

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 13, 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 MEETING AGENDA

SEPTEMBER 13, 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). 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 Judy Eychner

INVOCATION AND PLEDGE OF ALLEGIANCE: Led by Mayor Eychner

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

2 PRESENTATIONS:

- 2.A. Kerrville Kindness Award presented to Zachary Reyna.
- 2.B. Proclamation recognizing September 17, 2022 through September 23, 2022 as US Constitution week.

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. 54-2022. A Resolution approving the budget for Kerr Emergency 9-1-1 Network for Fiscal Year 2023.
Attachment: [20220913_Reso 54-2022 Kerr 911 Budget FY23.pdf](#)
- 4.B. Resolution No. 53-2022. A Resolution providing for the City's approval or disapproval of the Kerr Central Appraisal District's Fiscal Year 2023 budget.
Attachment: [20220913_Reso 53-2022 KCAD FY23.pdf](#)
- 4.C. First Amendment to the Interlocal Agreement between Kerr County, Texas and the City of Kerrville, Texas for the provision of animal control services within the City of Kerrville, Texas, and services of the Butt-Holdsworth Memorial Library for residents of Kerr County.
Attachment: [20220913ILA Kerr County - Animal Control and BHML.pdf](#)

4.D. Contract with BluSky Restoration Contractors, LLC for the repair of the railing on the Arcadia Loop Bridge in the amount of \$91,762.16.

Attachment: 20220913_Contract_BluSky Restoration_Arcadia Bridge Repair.pdf

4.E. City Council workshop minutes, August 23, 2022.

Attachment: 20220913_Minutes Council workshop 8-23-22 4pm.pdf

4.F. City Council meeting minutes, August 23, 2022.

Attachment: 20220913_Minutes Council meeting 8-23-22 6pm.pdf

END OF CONSENT AGENDA.

5 PUBLIC HEARINGS AND RESOLUTIONS:

5.A. Resolution No. 52-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lots 23, 24, 25, and 26, Block 3, Riverhill TH 8 Addition; and more commonly known as 510 Preston Trail Loop E; said property is located within a Medium Density Residential Zoning District (R-2); and making said permit subject to conditions and restrictions.

Attachments:

20220913_Reso 52-2022 CUP 510 Preston Trail Loop STR.pdf

20220913_Letter in-favor 510 Preston Trail Tilley.pdf

20220913_Letters opposed 510 Preston Trail ItschnerManessRinehartStroudWarnock.pdf

6 PUBLIC HEARING AND ORDINANCES, FIRST READING:

Ordinance No. 2022-29. 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 changing the zoning for an approximate 7.1 acre tract out of the Wallace Survey No. 113, Abstract No. 347; said property more commonly known as 365 Clearwater Paseo Path; within the City of Kerrville, Kerr County, Texas; from a Multifamily Residential Zoning District (R-3) to a Public and Institutional Zoning District (PI); and providing other matters relating to the subject.

Attachments:

20220913_Ord 2022-29 Zone Change PI 365 Clearwater Paseo Path.pdf

20220913_Letter opposed Ord 2022-29 Cavalier.pdf

Ordinance No. 2022-28. 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 the Land Use Table as found within said Code by changing which Zoning Districts a Short-Term Rental Unit is authorized as a permitted or conditional use; adding a new Subsection (18) to Section 60-60 of the Zoning Code regarding Short-Term Rental Units; a providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Attachment: 20220913_Ord 2022-28 amend Zoning Code STRs.pdf

7 ORDINANCES, FIRST READING:

Ordinance No. 2022-30. An Ordinance amending Chapter 30 "Businesses" of the City's Code of Ordinances by adopting a new Article VI "Bed and Breakfast Inns and Short-Term Rental Units"; requiring permitting and inspection for Bed and Breakfast Inns and Short-Term Rental Units; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject.

Attachment: 20220913_Ord 2022-30 STR permits inspections.pdf

8 ORDINANCES, SECOND READING:

8.A. Ordinance No. 2022-23, second reading. An Ordinance creating a "Planned Development District" (Zoning) for Light Commercial Uses and a Stand-Alone Parking Lot on an approximately 1.49 acre property, consisting of Lot 21-R, Block G, B.F. Cage Addition; within the City of Kerrville, Kerr County, Texas; and more commonly known as 820 Sidney Baker and 829 Clay Street; adopting a concept plan and conditions related to the development and use of said lot; and providing other matters relating to the subject.

Attachments:

20220823_Ord 2022-23 PDD 820 Sidney Baker 2nd reading.pdf

20220823_Letters opposition Juarez Reeves Stewart.pdf



8.B. Ordinance No. 2022-25, second reading. An Ordinance adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2023; providing appropriations for each City department and fund; containing a cumulative clause; and containing a savings and severability clause.

Attachment: 20220913_Ord 2022-25 FY2023 Budget 2nd reading.pdf



8.C. Ordinance No. 2022-26, second reading. An Ordinance levying an Ad Valorem Tax for the use and support of the Municipal Government for the City of Kerrville, Texas, for Fiscal Year 2023; apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

Attachment: 20220913_Ord 2022-26 Ad Valorem Tax rate FY2023 2nd reading.pdf



9. CONSIDERATION AND POSSIBLE ACTION:

9.A. Resolution No. 51-2022. A Resolution establishing a policy of the City Council to set the City's Parkland Dedication Fees for Fiscal Years 2023 through 2026.

Attachment: 20220913_Reso 51-2022 Parkland Dedication fees FY23 thru FY26.pdf



9.B. Authorization to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for a downtown infrastructure and beautification project along Clay Street from Main Street to Water Street and on Water Street from Clay Street to Sidney Baker.

Attachment: 20220913_EIC application_downtown infrastructure underground utilities.pdf



9.C. Authorization to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for Phase 1 of the Downtown River Trail extension, from the Tranquility Island Bridge to the Scenic Downtown Overlook, along with environmental permitting for all phases of the Downtown River Trail to the G Street bridge.

Attachment: 20220913_EIC application_downtown RiverTrail improvements.pdf



9.D. Authorization to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for a Fitness Court at Louise Hays Park.

Attachment: 20220913_Presentation_Fitness Court.pdf



10. APPOINTMENT(S):

10.A. Appointments to the Kerrville Area Youth Leadership Academy (KAYLA).

Attachment: 20220913_KAYLA info sched 2022-2023.pdf

10.B. Appointment of City of Kerrville delegate for the 2022 Texas Municipal League (TML) Annual Conference business meeting.



11. BOARD APPOINTMENTS:

11.A. Appointment(s) to the Senior Services Advisory Committee.

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

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

14. ITEMS FOR FUTURE AGENDAS: *City Council may suggest items or topics for future agendas.*

ADJOURN.



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

SUBJECT: Kerrville Kindness Award presented to Zachary Reyna.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Jul 19, 2022

SUBMITTED BY: Mayor Eychner

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

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

RECOMMENDED ACTION:

Present award.



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

SUBJECT: Proclamation recognizing September 17, 2022 through September 23, 2022 as US Constitution week.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Aug 19, 2022

SUBMITTED BY: Mayor Eychner

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Present proclamation recognizing September 17, 2022 through September 23, 2022 as US Constitution week in Kerrville, Texas to the Daughters of the American Revolution.

RECOMMENDED ACTION:

Present proclamation.



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

SUBJECT: Resolution No. 54-2022. A Resolution approving the budget for Kerr Emergency 9-1-1 Network for Fiscal Year 2023.

AGENDA DATE OF: September 13, **DATE SUBMITTED:** Sep 07, 2022

SUBMITTED BY: Chris McCall

EXHIBITS: [20220913_Reso 54-2022 Kerr 911 Budget FY23.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
None	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

The city has received the proposed 2023 budget for the Kerr Emergency 9-1-1 Network. The FY 2023 proposed operating budget totals \$435,000 as compared to \$442,000.00 in FY 2022, for an overall reduction of 1.58%. The change in revenue is attributed to a projected decrease in wire-line telephone service fee income.

The Texas Health and Safety Code, Subchapter D, The Emergency Telephone Number Act requires the 9-1-1 Board to present to the governing body of the participating jurisdictions (cities) and to the county commissioners court no later than 45 days prior to the date the budget is adopted. The participating jurisdictions shall review the proposed budget and submit any comments regarding the budget to the 9-1-1 board. The budget must be approved by a majority of the participating jurisdictions. If no action is taken on the proposed budget before the 61st day after the proposed budget is received, the budget is approved by operation of law. The city received the proposed 9-1-1 budget on August 31, 2022.

RECOMMENDED ACTION:

Recommend adoption of Resolution No. 54-2022 approving the proposed budget for Kerr Emergency 9-1-1 Network.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 54-2022

**A RESOLUTION APPROVING THE BUDGET FOR KERR
EMERGENCY 9-1-1 NETWORK FOR FISCAL YEAR 2023**

WHEREAS, in accordance with Section 772.309 of the Texas Health and Safety Code, the Executive Director of the Kerr Emergency 9-1-1 Network has prepared and presented to City Council a budget for the Network's fiscal year commencing January 1, 2023; and

WHEREAS, City Council finds it to be in the public interest to approve said budget;

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

The City Council of the City of Kerrville, Texas, approves the 2023 Fiscal Year Budget for the Kerr Emergency 9-1-1 Network as presented and set forth in **Exhibit A**.

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2022.

Judy Eychner, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

Kerr Emergency 911 Network
2023 Operating Budget
Proposed

		2022	2023 Proposed	Delta	% Change
100 - Revenue					
101 - Local 911 Service		125,000.00	115,000.00	-10,000.00	-8.00%
105 - Wireless Emergency Income		263,000.00	263,000.00	0.00	0.00%
110 - VoIP Service Fees		46,000.00	47,000.00	1,000.00	2.17%
120 - Interest Income		8,000.00	10,000.00	2,000.00	25.00%
Total 100 - Revenue		442,000.00	435,000.00	-7,000.00	-1.58%
200 - Payroll Expense					
210 - Salary		126,500.00	130,500.00	4,000.00	3.16%
212 - Payroll Taxes		10,200.00	10,500.00	300.00	2.94%
213 - Medical Insurance Expense		37,000.00	45,000.00	8,000.00	21.62%
214 - TCDRS Expense Company		10,000.00	10,000.00	0.00	0.00%
215 - TCDRS OTLI		200.00	200.00	0.00	0.00%
225 - Texas Workforce Commission		100.00	100.00	0.00	0.00%
230 - Excess Vacation Payout		0.00	0.00	0.00	#DIV/0!
Total 200 - Payroll Expense		184,000.00	196,300.00	12,300.00	6.68%
300 - Operations (PSAP)					
315 - 911 Call Taker Training		7,500.00	9,000.00	1,500.00	20.00%
320 - Wireless Phase I & II Contracts		6,000.00	0.00	-6,000.00	-100.00%
321 - AT&T Wireless Tariff		1,900.00	1,900.00	0.00	0.00%
331 - Text to 9-1-1 Charges		4,000.00	4,000.00	0.00	0.00%
332 - ALI Service Charge		18,000.00	18,000.00	0.00	0.00%
335 - TX DIR ALI MPLS		8,500.00	8,500.00	0.00	0.00%
337 - AT&T SR Fees		4,500.00	4,500.00	0.00	0.00%
340 - ESInet Charge		29,000.00	0.00	-29,000.00	-100.00%
350 - PSAP Trunk Charges		19,000.00	19,000.00	0.00	0.00%
355 - Language Translation Services		500.00	500.00	0.00	0.00%
357 - PSAP Fiber KPD/KCSO		2,000.00	2,000.00	0.00	0.00%
366 - Wireless Redundancy MRC		800.00	800.00	0.00	0.00%
370 - PSAP Repairs & Maintenance		10,000.00	12,000.00	2,000.00	20.00%
Total 300 - Operations (PSAP)		111,700.00	80,200.00	-31,500.00	-28.20%
400 - Direct Services					
410 - Office Supplies		2,000.00	2,000.00	0.00	0.00%
412 - Office Equipment & Repairs		4,500.00	4,500.00	0.00	0.00%
420 - Liability Insurance		3,900.00	3,900.00	0.00	0.00%
430 - Professional Development		4,000.00	4,000.00	0.00	0.00%
440 - Rent		28,000.00	26,000.00	-2,000.00	-7.14%
450 - Professional Fees		14,000.00	16,000.00	2,000.00	14.29%
460 - Postage & Delivery		500.00	500.00	0.00	0.00%
490 - Bank Service Charges		100.00	100.00	0.00	0.00%
Total 400 - Direct Services		57,000.00	57,000.00	0.00	0.00%
500 - Miscellaneous					
502 - Pictometry Annual Payment		11,000.00	11,000.00	0.00	0.00%
510 - Awards & Honorariums		400.00	0.00	-400.00	-100.00%
520 - Dues & Subscriptions		900.00	1,000.00	100.00	11.11%
530 - Public Education & Advertising		2,500.00	3,000.00	500.00	20.00%
550 - Telecommunications		8,500.00	8,500.00	0.00	0.00%
560 - Sundry		2,000.00	2,000.00	0.00	0.00%
570 - Texas 911 Alliance Meetings		8,000.00	8,000.00	0.00	0.00%
575 - NENA/APCO Conferences		6,000.00	8,000.00	2,000.00	33.33%
Total 500 - Miscellaneous		39,300.00	41,500.00	2,200.00	5.60%

Kerr Emergency 911 Network
2023 Operating Budget
Proposed

700 - PSAP Equipment Repacement Account	710 - Operating to Capital Fund Transfer	50,000.00	60,000.00	10,000.00 20.00%
Total 700 - PSAP Equipment Repacement Account		50,000.00	60,000.00	10,000.00 20.00%
Annual Budget Totals		442,000.00	435,000.00	-7,000.00 -1.58%
Net Income		442,000.00	435,000.00	-7,000.00 -1.58%
Projected Budget Surplus/Deficit		0.00	0.00	0.00 #DIV/0!

**Kerr Emergency 911 Network
2023 Operating Budget
Proposed**

2023 Budget Capital Account	Comments
Capital Expenses - 800	
801 - PSAP Call Handling Equipment Upgrade	\$275,000.00 *
802 - GIS Mapping System Upgrade	\$130,000.00 *
804 - Sign Materials	\$2,500.00
806 - NGCS ESInet Project	\$600,000.00 *
807 - Cyber Security Project	\$80,000.00 *
808 - UPS Project	\$75,000.00 *
888 - Misc PSAP Projects	\$25,000.00
 Total - 800	 <hr style="width: 100px; margin-left: 0;"/> \$1,187,500.00
 Capital Income - 900	
901 - Sign Sales (Recovery)	\$2,250.00 90% Recovery
902 - Equipment Replacement Fund Transfers	<hr style="width: 100px; margin-left: 0;"/> \$60,000.00
 Total - 900	 <hr style="width: 100px; margin-left: 0;"/> \$62,250.00
 2023 Starting Capital Balance (Est.)	 \$1,061,590.00
 2023 Net Capital Expenses	 \$1,187,500.00
 2023 Net Capital Income	 \$62,250.00
 2023 Grant Reimbursement	 \$1,160,000.00
 Projected End-of-2023 Capital Account Balance	 \$1,096,340.00

* reimbursed from CSEC grant



Subject: Proposed 2023 Budget Summary

08/31/2022

1. 100 Revenue. Estimated Net Income: \$435,000.00 based on an overall decrease of -1.58% from 2022's income projection. The change in revenue is attributed to projected decrease in wireline telephone service fee income.
2. 200 Payroll. Payroll expenses include 3.16% overall salary increase for current staff members, and a 21.62% projected increase in health care insurance costs. Payroll overhead includes staff salaries, payroll taxes, retirement account contributions, employee life insurance and Texas Workforce Commission unemployment insurance costs. TCDRS will see a modest increase in this category, the effective rate increased due underperforming investments. Overall, there is a increase of 6.68% in costs compared to last year.
3. 300 Operations (PSAP/Call Centers). This expense category includes all operation and maintenance expenses for the Public Safety Answering Point (911 backroom server / telephony equipment / software) and the two call centers (KPD & KCSO). The proposed decrease of \$31,500 from the previous year is due to ESInet costs being shifted to the Capital budget where those costs will be reimbursed by a federal grant managed by the State of Texas. Also included in the decrease, line item 320, Wireless Phase I & II Contracts has been eliminated from the budget.
4. 400 Direct Services. Direct Services will have neither an increase nor a decrease compared to the previous year. The lease for the administration office is projected to decrease for 2023, and the projected Professional Fees is expected to increase. Resulting in a net zero situation. Direct services include office supplies, office equipment repair/replacement, district liability insurance, staff professional training, office space lease, attorney, CPA, auditor, and other professional service expenses, and banking fees.
5. 500 Miscellaneous. Misc. expenses are projected to increase by \$2,200.00 or 5.60% compared to 2022. Misc. expenses include Aerial Imagery costs, dues and subscriptions, public education / advertising, Texas 911 Alliance meetings and NENA/APCO conferences.
6. 700: PSAP Equipment Replacement Fund: This category will be increased to \$60,000 to fund the PSAP capital replacement account. The capital replacement fund is utilized for PSAP equipment upgrades.

Capital Considerations: The capital cash account will have an estimated balance in of \$1,061,590.00 at the end of 2022 from nominal interest and scheduled PSAP Equipment Replacement Fund transfers. We expect our end-of-2023 capital balance to be in the neighborhood of \$1,096,340.00.

This final figure includes all capital expenses of \$1,187,500.00 and revenue of \$62,250.00. The primary source of revenue is from scheduled grant reimbursement, operating fund transfers, and 9-1-1 sign sales cost-recovery.

9-1-1 Emergency Service Fee: The Texas Health and Safety Code – Chapter 772.314 (d): *The board shall set the amount of the fee each year as part of the annual budget.*

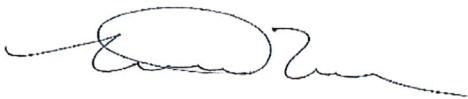
For the 2023 budget, Kerr 9-1-1 will keep the service fee of \$0.75 per month for all classes of service (Residential, Business, Trunk, VOIP).

Vision for 2022:

1. Continued 9-1-1 sign sales.
2. Continued 9-1-1 public education.
3. Transition to NextGen 911 Services if feasible.

Conclusions:

1. The 2023 proposal is a balanced budget.
2. This budget adequately addresses the expected operating needs of our district in providing state-of-the-art 9-1-1 workstations/software and to continue our efforts to enhance and maintain our 9-1-1 connectivity as well as maintaining our Geographic Information Systems (GIS).
3. Our district's vision and public-funds stewardship is based firmly in the state and local government codes, guided by conservative spending and liberal savings policies.
4. Kerr 9-1-1 Board of Managers Budget approval date: 08/25/2022



Mark Del Toro
Executive Director
Kerr Emergency 9-1-1 Network



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

SUBJECT: Resolution No. 53-2022. A Resolution providing for the City's approval or disapproval of the Kerr Central Appraisal District's Fiscal Year 2023 budget.

AGENDA DATE OF: September 13, **DATE SUBMITTED:** Aug 16, 2022
2022

SUBMITTED BY: Julie Behrens

EXHIBITS: [20220913_Reso 53-2022 KCAD FY23.pdf](#)

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

PAYMENT TO BE MADE TO:

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

SUMMARY STATEMENT:

The Kerr Central Appraisal District (KCAD) provides appraisal services to the City of Kerrville and other taxing entities, including property valuations, annual reporting, and certified property tax rolls which are utilized to help formulate the property tax rate. Each taxing entity pays a portion of the KCAD budget, according to the entities portion of overall valuation. City Council has the authority to approve KCAD budget, or provide a veto vote. Staff is unaware of any other tax jurisdiction that have not approved KCAD's budget. The Chief Appraiser will be available if any questions.

RECOMMENDED ACTION:

Approve Resolution No. 53-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 53-2022**

**A RESOLUTION PROVIDING FOR THE CITY'S APPROVAL OR
DISAPPROVAL OF THE KERR CENTRAL APPRAISAL DISTRICT'S
FISCAL YEAR 2023 BUDGET**

WHEREAS, the Kerr Central Appraisal District (“KCAD”) has submitted its proposed fiscal year 2023 budget to the City Council for consideration; and

WHEREAS, pursuant to state law, City Council must consider KCAD's budget and in the event Council does not approve, it must indicate this action via a resolution; and

WHEREAS, the City Council finds it to be in the public interest to either approve or disapprove of said proposed budget as indicated below;

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

The Kerr Central Appraisal District's proposed fiscal year 2023 budget, as set forth in **Exhibit A**, is *(APPROVED OR DISAPPROVED)*.

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

Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes
Michael C. Hayes, City Attorney

EXHIBIT A

Description	FY2022	FY2023	Amount Change	% Change
Salaries	583,750	585,700	1,950	0.3%
Employer Portion of Ret	48,180	48,336	156	0.3%
Medicare Insurance	8,464	8,493	29	0.3%
Employee Medical Insur	125,593	130,342	4,749	3.8%
TX Employment Comm.	1,500	1,500	-	0.0%
Disability Insurance	8,750	8,750	-	0.0%
Appraisal Review Board	17,500	22,500	5,000	28.6%
Vehicle Replace. Res.	8,000	8,000	-	0.0%
Travel, Mileage & Maint.	15,000	18,000	3,000	20.0%
Annual Audit	9,750	10,750	1,000	10.3%
Mapping Expense	17,968	17,968	-	0.0%
Debt Service-Building	61,680	61,680	-	0.0%
Leased Equipment	6,350	6,350	-	0.0%
Telephone & Monitoring	4,390	4,390	-	0.0%
Utilities	7,800	7,800	-	0.0%
Facilities Maintance	13,672	13,672	-	0.0%
Consultant - Appraisal	63,000	63,000	-	0.0%
Legal & Consultants	15,000	15,000	-	0.0%
Legal ARB	2,000	2,000	-	0.0%
Liab-Workers Comp-Blding-FF&E Insurance	9,600	9,600	-	0.0%
Taxpayer Assist & Ed	5,000	4,000	(1,000)	-20.0%
Appraisal Guides & Tools	-	6,000	6,000	100.0%
Schools/Employee Ed.	6,550	7,500	950	14.5%
Postage	20,000	30,000	10,000	50.0%
Printing	12,000	15,000	3,000	25.0%
Professional Dues	2,460	2,520	60	2.4%
Office Supplies	8,000	9,000	1,000	12.5%
Furni., Fixture & Equip	5,000	6,000	1,000	20.0%
Board of Directors	1,200	1,200	-	0.0%
Equip. Maint & Reserve	1,000	1,000	-	0.0%
Building Reserve	2,500	2,500	-	0.0%
Software Support	49,901	57,365	7,464	15.0%
Banking Fees	200	200	-	0.0%
TOTAL	\$ 1,141,758	\$ 1,186,116	\$ 44,358	4.1%



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

SUBJECT: First Amendment to the Interlocal Agreement between Kerr County, Texas and the City of Kerrville, Texas for the provision of animal control services within the City of Kerrville, Texas, and services of the Butt-Holdsworth Memorial Library for residents of Kerr County.

AGENDA DATE OF: September 13, **DATE SUBMITTED:** Sep 02, 2022

SUBMITTED BY: Kim Meismer

EXHIBITS: [20220913_JLA Kerr County - Animal Control and BHML.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
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PAYMENT TO BE MADE TO:

Kerrville 2050 Item?	Yes
Key Priority Area	F - Public Facilities and Services
Guiding Principle	F5. Consider opportunities for interlocal agreements and collaborations with other government entities and partner agencies for the provision of services
Action Item	F5.2 - Evaluate the impacts of the new agreement with Kerr County to provide library services and make adjustments to operations, funding and user policies as necessary

SUMMARY STATEMENT:

The current Interlocal Agreement between Kerr County, Texas and the City of Kerrville, Texas for the provision of animal control services within the City of Kerrville and services of the Butt-Holdsworth Memorial Library for residents of Kerr County was effective January 1, 2018. The Agreement automatically renewed each year on October 1 through September 30, for four one-year renewals, with a final termination date being September 30, 2022.

The City and Kerr County believe it to be in the best interest of both agencies and the citizens of Kerrville and Kerr County to amend the term of the Interlocal Agreement from four one-year renewals to six one-year renewals with a final termination date of September 30, 2024.

This item is contingent upon the Kerr County Commissioner's Court's consideration and approval of a two year extension to the Interlocal Agreement on Monday, September 12, 2022.

RECOMMENDED ACTION:

Staff recommends approval of the First Amendment to the Interlocal Agreement between Kerr County, Texas and the City of Kerrville, Texas for the provision of animal control services within the City of Kerrville, Texas, and services of the Butt-Holdsworth Memorial Library for residents of Kerr County.

**FIRST AMENDMENT TO THE INTERLOCAL
AGREEMENT BETWEEN KERR COUNTY, TEXAS
AND THE CITY OF KERRVILLE, TEXAS FOR THE
PROVISION OF ANIMAL CONTROL SERVICES
WITHIN THE CITY OF KERRVILLE, TEXAS, AND
SERVICES OF THE BUTT-HOLDSWORTH
MEMORIAL LIBRARY FOR RESIDENTS OF KERR
COUNTY**

This First Amendment to the *Interlocal Agreement for the Provision of Animal Control Services within the City of Kerrville, Texas, and Services of the Butt-Holdsworth Memorial Library for Residents of Kerr County* (“Agreement”) by and between Kerr County, Texas (“County”) and the City of Kerrville, Texas (“City”) and fully executed on or about the 30th day of November, 2017, is made and entered into by and between the County and City and amends the Agreement pursuant to Section 15 of the Agreement as follows:

1. Section 2. TERM of the Agreement is amended by deleting the language that is stricken (~~deleted~~) and adding the language that is underlined (added) as follows:

“2. TERM. County and City shall commence the provision of its respective services under the Agreement on the 1st day of January 2018, regardless of the date of execution of this Agreement. The initial term shall end on September 30, 2018. Thereafter, this Agreement will automatically renew each year on October 1 and continue through September 30, for ~~four~~ six such one-year renewals, with a final termination date being September 30, ~~2022~~ 2024. Either party may terminate this Agreement within 180 days after the beginning of each fiscal year (e.g., October 1, 2018), by providing written notice of such termination to the nonterminating party. After March 31, 2018, the parties will evaluate the costs and programming of their respective services to determine the desire and feasibility for continuing this Agreement.”

2. Except as amended in Section 1, above, County and City agree that the Agreement is and shall remain in full force and effect in accordance with its terms.

APPROVED AND ADOPTED by the Commissioners Court of Kerr County, Texas, on the _____ day of September, 2022, and by the City Council for the City of Kerrville, Texas, on the _____ day of September, 2022.

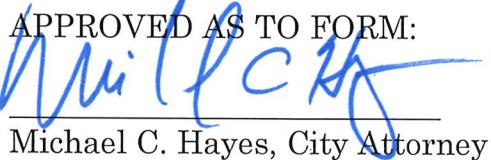
CITY OF KERRVILLE, TEXAS

By: _____
Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

COUNTY OF KERR, TEXAS

By: _____
Rob Kelly, County Judge

ATTEST:

Jody Grinstead, Court Coordinator

APPROVED AS TO FORM:

Heather Stebbins, County Attorney



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

SUBJECT: Contract with BluSky Restoration Contractors, LLC for the repair of the railing on the Arcadia Loop Bridge in the amount of \$91,762.16.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Sep 02, 2022

SUBMITTED BY: Chad Hierholzer

EXHIBITS: [20220913_Contract_BluSky Restoration_Arcadia Bridge Repair.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
91,762.00	N/A	Historical expenses in the insurance fund	90-9000-5100

PAYMENT TO BE MADE TO: BluSky Restoration Contractors, LLC

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

SUMMARY STATEMENT:

On March 16, 2021 a personal vehicle crashed into the side of the Arcadia Loop Bridge damaging a portion of the concrete columns and rails. The City filed a claim with the drivers insurance and they accepted full liability. The insurance company wanted to use a contractor that would require the City to sign a release of liability for their work - meaning if the safety rails were to fail, the contractor would not be held liable. The City demanded that the insurance company provide an engineered plan of repair and to find another contractor that would accept liability for any future failures. At that time the insurance company ceased all communications with the City. Due to the lack of communication and need to keep moving on the bridge repair, the City requested the assistance of the Texas Municipal League (TML), who provides the property and liability insurance for the City.

TML accepted the claim and the insurance company of the driver who crashed into the bridge is communicating with TML. TML will be subrogating this claim on behalf of the City with the insurance company. To date, TML has provided \$42,481.45 for the repair. The

remaining amount needed to complete the bridge repair will be paid once the repair is complete.

A Request for Proposals was posted in the Kerrville Daily Times in accordance with purchasing policy. The due date for responses was August 16, 2022 at 3:00 pm. Houston based, BluSky Restoration Contractors, LLC was the only response the City received through the RFP process. The total repair cost will be \$91,762.16.

The City doesn't budget more than historical expenses in the insurance fund, as there are too many unknowns. The expenditure required is \$91,762.00. Even though insurance is providing funds as revenue, the City still has an expenditure. The remaining amount to complete the bridge will be paid by TML when repairs are complete.

RECOMMENDED ACTION:

Staff recommends awarding the contract with BluSky Restoration Contractors, LLC for the repair of the railing on the Arcadia Loop Bridge in the amount of \$91,762.16 which will be subrogated with the private citizen's insurance company by Texas Municipal League on behalf of the City.

Authorize the City Manager to finalize and execute a contract with BluSky Restoration Contractors, LLC.

GENERAL CONTRACT - SMALL PROJECT
BluSky Restoration Contractors, LLC / Repair Arcadia Loop Bridge

THIS CONTRACT, entered into this _____ day of _____, 2022, by and between the **City of Kerrville, Texas**, hereinafter referred to as the "City" or "Owner," and **BluSky Restoration Contractors, LLC**, with its mailing address being 7480 Bartlett Corporate Cove West, Bartlett, Tennessee 38122, hereinafter referred to as the "Contractor" or "BluSky," is made for the following considerations:

1. The Contractor shall perform all work described in the proposal attached hereto as **Exhibit A**, and incorporated herein by reference in accordance with plans and specifications provided to Contractor by City. In the event that the attached proposal fails to provide details related to the work to be performed, the work shall be performed in accordance with the directions of the Owner's Representative **in the amount of \$91,762.16** in addition to a potential 25% contingency of the contract amount pursuant to state law.
2. Whenever the words "Owner's Representative" or "representative" are used in this contract, they shall be understood as referring to Kyle Burow, Director of Engineering, or to such other representative, supervisor, or inspector as may be authorized by the Owner to act in any particular capacity under this agreement.
3. Unless otherwise stipulated, the Contractor shall provide and pay for all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and all water, light, power, fuel, transportation and all other facilities necessary for the execution and completion of the work covered by the contract documents. Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of a good quality. The Contractor shall, if required, furnish satisfactory evidence as to the kind and quality of materials. Materials or work described in words that so applied have well known, technical or trade meanings shall be held to refer to such recognized standards.
4. The Contractor shall comply with all laws, ordinances, rules and regulations governing the Contractor's performance of the contract.
5. All work shall be done and all materials furnished in strict conformity with the contract.
6. The Owner's Representative:
 - a. may make periodic visits to the site to observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the contract documents;
 - b. will not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the work, nor be responsible for the construction means, methods, techniques, sequences or procedures, or the safety precautions incident thereto; and
 - c. will not be responsible for the Contractor's failure to perform the work in accordance with the contract.

7. All minor detail of the work not specifically mentioned in the Specifications but obviously necessary for the proper completion of the work, such as the proper connection of new work to old, shall be considered as incidental to and a part of the work for which the prices are named in the contract. The Contractor will not be entitled to any additional compensation therefor unless specifically stated otherwise. Otherwise the term "extra work" as used in this contract shall be understood to mean and include all work that may be required by Owner to be done by the Contractor to accomplish any alteration or addition to the work as shown on the Specifications. It is agreed that the Contractor shall perform all extra work under the direction of the Owner's Representative when presented with a written work order signed by the Owner's Representative, subject, however, to the right of the Contractor to require written confirmation of such extra work order by the Owner. Payment for extra work shall be as agreed in the work order.
8. The Contractor shall at all times exercise reasonable precaution for the safety of its employees and others on or near the work and shall comply with all applicable provisions of federal, state and municipal laws and building codes.
9. **THE CONTRACTOR AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF KERRVILLE, TEXAS AND ALL OF ITS OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, LOSSES, PROPERTY DAMAGES, AND EXPENSES OF ANY CHARACTER WHATSOEVER, INCLUDING ATTORNEY'S FEES, BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PROPERTY ON ACCOUNT OF ANY NEGLIGENT ACT OR OMISSION OF THE CONTRACTOR OR ANY OF CONTRACTOR'S OFFICERS, EMPLOYEES, AGENTS, REPRESENTATIVES, OR SUBCONTRACTORS IN THE EXECUTION, SUPERVISION, AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THEIR PERFORMANCE OF THIS AGREEMENT.**
10. **CONTRACTOR AGREES THAT IT WILL INDEMNIFY AND SAVE THE OWNER HARMLESS FROM ALL CLAIMS GROWING OUT OF ANY DEMANDS OF SUBCONTRACTORS, LABORERS, WORKMEN, MECHANICS, MATERIALMEN, AND SUPPLIERS OF MACHINERY AND PARTS THEREOF, EQUIPMENT, POWER TOOLS, ALL SUPPLIES INCURRED IN THE FURTHERANCE OF THE PERFORMANCE OF THIS CONTRACT.** When Owner so requests, Contractor shall furnish satisfactory evidence that all obligations of the nature hereinabove designated have been paid, discharged or waived.
11. Contractor shall carry insurance in the following types and amounts for the duration of this contract and furnish copies of policies and all policy endorsements as evidence thereof to Owner through Owner's representative:
 - a. To the extent required by Texas Labor Code §406.096, certify to the Owner that Contractor has in effect workers' compensation insurance to cover Contractor's employees;

- b. Commercial General Liability Insurance with a minimum bodily injury, property damage, fire damage, and premises operations liability, in an amount not less than \$1,000,000.00 combined single limit, per occurrence, and \$2,000,000 aggregate. This coverage must protect the public or any person from injury or property damages sustained by reason of Contractor or its employees providing the services. The general aggregate must be \$2,000,000. The policy must also provide contractual liability coverage for liability assumed under this contract, independent contractor's coverage, and a waiver of a Transfer of Right of Recovery Against Others in favor of the Owner.
- c. The insurance required by this Agreement must be written by a non-assessable insurance company licensed to do business in the State of Texas and currently rated "B" or better by the A.M. Best Companies. All policies must be written on a "per occurrence basis" and not a "claims made" form.

Contractor shall not commence work under this contract until it has obtained all required insurance and provided the requisite insurance policy and endorsements to the Owner. Contractor shall not cause any insurance to be canceled or permit any insurance to lapse during the term of this contract or the six-month period following completion, in the case of a claims-made policy. All policies shall include a clause to the effect that the policies may not be canceled, reduced, restricted, or limited until thirty (30) calendar days after Owner has received written notice of such cancellation or change.

In the case of any work sublet, Contractor shall require subcontractor(s) and independent contractor(s) working under the direction of either Contractor or a subcontractor to carry and maintain the same workers compensation and liability insurance required of Contractor.

12. It is agreed by and between the parties that a Performance Bond and a Payment Bond shall be furnished by the Contractor in favor of Owner. The Performance Bond and Payment Bond shall be executed by a surety company authorized to do business in the State of Texas, and a copies of the Performance Bond and Payment Bond shall be provided to the Owner's representative before any work is commenced.
13. Contractor shall promptly remove from Owner's premises all materials condemned by the Owner's Representative on account of failure to conform to the contract, whether actually incorporated in the work or not, and Contractor shall at its own expense promptly replace such condemned materials with other materials conforming to the requirements of the contract. Contractor shall also bear the expense of restoring all work of other contractors damaged by any such removal or replacement. If Contractor does not remove and replace any such condemned materials within a reasonable time after a written notice by the Owner, Owner may remove and replace it at Contractor's expense.
14. Neither the final payment nor any provision in this contract shall relieve the Contractor of responsibility for faulty materials or workmanship, and it shall remedy any defects due thereto and pay for any damage to other work resulting therefrom, which shall appear within a period of one (1) year from the date of substantial completion. The Owner shall give notice of observed defects with reasonable promptness.

15. The Owner may, on account of subsequently discovered evidence, withhold the whole or part of any payment to such extent as may be necessary to protect itself from loss on account of:
 - a. Defective work not remedied.
 - b. Claims filed or reasonable evidence indicating possible filing of claims.
 - c. Failure of the Contractor to make payments promptly to subcontractors or for material or labor that the Owner may pay as an agent for the Contractor.
 - d. Damages to another contractor or subcontractor.

When the above grounds are removed, or the Contractor provides a surety bond satisfactory to the Owner, which will protect the Owner in the amount withheld because of them, payment will be issued subject to paragraph number 17.

16. This contract may not be assigned in any way without the specific, written consent of the Owner.
17. Owner shall pay Contractor a deposit of \$18,352.43 upon the execution of this contract. After all work is completed by the Contractor, and the Owner has inspected and approved that work, the Owner shall no later than thirty (30) days thereafter issue payment to the Contractor for the balance of the amount due under the contract as proposed in **Exhibit A**, hereto. The Owner shall be the final judge of when work is completed by the Contractor. The Owner shall not make periodic payments to the Contractor, but shall make payment pursuant to this paragraph only after all work is completed by the Contractor.
18. This Contract shall be governed by and construed in accordance with the Laws of the State of Texas. Venue for any suits arising from or related to this contract shall be in Kerr County, Texas.
19. In the event of conflict between the provisions of any attachments or exhibits to this Contract and the provisions of this Contract, the provisions of this Contract shall prevail.
20. Each person signing below represents that he or she is duly authorized to execute this Agreement on behalf of the party indicated below by his or her name and agrees on behalf of such party that such party will be bound by the terms of this Agreement.
21. Prohibition Against Boycotting Israel. BluSky hereby verifies the following per Section 2270.02, Texas Government Code:
 1. Contractor does not boycott Israel; and
 2. Contractor will not boycott Israel during the term of the Agreement.

Contractor warrants, covenants, and represents that Contractor is not engaged in business with Iran, Sudan, or any company identified on the list referenced in Section 2252.152, Texas Government Code.

22. Prohibition Against Business with Iran, Sudan, or Foreign Terrorist Organization. Contractor warrants, covenants, and represents that Contractor is not engaged in business with Iran, Sudan, or any company identified on the list referenced in Section 2252.152, Texas Government Code.

23. Prohibition on Contracts with Companies Boycotting Energy Companies. Contractor hereby verifies the following per Section 2274.002, Texas Government Code:

1. Contractor does not boycott energy companies; and
2. Contractor will not boycott energy companies during the term of the Agreement.

24. Written Verification as to Firearm Entities. Contractor hereby verifies the following per Section 2274.002, Texas Government Code:

1. Contractor does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and
2. Contractor will not discriminate against a firearm entity or firearm trade association during the term of the Agreement.

SIGNED AND AGREED THIS _____ DAY OF _____, 2022.

OWNER: City of Kerrville, Texas

By: _____
E.A. Hoppe, City Manager

**CONTRACTOR BluSky Restoration
Contractors, LLC**

By: _____
Jamisha Butler, Project Director

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FUNDING:

Julie Behrens, Director of Finance

APPROVED AS TO FORM:

William L. Tatsch
William L. Tatsch, Assistant City Attorney

APPROVED AS TO CONTENT:

Kimberly Meismer
Kimberly Meismer, Assistant City Manager

Proposal: City of Kerrville- 701 Main Street Kerrville, TX 78028

Prepared for: Chad Hierholzer

Presented by: Thomas Sirk, Business Development Manager and Jamisha Butler, Project Director

Date: 8/8/2022

BluSky Restoration Contractors, LLC's proposal to complete the following work for the City of Kerrville is **\$91,762.16**. The proposal includes the following scope of work:

- **Cutback Vegetation- \$3,500.00**
- **Daily Street Closure/Kerrville Police Department (KPD)- \$1,000.00**
 - *Acadia Loop will be closed Tuesday- Friday 8 a.m.-6 p.m. for two weeks. Advanced signage will be utilized to notify traffic of closing dates/times. Residents caught in the closure will be allowed to enter with proof of residency. (2) KPD Officers: Martin Morris, Lieutenant, and Field Operations Kerrville Police Department.*
- **Traffic/Safety Devices and Equipment- \$10,300.00**
 - *(2) Message boards alerting traffic one week prior to street closure dates and time, (6) Barricade III Eng Grade, (16) Drum Eng Grade and (2) 48"x30" Eng Grade ROAD CLOSED SIGNS- one month rental.*
- **Scaffolding 4 If x 40 If- \$20,572.91**
 - *40 If long freestanding scaffold with an outrigger, a 4 If wide word deck with debris safety net from certified licensed PE scaffolding company.*
- **Demo and haul off broken railing and posts- \$8,500.00**
 - *Includes labor and materials*
- **(2) Onsite Project Managers/Supervision- \$3,900.00**
- **Clean-up and disposal- \$3,300.00**
- **Fuel Surcharge**
- **The proposal amount of \$91,762.16 includes all taxes and local permit fees.**

Exclusions for this proposal:

Blusky has the following exclusions for the proposal above.

- Removal of any materials not listed in the proposal above.
- Engineering and testing
- Waivers of Subrogation.
- Code Upgrades

EXHIBIT A









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

SUBJECT: City Council workshop minutes, August 23, 2022.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Aug 26, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220913_Minutes Council workshop 8-23-22 4pm.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

City Council workshop minutes held August 23, 2022 at 4:00 p.m., City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

CALL TO ORDER: On August 23, 2022 at 4:00 p.m., the City Council workshop was called to order by Mayor Judy Eychner at the City Hall Council Chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Judy Eychner, Mayor
Kim Clarkson, Mayor Pro Tem, Councilmember Place 2
Roman Garcia, Councilmember Place 1
Joe Herring Jr, Councilmember Place 3
Brenda Hughes, Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY STAFF PRESENT:

E.A. Hoppe, City Manager Michael Hornes, Asst City Manager
Mike Hayes, City Attorney Kim Meismer, Asst City Manager
Shelley McElhannon, City Secretary

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. PUBLIC COMMENT: None

2. INFORMATION AND DISCUSSION:

2A. Special District policies.

Michael Hornes and E.A. Hoppe provided information and responded to questions.

Councilmember Roman Garcia made a motion to enter executive session under 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), and 551.087 (deliberation regarding economic development negotiations), seconded by Councilmember Brenda Hughes. The motion passed 5-0. Closed Executive Session convened at 5:04 p.m.

3. EXECUTIVE SESSION:

3A. Workforce Housing development projects (551.071, 551.072, 551.087).

3B. Economic Development downtown project (551.071, 551.072, 551.087).

The closed executive session adjourned, and City Council returned to open session at 5:35 p.m. No action was taken during executive session.

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

ADJOURN. The workshop adjourned at 5:35 p.m.

APPROVED BY COUNCIL:

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: City Council meeting minutes, August 23, 2022.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Aug 26, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220913_Minutes Council meeting 8-23-22 6pm.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

City Council meeting minutes held August 23, 2022 at 6:00 p.m., City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
AUGUST 23, 2022 6:00 PM**

On August 23, 2022 at 6:00 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street. Councilmember Kim Clarkson provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

Judy Eychner	Mayor
Kim Clarkson	Mayor Pro Tem, Councilmember Place 2
Roman Garcia	Councilmember Place 1
Joe Herring, Jr.	Councilmember Place 3
Brenda Hughes	Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF:

E.A. Hoppe, City Manager	Stuart Cunyus, Public Information Officer
Mike Hayes, City Attorney	Guillermo Garcia, Exec Dir Innovation
Michael Hornes, Asst City Manager	Eric Maloney, Fire Chief
Kim Meismer, Assistant City Manager	Chris McCall, Police Chief
Shelley McElhannon, City Secretary	Drew Paxton, Planning Director
Stuart Barron, Exec Dir PW/Eng	Trina Rodriguez, Asst Dir Finance
Julie Behrens, Director of Finance	

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.

Anne Berger-Entrekin, Hilltop Securities
Jay Juarez, Bond Council with McCall, Parkhurst & Horton LLP
Gil Salinas, Kerr Economic Development Corporation

1. ANNOUNCEMENTS OF COMMUNITY INTEREST: Announcements of Community Interest provided by Stuart Cunyus, Mayor Eychner, and Chief Eric Maloney.

2. PRESENTATIONS:

2A. Recognition of Kerrville Police Department Officers for dedication to public safety through DWI reduction efforts.

Chief Chris McCall recognized six officers honored by Mothers Against Drunk Driving and the Texas Department of Transportation: Officer Johnathan Collier, Officer Tyler Cottonware, Officer Jeff Robitaille, Officer Ruben Valencia, Officer Daniel Virdell, and Sgt Ed Holloway. The recognized Officers introduced their attending family members. The Kerrville Police Department as a whole, was also recognized.

Shelley McElhannon read general business protocols of conduct into record.
Mayor Eychner read *The Community Vision* into record.

3. VISITORS FORUM: None

4. CONSENT AGENDA:

Citizen George Baroody pulled Consent Agenda items 4B and 4C, and Councilmember Roman Garcia pulled Consent Agenda items 4A and 4D.

Councilmember Clarkson made a motion to approve items 4E, 4F, and 4G on the Consent Agenda, seconded by Councilmember Brenda Hughes. The motion passed 5-0.

4E. City Council workshop minutes August 09, 2022.

4F. City Council meeting minutes August 09, 2022.

4G. City Council workshop minutes August 16, 2022.

END OF CONSENT AGENDA.

4A. Agreement with Calgon Carbon Corporation for the purchase of Granular Activated Carbon for the Total Trihalomethanes filtration system at the Water Treatment Plant, not to exceed \$186,689.

Stuart Barron and E.A. Hoppe provided information and responded to questions.

Councilmember Garcia made a motion to authorize the City Manager to finalize and execute the agreement with Calgon Carbon Corporation with that amendment (*removing automatic renewal annually after initial term*) and to authorize the purchase as outlined, seconded by Councilmember Joe Herring, Jr. The motion passed 5-0.

4B. Administrative Services contract between City of Kerrville and City of Kerrville Texas Economic Improvement Corporation.

The following person(s) spoke:

- George Baroody

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

Councilmember Herring made a motion to approve the Administrative Services contract between the City of Kerrville and the City of Kerrville Texas Economic Improvement Corporation, seconded by Councilmember Hughes. The motion passed 4-1 with Mayor Eychner, Councilmember Clarkson, Councilmember Herring, and Councilmember Hughes, and Councilmember Garcia opposed.

4C. Economic Development Grant Agreement between Kerr Economic Development Corporation and the City of Kerrville Texas Economic Improvement Corporation.

The following person(s) spoke:

- George Baroody (declined when called)

Michael Hornes and Gil Salinas provided information and responded to questions.

Councilmember Clarkson made a motion to approve the Economic Development Grant Agreement between KEDC and the City of Kerrville Texas Economic Improvement Corporation, seconded by Councilmember Herring. The motion passed 5-0.

4D. City of Kerrville Funding Agreement with Kerr Economic Development Corporation.

Councilmember Garcia made a motion to approve the Funding Agreement with the KEDC and the City of Kerrville with the amendment on page 2, *striking subsection e*, seconded by Councilmember Hughes. The motion passed 5-0.

5 PUBLIC HEARINGS AND ORDINANCES, FIRST READING:

5A. Ordinance No. 2022-25. An Ordinance adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2023; providing appropriations for each City department and fund; containing a cumulative clause; and containing a savings and severability clause.

Shelley McElhannon read Ordinance No. 2022-25 caption into record.

Julie Behrens provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:46 p.m.

The following person(s) spoke:

- Peggy McKay
- George Baroody

Mayor Eychner closed the public hearing at 6:54 p.m.

Julie Behrens and E.A. Hoppe provided information and responded to questions.

Councilmember Hughes made a motion to approve Ordinance No. 2022-25 to adopt the City's budget for Fiscal Year 2023 on first reading, seconded by Councilmember Herring. The motion passed 5-0.

Roll call vote:

	In Favor	Opposed	Abstained
Councilmember Roman Garcia	X	_____	_____
Councilmember Kim Clarkson	X	_____	_____
Mayor Judy Eychner	X	_____	_____
Councilmember Joe Herring, Jr.	X	_____	_____
Councilmember Brenda Hughes	X	_____	_____

Councilmember Clarkson made a motion to ratify the vote to adopt the budget that will require raising more revenue from property taxes than the previous fiscal year, seconded by Councilmember Hughes. The motion passed 5-0.

5B. Ordinance No. 2022-26. An Ordinance levying an Ad Valorem Tax for the use and support of the Municipal Government for the City of Kerrville, Texas, for Fiscal Year 2023; apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

Shelley McElhannon read Ordinance No. 2022-26 caption into record.

Julie Behrens provided information and responded to questions.

Mayor Eychner opened the public hearing at 7:06 p.m.

The following person(s) spoke:

- George Baroody

Mayor Eychner closed the public hearing at 7:06 p.m.

Councilmember Hughes made a motion to approve Ordinance No. 2022-26 (and an amendment) and that the property tax rate be increased by the adoption of a tax rate of

\$0.5750, which is effectively a 12.90% percent increase in the tax rate, seconded by Councilmember Clarkson. The motion passed 5-0.

Roll call vote:	In Favor	Opposed	Abstained
Councilmember Roman Garcia	<u>X</u>	_____	_____
Councilmember Kim Clarkson	<u>X</u>	_____	_____
Mayor Judy Eychner	<u>X</u>	_____	_____
Councilmember Joe Herring, Jr.	<u>X</u>	_____	_____
Councilmember Brenda Hughes	<u>X</u>	_____	_____

6 ORDINANCE(S), ONE READING:

6A. Ordinance No. 2022-27. An Ordinance approving the issuance of voter-approved General Obligation Bonds.

An Ordinance authorizing the issuance, sale and delivery of \$__ in aggregate principal amount of "City of Kerrville, Texas General Obligation Bonds, Series 2022"; making provisions for the payment of interest thereon and the principal thereof; approving and authorizing the execution of all instruments and procedures related thereto including a paying agent/registrar agreement, a purchase contract and an official statement; and declaring an effective date.

Shelley McElhannon read Ordinance No. 2022-27 caption into record.

Julie Behrens introduced both the item and Hilltop Securities Consultant Anne Berger-Entrekin, and advised that the City's Bond Council Jay Juarez was in attendance. Anne Berger-Entrekin and Mike Hayes provided information and responded to questions.

Councilmember Clarkson made a motion to approve Ordinance No. 2022-27 as presented, seconded by Councilmember Hughes. The motion passed 5-0.

7 ORDINANCES, SECOND READING:

7A. Ordinance No. 2022-23, second reading. An Ordinance creating a "Planned Development District" (Zoning) for Light Commercial Uses and a Stand-Alone Parking Lot on an approximately 1.49 acre property, consisting of Lot 21-R, Block G, B.F. Cage Addition; within the City of Kerrville, Kerr County, Texas; and more commonly known as 820 Sidney Baker and the property formerly known as 829 Clay; adopting a concept plan and conditions related to the development and use of said lot; and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2022-23 caption into record.

Drew Paxton provided information and Drew Paxton and Mike Hayes responded to questions. The following person(s) spoke:

- Patrick Cohoon
- George Baroody

Councilmember Clarkson made a motion to enter executive session under 551.071 (consultation with attorney), seconded by Councilmember Hughes. The motion passed 5-0. Closed Executive Session convened at 7:40 p.m.

The closed executive session adjourned, and City Council returned to open session at 8:10 p.m. No action was taken during executive session.

Councilmember Clarkson made a motion to table Ordinance No. 2022-23 until the next regular meeting, seconded by Councilmember Hughes. The motion passed 5-0.

7B. Ordinance No. 2022-24, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 22.03 acre tract out of the Samuel Wallace Survey No. 113, Abstract No. 347; more commonly known as the North Side of the 2300 Block of E. Main; from a Medium Density Residential Zoning District (R-2) to a Multifamily Residential Zoning District (R-3); and providing other matters relating to the subject. (Appeal by Applicant)

Shelley McElhannon read Ordinance No. 2022-24 caption into record. Drew Paxton was available for information or questions.

Councilmember Hughes made a motion to approve Ordinance No. 2022-24 on second reading, seconded by Councilmember Herring. The motion passed 5-0.

8 CONSIDERATION AND POSSIBLE ACTION:

8A. Construction Agreement with Viking Construction, Inc. for 2022 Slurry Seal project in the amount of \$314,894.50.

Shelley McElhannon read Item 8A caption into record. Stuart Barron provided information and responded to questions.

Councilmember Clarkson made a motion to authorize the City Manager to finalize and execute a construction contract with Viking Construction, Inc., seconded by Councilmember Garcia. The motion passed 5-0.

8B. Core & Main purchase of materials for Advanced Metering Infrastructure (AMI) project, not to exceed \$218,138.00.

Shelley McElhannon read Item 8B caption into record. Trina Rodriguez provided information and responded to questions.

Councilmember Hughes made a motion to authorize the City Manager to finalize and execute a purchase of materials needed for completion of the AMI Project, seconded by Councilmember Clarkson. The motion passed 5-0.

9 BOARD APPOINTMENTS:

9A. Appointment to the Main Street Advisory Board.

Shelley McElhannon read Item 9A caption into record.

Councilmember Garcia made a motion to reappoint Ex Officio members Rachel Fitch and Katherine Howard, reappoint Diana Howard as a regular member, and newly appoint Lanza Teague as a regular member, seconded by Councilmember Herring. The motion passed 5-0.

9B. Appointments to the Senior Services Advisory Committee.

Shelley McElhannon read Item 9B caption into record.

Councilmember Herring made a motion to reappoint Marilyne Cizmich, Christina Klima, and Karen Mattox, and newly appoint Mike Ezer and Ken Zysko, seconded by Councilmember Clarkson. The motion passed 5-0.

9C. Appointments to the Tax Increment Reinvestment Zone Number One (TIRZ), Board of Directors, and appoint TIRZ Chair.

Shelley McElhannon read Item 9C caption into record.

Councilmember Garcia made a motion to reappoint Kenneth Early, John Harrison, Pat Murray, and Mindy Wendele; and further move to reappoint Kenneth Early as Chair, seconded by Councilmember Hughes. The motion passed 5-0.

9D. Appointments to the Zoning Board of Adjustment.

Councilmember Hughes made a motion to reappoint Pablo Brinkman as a regular member, and newly appoint Aimee Farrell and Becky Nutt as regular members, and newly appoint Lynn Niles as an alternate member, seconded by Mayor Eychner. The motion passed 5-0.

10 EXECUTIVE SESSION: None

11 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY: None

12 ITEM(S) FOR FUTURE AGENDAS: None

ADJOURN. The meeting adjourned at 8:37 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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



SUBJECT: Resolution No. 52-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lots 23, 24, 25, and 26, Block 3, Riverhill TH 8 Addition; and more commonly known as 510 Preston Trail Loop E; said property is located within a Medium Density Residential Zoning District (R-2); and making said permit subject to conditions and restrictions.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Sep 02, 2022

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220913_Reso 52-2022 CUP 510 Preston Trail Loop STR.pdf](#)
[20220913_Letter in-favor 510 Preston Trail Tilley.pdf](#)
[20220913_Letters opposed 510 Preston Trail ItschnerManessRinehartStroudWarnock.pdf](#)

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

Procedural Requirements: The City, in accordance with state law, mailed 19 letters on 7/21/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 7/14/2022.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-2 Medium Density Residential

Existing Land Use: single-family residence

Direction: North

Current Zoning: AG Agricultural

Existing Land Uses: vacant land

Direction: South, East, and West

Current Zoning: R-2 Medium Density Residential

Existing Land Use: single-family residence

Consistency with the Kerrville 2050 Comprehensive Plan: The subject property and surrounding area are designated as Neighborhood Residential.

Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan: The subject property is located on a residential street.

Traffic Impact: No traffic impact is anticipated.

Parking: A Short Term Rental requires one off-street parking space per bedroom and one additional off-street parking space for a manager if the manager does not live onsite. This property has 2 bedrooms and will have an onsite manager so 2 off-street parking spaces are required for each structure. The applicant has identified 2 existing available off-street parking spaces for each structure, a total of 4 parking spaces.

Case Summary: The applicant is proposing to use an existing accessory dwelling unit as a Short Term Rental.

The subject property is located within an R-2 zoning district. As such, a Short Term Rental requires a Conditional Use Permit.

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

Proposed CUP Conditions for Short Term Rental

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

B. Local Contact: The owner or operator of the Property shall provide the City with contact information for a local representative, within approximately two hours distance.

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

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

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

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

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

On August 4, 2022, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Resolution No. 52-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 52-2022**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY CONSISTING LOTS 23, 24, 25, AND 26, BLOCK 3, RIVERHILL TH 8 ADDITION; AND MORE COMMONLY KNOWN AS 510 PRESTON TRAIL LOOP E.; SAID PROPERTY IS LOCATED WITHIN A MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (R-2); AND MAKING SAID PERMIT SUBJECT TO CONDITIONS AND RESTRICTIONS

WHEREAS, the owner of the property known as 510 Preston Trail Loop E. and depicted on the location map and site plan found at **Exhibit A** (the “Property”), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (“CUP”) to authorize a short-term rental unit on the Property, which is located within a Medium Density Residential Zoning District (R-2); and

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

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing on September 13, 2022, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission and referenced herein on the Property;

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

SECTION ONE. A Conditional Use Permit is granted to permit the Property described as follows, and located within a Medium Density Residential Zoning District (R-2), to be developed and used for a Short-Term Rental Unit (“STRU”) as that term is defined in and pursuant to the Zoning Code, such use subject to the provisions of this Resolution and other City ordinances and regulations:

Legal Description: consisting of Lots 23, 24, 25, and 26, Block 3, Riverhill TH 8 Addition, and depicted on the location map and site plan found at **Exhibit A**.

Address: 510 Preston Trail Loop E., Kerrville, TX

78028.

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

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

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

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

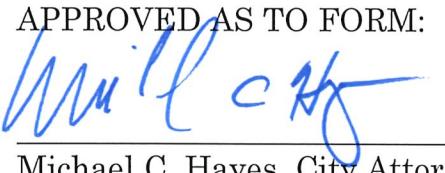
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect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

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2022.

Judy Eychner, Mayor

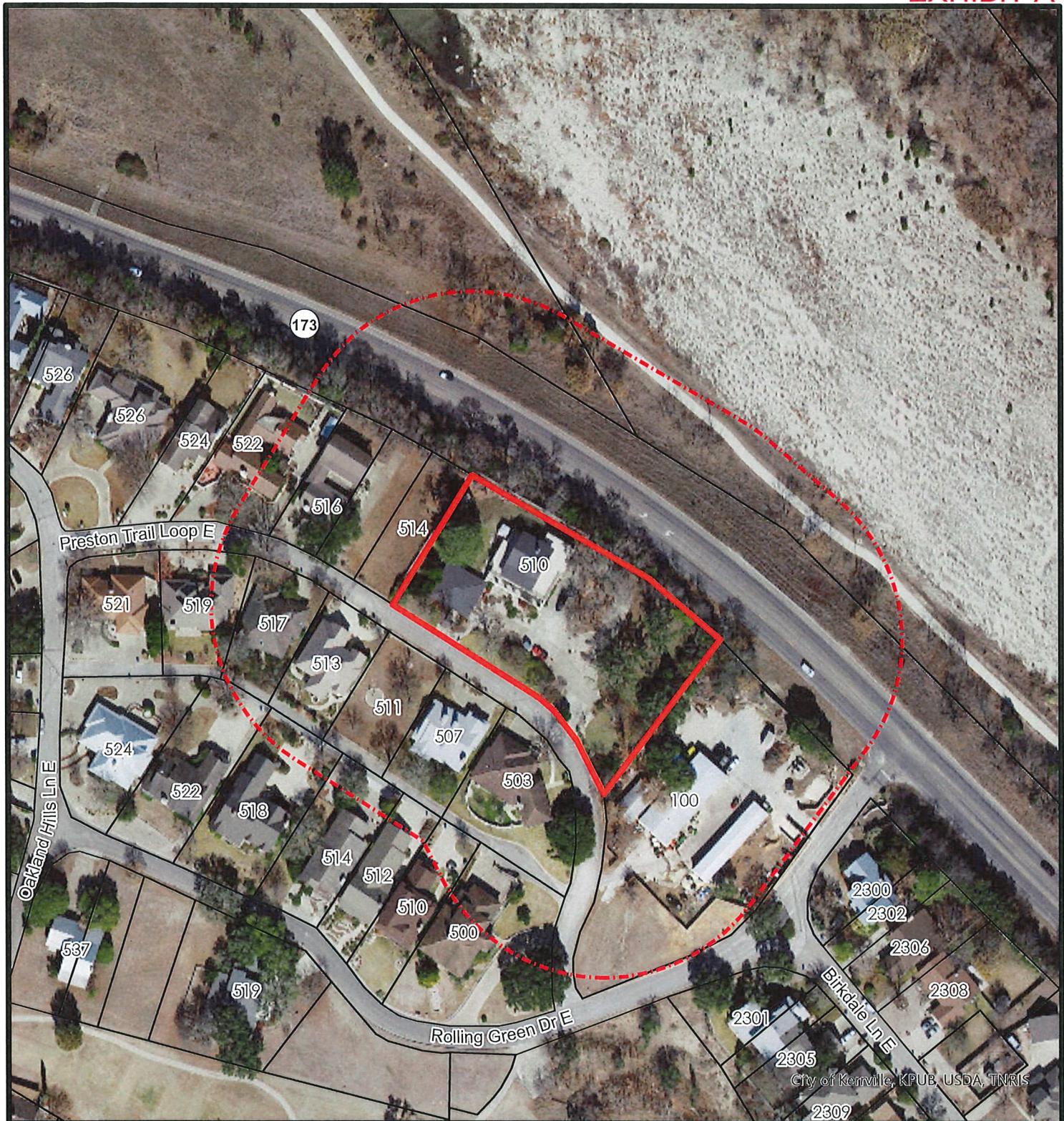
APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

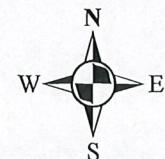


Location Map

Case # PZ-2022-038

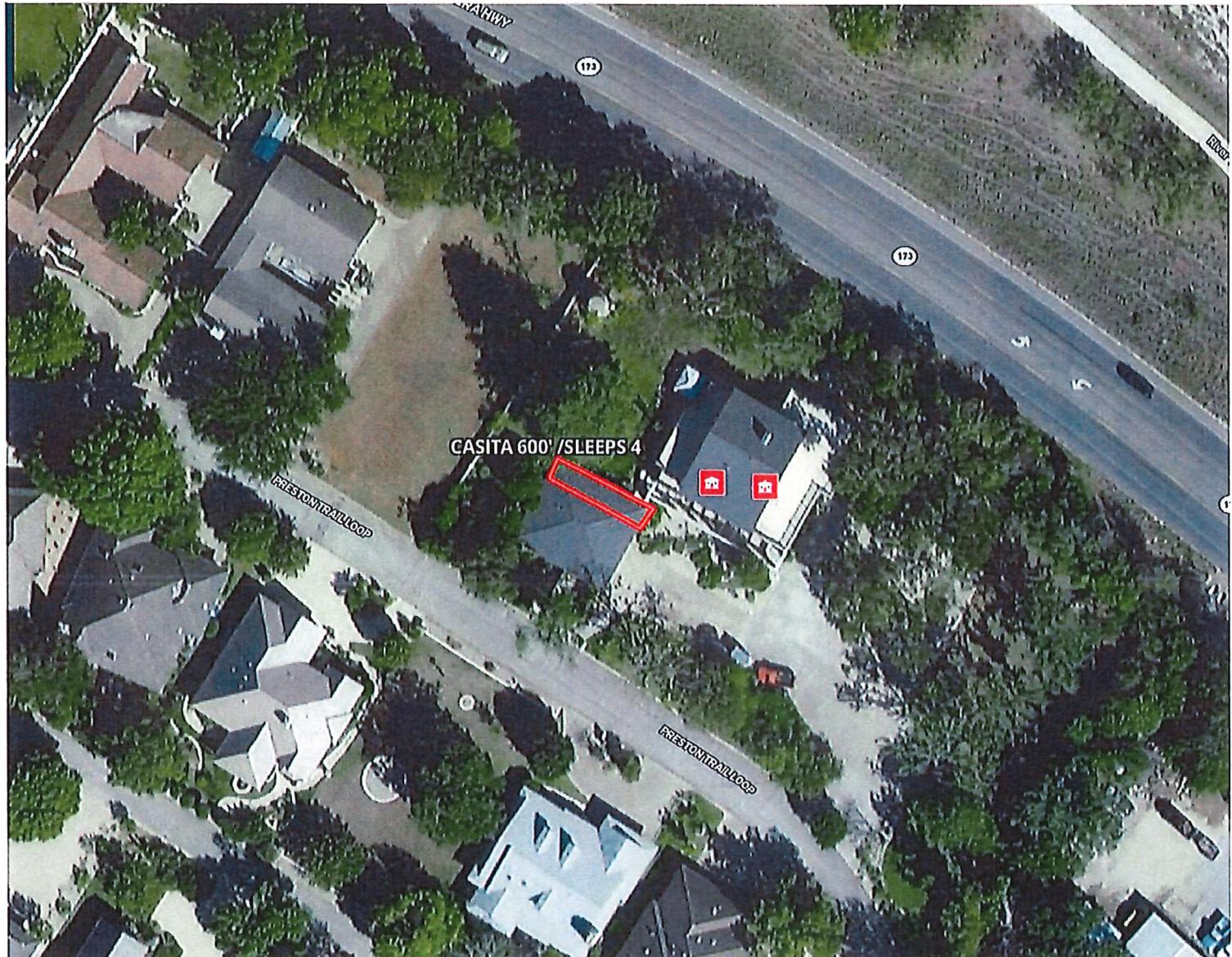
Location:
510 Preston Trail Loop

Legend
200' Notification Area
Subject Properties



0 50 100 200

Scale In Feet





SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 52-2022

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

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

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

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

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

Name: _____

Contact Number: _____

Thank you!

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

From: [Jeanette Tilley](#)
To: [Drew Paxton](#)
Subject: 510 Preston Trail Loop/P&Z
Date: Wednesday, July 27, 2022 9:53:03 AM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are neighbors of the home owners at 510 Preston Trail. We are in favor of granting them a permit for STR. The home is completely gated with numerous parking areas. The owners live on the property and would be present to their guests. The STR would be a casita which is detached from their home. The home and casita are on 1.2 acres so it's not likely there would be a noise issue. This home is upscale and they would be attracting guests who want to play golf at Riverhill Country Club and enjoy the amenities. Many of our neighbors are under the impression that there are no STRs in Riverhill. This is obviously not correct. What is interesting is that on Birkdale Street there are numerous LTR with poorly kept yards and several cars/trucks on the street. This is much more of a nuisance than a STR on an Estate property.

Thanks for your time and consideration. Please know that we are thankful to P&Z and the hard work you all put into our beautiful city.

Sincerely,
Tobin and Jeanette Tilley
524 Oakland Hills Lane
Kerrville, Texas 78028

From: [Royce & Cynthia Itschner](#)
To: [Planning Division](#)
Subject: Opposition to Planning and Zoning Case #PZ-2022-038
Date: Sunday, July 31, 2022 9:10:31 AM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My wife and I live at 529 Oakland Hills Lane just around the corner from 510 Preston Trail Loop which is the address for the requested zoning change in the above case. We are in opposition to the change for the following reasons:

- Riverhill in general and specifically this area of Riverhill was designed for single family residential dwellings. A change to commercial for a Bed and Breakfast and resulting short-term rentals would be a significant change.
- The streets are narrow and not designed for high traffic and this would cause a significant increase in traffic to Preston Trail Loop and Oakland Hills Lane (my street) which adjoins Preston Trail Loop and is a part of that areas traffic pattern.
- All the homes in this immediate area are single family dwellings. The residents at 510 Preston Trail Loop, if converted to a B&B, would likely rent to as many as the equivalent of 3 to 4 families. The infrastructure in this area is not designed for that many people eating, sleeping, driving in and out of that location.
- I bought my home with the understanding this would be a private Country Club with single family dwellings surrounding the course and I would be disappointed if this changed. I think it would be unwise for the P&Z to approve such a change.
- There is an area near the Tennis courts that is zoned, apparently, for short-term rentals and therefore, accommodates that. I would suggest people that want a commercial short-term investment look to invest in that area of Riverhills.

I appreciate your consideration and trust the zoning will not be changed for this property.

Cynthia Itschner
Juice Plus Representative
citschner.juiceplus.com
citschner.towergarden.com

From: [Bernadette Maness](#)
To: [Drew Paxton](#)
Subject: Case PZ-2022-38
Date: Thursday, July 28, 2022 2:37:54 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Paxton,

In reference to Case PZ-2022-38, at physical address 510 Preston Trail Loop, Kerrville, TX.

My husband and I are *strongly* opposed to rezoning this or any portion of the Riverhill subdivision to allow a STR business to open its doors. Business ventures belong in areas already zoned for commercial use. Why re-invent the wheel?

Our property, at 518 Rolling Green Dr., is separated from the proposed STR site by only one vacant lot. We will definitely be negatively impacted by a business so close to our home.

My husband and I attended the July 25 meeting of the PZ Commission, so no need to repeat what you have already heard. We truly value our currently quiet and peaceful neighborhood. Please help us keep it that way by denying the STR request! Thank you for your time.

Most sincerely,
Bernadette and Steve Maness
518 Rolling Green Dr.
Kerrville, TX 78028

From: [Maridee Rinehart](#)
To: [Planning Division](#)
Subject: CASE PZ-2022-38
Date: Sunday, July 31, 2022 12:44:28 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

RE: Conditional Use Permit for Short Term Rental for all lots known as
510 Preston Trail Loop E., Riverhill, Kerrville, Tx 78028

CASE PZ - 2022-38

Maridee Rinehart, Property owner 503 Preston Trail E.

I oppose this rezoning request

Preston Trail Loop E. is one block long, comprised of single family homes. The block has no street lights and no sidewalks. The populace are all elderly residents. There is one child residing on the block which belongs to the owners of 510.

I own 503 Preston Trail Loop E. which is directly opposite the driveway of 510. When vehicles exit 510, their headlights shine directly into the 8 foot sliding glass door of my bedroom. There are currently a minimum of six motor vehicles parked on the property of 510. More vehicles for STR, more traffic, more headlights.

It is my understanding that the owners of 510 wish to use a one bedroom garage apt. as a Short Term Rental. The main house on this property has 5 bedrooms and baths. If the entire property is rezoned for STR, the owners may decide to expand their business venture to include the main house. The property of 510 is well over 1 acre, so to increase this business, multiple dwellings could be added on this property resulting in accommodations equaling that of a Motel 6. Any or all of these scenarios fall outside Riverhill CCR's which state no businesses are allowed.

Another opposition to this rezoning is the property values of neighboring homes. STRS have never resulted in increased property values of the surrounding residences.

On a personal note, my husband recently died, so any unknown sounds or movement around my property receives my heightened attention. Since this area of Riverhill is completely dark and quiet, any new sounds, voices or movement will likely result in residents notifying the police and/or retrieving their firearms from their secured storage area.

I am aware that the owner of 510 has clout in this town, since she has personally sold over 18 Million dollars of Real Estate in 2021. I expect the status of her or her company to have no consideration in the decision on this rezoning matter.

M. Rinehart

From: [Betty J Stroud](#)
To: [Drew Paxton](#)
Subject: PZ-2022-038
Date: Wednesday, July 27, 2022 9:43:46 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Mr. Paxton,

7/27/2022

I live on Preston Trail Loop less than 200 ft from 510 Preston Trail Loop residential area. I feel it will down grade our community and make it unsafe for our children and grandchildren - No family that I know of wants to raise a family next to a short-term rental, motel, B&B compound that I believe from what I was told that the house etc. was built over a cave. Yes, I toured the whole compound before the New (family) bought it. About 10 years back.

Rather than degrade our Community - have a developer come in buy up the land that is for sale

on the Guadalupe River and turn it into a Resort 2 bedrooms, 2 baths fully stocked kitchen with living room and dining rooms sell the units then let the owners rent them out when not in use.

Make it like an upscale resort with restaurant and bar renting out boats and kayaks.

Let's take pride in our residents and its community while encouraging people to buy and raise their families here, while still promoting tourist trade. Rather than carve up our residents' areas.

The circle that was drawn encompasses 173 hwy and a dirt lot but it has nothing to do with us What the residents bought into was a residential community including the people at 510 Preston Trail Loop and that is the way it should remain.

The River is the drawing point along with the walking trails so turn some of those houses into short-term rentals motels or whatever you want to call them.

There is only 11 residents that you circled in and all I spoke to said NO unless you want me to ask the drivers on 173 hwy how they feel about this situation?

What is next section 8 or low-income housing?

Thank you for your time

Betty J Bales/Stroud and Jerry Stroud

From: [Jerry Stroud](#)
To: [Drew Paxton](#)
Subject: case #PZ-2022-038
Date: Friday, July 29, 2022 9:48:54 AM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Drew Paxton, AICP, Covenants was placed on the land in Riverhills Country Club subdivision in order that no business would be operated out of our residential area which every home owner agreed to when they bought in this community.

So, My question is. How is it we the people does not get what they paid for RESIDENTUAL Subdivision, but one family wants to change our bylaws and covenants to accommodate and use the city to be their enforcer?????????????????

Thank you
Jerry Stroud

From: [Bettye Warnock](#)
To: [Drew Paxton](#)
Subject: Fwd: Case PZ-zu22-38
Date: Wednesday, July 27, 2022 10:54:33 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I oppose a Conditional Use Permit for a short term rental at 510 Preston Trail Loop.

Bettye A Warnock
519 Preston Trail Loop
Kerrville, Texas 78028



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



SUBJECT: Ordinance No. 2022-29. 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 changing the zoning for an approximate 7.1 acre tract out of the Wallace Survey No. 113, Abstract No. 347; said property more commonly known as 365 Clearwater Paseo Path; within the City of Kerrville, Kerr County, Texas; from a Multifamily Residential Zoning District (R-3) to a Public and Institutional Zoning District (PI); and providing other matters relating to the subject.

AGENDA DATE OF: September 13, **DATE** Sep 02, 2022
2022 **SUBMITTED:**

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220913_Ord 2022-29 Zone Change PI 365 Clearwater Paseo Path.pdf](#)
[20220913_Letter opposed Ord 2022-29 Cavalier.pdf](#)

Kerrville 2050 Item? Yes

Key Priority Area F - Public Facilities and Services

Guiding Principle F2. Place the highest priority on public safety (police, fire, EMS).

Action Item

SUMMARY STATEMENT:

Procedural Requirements: The City, in accordance with state law, mailed 18 letters on 7/21/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 7/14/2022.

Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are designated Transitional Residential and Professional Services. Public and Institutional Uses are permitted in all zoning districts, however, the City staff felt that it would be more appropriate to zone the Public Safety Facility property as PI, Public and Institutional District. This simply helps the general public more easily identify the property from the Zoning Map and Future Land Use Plan.

The zone change includes a minor amendment to the Future Land Use Plan to designate

this property as Public Use.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-3

Existing Land Uses: vacant

Direction: North

Current Zoning: PDD for Multifamily

Existing Land Uses: multi-family apartments

Direction: South

Current Zoning: PI and C-2

Existing Land Uses: vacant church property and mini-warehouses

Direction: East

Current Zoning: PI

Existing Land Uses: Kerrville Public Utility Board property

Direction: West

Current Zoning: R-1

Existing Land Uses: single family neighborhood

Thoroughfare Plan: The property has frontage on two local level streets. No impact on the thoroughfare system is anticipated.

Traffic Impact: To be determined.

Parking: To be determined with final design of the Public Safety Facility.

Recommendation: Approve the ordinance.

On August 4, 2022, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-29 on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-29**

**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
CHANGING THE ZONING FOR AN APPROXIMATE 7.1 ACRE
TRACT OUT OF THE WALLACE SURVEY NO. 113, ABSTRACT
NO. 347; SAID PROPERTY MORE COMMONLY KNOWN AS 365
CLEARWATER PASEO PATH; WITHIN THE CITY OF
KERRVILLE, KERR COUNTY, TEXAS; FROM A MULTIFAMILY
RESIDENTIAL ZONING DISTRICT (R-3) TO A PUBLIC AND
INSTITUTIONAL ZONING DISTRICT (PI); AND PROVIDING
OTHER MATTERS RELATING TO THE SUBJECT**

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on September 13, 2022, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in the change of a zoning district for the property currently addressed as 365 Clearwater Paseo Path; such change to result in the removal of the property from a Multifamily Residential Zoning District (R-3) to placement within a Public and Institutional Zoning District (PI); and

WHEREAS, on September 13, 2022, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

SECTION ONE. The Zoning Code for the City of Kerrville, Texas, Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* are hereby amended to designate the following described property zoned as within a Public and Institutional Zoning District (PI):

Legal Description: Being an approximate 7.1 acre tract out of the Wallace Survey No. 113, Abstract 347; and within the City of Kerrville, Kerr County, Texas; said property more specifically depicted at Exhibit A, attached hereto and made a part hereof for all purposes.

Address: 365 Clearwater Paseo Path, Kerrville, TX 78028.

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

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

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

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

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

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

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

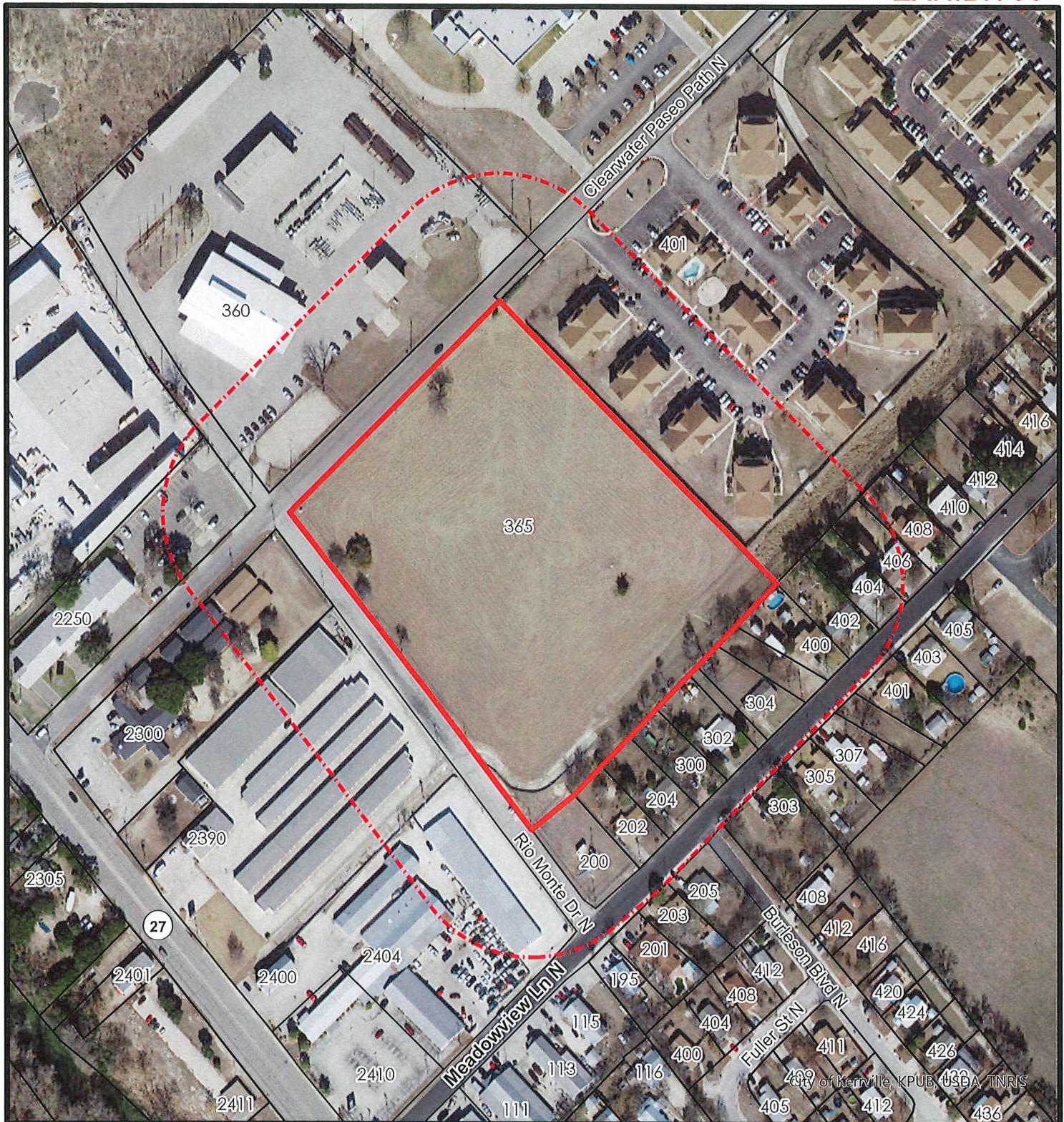
Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney



Location Map

Case # PZ-2022-036

Location:
365 Clearwater Paseo Path

Legend

200' Notification Area
Subject Properties



0 75 150 300

Scale In Feet

From: [Sam C](#)
To: [Planning Division](#)
Subject: CASE# PZ-2022-36
Date: Thursday, August 4, 2022 1:36:03 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whoever This Regards:

My name is Samuel Cavalier and I currently reside at 401 Meadowview Lane here in the City of Kerrville. I am going on record to voice my disappointment in the City of Kerrville leadership in even considering the proposed completion of a fiscally irresponsible criminal justice/ law enforcement structure at 365 Clearwater Paseo Path. While I fully and without any reservation support law enforcement (I myself have served The Lone Star State as both a former Correctional Officer and Parole Officer), the structure that is proposed to be completed for local area law enforcement is fiscally irresponsible in several ways. First, I and everyone who resides in Kerr County pay taxes in order to support such local services as law enforcement services. Out of these taxes, there should be more than enough to meet the needs of local law enforcement budget(s). Living within the confines of a budget is what most, if not all, adults must do to stay financially stable. I am very disappointed in and frustrated that the City of Kerrville leadership is so fiscally irresponsible as to have the audacity to mention raising taxes to pay for a reported criminal justice complex in Kerrville rather than reigning in their supposed aspirations for new buildings to fit the confines of the existing budgets for Kerr County law enforcement. Second, there are more than enough areas of Kerrville that need to be upgraded and/or repaired. The current City of Kerrville leadership should be prioritizing what NEEDS/NECESSITIES versus WANTS/LUXURIES are. Third, unless there are serious security/sanitation issues with existing Kerr County law enforcement buildings.....there is no responsible reason why new buildings need to be constructed simply because "the new buildings will provide bells and whistles/lauded conveniences)". Just to name a few items of concern. For these mentioned issues especially, I am OPPOSED to the completion/construction of the proposed City of Kerrville criminal justice center.

Samuel Cavalier
401 Meadowview Lane
Kerrville, Texas 78028



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



SUBJECT: Ordinance No. 2022-28. 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 the Land Use Table as found within said Code by changing which Zoning Districts a Short-Term Rental Unit is authorized as a permitted or conditional use; adding a new Subsection (18) to Section 60-60 of the Zoning Code regarding Short-Term Rental Units; a providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Sep 02, 2022

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220913_Ord 2022-28 amend Zoning Code STRs.pdf](#)

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

SUMMARY STATEMENT:

Procedural Requirements: The City, in accordance with state law published a notice in the Kerrville Daily Times on 7/14/2022.

Code Amendment Summary: Through the Kerrville 2050 Comprehensive Plan public process and the public input throughout the rewrite of the zoning code, Short Term Rentals were brought up as needing to be addressed. In 2019, the City of Kerrville adopted a new zoning code, which included regulations for Short Term Rentals. Based on this public input, the Code Review Committee, Planning and Zoning Commission, and City Council introduced Short Term Rentals (STRs) as a Conditional Use in several zoning districts; RE, R-1, R-1A, R-2, and RM. STRs were included as permitted uses in other residential districts; RT, R-3, DAC, and MU. These conditional uses require a Conditional Use Permit (CUP) in order to be allowed in that district. The CUP process includes public hearings and approval from the Planning and Zoning Commission as well as City Council. Furthermore, the CUP process allows Council to impose conditions on each case specific

to the use and/or the property.

The CUP process has allowed council to impose condition related to the STR use on residential properties. The conditions of approval remained relatively consistent throughout the 30+ cases over the last 34 months.

Since the adoption of the new zoning code in fall of 2019, the Planning and Zoning Commission (P&Z) and City Council have heard numerous Conditional Use Permit cases to allow a STR in a residential neighborhood. With these cases, the P&Z and City Council have held numerous public hearings and heard a multitude of comments, concerns, and solutions to neighborhood concerns.

The P&Z and City Council held a joint workshop on June 1st, 2022, to discuss STRs. They discussed the CUP process, concerns with STRs, and identified areas of the Zoning Code that could be amended to potentially reduce the concerns caused by STRs in neighborhoods.

On July 25th, they held a Town Hall Meeting to garner additional input from the community on this topic.

On August 4, 2022, the Planning & Zoning Commission recommended the case for approval with a 6-1 vote.

The following proposed code amendment removes the requirement for a Conditional Use Permit, adds requirements for an STR based on the conditions from the CUPs approved thus far, includes a separation distance between some STRs, and amends the zoning districts in which STRs are permitted by right.

Zoning District where STRs are permitted by right, subject to all requirements:

Single-family residential with accessory dwelling unit (R-1A)

Multifamily residential (R-3)

Residential transition (RT)

Downtown arts and culture (DAC)

Mixed use (MU)

Separation distance of 250 feet between each STR shall be required in each of the following districts:

Single-family residential with accessory dwelling unit (R-1A)

Other supplementary requirements for STRs:

1. Parking spaces required, 1 per bedroom plus one for off-site manager.
2. No signs permitted for or related to the STR. (excluding real estate signs, political

signs, etc.)

Upon adoption of the proposed code amendment, any existing STR that does not meet the proposed code will become non-conforming, or grandfathered and subject to Article XIII of the Zoning Code. No existing STR is required to make any changes based on this Zoning Code amendment.

In addition to the zoning code amendment, City Council and the Planning and Zoning Commission have also recommended a requirement for a Short Term Rental annual permit and on-site inspection. Such permit and inspection requirement would not be contained within the Zoning Code and therefore will be a separate code amendment for Council's consideration. The permit proposal will include other operational provisions or regulations for STRs.

Recommendation: Staff recommends approval of the proposed code amendment.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-28, on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-28**

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 THE LAND USE TABLE AS FOUND WITHIN SAID CODE BY CHANGING WHICH ZONING DISTRICTS A SHORT-TERM RENTAL UNIT IS AUTHORIZED AS A PERMITTED OR CONDITIONAL USE; ADDING A NEW SUBSECTION (18) TO SECTION 60-60 OF THE ZONING CODE REGARDING SHORT-TERM RENTAL UNITS; A 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, City Council has determined that the Zoning Code, and in particular such code's Land Use Table, needs updating to further address "short-term rental units", as that term is defined within the Zoning Code; and

WHEREAS, on the _____, 2022, the Planning and Zoning Commission conducted a properly advertised public hearing to receive citizen comments and testimony as to changes as to which Zoning Districts a short-term rental unit is allowed to operate, either as a permitted or condition use; 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 September 13, 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 amendments to the Zoning Code as provided herein; and

WHEREAS, on September 13, 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. Table 1, Land Use Table, which was adopted as part of the Zoning Code, is amended to revise the zoning districts where a “short-term rental unit” is authorized as a permitted or conditional use as indicated on the attachment found at **Exhibit A**.

SECTION TWO. Section 60-60 of the Zoning Code is amended by adding a new subsection (18), with new language indicated by blue, underline (**addition**) as follows:

“(18) *Short-term rental unit: A property authorized for use as a short-term rental unit in accordance with Table 1, Land Use Table, and located within a single-family residential district with accessory dwelling unit (R-1A) may not be located any closer than 250 lineal feet from any other short-term rental until.*

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

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

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

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

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

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

Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

Table 1. Land Use Table

LAND USE\$	Residential Districts						Nonresidential Districts						Special Districts				Notes (Adopted by Ord 2022-28, September -, 2022)
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG	
Accessory Building or Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1 Not permitted for patio homes or townhomes
Accessory Dwelling (see Dwelling Unit, Single-Family with Accessory Dwelling Unit)																	
Agricultural Services	P																
Agriculture, General																	
Aircraft maintenance																	
Aircraft sales																	
Airport																	
Alcoholic Beverage Sales for Off-Premise Consumption								P	P	P	P	P	P	P	P		
Amateur Radio Antenna																	
Ambulance Service, Private																	
Ambulatory Surgical Center																	
Amenity Center	P2	P2	P2	P2	P2	P2	P2										
Amusement Center, Indoor																	
Amusement Center, Outdoor																	
Antenna																	
Antique Store																	
Apartment (See Dwelling, Multifamily)																	
Appliance Repair/Sale, Used Appliances																	
Appliance Store																	
Art Studio/Gallery																	
Artisan's/Craftsman's Workshop																	
Assisted Living Facility																	
Automated Teller Machine (ATM)																	
Automobile Dealership, New Auto Sales																	
Automobile Dealership, Used Auto Sales																	
Automobile Parts Store																	
Automobile Rental or Leasing																	
Automobile Service and Repair, Major																	
Automobile Service and Repair, Minor																	
Automobile Towing/Wrecker Service																	
Automotive Body Shop																	
Aviation facilities																	
Aviation Service and Repair																	
Bail Bonding Agency																	
Bank or Financial Institution																	
Bar or Cocktail Lounge																	
Barber or Beauty Shop																	
Bed and Breakfast																	
Bicycle and Bicycle Accessory Sales and Repair																	
Boarding Home Facility	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5		
Boat (Marine) Dealership																	
Book Store																	
Brewpub																	
Building Contractor, General																	
Building Contractor, Maintenance and Repair																	
Building Contractor, Temporary Field Office	P6	P6	P6	P6	P6	P6	P6	P6	P6	P6	P6	P6	P6	P6	P6	P6	6 Subject to requirements of Article IX 60-60(14)
Building Contractor, Trade Specialist																	
Building Contractor's Storage Yard																	
Cabinetmaking Shop																	
Car Title Loan Business																	
Car Wash, Full-Service or Self-Service																	
Caretaker's Residence	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Check Cashing Business	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Church, Temple, Mosque, or Place of Worship																	
Civic, Fraternal, Philanthropic, Charitable, or Nonprofit Organization																	
Clothing and Apparel Store																	
College or University, Private																	

2 For single-family and multifamily residential uses

3 Subject to requirements of Article IX 60-60(4)

4 Drive-thru subject to requirements of Article IX 60-60(6)

5 Must meet the requirements of Chapter 30, Code of Ordinances.

Structure must meet the standards, i.e. lot size, structure height, lot coverage, set backs, etc., for the zoning district within which it is located.

6 Subject to requirements of Article IX 60-60(5)

7 Subject to requirements of Article IX 60-60(5)

LAND USES	Residential Districts							Nonresidential Districts							Special Districts		
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG	
College or University, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Community Garden	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	
Community Home	P8A	P8A	P8A	P8A	P8A	P8A	P8A									C	
Concrete/Asphalt Batch Plant, Permanent								C	C	P	P	P	P	P	P		
Condominium (See Dwelling, Multifamily)								P	P	C9	C8						
Continuing Care Facility								P	P	P	P	P	P	P	P		
Convenience Store with Fuel Sales								P	P	P	P	P	P	P	P		
Country Club	C	C	C													C	
Custom Manufacturing (See Manufacturing, Custom)								P	P	P	P	P	P	P	P		
Dance Hall/Event Center								C10	P10	P10	P10	P10	P10	P10	P10		
Day Care Services, Adult								C10	P10	P10	P10	P10	P10	P10	P10		
Day Care Services, Children								P	P	P	P	P	P	P	P		
Department or General Merchandise Store								P	P	C							
Detention Facility								P	P	P	P	P	P	P	P		
Dinner Theatre								P	P	P	P	P	P	P	P		
Distillery								P	P	P	P	P	P	P	P		
Distribution Center (See Warehousing and Distribution)								P	P	P10A	P10A	P10A	P10A	P10A	P10A		
Dormitory, sorority or fraternity house								P	P	P	P	P	P	P	P		
Driving Instruction School								P	P	P	P	P	P	P	P		
Drug Store								P	P	P	P	P	P	P	P		
Duplex (See Dwelling, Duplex)								P	P	P	P	P	P	P	P		
Dwelling, Duplex								P	P	P	P	P	P	P	P		
Dwelling, Live/Work								P	P	C							
Dwelling, Multifamily								P	P	P	P	P	P	P	P		
Dwelling, Patio Home (Zero Lot Line Home)								P	P	P	P	P	P	P	P		
Dwelling, Single-Family Detached								P	P	P	P	P	P	P	P		
Dwelling, Single-Family Detached with Accessory Dwelling Unit								C	C	P11	P11	P					
Dwelling, Single-Lot Single-Family Detached								P	P	P	P	P	P	P	P		
Dwelling, Townhome								P	P	P	P	P	P	P	P		
Electronic Sales/Service								P	P	P	P	P	P	P	P		
Equipment Rental, Heavy, No Outdoor Storage								P	P	P	P	P	P	P	P		
Equipment Rental, Heavy, With Outdoor Storage								P	P	P	P	P	P	P	P		
Equipment Rental, Light, No Outdoor Storage								P	P	P	P	P	P	P	P		
Equipment Rental, Light, With Outdoor Storage								P	P	P	P	P	P	P	P		
Fabric Store								P	P	P	P	P	P	P	P		
Fabrication Processes								P	P	P	P	P	P	P	P		
Fair/Rodeo Grounds or Exhibition Hall or Arena								P	P	P	P	P	P	P	P		
Farm Supply Store, Retail								C	C	C	C	C	C	C	C		
Farmers Market								P	P	P	P	P	P	P	P		
Feed, Grain, or Hay Storage and Sale, Bulk/Wholesale								P	P	P	P	P	P	P	P		
Fine Arts Classes								P	P	P	P	P	P	P	P		
Fitness Center								P	P	P	P	P	P	P	P		
Flea Market, Indoor								P	P	P	P	P	P	P	P		
Flea Market, Outdoor/Open Air Market								C	C	C	C	C	C	C	C		
Florist								P	P	P	P	P	P	P	P		
Food Processing (craft)								P	P	P	P	P	P	P	P		
Food Processing (manufacturing)								P	P	P	P	P	P	P	P		
Food Truck/Park								C	C	C	C	C	C	C	C		
Fuel Sales, Bulk								P9	P9	C8	C8						
Fuel (Gasoline/Propane) Sales, Retail								P	P	P	P	P	P	P	P		
Funeral Services								P	P	P	P	P	P	P	P		
Furniture, Home Furnishings, and Home Decorating and Decor Store								P	P	P	P	P	P	P	P		
Furniture Repair and Sale, Used								P	P	P	P	P	P	P	P		
Garden Center/Nursery, Without Outside Storage								P	P	P	P	P	P	P	P		
Golf Course								C	C	C	C	C	C	C	C		
Grocery Store								P	P	P	P	P	P	P	P		
Guest House								P1	P1	P1	P1	P1	P1	P1	P1		

Community Home
Concrete/Asphalt Batch Plant, Permanent
Condominium (See Dwelling, Multifamily)Continuing Care Facility
Convenience Store with Fuel Sales
Convenience Store without Fuel SalesCountry Club
Custom Manufacturing (See Manufacturing, Custom)Dance Hall/Event Center
Day Care Services, AdultDay Care Services, Children
Department or General Merchandise StoreDetention Facility
Dinner TheatreDistillery
Driving Instruction SchoolDrug Store
Duplex (See Dwelling, Duplex)Dwelling, Duplex
Dwelling, Live/WorkDwelling, Multifamily
Dwelling, Patio Home (Zero Lot Line Home)

Dwelling, Single-Family Detached

Dwelling, Single-Family Detached with Accessory Dwelling Unit

Dwelling, Single-Lot Single-Family Detached

Dwelling, Townhome
Electronic Sales/Service

Equipment Rental, Heavy, No Outdoor Storage

Equipment Rental, Heavy, With Outdoor Storage

Equipment Rental, Light, No Outdoor Storage

Equipment Rental, Light, With Outdoor Storage

Fabric Store
Fabrication Processes

Fair/Rodeo Grounds or Exhibition Hall or Arena

Farm Supply Store, Retail
Farmers Market

Feed, Grain, or Hay Storage and Sale, Bulk/Wholesale

Fine Arts Classes

Fitness Center

Flea Market, Indoor

Flea Market, Outdoor/Open Air Market

Florist
Food Processing (craft)

Food Processing (manufacturing)

Food Truck/Park

Fuel Sales, Bulk
Fuel (Gasoline/Propane) Sales, Retail

Funeral Services

Furniture, Home Furnishings, and Home Decorating and Decor Store

Furniture Repair and Sale, Used

Garden Center/Nursery, Without Outside Storage

Golf Course
Grocery Store

Guest House

Community Home
Concrete/Asphalt Batch Plant, Permanent
Condominium (See Dwelling, Multifamily)Continuing Care Facility
Convenience Store with Fuel Sales
Convenience Store without Fuel SalesCountry Club
Custom Manufacturing (See Manufacturing, Custom)Dance Hall/Event Center
Day Care Services, AdultDay Care Services, Children
Department or General Merchandise StoreDetention Facility
Dinner TheatreDistillery
Driving Instruction SchoolDrug Store
Duplex (See Dwelling, Duplex)Dwelling, Duplex
Dwelling, Live/WorkDwelling, Multifamily
Dwelling, Patio Home (Zero Lot Line Home)

Dwelling, Single-Family Detached

Dwelling, Single-Family Detached with Accessory Dwelling Unit

Dwelling, Single-Lot Single-Family Detached

Dwelling, Townhome
Electronic Sales/Service

Equipment Rental, Heavy, No Outdoor Storage

Equipment Rental, Heavy, With Outdoor Storage

Equipment Rental, Light, No Outdoor Storage

Equipment Rental, Light, With Outdoor Storage

Fabric Store

Fabrication Processes

Fair/Rodeo Grounds or Exhibition Hall or Arena

Farm Supply Store, Retail
Farmers Market

Feed, Grain, or Hay Storage and Sale, Bulk/Wholesale

Fine Arts Classes

Fitness Center

Flea Market, Indoor

Flea Market, Outdoor/Open Air Market

Florist
Food Processing (craft)

Food Processing (manufacturing)

Food Truck/Park

Fuel Sales, Bulk
Fuel (Gasoline/Propane) Sales, Retail

Funeral Services

Furniture, Home Furnishings, and Home Decorating and Decor Store

Furniture Repair and Sale, Used

Garden Center/Nursery, Without Outside Storage

Golf Course
Grocery Store

Guest House

Community Home
Concrete/Asphalt Batch Plant, Permanent
Condominium (See Dwelling, Multifamily)Continuing Care Facility
Convenience Store with Fuel Sales
Convenience Store without Fuel SalesCountry Club
Custom Manufacturing (See Manufacturing, Custom)Dance Hall/Event Center
Day Care Services, AdultDay Care Services, Children
Department or General Merchandise StoreDetention Facility
Dinner TheatreDistillery
Driving Instruction SchoolDrug Store
Duplex (See Dwelling, Duplex)Dwelling, Duplex
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Dwelling, Single-Family Detached with Accessory Dwelling Unit

Dwelling, Single-Lot Single-Family Detached

Dwelling, Townhome
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Feed, Grain, or Hay Storage and Sale, Bulk/Wholesale

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Fitness Center

Flea Market, Indoor

Flea Market, Outdoor/Open Air Market

Florist
Food Processing (craft)

Food Processing (manufacturing)

Food Truck/Park

Fuel Sales, Bulk
Fuel (Gasoline/Propane) Sales, Retail

Funeral Services

Furniture, Home Furnishings, and Home Decorating and Decor Store

LAND USES	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C	C	C	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG
Guidance Services																			
Gunsmith and Locksmith Shop																			
Haltway House																			
Hardware Store																			
Home Improvement Center																			
Home Occupation																			
Homeless Shelter																			
Hospital																			
Hotel (See also, Motel)																			
Independent Living Facility for Seniors																			
Jewelry Store																			
Job and Vocational Training Center																			
Junkyard																			
Kennel, Up to 11 Animals, Indoor Pens																			
Kennel, 12 or More Animals, Indoor or Outdoor Pens																			
Landscape Nursery, Commercial/Wholesale																			
Laundromat																			
Laundry/Dry Cleaning Drop-Off/Pick-Up Station																			
Limousine/Taxi Service																			
Livestock Sales, Wholesale																			
Luggage and Leather Goods Store																			
Lumber Yard																			
Machine Shop																			
Mailing Service																			
Manufactured Home or Manufactured Housing Sales																			
Manufacturing, Custom (see Artisan's/Craftsman's Workshop)																			
Manufacturing, Assembly																			
Manufacturing, General																			
Microbrewery																			
Mining and Mineral Extraction																			
Mini-Storage																			
Minor Emergency/Urgent Care/Outpatient Medical Clinic																			
Modular Home																			
Motel																			
Motor Freight/Trucking Company																			
Motorcycle, All Terrain Vehicle, Personal Watercraft Dealership																			
Movie Theater																			
Museum																			
Musical Instrument Sales and Repair																			
Newspaper																			
Nursing Home																			
Office, General (Business or Professional)																			
Office, Medical																			
Office Furniture, Equipment, and Supply Store																			
Outdoor Storage of Equipment and Materials as a Primary Use																			
Parking Lot or Structure, Accessory																			
Parking Structure																			
Pawnshop/With Outside Storage																			
Pawnshop/No Outside Storage																			
Payday Loan Business																			
Pet and Pet Supply Sales																			
Pet Grooming																			
Photography Studio																			
Photography/Camera Supply Store																			
Portable Building Sales																			
Print Shop																			
Public or Institutional Facility or Use																			
Quadruplex (See Dwelling, Multi-family)																			
Radio or Television Station or Broadcasting Studio with Tower																			
Radio or Television Station or Broadcasting Studio without Tower																			

5 Must meet the requirements of Chapter 30, Code of Ordinances.

Structure must meet the standards, i.e. lot size, structure height, lot coverage, set backs, etc., for the zoning district within which it is located.

4 Drive-thru subject to requirements of Article IX 60-60(6)

See Chapter 58, Kernville Code of Ordinances

13 Subject to requirements of Article IX 60-60(10)

14 Subject to requirements of Article IX 60-60(12)

LAND USES	Residential Districts							Nonresidential Districts							Special Districts			Notes (Adopted by Ord 2022-28, September 2022)
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IM	DAC	MU	PI	AD	AG		
Recreational Skills Classes								C	P	P	P	P	P	P	P	P		
Recreational Vehicle Dealership								C		C		C		C				
Recreational Vehicle or Trailer Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Rectory/Parsonage									P	P	P	P	P	P	P	P		
Repair Shop, Household Items									P	P	P	P	P	P	P	P		
Repair Shop, Personal Items									P	P	P	P	P	P	P	P		
Research and Development Lab									P	P	P	P	P	P	P	P		
Residential Care Service	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	C	
Restaurant, Food and Beverage Shop									P	P	P	P	P	P	P	P		
Restaurant, General, With Drive-Thru or Drive-In Service									P4	P4	P4	P4	P4	P4	P4	P4		
Restaurant, General, Without Drive-Thru Service									P	P	P	P	P	P	P	P		
Salvage, Recclamation, Recycling of Materials									C		C		C		C			
Sand, Gravel, or Stone Extraction																		
Sand, Gravel, or Stone Storage and Sales									C		C		C		C			
School, Private, Elementary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
School, Private, Intermediate and Secondary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
School, Public, Elementary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
School, Public, Intermediate and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Second-hand/Used Goods Store With Outside Storage																		
Second-hand/Used Goods Store, No Outside Storage									P	P	P	P	P	P	P	P		
Security Service									P	P	P	P	P	P	P	P		
Security Systems Installation and Monitoring Company									P	P	P	P	P	P	P	P		
Sexually Oriented Businesses																		
Shipping Containers																		
Short-term Rental Unit																		
Showroom, in Conjunction with Warehousing and Distribution																		
Showroom, without Warehousing and Distribution																		
Smoke Shop																		
Solar Energy Facility																		
Special Care Facility																		
Sporting Goods Store																		
Stables, Commercial																		
Stables, Private	P																	
Stationery/Store																		
Tailor, Seamstress, or Needlework Shop																		
Tattoo or Permanent Cosmetics Shop, Body Piercing																		
Taxidermy Shop																		
Townhome (See Dwelling, Townhome)																		
Toy, Gift, Hobby, and Novelty Shop																		
Transportation Terminal, Bus/Aviation																		
Triplex (See Dwelling, Multifamily)																		
Truck Stop and Fueling Station																		
Utility, Local	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility, Private or Franchise	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utility, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Veterinary Service, Large Animal, Indoor or Outdoor Pens																		
Veterinary Services, Small Animal, Indoor Pens																		
Warehousing and Distribution																		
Welding Shop																		
Wholesaling																		
Wind Energy System, Small																		
Winery																		
Wireless Telecommunications Facilities																		
Zero Lot Line Single-Family Dwelling (See Dwelling, Patio Home)																		

¹⁵ Shipping Containers subject to requirements of Article IX 60(17)

¹⁶ Shipping Containers subject to requirements of Article IX 60(17)

See Chapter 30, Kerrville Code of Ordinances

See Chapter 26, Kerrville Code of Ordinances

See Ordinance 2003-35

P = Permitted, C = Conditional Use, blank = prohibited



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

SUBJECT: Ordinance No. 2022-30. An Ordinance amending Chapter 30 "Businesses" of the City's Code of Ordinances by adopting a new Article VI "Bed and Breakfast Inns and Short-Term Rental Units"; requiring permitting and inspection for Bed and Breakfast Inns and Short-Term Rental Units; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Sep 02, 2022

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220913_Ord 2022-30 STR permits inspections.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area

Guiding Principle

Action Item

SUMMARY STATEMENT:

Along with the Zoning Code Amendment, City Council, with a recommendation from the Planning and Zoning Commission, requested a Short Term Rental Permit (STR Permit). Bed and Breakfast Inns are also included in this permit requirement, similar to the current hotel/motel permit. Bed and breakfast inns are permitted in commercial districts and short term rentals are permitted in limited residential districts (including downtown and mixed use).

The current zoning code includes the following definitions for each of these land uses.

Bed and breakfast inn means a facility offering short-term lodging for compensation in up

to 20 rooms, and which may provide meals to those who receive lodging only.

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 occupants.

This ordinance adds a permitting requirement for all STRs within the City limits. Many of the operational requirements were derived from the conditions put in place for the Conditional Use Permits over the past few years.

As with other operational permits, this ordinance sets out the application process for issuance and potential denial of a permit. It includes several operation requirements, including those captured from previous CUP resolutions.

The adoption of this permit requirement, along with the Zoning Code amendment, is a result of the discussions and recommendations from two Joint City Council and P&Z Workshops and the STR Townhall meeting.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-30 on first reading.

DRAFT 9/9/22

CITY OF KERRVILLE, TEXAS ORDINANCE NO. 2022-30

AN ORDINANCE AMENDING CHAPTER 30 “BUSINESSES” OF THE CITY’S CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE VI “BED AND BREAKFAST INNS AND SHORT-TERM RENTAL UNITS”; REQUIRING PERMITTING AND INSPECTION FOR BED AND BREAKFAST INNS AND SHORT-TERM RENTAL UNITS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, the increase in the number of persons or entities desiring to rent their residential properties has led to an increase in vacation rental uses within neighborhoods; and

WHEREAS, the use of residential premises by individuals for short periods of time may negatively impact the residential character of a neighborhood by reducing communication and accountability between permanent residents thereby partially substituting permanent residents with short-term visitors; and

WHEREAS, the regulation of the use and operation of such “short-term rental” properties is intended to limit the impact of such uses on pre-existing residential neighborhoods, and further advance the City’s objective of promoting and preserving great neighborhoods, as cited within the City’s Comprehensive Plan (*Kerrville 2050*); and

WHEREAS, the rise of substitute land uses for residential property contributes to the shortage of available local housing, both for ownership and as long-term rentals; and

WHEREAS, based upon community input at a “town hall” style meeting, input from the Planning and Zoning Commission, as well previous Council discussion, staff has drafted regulations to address these concerns while also continuing for the City to authorize such use; and

WHEREAS, the enforcement of land use regulations on residential properties poses unique enforcement difficulties and merits a stand-alone ordinance to provide clear rules for such rentals and to register with the City currently operating short-term rental units based upon their right to use their property for this purpose

pursuant to the City's Zoning Code (Ch. 60, City's Code of Ordinances) or because they were operating as a pre-existing (grandfathered) use prior to the adoption of the current Zoning Code; and

WHEREAS, the requirement of an annual short-term rental permit that can be suspended or revoked in the event of repeated nuisance violations related to noise, trash, and parking, incentivizes operators of short-term rental properties to assure their renters' compliance with the law and City ordinances, and provides a means for the City to protect the welfare of its citizens living in proximity of properties not being responsibly managed; and

WHEREAS, City Council desires to establish rules and regulations relating to the operation of short-term rentals; and

WHEREAS, City Council finds that regulating the short-term rental of residential property is necessary for the health, safety, and welfare of the general public, the promotion of consistent land uses and development, and the protection of landowners and residents of the City;

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

SECTION ONE. Chapter 30 "Businesses" of the Code of Ordinance of the City of Kerrville, Texas, is amended by adding a new Article VI "Bed and Breakfast Inns and Short-Term Rental Units" to add the language that is underlined ([added](#)) as follows:

"Chapter 30 - BUSINESSES

ARTICLE VI. BED AND BREAKFAST INNS AND SHORT-TERM RENTAL UNITS

Sec. 30-170. - Purpose of Article.

The purpose of the regulations set forth in this article is to provide a procedure to allow the rental of private residences to visitors on a short-term basis, while ensuring that such use does not create adverse impacts to residential neighborhoods due to excessive noise, traffic, and density. Additionally, this article is intended to ensure that the number of occupants within such rental units does not exceed the design capacity of a structure to cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

Sec. 30-171. - Definitions. As used in this article, the following definitions apply:

Bed and breakfast inn is defined within the Zoning Code.

Department means the department(s) designated by the City Manager to enforce and administer this article.

Designated operator means the operator of a bed and breakfast inn or short-term rental unit who must be able to respond to a City employee or guest of a bed and breakfast inn or short-term rental unit within two hours of such contact.

Director means the director of the department(s) designated by the City Manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director(s).

Permittee means a person or legal entity issued a bed and breakfast inn or short-term rental unit permit.

Owner means an individual person, proprietorship, partnership, corporation, association, or other legal entity.

Short-term rental unit is defined within the Zoning Code.

Zoning Code means the City's Zoning Code, as found within Chapter 60 of the City's Code of Ordinances.

Sec. 30-172. - Permit required.

It is unlawful to operate a bed and breakfast inn or a short-term rental unit:

- (1) Without a bed and breakfast inn or short-term rental unit permit;*
- (2) In violation of any provision of a bed and breakfast inn or short-term rental unit permit, this article, or any other applicable City ordinance or law; or*
- (3) Without having a valid conditional use permit, if required by the Zoning Code.*

Sec. 30-173. - Permit application and review.

(a) To obtain an annual permit to operate a bed and breakfast inn or short-term rental unit, a person must submit an application to the director on a form provided for that purpose and pay the nonrefundable permit fee. The applicant must be the

owner or designated operator of the bed and breakfast inn or short-term rental unit. If the owner or designated operator is not an individual, an authorized officer or agent of the owner or operator must submit the form. The application must contain the following information before it is considered complete and subject to review:

- (1) The name, street address, mailing address, email address, and telephone number of the owner and the designated operator of the bed and breakfast inn or short-term rental unit. Where the applicant is the owner, the owner must assign a “Designated Operator” who may be the owner. The designated operator must be able to respond to the director or guest of a bed and breakfast inn or short-term rental unit within two hours of such contact. The owner and designated operator may be the same or separate persons or entities.
- (2) If the owner or designated operator is a legal entity, the application shall list the names of all partners, directors, members, and officers, as applicable.
- (3) A scaled site plan that meets all site development requirements of the Zoning Code. Such site plan must include property lines, proposed and existing structures, and proposed and existing site improvements such as parking and fences.
- (4) Documentary evidence of the payment of ad valorem taxes; occupancy taxes; fees, including utility payments; fines; and penalties owed to the City in connection with real property used to operate the bed and breakfast inn or short-term rental unit.
- (5) The maximum number of guests that will stay at the bed and breakfast inn or short-term rental unit pursuant to section 30-180.
- (6) For initial applications, proof that a life safety inspection of the applicant’s property has been approved by the department. The life safety inspection is not required for structures that have attained a certificate of occupancy through construction or renovation of a structure within the previous year (365 days).
- (7) A statement that, by filing this application, the applicant swears or affirms under penalty of perjury that, to the best of the applicant’s knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this section.

(8) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested permit should be granted.

(b) When a conditional use permit is required, such permit must be issued prior to the issuance of a bed and breakfast inn or short-term rental unit permit.

Sec. 30-174. - Length of permit; renewal.

(a) A bed and breakfast inn permit or short-term rental unit permit is intended as an annual permit, to begin on January 1 and to terminate at 11:59 pm on December 31. An initial permit may be issued for a lesser amount of time so as to eventually align with the standard permit dates. A permit may be renewed by applying in accordance with section 30-173.

(b) Bed and breakfast inn or short-term rental units with a valid conditional use permit or that are allowed by right per the Zoning Code, as of October 15, 2022 are required to obtain a permit under the provisions of this article on or before April 1, 2023.

Sec. 30-175. - Permit Fees.

(a) The annual fee for a permit to operate a bed and breakfast inn or short-term rental unit is as determined from time to time by City Council.

(b) The City will not refund a permit fee.

Sec. 30-176. - Issuance or denial of permit.

Upon payment of the fee and the submission of a complete application, the director shall issue an annual permit to operate a bed and breakfast inn or short-term rental unit to the applicant, to include the number of authorized guests, if the director determines that:

(1) The applicant has complied with all requirements within this article for issuance of the permit;

(2) The owner or designated operator of the bed and breakfast inn or short-term rental unit do not own or operate another permitted inn or unit in the City for which the permit is currently suspended or has been revoked;

(3) The applicant has not knowingly made a false statement as to a material matter in the application for a permit; and

(4) Where applicable under section 30-180, the proposed bed and breakfast inn or short-term rental unit is not within 250 lineal feet of any other inn or unit. For purposes of this section, the measurement consists of a straight line without regard to intervening structures or objects, from the nearest property line of the lot or tract on which the proposed bed and breakfast inn or short-term rental unit is located to the nearest property line of the existing registered or permitted bed and breakfast inn or short-term rental unit, which requires separation. An exception exists where two or more bed and breakfast inns or short-term rental units exist within 250 lineal feet of each other as of the adoption date of this article, such bed and breakfast inn or short-term rental unit are exempt from this distance requirement and may remain in operation, but only where they are issued a permit by the City and comply with the remaining requirements of this article. Following the issuance of a permit, should the permit be revoked or expire, then the distance requirement will apply.

Sec. 30-177. - Notification of Change of Information.

The permittee shall notify the department within 10 days after any material change in the contact information contained in the application for a permit to operate a bed and breakfast inn or short-term rental unit.

Sec. 30-178. - Operational Standards.

Each permittee shall ensure guests' health, safety, comfort, and protection from hazards and shall comply with the following:

(a) City zoning and building codes; federal, state, and city adopted fire codes and applicable standards; federal, state, and city health and safety codes; and federal and state accessibility regulations;

(b) Smoke alarms must be installed and operational in compliance with the City's fire code to include installation within each sleeping room, immediately outside of each sleeping area, and on each story of the building, including any basement or attic;

(c) Maintain the property and its premises in a clean and sanitary condition;

(d) Pathways and stairways must remain unobstructed;

(e) Operation of a bed and breakfast inn or short-term rental unit may not result in illegal or nuisance activities, including disturbance of the peace, littering, illegal parking, loud noise, disorderly conduct, or lewd conduct;

(f) A sign shall be posted in a prominent location at each exit into an outdoor, common gathering area, such as the rear yard, to provide occupants and guests with notice that quiet hours shall be observed between 10:00 pm and 6:00 am;

(g) The permittee shall comply with the City's occupancy tax requirements as found within the City's Code of Ordinances.

(h) Receptions and weddings and other social events provided for compensation are not authorized as part of the use for a bed and breakfast inn or short-term rental unit unless such facility is located in a commercial zoning district.

(i) The designated operator shall:

(1) be able to respond to the director or guest of a bed and breakfast inn or short-term rental unit within two hours of such contact;

(2) provide contact information to the owners of all real property within 250 feet of the bed and breakfast inn or short-term rental unit, the addresses of which will be provided by the department;

(3) post a sign in a conspicuous place within each inn or unit with information that includes the name and contact information of the owner and/or designated operator, the occupancy limits, and requirements set forth in the permit. The director will provide this "guest notification" form to each applicant.

(j) The occupancy limit shall be included in all marketing materials, advertisements, and online listings for the bed and breakfast inn or short-term rental unit.

Sec. 30-179. - Emergency precautions.

The permittee shall provide fire escapes and exits that are maintained in good repair and accessible at all times in accordance with applicable fire codes, as amended.

Sec. 30-180. - Additional requirements and restrictions for Bed and Breakfast Inns or Short-Term Rental Units.

(a) Distance and Density.

(1) In R-1A zoning districts, a bed and breakfast inn or short-term rental unit may not be located within 250 lineal feet of another permitted bed and breakfast inn or short-term rental unit.

(2) Bed and breakfast inns and short-term rental units with an existing and valid conditional use permit as of October 15, 2022 are exempt from the distance and density requirements of this section subject to the following:

- a. The permit is continuously renewed prior to expiration; and
- b. The permit is not revoked after October 15, 2022.

(b) Parking.

(1) The requirements of this section do not apply to properties located within the Downtown Arts and Cultural Zoning District.

(2) A minimum of one (1) off-street parking space is required per bedroom.

(3) Required parking spaces must be improved in accordance with the City's design standards prior to issuance of a permit, such standards found within the City's Design Standards.

(3) No on-street parking is allowed for bed and breakfast inns or short-term rental unit guests.

(c) Signs.

(1) In R-E, R-1, R-1A, R-2, and RT zoning districts, no sign shall be permitted on the premises except a non-illuminated nameplate no larger than three total square feet in size and attached to the structure.

(2) In commercial zoning districts, signage shall comply with the requirements of Chapter 92 (sign code) of the City's Code of Ordinances.

(3) The design for a sign must be submitted with the site plan during the application process.

(d) *Lighting.* If the property is residentially zoned, all lighting must be directed toward the establishment and not at adjacent properties.

(e) *Occupancy.* The maximum number of adults allowed to reside in any bed and breakfast inn or short-term rental unit is 2 persons per bedroom plus 2 additional persons per rental unit, with a maximum occupancy of 10 persons.

(f) *Food Services.* Food service establishments and events open to non-guests may be provided as part of the bed and breakfast inn or short-term rental unit only in zoning districts that allow these uses and must meet all development standards consistent with the site requirements set forth in the Zoning Code.

Sec. 30-181. - Revocation, suspension or denial of a permit.

(a) The director may immediately revoke or suspend the permit, or deny either the issuance or renewal thereof, if it is found that:

(1) The permittee or guest has violated or failed to meet any of the provisions of this article or conditions of the permit;

(2) The permittee or guest has violated any federal, state, or City law, or regulation pertaining to the use of the property as a bed and breakfast inn or short-term rental unit;

(3) The police chief or fire chief, or designees, has determined that the bed and breakfast inn or short-term rental unit would pose a serious threat to public health, safety, or welfare; or

(4) The applicant has knowingly made a false statement of material fact on an application for a bed and breakfast inn or short-term rental unit permit.

(b) A bed and breakfast inn or short-term rental unit for which the permit has been suspended or revoked may not admit any new guests during the time the permit is suspended or revoked.

(c) In lieu of suspending a permit for a bed and breakfast inn or short-term rental unit permit, the director, at his or her sole discretion, may enter into a compliance agreement with a permittee if the director determines that the compliance agreement would eliminate the noncompliance that would otherwise justify a suspension or revocation, result in prompt future inspections, and elevate one or more conditions at the bed and breakfast inn or short-term rental unit permit to the standards of this article.

(d) The director shall send a written statement of the reasons for the denial, suspension, or revocation, to include the date such suspension or revocation is to begin, the duration of the suspension, and the permittee's right to appeal by certified mail, return receipt requested.

(e) A permittee whose permit is suspended may not be granted a new permit or renewal of an existing permit to operate any existing or additional bed and breakfast inn or short-term rental unit permit during the suspension period.

(f) A permittee commits an offense if he operates or owns a bed and breakfast inn or short-term rental unit permit that admits guests during the time that the suspension of the permit is in effect.

Sec. 30-182. - Notice to applicant/permittee; appeals.

(a) A person may appeal a decision to deny, revoke, or suspend a permit to the City Council. Appeals shall be submitted to the City Secretary in writing within 45 days following the date the applicant or permittee receives the decision. A hearing on the denial, suspension, or revocation will be scheduled for the next regular meeting of the City Council following the expiration of 10 days. Council will render a decision on the appeal within thirty days of the hearing. A permittee shall not operate bed and breakfast inn or short-term rental unit during the appeal process.

(b) At the appeal hearing on a denial of an initial permit application, the appealing party must present evidence clearly indicating that the director was incorrect in determining that the stated grounds for the permit denial existed.

(c) At the appeal hearing on a permit suspension, revocation, or refusal to renew, the director must present evidence clearly indicating that the stated grounds for such action existed.

Sec. 30-183. - Expiration and renewal of permit.

(a) All annual permits to operate a bed and breakfast inn or short-term rental unit expire at 11:59 pm on December 31. Permits issued in the middle of a calendar year will likewise expire on this date and the City will prorate such fee where the City issues a shortened initial permit.

(b) A permittee must apply for renewal at least 30 days before the expiration of the annual permit on a form provided by the director. The permittee must update the information contained in the original permit application required under this article if any of the information has changed. The permittee shall sign a statement

affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications or that any information that has been updated is accurate and complete and pay the annual fee.

(c) The director shall follow the procedures set forth in this article when determining whether to renew a permit.

Sec. 30-184. - Violations; penalty.

(a) A permittee or any other person who violates any provision of this article, or who fails to perform a duty required by this article, commits an offense.

(b) An offense under this article is punishable by a fine not to exceed \$2,000.00.

(c) A separate offense occurs each day or part of a day that the violation is committed, continued, or permitted.

(d) The remedies and procedures in this section and in other laws are cumulative law, and the use of any particular remedy or procedure does not prevent the application or enforcement of any other law.”

SECTION TWO. The City Secretary is authorized and directed to send this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the new Article VI of Chapter 30 as adopted herein, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

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

SECTION FOUR. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, 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 FIVE. The penalty for violation of this Ordinance shall be in

accordance with the general penalty provisions contained in Section 1-7, or its successor section, of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

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

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

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

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

Judy Eychner, Mayor

ATTEST:

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. 2022-23, second reading. An Ordinance creating a "Planned Development District" (Zoning) for Light Commercial Uses and a Stand-Alone Parking Lot on an approximately 1.49 acre property, consisting of Lot 21-R, Block G, B.F. Cage Addition; within the City of Kerrville, Kerr County, Texas; and more commonly known as 820 Sidney Baker and 829 Clay Street; adopting a concept plan and conditions related to the development and use of said lot; and providing other matters relating to the subject.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Aug 26, 2022

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220823_Ord 2022-23 PDD 820 Sidney Baker 2nd reading.pdf](#)
[20220823_Letters opposition Juarez Reeves Stewart.pdf](#)

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

Proposal: An ordinance to change the zoning from C-2 Light Commercial and RT Residential Transition to Planned Development District on Lot 21R, Block G, Cage Addition; and more commonly known as 820 Sidney Baker Street and 829 Clay Street, Kerrville, TX 78028.

Procedural Requirements: The City, in accordance with state law, mailed 23 letters on 7/14/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 7/7/2022. Notice of public hearing signs were also posted on both property frontages.

At the time of drafting this agenda bill, Development Services has received three comments.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: C-2 Light Commercial and RT Residential Transition

Existing Land Use: Existing commercial and a vacant tract

Direction: North

Current Zoning: C-2 Light Commercial and RT Residential Transition

Existing Land Uses: Commercial (permitted and non-conforming)

Direction: East

Current Zoning: C-2 Light Commercial

Existing Land Uses: single-family residential

Direction: West

Current Zoning: RT Residential Transition

Existing Land Uses: church

Direction: South

Current Zoning: RT Residential Transition

Existing Land Uses: single family home

Consistency with the Kerrville 2050 Comprehensive Plan (“Comp Plan”): The subject property is partially within the Strategic Catalyst Area 7 and the balance of the property is located in a Transitional Residential place type area. This catalyst area encapsulates the Sidney Baker Street/Hwy 16 corridor between the Strategic Catalyst Area 6 and Interstate 10. Place types include Transitional Residential, Community Commercial, and Regional Commercial. The proposed PDD with the various uses as defined fits within the Transitional Residential place type.

Thoroughfare Plan: The subject property is located on and has access to Sidney Baker Street, an arterial and Clay Street, a local street.

Traffic Impact: With the conditions contained within the proposed PDD ordinance, traffic impacts should be limited.

Parking: N/A

Case Summary: The applicant is requesting a zoning change from C-2 and RT to a PDD to allow for the existing commercial development and a stand-alone parking lot.

Recommendation: Staff recommends approval of the zoning request.

On July 28th, the Planning and Zoning Commission recommended the Planned Development District with amended conditions with a unanimous vote.

The P&Z recommended the following amendments:

1. No vehicular access shall be allowed to and from Clay Street. All traffic shall access from the Sidney Baker Street property. A gate for emergency access may be installed if required by the Fire Marshal. Such gate to remain cloaked at all times, subject to emergencies.
2. The screening fence shall be required across the front of the Clay Street lot, with a 15' setback.
3. Solid waste collection bins and dumpsters are prohibited.

On August 09, 2022, City Council approved Ordinance No. 2022-23 on first reading, with the P&Z's recommendations and a three-sided screening fence, by a 4-1 vote.

On August 23, 2022, City Council tabled Ordinance No. 2022-23 on second reading, to the next regular meeting, by a 5-0 vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-23 on second reading.

D R A F T 8/19/22

CITY OF KERRVILLE, TEXAS ORDINANCE NO. 2022-23

AN ORDINANCE CREATING A “PLANNED DEVELOPMENT DISTRICT” (ZONING) FOR LIGHT COMMERCIAL USES AND A STAND-ALONE PARKING LOT ON AN APPROXIMATELY 1.49 ACRE PROPERTY, CONSISTING OF LOT 21-R, BLOCK G, B.F. CAGE ADDITION; WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND MORE COMMONLY KNOWN AS 820 SIDNEY BAKER AND 829 CLAY STREET; ADOPTING A CONCEPT PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT AND USE OF SAID LOT; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the Planning and Zoning Commission of the City of Kerrville, Texas and the governing body of the City of Kerrville, in compliance with the laws of the State of Texas and the ordinances of the City Kerrville, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the City’s Zoning Code and Zoning Map should be amended as provided herein;

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

SECTION ONE. The property described in **Exhibit A** (the “Property”) is removed from a Light Commercial Zoning District (C-2) and a Residential Transition Zoning District (RT), based upon its previous configuration as separate properties, and placed within a newly created Planned Development District (“PDD”) for development and use as provided herein.

SECTION TWO. The Property may be developed and used but only in accordance with the following conditions:

A. Permitted Uses: The following uses are permitted within the PDD subject to the conditions provided herein and the applicable regulations for each use as provided within the Zoning Code:

1) The portion of the Property located at 820 Sidney Baker Street (“Portion A”) – Portion A may only be used for those permitted and conditional uses as allowed in the Light Commercial (C-2) Zoning District as provided within the Zoning Code.

2) The portion of the Property formerly addressed as 829 Clay Street (“Portion B”) – Portion B may only be used for a Stand-Alone

Parking Lot (“Parking Lot”), defined as parking surface or series of surfaces used or intended to be used for the parking or circulation of vehicles for which a fee may or may not be charged, and for no other purpose or use. Parking on the Parking Lot shall only be for the benefit of employees, customers, and others that are actively using Portion A.

Because Portion A and Portion B now exist as a single lot, the dividing line between each, for purposes of this PDD, will consist of the western edge of the concrete driveway behind the building on Portion A, such line as indicated on the Concept Plan attached as **Exhibit B**.

- B. Prohibited Uses:** Any use not specifically allowed in Portion A or Portion B as specified within subsections A.1) and 2) is expressly prohibited.
- C. Concept Plan:** The development and use of the Property shall be substantially in accordance with the Concept Plan. Minor modifications to number and alignment of buildings, building areas and footprints, open spaces, and pedestrian access shown on the Concept Plan may be made so long as the general alignment of building areas and lot layout are substantially maintained and the location and boundary of the lot is not altered.
- D. Setbacks:** Parking spaces on Portion B shall maintain a setback of a minimum of 15 feet (15.0') from the Property line adjacent to Clay Street. This open space area shall be landscaped and permanently maintained with healthy, growing landscaping, but with such landscaping not impairing sight distances for vehicles exiting Portion B.
- E. Parking:** The design, number of parking spaces, and aisle dimensions shall comply with the Concept Plan. All required parking shall be marked and kept available for customers, employees, and others using the Property. No parking may occur in front of any building which may be constructed on Portion B or within the setback. The Parking Lot and driveway between Portion A and Portion B shall be used to provide for vehicular access traveling between the two areas. Vehicles are prohibited from entering or exiting from Portion B from or onto Clay Street. The Property owner shall install a gate or similar barrier to prevent such ingress or egress, which shall comply with the City’s fire code. In addition, the Property owner shall install signage to notify all drivers of this regulated use.

F. Parking Lighting: All outside pole lights shall be of a full cut-off design and shall be located, shielded, and aimed in such a manner so as not to allow light to directly fall on adjacent roadways and/or properties. Up-lighting is prohibited.

G. Parking Lot and Travel Lane Surface: The vehicle traveling lanes and parking spaces shall be asphalt or concrete in order to prevent mud, dirt, or other loose materials from being removed from the Property and tracked onto the public rights-of-way by vehicles traveling from the Property.

H. Signage: The design, installation, location, and maintenance of signs shall comply with City sign regulations existing at the time of permitting for the sign, except for the signs required by this subsection.

1) Required Signs for Portion B:

a) Three signs shall be required for Portion B in order to notify drivers of the regulated use:

- i.** Signs Stating “Do Not Enter” located on the gate or barrier preventing access from Clay Street with one facing toward Clay Street and the other toward Portion B.
- ii.** A sign stating “Parking for Employees and Customers of 820 Sidney Baker Business Only”, located near the access from Portion A to Portion B.

b) Signs required by subsection H.1):

- i.** Shall not exceed six square feet in area;
- ii.** Shall not exceed six feet in height;
- iii.** Shall not be placed closer than five feet to any property or right-of-way line; and
- iv.** Shall be permanently mounted or installed;

2. Any additional sign applied for Portion B shall meet the sign regulations for the Residential Transition (RT) Zoning District. The signs required by

subsection 2(H)(1) do not count towards the total number of signs otherwise allowed by City ordinances.

I. Landscaping Regulations: Landscaping shall be installed in accordance with the following:

1. Planting materials planted on the Property shall be from the list of recommended plants set forth in the most recent edition of *Recommended Plants for the Kerrville Area* published by the City at the time of planting.
2. All landscaping shall be maintained in a healthy, growing condition.

J. Screening: Screening: Screening shall be required along each property line of Portion B (*i.e.*, three sides, northeast, northwest, and southwest). Screening is subject to the following:

1. Any fence constructed on the northeast and southwest property lines from the 15-foot setback line to the rear of Portion B shall be a minimum of 6 feet tall.
2. Any fence constructed along the property line adjacent to Clay Street, the northwest property line, shall be setback 15 feet. This fence shall be a minimum of 3 feet.
3. If any fence is constructed from the Property line of Portion B adjacent to Clay Street to the 15-foot setback line, it shall not exceed 30 inches in height.
4. Vegetative screening is permissible to substitute or supplement any fencing used to screen so long any vegetative screening from the 15-foot setback line to the rear of Portion B is a minimum of 6 feet tall and is of a dense hedge or plant material that is alive and maintained in a healthy condition.

K. Trash and Other Solid Waste: Solid waste collection bins and dumpsters are prohibited on Portion B.

L. Outdoor Storage and Display: The outdoor storage of any materials, supplies, inventory, and/or equipment, whether in cargo containers or

similar containers or buildings, is prohibited except on a temporary basis for construction-related purposes.

M. Vested Rights: The Concept Plan constitutes a “permit” as defined in Chapter 245, Texas Local Government Code, as amended, that is deemed filed with the City on the effective date of this ordinance.

SECTION THREE. The City Manager or designee is authorized and directed to amend the City’s official zoning map to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with the City’s Zoning Code.

SECTION 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, to the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Kerrville governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

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

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

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

PASSED AND APPROVED ON FIRST READING, this the 09 day of
August, A.D., 2022.

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

Judy Eychner, Mayor

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

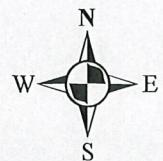


Location Map

Case # PZ-2022-035

Location:
820 Sidney Baker St N
& 829 Clay St N

Legend
200' Notification Area
Subject Properties



0 50 100 200

Scale In Feet

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





From: [Drew Paxton](#); [Steve Melander](#); [Planning Division](#)
To: [Drew Paxton](#); [Steve Melander](#)
Subject: RE:Case PZ-2022-35
Date: Tuesday, July 26, 2022 2:37:31 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kerrville Planning & Zoning Commission, 7/25/2022

RE: CASE: PZ-2022-35

We would like to express our deepest concerns with the ordinance/zoning change slated for 820 Sidney Baker St. and 829 Clay St. We want to acknowledge the efforts of the commission and the City of Kerrville in their litigation efforts to maintain the residential area intact and protected. While you may have to approve the change, we are adamantly opposed to granting the property owner “carte blanche” to do whatever he wants. It is well within the powers of the City to create and implement Covenants, to limit unintended use or permissions for a property owner(s). The fact is now this change will affect the residents of Clay St, Myrta St. and Barnett St. with increased traffic flow. And lower quality-of-life for the residents, not to mention the wildlife they are fortunate enough to have and currently enjoy. You know, all the good things that life in a small town is supposed to have. We ask you to mitigate it, by setting forth guidelines and common-sense restrictions on how traffic will ingress or egress to Clay St. This would be reasonable considering the City of Kerrville’s pledge to support neighborhoods in the “2050 plan”.

Secondly, the jump from RT-Residential Transition to PD-Planned Development District is an excessive zoning designation for a proposed parking lot. It also goes completely against Kerrville’s 2050 plan that was approved by this Commission! There has never been (and none in the 2050 plan) PD-Planned Development zones in the immediate area and therefore should be considered as excessive. We ask for a C1-Residential commercial designation as it would be more appropriate. At the very least it should be considered.

Lastly, it appears that the property owner has already removed the fencing from the property line that borders 820 Sidney Baker St. and 829 Clay St., and allowed parking on the unpaved portion of the lot. If this is a harbinger of how he “operates”, it doesn’t bode well for the families that have lived on Clay St. long before his building existed. You can give an inch, without giving a mile. Thank you for your consideration.

Jerry and Santa Juarez

To: [Drew Paxton](#); [Steve Melander](#)
Subject: Letter of protest regarding the upcoming public hearing on July 28
Date: Thursday, July 21, 2022 9:46:59 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir,

Regarding the public hearing coming up July 28 for the Planning and Zoning commission to consider changing the zoning which will affect the Clay Street neighborhood:

A local man purchased a home at 829 Clay St, which backs up to his business facing Sidney Baker St. After moving the house, he requested to turn this lot into a parking lot for his restaurant, (which is against zoning) and he was denied on two requests. I attended those meetings and appreciated the response on this matter from the Planning and Zoning commission.

It is my understanding this businessman also wants through traffic from Sidney Baker to Clay St. In my opinion, this situation shows a lack of respect for the neighborhood where he chooses to run his business.

I believe the city of Kerrville spent quite a bit of money defending its decision to deny this man a conditional use permit for the parking lot in a law suit. The city lost and now this man will be allowed to have his parking lot next to a home on Clay St and across from other homes - homes with children and elderly and pets. The parking lot is bad enough but now he is to be allowed through traffic from Sidney Baker to Clay St., which will further denigrate the neighborhood. Clay St has a shopping center with through traffic from Sidney Baker onto Clay St and this was against zoning but allowed years ago. I remember this was discussed in one of the previous meetings on this issue. Now we are allowing something else that is bad for the residents of Clay St. Parking lots bring more than parked cars. They bring cars " cutting through" the shopping center to

avoid a stop light, they bring dumpsters and trash trucks beeping and backing up to empty the dumpster at early hours of the morning, people walking through the lot that are not there for the shopping or dining, people parking there and hanging out at 2 AM, people using the dumpster if it is not locked, the dumpster being left open when overstuffed with trash which then blows all over residents yards. I know because I deal with these issues all the time with the shopping center and parking area by our home. There too It has worsened since a fence section was removed allowing access from the shopping center into the back of our property and a vacant lot next door. Yes that is a different issue but the problems affecting homeowners are much the same.

The value of a neighborhood is in the people - those who invested in the neighborhood and spent years paying off a home mortgage and raising children there and now choose to spend their golden years there. This request to change the zoning can bring increased traffic, safety issues, noise, lack of green space, light pollution, a view of light poles; None of this is welcome in a neighborhood that seeks merely to exist peacefully.

I thought Kerrville's long range plan included developing residential areas in town. Why then no protection for one already in existence? Granted the lot is currently an eye sore - the center section of the fence was removed months ago, forcing residents to stare at the back of the commercial building. I thought the fence was supposed to be in place to block, or soften the view in a transitional zoning area.

Now he has removed most of the fence, I suppose in anticipation of his parking lot. Cars have been parking in the grassy lot and I have observed cars entering and exiting the lot from Clay St.

In town residential neighborhoods must deal with traffic noise from nearby busy streets and the sound of live music that can be heard over one's television and air conditioner. These things come with living in town. But the residents deserve protection from encroachment.

I'm sure the owner is sorry he bought a lot that was not zoned for his desired use but why should his mistake affect the neighborhood?

What happens if another business on Sidney Baker wants to expand behind them and is able to purchase a lot on Clay Street? Can they expand their business and parking onto Clay St too? After all, one person got by with it. I appreciate the city's efforts to fight this issue to protect this quiet neighborhood street from further commercial encroachment; that means something to me.

Thank you

**JuLee Reeves
853 Clay St
Kerrville Tx 78028**

From: [Drew Paxton](#)
To: [Drew Paxton](#)
Subject: Zoning Meeting July 28, 2022 Protest
Date: Thursday, July 28, 2022 7:47:02 AM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Responsible City Official:

Why in the hell are you as a city official once again entertaining the intrusive, intimidating and harassing behavior of a businessman (who last time I checked) isn't a resident of Kerrville and whose ulterior motives are well known, selfish and only designed to increase his profits on the backs of the very elderly residents who were the very first, or descendants of the very first, citizens of Kerrville?

Once again Mr. Motheral is at it again in front of the city trying to bully his way to build a parking lot with a primary entrance onto Clay Street. He has the gall to attempt to force his way no matter that there have been numerous official city decisions against his empire building efforts. Additionally, the opinions of the long-time residents have been made in the negative again, and again, and again.

I am a longtime resident of Kerrville and retired here after a 30-year career in the U.S. Army. My mother has lived here all of her life in the house at the top of Clay Street. This home was built in the late 1800's at the time Kerrville first became a city when my great grandfather was Kerrville's first medical doctor. The old joke in our family is that half the residents of Kerrville back then were born on our antique dining room table!

Although in disrepair, this house is mere feet from where Mr. Motheral intends to build his parking lot to provide access to his restaurant and commercial strip on Sidney Baker street (and we are sure this is just the start). My mother is on a fixed income and without the city's intervention does not have the financial means to either fight Mr. Motheral or move elsewhere. She intends to live in this house until her last day on earth and I want to make her life as comfortable as possible.

Please do your job as a trustee and steward of the values of what Kerrville espouses and stand up for the most vulnerable, long-time residents of Kerrville who built this city and made it what it is today and who actually live here.

Just say no to Mr. Motheral's request to "commercialize" Clay Street.

Thank you.

Respectfully,
Bill Stewart
Colonel, U.S. Army Retired



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

SUBJECT: Ordinance No. 2022-25, second reading. An Ordinance adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2023; providing appropriations for each City department and fund; containing a cumulative clause; and containing a savings and severability clause.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Aug 26, 2022

SUBMITTED BY: Julie Behrens

EXHIBITS: 20220913_Ord 2022-25 FY2023 Budget 2nd reading.pdf

Expenditure Required: **Remaining Budget Balance in Account:** **Amount Budgeted:** **Account Number:**

PAYMENT TO BE MADE TO:

Kerrville 2050 Item? Yes

Key Priority Area F - Public Facilities and Services

Guiding Principle	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
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Action Item

SUMMARY STATEMENT:

The FY2023 Proposed Budget continues to advance many Kerrville 2050 Guiding Principles and City Council priorities. Overall revenues total \$71,121,222, while overall expenditures total \$99,161,170. Expenditures exceed revenues in other funds primarily due to capital projects that were funded in previous years. The General Fund is balanced with \$35,359,039 in revenues and expenditures. The Water Fund is balanced with \$14,682,944 in revenues and expenditures. The proposed property tax rate is \$.5752 which is higher than the rate of \$.5093 from FY2022 due to voter-approved issuance of general obligation bonds to be used for a new Public Safety Facility. The Maintenance & Operations (M&O) portion of the tax rate is \$.4341, which is used to support the General Fund, is lower than the M&O rate of \$.4358 in FY2022.

The FY2023 Proposed Budget includes an increase in the General Fund and the Water Fund due to the impacts of ongoing inflation including fuel, supplies, and labor.

City Council Retreat was held in May of 2022 to revisit Council Priorities and Budget Workshops were held in June and July and were open to the public. The FY2023 Proposed Budget was filed in accordance with the City Charter, on July 31, 2022. Notice of Public Hearing was published in the Kerrville Daily Times and is running on the City's public access channel five times per day.

In addition, the notice and all budget information is available on the City's website, in the City Secretary's office at 701 Main Street, and at the Butt-Holdsworth Memorial Library at 505 Water Street.

The first reading and vote for the ordinance to adopt the FY2023 Proposed Budget occurred following the public hearing on August 23, 2022. The second ordinance reading and vote will occur on September 13, 2022.

On August 23, 2022, City Council approved Ordinance No. 2022-25 on first reading, with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-25, on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-25**

**AN ORDINANCE ADOPTING THE ANNUAL
BUDGET FOR THE CITY OF KERRVILLE, TEXAS,
FISCAL YEAR 2023; PROVIDING
APPROPRIATIONS FOR EACH CITY
DEPARTMENT AND FUND; CONTAINING A
CUMULATIVE CLAUSE; AND CONTAINING A
SAVINGS AND SEVERABILITY CLAUSE**

WHEREAS, in accordance with Sections 8.01 and 8.03 of the City Charter and Section 102.005 of the Texas Local Government Code, the City Manager, on July 31, 2022, prepared and filed with the City Secretary and had placed on the City's website, a proposed budget for the City of Kerrville, Texas, for the fiscal year beginning October 1, 2022, and ending September 30, 2023 (sometimes referred to as "Fiscal Year 2023" or "FY2023"); and

WHEREAS, in accordance with Section 8.03 of the City Charter and Sections 102.006 and 102.065 of the Texas Local Government Code, and after providing the required public notice in the City's official newspaper not less than ten days prior to the date of the public hearing, a public hearing was duly held on August 23, 2022, at the time and place set forth in the public notice, said date being more than fifteen days subsequent to the filing of the proposed budget by the City Manager, at which all interested persons were given an opportunity to be heard for or against any item within the proposed budget; and

WHEREAS, after due deliberation, study, and consideration of the proposed budget, to include the opportunity of making any amendments to the budget proposed by the City Manager that City Council has determined are (1) warranted by law or (2) in the best interest of the taxpayers of the City, City Council is of the opinion that the Official Budget for the Fiscal Year 2023, with any such amendments described and discussed, should be approved and adopted, in accordance with Section 8.05 of the City Charter and Section 102.007 of the Texas Local Government Code;

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

SECTION ONE. The Official Budget of the City of Kerrville, Texas, a copy of which is on file in the office of the City Secretary, at the Butt-Holdsworth Memorial Library, and on the City's website referenced by the date and number of this Ordinance, and incorporated herein by reference as if fully set out herein, is adopted, in accordance with Article VIII of the City Charter and Chapter 102 of the Texas Local Government Code.

SECTION TWO. The appropriations by department, fund, or other organization unit and the authorization and allocation for each program or activity

are hereby deemed to provide a complete financial plan of City funds and activities for the Fiscal Year 2023, in accordance with Section 8.04 of the City Charter and Chapter 102 of the Texas Local Government Code.

SECTION THREE. The following policies, which City Council has previously approved, are included within the budget document referenced in Section One. Some of the policies include amendments, as indicated, which City Council hereby approves. City Council may revise a policy(s) before the adoption of next year's budget, by the adoption of a resolution indicating the revisions. The policies are as follows:

- Financial Management Policy
- Investment Policy
- Purchasing Policy
- Real Estate Policy
- Travel Policy
- Vehicle and Equipment Replacement Policy
- Fee Schedule

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. The City Council of the City of Kerrville, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

THE MEMBERS OF CITY COUNCIL VOTED AS FOLLOWS IN ACCORDANCE WITH THE CITY CHARTER AND STATE LAW:

FIRST READING:

[1ST MOTION TO STATE AS FOLLOWS: *Motion to approve Ordinance No. 2022-25 to adopt the City's budget for Fiscal Year 2023 on 1st reading.*]

City Secretary to take record vote as follows:

	YES	NO
Judy Eychner, Mayor	X	_____
Roman Garcia, Place 1	X	_____
Kim Clarkson, Place 2	X	_____
Joe Herring, Jr., Place 3	X	_____
Brenda Hughes, Place 4	X	_____

[2ND MOTION TO STATE AS FOLLOWS: *Motion ratifying vote to adopt a budget that will require raising more revenue from property taxes than the previous fiscal year.*]

PASSED AND APPROVED ON FIRST READING, this the 23 day of
August A.D., 2022.

SECOND READING:

[1ST MOTION TO STATE AS FOLLOWS: *Motion to approve Ordinance No. 2022-25 to adopt the City's budget for Fiscal Year 2023 on 2nd reading.*]

City Secretary to take record vote as follows:

	YES	NO
Judy Eychner, Mayor	_____	_____
Roman Garcia, Place 1	_____	_____
Kim Clarkson, Place 2	_____	_____
Joe Herring, Jr., Place 3	_____	_____
Brenda Hughes, Place 4	_____	_____

[2ND MOTION TO STATE AS FOLLOWS: *Motion ratifying vote to adopt a budget that will require raising more revenue from property taxes than the previous fiscal year.*]

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

Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Michael C. Hayes".

Michael C. Hayes, City Attorney



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

SUBJECT: Ordinance No. 2022-26, second reading. An Ordinance levying an Ad Valorem Tax for the use and support of the Municipal Government for the City of Kerrville, Texas, for Fiscal Year 2023; apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Aug 26, 2022

SUBMITTED BY: Julie Behrens

EXHIBITS: 20220913_Ord 2022-26 Ad Valorem Tax rate FY2023 2nd reading.pdf

Expenditure Required: **Remaining Budget Balance in Account:** **Amount Budgeted:** **Account Number:**

PAYMENT TO BE MADE TO:

Kerrville 2050 Item? Yes

Key Priority Area F - Public Facilities and Services

Guiding Principle	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
--------------------------	--

Action Item

SUMMARY STATEMENT:

The proposed tax rate for the Fiscal Year 2023 (2022 tax year) is \$0.5752 per \$100 of assessed value, which is higher than the No New Revenue Rate of \$0.4611 and equal to the voter approval rate of \$0.5752. The Debt (I & S) portion of the tax rate is increasing from \$0.0735 in FY2022 to \$0.1411 in FY2023 due to voter-approved sale of general obligation bonds for a new Public Safety Facility. The Maintenance & Operations (M&O) portion of the rate is decreased from \$0.4358 in FY2022 to \$0.4341 in FY2023 due to an increase in property valuations and growth.

On August 23, 2022, City Council approved Ordinance No. 2022-26 on first reading, with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-26 on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-26**

**AN ORDINANCE LEVYING AN AD VALOREM TAX FOR THE
USE AND THE SUPPORT OF THE MUNICIPAL GOVERNMENT
FOR THE CITY OF KERRVILLE, TEXAS, FOR FISCAL YEAR
2023; APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES;
AND PROVIDING WHEN TAXES SHALL BECOME DUE AND
WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID**

WHEREAS, City Council finds that an ad valorem tax must be levied to provide for expenses and improvements for the City of Kerrville, Texas, during Fiscal Year 2023 (Oct. 1, 2022-Sept. 30, 2023); and

WHEREAS, City Council further finds that an ad valorem tax must be levied to provide for the payment of principal and interest on outstanding debt maturing in Fiscal Year 2023; and

WHEREAS, after due deliberation, study, and consideration of the proposed tax rate for Fiscal Year 2023, City Council has determined that adoption of the rate is in the best interest of the taxpayers of the City and it should be adopted in accordance with law;

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

SECTION ONE. There is hereby levied and there shall be collected for the use and support of the municipal government of the City of Kerrville, Texas, and to provide interest and sinking funds for the Fiscal Year 2023, a tax of **\$0.5752** on each one hundred dollars (\$100.00) valuation of all property, comprising real, personal, and mixed, within the corporate limits of the City subject to taxation, for the specific purposes herein set forth:

A. For current expenditures of the City and for the general improvement, use, and support of the City and its property (*i.e.*, expenditures for maintenance and operations), there is hereby levied and ordered to be assessed and collected for the Fiscal Year 2023 on all property situated within the corporate limits of the City, and not exempt from taxation by a valid law, an ad valorem tax rate of **\$0.4341** on each one hundred dollars (\$100.00) valuation of such property.

B. For the purpose of paying principal and interest and providing payments into various debt service funds for each issue of tax supported debt, there is hereby levied and ordered to be assessed and collected for the Fiscal Year 2023 on all property situated within the corporate limits of the City and not exempt from taxation by a valid law, an ad valorem tax for each issue of debt described

in this Section, the sum of such levies being **\$0.1411** on each one hundred dollars (\$100.00) valuation of such property.

SECTION TWO. The ad valorem taxes levied are due on October 1, 2022, and may be paid up to and including January 31, 2023, without penalty, but if not paid, such taxes are delinquent on February 1, 2023; provided, however, in accordance with Section 31.03(a) of the Texas Tax Code, the ad valorem taxes due hereunder may, at the option of the taxpayer, be paid in two payments without penalty or interest so long as the first payment of one-half of the taxes levied is paid before December 1, 2022, and the remaining one-half is paid before July 1, 2023.

SECTION THREE. No discounts are authorized on property tax payments made prior to January 31, 2023.

SECTION FOUR. All taxes become a lien upon the property against which assessed and the designated City tax collector for the City of Kerrville is authorized and empowered to enforce the collection of such taxes according to the Constitution and Laws of the State of Texas and ordinances of the City, and shall by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty, and interest. All delinquent taxes shall bear interest and other charges from date of delinquency as prescribed by state law.

SECTION FIVE. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 4.6% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$14.10.

FIRST READING:

[MOTION TO STATE AS FOLLOWS: *Motion to approve Ordinance No. 2022-26 and that the property tax rate be increased by the adoption of a tax rate of \$0.5752, which is effectively a 12.94% percent increase in the tax rate.*]

City Secretary to take record vote as follows:

	YES	NO
Judy Eychner, Mayor	X	_____
Roman Garcia, Place 1	X	_____
Kim Clarkson, Place 2	X	_____
Joe Herring, Jr., Place 3	X	_____
Brenda Hughes, Place 4	X	_____

PASSED AND APPROVED ON FIRST READING, this the 23 day of
August, A.D., 2022.

SECOND READING:

[MOTION TO STATE AS FOLLOWS: *Motion to approve Ordinance No. 2022-26 and that the property tax rate be increased by the adoption of a tax rate of \$0.5752, which is effectively a 12.94% percent increase in the tax rate.*]

City Secretary to take record vote as follows:

	YES	NO
Judy Eychner, Mayor	_____	_____
Roman Garcia, Place 1	_____	_____
Kim Clarkson, Place 2	_____	_____
Joe Herring, Jr., Place 3	_____	_____
Brenda Hughes, Place 4	_____	_____

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

Judy Eychner, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



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

SUBJECT: Resolution No. 51-2022. A Resolution establishing a policy of the City Council to set the City's Parkland Dedication Fees for Fiscal Years 2023 through 2026.

AGENDA DATE OF: September 13, **DATE SUBMITTED:** Sep 01, 2022
2022

SUBMITTED BY: Ashlea Boyle

EXHIBITS: [20220913_Reso 51-2022 Parkland Dedication fees FY23 thru FY26.pdf](#)

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

PAYMENT TO BE MADE TO:

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

SUMMARY STATEMENT:

On January 11, 2022, the Kerrville City Council approved, on second reading, Ordinance No. 2022-01 amending the Parkland Dedication Ordinance.

To review, the Parkland Dedication Ordinance was originally established in 1987; and the last revision (prior to 2022) was in 1991. This ordinance amendment was adopted to provide parks for recreational purposes as a function of 1) subdivision development and 2) new residential construction. This ordinance was enacted in accordance with the Home Rule powers of the City of Kerrville, granted under the Texas Constitution, and the statutes of the State of Texas.

Parks and parkland, as they pertain to the Parkland Dedication Ordinance, are those public properties providing for a variety of outdoor recreational opportunities and within

convenient distances to a majority of the residences to be served thereby. A portion of the costs of these parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, will be beneficiaries of such facilities. The amended Ordinance included retaining fees in-lieu of parkland as a priority over land dedication in accordance with the direction set by the adopted vision in Kerrville 2050 placing an emphasis on regional parks versus creating new, smaller neighborhood parks.

The Ordinance amendment also removed the fees from the Ordinance and placed the fees in the overall Fee Schedule, as adopted by Council annually. For residential projects, the timing of the payment of these fees will be moved from the building permit to the recording of the subdivision plat. The Parks and Recreation Advisory Board recommendation also includes incremental annual fee increases. The current fee is \$250 per unit. The fee structure is being updated based on the current land values and land dedication ratio. This will be included in the annual budget. Fees are evaluated annually by staff and adjusted by the City Council as appropriate. At this time, staff recommends a multi-year increase in the fees proposed as such. City Council directed staff to bring back a multi-year Fee Resolution during the FY23 Budget Adoption process. Proposed fees are FY23 = \$700, FY24 = \$850, FY25 = \$1,000, FY26 = \$1,275.

Attached is a Resolution adopting the fee structure as outlined above, pursuant to the new Ordinance adopted in January 2022. Staff recommends adopting the Resolution as presented.

RECOMMENDED ACTION:

Adopt Resolution No. 51-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 51-2022**

**A RESOLUTION ESTABLISHING A POLICY OF THE CITY COUNCIL
TO SET THE CITY'S PARKLAND DEDICATION FEES FOR FISCAL
YEARS 2023 THROUGH 2026**

WHEREAS, the City of Kerrville, Texas ("City"), owns and operates a park system encompassing both regional and neighborhood parks; and

WHEREAS, City Council adopted an amended parkland dedication ordinance, Ordinance Number 2022-01, on January 11, 2022, which expressed a priority to retain parkland dedication fees in lieu of the dedication of actual park land for additional neighborhood parks, in compliance with the Kerrville 2050 Plan; and

WHEREAS, the Parks and Recreation Advisory Board has recommended incremental annual fee increases in the parkland dedication fee over the next several years; and

WHEREAS, City Council finds it to be in the public interest to set the parkland dedication fees for Fiscal Years 2023 through 2026 as provided below;

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

City Council adopts a policy of setting the City's parkland dedication fees for Fiscal Years 2023 through 2026, as specified in the attachment found at **Exhibit A**.

PASSED AND APPROVED ON this the _____ day of _____ A.D., 2022.

Judy Eychner, Mayor

APPROVED AS TO FORM:



William L. Tatsch, Asst. City Attorney

ATTEST:



Shelley McElhannon, City Secretary

Exhibit A

Parkland Dedication Ordinance Multiyear Rate Plan

FY2023	FY2024	FY2025	FY2026
Proposed Rate	Proposed Rate	Proposed Rate	Proposed Rate
\$700.00 per unit	\$850.00 per unit	\$1000.00 per unit	\$1275.00 per unit



**TO BE CONSIDERED BY
ECONOMIC IMPROVEMENT CORPORATION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Authorization to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for a downtown infrastructure and beautification project along Clay Street from Main Street to Water Street and on Water Street from Clay Street to Sidney Baker.

AGENDA DATE OF: September 13, **DATE SUBMITTED:** Aug 17, 2022

SUBMITTED BY: Michael Hornes

EXHIBITS: [20220913_EIC application_downtown infrastructure underground utilities.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$400,000	N/A	N/A	N/A

PAYMENT TO BE MADE TO: To be determined

Kerrville 2050 Item?	Yes
Key Priority Area	D - Downtown Revitalization
Guiding Principle	D4. Encourage and program Downtown public events and create more gathering places that promote and enhance Downtown as an arts, culture and music center
Action Item	D4.6 - Enhance the access, functionality and safety of the Downtown parking garage

SUMMARY STATEMENT:

The City was successful in leveraging Downtown Community Development Block Grant funds to help fund infrastructure and mobility improvements at the intersection of Clay Street and Water Street. In light of this upcoming activity, KPUB has been investigating the possibility of converting the existing overhead utility lines in the area to underground service, enhancing the aesthetic of downtown, upgrading the electrical service for future demand (HHHC), and complimenting the other improvements. KPUB has developed estimates of the cost to do this work which are summarized in the attached funding request letter to EIC. This project will remove the overhead electric and telecommunications

utilities starting on Clay Street starting approximately 60 feet South of Main Street and along Water Street from Sidney Baker to the A.C. Schreiner House.

As outlined in the letter, KPUB is asking that EIC fund half of the cost of this underground utility conversion. The total cost of the project is \$450,575. KPUB's request is that EIC pay for \$225,287.

In conjunction with burying the underground power lines, a beautification project along the Water street section of the City's Downtown parking garage is also planned, as much of the vegetation in the right-of-way will not survive the construction. The work will also include hardscape improvements for parking garage safety. Preliminary cost estimates for this project are between \$130,000-180,000.

Staff recommends a total funding request to EIC of \$400,000, which will fund the upgraded electrical utility infrastructure and the landscape and beautification efforts for the Downtown Parking Garage along Water Street.

RECOMMENDED ACTION:

Authorize the request to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for a downtown infrastructure and beautification project.



**KERRVILLE
PUBLIC
UTILITY
BOARD**

August 9, 2022

Kerrville EIC Board Members

Mr. E.A. Hoppe
701 Main Street
Kerrville, TX 78028

Re: Funding Request for Clay and Water Street Underground Utility Conversion

In light of the activity being planned in the area of the Clay and Water Street intersection, KPUB has been investigating the possibility of converting the existing overhead utility lines in the area to underground.

KPUB has developed estimates of the cost to do this work which are summarized below. There are two costs provided with the variance being related to how much we are allowed to shut down the intersection for our work. If we are able to completely close the intersection for the duration of the civil work in the intersection, the work will be completed more quickly and at lower cost.

Activity	With Intersection Closure	With Partial Road Closures
Civil Construction Work	\$ 173,500	\$ 205,500
Material cost	\$ 141,506	\$ 141,506
KPUB Labor	\$ 50,000	\$ 50,000
HCTC Material and Labor	\$ 4,800	\$ 4,800
Windstream Material and Labor	\$ 8,500	\$ 8,500
Spectrum Material and Labor	\$ 8,813	\$ 8,813
Customer Service Entrance Conversions	\$ 10,000	\$ 10,000
Contingency	\$ 19,856	\$ 21,456
	\$ 416,975	\$ 450,575

This project will remove the overhead electric and telecommunications utilities starting on Clay Street starting approximately 60 feet South of Main Street and along Water Street from Sidney Baker to the A.C. Schreiner Mansion.

It would make sense to do this project in coordination with the other projects in this area if there is an interest in beautification for the area. The project will also help address providing service to the remodeled A.C. Schreiner Mansion as the existing service will not have the capacity required.

The KPUB Board has directed me to seek outside funding for 50% of the cost of this project. Factors considered in seeking outside funding include:

- KPUB line extension policy is based on overhead service as standard cost and customers are required to fund additional costs when underground is requested.
- Approximately 40% of KPUB's ratepayers are located outside of the Kerrville City limits and outside funding will help alleviate outside concerns.
- It is not appropriate for KPUB to fund the cost of conversion of telecommunications utilities (HCTC, Windstream, and Spectrum).
- It is not appropriate for KPUB to fund the cost of conversion of customer service entrance equipment.

Funding from the Kerrville EIC in an amount not to exceed \$225,287, or half of the total project expenses, whichever is less, will allow us to move forward with this project.

Please let me know if you need additional information.

Thanks,



Mike Wittler, P.E.



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

SUBJECT: Authorization to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for Phase 1 of the Downtown River Trail extension, from the Tranquility Island Bridge to the Scenic Downtown Overlook, along with environmental permitting for all phases of the Downtown River Trail to the G Street bridge.

AGENDA DATE OF: September 13, **DATE SUBMITTED:** Aug 30, 2022
2022

SUBMITTED BY: Michael Hornes

EXHIBITS: [20220913_EIC application_downtown RiverTrail improvements.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$1,030,000	N/A	N/A	

PAYMENT TO BE MADE TO: To be determined

Kerrville 2050 Item?	Yes
Key Priority Area	P - Parks / Open Space / River Corridor
Guiding Principle	P6. Focus on connecting businesses, neighborhoods, major destinations and other amenities with parks, open spaces and the River corridor
Action Item	P6.5 - Continue developing a vision/plan and identify funding options to extend the River Trail

SUMMARY STATEMENT:

In FY2021, the EIC funded a conceptual study for the extension of the Downtown River Trail along the north side of the Guadalupe River from the Tranquility Island Bridge to G Street. In May of 2021, Hewitt Engineering presented the finalized concept study report. From the introduction of that study, "The purpose of this concept study is to evaluate alternative trail alignments and identify environmental and constructability issues associated with an extension of the second phase of the River Trail."

The proposal recommended this Downtown River Trail project be separated into two phases. Initial cost estimates for Phase 1, which include Trail Segment 1 (Tranquility

Island Bridge to Sidney Baker Bridge) and Trail Segment 2 (Sidney Baker Bridge to the Downtown Scenic Overlook), was \$800,538, based on early 2021 cost estimates. Current construction estimates, which are attached to this agenda, show this phase now estimated at \$995,280 with an additional \$25-30,000 for environmental permitting, for a total of \$1,025,280.

RECOMMENDED ACTION:

Authorize the request to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for Phase 1 of the proposed Downtown River Trail extension, along with environmental permitting for all phases of the Downtown River Trail concept.

River Trail Downtown Improvements-Sections 1 and 2
Preliminary Engineer's Estimate
August 2022

Item No.	Description	Quantity	Unit	UNIT COST	TOTAL COST
1	Mobilization and Demobilization as necessary for the Contract Documents (5%)	1	LS	\$40,000.00	\$40,000.00
2	Brush Clearing/Pruning , along new trail alignment, complete in place as specified and indicated in the plans.	1	LS	\$45,000.00	\$45,000.00
3	Earthwork for Site , to include all rough grading and fine grading for entire site including any importing or removal of excess fill as needed, topsoil placement, complete in place as specified and indicated in the plans.	1	LS	\$90,000.00	\$90,000.00
4	10' Wide Concrete Trail w/30" Toedown , to include all trail paving, complete in place as specified and indicated in the plans	1400	LF	\$240.00	\$336,000.00
5	Elevated Concrete Trail , including excavation, concrete headwalls, concrete paving on top of culverts, and all necessary construction as detailed in drawings and specifications, complete in place as specified and indicated in the plans	100	LF	\$450.00	\$45,000.00
6	Limestone Block Retaining Walls , complete in place as specified and indicated on plans.	60	EA	\$350.00	\$21,000.00
7	Rock Rip Rap as required, complete in place as specified and indicated in the plans.	55	CY	\$380.00	\$20,900.00
8	Turf Reinforcement Mat with Seed , to include erosion control mat and Rye grass seed including fine grading, raking, fertilization, and temporary irrigation as necessary to cover disturbed areas, complete in place as specified and indicated in the plans.	400	SY	\$32.00	\$12,800.00
9	Seeding , includes fine grading, raking, fertilization, and temporary irrigation as necessary to cover disturbed areas, complete in place as specified and indicated in the plans.	1	LS	\$22,300.00	\$22,300.00
10	Bridge over Clay Street Drainage Outfall (Box Culverts)	1	LS	\$42,000.00	\$42,000.00
11	SWPPP , design and provide Storm Water Pollution Prevention Plan, as required for construction of Trail Improvements project, complete as specified and indicated on plans.	1	LS	\$40,000.00	\$40,000.00
ESTIMATED CONSTRUCTION COST					\$715,000.00
20% CONTINGENCY					\$143,000.00
TOTAL ESTIMATED CONSTRUCTION COST					\$858,000.00

10% ENGINEERING DESIGN FEE		\$85,800.00
3% CONSTRUCTION PHASE SERVICES AND TESTING FEE		\$25,740.00
3% ADDITIONAL SERVICES FEE (SURVEY/GEOTECH)		\$25,740.00
TOTAL ESTIMATED SECTION 1 COST		\$995,280.00



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

SUBJECT: Authorization to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for a Fitness Court at Louise Hays Park.

AGENDA DATE OF: September 13, **DATE SUBMITTED:** Sep 02, 2022
2022

SUBMITTED BY: Michael Hornes

EXHIBITS: [20220913_Presentation_Fitness Court.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$100,000	\$0	\$0	

PAYMENT TO BE MADE TO: To be determined

Kerrville 2050 Item?	Yes
Key Priority Area	P - Parks / Open Space / River Corridor
Guiding Principle	P5. Focus on enhancing/investing in existing parks, their purpose or repurpose and improving accessibility before acquiring land for new parks
Action Item	P5.1 - Plan for more recreational amenities along the river

SUMMARY STATEMENT:

Texas-based health insurance provider Blue Cross and Blue Shield of Texas (BCBSTX) and National Fitness Campaign (NFC) have launched a statewide sponsorship to expand free access to high-quality workouts by bringing outdoor Fitness Courts® to cities across Texas. This initiative was created to fight obesity and improve the quality of life for communities.

Fitness Courts® throughout Texas will be constructed in easily accessible public spaces with the goal of building 20 new Fitness Courts® in the next eighteen months. NFC's award-winning initiative is planning to welcome its 500th Healthy Community in 2022.

The City of Kerrville was 1 of 20 Texas cities recently awarded a \$50,000 grant from BCBSTX to help fund the Fitness Court. In addition to the BCBS Grant application, staff also approached H-E-B, who generously offered to donate an additional \$10,000 towards

the project. The total cost of the project is estimated to cost \$187,350.

After the BCBS grant and HEB donation, there is a \$127,350 gap in funding. Staff is recommending using \$27,350 from the Parks and Recreation Department Parkland Dedication fund and requesting that the Economic Improvement Corporation (EIC) fund the remaining \$100,000.

At the same time staff was applying for these grants, a private citizen approached the Parks and Recreation Department indicating they were interested in donating up to \$25,000 towards the creation of a fitness court. We are hopeful that an agreement can be reached to obtain this generous donation, which could reduce the funding request to EIC to \$75,000. However, until that donation is confirmed, staff recommends an EIC funding request of \$100,000.

The Fitness Court is consistent with the K2050 Comprehensive Plan, the Parks and Recreation Master Plan, and the department's goal to encourage the Kerrville community to "get outdoors, be active, and play".

RECOMMENDED ACTION:

Authorize staff to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for a Fitness Court at Louise Hays Park.



NATIONAL FITNESS CAMPAIGN

2022 Blue Cross and Blue Shield of Texas Statewide Campaign Briefing



BlueCross BlueShield
of Texas



WHO WE ARE
National Fitness Campaign is a San Francisco based wellness consulting firm.

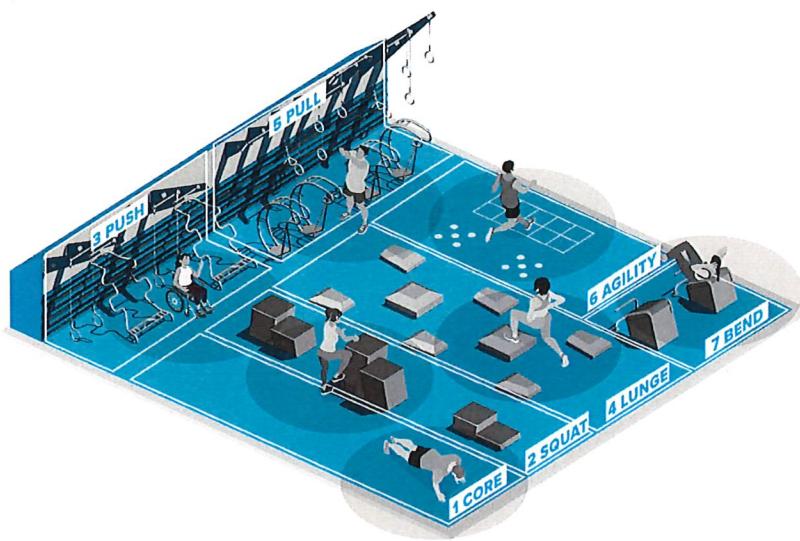
WHAT WE DO
NFC develops partnerships with cities, schools and sponsors to build healthy communities.



 **FITNESS COURT®**

FUNCTIONAL TRAINING SYSTEM
THOUSANDS OF EXERCISES

SCIENTIFICALLY DESIGNED



7 MOVEMENT FULL BODY WORKOUTS



CORE



SQUAT



PUSH



LUNGE



PULL



AGILITY



BEND



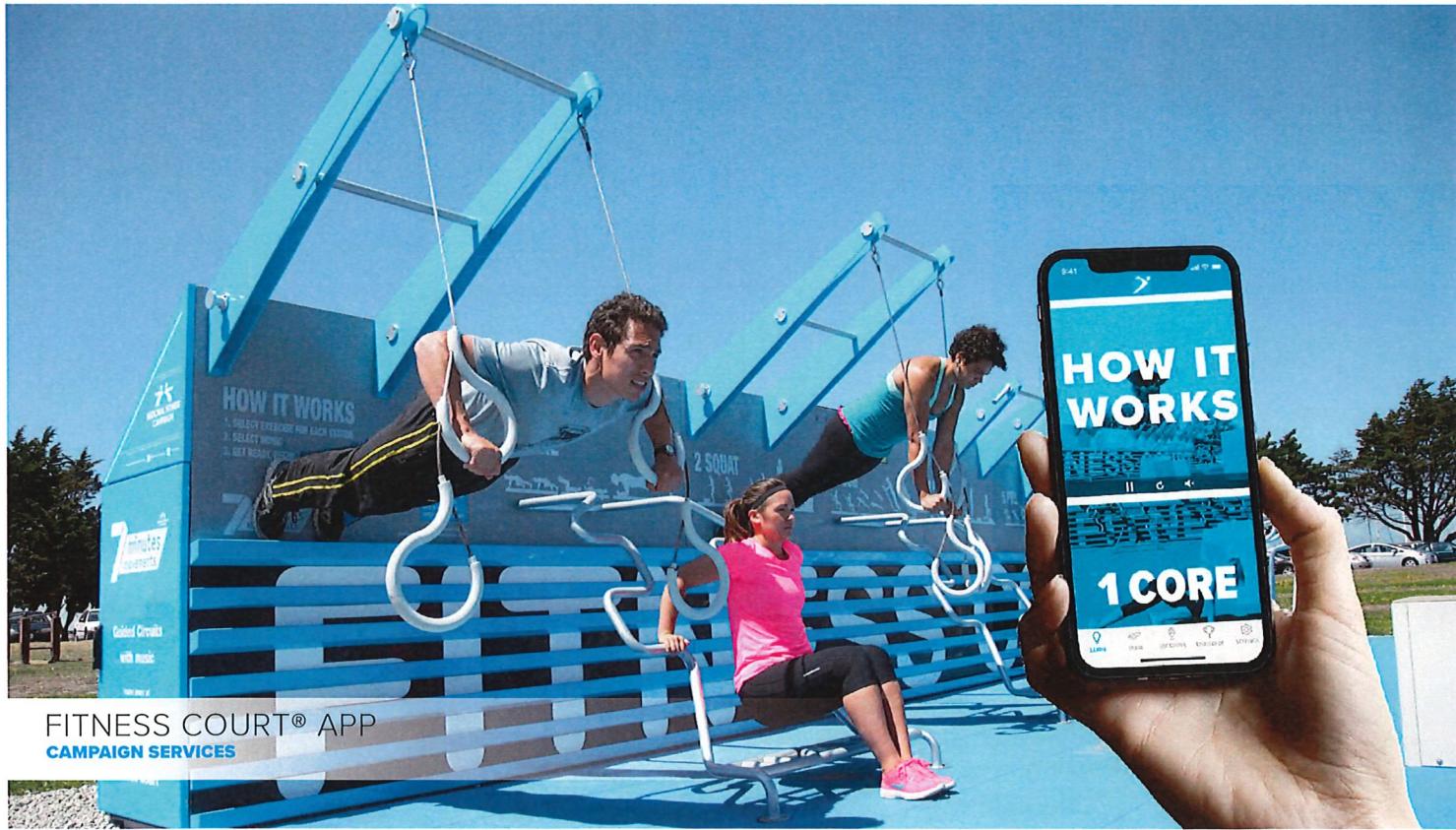
 **FITNESS COURT®**



ADULTS OF ALL AGES AND ABILITY

I am glad to see movements to improve balance.

- Carol Claybaker, Senior Resident of Janesville, WI



**FITNESS COURT® APP
CAMPAIGN SERVICES**

NATIONAL FITNESS CAMPAIGN

FITNESS COURT® PUBLIC ART

Each Fitness Court® is a one-of-a-kind work of art.



WEST ALLIS, WI
FITNESS COURT® PUBLIC ART



FEATURED ARTIST : 2021 - KEITH HARING



LOCAL ARTIST

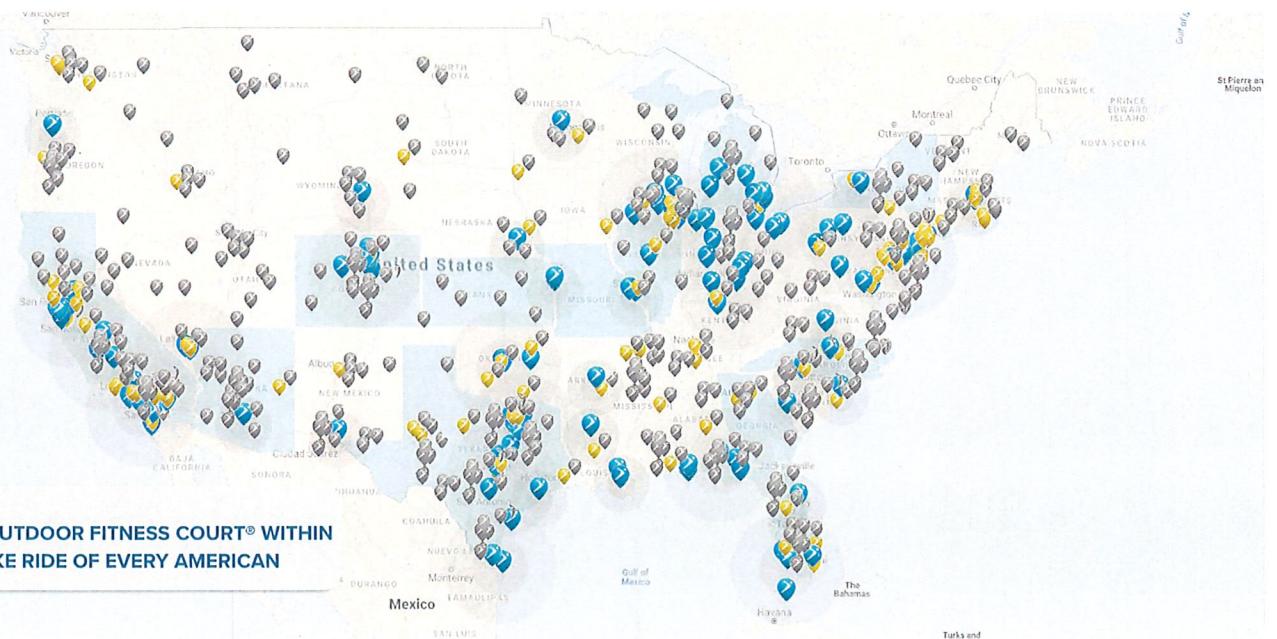


CUSTOM COMMUNITY DESIGNS

NATIONAL FITNESS CAMPAIGN

NFC 2022 NATIONWIDE STATUS

10,000+ Fitness Courts® coming to America by 2030



OUR GOAL

BUILD A FREE OUTDOOR FITNESS COURT® WITHIN
A 10 MINUTE BIKE RIDE OF EVERY AMERICAN

2022 TEXAS STATEWIDE CAMPAIGN



PRESENTED BY BLUE CROSS AND BLUE SHIELD OF TEXAS

LIMITED FUNDING FOR UP TO 20 COMMUNITIES IN 2022



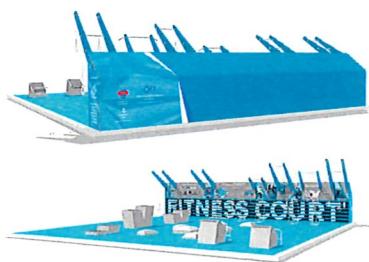
BlueCross BlueShield
of Texas

NATIONAL FITNESS CAMPAIGN

TEXAS STATE SPONSOR



BlueCross BlueShield
of Texas



**\$1,000,000 in Funding
Now Available for
Qualified Site Partners**

Strategic Plan Adopted for
Health Impact Across Texas

*527 Fitness Courts®
coming by 2030!*





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

SUBJECT: Appointments to the Kerrville Area Youth Leadership Academy (KAYLA).

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Aug 26, 2022

SUBMITTED BY: Megan Folkerts

EXHIBITS: [20220913_KAYLA info sched 2022-2023.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	C - Community / Neighborhood Character and Place Making
Guiding Principle	C1. Promote “aging in place” or full life-cycle amenities to address the needs and desires of children, teens, young families and single professional adults.
Action Item	C1.4 - Focus on developing programs, such as classes and sports leagues, to appeal to young adults

SUMMARY STATEMENT:

The Kerrville Area Youth Leadership Academy (KAYLA) will develop youth leaders committed to learning about local government and provide an overview of the complexity and variety of opportunities available through public service.

KAYLA is comprised of high school students in grades 9-12, with a maximum of 10 members. New appointments are made each year after the new school year has begun. Members can only serve one year on KAYLA.

The City has received six applications for the Leadership Academy:

Madison Collins - 11th grade Ingram Tom Moore High School

Gracelyn Geurin - 10th grade Center Point High School

Ellie Harper - 11th grade Tivy High School

Peter Lockwood - 10th grade Tivy High School

Corbyn Loftin - 10th grade Our Lady of the Hills High School

Rylee Paxton - 11th grade Ingram Tom Moore High School

RECOMMENDED ACTION:

Approve the appointment of: Madison Collins, Gracelyn Geurin, Ellie Harper, Peter Lockwood, Corbyn Loftin, and Rylee Paxton to the Kerrville Area Youth Leadership Academy (KAYLA) for the 2022-2023 school year.

Kerrville Area Youth Leadership Academy (KAYLA)

Class of 2022-2023

The Kerrville Area Youth Leadership Academy (KAYLA) will develop youth leaders committed to learning about local government and provide an overview of the complexity and variety of opportunities available through public service.

Eligibility:

- Kerr County resident & currently enrolled in 9th – 12th grade for the 2022-2023 school year.
- Must complete the KAYLA application in full and provide a letter of reference from their principal or nominating teacher.
- Must have a valid email address and must check the email address often. Notification of meetings will be sent via email to all KAYLA members.
- Must not have previously served as a member of KAYLA. Membership limited to one year.

Attendance Requirement:

Due to limited enrollment, attendance is very important. KAYLA members must be committed to attend all meetings and participate in at least one volunteer opportunity offered by the City. By signing the application, you commit to the following:

- Be on time for each KAYLA meeting. Meetings will start promptly at 4:30 pm.
- Stay for the duration of meeting – do not leave early. Meetings will end no later than 5:30 pm.
- Contact the Staff Liaison, at least 24 hours in advance, by email or text if you are unable to attend a KAYLA meeting for any reason.
 - Excused absences include: school activities and family emergencies. Must contact the Staff Liaison at least 24 hours in advance (if possible) to be considered for an excused absence - verification may be required.
 - Excessive absenteeism, as determined by the Staff Liaison, may be cause for immediate dismissal from KAYLA.

Term of Membership: One School Year (October – May)

Number of Members: Maximum of Ten

Regular Meeting Time: Second Thursday of each month (October – April) from 4:30-5:30pm

Regular Meeting Place: Kerrville City Hall, 701 Main St., Kerrville, TX 78028

Staff Liaison:	Megan Folkerts, Senior Management Analyst City of Kerrville, 701 Main Street, Kerrville, TX 78028 Ph. 830-258-1113 Email: megan.folkerts@kerrvilletx.gov
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Kerrville Area Youth Leadership Academy (KAYLA)

Class of 2022-2023

Date	Event	
August 15, 2022	Applications Open	
September 2, 2022	Applications Close	
September 13, 2022	Committee Members Appointed by City Council	
KAYLA Meets the 2nd Thursday of Each Month 4:30 pm – 5:30 pm		
October 13, 2022	4:30 pm	Welcome, Meet the Mayor & City Manager
October 31, 2022	5:30-8 pm	<i>Volunteer Opportunity – Family Fright Night</i>
November 10, 2022	4:30 pm	Library Campus Tour (Library, History Center, A.C. Schreiner House)
November 19, 2022	6pm	<i>Volunteer Opportunity – Holiday Lighted Parade</i>
December 8, 2022	4:30 pm	Overview of Fire Department with Tour
December 10, 2022	TBD	<i>Volunteer Opportunity – Gingerbread House Decorating - BHML</i>
January 12, 2023	4:30 pm	Overview of Public Works Department with Tour- Part One
February 2023 *Date TBD*	TBD	Annual Texas Youth Advisory Commission Summit *Location TBD* ***Optional***
February 9, 2023	4:30 pm	Overview of Public Works Department with Tour- Part Two
TBD	TBD	<i>Volunteer Opportunity – Daddy/Daughter Dance</i>
March 9, 2023	4:30 pm	Overview of Police Department with Tour
April 13, 2023	4:30 pm	Overview of Parks & Recreation Department
TBD	TBD	<i>Volunteer Opportunity - Mother/Son Dance</i>
Tuesday, May 9, 2023	6:00 pm	Recognition at City Council Meeting

Schedule for other volunteer opportunities will be available soon.



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

SUBJECT: Appointment of City of Kerrville delegate for the 2022 Texas Municipal League (TML) Annual Conference business meeting.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Aug 26, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

The following is from the Texas Municipal League: "The primary function of the Texas Municipal League is advocating on behalf of its member cities. Many significant decisions affecting Texas cities are made by the Texas Legislature, not by municipal officials. Newly elected mayors and councilmembers quickly realize that the legislature can address virtually any aspect of city government. The number of city related bills as a percentage of total bills filed rises every year."

Based on a legislative program that is developed by member cities and adopted by the TML board of directors, the League advocates against or for those efforts. The program is essential to the legitimacy of the League's advocacy efforts. To develop the program, city officials can provide input in primarily two ways."

One way is through the annual business meeting. Member cities can submit resolutions for consideration at the business meeting of each year's annual conference. Each city is asked to provide one delegate to serve as its liaison at the meeting. The delegates will be

briefed on the content of the resolutions and given a chance to vote on whether they merit inclusion in the legislative program. The resolutions form the basis of a fixed legislative program.

The City of Kerrville is a member city of TML, giving it the right to select a delegate to attend and participate in the business meeting. This year the meeting will be held at the annual conference, which is scheduled to be held in San Antonio from October 5-7, 2022.

RECOMMENDED ACTION:

Deliberate the appointment of a member of the City Council to serve as its delegate at the annual business meeting to be held during the 2022 TML Annual Conference, San Antonio, October 5-7, 2022.



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

SUBJECT: Appointment(s) to the Senior Services Advisory Committee.

AGENDA DATE OF: September 13, 2022 **DATE SUBMITTED:** Aug 26, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	C - Community / Neighborhood Character and Place Making
Guiding Principle	C3. Promote the use of inclusive processes to capture the voices of the citizenry in decision making
Action Item	C1.6 - Provide service options for elderly persons who want to stay in their homes

SUMMARY STATEMENT:

One vacancy will exist September 30, 2022.

One application has been received: Tammie Heathman.

Councilmember Place 2 Kim Clarkson and Councilmember Place 3 Joe Herring, Jr are the Board interview team.

Assistant City Manager Kim Meismer is staff liaison.

RECOMMENDED ACTION:

Appoint member(s).