

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

**TUESDAY, AUGUST 08, 2023, 6:00 P.M.**

**CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

## **The Community Vision**

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

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



Kerrville2050



**CITY COUNCIL MEETING AGENDA**  
**AUGUST 08, 2023 6:00 PM**  
**CITY HALL, 701 MAIN STREET, KERRVILLE, TEXAS**



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

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 meeting begin. Each speaker is limited to four minutes.

*Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.*

*Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.*

*Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property.*

Thank you for your participation!

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**CALL TO ORDER:** 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 Life Saving Award Presentation- Sergeant Daniel Haas.  
Attachment: [Life Saving Certificate Haas 07182023.pdf](#)
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 City Council workshop minutes, July 25, 2023.  
Attachment: [20230808\\_Minutes CC workshop 7-25-23.pdf](#)
  - 4.B City of Kerrville Employee Benefit Trust meeting minutes, July 25, 2023.  
Attachment: [20230808\\_Minutes CoK-EBT meeting 7-25-23.pdf](#)
  - 4.C City Council meeting minutes, July 25, 2023.  
Attachment: [20230808\\_Minutes CC meeting 7-25-23.pdf](#)

**END OF CONSENT AGENDA.**

**5. PUBLIC HEARING AND ORDINANCES, FIRST READING:**

- 5.A Ordinance No. 2023-12. 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; amending said code to revise regulations regarding the permitted location of accessory buildings and structures within the front setback, as applicable to fences; and providing other matters relating to the subject.

Attachment: [20230808\\_Ord 2023-12 Fence Code amendments DRAFT.pdf](#)

**6. ORDINANCES, SECOND READING:**

- 6.A Ordinance No. 2023-23, second reading. An ordinance amending Chapter 26 "Buildings and Building Regulations", Article IX "Building Board of Adjustment and Appeals" of the Code of Ordinances, City of Kerrville, Texas; by amending requirements applicable to alternate members, making consistent the number of board members, amending the meeting schedule,, and revising the requirement for a quorum; containing a cumulative clause; containing a savings and severability clause; establishing an effective date; and providing other matters related to the subject.

Attachment: [20230808\\_Ord 2023-23 BBAA amendments 2nd reading.pdf](#)

**7. INFORMATION & DISCUSSION:**

- 7.A Presentation of Fiscal Year 2024 Official Proposed Budget.

**8. CONSIDERATION AND POSSIBLE ACTION:**

- 8.A Resolution No. 25-2023. A Resolution setting forth the Ad Valorem (property) tax rate to be considered for adoption for the 2023 tax year; said rate to be \$0.5595 per \$100 of assessed value; and calling a public hearing prior to the adoption of the tax rate and the Fiscal Year 2024 budget.

Attachment: [20230808\\_Reso 25-2023 FY24 Property Tax Rate.pdf](#)

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.*

**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**

**SUBJECT:** Life Saving Award Presentation- Sergeant Daniel Haas.

**AGENDA DATE OF:** August 8, 2023

**DATE SUBMITTED:** July 18, 2023

**SUBMITTED BY:** Chris McCall, Police Chief

**EXHIBITS:**

<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

<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:**

On Wednesday, June 28, 2023, Sergeant Daniel Haas responded to 620 Hays Street, the City of Kerrville Utility Office, regarding an unresponsive male. Dispatch advised a male, city employee was unresponsive and not breathing, on the bathroom floor.

Sergeant Haas was in the vicinity when the call came out and had a very short response time. Upon arrival, Sergeant Haas entered the Utility Facility and discovered the male unconscious, not breathing, and exhibiting no pulse, on the bathroom floor. Sergeant Haas immediately recognized the male was in cardiac arrest and in need of CPR. Sergeant Haas began providing quality chest compressions until the arrival of EMS. EMS assumed care and transported the male to the hospital.

Due to Sergeant Haas's quick response and early recognition of the patient being in cardiac arrest, as well as the quality CPR being performed, EMS was able to resuscitate the male to a point that upon arrival at the hospital he was conscious and talking. The male survived this incident and is continuing his recovery today.

A Meritorious Review Board was convened to assess the incident and Sgt. Haas's actions. The Meritorious Review Board recommended Sergeant Daniel Haas be awarded the Life Saving Bar for his efforts during this incident.

**RECOMMENDED ACTION:**

Presentation only.



# ***LIFE SAVING BAR***

KERRVILLE POLICE DEPARTMENT

*Awarded to*

*Sergeant Daniel Haas*

*For outstanding police performance, in the saving of a human life on June 28, 2023, and the display of conspicuous initiative, capacity, and attention to duty, thereby earning respect and admiration for himself and that of the Department.*

*July 18, 2023*

DATE

*Chris McCall*

CHIEF OF POLICE





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

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**SUBJECT:** City Council workshop minutes, July 25, 2023.

**AGENDA DATE OF:** August 8, 2023      **DATE SUBMITTED:** July 28, 2023

**SUBMITTED BY:** Shelley McElhannon, City Secretary

**EXHIBITS:**

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

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

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

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**SUMMARY STATEMENT:**

City Council workshop minutes held July 25, 2023 at 4:00 p.m., City Hall.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**ATTACHMENTS:**

[20230808\\_Minutes CC workshop 7-25-23.pdf](#)

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

**JULY 25, 2023 4:00 PM  
701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER:** On July 25, 2023 at 4:01 p.m., the City Council workshop was called to order by Mayor Judy Eychner at City Hall Council Chambers, 701 Main Street.

**COUNCILMEMBERS PRESENT:**

Judy Eychner, Mayor  
Roman Garcia, Council Place 1  
Jeff Harris, Council Place 2  
Joe Herring Jr, Council Place 3  
Brenda Hughes, Council Place 4/Mayor Pro Tem

**COUNCILMEMBERS ABSENT:**

None

**CITY STAFF PRESENT:**

Kim Meisner, Interim City Manager  
Mike Hayes, City Attorney  
Donna Bowyer, Code Compliance  
Drew Paxton, Director of Planning

Michael Hornes, Asst City Manager  
Shelley McElhannon, City Secretary  
Guillermo Garcia, Exec Dir Innovation

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

1. **PUBLIC COMMENT:** None

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

2A. Heart of the Hills Heritage Center update.

Michael Hornes provided information and responded to City Council questions, and will present report to the Heart of the Hills Heritage Center Committee.

2B. Public Safety Facility update.

Michael Hornes provided information and responded to questions.

2C. Short-Term Rental process review.

Guillermo Garcia provided information and responded to questions.

3. **EXECUTIVE SESSION:** Executive Session was not called nor convened.

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

**ADJOURN.** The workshop adjourned at 4:57 p.m.

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

\_\_\_\_\_  
Judy Eychner, Mayor

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



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

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**SUBJECT:** City of Kerrville Employee Benefit Trust meeting minutes, July 25, 2023.

**AGENDA DATE OF:** August 8, 2023      **DATE SUBMITTED:** July 28, 2023

**SUBMITTED BY:** Shelley McElhannon, City Secretary

**EXHIBITS:**

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

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

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

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**SUMMARY STATEMENT:**

City of Kerrville Employee Benefit Trust meeting minutes held July 25, 2023 at 5:15 p.m., City Hall.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**ATTACHMENTS:**

[\*20230808\\_Minutes CoK-EBT meeting 7-25-23.pdf\*](#)

## **CITY OF KERRVILLE, TEXAS, EMPLOYEE BENEFIT TRUST MEETING JULY 25, 2023**

**CALL TO ORDER:** On July 25, 2023, the City of Kerrville Employee Benefit Trust meeting was called to order by Chair Judy Eychner at 4:57 p.m. in City Hall, 701 Main Street, Kerrville, Texas.

**COUNCIL/TRUST MEMBERS PRESENT:**

Judy Eychner, Mayor/Chair  
Brenda Hughes, Mayor Pro Tem/Trustee  
Roman Garcia, Councilmember/Trustee  
Jeff Harris, Councilmember/Trustee  
Joe Herring, Jr., Councilmember/Trustee

**COUNCIL/TRUST MEMBERS ABSENT:**

None

**CITY EXECUTIVE STAFF PRESENT:**

Kim Meismer, Interim City Manager  
Mike Hayes, City Attorney

Michael Hornes, Asst City Manager  
Shelley McElhannon, City Secretary

**VISITORS PRESENT:** Natalie Haskett, Gallagher Consulting

1. **PUBLIC COMMENTS:** None

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

1.A. Approval of the Fiscal Year 2024 employee benefit plans, rates, and funding.

Kim Meismer provided information and responded to questions, and noted that within Chapter 222.002 of the Texas Insurance Code, there is an annual tax in the amount of 1.75% imposed on insurers for gross premiums received from policyholders. Gross premiums paid by a municipality, county, or hospital district are exempt from the tax being collected by their insurer if the municipality, county, or hospital district establishes either a single entity benefit trust or establishes or participates in a Chapter 172 risk pool. In July 2008, City Council approved a resolution to create the Employee Benefit Trust (EBT). Since the inception of the EBT, the City has saved over \$650,000 utilizing this strategy.

Ms. Meismer noted that Blue Cross Blue Shield (BCBS) offered a final bid of 13.2% increase over FY2023, with no plan changes; including dental, vision, life/AD&D, vol life/AD&D, and short term disability. BCBS has a high satisfaction rate among the City's plan members, and BCBS is well received by the area medical community. If approved, this will be the City's 11<sup>th</sup> year with BCBS.

Staff recommended Council, acting as Trustees of the EBT, approve the FY2024 employee benefit plans, rates, and funding as presented and authorize the Interim City Manager to execute the contracts with the providers.

Trustee Brenda Hughes made a motion that Council (acting as the Trustees of the Employee Benefit Trust) approve the FY2024 employee benefit plans as presented and

authorize the Interim City Manager to execute the contracts with the providers, seconded by Trustee Joe Herring, Jr. The motion passed 5-0.

**ADJOURN.** The City of Kerrville Employee Benefit Trust meeting adjourned at 5:11 p.m.

**APPROVED BY CITY COUNCIL AS KERRVILLE EMPLOYEE BENEFIT TRUST BOARD:** \_\_\_\_\_

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Judy Eychner, Chair/Mayor

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





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

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**SUBJECT:** City Council meeting minutes, July 25, 2023.

**AGENDA DATE OF:** August 8, 2023      **DATE SUBMITTED:** July 28, 2023

**SUBMITTED BY:** Shelley McElhannon, City Secretary

**EXHIBITS:**

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

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

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

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**SUMMARY STATEMENT:**

City Council meeting minutes held July 25, 2023 at 6:00 p.m., City Hall.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**ATTACHMENTS:**

[20230808\\_Minutes CC meeting 7-25-23.pdf](#)



**CITY COUNCIL MINUTES  
REGULAR MEETING**

**KERRVILLE, TEXAS  
JULY 25, 2023 6:00 PM**

On July 25, 2023 at 6:00 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street. Mayor Eychner introduced Pastor Monica O'Donald, who provided the invocation and led the Pledge of Allegiance.

**COUNCILMEMBERS PRESENT:**

Judy Eychner, Mayor  
Roman Garcia, Councilmember Place 1  
Jeff Harris, Councilmember Place 2  
Joe Herring, Jr., Councilmember Place 3  
Brenda Hughes, Councilmember Place 4

**COUNCILMEMBER ABSENT:**

None

**CITY EXECUTIVE STAFF:**

Kim Meisner, Interim City Manager	Deidre Flores, Asst Director Parks & Rec
Mike Hayes, City Attorney	Megan Folkerts, Senior Management Analyst
Michael Hornes, Asst City Manager	Guillermo Garcia, Exec Director Innovation
Shelley McElhannon, City Secretary	Rosa Ledesma, Parks Recreation Manager
David Barrera, Director of Utilities	Eric Maloney, Fire Chief
Stuart Barron, Exec Director PW & Eng	Chris McCall, Police Chief
Ashlea Boyle, Director Parks & Rec	Drew Paxton, Director of Planning/Zoning
Stuart Cunyus, Public Information Officer	Trina Rodriguez, Asst Director Finance

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

Monica O'Donald, Associate Pastor First United Methodist Church  
Niko Gonzales with BTB Baseball Ventures  
Sharon Constandinides, Kerr Central Appraisal District  
Mary Rohrer, Airport Manager  
Stephen Schmerbeck, Airport Board Chair  
Todd Bock, Kerr Economic Development Corporation Board Chair

**1. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

Announcements of Community Interest provided by Stuart Cunyus, Rosa Ledesma, Chief Eric Maloney, and Mayor Eychner.

**2. PRESENTATION(S):**

2A. Kerrville Kindness Award: Rebecca Sparkman, City Lifeguard.

Mayor Eychner presented the Kerrville Kindness Award to City Lifeguard Rebecca Sparkman.

**3. VISITORS FORUM:**

The following person(s) spoke:

- Jan Pieraccini
- Nikki Caines
- Jeremiah Romack
- James Lyle

#### **4. CONSENT AGENDA:**

Councilmember Roman Garcia pulled items 4B, 4D, 4E, and 4F. Councilmember Brenda Hughes made a motion to approve items 4A, 4C, 4G, 4H, and 4I, seconded by Councilmember Garcia. The motion passed 5-0.

4A. Resolution No. 20-2023. A Resolution authorizing the transfer of the ownership of funds from the City of Kerrville to the City of Kerrville Employee Benefit Trust to pay for employee related group benefits for Fiscal Year 2024.

4C. Southwest Texas Regional Advisory Council (STRAC) Electronic Records Management System Project Interlocal Cooperation Agreement with the City of Kerrville, TX.

4G. City Council workshop minutes, July 11, 2023.

4H. City Council meeting minutes, July 11, 2023.

4I. City Council workshop minutes, July 18, 2023.

#### **END OF CONSENT AGENDA.**

4B. Resolution No. 23-2023. A Resolution authorizing the City's submission of an Our Town Grant application to the National Endowment for the Arts; authorizing the City to partner with Schreiner University and the Kerrville Convention and Visitors Bureau to utilize funds from the Our Town Grant; and authorizing the City Manager to act as the authorized representative in all matters pertaining to the participation in the Our Town Program.

Councilmember Garcia recommended a clerical correction on page 2 of the Resolution for the reference of City Clerk should be City Secretary, and made a motion to approve Resolution No. 23-2023 with the amendment, seconded by Councilmember Joe Herring, Jr. The motion passed 5-0.

4D. Amended Commercial Lease between the City of Kerrville and BTB Baseball Ventures, LLC.

The following person(s) spoke:

- George Baroody

Ashlea Boyle and Niko Gonzales with BTB Baseball Ventures, provided information and responded to questions.

Councilmember Garcia advised on page 29 is a clerical error, that the representative of the City is E.A. Hoppe should be referenced as the Interim City Manager.

Councilmember Garcia made a motion to approve the commercial lease agreement between the City of Kerrville and BTB Baseball Ventures LCC with amendments to include a provision in the lease agreement that the *"entry fee will be waived for Kerrville citizens with proof of residency for those who wish to go to the baseball/softball sports complex to watch games or tournaments"*. Mayor Eychner called for a second, with no second. Motion died for lack of second.

Councilmember Herring made a motion to authorize the Interim City Manager to finalize and execute the lease agreement, seconded by Councilmember Hughes. The motion passed 4-1 with Mayor Eychner, Councilmember Jeff Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

4E. Contract for bulk fuel and card services.

Guillermo Garcia and Mike Hayes provided information and responded to questions.

Councilmember Herring made a motion to authorize the Interim City Manager to award contract as presented, seconded by Councilmember Harris. The motion passed 5-0.

4F. Authority to approve pre-order of street sweeper from Kinloch Equipment & Supply, Inc., in compliance with City's purchasing policy and in an amount not to exceed \$275,858.00.

Julie Behrens provided information and responded to questions.

Councilmember Garcia made a motion to authorize the Interim City Manager to pre-order a street sweeper that will be purchased in FY2024, seconded by Councilmember Harris. The motion passed 5-0.

## **5. ORDINANCES, FIRST READING:**

5A. Ordinance No. 2023-23. An Ordinance amending Chapter 26 "Buildings and Building Regulations", Article IX "Building Board of Adjustment and Appeals" of the Code of Ordinances, City of Kerrville, Texas; by amending requirements applicable to alternate members, making consistent the number of board members, amending the meeting schedule, and revising the requirement for a quorum; containing a cumulative clause; containing a savings and severability clause; establishing an effective date; and providing other matters related to the subject.

Shelley McElhannon read Ordinance No. 2023-23 caption into record.

Guillermo Garcia provided information and responded to questions.

Councilmember Garcia made a motion to adopt Ordinance No. 2023-23 on first reading, seconded by Councilmember Harris. The motion passed 5-0.

## **6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Resolution No. 24-2023. A Resolution providing for the City's approval or disapproval of the Kerr Central Appraisal District's Fiscal Year 2024 budget.

Shelley McElhannon read Resolution No. 24-2023 caption into record.

Julie Behrens provided information and responded to questions.

The following person(s) spoke:

- Sharon Constandinides, Kerr Central Appraisal District

Councilmember Herring made a motion to approve Resolution No. 24-2023 and insert "APPROVE" in the Resolution blank, seconded by Councilmember Hughes. The motion passed 5-0.

6B. Kerrville-Kerr County Joint Airport Board Proposed Budget for Fiscal Year 2024.

Julie Behrens provided information and responded to questions.

The following person(s) spoke:

- Mary Rohrer, Airport Manager
- Stephen Schmerbeck, Airport Board Chair

Councilmember Hughes made a motion to approve the Kerrville-Kerr County Joint Airport Board proposed budget for Fiscal Year 2024 as presented, seconded by Councilmember Herring. The motion passed 5-0.

6C. Economic Improvement Corporation (EIC) FY2024 proposed budget.

Julie Behrens and Trina Rodriguez provided information and responded to questions. The following person(s) spoke:

- Todd Bock, KEDC Chair

Councilmember Herring made a motion to approve the budget as presented, seconded by Councilmember Harris. The motion passed 5-0.

**7. INFORMATION & DISCUSSION:**

7A. State of City's Water System and its Water Resources.

Stuart Barron, Trina Rodriguez, Michael Hornes, Julie Behrens, and Kim Meismer provided information and responded to questions.

The following person(s) spoke:

- George Baroody
- Jerry Wolff

7B. Monthly Financial report – month ended June 30, 2023.

Julie Behrens and Kim Meismer provided information and responded to questions.

**8. BOARD APPOINTMENTS:**

8A. Appointment and removal of a member to the Building Board of Adjustment and Appeals. (Item eligible for Executive Session 551.074).

Councilmember Garcia made a motion to appoint Wayne Uecker as an alternate member on the Building Board of Adjustment and Appeals, and further move to remove Mike Asmus as an alternate member, seconded by Councilmember Harris. The motion passed 5-0.

Councilmember Harris made a motion to adopt the page in the packet to stagger the terms of the BBAA members, seconded by Councilmember Garcia. The motion passed 5-0.

**9. EXECUTIVE SESSION:** Executive Session not called nor convened.

10A. Appointment to the Building Board of Adjustment and Appeals. (551.074)

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

**11. ITEM(S) FOR FUTURE AGENDAS:** None

**ADJOURN.** The meeting adjourned at 9:00 p.m.

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

APPROVED:

ATTEST:

\_\_\_\_\_  
Judy Eychner, Mayor

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



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

**SUBJECT:** Ordinance No. 2023-12. 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; amending said code to revise regulations regarding the permitted location of accessory buildings and structures within the front setback, as applicable to fences; and providing other matters relating to the subject.

**AGENDA DATE OF:** August 8, 2023

**DATE SUBMITTED:** March 29, 2023

**SUBMITTED BY:** Drew Paxton, Planning Director

**EXHIBITS:**

<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

<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	C - Community / Neighborhood Character and Place Making
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

As a part of the City's commitment to the regular review of the zoning code, the sections related to *Location of accessory buildings or structures beyond setback* has raised some concerns as it relates to fences. The City has had several building permit applications for fences to be built that do not conform to the "ornamental fence" style. Overall, the fence requirements lack definition and clarity. As this was discussed with the Planning and Zoning Commission, the following items were identified for a potential amendment to the code.

The goal is to amend the zoning code to provide both flexibility and clarity on the fence material regulations, allow for fence types/materials other than "ornamental fence", and continue to prevent view obstruction along the street.

Previously, the Planning and Zoning Commission (P&Z) made recommendations to City Council to remove the requirement for ornamental style fence materials, thereby allowing other visually non-obstructing materials.

At one of the City Council meetings, citizens brought up the limited height requirement for

solid fencing in the front yard, requesting consideration for fencing as tall 48 inches. Since this height limitation was not discussed with P&Z, City Council has asked the P&Z to review the height restrictions and make a recommendation.

Regarding fences in the front yard, as defined by the zoning district front,

- shall not exceed 48 inches in height for solid fences, and/or
- shall not exceed 72 inches for see-through (or non-visibility obstructing) fences, i.e. post and rail, hog wire panels, etc.
- fences may be constructed as a combination of solid and see-through, so long as the solid portions do not exceed 30 inches in height from the ground.
- Height shall be measured from the ground level, constructed berms, mounds, or retaining walls.

P&Z considered and recommended adjusting the maximum height for solid fences, within the front setback, to 48 inches.

The fence exception portion of the zoning code is repeated in most zoning districts. As such, the following sections will be amended:

- 60-50(a) (7) a. - RE
- 60-50 (b) (7) a. - R-1
- 60-50 (c) (7) a. - R-1A
- 60-50 (d) (9) a. - R-2
- 60-50 (e) (7) a. - R-3
- 60-50 (f) (9) a. - RM
- 60-50 (g) (7) a. - RT
- 60-51 (a) (4) - C-1
- 60-51 (b) (4) - C-2
- 60-51 (c) (4) - C-3
- 60-52 (a) (6) - DAC
- 60-52 (b) (5) - MU
- 60-52 (d) (4) a. - PI
- 60-52 (e) (4) - AD

On June 6th, the Planning and Zoning Commission recommended the amendment for approval with a 3-1 vote.

#### **RECOMMENDED ACTION:**

Approve Ordinance No. 2023-12 on first reading.

#### **ATTACHMENTS:**

[\*20230808\\_Ord 2023-12 Fence Code amendments DRAFT.pdf\*](#)

**D R A F T 8/3/23**

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2023-12**

**AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, SUCH CHAPTER COMMONLY KNOWN AS THE CITY'S ZONING CODE; AMENDING SAID CODE TO REVISE REGULATIONS REGARDING THE PERMITTED LOCATION OF ACCESSORY BUILDINGS AND STRUCTURES WITHIN THE FRONT SETBACK, AS APPLICABLE TO FENCES; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT**

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

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

**WHEREAS**, pursuant to requests from landowners concerning the installation of fences in front yards and clarifying the Zoning Code as necessary, City staff, the Planning and Zoning Commission, and City Council recommend the adoption of several amendments to the Zoning Code; and

**WHEREAS**, pursuant Section 60-73 of the Zoning Code, and in accordance with Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on August 8, 2023, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in a number of amendments to the Zoning Code as provided herein; and

**WHEREAS**, on August 8, 2023, City Council held a public hearing on the 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.** Sec. 60-17 of the Zoning Code is amended with deletions indicated by red, strikeout (~~deleted~~) and additions indicated by blue, underline (addition) as follows:



“Sec. 60-17. - Terms defined.

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Screening fence means a fence or wall that may be part of the structure or a standalone feature that screens from view the interior of a property so that visibility through the fence or wall shall be prevented from the exterior side of the fence or wall.”

**SECTION TWO.** Sections 60-50, -51, and -52 of the Zoning Code are amended with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

A. “Sec. 60-50. – Residential zoning districts.

⋮

(a)(7)~~Location of a~~Accessory buildings or structures prohibited in beyond setback.

a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet ~~between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited.~~ Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

B. “Sec. 60-50. – Residential zoning districts.

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(b)(7)~~Location of a~~Accessory buildings or structures prohibited in beyond setback.

a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet ~~between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited.~~ Fencing materials must

consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.

C. "Sec. 60-50. – Residential zoning districts.

:

(c)(7)~~Location of a~~Accessory buildings or structures prohibited in beyond setback.

a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet ~~between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited.~~ Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.

D. "Sec. 60-50. – Residential zoning districts.

:

(d)(9)~~Location of a~~Accessory buildings or structures prohibited in beyond setback.

a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet ~~between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited.~~ Fencing materials must consist of see-through materials and may include wrought



iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.

E. "Sec. 60-50. – Residential zoning districts.

:

(e)(7)~~Location of a~~Accessory buildings or structures prohibited in  
~~beyond~~ setback.

a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet ~~between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited.~~ Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.

F. "Sec. 60-50. – Residential zoning districts.

:

(f)(9)~~Location of a~~Accessory buildings or structures prohibited in  
~~beyond~~ setback.

a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet ~~between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited.~~ Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may

include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

G. “Sec. 60-50. – Residential zoning districts.

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(g)(7) ~~Location of a~~ Accessory buildings or structures prohibited in  
~~beyond~~ setback.

a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet ~~between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited.~~ Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

H. “Sec. 60-51. – Nonresidential zoning districts.

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(a)(4) ~~Location of s~~ Structures prohibited in ~~beyond~~ setback. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet ~~between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited.~~ Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches.



Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.

I. "Sec. 60-51. – Nonresidential zoning districts.

:

- (b)(4) ~~Location of s~~Structures prohibited in-beyond setback. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet ~~between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited.~~ Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.

J. "Sec. 60-51. – Nonresidential zoning districts.

:

- (c)(4) ~~Location of s~~Structures prohibited in-beyond setback. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet ~~between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited.~~ Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the

property line, create a visibility obstruction or, otherwise interfere with pedestrian or vehicular circulation.”

K. “Sec. 60-52. – Special districts.

:

- (a)(6) ~~Location of s~~Structures ~~prohibited in-beyond~~ setback. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”

L. “Sec. 60-52. – Special districts.

:

- (b)(5) ~~Location of s~~Structures ~~prohibited in-beyond~~ setback. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.”



M. "Sec. 60-52. – Special districts.

⋮

(d)(4) ~~Location of a~~ Accessory buildings or structures prohibited in beyond setback.

- a. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.

N. "Sec. 60-52. – Special districts.

⋮

(e)(4) ~~Location of s~~ Structures prohibited in beyond setback. No structure in excess of 30 inches in height may exist within a front setback except that fences are allowed up to a maximum height of six feet between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental fencing does not include chain link fencing, which is prohibited. Fencing materials must consist of see-through materials and may include wrought iron, chain link, and/or other wire-type fencing. Fences may include a solid base using wood, brick, rock, concrete, or similar material but only where the height of the base does not exceed 48 inches. Poles, posts, and columns may be used as part of the fence, but in no case may they be greater than 24 inches in width. No element of the fence may encroach beyond the property line, create a visibility obstruction, or otherwise interfere with pedestrian or vehicular circulation.



**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 authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

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

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2023.**

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

ATTEST:

\_\_\_\_\_  
Judy Eychner, Mayor

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

APPROVED AS TO FORM:

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



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

**SUBJECT:** Ordinance No. 2023-23, second reading. An ordinance amending Chapter 26 "Buildings and Building Regulations", Article IX "Building Board of Adjustment and Appeals" of the Code of Ordinances, City of Kerrville, Texas; by amending requirements applicable to alternate members, making consistent the number of board members, amending the meeting schedule,, and revising the requirement for a quorum; containing a cumulative clause; containing a savings and severability clause; establishing an effective date; and providing other matters related to the subject.

**AGENDA DATE OF:** August 8, 2023

**DATE SUBMITTED:** July 13, 2023

**SUBMITTED BY:** Guillermo Garcia

**EXHIBITS:**

<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

<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:**

This ordinance is amending Sec. 26-250 by amending sub-sections (c) Alternates, (e) Term of appointment, (j) Meeting; voting, and (l) Quorum. The City of Kerrville in the process of identifying new candidates for board members identified areas for improvement in the city code of ordinances to ensure better clarity to the rules that govern the Building Board of Adjustments and Appeals.

Sec. 26-250 (c) Alternates - is being amended to remove the requirement that alternate members must attend all meetings and are subject to the attendance requirements applicable to the board. The alternate board member will only be required to attend when a standing board member is not able to attend the meeting.

Sec. 26-250 (e) Term of appointment - is being amended to reflect the reduction of Board members in ordinance 2022-14 from seven regular board members and two alternates to five regular board members and two alternates. The current code states that the terms of four board members will expire on odd-numbered years and that the terms of the three regular board members will expire on even-numbered years. This amendment will change

the terms to three board members expiring on odd-numbered and two board members expiring on even-numbered years.

The City Council upon adoption of this amendment will appoint board members to the appropriate terms as necessary. The code states the following, "The city council may appoint members to the board, regular or alternate, for terms of lesser duration than two years when making the initial appointments or when otherwise necessary to comply with the provisions of this article."

Sec. 26-250 (j) Meetings; voting - is being amended by replacing, "Meetings of the board shall be held at least quarterly" to reflect a requirement that the board will meet when necessary.

Sec. 26-250 (l) Quorum - is being amended to reduce the number needed to attain a quorum from four to three voting members of the board. Additionally, adding a sentence that states, "The board should remain aware of the requirement specified in section 26-251, sub-section (f)."

The ordinance was last updated on March 22, 2022.

On July 25, 2023, City Council unanimously approved Ordinance No. 2023-23 on first reading.

**RECOMMENDED ACTION:**

Approve Ordinance 2023-23 on second reading.

**ATTACHMENTS:**

[\*20230808\\_Ord 2023-23 BBAA amendments 2nd reading.pdf\*](#)

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2023-23**

**AN ORDINANCE AMENDING CHAPTER 26 “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE IX “BUILDING BOARD OF ADJUSTMENT AND APPEALS” OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS; BY AMENDING REQUIREMENTS APPLICABLE TO ALTERNATE MEMBERS, MAKING CONSISTENT THE NUMBER OF BOARD MEMBERS, AMENDING THE MEETING SCHEDULE, AND REVISING THE REQUIREMENT FOR A QUORUM; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

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

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

**WHEREAS**, due to some inconsistencies in the Article, to address an aspect of the duties of alternate members, and to better align the meeting schedule with the needs of the City, staff recommends amending the Article as provided; and

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

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

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

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

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.**

**(c) *Alternates.*** In an effort to obtain a quorum, increase efficiency, or for other reasons, the city council shall appoint two alternate members to the board. Each alternate member shall meet any one of the qualification provisions applicable to regular members. An alternate member shall serve only in the absence of one or more regular members when requested to do so by the chief building official so



that all cases considered by the board are heard by a minimum of at least four members. Alternate members may only participate in meetings if called to act and shall then act as a regular member for the entire meeting. ~~Even where not called upon to act as a regular member, alternate members shall attend all meetings and are subject to the attendance requirements applicable to the board.~~

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

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

**:**  
**:**

- (e) *Term of appointment.* All regular and alternate members of the board shall be appointed to serve two-year terms beginning on September 1 and ending on August 31 of the appropriate years. The terms of ~~four~~ three of the regular members appointed shall expire in odd-numbered years. The terms of the remaining ~~three~~ two regular members shall expire in even-numbered years. The expiration of the term for each alternate, if any, shall alternate between an even and odd year. The city council may appoint members to the board, regular or alternate, for terms of lesser duration than two years when making the initial appointments or when otherwise necessary to comply with the provisions of this article. ~~For purposes of making initial appointments and to stagger the terms, council shall appoint the regular members meeting the qualifications of subsection (b)(1), (2), (6), and (7) for terms not to exceed one year and shall appoint the regular members meeting the qualifications of subsection (b)(3), (4), and (5) for terms not to exceed two years.~~

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

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

**:**  
**:**

- (j) *Meetings; voting.* Meetings of the board shall be held ~~at least quarterly,~~ at the call of the chair, and at such other times as ~~the members of the board determine~~ required for the board to fulfill its duties as provided herein. All board members, regular and an alternate member(s), but only where the alternate is substituting for and acting as a regular member, shall be voting members and have the right,

duty, and obligation to vote on all matters that come before the board except for matters which involve a board member's company or employer, a board member's workmanship, or where prohibited by this article or law. A majority of members present and voting shall be necessary to constitute an official action of the board unless as provided herein."

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

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

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- (l) *Quorum.* ~~Four~~ Three voting members of the board, which may include an alternate member(s) but only where substituting for and acting as a regular member, shall constitute a quorum for the transaction of business. The board should remain aware of the requirement specified in section 26-251, subsection (f)."

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

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

**SECTION SEVEN.** 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.

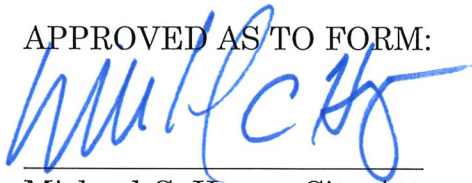
**SECTION EIGHT.** This Ordinance shall become effective immediately upon approval.

PASSED AND APPROVED ON FIRST READING, this the 25 day of July, A.D., 2023.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_ day of \_\_\_\_\_, A.D., 2023.

\_\_\_\_\_  
Judy Eychner, Mayor

APPROVED AS TO FORM:



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

ATTEST:

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





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

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**SUBJECT:** Presentation of Fiscal Year 2024 Official Proposed Budget.

**AGENDA DATE OF:** August 8, 2023

**DATE SUBMITTED:** August 2, 2023

**SUBMITTED BY:** Julie Behrens , Director of Finance

**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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**Kerrville 2050 Item?** No

**Key Priority Area** N/A

**Guiding Principle** N/A

**Action Item** N/A

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**SUMMARY STATEMENT:**

Presentation of the Fiscal Year 2024 proposed budget, including revenues and expenses by fund.

**RECOMMENDED ACTION:**

Presentation only.



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

**SUBJECT:** Resolution No. 25-2023. A Resolution setting forth the Ad Valorem (property) tax rate to be considered for adoption for the 2023 tax year; said rate to be \$0.5595 per \$100 of assessed value; and calling a public hearing prior to the adoption of the tax rate and the Fiscal Year 2024 budget.

**AGENDA DATE OF:** August 8, 2023

**DATE SUBMITTED:** May 30, 2023

**SUBMITTED BY:** Julie Behrens , Director of Finance

**EXHIBITS:**

<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

<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 FY2024 Proposed Budget includes a tax rate of \$0.5595, which is higher than the No New Revenue Rate of \$0.4064 and lower than the Voter Approval Rate of \$0.5616. Because the proposed rate is higher than the No New Revenue Rate, a public hearing is required. A public hearing is also required for the City's Proposed Budget for Fiscal Year 2024. This resolution establishes the date for the public hearing for both the tax rate as well as the City's Fiscal Year 2024 Budget. The public hearing and first reading for both the proposed tax rate and the proposed budget will be held (upon approval of resolution) on September 12, 2023 and the second reading for both will be held on September 26, 2023.

**RECOMMENDED ACTION:**

Adopt Resolution No. 25-2023.

**ATTACHMENTS:**

[20230808\\_Reso 25-2023 FY24 Property Tax Rate.pdf](#)

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 25-2023**

**A RESOLUTION SETTING FORTH THE AD VALOREM (PROPERTY) TAX RATE TO BE CONSIDERED FOR ADOPTION FOR THE 2023 TAX YEAR; SAID RATE PROPOSED TO BE \$0.5595 PER \$100 OF ASSESSED VALUE; AND CALLING A PUBLIC HEARING PRIOR TO THE ADOPTION OF THE TAX RATE AND THE FISCAL YEAR 2024 BUDGET**

**WHEREAS**, Chapter 26 of the Texas Tax Code sets out the procedural requirements for the adoption of a city's ad valorem (property) tax rate; and

**WHEREAS**, where a city's proposed tax rate exceeds the no-new-revenue tax rate, as defined in Section 26.04 of the Texas Tax Code, several additional procedural actions must occur to include notice and the holding of a public hearing; and

**WHEREAS**, the proposed tax rate for the City of Kerrville, Texas ("City") for its 2023-24 fiscal year is \$0.5595 per \$100 assessed value, which exceeds the no-new-revenue tax rate; and

**WHEREAS**, in addition, Section 8.03 of the City Charter and Section 102.006 of the Texas Local Government Code require the City Council to hold a public hearing regarding the City's proposed budget; and

**WHEREAS**, City Council now establishes the date for the public hearings on the adoption of the proposed fiscal year 2024 budget and approving the tax rate;

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

**SECTION ONE. Tax Rate; Public Hearing.** The City Manager and City Attorney are directed to prepare an ordinance for consideration by City Council, which if adopted, will adopt and impose a total ad valorem (property) tax rate for the tax year 2023 at a rate of \$0.5595 per \$100 assessed value, which is lower than the \$0.5752 tax rate for the previous year (2022). The new rate is higher than the no-new-revenue tax rate of \$0.5360 and lower than the voter-approval rate of \$0.5616 as calculated by Chapter 26, Texas Tax Code. This proposed tax rate is currently scheduled to be adopted by passage of an ordinance, the second and final reading of which is scheduled to occur on September 26, 2023. The first reading of the ordinance, scheduled to occur on September 12, 2023, includes a public hearing, which shall occur sometime after 6:00 p.m. at City Hall, 701 Main Street.

**SECTION TWO. Publication of Budget.** In accordance with Section 8.04 of the City Charter, the City Secretary is directed to publish a general summary of the budget and a notice stating the time and places where this message and full budget are available for public inspection.

**SECTION THREE. Public Hearing for Budget.** Pursuant to Section 8.03 of the City Charter and Chapter 102, Texas Local Government Code, a public hearing on the proposed budget is scheduled for 6:00 p.m. on September 12, 2023, at City Hall, 701 Main Street.

**SECTION FOUR. Notices.** The City Secretary is directed to provide notice of the above specified public hearings and to take other actions in accordance with state law and the City's Charter.

**PASSED AND APPROVED ON this the \_\_\_ day of \_\_\_\_\_ A.D., 2023.**

\_\_\_\_\_  
Judy Eychner, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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