

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, AUGUST 22, 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 22, 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). 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!

CALL TO ORDER: By Mayor Judy Eychner

INVOCATION AND PLEDGE OF ALLEGIANCE: Led by Councilmember Roman Garcia

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

2. **PRESENTATIONS:**

2.A Kerrville Kindness Award: Justin McClure and JAM Broadcasting for Kerr County Courthouse flag pole/light pole enhancement and beautification.

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:

K
KERRVILLE
2050

4.A Resolution No. 27-2023. A Resolution amending Resolution No. 28-2019, as revised by Resolution No. 44-2021, which recreated the Kerrville Main Street Advisory Board; by revising the membership qualifications to allow persons with vested interests in the Main Street Area or Main Street Program to serve on the Board.

Attachment: [20230822_Reso 27-2023 MSAB membership.pdf](#)

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2050

4.B Construction Agreement with Bennett Paving, Inc. for the 2023 Street Maintenance Project in the amount of \$832,225.00 and a change order in an amount of \$98,900.00.

Attachments: [20230822_Bid_2023 Base Repair and Crack Seal_Bid Summary.pdf](#)

[20230822_Letter_2023 Street Maintenance Bid Recommendation.pdf](#)

4.C Construction Agreement with Mike Larsen Company for the Wastewater Treatment Plant Flow Equalization Basin (FEB) Lift Station Replacement Project in the amount of \$643,160.00.
Attachment: 20230822_Bid_FEB Lift Station Bid Summary.pdf

4.D City Council workshop minutes, August 08, 2023.
Attachment: 20230822_Minutes CC workshop 8-8-23 4pm.pdf

4.E City Council meeting minutes, August 08, 2023.
Attachment: 20230822_Minutes CC meeting 8-08-22 6pm.pdf

4.F City Council meeting minutes, August 09, 2023.
Attachment: 20230822_Minutes CC meeting 8-09-23 6pm.pdf

4.G City Council meeting minutes, August 10, 2023.
Attachment: 20230822_Minutes CC meeting 8-10-23 6pm.pdf

4.H City Council and Economic Improvement Corporation joint workshop minutes, August 15, 2023.
Attachment: 20230822_Minutes CC-EIC joint workshop 8-15-23 1130am.pdf

END OF CONSENT AGENDA.

5. PUBLIC HEARING AND ORDINANCE(S):

5.A Ordinance No. 2023-24. An Ordinance creating a Reinvestment Zone Number Two, City of Kerrville, TX, within the City of Kerrville for tax increment financing purposes (**NOTE: Item to be postponed**).

5.B Ordinance No. 2023-22. An Ordinance annexing an approximate 214.1-acre tract of land into the corporate limits of the City of Kerrville, Tx, said area includes an adjacent right-of-way existing as a portion of Olympic Drive and generally located adjacent to Loop 534 and north of Olympic Drive; and establishing zoning both for the property to be annexed and a contiguous tract of land adjacent to Loop 534, and providing other matters related to the subject. (**NOTE: Item to be postponed.**)

6. ORDINANCES, SECOND READING:

6.A Ordinance No. 2023-12, 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; 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: 20230822_Ord 2023-12 Fence Code 2nd reading DRAFT.pdf

7. CONSIDERATION AND POSSIBLE ACTION:

7.A Consideration of Charge to and Schedule for the Charter Review Commission.
Attachment: 20230822_Charge Schedule Charter Review Commission 081723.pdf

7.B Authorization to submit a funding application to the City of Kerrville, Economic Improvement Corporation for various quality of life projects, through the use of sale tax bonds, in an amount not to exceed \$25,000,000, to include renovation to the Scott Schreiner Golf Course, Olympic Pool, Cailloux Theater, and the Heart of the Hills Heritage Center as well as other Parks and Recreation capital projects as funding allows.

7.C Amendments by Headwater Groundwater Conservation District to its Drought Contingency Plan.
Attachment: 20230822_HGCD Drought Contingency Plan_August_2012.pdf

7.D City Manager Agreement with Robert Dalton Rice to be the City Manager of the City of Kerrville. (This item eligible for Executive Session 551.071 and 551.074).

8. INFORMATION & DISCUSSION:

8.A Financial Report for month-ended July 31, 2023.

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 issue(s):*

9.A City Manager Agreement with Robert Dalton Rice to be the City Manager of the City of Kerrville. (551.071, 551.074).

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: Kerrville Kindness Award: Justin McClure and JAM Broadcasting for Kerr County Courthouse flag pole/light pole enhancement and beautification.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** July 13, 2023

SUBMITTED BY: Judy Eychner, Mayor

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

The City of Kerrville recognizes and honors individuals or entities for acts of kindness.

RECOMMENDED ACTION:

Present award.



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

SUBJECT: Resolution No. 27-2023. A Resolution amending Resolution No. 28-2019, as revised by Resolution No. 44-2021, which recreated the Kerrville Main Street Advisory Board; by revising the membership qualifications to allow persons with vested interests in the Main Street Area or Main Street Program to serve on the Board.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** August 10, 2023

SUBMITTED BY: Megan Folkerts, Senior Management Analyst

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? Yes

Key Priority Area D - Downtown Revitalization

Guiding Principle N/A

Action Item D3.1 - Create a public-private advocacy group or partnership of the City and Downtown property owners/tenants

SUMMARY STATEMENT:

At the 8/17/23 Main Street Advisory Board meeting, the board members recommended amending the membership qualifications to allow for at-large members having a vested interest in the Main Street Area or City's Main Street Program (solely determined by Council), in an attempt to expand the membership criteria to those who may not have fallen under the previously established criteria.

The board's hope is to allow a person to be considered who may not have property in the designated area, but holds strong interest in Main Street. Business owners typically are unable or unavailable to dedicate a large amount of outside volunteer hours, so the board is hoping to broaden the reach for membership.

RECOMMENDED ACTION:

Approve Resolution No. 27-2023.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 27-2023**

A RESOLUTION AMENDING RESOLUTION NO. 28-2019, AS REVISED BY RESOLUTION NO. 44-2021, WHICH RECREATED THE KERRVILLE MAIN STREET ADVISORY BOARD; BY REVISING THE MEMBERSHIP QUALIFICATIONS TO ALLOW PERSONS WITH VESTED INTERESTS IN THE MAIN STREET AREA OR MAIN STREET PROGRAM TO SERVE ON THE BOARD

WHEREAS, City Council, by its adoption of Resolution No. 28-2019, recreated the Kerrville Main Street Advisory Board (“Board”); and

WHEREAS, City Council subsequently amended the Board’s membership requirements through its adoption of Resolution No. 44-2021; and

WHEREAS, City Council, pursuant to a request from the Board, wishes to revise the Board’s membership qualifications as provided herein; and

WHEREAS, City Council believes it to be in the public interest to revise the membership qualification for the Board as provided below;

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

SECTION ONE. City Council amends Section One of Resolution No. 28-2019, to revise the qualifications necessary for consideration of appointment to the Board, such language indicated by underline (added) and deleting the language that is stricken (~~deleted~~) as follows:

“**SECTION ONE.** City Council hereby creates the Kerrville Main Street Advisory Board of the City of Kerrville, Texas (“Board”), which shall consist of seven (7) members at-large. In addition, a member of the Historic Downtown Business Alliance (HDBA) and a board of director of the Tax Increment Reinvestment Zone Number One, City of Kerrville (TIRZ No. 1), each to be appointed by their respective boards, shall be ex officio members of the Board, without voting privileges, and shall act in an advisory capacity to the Board. Four (4) Mmembers must be property or business owners within the designated Main Street boundaries, also known as Reinvestment Zone Number One, City of Kerrville, Texas, collectively referred to herein as the “Main Street Area”, and which is more specifically described in **Exhibit A** of this Resolution, and must reside within Kerr County. The remaining three

(3) at-large members must likewise have a vested interest in the Main Street Area and/or in the City's Main Street Program such that they were previously business or property owners in the Main Street Area; have or previously had other types of property ownerships, such as leases, in the Main Street Area; are realtors or property managers, each of which serve the Main Street Area. The sufficiency of a person's vested interest shall be solely determined by Council. In addition, a property or business owner may submit the name of a representative to be considered for appointment to the Board. However, such representative must be associated with the respective property or business, which sufficiency shall be solely determined by Council. For example, the representative may be a tenant of the owner or a manager of the business. Where such relationship ceases to exist, any such representative appointed to the Board shall have immediately resigned his or her position on the Board. Each member shall be a voting member and is subject to a two-year term; provided, however, that at the Board's initial meeting to recreate the Board, the members shall draw lots to establish the duration of the initial terms, with three members serving an initial term of one year and the remaining four members serving a full, two-year term. The expiration date of all terms shall be August 31 of each year. The initial one-year terms would therefore expire August 31, 2020; and the terms of the remaining four members to expire August 31, 2021."

SECTION TWO. Other than the amendment described above, Resolution Nos. 28-2019 and 44-2021 remain in full force and effect.

PASSED AND APPROVED ON this _____ 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**

SUBJECT: Construction Agreement with Bennett Paving, Inc. for the 2023 Street Maintenance Project in the amount of \$832,225.00 and a change order in an amount of \$98,900.00.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** August 10, 2023

SUBMITTED BY: Kyle Burow, Director Engineering

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$931,125.00	\$1,161,147.84	\$2,155,000.00	01-0161-2420

PAYMENT TO BE MADE TO: Bennett Paving, Inc.

Kerrville 2050 Item? Yes

Key Priority Area M - Mobility / Transportation

Guiding Principle N/A

Action Item M4.2 - Continue implementing the plan for street repairs, including a timeline and funding, based on the road conditions data collection and evaluation completed in 2016

SUMMARY STATEMENT:

In FY2019, City Council hired 6S Engineering, Inc. to update the Pavement Master Plan and reassess the street conditions and maintenance practices. The 6S Engineering, Inc. team evaluated the condition of all city streets. Assessments were gathered for each street segment to analyze the deterioration based on the effectiveness of the street repair methods and degradation of street segments compared to the initial report. 6S combined multiple street segments to minimize construction costs, and reevaluated the prioritization of streets. The prioritization of streets were based on PCI, Ride Condition Index (RCI), and Roadway Classification (i.e. Collector, Residential). Upon completion of the analysis, 6S Engineering, Inc. developed a 10-year maintenance plan to assist with future budgeting and maintenance methods to be adopted by City Council.

The 2019 maintenance plan has now been in place for three years of street maintenance. In 2023, staff meet with 6S Engineering, Inc. to continue the progression of street maintenance and discuss project scope to develop construction plans and specifications for the upcoming 2023 street maintenance projects. The scope of the project is to perform near-term level up

and asphalt repairs on the roadway followed by crack seal for the roads identified in the Year 4 crack seal and slurry seal maintenance methods identified in the 2019 Pavement Management Plan. The paving project was placed out for advertisement, the bid opening was held, four bids were received, with Bennett Paving, Inc. as the apparent low bid. Staff and 6S Engineering recommend awarding the original contract to Bennett Paving in the amount of \$832,225.00.

Additionally, the pavement in the Clay and Water Street intersection, along Clay Street have been disturbed from the relocation of the underground electrical surrounding the Downtown Parking Garage. Pedestrian improvement projects will also impact the pavement in this area, therefore, staff would like to include additional work in the amount of \$98,900 within the Bennett contract to allow street maintenance to be performed on Clay Street and Water Street prior to roadway striping efforts to be performed by Kerrville Urban Trail System (KUTS) anticipated this coming October 2023. Staff is requesting the approval of the change order simultaneously with the contract to minimize delays to the pedestrian improvement projects for timing and cost efficiencies. Staff, along with 6S Engineering, Inc. evaluated the contractor and recommend awarding the base bid construction contract and Change Order #1 for a total combine contract amount of \$931,125.00.

RECOMMENDED ACTION:

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

ATTACHMENTS:

[*20230822_Bid_2023 Base Repair and Crack Seal_Bid Summary.pdf*](#)
[*20230822_Letter_2023 Street Maintenance Bid Recommendation.pdf*](#)

APPARENT LOW BIDDERS

2023 Street Maintenance Project

ID: 22-028

Bid Summary	
Engineers Estimate	No Estimate
Total Bids	4
AMLT \$	\$18,572.50
AMLT %	2.23%
Average Bid	\$975,857.41

	Bidder	BASE BID
1	Bennett Paving, Inc. <i>Submitted: 8/01/2023 12:42:09 PM</i>	\$832,225.00
2	Four B Paving, Inc <i>Submitted: 8/01/2023 1:07:29 PM</i>	\$850,797.50
3	Hayden Paving <i>Submitted: 8/01/2023 12:34:39 PM</i>	\$1,104,982.15
4	CK Newberry <i>Submitted: 8/01/2023 9:47:41 AM</i>	\$1,115,425.00

Bids opened at: 8/01/2023 3:05:20 PM



August 10, 2023

Mr. Kyle Burow, P.E., CFM
City of Kerrville
701 Main Street
Kerrville, TX 78028

Reference: 2023 Street Maintenance Project

Dear Mr. Burow:

6S Engineering, Inc. has reviewed the bid proposals for the above referenced project. There were four (4) bidders for the project. Bennett Paving, Inc. is the apparent low bidder for the project. This company operates out of Leander, TX. 6S has not worked with this contractor before, but has reached out to the City of Leander and Liberty Hill for reference checks as documented in the Bid Qualification Statement. There was no apparent negative feedback reported for this contractor. It is recommended that Bennett Paving be awarded the Base Bid contract for the Base Bid amount of \$832,225.00. If there are any questions or concerns, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Jess W. Swaim".

Jess Swaim, P.E.
Vice President



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

SUBJECT: Construction Agreement with Mike Larsen Company for the Wastewater Treatment Plant Flow Equalization Basin (FEB) Lift Station Replacement Project in the amount of \$643,160.00.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** August 11, 2023

SUBMITTED BY: Kyle Burow, Director Engineering

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$643,160.00	\$693,158.66	\$750,000.00	Project #71-23002

PAYMENT TO BE MADE TO: Mike Larsen Company

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

In January 2023, City Council authorized steps to begin the issuance of Revenue Bonds in an amount not to exceed \$12.5 million to be utilized in assisting the City's replacement, reconstruction, and upgrading of existing water and wastewater infrastructure. One of the highest priority projects presented to City Council was the Wastewater Treatment Plant's Flow Equalization Basin (FEB) lift station due to its emergency status for repair. The FEB was built in 1987 and is currently utilizing temporary bypass pumping performed by continuous manual operation from the Water Reclamation staff. The FEB primary function is to equalize flow from the wastewater collection system during times of high flow and transfer that flow to treatment plant during periods of low. The scope of this project will be the full scale replacement of the existing station's wet well, discharge piping, pumps and controls which have become severely corroded and inoperable.

The City hired Hewitt Engineering, Inc. to provide engineered construction documents for the project. The project was placed for advertisement, the bid opening was held August 1, 2023 and two bids were received, with Mike Larsen Company as the apparent low bid. Staff evaluated the bid and recommend awarding the base bid for a total contract amount of \$643,160.00.

RECOMMENDED ACTION:

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

APPARENT LOW BIDDERS

City of Kerrville Wastewater Treatment Plant FEB Lift Station Replacement

ID: 23-002

Bid Summary	
Engineers Estimate	No Estimate
Total Bids	2
AMLT \$	
AMLT %	
Average Bid	\$664,786.50

	Bidder	BASE BID
1	DW Electric Company <i>Submitted: 8/01/2023 1:32:10 PM</i>	\$686,413.00
2	Mike Larsen Company <i>Submitted: 8/01/2023 2:20 PM</i>	\$643,160.00

Bids opened at: 8/01/2023 3:01:48 PM



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

SUBJECT: City Council workshop minutes, August 08, 2023.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** July 28, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

City Council workshop minutes held August 08, 2023 at 4:00 p.m., City Hall.

RECOMMENDED ACTION:

Approve minutes as presented.

ATTACHMENTS:

[*20230822_Minutes CC workshop 8-8-23 4pm.pdf*](#)

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

**AUGUST 08, 2023 4:00 PM
701 MAIN STREET, KERRVILLE, TEXAS**

CALL TO ORDER: On August 08, 2023 at 4:00 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 Meismer, Interim City Manager
Mike Hayes, City Attorney

Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary

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.

Kent Meyers, Clear Careers

1. PUBLIC COMMENT:

The following person(s) spoke:

- Barbara Dewell Ferguson

Councilmember Joe Herring, Jr. made a motion to convene Executive Session under 551.071 (consultation with attorney), 551.074 (deliberation regarding personnel matters), and 551.087 (deliberation regarding economic development negotiations), seconded by Councilmember Brenda Hughes. The motion passed 5-0. At 4:03 p.m., the open workshop recessed, and Council convened into Executive Session.

2. EXECUTIVE SESSION:

2A. City Manager search process update (551.074).

2B. Economic Development projects update: Litecrete Inc, Windridge (551.071, 551.087).

At 5:08 p.m., the closed Executive Session adjourned and the open workshop reconvened.

3. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF ANY: None

ADJOURN. The workshop adjourned at 5:08 p.m.

APPROVED BY COUNCIL: _____ ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: City Council meeting minutes, August 08, 2023.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** July 28, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

City Council meeting minutes held August 08, 2023 at 6:00 p.m., City Hall.

RECOMMENDED ACTION:

Approve minutes as presented.

ATTACHMENTS:

[*20230822_Minutes CC meeting 8-08-22 6pm.pdf*](#)

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
AUGUST 08, 2023 6:00 PM**

On August 08, 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. Councilmember Joe Herring, Jr. 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 Meismer, Interim City Manager
Mike Hayes, City Attorney
Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary
Stuart Barron, Exec Director PW & Eng
Julie Behrens, Director Finance
Jacob Bogusch, Finance Compliance
Ashlea Boyle, Director Parks & Rec

Kyle Burow, Director Engineering
Stuart Cunyus, Public Information Officer
Guillermo Garcia, Exec Director Innovation
Eric Maloney, Fire Chief
Chris McCall, Police Chief
Drew Paxton, Director of Planning/Zoning
Trina Rodriguez, Asst Director Finance
Charvy Tork, Director IT

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

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcements of Community Interest provided by Stuart Cunyus.

2. PRESENTATION(S):

2A. Life Saving Award Presentation – Sergeant Daniel Haas.

Police Chief Chris McCall presented Sergeant Daniel Haas with the Life Saving Award.

3. VISITORS FORUM:

The following person(s) spoke:

- Kim Keller
- Julee Reeves
- Charles Laird
- Doug Brown
- Nikki Caines
- Peggy McKay

Mayor Eychner clarified points regarding tree preservation.

Interim City Manager Kim Meismer clarified points regarding Library issues.

Mayor Eychner and Councilmember Herring clarified points regarding Library issues.

At 6:25 p.m., Councilmember Roman Garcia declared "Point of Order" citing other Councilmember(s) speak when he is speaking.

At 6:25 p.m., Councilmember Herring declared "Point of Order" citing Councilmember(s) being rude to the Mayor.

Mayor Eychner advised City Council to proceed forward to the next item.

4. CONSENT AGENDA:

Councilmember Garcia made a motion to approve the consent agenda as presented, seconded by Councilmember Jeff Harris. The motion passed 5-0.

4A. City Council workshop minutes, July 25, 2023.

4B. City of Kerrville Employee Benefit Trust meeting minutes, July 25, 2023.

4C. City Council meeting minutes, July 25, 2023.

END OF CONSENT AGENDA.

5. PUBLIC HEARING AND ORDINANCES, FIRST READING:

5A. 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.

Shelley McElhannon read Ordinance No. 2023-12 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:28 p.m.

No person(s) spoke.

Mayor Eychner closed the public hearing at 6:28 p.m.

Councilmember Hughes made a motion to approve Ordinance No. 2023-12 on first reading, seconded by Councilmember Herring. The motion passed 5-0.

6. ORDINANCES, SECOND READING:

6A. 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.

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

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

7. INFORMATION & DISCUSSION:

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

Julie Behrens, Guillermo Garcia, Trina Rodriguez, Michael Hornes, and Kyle Burow provided information and responded to questions.

The following person(s) spoke:

- Peggy McKay

8. CONSIDERATION AND POSSIBLE ACTION:

8A. 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.

Shelley McElhannon read Resolution No. 25-2023 caption into record.

Councilmember Hughes made a motion to adopt Resolution No. 25-2023, seconded by Councilmember Herring. The motion passed 5-0.

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

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

11. ITEM(S) FOR FUTURE AGENDAS:

- Mayor Eychner – requested to review the Tree Ordinance, and review of the City Charter, seconded by Councilmember Herring. The motion passed 5-0.
- Councilmember Garcia – requested to prioritize the pending items on the City Council pending agenda list and being assigning dates.

ADJOURN. The meeting adjourned at 8:15 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: City Council meeting minutes, August 09, 2023.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** August 9, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

City Council meeting minutes held August 09, 2023 at 6:00 p.m., City Hall.

RECOMMENDED ACTION:

Approve minutes as presented.

ATTACHMENTS:

[*20230822_Minutes CC meeting 8-09-23 6pm.pdf*](#)

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
AUGUST 09, 2023 6:00 PM**

On August 09, 2023 at 5:04 p.m., Mayor Judy Eychner introduced City Manager candidate Mike Castro, who provided information and responded to questions.

The following person(s) spoke:

- Nikki Caines
- Charlie McCormick
- Louis Amstoy
- Brenda Hughes
- Louis Amstoy
- Robin Monroe
- Brenda Hughes
- Roman Garcia
- Brenda Hughes

On August 09, 2023 at 5:59 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street.

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 Meismer, Interim City Manager
Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary

Councilmember Jeff Harris made a motion to convene closed Executive Session under section 551.074, seconded by Councilmember Roman Garcia. The motion passed 5-0. The open meeting recessed and closed Executive Session convened at 6:00 p.m.

1. EXECUTIVE SESSION:

1A. Interview finalist(s) for the City Manager position (551.074).

The closed Executive Session adjourned, and open meeting resumed at 7:35 p.m. No action was taken during executive session.

2. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY. None

ADJOURN. The meeting adjourned at 7:35 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: City Council meeting minutes, August 10, 2023.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** August 9, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

City Council meeting minutes held August 10, 2023 at 6:00 p.m., City Hall.

RECOMMENDED ACTION:

Approve minutes as presented.

ATTACHMENTS:

[*20230822_Minutes CC meeting 8-10-23 6pm.pdf*](#)

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
AUGUST 10, 2023 6:00 PM**

On August 10, 2023 at 5:01 p.m., Mayor Judy Eychner introduced City Manager candidate Dalton Rice, who provided information and responded to questions.

The following person(s) spoke:

- Nikki Caines
- Gail Johnson
- Charlie McCormick
- Louis Amstoy
- Brenda Hughes
- Jeff Harris
- Katie Milton
- Roman Garcia
- Nikki Caines
- Gail Johnson

On August 10, 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.

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 Meismer, Interim City Manager
Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary

Councilmember Roman Garcia made a motion to convene closed Executive Session under section 551.074, seconded by Councilmember Jeff Harris. The motion passed 5-0. The open meeting recessed, and closed Executive Session convened at 6:00 p.m.

1. EXECUTIVE SESSION:

1A. Interview finalist(s) for the City Manager position (551.074).

The closed Executive Session adjourned, and open meeting resumed at 8:31 p.m. No action was taken during executive session.

2. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY.

Councilmember Harris made a motion to authorize the Mayor and City Attorney to negotiate a contract of employment to Dalton Rice as City Manager of Kerrville, seconded by Councilmember Garcia. The motion passed 5-0.

ADJOURN. The meeting adjourned at 8:32 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: City Council and Economic Improvement Corporation joint workshop minutes, August 15, 2023.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** July 28, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

City Council and Economic Improvement Corporation workshop minutes held August 15, 2023 at 11:30 a.m., City Hall.

RECOMMENDED ACTION:

Approve minutes as presented.

ATTACHMENTS:

[*20230822_Minutes CC-EIC joint workshop 8-15-23 1130am.pdf*](#)

**KERRVILLE CITY COUNCIL AND ECONOMIC IMPROVEMENT CORPORATION
WORKSHOP MINUTES
CITY HALL COUNCIL CHAMBERS** **AUGUST 15, 2023 11:30 AM
701 MAIN STREET, KERRVILLE, TEXAS**

CALL TO ORDER: On August 15, 2023 at 11:31 a.m., Mayor Judy Eychner and EIC Chair Kim Clarkson called the Kerrville City Council and Economic Improvement Corporation joint workshop to order at City Hall Council Chambers, 701 Main Street.

COUNCIL MEMBERS PRESENT:

Judy Eychner, Mayor
Jeff Harris, Council Place 2
Joe Herring Jr, Council Place 3
Brenda Hughes, Council Place 4/Mayor Pro Tem
Roman Garcia, Council Place 1 (joined workshop at 11:56 a.m.)

COUNCIL MEMBERS ABSENT:

Roman Garcia, Council Place 1

EIC MEMBERS PRESENT:

Kim Clarkson, Chair
John Anderson
Gregg Appel
Kyle Bond
Gary Cochrane, Vice-Chair
Celeste Hamman
Joe Herring, Jr

EIC MEMBERS ABSENT:

None

CITY STAFF PRESENT:

Michael Hornes, Asst City Manager
Mike Hayes, City Attorney
Shelley McElhannon, City Secretary
Kesha Franchina, Deputy City Secretary
Stuart Barron, Executive Director Public Works

Julie Behrens, Director Finance
Ashlea Boyle, Director Parks & Recreation
Randy Cawthon, Superintendent Golf
Trina Rodriguez, Asst Director Finance

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:

The following person(s) spoke:

- Lauren Porter
- Layng Guerriero
- Kent McKinney
- Charlie McIlvain
- Julie David
- Barbara Dewell Ferguson

Stuart Barron provided clarification and facts.

- Maggie Magee

At 11:56 a.m., Councilmember Roman Garcia arrived at the workshop, and joined the City Council bench.

2. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION:

2A. Discussion and recommendation on debt capacity, issuance of sales tax revenue bonds, and annual funding for projects related to recreational and community facilities.

Michael Hornes, Stuart Barron, Ashlea Boyle, Randy Cawthon, Julie Behrens, and Trina Rodriguez provided information and responded to questions.

The following person(s) spoke:

- Russell Nemky, Parks & Recreation Advisory Board

Chair Clarkson requested consensus by EIC members to provide direction for staff to prepare projections of allocated projects for a possible 20 million bond and possible 25 million bond and bring back to the EIC regular scheduled meeting. General consensus provided by EIC members.

The EIC regular meeting was rescheduled to Monday, August 28, 2023.

ADJOURN. The workshop adjourned at 1:38 p.m.

APPROVED BY COUNCIL: _____ ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: Ordinance No. 2023-24. An Ordinance creating a Reinvestment Zone Number Two, City of Kerrville, TX, within the City of Kerrville for tax increment financing purposes **(NOTE: Item to be postponed).**

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** August 10, 2023

SUBMITTED BY: Michael Hornes, Assistant City Manager

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? Yes

Key Priority Area H - Housing

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

Consider the advisability of the creation of Reinvestment Zone Number Two (TIRZ-2), City of Kerrville, Texas, within the City for tax increment financing purposes pursuant to Chapter 311, Texas Tax Code.

This TIRZ-2 will be located within the boundaries of the City and generally located north of Olympic Drive and on property adjacent to Peterson Middle School.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-24 on first reading, and approval of TIRZ-2.



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

SUBJECT: Ordinance No. 2023-22. An Ordinance annexing an approximate 214.1-acre tract of land into the corporate limits of the City of Kerrville, Tx, said area includes an adjacent right-of-way existing as a portion of Olympic Drive and generally located adjacent to Loop 534 and north of Olympic Drive; and establishing zoning both for the property to be annexed and a contiguous tract of land adjacent to Loop 534, and providing other matters related to the subject. (**NOTE: Item to be postponed.**)

AGENDA DATE OF: August 22, 2023

DATE SUBMITTED: June 30, 2023

SUBMITTED BY: Drew Paxton, Planning Director

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

Kerrville 2050 Item? Yes

Key Priority Area H - Housing

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

An ordinance to annex into the City of Kerrville's incorporated limits a 214.1 acre tract of land situated in the Samuel Wallace Survey Number 114, Abstract No. 348, and Samuel Wallace Survey Number 113, Abstract No. 347, Kerr County, Texas, including a segment of Olympic Drive right-of-way, with a zoning classification of Agriculture (AG), Planned Development District (PDD), and General Commercial (C-3); and more commonly known as 2945 Loop 534. (Case No. PZ-2023-6)

Procedural Requirements: The City, in accordance with state law, mailed 44 letters on 5/18/2023 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 5/11/2023. Signs were also posted on the property in accordance with current zoning code.

Staff Analysis and Recommendation:

Consistency with the Kerrville 2050 Comprehensive Plan: The property is within the Strategic Catalyst Area No. 8 which is the area that "surrounds Loop 534 and is largely undeveloped. In the future it will likely serve as a link to Tivy High School." (Kerrville 2050, 2018) Since the adoption of the Kerrville 2050 Comprehensive Plan, Hal Peterson Middle School has been constructed to the south of this property and has expanded the anchor that KISD facilities serve in the area. The SCA 8 focuses on both residential and commercial for the area and the community. This request for annexation and Residential Planned Development and commercial is consistent with the Future Land Use Plan of the Kerrville 2050 Plan.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: None.

Existing Land Uses: Vacant

Direction: North

Current Zoning: R-1

Existing Land Uses: Residential and vacant land.

Direction: West

Current Zoning: R-1 and R-2

Existing Land Uses: Residential.

Direction: South

Current Zoning: PI and R-2

Existing Land Uses: Hal Peterson Middle School and residential.

Direction: East

Current Zoning: AG and PI

Existing Land Uses: Loop 534 and church property and vacant land (across Loop 534)

Thoroughfare Plan: There should be no impact to the thoroughfare plan as these developments are anticipated within the Thoroughfare Plan, adjacent to the Loop 534 (major arterial) and Olympic Drive (collector).

Traffic Impact: With much of the development fronting Loop 534 and the request for Planned Development District zoning, the Traffic Impact Analysis was required as a part of the application. The TIA summary is attached. Any improvements necessary for the build out of the development are required to be built/installed at the development's expense.

Parking: To be determined, per project, at the time of the building permit.

Recommendation: Based on the consistency with the Kerrville 2050 Comprehensive Plan, staff recommends the case for approval.

The Planning and Zoning Commission recommend a lower percentage of the 25' lots. The motion was to limit the 25 foot wide lots to 40% of the lot total and approve the balance of the project as proposed; the motion carried 4-0.

Lennar has since updated their concept plan and removed all 25' lots. The current plan has a combination of 35' and 45' lots.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-22 on first reading.



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

SUBJECT: Ordinance No. 2023-12, 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; 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 22, 2023 **DATE SUBMITTED:** August 10, 2023

SUBMITTED BY: Drew Paxton, Planning Director

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? Yes

Key Priority Area C - Community / Neighborhood Character and Place Making

Guiding Principle N/A

Action Item 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.

On August 08, 2023, City Council unanimously approved Ordinance No. 2023-12 on first reading.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-12 on second reading.

ATTACHMENTS:

[*20230822_Ord 2023-12 Fence Code 2nd reading 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.

⋮

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.

⋮

(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.

⋮

(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.

⋮

(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 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 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 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 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 08 day of August, 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: Consideration of Charge to and Schedule for the Charter Review Commission.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** August 10, 2023

SUBMITTED BY: Mike Hayes, City Attorney

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

City Council review of *Charge to and Schedule for the Charter Review Commission* .

RECOMMENDED ACTION:

Consideration and action regarding the City Council Charge to and Schedule for the Charter Review Commission.

ATTACHMENTS:

[*20230822_Charge Schedule Charter Review Commission 081723.pdf*](#)

CITY OF KERRVILLE, TEXAS

CITY COUNCIL CHARGE TO AND SCHEDULE FOR THE CHARTER REVIEW COMMISSION

August 22, 2023

Introduction: The City Charter is a document prepared by the citizens of the City. The Charter provides direction to the City government on how to operate. The Charter needs periodic review to help ensure that it remains current and that it properly reflects the overall directions of the community. Section 12.06 of the Charter requires that City Council initiate a Charter review at least every five (5) years, such review to be conducted by the Council-appointed Charter Review Commission (“Commission”). As the Charter is the citizens’ document, the Commission, made up of seven (7) Kerrville residents, is tasked with reviewing it. It is the intent that this group represent all citizens and that all citizens are invited to provide input into this process. Though appointed by City Council, the Commission ultimately reports to the people of Kerrville.

Charge: City Council charges the Commission as follows:

1. to organize itself as it sees fit, with a recommendation that it select a chair and a vice-chair. City staff will serve as secretary of the Commission and will, in part, take and prepare minutes.
2. to arrange its meeting schedule and location, with the fundamental goal that meeting times and locations be as accessible as possible to encourage public input.
3. to review the current City Charter pursuant to the following:
 - a. cause the Charter to conform to federal and state law where conflict or inconsistencies exist.
 - b. revise in an effort to clarify and condense as necessary or possible or where a section is confusing or believed to be ineffective.
 - c. consider the following provisions, as specifically provided for in Section 12.06 of the Charter:
 - i. Consider the operation of the City government under the Charter and determine whether any Charter sections require revision. To

Charge to Charter Review Commission

Page 2 of 3

August 22, 2023

this end, at least one public hearing shall be held and the Commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing.

- ii. Propose recommendations, if any, it deems desirable to ensure compliance with the Charter by the City government.
 - iii. Propose amendments, if any, to the Charter to improve the effective application of the Charter to current conditions and operations.
 - iv. Report its findings and present its proposed amendments, if any, to the City Council.
 - d. consider all other provisions of the Charter as the Commission may determine is necessary.
 - 4. to work as diligently as possible, with the understanding that pursuant to Section 12.06 of the Charter, the term of the Commission is set at six (6) months. However, this section also provides that Council may extend this term.
 - 5. while acknowledging the six (6) month term, to have the goal of preparing recommendations in the form of amendments to the Charter for placement on the May 4, 2024, general election ballot.
 - 6. to ensure placement on the May 4, 2024, ballot, the report of recommended amendments should be submitted to the City Council for ordinance preparation on or before December 31, 2023, for inclusion in a Council meeting during January 2024.

Council and Staff Support: The Commission may call on City Council members and members of City staff for advice and expertise as it desires. The City Attorney shall provide legal services to the Commission. Once appointed, the Commission will operate independently from Council direction and input.

Subsequent Council Action: Following the Commission's submission of any recommended Charter amendments to the City Council, Council will consider such amendments and will vote to consider which amendments or any others are placed on the ballot for consideration by the electorate. The deadline for placement on the May 4, 2024, election ballot is February 16, 2023.

Charge to Charter Review Commission

Page 3 of 3

August 22, 2023

Members of the Charter Review Commission: City Council, at the meeting held on September 12, 2024, will appoint seven (7) persons to the Commission by majority vote.

Termination of Commission: As an ad hoc board, the Commission shall automatically terminate upon the completion of its specific task for which it was created. As such, its termination shall occur following the submission and presentation of its report to Council, unless if at that time, Council takes action to extend the Commission's term.

The Charter Review Commission is so charged.



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

SUBJECT: Authorization to submit a funding application to the City of Kerrville, Economic Improvement Corporation for various quality of life projects, through the use of sale tax bonds, in an amount not to exceed \$25,000,000, to include renovation to the Scott Schreiner Golf Course, Olympic Pool, Cailloux Theater, and the Heart of the Hills Heritage Center as well as other Parks and Recreation capital projects as funding allows.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** August 17, 2023

SUBMITTED BY: Ashlea Boyle, Director Parks & Recreation
and Michael Hornes, Assistant City Manager

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? Yes

Key Priority Area P - Parks / Open Space / River Corridor

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

The City has identified several quality of life projects requiring significant capital funding. Recognizing these costs cannot be funded through the operational budget, staff is recommending the consideration of issuance of a sales tax revenue bond in an amount not to exceed \$25,000,000 through the City of Kerrville, Texas, Economic Improvement Corporation (EIC). Quality of life projects are allowed under this restricted revenue fund's 4B statute criteria. The City may issue sales tax revenue bonds for projects that qualify. Both the EIC and City Council must approve the bond, with the Council being the final approval authority. It is important to note that property tax dollars are not used for EIC projects or related debt. Payments on these bonds are supported by sales tax and not property tax.

Projects identified were selected based on either critical infrastructure and improvement needs or pursuant to master planning. Park improvements are prioritized on need and the focus on reinvesting in existing parks before developing currently undeveloped parks or acquiring new parks. This is supported through Kerrville 2050, Parks and Recreation Master Plan, and the Parks and Recreation Advisory Board (PRAB). It is recognized that current staffing levels cannot accommodate additional maintenance responsibilities. Projects were also prioritized based on existing staff capacity to maintain. The Olympic Pool Improvements

would require an increased allocation for operations and maintenance as the scope and master plan would expand existing operations and would be budgeted accordingly each year.

The PRAB considered and unanimously approved priority projects relating to the Parks and Recreation Department on August 10, 2023. The Hill Country Historic Heritage Center would be under the purview of the Library Department and therefore was not considered by the PRAB. Additionally, the \$2M request regarding the Guadalupe River Center and developing Granger MacDonald Park was not received in time for due diligence and consideration by the board, but the topic was broached. The consensus of the board remained the same; the priority is existing developed parks and needs first, and the board was not in favor of prioritizing Granger MacDonald Park at this time.

On August 15, 2023, the City Council and EIC held a joint workshop considering debt capacity, a sales tax bond, and projects. Staff was directed to place this item on the August 22nd City Council agenda for different phases of the bond capacity up to a \$25M bond issuance, and the associated recommended projects. This will be presented during the meeting as staff are still working on cost estimates.

Priority Projects

1. Cailloux Theater Roof and HVAC Improvement Project
2. Olympic Pool Improvement Project
3. Scott Schreiner Golf Course Improvement Project
4. Hill Country Historic Heritage Center Project

Additional Projects Pursuant to Available Bond Funding

1. River Trail Downtown Extension Phase 2 (Louise Hays Park to G Street)
2. Existing Park Improvements
3. Singing Wind Park Improvements
4. Kerrville-Schreiner Park Improvements
5. Louise Hays Park Improvements
6. Guadalupe Park Improvements

RECOMMENDED ACTION:

Authorize staff to submit an application for funding to the City of Kerrville, Economic Improvement Corporation for various quality of life projects, through the use of sale tax bonds, in an amount not to exceed \$25,000,000, to include renovation to the Scott Schreiner Golf Course, Olympic Pool Improvements, Cailloux Theater and the Heart of the Hills Heritage Center as well as other Parks and Recreation capital projects as funding allows.



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

SUBJECT: Amendments by Headwater Groundwater Conservation District to its Drought Contingency Plan.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** August 14, 2023

SUBMITTED BY: Stuart Barron, Director of Public Works

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area W - Water / Waste-Water / Drainage
Guiding Principle N/A
Action Item N/A

SUMMARY STATEMENT:

During the August 9, 2023 Headwaters Groundwater Conservation District (HGCD) Board meeting, Headwater took action on two agenda items that effect the City of Kerrville. The first item was to remove the City of Kerrville from HGCD Drought Contingency Plan Section XIII Exceptions. The language to be removes is as follows:

"A. Headwaters GCD recognizes the City of Kerrville's Conjunctive Water Use Policy and Water Conservation and Drought Management Plan as accomplishing the intent of this Plan for the City of Kerrville. Therefore, the municipal wells including the City's Aquifer Storage and Recovery Wells within the city limits and operated by the City of Kerrville are exempt from the provisions of this Plan."

The second action item was to add language HGCD Drought Contingency Plan in Section XI. Restrictions. The proposed language is as follows:

"A. 1 Restrictions for the City of Kerrville; due to the City of Kerrville's Conjunctive Use Permit they are not required to do a percentage reduction of groundwater production as listed in this plan's various drought stages. This plan requires the City to move into and initiate their drought stage notices to correspond with the HGCD current drought stage."

Both items were unanimously approved by the Board.

These changes created more questions than it answers. It appears the intent of the rule change is simply to have Kerr County citizens and Kerrville citizens all in the same drought stages just for the ease of public notification.

Unfortunately, the City's water system is not that simple. The City has spent tens of millions of dollars and many decades of planning to have water available to our citizens during times like this. We have a very sophisticated process for monitoring our water sources and moving us through our drought stages. Our process was committee born and has been working with only minimal tweaks for almost 20 years.

The only way for the City of Kerrville to truly comply with this rule is for the City mirror whichever drought stage HGCD is in and implement our corresponding drought stage.

RECOMMENDED ACTION:

Call a joint meeting with City Council and HGCD Board to discuss options.

ATTACHMENTS:

[*20230822_HGCD Drought Contingency Plan_August_2012.pdf*](#)



HEADWATERS GROUNDWATER CONSERVATION DISTRICT

DROUGHT CONTINGENCY PLAN

REVISED AUGUST 2012



Save Texas Water

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Headwaters Groundwater Conservation District

DROUGHT CONTINGENCY PLAN

Section I. Declaration of Policy, Purpose and Intent

The purpose of the Headwaters Groundwater Conservation District (HGCD) is to provide for the conservation, preservation, protection, recharging and prevention of waste of the groundwater and of the groundwater reservoirs in Kerr County. To accomplish this Headwaters GCD has been mandated to address drought conditions and conservation as part of its Management Plan. This Drought Contingency Plan (Plan) is the tool that the Headwaters GCD has chosen to accomplish this mandate. The intent of this Plan is to conserve the available groundwater supply and to protect the quality of groundwater supply in the district with particular regard for domestic water use. The intent of this plan is also to protect and preserve the public health, welfare, and safety and to minimize the adverse impacts of water supply shortages on other beneficial water uses during periods of drought conditions.

Permitted Well owners are subject to drought stage reductions stated in this plan. Water shall not be produced or used within the District in such a manner or under such conditions as to constitute waste as defined by Water Code Chapter 36. Waste of water subjects the offender(s) to penalties as defined in Section XII of this plan. See definition of waste page 5.

The Headwaters GCD hereby adopts the following regulations and restrictions on the production and use of groundwater during designated periods of drought conditions.

Section II. Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the Headwaters GCD by means of public meetings and a public hearing.

Section III. Public Education

The Headwaters GCD will periodically provide the public with information about the Plan. This information will include the conditions under which each stage of the Plan is to be initiated and the drought response measures to be implemented in each stage. This information may be provided by means of press releases, newspaper articles, public meetings, website postings, and mailings to owners/operators of Permitted Wells.

Section IV. Coordination with Local River Authority, Regional Planning Groups and Other District Governing Bodies

The management area of the Headwaters GCD is a single county— (Kerr County) - an area it shares with a single county river authority, the Upper Guadalupe River Authority (UGRA). Kerr County is a Priority Groundwater Management Area, located within the Plateau Regional Planning Area (Region J) and Groundwater Management Area # 9. The District has provided review copies of this plan to UGRA, the Cities of Kerrville and Ingram, the Kerr County Commissioners, the Plateau Regional Planning Area, and GMA # 9. A final copy of this document has been provided to each entity for their records.

Section V. Authorization

The President of the Headwaters GCD or his/her designee shall have the authority to initiate or terminate drought management measures as set forth in Section I of this Plan.

Section VI. Application

Provisions of this Plan shall apply to all persons or organizations having or operating Permitted Wells utilizing groundwater within the District, regardless of size, capacity, and date of drilling or ownership of the wells, and to Exempt Wells as applicable.

Section VII. Definitions

For the purposes of this Plan, the following definitions shall apply:

Agricultural water use: as defined under Section 36.001(19), (20), Texas Water Code as amended September 1, 2001.

Aquifer Index Level: The average water level in four selected Monitor Wells.

Commercial and Institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities including but not limited to retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a supply is conserved and made available for future uses.

Domestic Use: the use of water only for personal household use, including water for use inside the home, for irrigation of lawns, family garden/orchard, for watering domestic animals, and filling swimming pools.

Drought: a meteorological period of serious moisture (precipitation) deficiency, and a resultant reduction in spring flow and stream flow generally accompanied by an increase in demand.

Drought Stage Initiation: Drought Stages are initiated based on the average water level in selected monitor wells.

Exempt Well:

- A well, used solely for domestic use or;
- For providing water for livestock or poultry on a tract of land larger than 10 acres, that is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day.
- To include all other uses described by Water Code Ch. 36.117

Industrial Water Use: the use of water in processes designed to convert materials of lower value into forms having greater usability and/or value.

Landscape Irrigation Use: water used for the irrigation and maintenance of a landscaped area, whether publicly or privately owned, including residential and commercial lawns, gardens, athletic fields, golf courses, parks, and rights-of-way and medians.

Non-essential Water Use: water uses that are neither essential nor required for the protection of public health, safety, and welfare, including:

1. Pumping of groundwater into ponds, lakes or reservoirs for the purpose of enhancing the appearance of the landscape;
2. Irrigating of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided by this Plan;
3. Washing any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
4. Washing down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except for the protection of public health, safety and welfare;
5. Washing down buildings or structures for purposes other than immediate fire protection or for the protection of public health, safety and welfare;
6. Filling swimming pools.

Palmer Drought Severity Index: a measurement of dryness based on recent precipitation and temperature

Permitted Well: a well equipped to produce greater than 25,000 gallons of groundwater per day, or used for any purpose other than Exemptions, Exceptions, Limitations described in Water Code Chapter 36.117.

Public Water System: as defined under 30 TAC Subchapter D Paragraph 290.38(41) September 2000.

Waste: means any one or more of the following:

- a. Withdrawal of groundwater from a groundwater reservoir at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;
- b. The flowing or producing of wells from a groundwater reservoir if the water produced is not used for a beneficial purpose;
- c. Escape of groundwater from a groundwater reservoir to any other reservoir or geologic strata that does not contain groundwater;

- d. Pollution or harmful alteration of groundwater in a groundwater reservoir by saltwater or by other deleterious matter admitted from another stratum or from the surface of the ground;
- e. Willfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued under Chapter 26;
- f. Groundwater pumped for irrigation that escapes as irrigation tail water onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge.

Section VIII. Criteria for Initiation and Termination of Drought Stages

The President of Headwaters GCD or his/her designee shall monitor the defined drought trigger indices and shall determine when conditions warrant initiation or termination of each stage of the plan. The plan consist of four levels of Drought Stages with corresponding groundwater restrictions as defined herein.

Drought Trigger Indices:

The HGCD Drought Index Levels which are the average water level in 4 selected monitor wells (Stonehenge, HGCD MW #11 Middle Trinity, County Agriculture Barn, and HGCD MW # 7 Middle Trinity) will initiate the following drought stages:

1410 Feet Above Mean Sea Level	Stage 1 Mild Drought
1400 Feet Above Mean Sea Level	Stage 2 Moderate Drought
1390 Feet Above Mean Sea Level	Stage 3 Severe Drought
1380 Feet Above Mean Sea Level	Stage 4 Extreme Drought

The District will also monitor and consider the Palmer Drought Severity Index (PDSI) and the Guadalupe River Flow Rate at Kerrville in initiating drought stages and notices of impending drought or extremely dry conditions.

Drought stages may be initiated at the discretion of the District depending on the ability of the City of Kerrville to draw surface water from the Guadalupe River.

Section IX. Initiation of Drought Stages

All Permitted Well owners/operators and users of groundwater produced from a Permitted Well shall be required to comply with the requirements and restrictions of this Plan.

Section X. Drought Stage Response

Headwaters GCD shall provide public notification of the initiation or termination of drought stages by the following:

- Posting box at the Headwaters GCD office
- In the newspapers of general circulation
- By direct mailing and/or e-mails to owners/operators of Permitted Wells
- Posting on the HGCD website www.hgcd.org

Section XI. Restrictions

A. Restrictions on Permitted Wells

Headwaters GCD has the authority to monitor and manage the production from all Permitted Wells. Permitted Wells are those as Public Water Supply (PWS) wells which provide for domestic use and all other wells used to support agricultural, industrial, commercial, institutional and other non-domestic uses. This Plan places the following restrictions on Permitted Wells.

1. Restrictions for Permitted Wells serving a Public Water System

The Plan requires a fractional reduction in water demand for the PWS under each stage. Headwaters GCD authority is at the well and not at the individual connection. It will be the responsibility of the PWS owner to implement drought restrictions.

Stage 1 Allowance	10% Reduction
Stage 2 Allowance	20% Reduction
Stage 3 Allowance	30% Reduction

Stage 4 Allowance	40% Reduction
2. <u>Restrictions for Permitted Wells Being Used for Agricultural, Industrial or Other Purposes (non domestic).</u>	

The Plan requires the same percentage reduction as for Public Water Supply Systems.

Stage 1 Allowance	10% Reduction
Stage 2 Allowance	20% Reduction
Stage 3 Allowance	30% Reduction
Stage 4 Allowance	40% Reduction

3. Drought Stages will be terminated at the discretion of the District when aquifer levels, rainfall, and river flow conditions return to more normal conditions.

B. Recommended Restrictions on All Well Users During Drought

Exempt Well owners are not restricted in terms of percentage reduction. The following four stages give recommended watering practices and list non-essential water uses. These recommended practices for Exempt and Permitted Well owners help achieve the water use reduction for each Drought Stage. Drought Stages 1, 2, 3, and 4 are described below.

STAGE 1: MILD DROUGHT

- A. Water users are requested to limit the irrigation of landscaped areas including parks, athletic fields, and golf courses to the hours between 8:00 PM and 10 AM to reduce water losses due to evaporation.
- B. The following uses of water are defined as non-essential and should be prohibited:
 - 1. Washing down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 - 2. Washing down buildings or structures for purposes other than immediate fire protection.

3. Failure to repair a controllable leak within a reasonable period after having been given notice directing the repair of such a leak.
4. Pumping of groundwater into ponds, lakes or reservoirs for the purpose of enhancing the appearance of the landscape.

STAGE 2: MODERATE DROUGHT

- A. Irrigation of landscaped areas including parks and golf courses should be limited to the previously designated watering hours between 8:00 PM and 10:00 AM. Watering should be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of automatic sprinkler systems and hose-end sprinklers should be prohibited at all times. Athletic fields should abide by the same watering hours; however, they are allowed the use of irrigation systems for watering.
- B. The following uses of water are defined as non-essential and should be prohibited:
 1. Washing down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 2. Washing down buildings or structures for purposes other than immediate fire protection.
 3. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such a leak.
 4. Pumping of groundwater into ponds, lakes or reservoirs for the purpose of enhancing the appearance of the landscape.
 5. Washing any motor vehicle, motorbike, boat, trailer or other vehicle other than a public safety vehicle on a premises other than a commercial car wash or service station and not in the immediate interest of public health, safety, and welfare.

STAGE 3: SEVERE DROUGHT

- A.** Irrigation of landscaped areas including parks and golf courses should be limited to the previously designated watering hours between 8:00 PM and 10:00 AM. Watering should be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of automatic sprinkler systems and hose-end sprinklers should be prohibited at all times. Athletic fields should abide by the same watering hours; however, they are allowed the use of irrigation systems for watering.
- B.** The following use of water defined as non-essential should be prohibited:
 1. Washing down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
 2. Washing down buildings or structures for purposes other than immediate fire protection.
 3. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such a leak.
 4. Pumping of groundwater into ponds, lakes or reservoirs for the purpose of enhancing the appearance of the landscape.
 5. Washing any motor vehicle, motorbike, boat, trailer or other vehicle other than a public safety vehicle on a premises other than a commercial car wash or service station and not in the immediate interest of public health, safety, and welfare.
 6. The filling of swimming pools.

STAGE 4: EXTREME DROUGHT

- A.** Irrigation of landscaped areas including parks, and golf courses should be limited to designated watering days between the hours of 6:00 AM and 10:00 AM and between 8:00 PM and 12:00 midnight. Watering should be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of

permanently installed automatic sprinkler systems and hose-end sprinklers should be prohibited at all times. Athletic fields should abide by the same watering hours; however, they are allowed the use of irrigation systems to water.

B. The following use of water defined as non-essential should be prohibited:

1. Washing down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
2. Washing down buildings or structures for purposes other than immediate fire protection.
3. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such a leak(s).
4. Pumping of groundwater into ponds, lakes or reservoirs for the purpose of enhancing the appearance of the landscape.
5. Washing any motor vehicle, motorbike, boat, trailer or other vehicle not occurring on the premises of a commercial car wash or service station and not in the immediate interest of public health, safety, and welfare should be prohibited.
6. The filling of swimming pools.
7. No applications for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind will be approved.

Section XII Enforcement

A. Headwaters GCD monitors Permitted Well production totals on an annual basis. In reviewing production totals submitted in drought years, the totals will be compared to prior historic usage. Historic averages will not be penalized for non-use of groundwater during above average rainfall years. Previous years with above average rainfall and the addition of connections to Public Water Supply systems will be considered in the assessment of compliance with drought restrictions for a given year. All these factors considered, Permitted

Well owners would be expected to show a comparable reduction for drought years. Non-compliance could result in the voiding of a Permit, or a reduction of the allowed production listed on the Permit the following year or at renewal time.

- B.** This plan may be enforced in accordance with Headwaters Groundwater Conservation District Rule 16.
 - 1. If any operator/owner willfully produces a well at a higher rate than authorized in the well operating permit, or is non-compliant with the provisions of this Drought Contingency Plan, such action shall be deemed a violation of District Rules and is subject to enforcement and penalties as provided in these rules or as allowed by law.
 - 2. All Rules duly adopted, promulgated and published by this District shall be enforced as provided for under Chapter 36, Texas Water Code and subsequent changes thereto.
 - 3. The District may enforce its rules by injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction.
 - 4. For breach of any Rule of the District, the Board shall set civil penalties that shall not exceed the jurisdiction of a justice court as provided by Section 27.031 Government Code.
 - 5. A penalty under this section is in addition to any other penalty provided by the law of this state and may be enforced by complaints filed in a court of competent jurisdiction in Kerr County, Texas.
 - 6. If the District prevails in any suit to enforce its Rules, the District may seek, and the court shall grant, in the same action, recovery for attorney's fees, costs for expert witnesses, and other costs incurred by the District before the court. The court shall fix the amount of the attorney's fees.
 - 7. The Board, either on its own motion or upon receipt of sufficient written protest or complaint, may at any time, after due notice to all interested parties, cite any person operating within the District to appear before it and require him to show cause why his operating authority or Permit should not be suspended, canceled or otherwise restricted and limited for failure to

comply with the Rules, orders or regulations of the Board or the relevant statutes of the state.

8. The matter of evidence and all other matters of procedure at any such hearing will be conducted in accordance with these Rules of procedure and practice.

Section XIII Exceptions

- A.** Headwaters GCD recognizes the City of Kerrville's Conjunctive Water Use Policy and Water Conservation and Drought Management Plan as accomplishing the intent of this Plan for the City of Kerrville. Therefore the municipal wells including the City's Aquifer Storage and Recovery Wells within the city limits and operated by the City of Kerrville are exempt from the provisions of this Plan.
- B.** The General Manager may in writing, grant exceptions for existing water uses otherwise prohibited under this Plan, if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the public health or sanitation, damage or great loss to the well owner, and if one or more of the following conditions are met:
 1. Compliance with this Plan cannot be technically accomplished during the duration of the water shortage or other condition for which the Plan is in effect.
 2. Alternative methods can be implemented which will achieve the same level of reduction in water use.
- C.** Persons requesting an exception from the provisions of the Plan shall file a petition with the HGCD after the Plan or a particular drought response stage has been invoked. All petitions for exceptions shall be reviewed by the General Manager or his/her designee and shall include the following:
 1. Petition Submission Date.
 2. Name and address of the petitioner(s).
 3. Well Number and Location.

4. Purpose of water use.
5. Specific provisions(s) of the Plan from which the petitioner(s) is requesting relief.
6. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner(s) or what damage or harm will occur to the petitioner(s) or others if petitioner(s) complies with the Plan.
7. Description of the relief requested.
8. Period of time for which the exception is sought.
9. Alternative water use restrictions or other measures the petitioner(s) is taking or proposes to take to meet the intent of this Plan.
10. Other pertinent information the General Manager deems relevant and necessary in making a determination regarding the request.

D. Exceptions granted by the District shall be in writing subject to the following conditions, unless waived or modified by the General Manager.

1. Exceptions granted shall include a timetable for compliance with the Plan's restrictions.
2. Exceptions granted shall expire when the restrictions of the Plan are no longer in effect.

E. No Exception shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the exception.

F. At the next regular Board Meeting, the General Manager will inform the Board of all Rules exceptions granted.



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

SUBJECT: City Manager Agreement with Robert Dalton Rice to be the City Manager of the City of Kerrville. (This item eligible for Executive Session 551.071 and 551.074).

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** July 28, 2023

SUBMITTED BY: Kim Meismer, Interim City Manager

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A
Guiding Principle N/A
Action Item N/A

SUMMARY STATEMENT:

RECOMMENDED ACTION:

Agreement.



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

SUBJECT: Financial Report for month-ended July 31, 2023.

AGENDA DATE OF: August 22, 2023 **DATE SUBMITTED:** July 28, 2023

SUBMITTED BY: Julie Behrens, Director of Finance

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

Financial Report

RECOMMENDED ACTION:

N/A