

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 12, 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
SEPTEMBER 12, 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 Jeff Harris

1. **ANNOUNCEMENTS OF COMMUNITY INTEREST:** Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.
2. **PRESENTATIONS:**
 - 2.A Proclamation recognizing September 2023 as National Recovery month.
 - 2.B Proclamation recognizing September 2023 as National Suicide Prevention month.
 - 2.C Proclamation: League of Women Voters Hill Country Texas (LWVHCT) Citizenship Program.
3. **VISITORS/CITIZENS FORUM:** Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. The speaker request form must be submitted to the City Secretary before the item is called or read into record. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.
4. **CONSENT AGENDA:** These items are considered routine and can be approved in one motion unless a Councilmember asks for separate consideration of an item. It is recommended that the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:
 - 4.A Resolution No. 29-2023. A Resolution repealing Resolution No. 43-2021, which adopted a policy for setting the City's water and wastewater fees for Fiscal Years 2023 through 2026.
Attachments: [20230912_Reso 29-2023 repealing reso 43-2021 water wastewater fees for Fiscal Years 2023-2026.pdf](#)
[20230912_Reso 43-2021 water-wastewater rates.pdf](#)

- 4.B Resolution No. 30-2023. A Resolution approving the budget for Kerr Emergency 9-1-1 Network for Fiscal Year 2024.
Attachment: [20230912_Reso 30-2023 KERR Emergency 9-1-1 FY2024 Budget.pdf](#)
- 4.C Administrative Services contract between the City of Kerrville and City of Kerrville, Texas Economic Improvement Corporation.
Attachment: [20230818_EIC Engineering and Project Management Services.pdf](#)
- 4.D Project Funding Agreement between the City of Kerrville, Texas Economic Improvement Corporation and the City of Kerrville, Texas, for the upsizing of the Travis Street Pump Station (Water Utility).
Attachments: [20230912_EIC Upsize Travis Street Pump Station-Water.pdf](#)
[20230912_Project C7-Travis St Pump Station upgrade.pdf](#)
- 4.E City Council workshop minutes, August 22, 2023.
Attachment: [20230912_Minutes CC workshop 8-22-23 4pm.pdf](#)
- 4.F City Council meeting minutes, August 22, 2023.
Attachment: [20230912_Minutes CC meeting 8-22-23 6pm.pdf](#)

END OF CONSENT AGENDA.

5. PUBLIC HEARING AND ORDINANCES, FIRST READING:

- 5.A Ordinance No. 2023-22. An Ordinance changing the zoning of a property known as 202 Mack Hollimon Drive, consisting of Lot 1, Block 1, of the Oak Hollow Estates Addition, and within the City of Kerrville, Kerr County, Texas; from a Single-Family Residential Zoning District (R-1) to a Neighborhood Commercial Zoning District (C-1); and providing other matters relating to the subject.
Attachments: [20230912_Ord 2023-22 Zone change 202 Mack Hollimon.pdf](#)
[20230912_Ltr opposed Bowie.pdf](#)
- 5.B Ordinance No. 2023-25. An Ordinance adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2024; providing appropriations for each City department and fund; containing a cumulative clause; and containing a savings and severability clause.
Attachment: [20230912_Ord 2023-25 Adopting Annual Budget Fiscal Year 2024.pdf](#)
- 5.C Ordinance No. 2023-26. An Ordinance levying an Ad Valorem (Property) Tax for the use and support of the Municipal Government for the City of Kerrville, Texas, for Fiscal Year 2024; apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.
Attachment: [20230912_Ord 2023-26 FY24 Ad Valorem property tax.pdf](#)

6. ORDINANCES, FIRST READING:

- 6.A Ordinance No. 2023-28. An Ordinance amending Chapter 26 "Building and Building Regulations" of the Code of Ordinances, City of Kerrville, Texas, by adding a new Article XI "Grading and Filling", to create regulations, including a permit requirement, for any activity associated with the disturbance of land under specified conditions; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; and providing other matters relating to the subject.
Attachments: [20230912_Ord 2023-28 Grading-Site Clearing permit.pdf](#)
[20230912_Presentation Grading Permit-workshop.pdf](#)

7. CONSIDERATION AND POSSIBLE ACTION:

- 7.A Resolution No. 26-2023. A Resolution approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2023 Rate Review Mechanism Filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the

company to reimburse ACSC's reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC's Legal Counsel.

Attachment: [20230912_Reso 26-2023 Negotiated Settlement between Atmos Cities Steering Committee and Atmos Energy Corp.pdf](#)

- 7.B Resolution No. 31-2023. A Resolution approving the right of City employees to purchase continued health coverage at retirement subject to conditions specified within the City's Personnel Policies and Procedures Manual.

Attachment: [20230912_Reso 31-2023 Retiree Health Insurance.pdf](#)

- 7.C Authorization to negotiate a Professional Services Agreement for the Facility Condition Assessment and Maintenance Plan Project.

8. INFORMATION & DISCUSSION:

- 8.A City's Water System update.

9. APPOINTMENT(S):

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

Attachment: [20230912_Appointment KAYLA 2023-2024.pdf](#)

- 9.B Appointment of City of Kerrville delegate for the 2023 Texas Municipal League (TML) Annual Conference business meeting (Dallas, TX).

10. BOARD APPOINTMENTS:

- 10.A Appointments to the Kerrville Charter Review Commission.

- 10.B Appointments to the Main Street Advisory Board.

- 10.C Appointment(s) to the Building Board of Adjustment and Appeals. (*This item eligible for Executive Session 551.074.*)

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

- 11.A Appointment(s) to the Building Board of Adjustment and Appeals. (551.074.)

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

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

ADJOURN.



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

SUBJECT: Proclamation recognizing September 2023 as National Recovery month.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** July 28, 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:

RECOMMENDED ACTION:

Present proclamation.



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

SUBJECT: Proclamation recognizing September 2023 as National Suicide Prevention month.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** August 31, 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:

RECOMMENDED ACTION:

Present proclamation.



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

SUBJECT: Proclamation: League of Women Voters Hill Country Texas (LWVHCT) Citizenship Program.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** September 6, 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 the League of Women Voters Hill Country Texas.

RECOMMENDED ACTION:

Recognition.



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

SUBJECT: Resolution No. 29-2023. A Resolution repealing Resolution No. 43-2021, which adopted a policy for setting the City's water and wastewater fees for Fiscal Years 2023 through 2026.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** August 31, 2023

SUBMITTED BY: Julie Behrens , Director of Finance

EXHIBITS:

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

PAYMENT TO BE MADE TO: NA

Kerrville 2050 Item?	Yes
Key Priority Area	W - Water / Waste-Water / Drainage
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

In 2021, Council approved Resolution No. 43-2021 outlining multi-year water and wastewater rates for the City of Kerrville based on findings from a *2019 Water and Wastewater Revenue Sufficiency Rate Design Study*. Due to the inflationary pressures beginning mid-fiscal year 2022, these rates did not generate revenues sufficient to support operational needs of the Water Fund. Resolution No. 29-2023 will repeal this multi-year rate plan. Given the current drought conditions creating increased water conservation stages, staff requests repealing Resolution No. 43-2021 instead of amending. Staff will monitor ongoing consumption and revenues and come back to Council with future rate recommendations.

RECOMMENDED ACTION:

Approve Resolution No. 29-2023.

ATTACHMENTS:

[20230912_Reso 29-2023 repealing reso 43-2021 water wastewater fees for Fiscal Years 2023-2026.pdf](#)

[20230912_Reso 43-2021 water-wastewater rates.pdf](#)

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 29-2023**

**A RESOLUTION REPEALING RESOLUTION NO. 43-2021,
WHICH ADOPTED A POLICY FOR SETTING THE CITY'S
WATER AND WASTEWATER FEES FOR FISCAL YEARS 2023
THROUGH 2026**

WHEREAS, the City of Kerrville, Texas ("City") owns and operates a water and wastewater utility system ("Utility System"); and

WHEREAS, a 2019 *Water and Wastewater Revenue Sufficiency Rate Design Study* adopted by City Council recommended several strategies for the City to use as to Council's future adoption of fees and application of resulting revenues for its Utility System; and

WHEREAS, City Council, through its adoption of Resolution No. 43-2021, previously adopted a policy for setting the City's water and wastewater fees for Fiscal Years 2023 through 2026; and

WHEREAS, increased costs experienced by the City over the past several years has created a need to repeal Resolution No. 43-2021, as the policy for setting fees established by that Resolution is not sufficient to cover the increased operating costs for the Utility System; and

WHEREAS, City Council finds it to be in the public interest to repeal Resolution No. 43-2021;

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

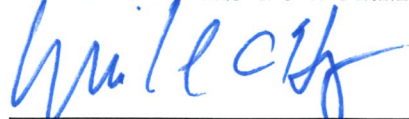
Resolution No. 43-2021 is repealed.

**PASSED AND APPROVED ON this the ____ day of _____ A.D.,
2023.**

Judy Eychnner, Mayor

APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 43-2021**

**A RESOLUTION ESTABLISHING A POLICY OF THE CITY COUNCIL
TO SET THE CITY'S WATER AND WASTEWATER FEES FOR FISCAL
YEARS 2023 THROUGH 2026 FOR THE PURPOSE OF STABILIZING
REVENUES AND ENCOURAGING WATER CONSERVATION**

WHEREAS, the City of Kerrville, Texas ("City's), owns and operates a water and wastewater utility system ("Utility System"); and

WHEREAS, a 2019 *Water and Wastewater Revenue Sufficiency Rate Design Study* adopted by City Council recommended several strategies for the City to use as to Council's future adoption of fees and application of resulting revenues for its Utility System; and

WHEREAS, besides accounting for future anticipated costs of operations, such strategies are intended to stabilize revenues from the Utility System over a multi-year time period, which benefits the budgeting process, and to continue encouraging and expanding water conservation from the City's customers; and

WHEREAS, City Council finds it to be in the public interest to set the City's water and wastewater fees for the Fiscal Years 2023 through 2026 as provided below;

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


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

PASSED AND APPROVED ON this the 14 day of SEPTEMBER A.D., 2021.



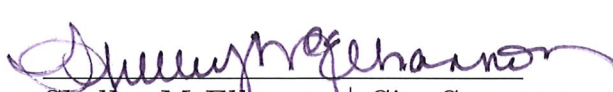
Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:



Shelley McElhannon, City Secretary



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

SUBJECT: Resolution No. 30-2023. A Resolution approving the budget for Kerr Emergency 9-1-1 Network for Fiscal Year 2024.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** August 31, 2023

SUBMITTED BY: Chris McCall, Police Chief

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0 City dollars are included in this budget.	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:

This is the budget as approved by the Kerr 9-1-1 Board of Managers. Kerr 9-1-1 requires the City to approve the budget, however, the City does not provide financial support to this organization.

RECOMMENDED ACTION:

Approve Resolution No. 30-2023.

ATTACHMENTS:

[20230912_Reso 30-2023 KERR Emergency 9-1-1 FY2024 Budget.pdf](#)

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 30-2023**

**A RESOLUTION APPROVING THE BUDGET FOR KERR
EMERGENCY 9-1-1 NETWORK FOR FISCAL YEAR 2024**

WHEREAS, in accordance with Section 772.309 of the Texas Health and Safety Code, the Executive Director of the Kerr Emergency 9-1-1 Network has prepared and presented to City Council a budget for the Network's fiscal year commencing January 1, 2024; and

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

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

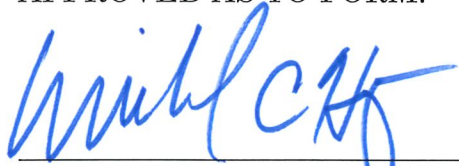
The City Council of the City of Kerrville, Texas, approves the 2024 Fiscal Year Budget for the Kerr Emergency 9-1-1 Network as presented and set forth in **Exhibit A**.

**PASSED AND APPROVED ON this the ____ day of _____,
A.D., 2023.**

Judy Eychner, Mayor

APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary

**Kerr Emergency 911 Network
2024 Operating Budget
Proposed**

Proposed 2024 Budget Capital Account		2023	2024 Approved	Delta	% Change
100 - Revenue					
	101 - Local 911 Service	115,000.00	110,000.00	-5,000.00	-4.35%
	105 - Wireless Emergency Income	263,000.00	265,000.00	2,000.00	0.76%
	110 - VoIP Service Fees	47,000.00	45,000.00	-2,000.00	-4.26%
	120 - Interest Income	10,000.00	15,000.00	5,000.00	50.00%
	130 - Miscellaneous Income		0.00	0.00	#DIV/0!
Total 100 - Revenue		435,000.00	435,000.00	0.00	0.00%
200 - Payroll Expense					
	210 - Salary	130,500.00	136,800.00	6,300.00	4.83%
	212 - Payroll Taxes	10,500.00	10,944.00	444.00	4.23%
	213 - Medical Insurance Expense	45,000.00	48,000.00	3,000.00	6.67%
	214 - TCDRS Expense Company	10,000.00	12,500.00	2,500.00	25.00%
	215 - TCDRS OTLI	200.00	260.00	60.00	30.00%
	225 - Texas Workforce Commission	100.00	100.00	0.00	0.00%
	230 - Excess Vacation Payout	0.00	0.00	0.00	#DIV/0!
Total 200 - Payroll Expense		196,300.00	208,604.00	12,304.00	6.27%
300 - Operations (PSAP)					
	315 - 911 Call Taker Training	9,000.00	4,000.00	-5,000.00	-55.56%
	321 - AT&T Wireless Tariff	1,900.00	1,900.00	0.00	0.00%
	331 - Text to 9-1-1 Charges	4,000.00	4,000.00	0.00	0.00%
	332 - ALI Service Charge	18,000.00	18,000.00	0.00	0.00%
	335 - TX DIR ALI MPLS	8,500.00	8,500.00	0.00	0.00%
	337 - AT&T SR Fees	4,500.00	4,500.00	0.00	0.00%
	340 - ESInet Charge	0.00	108,000.00	108,000.00	#DIV/0!
	350 - PSAP Trunk Charges	19,000.00	19,000.00	0.00	0.00%
	355 - Language Translation Services	500.00	500.00	0.00	0.00%
	357 - PSAP Fiber KPD/KCSO	2,000.00	2,000.00	0.00	0.00%
	366 - Wireless Redundancy MRC	800.00	800.00	0.00	0.00%
	370 - PSAP Repairs & Maintenance	12,000.00	14,000.00	2,000.00	16.67%
Total 300 - Operations (PSAP)		80,200.00	185,200.00	105,000.00	130.92%
400 - Direct Services					
	410 - Office Supplies	2,000.00	2,000.00	0.00	0.00%
	412 - Office Equipment & Repairs	4,500.00	4,500.00	0.00	0.00%
	420 - Liability Insurance	3,900.00	3,900.00	0.00	0.00%
	430 - Professional Development	4,000.00	4,000.00	0.00	0.00%
	440 - Rent	26,000.00	26,000.00	0.00	0.00%
	450 - Professional Fees	16,000.00	20,000.00	4,000.00	25.00%
	460 - Postage & Delivery	500.00	600.00	100.00	20.00%
	490 - Bank Service Charges	100.00	100.00	0.00	0.00%
Total 400 - Direct Services		57,000.00	61,100.00	4,100.00	7.19%
500 - Miscellaneous					
	502 - Pictometry Annual Payment	11,000.00	12,000.00	1,000.00	9.09%
	520 - Dues & Subscriptions	1,000.00	1,000.00	0.00	0.00%
	530 - Public Education & Advertising	3,000.00	3,000.00	0.00	0.00%
	550 - Telecommunications	8,500.00	8,500.00	0.00	0.00%
	560 - Sundry	2,000.00	2,000.00	0.00	0.00%
	570 - Texas 911 Alliance Meetings	8,000.00	8,000.00	0.00	0.00%
	575 - Nena/APCO Conferences	8,000.00	8,000.00	0.00	0.00%
Total 500 - Miscellaneous		41,500.00	42,500.00	1,000.00	2.41%

**Kerr Emergency 911 Network
2024 Operating Budget
Proposed**

700 - PSAP Equipment Repacement Account					
	710 - Operating to Capital Fund Transfer	60,000.00	50,000.00	-10,000.00	-16.67%
Total 700 - PSAP Equipment Repacement Account		60,000.00	50,000.00	-10,000.00	-16.67%
Annual Budget Totals		435,000.00	547,404.00	112,404.00	25.84%
Net Income		435,000.00	435,000.00	0.00	0.00%
Projected Budget Surplus/Deficit		0.00	(112404.00)	112,404.00	#DIV/0!

**Kerr Emergency 911 Network
2024 Capital Budget
Proposed**

Proposed 2024 Budget Capital Account		Comments
Capital Expenses - 800		
801 - PSAP Call Handling Equipment Upgrade	\$275,000.00 *	
802 - GIS Mapping System Upgrade	\$130,000.00 *	
804 - Sign Materials	\$2,500.00	
806 - NGCS ESInet Project	\$600,000.00 *	
807 - Cyber Security Project	\$80,000.00 *	
808 - UPS Project	\$75,000.00 *	
888 - Misc PSAP Projects	\$25,000.00	
Total - 800	\$1,187,500.00	
Capital Income - 900		
901 - Sign Sales (Recovery)	\$2,250.00	90% Recovery
902 - Equipment Replacement Fund Transfers	\$50,000.00	
Total - 900	\$52,250.00	
2024 Starting Capital Balance (Est.)	\$1,161,170.00	
2024 Net Capital Expenses	\$1,187,500.00	
2024 Net Capital Income	\$52,250.00	
2024 Grant Reimbursement	\$1,160,000.00	
Projected End-of-2024 Capital Account Balance	\$1,185,920.00	

* reimbursed from CSEC grant



Subject: Proposed 2024 Budget Summary

08/24/2023

1. 100 Revenue. Estimated Net Income: \$435,000.00, same as projection for FY 2023. There is a slight decrease in wireline and VOIP income. Wireless and Interest income are projected to have a slight increase. A new category has been added to account for possible revenue that if realized will have come from anticipated appropriations authorized by the Texas Legislature.
2. 200 Payroll. Payroll expenses include 4.83% overall salary increase for current staff members, and a 6.67% projected increase in health care insurance costs. Payroll overhead includes staff salaries, payroll taxes, retirement account contributions, employee life insurance and Texas Workforce Commission unemployment insurance costs. TCDRS will see an increase in this category, the effective rate increased due to payments to retirees. Overall, there is an increase of 6.27% in costs compared to last year.
3. 300 Operations (PSAP/Call Centers). This expense category includes all operation and maintenance expenses for the Public Safety Answering Point (911 backroom server / telephony equipment / software) and the two call centers (KPD & KCSO). The focus of this category is the proposed increase of \$108,000 from the previous year is due to NextGen 9-1-1 ESInet costs being realized. The NextGen 9-1-1 expenditure is the result of an unfunded mandate from the State of Texas 87th Legislative Session. But out of a special session the state offered ARPA funds in the form of a grant that would allow the ESInet costs to be reimbursable. Overall, there is an increase of 130.92% in costs compared to last year.
4. 400 Direct Services. Direct Services will have an increase compared to the previous year. The projected Professional Fees category is expected to increase by 25% compared to last year. This is due in part to the rising costs for the annual financial audits for the district. Direct services include office supplies, office equipment repair/replacement, district liability insurance, staff professional training, office space lease, attorney, bookkeeping, auditor, and other professional service expenses, and banking fees.
5. 500 Miscellaneous. Misc. expenses are projected to increase by \$1,000.00 or 2.41% compared to 2023. Misc. expenses include Aerial Imagery costs, dues and subscriptions, public education / advertising, Texas 9-1-1 Alliance meetings and NENA/APCO conferences.
6. 700: PSAP Equipment Replacement Fund: This category will be reduced to \$50,000 to fund the PSAP capital replacement account. The capital replacement fund is utilized for PSAP equipment upgrades.

Capital Considerations: The capital cash account will have an estimated balance in of \$1,161,170.00 at the end of 2023 from nominal interest and scheduled PSAP Equipment Replacement Fund transfers. We expect our end-of-2024 capital balance to be in the neighborhood of \$1,185,920.00.

This final figure includes all proposed capital expenses of \$1,187,500.00 and revenue of \$52,250.00. The primary source of revenue is from scheduled grant reimbursement, operating fund transfers, and 9-1-1 sign sales cost-recovery.

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

For the 2024 budget, Kerr 9-1-1 will keep the service fee of \$0.75 per month for all classes of service (Residential, Business, Trunk, VOIP).

Vision for 2024:

1. Continued 9-1-1 sign sales.
2. Continued 9-1-1 public education.

Conclusions:

1. The 2024 proposal is a deficit budget that will balance when the grant reimbursements are received.
2. This budget adequately addresses the expected operating needs of our district in providing state-of-the-art 9-1-1 workstations/software and to continue our efforts to enhance and maintain our 9-1-1 connectivity as well as maintaining our Geographic Information Systems (GIS).
3. Our district's vision and public-funds stewardship is based firmly in the state and local government codes, guided by conservative spending and liberal savings policies.
4. Kerr 9-1-1 Board of Managers Budget approval date: 08/24/2023.



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



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

SUBJECT: Administrative Services contract between the City of Kerrville and City of Kerrville, Texas Economic Improvement Corporation.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** September 1, 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:

The City of Kerrville provides financial, legal, project oversight and other services to the Kerrville Economic Improvement Corporation.

RECOMMENDED ACTION:

Approve the Administrative Services contract between the City of Kerrville and City of Kerrville Texas Economic Improvement Corporation.

ATTACHMENTS:

[*20230818_ EIC Engineering and Project Management Services.pdf*](#)

**ADMINISTRATIVE SERVICES CONTRACT
BETWEEN CITY OF KERRVILLE, TEXAS ECONOMIC IMPROVEMENT
CORPORATION AND CITY OF KERRVILLE, TEXAS**

THIS CONTRACT is entered into as of the ____ day of _____ 2023, by and between the City of Kerrville, Texas, ("City"), and the City of Kerrville, Texas Economic Improvement Corporation ("EIC") for and in consideration of the following promises and conditions:

**ARTICLE I
SERVICES PROVIDED BY CITY**

City shall provide the following services to EIC subject to the limitations and conditions set forth below:

- A. **Engineering and Project Management Services:** City agrees to provide project management services to include coordination and oversight of both internal and external engineering, design, bid process, and all construction phases for EIC-funded projects that involve improvements to City and/or public property. City may contract engineering, project management, or construction services that may be necessary and EIC agrees to pay for such services as part of a project, which will be specified within a project agreement, and which is authorized by the EIC to be funded in whole or in part by sales tax revenues generated pursuant to the authority of Chapters 501, 502, and 505 of the Texas Local Government Code.
- B. **Legal Services:** City agrees the City Attorney will be the legal advisor of, and attorney for, EIC, which representation will include the drafting and review of documents, contracts, and other instruments as to form and legality, the conduct of legal research, and, if requested, the issuance of legal opinions. In the provision of legal services by the City Attorney, the City Attorney shall provide such services only if the provision of legal services to EIC does not unreasonably impair his ability to provide legal services to the City. For example, in the event the City Attorney determines that a legal or ethical conflict exists between the City and the EIC, the EIC agrees that the City Attorney may continue to represent the City on such matter notwithstanding such conflict; provided, however, that the City Attorney has made full disclosure of the existence, nature, implications, possible adverse consequences, and advantages involved, if any, of common representation regarding the conflict to the president of the EIC. Further and where a conflict exists, EIC may hire counsel of its own choice at EIC expense, subject to its budget, to include any undesignated reserve cash balance but not to exceed an overall expense of \$50,000.00. The City Attorney may contract at times for specialized legal services with respect to a project approved by EIC and EIC shall pay for such services. The City Attorney shall notify the EIC as soon as possible as to his use of such services. Such notice may occur at the outset of

a proposed project and before EIC's approval of the matter; or, later, when it becomes necessary in his opinion to secure such services.

- C. **Financial Services**: City agrees to provide accounting, banking, and investment services, including accounts receivable, accounts payable, disbursement of funds per agreements, investments, record keeping, financial reporting, budgeting, and an audit of all funds. The City will provide a report at each regular monthly meeting of the EIC, such report to include a statement of revenues and expenditures for all funds and a cash flow analysis.
- D. **Administrative Services**: City will provide services from the City Manager to include secretarial and other clerical services, including taking minutes and preparation of resolutions and correspondence related to the operation of EIC. City staff will also respond to all open records requests in compliance with state law, on behalf of the EIC. The City Manager or designee will engage with the EIC in a manner comparable to the role identified by Section 6.04 of the City Charter.
- E. **Investment Officer**: The City Manager will designate City Finance Department personnel to serve as the EIC's investment officer in accordance with the City's *Investment Policy*, as may be amended.
- F. **Regulatory Financial Reporting**: The City's Finance Department shall prepare all financial reports required by state and federal regulatory agencies.
- G. **Annual Audit**: The City's Finance Department shall include the EIC's financial information as part of the City's annual audit, for consideration and approval by City Council.
- I. **Project Reports**: The City Manager or designee shall provide a report at each regular monthly meeting of the EIC on all ongoing projects, which are subject to a funding agreement with the EIC. These reports shall include the status and estimated completion date of each project and verification that performance criteria are being met.
- J. **Staff Reports**: When applicable and requested by the EIC, the City Manager or designee shall prepare a report on each application for EIC funds, such report to include the following information:
 - 1. Complete Application
 - 2. Financial Impact Analysis
 - a. Total payroll
 - b. Payroll multiplier

c. Sales and ad valorem tax generation

3. Return on Investment Analysis

a. Property tax – City, County, and KISD

b. Sales tax – City and County

c. Payroll multiplier

d. Timeline by which return is realized

4. Feasibility Analysis

a. Land – size, zoning, platting, building/fire codes

b. Building – size, suitability, condition

c. Infrastructure – water, wastewater, streets, drainage, electricity, public safety

K. Prospect Support Services: The City Manager or designee shall ensure that the following support services as provided by City staff are provided to the EIC in the review and processing of applications for EIC funds:

1. receive applications;
2. evaluate applications for completeness;
3. determine eligibility;
4. facilitate submission before the EIC;
5. provide technical evaluation;
6. provide recommendations;
7. coordinate with other aligned agencies/entities; and
8. identify appropriate incentives and programs.

ARTICLE II COMPENSATION

In consideration of the provision by City to EIC of the services described in Article I, above, EIC shall pay City **\$205,000.00** for Fiscal Year 2024. This amount shall be automatically increased each year by 4% for the term of this agreement. It is agreed by the parties that this compensation, to include the automatic increases, is equal to the reasonable value of the services anticipated to be provided by City to the EIC. City shall deduct the payment required hereunder upon receipt of said sales tax revenues from the Comptroller of Public Accounts for the State of Texas.

ARTICLE III TERM

The term of this Contract commences on October 1, 2023, and ends on September 30, 2028, a five-year term, subject to earlier termination as provided herein and extension by agreement of the parties hereto.

ARTICLE IV TERMINATION

This Contract may be terminated by City or EIC for any reason, with or without cause, not earlier than ninety (90) days prior to delivery to the non-terminating party of a written notice of termination. EIC agrees to pay City the reasonable cost of services rendered by City up to the date of termination.

ARTICLE V GOVERNING LAW

This Contract is subject to, governed by, and construed in accordance with the laws of the State of Texas.

IN WITNESS WHEREOF, the parties hereto have executed this Contract in the year and as of the date indicated.

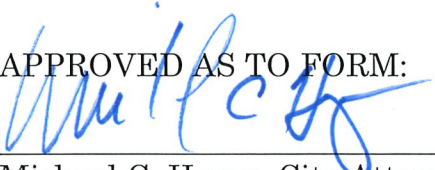
CITY OF KERRVILLE, TEXAS

Kimberly Meismer, Interim City Manager

ATTEST:

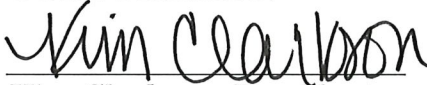
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:




Michael C. Hayes, City Attorney

**CITY OF KERRVILLE, TEXAS
ECONOMIC IMPROVEMENT
CORPORATION**



Kim Clarkson, President

ATTEST:



Kesha Franchina, Secretary of EIC

APPROVED AS TO FUNDING:



Julie Behrens, Director of Finance



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

SUBJECT: Project Funding Agreement between the City of Kerrville, Texas Economic Improvement Corporation and the City of Kerrville, Texas, for the upsizing of the Travis Street Pump Station (Water Utility).

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** September 1, 2023

SUBMITTED BY: Michael Hornes, Assistant City Manager

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
up to \$750,000	N/A	N/A	71-7100-5600

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	E - Economic Development
Guiding Principle	N/A
Action Item	E6.1 - Develop budgets and capital improvement plans that address the infrastructure required to accommodate both existing and future needs

SUMMARY STATEMENT:

The College Cove Pressure Plane will need to add pumping capacity to handle future water connections as the Loop 534 area around Peterson Middle School continues to grow. Without this upgrade, development will be delayed or will not happen at all. The challenge in placing expenses related to these pump upgrades upon the development community is the piecemeal nature of development. Each individual development will be required to add enough pumping capability for their portion of that future capacity. It would be inefficient to mobilize multiple times to upgrade or add new pumps over the course of all the developments. In appendix G of the Water and Wastewater Master Plan Update, project number C7, the Travis Street Pump Station outlines the estimated project total of \$557,000, which is attached to this agenda bill. This project includes replacement of existing 250 gpm Travis Street Pump Station pumps to increase capacity to 1200 gpm. A capacity expansion is recommended to provide service to proposed future developments. The \$557,000 estimate is from October of

2022, and while our hope is that the costs have not increased significantly, staff would recommend funding a grant not to exceed \$750,000 to cover any inflation this project may have incurred in the intervening months.

EIC held a public hearing on June 19, 2023 to consider the request and voted 5-0 to approve the agreement.

RECOMMENDED ACTION:

Approve the grant agreement between the City of Kerrville and the City of Kerrville, Economic Improvement Corporation for a grant not to exceed \$750,000 for upgrades to the Travis Street Pump Station.

ATTACHMENTS:

[*20230912__EIC Upsize Travis Street Pump Station-Water.pdf*](#)

[*20230912_Project C7-Travis St Pump Station upgrade.pdf*](#)

**PROJECT FUNDING AGREEMENT BETWEEN THE CITY OF
KERRVILLE, TEXAS ECONOMIC IMPROVEMENT
CORPORATION AND THE CITY OF KERRVILLE, TEXAS,
FOR THE UPSIZING OF THE TRAVIS STREET PUMP
STATION (WATER UTILITY)**

THIS PROJECT FUNDING AGREEMENT (the “Agreement”) is entered into this ____ day of _____, 2023, by and between the City of Kerrville, Texas Economic Improvement Corporation (“Corporation”), a Type B Economic Development Corporation established pursuant to Chapters 501, 502, and 505 of the Texas Local Government Code, as amended (*i.e.*, the Development Corporation Act, hereafter referred to as “the Act”), acting by and through its President; and the City of Kerrville, Texas (“City”), a Texas home-rule municipality, acting by and through its City Manager. EIC and City are sometimes collectively referred to herein as “Parties” and individually as “Party”.

WITNESSETH:

WHEREAS, pursuant to Chapter 505 of the Act, the EIC may undertake, or provide funding to City to undertake, projects which the EIC finds to be encompassed by the definition of “projects” as that word is defined in Chapters 501 and 505 of the Act; and

WHEREAS, EIC was formed to administer the sales and use tax approved by the citizens of Kerrville, Texas, in May 1995 and collected for projects as defined by the Act, including:

“expenditures that are found by the [EIC] to be required or suitable for *infrastructure necessary to promote or develop new or expanded business enterprises*, limited to: (1) streets and roads, rail spurs, *water* and sewer *utilities*, electric utilities, or gas utilities, drainage, *site improvements, and related improvements*” as described in Section 501.103 of the Act (emphasis supplied); and

WHEREAS, City is currently in the process of overseeing the design and engineering for a capacity expansion to its Travis Street Pump Station (the “Project”), which is a crucial component for providing wastewater service to a significant area within the City; and

WHEREAS, the City’s upsizing of the Travis Street Pump Station is a key part of the City’s *Water and Wastewater Master Plan Update*, which was adopted by City Council in 2022, and is necessary for the City to continue to provide water service to new or expanded business enterprises within a significant service area, which includes pending and planned commercial developments along Loop 534; and

WHEREAS, City staff believes that potential new or expanded business enterprises to be developed within the service area includes areas surrounding the new middle school and housing developments; and

WHEREAS, City staff, in consultation with design and engineering consultants, estimates that the total cost of the Project will be \$750,000.00; and

WHEREAS, the Project will enhance the facility's capacity by over 50% to address anticipated future development of business enterprises within the area it serves; and,

WHEREAS, the City, pursuant to action taken by the City Council, has made an application for funds from the EIC for the necessary Project funding; and

WHEREAS, the City will use the grant funding from the EIC for managing and constructing the Project; and

WHEREAS, the EIC finds that the Project as described generally above constitutes a "project" as defined by the Act; and

WHEREAS, finding that providing funds to contribute toward the development and construction of the Project is required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, EIC determines that this Agreement complies with the Act and is in keeping with the mission of EIC and City of Kerrville Economic Improvement Corporation 4B Sales Tax Funding Request Guidelines and Procedures; and

WHEREAS, the EIC finds that it will be in the public interest to enter into this Agreement with City to provide sales tax revenues collected pursuant to the Act ("4B Revenues") to City for a portion of its costs related to the Project; and

WHEREAS, on June 19, 2023, in a meeting that was open to the public in accordance with the Texas Open Meetings Act, the EIC held a public hearing pursuant to Section 501.072 of the Act related to the proposed expenditure of 4B Revenues for the Project;

NOW THEREFORE, for and in consideration of the recitals set forth above and the promises made herein, City and EIC agree as follows:

1. **"Project" Defined:** When used in this Agreement, the term "Project" means the project summary and cost itemization specified in **Exhibit A**, as attached. City will manage the funding it receives from EIC and the bidding and construction of the Project. City shall not substantively alter the description of the Project in any respect without the prior approval of the EIC.
2. **Agreement to Fund Portion of Project:** The EIC agrees to provide City an amount up to and not to exceed \$750,000.00 in 4B Revenues to be used for the

Project. Payments to be made by EIC to City are subject to the EIC's appropriation of funds for such payments in the budget year for which they are paid. Any payment made by EIC to City must be made solely from the annual budgeting and appropriations of EIC.

3. **Payments Authorized:** City is authorized to make payments for the herein described purposes directly from funds allocated for Project #71-23003 in the Water Capital Projects Fund ("Fund"). The City shall transfer funds from the EIC to the Fund for the payment of costs related to the Project. The City shall transfer any excess funds back to EIC upon completion of the Project.
4. **Eligible Costs:** Payments made by City from 4B Revenues as authorized by Section 3, above, are limited to the payment of "costs" as defined in the Act.
5. **Project Timeline:** The City estimates that construction activities for the Project will begin on or before July 31, 2024.
6. **Severability:** The provisions of this Agreement are severable, and if for any reason a provision of this Agreement is determined to be invalid by a court having competent jurisdiction over the subject matter of the invalid provision, the invalidity shall not affect other provisions that can be given effect without the invalid provision. Further, in lieu of such illegal, invalid, or unenforceable provision, there will be added automatically as a part of this Agreement, a provision as similar in its terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.
7. **Amendment:** This Agreement may be amended only by written amendment signed by the Parties.
8. **Notices:** All notices given with respect to this Agreement must be in writing and will be deemed to have been properly given for all purposes (i) if sent by a nationally recognized overnight carrier for next business day delivery, on the first business day following deposit of such notice with such carrier unless such carrier confirms such notice was not delivered, then on the day such carrier actually delivers such notice, or (ii) if personally delivered, on the actual date of delivery, or (iii) if sent by certified U.S. Mail, return receipt requested postage prepaid, on the fifth business day following the date of mailing, or (iv) if sent by facsimile, then on the actual date of delivery (as evidenced by a facsimile confirmation) provided that a copy of the facsimile and confirmation is also sent by regular U.S. Mail, addressed as follows:

For EIC
President
City of Kerrville, Texas, Economic Improvement Corporation
City Hall, 701 Main Street
Kerrville, Texas 78028

Facsimile: (830) 792-3850

For City

City Manager, City of Kerrville
City Hall, 701 Main Street
Kerrville, Texas 78028
Facsimile: (830) 792-3850

9. **Applicable Law:** This Agreement is governed by and construed in accordance with the laws of the State of Texas. The Agreement is entered into and fully performable within Kerr County, Texas. Accordingly, venue for any cause of action arising pursuant to this Agreement is proper only in Kerr County, Texas.
10. **Interpretation:** Each Party has had the opportunity to be represented by counsel of its choice in negotiating this Agreement. This Agreement will therefore be deemed to have been negotiated and prepared at the joint request, direction, and construction of the Parties, at arm's length, with the advice and participation of counsel, and will be interpreted in accordance with its terms without favor to any Party.
11. **No Joint Venture:** Nothing contained in this Agreement is intended by the Parties to create a partnership or joint venture between any or all of the Parties.
12. **Parties in Interest:** Nothing in this Agreement shall entitle any Party other than EIC or City to any claim, cause of action, remedy, or right of any term of this Agreement.
13. **Survival of Terms:** All rights, duties, liabilities, and obligations accrued prior to termination will survive termination.
14. **Entire Agreement:** This Agreement represents the entire agreement of the Parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in the year and as of the date indicated.

CITY OF KERRVILLE, TEXAS

CITY OF KERRVILLE, TEXAS ECONOMIC
IMPROVEMENT CORPORATION

Kim Meisner, Interim City Manager



Kim Clarkson, President

ATTEST:

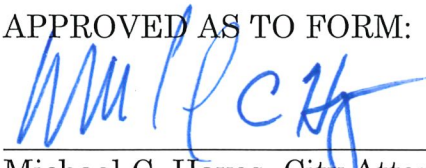
Shelley McElhannon, City Secretary

ATTEST:



Kesha Franchina, Secretary for the EIC

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Water Master Plan

Development Improvement Plan Cost Estimate

October 2022

Project Number:	C7	Phase:	Development Scenario C
Project Name:	Travis Street Pump Station	Pressure Plane:	College Cove
Project Description:			

This project includes replacement of existing Travis Street Pump Station pumps to increase capacity. A capacity expansion is recommended to provide service to proposed future developments.

Project Driver:

The purpose of this project is to add distribution pumping capacity to meet TCEQ minimum requirements for projected developments. Alignments are provided for planning purposes only, final alignments may be subject to change.

Itemized Cost Estimate					
ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	600 gpm Pump	2	EA	\$ 130,000	\$ 260,000
2	Pump Station Header Piping & Appurtenances	1	LS	\$ 80,000	\$ 80,000
Water Facility Condition Rating:				SUBTOTAL:	\$ 340,000
--				MOBILIZATION	5%
				SUBTOTAL:	\$ 357,000
				CONTINGENCY	30%
				SUBTOTAL:	\$ 464,100
				ENG/SURVEY	20%
				SUBTOTAL:	\$ 557,000
				Estimated Project Total:	\$ 557,000



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

SUBJECT: City Council workshop minutes, August 22, 2023.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** August 15, 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:

Minutes from the August 22, 2023 workshop 4pm.

RECOMMENDED ACTION:

Approve minutes as presented.

ATTACHMENTS:

[*20230912_Minutes CC workshop 8-22-23 4pm.pdf*](#)

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

**AUGUST 22, 2023 4:00 PM
701 MAIN STREET, KERRVILLE, TEXAS**

CALL TO ORDER: On August 22, 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 Meisner, Interim City Manager	Stuart Barron, Exec Dir PW & Eng
Mike Hayes, City Attorney	Kyle Burow, Director Engineering
Michael Hornes, Asst City Manager	Drew Paxton, Director Planning
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.

Katie Milton-Jordan, Kerrville Economic Development Corporation

Gil Salinas, Kerrville Economic Development Corporation

1. PUBLIC COMMENT:

The following person(s) spoke:

- Barbara Dewell Ferguson
- Tom Jones, Headwaters Groundwater Conservation District President

2. DISCUSSION, CONSIDERATION, POSSIBLE ACTION:

2A. Kerrville Economic Development Corporation update.

Gil Salinas and Katie Milton-Jordan provided information and responded to questions.

2B. Community Improvement Project update, to include 2023 Street Maintenance, Westminster Street Reconstruction, Public Safety Facility, Facility Condition Assessment, the Flow Equalization Basin lift station replacement project.

Kyle Burow and Michael Hornes provided information and responded to questions.

Councilmember Roman Garcia made a motion to convene Executive Session under 551.071 (consultation with attorney) and 551.087 (deliberation regarding economic development negotiations), seconded by Councilmember Joe Herring, Jr.. The motion passed 5-0. At 4:29 p.m., the open workshop recessed and Council convened into closed Executive Session.

3. EXECUTIVE SESSION:

3A. Economic Development projects update: Litecrete Inc, Windridge (551.071, 551.087).

3B. Amendments by Headwater Groundwater Conservation District to its Drought Contingency Plan (551.071).

At 6:02 p.m., the closed Executive Session adjourned and the open workshop reconvened.
No action was taken during Executive Session.

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

ADJOURN. The workshop adjourned at 6:02 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 22, 2023.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** August 15, 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:

Minutes from the August 22, 2023 meeting 5pm.

RECOMMENDED ACTION:

Approve minutes as presented.

ATTACHMENTS:

[*20230912_Minutes CC meeting 8-22-23 6pm.pdf*](#)

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
AUGUST 22, 2023 6:00 PM**

On August 22, 2023 at 6:02 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street. Mayor Eychner announced Councilmember Joe Herring, Jr.'s birthday, and meeting visitors participated in wishing Councilmember Herring a Happy Birthday. Councilmember Roman Garcia provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT:

None

CITY EXECUTIVE STAFF:

Kim Meisner, Interim City Manager
Mike Hayes, City Attorney
Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary
David Barrera, Superintendent Utilities
Stuart Barron, Exec Director PW & Eng
Julie Behrens, Director Finance
Ashlea Boyle, Director Parks & Rec

Kyle Burow, Director Engineering
Stuart Cunyus, Public Information Officer
Megan Folkerts, Senior Management Analyst
Guillermo Garcia, Exec Director Innovation
Eric Maloney, Fire Chief
Chris McCall, Police Chief
Drew Paxton, Director of Planning/Zoning
Trina Rodriguez, Asst Director Finance

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

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcements of Community Interest provided by Stuart Cunyus and Councilmember Garcia.

2. PRESENTATION(S):

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

Mayor Eychner presented Justin McClure and JAM Broadcasting the Kerrville Kindness Award.

3. VISITORS FORUM:

The following person(s) spoke:

- Ian Daugherty
- George Baroody

4. CONSENT AGENDA:

Councilmember Garcia requested to pull item 4A. Councilmember Garcia made a motion to adopt the rest of the consent agenda with the recommended amendments, seconded by Councilmember Brenda Hughes. The motion passed 5-0.

4B. 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.

4C. 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.

4D. City Council workshop minutes, August 08, 2023.

4E. City Council meeting minutes, August 08, 2023.

Amendment: On page 3 under item 11. Items(s) for Future Agendas: strike "being" and insert "begin".

4F. City Council meeting minutes, August 09, 2023.

Amendment: On page 1: insert "special" after "On August 09, 2023 at 5:59 p.m., Mayor Judy Eychner called the Kerrville City Council".

4G. City Council meeting minutes, August 10, 2023.

Amendment: On page 1: insert "special" after "On August 10, 2023 at 6:00 p.m., Mayor Judy Eychner called the Kerrville City Council".

4H. City Council and Economic Improvement Corporation joint workshop minutes, August 15, 2023.

Amendment: On page 1, under Councilmembers Absent: strike "Roman Garcia, Council Place 1".

END OF CONSENT AGENDA.

4A. 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 person with vested interests in the Main Street Area or Main Street Program to serve on the Board.

Megan Folkerts provided information and responded to questions.

Councilmember Hughes made a motion to approve Resolution No. 27-2023, seconded by Councilmember Herring. The motion passed 5-0.

5. PUBLIC HEARING AND ORDINANCES, FIRST READING:

5A. 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.

This item postponed by the applicant to the September 12, 2023 City Council agenda.

5B. 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.

This item postponed by the applicant to the September 12, 2023 City Council agenda.

6. ORDINANCES, SECOND READING:

6A. 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.

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

Councilmember Herring made a motion to adopt Ordinance No. 2023-12 on second reading, seconded by Councilmember Hughes. The motion passed 4-1 with Mayor Eychner, Councilmember Jeff Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

7. CONSIDERATION AND POSSIBLE ACTION:

7A. Consideration of Charge to and Schedule for the Charter Review Commission.

Shelley McElhannon read item 7A caption into record.

Mike Hayes and Shelley McElhannon provided information and responded to questions.

Councilmember Hughes clarified on page 3 of the Committee Charge, a correction to the date should read as September 12, 2023.

Councilmember Garcia made a motion to approve the Charge and Schedule for the Charter Review Commission, seconded by Councilmember Hughes. The motion passed 5-0.

Mayor Eychner confirmed applications for Committee membership will be accepted in the City Secretary Office.

7B. Authorization to submit a funding application to the City of Kerrville Economic Improvement Corporation for various quality of life projects, through the use of sales tax bonds, in an amount not to exceed \$25,000,000.00 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.

Shelley McElhannon read item 7B caption into record.

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

The following person(s) spoke:

- Layng Guerriero
- Lisa Nye-Salladin
- John Anderson (yielded when called)
- George Baroody
- Celeste Hamman

Councilmember Garcia made a motion to approve Option 1 with \$15,000,000.00 bond. Mayor Eychner called for a second, with no second forthcoming. Motion died for lack of second.

Councilmember Herring made a motion to present to the Kerrville Economic Improvement Corporation the option with a \$20,000,000 bond as described in Option 2, seconded by Councilmember Hughes. The motion passed 4-1 with Mayor Eychner, Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

7C. Amendments by Headwater Groundwater Conservation District to its Drought Contingency Plan.

Stuart Barron provided information and responded to questions.

The following person(s) spoke:

- Jerry Wolff
- Barbara Dewell-Ferguson

City Council consensus to direct staff to call a joint meeting with City Council and Headwater Groundwater Conservation District Board to discuss options.

7D. 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).

Mayor Eychner delayed item 7D, and requested Julie Behrens present item 8A.

8. INFORMATION & DISCUSSION:

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

Julie Behrens provided information and responded to questions.

Mayor Eychner advised item 7D and item 9A will be presented together.

Councilmember Herring made a motion to convene the closed Executive Session under 551.071 (consultation with attorney) and 551.074 (personnel/officers), seconded by Councilmember Hughes. The motion passed 5-0. City Council recessed open session and convened into closed Executive Session at 8:33 p.m.

9. EXECUTIVE SESSION:

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

City Council adjourned closed Executive Session and convened Open Session at 8:52 p.m. No action was taken during closed Executive Session.

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

10A. City Manager Agreement with Robert Dalton Rice to be the City Manager of the City of Kerrville.

Councilmember Herring made a motion to approve the City Manager agreement with Robert Dalton Rice, seconded by Councilmember Hughes. The motion passed 5-0.

11. ITEM(S) FOR FUTURE AGENDAS:

- Councilmember Hughes – requested update on the status of the Animal Ordinance.
- Mayor Eychner – requested consideration to name the village “Riquewahr” France as a sister city, seconded by Councilmember Herring.

ADJOURN. The meeting adjourned at 8:56 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: Ordinance No. 2023-22. An Ordinance changing the zoning of a property known as 202 Mack Hollimon Drive, consisting of Lot 1, Block 1, of the Oak Hollow Estates Addition, and within the City of Kerrville, Kerr County, Texas; from a Single-Family Residential Zoning District (R-1) to a Neighborhood Commercial Zoning District (C-1); and providing other matters relating to the subject.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** September 6, 2023

SUBMITTED BY: Drew Paxton, Planning Director

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:

Proposal: An Ordinance to change the zoning from R-1 Single-Family Residential to C-1 Neighborhood Commercial on Oak Hollow Estates, Block 1, Lot 1; and more commonly known as 202 Mack Hollimon Drive. (Case No. PZ-2023-7)

Procedural Requirements: The City, in accordance with state law, mailed 16 letters on 7/20/2023 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 7/13/2023 and posted an informational sign on the property on 7/21/23. The City has received one email in opposition to this request.

Staff Analysis and Recommendation: During the 2019 zoning code and map overhaul, this property was, in staff's opinion, mistakenly zoned R-1. The current and previous use has always been as commercial property. The K2050 future land use zoning also shows this property as having potential for commercial uses, in particular, professional services. As

such, the property owner has requested a zoning change from R-1 Single-Family Residential to C-1 Neighborhood Commercial to be more consistent with the current use and anticipated future use. C-1 Neighborhood Commercial allows the use of Office, General (Business or Professional), so this is consistent with current and future zoning.

The current owner, with staff support, is bringing this application to the Planning & Zoning Commission for consideration to correct this mapping error.

Consistency with the Kerrville 2050 Comprehensive Plan: The property and most of the surrounding area are part of the Strategic Catalyst Area #10 (SCA #10) which follows the Guadalupe riverbank southward along its western edge, connecting to neighborhoods near the lake. Bandera Hwy (State Hwy 173) is the major thoroughfare here. SCA #10 is one of the least populated Strategic Catalyst Areas and hosts almost no jobs. According to SCA #10 guidelines, professional services are appropriate around or near the highway, which is where this property is located. This request is consistent with the SCA #10 and the Kerrville 2050 Plan.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1 Single-Family Residential

Existing Land Uses: Office building

Direction: North

Current Zoning: PI Public and Institutional

Existing Land Uses: City of Kerrville sanitary sewer lift station

Direction: South

Current Zoning: R-2 Medium Density Residential

Existing Land Uses: Duplexes

Direction: West

Current Zoning: C-1 Neighborhood Commercial

Existing Land Uses: Business Center with multiple businesses

Direction: East

Current Zoning: R-2 Medium Density Residential

Existing Land Uses: Single-family home

Thoroughfare Plan: There should be no impact to the thoroughfare system since this is an existing business.

Traffic Impact: None.

Parking: Existing.

Recommendation: Based on consistency with Strategic Catalyst Area #10 guidelines, the Kerrville 2050 Comprehensive Plan, existing land use and adjacent current zoning, staff recommends approval of the case.

On August 3rd, the Planning and Zoning Commission recommended approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-22.

ATTACHMENTS:

[*20230912_Ord 2023-22 Zone change 202 Mack Hollimon.pdf*](#)

[*20230912_Ltr opposed Bowie.pdf*](#)

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2023-22**

AN ORDINANCE CHANGING THE ZONING OF A PROPERTY KNOWN AS 202 MACK HOLLIMON DRIVE, CONSISTING OF LOT 1, BLOCK 1, OF THE OAK HOLLOW ESTATES ADDITION, AND WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; FROM A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1) TO A NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (C-1); AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on September 13, 2023, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in the change of a zoning district for the property located at 202 Mack Hollimon Drive; such change to result in the removal of the property from a Single-Family Residential Zoning District (R-1) to placement within a Neighborhood Commercial Zoning District (C-1); and

WHEREAS, on September 13, 2023, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

SECTION ONE. The Zoning Code, Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* are amended to designate the following described property zoned as within a Neighborhood Commercial Zoning District (C-1):

Legal Description: Being Lot 1, Block 1 of the Oak Hollow Estates Addition, a subdivision within the City of Kerrville, Kerr County, Texas; said property depicted at Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."

**Address: 202 Mack Hollimon Drive, Kerrville, TX
78028.**

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

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

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

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

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

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2023.


PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ of _____, A.D., 2023.

ATTEST:

Judy Eychner, Mayor

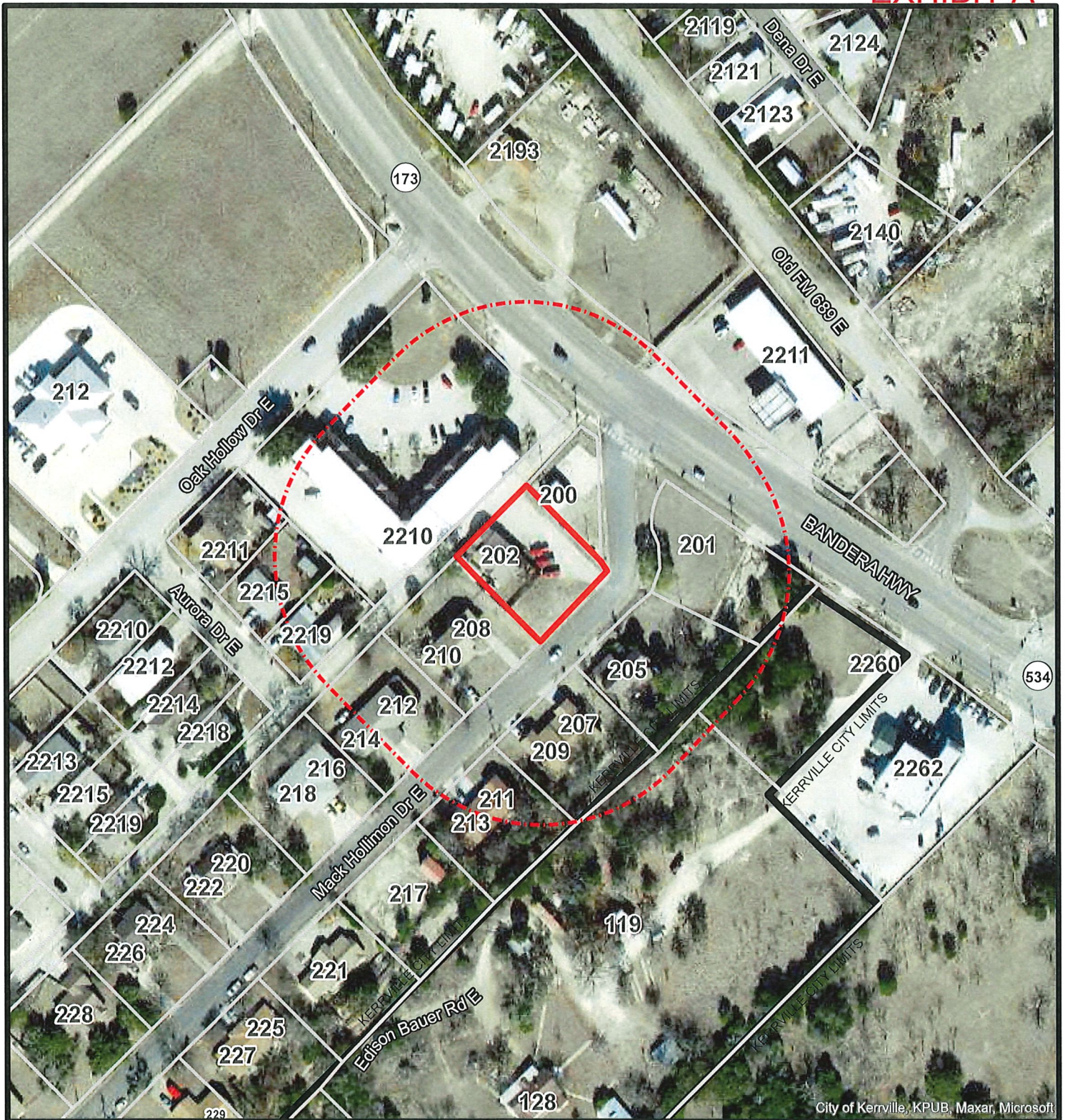
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

T:\Legal\DEVELOPMENT SERVICES (Planning)\Zoning\ORD\Property(s)\202 Mack Hollimon_R-1 to C-1_090523.docx



Location Map

PZ-2023-7 (Zoning Correction, R-1 to C-1)

Location:

202 Mack Hollimon Dr E

Legend

- ▭ Subject Properties
- - - 200 Feet Notification Area



0 50 100 200

Scale In Feet

07/17/2023

From: [Julie Adams](#)
To: [Planning Division](#)
Subject: NO rezoning of 202 Mack Holliman!
Date: Tuesday, August 1, 2023 1:14:44 AM

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

Our property
212/214 Mack Hollimon
Beverly Bowie
PZ-2023-7

We are in opposition to rezoning a residential lot in the neighborhood to a commercial lot. If allowed this new zoning would affect the neighborhood's character, bring more traffic to our residential street, and infringe on our neighborhood's privacy.
Rezoning would detrimentally affect the neighborhood and not benefit the community this should not be allowed.
Please do not allow this change.



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

SUBJECT: Ordinance No. 2023-25. An Ordinance adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2024; providing appropriations for each City department and fund; containing a cumulative clause; and containing a savings and severability clause.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** August 31, 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:

City Council was provided budget workshops on June 20, 2023 and July 18, 2023, and a meeting presentation of the Fiscal Year 2024 official proposed budget on August 08, 2023.

The FY2024 Proposed Budget can be viewed on the City's website, in the Butt Holdsworth Memorial Library, and in the City Secretary's office. The ordinance for the adoption of the FY2024 Budget requires a Public Hearing and two readings.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-25, on first reading.

ATTACHMENTS:

[*20230912_Ord 2023-25 Adopting Annual Budget Fiscal Year 2024.pdf*](#)

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

**AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE
CITY OF KERRVILLE, TEXAS, FISCAL YEAR 2024; PROVIDING
APPROPRIATIONS FOR EACH CITY DEPARTMENT AND
FUND; CONTAINING A CUMULATIVE CLAUSE; AND
CONTAINING A SAVINGS AND SEVERABILITY CLAUSE**

WHEREAS, in accordance with Sections 8.01 and 8.03 of the City Charter and Section 102.005 of the Texas Local Government Code, the City Manager, on or before July 31, 2023, prepared and filed with the City Secretary and had placed on the City's website, a proposed budget for the City of Kerrville, Texas, for the fiscal year beginning October 1, 2023, and ending September 30, 2024 (sometimes referred to as "Fiscal Year 2024" or "FY2024"); and

WHEREAS, in accordance with Section 8.03 of the City Charter and Sections 102.006 and 102.065 of the Texas Local Government Code, and after providing the required public notice in the City's official newspaper not less than ten days prior to the date of the public hearing, a public hearing was duly held on September 12, 2023, at the time and place set forth in the public notice, said date being more than fifteen days subsequent to the filing of the proposed budget by the City Manager, at which all interested persons were given an opportunity to be heard for or against any item within the proposed budget; and

WHEREAS, after due deliberation, study, and consideration of the proposed budget, to include the opportunity of making any amendments to the budget proposed by the City Manager that City Council has determined are (1) warranted by law or (2) in the best interest of the taxpayers of the City, City Council is of the opinion that the Official Budget for the Fiscal Year 2024, with any such amendments described and discussed, should be approved and adopted, in accordance with Section 8.05 of the City Charter and Section 102.007 of the Texas Local Government Code;

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

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

SECTION TWO. The appropriations by department, fund, or other organization unit and the authorization and allocation for each program or activity are hereby deemed to provide a complete financial plan of City funds and activities

for the Fiscal Year 2024, in accordance with Section 8.04 of the City Charter and Chapter 102 of the Texas Local Government Code.

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

- Financial Management Policy
- Investment Policy
- Purchasing Policy
- Real Estate Policy
- Travel Policy
- Fee Schedule

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

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

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

FIRST READING:

[1ST MOTION TO STATE AS FOLLOWS: *Motion to approve Ordinance No. 2023-25 to adopt the City's budget for Fiscal Year 2024 on 1st reading.*]

City Secretary to take record vote as follows:

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

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

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____ A.D., 2023.

SECOND READING:

[1ST MOTION TO STATE AS FOLLOWS: *Motion to approve Ordinance No. 2023-25 to adopt the City's budget for Fiscal Year 2024 on 2nd reading.*]

City Secretary to take record vote as follows:

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

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

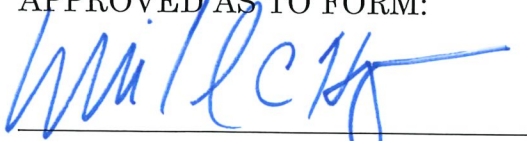
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2023.

Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



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

SUBJECT: Ordinance No. 2023-26. An Ordinance levying an Ad Valorem (Property) Tax for the use and support of the Municipal Government for the City of Kerrville, Texas, for Fiscal Year 2024; apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

AGENDA DATE OF: September 12, **DATE SUBMITTED:** May 30, 2023
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:

Texas Tax Code requires very specific language within the Tax Rate Ordinance which is used in section 5 of the ordinance. Per state law, the formula used to calculate the increase in the tax rate and change in levy on a home valued at \$100,000 utilizes the FY2024 Proposed Maintenance and Operations Rate compared to the calculated FY2024 Maintenance and Operations No New Revenue Rate. For budgetary purposes, the City compares the adopted FY2023 tax rate compared to the FY2024 Proposed Tax Rate. The FY2024 Proposed Tax Rate of \$0.5595 compared to the FY2023 adopted tax rate of \$0.5752 represents a decrease of 2.7%. The Interest and Sinking (debt) portion reduced from \$0.1411 to \$0.1410 and the Maintenance and Operations portion of the rate reduced from \$0.4341 to \$0.4185. More detail on impacts to the average homeowner will be provided by staff during presentation of the ordinance.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-26 on first reading.

ATTACHMENTS:

[20230912_Ord 2023-26 FY24 Ad Valorem property tax.pdf](#)

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2023-26**

AN ORDINANCE LEVYING AN AD VALOREM (PROPERTY) TAX FOR THE USE AND THE SUPPORT OF THE MUNICIPAL GOVERNMENT FOR THE CITY OF KERRVILLE, TEXAS, FOR FISCAL YEAR 2024; APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID

WHEREAS, City Council finds that an ad valorem (property) tax must be levied to provide for expenses and improvements for the City of Kerrville, Texas, during Fiscal Year 2024 (Oct. 1, 2023-Sept. 30, 2024); and

WHEREAS, City Council further finds that an ad valorem tax must be levied to provide for the payment of principal and interest on outstanding debt maturing in Fiscal Year 2024; and

WHEREAS, after due deliberation, study, and consideration of the proposed tax rate for Fiscal Year 2024, City Council has determined that adoption of the rate is in the best interest of the taxpayers of the City and it should be adopted in accordance with law;

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

SECTION ONE. There is hereby levied and there shall be collected for the use and support of the municipal government of the City of Kerrville, Texas, and to provide interest and sinking funds for the Fiscal Year 2024, a tax of **\$0.5595** on each one hundred dollars (\$100.00) valuation of all property, comprising real, personal, and mixed, within the corporate limits of the City subject to taxation, for the specific purposes herein set forth:

A. For current expenditures of the City and for the general improvement, use, and support of the City and its property (*i.e.*, expenditures for maintenance and operations), there is hereby levied and ordered to be assessed and collected for the Fiscal Year 2024 on all property situated within the corporate limits of the City, and not exempt from taxation by a valid law, an ad valorem tax rate of **\$0.4185** on each one hundred dollars (\$100.00) valuation of such property.

B. For the purpose of paying principal and interest and providing payments into various debt service funds for each issue of tax supported debt, there is hereby levied and ordered to be assessed and collected for the Fiscal Year 2024

on all property situated within the corporate limits of the City and not exempt from taxation by a valid law, an ad valorem tax for each issue of debt described in this Section, the sum of such levies being **\$0.1410** on each one hundred dollars (\$100.00) valuation of such property.

SECTION TWO. The ad valorem taxes levied are due on October 1, 2023, and may be paid up to and including January 31, 2024, without penalty, but if not paid, such taxes are delinquent on February 1, 2024; provided, however, in accordance with Section 31.03(a) of the Texas Tax Code, the ad valorem taxes due hereunder may, at the option of the taxpayer, be paid in two payments without penalty or interest so long as the first payment of one-half of the taxes levied is paid before December 1, 2023, and the remaining one-half is paid before July 1, 2024.

SECTION THREE. No discounts are authorized on property tax payments made prior to January 31, 2024.

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

SECTION FIVE. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE* WILL EFFECTIVELY BE RAISED BY 2.98% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$12.10.

(*NOTE: the language above complies with state law (§26.05(b)(1)-(2), Tax Code); however, while the City's 2023 tax rate will raise more taxes for maintenance and operations, the City is *lowering* its overall tax rate.)

FIRST READING:

[MOTION TO STATE AS FOLLOWS: *Motion to approve Ordinance No. 2023-26 and that the property tax rate be increased by the adoption of a tax rate of \$0.5595, which is effectively a 2.98% percent increase in the tax rate.*]

City Secretary to take record vote as follows:

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

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2023.

SECOND READING:

[MOTION TO STATE AS FOLLOWS: *Motion to approve Ordinance No. 2023-26 and that the property tax rate be increased by the adoption of a tax rate of \$0.5595, which is effectively a 2.98% percent increase in the tax rate.*]

City Secretary to take record vote as follows:

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

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

Judy Eychner, Mayor

APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary



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

SUBJECT: Ordinance No. 2023-28. An Ordinance amending Chapter 26 “Building and Building Regulations” of the Code of Ordinances, City of Kerrville, Texas, by adding a new Article XI “Grading and Filling”, to create regulations, including a permit requirement, for any activity associated with the disturbance of land under specified conditions; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; and providing other matters relating to the subject.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** September 1, 2023

SUBMITTED BY: Drew Paxton, Planning Director

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Kerrville continues to see a variety of development interest across the city. At times, the owner of a property may engage in some preliminary site work, or grading to prepare the site for sale or development. The overall purpose of this grading permit is to ensure that any proposed grading results in the minimum possible disturbance of terrain and natural land features necessary to develop land or to conduct other legal land uses; to prevent and/or regulate grading which unnecessarily changes the physical character of terrain, hills, and natural features; and to help ensure that grading will not adversely affect natural topographic drainage features, result in excessive erosion, degrade natural drainage paths or other drainage features, or alter natural surface runoff creating flood problems or irreparable scars to the subject property or surrounding properties. This ordinance establishes a grading permit and requirements there of.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-28.

ATTACHMENTS:

[20230912_Ord 2023-28 Grading-Site Clearing permit.pdf](#)
[20230912_Presentation Grading Permit-workshop.pdf](#)

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2023-28**

AN ORDINANCE AMENDING CHAPTER 26 “BUILDING AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, BY ADDING A NEW ARTICLE XI “GRADING AND FILLING”, TO CREATE REGULATIONS, INCLUDING A PERMIT REQUIREMENT FOR ANY ACTIVITY ASSOCIATED WITH THE DISTURBANCE OF LAND UNDER SPECIFIED CONDITIONS; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, City Council seeks to promote reasonable, sound, and efficient land use and construction within the City of Kerrville (“City”); and

WHEREAS, City Council, as a duly-elected legislative body, finds that the City is facing significant land use challenges that existing regulations do not address; and

WHEREAS, Texas Local Government Code Section 51.001 authorizes the City to adopt regulations that are for the good government, peace, or order of the City, and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, City Council desires to protect the public welfare, property interests, and the physical environment by regulating grading on public and private property; and

WHEREAS, City Council seeks to ensure that any proposed grading results in the minimum possible disturbance of terrain and natural land features necessary to develop land or to conduct other legal land uses; to prevent and/or regulate grading which unnecessarily changes the physical character of terrain, hills, and natural features; and to help ensure that grading will not adversely affect natural topographic drainage features, result in excessive erosion, degrade natural drainage paths or other drainage features, or alter natural surface runoff creating flood problems or irreparable scars to the subject property or surrounding properties; and

WHEREAS, City Council finds that the regulations provided for by this Ordinance are reasonable, necessary, and for the public benefit;

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

SECTION ONE. Chapter 26 “*Buildings and Building Regulations*” of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Article XI “*Grading and Filling*”, which will add the language that is underlined (added) as follows:

“ARTICLE XI. – GRADING AND FILLING

Sec. 26-275. – Definitions.

Cut means the excavation and removal of soil and rock from an area.

Drainage plan means a plan for receiving, handling, and transporting surface water or groundwater runoff within the subject property.

Erosion control measure, structure, or device means physical devices constructed, and management practices utilized, to control sedimentation and soil erosion such as silt fences, sediment basins, check dams, channels, swales, energy dissipation pads, seeding, mulching, and similar items.

Fill means earthy material which is used to fill in a cut, depression, or hole in the ground or create mounds or otherwise change the grade or elevation of a property.

Land disturbance or the disturbance of land means any construction or other activity caused by a person, which disturbs the surface of the land, including clearing, grubbing, grading, excavating, embanking, and/or moving, depositing, stockpiling, or storing of soil, rock, or earth materials. This term does not mean agricultural plowing or tilling, timber harvesting activities, road maintenance activities, routine channel maintenance, or utility maintenance.

Water course means flowing water in a regular channel having a bed with banks and sides and generally discharging itself into some other body or stream of water. A water course generally has a well-defined and substantial existence but may not continually flow or never be dry.

Sec. 26-276. Permit required.

(a) It is unlawful for any person to commence with the disturbance of land without first receiving a grading permit, or an equivalent permit as provided below, for such activities from the City in compliance with this article. A permit is required where the disturbance of land is:

(1) equal to or greater than one acre (43,560 square feet);

(2) where the disturbance is greater than ¼ of one acre (10,890 square feet) and the property lies immediately adjacent to or includes a water course; or

(3) where stockpiling of dirt or fill material will occur;

(b) Any land disturbance which falls within any area of special flood hazard, as defined by Chapter 54 of the City's Code, to include any such disturbance within a floodplain, requires a Floodplain Development Permit from the City.

Sec. 26-277. Exception to grading permit requirement.

A grading permit is not required where land disturbance has not occurred, but will occur in conjunction with activities that the City is considering as part of approved:

a) civil construction plans pursuant to the submission of a plat;

b) floodplain permit; or

c) building permit.

Where a permit is not required under this section, the person responsible for the disturbance of land shall comply with this article.

Sec. 26-278. Application for a grading permit.

Any person seeking a grading permit shall submit an application to the Department of Development Services.

Sec. 26-279. Permit standards.

(a) An applicant for a grading permit shall submit a drainage plan to the City which indicates the impact of the proposed land disturbance on drainage patterns on the property, to adjacent property(s), and where applicable, the water course. Where applicable, the applicant shall submit a copy of its storm water pollution prevention plan (SWPPP).

(b) The applicant shall submit information describing the purpose of the land disturbance and/or the intended use of the property, where such use is known.

(c) Where the stockpiling of any material will occur, to include fill, such use is limited to a temporary period not to exceed 180 days.

(d) No grading shall exceed a maximum slope of 3 (horizontal): 1 (vertical) without a signed and sealed geotechnical and civil engineering report.

(e) No cut shall exceed four feet (4.0') in depth or height without a signed and sealed geotechnical and civil engineering report.

(f) A grading permit shall expire within 180 days of issuance. A permittee may request an extension from the City Manager or designee for a period not to exceed an additional 180 days. Following the expiration of the permit, including any extension, the fill shall be disposed of and/or graded out.

(g) All erosion control measures, structures, or devices must be installed prior to any land disturbance and thereafter maintained during such activities.

(h) Final stabilization shall be required, as required by the Texas Commission on Environmental Quality and its Texas Pollutant Discharge Elimination System (TPDES), for all grading and filling permits.

i) The City shall require evidence of full compliance with all other applicable local and state laws, to include regulations enforced by the Texas Commission on Environmental Quality and the payment of all applicable fees."

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

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

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

SECTION FIVE. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7 of the Code

of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00) per day for each violation hereof.

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

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

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2023.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ of _____, A.D., 2023.

Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



GRADING PERMIT WORKSHOP

JUNE 27TH, 2023



CODE REVIEW COMMITTEE

- 7 meetings through 2022 and 2023
- Discussed
 - clearing (vegetation)
 - tree removal
 - grading (including cuts and fills)
- Recommended a grading permit

CUT AND CLEARING



CLEARING, GRADING, CUT & FILL



CLEARING, GRADING, AND FILL



CLEARING, GRADING, AND CUT & FILL



CLEARING, GRADING, AND CUT & FILL



KEY POINTS

Permit required for 1 acres or more of land disturbance.

Permit required for $\frac{1}{4}$ acres of disturbance when adjacent to floodplain, creek, or river.

Permit is NOT required if one of the following have been approved:

- Civil Construction Plans
- Floodplain Permit
- Building Permit

PERMIT STANDARDS

- The applicant shall submit a drainage plan and a copy of its storm water pollution prevention plan (SWPPP).
- The applicant shall submit information describing the intended use of the property and the purpose for the grade and/or fill improvements.
- stockpiling of any dirt or other fill material may only be for a temporary period not to exceed 180 days.
- No grading shall exceed a maximum slope of 3 (horizontal): 1 (vertical) without a signed and sealed geotechnical and civil engineering report.
- No cut shall exceed six feet without a signed and sealed geotechnical and civil engineering report.
- No fill shall exceed six feet in depth without a signed and sealed geotechnical and civil engineering report.
- A grading permit shall expire within 180 days of issuance.
- All erosion control devices must be installed prior to any land disturbance and thereafter maintained during such activities.
- The City shall require evidence of full compliance with all other applicable local and state laws, to include regulations enforced by the Texas Commission on Environmental Quality."

Questions?



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

SUBJECT: Resolution No. 26-2023. A Resolution approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2023 Rate Review Mechanism Filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC’s reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC’s Legal Counsel.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** August 31, 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:

The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most

recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018.

On or about March 31, 2023, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2022, entitled it to additional system-wide revenues of \$165.9 million.

Application of the standards set forth in ACSC’s RRM Tariff reduces the Company’s request to \$156.1 million, \$113.8 million of which would be applicable to ACSC members. After reviewing the filing and conducting discovery, ACSC’s consultants concluded that the system-wide deficiency under the RRM regime should be \$130.9 million instead of the claimed \$156.1 million.

After several settlement meetings, the parties have agreed to settle the case for \$142 million. This is a reduction of \$23.9 million to the Company’s initial request. This includes payment of ACSC’s expenses. The settlement also includes an additional \$19.5 million for the securitization regulatory asset expenses related to Winter Storm Uri. This was previously approved by the Texas Legislature and Railroad Commission. The Effective Date for new rates is October 1, 2023.

RATE TARIFFS:

Atmos generated rate tariffs attached to the Resolution will generate \$142 million in additional revenues. Atmos also prepared a Proof of Revenues supporting the settlement figures. ACSC consultants have agreed that Atmos’ Proof of Revenues is accurate.

BILL IMPACT:

The impact of the settlement on average residential rates is an increase of \$6.47 on a monthly basis, or 7.31%. The increase for average commercial usage will be \$24.72 or 5.19%. Atmos provided bill impact comparisons containing these figures.

SUMMARY OF ACSC’S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS:

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission’s review of annual GRIP filings or allow recovery of Cities’ rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC’s view, the GRIP process unfairly raises customers’ rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

RRM SAVINGS OVER GRIP:

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM.

Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR.

When new rates become effective on October 1, 2023, ACSC residents will maintain an economic monthly advantage over GRIP and DARR rates.

Comparison to Other Mid-Tex Rates (Residential)

	Average Bill	Compared to RRM Cities
RRM Cities:	\$42.62	-
DARR:	\$42.55	(\$0.07)
ATM Cities:	\$44.39	\$1.77
Environs:	\$44.27	\$1.65

Note: ATM Cities and Environs rates are as-filed. Also note that DARR uses a test year ending in September rather than December.

EXPLANATION OF “BE IT RESOLVED” PARAGRAPHS:

1. This section approves all findings in the Resolution.
2. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section makes it clear that Cities may challenge future costs associated with gas leaks.
4. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional \$142 million on a system-wide basis.
5. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
6. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Resolution approving new rate tariffs.
7. This section repeals any resolution that is inconsistent with the Resolution.
8. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
9. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution. This section further directs that the remaining provisions of the Resolution are to be interpreted as if the offending section or clause never existed.
10. This section provides for an effective date upon passage.
11. This section directs that a copy of the signed Resolution be sent to a representative of the Company and legal counsel for ACSC.

CONCLUSION:

The Legislature’s GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex’s claim that its historic cost of service should entitle it to recover \$165.9 million in additional system-wide revenues, the RRM settlement at \$142 million for ACSC members reflects substantial savings to ACSC cities. Settlement at \$142 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution before September 30, 2023. New rates become effective October 1, 2023.

RECOMMENDED ACTION:

Adoption of Resolution No. 26-2023.

ATTACHMENTS:

[*20230912_Reso 26-2023 Negotiated Settlement between Atmos Cities Steering Committee and Atmos Energy Corp.pdf*](#)

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 26-2023**

A RESOLUTION APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL

WHEREAS, the City of Kerrville, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of similarly-situated cities served by Atmos Mid-Tex ("ACSC Cities") that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about March 1, 2023, Atmos Mid-Tex filed its 2023 RRM rate request with ACSC Cities based on a test year ending December 31, 2022; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2023 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$142 million on a system-wide basis with an Effective Date of October 1, 2023; and

WHEREAS, ACSC agrees that Atmos' plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (**Attachment 1**) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (**Attachment 2**); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications; and

WHEREAS, the RRM Tariff includes Securitization Interest Regulatory Asset amount of \$19.5 million;

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

SECTION ONE. The findings set forth in this Resolution are hereby in all things approved.

SECTION TWO. Without prejudice to future litigation of any issue identified by ACSC, City Council finds that the settled amount of an increase in revenues of \$142 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2023 RRM filing, is in

the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

SECTION THREE. Despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

SECTION FOUR. The existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as **Attachment 1**, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$142 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

SECTION FIVE. The ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on **Attachment 2**, attached hereto and incorporated herein.

SECTION SIX. Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2023 RRM filing.

SECTION SEVEN. To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

SECTION EIGHT. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION NINE. If any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

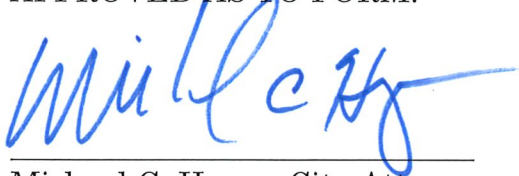
SECTION TEN. Consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after September 30, 2023.

SECTION ELEVEN. A copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED ON this the ____ day of _____ A.D.,
2023.

Judy Eychner, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 22.25 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 22.30 per month
Commodity Charge – All <u>Ccf</u>	\$0.48567 per Ccf ²

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.

²The commodity charge includes the base rate amount of \$0.46724 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.01843 per Ccf until recovered.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 72.00 per month
Rider CEE Surcharge	(\$ 0.02) per month ¹
Total Customer Charge	\$ 71.98 per month
Commodity Charge – All Ccf	\$ 0.18280 per Ccf ²

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Presumption of Plant Protection Level

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at mdtx.plantprotection@atmosenergy.com.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.

²The commodity charge includes the base rate amount of \$0.16437 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.01843 per Ccf until recovered.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 200 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 200 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.7484 per MMBtu ¹
Next 3,500 MMBtu	\$ 0.5963 per MMBtu ¹
All MMBtu over 5,000 MMBtu	\$ 0.2693 per MMBtu ¹

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees

¹ The tiered commodity charges include the base rate amounts of \$0.5684, \$0.4163, and \$0.0893 per MMBtu, respectively, plus Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.1800 per MMBtu until recovered.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

Presumption of Plant Protection Level

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at mdtx.plantprotection@atmosenergy.com.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.5684 per MMBtu
Next 3,500 MMBtu	\$ 0.4163 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0893 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where
 i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	9.51	0.1415	88.91	0.7010
Austin	8.87	0.1213	213.30	0.7986
Dallas	12.54	0.2007	185.00	0.9984
Waco	8.81	0.1325	125.26	0.7313
Wichita Falls	10.36	0.1379	122.10	0.6083

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2022

Line No.	Description (a)	Shared Services		Mid-Tex Direct		Adjustment Total (g)
		Post-Employment Benefit Plan		Post-Employment Benefit Plan		
		Pension Account Plan (b)	Employment Benefit Plan (c)	Pension Account Plan (d)	Employment Benefit Plan (e)	
1	Proposed Benefits Benchmark - Fiscal Year 2023 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 1,434,339	\$ (518,336)	\$ 2,336,419	\$ (2,678,818)	\$ 267,917
2	Allocation Factor	44.92%	44.92%	78.74%	78.74%	100.00%
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 644,336	\$ (232,848)	\$ 1,839,667	\$ (2,109,267)	\$ 267,917
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4)	\$ 644,336	\$ (232,848)	\$ 1,839,667	\$ (2,109,267)	\$ 267,917
6						\$ 409,804
7	O&M Expense Factor (WP_F-2.3, Ln 2)	78.60%	78.60%	39.63%	39.63%	11.00%
8						
9	Summary of Costs to Approve (1):					
10	Total Pension Account Plan	\$ 506,464	\$ (183,024)	\$ 729,006	\$ (835,840)	\$ 1,235,469
11	Total Post-Employment Benefit Plan					(1,018,864)
12	Total Supplemental Executive Benefit Plan					29,471
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 506,464	\$ (183,024)	\$ 729,006	\$ (835,840)	\$ 246,076



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

SUBJECT: Resolution No. 31-2023. A Resolution approving the right of City employees to purchase continued health coverage at retirement subject to conditions specified within the City's Personnel Policies and Procedures Manual.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** September 2, 2023

SUBMITTED BY: Kim Meisner, 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? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

Chapter 175 of the Texas Local Government Code provides employees of a municipality with a population of over 25,000, the right to purchase continued health benefits coverage. Even though the City may not have reached a population of 25,000, which would make Chapter 175 and its right for continued health insurance coverage automatically applicable to the City.

An eligible retiree is an employee who qualifies under the requirements of the Texas Municipal Retirement System (TMRS) to receive retirement benefits. This is an employee who has 20 years of service in the TMRS system or five years of service in the TMRS system and has reached age 60.

This would be an added benefit that would allow eligible employees who want or need to retire to do so without a gap in insurance coverage and with a minimal financial impact to the City. The employee who is eligible to retire is currently covered by our health benefits and therefore already factored into our loss ratio. The retiree would pay 100% of the premiums. City would make no contribution to the cost of coverage for the retiree or their eligible dependents.

RECOMMENDED ACTION:

Staff recommends approval of Resolution No. 31-2023 which revises the City's Personnel Policies and Procedures Manual to grant the right of City employees, under certain conditions, to purchase continued health benefit coverage at retirement effective for employees retiring on or after October 1, 2023.

ATTACHMENTS:

[20230912_Reso 31-2023 Retiree Health Insurance.pdf](#)

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 31-2023**

**A RESOLUTION APPROVING THE RIGHT OF CITY
EMPLOYEES TO PURCHASE CONTINUED HEALTH
COVERAGE AT RETIREMENT SUBJECT TO CONDITIONS
SPECIFIED WITHIN THE CITY'S PERSONNEL POLICIES AND
PROCEDURES MANUAL**

WHEREAS, Section 6.01 of the City of Kerrville Charter (the "Charter") provides that the City Manager is appointed as the Chief Executive and the head of the administrative branch of the City of Kerrville (the "City") government; and

WHEREAS, Section 6.04 of the Charter provides that the City Manager shall be the chief executive officer of the City, responsible to the Council for the management of all City affairs placed in the manager's charge by or under the Charter; and

WHEREAS, Section 6.04 of the Charter further provides that the City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City; and

WHEREAS, in order to promote more efficient government, City Council previously adopted Resolution 159-2001 which granted the City Manager the authority to develop and approve policies and procedures concerning City employees without the requirement that City Council review and approve such policies and procedures except in certain instances; and

WHEREAS, an exception to the City Manager's authority granted under Resolution No. 159-2001 was where the adoption of a new policy or an amendment to an existing policy "*will likely result in an increased financial obligation to the City that requires an amendment to increase the City budget, such policies and procedures must receive prior approval from the City Council*"; and

WHEREAS, the City Manager, with significant support from the City's Director of Human Resources, developed and adopted the City's *Personnel Policies and Procedures Manual* (the "Manual"), which went into effect on January 1, 2019; and

WHEREAS, Chapter 175 of the Texas Local Government Code ("Chapter 175") gives employees of certain cities and other government entities the right to purchase continued health insurance coverage at retirement, subject to a number of conditions; and

WHEREAS, even though the City may not have reached a population of 25,000, which would make Chapter 175 and its right for continued health insurance coverage automatically applicable to the City, the City Manager is recommending that City Council nonetheless grant this right to future eligible retirees of the City,

meaning that the City would apply this right prospectively with the cost of coverage to be fully paid by the eligible employee; and

WHEREAS, while the City Manager does not anticipate any increased financial obligation to the City based upon the recommended action sought herein, the City Manager nonetheless is bringing forth this new benefit for the City's eligible retirees, under certain conditions, and recommending that City Council approve; and

WHEREAS, should City Council adopt this Resolution, the City Manager will ensure that the Manual is amended to reflect this action and to give the City's employees notice of this new benefit; and

WHEREAS, City Council finds it to be in the public interest to take the action recommended by the City Manager and as further specified below;

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

The *City's Personnel Policies and Procedures Manual* is revised to grant the right of City employees, under certain conditions, to purchase continued health coverage at retirement. Such revisions are found at **Exhibit A**. The City will initiate this right on October 1, 2023.

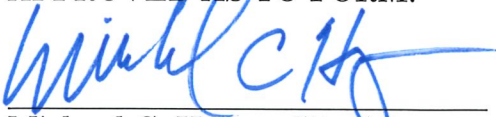
PASSED AND APPROVED ON this the ____ day of _____, A.D., 2023.

Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

DRAFT 9/6/23

NOTE: this new Section 6.06 to be added to City's *Personnel Policies & Procedures Manual*

6.06 Retirement

A. Right of Employees to Purchase Continued Health Benefits Coverage at Retirement. An employee who qualifies under the requirements of the Texas Municipal Retirement System to receive retirement benefits is considered an “eligible retiree” from the City and is referred to as such within this section. Eligible retirees who retire on or after October 1, 2023, have the right to purchase the continuation of the City’s health benefits coverage, to include medical, dental, and vision insurance (collectively referred to herein as “health insurance”) at the time of retirement, in accordance with Chapter 175, Local Government Code (“Chapter 175”).

B. Conditions. The following conditions also apply, which are subject to future changes by the City and/or in accordance with changes made to Chapter 175, should such law become applicable to the City:

1. The health insurance is provided by or through the City to its eligible retirees.
2. The level of health insurance at any given time is the same level of coverage that the City provides to its current employees. The eligible employee shall pay the full cost of such coverage.
3. An eligible retiree not covered under the health insurance at the time of retirement is not eligible for coverage under this section. This same condition applies to his or her dependent(s), if any.
4. The eligible retiree may elect to cover his or her dependent(s) who was covered under the health insurance prior to his or her time of retirement or the retiree may elect to discontinue coverage for one or more persons.
5. An eligible retiree is entitled to purchase continued health insurance for themselves and the retiree’s dependents unless the retiree is eligible for group health benefits coverage through another employer, in which case both the employee and his or her dependent(s) is no longer eligible.
6. The eligible retiree must inform the City via HR that he or she is electing to continue the health insurance not later than the day on which the retiree retires from the City.
7. If the eligible retiree elects to continue the health insurance for the retiree and on a subsequent date elects to discontinue such insurance or the insurance is cancelled, the retiree and dependent(s), if any, will no longer be eligible for the insurance.

8. Neither the eligible retiree nor his or her dependent(s) is eligible to participate or to continue to participate in the health insurance where the retiree is eligible or becomes eligible for either group health benefits coverage through another employer or Medicare supplement health benefits coverage. This same condition applies where the eligible retiree elected for the continuation of health insurance coverage through the Consolidated Omnibus Budget and Reconciliation Act of 1985 (COBRA).
9. The City, at any time and without notice, may uniformly change the health insurance provided to employees and eligible retirees, which may include increasing the cost of the health insurance applicable to eligible retirees.
10. This section does not affect the definition of dependent or the eligibility requirements for a dependent under the health insurance.

C. Retiree Life Insurance. The City provides life insurance to an eligible retiree in the amount of \$1,000.00 at no cost to the retiree.



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

SUBJECT: Authorization to negotiate a Professional Services Agreement for the Facility Condition Assessment and Maintenance Plan Project.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** September 1, 2023

SUBMITTED BY: Kyle Burow, Director Engineering

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
TBD	N/A	\$150,000.00	Project #70-23004

PAYMENT TO BE MADE TO: TBD

Kerrville 2050 Item? Yes

Key Priority Area F - Public Facilities and Services

Guiding Principle N/A

Action Item F1.1 - Update the City's facilities and space needs plan

SUMMARY STATEMENT:

As part of the adopted FY23 budget, City Council authorized the procurement of firm to perform an assessment on 19 of the City's main buildings to determine the current conditions with projections for maintenance schedules and replacement of aging infrastructure.

Request for Proposals (RFP) were issued on June 17, 2023 and three (3) submissions were received on July 18, 2023 and a multi-departmental review committee rated the proposals based on the scoring criteria contained in the RFP packet. The next step is to negotiate a contract based on the review committee's rankings. Staff is requesting confirmation from the City Council for the City Manager to proceed with negotiating and finalizing a Contract Services Agreement with the highest ranked Proposer. If negotiations fail with the highest ranked Proposer, staff will cease negotiations in writing and proceed to the next highest Proposer until an agreement has been finalized.

RECOMMENDED ACTION:

Authorize City Manager to negotiate and finalize agreement for the project.



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

SUBJECT: City's Water System update.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** September 6, 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?	Yes
Key Priority Area	W - Water / Waste-Water / Drainage
Guiding Principle	N/A
Action Item	W10.4 - Model the worst-case drought scenario and provide education to citizens around facts and impacts

SUMMARY STATEMENT:

Update City Council on water system operations.

RECOMMENDED ACTION:

No action by Council.



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

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

AGENDA DATE OF: September 12, **DATE SUBMITTED:** August 15, 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	C - Community / Neighborhood Character and Place Making
Guiding Principle	N/A
Action Item	C1.4 - Focus on developing programs, such as classes and sports leagues, to appeal to young adults

SUMMARY STATEMENT:

Leadership Academy applicants: Autumn Atkinson, Elyse Houdeshell, Payton Montgomery, Jonah Moreno, Una Peterson, Will Sumner, and Callie Waiser.

RECOMMENDED ACTION:

Approve the appointment of: Autumn Atkinson, Elyse Houdeshell, Payton Montgomery, Jonah Moreno, Una Peterson, Will Sumner, and Callie Waiser to the Kerrville Area Youth Leadership Academy (KAYLA) for the 2023-2024 school year.

ATTACHMENTS:

[20230912_Appointment KAYLA 2023-2024.pdf](#)

Kerrville Area Youth Leadership Academy (KAYLA)

Class of 2023-2024

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

Eligibility:

- Kerr County resident & currently enrolled in 9th – 12th grade for the 2023-2024 school year.
- Must complete the KAYLA application in full and provide a letter of reference from their principal or nominating teacher.
- Must have a valid email address and must check the email address often. Notification of meetings will be sent via email to all KAYLA members.
- Must not have previously served as a member of KAYLA. Membership limited to one year.

Attendance Requirement:

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

- Be on time for each KAYLA meeting. Meetings will start promptly at 4:30 pm.
- Stay for the duration of meeting – do not leave early. Meetings will end no later than 5:30 pm.
- Contact the Staff Liaison, at least 24 hours in advance, by email or text if you are unable to attend a KAYLA meeting for any reason.
 - Excused absences include: school activities and family emergencies. Must contact the Staff Liaison at least 24 hours in advance (if possible) to be considered for an excused absence - verification may be required.
 - More than three absences will constitute removal from the program. Please understand, there are only seven meetings. Please review the attached schedule to ensure there won't be an ongoing conflict with your school or activity schedule.

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

Number of Members: Maximum of Ten

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

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

Staff Liaison:

Megan Folkerts, Senior Management Analyst
City of Kerrville, 701 Main Street, Kerrville, TX 78028
Ph. 830-258-1113 Email: megan.folkerts@kerrvilletx.gov

Kerrville Area Youth Leadership Academy (KAYLA)

Class of 2023-2024

Application

Please type or print

Name:		Current Grade:
School:		
Home Address:		
City:	Zip:	Cell Phone:
Email Address:		
Informational Questionnaire		
1. Why should you be selected to be a member of KAYLA?		
2. What do you hope to accomplish if you are selected to be a member of KAYLA?		
3. Please list three special awards or recognitions that you are most proud of receiving.		
4. After graduating from high school, what are your academic and/or career goals?		
Acknowledgement		
Student's Signature:		Date:
Principal or Nominating Teacher's Signature: <i>I recommend this student for membership in KAYLA and believe that he/she has the ability to serve in a responsible manner.</i>		Date:
Parent/Legal Guardian's Signature: <i>I give permission for my child to be considered for membership of KAYLA and consent to participation in all related activities including travel by vehicle to other City sites. By signing this application, I agree to allow the use of my child's name and photograph for promotional purposes of this program.</i>		Date:

Please return completed application to Megan Folkerts at megan.folkerts@kerrvilletx.gov
no later than 9/1/2023.

Kerrville Area Youth Leadership Academy (KAYLA)

Class of 2023-2024

Date	Event	
August 14, 2023	Applications Open	
September 1, 2023	Applications Close	
September 12, 2023	Committee Members Appointed by City Council	
KAYLA Meets the 2 nd Thursday of Each Month 4:30 pm – 5:30 pm		
October 12, 2023	4:30 pm	Welcome, Meet the Mayor & City Manager
October 31, 2023	5:30-8 pm	Volunteer Opportunity – Family Fright Night
November 9, 2023	4:30 pm	Overview of Parks & Recreation Department
November 18, 2023	6pm	Volunteer Opportunity – Holiday Lighted Parade
December 14, 2023	4:30 pm	Overview of Fire Department with Tour
December 9, 2023	12:30-1:30 2:30-3:30	Volunteer Opportunity – Gingerbread House Decorating - BHML
January 11, 2024	4:30 pm	Overview of Public Works Department with Tour- Water Production
February 2024 *Date TBD*	TBD	Annual Texas Youth Advisory Commission Summit *Location TBD* ***Optional***
February 8, 2024	4:30 pm	Overview of Various City Department Functions
February 2024	5-8pm	Volunteer Opportunity – Daddy/Daughter Dance
March 14, 2024	4:30 pm	Overview of Police Department with Tour
April 11, 2024	4:30 pm	Library Campus Tour (Library, History Center, A.C. Schreiner House)
May 2024	5-8pm	Volunteer Opportunity - Mother/Son Dance
Tuesday, May 14, 2024	6:00 pm	Recognition at City Council Meeting

Schedule for other volunteer opportunities will be available soon.



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

SUBJECT: Appointment of City of Kerrville delegate for the 2023 Texas Municipal League (TML) Annual Conference business meeting (Dallas, TX).

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** August 15, 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:

RECOMMENDED ACTION:

Deliberate the appointment of a member of the City Council to serve as its delegate at the annual business meeting to be held during the 2023 TML Annual Conference, Dallas, October 4-6, 2023.



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

SUBJECT: Appointments to the Kerrville Charter Review Commission.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** August 15, 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:

Appoint seven members to the Kerrville Charter Review Commission.
Thirteen applications received: Danny Almond, Jim Caines, Brenda Craig, Jerry DiGiampaolo, Paul Devine, Corrie Fuquay, Jason Gilbreath, Bill Gimson, Layng Guerriero, Greg Richards, Michael Sigerman, Tim Summerlin, and Sandra Yarbrough.

RECOMMENDED ACTION:

Appoint members.



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

SUBJECT: Appointments to the Main Street Advisory Board.

AGENDA DATE OF: September 12, 2023 **DATE SUBMITTED:** July 3, 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	N/A

SUMMARY STATEMENT:

The Main Street Advisory Board has four vacancies.
Eight applications have been received: Teresa Craighead, George Eychner, Sarah Lewis, Travis Lindner, Maggie Megee, Bethany Mikeska, Jimmy Mullins, Howard Taylor.
Megan Folkerts is staff Liaison.
Council interview team: Mayor Eychner and Councilmember Garcia.

RECOMMENDED ACTION:

Appoint members.



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

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

AGENDA DATE OF: September 12, 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:

Three regular member terms expire August 31, 2023, and one alternate vacancy exists. The current alternate is Wayne Uecker, who may be interested in a regular membership. Four applications have been received: Ed Lorenz, Daniel Lowery (eligible for reappointment), Caleb Mizell, and Bob Rue (eligible for reappointment).
Interview Team: Councilmember Garcia and Councilmember Harris.
Staff Liaison: Guillermo Garcia.

RECOMMENDED ACTION:

Appoint member(s).