

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

**TUESDAY, SEPTEMBER 27, 2022, 6:00 P.M.**

**CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

### **The Community Vision**

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

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



Kerrville2050



CITY COUNCIL AGENDA  
SEPTEMBER 27, 2022, 6:00 PM  
CITY HALL COUNCIL CHAMBERS  
701 MAIN STREET, KERRVILLE, TEXAS



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

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

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

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

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Thank you for your participation!

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**CALL TO ORDER:**

*By Mayor Judy Eychner*

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

*Led by Councilmember Joe Herring, Jr*

**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 JR Ramon and Sons for the use of the former Hal Peterson Middle School building for public safety training.
- 2.B. Proclamation recognizing October 5, 2022 as the City of Kerrville World Teachers' Day.

**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. 56-2022. A Resolution adopting the Singing Wind Park Master Plan.

Attachments:

[20220927\\_Singing Wind Park Master Plan.pdf](#)

[20220927\\_Reso 56-2022 Adopting the Singing Wind Park Master Plan.pdf](#)

4.B. Amendment to the Medical Director Contract for the City of Kerrville Fire Department, Emergency Medical Services.

Attachments:

[20220927\\_Contract Amendment to the Medical Director EMS.pdf](#)

4.C. City Council workshop minutes, September 13, 2022.

Attachments:

[20220927\\_Minutes\\_Council workshop 9-13-22 4pm.pdf](#)

4.D. City Council meeting minutes, September 13, 2022.

Attachments:

[20220927\\_Minutes\\_Council meeting 9-13-22 6pm.pdf](#)

4.E. City Council workshop minutes, September 20, 2022.

Attachments:

[20220927\\_Minutes\\_Council workshop 9-20-22 10am.pdf](#)

**END OF CONSENT AGENDA.**

**5 ORDINANCES, SECOND READING:**

5.A. Ordinance No. 2022-29, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by 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:

[20220927\\_Ord 2022-29 Zone Change PI 365 Clearwater Paseo Path second reading.pdf](#)

[20220913\\_Letter opposed Ord 2022-29 Cavalier.pdf](#)

5.B. Ordinance No. 2022-23, second reading. An Ordinance creating a "Planned Development District" (Zoning) for Light Commercial Uses and a 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\\_Letters opposition Juarez Reeves Stewart.pdf](#)

[20220927\\_Ordinance\\_No\\_2022-23\\_Planned\\_Development\\_District.pdf](#)

5.C. Ordinance No. 2022-28, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by amending the Land Use Table as found within said Code by changing which Zoning Districts a Short-Term Rental Unit is authorized as a permitted use pursuant to a required Conditional Use Permit; a providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Attachments:

[20220927\\_Ordinance\\_No 2022-28\\_STR.pdf](#)

**6 CONSIDERATION AND POSSIBLE ACTION:**

6.A. Resolution No. 55-2022. A Resolution creating a Short-Term Rental Committee as an Ad Hoc Committee of the City of Kerrville, Texas; The Committee to review operational issues of short-term rentals.

Attachments:

[20220927\\_\\_Reso\\_No55-2022\\_STR\\_Committee.pdf](#)

6.B. Resolution No. 57-2022. A Resolution adopting the City of Kerrville's 2023 State Legislative priorities for the 88th Texas Legislature.

Attachments:

[20220927\\_Reso 57-2022 2023 State Legislative Priorities for the 88th Texas Legislature.pdf](#)

**7 INFORMATION & DISCUSSION:**

7.A. Financial report for month ending August 31, 2022.

Attachments:

[20220927\\_Presentation\\_Finance update 8-31-22.pdf](#)

7.B. The Butt-Holdsworth Memorial Library's participation in "Banned Books Week" from September 18, 2022 - September 24, 2022, and the adopted BHML Collection Development Policy.

Attachments:

[20220927\\_PressRelease Library sponsoring Banned Books Week.pdf](#)

[20220927\\_Collection Development Policy January 2022.pdf](#)

[20220927\\_Collection Development Policy Appendix January 2022.pdf](#)

**8 BOARD APPOINTMENTS:**

8.A. Appointment(s) to the Zoning Board of Adjustment. (This item is eligible for Executive Session 551.074)

**9 EXECUTIVE SESSION:**

*City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074*

*(personnel/officers), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code. City Council also reserves the right to meet in executive session on the following issues:*

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

**11 ITEMS FOR FUTURE AGENDAS:**

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

**ADJOURN.**



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

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**SUBJECT:** Kerrville Kindness Award presented to JR Ramon and Sons for the use of the former Hal Peterson Middle School building for public safety training.

**AGENDA DATE OF:** September 27, **DATE SUBMITTED:** Sep 08, 2022  
2022

**SUBMITTED BY:** Eric Maloney

**EXHIBITS:**

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

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

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

**SUMMARY STATEMENT:**

A citizen or entity who has impacted the City of Kerrville in a positive way. Recipient: JR Ramon and Sons.

**RECOMMENDED ACTION:**

Present award.



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

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**SUBJECT:** Proclamation recognizing October 5, 2022 as the City of Kerrville World Teachers' Day.

**AGENDA DATE OF:** September 27, 2022      **DATE SUBMITTED:** Sep 08, 2022

**SUBMITTED BY:** Mayor Eychner

**EXHIBITS:**

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

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

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

**SUMMARY STATEMENT:**

Proclamation recognizing October 5, 2022 as World Teachers' Day received by KISD Superintendent Dr. Foust, and KISD Teachers of the Year: Early Childhood Center - Dana Dunagan, and Hal Peterson Middle School - Amanda Baehre.

**RECOMMENDED ACTION:**

Present proclamation.



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

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**SUBJECT:** Resolution No. 56-2022. A Resolution adopting the Singing Wind Park Master Plan.

**AGENDA DATE OF:** September 27, 2022      **DATE SUBMITTED:** Sep 16, 2022

**SUBMITTED BY:** Ashlea Boyle

**EXHIBITS:** [20220927\\_Singing Wind Park Master Plan.pdf](#)  
[20220927\\_Reso 56-2022 Adopting the Singing Wind Park Master Plan.pdf](#)

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	P - Parks / Open Space / River Corridor
<b>Guiding Principle</b>	P4. Update the Parks Master Plan, other applicable codes and ordinances and capital planning and funding priorities to support Kerrville 2050
<b>Action Item</b>	P4.1 - Develop a new Parks Master Plan that rethinks parks, recognizing their social, recreational, ecological and public health benefits

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**SUMMARY STATEMENT:**

Staff and the Parks and Recreation Advisory Board (PRAB) began engagement on the Singing Wind Park Master Plan following the adoption of the Parks and Recreation Master Plan 2022 Update in April 2022. Singing Wind Park was the number one prioritized park identified for improvements in the master plan. Park master planning is consistent with Kerrville 2050 through a variety of guiding principles and action items outlined below.

**Key Priority Area:**

P – Parks, Open Space, and River Corridor.

**Guiding Principles:**

P4 – Update the Parks Master Plan, other applicable codes and ordinances and capital planning and funding priorities to support Kerrville 2050.

P5 – Focus on enhancing / investing in existing parks, their purpose or repurpose and improving accessibility before acquiring new land for parks.

P8 – Provide recreational opportunities for all ages and abilities, both residential and tourists.

Action Items:

P4.1 – Develop a new Parks Master Plan that rethinks parks, recognizing their social, recreational, ecological and public health benefits.

P5.13 – Consider repurposing the Singing Wind Ball parks.

P8.8 – Enhance the existing Lehmann-Monroe Dog Park, and add a second fenced dog park.

The Singing Wind Park Master Plan includes feedback from City staff, PRAB, and public input by the community over several public meetings. For convenience, e-mail submissions were also accepted for those unable to attend the public input meetings.

The Singing Wind Park Master Plan was discussed at the PRAB meetings of June 23, 2022; July 20, 2022; August 16, 2022; and September 8, 2022. The PRAB unanimously approved the Singing Wind Park Master Plan on September 8, 2022.

Additionally, a joint workshop between the City Council and Parks and Recreation Advisory Board was held on September 20, 2022 to receive a presentation and discuss the Singing Wind Park Master Plan. All meetings were open to the public pursuant to the Texas Open Meetings Act.

Due to the size of the park (approximately 100 acres), and prioritizations based on feedback of the park user groups and public, the park plan is divided into four different zones with a variety of amenities per zone. Overall amenities in the plan include:

- trail improvements; ADA accessible lighted trail, define trails and develop enduro trails
- building and restroom improvements
- identifying and addressing erosion and maintenance issues
- parking improvements
- repurpose of softball fields two and three as fenced dog parks (both for large and small dogs)
- improvements to softball field one

- playground improvements
- skate park enhancements and expansion
- lighting improvements throughout (dark sky compliance)
- landscaping, irrigation, xeriscaping, retained vegetated buffer
- access points and trailheads
- improved intersection control
- Olympic Drive extension with River Trail connection to Schreiner University
- recommended relocation of gas line (Atmos)
- unleashed fenced dog park area in vegetated area
- bike facility (BMX, pump track, etc.)
- disc golf course (sanctioned)
- sprayground
- open green space / play area
- covered sports court / fitness court
- group pavilion area
- evaluate feasibility of an irrigation pond utilizing effluent water, extend effluent
- park furnishings such as seating, shade, monument and general signage, dog waste receptacles, drinking fountains, etc.
- incorporation of the Aquatics Feasibility Study for the Olympic Pool

The Singing Wind Park Master Plan is attached for reference. The estimated cost range for the proposed improvements is estimated between \$5 million - \$8.1 million and does not include contingency for inflation.

It is important to note that the Olympic Pool improvements pursuant to the Aquatics Feasibility Study are included in this master plan, but not included in the estimated cost. Funding options for the Olympic Pool improvements in 2019 ranged between \$2.5M – \$28.8M, depending on scope. There is no current allocation of funding for the improvements for the pool or park in general.

Park improvements would be phased pursuant to funding. Funding sources would need to be identified and procured, but could potentially include grants, EIC quality of life project funding, private philanthropy, and parkland dedication funding. Staff will continue to complete smaller master plan items, such as dog park improvements, within the allocated operational budget.

Staff recommends adoption of the Singing Wind Park Master Plan as presented.

**RECOMMENDED ACTION:**

Adopt Resolution No. 56-2022 as presented.



City of Kerrville

# Singing Wind Park Master Plan

*Draft September 12, 2022*



**KERRVILLE**  
2050 ➤



## Acknowledgments

### Kerrville City Council

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

### Parks and Recreation Advisory Board

David Bartels  
Morgan Bond  
Nicholas Cantrell  
Cabe Johnson  
Dr. Charlie Hueber  
Lisa Nye-Salladin  
Erik Silvius  
Wayne Uecker  
Michelle Yanez

### City Leadership

E.A. Hoppe, City Manager  
Ashlea Boyle, Director of Parks and Recreation

### Prepared by

Malcolm Matthews, Consultant

### Special Thanks To

Community members that took the time to be involved in this process



## SINGING WIND PARK MASTER PLAN

### Overview

Improving Singing Wind Park was identified as a Parks and Recreation priority in the *Kerrville 2050 Comprehensive Plan (Ch. 11) (2018)*, and the highest priority project in the *Kerrville Parks and Recreation Master Plan 2022 Update*. General improvements identified in those documents for this park include:

- Repurpose softball fields / lighting (consider dog park, BMX track / Pump track, disc golf course, “flow” mountain bike trail, etc.).
- Enhance / expand skate park.
- Upgrade the lights at the skate park.
- Add trail benches to the “backside” of park.
- Add on-street parking along Olympic Drive.
- Improve maintenance on trails.
- Consider additional park entrance off of Olympic Drive with parking and trail access.
- Consider developing Singing Wind Park as a “bike park” with multiple features.
- **\*Separate Project** - Develop Aquatics Complex pursuant to the *Olympic Pool Feasibility Study*. Improvements to include heating the pool to extend season; update diving boards; add competitive swim features; add recreation and leisure features; evaluate use of solar to power / heat Olympic Pool and other features, make it educational. Short term is to address maintenance and code issues.

These priority projects resulted in the need to prepare a *Singing Wind Park Master Plan* to ensure organized development of the park over the long term. The planning process for this master plan has resulted in further identification of needs and interests for the park. Because of the park’s size (100 acres), topography, and the wide variety of existing and future improvements, the master plan has segmented the park into four planning zones. The following graphic plans and corresponding descriptions (by Zones 1-4) provide information on the project elements, as identified and prioritized by the public, city staff, and the Parks and Recreation Advisory Board.

This is a **master plan** which identifies projects and elements, in general. The goal is to establish the project element priorities, determine any land use advantages **or** conflicts in placement of these elements in the park, and to generally provide space allocation to each element / improvement to effectively plan the park. It is expected that, over time, this master plan and its project elements will be amended, rearranged, and possibly replaced by other higher priorities. Plans need to be reviewed occasionally for practicality and viability. Additionally, **Facility Design** will be established with any future funding and design phases for park elements, whereby layout, scope, details, and probable costs will be developed.

## **Park Characteristics**

Singing Wind Park features a beautiful hill rising in the center of the property. The elevation changes add to the attraction to this park, but this attraction results in erosion throughout and limits buildable space for park features. Over the past several decades, the park development that has occurred here are the Olympic Pool, 3 softball / youth baseball fields, skate park, accessible playground, extensive hike / bike trails (many informal), 2 restroom buildings, storage building, and 3 parking lots. The dominant conditions in the park, in addition to erosion, are the existence of an 8" gas main that crosses the park, Tom Daniels Elementary School proximity, nearby residential development (some under construction), and recent extension of Olympic Drive.



*View of Singing Wind Park looking east  
showing planning Zones 1-4*



*View of Singing Wind Park looking west  
showing planning Zones 1-4*

## Plan Application

All master plans require periodic review to evaluate progress, trends, costs, and problem correction. There are several new and expanded facilities in this park plan that will warrant space allocation and scope changes over time. As improvements are completed, it is suggested that this plan be revisited to ensure that the City of Kerrville and the park users are progressing in the desired direction and approach.



The attached Estimated Costs summary is provided as a starting point to provide some idea as to today's general costs, based on normal scopes of work. There are several factors that make cost estimating in advance of project design / construction problematic, with the major ones being inflation, rising labor costs, and unknown scopes of work. More exact estimated costs will need to be prepared when elements of the park plan are being evaluated for development.

## Master Plan Elements and Descriptions by Zone

*The four planning zones for this master plan are summarized below with a description of the recommended park features and a corresponding legend that depicts the label / symbols used in the master plan graphics.*

## Zone 1



Add Disc Golf Course - with access to trails and parking, covered seating, wayfinding, etc. Minimal vegetation removal; route around trails; coordinate layout with disc golf community; sanctioned for tourism generated tournaments / activity.



Retain Vegetated Buffer - to minimize any park activity from the adjacent neighborhood.



Add Trailhead - access point to all trails, bike facility, disc golf, small parking area with setback and across from school property (not across from neighborhood); include wayfinding and signage, trash / recycling, covered seating, drinking fountain, etc.; plan for eventual connection to Main Street, Schreiner University, and River Trail.



Add Lighted, ADA Accessible Trail - with timed solar lighting (dark skies friendly or pursuant to code); connect to trails and bike facility, wayfinding, covered seating, etc.; extends into all zones. It is not intended to light the entirety of the existing hillside trails.



Extend Olympic Drive - with trail to Main Street for River Trail connection to new parking / park trailhead; coordinate any pedestrian or vehicular connections into Schreiner with the university.



Finalize Removal of Maintenance Yard - by Parks and Recreation Department; limit existing vehicular access off of Olympic Drive for security / maintenance access, only.



Create Off-Leash Dog Area - design with low maintenance impact and limited vegetation removal; access to trails.



Define Trails and Develop Enduro Trails - to limit "rogue trails" / erosion, add covered seating, address trail / park erosion throughout; protect vegetation and habitat, as much as possible; work with bike community on layout / design; properly signed.



Neighborhood Access Points - define and manage, working with subdivision platting process.



Add Bike Facility - with BMX, Pump Track; connect to trails, skate park, parking, restrooms, etc.; add covered seating and event support infrastructure; work with bike community on layout / design.



Relocate Gas Main (entire park) - encourage rerouting of existing 8" gas line from the park and surrounding area; current situation creates operational issues and limits development of the park; if rerouted, remove abandoned line from park (all zones).

## Zone 2



Extend Existing Parking - add spaces and resurface / restripe, improve efficiency of existing.



Add Sprayground - good access to existing water and wastewater service and parking; can be separated from pool for longer season and accessibility; viewable from street.



Add Dog Park (large and small dog areas) - repurpose ball fields #2 and 3, add parking, amend irrigation, add trees, add covered seating, drinking fountains, spread out apparatus / features within fenced area; work with interest groups such as *Kerrville Pets Alive* and dog park users on layout / design. Evaluate lighting system and update as appropriate.



Improve Intersection Control - at Olympic Drive and Singing Wind Drive and ensure safe pedestrian crossings for students, park, River Trail, etc.



Extend Olympic Drive - with trail to Main Street for River Trail connection to new parking / park trailhead (in Zone 1); include effluent water line; coordinate any pedestrian or vehicular connections into Schreiner with the university.



Add Irrigation Pond - extend effluent line from Schreiner University with Olympic Drive extension; add pumping system to irrigate park.



Add Lighted, ADA Accessible Trail - with timed solar lighting (dark skies friendly or pursuant to code), wayfinding, seating, parking access, etc.; extends into all zones. It is not intended to light the entirety of the existing hillside trails.



\*Olympic Pool Feasibility Study (Stand-Alone Project) - consider exterior restroom access for sprayground and trail / park users.



Group Pavilion Area or Other Use - flat area available for a variety of park uses; could include rain catchment tank from bathhouse.



Relocate Gas Main - (entire park).



Covered Sports Court - basketball and multipurpose striping, controlled lighting, fencing, consider fitness court / equipment, etc.



Open Green Space / Play Area - irrigated turf, lighted field with or without fencing along Singing Wind Drive, for recreation and leisure activities and potential programming.

## Zone 3

- █ Improve Storage Building - interior and exterior; remove if alternative is developed.
- █ Repurpose and Improve Concession / Restroom Building - separate Men's and Women's, ADA compliant, conditioned space; access to facilities and parking.
- █ Parking and Restroom Connections - to Covered Sports Court, Fitness Court / Equipment, Open Green Space / Play Area, and Dog Park (in Zone 2) and trails (in Zone 1), to skate park, include park wayfinding; avoid accessible trail conflicts.
- █ Add Landscape - replace / add trees as needed, add landscaping and xeriscape where appropriate, irrigate, address erosion along Singing Wind Drive, signage.
- █ Expand Skate Park - concrete with covered seating, pads for tents / food trucks, infrastructure for public address system, lighting improvements, drinking fountain, all-inclusive access to parking / Bike Facility / other facilities; work with skate community on layout / design.
- █ Relocate Gas Main - (entire park).
- P Repave / Restripe Parking - address efficiency, accessibility.
- █ Connections to Zone 4 and Bike Facility (in Zone 1) - to bike facility, ball field #1, playground, trails, and Singing Wind Drive.

## Zone 4

- Connection to Trails and Facilities - to Zones 1, 3, & 4, parking, and Singing Wind Drive.
- ↔ Relocate Gas Main - (entire park).
- Improve Ball Field #1 - evaluate and address lighting (dark skies friendly or pursuant to code), turf and irrigation, infield, fencing, bleachers and dug outs, accessibility, etc.
- Upgrade Restroom - accessibility, fixtures, lighting.
- ~ Park Frontage Improvements - address erosion, add landscaping and xeriscape where appropriate, park monument signage.
- ◀ Neighborhood Access - define and manage with developer and HOA.
- Improve Playground - additional play features, shade and seating, improve accessibility for all.
- Repave / Restripe Parking - address efficiency, accessibility, signage, etc.

# SINGING WIND PARK MASTER PLAN

## Estimated Costs

- project element cost ranges
- includes design / contingency fees
- does not reflect any "volunteer" support labor or donations

Zone 1	1. disc golf course	\$50,000 - 100,000
	2. trailhead with small parking	200,000 - 275,000
	3. lighted, ADA accessible trail	250,000 - 500,000
	4. informal off-leash dog area (fenced)	50,000 - 75,000
	5. define trails / enduro trails / erosion work	200,000 - 400,000
	6. bike facility (BMX / pump track)	750,000 - 1,500,000
	7. relocate gas main throughout park	by others
Zone 2	8. pool area parking expansion / renovation	250,000 - 300,000
	9. sprayground	300,000 - 400,000
	10. dog park (formal) with small parking	200,000 - 350,000
	11. intersection improvements	by others
	12. extend Olympic Dr. / River Tail / utilities	500,000 - 750,000 (street ext. by others)
	13. irrigation pond / pumping system	300,000 - 500,000
	14. group pavilion area / other	100,000 - 200,000
	15. covered sports court / fitness court	250,000 - 350,000
	16. open play area (irrigated)	50,000 - 100,000
Zone 3	17. improve storage building	50,000 (\$150,000 – 200,000 new construction off-site)
	18. repurpose concession / restroom	200,000 - 300,000
	19. walkways / ramps / connections throughout park	250,000 - 400,000
	20. central area landscaping / irrigation / erosion control	75,000 - 100,000
	21. site furniture / signage / drinking fountains / bike racks	100,000 - 150,000
	22. expand skate park	500,000 - 750,000
Zone 4	23. repave / restripe central parking with access	50,000 - 75,000
	24. improve ball field #1	50,000 - 75,000
	25. upgrade restroom	25,000 - 50,000
	26. park frontage improvements	75,000 - 100,000
	27. neighborhood access	10,000 - 20,000
	28. improve playground	150,000 - 250,000
	29. repave / restripe east parking	30,000 - 50,000

\$5,015,000 – \$8,170,000 cost range  
(\*excludes Olympic Pool Aquatic Feasibility Study Project)

# SINGING WIND PARK

## Master Plan

100 acres

Existing, by Zone



### Zone 1

trails

hill

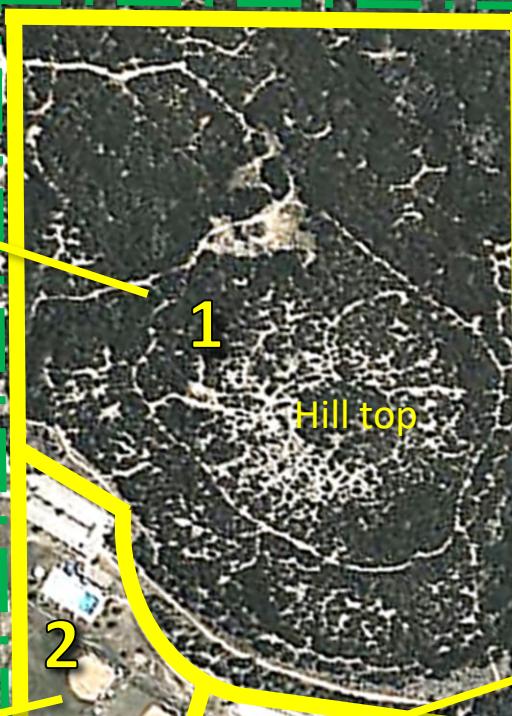
maintenance area  
(being removed)



residential

KISD

residential



commercial

residential

### Zone 2

Olympic Pool  
parking

softball fields #2 and #3



### Zone 3

skate park

restrooms

storage building

parking

residential

### Zone 4

playground

restroom

softball field #1

parking

# ZONE 1

## Add Disc Golf Course

with access to trails and parking, covered seating, wayfinding, etc.

## Retain Vegetated Buffer

residential area  
school property

## Add Trailhead

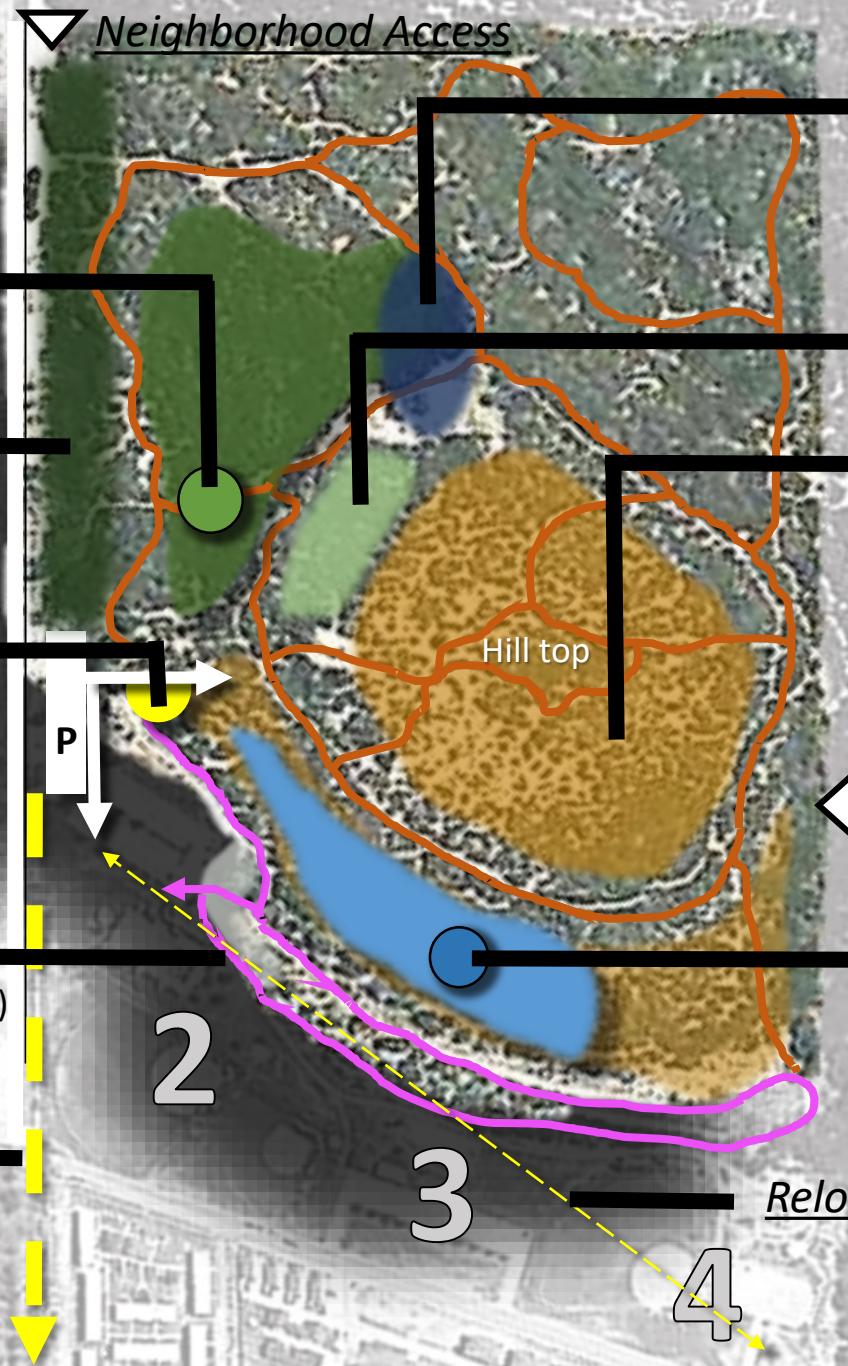
access point to trails, bike facility, disc golf, small parking across from school property (not neighborhood) wayfinding, covered seating, etc.

## Add Lighted, ADA Accessible Trail

with timed solar lighting (Dark Skies compliant) wayfinding, seating, parking access, etc.

## Extend Olympic Dr.

with trail to Main St. for River Trail connection to new Parking / park trailhead, Schreiner University, etc.; coord. with Schreiner



## Finalize Removal of Maintenance Yard

## Create Off-Leash Dog Area

low impact; retain vegetation; fenced

## Define Trails and Develop Enduro Trails

to limit "rogue trails" / erosion; add covered seating; address trail / park erosion throughout; protect vegetation and habitat, as much as possible; final trail locations to be determined

## Neighborhood Access Point

define and manage

## Add Bike Facility

with BMX / Pump Track / etc.; create access to trails, skate park, parking, restroom

## Relocate Gas Main (entire park)

# ZONE 2

## Extend Existing Parking

add spaces and resurface /restripe

## Add Sprayground

consider separate from pool for year-round accessibility; good parking and utility access; viewable from street

## Add Dog Park (large and small dog areas)

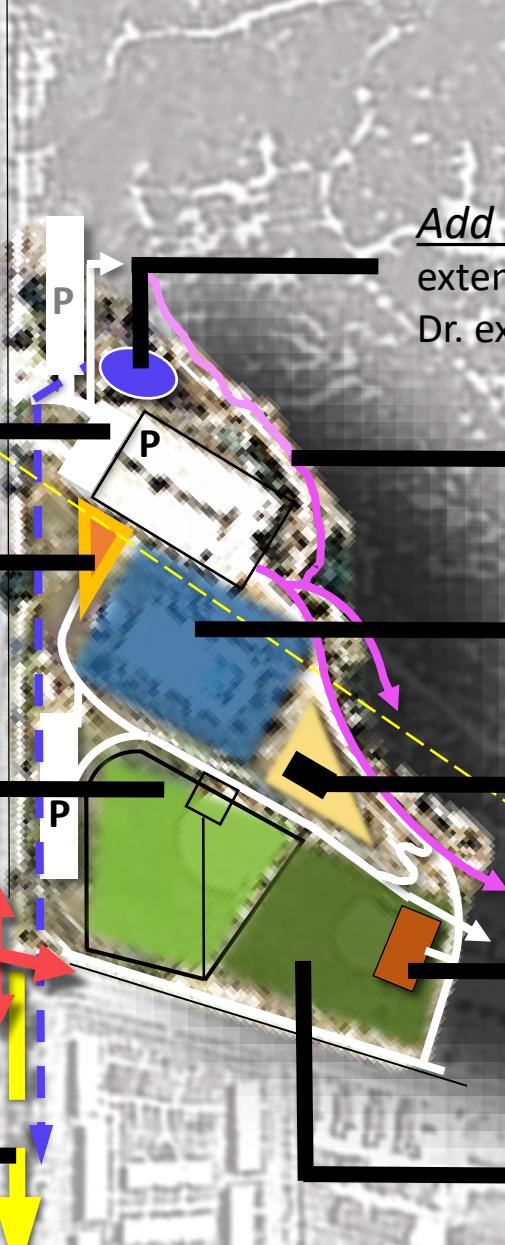
repurpose softball fields #2 and 3, add parking, amend irrigation, add covered seating, drinking fountains, etc.

## Improve Intersection Control

at Olympic Dr. and Singing Wind Dr. - ensure safe pedestrian crossing for students, park, River Trail

## Extend Olympic Dr.

with trail to Main St. for River Trail connection to new parking / park trailhead, Schreiner University, etc.,; include effluent water line to irrigation pond



## Add Irrigation Pond

extend effluent line from Schreiner Univ. with Olympic Dr. extension; add pumping system to irrigate park

## Add Lighted, ADA Accessible Trail

with timed solar lighting (Dark Skies compliant), wayfinding, seating, parking access, etc.

## \*Olympic Pool Feasibility Study Area

**(Stand-Alone Project)**; consider exterior access to restrooms for sprayground and trail

## Group Pavilion Area or Other Use; could include rain catchment tank

## Relocate Gas Main (entire park)

## Covered Sports Court

basketball and multipurpose striping, fitness equip, controlled lighting

3

## Open Play Area

irrigated turf, lighted area with fencing along Singing Wind Dr.

4

# ZONE 3

1

## Improve Storage Building

interior and exterior;  
remove if alternative  
is developed

## Bike Facility (in Zone 1)

## Expand Skate Park

concrete with covered seating, pads for  
Tents / food trucks, wired for audio, lighting  
improvements, drinking fountain, all inclusive access to  
Parking / Bike Facility (Zone 4)/other facilities

## Repurpose Concession / Restroom

separate Men's and Women's, ADA  
compliant, conditioned space;  
access to facilities and parking

2

## Parking and Restroom Connections

to Covered Sports / Fitness Court, Open Play Area,  
and Dog Park (in Zone 2) and trails (in Zone 1),  
to skate park, include park wayfinding

## Add Landscape

Add / replace trees as needed, xeriscape, irrigate,  
address erosion along Singing Wind Dr.;  
signage

## Relocate Gas Main (entire park)

## Repave / Restripe Parking

address efficiency, accessibility

4

## Connections to Zone 4

softball field #1, playground, disc golf, trails, ar  
Singing Wind Dr.

# ZONE 4

1

2

3

Relocate Gas Main (entire park)

Improve Softball Field #1

address lighting (Dark Skies compliant),  
turf and irrigation, infield, fencing,  
bleachers and dug outs,  
accessibility

Connection to Trails and Facilities

to Zones 1, 3, & 4, parking,  
and Singing Wind Dr.

Upgrade Restroom

Park Frontage Improvements

address erosion, add xeriscape,  
park monument signage

Neighborhood Access

define and manage with developer/HOA

Park Boundary

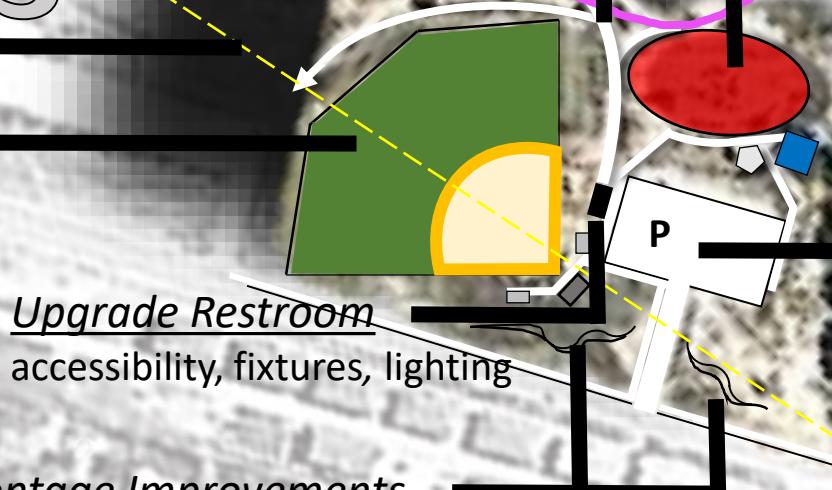
Improve Playground

additional play features, shade and seating,  
all inclusive accessibility

residential

Repave / Restripe Parking

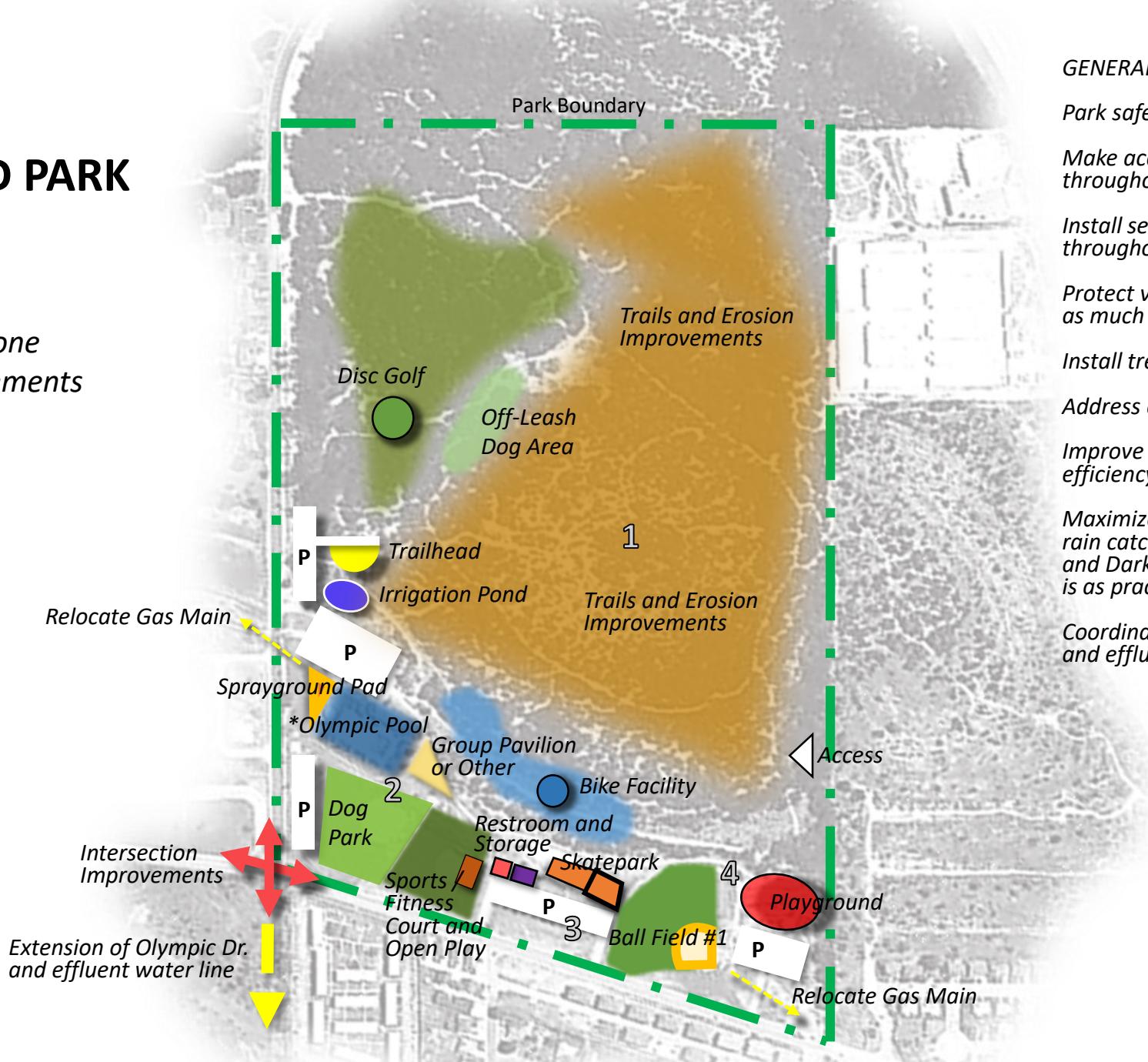
address efficiency, accessibility



# SINGING WIND PARK

100 acres

## Summary Showing Each Zone and Major Plan Elements



## GENERAL COMMENTS

Park safety to be highest priority

Make accessibility improvements throughout park (full ADA compliance)

Install seating areas and more shade throughout park, bike racks

Protect vegetation and habitat, as much as possible

Install trees, xeriscape, irrigation

Address erosion throughout park

Improve parking conditions and efficiency

Maximize use of effluent water, rain catchment, solar energy, LED, and Dark Skies compliance, as much as practical

Coordinate extensions of Olympic Dr., River Trail, and effluent water line with Schreiner University

**CITY OF KERRVILLE, TEXAS**  
**RESOLUTION NO. 56-2022**

**A RESOLUTION ADOPTING THE SINGING WIND PARK  
MASTER PLAN**

**WHEREAS**, the City owns and maintains a number of parks and recreational areas that are intended to be used by and to benefit the public; and

**WHEREAS**, in April 2022, City Council passed Resolution 19-2022 adopting the *Parks and Recreation Master Plan, Update 2022*, which identified Singing Wind Park as a major priority for revitalization; and

**WHEREAS**, the Parks and Recreation Advisory Board held public meetings on June 23, 2022, July 20, 2022, and August 16, 2022 to discuss proposed improvements to Singing Wind Park in line with the goals addressed in the Kerrville 2050 Comprehensive Plan and Parks and Recreation Master Plan, Update 2022; and

**WHEREAS**, the Parks and Recreation Advisory Board utilized the improvement priorities and public comments to prepare a proposed Singing Wind Park Master Plan, which the Parks and Recreation Advisory Board unanimously approved on September 8, 2022; and

**WHEREAS**, the City Council and Parks and Recreation Advisory Board held a joint workshop on September 20, 2022 to review and discuss the Singing Wind Park Master Plan; and

**WHEREAS**, City Council finds it to be in the public interest to adopt the Singing Wind Park Master Plan as presented;

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

City Council adopts the document titled the *Singing Wind Park Master Plan*.

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

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Judy Eychner, Mayor

ATTEST:

APPROVED AS TO FORM:

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Shelley McElhannon, City Secretary

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William L. Tatsch, Asst. City Attorney



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

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**SUBJECT:** Amendment to the Medical Director Contract for the City of Kerrville Fire Department, Emergency Medical Services.

**AGENDA DATE OF:** September 27, **DATE SUBMITTED:** Sep 15, 2022  
2022

**SUBMITTED BY:** Eric Maloney

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**EXHIBITS:** [20220927\\_Contract Amendment to the Medical Director EMS.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
7,500	49,565	45,000	0121-3135

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**PAYMENT TO BE MADE TO:** Steven G. Nail, M.D.

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

**SUMMARY STATEMENT:**

The Fire Chief is requesting authorization from the City Council to temporarily renew the reappointment of the EMS Medical Director Contract for Steven G. Nail, M.D..

The Medical Director is responsible for the medical direction and oversight of the EMS operations for the Kerrville Fire Department and Kerr County First Responders. The Kerrville Fire Department employs 61 Paramedics, 1 Advanced-EMT, 18 EMT-Basics that perform prehospital medical care under the medical director's license. Dr. Steven G. Nail has served as the EMS Medical Director since October 1, 2001 and has announced his retirement. The 90-day renewal to the contract provides for compensation to Steven G. Nail, M.D. in the amount of \$2,500.00 per month, totaling pay \$7,500 per term. The proposed contract is for a three-month period, beginning October 1, 2022, and terminating January 1, 2023. The renewal is only for 90-days, allowing adequate time to finalize an agreement for a replacement Medical Director.

**RECOMMENDED ACTION:**

Authorize the City Manager to execute amendment to the City's Medical Director Contract with Steven G. Nail, M.D. for services provided to the Kerrville Fire Department/EMS, such amendment to extend the contract's term through January 1, 2023.

AMENDMENT TO THE MEDICAL DIRECTOR  
CONTRACT FOR THE CITY OF KERRVILLE FIRE  
DEPARTMENT, EMERGENCY MEDICAL  
SERVICES

This *Amendment to the Medical Director Contract for the City of Kerrville Fire Department, Emergency Medical Services* ("Amendment") by and between the City of Kerrville, Texas ("City") and Steven G. Nail, M.D. ("Nail") and fully executed on or about the 1st day of October, 2021, is made and entered into by and between the City and Nail and amends the *Medical Director Contract for the City of Kerrville Fire Department, Emergency Medical Services* ("Contract") as follows:

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

**"2. Term.** The services of Nail hereunder shall commence on October 1, 2021, and terminate on **September 30, 2022** **January 1, 2023** (the "Term"), except as otherwise set forth in this Contract."

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

**APPROVED AND ADOPTED** by Nail and the City on the \_\_\_\_\_ day of September, 2022.

**CITY OF KERRVILLE:**

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E.A. Hoppe, IV, City Manager

**MEDICAL DIRECTOR:**

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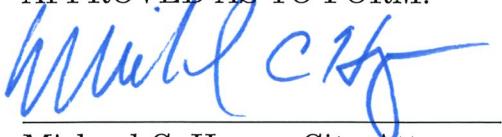
Steven G. Nail, M.D.

ATTEST:

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Shelley McElhannon, City Secretary

**APPROVED AS TO FORM:**



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Michael C. Hayes, City Attorney



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

---

**SUBJECT:** City Council workshop minutes, September 13, 2022.

**AGENDA DATE OF:** September 27, 2022      **DATE SUBMITTED:** Sep 08, 2022

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20220927\\_Minutes\\_Council workshop 9-13-22 4pm.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

City Council workshop minutes held September 13, 2022 at 4:00 p.m., City Hall Council Chambers.

**RECOMMENDED ACTION:**

Approve minutes as presented.



negotiations), seconded by Councilmember Kim Clarkson. The motion passed 5-0. Closed Executive Session convened at 5:22 p.m.

**2. EXECUTIVE SESSION:**

2A. Workforce Housing development projects (551.071, 551.087).

2B. Planned Development (zoning) District applicable property owned by RBM-JSM, LLC, said property located at 829 Clay and 820 Sidney Baker (551.071).

The closed executive session adjourned, and City Council returned to open session at 6:00 p.m. No action was taken during executive session.

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

**4. PUBLIC COMMENT:** This agenda item was shifted forward before Item 2 Executive Session, see above.

**ADJOURN.** The workshop adjourned at 6:00 p.m.

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

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Judy Eychner, Mayor

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Shelley McElhannon, City Secretary



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

---

**SUBJECT:** City Council meeting minutes, September 13, 2022.

**AGENDA DATE OF:** September 27, 2022      **DATE SUBMITTED:** Sep 08, 2022

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20220927\\_Minutes\\_Council meeting 9-13-22 6pm.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

City Council meeting minutes held September 13, 2022 at 6:00 p.m., City Hall Council Chambers.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**CITY COUNCIL MINUTES  
REGULAR MEETING**

**KERRVILLE, TEXAS  
SEPTEMBER 13, 2022 6:00 PM**

On September 13, 2022 at 6:01 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street. Mayor Eychner 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	Megan Folkerts, Senior Analyst
Mike Hayes, City Attorney	Guillermo Garcia, Exec Dir Innovation
Michael Hornes, Asst City Manager	Chad Hierholzer, HR Coordinator/Risk Mgmt
Shelley McElhannon, City Secretary	Eric Maloney, Fire Chief
Julie Behrens, Director of Finance	Drew Paxton, Planning Director
Ashlea Boyle, Director Parks/Recreation	Curtis Thomason, Asst Chief of Police
Stuart Cunyus, Public Information Officer	

**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.

Sharon Constantinides, Chief Appraiser KCAD

Mark Del Toro, Executive Director 911

Mike Wittler, KPUB CEO

Mayor Eychner shifted Agenda Item 2 **Presentations** forward, before Item 1.

**2. PRESENTATIONS:** This item was shifted forward before Item 1, see above.

2A. Kerrville Kindness Award presented to Zachary Reyna.

Mayor Eychner presented Zachary Reyna the Kerrville Kindness Award, for numerous acts of selflessness and kindness.

2B. Proclamation recognizing September 17, 2022 through September 23, 2022 as US Constitution week.

Mayor Eychner presented the Daughters of the American Revolution the US Constitution week Proclamation in Kerrville, Texas.

**1. ANNOUNCEMENTS OF COMMUNITY INTEREST:** Announcements of Community Interest provided by Stuart Cunyus. Mayor Eychner introduced Mike Dovell with the Raphael Free Clinic who introduced the new Executive Director Albert Vasquez. Mayor Eychner called Katie Finesky, President of the Kerrville Public School Foundation, who introduced the new Executive Director Jen Whittler.

2. **PRESENTATIONS:** This item was shifted forward before Item 1, see above.

Shelley McElhannon read general business protocols of conduct into record.

3. **VISITORS FORUM:** None

4. **CONSENT AGENDA:**

Councilmember Roman Garcia pulled Consent Agenda items 4B, 4C, 4D, and 4F.

Councilmember Kim Clarkson made a motion to approve items 4A and 4E, seconded by Councilmember Brenda Hughes. The motion passed 5-0.

4A. Resolution No. 54-2022. A Resolution approving the budget for Kerr Emergency 9-1-1 Network for Fiscal Year 2023.

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

**END OF CONSENT AGENDA.**

4B. 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.

Shelley McElhannon read Resolution No. 53-2022 caption into record.

Councilmember Garcia stated that there is a line in the Resolution for City Council to show approval or disapproval; Councilmember Garcia made a motion to insert the word Approve on the line and approve Resolution No. 53-2022, seconded by Councilmember Joe Herring, Jr. The motion passed 5-0.

4C. 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.

Shelley McElhannon read Item 4C caption into record.

Councilmember Garcia noted that on September 12, 2022, the Kerr County Commissioners' Court approved the Interlocal Agreement with a one-year extension instead of two-year, and made a motion to approve the 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 as amended, seconded by Councilmember Clarkson. The motion passed 5-0.

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

Shelley McElhannon read Item 4C caption into record.

Chad Hierholzer provided information and responded to questions.

Councilmember Garcia made a motion to award the contract to 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, and to authorize the City Manager to finalize and execute a contract with BluSky Restoration Contractors LLC, seconded by Councilmember Hughes. The motion passed 5-0.

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

Councilmember Garcia made a motion to approve the meeting minutes for August 23, 2022 with the following correction: *the minutes to be amended on page 4 by replacing “\$\_\_\_\_” with the money amount “\$44,400,000” per the language in the title of Ordinance No. 2022-27*, seconded by Councilmember Herring. The motion passed 5-0.

**5 PUBLIC HEARINGS AND RESOLUTION(S):**

5A. 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.

Shelley McElhannon read Resolution No. 52-2022 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:37 p.m.

No person(s) spoke.

Mayor Eychner closed the public hearing at 6:37 p.m.

Councilmember Clarkson made a motion to approve Resolution No. 52-2022, seconded by Councilmember Hughes. Councilmember Clarkson withdrew the motion for approval.

Councilmember Herring made a motion to adopt Resolution No. 52-2022 granting a Conditional Use Permit at this property, but limited to only that Casita as recommended by the Planning and Zoning Commission, seconded by Councilmember Hughes. The motion passed 5-0.

**6 PUBLIC HEARINGS AND ORDINANCE(S), FIRST READING:**

6A. 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.

Shelley McElhannon read Ordinance No. 2022-29 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:41 p.m.

No person(s) spoke.

Mayor Eychner closed the public hearing at 6:41 p.m.

Councilmember Hughes made a motion to approve Ordinance No. 2022-29 on first reading, seconded by Councilmember Clarkson. The motion passed 5-0.

6B. 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; providing an effective date; and providing other matters related to the subject.

Shelley McElhannon read Ordinance No. 2022-28 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:48 p.m.

The following person(s) spoke:

- Nikki Caines
- Kim Richards
- Robin Perrin
- Libba Maddry (declined to speak when called)
- Bill White
- Jerry Stroud
- Errol Candy
- Robert Brooks
- Michael Killeen
- Jon Perrin
- Karen Sides
- Larry Howard
- Margaret Harrod

Mayor Eychner closed the public hearing at 7:10 p.m.

Drew Paxton and E.A. Hoppe provided clarification, information, and responded to questions.

Councilmember Garcia made a motion to approve Ordinance No. 2022-28 on first reading with an amendment to strike Section 2 on page 2, and seconded by Councilmember Hughes. The motion was clarified by E.A. Hoppe "to allow for by-right Short-Term Rentals within the R-1A zones, RT zones, and the existing by-right zones; prohibiting from R1, R2, and Commercial". The motion passed 5-0.

## **7 ORDINANCE(S), FIRST READING:**

7A. 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.

Shelley McElhannon read Ordinance No. 2022-30 caption into record.

Drew Paxton provided information and responded to questions.

The following person(s) spoke:

- Karen Sides
- Jeremy Kerth (when called, was not in attendance)
- Kim Richards
- Robin Perrin

- Sharon Mason
- Larry Howard
- Jon Perrin

Drew Paxton provided information, and Drew Paxton and E.A. Hoppe responded to questions.

Councilmember Clarkson made a motion to table Ordinance No. 2022-30 and direct staff to bring forward a plan to create an Ad Hoc Committee, seconded by Councilmember Hughes. The motion passed 5-0.

At 8:15 p.m., Mayor Eychner called for recess of meeting.

At 8:20 p.m., Mayor Eychner reconvened the meeting.

## **8 ORDINANCES, SECOND READING:**

8A. 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.

Shelley McElhannon read Ordinance No. 2022-30 caption into record.

Drew Paxton provided information and the summary of edits, and Drew Paxton and Mike Hayes responded to questions.

The following person(s) spoke:

- JuLee Reeves
- George Baroody
- Patrick Cohoon
- Marily Jo Stewart

Drew Paxton and Mike Hayes provided clarification, and responded to questions.

Councilmember Garcia made a motion to deny the Ordinance. Mayor Eychner called for a second, and the motion died for lack of second.

Mike Hayes presented summary of the edits, and will present Council with a clean final version. Patrick Cohoon interjected comments.

Councilmember Clarkson made a motion to table Ordinance No. 2022-23, seconded by Councilmember Herring. The motion to table passed 5-0.

8B. 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.

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

The following person(s) spoke:

- George Baroody
- Peggy McKay

Julie Behrens provided clarification and presented information.

Councilmember Clarkson made a motion to approve Ordinance No. 2022-25 to adopt the City's budget for Fiscal Year 2023 on second reading, seconded by Councilmember Hughes. 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>	_____	_____

Councilmember Hughes 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 Herring. The motion passed 5-0.

8C. 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.

Shelley McElhannon read Ordinance No. 2022-26 caption into record.  
Julie Behrens provided information.

Councilmember Clarkson made a motion to approve Ordinance No. 2022-26 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 Herring. 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>	_____	_____

## **9 CONSIDERATION AND POSSIBLE ACTION:**

9A. 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.

Shelley McElhannon read Resolution No. 51-2022 caption into record.  
Ashlea Boyle provided information and responded to questions.

Councilmember Herring made a motion to adopt Resolution No. 51-2022 to establish a policy of the Parkland Dedication Fees for Fiscal Years 2023 through 2026, seconded by Councilmember Hughes. The motion passed 5-0.

9B. 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.

Councilmember Herring recused himself from items 9B and 9C as a conflict of interest, and departed the bench at 9:12 p.m.

Shelley McElhannon read Item 9B caption into record.

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

Councilmember Hughes made a motion to authorize the request to submit a funding application to the City of Kerrville Texas Economic Improvement Corporation for a downtown infrastructure and beautification project, seconded by Councilmember Clarkson. The motion passed 4-0.

9C. 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.

Shelley McElhannon read Item 9C caption into record.

Councilmember Herring remained recused from this item (9C) as a conflict of interest.

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

The following person(s) spoke:

- Larry Howard (when called, was not in attendance)

Councilmember Hughes made a motion to 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, seconded by Councilmember Clarkson. The motion passed 4-0.

Councilmember Herring joined Council bench at 9:31 p.m.

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

Shelley McElhannon read Item 9D caption into record.

Michael Hornes and Ashlea Boyle provided information and responded to questions.

The following person(s) spoke:

- Larry Howard (was not in attendance)

Councilmember Clarkson made a motion to authorize staff to submit a funding application to the City of Kerrville Texas Economic Improvement Corporation for a Fitness Court at Louise Hays Park, seconded by Councilmember Garcia. The motion passed 5-0.

## **10 APPOINTMENTS:**

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

Shelley McElhannon read Item 10A caption into record.  
Megan Folkerts provided information.

Councilmember Garcia made a motion to appoint the six applicants which are Madison Collins, Gracelyn Geurin, Ellie Harper, Peter Lockwood, Corbyn Loftin, and Ry'lee Paxton, seconded by Councilmember Hughes. The motion passed 5-0.

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

Shelley McElhannon read item 10B caption into record.  
Councilmember Garcia provided information.

Councilmember Clarkson moved to appoint Mayor Eychner as our delegate to serve the annual business meeting to be held during the 2022 TML Annual Conference, seconded by Councilmember Hughes. This motion was approved 5-0.

**11 BOARD APPOINTMENTS:**

11A. Appointments to the Senior Services Advisory Committee.

Shelley McElhannon read Item 11A caption into record.

Councilmember Clarkson made a motion to approve Tammie Heathman to the Senior Services Advisory Committee, seconded by Councilmember Herring. The motion passed 5-0.

**10 EXECUTIVE SESSION: None**

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

**12 ITEM(S) FOR FUTURE AGENDAS:**

- Councilmember Garcia – requested to remove the second City Council meeting in November and the second City Council meeting in December by Ordinance, instead of an annual Resolution.

**ADJOURN.** The meeting adjourned at 9:44 p.m.

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

APPROVED:

ATTEST:

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Judy Eychner, Mayor

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Shelley McElhannon, City Secretary



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

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**SUBJECT:** City Council workshop minutes, September 20, 2022.

**AGENDA DATE OF:** September 27, 2022      **DATE SUBMITTED:** Sep 08, 2022

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20220927\\_Minutes\\_Council workshop 9-20-22 10am.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

City Council workshop minutes held September 20, 2022 at 10:00 a.m., City Hall Council Chambers.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**CITY COUNCIL WORKSHOP MINUTES  
CITY HALL COUNCIL CHAMBERS**

**SEPTEMBER 20, 2022 10:00 AM  
701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER:** On September 20, 2022 at 10:00 a.m., the City Council workshop was called to order by Mayor Pro Tem Kim Clarkson at the City Hall Council Chambers, 701 Main Street.

**COUNCILMEMBERS PRESENT:**

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

**COUNCIL ABSENT:**

Judy Eychner, Mayor

**CITY STAFF PRESENT:**

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

Shelley McElhannon, City Secretary  
Ashlea Boyle, Director Parks & Rec  
Deidre Flores, Asst Director Parks & Rec

**PARKS ADVISORY BOARD PRESENT:**

David Bartels  
Morgan Bond  
Cabe Johnson  
Lisa Nye-Salladin  
Michelle Yanez

**MEMBERS ABSENT:**

Nick Cantrell  
Dr. Charles Huebner  
Erik Silvius  
Wayne Uecker

**VISITORS PRESENT:** Malcolm Matthews, Parks & Recreation Consultant

**1. PUBLIC COMMENTS:** None

**2. INFORMATION AND DISCUSSION:**

2A. Presentation by staff for the Singing Wind Park Master Plan.

Ashlea Boyle and E.A. Hoppe provided information and responded to questions. Parks and Recreation Advisory Board member Lisa Nye-Salladin, and Parks and Recreation Consultant Malcolm Matthews provided information and responded to questions.

Parks Advisory Board members, Michelle Yanez, Lisa Nye-Salladin, Cabe Johnson, Morgan Bond, and David Bartels, introduced themselves to City Council and provided information, along with Malcolm Matthews.

No action taken.

2B. Special District policies.

Michael Hornes and E.A. Hoppe provided information and responded to questions. Discussion ensued with Councilmembers. Council directed staff to bring back topic at another workshop for Council discussion, tentatively October 4, 2022. No action taken.

**ADJOURN.** The workshop adjourned at 11:56 a.m.

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

ATTEST:

\_\_\_\_\_  
Kim Clarkson, Mayor Pro Tem

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



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



**SUBJECT:** Ordinance No. 2022-29, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by 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 27, **DATE** Sep 02, 2022  
**2022** **SUBMITTED:**

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20220927\\_Ord 2022-29 Zone Change PI 365 Clearwater Paseo Path second reading.pdf](#)  
[20220913\\_Letter opposed Ord 2022-29 Cavalier.pdf](#)

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**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**

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**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.

On September 13, 2022, the City Council approved Ordinance No. 2022-29 on first reading, by a unanimous vote.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2022-29 on second 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 13 day of September, A.D., 2022.**

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

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Judy Eychner, Mayor

ATTEST:

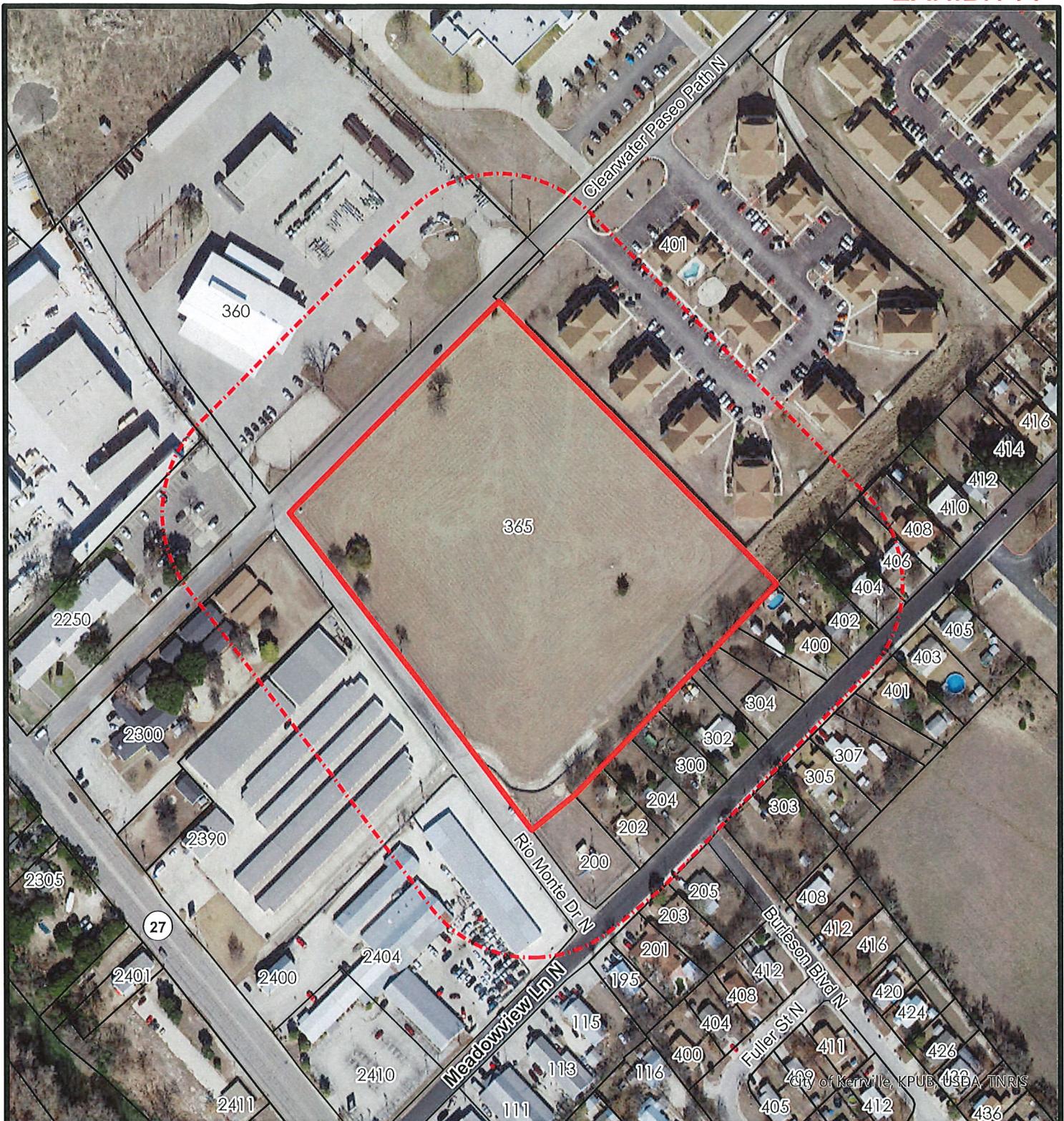
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Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

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Michael C. Hayes, City Attorney



## Location Map

Case # 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

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**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. 2022-23, second reading. An Ordinance creating a "Planned Development District" (Zoning) for Light Commercial Uses and a 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 27, **DATE** Sep 16, 2022  
**2022** **SUBMITTED:**

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20220823\\_Letters opposition Juarez Reeves Stewart.pdf](#)  
[20220927\\_Ordinance\\_No\\_2022-23\\_Planned\\_Development\\_District.pdf](#)

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

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**SUMMARY STATEMENT:**

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.

On September 13, 2022, City Council tabled Ordinance No. 2022-23 on second reading, by a 5-0 vote.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2022-23 on second reading.

**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

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**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

# D R A F T 9/23/22

## CITY OF KERRVILLE, TEXAS ORDINANCE NO. 2022-23

AN ORDINANCE CREATING A “PLANNED DEVELOPMENT DISTRICT” (ZONING) FOR LIGHT COMMERCIAL USES AND A 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 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 parking shall be marked and kept available for customers, employees, and others using the Property. The Parking Lot and driveway between Portion A and Portion B shall be used to provide for vehicular access traveling between the two areas and shall comply with the City’s Fire Code.
- 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)** A sign with the following message shall be required for Portion B in order to notify drivers of the regulated use, such sign to be located near the access from Portion A to Portion B:

**i.** "Parking for Employees and Customers of 820 Sidney Baker Business Only.

**b)** The sign 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 sign required by subsection 2(H)(1) does 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 shall be required along the southwest property line of Portion B, as indicated on the Concept Plan attached as **Exhibit B**. Such screening is subject to the following:

1. The wall or fence shall be constructed and maintained of at least six feet but no more than eight feet in height of solid masonry materials, weather-resistant wood fencing materials, or ornamental fencing behind a landscape screen.
2. Screening consisting of a wall or fence shall maintain a fifteen foot setback from.
3. Landscaping may be used in combination with any of the above screening and fencing techniques, and such landscaping may encroach into a setback.

**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 \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2022.**

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

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Judy Eychner, Mayor

APPROVED AS TO FORM:

ATTEST:

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Michael C. Hayes, City Attorney

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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.







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



**SUBJECT:** Ordinance No. 2022-28, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by amending the Land Use Table as found within said Code by changing which Zoning Districts a Short-Term Rental Unit is authorized as a permitted use pursuant to a required Conditional Use Permit; 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 27, **DATE** Sep 02, 2022  
**2022** **SUBMITTED:**

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20220927\\_Ordinance\\_No 2022-28\\_STR.pdf](#)

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**Kerrville 2050 Item?** No

**Key Priority Area** N/A

**Guiding Principle** N/A

**Action Item** N/A

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**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, 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)

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 considered a requirement for a Short Term Rental annual permit process. Such permit requirement would not be contained within the Zoning Code and therefore will be a separate code amendment for Council's consideration at a later date. The permit proposal could include other operational provisions or regulations for STRs.

Recommendation: Staff recommends approval of the proposed code amendment.

On September 13, 2022, City Council approved Ordinance No. 2022-28 on first reading with an amendment to strike Section 2 on page 2, by a unanimous vote.

**RECOMMENDED ACTION:**

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

**D R A F T 9/23/22**

**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 USE; AND REMOVING ANY CONDITIONAL USE PURSUANT TO A REQUIRED CONDITIONAL USE PERMIT; 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 August 4, 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 use and removing any conditional use pursuant to a required conditional use permit, as indicated on the attachment found at **Exhibit A**.

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

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

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

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

**PASSED AND APPROVED ON FIRST READING, this the 13<sup>th</sup> day of September, A.D., 2022.**

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

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Judy Eychner, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael C. Hayes, City Attorney

Table 1, Land Use Table

LAND USES	Residential Districts						Nonresidential Districts						Special Districts				Notes (Adopted by Ord 2022-28, September 27, 2022)
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	IW	DAC	MU	PI	AD	AG	
Accessory Building or Structure	P	P	P	P	P	P	P	P	P	P	P	P	C	C	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																	
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																	
Boat (Marine) Dealership																	
Book Store																	
Brewpub																	
Building Contractor, General																	
Building Contractor, Maintenance and Repair																	
Building Contractor, Temporary Field Office																	
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																	
Cemetery																	
Cheek Cashing Business																	
Church, Temple, Mosque, or Place of Worship																	
Civic, Fraternal, Philanthropic, Charitable, or Nonprofit Organization																	
Clothing and Apparel Store																	
College or University, Private																	

See Ordinance 2005-11

2 For single-family and multifamily residential uses

2a City's health &amp; Safety standards, if any, apply. Must have license required by Code Section 30-6(4)

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

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

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

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(14)

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

	Residential Districts								Nonresidential Districts								Special Districts				Notes (Adopted by Ord 2022-28, September 27, 2022)	
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	I-M	DAC	MU	PI	AD	AG						
College or University, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Community Garden	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>	P <sub>8</sub>			
Community Home	P <sub>8A</sub>	P <sub>8A</sub>	P <sub>8A</sub>	P <sub>8A</sub>	P <sub>8A</sub>	P <sub>8A</sub>	P <sub>8A</sub>					C									C	
Concrete/Asphalt Batch Plant, Permanent								C	C	P	P	P	P	P	P	P	P	P	P	P		
Condominium (See Dwelling, Multifamily)								P <sub>9</sub>	P <sub>9</sub>	P <sub>9</sub>	C <sub>9</sub>	P <sub>9</sub>	C <sub>9</sub>	P <sub>9</sub>	P <sub>9</sub>	P <sub>9</sub>	P <sub>9</sub>	P <sub>9</sub>	P <sub>9</sub>	P <sub>9</sub>		
Continuing Care Facility								P	P	P	P	P	P	P	P	P	P	P	P	P		
Convenience Store with Fuel Sales								P	P	P	P	P	P	P	P	P	P	P	P	P		
Country Club	C	C	C																		C	
Custom Manufacturing (See Manufacturing, Custom)																						
Dance Hall/Event Center								C <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>		
Day Care Services, Adult								C <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>	P <sub>10</sub>		
Day Care Services, Children								P	P	P	P	P	P	P	P	P	P	P	P	P		
Department or General Merchandise Store																						
Detention Facility																						
Dinner Theatre																						
Distillery																						
Distribution Center (See Warehousing and Distribution)																						
Dormitory, sorority or fraternity house								P	P	P	P <sub>10A</sub>	P <sub>10A</sub>	P <sub>10A</sub>	P <sub>10A</sub>	P <sub>10A</sub>							
Driving Instruction School												P	P	P	P	P	P	P	P	P	P	
Drug Store												P	P	P	P	P	P	P	P	P	P	
Duplex (See Dwelling, Duplex)								P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling, Duplex												P	P	P	P	P	P	P	P	P	P	
Dwelling, Live/Work												P	P	P	P	P	P	P	P	P	P	
Dwelling, Multifamily												P	C	P	P	P	P	P	P	P	P	
Dwelling, Patio Home (Zero Lot Line Home)								P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling, Single-Family Detached								P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling, Small-Lot Single-Family Detached	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling, Townhome												P	P	P	P	P	P	P	P	P	P	
Electronic Sales/Service												P	P	P	P	P	P	P	P	P	P	
Equipment Rental, Heavy, No Outdoor Storage												P	P	P	P	P	P	P	P	P	P	
Equipment Rental, Heavy, With Outdoor Storage												C	C	C	C	C	C	C	C	C	C	
Equipment Rental, Light, No Outdoor Storage												P	P	P	P	P	P	P	P	P	P	
Equipment Rental, Light, With Outdoor Storage												P	P	P	P	P	P	P	P	P	P	
Fabric Store												P	P	P	P	P	P	P	P	P	P	
Fabrication Processes												P	P	P	P	P	P	P	P	P	P	
Fair/Rodeo Grounds or Exhibition Hall or Arena												P	P	P	P	P	P	P	P	P	P	
Farm Supply Store, Retail												P	P	P	P	P	P	P	P	P	P	
Farmers' Market												P	P	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	P	P	
Fine Arts Classes												P	P	P	P	P	P	P	P	P	P	
Fitness Center												C	C	C	C	C	C	C	C	C	C	
Flea Market, Indoor												P <sub>9</sub>	P <sub>9</sub>	C <sub>9</sub>	C <sub>9</sub>	C <sub>9</sub>	C <sub>9</sub>	C <sub>9</sub>	C <sub>9</sub>	C <sub>9</sub>	C <sub>9</sub>	
Flea Market, Outdoor/Open Air Market												P	P	P	P	P	P	P	P	P	P	
Florist												P	P	P	P	P	P	P	P	P	P	
Food Processing (Craft)												P	P	P	P	P	P	P	P	P	P	
Food Processing (Manufacturing)												P	P	P	P	P	P	P	P	P	P	
Food Truck Park												P	P	P	P	P	P	P	P	P	P	
Fuel Sales, Bulk												P	P	P	P	P	P	P	P	P	P	
Fuel (Gasoline/Propane) Sales, Retail												P	P	P	P	P	P	P	P	P	P	
Funeral Services												P	P	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	P	P	
Furniture Repair and Sale, Used												P	P	C	C	C	C	C	C	C	C	
Garden Center/Nursery, With Outside Storage												P	P	P	P	P	P	P	P	P	P	
Garden Center/Nursery, Without Outside Storage	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Golf Course												P	P	P	P	P	P	P	P	P	P	
Grocery Store	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Guest House												P	P	P	P	P	P	P	P	P	P	

a Subject to requirements of Article IX 60-60(8)

a (1) Must be at least one-half mile from another Community Home measured in a direct line from the property line of each

bedrooms may not be kept on the property or in the right-of-way of

any street adjacent to the property.

a Subject to requirements of Article IX 60-60(1)

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

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

10 Subject to requirements of Article IX 60-60(1)

10A allowed within these district by right only when located within

one-half mile from an higher educational institution

11 Accessory Dwelling Unit in R-2, R-M only on lots of at

least 5,000 square feet

1 Not permitted for patio homes or townhomes

	Residential Districts							Nonresidential Districts							Special Districts		
	R-E	R-T	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	I-M	DAC	MU	PI	AD	AG	
Guidance Services				P	C							P	P	P	P	P	
Gunsmith and Locksmith Shop								P	P	P		P	P	P	P	P	
Halfway House	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	P <sub>5</sub>	
Hardware Store																	
Home Improvement Center				P <sub>12</sub>	P <sub>12</sub>	P <sub>12</sub>	P <sub>12</sub>										
Home Occupation																	
Homeless Shelter																	
Hospital																	
Hotel (See also, Motel)																	
Independent Living Facility for Seniors								P	C	C	C	P	P	P	P	P	P
Jewelry Store									P	P	P	P	P	P	P	P	P
Job and Vocational Training Center									P	P	P	P	P	P	P	P	P
Junkyard																	
Kennel, Up to 11 Animals, Indoor Pens									P	P	P	P	P	P	P	P	P
Kennel, 12 or More Animals, Indoor or Outdoor Pens									P	P	P	P	P	P	P	P	P
Landscape Nursery, Commercial/Wholesale									P <sub>4</sub>	P <sub>4</sub>	P <sub>4</sub>						
Laundromat									C	C	C	P	P	P	P	P	P
Laundry/Dry Cleaning Drop-Off/Pick-Up Station									P	P	P	P	P	P	P	P	P
Limousine/Taxi Service									P	P	P	P	P	P	P	P	P
Livestock Sales, Wholesale									P	P	P	P	P	P	P	P	P
Luggage and Leather Goods Store									P	P	P	P	P	P	P	P	P
Lumber Yard									P	P	P	P	P	P	P	P	P
Machine Shop									P	P	P	P	P	P	P	P	P
Mailing Service									P	P	P	P	P	P	P	P	P
Manufactured Home or Manufactured Housing							P <sub>13</sub>										
Manufactured Housing Sales									C <sub>13</sub>	P <sub>13</sub>							
Manufacturing, Custom (see Artisan's/Craftsman's Workshop)									P	P	P	P	P	P	P	P	P
Manufacturing, Assembly									P	P	P	P	P	P	P	P	P
Manufacturing, General									P	P	P	P	P	P	P	P	P
Microbrewery									P <sub>14</sub>	P <sub>14</sub>	P <sub>14</sub>						
Mining and Mineral Extraction									C	C	C	C	C	C	C	C	C
Mini-Storage									P	P	P	P	P	P	P	P	P
Minor Emergency/Urgent Care/Outpatient Medical Clinic									P	P	P	P	P	P	P	P	P
Modular Home									P	P	P	P	P	P	P	P	P
Motel									P	P	P	P	P	P	P	P	P
Motor Freight/Trucking Company									P	P	P	P	P	P	P	P	P
Motorcycle, All Terrain Vehicle, Personal Watercraft Dealership									P	P	P	P	P	P	P	P	P
Movie Theater									P	P	P	P	P	P	P	P	P
Museum									P	P	P	P	P	P	P	P	P
Musical Instrument Sales and Repair									P	P	P	P	P	P	P	P	P
Newspaper									P	C	C	C	C	C	C	C	C
Nursing Home									P	P	P	P	P	P	P	P	P
Office, General (Business or Professional)									C	C	C	C	C	C	C	C	C
Office, Medical									P	P	P	P	P	P	P	P	P
Office Furniture, Equipment, and Supply Store									P	P	P	P	P	P	P	P	P
Outdoor Storage of Equipment and Materials as a Primary Use									P	P	P	P	P	P	P	P	P
Parking Lot or Structure, Accessory									C	C	C	C	C	C	C	C	C
Parking Lot, Stand-Alone									P	P	P	P	P	P	P	P	P
Parking Structure									P	P	P	P	P	P	P	P	P
Pawnshop, With Outside Storage									P	P	P	P	P	P	P	P	P
Pawnshop, No Outside Storage									C	C	C	C	C	C	C	C	C
Payday Loan Business									P	P	P	P	P	P	P	P	P
Pet and Pet Supply Sales									P	P	P	P	P	P	P	P	P
Pet Grooming									P	P	P	P	P	P	P	P	P
Photography Studio									P	P	P	P	P	P	P	P	P
Photography/Camera Supply Store									P	P	P	P	P	P	P	P	P
Portable Building Sales									P	P	P	P	P	P	P	P	P
Print Shop									P	P	P	P	P	P	P	P	P
Public or Institutional Facility or Use									P	P	P	P	P	P	P	P	P
Quadruplex (See Dwelling, Multifamily)									P	P	P	P	P	P	P	P	P
Radio or Television Station or Broadcasting Studio with Tower									P	P	P	P	P	P	P	P	P
Radio or Television Station or Broadcasting Studio without Tower									P	P	P	P	P	P	P	P	P

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.

LAND USES	Residential Districts						Nonresidential Districts						Special Districts			Notes (Adopted by Ord 2022-28, September 27, 2022)
	R-E	R-1	R-1A	R-2	R-3	R-M	R-T	C-1	C-2	C-3	I-M	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	
Rectory/Parsonage							P	P	P	P	P	P	P	P	P	
Repair Shop, Household Items							P	P	P	P	P	P	P	P	P	
Research and Development Lab							P	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	C	
Residential, Food and Beverage Shop							P	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	P4	
Restaurant, General, Without Drive-Thru Service							P	P	P	P	P	P	P	P	P	
Salvage, Reclamation, Recycling of Materials							P	P	P	P	P	P	P	P	P	
Sand, Gravel, or Stone Extraction	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C
Sand, Gravel, or Stone Storage and Sales							P	P	P	P	P	P	P	P	P	C
School, Private, Elementary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
School, Private, Intermediate and Secondary	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
School, Public, Intermediate and Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Second-hand/Used Goods Store, With Outside Storage							P	P	P	P	P	P	P	P	P	
Second-hand/Used Goods Store, No Outside Storage							P	P	P	P	P	P	P	P	P	
Security Service							P	P	P	P	P	P	P	P	P	
Security Systems Installation and Monitoring Company							P	P	P	P	P	P	P	P	P	
Sexually Oriented Business																
Shipping Containers																
Short-Term Rental Unit							P	P	P	P	P	P	P	P	P	
Showroom, in Conjunction with Warehousing and Distribution								P	P	P	P	P	P	P	P	
Showroom, without Warehousing and Distribution								C	C	C	C	C	C	C	C	
Smoke Shop								P	P	P	P	P	P	P	P	
Solar Energy Facility								C	C	C	C	C	C	C	C	
Special Care Facility								P	C	C	C	C	C	C	C	
Sporting Goods Store								P	P	P	P	P	P	P	P	
Stables, Commercial									P	P	P	P	P	P	P	
Stables, Private	P															P
Stationery Store									P	P	P	P	P	P	P	
Tailor, Seamstress, or Needwork Shop									P	P	P	P	P	P	P	
Tattoo or Permanent Cosmetics Shop, Body Piercing									P	P	P	C	C	C	C	
Taxidermy Shop									C	C	P	P	P	P	P	
Townhome (See Dwelling, Townhome)										C	C	P	P	P	P	
Toy, Gift, Hobby, and Novelty Shop										P	P	P	P	P	P	
Transportation Terminal, Bus/Aviation										P	P	C	C	C	C	
Triplex (See Dwelling, Multifamily)										C	C	C	C	C	C	
Truck Stop and Fueling Station										C <sub>3</sub>	C <sub>3</sub>	P	P	P	P	
Utility, Local	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
Utility, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Veterinary Service, Large Animal, Indoor or Outdoor Pens										P	P	P	P	P	P	P
Veterinary Services, Small Animal, Indoor Pens										P	P	C	C	C	C	C
Warehousing and Distribution										P	P	P	P	P	P	P
Welding Shop										P	P	P	P	P	P	P
Wholesaling										C	C	P	P	P	P	P
Wind Energy System, Small																
Winery										P	P	P	P	P	P	C
Wireless Telecommunications Facilities																
Zero Lot Line Single-Family Dwelling (See Dwelling, Patio Home)																

See Chapter 30, Kerrville Code of Ordinances  
15 Shipping Containers subject to requirements of Article IX 60(17)

g Subject to requirements of Article IX 60(1)

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**

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**SUBJECT:** Resolution No. 55-2022. A Resolution creating a Short-Term Rental Committee as an Ad Hoc Committee of the City of Kerrville, Texas; The Committee to review operational issues of short-term rentals.

**AGENDA DATE OF:** September 27, **DATE SUBMITTED:** Sep 23, 2022  
2022

**SUBMITTED BY:** Guillermo Garcia

**EXHIBITS:** [20220927\\_Reso\\_No55-2022\\_STR\\_Committee.pdf](#)

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

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

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**Kerrville 2050 Item?** No

**Key Priority Area**

**Guiding Principle**

**Action Item**

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**SUMMARY STATEMENT:**

The attached Resolution has been drafted pursuant to the City Council's request on Sept. 13th for the establishment of an ad hoc advisory committee regarding the potential permitting and inspections of Bed and Breakfast Inns and Short Term Rental Units.

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**RECOMMENDED ACTION:**

Approve Resolution No. 55-2022 and appoint membership to the Short Term Rental Committee.

**D R A F T 9/23/22**

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 55-2022**

**A RESOLUTION CREATING A SHORT-TERM RENTAL COMMITTEE AS AN AD HOC COMMITTEE OF THE CITY OF KERRVILLE, TEXAS; THE COMMITTEE TO REVIEW OPERATIONAL ISSUES OF SHORT-TERM RENTALS**

**WHEREAS**, City Council recently considered the adoption of ordinances concerning the use and operation of short-term rentals within the City; and

**WHEREAS**, City Council's consideration and action was the culmination of a months-long public process involving the Planning and Zoning Commission and including a "town hall" style meeting along with several Council workshop meetings, all of which were intended to identify the various issues involved in the establishment and operation of short-term rentals; and

**WHEREAS**, following City Council's most recent discussion of these issues, which included a public hearing, Council is poised to adopt an amendment to the City's Zoning Code (Chapter 60, Code of Ordinances) to change the zoning districts that a short-term rental is authorized to operate within the City; and

**WHEREAS**, while City Council believes this zoning change applicable to short-term rentals is appropriate and warranted, City Council believes concerns remain that stem from such uses, concerns which could be addressed through the adoption and implementation of regulations that apply to the operations of short-term rentals; and

**WHEREAS**, City Council recognizes that different perspectives from a variety of backgrounds may be utilized in pursuit of common goals to address the variety of issues as to the operation of short-term rentals; and

**WHEREAS**, while City Council sees the both the value and concerns as to short-term rentals, City Council wishes to create a Short-Term Rental Committee (the "Committee"), the Committee to exist as an ad hoc, committee of ten citizens appointed by Council; and

**WHEREAS**, the Committee will work immediately and diligently to identify the various issues that may arise with respect to the operation of short-term rentals within the City and to consider the adoption of an ordinance that requires the permitting of a short-term rental along with the application of other regulations, reasonably believed to address such issues, such recommendations intended to strike a balance between the value of such use and the identified concerns;

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

**SECTION ONE. Purpose.** City Council hereby creates the Short-Term Rental Committee for the purpose of identifying various issues as to the operation of short-term rentals within the City; and thereafter, reviewing appropriate regulations, including a permitting requirement, reasonably necessary to address such issues. The Committee will be primarily focused on visitor/renter safety and livability issues between short-term rental properties and surrounding properties and other uses and the impact of temporary occupancy of dwelling units on residential neighborhoods.

**SECTION TWO. Scope of Review.** The Committee shall review the following issues as to the operation of short-term rentals within the City:

1. Protection of the safety of renters (e.g., insurance, egress, fire safety).
2. Compliance with the City's application of occupancy tax (hotel-motel tax) in accordance with state law.
3. Ability to address nuisance conditions.
4. Privacy and other impacts to adjacent property owners and uses to include parking, occupancy limits, limiting noise, and trash.
5. Application of a permitting requirement to include suspensions, revocations, penalties, and fees.
6. Other topics cited by ***Kerrville 2050*** (City's Comprehensive Plan) related to these issues.

The Committee will not review zoning issues.

**SECTION THREE. Structure and Organization.** The Committee will be made up of ten (10) members. Each Councilmember shall appoint two (2) members to the Committee. Membership is subject to the following:

- a) each Council appointee must be a resident of the City or reside in its extraterritorial jurisdiction;
- b) Council appointees should consist of a variety of backgrounds, such as short-term rental ownership, to encourage a diversity of ideas from among

the membership;

- c) Councilmembers may choose to appoint themselves as one of their two appointees;
- d) the Mayor shall serve as the Chair of the Committee, or may appoint the chair from the appointees;
- e) Council appointees serve at the pleasure of the Council and may be removed by Council at any time;
- f) each Councilmember may replace his/her appointment to the Committee should an appointee resign, fail to attend or participate in meetings, or for any other reason, without Council approval;
- g) members serve without compensation.

**SECTION FOUR. Meetings.** The Committee will convene its first meeting as soon as possible. Thereafter, the Committee shall work diligently through its meetings to develop and issue its findings and conclusions. City Council anticipates that the Committee will conclude its work on or before November 8, 2022. Meetings will comply with the Open Meetings Act and the agenda will include an item either at the beginning or end of the meeting that allows the public to address the Committee.

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

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Judy Eychner, Mayor

APPROVED AS TO FORM:

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Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary



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

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**SUBJECT:** Resolution No. 57-2022. A Resolution adopting the City of Kerrville's 2023 State Legislative priorities for the 88th Texas Legislature.

**AGENDA DATE OF:** September 27, 2022      **DATE SUBMITTED:** Sep 16, 2022

**SUBMITTED BY:** Mike Hayes

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**EXHIBITS:** [20220927\\_Reso 57-2022 2023 State Legislative Priorities for the 88th Texas Legislature.pdf](#)

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

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

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

**SUMMARY STATEMENT:**

The 88th Texas Legislative Session is scheduled from January 10 through May 29, 2023. The Texas House and Senate will once again undertake critical issues facing the state. As part of these activities, the Legislature will consider and make significant decisions affecting cities. City staff will work to both track pending legislation and where appropriate, engage with the City's elected representatives in ways to protect the City's interests by advocating for what is in the best interest of the Kerrville community, to include its citizens, businesses, and property owners. The attached City of Kerrville 2023 Legislative Program, to be adopted via Resolution No. 57-2022, more specifically sets out the City's interests and goals with respect to the upcoming session. The policy has been reviewed by various City department heads as to the specific interests and goals of particular concern to the City.

**RECOMMENDED ACTION:**

Approve Resolution No. 57-2022.

**CITY OF KERRVILLE, TEXAS**  
**RESOLUTION NO. 57-2022**

**A RESOLUTION ADOPTING THE CITY OF KERRVILLE'S 2023  
STATE LEGISLATIVE PRIORITIES FOR THE 88<sup>TH</sup> TEXAS  
LEGISLATURE**

**WHEREAS**, the 88<sup>th</sup> Texas Legislature is scheduled to commence in January 2023; and

**WHEREAS**, it is anticipated that many legislative issues affecting local government will be considered; and

**WHEREAS**, attached as **Exhibit A** is a proposed 2023 Legislative Program for the City of Kerrville, Texas; and

**WHEREAS**, City Council believes that its 2023 Legislative Program is in the best interest of the City and the Kerrville community, to include its citizens, businesses, and property owners, and should be adopted and forwarded for consideration to the Legislature; and

**WHEREAS**, City Council finds it to be in the public interest to adopt the City of Kerrville 2023 Legislative Program for the 88<sup>th</sup> Texas Legislature;

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

**SECTION ONE.** The City of Kerrville's 2023 Legislative Program for the 88<sup>th</sup> Texas Legislature, which is attached as **Exhibit A** ("Legislative Program"), is adopted.

**SECTION TWO.** The City Manager, City Attorney, or designees, are directed to send the Legislative Program to members of Congress, the Texas Legislature in general, and/or to the appropriate legislative committees, committee members, and others designated by the City Manager, to include the City's State Senator and Representative Andrew Murr.

**SECTION THREE.** Pursuant to the Legislative Program, the City Manager, City Attorney, or designees, are authorized to actively pursue or oppose the passage of legislation. The efforts to obtain passage of legislation may include drafting appropriate legislation, seeking a sponsor, and actively pursuing passage of legislation by providing testimony and through other means. For items "opposed" by the Legislative Program, the City Manager, City Attorney, or designees, are authorized to attempt to impede the passage of any such legislation.

**SECTION FOUR.** It is recognized that in carrying out and supporting the Legislative Program, any such activities will often be implemented in the context of great numbers of legislative proposals being considered within short time periods. City representatives, including City Council, are authorized to act on behalf of the City consistent with the necessary broad policy concerns set forth in the program, to include acting in conjunction with other cities and entities in both the area and statewide in furtherance of the City's goals. Where a Councilmember chooses to act in this manner, the Councilmember shall ensure that he or she provides notice of such action to the entire Council.

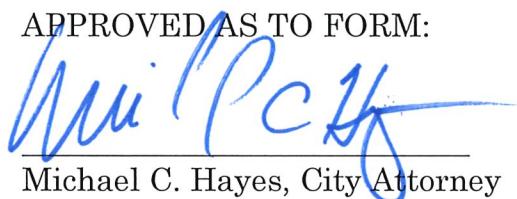
**SECTION FIVE.** This Resolution is effective immediately upon approval.

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

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Judy Eychner, Mayor

APPROVED AS TO FORM:



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Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary

## ***EXHIBIT A***

### **City of Kerrville 2023 Legislative Program 88<sup>th</sup> Legislative Session**

(to include Special Session(s), if any)

**I. General Purpose.** This 2023 Legislative Program (“Legislative Program”) is a guide for the City of Kerrville (“City”) with respect to its positions and priorities for the upcoming 88<sup>th</sup> Texas legislative session. The purpose of the City’s legislative efforts is to protect the City’s interests by advocating for what is in the best interest of the Kerrville community, to include its citizens, businesses, and property owners. The Texas Legislature considers making and then at times makes, significant decisions affecting Texas cities. Therefore, the City seeks to have a voice during the upcoming session.

**II. Specific Interests and Goals.** As the level of government closest to its citizens, the City bears the primary responsibility for ensuring the public’s health and safety, providing a variety of daily services, and for the provision of capital infrastructure. In line with these responsibilities, the following are the interests and goals of the City through this Legislative Program:

- A.** The City seeks to preserve home-rule authority for its citizens. The City may oppose bills that will provide for state preemption of municipal authority in general or specifically erode the City’s authority to govern locally.
- B.** Municipal revenue is made up of sources such as property tax, sales tax, right-of-way revenues, service fees, and court fines. The City seeks to maintain a predictable level of revenue and oppose state mandates that do not allow the City to provide a stable source of funding to meet the needs of its citizens.
- C.** The City supports legislation that would increase the uses for the revenue it receives from the application of hotel occupancy tax, to include making improvements to its parks and facilities.
- D.** The City opposes legislation that removes authority and choice from its citizens. The City opposes legislation that would erode authority for adequate compensation for use of the City’s public rights-of-way or erodes municipal authority over the management and control of its public rights-of-way, including by state or federal rules or federal legislation.

- E.** The City supports an amendment to existing state law that would authorize the City, under specific conditions, to sell unused and unusable property that was dedicated to the City for park purposes. This authority would be similar to authority currently granted to other cities. Such specific conditions may include a park size of less than 1 acre.
- F.** The City supports a review of rock (aggregate) mining operations (quarries) both within the City and within its extraterritorial jurisdiction (“ETJ”) as a way to mitigate the negative impacts of this industry to air and water quality and to balance the rights of this use with the rights of other property owners to use and enjoy their properties. In addition, supporting, among other likeminded alternatives, the requirement of cities’ consent before the Texas Commission on Environmental Quality (“TCEQ”) is authorized to issue a standard permit for a rock crushing operation, cement crushing operation, or any similar activity that may be authorized under a standard air permit from TCEQ within the corporate limits or ETJ of a city.
- G.** The City supports legislation that seeks to protect groundwater supplies both in and around Kerr County and for the residents of Kerr County and prioritizes such use for public utilities.
- H.** The City supports funding and programs that are intended to increase services for those suffering from or otherwise affected by mental health issues, to include access to medical care, housing, education, and training.



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

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**SUBJECT:** Financial report for month ending August 31, 2022.

**AGENDA DATE OF:** September 27, 2022      **DATE SUBMITTED:** Aug 09, 2022

**SUBMITTED BY:** Julie Behrens

**EXHIBITS:** [20220927\\_Presentation\\_Finance update 8-31-22.pdf](#)

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

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

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

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**SUMMARY STATEMENT:**

**RECOMMENDED ACTION:**

Report. No action from City Council.

# Financial Update for the month ended August 31, 2022

City Council Meeting  
September 27, 2022



1

## General Fund Summary

### General Fund Revenues as of August 31, 2022

#### Property Tax:

**Budget: \$10,720,382**

**Current Collections: \$10,863,917**

- **Includes \$252,943 from prior years' taxes & penalties**
  - Exceeded budget as of 8-31 by \$143K

#### Sales Tax:

**Budget: \$9,339,787**

**Current Collections: \$8,810,153**

- **Average YTD increase of 12% over FY2021 through August 2022**
  - Categories with highest increases: Retail, Wholesale Trade, Manufacturing, Food Service
  - **August / September sales tax has been received**
    - August – 5% increase over FY2021
  - **Estimating FY2022 year-end \$9.8M (\$479K better than amended budget)**
  - **2 month lag – final numbers not available until November 2022**

2

# General Fund Summary

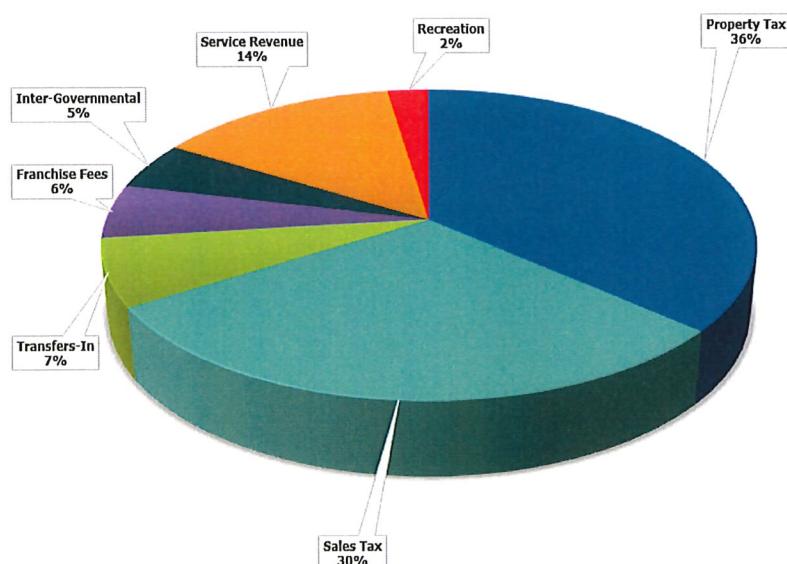
Overview of Revenues as of August 31, 2022

General Fund	FY2022 Budget	Y-T-D FY2022		Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
		Budget Estimate	Y-T-D FY2022 Actual			
Taxes						
Property Tax	\$ 10,720,382	\$ 10,686,092	\$10,863,917	\$ 177,825	\$10,328,910	\$ 535,007
Sales Tax	9,339,787	8,361,473	8,810,153	448,680	7,945,484	864,669
Franchise Fees	1,959,200	1,541,133	1,672,847	131,714	1,522,464	150,383
Total Taxes	\$ 22,019,369	\$ 20,588,698	\$21,346,917	\$ 758,219	\$19,796,858	\$ 1,550,059
Permits & Fees	40,495	40,000	102,343	62,343	22,432	79,911
Inter-Governmental	1,489,052	1,459,271	1,475,812	16,541	1,426,514	49,298
Service Revenue	3,997,854	3,491,275	4,141,541	650,266	3,483,239	658,302
Recreation	656,975	598,017	690,759	92,742	754,591	(63,832)
Fines & Forfeitures	476,550	453,496	357,777	(95,719)	346,429	11,348
Grants & Donations	29,500	29,500	59,206	29,706	103,383	(44,177)
Interest & Misc.	223,961	213,126	257,294	44,168	260,497	(3,203)
Transfers-In	2,276,116	2,090,190	2,090,190	-	2,214,099	(123,909)
Total General Fund Revenue:	\$ 31,209,872	\$ 28,946,074	\$30,521,839	\$ 1,558,266	28,408,042	\$ 2,113,797

- Recreation revenues \$93K better than YTD estimated budget but behind last year
- Services better than budget due to EMS revenues
- Overall fund \$1.55M ahead of FY2022 YTD estimated budget primarily due to growth in sales tax & EMS

# General Fund Summary

Revenues By Category



# General Fund Summary

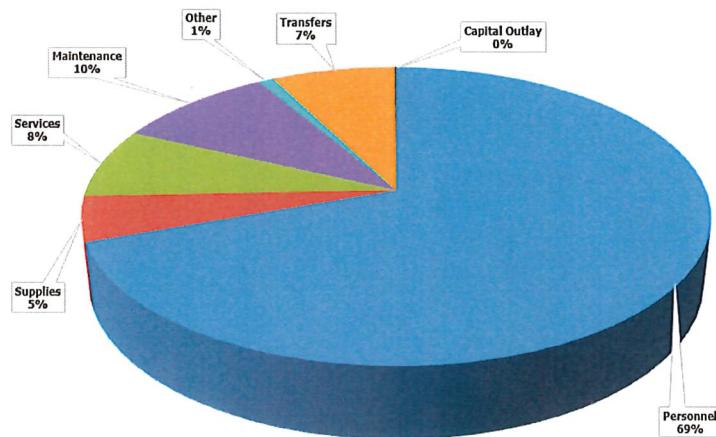
## Overview of Expenses as of August 31, 2022

General Fund	FY2022 Budget	Y-T-D FY2022		Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
		Budget Estimate	Y-T-D FY2022 Actual			
<b>Expenses</b>						
Personnel	\$ 22,323,798	\$ 20,091,418	\$ 20,114,367	\$ (22,949)	\$ 18,378,072	\$ 1,736,295
Supplies	1,495,320	1,390,647	1,413,435	(22,788)	1,188,875	224,560
Maintenance	3,630,742	3,274,929	2,771,066	503,863	2,101,052	670,014
Services	2,447,369	2,227,106	2,180,484	46,622	2,006,301	174,183
Other	532,556	484,626	278,895	205,731	251,602	27,293
Capital Outlay	106,236	96,675	15,588	81,087	138,092	(122,504)
Transfers-Out	2,204,114	2,168,615	2,168,615	-	301,260	1,867,355
<b>Total General Fund Expenses:</b>	<b>\$ 32,740,135</b>	<b>\$ 29,734,016</b>	<b>\$ 28,942,450</b>	<b>\$ 791,566</b>	<b>\$ 24,365,254</b>	<b>\$ 4,577,196</b>

- Behind YTD budget estimate: Supplies and Services categories
  - Gas: \$142K (132%) higher in this fund than last year-to-date
  - Departments have covered a large portion of overages from reductions in other lines
  - Personnel
- Better than budget in maintenance – paving has been heavy, expect higher expenditures in September
- Transfers-Out higher than FY2021 due to mid-year transfer of FY2021 surplus funds

# General Fund Summary

## Expenses By Category



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

# Water Fund Summary

## Water Fund Revenues

### Water Sales:

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

**Current Sales: \$6,135,372 (through August billing – July consumption)**

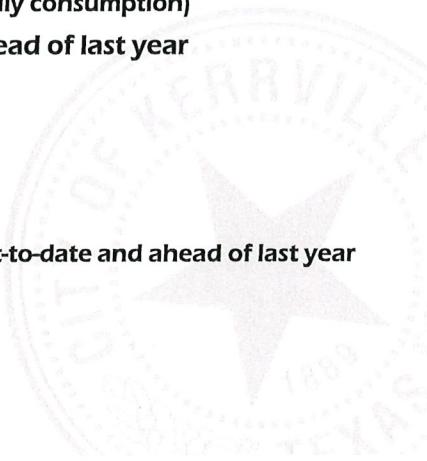
- **Slightly ahead of YTD budget estimate and ahead of last year**

### Sewer Sales:

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

**Current Sales : \$5,644,235**

**Currently \$190K ahead of FY2022 ESTIMATED budget-to-date and ahead of last year**



# Water Fund Summary

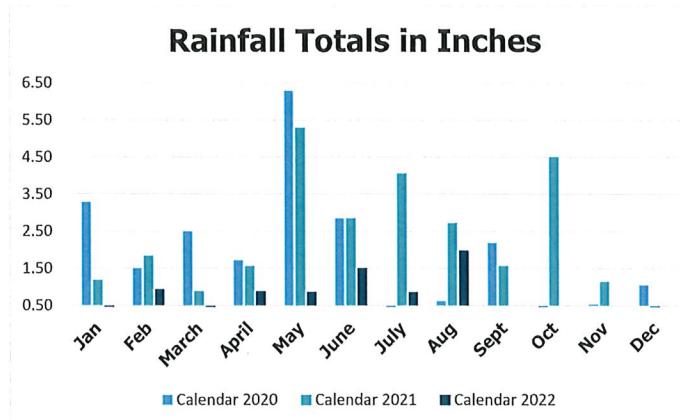
## Overview of Revenues as of August 31, 2022

Water Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than		Y-T-D FY2021 Actual	Change from YTD FY2021
				YTD Budget	YTD Actual		
<b>Revenues</b>							
Water Sales	\$ 6,665,813	\$ 6,065,890	\$ 6,135,372	\$ 69,482	\$ 5,454,376	\$ 680,996	
Sewer Sales	5,992,747	5,453,400	5,644,235	190,835	5,437,621	206,614	
Reuse Sales	155,021	141,069	163,672	22,603	128,605	35,067	
Waste Disposal Fees	450,000	409,500	355,964	(53,536)	415,020	(59,056)	
Other	442,180	402,384	479,277	76,893	562,487	(83,210)	
<b>Total Revenues</b>	<b>\$ 13,705,761</b>	<b>\$ 12,472,243</b>	<b>\$12,778,520</b>	<b>\$ 306,277</b>	<b>\$11,998,109</b>	<b>\$ 780,411</b>	

### Notes:

- **Total fund revenues better than FY2022 estimated budget, largely due to sewer sales**
- **Expect to exceed overall budget for water fund for FY2022**
- **Water sales are slightly ahead of FY2022 estimated budget, however overall consumption is down compared to last year**

# Water Fund Summary



**Notes:**

- **Yearly Average Rainfall (January – December) for Kerrville - 32"**
- **Rainfall January – August (2022) – 7.61"**
- **Rainfall January – August (2021) – 20.31"**

Source: [ars.usda.gov](http://ars.usda.gov)

# Water Fund Summary

## Overview of Expenses as of August 31, 2022

Water Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
Expenses						
Personnel	\$ 3,655,737	\$ 3,337,743	\$ 3,230,830	\$ 106,913	\$ 3,094,984	\$ 135,846
Supplies	824,367	750,174	678,443	71,731	560,978	117,465
Maintenance	972,357	885,622	822,056	63,566	673,496	148,560
Services	1,088,446	991,357	965,845	25,512	872,505	93,340
Other	314,371	286,329	59,921	226,408	203,527	(143,606)
Capital Outlay	125,200	114,032	123,071	(9,039)	174,264	(51,193)
Transfers-Out	6,847,233	6,376,928	6,376,928	-	6,713,298	(336,370)
Total WF Expenses	\$ 13,827,711	\$ 12,742,185	\$ 12,257,094	\$ 485,091	\$ 12,293,052	\$ (35,958)

**Notes:**

- Overall fund better than YTD estimate
- Better than budget in most categories
  - Note: staff have moved some budget money from one line item to another to help cover shortfalls in areas such as supplies (gas & chemicals)
  - Working hard to overcome impact of inflationary factors
  - Expecting purchase of \$184K Carbon for Water Production in FY2022 or in early FY2023

# Golf Fund Overview

## Overview as of August 31, 2022

Golf Fund	Current		Y-T-D FY2022 Actual	Y-T-D FY2022 Budget	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
	FY2022 Budget	FY2022 Budget					
Revenues	\$ 1,015,083	\$ 917,343	\$ 1,060,662	\$ 143,319	\$ 1,028,067	\$ 32,595	
Expenses	1,057,517	934,218	871,987	62,231	857,168	14,819	
Net	\$ (42,434)	\$ (16,875)	\$ 188,675	\$ 205,550	\$ 170,899	\$ 17,776	

### Notes:

- Golf continues to perform well ahead of FY2021**
- Supply chain issues making expenses better than budget**
- Recently installed new irrigation controller & received mowing equipment ordered in October 2021**

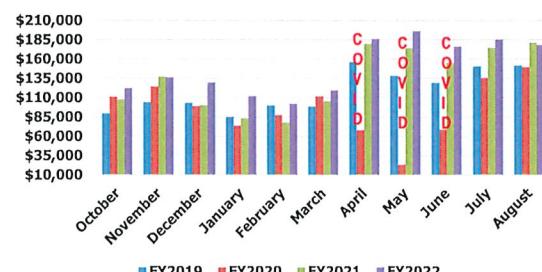
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# HOT Fund Summary

## Overview as of August 31, 2022

Hotel Occupancy Tax Fund	Year to Date		Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
	Current FY2022 Budget	FY2022 Budget				
Revenues	\$ 1,555,258	\$ 1,399,732	\$ 1,657,468	\$ 257,735	\$ 1,478,780	178,688
Expenses	1,605,258	1,444,732	1,388,305	56,427	1,150,055	238,250
Net	\$ (50,000)	\$ (45,000)	\$ 269,163	\$ 314,163	\$ 328,725	\$ (59,562)

### HOT Revenue



### Notes:

- August revenues = July stays**
- Expecting to end FY2022 \$215K better than budgeted revenues**

# Development Services Fund

## Overview as of August 31, 2022

Development Services Fund	Year to Date		Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
	Current FY2022 Budget	FY2022 Budget				
Revenues						
Permits & Fees	\$ 888,473	\$ 814,434	\$ 659,397	\$ (155,037)	\$ 413,931	\$ 245,466
Transfer In	147,895	135,570	135,570	-	249,572	(114,001)
Total Revenue	\$ 1,036,368	\$ 950,004	\$ 794,967	\$ (155,037)	\$ 663,502	\$ 131,465
Expenditures	1,061,068	972,646	914,928	57,718	896,672	(18,256)
Net	\$ (24,700)	\$ (22,641)	\$ (119,961)	\$ (97,319)	\$ (233,169)	\$ 113,209

### Notes:

- Revenues from Permits & Fees behind estimated budget-to-date but \$245K ahead of last year
- Expenses better than estimated budget-to-date
- FY2022 budgeted transfer less than FY2021

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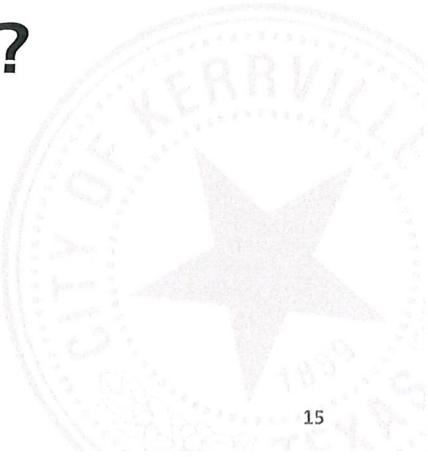
## Finance Calendar

- September 15 : Received bond funds
- September 30: FY2022 Year-End
- October 17: Final date for FY2022 invoices to be paid
- October 25: FY2022 estimates presented at Council meeting
- November 14-18: Audit Fieldwork
- December: GFOA Budget Book Award Application
- February 2023: ACFR Presentation to Council
- FY2024 Budget Process (formerly begins)

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## **Council Questions or Comments?**





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

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**SUBJECT:** The Butt-Holdsworth Memorial Library's participation in "Banned Books Week" from September 18, 2022 - September 24, 2022, and the adopted BHML Collection Development Policy.

**AGENDA DATE OF:** September 27, **DATE SUBMITTED:** Sep 23, 2022  
2022

**SUBMITTED BY:** Kim Meismer

**EXHIBITS:** [20220927\\_PressRelease Library sponsoring Banned Books Week.pdf](#)

[20220927\\_Collection Development Policy January 2022.pdf](#)

[20220927\\_Collection Development Policy Appendix January 2022.pdf](#)

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

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**Kerrville 2050 Item?** No

**Key Priority Area**

**Guiding Principle**

**Action Item**

---

**SUMMARY STATEMENT:**

In support of the right to choose books freely for ourselves, the Butt-Holdsworth Memorial Library (BHML) joined the American Library Association (ALA), along with thousands of libraries and bookstores across the country in sponsoring the "Banned Books Week", September 18 – September 24, an annual national event recognizing our citizens' right to access books without censorship. Since its inception in 1982, Banned Books Week has served as a reminder that while not every book is intended for every reader, each of us has the right to decide for ourselves what to read, listen to, or view.

The City of Kerrville sent out a community press release (attached) about Banned Books Week on September 19, 2022. The BHML has been participating in Banned Books Week

for at least the past 10 years by sending out a press release as well as setting up a table display of frequently banned and challenged materials. The ALA sends out a list of the most challenged books of the previous year (attached). Every year, the library displays those books, if they are available in the collection, as well as other that have historically been challenged. The display will come down as scheduled on Saturday, September 24, at the close of business.

The BHML strives to provide a fair and balanced collection that reflects the diversity within the Kerrville community.

- BHML's primary objective is to serve the entire community by providing free and open access to the ideas and information available on all subjects and in various media.
- BHML develops and maintains collections that are comprehensive, providing depth of treatment as well representation of diverse viewpoints.
- Inclusion of materials does not constitute or imply agreement with or approval of the works' contents by the Library or the City of Kerrville.
- BHML collects materials for all ages and reading levels. Responsibility for children's use of library collections rests with their parents, guardians, or caregivers.
- BHML supports and defends citizens' freedom to read, hear, and view constitutionally protected material through the selection and accessibility of library materials and resources.

Materials are selected per the BHML Collection Development Policy. The current policy was presented and unanimously approved by the Library Advisory Board, made up of four Kerrville citizens and one Kerr County representative, on January 18, 2022. A copy of this policy and the appendix is attached.

The BHML is managed by professional librarians, who have earned master's degrees in library science and participate in ongoing training to develop collections that represent the varied needs and interests of the community. Per the ALA's professional standards, professional librarians have a duty to uphold the tenets of the Library Bill of Rights – a document first drafted almost a hundred years ago in 1939.

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

**RECOMMENDED ACTION:**

Information only; no action.



**City of Kerrville**  
701 Main Street  
Kerrville, Texas 78028  
(830) 257-8000  
[www.kerrvilletx.gov](http://www.kerrvilletx.gov)

## **PRESS RELEASE**

### **FOR IMMEDIATE RELEASE**

Contact: Stuart Cunyus, Public Information Officer  
(830) 258-1116  
[stuart.cunyus@kerrvilletx.gov](mailto:stuart.cunyus@kerrvilletx.gov)

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### **Library sponsoring Banned Books Week**

**Kerrville, Texas (Sept. 19, 2022)** – Throughout the country, children are starting a new school year, teachers are sending out their lists of required readings, and parents are beginning to gather books. In some cases, classics like "The Adventures of Huckleberry Finn," "The Catcher in the Rye," and "To Kill a Mockingbird" may not be included in



curriculum or available in the school library due to challenges made by parents or administrators.

Since 1990, the American Library Association's (ALA) Office for Intellectual Freedom (OIF) has recorded more than 10,000 book challenges. A challenge is a formal, written complaint requesting a book be removed from library shelves or school curriculum. A banning is the removal of those materials. In 2021, the ALA saw a rise in requests to remove

books that address racism, racial justice, and anti-racism. Individuals organized campaigns to threaten library funding if libraries did not remove books or cancel programs. It is thanks to the commitment of librarians, teachers, parents, and students that most challenges and bans are unsuccessful and reading materials like "I Know Why the Caged Bird Sings," "Of Mice and Men", "Slaughterhouse Five," and the "Wings of Fire" series remain available.

The most challenged and/or restricted reading materials have been books for children. Challenges are not simply an expression of a point of view; on the contrary, they are an attempt to remove materials from public use, thereby restricting the access of others. Even if the motivation to ban or challenge a book is well intentioned, the outcome is detrimental. Censorship denies our freedom as individuals to choose and think for ourselves. For children, decisions about what books to read should be made by the people who know them best — their parents!

In support of the right to choose books freely for ourselves, the Butt-Holdsworth Memorial Library will join the ALA along with thousands of libraries and bookstores across the country in sponsoring Banned Books Week Sept. 18 – Oct. 24, an annual celebration of our right to access books without censorship. Since its inception in 1982, Banned Books Week has reminded us that while not every book is intended for every reader, each of us has the right to decide for ourselves what to read, listen to, or view. The Butt-Holdsworth Memorial Library will be hosting an exhibit featuring frequently banned and challenged materials.

The American Booksellers Association, the American Booksellers Foundation for Free Expression, the ALA, the American Society of Journalists and Authors, the Association of American Publishers, and the National Association of College Stores sponsor Banned Books Week. The Library of Congress Center for the Book endorses the observance.

Now, more than ever, celebrate the freedom to read at your library! Read an old favorite or a new banned book this week. For more information, please contact the library reference desk at (830) 258-1274.

## **Butt-Holdsworth Memorial Library**

### **Collection Development Policy**

#### **Objective**

The primary object of the Butt-Holdsworth Memorial Library (BHML) is to serve the entire community by providing free and open access to the ideas and information available on all subjects and in various media. The Collection Development Policy shall provide a statement of the commitment to developing and maintaining a collection that meets the informational, educational, and recreational needs of the community served.

#### **Principles**

BHML defines "Collection Development" as activities related to the building and management of library collections: setting selection policy, assessing user needs, studying collection use, selecting resources, maintaining the collections, and collection maintenance, including withdrawing or weeding materials. These activities are based upon the following principles:

- BHML collects and maintains print, audio-visual, and electronic materials and resources in order to meet the informational, educational, cultural, and recreational needs of our diverse and dynamic community.
- BHML provides these materials in a variety of formats and languages for diverse viewpoints and levels of comprehension.
- BHML develops and maintains collections that are comprehensive, providing depth of treatment as well as representation of diverse viewpoints.
- Inclusion of materials does not constitute or imply agreement with or approval of the works' contents by the Library or City of Kerrville.
- BHML collects materials for all ages and reading levels. Responsibility for children's use of library collections rests with their parents, guardians, or caregivers.
- BHML staff manages resources effectively and is accountable to the Library's funding sources.
- BHML supports and defends citizens' freedom to read, hear, and view constitutionally protected material through the selection and accessibility of library materials and resources, as stated in the documents appended to this policy.
  - The American Library Association's
    - Library Bill of Rights
    - Freedom to Read Statement
    - Freedom to View Statement
    - Statement of Labels and Rating Systems
    - Free Access to Libraries for Minors
  - Texas Library Association's Intellectual Freedom Statement

## **Selection of Library Materials**

The authority to select materials is granted by the Kerrville City Council and is delegated to the Library Director through the City Manager. Final responsibility for the selection of all books and materials rests with the Library Director, who operates within the framework of policies determined by the Library Advisory Board and the City of Kerrville.

The responsibility for the initial selection of books and materials is shared by library staff, as no one person is fully qualified to determine the needs of all persons in all sections of the community. Primary responsibility for the selection of adult materials rests with the Patron Services Librarian and the primary responsibility for the selection of youth materials rests with the Youth Services Librarian.

The Library strives to maintain a balanced collection of quality materials and materials of high demand that is responsive to the changing needs of the community served. Criteria may differ slightly when selecting materials for different areas of the collection. Titles are selected on the basis of the content as a whole and without regard to the race, nationality, or political or religious views of the writer.

Library materials and resources will be selected using the criteria below; an item need not meet all of these criteria to be accepted. Neither the order of the general criteria nor the order of items in a list of specific criteria indicates relative importance.

- Present and potential relevance to community needs
- Suitability of subject, style, and reading level for the intended audience
- Literary merit and/or critical reviews
- Inclusions in bestseller lists, review sources, or published bibliographies
- Public interest and/or demand
- Permanent or timely value
- Local, state or regional significance
- Relation to existing collection and to other material on the subject
- Representation of diverse points of view
- Authority, accuracy, and accessibility of presentation
- Inclusion of work in bibliographies and indexes
- Reputation, skill and purpose of the author, producer, publisher, or creator
- Physical quality of material (binding, printing, paper, etc.)
- Artistic presentation and/or experimentation
- Appropriateness and effectiveness of medium to content
- Suitability of physical format for library use
- Space limitations
- Original, unabridged, or unedited versions always preferred when available

## **Selection Aids**

For assistance in selection, staff refers to professional bibliographic tools including, but not limited to:

- American Library Association's *Booklist*
- *Kirkus*
- *Library Journal*
- *New York Times Book Review*
- *Publisher's Weekly*
- *School Library Journal*
- Public Library Core Catalog
- Fiction Core Catalog
- Children's Core Catalog

The general public may recommend the purchase of library materials by submitting requests to the library staff. These requests are given consideration based on the selection criteria outlined in this policy.

#### **Interlibrary Loans and Cooperative Agreements**

The purpose of Interlibrary Loan (ILL) and cooperative agreements is to expand the range and scope of materials available to library patrons. The ILL process relates to the collection development process as follows:

Requests for recently published materials are considered for purchase. Special consideration is given to requests for titles published within the last year as other libraries do not customarily loan these items. ILL may not be used for any title that is on order or owned by the library unless the copy is determined to be missing or lost, or is scheduled for a BHML sponsored book club.

#### **Gift Materials**

BHML encourages gifts of materials or money for library materials by individuals, groups, foundations, and corporations.

All gifts are subject to evaluation by the general criteria listed in the policy for the collection. Donors are informed that any gifts to the library may or may not be added to the collection. Any item that is not added may be passed to the Friends of the Library for sale in their bookstore or discarded. Proceeds from the Friends of the Library bookstore are used to benefit library services and programs.

#### **Duplication, Replacement, and Repairs**

When justified by demand, multiple copies of a title shall be provided.

The Library does not automatically replace all materials that have been withdrawn because of loss, damage, or wear. Standard items that are missing or damaged beyond repair are replaced periodically. Less standard items are replaced according to demand.

Damaged items may be repaired using approved library repair materials and procedures. Rebinding is considered an alternative if materials are out-of-print, too expensive to replace, or too expensive to repair.

### **Challenge to Materials**

BHML believes in freedom of information for all and does not practice censorship. BHML staff applies the selection criteria described in this policy in an effort to provide materials that reflect a diversity of viewpoints. It is the goal of BHML to provide information on many topics, levels, and opinions.

Selections for BHML will not be made on the basis of anticipated approval or disapproval, but solely on the merits of the material in relation to the building of the collection and to serving the interest of the patron.

BHML holds censorship to be a purely individual matter and operates under the belief that while anyone is free to reject materials of which they do not approve, they may not exercise censorship to restrict the freedom of others.

Responsibility for materials selected and read by minors rests with their parents and/or legal guardians. Selection decisions are not influenced by the possibility that materials may be accessible to minors. BHML does not indicate through the use of labels or other devices particular philosophies outlined in an item.

No items are sequestered except to protect them from damage or theft.

BHML recognizes that the collection of diverse materials may result in a request for reconsideration or challenge. The procedure for addressing a request for reconsideration made by a user is included in the appendix, along with the forms to be used to request reconsideration of library materials.

### **Collection Evaluation and Maintenance**

BHML engages in continual collection evaluation to maintain a current and relevant collection. Materials may be removed from the collection according to one or more of the following criteria:

- Loss or physical damage
- Lack of use
- Lack of currency
- Resource is out-of-date or offers inaccurate data, or the item is not historically or culturally significant
- Newer, more complete or authoritative resources are available
- A more desirable format for the content has been added to the collection

As materials become worn, dated, damaged, or lost, replacements will be considered. Materials are also reviewed systematically according the BHML Weeding Schedule, located in the appendix. The appointed staff members will determine whether or not:

- There is a need to replace the item
- The item is still available and can be replaced
- BHML owns multiple copies
- Another item or format might better serve the same purpose
- The work is of importance in its subject area
- Updated, newer, or revised materials are available
- It is listed in standard bibliographies
- Its cost is justified
- The item has historical value
- Another library or agency could better provide it or a comparable item

#### **Disposition of Discarded Materials**

Materials which are withdrawn from the collection may be disposed of in one of two different ways:

- *Friends of the Library Book Sales* – Materials in good condition which are found to be inappropriate for the collection or no longer needed that may be of interest to others will be donated to the Friends of the Butt-Holdsworth Memorial Library to be placed in their book store. Proceeds from book sales are used to benefit the library services and programs.
- *Discards* – Materials of very limited use to the general public, materials in poor physical condition, and materials whose information is outdated and retains little to no informational value will be discarded appropriately.

#### **Policy Review**

The Collection Development Policy will be reviewed every five years or as circumstances require.

Megan S. Bean  
Megan Bean  
Library Advisory Board Chairperson

Danielle M. Brigati  
Danielle M. Brigati  
Library Director

**Butt-Holdsworth Memorial Library**  
**Collection Development Policy**  
**Appendix**

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## **Library Bill of Rights**

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- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

### **The Freedom to Read Statement**

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which

they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

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This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

### **Freedom to View Statement**

The FREEDOM TO VIEW, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantees of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

## **Labeling Systems: An Interpretation of the Library Bill of Rights**

The American Library Association affirms the rights of individuals to form their own opinions about resources they choose to read, view, listen to, or otherwise access. Libraries do not advocate the ideas found in their collections or in resources accessible through the library. The presence of books and other resources in a library does not indicate endorsement of their contents by the library. Likewise, providing access to digital information does not indicate endorsement or approval of that information by the library. Labeling systems present distinct challenges to these intellectual freedom principles.

Labels may be a library-sanctioned means of organizing resources or providing guidance to users. They may be as simple as a colored dot or strip of tape indicating reference books or fiction or as elaborate as the Dewey Decimal or Library of Congress call number systems.

Labels as viewpoint-neutral directional aids are intended to facilitate access by making it easier for users to locate resources. Users may choose to consult or ignore the directional aids at their own discretion. Viewpoint-neutral directional labels are a convenience designed to save time. These are different in intent from attempts to prejudice, discourage, or encourage users to access particular library resources or to restrict access to library resources. Labeling as an attempt to prejudice attitudes is a censor's tool. The American Library Association opposes labeling as a means of predisposing people's attitudes toward library resources.

Prejudicial labels are designed to restrict access, based on a value judgment that the content, language, or themes of the resource, or the background or views of the creator(s) of the resource, render it inappropriate or offensive for all or certain groups of users. The prejudicial label is used to warn, discourage, or prohibit users or certain groups of users from accessing the resource. Such labels sometimes are used to place materials in restricted locations where access depends on staff intervention.

Directional aids can also have the effect of prejudicial labels when their implementation becomes prescriptive rather than descriptive. When directional aids are used to forbid access or to suggest moral or doctrinal endorsement, the effect is the same as prejudicial labeling. Even well-intentioned labels may have this effect.

Prejudicial labeling systems assume that the libraries have the institutional wisdom to determine what is appropriate or inappropriate for its users to access. They presuppose that individuals must be directed in making up their minds about the ideas they examine. The American Library Association opposes the use of prejudicial labeling systems and affirms the rights of individuals to form their own opinions about resources they choose to read, view, listen to, or otherwise access.

Adopted on June 30, 2015, by ALA Council.

## **Rating Systems: An Interpretation of the Library Bill of Rights**

Libraries, no matter their size, contain an enormous wealth of viewpoints and are responsible for making those viewpoints available to all. However, libraries do not advocate or endorse the content found in their collections or in resources made accessible through the library. Rating systems appearing in library public access catalogs or resource discovery tools present distinct challenges to these intellectual freedom principles.

### **Rating Systems**

Many organizations use or devise rating systems as a means of advising either their members or the general public regarding the organizations' opinions of the contents and suitability or appropriate age or grade level for use of certain books, films, recordings, websites, games, or other materials. Rating systems presuppose the existence of individuals or groups with wisdom to determine by their authority what is appropriate or inappropriate for others. Rating systems also presuppose that individuals must be directed in making up their minds about the ideas they examine. The creation and publication of such systems is a perfect example of the First Amendment's right of free speech. However, The American Library Association also affirms the rights of individuals to form their own opinions about resources they choose to read or view.

The adoption, enforcement, or endorsement, either explicitly or implicitly, of any of these rating systems by a library violates the Library Bill of Rights and may be unconstitutional. If enforcement of rating systems is mandated by law, the library should seek legal advice regarding the law's applicability to library operations.

Libraries often acquire resources that include ratings as part of their packaging. Librarians should not endorse the inclusion of such rating systems; however, removing or destroying the ratings—if placed there by the publisher, distributor, or copyright holder—could constitute expurgation (see “Expurgation of Library Materials: An Interpretation of the *Library Bill of Rights*”).

Because AACR2, RDA and the MARC format provide an opportunity for libraries to include ratings in their bibliographic records, many libraries have chosen to do so—some by acceptance of standard records containing such ratings and others by a desire to provide the maximum descriptive information available on a resource. Libraries are not required by cataloging codes to provide this information. However, if they choose to do so, whatever the reason, they should cite the source of the rating to their catalog or discovery tool displays indicating that the library does not endorse any external rating system.

The inclusion of ratings on bibliographic records in library catalogs or discovery tools may be interpreted as an endorsement by the library. Therefore, without attribution, inclusion of such ratings is a violation of the *Library Bill of Rights*.

The fact that libraries do not advocate or use rating systems does not preclude them from answering questions about such systems. In fact, providing access to sources containing information on rating systems in order to meet the specific information seeking needs of individual users is appropriate.

Adopted on June 30, 2015, by ALA Council.

## **Access to Library Resources and Services for Minors: An Interpretation of the Library Bill of Rights**

Library policies and procedures that effectively deny minors equal and equitable access to all library resources and services available to other users violate the American Library Association's Library Bill of Rights. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the Library Bill of Rights states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.

Libraries are charged with the mission of providing services and developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, educational level, literacy skills, or legal emancipation. Equitable access to all library resources and services shall not be abridged through restrictive scheduling or use policies.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. Institutional self-censorship diminishes the credibility of the library in the community and restricts access for all library users.

Children and young adults unquestionably possess First Amendment rights, including the right to receive information through the library in print, sound, images, data, games, software, and other formats.<sup>1</sup> Constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images a legislative body believes to be unsuitable for them.<sup>2</sup> Librarians and library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections because only a court of law can determine whether or not content is constitutionally protected.

The mission, goals, and objectives of libraries cannot authorize librarians or library governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents and guardians. As "Libraries: An American Value" states, "We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services." Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies should maintain that only parents and guardians have the right and the responsibility to determine their children's—and only their children's—access to library resources. Parents and guardians who do not want their children to have access to specific library services, materials, or facilities should so advise their children.

Librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, or format. This principle of library service applies equally to all users, minors as well as adults. Lack of access to information can be harmful to minors. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

<sup>1</sup> *Brown v. Entertainment Merchant's Association, et al.* 564 U.S. 08-1448 (2011): a) Video games qualify for First Amendment protection. Like protected books, plays, and movies, they communicate ideas through familiar literary devices and features distinctive to the medium. And 'the basic principles of freedom of speech . . . do not vary' with a new and different communication medium."

<sup>2</sup> *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975): "Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors." See also *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969); *West Virginia Bd. of Ed. v. Barnette*, 319 U.S. 624 (1943); *AAMA v. Kendrick*, 244 F.3d 572 (7th Cir. 2001).

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991; June 30, 2004; July 2, 2008 under previous name "Free Access to Libraries for Minors"; and July 1, 2014.

## **Procedure for Reconsideration of Library Materials**

Any patron may formally challenge library materials in the Butt-Holdsworth Memorial Library on the basis of appropriateness. The following procedure will be used to address such challenges. The library director shall always be willing to meet with patrons to discuss the basis for the selection or exclusion of library materials.

### **Procedure:**

1. If objection to an item is brought to the attention of a staff member by a patron in person, the staff member shall refer the patron to the Librarian in Charge at that time.
2. If the patron issue cannot be resolved by the Librarian in Charge, then the patron must submit a REQUEST FOR RECONSIDERATION OF MATERIALS (Request) form for the material in question. The request must comply with the following criteria:
  - a. The patron must be identified fully and qualify as a registered borrower of the Butt-Holdsworth Memorial Library.
  - b. The request form must be filed in writing.
  - c. The request form must be completed in full.
3. The library director shall refer the Request form to the applicable Librarian for follow up to review and arrive at a decision. The Librarian shall follow up on the Request with the patron.
4. If the patron is not satisfied, the patron must then request that the form be escalated to the Library Director.
5. The request will be acted upon by the Library Director. The Library Advisory Board will be informed of the request and any action taken.
6. If the patron is not satisfied with the decision of the library director, the request will be referred to the Library Advisory Board for review and possible action.

### **Request for Reconsideration of Library Materials**

Title \_\_\_\_\_

Check one: Book \_\_\_\_\_ Periodical \_\_\_\_\_ Video \_\_\_\_\_ Other \_\_\_\_\_

Author: \_\_\_\_\_

Publisher: \_\_\_\_\_

Request initiated by \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

Do you represent: \_\_\_\_\_ yourself  
\_\_\_\_\_ an organization (name) \_\_\_\_\_  
\_\_\_\_\_ other group (name) \_\_\_\_\_

1. To what in the work do you object? [Please be specific. Cite pages.]

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2. Did you read the entire work? \_\_\_\_\_ What parts? \_\_\_\_\_

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3. What would you like the library to do about this work?

\_\_\_\_\_ Return it to the library staff for reevaluation of age appropriateness of collection placement.  
\_\_\_\_\_ Return it to the library staff for reevaluation of inclusion in library collection.  
\_\_\_\_\_ Other - Explain: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**For Library Use Only:**

Staff Member receiving form: \_\_\_\_\_ Date: \_\_\_\_\_

Librarian Review: \_\_\_\_\_ Date: \_\_\_\_\_

Resolution: \_\_\_\_\_ Date: \_\_\_\_\_

Library Director Review: \_\_\_\_\_ Date: \_\_\_\_\_

Library Board Agenda Date (if applicable): \_\_\_\_\_

To be filed in Library Director's Office.

## Weeding Schedule

As materials become worn, dated, damaged, or lost, replacements will be considered. Materials are also reviewed systematically according the BHML Weeding Schedule, developed from *CREW: A Weeding Manual for Modern Libraries*, developed by the Texas State Library and Archives Commission.

The CREW formulas given here for the various Dewey classes are offered as 'rules of thumb' based on opinions in the professional literature and practical experience. The formula in each case consists of three parts:

1. The first figure refers to the **years since the book's latest copyright date** (age of material in the book);
2. The second figure refers to the **maximum permissible time without usage** (in terms of years since its last recorded circulation and assuming that the item has been in the library's collection for at least that period of time);
3. The third refers to the presence of various **negative factors, called MUSTIE or WORST factors**, which will influence the weeding decision.

## **Acronyms**

### *MUSTIE*

M = Misleading and/or factually inaccurate

U = Ugly, worn, or unable to mend

S = Superseded by a new edition or much better book on the subject

T = Trivial, of no discernible literary or scientific merit; ephemeral

I = Irrelevant to the needs or interests of the community

E = Elsewhere available

### *WORST*

W = Worn out

O = Out of date

R = Rarely used

S = Supplied elsewhere

T = Trivial

Dewey Class	Formula	Parameters
000 Generalities	N/A	Requires cross weeding with other Dewey areas.
004 Computers	3/X/MUSTIE	Generally outdated after 3 years. Weed based on community interest and needs. Keep one release back to accommodate those who do not upgrade immediately. Series like "Dummies" and "Idiots" are preferable to in-depth tomes.
010 Bibliography	10/3/MUSTIE	Newest edition generally in reference. Older editions may be moved to circulation. Consider discarding if not used in 3 years or when superseded.
020 Library Science	5/X/MUSTIE	Discard all that do not conform to current acceptable practice.
030 Encyclopedias	5/X/MUSTIE	Keep the most current in reference. Older edition to circulate. Stagger replacements over 3 to 5 year period. Withdraw if copyright date is more than 8 years old.
Other 000's	5/X/MUSTIE	Trivia may be kept indefinitely. Quotations books for as long as they are useful. Writers guides no longer than 2 years. Others based on interest.
101 Philosophy	15/5/MUSTIE	Weed based on interest, but maintain range of titles in Western and Asian philosophies. Remove scholarly treatments unless used by local university curriculum. Weed introductory books that are not on standard lists after 3 years.
133 Paranormal	10/3/MUSTIE	Keep until worn.

Dewey Class	Formula	Parameters
150 Psychology	10/3/MUSTIE	Other than classics, most titles can be weeded based on popularity and use. Review self-help books regularly and discard titles that are no longer of interest or contain outdated ideas. Weed self-help if copyright is older than 5 years.
160-170 Logic & Ethics	10/3/MUSTIE	Replace worn classics with more attractive editions. Discard if no longer of interest. Pay close attention to hot topic issues.
200 Religion & Mythology	10/3/MUSTIE	Try to have something up to date on each religion represented within the community, as well as well-known modern sects. Include timely and comprehensive on the six major religions: Buddhism, Christianity, Hinduism, Judaism, and Taoism. Use 10/3/MUSTIE except for areas of rapid change, then use 5/3/MUSTIE. Keep classics by famous theologians as long as they are popular and in good condition. Weed superseded editions.
300 Social Science		Should include information that represent a variety of viewpoints on controversial topics that is well balanced and accurate.
306 Culture & Institutions	5/2/MUSTIE	Discard as interest in author or topic wanes. Usually outdated in 5 years.
310 General Statistics	2/X/MUSTIE	Almanacs and stat handbooks - weed after two years. Keep current plus one except for historical handbooks. Keep most current in reference, rotate to circulation as superseded. All public libraries need one general and one Texas almanac. Replace census data when new census becomes available.

Dewey Class	Formula	Parameters
320 Political Science	5/3/MUSTIE	Current political topics - weed after 5 years. General guides may be kept longer. Retain copies of US Constitution and Bill of Rights. Local political history may be kept indefinitely. Discard books with outdated concepts and ideas. Weed books on past elections when no longer relevant.
323 Immigration & Citizenship	5/3/MUSTIE	Update study guides on citizenship regularly. Retain histories of immigration to the USA as long as interest warrants. Do not discard primary source materials and guides that can be used for genealogical purposes. Weed biased, unbalanced and inflammatory items.
330 Economics	3/3/MUSTIE	Currency of information is the most important factor. Information dates quickly and requirements and laws change. Books on careers and job hunting should update frequently and career guides that show gender, racial, or ethnic bias should be weeded. Update items in revised editions and be aware of legal changes. Retain histories of major economic events such as the Depression and/or classic books by well-known authors.
350 Public Administration	5/3/MUSTIE	Replace standard books as new editions become available. Replace when state and federal administrations change or constitutional reforms occur. Histories of government agencies and the military may be kept as long as interest remains. Retain classics. Testing guides should be replaced after 3 years.

Dewey Class	Formula	Parameters
360 Social Services	5/3/MUSTIE	Titles that deal with popular social issues should be weeded based on copyright and popularity. Watch for rapidly changing issues and weed accordingly. Look for outdated terminology and descriptors. Discard memoirs when interest in person or subject wanes. Copyright is NOT relevant for true crime. Classic cases like should be replaced when worn - others can be weeded as popularity subsides. Forensic sciences and criminology should be replaced as concepts and techniques change.
370 Education	10/3/MUSTIE	Keep historical information ONLY if used. Discard books about getting an education and entrance exam guides after 5 years. Books on educational theory or systems should be discarded when interest wanes. Subject specific curricula should be weeded as fields change.
390 Customs	10/3/MUSTIE	Costumes or fashion history should be kept indefinitely. Weed designers or styles of dresses as interest fades. Weed milestone celebrations, wedding plans, and holiday celebrations as customs change. Discard books without good pictures. Holiday specific books should be weeded as needed or if the books reflect gender, family, ethnic, or racial bias. Celebrity books may be discarded as their popularity wanes.
395 Etiquette	5/3/MUSTIE	Keep until new editions are available or as information or practices become outdated.
398 Folklore	X/3/MUSTIE	Standard works may be kept indefinitely. Weed based on quality of retelling, watch for ethnic or racial bias. Replace with more attractive editions as needed.

Dewey Class	Formula	Parameters
400 Language	10/3/MUSTIE	Discard old-fashioned, unsightly, and outdated editions and histories of languages and word origins when MUSTIE. Replace foreign language dictionaries on rotating basis for currency. English dictionaries – discard 5 years after copyright except for unabridged editions.
500 Natural Sciences	5/3/MUSTIE	Evaluate anything over 5 years old. Pay special attention to physics, astronomy and environment sections. Keep basic works of historical significance such as “Origin of the Species” and replace when worn.
507 Science Experiments	10/3/MUSTIE	Examine books for outdated and unsafe practices and discard.
510 Mathematics	10/3/MUSTIE	Weed primarily on MUSTIE factors and lack of use. Discard books on outdated teaching methods and techniques. Discard books that contain past fads. Discard used workbooks that are MUSTIE.
520 Space & Astronomy	X/3/MUSTIE	Weed titles that include Pluto as a planet. Books should include the space station and Mars expeditions. Stargazing books may be kept longer.
550 Earth Sciences	X/3/MUSTIE	Weed books that do not reflect current theories, which contain outdated information, or do not include information on current disasters. Geology books on specific regions may be kept until superseded. Keep field guides up to 10 years. Replace with up to date titles with clear photographs. Weed books on meteorology that do not reflect current weather technology or are out of date.

Dewey Class	Formula	Parameters
560 Paleontology	5/2/MUSTIE	Discard materials that are not being used - this may indicate that is out of date. Discard books that lack colorful illustrations. Field guides may be kept until new editions arrive.
570 Life Sciences	7/3/MUSTIE	Retain classics in the field. Use 5/2/MUSTIE for books on genetics, genetic engineering, human biology and evolution. Weed titles on ecology that appear dated even if information is accurate. Watch for sensationalized treatments.
580 Botanical Sciences	10/3/MUSTIE	Weed books that lack color illustrations or appear dated. Be sure that field guides meet safety standards, especially those on edible plants and medicines.
610 Medicine & Health	5/3/MUSTIE	Regularly review books on fast-changing topics for accuracy. Retain current copies of classics such as "Gray's Anatomy." Look for good illustrations.
629 Automobile Repair	X/2/MUSTIE	Weed primarily on use and condition. If it has not circulated in 2 years, discard. Weed ruthlessly if online databases are available.
640 Home Economics	5/3/MUSTIE	Be ruthless in weeding old cookbooks. Weed books that are dirty or feature chefs whose popularity has waned. Keep new editions of classics like "Betty Crocker Cookbook." Books on food prep or nutrition should reflect current acceptable practices. Books that mention the four food groups should be replaced with books that use the food pyramid.
649 Child Rearing	5/3/MUSTIE	Keep abreast of changing trends and new theories. Keep new editions of classics. Weed books that reflect outdated ideas.

Dewey Class	Formula	Parameters
670 Manufacturing	10/3/MUSTIE	Weed primarily on use and condition. Keep repair manuals unless the technology is obsolete. Keep books that may contain historical value or contain information on implements still used in the community.
709 Art History	X/3/MUSTIE	Discard books on art history that show cultural, racial, or gender bias. Discard scholarly works that are not useful in favor of materials for student and general readers. Look for good color reproductions of artwork.
720 Architecture	X/3/MUSTIE	Historical treatments may be kept indefinitely. House designs and plans should reflect current methodologies and current design tastes. Discard after 10 years regardless of circulation. Be aware of changes in building codes. Evaluate books on fads and trends regularly. Celebrity books should be weeded as popularity wanes.
737 Numismatics	5/3/MUSTIE	Coin collecting should be kept up to date. Historical treatments can be kept as long as there is interest.
740 Drawing & Decorative Arts	X/3/MUSTIE	Books on drawing styles and instructions should be weeded based on use and appeal. Keep books on technique if well illustrated and interest remains. Weed comics as interest wanes or editions become worn. Books on interior design and decorating should be replaced after 5 years. Historical treatments may remain indefinitely. Books on antiques and collectibles can be kept until superseded. Discard craft books based on use, styles, and materials. Discard books on crafts that are no longer popular or that feature gender bias.

Dewey Class	Formula	Parameters
769 Stamp Collecting	5/3/MUSTIE	Stamp collecting should be kept up to date. Historical treatments can be kept as long as there is interest.
770 Photography	5/3/MUSTIE	Check closely for outdated techniques and equipment. Historical treatments on photography or photographers may be kept indefinitely.
791 Public Performance	10/2/MUSTIE	Weed based on interest and condition.
793-796 Games & Sports	10/3/MUSTIE	Discard and replace as rules and interests change. Watch for gender and racial bias in sports. Discard books with outdated stats. Handbooks on popular electronic games may be difficult to replace; keep as interest dictates.
800 Literature	X/3/MUSTIE	Copyright is not relevant for literature but MUSTIE books rarely circulate; replace as needed. Do not keep books of minor writers unless there is community interest. Replace old editions of classics with more attractive editions. Do not keep classics just because they are classics. Know local schools reading lists. Discard poetry and short stories that aren't circulating. "Best of" short stories rarely circulate after 5 years. Discard books of wit and humor that aren't circulating or feature gender or nationality bias and outdated interests and sensitivities.
910 Geography & Travel	3/2/MUSTIE	Guidebooks are outdated within a year or two. Keep no longer than 3 years. Historical travel guides may be kept longer. Watch for political or name changes of countries. Keep atlases current unless historical in nature.

Dewey Class	Formula	Parameters
920 Genealogy	5/2/MUSTIE	Weed personal narratives on use and interest, unless of literary or historical value.
930-999 History	10/3/MUSTIE	Consider demand, accuracy of fact, and fairness. Review histories of countries where major political and geographical changes have occurred. Consider discarding personal narratives in favor of broader treatments unless the person is local, the book is cited in bibliography, or has an outstanding insight or style. Discard dated viewpoints. Retain primary source documents or photos.
92 Biographies	X/3/MUSTIE	Unless person is of permanent interest, weed as demand lessens. Replace biographies of ongoing interest with newer titles at least once a decade. Ruthlessly weed biographies of celebrities or those that were published after the subject's death or after a scandal. Biographies of outstanding literary value may be kept indefinitely.
Fiction	X/2/MUSTIE	Discard works no longer in demand. Retain works in high demand or of great literary value. Discard lesser works by classic authors if no longer circulating. Consider discarding all titles in a series if you are not able or willing to replace missing titles, especially if the books do not stand alone.
Graphic Novels	X/1/MUSTIE	Consider weeding any title that has not circulated in 1 year. Keep classics regardless of circulation. Replace titles that are worn.
Govt. Docs	3/2/X	Documents should be discarded when superseded. Discard items not being used that are available on the internet.

Dewey Class	Formula	Parameters
DVD	2/1/WORST	Examine for wear often. Weed based on popularity and condition.
Audiobooks & CD's	X/2/X	Music - if it hasn't circulated in 2 years, discard. Check for wear.  Audiobooks - weed based on circulation and wear.
Other AV	X/X/WORST	Most can be weeded by use and condition.
Local History	X/X/X	Retain all books on the history and geography of the city and county unless worn and not repairable. Retain local newspapers for up to 5 years if not available on microfilm. If the library is the local repository for newspapers, microfilm all available past editions. Keep most books by local authors even if of minimal literary values as well as genealogies of important local families.
Easy Readers	X/2/MUSTIE	Replace popular titles as needed. Weed any book that has not circulated in two years. Discard any books that are not suitable for library use. Replace books that have been rebound with new editions. Books that feature popular or commercial characters should be weeded as popularity wanes. Weed books that reflect racial and gender bias. Consider moving classics to the adult 800 class.
Juvenile Fiction	X/2/MUSTIE	Evaluate for MUSTIE factors. Copyright is less important than use, but weed if it hasn't circulated in two years. Weed based on current interest except for award books - weed if it has not circulated in three years or consider replacing with more attractive edition. Evaluate for outdated artwork, mores, or bias. Discard abridged or simplified classics for the original format unless abridged version has been favorably reviewed.

Dewey Class	Formula	Parameters
YA Fiction	3/2/MUSTIE	Keep this section very current. If it has not circulated in 2 years, discard it. Anything that has not circulated in a year should be evaluated for removal or for reassignment to a different area. Discard anything with outdated illustrations or storylines. Replace classics with attractive new editions.
J and YA Non-Fiction		Use adult criteria for Dewey Classes. Check for accuracy and triviality. Replace outdated or unattractive books with new editions.



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

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**SUBJECT:** Appointment(s) to the Zoning Board of Adjustment. (This item is eligible for Executive Session 551.074)

**AGENDA DATE OF:** September 27, 2022      **DATE SUBMITTED:** Sep 08, 2022

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:**

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

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

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

**SUMMARY STATEMENT:**

At the August 23, 2022 City Council meeting, City Council appointed three regular members and one alternate member to the ZBA. One alternate member vacancy still remains unappointed for the term beginning October 1, 2022.

One application has been received: Don Chute.

Mayor Judy Eychner and Councilmember Place 4 Brenda Hughes are the Board interview team.

Planning Director Drew Paxton is staff liaison.

**RECOMMENDED ACTION:**

Appoint member(s).