

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, DECEMBER 14, 2021, 6:00 P.M.

CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

The Community Vision

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

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



Kerrville2050



CITY COUNCIL AGENDA
DECEMBER 14, 2021, 6:00 PM
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS



***Council Meeting Procedures, City Council and City Staff Safety Measures, and
Citizen Participation Guidelines***

COVID-19 (Coronavirus) provides a unique concern in that gathering members of the public, City Council, and City staff within a physical setting constitutes a public health risk. Taking this into account, standard safety protocols will be observed by City Council, City staff, and citizens/visitors attending the meeting. Masks are voluntary and highly encouraged. Visitor seating will be designated.

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

Citizens wishing to speak during a meeting shall submit a completed "speaker request form" to the City Secretary before the item is introduced, but are encouraged to submit the form before the meetings begin. Each speaker is limited to four minutes.

Thank you for your participation!

CALL TO ORDER:

By Mayor Bill Blackburn.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Led by Councilmember Roman Garcia.

1 ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.

2 PRESENTATIONS:

2.A. Kerrville Kindness Award presented to the Salvation Army KROC Center.

2.B. Proclamation recognizing the "Christmas in Kerrville" poem author.

3 VISITORS/CITIZENS FORUM:

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

4 CONSENT AGENDA:

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

- 4.A. Construction Agreement with Klecka Electric Co., Inc. for the Butt-Holdsworth Memorial Library Electrical Upgrade Project in the amount of \$332,749.00.
Attachment:
[20211214_Letter_ESA Recommendation of Award - Klecka Electric.pdf](#)
- 4.B. Purchase of Holt Caterpillar AP600F Paver from Buy Board in an amount not to exceed \$423,520.00.
Attachment:
[20211214_Info and Quote_CAT_AP600F_Paver.pdf](#)
- 4.C. Amendment to the Fiscal Year 2021-2022 Kerrville / Kerr County Airport Budget as proposed by the Joint Airport Board.
Attachment:
[Budget Amendment 1.pdf](#)
[Committing Funds August 2021_11152021145754.pdf](#)
- 4.D. Minutes for the City Council workshop held November 09, 2021.
Attachment:
[20211214_minutes_Council workshop 11-09-21 4pm.pdf](#)
- 4.E. Minutes for the City Council meeting held November 09, 2021.
Attachment:
[20211214_minutes_Council meeting 11-09-21 6pm.pdf](#)
- 4.F. Minutes for the City Council workshop held November 16, 2021.
Attachment:
[20211214_minutes_Council workshop 11-16-21 10am.pdf](#)

END OF CONSENT AGENDA.

5 PUBLIC HEARINGS AND RESOLUTIONS:

- 5.A. Resolution No. 53-2021. A Resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property comprising Lot 8, Block C, Cage Addition and more commonly known as 820 Robinson Avenue; said property is located within a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1A); and making said permit subject to conditions and restrictions.
Attachment:
[20211214_Resolution 53-2021_CUP 820 Robinson STR.pdf](#)

6 PUBLIC HEARING AND ORDINANCES, FIRST READING:

- 6.A. Ordinance No. 2022-01. An Ordinance amending Chapter 74 of the Code of Ordinances, City of Kerrville, Texas, titled "Parks and Recreation", by adding a new Article III "Parkland Dedication", to include parkland dedication requirements for new residential development within the City and its extrajurisdiction; providing an effective date; and providing other matters relating to the subject.
Attachment:
[20211214_Ordinance_2022-01 Parkland Dedication.pdf](#)

7 INFORMATION & DISCUSSION:

- 7.A. Financial Report.
Attachment:
[20211214_presentation_Financial_Update.pdf](#)

8 CONSIDERATION AND POSSIBLE ACTION:

- 8.A. City's ongoing preparedness and response to COVID-19 (Coronavirus), and review of Declaration of local state of disaster due to a public health emergency, March 20, 2020.
Attachment:
[20211214_Declaration_Disaster Declaration original 3-2020.pdf](#)

- 8.B. Authorize the City Manager to enter into a service area agreement with Aqua Texas, and to file the appropriate application to amend the City's certificate of convenience and necessity with the Public Utility Commission of Texas. (This item is eligible for Executive Session 551.071).
Attachment:
[20211214_Agreement_Aqua Texas water utility service CCN.pdf](#)

- 8.C. Reappointment of Municipal Court Judges Mark Prislovsky and M. Patrick Maguire for two year terms to expire December 31, 2023. (This item is eligible for Executive Session 551.074.)

- 8.D. Resolution No. 52-2021. A Resolution casting votes of the City of Kerrville, Texas, for Kerr Central Appraisal District Board of Directors. (This item is eligible for Executive Session 551.074).
Attachment:
[20211109_Reso_52-2021 Casting votes for KCAD Directors.pdf](#)

9 BOARD APPOINTMENTS:

- 9.A. Appointments to the Library Advisory Board.
Attachment:
[20211214_Roster_LAB 12-2021.pdf](#)

- 9.B. Appointments to the Recovery Community Coalition.
Attachment:
[20211214_Roster_RCC 12-2021.pdf](#)

- 9.C. Appointments to the Planning & Zoning Commission. (This item is eligible for Executive Session 551.074).
Attachment:
[20211214_Roster_P&Z 12-2021.pdf](#)

- 9.D. Appointment of chair for the Tax Increment Reinvestment Zone (TIRZ) Board of Directors. (This item is eligible for Executive Session 551.074).

10 EXECUTIVE SESSION:

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

- 10.A. Reappointment of Municipal Court Judges Mark Prislovsky and M. Patrick Maguire for two year terms to expire December 31, 2023. (551.074)

- 10.B. Nominations for the Kerr Central Appraisal District Board of Directors. (551.074)

- 10.C. Appointments to the Planning and Zoning Commission. (551.074)

- 10.D. Appointment of chair for the Tax Increment Reinvestment Zone (TIRZ) Board of Directors. (551.074)

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

12 ITEMS FOR FUTURE AGENDAS:

City Council may suggest items or topics for future agendas.

ADJOURN.



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

SUBJECT: Kerrville Kindness Award presented to the Salvation Army KROC Center.

AGENDA DATE OF: December 14,
2021

DATE SUBMITTED: Nov 12, 2021

SUBMITTED BY: Bill Blackburn

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

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

RECOMMENDED ACTION:

Present award.



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

SUBJECT: Proclamation recognizing the "Christmas in Kerrville" poem author.

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Nov 12, 2021

SUBMITTED BY: Kesha Franchina

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Citizens voted on their favorite poem capturing the meaning of a "Christmas in Kerrville". Citizens recognized this author's creative writing which described all the beauty, warmth, and charm of our wonderful City.

RECOMMENDED ACTION:

Present proclamation.



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

SUBJECT: Construction Agreement with Klecka Electric Co., Inc. for the Butt-Holdsworth Memorial Library Electrical Upgrade Project in the amount of \$332,749.00.

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Nov 18, 2021

SUBMITTED BY: Kyle Burow

EXHIBITS: [20211214_Letter_ESA Recommendation of Award - Klecka Electric.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$332,749.00	\$400,000.00	\$400,000.00	15-22001

PAYMENT TO BE MADE TO: Klecka Electric Co., Inc.

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

SUMMARY STATEMENT:

As part of the adopted FY2021 budget, the City consulted ESA Mechanical to assist in the replacement of the existing lighting equipment and antiquated HVAC systems in the Butt-Holdsworth Memorial Library (BHML) building. The consultant evaluated the existing HVAC system in addition to the results from an air audit performed by a third party in the summer of 2020 to identify deficiencies. The consultant completed its HVAC system analysis to incorporate the proposed lighting changes from fluorescent to LED light fixtures. After receiving bids, several bids were deficient and the remaining bids were over the budget that the City estimated for the work, thus, City Council rejected all bids at its regular meeting on August 13, 2021. In the course of reviewing bids and meeting with bidders, the City learned that some of the parts and equipment required for the HVAC portion of the project are either immediately unavailable or will be delayed in being shipped to Kerrville until approximately February 2022. Based upon the HVAC delays and immediate need for replacement, the project was divided into separate projects with a

contract awarded for the HVAC system replacement based on the emergency status. The consultant revised the plans to rebid the lighting and electrical portion of the project as a separate bid. The project was placed for advertisement, the bid opening held November 16, 2021 and one bid was received. Staff and the consultant evaluated the lone bid, Klecka Electric Co., Inc., based on the contractor's qualifications and submitted pricing and recommend awarding the project to Klecka Electric Co., Inc. for a contract amount of \$332,749.00.

RECOMMENDED ACTION:

Authorize the City Manager to finalize and execute a construction contract.

ESA MECHANICAL & ELECTRICAL ENGINEERING, INC.

1100 NW Loop 410 • Suite 810 • San Antonio, Texas 78213 • 210-342-3483 • Fax: 210-342-3641

November 23, 2021

Kyle Burow
Director of Engineering
City of Kerrville

Subject: Klecka Electric Company

Dear Kyle,

We are aware that Klecka Electric Company has submitted a bid for the Butt-Holdsworth Memorial Library Electrical Upgrade Project. Klecka Electric is an established electrical subcontractor performing work in San Antonio since 1989 and has worked on projects designed by ESA.

We are not aware of any circumstances that would preclude Klecka from performing the work for this project and have no reservations should they be awarded this contract.

Sincerely,



Stephen Mitchell, P.E.
Vice President



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

SUBJECT: Purchase of Holt Caterpillar AP600F Paver from Buy Board in an amount not to exceed \$423,520.00.

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Nov 29, 2021

SUBMITTED BY: Stuart Barron

EXHIBITS: [20211214_Info and Quote_CAT_AP600F_Paver.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$423,520	\$1,480	\$425,000	18-1861-5200

PAYMENT TO BE MADE TO: Buy Board Contract 597-19

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

SUMMARY STATEMENT:

Due to the make and model of our current Cedarapids CR352L asphalt paver, replacement parts are becoming hard to find. Therefore the reliability of the unit is becoming sporadic. Replacement of the Cedarapids paver has become necessary.

Caterpillar's AP600F Asphalt Paver comes with technology that will increase our daily productivity. The Eco-mode and automatic engine speed control reduces fuel consumption. The fast heating screed elements reduce the amount of time to start paving. The AP600F's electronics assists with grade and slope control, stabilizing the asphalt level and providing consistency throughout the paving section. The all-wheel drive power-train assists while paving steep inclines throughout the City of Kerrville.

Possibly the most important component is the service Holt Caterpillar provides. The company is located in San Antonio, and able to service and repair the unit if needed.

This item was approved in the Fiscal Year 2022 budget.

RECOMMENDED ACTION:

Approve purchase of Holt Caterpillar AP600F Paver from Buy Board.



Cat®

AP600F PAVER

FEATURES:

HIGH RETURN ON INVESTMENT

- Exclusive 70 kW integrated generator, designed for long life by the same team that developed the D7E electric drive dozer
- Fast heating screed leads to more daily production, heating time in as little as 15 minutes
- Excellent turning capability, fast travel leads to increased production
- Exclusive air flow design improves operating conditions for the crew and keeps components cooler for lasting durability

TECHNOLOGY THAT WORKS FOR YOU

- Exclusive screed heating system monitors elements for failure conditions, eliminates unnecessary replacement
- Cat® Grade and Slope option integrated in the tractor and screed displays for optimized operator efficiency
- Propel and feeder system settings transfer between stations with a single switch
- Auto-fill feeder system simplifies setup
- Single touch feeder system activation optimizes efficiency
- Automated travel feature; augers and hydraulic mainframe extensions raise with the screed, preventing damage during transport
- Product Link™ remotely monitors machine location, daily hours of operation, fuel consumption, fault codes, and preventative maintenance status, for optimal machine support

HIGH QUALITY RESULTS, HIGHER EARNINGS

- SE50-Series and SE60-Series screeds deliver excellent ride, density, and mat texture while providing superior adjustment, available with Tamper-bars and vibration or vibration only
- Tow-point utilizes exclusive linkage design for optimal screed flotation
- Exclusive 2-speed proportional control on the screed extenders

LOW OWNING AND OPERATING COSTS

- Exclusive Eco-mode and Automatic Engine Speed Control, reduce fuel consumption and lower sound levels for better comfort and communication
- 4-pump feeder system is designed for high production in Eco-mode, leads to lower fuel consumption
- Million cycle switches provide reliability
- Conveyor bed plates and chain guards designed to minimize labor requirements and provide lower cost replacement
- Heating elements slide-out for easy replacement
- Machined screed frames simplify screed plate replacement

UNMATCHED AFTER-THE-SALE SUPPORT

- Strategically located dealers with 24/7 support
- In-the-Iron service training for technicians
- Paver Operator Training helps maximize machine performance
- Project consulting helps improve technique and job site management

Specifications:

Engine – Powertrain

Cat C4.4 ACERT™ Engine* 129 kW 175 hp (M), 173 hp (I)

* Engine meets U.S. EPA Tier 4 Final/EU Stage IV emission standards.

Cat C7.1 Engine** 151 kW 205 hp (M), 202 hp (I)

** Engine meets emissions equivalent to U.S. EPA Tier 3, EU Stage IIIA, and China Stage III requirements.

Engine speed - maximum/minimum 2200/1000 rpm

Eco-mode 1650 rpm

Screed heating - standard width (Quiet) 1300 rpm

Screed heating - w/extensions (Quick) 1300 to 2200 rpm

Speed ranges:

Paving 76 fpm 250 fpm

with Tamper-bar screed 25 fpm 82 fpm

Travel 16 km/hr 10 mph

Italian Rode Homologation 14.9 km/hr 9.3 mph

Weights

AP600F Paver only - shipping 13 558 kg 29,891 lb

AP600F Paver only - operating 13 845 kg 30,522 lb

Operating weight includes full fuel tank and 75 kg (165 lb) operator.

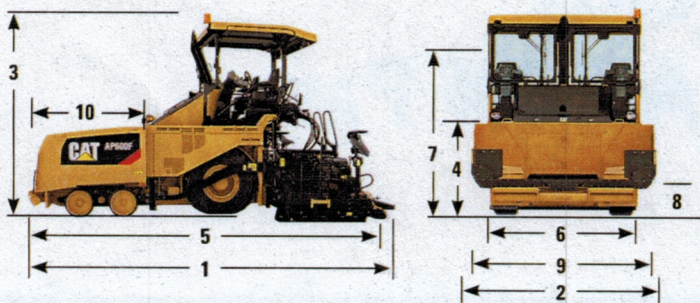
SE50 V Screed only 3284 kg 7,239 lb

SE50 VT Screed only 3490 kg 7,695 lb

SE60 V Screed only 3400 kg 7,495 lb



Paver Specifications



Dimensions:

1	Operating length with SE50 V	6820 mm	22' 5"
	Operating length with SE50 VT	6820 mm	22' 5"
	Operating length with SE60 V	6825 mm	22' 5"
2	Operating width	3306 mm	10' 10"
3	Operating height with canopy, (top of beacon)	3989 mm	13' 1"
	Operating height without canopy	3802 mm	12' 4"
4	Operating deck height	1850 mm	6' 1"
5	Transport length with SE50 V, SE50 VT	6720 mm	22' 1"
6	Transport width - w/SE50 w/endgates	2762 mm	9' 1"
	Transport width - w/SE50 w/endgates folded	2550 mm	8' 4"
	Transport width - w/SE60 V w/endgates	3211 mm	10' 6"
	Transport width - w/SE60 V w/endgates folded	3000 mm	9' 10"
7	Transport height - canopy retracted	3098 mm	10' 2"
	Transport height - without canopy	2997 mm	9' 10"
8	Truck entry height - manual apron	477 mm	18"
	hydraulic apron	466 mm	18"
9	Truck entry width	3194 mm	10' 6"
10	Hopper length with push-roller - minimum	2215 mm	7' 3"
	Hopper length with push-roller - maximum	2414 mm	7' 11"

Optional Equipment

- Air-ride Seat w/Heat
- All-Wheel Drive
- Auger and Mainframe Extensions
- Ballast (front bumper)
- Cat Grade Controls
- Decelerator Pedals
- Ecological Washdown System
- Feeder Sensor (mechanical or sonic)
- Front-Wheel Assist
- Hard Top Canopy
- HID Lights
- Leveling Devices
- Lights (Working or Rooding)
- Oscillating Push Roller
- Power Folding Front Apron
- Power Mainframe Extensions
- Product Link
- Screed Extensions
- Tow-point Indicators (Upper)
- Truck Hitch
- Umbrella
- Up-time Kit
- Warning Beacon
- Wide Width Paving Packages
- Windshield w/Hard Top Canopy

Electrical System

Starting and Charging	24-volt, 115-amp alternator
Batteries	Two, 1000 CCA
Generator/Auxiliary power	70 kW/ 6.6 kW
Machine Security System	Wire-ready
Product Link System	Wire-ready

Capacities

Maximum throughput capacity	1300 tonnes/h	1,433 tph
Hopper capacity with tunnels	7.1 m ³	250 ft ³
Fuel tank	278 L	73 gal
DEF (Urea) capacity - Cat 4.4 engine only	19.1 L	5 gal
Engine oil - Cat 4.4 engine	13.5 L	3.6 gal
Cat 7.1 engine	15.5 L	4.1 gal
Cooling system - Cat C4.4 engine	31 L	8 gal
Cat 7.1 engine	37 L	9.8 gal
Hydraulic tank	219 L	58 gal

Screed Specifications

Standard paving range:		
w/SE50 V, SE50 VT	2.55 - 5.0 m	8' 4" - 16' 4"
w/SE60 V	3.0 - 6.0 m	9' 10" - 19' 6"
Maximum paving width:		
w/SE50 V	6.5 m	21' 4"
w/SE50 VT	8.0 m	26' 4"
w/SE60 V	7.65 m	25'
Maximum paving depth	305 mm	12"
Extender height range	-20 mm to +50 mm	
Crown range:		
SE50 V	-4% to +10% (total)	
SE50 VT	-2% to +5% (per side)	
SE60 V	-4% to +10% (total)	
Extender slope range:		
SE50 V, SE60 V	-3% to +10%	
SE50 VT	-3% to +2%	

Materials and specifications are subject to change without notice.

Featured machines in photos may include additional equipment.

For more complete information on Cat products, dealer services, and industry solutions, visit us on the web at www.cat.com

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Product ID: AP600F

QEHQ1856-03 (9-2015)





SALES AGREEMENT

Nov 04, 2021
Agreement Number: 273293

HOLT TEXAS LTD., 5665 Southeast Loop 410, San Antonio, TX78222 Phone: (800) 275-4658

CUSTOMER CITY OF KERRVILLE		CITY OF KERRVILLE	
STREET ADDRESS	701 MAIN	600 HAYS STREET, KERRVILLE	
CITY/STATE	KERRVILLE, TX	COUNTY/COUNTRY	KERR, UNITED STATES
POSTAL CODE	78028	PHONE NO.	830 257 8000
CUSTOMER CONTACT:	EQUIPMENT BRANDON KELLY - 830 739 3792	620 Hays St.	
INDUSTRY CODE:	LOCAL GOVERNMENT (PS93)	PRINCIPAL WORK CODE	GOVERNMENT (A30)
F.O.B. AT: San Antonio - Machine Division		SHIP VIA: HOLT Arranged	
CUSTOMER NUMBER 0265550	Sales Tax Exemption # (if applicable) - TYPE: Governmental TX MUNICIPALITY	CUSTOMER PO NUMBER	LKE (Yes / No)
TBD			
PAYMENT TERMS: (Payment Terms are subject to Finance Company - OAC approval)			
NET PAYMENT ON RECEIPT OF INVOICE	<input checked="" type="checkbox"/>	NET ON DELIVERY	<input type="checkbox"/>
CASH WITH ORDER	N/A	BALANCE TO FINANCE	0.00
CONTRACT INTEREST RATE		N/A	RELEASE NUMBER GOVT
DESCRIPTION OF EQUIPMENT ORDERED / PURCHASED			
MAKE: TBA	MODEL: AP600F	YEAR: TBA	
ID NUMBER: TBA	SERIAL NUMBER: TBA	SMU: TBA	
CATERPILLAR AP600F QP1	424-9178	SENSOR, SLOPE	362-8687
PUSH ROLLER, OSCILLATING	488-9800	SENSOR, GRADE, SONIC	416-2006
AUGER 18" EXTENSION PER SIDE	438-6252	GUIDE, STEERING	273-9969
ADAPTER, VIBE SCREED	433-6621	INDICATOR, TOW POINT	435-1067
PAINT, STANDARD, ANSI/ISO	567-0751	KIT, UPTIME	458-4087
TANK, WASHDOWN	435-0914	HOSE, REEL WITH WAND	463-6563
ENGINE, TIER 4F EPA/STG IV EU	424-9229	SCREED, SE50 V	428-4845
LIGHTS, WORKING	424-0927	CYLINDER KIT, STANDARD	437-0067
SENSOR, FEEDER, SONIC	416-1467	FILM GP US	449-8858
VENTILATION SYSTEM, NO CANOPY	433-7574	EXT, POWER FOR MANUAL ENDGATE	450-6610
CYLINDER KIT, STANDARD	433-7564	PRODUCT LINK, CELLULAR PL641	462-0803
INSTRUCTIONS, NORTH AMERICAN	424-9180	COMMISSIONING, NOT NEEDED	0P-2587
PANEL, POWER SUPPLY	416-2013	HITCH, HYD PREP, TRACTOR	433-7570
LIGHT, HAZARD	198-8284	HEATER, ENGINE COOLANT, 120V	477-9916
CONTROL, BASE CAT G&S SYSTEM	416-2003	DRIVE TIRE, SAND RIB	424-9220
TRADE-IN EQUIPMENT		TERMS OF SALE	
MODEL:	YEAR:	SN:	SALE PRICE
PAYOUT TO:	AMOUNT:	PAID BY:	\$423,520.00
MODEL:	YEAR:	SN:	EXT WARRANTY
PAYOUT TO:	AMOUNT:	PAID BY:	Included
MODEL:	YEAR:	SN:	SUB TOTAL
PAYOUT TO:	AMOUNT:	PAID BY:	\$423,520.00
MODEL:	YEAR:	SN:	TOTAL PURCHASE PRICE
PAYOUT TO:	AMOUNT:	PAID BY:	\$423,520.00
ALL TRADE-INS ARE SUBJECT TO EQUIPMENT BEING IN "AS INSPECTED CONDITION" BY HOLT AT TIME OF DELIVERY. CUSTOMER HEREBY SELLS THE TRADE-IN EQUIPMENT DESCRIBED ABOVE TO HOLT AND WARRANTS IT TO BE FREE AND CLEAR OF ALL CLAIMS, LIENS, MORTGAGES AND SECURITY INTEREST EXCEPT AS SHOWN ABOVE.		BUY BOARD CONTRACT 597-19	
DISCLAIMER OF WARRANTIES AND WAIVER OF CLAIMS:		EQUIPMENT WARRANTY	
HOLT IS NOT A MANUFACTURER OF THE EQUIPMENT. ALTHOUGH HOLT MAY ADMINISTER WARRANTIES ISSUED BY THE MANUFACTURER, CUSTOMER ACKNOWLEDGES AND AGREES THAT: (1) ANY EXPRESS WARRANTIES BY THE MANUFACTURER FOR THE EQUIPMENT ARE NOT THE RESPONSIBILITY OF HOLT; AND (2) THE MANUFACTURER'S WARRANTY CONTAINS LIMITATIONS AND CUSTOMER MAY INCUR CERTAIN REPAIR, TRANSPORTATION OR OTHER CHARGES BY HOLT WHICH ARE NOT COVERED BY THE MANUFACTURER'S WARRANTY.		Customer acknowledges that he has received a copy of any warranty and has read and understood said warranty. All used equipment is sold as is where is and no warranty is offered or implied except as specified herein.	
HOLT, BY VIRTUE OF HAVING SOLD THE EQUIPMENT UNDER THIS AGREEMENT, HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO CONDITION, COMPLIANCE WITH SPECIFICATIONS OR REGULATIONS, QUALITY, DURABILITY, SUITABILITY, MERCHANTABILITY, FITNESS FOR USE OR FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, WITH RESPECT TO THE EQUIPMENT. HOLT IS NOT LIABLE FOR ANY DAMAGES (WHETHER ORDINARY, SPECIAL OR PUNITIVE) ARISING FROM ANY FAILURE OF THE EQUIPMENT TO OPERATE OR THE FAULTY OPERATION OF THE EQUIPMENT, OR THE INSTALLATION, OPERATION, REPAIR OR USE OF THE EQUIPMENT.		12 Month/Unlimited Hours Total Machine	
OTHER TERMS AND CONDITIONS		AP600-60 MO/3500 HR POWERTRAIN + HYDRAULICS + TECH	
ADDITIONAL TERMS AND CONDITIONS SET FORTH ON THE REVERSE SIDE HEREOF OR ATTACHED HERETO (AS APPLICABLE) CONSTITUTE AN IMPORTANT PART OF THIS AGREEMENT AND ARE INCORPORATED HEREIN VERBATIM FOR ALL PURPOSES. PLEASE REVIEW SUCH OTHER TERMS AND CONDITIONS BEFORE SIGNING THIS AGREEMENT.		INITIAL	
THESE TERMS AND CONDITIONS SUPERSEDE ALL OTHER TERMS AND CONDITIONS PRESENTED BY OR TO CUSTOMER UNLESS PROVIDED IN A DOCUMENT SIGNED BY AN AUTHORIZED REPRESENTATIVE OF BOTH PARTIES AND CONTAINING REFERENCE TO THIS SALES ORDER AGREEMENT.		X B.A.K.	
NOTES:		CSA:	

THIS AGREEMENT IS SUBJECT TO THE TERMS AND CONDITIONS ATTACHED

Date Nov 04, 2021
Kenneth Powell (220)

ORDER RECEIVED BY

Date 11-4-2021
CITY OF KERRVILLE

SALES MANAGER

SIGNATURE

TITLE

CUSTOMER

SIGNATURE

TITLE



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

SUBJECT: Amendment to the Fiscal Year 2021-2022 Kerrville / Kerr County Airport Budget as proposed by the Joint Airport Board.

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Dec 02, 2021

SUBMITTED BY: Julie Behrens

EXHIBITS: [Budget Amendment 1.pdf](#)
[Committing Funds August 2021_11152021145754.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

The Kerrville / Kerr County Airport Board approved a budget amendment committing available fund balance of \$432,000 to the completion of an upgrade and repair project related to the Brinkman Hangar. Insurance proceeds make up \$279,561 of this commitment. Remaining funds will come directly from fund balance. This project was started in FY2021 and was expected to be completed during FY2021, which is why it was not included in the original FY2022 budget. There is no impact to the FY2022 budgets of either the City or the County. This is merely completion of a project not completed in FY2021. Per the interlocal agreement #2021-53 between the City and the Kerrville / Kerr County Airport, the airport must request a budget amendment if budgeted funds exceed 10% of the total budget. The construction contract was presented to council as item 4F on consent agenda on December 8, 2020. The item was approved at that time. This will reallocate unspent funds.

RECOMMENDED ACTION:

Approve Kerrville / Kerr County Airport Budget Amendment.

Kerrville-Kerr County Joint Airport Board
Kerrville, Texas

A RESOLUTION COMMITTING AVAILABLE FUND BALANCE OF \$432,163 IN ACCORDANCE WITH STATEMENT NO. 54 OF THE GOVERNMENTAL ACCOUNTING STANDARDS BOARD.

A. WHEREAS, the objective of Statement No. 54 of the Governmental Accounting Standards Board, *Fund Balance Reporting and Governmental Fund Type Definitions*, ("GASB 54") is to improve the usefulness, including the understandability, of governmental fund balance information by providing more clearly defined categories to make the nature and extent of the constraints placed on a government's fund balance more transparent; and

B. WHEREAS, GASB 54 provides that governmental funds should be reported in classifications that comprise a hierarchy based primarily on the extent to which the government is bound to honor constraints on the specific purposes for which amounts in those funds can be spent; and

C. WHEREAS, those fund balance classifications identified in GASB 54 (generally from the highest to lowest level of constraint) are: *Nonspendable, Restricted, Committed, Assigned and Unassigned*, and;

D. WHEREAS, the Kerrville-Kerr County Joint Airport Board is the highest level of decision making authority for the airport and has the authority to commit, assign, and evaluate fund balance classifications and identify the intended uses of committed or assigned funds; and

E. WHEREAS, GASB 54 provides that formal action of the government's highest level of decision-making authority that commits fund balance to a specific purpose should occur prior to the end of the reporting period; and


F. WHEREAS, the Kerrville-Kerr County Airport has contracted with JKBernhard ("JKB") to repair and upgrade the damaged Brinkman Hangar doors located at 1815 Airport Loop in the amount of \$575,435 (including bonding fees and approved Change Order 1 with JKB). In addition, additional costs of up to \$40,000 are anticipated at this time, consisting of an estimated \$12,000 for aircraft storage for five aircraft during construction for up to ten weeks, additional structural steel support for doors \$20,000 and \$8,000 for miscellaneous repairs to walls and insulation, bringing the total estimated cost of repair and upgrade of Brinkman Hangar to \$615,435 (i.e., \$575,435 plus \$40,000), and;

G. WHEREAS, the Kerrville-Kerr County Airport has received insurance proceeds of \$183,272 to date (net of a depreciation hold back of \$96,289) and therefore expects that upon completion and receipt of the related insurance holdback, to receive a total of \$279,561 in insurance proceeds related to this Brinkman repair and upgrade project, and;

NOW THEREFORE BE IT RESOLVED that KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD has determined that total estimated costs of \$432,163 on the Brinkman Hangar repair and upgrade project (i.e., the amount that exceeds the total estimated insurance received to date of \$183,272) will be funded from its fund balance, and any amounts that remain unpaid from time to time within this estimate, should be reflected as *Committed* fund balance in the airport's financial statements in accordance with GASB 54.

The funds designated herein as *Committed* cannot be used for any other purpose other than directed above, unless the KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD adopts another resolution to remove or change the constraint.

PASSED AND APPROVED on the 25 day of Aug, 2021, by the KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD



MARK MOSIER, President



STEPHEN SCHMERBECK, Vice President



TREY ATKISSON, Board Member



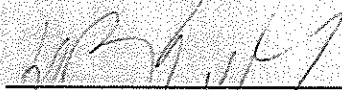
SCOTT SCHELLHASE, Board Member

JOHN MAJOR, Board Member

\$183,272) will be funded from its fund balance, and any amounts that remain unpaid from time to time within this estimate, should be reflected as *Committed* fund balance in the airport's financial statements in accordance with GASB 54.

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MARK MOSIER, President


STEPHEN SCHMERBECK, Vice President


TREY ATKISSON, Board Member


SCOTT SCHELLHASE, Board Member


JOHN MAJOR, Board Member



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

SUBJECT: Minutes for the City Council workshop held November 09, 2021.

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Nov 12, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211214_minutes_Council workshop 11-09-21 4pm.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Minutes for the City Council workshop held November 09, 2021 at 4:00 p.m. in the City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

CITY COUNCIL WORKSHOP MINUTES

NOVEMBER 09, 2021 4:00 PM

CITY HALL COUNCIL CHAMBERS, 701 MAIN STREET

KERRVILLE, TEXAS

CALL TO ORDER: On November 9, 2021 at 4:00 p.m., the City Council workshop was called to order by Mayor Bill Blackburn at the City Hall Council Chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Bill Blackburn, Mayor

Kim Clarkson, Mayor Pro Tem, Councilmember Place 2

Roman Garcia, Councilmember Place 1

Judy Eychner, Councilmember Place 3

Brenda Hughes, Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY STAFF PRESENT:

Shelley McElhannon, City Secretary

Kim Meisner, Executive Director for General Operations

VISITORS PRESENT:

Mark Prislovsky, Municipal Court Judge

M. Patrick Maguire, Municipal Court Judge

1. PUBLIC COMMENT: N/A

Councilmember Roman Garcia made a motion that the City Council adjourn into closed executive session under 551.074 (personnel/officers), and Councilmember Kim Clarkson seconded. The motion passed 5-0.

Mayor Blackburn convened closed executive session at 4:01 p.m.

2. EXECUTIVE SESSION:

2A. Evaluation of Municipal Court Judges, to include Mark Prislovsky (551.074).

The closed executive session adjourned, and Council returned to open session at 5:05 p.m. No action was taken during executive session.

Councilmember Clarkson made a motion that the City Council adjourn into closed executive session under 551.074 (personnel/officers), and Councilmember Brenda Hughes seconded. The motion passed 5-0.

Mayor Blackburn reconvened closed executive session at 5:05 p.m.

The closed executive session adjourned, and Council returned to open session at 5:30 p.m. No action was taken during executive session.

4. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF ANY: N/A

ADJOURN. The workshop adjourned at 5:30 p.m.

APPROVED BY COUNCIL: _____ ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: Minutes for the City Council meeting held November 09, 2021.

AGENDA DATE OF: December 14,
2021

DATE SUBMITTED: Nov 12, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211214_minutes_Council meeting 11-09-21 6pm.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Minutes for the City Council meeting held November 09, 2021 at 6:00 p.m. in the City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

**0CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRRRVILLE, TEXAS
NOVEMBER 09, 2021 6:00 PM**

On November 09, 2021 at 6:00 p.m., the City Council meeting was called to order by Mayor Bill Blackburn at the City Hall Council Chamber, 701 Main Street. Councilmember Brenda Hughes introduced Jeff Talarico, who provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Kim Clarkson	Mayor Pro Tem, Councilmember Place 2
Roman Garcia	Councilmember Place 1
Judy Eychner	Councilmember Place 3
Brenda Hughes	Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF:

E.A. Hoppe, City Manager	Eric Maloney, Fire Chief
Mike Hayes, City Attorney	Chris McCall, Chief of Police
Shelley McElhannon, City Secretary	Kim Meismer, Exec Director General Ops
Stuart Barron, Director of Public Works	Drew Paxton, Chief Planner
Stuart Cunyus, Public Info Officer	Charvy Tork, Director Info Technology

VISITORS PRESENT: A list of the citizen speakers present during the meeting is on file in the City Secretary's Office for the required retention period.

Mayor Blackburn provided meeting protocols.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST: Items of interest to the community were presented by Stuart Cunyus, Councilmember Roman Garcia, and Councilmember Judy Eychner.

2. PRESENTATIONS:

2A. Kerrville Kindness Award presented to the Hill Country Dental Association.

Mayor Blackburn presented the Kerrville Kindness Award to the Hill Country Dental Association, represented by Dr. Jimmy Bone, Dr. Jamie Bone, and staff.

2B. Commendations for outgoing Board members.

Mayor Blackburn recognized Mary Elaine Jones, Anne Overby, and Michael Wellborn for serving on the Main Street Advisory Board; Janice Andersen and Melba Maring for serving on the Senior Services Advisory Committee; and Mike Asmus for serving on the Zoning Board of Adjustment.

3. VISITORS FORUM:

The following persons spoke:

- Stephanie Cash
- George Barody
- R.M. Tear

- Bruce Stracke
- James Wright

4. CONSENT AGENDA:

Councilmember Roman Garcia requested to pull items 4A and 4B. Councilmember Eychner made a motion to accept the consent agenda items 4C and 4D as presented, and Councilmember Hughes seconded. The motion passed 5-0.

4C. Minutes for the City Council workshop held October 26, 2021.

4D. Minutes for the City Council meeting held October 26, 2021.

END OF CONSENT AGENDA.

4A. Contract with Bureau Veritas to create a new parcel base map for the City of Kerrville, based on plat and deed information where available, for the amount of \$82,000.

Charvy Tork provided information and responded to questions.

Councilmember Garcia made a motion to authorize the City Manager to finalize and execute the contract, seconded by Councilmember Eychner. The motion passed 5-0.

4B. Rejection of all bids for the Water Street Waterline Improvement project.

Stuart Barron provided information and responded to questions.

Councilmember Garcia made a motion to reject all the bids, seconded by Councilmember Brenda Hughes. The motion was passed 5-0.

5. PUBLIC HEARINGS AND RESOLUTIONS:

5A. Resolution No. 50-2021. A Resolution granting a Conditional Use Permit to authorize a Short Term Rental Unit on the property comprising Lot 2 and part of Lot 3, Block 26, Westland Place, and more commonly known as 516 Florence Street; said property is located within a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1A); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 50-2021 caption into record.

Drew Paxton presented information and responded to questions.

Mayor Blackburn opened the public hearing at 6:34 p.m.

No one spoke.

Mayor Blackburn closed the public hearing at 6:34 p.m.

Councilmember Hughes made a motion to approve Resolution No. 50-2021, seconded by Councilmember Eychner. The motion passed 5-0.

5B. Resolution No. 51-2021. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property comprising Lot 3 and part of Lot 4, Block 8, Hill Crest Addition, and more commonly known as 1008 Tivy; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 51-2021 caption into record.

Drew Paxton was in attendance to present information and respond to questions.
Mayor Blackburn opened the public hearing at 6:35 p.m.
The following persons spoke:

- George Baroody
- Bruce Stracke
- Mike Sigerman
- Kelly Barker

Mayor Blackburn closed the public hearing at 6:44 p.m.

Councilmember Eychner made a motion to approve Resolution No. 51-2021, seconded by Councilmember Hughes. The motion was passed 5-0

6. BOARD APPOINTMENTS:

6A. Appointment to the Building Board of Adjustment and Appeals.

Shelley McElhannon read item 6A caption into record.

Councilmember Garcia advised that applicants Mike Asmus and Steve Van Patton do not meet Board member qualifications. Council requested to table this item and re-publicize the vacancies.

6B. Appointment to the Food Service Advisory Board.

Shelley McElhannon read item 6B caption into record.

Councilmember Eychner moved to reappoint Marcus Willis, and appoint Anthony Howard and Larry Wray as regular members, seconded by Councilmember Garcia. This motion was approved 5-0.

7. CONSIDERATION AND POSSIBLE ACTION:

7A. Resolution No. 52-2021. A Resolution casting votes of the City of Kerrville, Texas, for Kerr Central Appraisal District Board of Directors.

Shelley McElhannon read item 7A caption into record. Mike Hayes provided information, and Mike Hayes and Shelley McElhannon responded to questions.

Councilmember Eychner moved to equally spread all votes amongst all seven nominees. This motion failed for lack of second. E.A. Hoppe clarified the deadline. City Council tabled item and directed staff to list on December 14, 2021 in Executive Session.

7B. Citizen requested agenda item: (A discussion to determine when the next Kerrville General Election shall be prescribed to be held to elect the Mayor, Place Three and Place Four of the City Council) citizen George Baroody, sponsored by Councilmember Roman Garcia.

Shelley McElhannon read item 7B caption into record.

Citizen George Baroody presented information and responded to questions.

The following persons spoke:

- Bruce Stracke
- Michael Sigerman

Mayor Blackburn made a recommendation to move forward to the next item. Councilmember Garcia requested further discussion, and discussion with the City Attorney. The City Attorney requested clarification from Council before proceeding that discussion will continue in open session, and if Council seeks a legal opinion. Mayor Blackburn made a motion to move forward to the next item, seconded by Councilmember Clarkson. The motion was passed 5-0.

7C. Amendments to *Procedural Rules for Meetings* – Kerrville City Council.

Shelley McElhannon read item 7C caption into record.

Discussion ensued among Council.

The following person spoke:

- Nikki Caines

Mayor Blackburn made a motion to move this item to a workshop, seconded by Councilmember Clarkson. The motion passed 3-2 with Mayor Blackburn, Councilmember Clarkson, and Councilmember Hughes voting in favor, and Councilmember Garcia and Councilmember Eychner opposed.

8. ITEMS FOR FUTURE AGENDAS: N/A

Councilmember Eychner moved to convene into closed Executive Session under 551.074 of Chapter 551 of the Texas Government Code, seconded by Councilmember Clarkson. This motion was approved 5-0. Mayor Blackburn convened closed Executive Session at 7:34 p.m.

9. EXECUTIVE SESSION:

9A. Evaluation of Municipal Court Judges, to include M. Patrick Maguire.

Mayor Blackburn closed the executive session and reconvened in open session at 7:49 p.m. No action was taken during Executive Session.

10. ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION: N/A

ADJOURN. The meeting adjourned at 7:49 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: Minutes for the City Council workshop held November 16, 2021.

AGENDA DATE OF: December 14,
2021

DATE SUBMITTED: Nov 12, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211214_minutes_Council workshop 11-16-21 10am.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Minutes for the City Council workshop held November 16, 2021 at 10:00 a.m. in the City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
WORKSHOP, COUNCIL CHAMBERS**

**NOVEMBER 16, 2021 10:00 A.M.
KERRVILLE, TEXAS**

CALL TO ORDER: On November 16, 2021, at 10:00 a.m., the Kerrville City Council workshop was called to order by Mayor Bill Blackburn in the City Hall Council Chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Kim Clarkson	Mayor Pro Tem, Councilmember Place 2
Roman Garcia	Councilmember Place 1
Judy Eychner	Councilmember Place 3
Brenda Hughes	Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY STAFF PRESENT:

E.A. Hoppe	City Manager	Guillermo Garcia, Exec Dir Innovation
Mike Hayes	City Attorney	Eric Maloney, Fire Chief
Shelley McElhannon	City Secretary	Chris McCall, Police Chief
Julie Behrens	CFO	Charvy Tork, Director IT

CITIZENS PRESENT:

Citizen speaker information sheets are on file in the City Secretary's Office for the required retention period.

1. PUBLIC COMMENTS:

No citizen provided public comment.

2. CONSIDERATION AND POSSIBLE ACTION:

2.A. Public Safety Communications Infrastructure project.

E.A. Hoppe introduced the item. Charvy Tork, Chief McCall, and Chief Maloney presented information, and E.A. Hoppe, Charvy Tork, Chief McCall, Chief Maloney, and Julie Behrens responded to questions. No action from City Council.

ADJOURN.

The meeting was adjourned at 10:58 a.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Resolution No. 53-2021. A Resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property comprising Lot 8, Block C, Cage Addition and more commonly known as 820 Robinson Avenue; said property is located within a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1A); and making said permit subject to conditions and restrictions.

AGENDA DATE OF: December 14, 2021 **DATE** Dec 03, 2021
SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20211214_Resolution 53-2021_CUP 820 Robinson STR.pdf](#)

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

SUMMARY STATEMENT:

Proposal

A resolution to allow a Conditional Use Permit for Short Term Rentals on Lot 8, Block C, Cage Addition; and more commonly known as 820 Robinson Ave.

Procedural Requirements

The City, in accordance with state law, mailed 36 letters on 10/21/2021 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 10/14/2021. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

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

Existing Land Use: Single Family Residences

Direction: North, South, West, East

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

Existing Land Uses: Single Family Residences

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are designated as Transitional Residential. Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

A Short Term Rental requires one (1) off street parking space per bedroom and one (1) additional off street parking space for a manager, if the manager does not live onsite. This property has three (3) separate dwellings: main house with three (3) bedrooms; guest house with three (3) bedrooms; a duplex with two (2) – two (2) bedroom units. The combined dwellings require ten (10) off-street parking spaces for bedroom count and one (1) additional space for a manager since the manager is not living onsite. The applicant has identified twelve (12) available off-street parking spaces, meeting the off-street parking requirement.

Case Summary:

The applicant is proposing to use a property with three existing dwelling units as Short Term Rentals.

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

The applicant has identified the following amenities as in close proximity to the proposed Short Term Rental: This location is within walking distance to Tivy Street and lends to an easy route to Water Street and the downtown district for shopping, dining, and entertainment. This location is also within walking distance to Sidney Baker Street, offering additional retail opportunities.

Recommendation:

Because the Conditional Use Permit request is consistent with the Kerrville 2050 Comprehensive Plan, will meet all zoning regulations, and there are numerous amenities in

close proximity to this proposed Short Term Rental location, staff recommends approval with consideration and inclusion of the attached Proposed CUP Conditions.

Proposed CUP Conditions for Short Term Rental

A. Guest Notification: The owner or operator of the Property shall post "Guest Notification" in a conspicuous place within the rental unit on the Property. Guest Notification is shown on the following page.

B. Occupancy Taxes: The owner or operator of the Property shall comply with the City's occupancy tax requirements as found within Ch. 94, Division III, of the City's Code of Ordinances.

C. Sign: The Property may not use more than one non-illuminated, on-site sign, in conjunction with its Short Term Rental unit. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and not exceeding six square feet in size and three feet in height. Any such sign shall comply with the City's Sign Code.

D. Minimum Off-Street Parking: One space per bedroom, plus parking required for the manager, if living off-site.

E. Maximum Occupancy: The maximum occupancy for any Short Term Rental is ten (10) guests. Short term rental owner / operator may set occupancy limits at less than ten (10) guests, however, in no case shall occupancy limits exceed ten (10) guests.

F. Other Zoning Regulations: The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

RECOMMENDED ACTION:

Approve Resolution No. 53-2021.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 53-2021**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE
PROPERTY COMPRISING LOT 8, BLOCK C, CAGE ADDITION
AND MORE COMMONLY KNOWN AS 820 ROBINSON AVENUE;
SAID PROPERTY IS LOCATED WITHIN A SINGLE-FAMILY
RESIDENTIAL WITH ACCESSORY DWELLING UNIT ZONING
DISTRICT (R-1A); AND MAKING SAID PERMIT SUBJECT TO
CONDITIONS AND RESTRICTIONS**

WHEREAS, the owner of the property known as 820 Robinson Avenue and graphically depicted on the location map and site plan found at **Exhibit A** (the "Property"), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit ("CUP") to authorize a short-term rental unit on the Property, which is located within a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1A); and

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

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing on December 14, 2021, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission and referenced herein on the Property;

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

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

Legal Description: comprising Lot 8, Block C, Cage Addition, a subdivision of Kerr County and the city of Kerrville, and being depicted on the location map and site

plan found at **Exhibit A**.

General Description: 820 Robinson, Kerrville, TX
78028.

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

- A. **Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as **Exhibit B**.
- B. **Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- C. **Sign:** The Property may not use more than one non-illuminated, on-site sign, in conjunction with the STRU. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and may not exceed six square feet in size and three feet in height. Any such sign shall comply with the City’s Sign Code.
- D. **Parking:** The Property must include at a minimum, one (1) off-street parking space per bedroom, plus an additional space for the manager, if living off-site.
- E. **Maximum Occupancy:** The Property is subject to a maximum occupancy of ten (10) guests, which may be lower per rules set by the owner or operator.
- F. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

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

SECTION FOUR. City Council finds and determines that its adoption of this Resolution promotes the health, safety, and general welfare of the public and is a

proper valid exercise of the City's police powers.

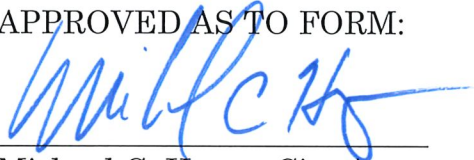
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect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

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the ____ day of _____, A.D., 2021.

Bill Blackburn, Mayor

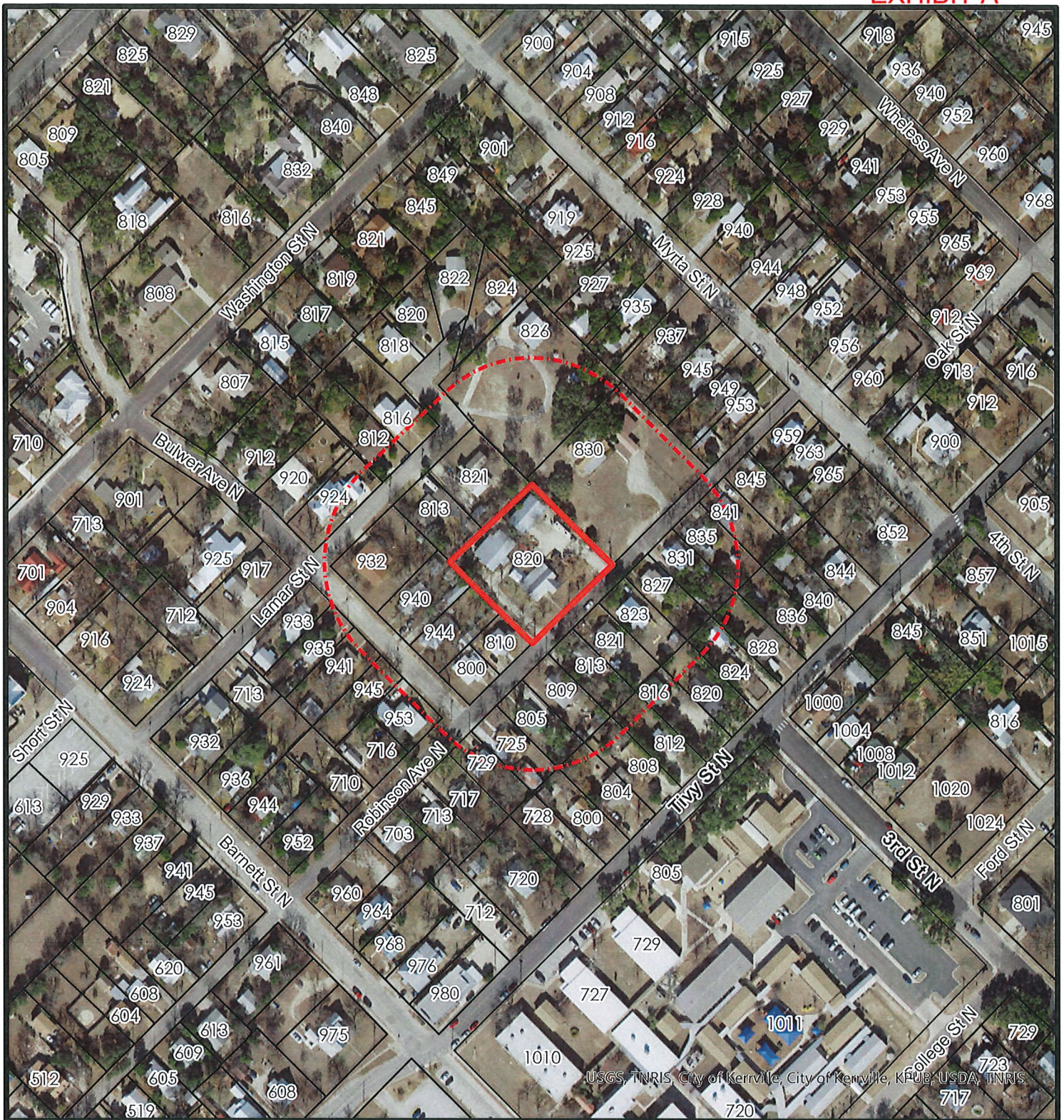
APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2021-22

Location:
820 Robinson Avenue

Legend

200' Notification Area - - - - -
Subject Properties —————



0 75 150 300
Scale In Feet

820 Robinson Property Map-Hybrid

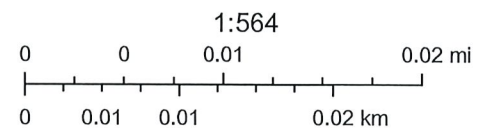


9/3/2021, 1:03:50 PM

 Tax Parcel

 Kerrville Site Address Point

 City Limit



Esri Community Maps Contributors, City of Kerrville, Texas Parks & Wildlife, CONANP, Esri, HERE, Garmin, © OpenStreetMap contributors, Microsoft, SafeGraph, INCREMENT P, MET/NASA, USGS, EPA, NPS, US Census Bureau, USDA, City of Kerrville, City of Kerrville, K PUB, Maxar, Microsoft

Web AppBuilder for ArcGIS



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 53-2021

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

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

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

As per the Conditional Use Permit, the **maximum occupancy is ten (10) guests**. The Short Term Rental owner may have other occupancy restrictions for fewer guests, however, in no case shall guest occupancy exceed ten (10) guests.

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

Thank you!

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



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

SUBJECT: Ordinance No. 2022-01. An Ordinance amending Chapter 74 of the Code of Ordinances, City of Kerrville, Texas, titled "Parks and Recreation", by adding a new Article III "Parkland Dedication", to include parkland dedication requirements for new residential development within the City and its extraterritorial jurisdiction; providing an effective date; and providing other matters relating to the subject.

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Oct 01, 2021

SUBMITTED BY: Ashlea Boyle

EXHIBITS: [20211214_Ordinance_2022-01 Parkland Dedication.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	P - Parks / Open Space / River Corridor
Guiding Principle	P4. Update the Parks Master Plan, other applicable codes and ordinances and capital planning and funding priorities to support Kerrville 2050
Action Item	P4.4 - Amend the park dedication ordinance to further promote improvements to existing and future parks

SUMMARY STATEMENT:

Attached is an ordinance amending the Parkland Dedication Ordinance. The Parkland Dedication Ordinance was originally established in 1987. The last revision was in 1991 which set rates paid, the same rates used today of \$250 per unit. This ordinance amendment is adopted to provide parks for recreational purposes as a function of 1) subdivision development and 2) new residential construction. This ordinance is enacted in accordance with the Home Rules powers of the City of Kerrville, granted under the Texas Constitution, and the statutes of the State of Texas. It is hereby declared by the City Council that recreation areas in the form of parks are necessary and in the public welfare.

Parks and parkland, as they pertain to this ordinance, are those public properties providing for a variety of outdoor recreational opportunities and within convenient distances to a majority of the residences to be served thereby. A portion of the costs of these parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, will be beneficiaries of such facilities.

This amendment includes retaining fees-in-lieu of parkland as a priority over land dedication in accordance with the direction set by the adopted vision in Kerrville 2050 for regional parks versus neighborhood parks. The amount is valued at one acre per 42 residential units.

Recommended amendments include:

- 1) Fees - Updating the fees with incremental annual increase, and timing of payments. The fees have not changed in 30 years. The current fee is \$250 per unit. The fee structure is being updated based on the current land values and land dedication ratio. This will be referenced in the ordinance and included in the annual budget. Fees will be evaluated annually and adjusted as appropriate. Proposed fees are FY22 = \$700, FY23 = \$850, FY24 = \$1,000, FY25 = \$1,275.
- 2) Eliminate varying unit-size and separate multi-family rate amount and make the ETJ rate the same as in-City rate.
- 3) Expanding the refund period from five years to 10 years. This will allow for greater collection of funds accrued for capital projects in a more realistic implementation time. The parkland dedication fund can be utilized for capital improvements, but not operations and maintenance.
- 4) Increasing the overlap of fee collection districts from .5 miles either side of HWY 16 to one mile. Highway 16 is the designated dividing line of east or west districts in which the collected funds are accrued and then allocated back on the corresponding side of town.
- 5) Adding language for timeline of when a developer pays fees if a property is subdivided to be when the property is developed; and
- 6) General verbiage cleanups.

The Parks and Recreation Advisory Board unanimously approved these amendments on September 7, 2021.

Staff recommends holding a public hearing and approval of the ordinance amendments on first reading as presented. This item will require a second reading.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-01, on first reading.

D R A F T 12/10/21

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-01**

AN ORDINANCE AMENDING CHAPTER 74 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, TITLED “PARKS AND RECREATION”, BY ADDING A NEW ARTICLE III “PARKLAND DEDICATION”, TO INCLUDE PARKLAND DEDICATION REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENT WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, on September 28, 2021, City Council approved Ordinance No. 2021-24, which adopted a new Subdivision Code for the City and its extraterritorial jurisdiction (“ETJ”); and

WHEREAS, Ordinance No. 2021-24 repealed and replaced the City’s previous Subdivision Code, which included a requirement for parkland dedications for all new subdivisions in accordance with Ordinance No. 91-10, as adopted by City Council on June 11, 1991; and

WHEREAS, Ordinance No. 91-10 amended the City’s initial parkland dedication requirements adopted in 1987; and

WHEREAS, Ordinance No. 91-10 established a parkland dedication fee of \$250.00 per lot or unit, which has remained at this amount since 1991; and

WHEREAS, the City Council believes it remains in the public interest to continue to maintain and gain parkland within the City and its ETJ; and

WHEREAS, in the most recent Comprehensive Plan, a *Kerrville 2050* Guiding Principle was identified and stated to “focus on enhancing/investing in existing parks, their purpose or repurpose, and improving accessibility before acquiring land for new parks”; and

WHEREAS, Subsection 82-50(c)(5) of the Subdivision Code provides that all proposed subdivision shall be served by public parks that provide a variety of outdoor recreational opportunities, and are located according to the *Parks and Recreation Master Plan* (the “Master Plan”), as amended and as most recently adopted by City Council in September 2008; and

WHEREAS, Section 82-55 of the Subdivision Code likewise provides that it is the policy of the City to require residential developments to contribute parkland or

fees-in-lieu of land dedication in proportion to the needs of future residents and within close proximity to their homes, such that all residential subdivisions within the City shall dedicate parkland or pay fees-in-lieu of such dedication; and

WHEREAS, the City's Parks and Recreation Advisory Board has reviewed both the Master Plan and the City's previous Parkland Dedication regulations (Ord. No. 91-10) on a number of occasions, and voted to recommend the regulations and requirements provided herein; and

WHEREAS, pursuant to Section 51.001 of the Texas Local Government Code, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, the City has authority to regulate subdivisions; and

WHEREAS, pursuant to Chapter 331 of the Texas Local Government Code, the City may improve land for park purposes, operate and maintain parks, and control and manage parks within the City; and

WHEREAS, City Council hereby finds that parkland and recreational areas in the form of neighborhood and community parks are necessary and in the public's welfare, as the City currently has approximately 4 square miles of existing parkland, open spaces, or scenic areas located within the City or as are accessible in its ETJ; and

WHEREAS, based upon the City's current size and in particular, the location of the City's largest, multiuse regional parkland, including Louise Hays, Lehmann-Monroe, Kerrville Schreiner, the Kerrville River Trail, and the Kerrville Sports Complex, most City residents could be deemed as residing relatively near all of these parks for the ease of accessibility and use; and

WHEREAS, the only adequate procedure to provide for parkland is to integrate such requirements into the planning and development of property or subdivisions in the City and its ETJ; and

WHEREAS, existing parkland within the City currently serve the needs of neighborhoods located within the City and its ETJ, many of which are located within a reasonable distance of City residents and ETJ users; and

WHEREAS, Louise Hays Park, Lehmann-Monroe Park, Kerrville Schreiner Park, the Kerrville Sports Complex, and the Kerrville River Trail, each of which

provides amenities that are typical in neighborhood, community parks, and regional parks providing services to City residents and ETJ users alike, due to the absence or limitation of similar parkland facilities within the ETJ; and

WHEREAS, neighborhood parks and community parks combined, can meet most of the recreational needs of City residents and ETJ users; and

WHEREAS, these parkland dedication requirements are adopted to maintain and provide parkland in the form of neighborhood parks, community parks, regional parks, and special use parks in conjunction with the development of residential projects both in the City and its ETJ; and

WHEREAS, costs associated with development and maintenance of neighborhood, community parks, and regional parks should be borne by the developers and landowners of residential property who, by reason of the proximity of their property to such parks, are the primary beneficiaries of such facilities; and

WHEREAS, the requirements within this Ordinance are adopted to affect the purposes stated above; and

WHEREAS, the City Council finds that the amendments imposed by this Ordinance are reasonable, necessary, and proper for the good government of the City and that such amendments promote the health, safety, morals, or general welfare of the City and its safe, orderly, and healthful development, in accordance with Section 212.002, Texas Local Government Code; and

WHEREAS, on December 14, 2021, and pursuant to public notice, City Council held a public hearing on the regulations provided herein, and has considered the comments, reports, and recommendations of the Parks and Recreation Advisory Board and staff, public testimony, and other relevant support materials;

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

SECTION ONE. Chapter 74 “*Parks and Recreation*” of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Article III “Parkland Dedication”, which will add the language that is underlined ([added](#)) as follows:

“ARTICLE II. – PARKLAND DEDICATION

Sec. 74-50. - Purpose.

(a) The regulations found within this article are adopted to provide parkland, open space, and trails for recreational purposes as a function of (i) subdivision development; and (ii) new residential construction for previously platted lot.

(b) The City finds that parks, open space, and trails are necessary for public welfare, and that the adequate procedure to provide these community amenities is by integrating standards into the City's procedures for planning and developing property. In addition, the City finds that a portion of the costs of parks, open spaces, and trails should be borne by the ultimate residential property owners who, by reason of their general proximity of their property to such amenities, will be the primary beneficiaries.

Section 74-51. - Definitions.

Applicant means a person or entity who submits an application to the City for an approval as required by this article. To qualify as an applicant, the person or entity must have sufficient legal authority or proprietary interests in the land. This term is restricted to include only the property owner(s), or a duly authorized agent and representative of the property owner. The term may include the "developer", "subdivider", "builder", or other similar title.

City Manager means the City Manager of the City, or designee.

Development means the construction, reconstruction, conversion, structural alteration, relocation, renovation, or enlargement of any structure on land.

Dwelling Unit means any building, structure, or portion of a structure, which is designed, used, or intended to be used, for human occupancy as primary living quarters.

ETJ means the extraterritorial jurisdiction of the City, pursuant to state law.

Fee-in-lieu means the fee that the City requires an applicant pay instead of parkland dedication, and the fund generated from such fees to be used for parkland acquisition or improvements of existing parks. City Council shall include such fee in the fee schedule, which is annually reviewed and adopted as part of its budget.

Multifamily dwelling means the same as this term is defined by the Zoning Code, to include apartments, condominiums, and assisted living facilities.

Open Space means a category of parkland that is to be kept essentially unimproved and dedicated for the public. The primary functions of this type of parkland is the protection of hill country scenic vistas; protection of a quiet, rural

lifestyle; and conservation of native wildlife. Open space may feature minimal improvements such as walking trails, picnic sites, and/or benches.

Parkland means a tract of land designated and used for recreation or open space, to include neighborhood, community, and regional parks.

Parks and Recreation Master Plan (“*Master Plan*”) means the stand-alone document that is intended to guide the continued development of the City’s Parks and Recreation Department and is a tool to educate and explain needs within this system. Such plan is periodically reviewed and revised by the City’s Parks and Recreation Advisory Board, but subject to approval by the City Council.

Planning and Zoning Commission means the City’s Planning and Zoning Commission also referred to as the “Commission.”

Section 74-52. - Parkland requirement for land developed for residential purposes.

(a) *Applicability.* All new residential developments, to include new residential construction on previously platted lots, located either inside the City limits or within the ETJ, shall be required to contribute to the development and/or maintenance of parkland in accordance with this article and pursuant to goals and strategies contemplated by the Master Plan.

(b) *Fee-in-lieu.* Where the City Manager determines, in his or her sole discretion, that sufficient parkland exists within an area to serve a proposed residential development, and that the recreation potential for the proposed development would be better served by expanding or improving existing parkland, then the City will require the payment of the then existing fee-in-lieu as provided by this article for the expansion or improvement of those existing park facilities. The final plat shall include a note stating and affirming the application and payment of fees-in-lieu. Such fees are applicable as follows:

(1) Single-family residential - at the time of the Commission’s approval of a subdivision’s final plat, the City shall assess the development the existing fee-in-lieu for each single-family residential lot. Following approval but prior to recording, the applicant shall pay the City the assessed fee.

(2) Multifamily dwelling - in conjunction with but prior to the City’s issuance of a building permit for a new multifamily dwelling, the applicant shall pay the City the fee-in-lieu for each dwelling unit to be constructed as part of the multifamily dwelling.

(3) Previously approved single-family, residential lots - where the City has previously approved a residential subdivision as evidenced by a plat filed within the property records of Kerr County, a dwelling unit proposed for development on an unimproved lot from such subdivision shall be subject to payment of the fee-in-lieu. Thus, the applicant shall pay the City such fee as part of his or her submission of an application for a building permit.

(c) *Dedicated parkland.*

(1) In lieu of paying the fee-in-lieu, the City Manager, in his or her sole discretion, may require a developer to dedicate to the City one (1) acre of land per 42 proposed single-family residential lots or dwelling units, or a proportionate amount of land based on the number of lots or dwelling units, to be used as public parkland. The applicant shall indicate on a preliminary plat, final plat, subdivision construction plans, and site plan submitted to the City for approval the area proposed for such dedicated parkland. When construction of park improvements is proposed, all amenities shall be identified on the subdivision construction plan. No parkland required to be dedicated under this article may be less than one (1) acre and shall be dedicated as a single lot.

(2) Conditions and situations may warrant the City requesting parkland to be dedicated within the subdivision, to include each phase where applicable. In such cases, the City Manager will coordinate a reasonable parkland location with the applicant during the preliminary platting process.

(3) In all instances, the City shall have the right to accept the dedication of land or to refuse same and to require payment of the fee-in-lieu.

(4) The land dedication required by this article shall be made on the final plat and the Commission may not approve or record a final plat until the parkland dedication requirements are met. The applicant shall include the location of the parkland on the plat and include language on the plat that clearly indicates that the parkland is being dedicated and conveyed to the City in fee simple for public use.

(5) Any land dedicated to the City under this article shall be suitable for public parkland purposes and recreational uses, exclusive of encumbrances such as required setback areas, buffers, rights-of-way, other easements, or other similar requirements of the City's Code of Ordinances or other laws. The City Manager, in his or her sole discretion, may accept areas within the 100-year floodplain as dedicated parkland, but no area within the designated floodway may count toward the requirement of parkland dedication. In addition, no

property with excessive slopes, which make active recreation use impractical on the site, will count toward parkland dedication. Active recreation includes parkland needed to accommodate team sports, such as baseball, softball, football, and soccer, and to provide fields for league play.

(6) Any land dedicated shall have suitable means of access from a currently existing public street or one that the applicant will build during the initial development.

(7) The parkland proposed for dedication shall be in good condition, including the removal of all debris and dead plant materials, and the complete installation, and acceptance by the City, of utility services, sidewalks, and other public improvements. Any land disturbed by activities not related to parkland development shall be restored and the soil stabilized in a method approved by the City Manager in accordance with the requirements of this Code.

(d) *Exemptions.* The following situations are exempt from this article:

(1) dwelling units that have received building permits to begin construction prior to the effective date of the ordinance adopting this article; or

(2) subdivisions, or platted phases thereof, where the City has previously approved parkland dedication or the fee-in-lieu. Subsequent unplatted phases of any such subdivision are not exempt and will remain subject to this article.

(e) *Special fund; right to a refund.*

(1) The City has previously established and currently maintains a separate fund for the deposit of fees-in-lieu paid under this article or previous requirements, such fund known as the *Parkland Dedication Fund*. The City has used and will continue to use the fund for the development, improvement, and acquisition of parkland, trails, and facilities to benefit each within the district in which the development is located. Such districts are identified as follows:

a. For developments and property located east of Highway 16, the district is the area east of this highway. Additionally, if public parkland exists west of Highway 16 that can reasonably serve the development, then fee-in-lieu funds can be used for the parkland so noted west of Highway 16.

b. For contributing subdivisions or property located west of Highway 16, the district shall be the area west this highway. Additionally, if public

parkland exists east of Highway 16 that can reasonably serve the development, then fee-in-lieu funds can be used for the parkland so noted east of Highway 16.

(2) The City shall account for all sums paid for parkland acquisition or expansion or improvement of park facilities under this article with reference to the specific development. Any funds paid for such purposes must be expended by the City within ten (10) years from the date received by the City for acquisition, development, expansion, or improvement of a parkland as provided herein. If not so expended, the current owners of the contributing property on the last day of such ten (10) year period shall be entitled to a prorata refund of any such funds not expended, not including any interest; provided that the owners of such property must request such refund from the City within one (1) year of entitlement, in writing, or such right shall be retained by the City.”

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

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

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

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2021.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ of _____, A.D., 2021.

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney



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

SUBJECT: Financial Report.

AGENDA DATE OF: December 14,
2021

DATE SUBMITTED: Oct 14, 2021

SUBMITTED BY: Julie Behrens

EXHIBITS: [20211214_presentation_Financial_Update.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

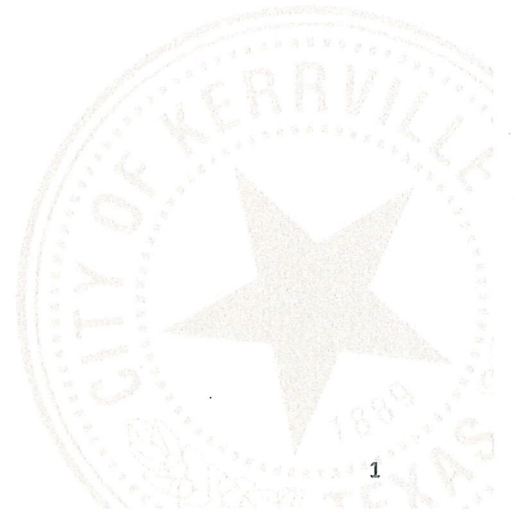
SUMMARY STATEMENT:

RECOMMENDED ACTION:

None by City Council.

Financial Update

City Council Meeting
December 14, 2021



1

General Fund Summary

General Fund Revenues as of October 31, 2021

Property Tax: (includes current year, prior year, and penalty & interest)

Budget: \$10,720,382

Current Collections: \$793,253

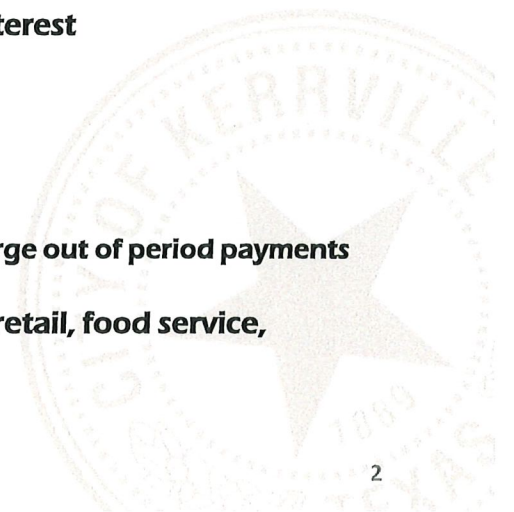
Note: \$71k from prior year taxes & penalty & interest

- **Sales Tax:**

Budget: \$8,614,787

Current Collections: \$731,700

- **October sales tax (August sales) up 17%**
- **November sales tax (September sales) up 11% - large out of period payments**
 - **8% increase after out of period adjustments**
- **Continue to have strong contributions from retail, food service, manufacturing, and wholesale trade**



2

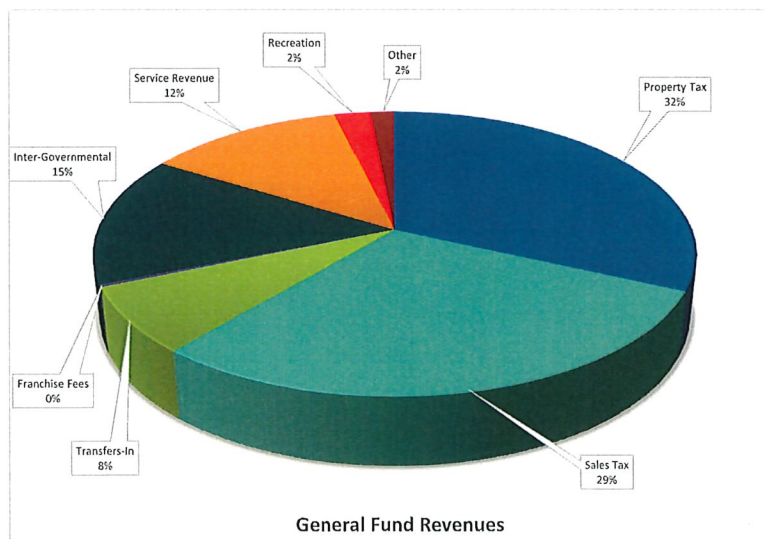
General Fund Summary

Overview of Revenues as of October 31, 2021

General Fund	FY2022 Budget	Y-T-D FY2022 Budget Est.	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Change from YTD FY2021
Taxes					
Property Tax	\$ 10,720,382	\$ 696,825	\$ 793,253	\$ 96,428	\$ 265,799
Sales Tax	8,614,787	559,961	731,700	171,739	108,195
Franchise Fees	1,959,200	127,348	(7,102)	(134,450)	(9,260)
Total Taxes	\$ 21,294,369	\$ 1,384,134	\$ 1,517,852	\$ 133,718	\$ 364,734
Permits & Fees	40,495	2,632	2,311	(321)	(454)
Inter-Governmental	1,489,052	96,788	369,543	272,755	152,832
Service Revenue	3,997,854	259,861	309,986	50,126	2,665
Recreation	656,975	42,703	57,165	14,462	(16,816)
Fines & Forfeitures	476,550	30,976	24,347	(6,629)	(2,967)
Grants & Donations	29,500	1,918	4,171	2,253	2,671
Interest & Misc.	223,961	14,557	6,787	(7,770)	(12,458)
Transfers-In	2,276,116	147,948	185,926	37,979	12,669
Total General Fund Revenue:	\$ 30,484,872	\$ 1,981,517	\$ 2,478,089	\$ 496,572	\$ 502,875

General Fund Summary

Overview of Revenues as of October 31, 2021



General Fund Summary

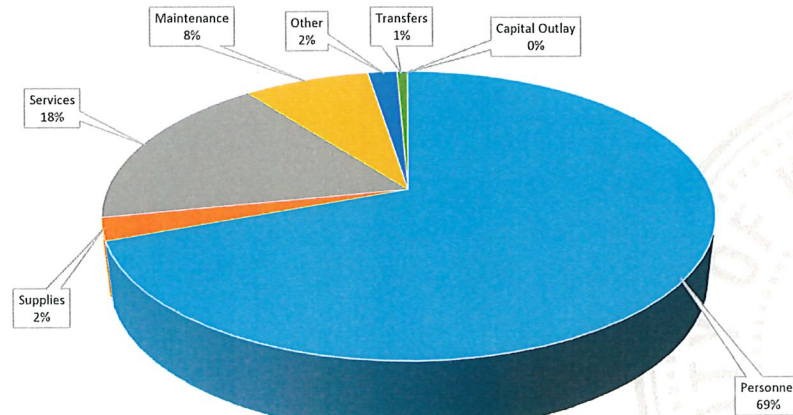
Overview of Expenses as of October 31, 2021

General Fund	FY2022 Budget	Y-T-D FY2022 Budget Est.	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Change from YTD FY2021
Expenses					
Personnel	\$ 20,783,202	\$ 1,943,966	\$ 1,857,285	(86,680)	135,828
Supplies	1,535,737	133,499	67,931	(65,567)	15,378
Maintenance	3,271,728	327,938	211,035	(116,903)	52,791
Services	2,331,535	225,058	470,522	245,464	370,486
Other	460,192	51,461	49,222	(2,239)	16,182
Capital Outlay	152,210	6,111	-	(6,111)	-
Transfers-Out	328,647	67,800	17,500	(50,300)	(9,887)
Total General Fund Expenses	\$ 28,863,251	\$ 2,755,832	\$ 2,673,496	(82,337)	580,777

Note: Better than ESTIMATED FY2022 budget-to-date

General Fund Summary

Overview of Expenses as of October 31, 2021



General Fund Expenditures By Category

Water Fund Summary

Water Fund Revenues

Water Sales:

Budget: \$6,665,813

Current Sales: \$612,252

Currently behind FY2022 ESTIMATED budget-to-date:

- Rainfall, especially during July & August (typical heavy irrigation months) had a significant effect on September consumption (October sales)
- July & August 2021 rainfall 4" more than same period 2020
- September (October sales) irrigation consumption down significantly compared to September 2020
- FY2022 rates effective 11/1/2021 for October consumption

• Sewer Sales

Budget: \$5,992,747

Current Sales : \$522,611

Currently ahead of FY2022 ESTIMATED budget-to-date:

- Sewer sales are more stable due to residential sewer averaging (less weather dependent)
- Continuing trend from FY2021
- FY2022 rates effective 11/1/2021 for October consumption

Water Fund Summary

Overview of Revenues as of October 31, 2021

Water Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Change from YTD FY2021
Revenues					
Water Sales	\$ 6,665,813	\$ 636,542	\$ 612,252	(24,291)	\$ (5,442)
Sewer Sales	5,992,747	500,123	522,611	22,488	45,761
Reuse Sales	155,021	14,804	18,913	4,109	(13,350)
Waste Disposal Fees	450,000	37,555	32,830	(4,724)	(11,455)
Other	442,180	30,652	30,847	195	(79,156)
Total Revenues	\$ 13,705,761	\$ 1,310,079	\$ 1,217,453	\$ (2,222)	(63,641)

Notes:

- **Waste Disposal Fees behind same period FY2021**
 - Fewer septic hauler loads discharged in October
 - Positive from the treatment side (lower chemical costs)
- **Reuse Sales behind same period FY2021**
 - Over-seeding at multiple golf courses drove October FY2021 sales

Water Fund Summary

Overview of Expenses as of October 31, 2021

Water Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Change from YTD FY2021
Expenses					
Personnel	\$ 3,533,787	\$ 286,103	\$ 307,195	21,092	(2,223)
Supplies	824,367	142,783	19,333	(123,450)	(11,012)
Maintenance	972,357	263,348	40,815	(222,532)	(23,622)
Services	1,088,446	388,199	178,523	(209,676)	125,531
Other	314,371	137,773	562	(137,211)	(152,055)
Capital Outlay	125,200	64,785	8,890	(55,894)	(10,271)
Transfers-Out	6,847,233	570,603	570,603	-	(73,652)
Total WF Expenses	\$ 13,705,761	\$ 1,853,593	\$ 1,125,922	\$ (727,672)	(147,305)

Notes:

- Expenses shown by category, in line with budget book
- Service category includes water, electric, natural gas
- Transfers are scheduled monthly or one-time
- Very early in the year to make any projections

Golf Fund Overview

Overview of Revenues as Expenses as of October 31, 2021

Golf Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Change from YTD FY2021
Recreation Revenue	928,593	78,369	93,085	14,716	11,735
Misc Revenue	1,500	127	(132)	(259)	(294)
Transfer In	85,000	7,174	5,833	(1,340)	-
Total Revenue	\$ 1,015,093	\$ 85,669	\$ 98,786	\$ 13,117	\$ 11,440
Expenditures	1,015,093	67,732	69,448	69,448	(21,339)
Net	\$ -	\$ 17,937	\$ 29,338	\$ (56,331)	\$ 32,780

Notes:

- Golf continues to show growth
- Very close to a positive fund balance
- New software Golf Now (G1) increasing marketing reach

Development Services Fund

Overview of Revenues and Expenses as of October 31, 2021

Development Services Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Change from YTD FY2021
Revenues					
Permits & Fees	\$ 888,973	\$ 74,081	\$ 55,123	\$ (18,958)	\$ 25,031
Transfer In	147,895	12,325	12,327	2	(10,362)
Total Revenue	1,036,868	86,406	67,450	(18,956)	14,670
Expenditures	1,036,868	86,406	78,878	(7,528)	(941)
Net	\$ -	\$ -	\$ (11,428)	\$ (11,428)	\$ 15,611

Notes:

- Revenues difficult to predict due to timing of projects
- Multiple large development projects in the works
 - Permits Issued: 45 Commercial - 135 Residential
 - 3 Plan reviews including 1 multi-family

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HOT Fund Summary

Overview of Revenues and Expenses as of October 31, 2021

Hotel Occupancy Tax Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Change from YTD FY2021
Revenues	\$ 1,555,258	\$ 104,612	\$ 121,293	\$ 16,681	13,242
Expenses	1,555,258	10,656	9,791	865	1,458
Net	\$ -	\$ 93,956	\$ 111,502	\$ 15,817	\$ 11,784

Notes:

- Short-term rental revenue continues on upward trend
- Great turnout for River Festival
- Several large events planned for FY2022

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Upcoming Items

- **January 3-8 - Audit field work (finalizing financial statements)**
- **February 2022 – FY2022 Budget Amendment**
- **February 2022- Comprehensive Annual Financial Report will be presented to Council by the City's audit firm, BKD**
- **February 2022 – new budget process begins!**



13

Council Questions or Comments?



14



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

SUBJECT: City's ongoing preparedness and response to COVID-19 (Coronavirus), and review of Declaration of local state of disaster due to a public health emergency, March 20, 2020.

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Nov 12, 2021

SUBMITTED BY: Eric Maloney

EXHIBITS: [20210223_Resolution_12-2021 Consent of Mayor's Dec of Disaster 022321 signed.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

This is a regular briefing on the responsiveness to changing conditions and situations related to Covid 19, as well as the opportunity to review the Disaster Declaration.

RECOMMENDED ACTION:

Report provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

THE CITY OF KERRVILLE, TEXAS


Bill Blackburn, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary

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

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

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

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

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

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

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

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

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

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

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


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

ATTEST:


Shelley McElhannon, City Secretary


Bill Blackburn, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

REVISED 3/20/20

**DECLARATION OF LOCAL STATE OF DISASTER DUE TO A PUBLIC
HEALTH EMERGENCY**

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

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

WHEREAS, it is critical that the City now and immediately take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the public; and

WHEREAS, declaring a state of disaster will facilitate and expedite the use and deployment of resources to enhance the City's ongoing preparedness, response, and mitigation to COVID-19; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas certified that COVID-19 poses an imminent threat of disaster and declared a state of disaster for all counties in Texas and has continued to issue orders in an effort to mitigate said disaster; and

WHEREAS, the Texas Department of State Health Services ("DSHS") has now determined that, as of March 19, 2020, COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

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

WHEREAS, the Mayor, in consultation with national, state, and local experts has determined that extraordinary measures must be taken to prepare for, respond to, and to mitigate the spread of COVID-19 and its impact to the public health and welfare;

2020-B COVID-19

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

SECTION ONE. Declaration of Local State of Disaster. A local state of disaster ("disaster declaration") is hereby declared for the City of Kerrville, Texas, pursuant to Section 418.108(a), Texas Government Code.

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

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

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

SECTION FIVE. City-owned Facilities. Events greater than 10 persons shall cease at all public facilities owned or operated by the City ("Facilities"). The City Manager is hereby authorized to close any and all Facilities.

SECTION SIX. Gatherings Greater than 10 Persons. City recommends that any public or private gatherings of 10 or more people in a single indoor or enclosed (by fence, physical barrier, or other structure) outdoor location be canceled until further notice. Special consideration should be given to postpone or cancel events of 10 persons or more that would include any population at severe risk of severe illness. The population at the greatest risk is anyone over the age of 65 and/or those with severe medical conditions as defined by CDC guidelines. In any event, the sponsoring organization should make that determination in conjunction with the facility's staff and shall comply with orders issued by the federal or state government as to changes or guidance concerning these restraints.

SECTION SEVEN. Care Facilities. Nursing homes and senior living centers should limit and/or regulate the visitation of the public within their facilities and/or do whatever is necessary to comply with orders issued by federal and state authorities.

SECTION EIGHT. Other Measures for Protection. Pursuant to Section 122.006, Texas Health and Safety Code, City is authorized to adopt rules to protect the health of persons within the City, including quarantine rules to protect its

residents against communicable disease and provide for establishment of quarantine stations, emergency hospitals and other hospitals.

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

SECTION TEN. Municipal Court. All non-essential court proceedings in the City's Municipal Court are postponed. All such proceedings will be rescheduled following the term of this Order. No fine, penalty, or punishment shall issue against a party because of the postponement ordered herein. Municipal Court shall continue to hear all proceedings deemed essential by the state Office of Court Administration, including search and arrest warrant requests, arraignments, criminal magistration proceedings, and requests for temporary restraining orders.

SECTION ELEVEN. City Boards. All City Board, Committee, and Commission meetings are suspended through the term of this order, with the exception of the Planning and Zoning Commission, which shall meet only to consider applications subject to state law-imposed deadlines. The City shall not accept any development applications, variance applications, certificate of appropriateness applications, or administrative appeals requiring approval from the Planning and Zoning Commission, Zoning Board of Adjustment, or City Council shall be accepted for the term of this Order.

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

- a. make application for local, state, and federal assistance as necessary and/or applicable;
- b. accept on behalf of the City services, gifts, grants, equipment, supplies, and/or materials from private, nonprofit, or government sources;

c. terminate or suspend any event that is or may negatively impact the health, safety, and welfare of persons within the City;

d. approve individual purchases up to \$500,000.00 for general expenditures, which includes: fees, professional services, personal services, and other categories exempted from the bid process by the Local Government Code Section 252.022; and

e. suspend disconnections and fees related to the City's provision of utility services.

SECTION THIRTEEN. Limitation of Declaration. This declaration and orders does not extend to law enforcement activities, emergency responses, court operations to include jury operations, and to all school districts or private school facilities within the City.

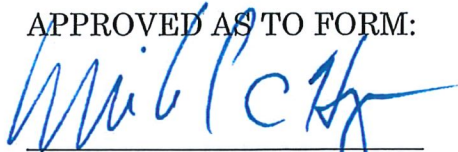
SECTION FOURTEEN. Effective Date. This proclamation shall take effect immediately from and after its issuance. This disaster declaration supersedes all previous declarations on this matter.

ORDERED and REVISED this the 20 day of March, 2020.

THE CITY OF KERRVILLE, TEXAS


Bill Blackburn, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McEmannon, City Secretary

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 06-2020**

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

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

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

WHEREAS, the Mayor, again taking into account new information and recommendations from federal, state, and local authorities and experts, which included the order issued on March 19, 2020, by Texas Governor Greg Abbot, has revised and reissued the disaster declaration, said declaration attached hereto as **Exhibit A** and dated March 20, 2020; and

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

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


WHEREAS, City Council supports the disaster declaration signed by Mayor Bill Blackburn on March 16, 2020, as revised, and consents to its continuation for a period of more than seven days;

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

City Council hereby ratifies the disaster declaration signed by Mayor Bill Blackburn on March 16, 2020, as revised, and consents to its continuation indefinitely, or until such time as it is terminated by order of the Council. Said declaration is attached hereto as **Exhibit A**.

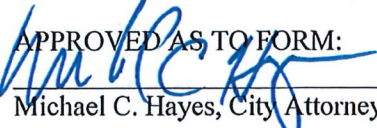
PASSED AND APPROVED ON this the 20 day of MARCH, A.D., 2020.

ATTEST:


Shelley McElhannon, City Secretary


Bill Blackburn, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney



City of Kerrville

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

March 16, 2020

The Honorable Greg Abbott
Governor of the State of Texas
P.O. Box 12428
Austin, TX 78711-2428

RE: Disaster Declared within the City of Kerrville

Dear Governor Abbott:

Pursuant to the powers of the Mayor of the City of Kerrville, Texas, I have issued the following:

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

The declaration is attached to this letter.

Sincerely,


Bill Blackburn, Mayor

Attachment

C: Senator Dawn Buckingham
Representative Andrew Murr
Kerr County Judge Rob Kelly
City Manager Mark McDaniel
Kerrville Fire Chief Danny Smith
Kerrville Emergency Management
City Secretary Shelley McElhannon
Robbie Barrera, Texas Department of Emergency Management

**DECLARATION OF LOCAL STATE OF DISASTER DUE TO A PUBLIC
HEALTH EMERGENCY**

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

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

WHEREAS, it is critical that the City now and immediately take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the public; and

WHEREAS, declaring a state of disaster will facilitate and expedite the use and deployment of resources to enhance the City's ongoing preparedness, response, and mitigation to COVID-19; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas certified that COVID-19 poses an imminent threat of disaster and declared a state of disaster for all counties in Texas; and

WHEREAS, the Mayor, in consultation with national, state, and local experts has determined that extraordinary measures must be taken to prepare for, respond to, and to mitigate the spread of COVID-19 and its impact to the public health and welfare;

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

SECTION ONE. Declaration of Local State of Disaster. A local state of disaster is hereby declared for the City of Kerrville, Texas, pursuant to Section 418.108(a), Texas Government Code.

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

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

Doc 2020-COVID-19

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

SECTION FIVE. City-owned Facilities. Events greater than 50 persons shall cease at all public facilities owned or operated by the City.

SECTION SIX. Gatherings Greater than 50 Persons. City recommends that any public or private gatherings of 50 or more people in a single indoor or enclosed (by fence, physical barrier, or other structure) outdoor location be canceled until further notice. Special consideration should be given to postpone or cancel events of 50 persons or more that would include any population at severe risk of severe illness. The population at the greatest risk is anyone over the age of 65 and/or those with severe medical conditions as defined by CDC guidelines. In any event, the sponsoring organization should make that determination in conjunction with the facility's staff.

SECTION SEVEN. Care Facilities. Nursing homes and senior living centers should limit and/or regulate the visitation of the public within their facilities.

SECTION EIGHT. Other Measures for Protection. Pursuant to Section 122.006, Texas Health and Safety Code, City is authorized to adopt rules to protect the health of persons within the City, including quarantine rules to protect its residents against communicable disease and provide for establishment of quarantine stations, emergency hospitals and other hospitals.

SECTION NINE. Audience and presenter social distancing; public testimony and public hearing input. To reduce the chance of COVID-19 transmission, the City shall hold its public meetings in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with other members of the community, City Council and other Board and Commission members, and City staff. Public testimony and public hearing input for public comment and on all items on the agenda at public meetings of the City Council and City Boards and Commissions shall be provided in a manner that best serves these purposes, but balancing the right of a person to make a public statement, orally and in person or in writing but keeping in mind the public health and safety.

SECTION TEN. Limitation of Declaration. This declaration and orders does not extend to law enforcement activities, emergency responses, court operations to include jury operations, and to all school districts or private school facilities within the City.

SECTION ELEVEN. Effective Date. This proclamation shall take effect immediately from and after its issuance.

ORDERED this the 16 day of March, 2020.

Doc 2020 Covid-19

THE CITY OF KERRVILLE, TEXAS

A handwritten signature in cursive script that reads "Bill Blackburn". The signature is written in dark ink and is positioned above a horizontal line.

Bill Blackburn, Mayor



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

SUBJECT: Authorize the City Manager to enter into a service area agreement with Aqua Texas, and to file the appropriate application to amend the City's certificate of convenience and necessity with the Public Utility Commission of Texas. (This item is eligible for Executive Session 551.071).

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Nov 30, 2021

SUBMITTED BY: Stuart Barron

EXHIBITS: [20211214_Agreement_Aqua Texas water utility service CCN.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	W - Water / Waste-Water / Drainage
Guiding Principle	W2. In the development of the long-range water plan, anticipate growth, consider all sources and plan for future droughts
Action Item	W2.4 - Working with developers, encourage community water systems within the City of Kerrville and larger Certificate of Convenience and Necessity (CCN) area to reduce the number of private wells

SUMMARY STATEMENT:

The City of Kerrville and Aqua Texas share an intermingled water CCN boundary in the Kerrville South area. The boundary starts at Peterson Hospital and extends southeast down Lehmann Dr., then south along Hwy 16 and south to Ranchero Road. Per state requirements, Aqua Texas is not required to provide fire protection for their customers. However the City of Kerrville's subdivision regulations and its building codes require fire protection for some buildings, including new development. This requirement has caused difficulty for land owners and developers in the area. The solution for this would be to create a Dual Service CCN Area, which would allow an owner/developer to pick which water provider they wish to connect to. All existing customers would remain with their current service provider. The Dual Service CCN Area will predominantly be used for new developments.

In exchange for the Aqua Texas releasing a portion of their service area in Kerrville South, the City will release a portion of its service area along Goat Creek Road. This area is currently not connected to the City, and there are no plans for extending water service and/or annexation into this area. Staff has met with Aqua Texas and worked through these issues. Once the parties agree, both parties will sign an agreement and then work through the Public Utility Commission to amend the service areas on the state maps.

RECOMMENDED ACTION:

Authorize the City Manager to finalize and execute the agreement.

**AGREEMENT REGARDING WATER UTILITY SERVICE
TO DESIGNATED AREAS**

This Agreement is entered into by and between the City of Kerrville, a Texas municipality and body politic, and retail public utility (the “City”), and Aqua Texas, Inc., a Texas corporation and investor-owned retail public utility (“Aqua Texas”) (collectively, the “Parties,” and individually depending upon the context, “Party”) and is effective upon execution by the second party to sign the same.

RECITALS

WHEREAS, the City is the current holder of the Certificate of Convenience and Necessity (“CCN”) No. 12928, and provides retail public water service to specific areas within Kerr County, Texas; and

WHEREAS, Aqua Texas is the holder of CCN No. 12983, and provides retail public water services in Kerr County, Texas, as well as throughout the State of Texas; and

WHEREAS, the City and Aqua Texas find it mutually advantageous to amend their respective CCN service area boundaries by agreement pursuant to Texas Water Code § 13.248, in order to achieve and maintain efficient and affordable retail public water service to their respective customers; and

WHEREAS, pursuant to Texas Water Code §13.248, contracts between retail public utilities designating areas to be served, when approved by the Public Utility Commission of Texas (“PUC”), are valid and enforceable and are incorporated into the appropriate CCNs; and

WHEREAS, no existing customers of the City or Aqua Texas will be transferred between the Parties pursuant to this Agreement; and

WHEREAS, the City and Aqua Texas mutually desire to enter this Agreement solidifying their intent to cooperate in designating areas to be served either singularly or dually by each Party as described herein, and to seek PUC approval and incorporation of such designations into their respective CCNs, providing for the orderly development and expansion of their service areas;

NOW, THEREFORE, in consideration of the promises, mutual agreements, and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Aqua Texas hereby contract and agree as follows:

**AGREEMENT
ARTICLE I**

- 1.1 Recitals. The recitals set forth above are incorporated herein, and shall compose together with the terms agreed upon herein, the Agreement.
- 1.2 Term. This Agreement shall remain valid and enforceable until superseded by subsequent written agreement. No other amendments, except those expressly agreed upon herein, shall

be made to either Party's existing certificated service area boundaries pursuant to this Agreement.

- 1.3 Property Subject to the Agreement. The properties subject to this Agreement are the properties identified as the "Dual CCN Area" and the "CCN Transfer Area" as shown on **Exhibit A** and **Exhibit B**, respectively.
- 1.4 Dual CCN Area. The City and Aqua Texas agree and consent that the area identified on **Exhibit A** as the "Dual CCN Area," attached and incorporated herein by reference, shall constitute a dually certificated water service area, to which the City and Aqua Texas will share equally the undivided authorization and obligation to furnish continuous and adequate retail public water service.
- 1.5 CCN Transfer Area. The City and Aqua Texas agree that the area identified on **Exhibit B** as the "CCN Transfer Area," attached and incorporated herein by reference, shall be removed from the City's CCN No. 12928, and transferred to Aqua Texas's CCN No. 12983.
- 1.6 PUC Approval. As soon as practical, but in no event later than ninety (90) days after the Effective Date, the parties agree to jointly file this Agreement with the PUC pursuant to Texas Water Code § 13.248, along with a written petition as required by 16 Texas Administrative Code § 24.253, and such other documents that may be required in order to incorporate this agreement into the respective CCNs of the City and Aqua Texas. In the event the PUC does not authorize the certificated service area amendments herein defined, or requires additional evidence, documentation, maps, or action from the Parties, the Parties shall promptly and jointly prepare and submit such cures or additional applications as may be necessary to attain PUC Approval.
- 1.7 Customers. Parties agree that no customers will be transferred between the Parties as a result of this Agreement or the CCN service area boundary amendments resulting therefrom.

ARTICLE II

MISCELLANEOUS

- 2.1 No agreements other than this Agreement now exist between the City and Aqua Texas concerning the subject matter of this Agreement.
- 2.3 This Agreement shall be binding on the City and Aqua Texas, and shall be binding on and inure to the benefit of the successors and assigns of the respective Parties to this Agreement.
- 2.4 This Agreement is the entire agreement between the Parties hereto with respect to the subject matter hereof. No modifications of this Agreement shall be of any force or effect, whatsoever, except as by subsequent modification in writing signed by the Parties.
- 2.5 The provisions of this Agreement shall be governed by and construed and entered in accordance with the substantive laws of the State of Texas. Any action at law or in equity

brought to enforce any provision of this Agreement shall be brought in a court of competent jurisdiction with venue in Kerr County, Texas, unless otherwise required by law.

- 2.6 The individuals executing this Agreement on behalf of the respective parties below represent that all necessary and appropriate action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing, and that each individual affixing his or her signature is authorized to do so, and such authorization is valid and effective on the date hereof. If the authority of the individual executing this Agreement is subsequently challenged, the party for which the individual was acting shall take all steps necessary to ratify the authority of the individual.
- 2.7 This Agreement may be executed in multiple originals, either copy of which shall be considered an original.
- 2.8 This Agreement shall be effective on the date of execution below, the latter of which shall be the Effective Date.
- 2.9 No Party will be penalized for alleged authorship of a particular provision on judicial construction of this Agreement.
- 2.10 No Party to this Agreement shall initiate any litigation or arbitration challenging the validity or enforceability of any provision of this Agreement once it has been signed. The Parties reserve only their right to enforce the terms of this Agreement to the extent they are not fully performed by any other Party.

**CITY OF KERRVILLE,
A MUNICIPALITY**

By: _____
Name: _____
Title: _____

ATTEST:

Name: _____
Title: Secretary

**AQUA WATER, INC.,
A TEXAS CORPORATION**

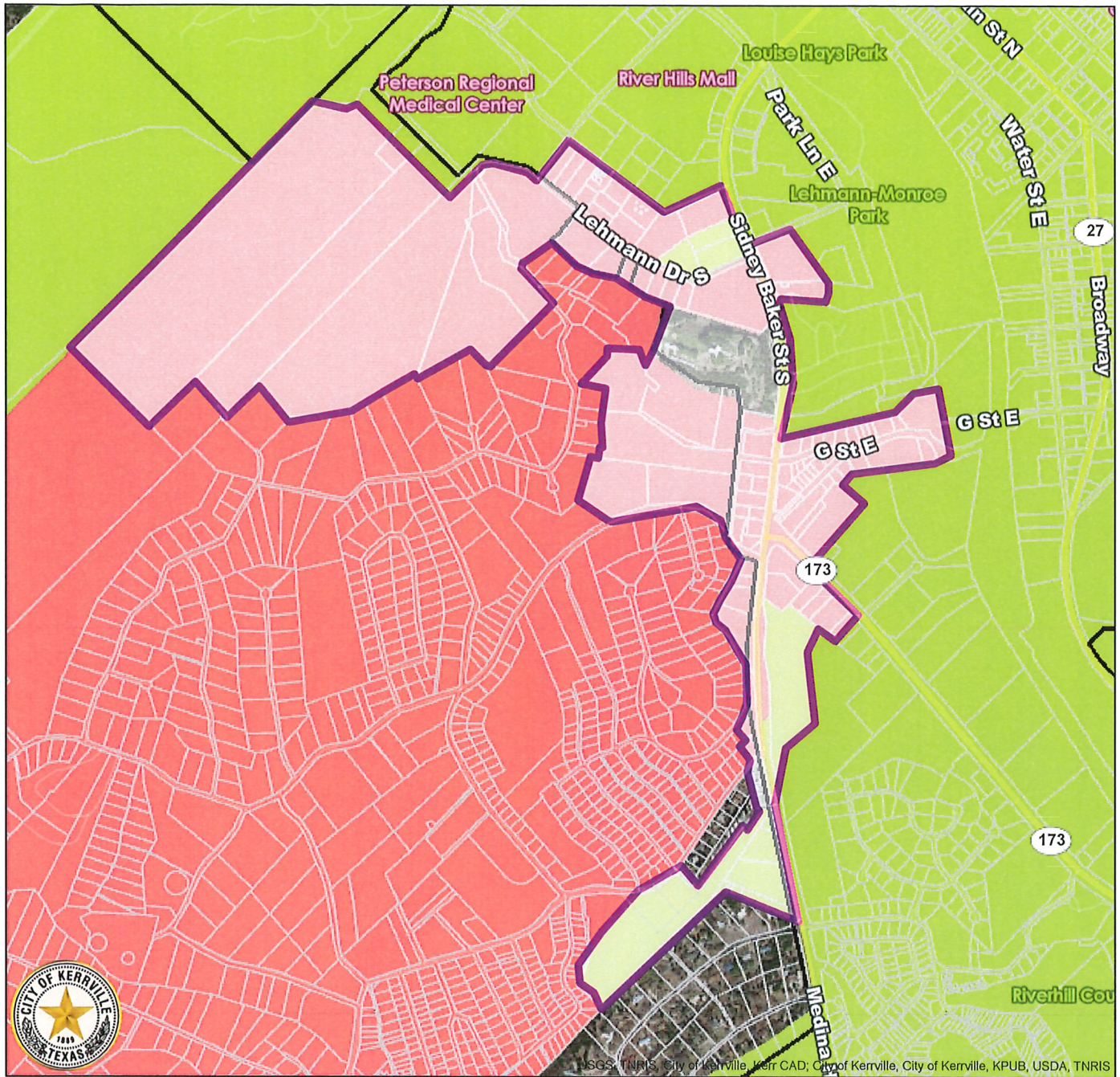
By: _____
Name: _____
Title: _____

ATTEST:

Name: _____
Title: _____

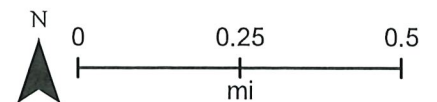
EXHIBIT “A”

DUAL CCN AREA



- Dual CCN Area
- Municipal Boundary
- Aqua Texas CCN
- City Of Kerrville CCN

Dual CCN
Area Map



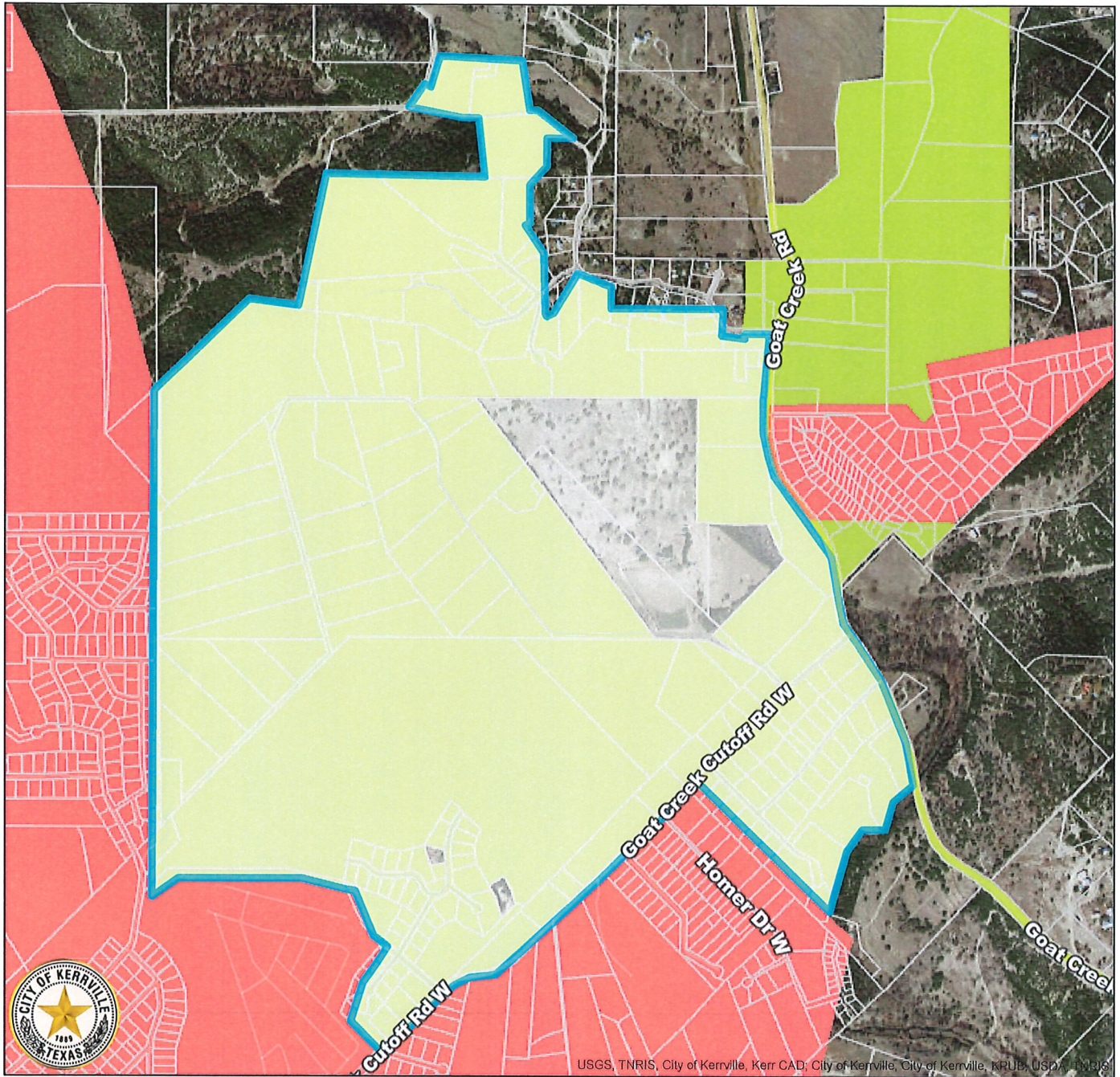
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Stuart Barron

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It does not represent an on-the-ground survey and represents only approximate relative locations.

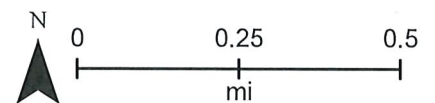
EXHIBIT “B”

CCN TRANSFER AREA



- CCN Transfer Area
- Aqua Texas CCN
- City Of Kerrville CCN

CCN Transfer
Area Map



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Stuart Barron

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It does not represent an on-the-ground survey and represents only approximate relative locations.



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

SUBJECT: Reappointment of Municipal Court Judges Mark Prislovsky and M. Patrick Maguire for two year terms to expire December 31, 2023. (This item is eligible for Executive Session 551.074.)

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Oct 14, 2021

SUBMITTED BY: Kim Meisner

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
90000	N/A	90000	01-0109-003

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Consider the reappointment of Municipal Court Judges Mark Prislovsky and M. Patrick Maguire for two year terms to expire December 31, 2023. State law sets Municipal Court Judges' terms at two years. Judge Prislovsky has served since 1988 and July Maguire has served since 2003.

City Council appointed Mayor Blackburn and Councilmember Eychner as the Interview Committee for this item at the September 28, 2021 City Council meeting.

RECOMMENDED ACTION:

Consider reappointment of Municipal Court Judges Mark Prislovsky and M. Patrick Maguire for two year terms to expire December 31, 2023.



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

SUBJECT: Resolution No. 52-2021. A Resolution casting votes of the City of Kerrville, Texas, for Kerr Central Appraisal District Board of Directors. (This item is eligible for Executive Session 551.074).

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Nov 12, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211109_Reso_52-2021 Casting votes for KCAD Directors.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

On October 22, 2021, the City of Kerrville received a ballot from the Kerr Central Appraisal District (KCAD) with seven candidates for five positions for the KCAD Board of Directors. Directors are elected to two-year terms, and candidates elected will serve the 2022/2023 term.

There are a total of 5,000 votes distributed among the taxing entities in Kerr County. The City of Kerrville is allocated 661 votes. The City Council may allocate all its votes entirely to one candidate or split the votes between candidates. The City may not initiate the recall of a director unless it has cast at least one vote for the director; therefore, it is recommended that the City cast votes for at least one nominee, and one vote for each of the remaining nominees.

The City must cast its ballot before December 15, 2021.

RECOMMENDED ACTION:

Approve Resolution No. 52-2021 casting 656 votes for nominee(s) and casting at least one vote for each of the remaining nominees (this will ensure that the city has standing in the unlikely event of a recall of any of the five board members).

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 52-2021**

**A RESOLUTION CASTING VOTES OF THE CITY OF KERRVILLE,
TEXAS, FOR KERR CENTRAL APPRAISAL DISTRICT BOARD OF
DIRECTORS**

WHEREAS, Section 6.03 of the Texas Tax Code entitles each political subdivision with property tax authority within Kerr County to cast votes in an election of the Board of Directors of the Kerr Central Appraisal District (the “Board”); and

WHEREAS, the Chief Appraiser for the Kerr Central Appraisal District (“KCAD”) has certified that the City of Kerrville may cast 661 votes in the election of the Board; and

WHEREAS, City Council finds it to be in the public interest to cast its votes for the KCAD Board in the manner indicated below;

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

The following nominee, or nominees, with accompanying votes to be cast for each, is submitted for one, or more, of the five positions to be filled on the Kerr Central Appraisal District for the 2022-2023 term.

- | | |
|----------------------------|-------------|
| 1. <u>Bruce Cartwright</u> | ___ vote(s) |
| 2. <u>Carter Crain</u> | ___ vote(s) |
| 3. <u>Patrick Freedle</u> | ___ vote(s) |
| 4. <u>Eric Lantz</u> | ___ vote(s) |
| 5. <u>Larry Priour</u> | ___ vote(s) |
| 6. <u>Jeff Talarico</u> | ___ vote(s) |
| 7. <u>Judy Webb-Smith</u> | ___ vote(s) |

PASSED AND APPROVED ON this the ____ day of _____, A.D., 2021.

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary



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

SUBJECT: Appointments to the Library Advisory Board.

AGENDA DATE OF: December 14,
2021

DATE SUBMITTED: Oct 06, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211214_Roster_LAB 12-2021.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

The Library Advisory Board has six members. Four appointed by City Council, one appointed by the Friends of the Library, and one appointed by Commissioners' Court.

Two terms expire January 1, 2022, which will be appointed by City Council.

Two applications have been received: Megan Bean (reappointment), and Melinda Stewart.

RECOMMENDED ACTION:

Appoint members.

LIBRARY ADVISORY BOARD					
Name	Status	Term	Start date	End date	Appointing Authority
Bev L Avery	Active	1	23-Feb-21	1-Jan-23	Council
Joseph Conklin	Active	2	9-Oct-19	1-Jan-23	FOTL
Carol Wichman	Active	1	9-Jan-18	1-Jan-23	Council
Beck Gipson	Active	1	1-Jul-21	1-Apr-22	County Commissioner
Vacant			1-Jan-22	1-Jan-24	Council
Vacant			1-Jan-22	1-Jan-24	Council

Description: The Board is an Advisory Board to the City Council that shall have the authority to hold meetings within the city and to consider and make recommendations to the Council from time to time on any and all matters pertaining to the Library.

Qualifications: Members must maintain a library card in good standing. Kerrville City Council shall appoint four (4) members; The Kerr County Commissioners Court shall appoint one (1) member; and The Friends of the Butt-Holdsworth Memorial Library shall appoint one (1) member.

Powers and Duties: 1. May hold hearings and consider and make recommendations to the city council and county commissioners court in writing pertaining to the library system.

2. The Board shall perform the following duties: (1) initiate and/or support policies, programs, and planning for the advancement of the Library; (2) communicate the needs of the citizens of the County of Kerr, Texas, to the Director of the Library and the Library staff; (3) inform the public about Library services available to them; (4) evaluate progress of Library activities and facilities; (5) provide input, as requested, to the City Manager during the selection process for a Director of the Library, and (6) review the annual budget for library operations during the budget cycle and make recommendations to the Library Director concerning library programs and/or library related issues.

3. May recommend that persons who have provided long and valuable service and support to the library be appointed by the city and county as life members of the "honorary library advisory panel" which may provide advice and assistance to the board as agreed upon between the board and the advisory panel, but in no event will this panel have the duties or obligations delegated to the library advisory board.

6 members

2 years - 2 terms

Danielle Brigati

Ordinances 1967-17, 80-5, 84-14, 84-58, 85-01, 87-24, 87-60, 87-61, 2005-19, 2010-05.

Ordinances continued: 2011-16, 2017-10, 2018-03, 2021-08.

Resolutions 45-2006, 107-2006, 76-2007, 122-2007,.



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

SUBJECT: Appointments to the Recovery Community Coalition.

AGENDA DATE OF: December 14,
2021

DATE SUBMITTED: Oct 07, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211214_Roster_RCC 12-2021.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

The Recovery Community Coalition (RCC) currently has fifteen members, with seven vacancies January 1, 2022.

Two applications have been received: Aaron Edmiston (8), and Christa Lovett (4) reappointment.

Six members of the fifteen represent specific facilities. The remaining nine members are either a member of the recovering community or a citizens with interest in these issues.

Since January 2021, 3 of the 11 RCC meetings did not make a quorum of 8. On average, the RCC averages 9 members per meeting. The board has searched for applicants and currently has a luncheon planned for December 14th to generate interest in the RCC.

RECOMMENDED ACTION:

Appoint members.

RECOVERY COMMUNITY COALITION					
Name	Term	Start date	Reappoint	End date	Position
Randie Benno	2	22-Jan-19	1-Jan-21	1-Jan-23	7
Joseph R Duprie	1	1-Jan-21		1-Jan-23	3
LeighAnn Fitzpatrick	2	13-Mar-18	1-Jan-21	1-Jan-23	5
Thomas J. Hurt	1	1-Jan-21		1-Jan-23	4
Sabine Kuenzel	2	8-Jan-19	1-Jan-21	1-Jan-23	8
Joseph Piszczor	1	1-Jan-21		1-Jan-23	6
Nikki Saurage	1	1-Jan-21		1-Jan-23	3
Cynthia A Tate	1	1-Jan-21		1-Jan-23	4
Vacant		1-Jan-22		1-Jan-24	1
Vacant		1-Jan-22		1-Jan-24	2

DESCRIPTION: On annual basis, or more frequently as deemed proper by the Coalition or City Council, the Coalition should attend and report its conclusions, achievements, ideas desires and plans to the City Council. It is recommended that the initial issue with which the Coalition is charged to review is Ordinance No. 2013_06 (Chapter 30, Article I, code of Ordinances), which addresses the operation of group homes and boarding home facilities operating within.

QUALIFICATIONS: At least one member from each of the following, but any of which may include more than one member:

1. Owner of a male boarding home facility with valid permit issued by the City;
2. Owner of a female boarding home facility with valid permit issued by the City;
3. Member of the recovering community;
4. Citizen of Kerrville with interest in these issues;
5. Representative of mental health support organizations such as Kerrville State Hospital;
6. Representative of Peterson Health
7. Representative of Hill Country MHDD Centers; and
8. Representative from a residential addiction treatment facility located within Kerr County.

POWERS & DUTIES: On annual basis, or more frequently as deemed proper by the Coalition or City Council, the Coalition should attend and report its conclusions, achievements, ideas desires and plans to the City Council. It is recommended that the initial issue with which the Coalition is charged to review is Ordinance No. 2013_06 (Chapter 30, Article I, code of Ordinances), which addresses the operation of group homes and boarding home facilities operating within the City.

15 members reducing to 9 members
Chief Eric Maloney

2 years - 2 terms
Resolutions: 26-2016, 18-2018



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

SUBJECT: Appointments to the Planning & Zoning Commission. (This item is eligible for Executive Session 551.074).

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Oct 06, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211214_Roster_P&Z 12-2021.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

The Planning & Zoning Commission has seven members. Three terms expire January 1, 2022, and one resignation has been received leaving four vacancies.

Five applications have been received: John Bernhard, Abram Bueche, Chase Gray, Jeff Harris, and Rebecca Pacini.

RECOMMENDED ACTION:

Appoint members.

PLANNING & ZONING COMMISSION					
Name	Term	Start date	Reappoint	End date	Position
John D Lipscomb	2	1-Nov-19	1-Jan-21	1-Jan-23	
Michael Sigerman	1	9-Dec-20		1-Jan-23	Chair
Clifford F Tuttle	2	1-Jan-19	1-Jan-21	1-Jan-23	
Vacant		1-Jan-22		1-Jan-24	
Vacant		1-Jan-22		1-Jan-24	
Vacant		1-Jan-22		1-Jan-24	
Vacant		1-Jan-22		1-Jan-24	

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

Powers and Duties: 1. Shall formulate and recommend to the city council for adoption a Comprehensive Plan for the orderly growth and development of the city and its environs. On a yearly basis the commission shall review and if necessary recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the city.

2. Shall formulate a zoning plan (ordinance) as may be deemed best to carry out the goals of the Comprehensive Plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in state law.

3. Shall exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as set out by state law and the city's subdivision regulations.

4. Shall initiate for consideration at public hearings, proposals for the original zoning of annexed areas or for the change of zoning district boundaries on an area wide basis.

5. Shall consider and take appropriate action, upon written request, variances as prescribed to the city's subdivision and sign regulations.

6. Shall from time to time recommend such changes to the subdivision regulations, sign regulations, and any other ordinance the city council assigns to their review that will facilitate the general health, safety and welfare of the citizens of the city.

7 members

2 year term - 3 term limit

Drew Paxton

Ordinance No. 2019-17



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

SUBJECT: Appointment of chair for the Tax Increment Reinvestment Zone (TIRZ) Board of Directors. (This item is eligible for Executive Session 551.074).

AGENDA DATE OF: December 14, 2021 **DATE SUBMITTED:** Oct 01, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

The Board shall consist of seven (7) members appointed by City Council, where such members may include one or more Councilmembers. At the time of appointments and at any other time, City Council shall designate the Chair of the Board from among its appointments. The current TIRZ Board members are: Kenneth Early, John Harrison, Patrick Murray, Mindy Wendele, Fred Gamble, Katherine Howard, and Bruce Stracke. Kenneth Early is currently Chair of the TIRZ, and eligible for reappointment as Chair.

RECOMMENDED ACTION:

Appoint TIRZ Board Chair.