

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

**TUESDAY, MARCH 22, 2022, 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**  
**MARCH 22, 2022, 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](http://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 Kim Clarkson.

**1 ANNOUNCEMENTS OF COMMUNITY INTEREST:**

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

**2 PRESENTATIONS:**

2.A. Proclamation: Dietert Center March for Meals.

**3 VISITORS/CITIZENS FORUM:**

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

**4 CONSENT AGENDA:**

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

4.A. Resolution No. 15-2022. A Resolution selecting and authorizing an agreement with a grant writer/administrator to assist the City in its application and administration of a contract, if awarded, with the Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP) for DR-4485 COVID-19 Pandemic.

Attachment:

[20220322\\_Reso 15-2022 HMGP Grant Administrator.pdf](http://20220322_Reso 15-2022 HMGP Grant Administrator.pdf)

4.B. City Council workshop minutes held March 8, 2022.  
Attachment:  
[20220308\\_Minutes\\_CCworkshop.pdf](#)

4.C. City Council meeting minutes held March 8, 2022.  
Attachment:  
[20220322\\_Minutes City Council meeting 3-08-22 6pm.pdf](#)

4.D. City Council workshop minutes held March 15, 2022.  
Attachment:  
[20220322\\_Minutes Council workshop 3-15-22 10am.pdf](#)

**END OF CONSENT AGENDA.**

**5 ORDINANCES, FIRST READING:**

5.A. Ordinance No. 2022-13. An ordinance amending Chapter 50 "Fire Prevention and Protection" of the Code of Ordinances of the City of Kerrville, Texas, by adding a new section 50-5, to adopt the National Fire Protection Association (NFPA) 1194, *Standard for Recreational Vehicle Parks and Campgrounds*; adopting local amendments to said code; amending the City's Fire Code as to fire apparatus access roads; providing for a penalty for violation of any provision hereof; and providing other matters related to the subject.

Attachment:

[20220322\\_Ord 2022-13 Fire Code amendment RV and campgrounds.pdf](#)

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

6.A. Ordinance No. 2022-15. An Ordinance amending Chapter 82 of the Code of Ordinances, City of Kerrville, Texas, such Chapter more commonly known as the City's Subdivision Code; by amending Section 82-53(Q) of said Code to change requirements for points of access into residential subdivisions and aligning this Section with changes to the Fire Code; and providing other matters relating to the subject.

Attachment:

[20220322\\_Ord 2022-15 Subdivision Code align with Fire Code.pdf](#)

**7 ORDINANCES, SECOND READING:**

7.A. Ordinance No. 2022-02, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by amending said Code to include adding new definitions, revising the requirement for variances, requiring signs for notification, and other amendments as provided herein; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Attachment:

[20220322\\_Ordinance 2022-02secondreading.pdf](#)

7.B. Ordinance No. 2022-14, second reading. An Ordinance amending Chapter 26 "Buildings and Building Regulations", Article IX "Building Board of Adjustment and Appeals" of the Code of Ordinances, City of Kerrville, Texas; by decreasing the membership of regular members and amending the membership qualifications for the board; containing a cumulative clause; containing a savings and severability clause; establishing an effective date; and providing other matters related to the subject.

Attachment:

[20220322\\_Ordinance2022-14secondreading.pdf](#)

**8**

**CONSIDERATION AND POSSIBLE ACTION:**

8.A.

Resolution 14-2022 . A Resolution authorizing the City to utilize the Design-Build method for the construction and rehabilitation of the City's buildings located at 529 Water Street and more commonly known as the A.C. Schreiner House; and authorizing other related actions as part of this method.

Attachment:

[20220322\\_Reso 14-2022 Design-Build AC Schreiner House.pdf](#)

**8.B.**

First Amendment to the A.C. Schreiner House Development and Management Agreement between the City of Kerrville, Texas and the Heart of the Hills Heritage Center, Inc.

Attachment:

[20220322\\_Agreement\\_1st amend AC Schreiner House Development-Management.pdf](#)

**8.C.**

Art Donation Agreement with LDB Corporation for donation of a work of art to the City of Kerrville, Texas.

Attachment:

[20220322\\_Agreement\\_Art Donation LDB Corp.pdf](#)

**8.D.**

Professional Service Agreement with Peter W. Lewis, Architect & Associates, PLLC for architectural services relating to repairs and replacement of the roof, HVAC (air conditioning), and other repairs to the Cailloux City Center for the Performing Arts, in an amount not to exceed \$112,760.00.

Attachment:

[20220322\\_Scope\\_Peter Lewis - Cailloux\\_Theater\\_repairs.pdf](#)

**9**

**INFORMATION & DISCUSSION:**

9.A.

Financial Update for month ended February 28, 2022.

Attachment:

[20220322\\_Presentation\\_Financial update.pdf](#)

**10**

**BOARD APPOINTMENTS:**

10.A.

Appointments to the Parks and Recreation Advisory Board.

10.B.

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

**11**

**EXECUTIVE SESSION:**

*City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above 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 issue(s):*

11.A.

Appointments to the Building Board of Adjustment and Appeals Board.

**12**

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

**13**

**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**

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**SUBJECT:** Proclamation: Dietert Center March for Meals.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 10, 2022

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:**

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

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

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

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**SUMMARY STATEMENT:**

Dietert Center March for Meals.

**RECOMMENDED ACTION:**

Present proclamation.



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

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**SUBJECT:** Resolution No. 15-2022. A Resolution selecting and authorizing an agreement with a grant writer/administrator to assist the City in its application and administration of a contract, if awarded, with the Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP) for DR-4485 COVID-19 Pandemic.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Feb 28, 2022

**SUBMITTED BY:** Megan Folkerts

**EXHIBITS:** [20220322\\_Reso 15-2022 HMGP Grant Administrator.pdf](#)

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	E - Economic Development
<b>Guiding Principle</b>	E6. Support access to the infrastructure necessary to accommodate the future growth of housing and business (water, wastewater, power, communications, roads)
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

The 2022 Hazard Mitigation Grant Program (HMGP) for DR-4485 COVID-19 Pandemic is a competitive grant program facilitated by the Texas Division of Emergency Management (TDEM). The grant application for 2022 has a due date of April 2022. The grant contract requires implementation by professionals experienced in the administration of federally-funded community development projects, but allows for grant funding to be utilized for grant administration if awarded. In order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services was issued in February 2022 and has been completed in accordance with Texas CDBG requirements. Proposals were received by the due date in early March 2022 and have been reviewed to determine the most qualified and responsive providers for professional

services. The selection committee, which included the City Manager as a designated voice of the City Council for such matters, recommends that Traylor & Associates be awarded a contract to provide Texas HMGP application and project-related Administration Services for the 2022 Hazard Mitigation Grant Program for DR-4485 COVID-19 Pandemic. Any and all contracts or commitments made with Traylor & Associates as a services provider are dependent on the successful negotiation of a contract with the service provider.

**RECOMMENDED ACTION:**

Approve Resolution No. 15-2022 and authorize the City Manager to finalize and execute a contract with the provider.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 15-2022**

**A RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH A GRANT WRITER/ADMINISTRATOR TO ASSIST THE CITY IN ITS APPLICATION AND ADMINISTRATION OF A CONTRACT, IF AWARDED, WITH THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) HAZARD MITIGATION GRANT PROGRAM (HMGP) FOR DR-4485 COVID-19 PANDEMIC**

**WHEREAS**, the City and its citizens sustained significant impacts to health and the loss of life, mental health, and wellbeing, as well as the negative impact on humanitarian needs as a result of the COVID-19 Pandemic; and

**WHEREAS**, the repair and/or replacement of damages caused by or as a result of the COVID-19 Pandemic is of vital importance to an adequate standard of living to the citizens of the City; and

**WHEREAS**, the City desires assistance with the preparation of a grant application and, if awarded, the subsequent implementation and administration of grant funding from the Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP) for DR-4485; and

**WHEREAS**, the City, in accordance with applicable law, has previously sought proposals from consultants as to the HMGP grant process; and

**WHEREAS**, City staff has reviewed all grant administration proposals to determine the most qualified and responsive provider;

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

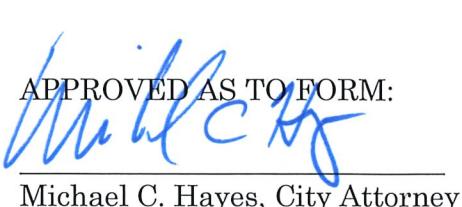
City Council has reviewed and hereby formally selects the firm of Traylor and Associates as the City's administrative consultant for the application, preparation, project administration, and project-related management services, if awarded, for funding from the Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP) for DR-4485 COVID-19 Pandemic.

**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2022.**

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Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

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Shelly McElhannon, City Secretary



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

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**SUBJECT:** City Council workshop minutes held March 8, 2022.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 10, 2022

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20220308\\_Minutes\\_CCworkshop.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

City Council workshop minutes held March 8, 2022 at 4:00 p.m., in the City Hall Council Chambers.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**CITY COUNCIL WORKSHOP MINUTES  
CITY HALL COUNCIL CHAMBERS, 701 MAIN STREET, KERRVILLE, TEXAS**

**MARCH 08, 2022 4:00 PM**

**CALL TO ORDER:** On March 08, 2022 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:**

E.A. Hoppe, City Manager	Stuart Barron, Exec Director Eng & PW
Mike Hayes, City Attorney	Kyle Burow, Director Engineering
Michael Hornes, Asst City Manager	Guillermo Garcia, Exec Dir Innovation
Kim Meismer, Asst City Manager	Yesenia Luna, Court Coordinator
Shelley McElhannon, City Secretary	William Tatsch, Asst City Attorney
David Barrera, Asst Dir Public Works	Curtis Thomason, Asst Chief of Police

**VISITORS PRESENT:** Media personnel.

**1. PUBLIC COMMENT:** None.

**2. INFORMATION, DISCUSSION, AND POSSIBLE ACTION:**

2A. Development Services/Neighborhood Enhancement updates.

Guillermo Garcia and E.A. Hoppe provided information and responded to questions.

2B. Community Improvements Projects update.

Kyle Burow and E.A. Hoppe provided information and responded to questions.

2C. Street Pavement Management System update.

Stuart Barron introduced the item. David Barrera, E.A. Hoppe, and Kyle Burow provided information and responded to questions.

2D. Municipal Judge search process.

Kim Meismer, E.A. Hoppe, William Tatsch, Yesenia Luna, and Mike Hayes provided information and responded to questions. City Council, by consensus, provided direction to proceed with search process.

**ADJOURN.** The workshop adjourned at 5:15 p.m.

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

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

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



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

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**SUBJECT:** City Council meeting minutes held March 8, 2022.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 10, 2022

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20220322\\_Minutes City Council meeting 3-08-22 6pm.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

City Council meeting minutes held March 8, 2022 at 6:00 p.m., in the City Hall Council Chambers.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**CITY COUNCIL MINUTES  
REGULAR MEETING**

**KERRVILLE, TEXAS  
MARCH 08, 2022 6:00 PM**

On March 08, 2022 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 Roman Garcia 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	Stuart Cunyus, Public Info Officer
Mike Hayes, City Attorney	Guillermo Garcia, Exec Director Innovation
Michael Hornes, Assistant City Manager	Eric Maloney, Fire Chief
Kim Meismer, Assistant City Manager	Drew Paxton, Chief Planner
Shelley McElhannon, City Secretary	Trina Rodriguez, Asst Director of Finance
Julie Behrens, Director of Finance	Curtis Thomason, Asst Police Chief
Ashlea Boyle, Director Parks & Recreation	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.

**1. ANNOUNCEMENTS OF COMMUNITY INTEREST:** Announcements and Items of Community Interest were provided by Stuart Cunyus and Councilmember Judy Eychner.

**2. PRESENTATIONS:**

Mayor Blackburn shifted item 2B forward.

2B. Proclamation proclaiming March 2022 as Texas History month.

Mayor Blackburn proclaimed March 2022 as Texas History month in Kerrville, which was accepted by Rita Arket, Betsy Drapela, and Gaynell Wells, from the Joshua D. Brown Chapter of the Daughters of the Republic of Texas.

2A. Kerrville Kindness Award presented to the Salvation Army, specifically Judy Johnson.

Mayor Blackburn presented the Kerrville Kindness Award to the Salvation Army, represented by Captain Jeremiah Romack. Mayor Blackburn also recognized Salvation Army Social Services Judy Johnson.

2C. Commendations for outgoing Board members of the Recovery Community Coalition.

Mayor Blackburn announced commendations to the Recovery Community Coalition termed outgoing board members: Brittany Andry, Christa Lovett, Claudia Richner, Richard

Stolpman, and Dr. Kendall Young. Christa Lovett, Claudia Richner, and Dr. Kendall Young accepted the commendations.

**3. VISITORS FORUM:**

The following person(s) spoke:

- Bruce Stracke

**4. CONSENT AGENDA:**

Councilmember Eychner made a motion to approve the Consent Agenda as presented, seconded by Councilmember Garcia. The motion passed 5-0.

4A. Resolution No. 13-2022. A Resolution appointing Election Judges for the general and bond election of the City of Kerrville, Texas, to be held on May 7, 2022; said judges provided by the County Elections Officer.

4B. Minutes for the City Council workshop held February 22, 2022.

4C. Minutes for the City Council meeting held February 22, 2022.

**END OF CONSENT AGENDA.**

**5. CONSIDERATION AND POSSIBLE ACTION:**

5A. Presentation and acceptance of the audited Annual Comprehensive Financial Report (ACFR) for the fiscal year ended September 30, 2021.

Shelley McElhannon read Ordinance No. 2022-11 caption into record.

Julie Behrens introduced the item and Dan Barron, Partner with BKD Audit Firm . Dan Barron and Julie Behrens provided information and responded to questions.

The following person(s) spoke:

- George Baroody

Julie Behrens provided clarification.

Councilmember Brenda Hughes made a motion to accept the audited Annual Comprehensive Financial Report (ACFR) for the fiscal year ended September 30, 2021 as presented, seconded by Councilmember Eychner. The motion passed 5-0.

5B. Authorize the City Manager to negotiate and finalize a license agreement between the City of Kerrville and Hill Country River Rat Inc. for operation of a non-motorized watercraft concession at Knapp Park.

Shelley McElhannon read item 5B caption into record.

Ashlea Boyle provided information, and Ashlea Boyle, Mike Hayes, and James Wright responded to questions.

The following person(s) spoke:

- James Wright

Councilmember Garcia made a motion to authorize the City Manager to negotiate and finalize the contract with the Hill Country River Rat Inc, seconded by Councilmember Hughes. The motion passed 5-0.

5C. The use of a dial-in number, videoconference software, and similar means as a permanent method of the public to participate and address the City Council during its meetings. Agenda item request by Councilmember Roman Garcia.

Shelley McElhannon read item 5C caption into record.

Guillermo Garcia and E.A. Hoppe provided information and responded to questions.

The following person(s) spoke:

- George Baroody

Discussion only, no action by City Council.

5D. Resolution No. 12-2022. A Resolution reducing the number of members of the City of Kerrville Code Review Committee.

Shelley McElhannon read Resolution No. 12-2022 caption into record.

Drew Paxton provided information and responded to questions.

Councilmember Kim Clarkson made a motion to approve Resolution No. 12-2022, seconded by Councilmember Hughes. The motion passed 5-0.

#### **6. ORDINANCE(S), FIRST READING:**

6A. Ordinance No. 2022-14. An Ordinance amending Chapter 26 "Buildings and Building Regulations", Article IX "Building Board of Adjustment and Appeals" of the Code of Ordinances, City of Kerrville, Texas; by decreasing the membership of regular members and amending the membership qualifications for the board; containing a cumulative clause; containing a savings and severability clause; establishing an effective date; and providing other matters related to the subject.

Shelley McElhannon read Ordinance No. 2022-14 caption into record.

Guillermo Garcia provided information and responded to questions.

Councilmember Garcia made a motion to adopt Ordinance No. 2022-14 on first reading, seconded by Councilmember Kim Clarkson. The motion passed 5-0.

Mike Hayes advised that an additional action is required on item 5D.

Mayor Blackburn re-opened item 5D.

5D. Resolution No. 12-2022. A Resolution reducing the number of members of the City of Kerrville Code Review Committee.

Mike Hayes stated selection of Committee members is needed; Mr. Paxton then read the recommended members for selection: Wendy Anderson, Christ Chedzoy, Kim Clarkson, Larry Howard, Peter Lewis, Carolyn Lipscomb, David Martin, Bill Morgan, Mary Ellen Summerlin, Sue Tiemann, Mike Wellborn, and a staff representative from the Upper Guadalupe River Authority.

Councilmember Eychner made a motion to accept the names just read for the Code Review Committee, seconded by Councilmember Hughes. The motion passed 5-0.

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

7A. Ordinance No. 2022-11, second reading. An Ordinance altering the prima facie speed limit on State Highway 173 from approximately fifteen hundred and eighty-five feet

southeast of its intersection with State Loop 534 and continuing to the City Limits, located southeast of Comanche Trace Drive; such distance equal to 1.274 miles; reducing said speed limit to 50 miles per hour; authorizing installation of appropriate signs and markings; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication.

Shelley McElhannon read Ordinance No. 2022-11 caption into record. Councilmember Hughes made a motion to approve Ordinance No. 2022-11 on second reading, seconded by Councilmember Eychner. The motion passed 5-0.

7B. Ordinance No. 2022-12, second reading. An Ordinance amending Chapter 102 "Traffic and Vehicles", Article IV "Operation of Vehicles", Division 1 "Generally", by adding a new section to this division to prohibit the use of an engine brake or similar devices; providing a penalty for each offense; providing an effective date; and providing other matters related to the subject.

Shelley McElhannon read Ordinance No. 2022-12 caption into record. Councilmember Eychner made a motion to approve Ordinance No. 2022-12 on second reading, seconded by Councilmember Garcia. The motion passed 5-0.

**8. PUBLIC HEARING AND ORDINANCE(S), FIRST READING:**

8A. Ordinance No. 2022-02. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by amending said Code to include adding new definitions, revising the requirement for variances, requiring signs for notification, and other amendments as provided herein; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Shelley McElhannon read item Ordinance No. 2022-02 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Blackburn opened the public hearing at 7:18 p.m.

The following person(s) spoke:

- George Baroody

Mayor Blackburn closed the public hearing at 7:22 p.m.

Councilmember Eychner made a motion to approve Ordinance No. 2022-02 as presented, seconded by Councilmember Clarkson. The motion passed 5-0.

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

**10. EXECUTIVE SESSION:** None

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

**ADJOURN.** The meeting adjourned at 7:22 p.m.

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

APPROVED:

ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary



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

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**SUBJECT:** City Council workshop minutes held March 15, 2022.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 11, 2022

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20220322\\_Minutes Council workshop 3-15-22 10am.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

City Council workshop minutes held March 15, 2022 at 10:00 a.m., in the City Hall Council Chambers.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**CITY COUNCIL MINUTES  
WORKSHOP, COUNCIL CHAMBERS**

**MARCH 15, 2022 10:00 A.M.  
KERRVILLE, TEXAS**

**CALL TO ORDER:** March 15, 2022, at 10:00 a.m., Mayor Bill Blackburn called to order the Kerrville City Council workshop in City Hall Council Chambers, 701 Main Street.

**COUNCILMEMBERS PRESENT:**

Bill Blackburn	Mayor
Kim Clarkson	Mayor Pro Tem, Councilmember Place 2 (arrived 10:01 a.m.)
Roman Garcia	Councilmember Place 1
Judy Eychner	Councilmember Place 3
Brenda Hughes	Councilmember Place 4

**COUNCILMEMBER ABSENT:** None

**CITY STAFF:**

E.A. Hoppe	City Manager	Stuart Barron, Exec Director Eng & PW
Mike Hayes	City Attorney	Julie Behrens, Director of Finance
Mike Hornes	Asst City Manager	Danielle Brigati, Library Director
Kim Meismeyer	Asst City Manager	Megan Folkerts, Senior Analyst
Shelley McElhannon	City Secretary	Guillermo Garcia, Exec Director Innovation

**CITIZENS PRESENT:**

Heart of the Hills Heritage Center Board members.  
John Neu, Freese & Nichols  
Louis Amstoy

**1. PUBLIC COMMENTS:** No citizens requested to speak.

**2. INFORMATION, DISCUSSION, AND POSSIBLE ACTION:**

2.A. Presentation on using the Design-Build Method for redevelopment of the Heart of the Hills Heritage Center.

Councilmember Kim Clarkson joined Council bench at 10:01 a.m.

Stuart Barron, E.A. Hoppe, and John Neu presented information. Stuart Barron, E.A. Hoppe, John Neu, and Bill Rector responded to questions.

Councilmember Roman Garcia made a motion that the City Council adjourn into closed executive session under 551.071 (consultation with attorney), 551.073 (deliberation regarding gifts), and 551.087 (deliberation regarding economic development negotiations) and Councilmember Judy Eychner seconded. The motion passed 5-0.

Mayor Blackburn recessed the workshop at 10:43 a.m. and convened closed executive session.

**3. EXECUTIVE SESSION:**

3A. Donation of Artwork to the City and related agreement (551.071, 551.073).

3B. A.C. Schreiner House Development and Management Agreement (551.071, 551.087).

Closed executive session adjourned, Council returned to open session at 11:01 a.m. No action was taken during executive session.

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

**ADJOURN.** The meeting was adjourned at 11:01 a.m.

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

APPROVED:

ATTEST:

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Bill Blackburn, Mayor

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Shelley McElhannon, City Secretary



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

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**SUBJECT:** Ordinance No. 2022-13. An ordinance amending Chapter 50 "Fire Prevention and Protection" of the Code of Ordinances of the City of Kerrville, Texas, by adding a new section 50-5, to adopt the National Fire Protection Association (NFPA) 1194, Standard for Recreational Vehicle Parks and Campgrounds; adopting local amendments to said code; amending the City's Fire Code as to fire apparatus access roads; providing for a penalty for violation of any provision hereof; and providing other matters related to the subject.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Jan 03, 2022

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20220322\\_Ord 2022-13 Fire Code amendment RV and campgrounds.pdf](#)

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	E - Economic Development
<b>Guiding Principle</b>	E2. Develop policies, processes and programs, including economic incentives, which are clear and consistently applied by a team of City and partner economic development entities working with stakeholders and focused on attracting, retaining and expanding business
<b>Action Item</b>	E2.12 - Ensure that Development Services processes and existing codes and ordinances are not impediments to development/redevelopment

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**SUMMARY STATEMENT:**

Along with updating the Zoning Code to clarify rules for RV Parks, the Planning and Zoning Commission and City staff recommend the adoption of the National Fire Protection Association (NFPA) 1194, Standard for Recreational Vehicle Parks and Campgrounds.

This will establish a set of standards for RV Park design that follows a consistent set of national standards. This will also assist our development customers by staff being able to provide these standards before the initial concept design of a project.

Staff is recommending one amendment for consistency with other rules and regulations of the Fire Code.

5.1.2 Roads. Minimum widths of recreational vehicle park and campground roads shall be 20 ft (6.0 m) and may have an additional 8 ft (2.4 m) per parallel parking lane. All park/campground roads also serve as fire access roads and shall be marked as per city ordinance.

After a thorough discussion with staff and a few development review projects, staff is recommending an amendment to Section D107.1 One or Two-family dwelling residential developments and D107.2 Remoteness in the adopted International Fire Code.

Additionally, this ordinance references the definition of Development from the Subdivision Ordinance, Chapter 82-4.

"Development means any activities related to the division of land or installation of improvements thereon, including the construction, reconstruction, conversion, or enlargement of buildings or structures; the construction of impervious surfaces, including parking lots; the installation of streets, water, wastewater, drainage (stormwater) or park facilities, utilities, or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including grading, drainage, storage, paving, clearing, filling, and/or removal of vegetation or soil, and any mining, dredging, excavation, or drilling operations. "Development" includes such activities on a previously platted lot or tract."

These amendments provide exceptions that will assist infill and future developments within the City of Kerrville. It provides more flexibility for topography in the hill country as well as irregular shaped lots, and surrounding built developments, while still providing adequate public and emergency access to neighborhoods. Overall, neighborhood connectivity is still a priority for new developments.

On February 10th, the Building Board of Adjustment and Appeals recommended these amendments to the Fire Code with a unanimous vote.

A hard copy of the NFPA 1194 (2018) and addendums are in the City Secretary Office for viewing.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2022-13, on first reading.

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2022-13**

**AN ORDINANCE AMENDING CHAPTER 50 "FIRE PREVENTION AND PROTECTION" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY ADDING A NEW SECTION 50-5, TO ADOPT THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 1194, *STANDARD FOR RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS*; ADOPTING LOCAL AMENDMENTS TO SAID CODE; AMENDING THE CITY'S FIRE CODE AS TO FIRE APPARATUS ACCESS ROADS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

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

**WHEREAS**, City Council finds that the regulations of the City governing the safeguarding of life and property from fire and explosion hazards within its corporate limits, and within its extraterritorial jurisdiction when authorized by law, should be updated to conform with modern fire protection methods and materials; and

**WHEREAS**, the Fire Chief and Fire Marshal for the City have reviewed 2018 edition of National Fire Protection Association (NFPA) 1194, *Standard for Recreational Vehicle Parks*, and have recommended that the City adopt the NFPA 1194, including local amendments; and

**WHEREAS**, the Fire Chief and Fire Marshal for the City also recommend amending the City's Fire Code to revise the requirements regarding fire apparatus access roads; and

**WHEREAS**, City Council finds it to be in the public interest to adopt the NFPA 1194 and other amendments as provided herein;

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

**SECTION ONE.** Chapter 50 "Fire Prevention and Protection," of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 50-5, as indicated by blue, underline (addition) as follows:

**"Sec. 50-5. – National Fire Protection Association (NFPA) 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2018 edition.**

**(a) Adoption.** The 2018 edition of the *NFPA 1194* (“*NFPA 1194*”), as published by the National Fire Protection Association, is adopted, to the same extent as if such Code were copied verbatim in this Article, subject to amendments prescribed in this Article. Copies of the *NFPA 1194* shall remain on file in the office of the City Secretary, within the Department of Development Services, and in the office of the Fire Marshal.

**(b) Annexes.** All annexes provided for in the *NFPA 1194* are adopted.

**(c) Amendments.** The *NFPA 1194* is amended as follows:

**(1) 5.1.2 Roads.** Minimum widths of recreational vehicle park and campground roads shall be 20 ft (6.0 m) and may have an additional 8 ft (2.4 m) per parallel parking lane. All park/campground roads shall also serve as fire access roads and shall be marked as per City ordinance.”

**SECTION TWO.** Chapter 50 “Fire Prevention and Protection,” of the Code of Ordinances of the City of Kerrville, Texas, Section 50-3, is amended by amending subsection (c)(13) to add new language as indicated by blue, underline (addition) as follows:

“(13) Section 202 is amended to add the following new definition:

**DEVELOPMENT. As defined by the City’s Subdivision Code.”**

**SECTION THREE.** Chapter 50 “Fire Prevention and Protection,” of the Code of Ordinances of the City of Kerrville, Texas, Section 50-3, subsection (c) is amended by adding a new subsection (51), with new language indicated by blue, underline (addition) as follows:

**“(51) Section D107.1 is deleted and replaced with a new section to read as follows:**

**D107.1 One- or two-family dwelling residential developments.** Developments of one- or two-family dwellings where the number of dwelling units will exceed 60 units shall be provided with two separate fire apparatus access roads, subject to approval from the fire code official.

**Exceptions and conditions:**

1. Where all dwelling units are or will be equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with a future development, as determined by the fire code official.
3. Where there are or will be more than 60 but less than 120 dwelling units on a single public or private fire apparatus access road and the access road is built as a collector street, as approved by the City. All single access (non-looped) streets within the subdivision must be built and approved as collector streets.”

**SECTION FOUR.** Chapter 50 “Fire Prevention and Protection,” of the Code of Ordinances of the City of Kerrville, Texas, Section 50-3, subsection (c) is amended by adding a new subsection (52), with new language indicated by blue, underline (addition) as follows:

“(52) Section D107.2 is deleted and replaced with a new section to read as follows:

**D107.2 Remoteness.** Where two fire apparatus access roads are required, such roads shall be placed a distance apart equal to not less than one-half of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between the two accesses to the development.

*Exception and conditions:* Where it is geographically impossible to be one-half of the maximum overall diagonal dimension apart, the secondary access road will be evaluated by the fire code official based on meeting any one of the following; however such exceptions and conditions do not apply where the development has or will have more than 120 dwelling units:

1. The owner may acquire a secondary fire apparatus access road from an adjoining property owner(s), where such access is conveyed via a legal instrument (e.g., easement) that is filed with the County in its real property records. A copy of such filing must be provided to City.
2. The two separate fire apparatus access roads must be separated as far as physically possible. However, at a minimum, the accesses must be 150 feet apart, measured in a straight line between the center lines of the two accesses.

3. The two separate fire apparatus entrances may share a common path of travel into and/or within the development as long as a blockage in any area of this path will not block access from both the primary and secondary access simultaneously. See Addendum D 107.1, 3. above for street design specifications.

For purposes of this section, “geographically impossible” means that the area is surrounded on at least three sides (i.e., 75% of its perimeter) by natural or manmade barriers such as creeks and flood plains, a golf course, a linear park, or utility easements or its topography is such that it prohibits a designed roadway to be constructed at a maximum slope of 10% in compliance with this code.”

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

**SECTION SIX.** The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00). Each continuing day’s violation under this Ordinance shall constitute a separate offense.

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

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

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

alternative method of publication. The Ordinance shall then become effective in accordance with this Charter section.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_  
day of \_\_\_\_\_, A.D., 2022.**

**PASSED AND APPROVED ON SECOND AND FINAL READING,  
this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2022.**

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Bill Blackburn, Mayor

APPROVED AS TO FORM:



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Michael C. Hayes

Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon

Shelley McElhannon, City Secretary



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

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**SUBJECT:** Ordinance No. 2022-15. An Ordinance amending Chapter 82 of the Code of Ordinances, City of Kerrville, Texas, such Chapter more commonly known as the City's Subdivision Code; by amending Section 82-53(Q) of said Code to change requirements for points of access into residential subdivisions and aligning this Section with changes to the Fire Code; and providing other matters relating to the subject.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 11, 2022

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20220322\\_Ord 2022-15 Subdivision Code align with Fire Code.pdf](#)

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	E - Economic Development
<b>Guiding Principle</b>	E2. Develop policies, processes and programs, including economic incentives, which are clear and consistently applied by a team of City and partner economic development entities working with stakeholders and focused on attracting, retaining and expanding business
<b>Action Item</b>	E2.12 - Ensure that Development Services processes and existing codes and ordinances are not impediments to development/redevelopment

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**SUMMARY STATEMENT:**

This ordinance is to amend Section 82-53(q) of the City of Kerrville's Subdivision Code, as to points of access for residential subdivisions. This amendment is to match the amended Fire Code for the number and proximity of development access points. The current code states that all residential developments are required two access points. However, to remain consistent with the Fire Code amendment, the requirement for two

accesses for all residential developments is being removed.

These amendments provide exceptions that will assist infill and future developments within the City of Kerrville. It provides more flexibility for topography in the hill country as well as surrounding, built developments, while still providing adequate public and emergency access to neighborhoods. Overall, neighborhood connectivity is still a priority for new developments.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2022-15.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2022-15**

**AN ORDINANCE AMENDING CHAPTER 82 OF THE CODE OF  
ORDINANCES, CITY OF KERRVILLE, TEXAS, SUCH CHAPTER  
MORE COMMONLY KNOWN AS THE CITY'S SUBDIVISION  
CODE; BY AMENDING SECTION 82-53(Q) OF SAID CODE TO  
CHANGE REQUIREMENTS FOR POINTS OF ACCESS INTO  
RESIDENTIAL SUBDIVISIONS AND ALIGNING THIS SECTION  
WITH CHANGES TO THE FIRE CODE; AND PROVIDING  
OTHER MATTERS RELATING TO THE SUBJECT**

**WHEREAS**, on September 28, 2021, City Council adopted Ordinance No. 2021-24, which consisted of a full-scale revision of the City's Subdivision Code; and

**WHEREAS**, Ordinance No. 2021-24 was adopted in accordance with and pursuant to the City's Comprehensive Plan; and

**WHEREAS**, pursuant to several recent land development projects and their respective plats, City staff recommends amending the Subdivision Code as to the regulation that applies to a residential development's points of access; and

**WHEREAS**, the amendment referenced above will align the Subdivision Code with an amendment concurrently being made to the City's Fire Code; and

**WHEREAS**, pursuant to Section 212.002 of the Texas Local Government Code, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on March 22, 2022, which considered a report from City staff regarding its recommendations on an ordinance, the adoption of which will result in an amendment to the Subdivision Code as provided herein; and

**WHEREAS**, on March 22, 2022, City Council held a public hearing on the amendment provided herein and has considered comments, a report, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

**SECTION ONE.** Section 82-53(q) of the Subdivision Code is amended in its entirety new language indicated by blue, underline (addition) as follows:

**"Sec. 82-53. - Thoroughfare and street improvements.**

:

(q) *Points of access.* All residential subdivisions shall have point(s) of access from improved public roadways, such access points to serve as fire apparatus access roads in compliance with the Fire Code as to the number, construction standards, and separation requirements. Each point of access shall be designed to safely cross any flood prone areas with a primary point of access designed to not be impacted by a 25 year rain event. Where required, a secondary point of access shall be designed to not be impacted by a ten year rain event. Each point of access shall comply with the TCSS and the Drainage Design Manual.”

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

**SECTION THREE.** The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.

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

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

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

PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_ of \_\_\_\_\_, A.D., 2022.

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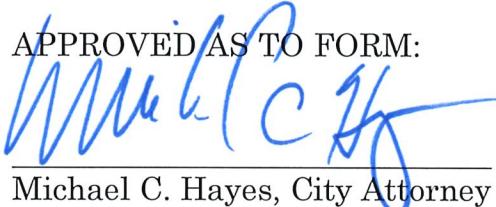
Bill Blackburn, Mayor

ATTEST:

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Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



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



**SUBJECT:** Ordinance No. 2022-02, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by amending said Code to include adding new definitions, revising the requirement for variances, requiring signs for notification, and other amendments as provided herein; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

**AGENDA DATE OF:** March 22, 2022      **DATE** Jan 28, 2022  
**SUBMITTED:**

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20220322\\_Ordinance 2022-02secondreading.pdf](#)

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	E - Economic Development
<b>Guiding Principle</b>	E2. Develop policies, processes and programs, including economic incentives, which are clear and consistently applied by a team of City and partner economic development entities working with stakeholders and focused on attracting, retaining and expanding business
<b>Action Item</b>	E2.12 - Ensure that Development Services processes and existing codes and ordinances are not impediments to development/redevelopment

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**SUMMARY STATEMENT:**

The City Council adopted the current zoning code in the fall of 2019, following the recommendations from the Kerrville 2050 Implementation Plan. With that adoption, Council encouraged periodic review and updates to the new zoning code to ensure consistency with the goals and objectives within the Kerrville 2050 Plan. Subsequently, Council approved a minor update to the zoning code in the fall of 2020. After another year's worth of development projects and building permits, there are a few items that have been brought forth to be reviewed and updated this year. This includes recommendations from City Council, Planning and Zoning Commission, and staff through recent development

projects.

**UPDATES AND AMENDMENTS INCLUDE:**

- Short Term Rental definition
- Additional notices of public hearings
- Shipping Containers in various districts
- Building Height requirements
- Traffic Impact Analysis
- Garage Sales
- Recreational Vehicles
- Land Use Table for Medical Offices

The Planning and Zoning Commission reviewed these updates on October 21st and recommended approval on December 2nd.

On January 11, 2022, the City Council unanimously approved Ordinance No. 2022-02 on first reading.

On January 25, 2022, the City Council unanimously tabled Ordinance No. 2022-02 for discussion in the February 08, 2022 meeting.

On February 8, 2022, the City Council unanimously tabled Ordinance No. 2022-02 for discussion in the March 8, 2022 meeting.

On March 8, 2022, the City Council unanimously approved Ordinance No. 2022-02 on first reading.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2022-02, on second reading.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2022-02**

**AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY AMENDING SAID CODE TO INCLUDE ADDING NEW DEFINITIONS, REVISING THE REQUIREMENT FOR VARIANCES, REQUIRING SIGNS FOR NOTIFICATION, AND OTHER AMENDMENTS AS PROVIDED HEREIN; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT**

**WHEREAS**, on August 27, 2019, City Council adopted Ordinance No. 2019-17, which adopted the City's Zoning Code, which included a Land Use Table and Zoning Map, collectively referred to herein as the "Zoning Code"; and

**WHEREAS**, Ordinance No. 2019-17 was adopted in accordance with and pursuant to the City's Comprehensive Plan; and

**WHEREAS**, pursuant to several recent land development projects, City Council, the Planning and Zoning Commission, and City staff recommend the adoption of several amendments to the Zoning Code; and

**WHEREAS**, pursuant Section 60-73 of the Zoning Code, and in accordance with Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on March 8, 2022, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in a number of amendments to the Zoning Code as provided herein; and

**WHEREAS**, on March 8, 2022, City Council held a public hearing on various zoning amendments pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

**SECTION ONE.** Section 60-17 of the Zoning Code is amended with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

**“Sec. 60-17. - Terms defined.**

⋮

*Short-term rental unit* means a facility, located in a residential zoning district, used for the purpose of providing short-term lodging for compensation, architecturally designed to look like a single-family dwelling, which may also be occupied concurrently as the residence for the owner, operator, or manager of the property, or providing separate lodging units such as cabins, guest homes, or similar residential-scale structures but in any instance, may not lodge more than ten (10) occupants, with no more than six bedrooms total on the property, and offering meals only to those who receive lodging, and providing that all bedrooms used as a permanent residence shall count toward the maximum six bedrooms of the short-term rental unit.”

**SECTION TWO.** Section 60-28, subsection (2), of the Zoning Code is amended with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“*Variances.* Pursuant to section 60-31, the board of adjustment may consider granting, upon written application, variances to the terms of the zoning code, excluding variances to the list of permitted land uses; provided these variances are not contrary to the public interest, and where the applicant can demonstrate that because of special land-related conditions unique to the property, a literal enforcement of the code would result in unnecessary hardship that is neither financial nor not self-imposed, and so that the spirit of the code will be observed and substantial justice done.”

**SECTION THREE.** Section 60-31, subsection (2), of the Zoning Code is amended by adding a new subsection c., with new language indicated by blue, underline (addition) as follows:

“c. A notification sign posted on the subject property by the Director, visible to persons using the public right-of-way, and which states the purpose and dates of the hearing. The Director shall install the sign at least 11 days before the first public hearing and the sign must remain posted and visible during the pendency of the variance. Such sign is exempt from the City’s sign code as a government sign.”

**SECTION FOUR.** Section 60-31, subsection (3), of the Zoning Code is amended with new language indicated by blue, underline (addition) as follows:

“(3) *Required findings of fact.* No variance shall be granted by the board of adjustment until it makes one or more of the following findings, which as applied to a structure, would result in an unnecessary hardship:

- a. That there are exceptional circumstances or conditions applicable to the property on which the application is made related to size, shape, area, topography, surrounding condition, or location that do not apply generally to other property in the same area and the same zoning district;
- b. That the exceptional circumstances or conditions are such that literal enforcement of the provisions of this chapter would result in an unnecessary hardship inconsistent with the general purpose and intent of this chapter;
- c. That the granting of such variance will not be contrary to the public interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located;
- d. That the granting of such variance will not be contrary to the objectives and principles contained in the comprehensive plan, as amended;
- e. That the variance to be granted is the minimum variance that will relieve the proven hardship;
- f. That the variance is not being granted to relieve the applicant of conditions or circumstances:
  1. Which are not inherent in the property itself, but are the result of the use or development of the property;
  2. Which are caused by a division of land on or after date of adoption, other than a division of land resulting from the sale of a property interest to a governmental entity, which division of land caused the property to be unusable for any reasonable development under the existing regulations; or
  3. Which were otherwise self-imposed by the present or a previous owner.
- g. That the variance is not grounded solely upon the opportunity to make the property more profitable or to reduce expense to the current or any future owner;

- h. That the variance would not modify or effectively repeal any development or use regulations set forth in a conditional use permit (CUP) or an ordinance or resolution adopting a concept plan or establishing a planned development district which are in addition to the generally applicable use and development regulations set forth in this zoning code;
- i. That the variance would only affect a specific parcel of property and is not of such a general nature as to effectively constitute a change in zoning of said parcel or a larger area without following the procedures for such as set forth herein;
- j. That the variance does not change the permitted, conditional, or prohibited uses in the zoning district in which the property is located;
- k. the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the City under Section 26.01, Tax Code;
- l. compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- m. compliance would result in the structure not being in compliance with a requirement of a City ordinance, building code, or other requirement;
- n. compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- o. the City considers the structure to be a nonconforming structure, in accordance with its regulations.”

**SECTION FIVE.** Section 60-41 of the Zoning Code is amended with deleted language indicated by red, strikeout (~~deleted~~) as follows:

**“Sec. 60-41. Use of Property Located in One Zoning District to Benefit Another.**

No person shall use property located in one zoning district to provide parking for, or access to, a use located on property located in another zoning district ~~unless:~~

**(1) ~~Parking:~~**

- ~~a. The property being used for said parking is also zoned to permit the use for which such parking is desired;~~

- ~~b. A variance is granted under the provisions of this Zoning Code or the Development Standards ordinance, whichever applies, to allow the off site parking; or,~~
- ~~e. A Conditional Use Permit is secured for the off site parking in accordance with this Zoning Code.~~

**(2) Mutual Access:**

- ~~a. The property being used for said access is also zoned to permit the use for which such access is desired;~~
- ~~b. A variance is granted under the provisions of this Zoning Code or the Development Standards ordinance, whichever applies, to allow the mutual access; or,~~
- ~~e. A Conditional Use Permit is secured for the mutual access in accordance with this Zoning Code.”~~

**SECTION SIX.** Section 60-52, subsection (b), of the Zoning Code is amended by adding a new subsection (10), with new language indicated by blue, underline (addition) as follows:

**“(10) Traffic Impact Analysis:** An application for MU zoning shall include a traffic impact analysis as defined herein.”

**SECTION SEVEN.** Section 60-52, subsection (c)(8), of the Zoning Code is amended by adding a new subsection d., with new language indicated by blue, underline (addition) as follows:

**“d. Traffic Impact Analysis:** An application for PD zoning shall include a traffic impact analysis as defined herein.”

**SECTION EIGHT.** Section 60-52, subsection (d)(3) of the Zoning Code is amended with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

<b>Maximum Building Height</b>	<ul style="list-style-type: none"><li><del>• 35 feet</del></li><li>• <u>No limit except where A</u>ddjacent to a residential zoning district as defined in subsection (d)(3) above, <u>as follows:</u><ul style="list-style-type: none"><li>• <u>Two stories of up to 35 feet when adjacent to a residential zoning district, plus one foot (1.0' of</u></li></ul></li></ul>
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	<p>additional building height permitted for each 1 foot (1.0') of setback from the residential zoning district</p> <ul style="list-style-type: none"> <li>• An installation of a public or private utility <u>is</u> exempt from this requirement</li> </ul>
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**SECTION NINE.** Section 60-60, subsection (9)a.2., of the Zoning Code is amended by adding a new subsection iii., with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“iii. These regulations do not apply to:

- A. A boarding home facility, as that term is defined within Chapter 30 of the Code of Ordinances; ~~or~~
- B. Cottage food production that meets the qualifications imposed under state law and subject to other City ordinances, rules, or regulations; or
- C. Garage sales, but where no more than four (4) are held per calendar year, none of which lasts longer than three (3) days.”**

**SECTION TEN.** Section 60-60, subsection (13) of the Zoning Code, is amended with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“(13) **Travel Trailers and Recreational Vehicles:** The use of a travel trailer or recreational vehicle shall be subject to the following regulations:

- a. The use of a travel trailer or recreational vehicle as a permanent residence or business anywhere within the City is prohibited, unless located within an RM or C-3 district and on property developed as a Mobile Home Rental Community (MHRC); on property which is being used as a recreational vehicle park even if the recreational vehicle park is a nonconforming use; or where one (1) travel trailer or one (1) recreational vehicle is located on property which is being used for the seasonal retail sale of holiday trees, such use to only occur between November 5 and December 31.
- b. Travel trailers or recreational vehicles parked in a recreational vehicle park or in an RM or C-3 zoning district shall meet the following requirements:

1. Remain road ready with tongue and towing equipment attached to the vehicle or stored onsite; and
2. Utilize temporary utility hookups, such that hardwired electricity and plumbing is prohibited, and

~~It shall be a defense to a violation of subsection (a), above, if:~~

- ~~1. The trailer or recreational vehicle is located on property within an RM district which is developed as a MHRC at the time of the offense; or~~
- ~~2. The trailer or recreational vehicle is located on property which is being used as a recreational vehicle park even if the recreational vehicle park is a nonconforming use; or~~

~~c~~3. The A travel trailer or recreational vehicle Is may be parked within a residential district and actively used for lodging but shall only be:

- ~~i~~1. Parked on a lot developed with a dwelling unit with a valid certificate of occupancy;
- ~~ii~~2. Occupied by one or more people who do not claim the dwelling unit as their permanent residence; and
- ~~iii~~3. Has been l~~located~~ on the lot for a period not exceeding 14 days.

- d. A travel trailer or recreational vehicle may be stored, which means parked and not in active use, on a developed lot with a dwelling unit. The storage must not create any visibility obstruction or otherwise interfere with pedestrian or vehicular circulation.
- ~~4. One (1) travel trailer or one (1) recreational vehicle is located on property which is being used for the seasonal retail sale of holiday trees. This section shall only be valid between November 5 and December 31.”~~

**SECTION ELEVEN.** Section 60-60 of the Zoning Code is amended by adding a new subsection (17), with new language indicated by blue, underline (addition) as follows:

“(17) Shipping container. A shipping container is permitted within any public and institutional district (PI), on property of not less than five (5)

acres, and where the shipping container is located at least one-hundred feet (100.0') from a residential district. A container shall be setback behind a line parallel to the front wall of the nearest building. Each container must be permanently anchored in compliance with the building codes and receive a permit from the City.”

**SECTION TWELVE.** Section 60-51, subsection (3), of the Zoning Code is amended by correcting a typographical error with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“(3) If notice was originally sent pursuant to Section 211.007 65-84, Texas Local Government Code, the applicable fee necessary to reimburse the City for sending a notice of postponement to those originally notified.”

**SECTION THIRTEEN.** Section 60-65, subsection (4), of the Zoning Code is amended with new language indicated by blue, underline (addition) as follows:

“(4) **Review Process:** Upon receipt of a complete application for a zoning change request, the application shall be reviewed under the process governing the review of an application for rezoning under Chapter 211, Texas Local Government Code, including notification, a report from the Director, and public hearings before the Planning and Zoning Commission and City Council, allowing for testimony from the applicant and others who have an interest in the matter, facts, and opinions concerning the proposed change. Notification as referenced above shall include a notification sign posted on the subject property by the Director, visible to persons using the public right-of-way, and which states the purpose and dates of the hearings. The Director shall install the sign at least 11 days before the first public hearing and the sign must remain posted and visible during the pendency of the review. Such sign is exempt from the City's sign code as a government sign.”

**SECTION FOURTEEN.** Table 1, Land Use Table, which was adopted as part of the Zoning Code, is amended as follows, such amendments as indicated on the attached table with amendments indicated:

- A. Add “shipping container” as an authorized use within a Public and Institutional District and Industrial and Manufacturing District.
- B. Add “medical office” as an authorized use within a Public and Institutional District.

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

PASSED AND APPROVED ON FIRST READING, this the 08 day of MARCH, A.D., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_ of \_\_\_\_\_, A.D., 2022.

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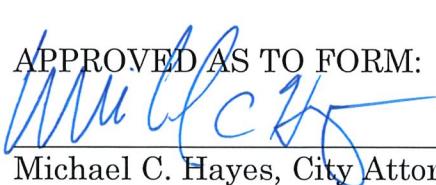
Bill Blackburn, Mayor

ATTEST:

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Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



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

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**SUBJECT:** Ordinance No. 2022-14, second reading. An Ordinance amending Chapter 26 "Buildings and Building Regulations", Article IX "Building Board of Adjustment and Appeals" of the Code of Ordinances, City of Kerrville, Texas; by decreasing the membership of regular members and amending the membership qualifications for the board; containing a cumulative clause; containing a savings and severability clause; establishing an effective date; and providing other matters related to the subject.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Feb 24, 2022

**SUBMITTED BY:** Guillermo Garcia

**EXHIBITS:** [20220322\\_Ordinance2022-14secondreading.pdf](#)

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

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

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

**SUMMARY STATEMENT:**

Adoption of Ordinance No. 2022-14 will decrease the membership of the Building Board of Adjustments and Appeals to five regular members with two alternative members. Additionally, the ordinance will change the required positions by member qualification to the following statement, "A minimum of four of the members should be experienced in at least one of the following areas: 1. Architect or engineer; 2. electrical contracting; 3. Building Construction; 4. Mechanical contracting (HVAC); 5. Plumbing contracting; 6. Fire protection; and/or 7. Real Estate Professional.

This added flexibility will allow for a broader candidate base for potential Board members.

On March 8, 2022, the City Council unanimously approved Ordinance No. 2022-14 on first reading.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2022-14, on second reading.

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2022-14**

**AN ORDINANCE AMENDING CHAPTER 26 “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE IX “BUILDING BOARD OF ADJUSTMENT AND APPEALS” OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS; BY DECREASING THE MEMBERSHIP OF REGULAR MEMBERS AND AMENDING THE MEMBERSHIP QUALIFICATIONS FOR THE BOARD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

**WHEREAS**, City Council previously created a single, multi-trade board known as the Building Board of Adjustment and Appeals (“Board”), as found within Chapter 26, Article IX, of the City’s Code of Ordinances; and

**WHEREAS**, City Council created the Board to hear appeals, grant variances, and to recommend amendments to and the adoption of standardized building codes to be considered for adoption by Council; and

**WHEREAS**, in an effort to address inefficiencies with respect to the appointment of members and the operation of the Board, City staff recommends amending Chapter 26 to reduce the number of regular members on the Board and by revising the qualifications for the Board to provide greater flexibility in making Board appointments; and

**WHEREAS**, City Council finds it to be in the public interest to amend Chapter 26, Article IX in the manner and for the reasons provided above;

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

**SECTION ONE.** Chapter 26 “Buildings and Building Regulations”, Article IX “Building Board of Adjustment and Appeals” of the Code of Ordinances of the City is amended by amending Section 26-250, subsection (b) in its entirety and replacing it with new language indicated by blue, underline (addition) as follows:

**“Sec. 26-250. Building Board of Adjustment and Appeals.**

⋮

(b) *Membership.* The Board shall consist of five regular members and two alternate members appointed by City Council. A minimum of four of the regular members should be experienced in at least one of the following areas: architect or engineer; electrical contracting; building construction; mechanical

contracting (HVAC); plumbing contracting; fire protection; or a real estate professional.”

**SECTION TWO.** Chapter 26 “Buildings and Building Regulations”, Article IX “Building Board of Adjustment and Appeals” of the Code of Ordinances of the City is amended by amending Section 26-250, subsection (c) with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

**“Sec. 26-250. Building Board of Adjustment and Appeals.**

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(c) *Alternates.* In an effort to obtain a quorum, increase efficiency, or for other reasons, the City Council may shall appoint two ~~or more~~ alternate members to the board. Each alternate member shall meet any one of the qualification provisions applicable to regular members. An alternate member shall serve only in the absence of one or more regular members when requested to do so by the chief building official so that all cases considered by the board are heard by a minimum of at least four members. Alternate members may only participate in meetings if called to act and shall then act as a regular member for the entire meeting. Even where not called upon to act as a regular member, alternate members shall attend all meetings and are subject to the attendance requirements applicable to the board.”

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

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

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

**SECTION SIX.** This Ordinance shall become effective immediately upon approval.

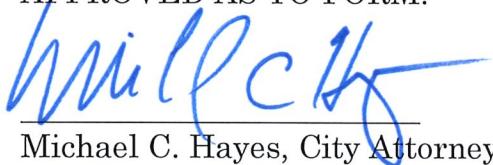
PASSED AND APPROVED ON FIRST READING, this the 08 day of MARCH, A.D., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the    day of   , A.D., 2022.

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Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary



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

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**SUBJECT:** Resolution 14-2022 . A Resolution authorizing the City to utilize the Design-Build method for the construction and rehabilitation of the City's buildings located at 529 Water Street and more commonly known as the A.C. Schreiner House; and authorizing other related actions as part of this method.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 11, 2022

**SUBMITTED BY:** Kim Meismer

**EXHIBITS:** [20220322\\_Reso 14-2022 Design-Build AC Schreiner House.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
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**PAYMENT TO BE MADE TO:**

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	D - Downtown Revitalization
<b>Guiding Principle</b>	D2. Foster a Downtown that tells the community's history/story/lore by preserving and enhancing historic features and a sense of place, celebrating and connecting Downtown to the Guadalupe River and developing a brand and a unified identity for Downtown
<b>Action Item</b>	D2.7 - Consider funding a Downtown heritage center

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**SUMMARY STATEMENT:**

The Resolution outlines the Design Build Process proposed to be utilized for the Heart of the Hills Heritage Center on the Butt-Holdsworth Memorial Library campus.

**RECOMMENDED ACTION:**

Approve Resolution 14-2022.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 14-2022**

**A RESOLUTION AUTHORIZING THE CITY TO UTILIZE THE DESIGN-BUILD METHOD FOR THE CONSTRUCTION AND REHABILITATION OF THE CITY'S BUILDINGS LOCATED AT 529 WATER STREET AND MORE COMMONLY KNOWN AS THE A.C. SCHREINER HOUSE; AND AUTHORIZING OTHER RELATED ACTIONS AS PART OF THIS METHOD**

**WHEREAS**, the City of Kerrville, Texas (“City”) seeks to renovate the building it owns at 529 Water Street, known as the A.C. Schreiner House, into a public venue conducive to exhibiting displays and programs that reflect the culture and heritage of Kerr County and the Texas Hill Country and consisting of a quality museum (the “Project”); and

**WHEREAS**, expenditures for the Project will exceed \$50,000; and

**WHEREAS**, pursuant to Local Government Code Section 252.021(a), before entering into a contract that requires an expenditure of more than \$50,000.00, the City must: (1) comply with Subchapters B and C of Chapter 252, Local Government Code (“Chapter 252”) related to competitive bidding and proposals; (2) use the reverse auction procedure defined by Section 2155.062(d) of the Government Code, for purchasing; or (3) comply with a method described by Chapter 2269 of the Texas Government Code (“Chapter 2269”); and

**WHEREAS**, Subchapter G of Chapter 2269, “Building Using Design-Build method”, describes the design-build method authorized by that subchapter as a project delivery method by which a governmental entity, such as the City, contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility; and

**WHEREAS**, Section 2269.056(a) of the Government Code provides that the governing body of a governmental entity that considers a public work contract using a method authorized by Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity; and

**WHEREAS**, in relation to the Project specifics and requirements, City staff has considered the methods described in Chapter 2269 and reviewed the procedures described in Chapter 252; and

**WHEREAS**, with respect to the Project and the expenditures necessary to complete it, City staff now recommends use of the design-build method for buildings

authorized by Subchapter G of Chapter 2269 as the project delivery method that provides the best value for the City;

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

**SECTION ONE.** City Council finds, in accordance with Section 2269.056 of the Texas Government Code, that with respect to expenditures necessary to renovate its buildings located at 529 Water Street, the design-build method described by Subchapter G of Chapter 2269 of the Texas Government Code provides the best value for the City.

**SECTION TWO.** Pursuant to Section 2269.053 of the Government Code, City Council delegates its authority under Chapter 2269 of the Government Code to the City Manager, or his designee, regarding an action authorized or required by this chapter.

**SECTION THREE.** Pursuant to Section Two above, City Council authorizes the City Manager to enter into a professional services agreement with Freese and Nichols, Inc., such entity to serve as the City's independent professional for the public work contract. This authority does not include the approval of the request for qualifications for a design-build firm or the selection of such firm.

**PASSED AND APPROVED ON** this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2022.

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Bill Blackburn, Mayor

APPROVED AS TO FORM:



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Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary



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

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**SUBJECT:** First Amendment to the A.C. Schreiner House Development and Management Agreement between the City of Kerrville, Texas and the Heart of the Hills Heritage Center, Inc.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 11, 2022

**SUBMITTED BY:** Kim Meismer

**EXHIBITS:** [20220322\\_Agreement\\_1st amend AC Schreiner House Development-Management.pdf](#)

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	D - Downtown Revitalization
<b>Guiding Principle</b>	D2. Foster a Downtown that tells the community's history/story/lore by preserving and enhancing historic features and a sense of place, celebrating and connecting Downtown to the Guadalupe River and developing a brand and a unified identity for Downtown
<b>Action Item</b>	D2.7 - Consider funding a Downtown heritage center

**SUMMARY STATEMENT:**

The Development and Management Agreement (Agreement) between the City of Kerrville (City) and the Heart of the Hills Heritage Center, Inc. (HHHC) was executed in January 2021. Since that time, fundraising for the project has been completed by the City and by the HHHC. With the completion of the fundraising and the design phase beginning, amendments to the Agreement are required. The amendments are shown in the "First Amendment to the A.C. Schreiner House Development and Management Agreement".

**RECOMMENDED ACTION:**

Authorize the City Manager to finalize and execute the First Amendment to the A.C. Schreiner House Development and Management Agreement between the City of Kerrville, Texas and the Heart of the Hills Heritage Center, Inc.

**FIRST AMENDMENT TO THE  
A.C. SCHREINER HOUSE  
DEVELOPMENT AND MANAGEMENT AGREEMENT**

This *First Amendment to the A.C. Schreiner House Development and Management Agreement* is made and entered into by and between the CITY OF KERRVILLE, TEXAS (“City”) and HEART OF THE HILLS HERITAGE CENTER, INC. (“HHHC”), and amends the A.C. Schreiner House Development and Management Agreement (“Agreement”) between the parties dated on or about February 1, 2021, as follows:

1. Section 3.2 b. of the Agreement is amended with new language indicated by blue, underlining (addition) to read as follows:

“**b.** following approval of the concept plan and a Construction Budget by City Council, HHHC shall secure commitments for at least \$1,000,000.00 in funding for HHHC’s startup working capital, and purchase of fixtures, furniture, displays, artifacts and other items to be owned by HHHC: except items to be permanently installed or attached to the House, to include an elevator and improvements necessary for compliance with accessibility laws. The City will provide a dollar-for-dollar reimbursement back to HHHC for payments HHHC makes out of HHHC’s funding commitments for the elevator and improvements necessary for compliance with accessibility laws. HHHC shall use such payments in accordance with its obligations specified in Section 4.6. In addition, the Friends of the Library (“Friends”) has pledged \$250,000.00 for the redevelopment, renovation, and improvements for the House. The Friends have paid or will pay such funding directly to the City and intend such funds to be used for expenses that will provide fixtures and other items that will be permanently affixed to the House. The City will likewise credit such funds as part of HHHC’s \$1,000,000.00 commitment requirement and provide a dollar-for-dollar reimbursement back to HHHC to account for such funding and for HHHC’s compliance with Section 4.6.”

2. Section 4.2. of the Agreement is amended with new language indicated by blue, underlining (addition) to read as follows:

**“Section 4.2 Design and Construction of House; Ownership of Construction Plans:**

City shall, at its cost, be solely responsible for the completion of design, solicitation of bids for work, and construction of the Construction Improvements, subject to the terms of this Agreement. In this regard, City shall enter into and perform all contracts necessary to complete the

Construction Improvements in accordance with state law, which may include design-build and/or other alternative delivery methods. All design, remodeling, and renovation shall conform to City codes ordinances, regulations, design criteria, building standards, and specifications. City shall provide written notice to HHHC of any material changes to the Construction Plans. City shall control and own the drawings, specifications, and other documents prepared pursuant to this Agreement.”

3. Other than the amendments provided for herein, no other changes are made to the Agreement and the Agreement remains in full force and effect.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF KERRVILLE, TEXAS:

By: \_\_\_\_\_  
E.A. Hoppe, City Manager

ATTEST:

Shelley McElhannon, City Secretary

HHHC:

By:   
William Rector, President

APPROVED AS TO FORM:

  
Michael C. Hayes, City Attorney



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

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**SUBJECT:** Art Donation Agreement with LDB Corporation for donation of a work of art to the City of Kerrville, Texas.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 16, 2022

**SUBMITTED BY:** Kim Meismer

**EXHIBITS:** [20220322\\_Agreement\\_Art Donation LDB Corp.pdf](#)

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	D - Downtown Revitalization
<b>Guiding Principle</b>	D2. Foster a Downtown that tells the community's history/story/lore by preserving and enhancing historic features and a sense of place, celebrating and connecting Downtown to the Guadalupe River and developing a brand and a unified identity for Downtown
<b>Action Item</b>	D2.7 - Consider funding a Downtown heritage center

**SUMMARY STATEMENT:**

The City was approached by a representative of LDB Corporation in regard to a donation of a work of art to the City. City Council was briefed on this item during a City Council Workshop Executive Session held on Tuesday, March 15, 2022.

The agreement before the Council is an agreement with LDB Corporation for the donation of a work of art to the City of Kerrville, Texas.

**RECOMMENDED ACTION:**

Authorize the City Manager to negotiate and finalize an agreement.

## ART DONATION AGREEMENT

THIS ART DONATION AGREEMENT (“Agreement”) is made and entered into by and between the City of Kerrville, Texas, a Texas home-rule municipality, with offices at 701 Main Street, Kerrville, Texas 78028 (the “City”); and LDB Corporation, a Texas corporation, located in Kerrville, Texas (“Donor”), each individually a “Party” and collectively the “Parties”. This Agreement shall be effective on the date last signed below between the Parties (“Effective Date”).

### RECITALS

WHEREAS, the Donor has offered to donate a work of art to the City for the City’s use; and

WHEREAS, the City desires to accept the donation of the work of art pursuant to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, the Parties agree as follows:

**1. Description of Art.** Donor agrees to give and transfer to the City the following work of art (the “Art”) as a charitable donation:

*Thanks for the Rain* by Joe Beeler, 1987, Bronze, Edition 1/3, Dimensions 9 ft. x 10 ft. X 7 ft.

The Art is more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference. Donor agrees to donate the Art to the City for no compensation now or in the future.

**2. Delivery and Installation.** The City shall be responsible for removing the Art from its current location at 444 Sidney Baker St. South, Kerrville, transporting the Art to a new installation site, as well as performing site preparation and construction, including any interim storage and additional transport that may be required. Donor has arranged for the Art to remain at 444 Sidney Baker St. South indefinitely, subject to a 21 (twenty-one) day notice to vacate by the purchasing owner, and without charge. Donor will provide City with contact information for purchasing owner.

**3. Ownership.** a) Upon the Effective Date, ownership of the Art shall pass to the City. By entering into this Agreement, the Donor hereby irrevocably assigns, conveys, and otherwise transfers to City and its respective successors and assigns title to the Art.

b) In consideration of Donor's donation to City, City agrees to publicly display the Art at the grounds of the A.C. Schreiner Home, owned by the City, located at 529 Water Street, Kerrville, Texas as part of the area currently under development for the Heart of the Hills Heritage Center. The City agrees to acknowledge the Donor for its donation and to acknowledge that the Art is donated in honor of the late L.D. "Brink" Brinkman. The City and Donor agree to collaborate and agree upon the design of plaques providing such descriptive information to the public.

c) Donor understands and agrees that the Art will be displayed in a public place and may be photographed, filmed, or otherwise recorded for any purpose without any restriction by the City. As owner, City may make and distribute, and authorize the making, display, and distribution of photographs. City may use such reproductions for any City-related purpose, including advertising, educational and promotional materials, brochures, books, flyers, postcards, print, broadcast, film, electronic and multimedia publicity, and catalogues or similar publications. City shall ensure that such reproductions are made in a professional and tasteful manner, in the sole and reasonable judgment of the City. The City is not responsible for any third party infringement of any copyright to the Art held by the artist or anyone else and is not responsible for protecting the intellectual property rights of the artist or anyone else.

d) The Parties acknowledge that even after the Effective Date, the Art may be held at or moved to and stored at a location owned by a third-party until the City's intended location is prepared for the Art. The City agrees to maintain insurance on such Art as provided herein, while such Art is held, moved, and stored off-site, and the owner of such location shall have no liability or responsibility for such Art.

**4. Warranties.** Donor represents and warrants that (a) except as otherwise disclosed in writing to the City, the Art is unique and original and does not infringe upon any copyright; (b) the Art has not been accepted for sale elsewhere; and (c) the Art is free and clear of any liens from any source whatsoever.

**5. Maintenance, Relocation, and Removal.** The City shall give the Art the same care and maintenance as it does comparable City property. The City acknowledges that the Art will require periodic cleaning and maintenance to maintain optimal appearance. Nothing in this Agreement shall preclude any right of the City in its sole discretion to (a) remove the Art from public display; (b) move or relocate the Art to another location selected by the City for public display; or (c) dispose of the Art; provided however, that the City shall not remove the Art from public display or dispose of the Art without 1) giving sixty (60) days prior notice to the public by publication in the local newspaper and on the City's website of the City

Council's consideration of such action; and, 2) approval by the City Council at an open meeting.

**6. Insurance.** The City shall obtain and maintain the types, forms, and coverage(s) of insurance for the Art deemed by the City to be sufficient to meet or exceed the City's minimum statutory and legal obligations arising from ownership of the Art and under this Agreement.

**7. Independent Relationship.** Donor is not a partner, joint venture, or employee of the City.

**8. Governing Law and Venue.** This Agreement shall be governed by the laws of the State of Texas, and any legal action concerning the provisions hereof shall be brought in Kerr County, Texas.

**9. No Waiver.** Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the City shall not constitute a waiver of any of the other terms or obligations of this Agreement.

**10. Integration.** This Agreement constitutes the entire agreement between the Parties, superseding all prior oral or written communications.

**11. Severability.** If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

**12. Modification.** This Agreement may only be modified upon written agreement signed by the Parties.

**13. Governmental Immunity.** The City, its officers, and its employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by applicable law.

**14. Annual Appropriation.** Consistent with the Texas Constitution, any financial obligation of the City not performed during the current fiscal year is subject to annual appropriation, and thus any obligations of the City hereunder shall extend only to monies currently appropriated and shall not constitute a mandatory charge, requirement, debt, or liability beyond the current fiscal year.

**15. Binding Effect.** The Parties agree that this Agreement, by its terms, shall be binding upon the successors, heirs, legal representatives, and assigns.

**16. Attorneys' Fees.** If the Donor breaches this Agreement, then it shall pay the City's reasonable costs and attorney's fees incurred in the enforcement of the terms, conditions, and obligations of this Agreement.

**17. Survival.** The Parties understand and agree that all terms and conditions of the Agreement that require continued performance, compliance, or effect beyond the termination date of the Agreement shall survive such termination date and shall be enforceable in the event of a failure to perform or comply.

**18. Force Majeure.** Neither the Donor nor the City shall be liable for any delay in, or failure of performance of, any covenant or promise contained in this Agreement, nor shall any delay or failure constitute default or give rise to any liability for damages if, and only to extent that, such delay or failure is caused by "force majeure." As used in this Agreement, "force majeure" means acts of God, acts of the public enemy, acts of terrorism, unusually severe weather, fires, floods, epidemics, pandemics, quarantines, strikes, labor disputes, and freight embargoes, to the extent such events were not the result of, or were not aggravated by, the acts or omissions of the non-performing or delayed party.

**19. Authority.** The individuals executing this Agreement represent that they are expressly authorized to enter into this Agreement on behalf of the City and the Donor.

**20. Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

**THIS AGREEMENT** is executed and made effective as provided herein.

**CITY OF KERRVILLE, TEXAS:**

By: \_\_\_\_\_  
E.A. Hoppe, City Manager  
Date of execution: \_\_\_\_\_

**LDB CORPORATION:**

By: \_\_\_\_\_  
Kathleen S. Brinkman, President  
Date of execution: \_\_\_\_\_

**EXHIBIT A**  
**DESCRIPTION OF ART**

**Artist:** Joe Beeler (1931-2006)

**Title:** *Thanks for the Rain*

**Date:** 1987

**Medium:** Bronze

**Edition:** 1 of 3

**Dimensions:** 9 ft. x 10 ft. X 7 ft.

**Signature and Inscriptions:** Inscribed "Joe Beeler CA, 1987" on base. A personalized brand belonging to the late L.D. Brinkman is inscribed on the left rear flank of the horse.

**Subject Matter:** A one-and one-half-life-size bronze statue of a cowboy kneeling with his head bowed, left arm resting on his left knee, and right hand holding his cowboy hat. Behind him stand his saddled horse with reins loose. Beneath the horse are prickly pear cactus and rocky protrusions.

**Provenance:** Commissioned and purchased by LDB Corporation, L.D. Brinkman, President, from the artist, Joe Beeler in 1986.

**Publications:**

Bowlin, Michael, (April 23, 1987) Bronze Horse, Rider Struggle to Mansion, page 1, *Kerrville Daily Times*, Vol. 79, No. 20.

S.H. McGarry, *Honoring the Western Tradition, The L.D. "Brink" Brinkman Collection*, 2003, Nava Press, Italy, page 88 (date stated as 1986, which was purchase date)

Hedgpeth, Don, *Joe Beeler Life of a Cowboy Artist*, 2004, Diamond Tail Press, pages 13, 191.

**EXHIBIT A**  
**DESCRIPTION OF ART**





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

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**SUBJECT:** Professional Service Agreement with Peter W. Lewis, Architect & Associates, PLLC for architectural services relating to repairs and replacement of the roof, HVAC (air conditioning), and other repairs to the Cailloux City Center for the Performing Arts, in an amount not to exceed \$112,760.00.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 11, 2022

**SUBMITTED BY:** Stuart Barron

**EXHIBITS:** [20220322\\_Scope\\_Peter Lewis - Cailloux\\_Theater\\_repairs.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$112,760			

**PAYMENT TO BE MADE TO:** Peter Lewis Architect & Associates

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	F - Public Facilities and Services
<b>Guiding Principle</b>	F1. Commit to maintaining high-quality, cost-effective public services and facilities consistent with anticipated growth and ensure cost-effective use and maintenance of these assets
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

In 2003, the Cailloux Theater went through a significant remodel which included the installation of a new membrane roof system. The life expectancy of this type of roof is approximately 20 years and is currently in need of replacement. Storm events, including the snowstorm in 2020, impacted the integrity of the roof's surface causing damages unseen until recent rain events. The roof deterioration cascaded through the ceiling and walls on the interior of the building causing damages to the interior components making visual representation of the issues above. After evaluation of the roof condition, the City contracted with Cypress Roofing to perform necessary emergency repairs to the roof's surface to assist in protecting the interior of the theater. The temporary repairs have appeared to resolve the immediate damages until the roof can be replaced. Additionally,

many of the HVAC system components were not replaced during the 2003 remodel and have met or exceeded life expectancy, and in need of replacement. The scope of the proposed project will include replacement of air conditioning equipment, many of which are roof-mounted, replacement of the existing roof system and components, and necessary repairs to the interior components damaged during by the water infiltration.

A hard copy of the Professional Services Agreement with Peter Lewis Architect for the Cailloux Theater repairs is in the City Secretary Office for viewing.

**RECOMMENDED ACTION:**

Authorize the City Manager to negotiate and finalize the Professional Service Agreement.



January 10, 2022

PWLA 20-2129  
Cailloux Theater Reroof

Mr. Kyle Burow, P.E.  
Director of Engineering  
City of Kerrville  
200 Sidney Baker Street  
Kerrville, TX 78028

RE: Cailloux Theater  
Reroof, HVAC Upgrades and Interior Repairs

Dear Kyle:

Thank you for the continuing opportunity to be of service to the City of Kerrville! Based upon our site meeting on Tuesday, August 31, and subsequent discussions to-date, we have prepared this Proposal to provide the following services for this Project.

**I. Work Scope**

- A. Replace all roofing, metal copings, flashings, equipment curbs, sealants, and any existing/proposed penetrations (plumbing and mechanical vents)
- B. Install additional roof insulation in compliance with the requirements of the 2015 International Energy Conservation Code
- C. Replace air conditioning equipment and controls as required by detailed evaluation and re-design to satisfy operational requirements of the facility
- D. Provide structural modifications, as required, for HVAC equipment

**II. Schedule of Professional Design Services**

- A. Meet with City of Kerrville, Cailloux Theater Staff, and Consultant Team, as required
- B. Project Management: PWLA+A
- C. Provide Architectural and Interior Design Construction Documents for repairs required as a result of water penetration and damage to the interior and/or exterior of the Theater
- D. Project Management
- E. MEP Construction Documents (refer to ESA Proposal dated 12/30/2021)
- F. Roofing Construction Documents (refer WJE Proposal dated 9/7/2021)
- G. Structural Engineering Construction Documents (refer to Maxwell Proposal dated 1/5/2022)
- H. Assist City of Kerrville receiving/evaluating Bids for the Scope of Work detailed in the Bid Documents
- I. Construction Phase Services: periodic site visits, submittal/shop drawing review/, monthly Progress meetings, review Contractor's Applications for Payment

**III. Fixed Fee Schedule**

A. Construction Document Services	\$ 73,585.00
B. Construction Contract Administration Services	\$ 39,175.00
<b>Total</b>	<b>\$112,760.00</b>

**IV. Additional Services, requested by City of Kerrville will be provided on an Hourly Basis:**

A. Architect/Principal	\$ 175.00/Hour
B. Architect/Project Manager	\$150.00/Hour
C. Interior Designer	\$125.00/Hour
D. Project Technician	\$ 75.00/Hour
E. Structural Engineer	\$155.00/Hour
F. MEP Engineer	\$175.00/Hour

Initials

*pw /*

**V. Reimbursable Expenses**

Reimbursable expenses will be billed at a multiple of 1.15 times cost (invoice). Project related mileage will be invoiced at current standard rates.

This Professional Design Services Proposal generally describes the Services to be provided and their associated Fees. If we agree on both items, please indicate so by signing and returning one original of this letter along with an original of the City of Kerrville Standard Form of Agreement for Professional Services for our review and signature.

In the meantime, if you have any questions or need additional information, please do not hesitate to call me.

Very truly yours,

Peter W. Lewis, Architect  
Principal

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Accepted for City of Kerrville

Date

**20-2129 Cailloux Theater Reroof/HVAC Upgrades**  
Professional Services Fee Proposal

Discipline	Consultant	SD	DD/CD	Bid	CCA	Fee Totals	Est. Reimb.
<b>Building</b>							
Architect	Peter W. Lewis, Architect + Assoc.			14,025	2,475	16,500	
Structural Engineer	Maxwell Engineering PLLC			4,400	1,100	5,500	
M/E/P Engineer	ESA Mechanical and Electrical Eng.			16,800	4,200	21,000	
Roofing Consultant	WJE Associates, Inc.			38,360	31,400	69,760	
<b>Total</b>				73,585	39,175	112,760	

pw1



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

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**SUBJECT:** Financial Update for month ended February 28, 2022.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 11, 2022

**SUBMITTED BY:** Julie Behrens

**EXHIBITS:** [20220322\\_Presentation\\_Financial update.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

Financial Update for month ended February 28, 2022

**RECOMMENDED ACTION:**

Report. No City Council action.

# Financial Update

City Council Meeting  
March 22, 2022



## General Fund Summary

### General Fund Revenues as of February 28, 2022

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

Budget: \$10,720,382

Current Collections: \$10,055,137

- \$109k from prior year taxes & penalty & interest (compared to \$62K last year)
- As of February 22, 2022 property tax revenues are 94% collected

#### • Sales Tax:

Budget: \$9,339,787

Current Collections: \$4,032,074

- Budget was increased by \$725K with Council's approval of the recent budget amendment
- Average increase of 15% over FY2021 through February 2022
- March sales tax has been received – 14% increase over March 2022 (January sales)

# General Fund Summary

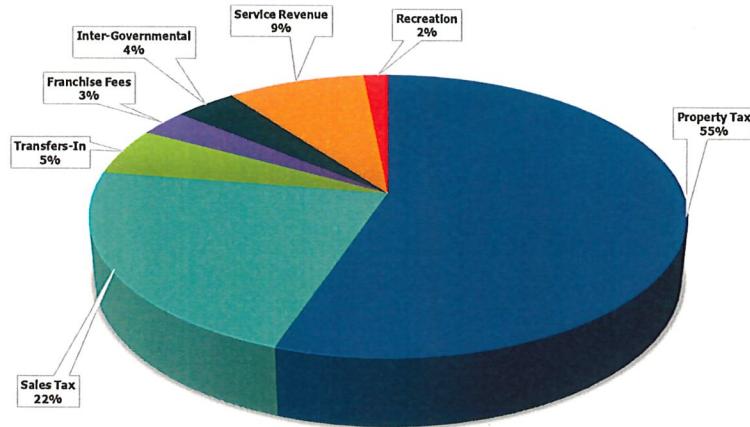
Overview of Revenues as of February 28, 2022

General Fund	Y-T-D FY2022			Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
	FY2022 Budget	Budget Estimate	Y-T-D FY2022 Actual			
<b>Taxes</b>						
Property Tax	\$ 10,720,382	\$ 9,884,465	\$10,055,137	\$ 170,673	\$ 9,499,193	\$ 555,944
Sales Tax	9,339,787	3,781,307	4,032,074	250,767	3,553,726	478,348
Franchise Fees	1,959,200	611,071	558,094	(52,977)	561,271	(3,177)
<b>Total Taxes</b>	<b>\$ 22,019,369</b>	<b>\$14,276,843</b>	<b>\$14,645,305</b>	<b>\$ 368,462</b>	<b>\$13,614,190</b>	<b>\$ 1,031,115</b>
Permits & Fees	40,495	17,092	16,580	(513)	8,224	8,356
Inter-Governmental	1,489,052	694,549	706,372	11,823	541,506	164,866
Service Revenue	3,997,854	1,496,015	1,593,216	97,201	1,481,420	111,796
Recreation	656,975	249,257	280,907	31,650	296,998	(16,091)
Fines & Forfeitures	476,550	221,858	133,907	(87,951)	125,485	8,422
Grants & Donations	29,500	13,734	17,962	4,228	10,717	7,245
Interest & Misc.	223,961	104,265	61,794	(42,471)	147,570	(85,776)
Transfers-In	2,276,116	974,633	974,633	-	867,963	106,670
<b>Total General Fund Revenue:</b>	<b>\$ 31,209,872</b>	<b>\$18,048,246</b>	<b>\$18,430,676</b>	<b>\$ 382,430</b>	<b>17,094,073</b>	<b>\$ 1,336,602</b>

- **Inter-governmental better than budget and better than FY2021 primarily due to timing of reimbursement from KISD for Resource Officer & EMS contract revenues**
- **Recreation revenue better than budget but behind last year**
- **Services better than budget due to EMS revenues, which are difficult to predict, and an increase in Solid Waste**

# General Fund Summary

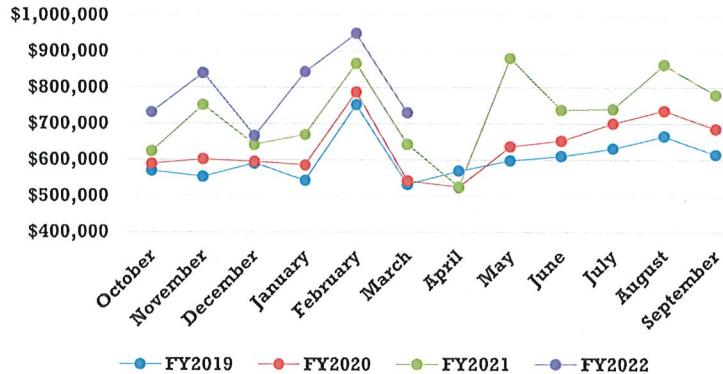
## Revenues By Category



- **Property Tax is budgeted as 35% of overall FY2022 revenues**
- **Sales Tax is budgeted as 28% of overall FY2022 revenues**
- **Property tax is 94% collected while sales tax is 43% collected to-date**

# General Fund Summary

## Sales Tax Trends



- Trend lines are very consistent
- April could show decline due to February winter storm, but not as drastically as April 2021

# General Fund Summary

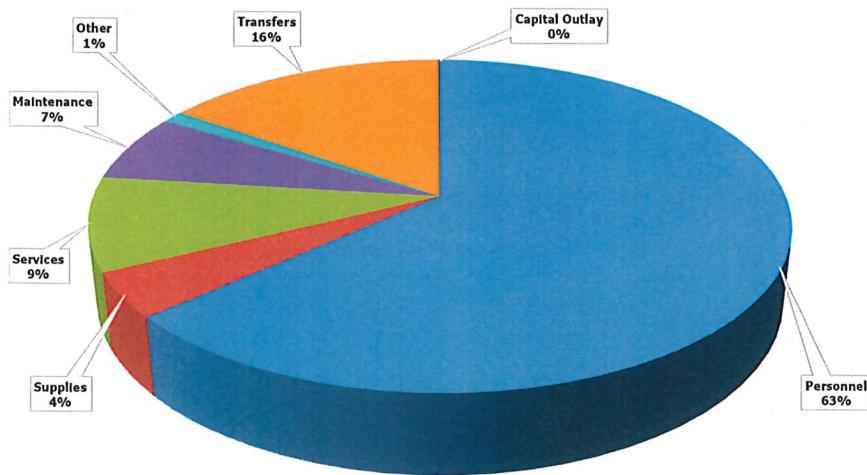
## Overview of Expenses as of February 28, 2022

General Fund	Y-T-D FY2022			Better or Worse than YTD Budget	Y-T-D FY2021	Change from YTD FY2021
	FY2022 Budget	Budget Estimate	Y-T-D FY2022 Actual			
<b>Expenses</b>						
Personnel	\$ 21,504,043	\$ 8,776,455	\$ 8,530,766	\$ 245,689	\$ 8,271,276	\$ 259,490
Supplies	1,476,757	516,865	580,781	(63,916)	405,305	175,476
Maintenance	3,627,633	1,088,290	882,769	205,520	1,090,874	(208,105)
Services	2,489,581	1,112,974	1,221,005	(108,031)	1,105,245	115,760
Other	569,258	199,438	156,445	42,992	110,024	46,421
Capital Outlay	67,600	22,971	6,894	16,078	-	6,894
Transfers-Out	750,000	2,081,614	2,081,614	-	109,549	1,972,065
<b>Total General Fund Expenses</b>	<b>\$ 30,484,871</b>	<b>\$ 13,798,607</b>	<b>\$ 13,460,275</b>	<b>\$ 338,332</b>	<b>\$ 11,092,273</b>	<b>\$ 2,368,002</b>

- Better than budget: personnel and maintenance categories
- Supplies worse than budget
  - Gas in this fund \$37K higher than last year-to-date
  - Increase in technology expense and other supplies due to inflation and timing of purchases
- Overall revenues & expenses better than ESTIMATED FY2022 budget-to-date
- Change in transfer out compared to FY2021 due to the \$1.4M transfers out approved in the recent budget amendment

# General Fund Summary

## Expenses By Category



- Personnel is budgeted at 70.5% of overall general fund expenses
- Supplies budgeted at 4.8%
- Services budgeted at 8.2%

# Water Fund Summary

## Water Fund Revenues

### Water Sales:

**Budget: \$6,665,813**

**Current Sales: \$2,453,029 (through Feb. billing – Jan. consumption)**

**Currently behind FY2022 ESTIMATED budget-to-date and behind last year:**

- Current dry conditions could make up some shortfall in next few months
- January consumption (Feb sales) slightly better than last year, following a few dry months
- February consumption (March sales) substantially better than last year

### • Sewer Sales:

**Budget: \$5,992,747**

**Current Sales: \$2,556,516**

**Currently ahead of FY2022 ESTIMATED budget-to-date and ahead of last year:**

- Residential sewer averaging will be reflected on April bills

# Water Fund Summary

## Overview of Revenues as of February 28, 2022

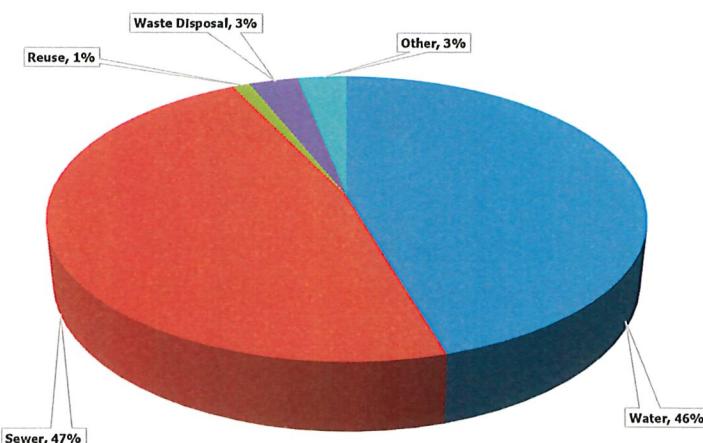
Water Fund	Current	Year to Date	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
	FY2022 Budget	FY2022 Budget				
<b>Revenues</b>						
Water Sales	\$ 6,665,813	\$ 2,466,351	\$ 2,453,029	\$ (13,322)	\$ 2,595,698	\$ (142,669)
Sewer Sales	5,992,747	2,469,803	2,556,516	86,713	2,420,028	136,488
Reuse Sales	155,021	55,532	60,078	4,546	80,259	(20,181)
Waste Disposal Fees	450,000	164,334	167,506	3,172	195,597	(28,091)
Other	442,180	172,450	167,668	(4,782)	213,982	(46,314)
<b>Total Revenues</b>	<b>\$ 13,705,761</b>	<b>\$ 5,328,470</b>	<b>\$ 5,404,797</b>		<b>76,327</b>	<b>4,619,940</b>
						<b>(100,767)</b>

### Notes:

- Water sales slightly behind YTD budget and still behind last year but expect to see some uptick in water consumption in the coming months
- Total fund revenues have made up some ground and are running ahead of YTD budget estimate
- Shortfall on “other” category is primarily in Water Tap Fees compared to FY2021

# Water Fund Summary

## Revenues By Category



- Water Revenues are budgeted at 49.8% of total Water Fund Revenues
- Sewer Revenues are budgeted at 43.7% of total Water Fund Revenues

# Water Fund Summary

## Overview of Expenses as of February 22, 2022

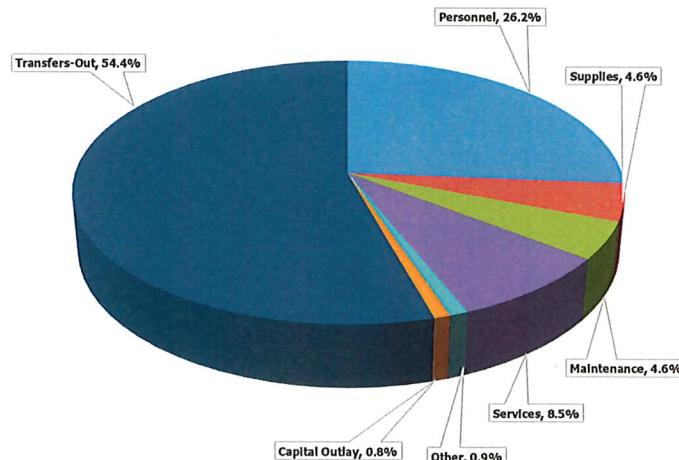
Water Fund	Year to Date		Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
	Current FY2022 Budget	FY2022 Budget				
<b>Expenses</b>						
Personnel	\$ 3,655,737	\$ 1,462,295	\$ 1,421,480	\$ 40,815	\$ 1,161,741	\$ 259,739
Supplies	824,367	\$ 329,747	249,935	79,812	179,660	70,275
Maintenance	972,357	\$ 388,943	247,348	141,595	190,982	56,366
Services	1,088,446	\$ 468,032	464,203	3,829	399,603	64,600
Other	314,371	\$ 128,892	51,283	77,609	50,197	1,086
Capital Outlay	125,200	\$ 50,080	44,405	5,675	53,585	(9,180)
Transfers-Out	6,847,233	2,953,312	2,953,312	-	2,420,205	533,107
<b>Total WF Expenses</b>	<b>\$ 13,827,711</b>	<b>\$ 5,781,300</b>	<b>\$ 5,431,965</b>	<b>\$ 349,335</b>	<b>4,455,972</b>	<b>975,994</b>

### Notes:

- **Better than budget in most categories**
  - Large portion of supplies & maintenance is driven by the amount of water produced
  - Gas expense is in “supplies” category
- **Capital Outlay:**
  - Anything new to the water system (meters, taps, lines)
  - Any item over \$5K included in departmental budgets (mower, equipment, etc)

# Water Fund Summary

## Expenses By Category



- Transfer % is higher than budgeted % due to timing of transfers
- All other categories are closely aligned with budget

# Golf Fund Overview

Overview as of February 28, 2022

Golf Fund	Year to Date		Y-T-D FY2022 Actual	Better or Worse than YTD Budget		Y-T-D FY2021 Actual	Change from YTD FY2021
	Current FY2022 Budget	FY2022 Budget		YTD Budget	Actual		
Revenues	\$ 1,015,083	\$ 360,622	\$ 393,447	\$ 32,825	\$ 326,902	\$ 66,545	
Expenses	1,057,517	348,981	312,313	(36,668)	262,108	50,205	
Net	\$ (42,434)	\$ 11,641	\$ 81,134	\$ (3,843)	\$ (64,793)	\$ (16,341)	

**Notes:**

- **Golf continues to show growth with revenues 20% ahead of FY2021**
  - **Keep in mind the course was closed for 10 days in FY2021 for winter storm URI compared to 7 days in FY2022 for winter storm LANDON**
- **Region IV High School 3A Boys & Girls tournament will be held at our course for the second year in a row**
  - **Region IV tournament, organizers booked Kerrville Tennis Center for the Region IV tennis tournament**
  - **These events bring many overnight guests who eat, sleep, & shop in Kerrville**

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# Development Services Fund

Overview as of February 28, 2022

Development Services Fund	Year to Date		Y-T-D FY2022 Actual	Better or Worse than YTD Budget		Y-T-D FY2021 Actual	Change from YTD FY2021
	Current FY2022 Budget	FY2022 Budget		YTD Budget	Actual		
Revenues							
Permits & Fees	\$ 888,973	\$ 296,324	\$ 213,984	\$ (82,340)	\$ 193,425	\$ 20,559	
Transfer In	147,895	61,623	61,623	-	113,442	(51,819)	
Total Revenue	\$ 1,036,868	\$ 357,947	\$ 275,607	\$ (82,340)	\$ 306,866	\$ (31,259)	
Expenditures	1,061,068	353,689	307,921	45,768	389,280	81,359	
Net	\$ (24,200)	\$ 4,257	\$ (32,314)	\$ (36,572)	\$ (82,414)	\$ 50,100	

**Notes:**

- **Revenues from Permits & Fees behind estimated budget-to-date, but better than FY2021**
- **A large project kicked off in March, adding revenues to be reflected in next month's report**
- **Better than budget and better than last year in expenses**

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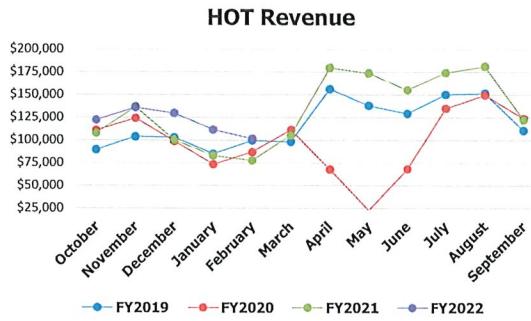
# HOT Fund Summary

## Overview as of February 28, 2022

Hotel Occupancy Tax Fund	Year to Date		Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
	Current	FY2022				
	FY2022 Budget	Budget				
Revenues	\$ 1,555,258	\$ 558,415	\$ 597,012	\$ 38,596	\$ 507,788	\$ 89,224
Expenses	1,605,258	738,419	628,516	109,902	520,055	108,462
Net	\$ (50,000)	\$ (180,004)	\$ (31,505)	\$ 148,499	\$ (12,267)	\$ 197,685

### Notes:

- **19% ahead of FY2021**
- **Eclipse planning has begun for 2023 & 2024 solar eclipses**
- **Watching closely to monitor impact of inflation, especially fuel prices, on travel**



## Upcoming Items

- **Current**– Finance is reviewing division budget requests and continuing to estimate revenues
- **Current** - GFOA application for Excellence in Financial Reporting has been submitted
- **March & April** – each division meets with Finance to review budget request
- **April** – receive preliminary property tax rolls from Kerr County Appraisal District
- **May** – departments meet with budget committee (Finance Director, Assistant Finance Director, City Manager, & Assistant City Managers)
- **June 16<sup>th</sup>** – Council budget workshop
- **July 19<sup>th</sup>** – Council budget workshop
- **July 31<sup>st</sup>** – proposed budget filed with City Secretary



## **Council Questions or Comments?**





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

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**SUBJECT:** Appointments to the Parks and Recreation Advisory Board.

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 10, 2022

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:**

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	P - Parks / Open Space / River Corridor
<b>Guiding Principle</b>	P5. Focus on enhancing/investing in existing parks, their purpose or repurpose and improving accessibility before acquiring land for new parks
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

Three terms expire on March 31, 2022.

Eight applications have been received from persons who meet the minimum qualifications for this board: Marc Askew, Nicholas Cantrell, Justin Ferrell, Cabe Johnson, Russell Nemky, Miles Pitman, Lisa Nye-Salladin, and Mary Stone.

**RECOMMENDED ACTION:**

Appoint members.



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

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**SUBJECT:** Appointments to the Building Board of Adjustment and Appeals Board (This item is eligible for Executive Session 551.074).

**AGENDA DATE OF:** March 22, 2022      **DATE SUBMITTED:** Mar 10, 2022

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:**

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

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	E - Economic Development
<b>Guiding Principle</b>	E6. Support access to the infrastructure necessary to accommodate the future growth of housing and business (water, wastewater, power, communications, roads)
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

Currently the board has two regular member vacancies, and two alternate member vacancies.

Two applications have been received (with qualifications specific to the following positions):

Applicants: Bruce Cripps, owner residential construction company, and Lee Underwood, owner heating and air conditioning company.

Upon approval of Ordinance 2022-14, Board membership will be decreased to five regular members, which will then leave only the two alternate positions vacant.

Current Board members are: Mack Edmiston, Jennifer Hyde, Daniel Lowery, Bruce Motheral, and Bob Rue.

**RECOMMENDED ACTION:**

Appoint members.