by the students, faculty and parents not only as a police officer but as a man who is committed to improving the quality of life of those he serves.

Officer Torres' performance goes well beyond his required daily assignment. His contribution to the Junior Police Academy is a tremendous asset to the cadets in the program as well as the department. Officer Torres goes that extra mile to bring respect and admiration to his position as a School Resource Officer.

RECOMMENDED ACTION

Officer David Torres will be awarded the Certificate of Merit Award for his excellence in police work and individual merit.



City of Kerrville
Police Department
429 Sidney Baker
Kerrville, Texas 78028-5069
830.792.2745 (O)
830.792-2742 (F)
Mary.krebs@kerrvilletx.gov

MEMORANDUM

TO: Jeffrey Wendling, Captain
Support Services Division

FROM: Sergeant Mary Krebs *WK*
Sergeant Hal Degendardt *HD*

DATE: March 2, 2011

SUBJECT: Certificate of Merit

On behalf of myself, Sgt. Mary Krebs, and Sgt. Hal Degenhardt, we are nominating Officer David Torres for a Certificate of Merit.

Officer Torres has demonstrated exceptional performance in his duties as a School Resource Officer (SRO).

In 2009, Officer Torres voluntarily returned from retirement to help the Police Department and the Kerrville Independent School District by resuming his work as the School Resource Officer at Tivy High School. He has demonstrated exceptional performance in his duties as the SRO and has been recognized for his unselfish personal contribution to the students, teachers and parents in the community. We are extremely fortunate to have Officer Torres back in the SRO position. His work is varied and challenging. He greatly affects people in the community while supporting and furthering the ideals of the Police Department. He is a symbol of strength and reason.

Officer Torres has worked tirelessly to successfully strengthen the ties and working relationship between the School District and the Police Department. He is one of the most recognizable and visible persons on the Tivy Campus, a campus that encompasses more than 1,350 students. Officer Torres is admired by the students, faculty and parents not only as a police officer but as a man who is committed to improving the quality of life of those he serves.

Officer Torres' performance goes well above and beyond that which is required by his basic assignment. His contribution to the Junior Police Academy was a tremendous asset to the cadets in the program as well as the Police Department.

*Approved By BO
6-10-11
(Signature)*

After talking with several parents who have children at the high school, it is clear that Officer Torres goes the extra mile to bring respect and admiration to his position as SRO. He has two letters in his file from students who believe he has enriched their lives.

We believe Officer Torres brings credit to this Department and should be recognized for his outstanding performance, integrity and unselfish personal contributions of his time and talent to the Kerrville Police Department. Officer Torres has earned the respect and praise of fellow officers and of the Kerrville Independent School District and should be awarded a Certificate of Merit.

The State of Texas



RESOLUTION

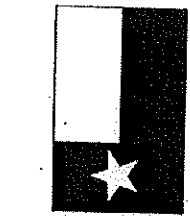
WHEREAS, David Torres is retiring from the Kerrville Police Department on June 30, 2009, thereby bringing to a close an outstanding police career that has spanned 28 years; and

WHEREAS, Officer Torres began his career in law enforcement in 1980, when he joined the Dallas Police Department; he served in the Southwest, Central, and Northwest Patrol Divisions, Special Services Bureau/CID/Youth Section, Youth and Family Crimes Bureau, Support Services/Administration, and Detention Support Jail, and he held the posts of Central Operations Walker/Neighborhood Assistance Center supervisor and Communications supervisor; and

WHEREAS, After retiring from the DPD with the rank of sergeant, Officer Torres joined the Kerrville Police Department in 2003; he served in the patrol unit within the Field Operations Division until taking up his last assignment, that of school resource officer in the Support Services Division, during which time he worked with the Kerrville Independent School District; and

WHEREAS, The recipient of numerous commendations and awards, Officer Torres holds certification as a master peace officer and has served as president of the Kerrville Police Officers Association; and

1. Torres previously served from 1965 to



The State of Texas House of Representatives

This Certifies that the Texas Flag herewith presented to

DAVID TORRES
RETIREMENT KERRVILLE POLICE DEPT.

By

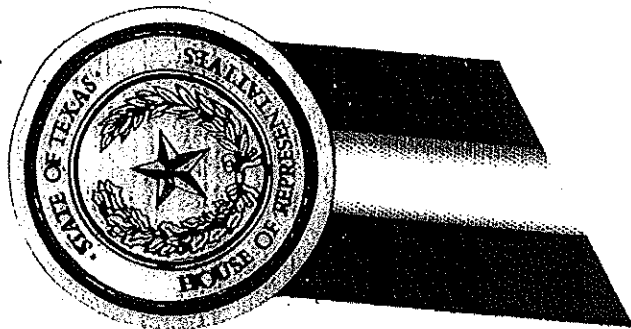
REP. HARVEY HILDERBRAN

was flown at the Capitol of the Sovereign State of Texas

JUNE 21, 2009

*In witness thereof and pursuant to the authority vested in me,
I have hereunto set my hand and seal of office at Austin, Texas,*

this the **25TH** day of **JUNE** **2009** A.D.,



Harvey Hilderbran
State Representative

*David Torres
District Attorney
Kerrville
So Well
4-13-10*

348 Cottage St.
Kerrville, TX 78028
November 11, 2009

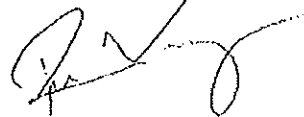
David Torres
School Resource Officer
Kerrville Independent School District
Kerrville, TX 78028

Dear Mr. Torres,

On behalf of Hill Country High School and myself I would like to thank you for taking the time out of your busy schedule to interview me Tuesday November 10, 2009. Through the interview I learned so many facts and requirements that I believe will help me in my future with law enforcement like: the importance of safety, paying attention to the overall picture, staying focused, and benefits. You taught me about being more confident with myself and being more assertive when necessary. Kerrville is a better place because of the brave men and women just like you.

I cannot thank you enough for time and information you have so graciously shared with me. With the knowledge given I will go on and pursue my goal in law enforcement.

Sincerely,



Enrique Vasquez

Dear Officer Torres,

On behalf of the Tivy High School Junior Class, we would like to take a moment to thank you for your assistance with Prom this year. We feel very grateful that you were present to help our big event be a success. We greatly appreciate the measures that you took to ensure that our Prom was a safe one. We all worked very hard to make the night one to remember, and we know that nothing catastrophic happened because you were there making sure the safety of our students was top priority. We hope that you enjoyed the evening as much as we did, and that you will be back to help Prom go as smoothly when we are Seniors. Again, thank you very much!

Your Junior Class Officers and Sponsors,

Matthew Danola

Emily Santos

Connie Jidich

Keller Forne S

Valerie Hennigan
Hennigan

RECEIVED APR 13 2010

Agenda Item:
(Staff)

- 2D. Kerrville Police Department's Certificate of Merit Award to Investigator John Latham.

**BUSINESS OF THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Presentation of Awards: Certificate of Merit – Investigator John Latham

FOR AGENDA OF: June 28, 2011

DATE SUBMITTED: June 13, 2011

SUBMITTED BY: Chief John Young

CLEARANCES: Todd Parton City
Manager

EXHIBITS: Nomination memo

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	
PAYMENT TO BE MADE TO:			
REVIEWED BY THE FINANCE DIRECTOR:			

SUMMARY STATEMENT

The Police Department established an awards and recognition program in December 2005 to recognize police officers meritorious service. Supervisors who observe or receive information regarding the actions of any officer, which in their opinion would qualify the officer for an award, will submit a report to the Meritorious Conduct Board for review. Investigator Latham is being recognized for his response and investigation into an Aggravated Kidnapping/Sexual Assault offense. Investigator Latham interviewed witnesses and discovered that 49 year old Hispanic female had been assaulted and subsequently kidnapped from her apartment by her estranged boyfriend. Utilizing a number of investigative techniques, Investigator Latham determined that the victim was possibly being held in a hotel in San Antonio. The San Antonio Police was contacted and went to the hotel to conduct a welfare check. The victim and her estranged boyfriend were discovered at the hotel. The victim advised the San Antonio police officers that she had been abducted from her apartment, assaulted several times and held captive at the hotel. The victim was transported to the hospital and her estranged boyfriend was arrested.

Due to Investigator Latham's tireless efforts he was able to locate the victim and prevent the violent assaults from escalating.

RECOMMENDED ACTION

Investigator Latham will be awarded the Certificate of Merit Award for his outstanding performance during this investigation.



City of Kerrville
Police Department
429 Sidney Baker
Kerrville, Texas 78028-5069
830.792.2707 (O)
830.896.0717 (F)
ken.wilke@kerrvilletx.gov

MEMORANDUM

TO: Meritorious Conduct Board

FROM: Sgt. Kenneth Wilke

DATE: February -15-2011

SUBJECT: Recommendation for Certificate of Merit for Inv. John H. Latham
Re: Eva Ramos – Aggravated Kidnapping / Sexual Assault

*Approved By BO
6-10-11
[Signature]*

On January 4, 2011, Patrol Officer Brynner Paulette responded to suspicious circumstances complaint at 905 Pascal # 311. Patrol Sgt. Engstrom notified the "on-call" Investigator from the Criminal Investigations Unit, John H. Latham. Sgt. Engstrom advised Inv. Latham of the suspicious nature of the call; signs of a struggle indicated by broken glass, window screen damage, damaged window blinds and a small drop of blood. Officer Joshua Jureczki collected evidence and photographed the scene.

Inv. Latham responded without delay and began to investigate further into the situation. Inv. Latham through contact with officers and interviews of witness's determined that forty-nine (49) year old Eva Ramos had possibly been assaulted or worse and that Ramos was possibly in further danger since she was no where to be found.

Inv. Latham continued to investigate and found that Ramos was involved in a dangerous relationship with forty (40) year old Antonio Rios. Ramos' son reported that Rios had recently threatened to kill Ramos.

Inv. Latham began vigorously reviewing the data base histories on both of these person's and determined that Ramos was in further danger due to the recent history of calls for service regarding threats, criminal trespass, and welfare checks within the last two (2) months.

Inv. Latham obtained the cell phone number for Ramos and with the assistance of one of the Department's Telecommunications Specialists Paul Huchton, sent an exigent circumstance request for phone records to AT&T for Ramos' cell phone records.

Upon receiving the cell phone records from AT&T, Inv Latham reviewed the call history for Ramos' cell phone. Inv Latham was attempting to determine who Ramos had last spoken to, and if possible to establish a way to contact Ramos, to ensure she was safe. Inv. Latham requested AT&T to activate their mobile locator detection equipment in an effort to pinpoint Ramos' location. Inv. Latham maintained communication with AT&T as they attempted to determine the GPS location of the cell phone. Inv. Latham maintained this communication on his own and reviewed the notifications sent to him at his office computer every 15 minutes in an effort to locate Ramos. Several AT&T communications sent to Inv. Latham provided negative results. However, Inv. John H. Latham continued to monitor those responses every 15 minutes until finally a message came back with a response that Ramos' cell phone had been located.

Inv. Latham then checked those GPS coordinates and determined that there was a hotel matching the GPS coordinates in the City of San Antonio.

Inv. Latham obtained a phone number for that hotel and called to see if Ramos or Rios were checked-in. The desk clerk was informed of the current investigation and advised that Rios was currently checked-in at the hotel.

Inv. Latham contacted San Antonio Police Department through teletype and requested a welfare check.

San Antonio Police responded and located Rios in the hotel room and separated him from Ramos. Ramos was then able to freely speak with Police and reported that she had been abducted as well as sexually assaulted multiple times.

Ramos was transported to a hospital and Rios was arrested. Once Ramos was released Inv. Latham requested to meet with Ramos back in Kerrville and retrieve evidence of a sexual assault that had occurred at Ramos's Kerrville apartment. Officer Shalethea Makin collected that evidence.

Due to the continued sexual and physical assaults perpetrated by Rios; the violent nature of these assaults; and, the continued escalation of violence by Rios, I believe that Ramos was in threat of losing her life.

Because of Inv. Latham's tireless investigation to locate Ramos, Ramos was saved from greater injury or death.

Based upon the complexity of this case and the outstanding performance by Inv. Latham, I am recommending he be awarded the "Certificate of Merit".

Respectfully Submitted

Kenneth Wilke 2065

Sgt. Kenneth Wilke
Criminal Investigations Section

Agenda Item:
(Staff)

- 2E. Kerrville Fire Department's 2011 EMS Person of the Year Award to Paramedic Alexis Hutcherson.

**BUSINESS OF THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Recognition and Presentation of EMS Person of the Year Award for 2011
to Paramedic Alexis Hutcherson

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 17, 2011

SUBMITTED BY: Chief Robert Ojeda **CLEARANCES:** Todd Parton, City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Paramedic Alexis Hutcherson has been selected by her peers and her superiors to be the Kerrville Fire Department's EMS Person of the Year for 2011. She was selected for her almost nine (9) years of service to the City of Kerrville and the numerous hours she has spent on-duty and off-duty to make Kerrville a better place to live, work and play.

Alexis is a Certified Paramedic and a Field Training Paramedic that is certified as an instructor in Advanced Cardiac Life Support, Pediatric Advanced Life Support and Pre-hospital Life Support. These types of certifications are very difficult to acquire and maintain.

Her Public Safety Leadership, besides serving as a Paramedic, includes playing a critical role in the continuing education, public events and daily operations in the EMS Division. Over the past years, Alexis has strived to improve EMS through enhancing her education by enrolling in a Registered Nurse program, becoming a certified instructor in multiple disciplines, teaching and coordinating an EMT Basic training program. She is extremely knowledgeable in pre-hospital medicine and a true asset to Kerrville Fire Department Emergency Medical Services. She is dedicated and passionate towards the EMS service and truly cares about the patient.

Alexis' overall approach to her job indicates a genuine and high level of concern for providing the best level of service possible for the citizens of our community and has demonstrated this through her actions, on and off duty. She exemplifies the qualities of a team player and is extremely well respected by her fellow EMT's, paramedics and her superiors.

Due to Paramedic Alexis Hutcherson's continued excellence in service for the citizens of Kerrville and Kerr County and making them a better and safer place to live, work and play, it is my honor and pleasure to recommend that Paramedic Alexis Hutcherson be recognized and receive an award for being the Kerrville Fire Department's EMS Person of the Year for 2011.

RECOMMENDED ACTION

That Paramedic Alexis Hutcherson be recognized and awarded the Kerrville Fire Department's EMS Person of the Year Award for 2011 for her continued excellence in service for the citizens of Kerrville and Kerr County.

Agenda Item:
(Staff)

- 2F. Kerrville Fire Department's 2011 Firefighter of the Year Award to Firefighter/ Paramedic Jerremy Hughes.

**BUSINESS OF THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Recognition and Presentation of Firefighter of the Year Award for 2011 to Firefighter/Paramedic Jeremy Hughes

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 17, 2011

SUBMITTED BY: Chief Robert Ojeda **CLEARANCES:** Todd Parton, City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Firefighter/Paramedic Jeremy Hughes has been selected by his peers and his superiors to be the Kerrville Fire Department's Firefighter of the Year for 2011. He was selected for his seventeen (17) years of service to the City of Kerrville and the numerous hours he has spent on-duty and off-duty to make Kerrville a better place to live, work and play.

Jeremy holds numerous certifications such as State Certified Advanced Firefighter and Paramedic. He is certified as a Firefighter 1 and 2, a Driver/Pumper Operator, a Tactical Paramedic, a Field Training Paramedic, a Hazardous Material Technician and a Fire Instructor 1 and 2. He is also certified in Hazardous Material at the Operations and the Awareness level and other certifications too numerous to mention. These types of certifications are very difficult to acquire and maintain.

His Public Safety Leadership, besides serving as a Firefighter/Paramedic, includes playing a tremendous role in the training of Kerrville's Paramedics. He is a multi-discipline Instructor in Advanced Cardiac Life Support, Pediatrics Advanced Life Support and Pre-Hospital Trauma Life Support. He has numerous acknowledgements from various training organizations of his completion of Firefighting and EMS course

work. Jeremy now serves as the Shattered Dreams Coordinator for the Kerrville Fire Department and the Kerrville Independent School District.

Jeremy's overall approach to his job indicates a genuine and high level of concern for providing the best level of service possible for the citizens of our community and has demonstrated this through his actions on and off duty. He exemplifies the qualities of a team player and is extremely well respected by his fellow firefighters, paramedics and his superiors.

Due to Firefighter/Paramedic Jeremy Hughes' continued excellence in service for the citizens of Kerrville and Kerr County and making them a better and safer place to live, work and play, it is my honor and pleasure to recommend that Firefighter/Paramedic Jeremy Hughes be recognized and receive an award for being the Kerrville Fire Department's Firefighter of the Year for 2011.

RECOMMENDED ACTION

That Firefighter/Paramedic Jeremy Hughes be recognized and awarded the Kerrville Fire Department's Firefighter of the Year Award for 2011 for his continued excellence in service for the citizens of Kerrville and Kerr County.

Agenda Item:
(Staff)

- 3A. Approval of the minutes of the regular meeting held June 14,
and special meeting held June 16, 2011.

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JUNE 14, 2011

On June 14, 2011, the Kerrville City Council meeting was called to order by Mayor Wampler at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Reverend Tom Murray of St. Peter's Episcopal Church, followed by the Pledge of Allegiance led by Keith Ellis of the Military Officers Association of America.

MEMBERS PRESENT:

David Wampler	Mayor
Gene Allen	Mayor Pro Tem
Carson Conklin	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

MEMBER ABSENT: None

EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Travis Cochrane	Director of Information Technology
Mike Erwin	Director of Finance
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
Tara LaMontia	Assistant to the City Manager
Kim Meisner	Director of General Operations
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief
Malcolm Matthews	Director of Parks and Recreation
Ashlea Boyle	Parks and Recreation Superintendent
Mike Wellborn	City Engineer
Dan Schwartz	Director of Library Services

VISITORS PRESENT: List is on file in city secretary's office.

1. VISITORS/CITIZENS FORUM: No one spoke.

2. PRESENTATIONS:

2A. Resolution of Commendation and Mayor Pro Tem Plaque was presented by Mayor Wampler to outgoing Councilmember Place One R. Bruce Motheral.

2B. Resolutions of Commendation to Warren Ferguson and Jack Pratt for serving on the Economic Improvement Corporation.

2C. Recognition of the finance department for receiving the Government Finance Officers Association Distinguished Budget Presentation Award for FY 2010 presented to: Mike Erwin, Sandra Yarbrough, Kathy Schneider, Sai Vongchampa, and Vanessa Silva. This was the 26th consecutive year that the city received this award.

2D. Recognition of Olympic Pool staff for operational audit by Malcolm Matthews and Ashlea Boyle.

2E. Recognition of Dieter Werner, P.E., C.F.M. for his certification through the Texas National Certified Floodplain Manager Program as a certified floodplain manager presented by Mike Wellborn.

3. CONSENT AGENDA:

Mr. Gross requested discussion of 3G but did not remove it from the consent agenda.

3G. Authorize execution of a junkyard license application at 504/506 Peterson.

Mr. Coleman noted the junkyard was in existence prior to annexation and has the right to continue to operate as a nonconforming use, but could not expand. Staff had worked with the owner to meet the requirements of the ordinance including removal of hazardous materials. The owner would be allowed to continue his welding operation, and welding supplies had been properly stored and inventoried by the fire marshal. The owner was now in compliance, and licensing would allow the city the right to inspect the property to ensure compliance and require the owner to renew the license annually through the city council.

Mr. Hayes confirmed that the property use was nonconforming, but the operation existed prior to annexation. The applicant had appeared in municipal court several times for code violations; he was now in compliance with city codes; however, as a nonconforming use, when use ends, the operation will not be allowed to continue. Licensing the junkyard will require annual review and opportunity for staff to make sure it remains in compliance. Mr. Hayes acknowledged that the state inspector previously had concerns with hazardous materials, but those issues had been resolved.

The following person spoke:

1. Ruth Spradling was concerned about the operation.

Mr. Coleman noted the memo she referred to was from the city attorney in September 2010 and those issues had been resolved.

3. CONSENT AGENDA:

Mr. Gross moved for approval of items 3A through 3J; Mr. Conklin seconded the motion and it passed 5-0:

3A. Approval of the minutes of the special canvass meeting held May 24, and the regular meeting held May 24, 2011.

3B. Resolution No. 024-2011 abandoning a sewer pipeline easement generally located within an undeveloped tract addressed as 2315 East Main; and ordering recording.

- 3C. Authorize the execution of a license agreement with Kerrville's Fourth on the river for entertainment for the 4th of July event.
- 3D. Authorize execution of a bank depository services contract with Wells Fargo.
- 3E. Authorize execution of a lease agreement with the Friends of the Library for use of the basement in the Butt-Holdsworth Memorial Library.
- 3F. Authorize staff to seek request for qualifications for auditing services.
- 3G. Authorize execution of a junkyard license application at 504/506 Peterson.
- 3H. Resolution No. 023-2011 approving and authorizing execution of an interlocal agreement for participation in a public funds investment cooperative; designating the board of directors of the cooperative as an agency and instrumentality to supervise the cooperative; approving investment policies of the cooperation; appointing authorized representatives; and designating investment officers.
- 3I. Resolution No. 021-2011 amending the City of Kerrville investment policy regarding the investment of city funds in accordance with the public funds investment act.
- 3J. Resolution No. 020-2011 granting a license for use of the city's right-of-ways.

END OF CONSENT AGENDA

4. ORDINANCE, SECOND AND FINAL READING:

4A. Ordinance No. 2011-12 amending Chapter 110, Article III "Water Management Plan" of the Code of Ordinances of the City of Kerrville, Texas, by amending stages one through three of water conservation measures to provide for a greater separation between days for authorized landscape watering; containing a cumulative clause; containing a savings and severability clause; providing a penalty for violation of any provision hereof; ordering publication; and providing other matters related to the subject. Mayor Wampler read the ordinance by title only.

Mr. Hastings noted the ordinance would go into effect ten days after publication and changed the outdoor watering schedule to Tuesday/Saturday and Wednesday/Sunday. There had been no change in the ordinance since first reading.

Mr. Allen moved for approval of Ordinance No. 2011-12 on second and final reading; Ms. Keeble seconded the motion and it passed 5-0.

5. ORDINANCE, FIRST READING:

5A. An ordinance amending the budget for fiscal year 2011 to account for changes in the operating budget and the status of various capital improvement projects; and to amend other city funds to account for balances for approved purposes. Mayor Wampler read the ordinance by title only.

Mr. Erwin reviewed the budget changes that reflected insurance reimbursements, donations and grants received, and closure of several capital projects. Ms. Ondrias noted the city received notice from TxDOT requesting the city pay \$247,515.52 reimbursement for relocating the city's utility lines in conjunction with the SH16 reconstruction project completed in 2006. Staff requested a detailed

accounting record, and the budget amendment included payment once the bill was verified by staff. Mr. Hastings noted the original funding agreement called for the city to reimburse the state for city utility line relocation, and the value to the city for the utility relocation project exceeded \$1million.

Ms. Keeble moved for approval of the ordinance on first reading; Mr. Allen seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Elect a representative to the Alamo Area Council of Governments Board of Directors.

Mr. Parton noted AACOG requested the city nominate a representative to the AACOG Board of Directors to fill the seat that was held by former Mayor Pro Tem Bruce Motheral.

Mr. Allen moved to nominate Mayor David Wampler as the city's representative to the AACOG Board of Directors; Mr. Gross seconded the motion and it passed 5-0.

6B. Hotel Occupancy Tax (HOT) funding request procedure and business expansion plan.

Mr. Parton noted staff had met with Sudie Burditt to review the HOT application and to explore the opportunity of creating a new special events program to focus on bringing in more events and increase tourism. He noted a July 15 deadline to receive HOT applications from nonprofit organizations. He proposed that the city fund a special events program for 3-4 years and then evaluate the success of the program. He proposed that council direct staff to prepare a detailed business plan that would create a special events program as presented, and to continue with the HOT application process.

Sudie Burditt, Executive Director of the Convention and Visitors Bureau (CVB), supported marketing sports and special events; however, cautioned using existing CVB personnel and resources as it would cut into CVB's success with current programs. One area that special events may need assistance is in local sponsorships; some events had major sponsors already, but some did not. She estimated a special events budget at \$100-125,000 annually for salary, marketing, travel, etc. She supported Mr. Parton's proposal to fund 3-4 years and evaluate the success; if it did not fund itself within four years, then drop it. Ms. Burditt noted CVB currently assisted sports events that came to Kerrville, but was not actively seeking them; these were opportunities missed. Many cities that Kerrville competed with already had a special events department. She suggested council consider using the 1% HOT funds currently being collected but not allocated, estimated at \$130,000 annually, to fund a special events program.

The following points were also discussed by council:

- Council should find the most effective way to allocate HOT resources to bring in revenue from tourism and increase sales tax; any increase in sales tax would

fund city operations and offset future ad valorem tax increases.

- The city was successful in attracting tourists simply because people wanted to come to Kerrville; the city should apply resources in areas that focus on our natural attributes.
- Special events should include but not be limited to sports events.
- Continue with application process for nonprofit organizations.
- The city should not place the additional burden of a special events coordinator/program on CVB.

The following persons spoke:

1. Carolyn Lipscomb questioned if CVB had put out a request for proposal for local sponsorships.

Ms. Burditt noted the CVB would help find sponsors and advertising based on the number hotel rooms booked; CVB needed assistance in finding sponsors.

2. Jimmie Spradling stated that every year the city talked about increasing the number of tourists. He questioned if the city gained anything for the amount of money spent on advertising; does the city bring in more than it spends? He hears the same thing every year.

Ms. Burditt agreed that some people come to Kerrville without ever having seen advertisements, but thousands come because of advertising. Many tourists also receive mail packets from the CVB or access Kerrville through CVB's website. Some projects break even; some make money; however, the big benefit to the community was sales tax brought in by tourists, which helps keep ad valorem property tax down.

3. Bruce Stracke asked what other items CVB would propose that would bring in tourism.

Ms. Burditt noted that CVB could reach a different business tourism segment if the city had conference meeting space.

Mr. Conklin moved that staff proceed with the HOT application process as revised by staff, and bring back a plan for council's discussion for funding an events coordinator with the city. The motion was seconded by Mr. Allen and passed 5-0.

6C. Resolution No. 022-2011 providing for the city's approval or disapproval of the Kerr Central Appraisal District's fiscal year 2012 budget.

Mr. Erwin noted the proposed KCAD FY12 was 0.68% less than FY11; the city's allocation would be \$121,701, which was \$970 less than FY11.

Mr. Allen moved for approval of Resolution No. 022-2011 approving KCAD's FY 2012 budget; Mr. Conklin seconded the motion and it passed 5-0.

6D. Interlocal agreements between Kerr County and the City of Kerrville for joint operations.

Mr. Parton noted staff had prepared draft agreements and transmitted those agreements to the county through Judge Pat Tinley. The basic terms of the agreements were:

1. Three-year term for FY12, 13, and 14.
2. Annual inflationary adjustment of 3% for fire and EMS.
3. County cash contributions: Fire, \$500,000; EMS, \$400,000; Library, \$200,000 (contingent upon a grant from the Cailloux Foundation); and Airport, \$175,000.
4. Animal control and animal shelter services to be provided to city residents with no cash contribution by the city; however, the city's animal control ordinance will need to be revised.

Mr. Parton noted the city council had established a goal of July 1 for execution of the contracts, and the city had not received official response from the county regarding the draft agreements. Three concerns were expressed by Judge Tinley:

1. Concern that having fire/EMS in the same agreement; the county would like to separate the two operations.
2. County would like to have a termination clause for EMS in the event an emergency services district for EMS was created prior to expiration.
3. Assurance that the airport board would be maintained in order that airport operations would continue.

Mr. Parton requested if the council allows a termination clause as stated in 2, that there be a one year notification period to allow the city ample time to budget and plan the service.

6E. Update regarding Lower Colorado River Authority Transmission Services Corporation (LCRA-TSC) application for the proposed McCamey D to Kendall to Gillespie CREZ project PUC Docket No. 38354; City of Kerrville, Kerrville Public Utility Board, and City of Junction v. PUC, Cause No. D-1-GV-000324, in the 98th District Court of Travis County. The matter was deferred to executive session.

7. INFORMATION AND DISCUSSION:

7A. Review of timeline and process for update of the city subdivision ordinance.

Mr. Coleman noted the subdivision ordinance was currently being reviewed by city staff and the appropriate city boards. The new ordinance would: conform to state law, local practice and local terminology; clarify application to utility extension requirements; adopt by reference the parkland dedication and sidewalk ordinance, standard specification for public improvement, fire code, and storm water drainage manual; and would address conflicts with state and county regulations. He discussed points to be reviewed in the ordinance, the timeline, and the process.

7B. Update on library statistics.

Mr. Schwartz noted the library closed on May 21 for reconstruction and renovation of the facility. He reported total circulation count at 61,464 and total patron count at 3,418 as of May 31, 2011.

7C. Economic update.

Mr. Erwin reported local unemployment at 6.1%; city monthly sales tax at \$371,346; and monthly EIC tax at \$185,673.

(Note: Mr. Allen left the meeting at 8:09 p.m. and returned at 8:17 p.m.)

8. **BOARD APPOINTMENTS:**

8A. Appointment to the Kerr Economic Development Corporation.

Mr. Parton noted at the time KEDC was created, council appointed him to serve as council's representative; that one year term would expire June 30, 2011. He recommended a city councilmember be appointed to KEDC for a three year term.

Mr. Conklin moved to appoint David Wampler as the city's representative to KEDC. Mr. Gross seconded the motion and it passed 5-0.

8B. Appointment to the Planning and Zoning Commission.

Mr. Conklin moved to appoint Lewis Wood to fill the unexpired term due to expire January 1, 2013. Mr. Allen seconded the motion and it passed 5-0.

8C. Appointment to the Zoning Ordinance Input Committee.

Mr. Allen moved to appoint Ruth Spradling. Mr. Conklin seconded the motion and it passed 5-0.

9. **ITEMS FOR FUTURE AGENDA:** None.

10. **ANNOUNCEMENTS OF COMMUNITY INTEREST:**

10A. Ms. Wendele noted that the news media and public had questioned whether the city would have fireworks on July 4 in spite of the drought; she stated that at this time, the city would have fireworks. A media specialist had been hired to market the event statewide. Sponsorships and volunteers were great, but more were welcome.

10B. Mr. Parton noted on June 16, 5:00 p.m.-7:00 p.m. at 228 Earl Garrett Street the Cailloux Foundation would be unveiling plans for the Downtown Plaza, an agenda had been posted for council to attend.

11. **EXECUTIVE SESSION:**

Ms. Keeble moved for the city council to go into executive closed session under Sections 551.071 (consultation with attorney), and 551.072 (deliberation regarding real property), of the Texas Government Code; the motion was seconded by Mr. Conklin and passed 5-0 to discuss the following matters:

Section 551.071:

- LCRA Transmission Services Corporation proposed McCamey D to Kendall to Gillespie 345-kV CREZ Transmission Line in Schleicher, Sutton, Menard, Kimble,

Mason, Gillespie, Kerr, and Kendall Counties, Texas. Public Utility Commission of Texas (PUC) Docket No. 38354; City of Kerrville, Kerrville Public Utility Board, and City of Junction v. PUC, Cause No. D-1-GV-000324, in the 98th District Court of Travis County.

Section 551.071 and 551.072:

- Discuss the purchase, exchange, lease, sale, or value of real property, the public discussion of which would not be in the best interests of the city's bargaining position with third parties (715 Water Street).

At 8:30 p.m. the regular meeting recessed and council went into executive closed session at 8:42 p.m. At 9:25 p.m. the executive closed session recessed and council returned to open session at 9:26 p.m. Mayor Wampler announced that no action had been taken in executive session.

12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

6E. Update regarding Lower Colorado River Authority Transmission Services Corporation (LCRA-TSC) application for the proposed McCamey D to Kendall to Gillespie CREZ project PUC Docket No. 38354; City of Kerrville, Kerrville Public Utility Board, and City of Junction v. PUC, Cause No. D-1-GV-000324, in the 98th District Court of Travis County.

Mr. Conklin moved that the city join with Mr. Atkission on filing a complaint with the Texas Public Utility Commission, and to send a letter to the Texas Department of Transportation objecting to the alignment of the power line across Sidney Baker (SH 16) north of I-10. Mr. Gross seconded the motion and it passed 4-0 (Mr. Allen left the meeting at 8:30 p.m.).

13. ADJOURNMENT.

The meeting adjourned at 9:27 p.m.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
SOCIAL MEETING

KERRVILLE, TEXAS
JUNE 16, 2011

On June 16, 2011, the Kerrville City Council was invited to attend a presentation by the Cailloux Foundation regarding plans for the downtown plaza, held at the Kerr Arts and Culture Center, 228 Earl Garrett Street at 5:00 p.m.

MEMBERS PRESENT:

David Wampler	Mayor
Carson Conklin	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

MEMBER ABSENT:

Gene Allen	Mayor Pro Tem
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EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Brenda G. Craig	City Secretary
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief

UNVEILING OF PLANS FOR THE DOWNTOWN PETERSON PLAZA:

Ben Modisett, assistant executive director of the Cailloux Foundation, introduced Peter Lewis, architect for the Peterson Plaza project. Mr. Lewis presented plans for the Cailloux property, including public parking, pedestrian crosswalk, downtown park, and city hall. The site would be known as Peterson Plaza in honor of the Peterson Family who started the Peterson Hospital. City hall would be a two story native limestone building located north of the clock tower at SH16 and SH27. The former Schreiner Department Store restoration was nearing completion and it would be opened in early August.

Steve Huser noted that construction of the clock tower and renovation of the crosswalk over SH16 connecting to the parking garage would begin in mid-July. A crane would remove the crosswalk and locate it on the Peterson Plaza site where remodeling would take place. Following construction of the clock tower, a crane would lift the crosswalk back in place over SH 16 to connect the clock tower to the parking garage.

Mayor Wampler recognized the Cailloux Family and the Cailloux Foundation for their generosity and vision for the community, noting their contribution toward the construction of the new Peterson Hospital, the renovation of the former Schreiner Department Store, and the donation of land for a new city hall in the downtown Peterson Plaza.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary

Agenda Item:
(Staff)

- 3B. Authorize amendment to the funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and the Hill Country Home Opportunity Council in the amount of \$100,000.

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

SUBJECT: Consideration of an amendment to the funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and the Hill Country Home Opportunity Council

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 16, 2011

SUBMITTED BY: Mindy N. Wendele **CLEARANCES:** Todd Parton
Director of Business Programs City Manager

EXHIBITS: Original funding agreement and amendment

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$100,000.00	\$82,000.00	\$82,000.00	Cat. 2
	18,000.00	500,000.00	Contingency

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR: 

SUMMARY STATEMENT

The Hill Country Home Opportunity Council (HCHOC) applied for and received 4B funds last year in the amount of \$150,000.00 for their Pinto Trail Subdivision Project. The funds are being used for costs relating to the design and construction of public improvements including public streets, water and wastewater mains and drainage facilities.

The HCHOC requested an extension of the original funding agreement due to unforeseen questions and limitations of the property in development. The extension would be through May 31, 2012.

Also, the HCHOC requested additional funds for this project of \$100,000.00 due to bids for the project coming in much higher than anticipated. The total funds approved and funds requested will complete their project.

The Economic Improvement Corporation (EIC) authorized the extension of time and the additional funds at their May 16, 2011 meeting. The amendment was approved during the June 20, 2011 meeting.

RECOMMENDED ACTION

Approve the amendment to the funding agreement.

**FIRST AMENDMENT TO ECONOMIC DEVELOPMENT GRANT AGREEMENT
BETWEEN HILL COUNTRY HOME OPPORTUNITY COUNCIL AND THE CITY
OF KERRVILLE, TEXAS, ECONOMIC IMPROVEMENT CORPORATION**

THIS FIRST AMENDMENT TO ECONOMIC DEVELOPMENT GRANT AGREEMENT is entered into this 20th day of June, 2011, by and between Hill Country Home Opportunity Council, Kerr County, Texas, a Texas nonprofit corporation ("HCHOC"), acting herein by and through its duly authorized Representative, Parker Harrison ("Officer"), and the City of Kerrville, Texas Economic Improvement Corporation ("Corporation"), a Texas non-profit corporation established by the City of Kerrville, Texas, pursuant to Section 4B of Tex. Rev. Civ. Stat. Art. 5190.6 (otherwise known as the Development Corporation Act of 1979 and hereafter called "the Act").

WITNESSETH:

WHEREAS, on May 17, 2010, Hill Country Home Opportunity Council entered into that certain agreement titled *Economic Grant Agreement between Hill Country Home Opportunity Council and the City of Kerrville, Texas, Economic Improvement Corporation* (the "Grant Agreement") in which Corporation agreed to provide to HCHOC an amount up to and not to exceed \$150,000.00 in Corporation's sales tax revenues to be used for costs related to the design and construction of public improvements for the Pinto Trail Property, a residential subdivision made up of single family units (the "Project"); and

WHEREAS, the Grant Agreement provided that HCHOC would complete construction of the Project on or before January 31, 2011, which HCHOC accomplished; and

WHEREAS, due to circumstances which required a change of contractors and increased costs, which were beyond HCHOC's control, HCHOC has requested that the EIC grant it an additional \$100,000.00; and

WHEREAS, Corporation finds that it is in the public interest to amend the Grant Agreement as requested by the HCHOC, to increase the amount of grant funding provided to HCHOC by \$100,000.00;

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

1. Paragraph A under Article I of the Grant Agreement is amended with deletions indicated by ~~strikeout~~ text and additions indicated by underlined text as follows:

**"ARTICLE I.
EIC'S OBLIGATIONS**

- A. EIC hereby grants to HCHOC Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00) ("Grant") from 4B Revenues for costs related to the design and construction of public improvements for the Pinto Trail Property, a residential subdivision made up of single family units (the "Property"). Such public

improvements consist of the following:

- (1) public streets;
- (2) water and wastewater mains; and
- (3) drainage facilities, including a retention pond."

2. Except as amended herein, the provisions of the Grant Agreement remain in full force and effect.

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

CITY OF KERRVILLE, TEXAS ECONOMIC
IMPROVEMENT CORPORATION

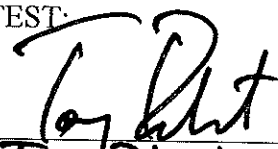


Gregg Appel, President

HCHOC
KERR COUNTY, TEXAS

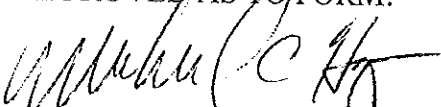
By: _____
Parker Harrison, President of HCHOC

ATTEST:



Tony Robert, Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

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Agenda Item:
(Staff)

- 3C. Nominations to the Kerrville Area Chamber of Commerce Board of Directors.

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

SUBJECT: Nominations to the Kerrville Area Chamber of Commerce Board of Directors

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 23, 2011

SUBMITTED BY: Todd Parton **CLEARANCES:**
City Manager

EXHIBITS: Kerrville Area Chamber of Commerce Board of Directors Ballot

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

As a member of the Chamber of Commerce, the City of Kerrville has been asked to vote for eight candidates to serve on the Board of Directors.

RECOMMENDED ACTION

It is recommended that the City Council elect the eight representatives as presented on the attached ballot.

JUN 22 2011



Slate of Candidates for Board Election

as approved by the Kerrville Area Chamber of Commerce Board of Directors

Terms commence October 1, 2011 through September 30, 2014

<u>X</u>	Denny Foster, Lemon Tree Cleaners (2 nd term)
<u>X</u>	Brenda Beaty, Pressler, Thompson & Co., P.C. (1 st term)
<u>X</u>	Mike Graxiola, Kerrville Daily Times (2 nd term)
<u>X</u>	Tricia Hamil, Viridian Design Studio (1 st term)
<u>X</u>	Ellen Williams, Kerrville Independent School District (2 nd term)
<u>X</u>	Bart Stevens, Steven Rich Financial Advisors (1 st term)
<u>X</u>	Chris Hughes, Broken Arrow Ranch (1 st term)
<u>X</u>	William Beltrone, CPA (1 st term)
_____	Write-In Candidate _____
_____	Write-In Candidate _____

According to the revised by-laws of the Kerrville Area Chamber of Commerce:

Section 5: Voting. *In any proceeding in which voting by members is called for each member in good standing shall be entitled to cast one (1) vote.*

As a member in good standing, you are asked to vote for ^{eight} ~~six~~ (8) candidates; you may write-in a candidate. Please fax or mail to the Chamber by July 6, 2011. No ballots returned after this date will be counted. Our fax number is 896-1175; our mailing address is 1700 Sidney Baker, #100; Kerrville, TX 78028.

***Member name _____ City of Kerrville _____

***For verification purposes, please include your name and company.

Agenda Item:
(Staff)

- 4A. An ordinance amending the budget for fiscal year 2011 to account for changes in the operating budget and the status of various capital improvement projects; and to amend other city funds to account for balances for approved purposes.

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

SUBJECT: Second Reading of an Ordinance Amending the FY 2011 Budget

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 17, 2011

SUBMITTED BY: Mike Erwin 
Kristine Ondrias

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Ordinance, Spreadsheet
AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

Staff requests to amend the FY 2011 City of Kerrville's budget to reflect the following changes to the Operating Budget and the opening, amendments and closures in the following Capital Improvement Programs.

Operating Budgets

Legal Services – Increase General Fund Legal Services \$100,000 by moving \$80,000 from contingency and \$20,000 from insurance.

EMS Grant – Increase EMS grant to reflect actual.

Recreation – Increase Recreation part time to reflect grant for part time staffing at the Cailloux Auditorium.

Police Special Programs – Recognize use of confiscated funds for training and equipment.

Library Memorial – Recognize revenue and expenditures related to Friends of the Library donation.

Grant Revenues – Recognize grant revenues received.

Insurance Reserves – Recognize reimbursements.

Capital Improvement Projects

Library Roof (L01) – The Library Roof project was originally funded through a SECO Federal Energy grant in the amount of \$86,365.00. Design and bidding of the project cost \$122,000 requiring additional funds in the amount of \$40,000 to be transferred from the Library Renovation Project (G95) to increase the project budget to \$126,365.00.

Butt-Holdsworth Memorial Library Renovation/Expansion (G95) – This project was originally funded in the amount of \$1,615,000.00. \$40,000 will be moved to the roof project. Additional funds have been granted for this project from the Peterson Foundation (\$150,000.00) and Charles Butt (\$500,000.00) bringing the total budget for the renovation/expansion to \$2,225,000.00.

Library Furniture Project (project number assigned when grant funds are received) – The Friends of the Library voted in May to grant up to \$200,000.00 towards the replacement of library furniture as part of the renovation and expansion. These funds are restricted to the replacement and addition of furniture at the library.

G Street Bridge (E05) – This project was completed in 2005 and the City received final accounting from TxDOT in June 2005. This will close this project from the CIP list.

Belt Filter Press (W63) – This project was completed in May 2011 and was funded with 2009 Water Sewer Bonds. A balance of \$16,448.67 will be transferred to the Highway 16 Utility Relocation project (W27) to fund TxDOT's request for final payment.

College Cove Tank Repaint (W83) – This project was completed in May 2011 and was funded with 2007 Water Sewer Bonds and Water Sewer Cash. A balance of \$3,001.00 of 2007 W/S Bond Funds will be transferred to the Highway 16 Utility Relocation project (W27) to fund TxDOT's request for final payment and the balance of \$100,000.00 of W/S Cash will be transferred to create a new project for Jefferson Lift Station and Force Main Preliminary Engineering.

High Service Pump at Clearwell (W53) – This amendment would close this project in lieu of completing a new transmission line for the River Hill/Ridgewood Storage Tank. A balance of \$88,938.03 (\$63,938.03 of 2009 W/S bonds and \$25,000.00 W/S Cash) remains. A transfer of the funds will be made to the Highway 16 Utility Relocation project (W27) to fund TxDOT's request for final.

Jefferson Lift Station and Force Main– Preliminary Engineering (project number assigned when funded) – This project is being created as a three step process to the larger CIP projects requiring land and easement acquisition. This project will be funded in the amount of \$100,000.00. The Preliminary Engineering will allow staff to determine necessary alignment, easement needs and then move into full design the following year. Jefferson Lift Station Design is slated for the FY12 Water Sewer Bond Sale with construction in FY13. This project will be funded through the closure and transfer of W/S Cash funds (\$100,000.00) from College Cove Tank Repaint project (W83).

River Hill/Ridgewood Storage Tank Transmission Line (project number assigned when funded) - This project is being created as a three step process to the larger CIP projects requiring land and easement acquisition. This project will be funded in the amount of \$100,000.00. The Preliminary Engineering will allow staff to determine necessary alignment, easement needs and then move into full design the following year. This project has been identified as a solution to multiple future CIP projects in the Water/Wastewater Master Plan to provide the needed capacity and the ability to fill the Ridgewood Elevated Storage Tank. This project will be included as part of the FY12 CIP for design and construction. This project will be funded through W/S Cash from the closure of the UTC Building Project (W85) (\$39,127.82), 2010 W/S Bond Funds (\$16,934.15) from the closure of the SH 27 Fire Flow Enhancement project (W91) and \$43,938.03 in Fund 71, W/S Capital Projects, fund balance.

UTC Building Project – Engineering (W85) – This amendment closes this project and leaves a balance of \$199,435.00 (Water/Sewer Cash). This project will not be able to be funded until FY14 due to other needed system projects as a result staff believes these funds will be better allocated to the needed system projects. A transfer of \$39,127.82 will be made to the River Hill/ Ridgewood Storage Tank Transmission Line project and the remaining \$160,307.18 will be transferred to three projects the Regional Water Planning Grant (\$100,000.00) and Regional Wastewater Planning Grant (\$54,245.21) available through the Texas Water Development Board and \$6,061.97 to the Highway 16 Utility project (W27).

Highway 16 Utility Relocation (W27) – This project was completed in 2006 and the City has now received final accounting from TxDOT with an outstanding bill of \$247,515.52. TxDOT's Funding Agreement calls for the final amount to be paid in 30 days of receipt of notification. Staff has requested detailed accounting and has indicated to TxDOT concerns over the final bill in relation to unapproved changes during the construction process. To date no detailed accounting has been received but staff would like to make funds available in the event the final accounting is received and is in order. This amendment will increase this project \$247,515.52 transferred from the following projects: \$16,448.67 from W63 Belt Filter Press closure, \$3,001.00 from W83 College Cove Tank Repaint, \$88,938.03 from W53 High Service Pump at Clearwell, \$133,065.85 from W91 SH27 Fire Flow Enhancement and \$6,061.97 from the UTC Building Project (W85).

SH 27 Fire Flow Enhancement (W91) – This amendment closes this project and transfers the balance of \$150,000.00 in 2010 Water/Sewer bonds to the following projects: \$133,065.85 – Highway 16 Utility Relocation (W27) and \$16,934.15 - River Hill/Ridgewood Storage Tank Transmission Line. Staff believes this project is no longer necessary as the needed information will be able to be included in the Regional Water Planning Grant Project.

Regional Water Planning Grant (project number to be assigned when funded) – The Texas Water Development Board offers grants to political subdivisions of the State of Texas for studies and analyses to evaluate and determine the most feasible alternatives to meet regional water supply facility needs, estimate the costs associated with implementing feasible regional water supply and facility alternatives, and identify institutional arrangements to provide regional water supply and services for areas in Texas. This grant is a 50/50 local match and the project will be funded in the amount of \$100,000.00 for a maximum grant of \$200,000.00. This project will allow the city to evaluate the future of being a regional water supplier, the costs of being a regional provider and an updated CIP should the Council chose to be a regional provider. Funds in the amount of \$100,000.00 are being transferred from the closure of project W85 – UTC Building.

Regional Wastewater Planning Grant (project number to be assigned when funded) – The Texas Water Development Board offers grants to political subdivisions of the State of Texas for studies and analyses to evaluate and determine the most feasible alternatives to meet regional wastewater facility needs, estimate the costs associated with implementing feasible regional wastewater facility alternatives, and identify institutional arrangements to provide regional wastewater services for areas in Texas. This grant is a 50/50 local match and the project will be funded in the amount of \$100,000.00 for a maximum grant of \$200,000.00. This project will allow the city to evaluate the future of being a regional wastewater provider, the costs of being a regional provider and an updated CIP should the Council chose to expand being a regional provider. Funds in the amount of \$54,245.12 are being transferred from the closure of project W85 – UTC Building and \$45,754.88 will be appropriated from Fund 71 fund balance.

RECOMMENDED ACTION

Staff recommends the City Council approve the second reading of an ordinance amending the FY 2011 budget and authorize staff to make all necessary entries and adjustments to reflect the attached changes.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2011-_____

AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2011 TO ACCOUNT FOR CHANGES IN THE OPERATING BUDGET AND THE STATUS OF VARIOUS CAPITAL IMPROVEMENT PROJECTS; AND TO AMEND OTHER CITY FUNDS TO ACCOUNT FOR BALANCES FOR APPROVED PURPOSES

WHEREAS, Ordinance No. 2010-19, dated September 28, 2010, adopted the Fiscal Year 2011 Budget; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds that amending the City's Fiscal Year 2011 Budget is in the best interest of the citizens of the City of Kerrville;

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

In accordance with Section 8.07 of the City Charter, the Official Budget for Fiscal Year 2011 shall be amended as set forth in **Exhibit A**.

June **PASSED AND APPROVED ON FIRST READING, this the 14th day of**
_____ , A.D., 2011.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day
of _____ , A.D., 2011.

David Wampler, Mayor

APPROVED AS TO FORM:

Heather Stebbins
Heather Stebbins, Assistant City Attorney

ATTEST:

Brenda G. Craig, City Secretary

Budget Amendment 6/14/2011									
Name	FUNDS	Approved Budget	Amended Budget	Increase/(Decrease)	Reason				
City Attorney - Legal Services	01-803-305	\$15,000	\$115,000	\$100,000	CREZ, Outside Legal				
General Operations - Contingency	01-870-410	\$106,039	\$26,039	-\$80,000					
General Operations - Insurance	01-870-307	\$150,000	\$130,000	-\$20,000					
General Fund EMS - Grants/Donations	01-6530	\$10,000	\$12,571	\$2,571	EMS Grant				
EMS - Small Tools and Equipment	01-830-102	\$221,700	\$224,271	\$2,571	EMS Grant				
General Fund - Cailloux Foundation	01-6502	\$0	\$10,000	\$10,000	Cailloux Grant				
Recreation - Part-Time/Temp	01-856-003	\$7,200	\$17,200	\$10,000	Cailloux Grant				
Police - Special Programs - Professional Development	07-802-010	\$0	\$4,000	\$4,000	Use of Seizure Funds				
Police - Special Programs - Small Tools & Equipment	07-802-102	\$0	\$2,000	\$2,000	Use of Seizure Funds				
Library Memorial - Friends Contribution	15-6501	\$0	\$23,345	\$23,345	Recognize Friends of the Library Donation				
Library Memorial - Friends Books and Records	15-800-512-02	\$0	\$23,345	\$23,345	Recognize Friends of the Library Donation				
Grant Revenue - Lone Star Grant	85-6565	\$0	\$10,893	\$10,893	Recognize Grant Revenue				
Reimbursement - Vehicle/Equip	90-6904	\$0	\$11,000	\$11,000	Recognize Reimbursements				
Reimbursement - Building Structure	90-6905	\$0	\$16,000	\$16,000	Recognize Reimbursements				
Name	PROJECTS	Approved Budget	Amended Budget	Increase/(Decrease)	Reason				
Library Roof	L01	\$86,365	\$126,365	\$40,000	Increase Roof Project				
Library Renovation	New	\$1,615,000	\$1,575,000	-\$40,000	Move to L01				
Library Renovation	New	\$1,575,000	\$2,225,000	\$650,000	increase funding for project				
Library Furniture	New	\$0	\$200,000	\$200,000	Donation from Friends of the Library				
G Street Bridge	E05	N/A	N/A	N/A	CLOSE				
Belt Filter Press	W63	\$655,700	\$639,251	-\$16,448.67	move to W27				
College Cove Tank Repaint	W83	\$300,000	\$196,999	-\$103,001.00	move \$3,001 to W27 & move \$100,000 to Jefferson Lift Station & Force Main				
High Service Pump at Clearwell	W53	\$120,000	\$31,062	-\$88,938.03	\$88,938.03 to W27				
Jefferson Lift Station & Force Main	New	\$0	\$100,000	\$100,000.00	\$100,000 from W83				
River Hill/Ridgewood Storage Tank Transmission Line	New	\$0	\$100,000	\$100,000.00	\$39,127.82 from W85 & \$16,934.15 from W91				
					\$43,938.03 from Fund Balance				

Name	PROJECTS	Approved Budget	Amended Budget	Increase/(Decrease)	Reason
UTC Building Project	W85	\$215,000	\$15,565	-\$199,435.00	Close; \$39,127.82 to River Hill/Ridgewood
					\$100,000 to Regional Water Planning
					\$54,245.21 to Regional Wastewater Planning
					\$6,061.97 to W27
Highway 16 Utility Relocation	W27	\$1,797,584	\$2,045,100	\$247,515.52	\$16,448.67 from W63; \$3,001 from W83; \$88,938.03 from W53
					\$133,065.85 from W91; \$6061.97 from W85
SH27 Fire Flow Enhancement	W91	\$150,000	\$0	-\$150,000.00	\$133,065.85 to W27 & \$16,934.15 to River Hill/Ridgewood Storage Tank
Regional Water Planning Grant	New	\$0	\$100,000	\$100,000.00	\$100,000 from W85
Regional Wastewater Planning Grant	New	\$0	\$100,000	\$100,000.00	\$54,245.21 from W85 & \$45,754.79 from Fund Balance
				\$89,692.82	
				\$89,692.82	

Agenda Item:

(Staff)

- 5A. An ordinance amending Chapter 58, Article II "food establishments" of the Code of Ordinances of the City of Kerrville, Texas, by adding a new Section 58-33 "mobile food establishments", to establish regulations applicable to mobile food vending and to require a permit for such activities; containing a cumulative clause; containing a savings and severability clause; ordering publication; providing for an effective date; and providing other matters relating to the subject.

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

SUBJECT: Approve on First Reading an Ordinance amending Chapter 58, Article II – Food Establishments to Expand the Definition of and to Modify the Regulations that Apply to Mobile Food Establishments and Commissaries

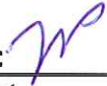
FOR AGENDA OF: June 15, 2011 **DATE SUBMITTED:** June 28, 2011

SUBMITTED BY: Kevin Coleman  **CLEARANCES:** Kristine Ondrias 

EXHIBITS:

- Memo from Amy Ives, Code Compliance Manager, Outlining the Food Service Advisory Board (FSAB) Recommendation
- Proposed Ordinance Amending Chapter 58, Article II of the City's Code of Ordinances

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

Under this item, City Council will consider an item amending a portion of the City's Retail Food Establishments Ordinance.

Under the existing code, in combination with the city's zoning, fire, building and sign ordinances, all mobile food vendors are treated the same, regardless of the product they sell and the area from which they intend to sell.

As such, current regulation may create undue burden on certain low risk establishments and allow enforcement gaps in needed regulation on unrestricted, higher risk establishments.

The proposed ordinance would:

- Create an expanded definition of mobile food units based on the product they sell and the basis of their operation.
- Create a definition of commissary as a licensed establishment.
- Outline the operational restrictions each type of mobile food vendors including restriction of sales outside the approved unit, sales of non-food items and requirements for on-site toilet facilities.

- Define permit requirements including a background check.
- Require inspection prior to permit and during operation.
- Define any separation restrictions from schools, residential districts, and as required by adopted building and fire codes.
- Define baseline sanitation requirements for all units including storage of water and waste water, solid waste containers, and appropriate packaging.
- Define additional sanitation requirements for unrestricted mobile food units.

The proposed ordinance would not effect:

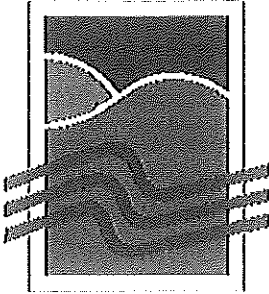
- Fixed retail food establishments.
- Food vendor tied to a special event.
- Licensing requirements under the city's peddlers and solicitor's ordinance.
- Zoning restrictions on use of trailers as permanent businesses or sales in non-commercial areas.

The FSAB reviewed the proposed ordinance at its meeting on June 7 and recommended adoption of the ordinance attached. The FSAB recommendation includes striking a proposed 150 foot separation requirement between mobile and fixed based operators, relying on adopted building and fire codes to establish minimum separation. The FSAB deferred action on the need for a background check prior to permitting as an item that is beyond their purview tied to food safety issues. Staff has retained the requirement because of its value in addressing public safety concerns given the transient nature of these establishments.

The Kerrville Main Street Advisory Board has approved, in principle, the draft ordinance and the section that requires a special permit to operate a Mobile Food Establishment in the Central Business District. The Board requests review of any significant changes prior to adoption.

RECOMMENDED ACTION

Approve the proposed ordinance on first reading.



City of Kerrville
Amy Farris Ives
Code Compliance Manager
800 Junction Highway
Kerrville, Texas 78028-5069
830.258.1171 (O)
830.896.0517 (F)
amy.ives@kerrvilletx.gov

MEMORANDUM

TO: Kevin Coleman

FROM: Amy Farris Ives *afi*

DATE: June 15, 2011

SUBJECT: Food Service Advisory Board Recommendations for Mobile Food Vendors

The Food Service Advisory Board reviewed the Draft Mobile Food Establishment Ordinance and recommends the adoption of the attached Ordinance with the exception of the following Sections:

- 58-33(b)(3) - Background Check Requirements

The Board agreed this was not a food safety issue but more of a public safety concern best addressed by the City Council.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2011-__

AN ORDINANCE AMENDING CHAPTER 58, ARTICLE II "FOOD ESTABLISHMENTS" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY ADDING A NEW SECTION 58-33 "MOBILE FOOD ESTABLISHMENTS", TO ESTABLISH REGULATIONS APPLICABLE TO MOBILE FOOD VENDING AND TO REQUIRE A PERMIT FOR SUCH ACTIVITIES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the City Council of the City of Kerrville, Texas, finds that the regulations of the City of Kerrville ("City") governing the sale of food within its corporate limits should be amended to establish updated standards for the preparation, handling, and serving of food; and

WHEREAS, health and safety issues exist with respect to the operation of mobile food establishments; and

WHEREAS, in furtherance of the health, safety, and welfare of the public, the City Council finds it is in the best interest of the City to make revisions to Chapter 58, Article II "Food Establishments" of the City Code of Ordinances to establishing a permitting process and other regulations applicable to mobile food establishments;

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

SECTION ONE. Chapter 58, Article II, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Subsection 58-32(b) to add additional defined terms follows:

"Commissary means a food processing establishment or food service establishment approved by the regulatory authority as having complied with state law and in which food, containers, or supplies are kept, handled, prepared, packaged or stored for transportation by a mobile food establishment.

Mobile food establishment means the preparation of food for individual sale and offered from one of the following two types of mobile food units:

- (1) A restricted unit that offers only prepackaged food in individual servings, beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels, and packaged frozen foods.
- (2) An unrestricted unit that may cook, prepare, and assemble a full variety of food items as approved by the regulatory authority.

Site based vendor means a restricted or unrestricted unit that is stationary.

Route based vendor means a restricted unit that travels from location to location selling items.

Corn roaster means a rotisserie type of oven mounted on a vehicle, trailer, or pushcart that is designed to cook whole ears of corn with the shucks in place.

Simple snow cone or simple raspa means a food item consisting of crushed ice purchased pre-crushed from a licensed processor that is covered or mixed with syrup purchased prepackaged from an approved source.

Snow cone/shaved ice/raspa means a food item prepared from block or cubed ice by a shaving process that is covered or mixed with a syrup that may be prepared by the operator in a commissary or on the mobile food establishment or which is purchased prepackaged.

Sticker means a decal issued by the regulatory authority that is numbered and has the month and year of the expiration date of the food permit.

Vehicle means every device in, upon, or by which any food is or may be transported, pushed, or drawn.

Vend means the act of dispensing food by a person from a mobile food establishment or afoot within or without a building and shall include for the purpose of this chapter the act of offering to give away any food or any substances intended for use as food."

SECTION TWO. Chapter 58, Article II, of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 58-33 as follows:

"Sec. 58-33 Mobile Food Establishment.

(a) *Exclusions.* This section does not apply to those vehicles which are permitted, approved, or authorized to distribute food by the City pursuant to a retail food establishment permit or temporary food establishment permit.

(b) *Permit requirements; inspections.*

- (1) No person or business shall operate a mobile food establishment or vend food afoot that does not possess a valid mobile food establishment permit from the regulatory authority as provided in this section. The permit shall specify the type of food authorized to be vended, the manner in which the food is to be vended, and include a description of any vehicle to be used in the food vending operation.

- (2) A person seeking a mobile food establishment permit from the regulatory authority shall make application on a form provided by the regulatory authority and shall provide all of the following information as part of the application:
- a. The name and address of the owner and/or operator;
 - b. If the applicant represents a corporation, association, or partnership, the names and addresses of the officers or partners;
 - c. The name under which the food vending operation will be operated;
 - d. A description of the types of food or specific foods to be vended; for example prepackaged peanuts, prepackaged candy, prepackaged food not potentially hazardous and nonperishable food, nonprepackaged food, and so forth;
 - e. The manner of mobile food vending operation to be conducted; for example foot vending, truck, trailer, pushcart, and so forth;
 - f. A description of any vehicle to be used in the mobile food vending operation along with the license, registration, and vehicle identification number;
 - g. The address and food establishment permit number of the commissary required by this section;
 - h. A notarized statement from the owner of a commissary stating that the mobile food establishment uses the facility as its base of operation; and
 - i. where applicable, a written agreement from a business within 150 feet from where the mobile food establishment will operate for the establishment's employees to have use of a flushable restroom during operation hours.
- (3) The regulatory authority will refer a copy of the permit application to the Chief of Police who will undertake an investigation of the applicant's record and background such as shall be reasonably necessary to protect the public. An applicant may be reasonably denied the issuance of a permit where an active warrant exists for their arrest, or if the applicant had been convicted of a felony involving theft, fraud, bribery, perjury, a sexual offense or any offense against a child as defined by applicable law.
- (4) Upon receiving an administratively complete permit application, the regulatory authority shall make appropriate inspections of the food, equipment, vehicles, and other reasonable inspections concerned with the mobile food vending operation and shall issue a permit and a sticker only if:
- a. The application complies with subsection (2), above; and

- b. The inspection(s) reveals compliance with the applicable requirements of all federal, state, and local regulations, including this chapter, governing the proposed mobile food establishment operation.
- (5) City Council will establish the mobile food establishment permit fee.
 - (6) A permit holder shall post the sticker in a conspicuous place for public viewing within the premises where such food establishment is authorized to be established, maintained, or operated. In addition, the permit holder shall have available on-site the latest inspection report issued by the regulatory authority.
 - (7) Mobile food establishment permits are valid for only one year from the date of issuance unless sooner suspended or revoked.
 - (8) Mobile food establishment permits are not transferrable or assignable and shall be considered revoked should such occur.
 - (9) Where the character of the food vending operation is changed from that specified in the permit, the permit shall be considered revoked.
 - (10) Every mobile food establishment permit must be renewed each year in like manner as the original permit application, except that the report from the Chief of Police as required above, shall be renewed every two (2) years from the date of issuance as background checks are valid for two years.
 - (11) The regulatory authority may suspend or revoke a mobile food establishment permit if the regulatory authority determines that:
 - a. an applicant obtained the mobile food establishment by knowingly providing false information on the application;
 - b. a person involved in food vending is infected with or is a carrier of any foodborne communicable disease;
 - c. the continuation of the person's mobile food establishment permit presents a significant public health threat; or,
 - d. the mobile food establishment violates the terms and conditions of its permit.
 - (11) The regulatory authority shall make routine, unannounced inspections of mobile food establishments, and commissaries when applicable, to determine whether or not the vending operation is being conducted in such a manner as to comply with the conditions of the permit, the provisions of this section, other applicable City ordinances, including this chapter, and state and federal law.

- (12) The regulatory authority may take or retain samples of food and other substances used in the preparation of food for examination and the detection of unwholesome and deleterious qualities. The regulatory authority may condemn and forbid the sale of or cause to be removed or destroyed, any food which is adulterated, tainted, diseased, fermented, decaying, or otherwise unwholesome, unclean, or harmful to health. The owner, operator, or other person in charge of such food shall immediately and in the presence of the regulatory authority, destroy such adulterated, tainted, diseased, fermented, decaying, or otherwise unwholesome, unclean food as directed by the regulatory authority.

(c) Operational requirements and restrictions.

- (1) Mobile food establishments are subject to the following requirements and restrictions:

a. It shall be unlawful for any mobile food establishment to sell any potentially hazardous food without a permit within the City.

b. It shall be unlawful for any mobile food establishment to sell from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public or private area without a permit as required under this chapter.

c. Where a mobile food establishment is permitted as a restricted unit, the establishment shall not prepare, assemble, or cook foods. Exceptions exist to allow for the preparing, assembling, and/or cooking of packaged frozen foods, simple snow cones or simple raspas, corn roasters, or commercially prepackaged items.

d. It shall be unlawful for the operator of a mobile food establishment to remove any food from the mobile establishment to vend from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public or private area without a permit as required by this section.

e. It shall be unlawful to operate a mobile food establishment on a street where a traffic hazard exists or may be created.

f. It shall be unlawful for a mobile food establishment to sell nonfood items.

g. Mobile food establishments may apply for permission to operate in City parks subject to applicable park regulations.

- (2) Mobile food establishments may operate on private property where the property is properly zoned, the operator receives written permission from the property owner for use of a working restroom, and the operator locates within 150 feet of the restroom. An operator is prohibited from parking and operating from an unimproved lot or parking overnight.

- (3) A route based vendor shall not operate at a location for more than thirty (30) minutes.
- (4) Where a mobile food establishment uses tables and chairs, the establishment will be required to comply with applicable parking requirements and the provision of restroom facilities for customers.
- (5) In addition to this article, mobile food establishments shall comply with state and federal law and nothing in this article shall exempt an establishment from the City's zoning regulations.
- (6) Unless written permission is granted by the appropriate school, no person shall operate a mobile food establishment within three hundred (300) feet of the property line of any public or private elementary, middle, or high school one hour before, during, and after school hours.
- (7) No person shall operate a mobile food establishment within fifty (50) feet of a residential district.
- (8) Mobile food vending operations shall comply with the separation and distance requirements required by the City's building and fire codes.
- (9) It shall be unlawful to operate a mobile food establishment within the central business district with the exception of establishments who have obtained a special permit from the City in addition to having all required valid mobile food establishment permit(s). The city manager shall have authority to establish policies and procedures governing the issuance and regulation of the special permit for mobile food establishments within the central business district.

(d) *Sanitation requirements.* Mobile food establishments shall comply with the following unless specifically addressed otherwise:

- (1) Mobile food establishments shall comply with all sanitation and construction regulations as outlined in Texas Administrative Code §229.169 of the Texas Food Establishment Rules unless specifically addressed in this section.
- (2) A mobile food establishment shall be operated from a commissary and shall return to the commissary each day of operation for cleaning and servicing. The mobile food establishment shall document each visit to the commissary and shall make that documentation available for inspection. Mobile food establishments dispensing fresh fish and shrimp; prepackaged novelty ice cream; and individual portion size nonperishable foods such as pickles, candy, peanuts and including snow cones/shaved ice/raspas are exempt from this provision.

- (3) Mobile food establishments that dispense snow cones/shaved ice/raspas, shrimp, fish, shellfish, or crustacea shall provide a gravity fed hand washing system, soap, and paper towels.
- (4) Liquid waste resulting from any mobile vending operation shall be stored in permanently installed retention tanks of at least fifteen (15) percent larger capacity than the water supply tank but of no less than thirty (30) gallon capacity and shall be drained and thoroughly flushed during servicing operations. All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary or at a location specifically approved by permit.
- (5) All food that requires packaging or preparation by the mobile food establishment shall be processed in the commissary that is required as a support facility for an establishment.
- (6) Mobile food establishments dispensing snow cones/shaved ice/raspas shall be designed so as to enable the operator of the unit to protect the equipment, syrup, ice, and utensils used in the operation of the unit from dust, insects, and rodents while the unit is in transit or overnight storage.
- (7) Mobile food establishments shall provide waste containers for customers.

(e) *Sanitation requirements for unrestricted mobile food sales.* In addition to the sanitation requirements described above, establishments preparing and vending food from an unrestricted mobile food establishment shall comply with the following requirements:

- (1) A mobile food establishment servicing area shall be provided at the required commissary and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and the draining of liquid waste separate from the location provided for water servicing and for the loading and the unloading of food and related supplies.
- (2) The commissary shall provide a date/time device, with associated means to record the date and time, and require each mobile food establishment that is serviced to document the date and time of arrival and departure from the commissary. The mobile food establishment will make available for inspection the record of the date and time of the servicing at the commissary.
- (3) Approved water storage facilities for potable water shall be provided on the mobile food establishment and shall be of sufficient capacity (minimum twenty-five (25) gallons) to furnish enough water for food preparation, utensil cleaning, sanitizing, and hand washing. The water inlet shall be located in such a position that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped when not being used to fill the storage facility. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for

any other service. All water and gas distribution pipes or tubing shall be constructed and installed in accordance with public health and plumbing standards as set out by City ordinances. The water for said operations shall be from an approved source.

- (4) A ten-gallon capacity heating device, or an instantaneous heater, capable of producing water at one hundred ten (110) degrees Fahrenheit shall be provided in the mobile food establishment.
- (5) All food service operations shall be carried on from within the mobile food establishment.
- (6) Any additional equipment or the arrangement thereof other than approved when the permit was issued shall be prohibited unless approved in advance by the regulatory authority."

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

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The City 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 any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

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

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

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

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2011.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2011.

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

(Staff)

- 6A. Review current concept plan for 413 Main Street, Crenwelge Motor Sales expansion, including acceptance of the third party appraisal of the right of way (Rodriguez Street) to be abandoned with the project and direction to staff to initiate the abandonment process.

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

SUBJECT: Review of Current Concept Plan for 413 Water Street, Including
Acceptance of an Appraised Value of the Proposed Right of Way
Abandonment and Direction to Staff to Initiate the Abandonment Process

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 15, 2011

SUBMITTED BY: Kevin Coleman  **CLEARANCES:** Kristine Ondrias 

EXHIBITS: Project Conceptual Development Plan
Property Appraisal, dated 12/09/2010

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

At its January 11, 2011 meeting, the Council granted preliminary approval of the request; however after review of the appraisal provided, Council asked staff to clarify some areas of the appraisal. Without determination of that value, the owner lacks a critical piece of information needed to fully assess the financing he needs to make the project viable.

Under this item, staff is asking the City Council to clarify its direction on a request from Crenwelge Motor Sales to abandon the right of way of the portion of Rodriquez Street and alleyways that transverses the property; specifically to:

- Review of current conceptual development plan for 413 Water Street,
- Review and accept the appraised value of right of way proposed for abandonment, and
- Direct staff to initiate the next steps of the abandonment process.

Conceptual Development Plan

As part of the abandonment request, the applicant has submitted the attached conceptual development plan that addresses the critical elements needed for staff review of the abandonment request. The conceptual development plan will be used as a baseline document for the project as the owner moves forward on all needed plat submittals, civil construction plans, variance approvals, development site plans and building plans required by the development, as the owner phases in his project. The current plan presents a two phase project, the initial phase of which does not require the abandonment of either the street or related alleyways. Staff, through its

Development Review Committee, has reviewed the plan. Council should note that owner's plan proposes three options for the required relocation of a water line within the Rodriguez Street right of way. Per the City's water model, each option provides adequate supply and fire flow to mitigate the negative impacts if the existing line in Rodriguez Street is abandoned.

Appraised Value of Right of Way

Per prior Council direction, city staff has reviewed the appraisal report of the right of way proposed for abandonment, as provided by the applicant. That appraisal is attached. Due to the relative small size and the irregular configuration of the property, the appraiser has used an appraisal method that establishes a value of a property as a typical commercial parcel as a base, and then estimated any value deductions of this tract due to its irregularity, the existence of existing utilities that must be relocated.

Applying this methodology the appraisal establishes the value of the property at \$3.21 per square foot, or a total of \$100,000 for the 0.716 acre. The appraisal presents a number of comparable properties to establish an average value, and then deducts from that value the negative effect of the encumbrances from multiple points of view. This information is provided on pages 35 and 36 of the appraisal report.

A review of the KCAD valuations of the adjacent property and of some of the properties used for comparison in the appraisal provides secondary and supporting information to support the valuation of the appraisal.

Staff recommends accepting the attached appraisal to determine the value of the property to be abandoned. Council has the option of directing staff to provide Council an additional formal appraisal of the property or to meet with the owner and establish a market value negotiated with the applicant prior to moving forward. The approximate cost of a new appraisal would be \$1,800 to \$2,000.

Next Steps

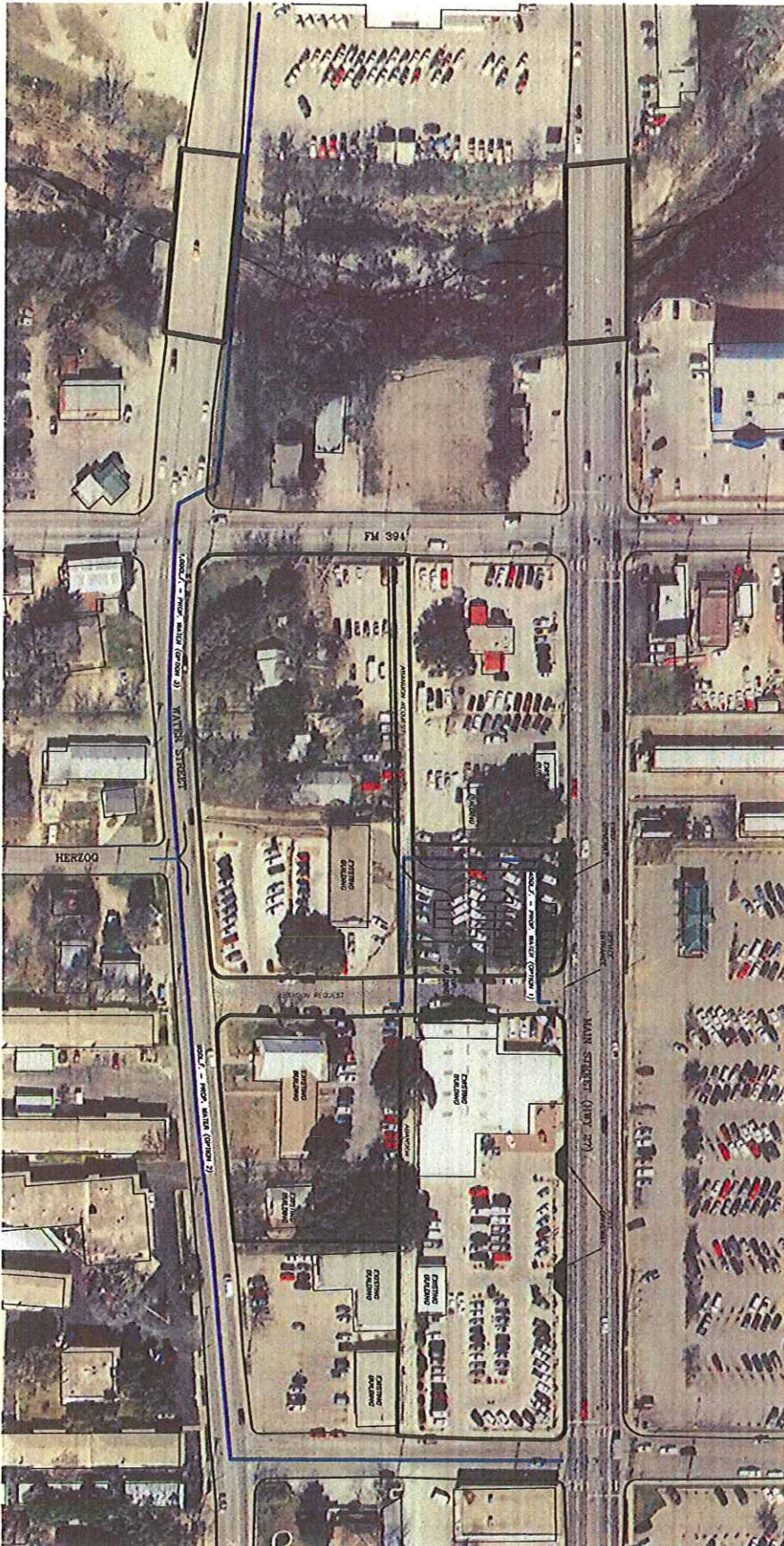
Upon acceptance to the existing appraisal, the owner and staff can move forward to begin the process of abandoning the right of way per the applicant's request as described in the attached outline. The following steps are needed:

- Title verification of street ownership.
- Final confirmation of survey and descriptions.
- Final conceptual development plan submitted by owner and reviewed through the DRC process.
- Preliminary plat submitted by owner, reviewed and approved per ordinance.
- Development Site Plan submitted by owner, reviewed and approved per ordinance.
- All required civil construction plans or variances must be submitted and approved for construction.

At that point, the formal abandonment process, including any necessary public hearing and ordinance readings will be initiated by staff.

RECOMMENDED ACTION

Provide staff direction to proceed as presented.



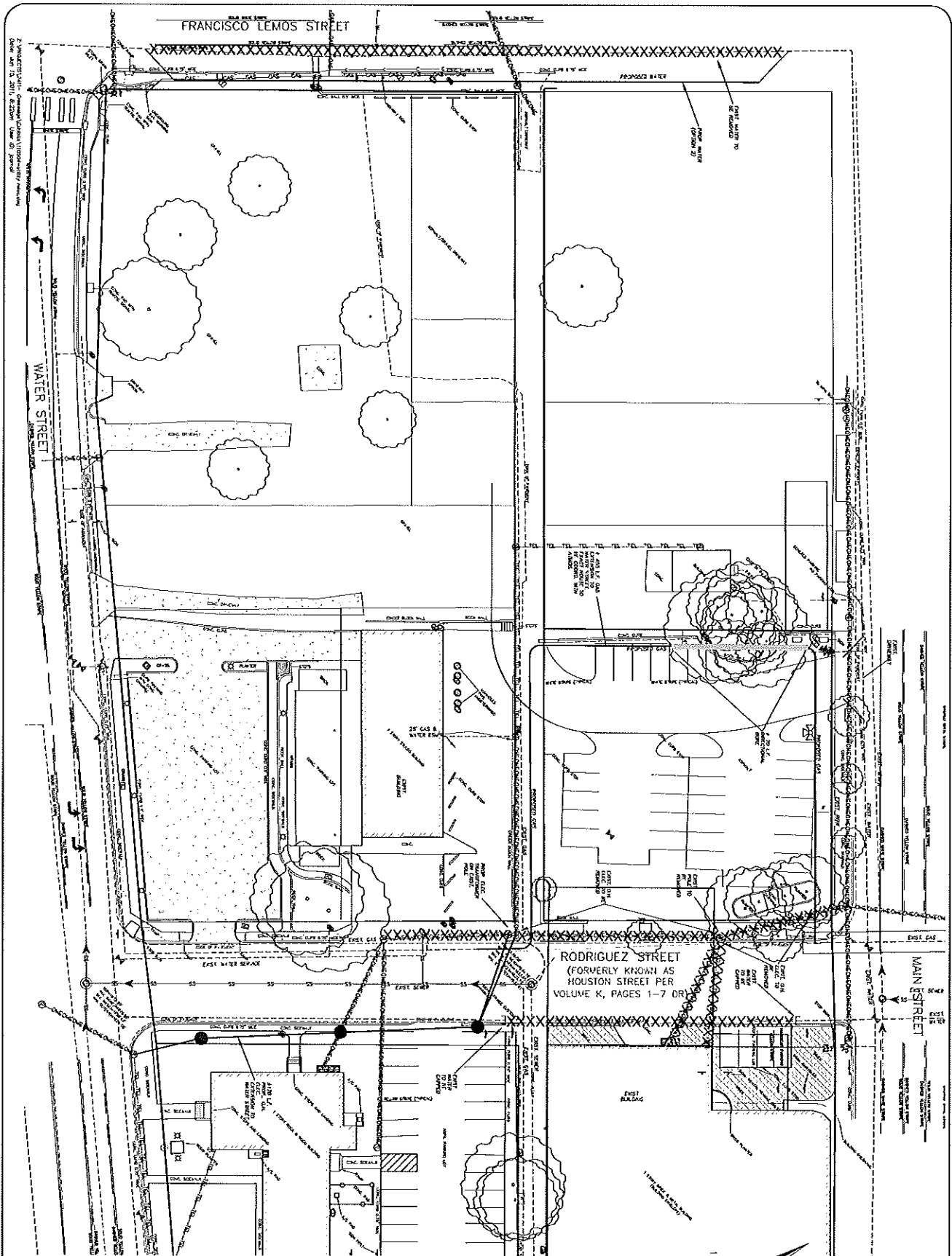
PUBLIC WATER CONCEPT PLAN
FOR
CRENWELGE MOTORS
KERRVILLE, TEXAS

MATKINHOOPER
ENGINEERING
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1101 E. 11TH ST.
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Rev.

JOB NO.	2411.00
DATE	3/23/06
DESIGNED	TAW
CHECKED	JOC
SHEET	CLD



NOT FOR CONSTRUCTION

CONCEPTUAL UTILITY PLAN
FOR
CRENWELGE MOTORS
KERRVILLE, TEXAS

MATKINHOOPER
ENGINEERING
& SURVEYING

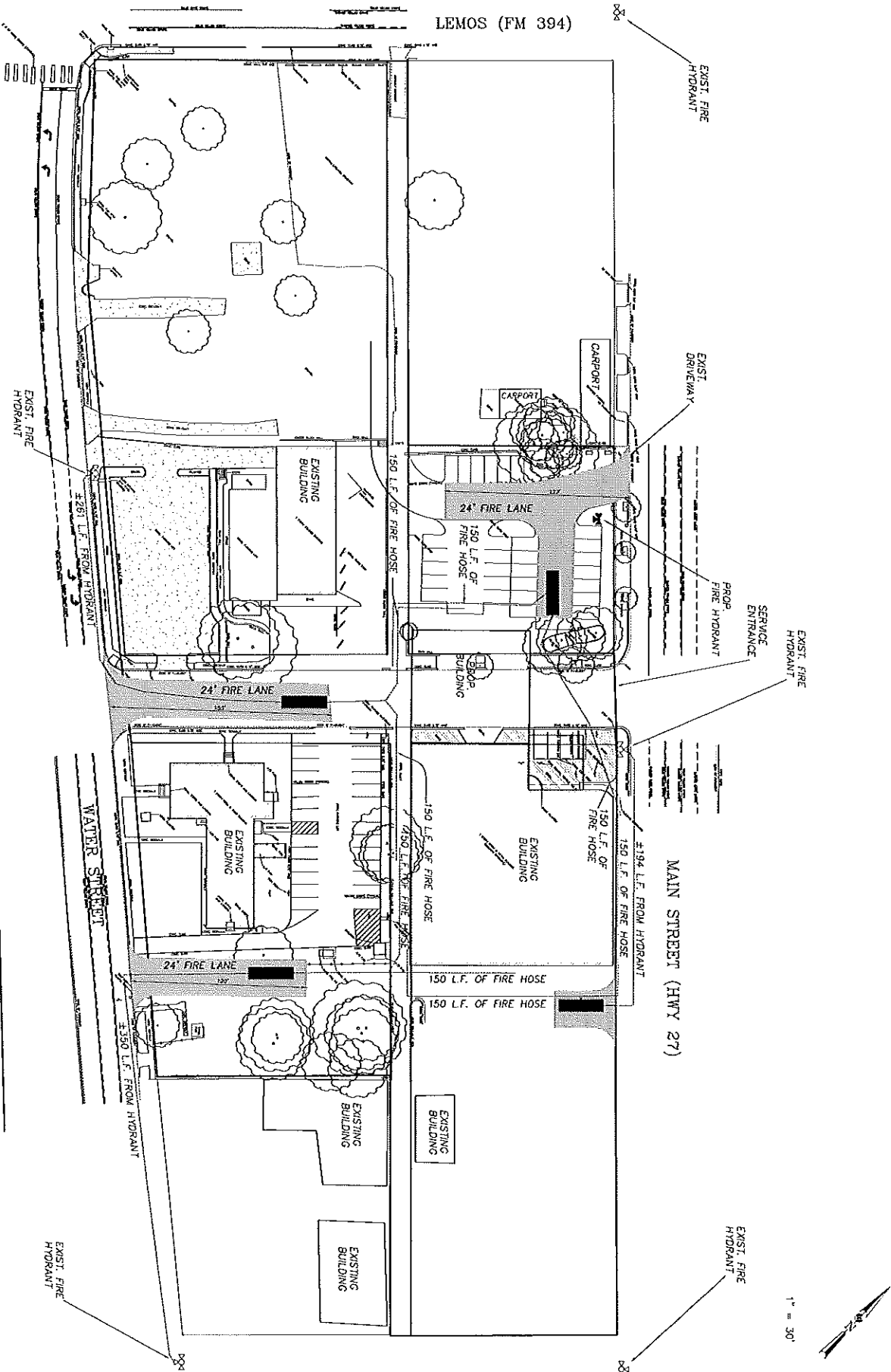
FOR THE
KERRVILLE, TEXAS
CRENWELGE MOTORS
KERRVILLE, TEXAS
PREPARED BY: MATKINHOOPER ENGINEERING & SURVEYING
DATE: JAN. 03, 2017

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REV.

JOB NO.	2411.00
DATE	5/23/10
DESIGNED	TMR
CHECKED	JCC
SHEET	01.0

2. VERTICAL CURVE - Crenshaw Road 1000' - 100' RADIUS
 Date: Jan 15, 2011, 4:10 PM User: J. J. JONES



1" = 30'



CONCEPTUAL FIRE PROTECTION PLAN
 FOR
 CRENWELGE MOTORS
 KERRVILLE, TEXAS

MATKINHOOPER
 ENGINEERING & SURVEYING

THIS DOCUMENT IS TO BE USED FOR REVIEW PURPOSES ONLY. ANY MODIFICATION OR ALTERATION OF ANY KIND WITHOUT THE WRITTEN CONSENT OF THE ENGINEER IS PROHIBITED. THE STATE OF TEXAS, LICENSE NO. 50226, EXPIRATION DATE 12/31/2011.

JOB NO.	2411.00
DATE	5/25/10
DESIGNED	RAW
CHECKED	JPC
SHEET	C1.0

**SUMMARY REPORT
OF
CITY OF KERRVILLE PROPERTY
0.716 ACRES OF STREET AND ALLEYS
BLOCKS 46 & 47; SCHREINER'S ADDITION
KERRVILLE, KERR COUNTY, TEXAS**

**PREPARED FOR:
Mayor David Wampler and the Kerrville City Council
City of Kerrville
800 Junction Highway
Kerrville, Texas 78028**

**AS OF:
12/08/2010**

**PREPARED BY:
T. BECK GIPSON, SRA, SRPA
GIPSON REAL ESTATE SERVICES, LLC
P.O. BOX 291754
KERRVILLE, TEXAS 78029**

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ADDENDA:
 CERTIFICATION
 QUALIFICATIONS OF THE APPRAISER
 PHOTOGRAPHS
 EXHIBITS

GIPSON REAL ESTATE SERVICES, LLC

P.O. BOX 291754
KERRVILLE, TX 78029-1754
(830) 896-4106
FAX# (830) 257-4166

December 9, 2010

Mayor David Wampler; City Council
City of Kerrville
800 Junction Highway
Kerrville, Texas 78028

RE: Summary Appraisal Report of City of Kerrville Property
0.716 Acres of Land, including Rodriguez Street, in Blocks 46 and 47; Schreiner's Addition to the
City of Kerrville.

Attention: Mayor Wampler and Kerrville City Council

I have made a personal inspection of the referenced property for the purpose of estimating the Market Value of the unencumbered fee simple interest. The definition of Market Value is presented later in this report. The value stated in this letter transmittal is subject to certain Assumptions and Limited Conditions set forth in the report and attached in the Addenda. Furthermore, this letter does not in itself constitute an appraisal but merely serves to transmit the appraisal report that follows. The inspection and all portions of this report have been performed by your appraiser with no significant outside assistance.

At the client's request, a Complete Appraisal with A Summary Report is to be completed. A Summary Appraisal Report is a written report prepared under Standards Rule 2-2 (b) under Standards Rule 1 (USPAP), definition section, effective 2010-2011. This report contains summary discussions of the data, reasoning and analysis that were used to develop the opinion of value. It also includes summary descriptions of the subject property, the property's locale, the market for the property type, and the appraiser's opinion of the Highest and Best Use. Any data, reasoning, and analysis not discussed in the appraisal report are retained in the appraiser's work file.

Based on the marketing of the sales contained in this report, the stated Market Value of the referenced property is achievable within a one year period of time if properly priced and marketed. The real estate is appraised as fee simple but subject to the use limitations of the noted utility easements. No personal property is included in this value estimate.

As a result of my investigation and subject to the attached limiting conditions and assumptions, I have formed the opinion that, as of December 8, 2010, the Market Value of the subject property, as described was \$100,000.

Respectfully submitted,



T. BECK GIPSON, SRA, SRPA

D. SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Ostensible Owner:

The ostensible owner of the subject property on December 8, 2010 was the City of Kerrville.

Subject Property:

The subject real estate consists of 0.716 acres of land that is all of Rodriguez Street between Water and Main Streets and the all of the alleyways within Block Nos. 46 and 47 of Schreiner's Addition to the City of Kerrville.

Highest and Best Use:

Based on an analysis of the use to which other properties in the area are being put and for which a demand is present, the Highest and Best Use of the subject property is for commercial assemblage to adjacent ownership.

Improvements:

None.

Valuation Summary:

MARKET VALUE	\$100,000 (or \$3.21 per square foot)
---------------------	--

Effective Date of the Appraisal:

The effective date of the appraisal is December 8, 2010; the last date of inspection by your appraiser.

E. PREFACE

An appraisal is a type of investigation into the law of probabilities with respect to real estate valuation. Through the appraiser's experience, training, and integrity, he is able to project the past activities of buyers and sellers in the market place into a forecast of real estate value. In reaching a conclusion, comparison of properties often involves adjustments due to the individuality and uniqueness of each property. Transactions including real estate are often influenced by sentiment, bias, specific needs, politics, familiarity, lack of understanding, and other conditions not considered by the impartial appraiser. The appraiser cannot lend credence to these possible factors lest he misrepresents the very reason for his profession.

An appraisal cannot be guaranteed, nor can it be proven. The opinion of value can, however, be substantiated. The final opinion is the result of a thorough professional analysis of a vast quantity of physical and economic data. An appraisal must not be considered absolute but should be used as a basis of negotiation between concerned parties, whatever their interests.

The reader of this report should understand the unique investment environment that typifies the Kerrville community. A majority of "commercial" properties are too small in scale to be true investment grade. The smaller size of the community dictates a minimum number of sales and a general lack of real estate investment sophistication; both in rentals and sales. The community also has a larger than average number of wealthy participants that frequently invest in commercial real estate with financial objectives differing from a more sophisticated metropolitan market such as San Antonio, Austin and others. The resulting information suitable for a real estate value analysis is frequently skewed, misleading and/or imprecise. Logic, reasoning, judgment and balance are frequently exercised by this appraiser (in this sub-market) as an overriding influence to pure data and classic analysis.

With the preceding in mind, the reader's attention is invited to the following report which points out the facts and reasoning leading to the estimate of value.

F. CONTINGENT AND LIMITING CONDITIONS

The legal description and size of the property is based on a survey plat performed by Matkin Hoover Engineering and Surveying. The acreage and dimensions stated in this report are assumed to be correct. No responsibility for matters legal in character is assumed.

The title is good and merchantable. The property is appraised as though free and clear of encumbrances with the exception of utility easements described herein.

The property is appraised on the basis of fee simple title conveyance to the purchaser and full cash payment being received by the seller. It is recognized, however, that the purchaser will likely take advantage of the maximum available financing, and the effects of such financing upon the probable selling price have been considered.

Use of this appraisal is reserved to the named recipient and use of portions excerpted from the complete report is prohibited.

The appraiser is not required to give testimony or attendance in any court by reason of this appraisal, with reference to the property in question, unless prior arrangements have been made.

The data contained in this report, and upon which this appraisal is based, was gathered from reliable sources and is believed to be authentic, but no responsibility is assumed for the results of actions by anyone based on such information. All information, comments and conclusions relative to the subject and other properties are the opinion of the appraiser after personal inspection of the properties concerned was made.

A valuation relating to an estate in land that is less than the whole fee simple estate related to a fractional interest plus value of all other fractional interests may or may not equal the value of the entire fee simple estate considered as a whole.

This appraisal was obtained from 'T. Beck Gipson and consists of trade secrets and commercial or financial information' which is privileged and confidential and exempted from disclosure under 5 U.S.C. 552 (b) (4). Please notify T. Beck Gipson of any request of reproduction of this appraisal.

The Appraisal Institute has a recertification program which requires continuing education for recertification; T. Beck Gipson is currently certified in good standing with The Appraisal Institute.

II. FACTUAL DATA

A. INTENDED CLIENT

The intended client is the City of Kerrville, Mayor David Wampler and the Kerrville City Council.

B. PURPOSE OF THE APPRAISAL

The purpose of the appraisal is to develop an opinion of value, as defined in this report, of the fee simple interest in the referenced 0.716 acre tract of unimproved land in the City of Kerrville, Kerr County, Texas as of December 8, 2010.

C. ESTATE APPRAISED

The estate appraised is the undivided fee simple interest in the referenced 0.716 acre tract of unimproved land.

D. FUNCTION OF THE APPRAISAL

The function of the appraisal is to assist the client in value determination for asset management and/or potential contract conveyance.

E. DEFINITIONS

MARKET VALUE*

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) Buyer and seller are typically motivated;
- (2) Both parties are well informed or well advised and acting in what they consider their own best interests;
- (3) A reasonable time is allowed for exposure in the open market;
- (4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

*Title XI of the Financial Institutions, Reform, Recovery Act (FIRREA) of 1989.

FEE SIMPLE

An absolute fee; a fee without limitations to any particular class of heirs or restrictions, but subject to the limitations of eminent domain, escheat, police power, and taxation. An inheritable estate.

APPRAISAL

An unbiased estimate of the nature, quality, value, or utility of an interest in, or aspect of, identified real estate and related personality. A defensible estimate of value.

CREDIBLE

Worthy of belief. Credible assignment results require support, by relevant evidence and logic, to the degree necessary for the intended use.

HIGHEST AND BEST USE

The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability.

CONTRIBUTORY VALUE

The concept that the value of a particular component is measured in terms of its contribution to the value of the whole property, or as the amount that its absence would detract from the value of the whole.

FEE SIMPLE ESTATE

The term "Fee Simple Estate" is understood to mean the absolute ownership unencumbered by any other interest or estate; subject to the existing short-term leases and to the limitation of eminent domain, escheat, police power and taxation.

EXPOSURE TIME

The estimate length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. Exposure time differs from the marketing period in that exposure time is assumed to precede the effective date of the appraisal.

MARKETING TIME

The period of time it might take to sell a property interest in real estate at or near the concluded market value during the period immediately following the effective date of the appraisal. A marketing period is a function of price, time, use and anticipated market conditions.

F. COMPETENCY

Your appraiser has attended numerous professional schools and seminars concerning commercial land and improvements analysis. In addition, your appraiser has performed numerous appraisal of a similar character in the Hill Country region over the past thirty-five years. The awarding of the SRPA (Senior Real Property Appraiser) designation from The Appraisal Institute is in recognition of studies and performance in commercial properties. Your appraiser is considered competent for the assignment without significant outside assistance but he has conferred with professional peers.

G. SCOPE OF WORK

The Scope of Work for this assignment included development of an opinion of value of the subject. The subject property, as appraised, contained no significant improvements or income producing potential. Therefore the Cost and Income Approaches are not applicable and the entire value analysis is based on the Sales Comparison Approach.

The scope of the appraisal assignment included the physical inspection of the subject property (by T. Beck Gipson) and a collection and analysis of numerous competitive sales. Sources used in obtaining sale information included county deed recordings, tax assessment records, real estate sale data published by local Board of Realtor MLS systems, local real estate agents and appraisers. The comparable sales were physically inspected from public right-of-way. Those sales collected that were considered to be most similar to the subject are included in the body of this appraisal report. Those sales collected that were not considered to be directly comparable to the subject, which are not included in this report, were considered valuable as a tool to determine categories of variance and appropriate adjustments. Knowledgeable individuals in the area were interviewed in order to identify local and regional real estate trends and characteristics affecting the property appraised. In addition to the current sales, your appraiser has collected and maintains commercial land sales that have occurred in the "Hill Country" region, specifically Kerrville, since 1975. This database is considered to be part of the information analyzed for this assignment and is valuable in establishing adjustments for variance.

The foregoing information and analysis was organized in order to produce this appraisal report in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP).

H. EFFECTIVE DATE OF THE APPRAISAL

The effective date of the appraisal is December 8, 2010.

I. DATE OF PROPERTY INSPECTION

T. Beck Gipson last inspected the subject property on December 8, 2010.

J. MARKETING AND EXPOSURE TIME

In compliance with USPAP standards, your appraiser has addressed the estimated marketing time of the subject property at the value stated. Based on the marketing experience of the sales utilized, it is the opinion of the appraiser that if properly priced and professionally marketed, the subject property could achieve the Market Value stated within in a one year period. Exposure time is an estimate of the time a property would be exposed to the market for sale before a sale would occur at the estimate of market value. Based on the location of the property and current demand for competitive property, the subject would have been exposed to the market approximately six to twelve months prior to achieving a sale price at/or near the market value estimate.

K. EXTRAORDINARY ASSUMPTIONS

The subject property is encumbered with numerous utility easements that include underground water lines, sewer lines, gas lines and overhead electrical lines, telephone lines and television cable lines. The description of those facilities and the associated use limitations of those easements has been based on a combination of professional engineers, City of Kerrville staff, KPUB staff, interview with Tim Crenwelge and your appraiser's physical inspection. Neither a professional survey including those easements nor a legal opinion for a title policy has been provided the appraiser for this valuation assignment. In the likely event of subsequent contradictions to the assumptions of this value assignment, your appraiser reserves the right to amend the value estimate.

L. HYPOTHETICAL CONDITIONS

None.

M. AREA ANALYSIS

Kerrville, the county seat of Kerr County, is located on the Guadalupe River and Interstate 10 and is approximately sixty miles northwest of San Antonio and one hundred and ten miles west of Austin, Texas. This area is the center of a geographic region known as the "Hill Country of Texas," located in the south-central section of the State. The "Hill Country" is that central region between arid rangeland to the west, humid and moist climates to the east, barren farming plains to the north and coastal plains to the south. It contains, within a one hundred and fifty mile diameter, a welcome relief of broken topography, abundant surface water and green foliage that is uncommon anywhere else in the State. Kerrville is the economic/retail/professional center of this area. The area has been noted by various researchers (including the Rockefeller Foundation) as having one of the most ideal climates in the United States; the weather is rarely severe, but it does exhibit all four seasons. The climate is generally considered semi-arid. Normal average rainfall is 29.75 inches; the heaviest amounts usually occur in August. Normal temperatures range from a mean minimum of 34 degrees F. in January to a mean maximum of 94 degrees F. in July. Kerr County contains 1,101 square miles and has soils ranging from sandy loam to bottomland alluvial. The predominant soil type in Kerr County has a limestone base. Average county elevation is approximately 1,650'. The spring fed Guadalupe River, flowing eastward through the area, provides recreation and scenic attractions. The Kerrville community is located in the Guadalupe River valley at approximately 1,700' above sea level.

Population:

The City of Kerrville has a population (based on 2000 Census) of 23,000, but residential growth immediately outside the city limits suggests a total economic population of over 35,000. The total Kerr County population (based on 2000 Census) was approximately 43,000. A majority of the community's growth has occurred since the early 1960's when the area was promoted as ideal for retirement. Even though an abnormal percentage of the city population is of retirement age, an increasing number of households are younger professionals who support the needs of that population growth. The completion of IH-10 in the mid 1970's enhanced the area's exposure and growth.

The overall outlook for the area economic development, in terms of employment and industrial groupings, would indicate continued growth at a positive, stabilized rate in basically the same employment pattern that has occurred during the last thirty years. This would mean continued growth in contract construction, retail trade and professional service. Additionally, increases in medical and other health services' employment are being witnessed. The resulting income from these favorable employment trends should support the current demand for ownership and rentals.

Economy:

For many years the income of the Kerrville population was predominantly tied to agriculture and related industries. It was enhanced by employment at the State Hospital, the VA Hospital and the Sid Peterson Hospital. The past thirty years have seen a trend toward manufacturing, trades, major medical services, recreation and professional employment. There are over thirty summer camps for children located along the headwaters of the Guadalupe River. These camps presently accommodate over 24,000 children per season and provide another source of employment. Over the years, the exposure of all these children and their parents to Kerr County has enticed many to settle here for

retirement and/or to purchase secondary recreational housing. This long term exposure has resulted in accelerated housing demand as the "Baby Boom" generation approaches retirement.

The retirement population increased substantially from approximately 1960 to present and brought increased demands for real estate, banking and health care services. One of the results of a large retired population (generally very affluent) has been a large savings inflow. The community has abundant wealth and the overall employment pattern is designed to service it.

Overview and Direction:

As may be evident from this area analysis, it is difficult to accurately pinpoint Kerrville's population and growth potential. A majority of its growth and wealth has come from outside the area. The local economy has thrived on the fact that when discretionary wealth is accumulated anywhere in the state, individuals have a strong tendency to migrate toward the Hill Country Area because of its attractive climate, topography and social atmosphere. As the regional center of the Hill Country Area for retail and professional services, Kerrville has, and will continue to, prosper. Its growth continues to be individuals from outside its bounds. Therefore the precise analysis of its growth (and growth predictions) is less confident or reliable than more typical metropolitan areas. Typical newcomers tend to purchase high dollar housing and/or recreational ranches. The community has consequently provided more services, facilities, recreation and entertainment than is typically expected for such a small population.

NEIGHBORHOOD:

Within a community, there is a marked tendency toward the grouping of land uses. The areas devoted to these various uses are physical neighborhoods. A neighborhood is defined as "a portion of a larger community in which there is a homogeneous grouping of inhabitants, buildings, or business enterprises. Inhabitants of a neighborhood usually have a more than casual community interest. Neighborhood boundaries may consist of well defined natural or man-made barriers, or they may be more or less well defined by a distinct change in land use, or in the character of the inhabitants." (Byrl N. Boyce, Ph.D., SRPA, ed., Real Estate Appraisal Terminology, Revised Addition, Massachusetts: Ballinger Publishing Company, 1984, P. 172).

A neighborhood may be characterized by such uses as residential, commercial, industrial, recreational, agricultural, cultural, any civic activities or a mixture of these uses. Analysis of the neighborhood in which a particular property is located is important due to the fact that the various economic, social and physical forces which affect the neighborhood also directly influence the individual properties located within it.

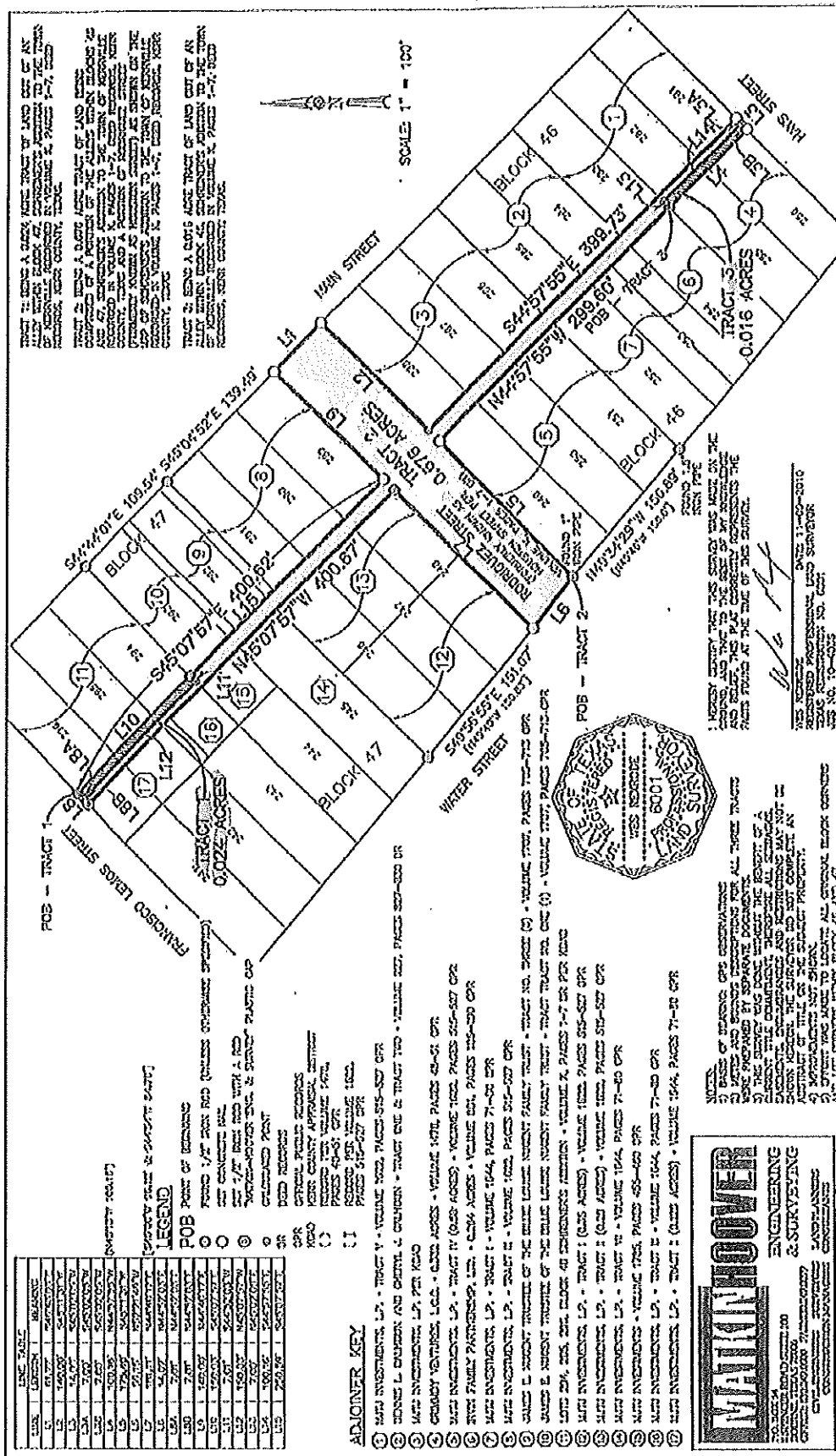
The original nucleus of Kerrville lies on the northern side of the Guadalupe River but with significant new (since 1980) commercial development south of the river such as a shopping mall, a post office and new Peterson Regional Medical Center. The main business area lies along Water and Main Streets (running southeast to northwest) in the Downtown Area and continues along Junction Highway westward to the new intersection of Thompson Parkway (loop). The two other most important business thoroughfares are Harper Road and Sidney Baker. Both are access roads to IH-10 and lend considerable influence on traffic flow and key business locations. The majority of traffic flow throughout Kerrville is focused on Main Street (east-west) and Sidney Baker Street (north-

south). The traffic count at this intersection is the largest in town and tends to "bottleneck" over time. The 80's brought some relief with construction of Loop 534 to the east ----- but it was short lived as the community continued to grow. The new construction of the Thompson Drive extension serves to accept some of the western county traffic bound for Kerrville South. The Holdsworth Boulevard (Harper Road to North Sidney Baker) is also designed to relieve some east-west traffic pressure. Although these remedies are of assistance, the community's continued growth and its focus on the downtown area will continue to maintain the heavy traffic exposure to the major business thoroughfares of Main Street, Water Street, Thompson Drive, Junction Highway and Sidney Baker Street.

The subject is located west of the downtown area but east of the "five points" intersection, an active retail area. The property to be appraised lies within a two block area formed by Main Street and HEB to the northeast, Francisco Lemos Street and Town Creek to the northwest, Water Street and various small older retail establishments to the southwest and Hays Street to the southeast. This two block area is served by Rodriguez Street and all but three or four properties within the two blocks are owned by Crenwelge Motors.

N. LEGAL DESCRIPTION

For technical reasons the subject 0.716 acres of land has three separate legal descriptions as depicted in a professional plat on the following page. A complete metes and bounds description of those three tracts is included in the addenda of this report.



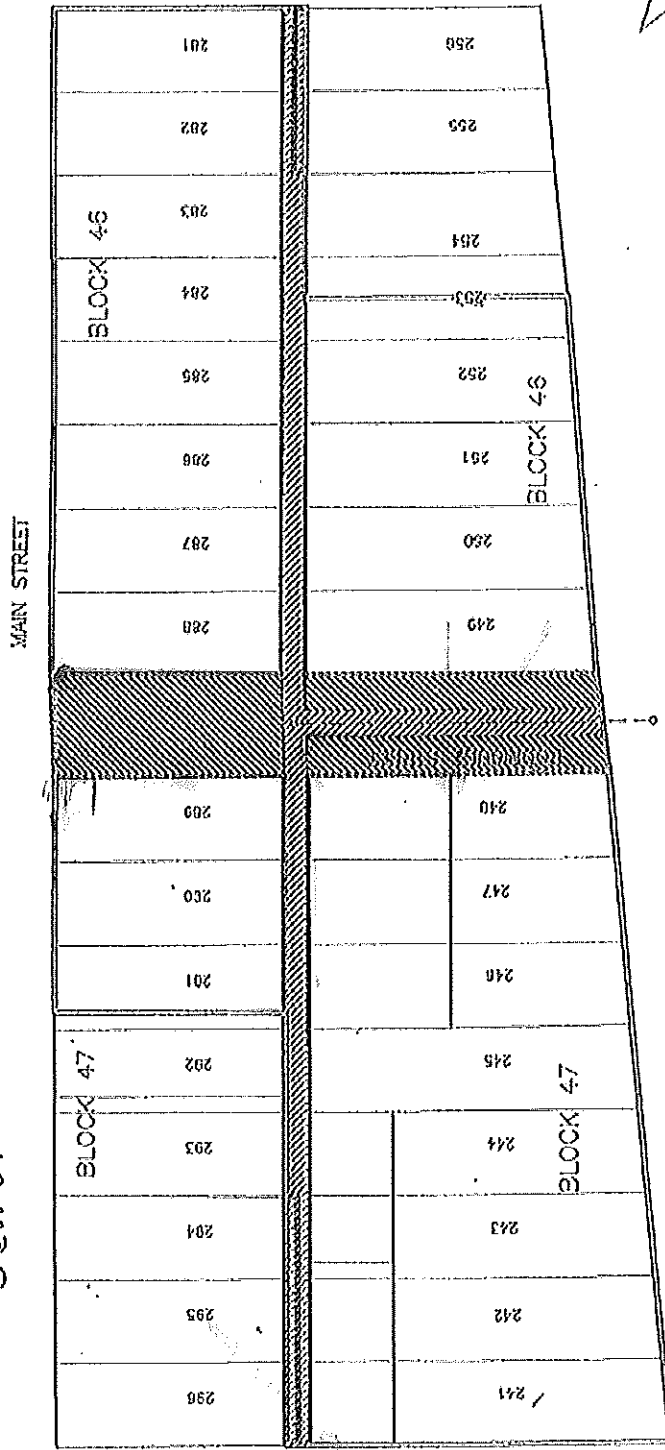
O. SITE DESCRIPTION

The subject property contains 0.716 acres (31,189 square feet) of land that essentially is all of Rodriguez Street between Main and Water Streets and all of the alleys for Blocks 46 and 47 of Schreiner's Addition; also between Main and Water Streets. With the exceptions of the extreme north and south corners of Blocks 46 and 47, the subject is surrounded by Crenwelge Motors ownership. The alleys are 14' in width and extend approximately 400' from Rodriguez Street through the mid-section of the blocks and end at the northeast line of Francisco Lemos Street and the northwest line of Hays Street. The street portion of the land (Rodriguez Street between Main and Water Streets) measures approximately 60' in width by 335' in length. No portion of the site falls within the 100 year flood plain (FEMA Flood Map #48265C260 E; dated July 19, 2000). The subject is zoned "11-C" which allows for a wide range of commercial uses; the detail of which is provided in the Addenda of this report.

As an independent site the property is well located but it has a highly irregular configuration; being a narrow 60' wide tract that extends to two street frontages but with approximately one third of its surface area comprised of 14' wide (alley) strips. More damaging (to value) than the configuration is the high percentage of area consumed or affected by utility easements. Based on the Matkin Hoover survey approximately 48% of the surface area is consumed by utility easement. Most of both 14' wide alleys are aligned with 2" gas line easements and the west side of the Rodriguez Street has a 6" gas line and easement. The Rodriguez Street section has a water line along its eastern side and the south half of its western side. The mid-section of the south half of the Rodriguez Street is traversed by a sewer line easement. KPUB electrical easements cross Rodriguez Street in three places and cross the northwest segment of the alley as well. Although the easements are necessary for the lands' attachment to utility services the easements themselves (not including KPUB electrical lines) consume half of the surface area and generally prevent practical use the remaining usable land (see utility sketch on next page).

No soil report was furnished but visual inspection of the subject and surrounding properties indicated no apparent soil conditions which would affect the value of the site. Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyls, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the

Utility Easements
 Electrical
 Gas
 Water
 Sewer



WATER STREET

FRANCISCO LEMOS STREET

LAND USE CALCULATIONS
 0.716 TOTAL

0.342 PROP. UTILITY EASEMENT
 0.374 NET USABLE

TIM HOOPER
 ENGINEERING
 & SURVEYING
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 SUITE 200
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 www.timhooper.com

existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test such substances or conditions. If the presence of such substances or environmental conditions may affect the value of the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.

P. HISTORY

The Appraisal Institute requires by USPAP (Uniform Standards of Professional Appraisal Practice) an ownership history of properties appraised relating to the past three years. The subject property has been maintained within the same ownership for more than three years and has no known marketing history other than current negotiations between Crenwelge Motors and the City of Kerrville ownership.

Q. PROPERTY TAXES

The subject is owned by the City of Kerrville and has a tax exempt status.

R. HAZARDOUS WASTE MATERIAL

Your appraiser observed nothing of a detrimental nature but is not considered an expert in this field of endeavor. Any variance from this assumption would negate the valuation analysis contained within this report and the report would become null and void if toxic substances of a detrimental nature were discovered.

S. HIGHEST AND BEST USE; HIGHEST AND BEST USE

The criteria or steps utilized in the Highest and Best Use Analysis include: (1) PHYSICALLY POSSIBLE, (2) LEGALLY PERMISSIBLE, (3) FINANCIALLY FEASIBLE, (4) MAXIMALLY PRODUCTIVE. The Highest and Best Use Analysis is initiated by assuming the site is vacant and available for development. This assumption allows the analyst to determine the use for which the site may be used to meet all of the criteria in one analysis. The purpose of the Highest and Best Use Analysis is to identify the use that creates the highest probable land value or net return to an owner/investor.

Therefore, it is considered to be that reasonable and probable use that will support the highest present value as of the effective date of the report. The Highest and Best Use conclusion provides the basis for an appraiser's Market Value Analysis. The remainder of the valuation process is conducted in relation to these conclusions. Therefore, it is essential that the Highest and Best Use conclusion relate to the motivations of the market for the subject property.

Physically Possible: The subject property has significant physical use restraints due to small size combined with the extremely narrow strips of land.

Legally Permissible: The property is not within the 100 year flood plain and has no known detrimental easement or deed restrictions. The referenced property is within the city limits of Kerrville and is zoned "C-11" (see zoning chart in the Addenda of this report). Permitted uses in this zone (without conditional use application) consist of bed and breakfast, business services, multi-family dwelling, professional offices, funeral services, custom manufacturing, personal services, professional offices, restaurants, retail trade, new vehicle sales, tourist/visitor and recreational services. All of the commercial uses that appear to be physically possible for the subject site are considered by your appraiser to be legally permissible.

Financially Feasible: The Kerrville community has shown evidence of a slow but steady growth of commercial potential in the central and Kerrville South region. Most recent trade activity of a competitive nature has been consumed and is currently under construction near the new Sid Peterson Hospital south of the Guadalupe River. The subject's location between the downtown intersection and "5 Points" is well exposed to commercial traffic and considered good but not the most premium of commercial sites; particularly for an inside tract. The permitted uses suggested in the zoning ordinance such as bed and breakfast are not considered to be financially feasible at this time. Options of more intensive use are more likely for the advantageous site such as professional offices or retail (both are currently overbuilt). However, due to the subject's small size, irregular shape and abnormally high percentage of land consumed by utility easements; the subject's highest and best use is generally limited to that of assemblage to a neighboring tract. Although much of the land is unusable for building it can be utilized for parking and/or for enhancing the use of the purchasing tract by expanding the usable land size within legal setbacks.

Maximally Productive: Maximum productivity of the subject site is achieved by utilization of the tract as an assemblage tract. The disadvantage of such a use is the limitation of potential buyer(s).

T. THE DIRECT SALES COMPARISON APPROACH

The subject's small size, irregular configuration and high percentage of unusable land is uncommon and no recent sales of a similar nature are known to exist in the area. Your appraiser's appraisal technique, then, is to appraise the subject as a typical 0.716 acre (31,189 square feet) commercial parcel and then attempt to estimate the deductions for its deficiencies. The following vacant, commercial land sales were chosen by your appraiser for their similarity in dates of sale, location, size and commercial utility. Some of the sales are not direct comparisons but are of assistance in bracketing or demonstrating variance.

COMMERCIAL SITE SALE #1

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1803 PAGE: 104

DATE: 8/25/2010

GRANTOR: Sharon E. Compton

GRANTEE: Deja Maison Management, LLC

ACRES: 0.40 acres or 17,500 square feet

LEGAL: Lot 3R, Block 29, J.A. Tivy's First Addition (Vol. 8, Pg. 166)

CONSIDERATION: \$119,000 or \$6.80 per square foot

CONFIRMATION: Confidential

LOCATION: 1312 Broadway

CITY UTILITIES: Yes

ZONING: 17-C

LAND DESCRIPTION: Rectangular, inside tract but with 20' wide alley access to the rear. Adjacent to an old, stone commercial building.....now vacated. 10' wide dedicated utility easement along 125' frontage of Broadway Street.

IMPROVEMENTS DESCRIPTION: None.

COMMENTS: Apparently purchased for use as a Bumdoodler's Sandwich Shop building site.

COMMERCIAL SITE SALE #2

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1708 PAGE:

DATE: 232

GRANTOR: Fred Yaggi

GRANTEE: A+ Action Automotive LLC

ACRES: .44 or 19,000 square foot

LEGAL: All of Lots 1 and 2, Block 17, JA Tivy Addition

CONSIDERATION: \$148,000 or \$7.80 per square foot

CONFIRMATION: MLS

LOCATION: 1321 Broadway

CITY UTILITIES: Yes

ZONING: 17-C

LAND DESCRIPTION: Flat, level, cornering tract; 100 FF by 190' on D Street

IMPROVEMENTS DESCRIPTION: None.

COMMENTS: Speculative resale to end user. Previous sale: 5/08/2007

Carlos & Tereza Jaminez to Fred Yaggi; Vol. 1602, p. 463

Sp \$115,000 or \$6.05 per square foot.

COMMERCIAL SITE SALE #3

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1694 PAGE: 307

DATE: 08/25/08

GRANTOR: Homero L. and Marilyn Calderon

GRANTEE: Charles Johnson

ACRES: 0.475 acres

LEGAL: Lots 574, 575 and 576, Block 37, Schreiner Addition

CONSIDERATION: \$186,000 or \$8.99/sq. ft.

CONFIRMATION: MLS

LOCATION: 324 Lemos Street

CITY UTILITIES: Yes

ZONING: 11-C

LAND DESCRIPTION: Frontage on Lemos and Jefferson.

IMPROVEMENTS DESCRIPTION: Old bar subsequently razed; no contributory value.

COMMENTS:

COMMERCIAL SITE SALE #4

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1683 PAGE: 83

DATE: 06/24/08

GRANTOR: Lydia Gonzales

GRANTEE: Harold E. and Brenda A. Hughes

ACRES: 0.13 acre or 5700 sq. ft.

LEGAL: Prt of Lot 406, all of Lot 357, Block 54; Prt of Lot 350, Block 48, Schreiner Addition

CONSIDERATION: \$50,000 or \$8.77 per sq. ft.

CONFIRMATION: Confidential

LOCATION: 417 Francisco Lemos

CITY UTILITIES: Yes

ZONING: 11-C

LAND DESCRIPTION: 38' frontage x 150' or 5700 sq. ft. Inside tract – level.

IMPROVEMENTS DESCRIPTION: Old house ---- no value.

COMMENTS: Assembled by adjacent owner.

COMMERCIAL SITE SALE #5

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1643

PAGE: 762

DATE: 11/15/07

GRANTOR: Thelma Garza

GRANTEE: Harold E. and Brenda A. Hughes

ACRES: 0.13 acre or 5700 sq. ft.

LEGAL: Lot 406 1/2, Block 54, Schreiner Addition

CONSIDERATION: \$50,000 or \$8.77 per sq. ft.

CONFIRMATION: Confidential

LOCATION: 417 Francisco Lemos

CITY UTILITIES: Yes

ZONING: 11-C

LAND DESCRIPTION: 38' frontage x 150' or 5700 sq. ft. Inside tract -- level.

IMPROVEMENTS DESCRIPTION: Old house ---- no value.

COMMENTS: Assembled by adjacent owner.

COMMERCIAL SITE SALE #6

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1525 PAGE: 694

DATE: 05/25/06

GRANTOR: Dietert Claim Senior Citizens Center

GRANTEE: Fidelity Abstract and Title Co.

ACRES: 0.59 acres or 25,350 sq. ft.

LEGAL: All of Lot 12, Par of Lots 11 And 13, Block 3; JD Brown Addition.

CONSIDERATION: \$230,000 or \$9.08/sq. ft.

CONFIRMATION: Confidential

LOCATION: 612 Jefferson Street

CITY UTILITIES: Yes

ZONING: "11-C"

LAND DESCRIPTION: 123 FF on Jefferson Street; 208 feet in depth.

IMPROVEMENTS DESCRIPTION: Small wood frame office building.

COMMENTS: \$220,000 note to Richard/Betty Crick.

COMMERCIAL SITE SALE #7

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1508 PAGE: 589

DATE: 03/09/06

GRANTOR: Snowden Partners, Ltd.

GRANTEE: Timothy M. Crenwelge; Johnathon D. Crenwelge

ACRES: 0.27 acres (75' x 154'); 11,547 sq. ft.

LEGAL: Lot 252 and west ½ of Lot 253; Block 4, Schreiner Addition

CONSIDERATION: \$98,146 or \$8.50/sq. ft.

CONFIRMATION: Confidential

LOCATION: 316 West Water

CITY UTILITIES: Yes

ZONING: "11-C"

LAND DESCRIPTION: Rectangular (75' x 154'); gently sloping northeast to southwest.

IMPROVEMENTS DESCRIPTION: Old house of nominal value.

COMMENTS: Purchased by adjacent owner for assemblage.

COMMERCIAL SITE SALE #8

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1663

PAGE: 212

DATE: 03/12/08

GRANTOR: Rafter Land & Cattle Co., a New Mexico LP

GRANTEE: Doug Evans

ACRES: 1.33 acres or 57,935 sq. ft.

LEGAL: John C. Sheffield Survey 121, Abst. 291

CONSIDERATION: \$620,000 or \$10.71/sq. ft. or \$16.55/sq. ft. for 37,462 sq. ft. outside of the flood easement and flood plain.

CONFIRMATION: Confidential

LOCATION: 1201 Junction Highway

CITY UTILITIES: Yes

ZONING: GR

LAND DESCRIPTION: 526' north to south on west perimeter; 124' FF on Junction Hwy. (no curb cut; northeast corner is Junction Hwy. and Knapp Road; 393' FF Knapp Road prior to western offset adjacent to lift station and city lake park. Lake frontage of 72.46 FF. 21,700 sq. ft. outside the 100 year flood plain; 15,625 in 100 year flood plain but above UGRA flood easement line. 20,473 sq. ft. subject to UGRA flood easement.

IMPROVEMENTS DESCRIPTION: 3073 sq. ft. metal flower shop in poor repair, four small rent houses in poor repair.

COMMENTS: \$550,000 note to Grantor at above market rate (\$90,000 down payment). Purchased by adjacent property owner for land assemblage. Sale was direct with no commission or an effective sale price of \$675,000 (assuming 5% commission) or \$11.65 per sq. ft.

COMMERCIAL SITE SALE #9

COUNTY: Kerr
VOLUME: 1651

PAGE: 595

MAP: Kerrville
DATE: 11/06/2007

GRANTOR: Raymond Brothers Ltd. 1

GRANTEE: James/Jennifer Bone

ACRES: 1 acre
LEGAL: Lot 1, Block 1, R-B Addition

CONSIDERATION: \$12.00/sq. ft.
CONFIRMATION: Confidential

LOCATION: Hill Country Drive (between Borchers's and Kerrville South building).

CITY UTILITIES: Yes

ZONING: 16-C

LAND DESCRIPTION: Southwest one acre same deeded easement across driveway to rear.

IMPROVEMENTS DESCRIPTION: None.

COMMENTS:

COMMERCIAL SITE SALE #10

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1500 PAGE: 459

DATE: 02/01/06

GRANTOR: Ray C. Starks

GRANTEE: Kirk/Barbara L. Bond

ACRES: 0.531 acres pr 23.118 sq. ft.

LEGAL: Lot 3, Roy Street Estates

CONSIDERATION: \$264,800 or \$11.45/sq. ft.

CONFIRMATION: Seller/Appraiser

LOCATION: 1802 Sidney Baker Street

CITY UTILITIES: Yes

ZONING: Gateway

LAND DESCRIPTION: 140' FF on Sidney Baker Street; 155' on Roy Street ---- the precise corner is consumed by a newly installed drainage.

IMPROVEMENTS DESCRIPTION: Twenty-five year old metal clad hair salon of 1000 sq. ft. Purchased by adjacent (Roy Street frontage) property owner for better exposure. The existing structure was of questionable contributory value and subsequently razed for the construction of a new building.

COMMENTS:

COMMERCIAL SITE SALE #11

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1666 PAGE: 658

DATE: 3-28-2008

GRANTOR: Shirley Secor Rogers

GRANTEE: Makara Luy

ACRES: 0.360 or 15,682 square feet

LEGAL: Portions of Lots 118, 119 and 120; Block 1 of the JD Brown Addition

CONSIDERATION: \$310,000; less minor deduction for old building;
Equates to approximately \$20 per square foot for land only.

CONFIRMATION: Confidential (DR)

LOCATION: 603 Man Street

CITY UTILITIES: Yes

ZONING: 11-C

LAND DESCRIPTION: Flat, level, paved, rectangular inside tract adjacent to banking office.
130 FF by 115 average depth.

IMPROVEMENTS DESCRIPTION: None.

COMMENTS; Utilized as Cricket Mobile Phone Store

COMMERCIAL SITE SALE #12

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1590

PAGE: 436

DATE: 03/15/07

GRANTOR: Phyllis Ann Burkett, Robert Kurt Keidel, Richard Rhea Keidel and Constance Louise Mayer

GRANTEE: John W. Miller, Jr.

ACRES: 0.19 acres

LEGAL: All of Lot 136, Prt of Lot 135, Block 2, JD Brown; B.F. Cage Survey 116, Abst. 106

CONSIDERATION: \$200,000 or \$23.97/sq. ft.

CONFIRMATION: Confidential

LOCATION: West corner of Jefferson and Sidney Baker Street.

CITY UTILITIES: Yes

ZONING: "11-C"

LAND DESCRIPTION: 52 FF on Sidney Baker, 160 FF on Jefferson Street.

IMPROVEMENTS DESCRIPTION: Small brick office building.

COMMENTS: \$174,250 note to Hill Country State Bank.

COMMERCIAL SITE SALE #13

COUNTY: Kerr

MAP: Kerrville

VOLUME: 1501 PAGE: 39

DATE: 02/03/06

GRANTOR: Bill C. Smith Inc.

GRANTEE: CDC - Kerr LP

ACRES: 0.28 acres or 12,100 sq. ft.

LEGAL: Part of Lot Nos. 121, 122, Block 1, J.D. Brown Addition

CONSIDERATION: \$250,000 or \$20.67/sq. ft.

CONFIRMATION: Confidential

LOCATION: 625 Main

CITY UTILITIES: Yes

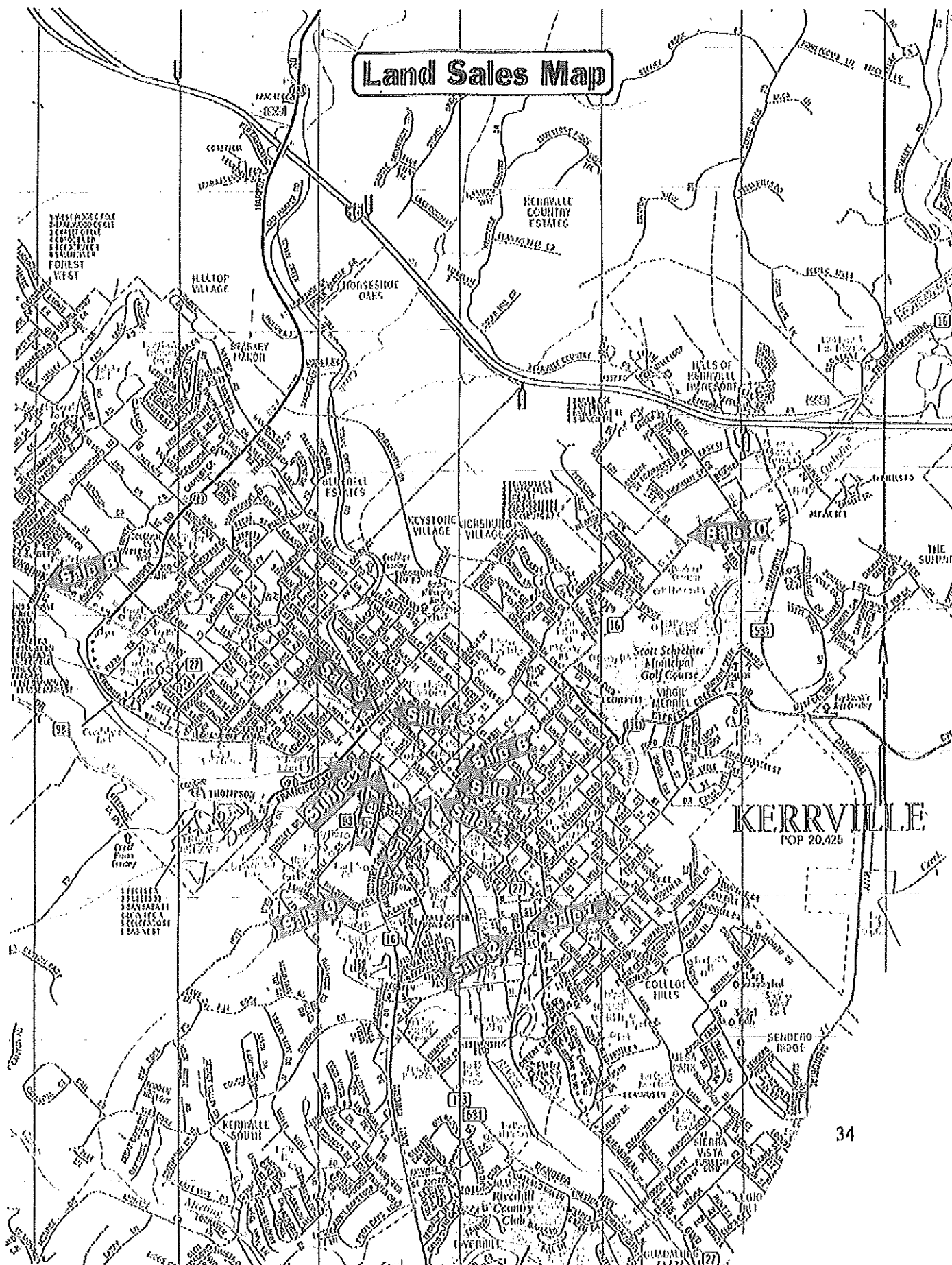
ZONING: "18-C"

LAND DESCRIPTION: 110' Main Street; 110' FF Sidney Baker Street.

IMPROVEMENTS DESCRIPTION: 1200 sq. ft. masonry structure ; originally a gasoline service station. Questionable contributory value

COMMENTS: Sold well above appraisal value.

Land Sales Map



U. LAND ANALYSIS

The thirteen vacant, commercial land sales were provided as supportive evidence for the subject's underlying land value. The sales are all within the City of Kerrville and range in size from 0.13 to 1.33 acres. Some of the sales are almost five years of age but were selected during a period of relative price stability for this particular sub market. The precise valuation of commercial tracts in such a small community is hindered by the lack of volume and frequently your appraiser avoids typical grid analysis in lieu of utilizing a bracketing or logic discussion methodology. This method is successful when a property's specific market strata has a reasonable amount of competitive sales data in competing highest and best uses or zoning and the adjustments are subjective and arbitrary. This circumstance exists in the analysis of the subject property with the existing sales data. The following text is for the purpose of assisting the reader in delineating a more precise value of the subject property (as unencumbered with excessive utility easements) within the observed price range.

Sale Nos. 1 and 2 are relatively recent transactions from the eastern segment of Kerrville. Their \$7 to \$8 per square foot sale price range is considered by your appraiser to be a confident lower parameter by comparison to the subject due to inferior location. Note the \$1 per square foot loss in value associated with the inside tract character of No. 1 versus the cornering tract character of Sale No. 2. An even more exaggerated example can be observed by comparing (subsequent) Sale No. 6 to Sale No. 12.

Sale Nos. 3 thru 7 represent numerous proximate, commercial land sales that yield a firm price pattern of \$8.50 to \$9.00 per square foot but some of the sales are slightly inferior to the subject in location.

Sale Nos. 8, 9 and 10 represent slightly superior retail pad sites, at \$10 to \$12 per square foot, that are superior to the subject because they are capable of physically supporting a franchise entity. The subject's inside tract and irregular shape cannot accommodate such a function.

Sale Nos. 11, 12 and 13 are included as high end examples (approximately \$20 per square foot) that yield the highest prices due to cornering locations and/or immediate proximity to the key intersections of Sidney Baker and Jefferson, Main and Water Streets. These three sales are not direct comparisons but are good examples of market reaction to location variance.

After due consideration of the sales provided and their relationship to the subject; it is the opinion of this appraiser that the current market value of the subject's land, not encumbered with excessive utility easements, approximates \$9.00 to \$10.00 per square foot; rounded to \$300,000.

The \$300,000 value estimate for the subject is based on sales of competitive commercial tracts of typical utility coverage. The subject's 50% utility easement coverage, combined with small size and an irregular configuration, places the land in an almost unusable category. The easements become the dominant estate and the surface is the subservient estate. The quantification of such value damage, without sales of similar character, is obviously a subjective estimate.

In a typical condemnation procedure (such as an overhead power transmission line) a 90% value damage is almost universally assumed. A 75% value damage would be a best case scenario and if applied to the subject would result in a value estimate of \$75,000 or \$2.40 per square foot.

The subject as platted, however, may not suffer a total loss due to utility easement coverage. The 60' by 140' (8400 square feet) Rodriguez Street portion facing Main Street has some potential as a small, narrow, inside tract with immediate potential for building construction. Its usability would be dependent upon the exact placement of the existing gas and water lines, the Kerrville City staff interpretation of building setback limitations and City or TexDot allowance for access.. Application of \$9.00 per square foot value for this sector plus a 90% damage assessment for the remainder of the 0.716 acre tract yields a current value estimate of approximately \$100,000 or \$3.21 per square foot.

A third method considered by your appraiser was to assume a \$300,000 unencumbered value and then deduct for the cost of re-aligning the utilities off of the site, removal of the utilities to permit building and the legal and permitting fees for such an exercise. The problem with this method is the multitude of options and cost estimates necessary in order to recover the ability to build on the site. My preliminary calculations indicated a total cost of \$200,000 to \$250,000 or a net value to the purchaser of \$50,000 to \$100,000 (\$1.61 to \$3.21 per square foot).

V. CORRELATION AND FINAL CONCLUSION OF VALUE

Although the comparables sales available for this analysis are far less than the volume and comparative parameters desired, the overall range and precise range discovered align themselves very closely with the value indications by the best comparative sales discovered. Based on this analysis the subject has a market value, as **unencumbered by excessive utility easements**, estimated at \$300,000. As stated, your appraiser was unable to discover any recent commercial site sales that were similarly affected. The only method(s) available for estimation of the subject, as **encumbered by excessive utility easements**, were a more subjective mixture of thumb rules, peer appraiser opinions, crude (and variable) estimates of cost of cure and one hypothetical scenario whereby a portion of the tract might be utilized in a limited fashion. At the extreme these methods indicated a holistic value of the subject 0.716 acre tract (as encumbered) ranging between \$50,000 and \$100,000 but the most confident or credible methods were at the highest end of the range. Based on this analysis it is the professional opinion of this appraiser that the market value of the subject property, as described herein, approximates \$100,000 (or \$3.21 per square foot). The effective date of this value estimate is as of December 8, 2010.

ONE HUNDRED THOUSAND DOLLARS
(\$100,000)

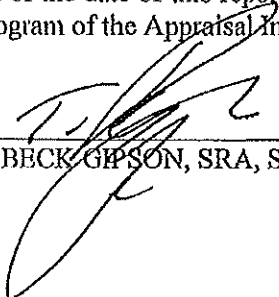
ADDENDA

CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
The reported analyses, opinions, and conclusions are
- limited only by the reported Assumptions and Limiting Conditions, and are my personal, impartial and unbiased professional analyses, opinions, conclusions.
- A real estate service has not been performed on the subject property by this appraiser within the past three years.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal consulting assignment.

- The reported analyses, opinions and conclusions were developed and this report has been prepared in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The reported analyses, opinions and conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representative.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal or appraisal consulting assistance to the person signing this certification.
- As of the date of this report, I, T. Beck Gipson, have completed the continuing education program of the Appraisal Institute.


T. BECK GIPSON, SRA, SRPA

December 9, 2010
DATE

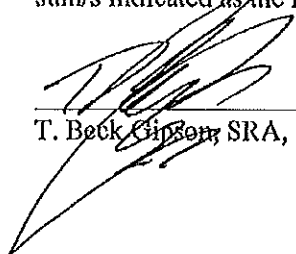
ASSUMPTIONS AND LIMITING CONDITIONS

(Unless specifically stated otherwise in this report)

The estimate of value for the property appraised in the attached report is subject to the following:

1. The legal description/s furnished is/are assumed to be correct. No responsibility is assumed for matters legal in character, nor is any opinion rendered with respect to title, which is assumed to be good and marketable. All existing liens and encumbrances, if any, have been disregarded, and the property has been considered as though free and clear and under responsible ownership and competent management. Typical financing as may be customarily available has been considered as well as a favorable mortgage position, if any.
2. Any sketches included herein have been prepared to assist the reader in visualizing various aspects of the subject property. No provision was made for obtaining a current and official survey; consequently, the boundaries of the land/s and size/s thereof as indicated are assumed to be correct. Basic measurements and calculations of the plot/s and improvements (if included) are based upon information and/or exhibits supplied by others and no responsibility for accuracy is assumed. Value estimation is reported without regard to encroachments.
3. Descriptions and conclusions regarding structural items (if any) have been based upon observed condition at time of inspection. No responsibility is assumed for any deficiencies not visible by external observation. Unless otherwise indicated, all plumbing, electrical and mechanical items are assumed to be operative, but no warranty is made as to their future life. The property is assumed to be free of insect infestation and dry rot. It is also assumed the property is free of materials considered to be health hazards, such as urea-formaldehyde foam insulation, unless otherwise stated.
4. The various data reported herein, as supplied by others, have been compiled from subcontractors and/or sources deemed reliable, but no responsibility is assumed for accuracy.
5. This report has been prepared for the addressee and disclosure of its contents is governed by the By-laws and Regulations of various professional organizations in which the undersigned hold/s membership.

6. Possession of this report or a copy thereof does not carry with it right of publication, nor may it be used for any other purpose by any but the applicant without the previous written consent of the appraisers.
7. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser or the firm with which he is connected, or any reference to the professional designations therein) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without the proper written consent and approval of the undersigned.
8. This appraisal was obtained from Gipson Appraisal Company and consists of "trade secrets and commercial or financial information," which is privileged and confidential and exempted from disclosure under 5 U.S.C. 552 (b) (4). The foregoing firm is to be notified of any request for reproduction of this appraisal.
9. The writer, by reason of this report, is not required to give testimony or attendance in court or at any other hearing with reference to the subject property unless separate and prior arrangements therefore have been made.
10. The description of the total valuation in this report between land and improvements applies only under the existing program of utilization. The separate valuations for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used.
11. The value conclusions expressed herein apply exclusively to the land and improvements described herein and make no provision for any special items of equipment or personal property such as may be related to the present occupant or tenant's normal business operation.
12. The appraiser makes no guarantee that the subject/s of this report will sell for the sum/s indicated as the final estimates/s of value.



T. Beck Gipson, SRA, SRPA

DATE: December 9, 2010

QUALIFICATIONS OF THE APPRAISER

T. Beck Gipson grew up in the Texas Hill Country, graduated from Mason High School in 1963 and attended college at Texas Tech University. He served in the U.S. Army, 1967-1970, as a Chief Warrant Officer helicopter pilot, including a one year tour in Viet Nam.

Education:

Graduate of Texas Tech University with a Bachelor of Science Degree in Agricultural Economics, 1972 (rural socio-economics emphasis). Regularly attends continuing education courses in the appraisal profession:

Experience:

1973-1979:	Engaged in mortgage loan underwriting, construction inspections and chief staff appraiser for over five years with Hill Country Savings & Loan of Kerrville.
1979-1983:	Independent appraisal practice.
1984-1988:	Partner, Gipson & Neal Real Estate Appraisers and Consultants.
1989-2006:	Owner/Appraiser, Gipson Appraisal Company.
2007-Current	President -- Gipson Real Estate Services, LLC

In addition, Mr. Gipson's local activities include: Ranch operation in nearby area, trading of Kerr County real estate, past President of the San Antonio Appraisal Institute, previous Chairman of the Kerrville Planning and Zoning Commission, former President of the Board of Directors for the Upper Guadalupe River Authority, frequently acts as a professional counselor and buyer's agent.

Qualifications:

Texas Real Estate Brokers License #199499-18.

Designated SRA, Senior Residential Appraiser, International Society of Real Estate Appraisers, 1979.

Designated SRPA, Senior Real Property Appraiser, International Society of Real Estate Appraisers, 1990.

Designated State Certified General Real Estate Appraiser, 1991, Certificate #TX-1320674-G..

Expert witness in County, State and Federal Courts.

As of this date, I, T. BECK GIPSON, have completed the requirements under the continuing education program of the Appraisal Institute and the State of Texas Certification Board.



TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

BE IT KNOWN THAT

THOMAS BECKTON GIPSON

HAVING PROVIDED SATISFACTORY EVIDENCE OF THE QUALIFICATIONS REQUIRED
BY THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT,
TEXAS OCCUPATIONS CODE, CHAPTER 1103,
IS AUTHORIZED TO USE THE TITLE

**STATE CERTIFIED
GENERAL REAL ESTATE APPRAISER**

Number: TX-1320674-G

Date of Issue: May 8, 2009

Date of Expiration: May 31, 2011

In Witness Whereof

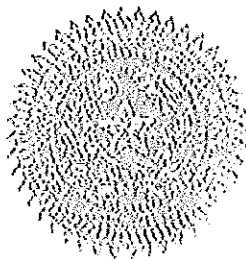

Clinton P. Sayers, Chair


Lorella DelRay, Acting Commissioner

Clinton P. Sayers, Chair
Robert D. Davis, Jr.
Danny R. Perkins

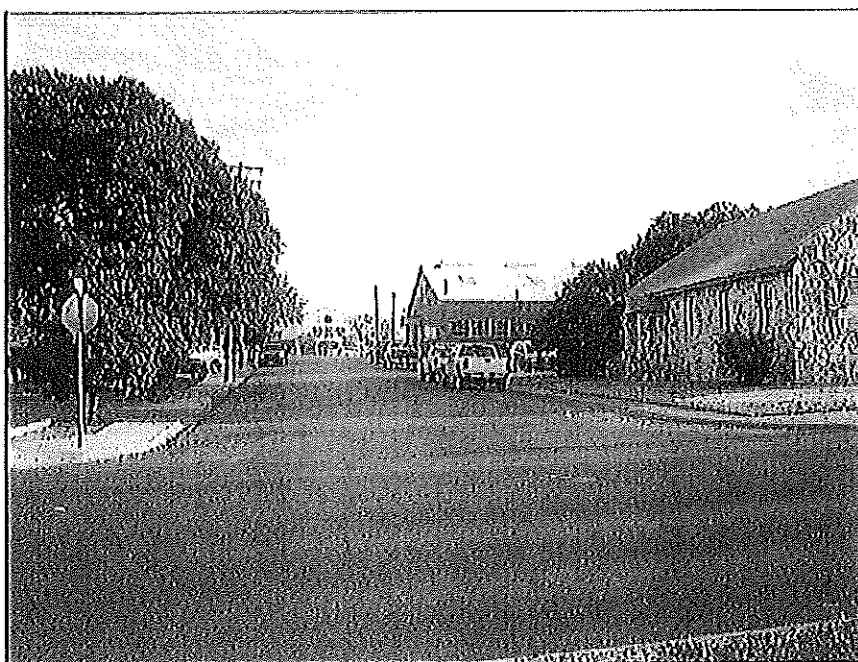
James (Jamele) B. Ratliff, Vice Chair
Luis F. De La Garza, Jr.
Bill F. Schneider

Mark A. McNally, Secretary
Walker R. Beard
Donna L. Wolz





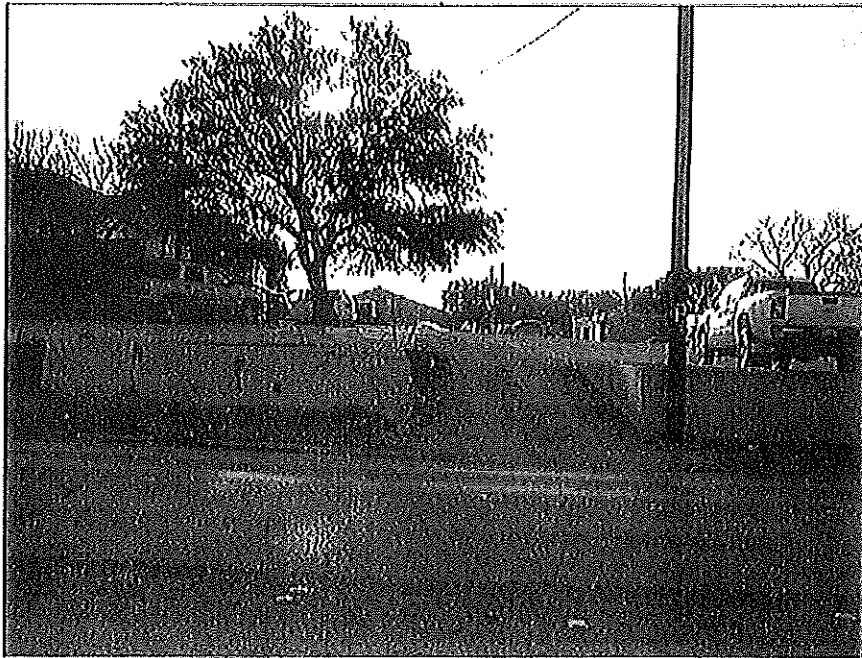
Subject Rodriguez Street; Viewed from HEB



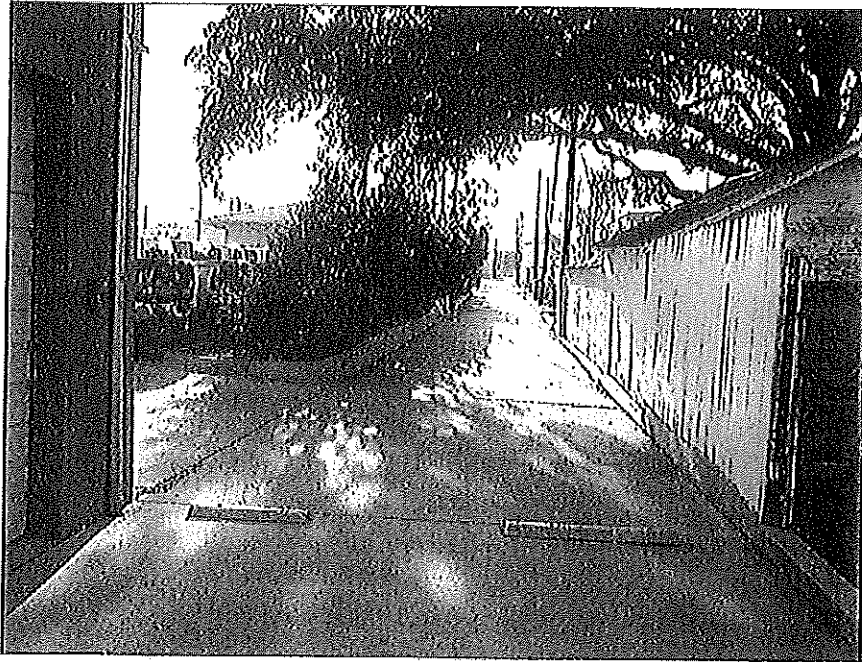
Reverse View from Water Street



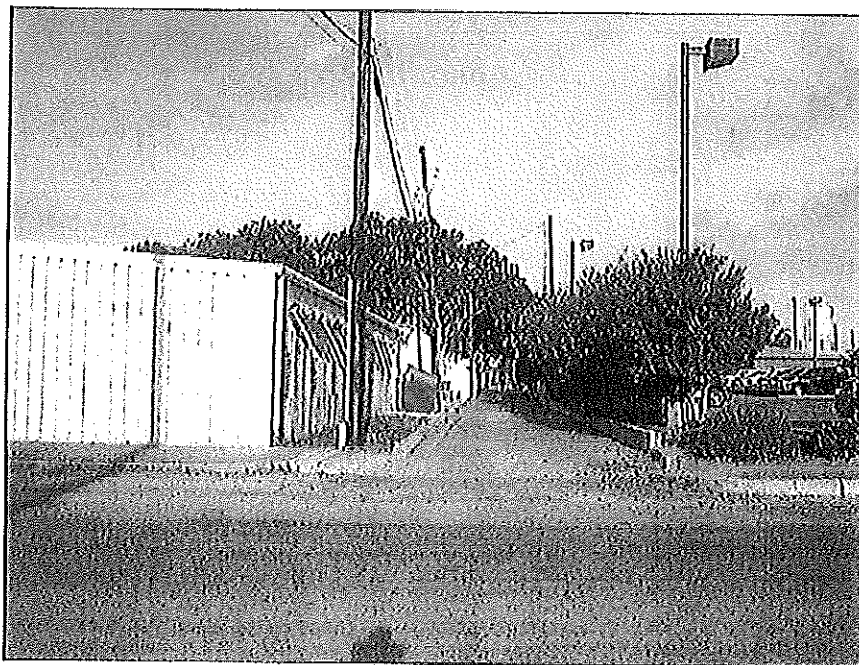
Block 47 Alley



Block 47 Alley at Francisco Lemos



Block 46 Alley



Block 46 Alley from Hugo Street

Art. 11-I-6. ZONING DISTRICTS - CENTRAL CITY

- (a) **Enumeration of Districts and Purpose:** The following specifically enumerated districts are established in the area designated on the Official Zoning Map as "Central City" and are to be developed substantially consistent with the following described purposes:

- (1) **District 11-C:** The primary purposes of District 11-C are:

- (i) to promote nonindustrial commercial development that allows retail establishments up to 100,000 square feet of floor area, and yet protects and enhances the appearance of Town Creek and existing single family residential development in the area west of Hays Street;
- (ii) to promote the redevelopment of Jefferson Street as a primary central business artery in the city;
- (iii) to encourage development of Schreiner Street as a through traffic street rather than one with slower customer traffic, with a goal of avoiding driveway access to and from Schreiner Street wherever feasible;
- (iv) to promote the development of small businesses, including offices and small restaurants, near downtown, on the eastern end of the district; and
- (v) to enhance the appearance of the entrance ways into the downtown area along State Highways 16 and 27.

Any conditional uses granted in District 11-C should be consistent with the purposes set forth herein.

- (2) **District 12-C:** The primary purpose of District 12-C is to promote the development of small specialty shops, offices, apartments, and tourist/visitor/and public uses which enhance both the river front and the smaller businesses along Water Street.

LAND USES	11	12	13	14	15	16	17	18	19	20
Agricultural - General										
Agricultural Services										
Bed and Breakfast	P	P	P	P	P	P	P	P	P	P
Building Construction, General										
Building Construction, Specialist									P	P
Business Services I	P	P		P	C	P	P	P	P	P
Business Services II	P	C		P	C	P	C	C	P	P
Cocktail Lounge	C	P		C		P	C	P		
Detention Facilities	C							C	C	
Dwelling, Single Family, Detached	C	P	P		P		P		P	C
Dwelling, Manufactured (standards)					P					
Dwelling, Multi-Family	P	P		P	P	P	P	P	P	P
Dwelling, Single Family with apartment	C	P	P		P		P		C	
Dwelling, RC District Uses (with plat)					P		P			
Education, Secondary/College	C			C	C	P		C	C	C
Elementary Schools	C	C	C	P	P	C	C	P	C	C
Equipment Sales/Repair/Storage (Heavy)										
Fuel Sales	C	C		C		C	C			C
Funeral Services	P			P		C			P	P
Institution/Public Assembly				P		P	P	P		
Life Care Development	C	C		P	P	P	P	P		P
Manufacturing, Custom	P	P	P	P	P	P	P	P	P	P
Manufacturing and Industry, Heavy										
Manufacturing and Industry, Limited										C
Mobile Home Sales (standards)										
Personal Services - I	P	P		P	C	P	C	P	P	P
Personal Services - II	P	C		P	C	P	C	C	P	P
Personal Services-Limited	P	P	P	P	P	P	P	P	P	P
Professional Offices	P	P	C	P	C	P	P	P	P	P
Restaurant, General	P	P	P	P	C	P	P	P	P	
Restaurant, Limited	P	P	P	P	C	P	P	P	P	C
Retail Trade - I	P		C	P	C	P	C	P	P	C
Retail Trade - II	C			C	C	P				
Retail Trade - III						P				
Retail Trade-Limited	P	P	P	P	P	P	P	P	P	P
Tourist/Visitor & Recreation Services	P	P	P	P	P	P	P	P		
Transportation Terminals	C									
Vehicle Maintenance and Repair	C	C		C		C	C		C	
Vehicle Sales - Used	C			C		C				
Vehicle Sales/Services-New	P			C		P	C			
Warehouse & Distribution										

MATKIN-HOOVER

ENGINEERING & SURVEYING

8 Spencer Road, Suite 300, Boerne, Texas 78006
Phone: 830-240-0600 FAX: 830-240-0699

FIELD NOTES FOR A 0.024 ACRE TRACT OF LAND

BEING A 0.024 ACRE TRACT OF LAND OUT OF AN ALLEY WITHIN BLOCK 47, SCHREINER'S ADDITION TO THE TOWN OF KERRVILLE RECORDED IN VOLUME K, PAGES 1-7, DEED RECORDS, KERR COUNTY, TEXAS, SAID 0.024 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

Beginning at a 1/2" iron rod found in the southeast right-of-way line Francisco Lemos Street, for the north corner of the herein described tract, said point also being the west corner of Lot 296, Block 47 of the above referenced Schreiner's Addition;

Thence, with the southeast lines of Lots 296, 295 and 294, Block 47 and the northeast line of an alley, South 45 degrees 07 minutes 57 seconds East, a distance of 150.03 feet to a 1/2" iron rod found at the south corner of Lot 294 and the west corner of Lot 293, said point also being the east corner of the herein described tract;

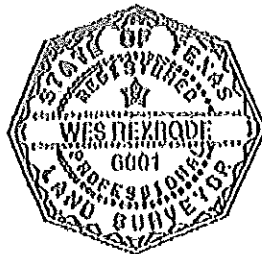
Thence, severing an alley within Block 47, the following two (2) courses and distances:

South 44 degrees 52 minutes 03 seconds West, a distance of 7.01 feet to a calculated point for the south corner of the herein described tract;

and North 45 degrees 07 minutes 57 seconds West, a distance of 150.03 feet to a calculated point in the southeast right-of-way line of Francisco Lemos Street for the west corner of the herein described tract;

Thence, with the southeast right-of-way line of Francisco Lemos Street, North 44 degrees 52 minutes 03 seconds East, a distance of 7.01 feet to the Point of Beginning, containing 0.024 acres.

Note: This description is based on an on the ground survey performed in November of 2010. The bearings are based on GPS observations. A survey drawing of the above described tract was prepared.



[Signature]
Wes Rexrode Date: November 9, 2010
Registered Professional Land Surveyor No. 6001
Job Number: 10-4036 Tract 1

MATKIN-HOOVER

ENGINEERING & SURVEYING

8 Spencer Road, Suite 300, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

FIELD NOTES FOR A 0.676 ACRE TRACT OF LAND

BEING BEING A 0.676 ACRE TRACT OF LAND BEING COMPRISED OF A PORTION OF THE ALLEYS WITHIN BLOCKS 46 AND 47, SCHREINER'S ADDITION TO THE TOWN OF KERRVILLE RECORDED IN VOLUME K, PAGES 1-7, DEED RECORDS, KERR COUNTY, TEXAS AND A PORTION OF RODRIGUEZ STREET (FORMERLY KNOWN AS HOUSTON STREET) AS SHOWN ON THE MAP OF SCHREINER'S ADDITION TO THE TOWN OF KERRVILLE RECORDED IN VOLUME K, PAGES 1-7, DEED RECORDS, KERR COUNTY, TEXAS, SAID 0.676 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

Beginning at a 1" iron pipe found in the northeast right-of-way line of Water Street, said point also being the west corner of Lot 249, Block 46 of the above referenced Schreiner's Addition, said point bears North 49 degrees 34 minutes 29 seconds West, a distance of 150.89 feet from a 1 1/2" iron pipe found at the south corner of Lot 251 and the west corner of 252, Block 46;

Thence, crossing Rodriguez Street (formerly known as Houston Street per Volume K, Pages 1-7, Deed Records, Kerr County, Texas) with the northeast right-of-way line of Water Street, North 52 degrees 21 minutes 49 seconds West, a distance of 59.15 feet to a concrete nail set at the south corner of Lot 248, Block 47, said point bears South 49 degrees 56 minutes 55 seconds East, a distance of 151.07 feet from a 1/2" iron rod found at the south corner of Lot 245 and the west corner of Lot 246, Block 47;

Thence, with the northwest right-of-way line of Rodriguez Street and the southeast line of Lot 248, Block 47, North 44 degrees 40 minutes 17 seconds East, a distance of 181.11 feet to a 1/2" iron rod found at the east corner of Lot 248, Block 47 for an interior corner of the herein described tract;

Thence, with the southwest line of an alley within Block 47 and the northeast lines of Lots 248, 247, 246, 245, 244, 243, 242 and 241, Block 47, North 45 degrees 07 minutes 57 seconds West, a distance of 400.67 feet to a 1/2" iron rod set with a red "Matkin-Hoover Eng. & Survey" plastic cap in the southwest right-of-way line of Francisco Lemos Street, said point also being the north corner of Lot 241, Block 47;

Thence, with the southeast right-of-way line of Francisco Lemos Street, North 44 degrees 52 minutes 03 seconds East, a distance of 7.01 feet to a calculated point for corner;

Thence, severing an alley within Block 47, the following two (2) courses and distances:

South 45 degrees 07 minutes 57 seconds West, a distance of 150.03 feet to a calculated point for an interior corner of the herein described tract;

and North 44 degrees 52 minutes 03 seconds East, a distance of 7.01 feet to a 1/2" iron rod found at the south corner of Lot 294 and the west corner of Lot 293, Block 47;

Thence, with the southwest lines of Lots 293, 292, 291, 290 and 289, Block 47 and the northeast line of an alley within Block 47, South 45 degrees 07 minutes 57 seconds East, a

distance of 250.59 feet to a concrete nail set in the northwest right-of-way line of Rodriguez Street and being at the south corner of Lot 289, Block 47, said point also being an interior corner of the herein described tract;

Thence, with the northwest right-of-way line of Rodriguez Street and the southeast line of Lot 289, Block 47, North 44 degrees 40 minutes 17 seconds East, a distance of 140.00 feet to a concrete nail set in the southwest right-of-way line of Main Street and being at the east corner of Lot 289, Block 47;

Thence, crossing Rodriguez Street, with the southwest right-of-way line of Main Street, South 46 degrees 43 minutes 03 seconds East, a distance of 61.72 feet to a concrete nail set at the north corner of Lot 288, Block 46;

Thence, with the southeast right-of-way line of Rodriguez Street and the northwest line of Lot 288, Block 46, South 45 degrees 11 minutes 31 seconds West, a distance of 140.00 feet to a calculated point at the west corner of Lot 288, Block 46 for an interior corner of the herein described tract;

Thence, with the southwest lines of Lots 288, 287, 286, 285, 284, 283, 282 and 281, Block 46 and the northeast line of an alley within Block 46, South 44 degrees 57 minutes 55 seconds East, a distance of 399.73 feet to a concrete nail set in the northwest right-of-way line of Hays Street and being at the south corner of Lot 281, Block 46;

Thence, with northwest right-of-way line of Hays Street, South 45 degrees 02 minutes 05 seconds West, a distance of 7.00 feet to a calculated point for corner;

Thence, severing an alley within Block 46, the following two (2) courses and distances:

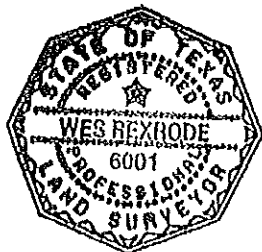
North 44 degrees 57 minutes 55 seconds West, a distance of 100.16 feet to a calculated point for an interior corner of the herein described tract;

and South 45 degrees 02 minutes 05 seconds West, distance of 7.00 feet to a 1/2" iron rod found at the north corner of Lot 255 and the east corner Lot 254, Block 47;

Thence, with the northeast lines of Lots 254, 253, 252, 251, 250 and 249, Block 46 and the southwest line of an alley within Block 46, North 44 degrees 57 minutes 55 seconds West, a distance of 299.60 feet to a concrete nail set in the southeast right-of-way line of Rodriguez Street and being at the north corner of Lot 249, Block 46, said point also being an interior corner of the herein described tract;

Thence, with the southeast right-of-way line of Rodriguez Street and the northwest line of Lot 249, Block 46, South 45 degrees 11 minutes 31 seconds West, a distance of 175.40 feet to the Point of Beginning, containing 0.676 acres.

Note: This description is based on an on the ground survey performed in November of 2010. The bearings are based on GPS observations. A survey drawing of the above described tract was prepared.



Wes Rexrode
Wes Rexrode Date: November 9, 2010
Registered Professional Land Surveyor No. 6001
Job Number: 10-4036 Tract 2

MATKIN-HOOVER

ENGINEERING & SURVEYING

8 Spencer Road, Suite 300, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

FIELD NOTES FOR A 0.016 ACRE TRACT OF LAND,

BEING A 0.016 ACRE TRACT OF LAND OUT OF AN ALLEY WITHIN BLOCK 46, SCHREINER'S ADDITION TO THE TOWN OF KERRVILLE RECORDED IN VOLUME K, PAGES 1-7, DEED RECORDS, KERR COUNTY, TEXAS, SAID 0.016 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

Beginning at a 1/2" iron rod found at the north corner of Lot 255, Block 46 and the east corner of Lot 254, Block 46 of the above referenced Schreiner's Addition, said point also being the west corner of the herein described tract and is in the southwest line of an alley within Block 46;

Thence, severing an alley within Block 46, the following two (2) courses and distances:

North 45 degrees 02 minutes 05 seconds East, a distance of 7.00 feet to a calculated point for the north corner of the herein described tract;

and South 44 degrees 57 minutes 55 seconds East, a distance of 100.16 feet to a calculated point in the northwest right-of-way line of Hays Street for the east corner of the herein described tract;

Thence, with the northwest right-of-way line of Hays Street, South 45 degrees 02 minutes 05 seconds West, a distance of 7.00 feet to a 1/2" iron rod set with a red "Matkin-Hoover Eng. & Survey" plastic cap at the east corner of Lot 256, for the south corner of the herein described tract;

Thence, with the northeast lines of Lots 256 and 255 and the southwest line of an alley within Block 46, North 44 degrees 57 minutes 55 seconds West, a distance of 100.16 feet to the Point of Beginning, containing 0.016 acres.

Note: This description is based on an on the ground survey performed in November of 2010. The bearings are based on GPS observations. A survey drawing of the above described tract was prepared.



A handwritten signature in black ink, appearing to read "Wes Rexrode".

Wes Rexrode Date: November 9, 2010
Registered Professional Land Surveyor No. 6001
Job Number: 10-4036 Tract 3

Agenda Item:

(Staff)

- 6B. Authorize the execution of a construction contract with JM Lowe & Company for the renovation/expansion of the Butt-Holdsworth Memorial Library in the amount of \$1,478,000.00 and authorize the execution of additional change orders in an amount not to exceed \$200,000.00.

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

SUBJECT: Council authorization for the City Manager to execute a construction contract with JM Lowe & Company for the Renovation/Expansion of the Butt-Holdsworth Memorial Library in the amount of \$1,478,000.00 and authorize the City Manager to execute additional change orders in an amount not to exceed \$200,000.00.

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 24, 2011

SUBMITTED BY: Kristine Ondrias  **CLEARANCES:** Todd Parton
Assistant City Manager

EXHIBITS: Bid Tabulation
Letter of Recommendation

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$1,678,800	\$2,099,021.64	\$2,225,000.00	N/A

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR: 

SUMMARY STATEMENT

The City of Kerrville advertised for bids of the Butt-Holdsworth Memorial Library Renovation and Expansion project on May 20, 2011 and May 27, 2011. The staff along with the City's architect Peter Lewis & Associates held a mandatory pre-bid meeting for the project on May 31, 2011 and opened bids publicly on June 16, 2011. Bid tabulation is attached.

Peter Lewis and staff have evaluated the bids received. The low bid, Vertex, has been deemed non-responsive in the evaluation process for failure to bid on a major component of the project. As a result, Peter Lewis and staff recommend awarding the bid to the next lowest responsible bidder, JM Lowe & Company in the amount of \$1,478,000.00. Additionally, staff is recommending authorizing the City Manager to execute additional change orders in an amount not to exceed \$200,000.00.

RECOMMENDED ACTION

The City Council authorize the City Manager to execute a construction contract with JM Lowe & Company for the Renovation/Expansion of the Butt-Holdsworth Memorial Library in the amount of \$1,478,000.00 and authorize the City Manager to execute additional change orders in an amount not to exceed \$200,000.00.

Bid Tabulation

Project: Butt Holdsworth Memorial Library Renovations Kerrville, Texas

Architect: Peter W. Lewis Architect + Associates, PLLC

Project No.: 20-1040

Bid Date: June 16, 2011; 3:00 PM

Bid Opening: June 16, 2011; 3:00 PM

	Harvey Cleary Builders	Vertex Corporation	Zuber Construction	JM Lowe & Company
Completed Bid Form	X	X	X	X
Addenda Acknowledgement				
Addendum No. 1 : 06/14/11	X	X	X	X
Addendum No. 2 : 06/15/11	X	X	X	X
10% Bid Security (Certified Check, Cashier's Check, or Bid Bond)	X	X	X	X
List of Subcontractors	X	X	-	X
Item : Base Bid	\$1,570,000	\$1,432,000	\$1,527,000	\$1,478,800
Item : Deductive Alternate No. 1	-\$83,464	-\$112,000	-\$87,000	-\$67,000
Item : Deductive Alternate No. 2	-\$17,772	-\$14,700	-\$17,000	-\$29,000
Item : Deductive Alternate No. 3	-\$5,399	-\$3,400	-\$4,000	-\$7,700
Item : Deductive Alternate No. 4	-\$104,308	-\$134,000	-\$102,000	-\$102,000
Total	\$1,359,057.00	\$1,167,900.00	\$1,317,000.00	\$1,273,100.00



PETER LEWIS
ARCHITECT + ASSOCIATES

June 24, 2011

Kristine Ondrias
Assistant City Manager
City of Kerrville
800 Junction Highway
Kerrville, TX 78028

RE: Butt Holdsworth Memorial Library Renovations

Dear Kristine:

Pursuant to receipt of bids, for Library Renovations, on June 16, 2011 we followed due diligence to qualify a successful bidder. This process included, but was not limited to, conversations with the General Contractors, Subcontractors and other references provided by the Bidders.

Through this process, it was determined that the apparent low bidder on the day of the Bid opening, Vertex Corporation, had omitted the Fire Alarm system in their Scope rendering their Bid non-responsive. Following the same process, it was determined that the next low bidder, JM Lowe & Company, General Contractors, has met the required qualifications for a responsive Bid.

It is therefore our recommendation that the City of Kerrville accept JM Lowe & Company's Bid and enter into negotiations for the Construction Contract.

Should you have any questions, please feel free to contact me.

Very truly yours,

Peter W. Lewis, Architect
Principal

Agenda Item:
(Councilmember Keeble)

- 6C. Building Board of Adjustment and Appeal's (BBAA) recommendation to amend the City plumbing code to allow grey water reuse systems in the City of Kerrville.

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

SUBJECT: Discussion and possible action on the Building Board of Adjustment and Appeal's (BBAA) recommendation to amend the City plumbing code to allow grey water reuse systems in the City of Kerrville

FOR AGENDA OF: June 28, 2011

DATE SUBMITTED: June 22, 2011

SUBMITTED BY: Councilmember, Stacie Keeble **CLEARANCES:**

EXHIBITS: Letter from Bruce Stracke
Endorsement by Headwaters Groundwater Conservation District
Memo from Jeff Finley, Chief Building Official
TCEQ Chapter 210, Subchapter F

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

Under a citizen request under a prior agenda, the City Council considered a change in the City's building code to allow the installation of grey water reuse system in the City. Properly installed these systems provide for allow the safe reuse of grey water for either subsurface drip irrigation or to supply non-potable water to certain plumbing fixtures within structures. Installation of this type of system is not allowed under existing building and plumbing codes, and therefore no standards for their installation have been adopted.

Council discussion covered the technical issues with these systems, the effect on utility revenues or the effect on the quantity of effluent available for resale if grey water systems become prolific.

Council referred the issue to the Building Board of Adjustment and Appeal (BBAA) for recommendation on the code related issues. Review of the effects on utility revenue and effluent quantity was referred to staff.

BBAA Recommendation

BBAA has reviewed the applicable code issues at its January meeting. BBAA recommended an amendment to the plumbing code to allow grey water systems and

recommended the adoption of TCEQ standards for those systems as the minimum standards required for installation. A code change would simply allow the use of grey water reuse systems, and would not create any requirement to install systems.

Water Utility Revenue

Given the installation cost of a grey water system, staff assumes that only a limited number of systems will be installed in the near future. Moreover, most systems will be used only for subsurface irrigation of ornamental landscaping. Most owners will not invest in the added expense to allow use within the structures. Additionally, those property owners that do choose to invest in a grey water system will do so for environmental reasons. These owners, again limited in number, are not by nature heavy water users. These assumptions point to a limited effect on overall usage, or reduction in water utility revenues. That lost revenue would need to be balanced against the value of increased potable (treated) water diverted from irrigation use.

Wastewater Utility Revenue

Given that City wastewater rates are based on water usage, grey water directed to reuse systems will have only limited effect on waste water utility revenues. That lost revenue would need to be balanced against the value of increased potable (treated) water diverted from irrigation use.

Effluent Sales

Grey water directed to a reuse system could reduce the amount of effluent available for resale. Again, most owners will install systems used only for subsurface irrigation of ornamental landscaping, and will not invest in the added expense to reuse grey water within structures. Therefore, the installation of system over time will not significantly lessen the overall amount of effluent available for resale.

RECOMMENDED ACTION

Provide staff direction to present ordinance changes needed to enact the Building Board of Adjustment and Appeal's recommendation.

28 February 2011

Mayor David Wampler
City of Kerrville
800 Junction Highway
Kerrville TX 78028

RE: Greywater Reuse

Mayor...

I struggle to find logic or facts to support not offering citizens a safe opportunity to conserve water through greywater reuse. There is much confusion about the differences between black water and grey water. Common sense suggests greywater is as "dangerous" as the bath water our children and grandchildren regularly play in each day.

The health risk is so insignificant the TCEQ only requires permits for private residential greywater systems generating over 400 gallons a day, about twice what a typical household of four generates. According to the Centers for Disease Control (CDC), not a single case of disease transmission attributable to greywater has ever been documented in the United States. Or in fact, all of North America. Our own Texas Health and Safety Code encourages builders to "install plumbing in new housing in a manner that provides the capacity to collect graywater from all allowable sources", (section 341.039(d)). Our ordinance is contrary to health and safety code, building science and conservation practices.

In the city, allowing greywater reuse would replace the potable water now used to on our gardens and landscape, not water returned to the river as effluent as suggested. Its reuse would actually lessen the amount of water necessary to be drawn from the river.

I support, encourage and currently am working to bring more rain water catchment systems to Kerrville. Why greywater reuse is an either/or scenario I do not understand. We should be encouraging both conservation methods.

Whether we agree on the issues or not, I appreciate your service and the time you may take to consider my request. I pray you lead Kerrville well. I believe leading is best accomplished using good planning and facts rather than the alternative. Our Texas greywater model is highly regarded across the nation, please adopt its use within the city.

Constructively,


Bruce John Stracke

cc: Councilors: Gene Allen, T. Scott Gross, Stacey Keeble and R. Bruce Motheral; Staff: Kevin Coleman and Jeff Finley



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369 INDIAN SPRINGS
KERRVILLE TEXAS
7 8 0 2 8

HEADWATERS GROUNDWATER CONSERVATION DISTRICT

125 Lehmann Dr Ste 102 Kerrville, Texas 78028

Phone (830) 896-4110

www.hgcd.org e-mail hgcd@hgcd.org

November 12, 2010

TO WHOM IT MAY CONCERN:

The mission of Headwaters Groundwater Conservation District is to preserve, conserve and protect groundwater in Kerr County. Accordingly, at its November 10, 2010 monthly meeting, the Headwaters board voted to provide a letter in support of the reuse of gray water because it contributes to the conservation of our county water resources. Specifically, we endorse adoption of Appendix O of the International Residential Code.

Sincerely



Diane McMahon
HGCD Board President

City of Kerrville
Building Inspections Division
800 Junction Highway
Kerrville, Texas 78028-5069
830.792.8356 (O)
830.792.0517 (F)
jeff.finley@kerrvilletx.gov

TO: KRISTINE ONDRIAS, ASSISTANT CITY MANAGER
MIKE HAYES, CITY ATTORNEY

VIA: KEVIN COLEMAN, DIRECTOR DEVELOPMENT SERVICES *KMC*

FROM: JEFF FINLEY, CHIEF BUILDING OFFICIAL *JF*

DATE: 02/07/2011

SUBJECT: ADOPTION OF GRAYWATER REUSE REGULATIONS

On January 26, 2011, the Building Board of Adjustment met. On their agenda was review and consideration of graywater reuse standards as previously requested by the City Council.

After review of the available standards (standards published by the International Code Council (ICC) and the Texas Commission on Environmental Quality (TCEQ) and discussion of those standards by the board, a motion was made to recommend that the City Council adopt the TCEQ standards for graywater reuse. This recommendation was made based upon the boards feelings that the TCEQ standards are superior to the ICC standards and since the TCEQ's standards are the minimum allowed in the State of Texas it saves staff from having to interpret whether the ICC standard or the TCEQ standard is most restrictive and allows the city to avoid potential conflicts with the enforcement arm of TCEQ.

It would appear that what is now needed to adopt these standards would be an ordinance that allows the reuse of graywater in conjunction with TCEQ standards and adopting the TCEQ standards for graywater reuse as the City of Kerrville standards. A copy of the basic standards are attached to this memo.

After reviewing the City Code, my suggestion would be to open Chapter 26, Article IV, Plumbing Code and inserting a section that adopts the TCEQ standards as the standards for graywater reuse for all buildings and properties in the City of Kerrville.

If you have any questions, please let me know.

SUBCHAPTER F: USE OF GRAYWATER SYSTEMS

§§210.81 - 210.85

Effective January 6, 2005

§210.81. Applicability.

(a) This subchapter applies to graywater used for irrigation and other agricultural purposes; for domestic use; for commercial purposes; for industrial purposes; and for institutional purposes.

(b) Reclaimed water use is regulated by Subchapters A - E of this chapter (relating to General Provisions; General Requirements for the Production, Conveyance, and Use of Reclaimed Water; Quality Criteria and Specific Uses for Reclaimed Water; Alternative and Pre-Existing Reclaimed Water Systems; and Special Requirements for Use of Industrial Reclaimed Water).

(c) For the purpose of this subchapter, the term "Site" has the same meaning as defined in Chapter 305, Subchapter A of this title (relating to General Provisions).

Adopted December 15, 2004

Effective January 6, 2005

§210.82. General Requirements.

(a) Graywater is defined as wastewater from:

- (1) showers;
- (2) bathtubs;
- (3) handwashing lavatories;
- (4) sinks that are not used for disposal of hazardous or toxic ingredients;
- (5) sinks not used for food preparation or disposal; and
- (6) clothes-washing machines.

(b) Graywater does not include wastewater from the washing of material, including diapers, soiled with human excreta or wastewater that has come into contact with toilet waste.

(c) Construction of a graywater system, including storage and disposal systems, must comply with this chapter and any requirements of the local permitting authority.

Adopted December 15, 2004

Effective January 6, 2005

§210.83. Criteria for the Domestic Use of Graywater.

(a) An authorization is not required for the domestic use of less than 400 gallons of graywater each day if:

(1) the graywater originates from a private residence;

(2) the graywater system is designed so that 100% of the graywater can be diverted to an organized wastewater collection system during periods of non-use of the graywater system and the discharge from the graywater system must enter the organized wastewater system through two backwater valves or backwater preventers;

(3) the graywater is stored in tanks and the tanks:

(A) are clearly labeled as nonpotable water;

(B) must restrict access, especially to children;

(C) eliminate habitat for mosquitoes and other vectors;

(D) are able to be cleaned; and

(E) meet the structural requirements of §210.25(i) of this title (relating to Special Design Criteria for Reclaimed Water Systems);

(4) the graywater system uses piping that meets the piping requirement of §210.25 of this title;

(5) the graywater is applied at a rate that:

(A) will not result in ponding or pooling; or

(B) will not cause runoff across the property lines or onto any paved surface;

and

(6) the graywater is not disposed of using a spray distribution system.

(b) Builders of private residences are encouraged to:

(1) install plumbing in new housing to collect graywater from all allowable sources;

and

(2) design and install a subsurface graywater system around the foundation of new housing to minimize foundation movement or cracking.

(c) A graywater system as described in subsection (a) of this section may only be used:

cracking;

- (1) around the foundation of new housing to minimize foundation movement or

- (2) for gardening;

- (3) for composting; or

- (4) for landscaping at the private residence.

(d) The graywater system must not create a nuisance or damage the quality of surface water or groundwater.

(e) Homeowners who have been disposing wastewater from residential clothes-washing machines, otherwise known as laundry graywater, directly onto the ground before the effective date of this rule may continue disposing under the following conditions.

- (1) The disposal area must not create a public health nuisance.

- (2) Surface ponding must not occur in the disposal area.

- (3) The disposal area must support plant growth or be sodded with vegetative cover.

- (4) The disposal area must have limited access and use by residents and pets.

- (5) Laundry graywater that has been in contact with human or animal waste must not be disposed onto the ground surface.

- (6) Laundry graywater must not be disposed to an area where the soil is wet.

- (7) A lint trap must be affixed to the end of the discharge line.

(f) Graywater systems that are altered, create a nuisance, or discharge graywater from any source other than clothes-washing machines are not authorized to discharge graywater under subsection (e) of this section.

Adopted December 15, 2004

Effective January 6, 2005

§210.84. Criteria for Use of Graywater for Industrial, Commercial, or Institutional Purposes.

(a) Authorization. If used in accordance with this subchapter, graywater used for an industrial, commercial, or institutional purpose does not require authorization from the commission.

(b) Graywater systems used for industrial, commercial, or institutional purposes must be designed so that 100% of the graywater can be diverted to an organized wastewater collection system during periods of non-use of the graywater system. The discharge from the graywater system must

enter the organized wastewater system through two backwater valves or backwater preventers.

(c) Graywater, as defined in §210.82(a) of this title (relating to General Requirements), may be used for the following activities.

(1) Process water.

(A) Graywater used for industrial, commercial, or institutional purposes must be treated to a standard that allows the graywater to be used in operational processes.

(B) Treatment described in subparagraph (A) of this paragraph does not require an authorization from the agency.

(2) Landscape maintenance. If graywater is used for landscape maintenance, the graywater must meet the following standards.

(A) If the graywater will be applied in areas where the public may come into contact with the graywater, the graywater must meet the following standards:

(i) Fecal coliform, 20 colony forming units (CFU)/100 milliliters (ml), geometric mean; or

(ii) Fecal coliform (not to exceed), 75 CFU/100 ml, single grab sample.

(B) If the graywater will be applied in areas where the public is not present during the time when irrigation activities occur or disposed of for other uses where the public would not come into contact with the graywater, the graywater must meet the following standards:

(i) Fecal coliform, 200 CFU/100 ml, geometric mean; or

(ii) Fecal coliform (not to exceed), 800 CFU/100 ml, single grab sample.

(3) Dust control. If graywater is used for dust control, the graywater must meet the standards in paragraph (2)(B) of this subsection.

(4) Toilet flushing. If graywater is used for toilet flushing:

(A) the fecal coliform levels must meet the limits in paragraph (2)(A) of this subsection; and

(B) all exposed piping and piping carrying graywater within a building must be either purple pipe or painted purple; all buried piping installed after the effective date of these rules must be either manufactured in purple, painted purple, taped with purple metallic tape, or bagged in

purple; and all exposed piping must be stenciled in white with a warning reading "NON-POTABLE WATER."

(5) Other uses. If graywater is used for other similar activities where the potential for unintentional human exposure may occur, the graywater must meet the fecal coliform limits in paragraph (2)(A) of this subsection.

(d) Graywater used for commercial, industrial, or institutional purposes must be monitored for fecal coliform at least monthly in areas where the public may come into contact with graywater and these records must be maintained at the site. These records must be readily available for inspection by the commission for a minimum of five years.

Adopted December 15, 2004

Effective January 6, 2005

§210.85. Criteria for Use of Graywater for Irrigation and for Other Agricultural Purposes.

(a) If used in accordance with this subchapter, graywater used for irrigation and other agricultural purposes does not require authorization from the commission.

(b) Graywater systems used for irrigation and other agricultural purposes must be designed so that 100% of the graywater can be diverted to an organized wastewater collection system during periods of non-use of the graywater system. The discharge from the graywater system must enter the organized wastewater system through two backwater valves or backwater preventers.

(c) Graywater, as defined in §210.82(a) of this title (relating to General Requirements), may be used for the following activities.

(1) Process water.

(A) Graywater used for irrigation and other agricultural purposes may be treated to a standard that allows the graywater to be used in operational processes.

(B) Treatment described in subparagraph (A) of this paragraph does not require an authorization from the commission.

(2) Landscape maintenance. If graywater is used for landscape maintenance, the graywater must meet the following standards.

(A) If the graywater will be applied in areas where the public may come into contact with the graywater, the graywater must meet the following standards:

(i) Fecal coliform, 20 colony forming units (CFU)/100 milliliters (ml), geometric mean; or

(ii) Fecal coliform (not to exceed), 75 CFU/100 ml, single grab

sample.

(B) If the graywater will be applied in areas where the public is not present during the time when irrigation activities occur or disposed of for other uses where the public would not come into contact with the graywater, the graywater must meet the following standards:

(i) Fecal coliform, 200 CFU/100 ml, geometric mean; or

(ii) Fecal coliform, 800 CFU/100 ml, single grab sample.

(3) Dust control. If graywater is used for dust control, the graywater must meet the standards in paragraph (2)(B) of this subsection.

(4) Irrigation of fields. If graywater is used to irrigate fields where edible crops are grown or fields that are pastures for milking animals, the graywater must meet the standards in paragraph (2)(A) of this subsection.

(5) Other uses. If graywater is used for other similar activities where the potential for unintentional human exposure may occur, the graywater must meet the fecal coliform limits in paragraph (2)(A) of this subsection.

(d) Graywater used for irrigation and for other agricultural purposes must be monitored for fecal coliform at least monthly in areas where the public may come into contact with graywater and the records must be maintained at the site. These records must be readily available for inspection by the commission for a minimum period of five years.

Adopted December 15, 2004

Effective January 6, 2005

Agenda Item:
(Staff)

6D. Naming policy for City property and facilities.

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

SUBJECT: Consideration of a Naming Policy for City Property and Facilities

FOR AGENDA OF: June 28, 2011

DATE SUBMITTED: June 17, 2011

SUBMITTED BY: Malcolm Matthews
Director of Parks
and Recreation

CLEARANCES: Kristine Ondrias
Assistant City Manager

EXHIBITS: Summary

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO: N/A

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The City of Kerrville does not currently have a naming policy or established procedures to name municipally owned properties or facilities. It is a common practice for government agencies to adopt naming policies and procedures for requests that come from the public, business community, boards and commissions, or elected body(s). With recent naming requests having been made and with several opportunities to name facilities in the future, it is an appropriate time to consider such a policy.

Attached is a summary of naming policy justifications, considerations, and preliminary recommendations, if the City Council elects to adopt a more formal approach to naming. The Parks and Recreation Advisory Board has reviewed the attachment and supports the content and approach. Input has also been received by the Library Foundation and their position is to have any naming policy be flexible enough for them to be able to promote naming opportunities associated with the renovation of the Butt-Holdsworth Memorial Library.

RECOMMENDED ACTION

A presentation by staff will consist of the review of examples of policy content from other cities, suggested procedures to consider, and a recommendation on next steps.

Naming/Renaming Policy for City Parks, Facilities, and Streets

City of Kerrville

June 16, 2011

Purpose:

The City of Kerrville does not have a naming or renaming policy or procedures for City owned property and facilities. However, it is a common practice of governmental entities to have such policies. In general, municipal property and facility naming/renaming policies are adopted to accomplish the following:

- 1. Establish consistency and fairness in handling requests*
- 2. Allow an opportunity for staff, City Council, and others to perform due diligence/research*
- 3. Minimize the emotional situation that can be created*
- 4. Allow the public an opportunity to voice an opinion*
- 5. Weigh any economic or other hardships that may result*
- 6. Consider other options*
- 7. Reject the request*

Common Practice:

Most governmental entities have established policies to handle these requests. These policies range from the simple to the complicated. Examples of other cities' policies include:

- regarding naming or name changes to honor individuals – the person must have made a significant contribution to the community or facility; in isolated cases, the naming can only be for the deceased (only after an identified period of time has passed, in some cases)
- name is appropriate for the facility
- no renamings considered for property/facility that has already been named after an individual, group, or event
- in rare cases, only one naming to honor someone is allowed
- naming reflects the history of the community in which the property exists
- in most cases, special consideration is given for donations
- in many cases, requestor is responsible for any associated costs (public or private)
- in all cases found, only street renamings are included in a policy, not initial naming
- use of an appointed ad hoc public committee with a public input meeting process is common
- in one known case, there is even a standing "Naming Board" to review all requests
- in most cases, the City Council has final authority

Some elected bodies have chosen to handle each request directly, on a case-by-case basis, without an established procedure, which includes Kerrville. Each municipality's approach has been created to best address how their elected body desires engagement by the public, themselves, or others. The Kerrville City Council has not expressed how, or if, such a policy would work in Kerrville. Our intention is to review options for such a policy and recommend what it should address, if the City Council desires to consider this type of policy.

Current Conditions:

The naming of streets in Kerrville is provided by real estate developers during the platting process. Street names are submitted to the Kerr County 911 office to ensure there are no conflicts with any existing names. All other namings and renamings of property, facilities and parks are considered by the City on a case-by-case basis with no policy or procedures in place other than adoption by City Council.

Suggested Items to Consider in a Policy:

1. Include review period by staff for accuracy, conflicts, history, etc.
2. Determine which agencies and departments are to be included in the review process
3. Complete renaming research, within reason, including the initial naming history, etc. (need to define the role of the requestor regarding their providing historical/background information)
4. Establish a consistent message and process for all considerations
5. Identify any differences between an initial naming process and a renaming process
6. Identify any specific limitations, such as no renaming of a facility, park, or street that has specifically been named after an individual, group, event, etc.
7. Determine if there is to be a different process for parks, facilities, or streets
8. Determine who will cover any costs associated with a renaming, if there are any costs
9. Solicit formal input from the public – hold a public meeting
10. Determine how property owners and the general public are to be notified of a naming/renaming
11. Determine what information is to be provided in a public notice on any meetings or process
12. Establish a provision to allow written public comment
13. Determine what donation amount warrants naming/renaming (Library Foundation is interested in approving the naming of rooms based on solicited donations)
14. Determine a time frame for each request
15. Ability to bypass review

Recommendation:

1. Solicit input from City Council on the need and content of such a policy
2. If Council desires to move forward with a policy, develop a process outline and draft ordinance for all namings and renamings
3. Process should take into consideration the above Suggested Items, the resources of the City, and the frequency of these types of requests
4. Establish a policy that includes a formal request to the City, a public and near-by property owners notification of the request, hold a public meeting for input near the property to be named/renamed, allow enough time to complete due diligence on the property and the request, the department director/management representative submits a report to the City Council on the public comments and findings and recommends action on the request
5. If adopted, allow the City Council the right to bypass the policy, if the situation is deemed necessary
6. Leave the current process for initial street namings as is

Agenda Item:
(Staff)

- 6E. Discussion and direction to City staff regarding parking strategies for the Central Business District.

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

SUBJECT: Discussion and direction to city staff regarding parking strategies for the central city area.

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 24, 2011

SUBMITTED BY: Todd Parton **CLEARANCES:**
City Manager

EXHIBITS: None

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

City staff has received a request by a merchant within the historical downtown area to consider a strategy on how to handle parking for motor vehicles during peak periods. Of primary concern is the lack of available parking during the late morning to early afternoon period on the weekdays. The concern is elevated with the growth in downtown traffic and parking as the Schreiner building reopens and there is more competition for retail parking. Additionally, a new city hall building could add more pressure. Downtown also benefits from the Bank of America parking lot which is a private facility that the owners are currently kind enough to make available for free public access.

There are additional downtown parking assets that may be coming on line in the near future. The recent unveiling of the Peterson Plaza concept plan by the Cailloux Foundation shows some additional parking being constructed in the area and, should the Foundation's gift to the city be accepted there would be the capacity for up to 450 free public access parking stalls being available at the downtown parking garage.

Convenient parking is critical to the success of Kerrville's downtown retailers. With the pending development within the downtown area a proactive plan to address short term and long term parking needs will help to ensure that downtown Kerrville remains competitive and attractive to local residents and visitors alike.

RECOMMENDED ACTION

City staff recommends that the City Council recognize the need to evaluate parking within the downtown area and to direct city staff to work with the Kerrville Downtown Business Association and Main Street to provide recommendations. The evaluation should include strategies to address current needs as well as long-term needs.

Agenda Item:
(Bruce McKenzie)

6F. Update regarding 2011 Texas Legislative Session.

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

SUBJECT: Update regarding 2011 Texas Legislative Session

FOR AGENDA OF: June 28, 2011

DATE SUBMITTED: June 20, 2011

SUBMITTED BY: Mike Hayes, City Attorney **CLEARANCES:**

EXHIBITS: None

AGENDA MAILED TO: N/A

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO: N/A

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

The City Attorney will give a presentation on bills adopted during the 2011 Texas Legislative Session that will or may impact City operations or services.

RECOMMENDED ACTION

Council action is not anticipated but direction to City staff as appropriate.

Agenda Item:
(Staff)

- 6G. Update regarding Lower Colorado River Authority Transmission Services Corporation (LCRA-TSC) application for the proposed McCamey D to Kendall to Gillespie CREZ project PUC Docket No. 38354; City of Kerrville, Kerrville Public Utility Board, and City of Junction v. PUC, Cause No. D-1-GV-000324, in the 98th District Court of Travis County.

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

SUBJECT: Update regarding Lower Colorado River Authority Transmission Services Corporation application for the proposed McCamey D to Kendall to Gillespie CREZ project.

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 20, 2011

SUBMITTED BY: Todd Parton
City Manager **CLEARANCES:**

EXHIBITS: None

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

City Staff will provide on update regarding the CREZ Project.

RECOMMENDED ACTION

Discussion and possible action as may be necessary.

Agenda Item:
(Staff)

7A. Budget and economic update.

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

SUBJECT: Kerrville Budget/Economic Update

FOR AGENDA OF: June 28, 2011 **DATE SUBMITTED:** June 17, 2011

SUBMITTED BY: Mike Erwin *per*
Director of Finance

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Economic Update
AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *W*

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The City of Kerrville staff will present and update Council on a biweekly basis as to the status of the City's budget and current economic trends affecting the City.

RECOMMENDED ACTION

No action required information purposes only.

CITY OF KERRVILLE
ECONOMIC UPDATE AS OF June 22, 2011

	Current Month	Previous Month	1 Year Ago	Trend	Current Month
National					
Unemployment	9.10%	9.00%	9.60%	↔	May
Consumer Confidence	60.8	66	62.7	↓	May
1 year T-Bills	0.17%	0.16%	0.27%	↔	6/21/11

State					
Monthly Unemployment	7.90%	7.70%	7.90%	↔	May
Monthly Sales Tax	\$1,952.0m	\$1,866.4m	\$1,775.4m	↑	May

Local					
Monthly Unemployment (Kerr Co.)	6.40%	6.10%	6.00%	↑	May
Median Listing Price	\$219,000	\$210,000	\$215,000	↑	6/1/11
Monthly Sales Tax	\$372,933	\$469,531	\$365,192	↑	June
Monthly EIC Tax	\$186,441	\$234,742	\$182,429	↑	June
Monthly HOT	\$76,131	\$92,623	\$78,013	↔	June

	FY11 Budget	FY11 as of 05/31/2011	FY11 % Received	FY10 as of 05/31/2010	FY10 % Received
General Fund					
Tax Revenue	\$14,647,100	\$12,329,075	84.17%	\$11,896,523	79.02%
Property Tax	\$8,240,000	\$8,020,674	97.34%	\$7,899,540	93.28%
Sales Tax	\$4,500,000	\$3,119,735	69.33%	\$2,947,818	63.75%
Permits & Fees	\$402,450	\$228,450	56.76%	\$214,758	57.93%
Intergovernmental	\$707,013	\$526,908	74.53%	\$468,876	67.45%
Service Revenues	\$2,578,260	\$1,618,236	62.76%	\$2,016,172	60.89%
Grant Revenue	\$10,000	\$27,515	275.15%	\$10,525	105.25%
Fines & Forfeitures	\$477,710	\$379,337	79.41%	\$323,810	64.18%
Interest & Misc.	\$235,372	\$231,301	98.27%	\$391,695	85.11%
Transfers In	\$1,000,000	\$666,667	66.67%	\$845,935	67.09%
Total General Fund	\$20,057,905	\$16,007,489	79.81%	\$16,168,293	74.62%
Total General Fund Expenditures	\$20,057,905	\$12,760,890	63.62%	\$14,188,041	63.19%

Water/Sewer Fund					
Water Sales	\$4,400,000	\$3,183,696	72.36%	\$2,578,726	6.29%
Sewer Sales	\$3,760,000	\$2,374,372	63.15%	\$2,455,554	7.17%
Other Revenue	\$782,124	\$633,618	81.01%	\$547,300	81.75%
Total Water & Sewer Fund	\$8,942,124	\$6,191,686	69.24%	\$5,581,579	57.96%
Total W&S Fund Expenditures	\$9,242,124	\$5,961,797	64.51%	\$5,529,047	58.36%