

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

**TUESDAY, SEPTEMBER 26, 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 26, 2023 6:00 PM**  
**CITY HALL, 701 MAIN STREET, KERRVILLE, TEXAS**



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

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

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

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

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

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

Thank you for your participation!

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**CALL TO ORDER:** By Mayor Judy Eychner

**INVOCATION AND PLEDGE OF ALLEGIANCE:** Led by Mayor Eychner

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

2. **PRESENTATIONS:**

2.A Kerrville Kindness Award: Back to School community partners - Eyes on Me Barber College, KROC Center, HEB, Methodist Light on the Hill.

2.B Proclamation recognizing October 2023 as Hill Country Dark Sky month.

2.C Proclamation recognizing October 5, 2023 as the City of Kerrville World Teachers' Day.

3. **VISITORS/CITIZENS FORUM:** Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. The speaker request form must be submitted to the City Secretary before the item is called or read into record. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.

4. **CONSENT AGENDA:** These items are considered routine and can be approved in one motion unless a Councilmember asks for separate consideration of an item. It is recommended that the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:

4.A City of Kerrville Funding Agreement with Kerr Economic Development Corporation (KEDC).  
Attachment: [20230926\\_KEDC Funding Agreement 2024.pdf](#)

4.B City Council workshop minutes, September 12, 2023.  
Attachment: [20230926\\_Minutes CC workshop 9-12-23 4pm.pdf](#)

4.C City Council meeting minutes, September 12, 2023.  
Attachment: [20230926\\_Minutes CC meeting 9-12-23 6pm.pdf](#)

**END OF CONSENT AGENDA.**

**5. ORDINANCES, FIRST READING:**

- 5.A Ordinance No. 2023-24. An Ordinance amending in part Ordinance No. 99-18, as amended by adopting revised rate schedules for residential services, and distributed generation rider; containing a cumulative clause; containing a severability clause; and establishing an effective date.

Attachments: [20230926\\_Ord 2023-24 KPUB rate schedules.pdf](#)  
[20230926\\_Ord 99-18 KPUB Rules-Regs-Fees.pdf](#)  
[20230926\\_Presentation KPUB residential rate structure.pdf](#)

**6. ORDINANCES, SECOND READING:**

- 6.A Ordinance No. 2023-22, second reading. 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: [20230926\\_Ord 2023-22 Zone change 202 Mack Hollimon.pdf](#)  
[20230912\\_Ltr opposed Bowie.pdf](#)

- 6.B Ordinance No. 2023-25, second reading. 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: [20230926\\_Ord 2023-25 Adopt FY2024 Budget.pdf](#)

- 6.C Ordinance No. 2023-26, second reading. 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: [20230926\\_Ord 2023-26 FY24 Ad Valorem property tax.pdf](#)

- 6.D Ordinance No. 2023-28, second reading. 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.

Attachment: [20230926\\_Ord 2023-28 Grading-Site Clearing permit.pdf](#)

**7. BOARD APPOINTMENTS:**

- 7.A Appointments to the Senior Services Advisory Committee.

- 7.B Appointments to the Tax Increment Reinvestment Zone #1. (Item eligible for Executive Session 551.074).

- 7.C Appointments to the Zoning Board of Adjustment. (Item eligible for Executive Session 551.074).

- 8. 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), 551.086 (certain Public Power Utilities: competitive matters), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code. City Council also reserves the right to meet in executive session on the following issues:*

- 8.A Deliberation of competitive matters regarding wholesale market activities of the Kerrville Public Utility Board (KPUB), to include supply agreements, hedging and Electric Reliability Council of Texas (ERCOT) market activities (551.086).

- 8.B Appointments to the Tax Increment Reinvestment Zone #1 (551.074).

- 8.C Appointments to the Zoning Board of Adjustment (551.074).

**9. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY.**

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

**ADJOURN.**



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

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**SUBJECT:** Kerrville Kindness Award: Back to School community partners - Eyes on Me Barber College, KROC Center, HEB, Methodist Light on the Hill.

**AGENDA DATE OF:** September 26, 2023 **DATE SUBMITTED:** September 6, 2023

**SUBMITTED BY:** Mayor Judy Eychner

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

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

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

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**SUMMARY STATEMENT:**

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

**RECOMMENDED ACTION:**

Present award.





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

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**SUBJECT:** Proclamation recognizing October 2023 as Hill Country Dark Sky month.

**AGENDA DATE OF:** September 26, 2023    **DATE SUBMITTED:** August 15, 2023

**SUBMITTED BY:** Mayor Judy Eychner

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

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

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

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**SUMMARY STATEMENT:**

**RECOMMENDED ACTION:**

Present proclamation.



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

**SUBJECT:** Proclamation recognizing October 5, 2023 as the City of Kerrville World Teachers' Day.

**AGENDA DATE OF:** September 26, 2023 **DATE SUBMITTED:** September 15, 2023

**SUBMITTED BY:** Mayor Judy Eychner

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

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

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

**SUMMARY STATEMENT:**

**RECOMMENDED ACTION:**

Present proclamation.



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

**SUBJECT:** City of Kerrville Funding Agreement with Kerr Economic Development Corporation (KEDC).

**AGENDA DATE OF:** September 26, 2023    **DATE SUBMITTED:** September 15, 2023

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

**EXHIBITS:**

<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$68,750.00	\$68,750.00 for this item included in FY2024 Proposed Budget	\$68,750.00	01-0190-4300

**PAYMENT TO BE MADE TO:** KEDC

<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	E - Economic Development
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

The Kerr Economic Development Corporation (KEDC) partners with the City of Kerrville and other entities to provide economic and workforce development services, including the attraction of new businesses, identification of workforce needs, and potential solutions. Additionally, KEDC hosts events to both educate local businesses and attract potential future business to the Kerrville area. KEDC also advocates for our community at the state level to identify resources that support their mission.

**RECOMMENDED ACTION:**

Approve agreement as presented.

**ATTACHMENTS:**

[20230926\\_KEDC Funding Agreement 2024.pdf](#)

STATE OF TEXAS  
COUNTY OF KERR

§ CITY OF KERRVILLE FUNDING  
§ AGREEMENT WITH KERR ECONOMIC  
§ DEVELOPMENT CORPORATION

This Agreement entered this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the **City of Kerrville, Texas** ("CITY"), and the **Kerr Economic Development Corporation** ("KEDC"), a non-profit organization of the State of Texas.

W I T N E S S E T H

**WHEREAS**, CITY desires to contract with KEDC for an economic development program and it is considered to be in the best interests of both CITY and KEDC for KEDC to provide these economic development services to CITY; and

**WHEREAS**, CITY's intent in entering into this Agreement is to accomplish a public purpose and it believes that it will receive a sufficient public benefit for the funds it contributes;

**NOW, THEREFORE**, CITY and KEDC agree as follows:

1. **Services.**

a. KEDC will conduct economic development as specified in its *Strategic Plan Summary Outline and Findings* (the "Business Plan") dated July 17, 2023 and attached as **Exhibit A**. In addition, in fulfilling its obligations under this Agreement, KEDC shall comply with its *3-Year 2023-2025 Strategic Plan* (the "Plan of Work") approved by KEDC on December 31, 2022; and its *Deliverables and Metrics* for KEDC's 2022-2023 fiscal year, dated July 17, 2023 ("Metrics"), and attached as **Exhibit B**. KEDC may not change the Business Plan or Plan of Work without providing prior written notice to CITY.

b. KEDC shall hire and employ sufficient professional personnel to perform its Economic Development obligations, including an Executive Director.

c. KEDC shall maintain complete and accurate records relating to its costs and expenditures made for Economic Development as specified in KEDC's 2023-2024 budget as approved by its Board of Directors and attached as **Exhibit C**. KEDC shall maintain such records separate and identifiable from its other records and for three (3) years following the termination of this Agreement. CITY and its representatives shall be entitled to inspect the records during the term of this Agreement and for three (3) years thereafter, upon reasonable notice.

d. KEDC, either through its Executive Director or another KEDC representative (collectively referred to herein as "Executive Director"),



shall, when requested by the City Manager, appear at a regular meeting of City Council and make a presentation regarding its economic development pursuant to a posted agenda item. Additionally, the Executive Director shall attend the "GO TEAM" meetings as scheduled by CITY for the vetting of projects and incentive requests.

e. KEDC shall only be liable to CITY for the actual amount of the Grant to be conveyed to KEDC and shall not be liable to CITY for any other actual or consequential damages, direct or indirect, interest, attorney fees, or cost of court for any act of default by KEDC under the terms of this Agreement.

2. **Payment.** In consideration for these economic development services and as a means of contributing for a portion of the costs, CITY agrees to pay KEDC **\$68,750.00** during CITY's 2024 fiscal year (Oct. 1, 2023-Sept 30, 2024). CITY shall divide this amount into equal quarterly payments (\$17,187.50), each of which CITY shall pay to KEDC within ten (10) business days after the beginning of each fiscal quarter (Oct., Jan., April, July). CITY shall consider amount of payment to KEDC for services performed during CITY's 2025 fiscal year (Oct. 1-Sept. 30) during that year's budget process, and any such payment is subject to CITY's budgeting policies and financial conditions.

3. **Records.** In order to insure proper financial accountability, CITY reserves the right to require reasonable requirements regarding the segregation and handling of all funds paid by CITY to KEDC under this Agreement and KEDC agrees to abide by all such requirements. At least annually, KEDC shall furnish to the City Manager: a) a financial statement, which KEDC shall have prepared according to generally accepted accounting principles and shall, at a minimum, encompass prior year actual expenditures compared to budget and all aspects of the operation and provision of KEDC's services under this Agreement; and b) IRS Tax Return 990 for KEDC's prior fiscal year. CITY may request additional financial information it deems necessary or appropriate to assist CITY in analyzing a request for financial assistance or verifying the accuracy of any payment due KEDC or accuracy of KEDC's financial records or viability as an organization. Any duly authorized agent of CITY shall be entitled to inspect and audit all books and records of KEDC for compliance with the terms of this Agreement.

4. **Independent Contractor/Indemnity.** It is acknowledged, understood, and agreed that KEDC shall be considered an independent contractor or donee for the purposes of this Agreement and shall in no manner incur any expenses or liability on behalf of the CITY. **KEDC FURTHER AGREES TO HOLD CITY HARMLESS FOR ANY AND ALL CLAIMS BY THIRD PARTIES FOR ANY INJURIES, DAMAGES, OR LIABILITY ARISING UNDER OR OCCASIONED BY KEDC IN CONNECTION WITH THIS AGREEMENT, KEDC'S WORK, OR THE SERVICES IT PROVIDES.**

5. **Notice.** Any notice required to be given under the terms of this

Agreement shall be effective if and when given in writing and mailed by certified mail to the addresses listed below:

**CITY:**

City Manager  
City of Kerrville, Texas  
City Hall  
701 Main Street  
Kerrville, TX 78028  
(830) 258-1106

**KEDC:**

President  
Kerr Economic Development  
Corporation  
1700 Sidney Baker, Suite 100  
Kerrville, TX 78028  
(830) 896-1157

6. **Assignment.** KEDC may not assign this Agreement without the prior written consent of CITY.

7. **Termination.** Notwithstanding the agreed upon term, this Agreement may be terminated upon the occurrence of any of the following, in which case KEDC shall immediately, but in no case longer than thirty (30) days, return to CITY the prorated share of CITY's payment in accordance with Section 2, above:

- a. the giving of written notice by either party to the other party at least ninety (90) days prior to the desired effective termination date;
- b. the termination of the corporate existence of KEDC;
- c. the insolvency of KEDC, the filing of a petition in bankruptcy either by or against KEDC, an assignment by KEDC for the benefit of creditors, or if KEDC goes dormant and/or ceases operations for any reason for thirty (30) days or more; and/or
- d. the breach by KEDC of any of the terms of this Agreement and the continuation of such breach for a period of ten (10) days after written notice is given by CITY to KEDC of such breach.

8. **Term.** The term of this Agreement shall be from October 1, 2023, through September 30, 2025, but subject to CITY's allocation of payment pursuant to Section 2 and earlier termination pursuant to Section 7.

9. **Open Records.** KEDC understands that receipt of payment for these services may subject all or part of KEDC's records to the Texas Public Information Act.

10. **Minority Representation on Board.** KEDC is encouraged to obtain minority representation on its Board of Directors.

EXECUTED on the date above stated.



**CITY OF KERRVILLE, TEXAS**

**KERR ECONOMIC  
DEVELOPMENT CORPORATION,  
KEDC**

\_\_\_\_\_  
KIMBERLY MEISMER  
INTERIM CITY MANAGER

\_\_\_\_\_  
GILBERTO SALINAS  
EXECUTIVE DIRECTOR

ATTEST:

\_\_\_\_\_  
SHELLEY MCELHANNON, CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
MICHAEL C. HAYES, CITY ATTORNEY

APPROVED AS TO FUNDING:

\_\_\_\_\_  
JULIE BEHRENS, DIRECTOR OF FINANCE



Exhibit A

## STRATEGIC PLAN SUMMARY OUTLINE & FINDINGS

From the TIP Strategies Consultants, Austin, Texas

July 17, 2023

**EXECUTIVE SUMMARY:** The four stakeholders of the KEDC and its board convened in 3Q of 2022 for a three-hour retreat to create alignment around recommendations for future economic development activities. This retreat was a follow up to the 2019 retreat.

During last year's retreat, participants reflected on recent trends, ongoing initiatives in Kerrville and Kerr County, and a competitive advantage to identify a recommended path forward for KEDC.

Four action areas were identified as opportunities for the KEDC to position the region as a dynamic and welcome destination to live, work and/or invest in. Most importantly, this plan provides case studies and key strategies pertaining to developing and maintaining a talent pipeline.

### KEDC Action Areas:

1. Marketing & Branding
2. Anchor Institutions
3. Existing Workforce
4. Community Convener

-- TIP Strategies, Austin, TX

**KEDC PRIORITIES & PLAN OF ACTION:** Based on an analysis of trends, current community goals, and feedback from retreat participants, KEDC should prioritize the following over the next 3 years:

**GOAL 1: Marketing & Branding** – Develop a multi-year marketing and branding plan to attract business; Market specifically to commuting workers and local graduates; Promote Kerrville as a place to live and do business.

**GOAL 2: Anchor Institutions** – Involve Kerrville's major employers and institutions in addressing talent challenges; Strengthen connections between students and prospective employers; Market to students in high-demand educational programs; Work with anchor institutions for sector-specific talent initiatives.

**GOAL 3: Existing Workforce** – Connect the unemployed and/or underemployed with potential job opportunities; Identify and address specific barriers to employment; Create curriculum for soft skills with educational institutions and employers.

**GOAL 4: Community Convener** – Host roundtable discussions with top employers; Address such topics as child care and worker retention issues with potential solutions; Elevate concerns of employers through direct messaging campaigns.

**In Summary:** The 2019 Strategic Plan focused on branding the KEDC within the community, developing new projects, introducing new capital investment and creating a platform for local industry. In addition to recruitment and local business growth, the 2023 Strategic Plan focuses more on retaining, attracting and developing the local talent to support the current and future workforce needs of the region.



## DELIVERABLES & METRICS FY22/23

July 17, 2023

**EXECUTIVE SUMMARY:** The following are the deliverables and metrics the KEDC staff must either meet or exceed as part of the organization's annual performance evaluation. The four stakeholders of the KEDC and its board convened in 3Q of 2022 for a three-hour retreat to create alignment around recommendations for future economic development activities, of which the following key performance deliverables were approved:

<b>Business Retention &amp; Expansion:</b>	<b>Deliverable</b>	<b>YTD</b>
	Visits to Local Industry	30
		23
<b>Place Branding, Marketing:</b>		
	Social Media Engagements	52
		35
	Economic Development Articles	12
		16
	Speaking Engagements, Podcasts	4
		10
<b>Human Capital:</b>		
	Industry Roundtables	4
		2
<b>Encouraging Entrepreneurs:</b>		
	Seminars, Workshops, Events	6
		7
<b>Corporation Recruitment:</b>		
	Lead Generation	24
		28
	Prospect/Site Selectors Hosted	4
		6
<b>Stakeholder Communication:</b>		
	Annual Economic Dev. Forum	1
		1
	Quarterly Reporting	4
		3

**STAKEHOLDER GROUPS: of the KEDC:** Kerrville Economic Improvements Corporation, City of Kerrville, Kerr County and Kerrville Public Utility.

**NOTE –** The Key Performance Deliverables are in alignment with the 2050 Your Vision Comprehensive Plan and are integrated into the KEDC 3-Year Strategic Plan by TIP Strategies.

**KERRVILLE ECONOMIC DEVELOPMENT CORPORATION**  
**Proposed Budget FY2024**

	Actual FY2022	Approved Budget FY2023	Estimated Year-Ending FY2023	Proposed Budget FY2024	\$ Change Compared to FY2023 Budget	% Change Compared to FY2023 Budget
<b>Beginning Balance</b>	139,966	151,312	151,312	118,888		
<b>Revenue</b>						
<b>Stakeholder Funding</b>						
City of Kerrville	62,500	62,500	62,500	68,750	6,250	10%
EIC	312,500	312,500	312,500	343,750	31,250	10%
Kerr County	62,500	62,500	62,500	68,750	6,250	10%
KPUB	62,500	62,500	62,500	68,750	6,250	10%
<b>Total Stakeholder Funding</b>	500,000	500,000	500,000	550,000	50,000	10%
<b>Sponsored Event Revenue</b>						
KerrEDC Top Forty	1,500	4,000	750	0	-4,000	-100%
KerrEdge	0	1,500	0	0	-1,500	-100%
Business & Innovation Forum	10,933	12,000	810	0	-12,000	-100%
<b>Total Sponsored Event Revenue</b>	12,433	17,500	1,560	0	-17,500	-100%
<b>Total Income</b>	512,433	517,500	501,560	550,000	32,500	6%
<b>Expenses</b>						
<b>Business Expenses</b>						
Business Recruitment	6,146	16,000	16,000	16,000	0	0%
Website	2,132	12,000	12,000	12,000	0	0%
Marketing	13,654	10,000	27,000	10,000	0	0%
Design (Brochures & Publications)		0	0	0	0	0%
<b>Total Business Expenses</b>	21,932	38,000	55,000	38,000	0	0%
<b>Contracted Services</b>						
Accounting Fees	1,483	1,000	1,000	1,000	0	0%
Outside Contract Fees	10,384	20,000	30,050	20,000	0	0%
Legal Fees		0	750	0	0	0%
KEDC Service Agreement	8,900	8,900	8,900	8,900	0	0%
<b>Total Contracted Services</b>	20,767	29,900	40,700	29,900	0	0%
<b>Operations</b>						
Supplies	763	2,000	500	2,000	0	0%
Telephone, Internet	1,116	500	750	500	0	0%
Training	314	1,500	0	1,500	0	0%
Postage	187	200	0	200	0	0%
Office Lease	9,650	9,600	9,600	9,600	0	0%
Software/Hardware	6,023	2,000	5,029	2,000	0	0%
IT Support Services	0	500	0	500	0	0%
Dues & Subscriptions	14,741	8,000	8,312	8,000	0	0%
Contingency	0	0	0	0	0	0%
<b>Total Operations</b>	32,794	24,300	24,191	24,300	0	0%
<b>Other Expenses</b>						
Insurance - Liability, D and O	1,000	1,000	2,146	1,000	0	0%
<b>Total Other Expenses</b>	1,000	1,000	2,146	1,000	0	0%
<b>Payroll</b>						
Board Discretionary	14,400	25,000	25,000	25,000	0	0%
Health Insurance	9,170	8,800	15,668	8,800	0	0%
Retirement	6,758	13,200	13,200	13,200	0	0%
Taxes	6,783	18,700	19,848	18,700	0	0%
Wages	226,338	258,500	236,834	258,500	0	0%
<b>Total Payroll</b>	263,449	324,200	310,550	324,200	0	0%
<b>Travel &amp; Meetings</b>						
Meals & Board Meetings	6,184	3,000	14,181	3,000	0	0%
Travel	20,868	10,000	9,376	5,000	-5,000	-50%
Mileage/Cell Phone	4,824	6,000	6,000	6,000	0	0%
Conference, Retreats, Prospects	43,719	24,000	23,000	44,200	20,200	84%
<b>Total Travel &amp; Meetings</b>	75,594	43,000	52,557	58,200	15,200	35%
<b>Sponsored Events Expenses</b>						
KerrEDC Top Forty	19,384	12,000	16,260	12,000	0	0%
KerrEdge	12,980	15,000	4,686	15,000	0	0%
Business & Innovation Forum	47,156	20,000	18,972	20,000	0	0%
<b>Total Sponsored Events</b>	79,520	47,000	39,919	47,000	0	0%
<b>Reimbursements</b>	6,031	6,000	8,920	6,000	0	0%
<b>Total Expenses</b>	501,087	513,400	533,982	528,600	15,200	3%
<b>Net Operating Income</b>	11,346	4,100	-32,423	21,400		
<b>Ending Balance</b>	151,312	155,412	118,888	140,288		
<b>Balance %</b>	30.2%	30.3%	22.3%	26.5%		





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

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**SUBJECT:** City Council workshop minutes, September 12, 2023.

**AGENDA DATE OF:** September 26, 2023 **DATE SUBMITTED:** August 15, 2023

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

**EXHIBITS:**

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

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

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

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**SUMMARY STATEMENT:**

City Council workshop minutes held September 12, 2023 at 4:00 p.m., City Hall.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**ATTACHMENTS:**

[20230926\\_Minutes CC workshop 9-12-23 4pm.pdf](#)

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

**SEPTEMBER 12, 2023 4:00 PM  
701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER:** On September 12, 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  
Mike Hayes, City Attorney

Michael Hornes, Asst City Manager  
Shelley McElhannon, City Secretary

**VISITOR(S) PRESENT:**

Louis Amstoy, Media  
Clifton Carroll, Lennar Homes

Pablo Brinkman  
Daniel Ortiz, Lawyer with Lennar Homes

1. **PUBLIC COMMENT:** None.

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

2A. Implementing right of City retirees to purchase health insurance.

Kim Meisner and Mike Hayes provided information and responded to questions.

2B. Public Safety Facility update.

Michael Hornes provided information and responded to questions.

2C. Proposed Lennar Windridge development discussion.

Michael Hornes, Clifton Carroll, Pablo Brinkman, and Daniel Ortiz provided information and responded to questions.

Mayor Eychner made a motion to convene Executive Session under 551.071 (consultation with attorney) and 551.087 (deliberation regarding economic development negotiations), seconded by Councilmember Brenda Hughes. The motion passed 5-0. At 5:11 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).

At 6:00 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 6:00 p.m.

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

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

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





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

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**SUBJECT:** City Council meeting minutes, September 12, 2023.

**AGENDA DATE OF:** September 26, 2023    **DATE SUBMITTED:** August 15, 2023

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

**EXHIBITS:**

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

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

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**Kerrville 2050 Item?** No

**Key Priority Area** N/A

**Guiding Principle** N/A

**Action Item** N/A

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**SUMMARY STATEMENT:**

City Council meeting minutes held September 12, 2023 at 6:00 p.m., City Hall.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**ATTACHMENTS:**

[20230926\\_Minutes CC meeting 9-12-23 6pm.pdf](#)

**CITY COUNCIL MINUTES  
REGULAR MEETING**

**KERRVILLE, TEXAS  
SEPTEMBER 12, 2023 6:00 PM**

On September 12, 2023 at 6:00 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street. Councilmember Jeff Harris provided the invocation and led the Pledge of Allegiance.

**COUNCILMEMBERS PRESENT:**

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

**COUNCILMEMBER ABSENT:**

None

**CITY EXECUTIVE STAFF:**

Kim Meismer, Interim City Manager  
Mike Hayes, City Attorney  
Michael Hornes, Asst City Manager  
Shelley McElhannon, City Secretary  
Stuart Barron, Exec Director PW & Eng  
Julie Behrens, Director Finance  
Jacob Bogusch, Director Finance  
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, Shelley McElhannon, Councilmember Harris, Mayor Eychner, Councilmember Brenda Hughes, and Councilmember Roman Garcia.

**2. PRESENTATION(S):**

2A. Proclamation recognizing September 2023 as National Recovery month.

Mayor Eychner presented a proclamation recognizing September 2023 as National Recovery month. Recovery Community Coalition members Randie Benno and Christa Lovett, along with the Hill Country Drug and Alcohol Awareness representatives Abbie Allendale, Terri Medreno, Abbie Andrea Salazar, Phil Taylor, and Kim Williamson.

2B. Proclamation recognizing September 2023 as National Suicide Prevention month.

Mayor Eychner presented a proclamation recognizing September 2023 as National Suicide Prevention month. Randie Benno, Dana Cardwell, JD Chavez, Terry Cicada, Lisa Cisneros, Joan Cortez, Nicole Cox, Maddie Dry, Kelly Falouce, Diana Gutierrez, Rob Hines, Maggie Mahoney, Paren Pierce, Julie Nelson, Diane Onteveriz, Kim Williamson, and Kelsi Wilmot received the proclamation.

2C. Proclamation: League of Women Voters Hill Country Texas (LWVHCT) Citizen Program.

Mayor Eychner honored and recognized the League of Women Voters Hill Country Texas (LWVHCT) Citizen Program, represented Lupita Barrera, Alicia Boyett, Clifton Fifer, Lila Flores,

B.K. Gamble, Susana Gimson, Karen Mattox, Maggie Megee, Laurie Patterson, Kathy Lee Royde, Lois Shaw, Janice Silman, Virginia Young, and Janice Zitelman.

Mayor Eychner announced speakers will have two minutes to speak during the visitors forum. At 6:33 p.m., Councilmember Garcia declared "Point of Order" citing limiting speaker minutes. Mayor Eychner advised City Council to proceed forward to the item.

### **3. VISITORS FORUM:**

The following person(s) spoke:

- Chae Spencer and Teresa Lara (Kerr United Against Sexual Exploitation, A Community Awareness Event on September 19, 2023, 6:00 p.m. Tivy High School).
- Nikki Caines

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

Citizen George Baroody submitted a speaker request form to speak on items 4A and 4C. Councilmember Joe Herring, Jr. made a motion to approve 4B, 4D, 4E, and 4F, seconded by Councilmember Hughes. The motion passed 5-0.

4B. Resolution No. 30-2023. A Resolution approving the budget for Kerr Emergency 9-1-1 Network for Fiscal Year 2024.

4D. Project Funding Agreement between the City of Kerrville, Texas Economic Improvement Corporations and the City of Kerrville, Texas, for the upsizing of the Travis Street Pump Station (Water Utility).

4E. City Council workshop minutes, August 22, 2023.

4F. City Council meeting minutes, August 22, 2023.

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

4A. 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.

The following person(s) spoke:

- George Baroody

Julie Behrens and Stuart Barron provided information and responded to questions.

Councilmember Hughes made a motion to approve Resolution No. 29-2023, seconded by Councilmember Herring. The motion passed 5-0.

4C. Administrative Services contract between the City of Kerrville and City of Kerrville, Texas Economic Improvement Corporation.

Shelley McElhannon read item 4C caption into record.

The following person(s) spoke:

- George Baroody

Michael Hornes and Stuart Barron provided information and responded to questions.

Councilmember Garcia made a motion to approve the Administrative Services contract between the City of Kerrville and the Kerrville Texas Economic Improvement Corporation with an amendment to strike Article 1, Section A. Mayor Eychner called for a second, with no second forthcoming. Motion died for lack of second.

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

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

5A. 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.

Shelley McElhannon read Ordinance No. 2023-22 caption into record.  
Drew Paxton provided information and responded to questions.  
Mayor Eychner opened the public hearing at 6:59 p.m.  
No person(s) spoke.  
Mayor Eychner closed the public hearing at 6:59 p.m.

Councilmember Herring made a motion to approve Ordinance No. 2023-22 on first reading, seconded by Councilmember Hughes. The motion passed 5-0.

5B. 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.

Shelley McElhannon read Ordinance No. 2023-25 caption into record.  
Julie Behrens and Mike Hayes provided information and responded to questions.  
Mayor Eychner opened the public hearing at 7:02 p.m.  
The following person(s) spoke:

- Peggy McKay
- George Baroody

Mayor Eychner closed the public hearing at 7:09 p.m.

Councilmember Hughes made a motion to approve Ordinance No. 2023-25 to adopt the City's budget for Fiscal Year 2024 on first reading, seconded by Councilmember Herring. The motion passed 4-1 with Mayor Eychner, Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

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

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

5C. 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.

Shelley McElhannon read Ordinance No. 2023-26 caption into record.

Julie Behrens provided information and responded to questions.

Mayor Eychner opened the public hearing at 7:22 p.m.

The following person(s) spoke:

- Russell Mobley

Mayor Eychner closed the public hearing at 7:25 p.m.

Councilmember Herring made a motion to approve Ordinance No. 2023-26 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, seconded by Councilmember Hughes. The motion passed 5-0.

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

**6. ORDINANCES, FIRST READING:**

6A. 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.

Shelley McElhannon read Ordinance No. 2023-28 caption into record.

Drew Paxton provided information and responded to questions.

Councilmember Hughes made a motion to approve Ordinance No. 2023-28, seconded by Councilmember Herring. The motion passed 5-0.

**7. CONSIDERATION AND POSSIBLE ACTION:**

7A. 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.

Shelley McElhannon read Resolution No. 26-2023 caption into record.  
Mike Hayes provided information and responded to questions.

Councilmember Herring made a motion to adopt Resolution No. 26-2023, seconded by Councilmember Harris. The motion passed 5-0.

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

Shelley McElhannon read Resolution No. 31-2023 caption into record.  
Kim Meismer provided information and responded to questions.

Councilmember Herring made a motion to adopt Resolution No. 31-2023, seconded by Councilmember Harris. The motion passed 5-0.

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

Kyle Burow provided information and responded to questions.

Councilmember Hughes made a motion to authorize the City Manager to negotiate and finalize an agreement for the project, seconded by Councilmember Harris. The motion passed 5-0.

## **8. INFORMATION & DISCUSSION:**

8A. City's Water System update.

Stuart Barron provided information and responded to questions.

## **9. APPOINTMENT(S):**

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

Shelley McElhannon read Item 9A caption into record.  
Megan Folkerts provided information.

Councilmember Garcia made a motion to appoint the seven applicants, which are Autumn, Elyse, Payton, Jonah, Una, Will, and Callie, seconded by Councilmember Herring. The motion passed 5-0.

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

Shelley McElhannon read item 9B caption into record.  
Councilmember Hughes moved to appoint Mayor Eychner, seconded by Councilmember Herring. This motion was approved 4-1 with Mayor Eychner, Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

## **10. BOARD APPOINTMENT(S):**

10A. Appointments to the Kerrville Charter Review Commission.

Shelley McElhannon read Item 10A caption into record.



Mike Hayes and Mayor Eychner provided information.  
The following person(s) spoke:

- Peggy McKay

Councilmember Herring moved to appoint Danny Almond, Brenda Craig, Jason Gilbreath, Greg Richards, Mike Sigerman, Tim Summerlin, and Sandra Yarbrough to the Charter Review Commission, and seconded by Councilmember Hughes. This motion was approved 4-1 with Mayor Eychner, Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

Councilmember Garcia stated Danny Almond told Councilmember Garcia that Almond had withdrew the Charter Review Commission application, and stated Paul Devine had told Councilmember Garcia that Devine was no longer interested in being a member of the Charter Review Commission. Councilmember Garcia requested to amend the original motion by striking Danny Almond and appointing Jerry DiGiampaolo as a member. Mayor Eychner called for a second, with no second offered. Motion died for lack of second.

Councilmember Garcia then made a motion to strike Danny Almond, Mike Sigerman, and Brenda Craig as members of the Charter Review Commission and appoint Jerry DiGiampaolo, Corey Fuquay, and Jim Caines as a member. Mayor Eychner called for a second, with no second offered. Motion died for lack of second.

10B. Appointments to the Main Street Advisory Board.

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

Mayor Eychner made a motion to appoint Teresa Craighead, Sarah Lewis, Travis Lindner, and Bethany Mikeska, seconded by Councilmember Garcia. The motion passed 5-0.

10C. Appointments to the Building Board of Adjustment and Appeals. (This item eligible for Executive Session).

Councilmember Garcia moved to reappoint Daniel Lowery and Bob Rue, and appoint Caleb Mizell as members, seconded by Councilmember Harris. This motion was approved 5-0.

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

11A. Appointments to the Building Board of Adjustment and Appeals. (551.074)

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

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

**ADJOURN.** The meeting adjourned at 8:19 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. 2023-24. An Ordinance amending in part Ordinance No. 99-18, as amended by adopting revised rate schedules for residential services, and distributed generation rider; containing a cumulative clause; containing a severability clause; and establishing an effective date.

**AGENDA DATE OF:** September 26, 2023 **DATE SUBMITTED:** September 15, 2023

**SUBMITTED BY:** Mike Wittler, KPUB General Manager and CEO  
Amy Dozier, KPUB Director of Finance

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

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

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

**SUMMARY STATEMENT:**

In 2017, the Kerrville Public Utility Board (KPUB) contracted with Utility Financial Solutions (UFS) to perform a rate study that included a cost of service analysis and rate design recommendations. The study recommended two rate changes, one in Fiscal Year 2019 (FY2019) and a second in FY2021. Ordinance 2018-22 for the first rate change was passed by City Council in October 2018. The second rate change originally scheduled for FY2021 has not been implemented. KPUB is requesting implementation of the recommended second rate change in November 2023.

KPUB's residential rate is made up of 3 components that will change as follows:

1. Customer charge: increasing from \$10.25 to \$15.25 per month
2. Distribution charge: decreasing from \$0.0193 to \$0.0168 per kWh
3. Power Supply charge: decreasing from \$0.07295 per kWh to \$0.07045 per kWh

An industry standard is to show rates in terms of a monthly bill for a residential customer that uses 1,000 kWh per month. That customer's KPUB bill will actually remain the same at \$102.50 both before and after this rate change.

The change to the customer charge and to the distribution charge are in accordance with the rate study recommendation. If there were no changes to the power supply charge, the changes in those two categories would equate to a 2% increase in KPUB's revenue.

However, KPUB plans to lower the power supply portion of the charge in November. KPUB does not generate its own electricity. Instead, we purchase it from diverse power suppliers. Because power supply costs are volatile, our rate structure is designed for KPUB to pass along actual power supply costs to customers through a portion of the power supply rate called the power cost adjustment factor (PCAF). The formula for this factor is specified in KPUB's tariff, but the exact amount varies with energy prices. Energy prices, especially the price of natural gas, have fallen over the past year. Accordingly, KPUB is adjusting the power cost adjustment downward in November 2023. This portion of the rate change does not require approval from City Council.

KPUB's residential rate of \$102.50 per 1,000 kWh of electricity is the lowest of twelve area utilities and aligns with our mission of providing reliable, high-quality utility service at the lowest responsible price.

The KPUB Board will vote on Resolution 23-14 to adopt the proposed rate changes on September 20, 2023. The next step in the rate setting process is for the Kerrville City Council to adopt an ordinance approving KPUB's proposed rate changes. Ordinance votes will be on September 26, 2023 and October 10, 2023.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2023-24, on first reading.

**ATTACHMENTS:**

[\*20230926\\_Ord 2023-24 KPUB rate schedules.pdf\*](#)

[\*20230926\\_Ord 99-18 KPUB Rules-Regs-Fees.pdf\*](#)

[\*20230926\\_Presentation KPUB residential rate structure.pdf\*](#)

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2023-24**

**AN ORDINANCE AMENDING IN PART ORDINANCE NO. 99-18, AS AMENDED, BY ADOPTING REVISED RATE SCHEDULES FOR RESIDENTIAL SERVICES, AND DISTRIBUTED GENERATION RIDER; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of Kerrville, Texas, owns an electric system and manages and operates its system through its duly appointed board of trustees, the Kerrville Public Utility Board ("KPUB"), a body created pursuant to Texas law (Tex. Rev. Civ. Stat. Ann. art 1115, as amended) and Resolution No. 87-106; and

**WHEREAS**, KPUB, pursuant to the authority granted under Resolution No. 87-106, recently reviewed the current schedule of rates and charges for electric service and determined that various rates and charges should be adjusted to reflect current conditions and to maintain its service and bond obligations; and

**WHEREAS**, prior to making its recommendations, KPUB considered the report on the electric revenue requirements, cost of service, and rate design prepared by the independent consulting firm of Utility Financial Solutions ("UFS"), which was previously retained by KPUB to perform a Cost of Services Study; and

**WHEREAS**, City Council finds that the current schedule of electric rates and charges should be adjusted as recommended by UFS and KPUB to provide for the continued preservation of the public health, safety, and welfare of the people through the provision of energy services to the community;

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

**SECTION ONE.** Ordinance No. 99-18, as amended, and as it applies to various rates and charges applicable to electric service provided by the electric system owned by the City of Kerrville and managed and operated on the City's behalf by the Kerrville Public Utility Board is amended as follows:

- A.** The revised Residential Rate Tariff, Residential Service Rate Schedule—RS, and Distributed Generation Rider DG, attached to this Ordinance as **Exhibit A** and incorporated herein by reference, are hereby adopted and are applicable to all residential customers of the City's electric system managed and controlled by the Kerrville Public Utility Board, effective November 1, 2023.

**SECTION TWO.** Except as specifically amended by Section One above as to rates and charges, Ordinance No. 99-18, as amended, remains in full force and effect.

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

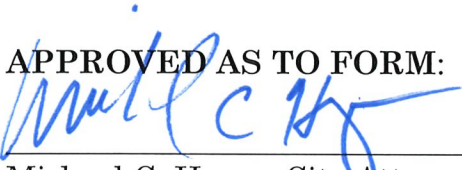
**SECTION FIVE.** This Ordinance shall become effective from and after the date of final passage on second reading.

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

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

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

**APPROVED AS TO FORM:**

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

**ATTEST:**

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

## EXHIBIT A



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## **RESIDENTIAL SERVICE RATE SCHEDULE - RS**

### **APPLICATION**

Applicable throughout the service area for all electric service supplied at one point of delivery and measured through one meter required exclusively for domestic purposes by individual (single family) private residents, individually metered apartment units and farm homes.

Not applicable to businesses, licensed boarding or rooming houses, camps, fraternity or sorority houses advertised as such, educational institutions, churches or facilities, or apartment houses, whose units are not individually metered, including the common facility requirements of residence also used for business purposes, evidenced by any form of advertising, including separate white page telephone listing, which will be served under the appropriate commercial service rate schedule. Not applicable to shared, standby, or resale service.

### **CHARACTER OF SERVICE**

Service under this rate schedule shall be alternating current, 60 Hertz, single phase, at the customer's option of standard available voltages. KPUB may, at its option, provide three-phase service when individual motors rated at 7.5 horsepower or larger are connected.

### **MONTHLY RATE**

<i>CHARGE</i>		<i>AMOUNT</i>
CUSTOMER CHARGE: Meter, Meter Reading, and Billing Charge		\$15.25
DISTRIBUTION	All kWh	\$0.01680 per kWh
POWER SUPPLY	All kWh	\$0.04060 per kWh

Plus an amount calculated in accordance with Rider PCAF.

Plus any taxes, assessments, or surcharges imposed by any governmental authority, which are assessed on the basis of revenues from electric service or volume of electricity purchased or sold.

### **MINIMUM CHARGE**

The monthly minimum charge shall be the sum of the "Customer Charge" and all applicable rate adjustments.

### **PAYMENT**

Bills are due when rendered and become past due if not paid within sixteen (16) days thereafter. Past due bills shall be assessed a one time penalty charge of 5% of the unpaid amount. Upon proof of age of over 60 years the penalty for past due bills shall be waived.

---

**RESOLUTION NO. 23-14**

**A RESOLUTION OF THE KERRVILLE PUBLIC UTILITY BOARD APPROVING THE REVISION OF THE ELECTRIC RATES CHARGED BY KPUB TO ITS RESIDENTIAL CUSTOMERS AND FORWARDING THE PROPOSED RESIDENTIAL TARIFF TO THE CITY OF KERRVILLE FOR ACTION AND APPROVAL BY THE CITY COUNCIL.**

**WHEREAS**, in 2017, the KPUB staff recommended and the Board approved the hiring of the firm Utility Financial Solutions (UFS) to perform a Cost of Service Study; and

**WHEREAS**, on January 24, 2018, Mrs. Dawn Lund of UFS presented the company's Draft Cost of Service Study and Rate Design Reports to the Board with her recommended changes; and

**WHEREAS**, on August 28, 2018, KPUB Staff presented the Final Cost of Service Study and Rate Design Reports from UFS recommending two rate changes, one in Fiscal Year 2019 and a second in Fiscal Year 2021; and

**WHEREAS**, the KPUB Board approved resolution 18-12 revising residential rates according to the first stage of the rate design plan on August 28, 2018; and

**WHEREAS**, the Kerrville City Council approved Ordinance 2018-22 revising residential rates according to the first stage of the rate design plan on October 9, 2018; and

**WHEREAS**, the second stage of the rate design plan recommended for Fiscal Year 2021 has not yet been implemented; now, therefore,

**BE IT RESOLVED BY THE KERRVILLE PUBLIC UTILITY BOARD THAT:**

**Section 1.** The above recitals are true and correct.

**Section 2.** The Board approves the revised Residential Rate Tariff, and Distributed Generation Rider DG, attached hereto as Exhibit "A", as recommended by UFS and Staff, and the General Manager is authorized to forward the revised residential rate tariff described herein to the Kerrville City Council for its consideration and action.

**PASSED, APPROVED AND ADOPTED on this 20<sup>th</sup> day of September, 2023**

**ATTEST:**

---

**Mark Cowden, Chairman**

---

**Bill Thomas, Secretary**

# Kerrville Public Utility Board

## 2021 Rate Design

Residential

### Current Rate

		Customer Charge	Distribution All KWh's	Power Supply All KWh's	Calc by Utility Formula Estimated PCAF
Winter Rate	Meter Charge	\$ 3.75	\$ 0.0193	\$ 0.0406	\$ 0.02024
Summer	Meter Reading Charge	\$ 1.25	\$ 0.0193	\$ 0.0406	\$ 0.02024
	Billing Charge	\$ 5.25			
	<b>Total</b>	<b>\$ 10.25</b>			

### Proposed Rate

		Customer Charge	Distribution All KWh's	Power Supply All KWh's	Calc by Utility Formula Estimated PCAF
Winter Rate	Meter Charge	\$ 3.75	\$ 0.0168	\$ 0.0406	\$ 0.02024
Summer	Meter Reading Charge	\$ 1.25	\$ 0.0168	\$ 0.0406	\$ 0.02024
	Billing, Services, CS, Dist	\$ 10.25			
	<b>Total</b>	<b>\$ 15.25</b>			

**Cost of Service** **14.88**

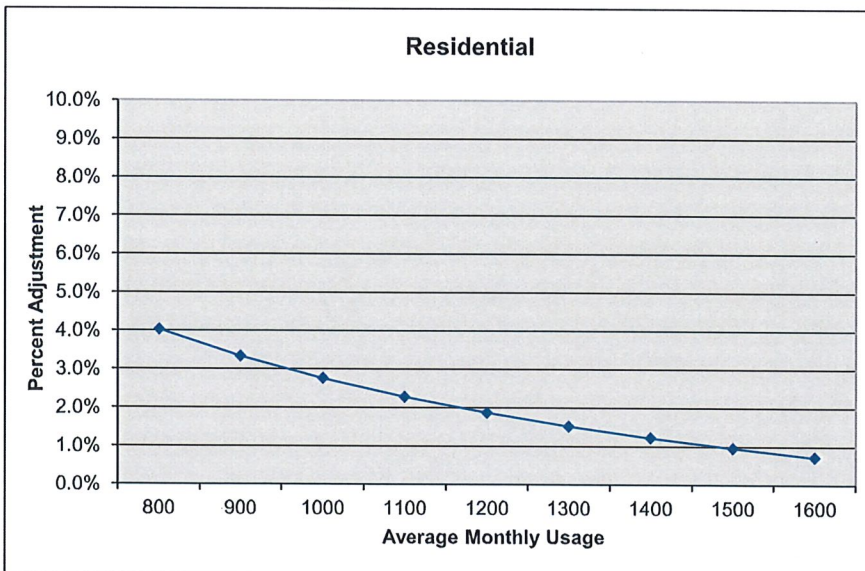
**Total Without Contract Rates**

### Estimated Change in Revenues

Current Revenues	19,795,879
Proposed Revenues	20,199,169

**Percentage Change** **2.0%**

Residential Dollar Impacts			
Usage	Dollar	Usage	Dollar
800	\$ 3.00	1300	1.75
900	2.75	1400	1.50
1000	2.50	1500	1.25
1100	2.25	1600	1.00
1200	2.00		





**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 99- 18**

AN ORDINANCE REPEALING ORDINANCE NO. 87-57 AND ORDINANCE NO. 89-26, AS AMENDED; ADOPTING A NEW SCHEDULE OF RATES AND CHARGES AND SERVICE RULES AND REGULATIONS FOR ELECTRIC SERVICE ADMINISTERED BY THE KERRVILLE PUBLIC UTILITY BOARD; AUTHORIZING THE KERRVILLE PUBLIC UTILITY BOARD TO ESTABLISH RATES, TERMS AND CONDITIONS FOR COMMERCIAL AND LARGE COMMERCIAL CLASS ELECTRIC CUSTOMERS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; AND ORDERING PUBLICATION.

WHEREAS, the City of Kerrville, Texas, owns an electric system and manages and operates its system through its duly appointed board of trustees, the Kerrville Public Utility Board, a body created pursuant to Tex. Rev. Civ. Stat. Ann. art. 1115; and

WHEREAS, the Kerrville Public Utility Board has reviewed the current schedule of rates and charges and Service Rules and Regulations and has determined that the rates and charges should be adjusted and the Service Rules and Regulations amended to reflect current conditions and to maintain its obligations under City of Kerrville Ordinance No. 87-45, approved December 10, 1987, and has submitted its requirements to the City Council; and

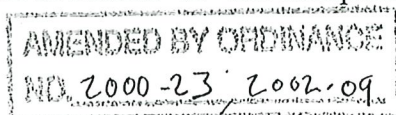
WHEREAS, in making its recommendations, the board considered the reports on the electric revenue requirements, cost of service, and rate design prepared by the independent consulting firm of Resource Management International and the Kerrville Public Utility Board, as well as applicable rate making standards and policy service considerations; and

WHEREAS, the City Council hereby finds that the current schedule of electric rates and charges should be adjusted and the Service Rules and Regulations be amended as recommended by the Kerrville Public Utility Board to provide for the continued preservation of the public health, safety and welfare of the people;

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

SECTION ONE. Ordinance No. 87-57 and Ordinance No. 89-26, as amended, establishing a schedule of rates and charges applicable to electric service provided by the electric system owned by the City of Kerrville and managed and operated on the City's behalf by the Kerrville Public Utility Board are hereby in all things repealed, effective upon the date the last electric meters are read for which billings will be mailed in December 1999.

SECTION TWO. The Tariffs for Electric Service and Service Rules and Regulations, attached to this Ordinance as Exhibit "A" and incorporated herein by reference, are hereby in all



Approved by City Council  
Date: October 12, 1999  
Volume 34 Page 288

things adopted and are applicable to all customers of the City's electric system managed and controlled by the Kerrville Public Utility board, effective for all bills for electric service mailed on or after January 1, 2000.

SECTION THREE. Commencing January 1, 2000, the Kerrville Public Utility Board is authorized to establish rates, terms and conditions for electric service furnished by the Kerrville Public Utility Board to Commercial and Large Commercial customer classifications.

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.

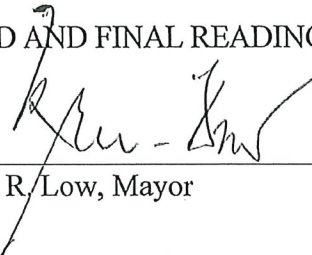
SECTION FIVE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Kerrville, Texas, hereby declares that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

SECTION SIX. This Ordinance shall become effective from and after the date of final passage on second reading.

SECTION SEVEN. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Clerk 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.

PASSED AND APPROVED ON FIRST READING, this the 28 day of Sept, 1999.

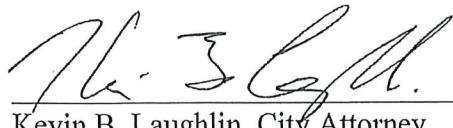
PASSED AND APPROVED ON SECOND AND FINAL READING, this the 12 day of October, 1999.

  
Ben R. Low, Mayor

ATTEST:

  
Sheila L. Brand, City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "K. B. Laughlin", written over a horizontal line.

Kevin B. Laughlin, City Attorney

\\Attorney21d\WPDOCS\Public Service\ORD\Electric Rates 1999.vpd



# Kerrville Public Utility Board

Kerrville City Council  
September 26, 2023



Kerrville Public Utility Board | Safe • Reliable • Yours

## KPUB's Residential Rate Structure

- **Customer Charge** – Cost of billing, meter reading, customer service, etc.
- **Distribution Charge** – Cost of building, operating and maintaining KPUB's distribution system
- **Power Supply Charge** – Cost to purchase power from outside power suppliers. KPUB does not generate its own electricity.

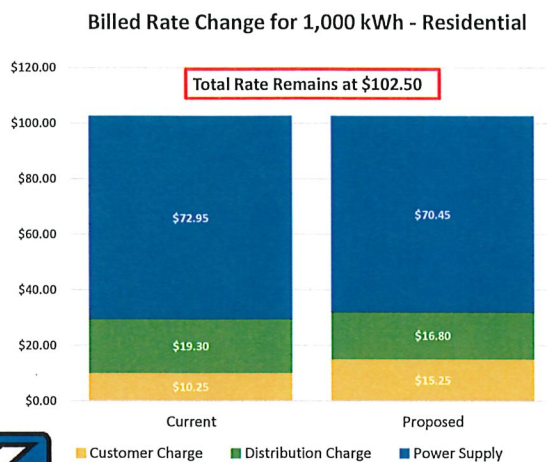


- **Power Supply Charge** has 2 components:
  - **Fixed Rate** – Set by tariff document. No proposed change.
  - **Power Cost Adjustment Factor** – Multiplier used to adjust Power Supply Charge portion of the rate to account for increases or decreases in actual purchased power cost. This is adjusted by staff and reported to the KPUB Board on a monthly basis.



Kerrville Public Utility Board | Safe • Reliable • Yours

## Proposed Rate Change



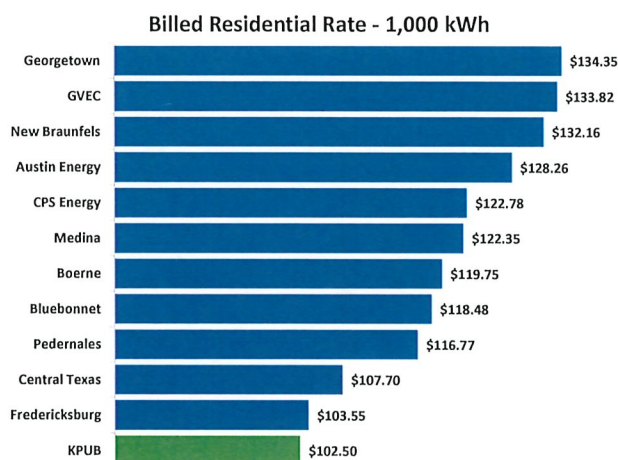
- Cost of Service study in 2018 identified rate structure changes recommended in FY2019 and FY2021
- FY2021 rate is proposed to begin in November 2023
- Cost of Service study aimed to better match rate to costs between customer type, cost components, and fixed vs. variable costs



Kerrville Public Utility Board | Safe • Reliable • Yours

## Billed Residential Rate Comparison

- This graph compares residential rates charged in July 2023 for KPUB and 11 nearby utilities
- The components within KPUB's rate will change, but the overall proposed rate remains at \$102.50
- KPUB's rate will remain the lowest even after the rate change is implemented



Kerrville Public Utility Board | Safe • Reliable • Yours





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

**SUBJECT:** Ordinance No. 2023-22, second reading. 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 26, 2023 **DATE SUBMITTED:** September 15, 2023

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

**EXHIBITS:**

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

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

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

**SUMMARY STATEMENT:**

**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.

On September 12th, the City Council unanimously approved Ordinance No. 2023-22 on first reading.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2023-22.

**ATTACHMENTS:**

[\*20230926\\_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 12 day of SEPTEMBER, A.D., 2023.

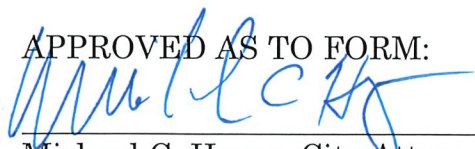
PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ of \_\_\_\_\_, A.D., 2023.

ATTEST:

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

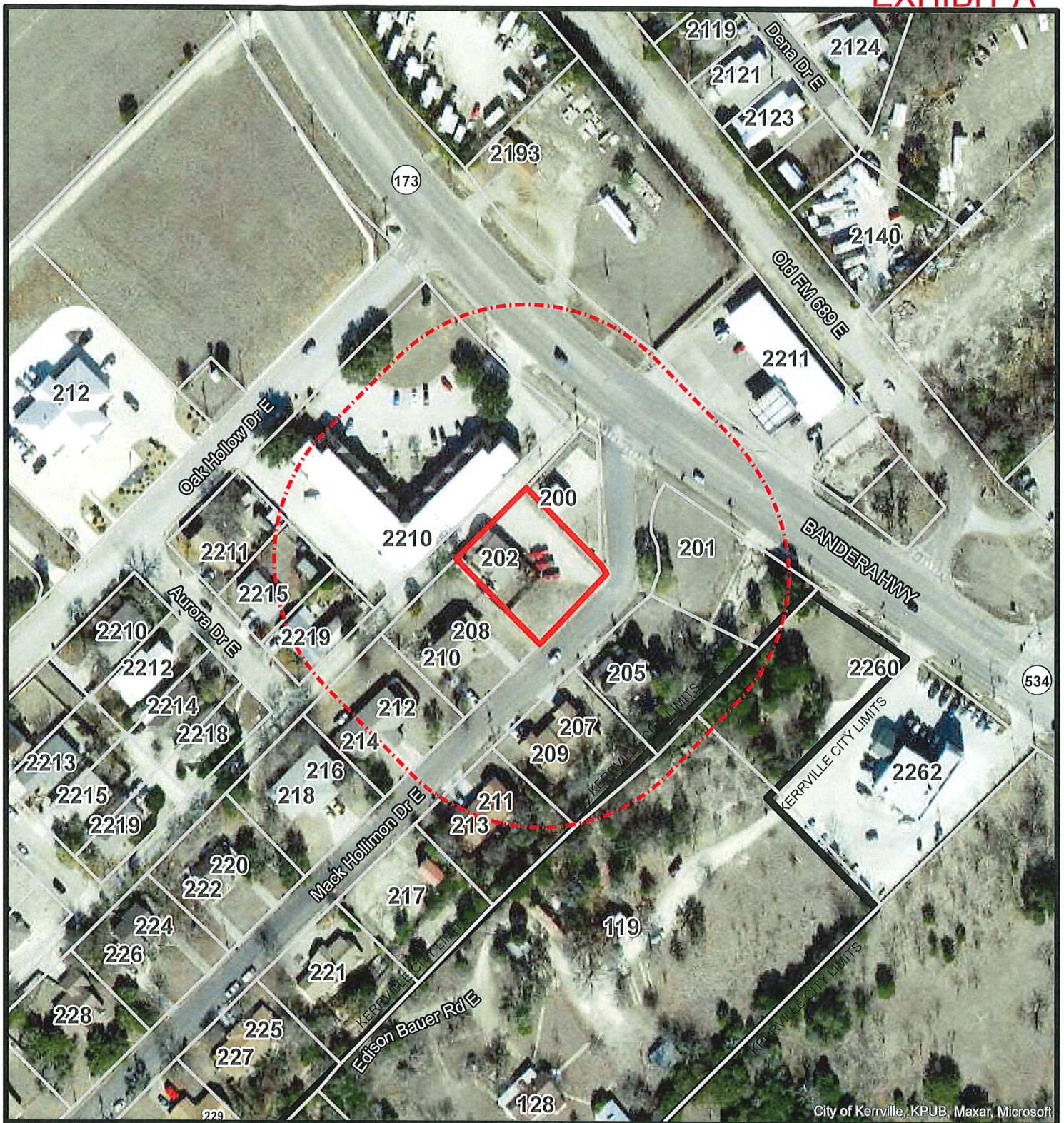
\_\_\_\_\_  
Shelley McElhannon, City Secretary

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\_090323.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, second reading. 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 26, 2023 **DATE SUBMITTED:** September 15, 2023

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

**EXHIBITS:**

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

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

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

**SUMMARY STATEMENT:**

City Council budget workshops were held on June 20, 2023 and July 18, 2023, and the Fiscal Year 2024 Proposed Budget was presented on August 08, 2023.

The FY2024 Proposed Budget can be viewed on the City's website, also at 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.

On September 12, 2023, City Council approved Ordinance No. 2023-25 on first reading by a 4 to 1 roll call vote. Mayor Eychner, Councilmember Harris, Councilmember Herring, and Councilmember Hughes voted in favor and Councilmember Garcia voted against.

On September 12, 2023, City Council unanimously approved the motion ratifying vote to adopt a budget that will require raising more revenue from property taxes than the previous fiscal year.

**RECOMMENDED ACTION:**

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

**ATTACHMENTS:**

[20230926\\_Ord 2023-25 Adopt FY2024 Budget.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:**

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



City Secretary to take record vote as follows:

	YES	NO
Judy Eychner, Mayor	<u>X</u>	<u>  </u>
Roman Garcia, Place 1	<u>  </u>	<u>X</u>
Jeff Harris, Place 2	<u>X</u>	<u>  </u>
Joe Herring, Jr., Place 3	<u>X</u>	<u>  </u>
Brenda Hughes, Place 4	<u>X</u>	<u>  </u>

[2<sup>ND</sup> 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 12 day of SEPTEMBER A.D., 2023.

SECOND READING:

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

City Secretary to take record vote as follows:

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

[2<sup>ND</sup> 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.*]

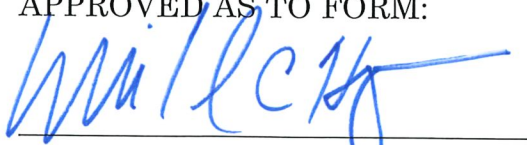
PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2023.

\_\_\_\_\_  
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, second reading. 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 26, 2023 **DATE SUBMITTED:** September 15, 2023

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

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

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

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

**SUMMARY STATEMENT:**

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.

On September 12, 2023, City Council unanimously approved Ordinance No. 2023-26 by roll call vote, on first reading.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2023-26 on second reading.

**ATTACHMENTS:**

[20230926\\_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	<u>X</u>	_____
Roman Garcia, Place 1	<u>X</u>	_____
Jeff Harris, Place 2	<u>X</u>	_____
Joe Herring, Jr., Place 3	<u>X</u>	_____
Brenda Hughes, Place 4	<u>X</u>	_____

PASSED AND APPROVED ON FIRST READING, this the 12 day of SEPTEMBER, 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:

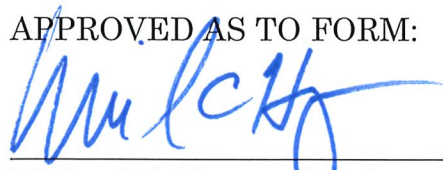
	YES	NO
Judy Eychner, Mayor	_____	_____
Roman Garcia, Place 1	_____	_____
Jeff Harris, Place 2	_____	_____
Joe Herring, Jr., Place 3	_____	_____
Brenda Hughes, Place 4	_____	_____

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, second reading. 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 26, 2023 **DATE SUBMITTED:** September 15, 2023

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

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

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

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

On September 12, 2023, City Council unanimously approved Ordinance No. 2023-28 first reading.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2023-28.

**ATTACHMENTS:**

[20230926\\_Ord 2023-28 Grading-Site Clearing permit.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 12 day of SEPTEMBER, 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





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

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**SUBJECT:** Appointments to the Senior Services Advisory Committee.

**AGENDA DATE OF:** September 26, 2023    **DATE SUBMITTED:** July 3, 2023

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

**EXHIBITS:**

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

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

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

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**SUMMARY STATEMENT:**

The Senior Services Advisory Committee has five vacancies September 30, 2023. Seven applications have been received: Tammy Amerson-Wilson, Mark Cowan, Irving Hart, Mandy Kisiel, Gretchen Rye, Paige Sumner, and Lynette Wedig. Council interview team: Councilmember Harris and Councilmember Herring. Staff Liaison: Megan Folkerts.

**RECOMMENDED ACTION:**

Appoint members.



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

**SUBJECT:** Appointments to the Tax Increment Reinvestment Zone #1. (Item eligible for Executive Session 551.074).

**AGENDA DATE OF:** September 26, 2023    **DATE SUBMITTED:** July 3, 2023

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

**EXHIBITS:**

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

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

<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	D - Downtown Revitalization
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

The Tax Increment Reinvestment Zone #1 has three vacancies September 30, 2023. Three applications received: Fred Gamble (eligible for reappointment), Katherine Howard (eligible for reappointment), Bruce Stracke (eligible for reappointment). Council interview team: Mayor Eychner and Councilmember Garcia. Staff Liaisons: Michael Hornes and Megan Folkerts.

**RECOMMENDED ACTION:**

Appoint members.



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

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**SUBJECT:** Appointments to the Zoning Board of Adjustment. (Item eligible for Executive Session 551.074).

**AGENDA DATE OF:** September 26, 2023 **DATE SUBMITTED:** July 6, 2023

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

**EXHIBITS:**

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

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

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

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**SUMMARY STATEMENT:**

The Zoning Board of Adjustment has four vacancies September 30, 2023.  
Two regular member vacancies, and two alternate member vacancies.  
One application received: Michael Killeen (eligible for reappointment).  
Drew Paxton is staff Liaison.  
Council interview team: Mayor Eychner and Councilmember Hughes.

**RECOMMENDED ACTION:**

Appoint member(s).