

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, FEBRUARY 11, 2014, 6:00 P.M.

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, FEBRUARY 11, 2014, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION offered by Father Tom Murray, of St. Peter's Episcopal Church.

PLEDGE OF ALLEGIANCE TO THE FLAG: led by Cadet Second Lieutenant Conner Richter.

Those in attendance may stand if they wish.

1. 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. City Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers will be limited to the first ten speakers and each speaker is limited to four minutes.

2. RECOGNITIONS:

2A. Proclamation for National Salute to Veteran Patients Day. (Mayor Pratt)

2B. Resolution of Commendation to Diana Martin for serving on the Library Advisory Board. (Mayor Pratt)

2C. Resolution of Commendation to Harold Buell for serving on the Planning and Zoning Commission. (Mayor Pratt)

2D. Presentation of Life Saving Award to Police Officer Kyle Schneider. (staff)

3. CONSENT AGENDA:

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

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time, February 7, 2014 at 11:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

3A. Minutes of the City Council regular meeting held January 28, 2014. (staff)

3B. Construction contract with M&C Fonseca Construction Co., Inc. for the construction of the 8 inch waterlines on Spence Street and Herzog Street project in the amount of \$137,727.00 and authorize the city manager to execute additional change orders in an amount not to exceed \$27,545.00. (staff)

END OF CONSENT AGENDA

4. ORDINANCE, SECOND AND FINAL READING:

4A. Ordinance No. 2014-05, amending Chapter 6 "Advertising", Article II "Signs", of the City's Code of Ordinances to revise the definition of a projecting sign and to revise the regulations applicable to projecting signs and roof signs; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

5. ORDINANCES, FIRST READING

5A. Ordinance No. 2014-02, amending Chapter 6 "Advertising", Article II "Signs", of the City's Code of Ordinances to revise Sections 6-36 and 6-40 to authorize the use of political signs on City property being used as a polling place; amending Chapter 70 "Offenses and miscellaneous provisions" to add a new Article III "Electioneering at polling places" to provide regulations regarding the time, place, and manner of the use of such signs; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

5B. Ordinance No. 2014-04 amending the budget for fiscal year 2014 to account for various changes to the city's operational budget. (staff)

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Funding agreement between the City of Kerrville, Texas Economic Improvement Corporation, Inc., the City of Kerrville, and Playhouse 2000, Inc. in the amount of \$500,000 for construction of a support facility to be owned by the City and used in conjunction with the Cailloux Theater for the Performing Arts. (staff)

6B. Violation of Kerrville City Charter and Ethics Policy. (Councilmember Keeble)

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Brenda Craig
City Secretary, City of Kerrville, Texas

7. ITEMS FOR FUTURE AGENDAS

8. 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.

9. EXECUTIVE SESSION:

City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above including 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 matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code, including the following matters:

Sections 551.071 and 551.072:

Discuss the purchase, exchange, lease, sale, or value of real property, the public discussion of which would not be in the best interests of the City's bargaining position with third parties, regarding property interests related to the following:

- Jefferson lift station
- River Trail.

10. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

11. ADJOURNMENT.

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time, February 7, 2014 at 11:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

Agenda Item:

2A. Proclamation for National Salute to Veteran Patients Day. (Mayor Pratt)



City of Kerrville

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PROCLAMATION

WHEREAS, The National Salute to Veteran Patients Week is an official Veterans Affairs program that is celebrated at Veterans Affairs medical centers across the country; and

WHEREAS, Since 1978, the National Salute to Veteran Patients Week has presented Americans another opportunity to thank veterans and to those who give them care; and

WHEREAS, The purpose of the national salute is three fold: to pay tribute and express appreciation to veterans, to increase community awareness of the role of VA medical centers, and to encourage citizens to visit hospitalized veterans and become involved as volunteers, and

WHEREAS, Through war and peace, valiant Americans have answered the call to duty with honor and dignity. These brave men and women made the ultimate sacrifice for our benefit and citizens of the United States will forever owe an immense debt of gratitude to our Veterans for the sacrifices they have made to secure the safety of our country; and

WHEREAS, The selflessness of our service members is unmatched, and they remind us that there are few things more fundamentally American than doing our utmost to make a difference in the lives of others,

NOW THEREFORE, I, Jack Pratt, Mayor of the City of Kerrville, Texas, call on all citizens of Kerrville to join me in recognizing Wednesday, February 12, 2014

“National Salute to Veteran Patients Day”

And thereby honor those who served and sacrificed for freedom. I encourage all citizens to visit VA Medical Centers to recognize and thank our service members for the endless contributions and sacrifices they have made to the cause of peace and freedom around the world.

IN WHITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Kerrville to be affixed hereto, the 11th day of February, 2014

Jack Pratt, Jr., Mayor



Agenda Item:

2B. Resolution of Commendation to Diana Martin for serving on the Library Advisory Board. (Mayor Pratt)



City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, DIANA K. MARTIN has served as a member of the Library Advisory Board with the date of service beginning March 10, 2009; and

WHEREAS, DIANA K. MARTIN has served faithfully and dutifully on said board;

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

That **DIANA K. MARTIN** be recognized for outstanding service as a member of the Library Advisory Board, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

PASSED AND APPROVED, this the 11th day of February, 2014.

ATTEST:

Brenda G. Craig
Brenda G. Craig, City Secretary

Jack Pratt, Jr.
Jack Pratt, Jr., Mayor

Carson Conklin
Carson Conklin, Mayor Pro Tem

Gene Allen
Gene Allen, Councilmember

Stacie Keeble
Stacie Keeble, Councilmember

T. Justin MacDonald
T. Justin MacDonald, Councilmember



Agenda Item:

2C. Resolution of Commendation to Harold Buell for serving on the Planning and Zoning Commission. (Mayor Pratt)



City of Kerrville

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RESOLUTION OF COMMENDATION

WHEREAS, HAROLD BUELL has served as a commissioner on the Planning and Zoning Commission with the date of service beginning January 9, 2007, and

WHEREAS, HAROLD BUELL has served faithfully and dutifully on said commission;

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

That HAROLD BUELL be recognized for outstanding service as a commissioner on the Planning and Zoning Commission, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

PASSED AND APPROVED, this the ____ day of _____, 2014.

ATTEST:

Brenda G. Craig, City Secretary

Jack Pratt, Jr., Mayor

Carson Conklin, Mayor Pro Tem

Stacie Keeble, Councilmember

Justin MacDonald, Councilmember

E.G. Allen, Councilmember

Agenda Item:

2D. Presentation of Life Saving Award to Police Officer Kyle Schneider. (staff)

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

SUBJECT: Presentation of Life Saving Award: Officer Kyle Schneider

FOR AGENDA OF: February 11, 2014

DATE SUBMITTED: January 31, 2014

SUBMITTED BY: Chief John Young

CLEARANCES: Todd Parton, City Manager

EXHIBITS: Nomination Document

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

At approximately 11:25 AM on January 16, 2014 Officer Kyle Schneider responded to a structure fire at North Sunset Street where an individual was reported to be trapped inside his burning residence. Mr. Joseph Dean 66 years old suffers from polio and cannot move around without the assistance of a wheelchair or walker, called dispatch and advised "my house is on fire and I need help" Mr. Dean stated he could not get out of the house because he was unable to walk and he had already suffered burns to his hands and legs.

Officer Schneider arrived at the location at 11:29 AM and disregarding his own safety, entered the burning mobile home. Although his vision was obscured by heavy smoke, he began calling out and searching for Mr. Dean. Officer Schneider located Mr. Dean who was severely burned and lying on the dining room floor. As Officer Schneider was preparing to extract Mr. Dean, Fire Inspector Chris Lee arrived on scene and made entry into the burning mobile home. Together they picked up Mr. Dean and extracted him from his burning home.

Mr. Dean trousers had been burned off and he sustained severe burns to his legs and hands. He was transported by helicopter to SAMC. Mr. Dean is currently in ICU at BAMC where he remains unconscious with third degree burns to 30-40% of his body.

Fire Inspector Lee believes that had it not been for the courage and bravery displayed by Officer Schneider Mr. Dean would have perished in this fire.

Officer Schneider's selfless disregard for his own safety and his exceptional performance during this emergency situation is a true reflection of his dedication to our community.

RECOMMENDED ACTION

Officer Kyle Schneider will be awarded the Kerrville Police Department Life Saving Award.



City of Kerrville
Police Department
429 Sidney Baker
Kerrville, Texas 78028-5069
830.792.2721 (O)
830.896.0717 (F)
harold.degenhardt@kerrvilletx.gov

MEMORANDUM

TO: Meritorious Conduct Board

FROM: Sergeant H.W Degenhardt *[Signature]*

DATE: January 16, 2014

SUBJECT: Meritorious Nomination / Officer Kyle Schneider

On January 16, 2014, at about 1125 hours, Officer Kyle Schneider responded to a structure fire at 21 North Sunset, Kerrville, Kerr County, Texas, 78028, where a subject was reported to be trapped by an active fire that was caused by a burning candle in the residence.

The caller, later identified as Joseph Dean, a 66 year old invalid, who suffers from polio and cannot move around without the use of a chair or a walker, advised Dispatch "My house is on fire" and "need help". Mr. Dean went on to say that he could not get out of the fire because "I can't walk" and that he has suffered burns to his hands and legs as a direct result from the active fire.

Officer Schneider arrived on scene at 1129 hours, a mere three (3) minutes after the call came out, and entered the conflagration in search of the trapped caller. Officer Schneider's vision was greatly degraded due to the smoke build up inside of the structure, a single wide prefabricated trailer, which was now about 1/3 engulfed in flame.

Officer Schneider, dressed only in his standard issue Kerrville Police Department uniform, fearing for the safety of Mr. Dean, charged headlong into the smoke and deadly flames, calling to Mr. Dean, using the sound of Mr. Dean's voice to successfully locate the incapacitated, severely burnt and desperate man, who was immobile, and on the dining room floor.

Officer Schneider observed that Mr. Dean was trapped by the flames and could not move out of the dire situation without assistance. Officer Schneider called out to KFD

Chris Lee, who had also arrived on scene, and together, along with pure grit and determination, physically took hold, Officer Schneider on the legs and Firefighter Lee on the torso, of Mr. Dean, and removed him from the immediately life threatening situation.

Officer Schneider and Firefighter Lee carried Mr. Dean to the street, where he could be safely evaluated, and receive treatment for obvious burns to his body.

Due to the severity of his injuries, Mr. Dean was subsequently flown to SAMC for further treatment.

While on scene, after Officer Schneider and Firefighter Lee had successfully removed Mr. Dean from harm's way, Officer Degenhardt observed that Officer Schneider had a large piece of Mr. Dean's epidermis stuck to his, Officer Schneider, right forearm. Officer Degenhardt observed that Mr. Dean was naked from the waist down and that his sweat type pants had been completely burned off, leaving severe burns to both of his legs. Officer Degenhardt also observed that Mr. Dean had burns to both of his hands.

After speaking with both Officer Schneider and Firefighter Lee, it is Officer Degenhardt's belief that the courage and bravery displayed by Officer Schneider, directly led to the saving of Mr. Dean's life. Officer Degenhardt also spoke with Mr. Dean's brother, Dennis, who stated that Mr. Dean is still in ICU at SAMC, and is undergoing skin graft procedures, due to having third degree burns to 30% -40% of body. Dennis has not been able to speak with his brother, due to being comatose in ICU, but has visited BAMC, and will keep us updated in regard to Mr. Dean's status.

The Kerrville Police Departments Mission Statement reads as follows: The Kerrville Police Department is dedicated to the protection of life and property, the preservation of peace and the prevention of crime in our community. We believe in proactive enforcement and community problem solving to enhance the quality of life for everyone in Kerrville.

Officer Schneider's selfless action during exceptional performance in the execution of his duties, while acting as a City of Kerrville Police Officer, specifically his actions on the morning of January 16, 2014 reflect great credit upon himself, his shift, the Kerrville Police Department, and the City of Kerrville. It is my recommendation that Officer Schneider be awarded the Life Saving Bar, an award that he most certainly earned.

Sergeant Hal Degenhardt

John Young

From: Robert Ojeda
Sent: Thursday, January 16, 2014 2:14 PM
To: John Young
Subject: Rescue at 21 N Sunset

John,

I wanted you to know that this morning, Officer Schneider and Fire Inspector Chris Lee rescued a gentleman when his home caught on fire at the Three Hills Mobile Home Park. The gentleman is confined to a wheelchair and is unable to walk. Details of the incident are below. I want to thank you, your Department and Officer Schneider for all the assistance that is provided to our Department in protecting the citizens of Kerrville.

Best regards,

Bobby Ojeda

From: Christopher F. Lee
Sent: Thursday, January 16, 2014 1:37 PM
To: Mark Beavers; Robert Ojeda
Subject: 21 N Sunset

Sergeant Degenhardt,

On January 16, 2013, dispatched placed a call for a house fire with the occupant still inside at 21 N Sunset in the Three Hills Mobile Home Park. I responded from Fire Admin and was on scene very quickly due to the close proximity to this office. As I approached the scene I did notice a KPD car approaching at the same time which was occupied by Officer Schneider. Officer Schneider was making his way to the front door located on the west side of the trailer home. I parked my vehicle and made my way to the front door. I called for Officer Schneider and could see him inside with the occupant. It appeared to me that it was safe enough to enter and I went to Officer Schneider's location, which was about 30 feet inside the front door in the dining room area. The gentleman on the floor was sitting in and around the fire, and his pants had been burned off already. He had burns to his legs and hands. I grabbed him under his arms and told Officer Schneider to grab his feet and we took the man outside. The fire engine was on scene shortly afterward and extinguished the fire.

CHRIS LEE
FIRE INSPECTOR
KERRVILLE, TX 78028
830-257-8449

Agenda Item:

3A. Minutes of the City Council regular meeting held January 28, 2014. (staff)

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JANUARY 28, 2014

On January 28, 2014, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Pratt in the City Hall Council Chambers at 701 Main Street. The invocation was offered by Reverend Linda McWhorter, Interim Minister for the First Christian Church, followed by the Pledge of Allegiance led by Kerrville Police Chief John Young.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Stacie Keeble	Councilmember
Justin MacDonald	Councilmember
Gene Allen	Councilmember

COUNCILMEMBER ABSENT:

Carson Conklin	Mayor Pro Tem
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CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Deputy City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Robert Ojeda	Fire Chief
Ashlea Boyle	Special Projects Manager
Jason Lutz	City Planner
John Young	Police Chief
Robert Ojeda	Fire Chief
Danny Batts	Chief Building Official

VISITORS PRESENT: List on file in city secretary's office for the required retention period.

A moment of silence was held in honor of Tamara Pfiester Pate and her family. Ms. Pate died from injuries sustained in a weather-related traffic accident.

1. VISITORS/CITIZENS FORUM:

1A. Bill Lewis, resident of Rio Robles Mobile Home Park (RR), noted the park consisted of 105 homes. Speaking for himself, he noted several concerns about the proposed river trail: 1) the sidewalk in his back yard would give the public access to RR property and would deny him access to his play ground and place where he and his grandchildren drive golf carts; and 2) RR would have all of the liability, e.g., if people leave the sidewalk and become injured, RR would be liable.

2. CONSENT AGENDA:

Mr. Allen moved to approve consent agenda items 2A; Mr. MacDonald seconded

the motion, and it passed 4-0:

2A. Minutes of the city council regular meeting held January 14, 2014, and the special meeting held January 14, 2014.

END OF CONSENT AGENDA

3. ORDINANCES, SECOND AND FINAL READING:

3A. Ordinance No. 2014-01, ordering a special election to be held on May 10, 2014, for the purpose of submitting propositions to the voters for proposed amendments to the City Charter; establishing early voting locations and polling places for this election; and making provisions for the conduct of the election.

3A. UNA ORDENANZA 2014-01 QUE DECRETA UNA ELECCIÓN ESPECIAL QUE HA DE LLEVARSE A CABO EL 10 DE MAYO DEL 2014 CON EL FIN DE PRESENTAR A LOS VOTANTES LAS ENMIENDAS PROPUESTAS A LA CARTA CONSTITUCIONAL DE LA CIUDAD; ESTABLECER LOS LUGARES DE LA VOTACIÓN TEMPRANA Y LOS CENTROS ELECTORALES PARA ESTA ELECCIÓN; Y HACER LAS DISPOSICIONES NECESARIAS PARA LLEVAR A CABO ESTA ELECCIÓN.

Mayor Pratt read the ordinance by title only.

Mr. Hayes noted the ordinance called for a special election on May 10 to consider eight charter amendments; there were no changes since first reading.

Mr. MacDonald moved for approval of Ordinance No. 2014-01 on second reading; Ms. Keeble seconded the motion and it passed 4-0.

3B. Ordinance No. 2014-03, amending the city's "Zoning Code" by adding a definition of "Boarding Home Facility" to Article 11-I-3 "Definitions and Interpretation of Words and Phrases"; and revising Article 11-I-4 to add boarding home facility as a use that is permitted within any zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. Mayor Pratt read the ordinance by title only.

Mr. Lutz noted this ordinance would establish definitions consistent with the boarding home facilities ordinance and would allow boarding home facilities in all zones. He noted no changes since first reading.

Mr. MacDonald moved for approval of Ordinance No. 2014-03 on second reading; Mr. Allen seconded the motion and it passed 4-0.

4. ORDINANCES, FIRST READING

4A. Ordinance No. 2014-02, amending Chapter 6 "Advertising", Article II "Signs", of the City's Code of Ordinances to revise Sections 6-36 and 6-40 to authorize the use of political signs on City property being used as a polling place; amending Chapter 70 "Offenses and miscellaneous provisions" to add a new Article III "Electioneering at polling places" to provide regulations regarding the time, place, and manner of the use of such signs; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. Mayor Pratt read the ordinance by title only.

Mr. Hayes noted a recent change in state law that would allow electioneering on public property used as a polling location; also, the law would allow the city to adopt reasonable regulations. Previously, the city prohibited the posting of political signs on city property. The proposed ordinance would allow the posting of political signs on public property used as a polling location subject to regulations. The ordinance was not specific to the Cailloux Theater, and if the polling location changed, the ordinance would apply at the new location. Mr. Hayes reviewed regulations being considered:

- Prohibited leaving electioneering signs or literature at a polling location 30 minutes before and 30 minutes after the polls closed.
- Did not apply to vehicles with signs affixed which were legitimately parked; however, such vehicles had to be removed from the polling location each night.
- Prohibited electioneering in driveways, parking areas, medians, etc. where such activities could create an issue of public safety.
- Prohibited attaching signs to city improvements, buildings, landscaping, or within 10 ft. of public right of way, or in a manner that would obstruct visibility.
- Signs could not exceed 36 sq. ft. or 8 ft. in height or use any lights or moving elements.
- Authorized the city manager to remove and dispose of signs in violation of the ordinance.
- No electioneering activity within 100 ft. of the entrance to the polling location.

Mr. Hayes presented a map depicting a possible electioneering zone that could be established at the Cailloux Theater; however, he stated that the hatched area on the map incorrectly included the handicap access area, and he was proposing the area north and outside the 100 ft. line.

The following person spoke:

1. Ed Shuler noted that part of the hatched area on the map was for handicap parking and access. He recommended clarifying more appropriate areas for electioneering activities, and stated that the front parking lot of the Cailloux Theater was not heavily used particularly during early voting, and voters could use the walk area between the parking spaces. He asked if there was any change in how the posting of signs on public and private property would be handled, if signs could be placed on cars, and if any change in timing was proposed. He stated that the current code prohibited loud speakers within 1,000 feet and suggested this also be included in the ordinance so people would know where a person could and could not use loud horns. He wanted clarification about signs on cars, stickers, labels, and what was inside of a car. He requested candidates be allowed additional parking spaces so they could setup a table and/or a tent for protection from the weather.

Mr. Hayes noted the ordinance was consistent with the policy that had been in effect for many years; the ordinance would provide written regulations to help everyone understand what would be allowed/prohibited; the city would not be looking inside of people's cars.

Councilmembers also discussed the following:

- If allow two parking spaces for each candidate, one for vehicle parking and one for table and electioneering activities, could run out of parking spaces during a large election.
- Did not see any serious problem with the way electioneering had been handled in the past.

The consensus of the council was: define an area where electioneering activities could occur; staked yard signs would be allowed within the 10 ft. area in front by the sidewalk, but eliminate the placement of larger signs; the regulations would apply only to unattended signs; persons holding signs and conducting electioneering activities would be allowed anywhere. This item should be placed on the next agenda.

4B. Ordinance No. 2014-05, amending Chapter 6 "advertising", Article II "Signs" of the City's Code of Ordinances to revise the definition of a projecting sign and to revise the regulations applicable to projecting signs and roof signs; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. Mayor Pratt read the ordinance by title only.

Mr. Lutz noted the existing sign code allowed projecting signs attached directly to the wall up to a maximum of 9 ft. Two applications were submitted requesting the city allow signs to be hung by pole or other support structure. The proposed ordinance would allow projecting signs to be attached to a pole or other structure, with requirements: minimum spacing of 10 ft. between signs; minimum height of 7 ft. for pedestrian clearance; and current size limitations would apply.

The existing sign code does not allow a roof sign to extend above the apex of the roof. The proposed amendment would allow a flat roof or a roof with a minimum pitch of 3 on 12 or less to have a roof sign with a limit of 4 ft. in height.

Council questioned if any existing signs would be in violation if the amendment passed. Mr. Batts noted that the ordinance would not change the status of existing non-conforming signs. Non-conforming signs that were grandfathered could only be repaired/maintained, not replaced; if the sign was removed for any reason, the new sign would have to be built in accordance with current code. The proposed amendment did not address non-conforming signs, the amendment would relax current regulations to allow buildings with a flat roof to install a roof sign up to 4 ft. height. The current code did not allow roof signs on flat roofs.

Ms. Ondrias did not anticipate any negative reaction from property owners or the businesses community as the proposal was less restrictive than the current ordinance; however, some members of the sign committee would like the regulations to be more restrictive.

Mr. MacDonald moved for approval of Ordinance No. 2014-05 on first reading; Mr. Allen seconded the motion and it passed 4-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Streetscape master plan (Kerrville Central City Plan) by Peter Lewis Architect + Associates, PLLC.

Mr. Lewis defined the central city area as Five Points to Water/Main intersection and Barnett Street to Thompson Drive and presented the streetscape master plan for that area. He met with the Economic Improvement Corporation, Main Street Advisory Board, and Historic Downtown Business Association and other interested groups and incorporated their comments into the plan. The plan was also consistent with the city's comprehensive plan and relied on many of its components. Mr. Lewis identified and discussed particulars of the plan:

- New and improved sidewalks and pedestrian crosswalks with textured brick pavers, aerial and ornamental lighting, benches, fountains, trash containers, wayfinding signage and landscaping that would identify the central city area.
- Plan would be budgeted and implemented in phases.
- Traffic signal lights were proposed to be replaced with monopole arms and overhead wiring and poles be removed; would have to get KPUB support.
- Work would be limited to public right of ways; the city would not remove any trees and would not destroy anything done by property owners; existing brick pavers would remain.
- Drought tolerant plants that require very little maintenance.
- Looking at a way to connect both sides of the river that would be pedestrian friendly and ADA accessible. A pedestrian bridge connected to the Highway 16 bridge had been considered; however, TxDOT advised that the 16 bridge was not designed for an additional structure.
- Modify the façade of the parking garage by accentuating the pedestrian openings and placing a series of trellises for vines.
- Install textured paved crosswalks mid-block for pedestrian safety because pedestrians do not go to the intersection to cross the street.
- Connect the overlook pavilion to Earl Garrett Street.
- Improve public access, parking, and landscaping in Veterans Park at Main and Water.
- Create a pedestrian crossing mid-block on Main Street to connect the courthouse to Peterson Plaza and across the river; may request TxDOT install pedestrian crosswalk signal.
- Identified locations for future art projects; opportunity to have painted murals or changing projected images on buildings, such as Hastings Store.
- Phasing the project as funds and time allow; suggested starting at Five Points Park and Veterans Park.

The following person spoke:

1. Vicki Love noted that persons were very excited about the plan when it was presented at the Downtown Association meeting, especially the plans for the parking garage; she encouraged people to use the parking garage.

Mr. MacDonald moved to accept the vision of the plan; Mr. Allen seconded the motion and it passed 4-0.

5B. Request from Kerrfest committee to provide in-kind police and fire/EMS services for the 4th annual Kerrfest event.

Ms. Boyle noted the Kerrville Area Chamber of Commerce requested the city provide public safety services for the Kerrfest event scheduled for May 15-18 in the amount of over \$4,500, the same as last year.

Kristan Weaver, representing the chamber, noted the paid attendance for 2013 was 1,600.

Mr. Allen moved for approval of the request as presented; Ms. Keeble seconded the motion and it passed 4-0.

6. INFORMATION AND DISCUSSION:

6A. Budget and economic update.

Ms. Yarbrough reported year-to-date figures for the general fund, water and sewer fund, and hotel/motel tax fund and noted revenue was higher in all funds when compared to 2013, except the water/sewer fund, which revenue was affected by the extended drought, conservation measures, and winter averaging that would set customers' sewer bill for the year.

The following person spoke:

- Ruth Spradling requested in the future that the financials be put on the screen so the audience could see it.

7. BOARD APPOINTMENTS:

7A. Appointments to the main street advisory board.

Mr. Allen moved to reappoint Stan Cobbs, David Martin, and William Rector, and to appoint Tamilynn Kay Edwards, all with terms to expire January 31, 2016. Mr. MacDonald seconded the motion and it passed 4-0.

8. ITEMS FOR FUTURE AGENDAS

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- The Chocolate Fantasy event would be held at the Kerr Arts and Cultural Center on February 9; the deadline to enter the contest was February 7.
- Father/daughter dance on February 9 at the Dietert Center.
- Petitions were available in the city secretary's office for persons interested in running for city council; the filing period would end February 28.

10. EXECUTIVE SESSION:

Mr. MacDonald moved for the city council to go into executive closed session under Sections 551.071 and 551.072 of the Texas Government Code; motion was seconded by Mr. Allen and passed 4-0 to discuss the following matters:

Sections 551.071 and 551.072:

Discuss the purchase, exchange, lease, sale, or value of real property, the public discussion of which would not be in the best interests of the City's bargaining position with third parties, regarding property interests related to the following:

- Jefferson lift station
- River Trail.

At 7:25 p.m. the regular meeting recessed and council went into executive closed session at 7:31 p.m. At 7:42 p.m. the executive closed session recessed and council returned to open session at 7:43 p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION: None.

ADJOURNMENT. The meeting adjourned at 7:43 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

Agenda Item:

3B. Construction contract with M&C Fonseca Construction Co., Inc. for the construction of the 8 inch waterlines on Spence Street and Herzog Street project in the amount of \$137,727.00 and authorize the city manager to execute additional change orders in an amount not to exceed \$27,545.00. (staff)

mains in Francisco Lemos and Water Street to maintain desired pressure levels and required fire flows for the adjacent properties

On January 30, 2014, four (4) bids were opened and the apparent low bidder was M&C Fonseca Construction Co., Inc. M&C Fonseca Construction's bid was \$137,727.00.

This award will be contingent on the final approval of the budget amendment on February 25, 2014.

RECOMMENDED ACTION

The Director of Engineering recommends the City Council authorize the City Manager to execute a construction contract with M&C Fonseca for the construction of the 8-inch Waterlines on Spence Street and Herzog Street project in the amount of \$137,727.00 and authorize the City Manager to execute additional change orders in an amount not to exceed \$27,545.00.

Project Name: 8-Inch Waterlines on Spence Street & Herzog Street

Engineering Number : PW13-019

General Contractors	Addendum No. One Acknowledged	Bid Security	Base Bid
Walters Engineering LLC	✓	✓	\$ 214,116.86
Clearfield Construction	✓	✓	\$ 145,113.83
Nelson Lewis Inc	✓	✓	\$ 177,184.00
m&e Fonseca Construction Co, Inc	✓	✓	\$ 137,727.00

Agenda Item:

4A. Ordinance No. 2014-05, amending Chapter 6 "Advertising", Article II "Signs", of the City's Code of Ordinances to revise the definition of a projecting sign and to revise the regulations applicable to projecting signs and roof signs; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

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

SUBJECT: 2nd Ordinance Reading: Sign Code Text Amendmets – 2nd Ordinance Reading amending Chapter 6 “Advertising”, Article II “Signs”, of the City’s Code of Ordinances to revise the definition of a Projecting sign and to revise the regulations applicable to Projecting signs and Roof signs.

FOR AGENDA OF: Feb. 11, 2014 **DATE SUBMITTED:** Feb. 3, 2014

SUBMITTED BY: Jason Lutz **CLEARANCES:** Kristine Ondrias 

EXHIBITS: Ordinance

AGENDA SENT TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$ NA	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

The sign code currently allows projecting signs if they are attached directly to the wall from which they project. However, the code does not allow for the sign to be attached and hung via a pole or other support that is attached to the wall. The modification to the definition for projecting signs would allow the projecting sign to be attached to a pole or other structure. In addition to the support structure, a provision was added to the ordinance to allow one (1) projecting sign per entry to an establishment and a minimum spacing of ten (10) feet between signs. This is similar to the regulation governing canopy signs and would allow facilities with multiple tenants to each have a projecting sign. Regulations are also proposed which require a minimum of seven (7) feet clearance between the lowest point of the sign and the ground. A projecting sign would also be subject to size limitations, as described in subsection 14, which governs awning signs, canopy signs, canopy roof signs, or projecting signs when used in combination.

The amendments for Roof Signs are to allow facilities with a flat roof or a roof with a pitch of “three on twelve” or less to utilize a roof sign. Currently the sign code does not allow a roof sign to extend above the apex of the roof. For flat roofs or roofs with a pitch of three on twelve a roof sign would not be allowed. The proposed amendments would allow these facilities to utilize a roof sign and limit them to four (4) feet in height.

The City Council approved the amendments during the first ordinance reading, by a vote of 4-0, on January 28, 2014

RECOMMENDED ACTION

Staff recommends City Council consider the second & final reading of an ordinance amending Chapter 6 “Advertising”, Article II “Signs”, of the City’s Code of Ordinances to revise the definition of a Projecting sign and to revise the regulations applicable to Projecting signs and Roof signs.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-05**

**AN ORDINANCE AMENDING CHAPTER 6 “ADVERTISING”,
ARTICLE II “SIGNS” OF THE CITY’S CODE OF ORDINANCES TO
REVISE THE DEFINITION OF A PROJECTING SIGN AND TO REVISE
THE REGULATIONS APPLICABLE TO PROJECTING SIGNS AND
ROOF SIGNS; CONTAINING A SAVINGS AND SEVERABILITY
CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00;
ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND
PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

WHEREAS, the City Council of the City of Kerrville, Texas (“City Council”) seeks to provide for the orderly development and use of property within the corporate limits of the City of Kerrville, Texas (“City”) and its extraterritorial jurisdiction (“ETJ”); and

WHEREAS, toward that end, City Council, pursuant to Ordinance No. 2012-05, adopted a new Sign Code, as codified in Article II of Chapter 6 of the City’s Code of Ordinances; and

WHEREAS, Ordinance No. 2012-05 established regulations governing the location, size, design, installation, and maintenance of signs located within the City and its ETJ; and

WHEREAS, City staff recommends revising the Sign Code with respect to the use of “projecting signs” and “roof signs”, as defined; and

WHEREAS, City Council, after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of property, maintaining safety, and the public health, and encouraging the most appropriate use of land throughout the City, finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the Sign Code with respect to the installation, use, and maintenance of projecting and roof signs within the City and its ETJ;

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

SECTION ONE. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-35 by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

“Sec. 6-35. Definitions.

·
·

Projecting sign: A sign, other than an awning sign or canopy sign, whose outside edge extends a distance from the face of a wall and [to which it] is attached either directly to the structure or to a supporting frame, pole, or similar device or which extends ~~[at any~~

~~point above or~~ beyond a wall ~~[to which it is]~~ by being attached in a similar manner.”

SECTION TWO. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-39 by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) to subsection (12) as follows:

“Sec. 6-39. Regulations for certain types of signs.

.
.

(12) *Projecting signs.* A projecting sign:

a. Is limited to one per entrance to an establishment with a minimum spacing of 10 feet provided between such signs;

b. May not exceed 16 square feet in area within any residential area or 32 square feet in area within a nonresidential area;

c. May not exceed 20 feet in height;

d. May not extend either above the roof of the building or beyond the end of the wall to which it is attached by more than nine feet at the point of attachment;
~~[and]~~

e. Attached to a building on private property may not extend over any public right-of-way except a sidewalk adjacent to a building which is lawfully built up to the public right-of-way~~[-];~~

(f) May not be less than seven feet from the ground at its lowest point;

(g) Is subject to a size limitation as described in subsection (17), below.”

SECTION THREE. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-39 by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) to subsection (14) as follows:

“Sec. 6-39. Regulations for certain types of signs.

.
.

(14) *Roof signs.* A roof sign:

a. Is allowed but only for an establishment that chooses not to install or use a wall sign;

- b. May not exceed the height of the apex of the roof; ~~and~~
- c. May not exceed 12 percent of the square footage of the area of the front building façade, which is limited to the width of specific space for establishments located within a commercial complex~~[-]~~;
- d. placed on a flat roof or a roof with a pitch of three on twelve may not exceed four feet in height.”

SECTION FOUR. The City Secretary is authorized and directed to send this Ordinance to the publisher of the City’s Code of Ordinances and the publisher is authorized to amend said Code to reflect the new Article II of Chapter 6 as adopted herein, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

SECTION FIVE. 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 SIX. 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, 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 SEVEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-8, or its successor section, of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION EIGHT. 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 law as an alternative method of publication.

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

PASSED AND APPROVED ON FIRST READING, this the ___ day of _____, A.D., 2014.

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the ___ day
of _____, A.D., 2014.**

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

Agenda Item:

5A. Ordinance No. 2014-02, amending Chapter 6 "Advertising", Article II "Signs", of the City's Code of Ordinances to revise Sections 6-36 and 6-40 to authorize the use of political signs on City property being used as a polling place; amending Chapter 70 "Offenses and miscellaneous provisions" to add a new Article III "Electioneering at polling places" to provide regulations regarding the time, place, and manner of the use of such signs; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

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

SUBJECT: An Ordinance amending Chapter 6 “Advertising”, Article II “Signs”, of the City’s Code of Ordinances to revise Sections 6-36 and 6-40 to authorize the use of political signs on City property being used as a polling place; amending Chapter 70 “Offenses and Miscellaneous Provisions” to add a new Article III “Electioneering at Polling Places” to provide regulations regarding the time, place, and manner of the use of such signs

FOR AGENDA OF: Feb. 11, 2014 **DATE SUBMITTED:** Feb. 6, 2014

SUBMITTED BY: Mike Hayes, *mh*
City Attorney **CLEARANCES:**

EXHIBITS: Ordinance

AGENDA SENT TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JP*

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$ NA	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

During the 2013 Legislative Session, the Texas Legislature passed a bill¹ that allows electioneering on public property used as a voting location. “Electioneering” occurs where a politician or political campaigner actively takes part in the activities of an election campaign, to include the posting, use, or distribution of political signs or literature. The City has previously prohibited electioneering with respect to the placing of signs at the Cailloux Theater for the Performing Arts where City elections are held.

The City’s Sign Code² currently prohibits political signs from being used on public property; thus, the Sign Code must be amended to comply with the new law. In addition, while the new law requires cities to allow electioneering on public property used as a polling place, it also allows cities to adopt reasonable regulations to address concerns as to such use.

1 Tex. H.B. 259, 83rd Leg., R.S. (2003), and codified at Sections 61.003 and 85.036, Texas Election Code.
2 Chapter 6 “Advertising”, Article II “Signs”, of the City’s Code of Ordinances
(<http://library.municode.com/index.aspx?clientId=11078&stateId=43&stateName=Texas>)

The attached ordinance includes these amendments and also establishes what staff believes are reasonable time, place, and manner regulations for electioneering at the City's polling place. These regulations address safety concerns, the preservation of parking spaces for users of the theater, the prevention of the destruction of public property, as well as the establishment of reasonable time limits for leaving signs on public property.

Pursuant to discussion at the previous meeting, the City Attorney revised the ordinance as follows:

- 1) limited the prohibition of electioneering to only driveways (*see* §70-43(a)(2)); in other words, electioneering may occur in parking areas or medians beyond the 100 foot "no electioneering" requirement applied by state law; and
- 2) the prohibition of signs placed within 10 feet of a public roadway only applies to signs greater than 18 by 24 inches (*see* §70-43(a)(4))

RECOMMENDED ACTION

Consideration and adoption of an ordinance to amend the City's Sign Code in compliance with state law with respect to electioneering on public property and to adopt reasonable time, place, and manner regulations with respect to such activities.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-02**

AN ORDINANCE AMENDING CHAPTER 6 “ADVERTISING”, ARTICLE II “SIGNS”, OF THE CITY’S CODE OF ORDINANCES TO REVISE SECTIONS 6-36 AND 6-40 TO AUTHORIZE THE USE OF POLITICAL SIGNS ON CITY PROPERTY BEING USED AS A POLLING PLACE; AMENDING CHAPTER 70 “OFFENSES AND MISCELLANEOUS PROVISIONS” TO ADD A NEW ARTICLE III “ELECTIONEERING AT POLLING PLACES” TO PROVIDE REGULATIONS REGARDING THE TIME, PLACE, AND MANNER OF THE USE OF SUCH SIGNS; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, the City Council of the City of Kerrville, Texas (“City Council”) seeks to provide for the orderly development and use of property within the corporate limits of the City of Kerrville, Texas (“City”) and its extraterritorial jurisdiction (“ETJ”); and

WHEREAS, toward that end, City Council, pursuant to Ordinance No. 2012-05, adopted a new Sign Code, as codified in Article II of Chapter 6 of the City’s Code of Ordinances; and

WHEREAS, Ordinance No. 2012-05 established regulations governing the location, size, design, installation, and maintenance of signs, including political signs, located within the City and its ETJ; and

WHEREAS, on June 14, 2013, the Texas Legislature enacted House Bill 259 (“HB 259”), which modified the Texas Election Code and which requires a public entity that owns or controls a public building used as a polling place to allow electioneering on the premises subject any reasonable regulations concerning the time, place, and manner of such activities; and

WHEREAS, HB 259 defines “electioneering” to include the posting, use, or distribution of political signs or literature; and

WHEREAS, the City currently utilizes the Kathleen C. Cailloux Theater for the Performing Arts (“Theater”) as a polling place, which is also simultaneously used for other purposes and for which the City must maintain and ensure adequate and safe parking and access for all users; and

WHEREAS, because electioneering includes the posting of signs, in order to operate the Theater in a safe and effective manner and to further the general health, safety, and welfare of the community, City Council finds that electioneering signs and literature should not be present outside of the time for voting except for a limited period to put up and remove the signs and that the signs should not be attached to improvements and landscaping; and

WHEREAS, the Sign Code prohibits the placement of signs, including political signs, on public property, and therefore City Council should amend such regulations to comply with HB 259; and

WHEREAS, City staff has reviewed HB 259 and the Sign Code and has determined that it is in the best interest of the health, safety, and welfare of the citizens of the City to adopt reasonable regulations to regulate electioneering and political signs that may be placed on property owned by the City and used for elections; and

WHEREAS, City staff also believes that the size of electioneering signs should be limited and that such signs should be set back from the public roadway in order not to impact traffic safety or to increase visual clutter; and

WHEREAS, City Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the Sign Code with respect to the installation, use, and maintenance of political signs used on City property and to adopt regulations to address concerns that may result from electioneering on public property, including traffic safety, visual clutter, and property damage;

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

SECTION ONE. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending subsection (15) of Section 6-36 by adding the language that is underlined (added) as follows:

“Sec. 6-36. Exempt signs.

:
:

- (15) A political sign which does not: exceed 36 square feet in area, exceed eight feet in height, have any lights; or use any moving elements. A political sign may only be placed on property with the consent of the property owner. No political sign may be placed in, on, or over any public right-of-way or City-owned property, except as authorized in Chapter 70, Article III.”

SECTION TWO. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending subsection (3) of Section 6-40 by adding the language that is underlined (added) as follows:

“Sec. 6-40. Prohibited sign locations.

:
:

- (3) No sign or part of a sign, including mounting fixtures and supporting structures, may be located on or above any City property to include public rights-of-way, except as permitted by other provisions of this article and Chapter 70, Article III.”

SECTION THREE. Chapter 70 “Offenses and Miscellaneous Provisions” is amended by adding a new Article III “Electioneering at Polling Locations” as indicated by underlining (added) and to read in its entirety at follows:

“ARTICLE III. ELECTIONEERING AT POLLING LOCATIONS

Sec. 70-41. Purpose.

The purpose of this Article is to provide reasonable regulations for electioneering on City-owned or controlled public property when such property is used as an election polling place. These regulations are intended to mitigate safety concerns, prevent damage to public property, and ensure that such property is sufficiently available for patrons who use the facilities other than for election purposes.

Sec. 70-42. Definitions.

The following words, terms, and phrases, when used in this Article, have the meanings ascribed to them in this section:

Electioneering means the posting, use, or distribution of political signs or literature, including the use of tents, chairs, booths, tables, or other furniture or devices to post, use, or distribute political signs or literature.

Polling place means a City-owned or controlled public property that is being used as an election polling place.

Voting period means the period each day beginning the hour the polls are open for voting and ending when the polls close or the last voter has voted, whichever is later.

Sec. 70-43. Regulations and Exceptions.

(a) The following regulations apply to electioneering at a polling place during the voting period:

- (1) It is unlawful for a person to leave an electioneering sign or literature at a polling place other than during the voting period and for thirty minutes before and after the voting period.
- (2) It is unlawful for a person to engage in electioneering on driveways at a polling place. This restriction does not apply to areas specifically designated for such activities or to electioneering signs that are attached to vehicles that are lawfully parked at the polling place.

(3) It is unlawful for a person to attach, place, or otherwise affix an electioneering sign, literature, or material to any building, tree, shrub, pole, or other improvement at the polling place.

(4) It is unlawful for a person to place an electioneering sign that is larger than eighteen (18) inches by twenty four (24) inches within ten (10) feet of the public roadway adjacent to the polling place.

(5) It is unlawful for a person to place an electioneering sign at a polling place that exceeds thirty-six (36) square feet, exceeds eight (8) feet in height, including any supporting poles, and which uses lights or any moving elements.

(6) In addition to imposing a criminal penalty, the City Manager or designee may, without notice, remove and dispose of electioneering sign(s) located in violation of this section.

(7) The authority to conduct electioneering on public property under this Article is limited to the polling place and only for the voting period, such that at the end of the voting period, all signs and vehicles must be removed.

(b)The regulations set forth in (a) above do not apply to any City authorized signs, materials, or other messages on property the City owns or controls.”

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

SECTION FIVE. 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 SIX. 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, 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 SEVEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-8, or its successor section, of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO

THOUSAND DOLLARS (\$2,000.00).

SECTION EIGHT. 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 law as an alternative method of publication.

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

PASSED AND APPROVED ON FIRST READING, this the ___ day of _____, A.D., 2014.

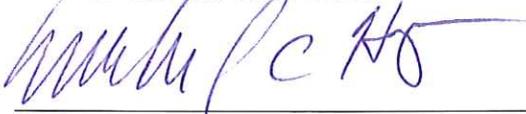
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ___ day of _____, A.D., 2014.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

5B. Ordinance No. 2014-04 amending the budget for fiscal year 2014 to account for various changes to the city's operational budget. (staff)

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

SUBJECT: First reading of an ordinance amending the FY2014 Budget

FOR AGENDA OF: February 11, 2014 **DATE SUBMITTED:** February 3, 2014

SUBMITTED BY: Sandra Yarbrough *SY* **CLEARANCES:** Todd Parton
Director of Finance City Manager

EXHIBITS: Ordinance Amending FY2014 Budget
Attachment A – detailing changes

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *TP*

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

The attached ordinance provides for the first amendment to the FY2014 budget, and includes budget amendments as per Attachment A.

RECOMMENDED ACTION

It is recommended that the City Council approve the first reading of an ordinance amending the FY2014 budget and authorize city staff to make all necessary entries and adjustments to reflect the attached changes.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-04**

**AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2014
TO ACCOUNT FOR VARIOUS CHANGES TO THE CITY'S
OPERATIONAL BUDGET**

WHEREAS, Ordinance No. 2013-17, dated September 24, 2013, adopted the Fiscal Year 2014 Budget; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds that amending the City's Fiscal Year 2014 Budget is in the best interest of the citizens of the City of Kerrville;

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

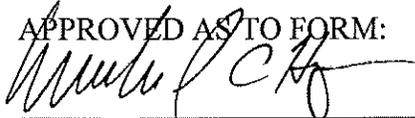
In accordance with Section 8.07 of the City Charter, the Official Budget for Fiscal Year 2014 is amended as set forth in **Attachment A**.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, A.D., 2014.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2014.

Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

Attachment A - Budget Amendment - February 2014

Fund Name	Account Number	Adjustment description	Amount
General Fund	01-813-112	Cost sharing project with 911 District for emergency medical dispatch software	\$ 6,500.00
General Fund	01-7007	Transfer funds from Program Income - Fund 07 to off-set expense in 01-813-112	\$ 6,500.00
Police Special Programs	07-24200	Move funds to purchase emergency medical dispatch software in General Fund	\$ 6,500.00
Police Special Programs	07-800-901	Move funds to purchase emergency medical dispatch software in General Fund	\$ 6,500.00
General Fund	01-860-402	TBPE Criminal background check and fingerprinting as mandated by legislature	\$ 60.00
General Fund	01-860-012	Division re-organization	\$ 600.00
General Fund	01-803-001	Division re-organization	\$ 6,718.40
General Fund	01-803-005	Division re-organization	\$ 513.96
General Fund	01-803-006	Division re-organization	\$ 597.94
General Fund	01-804-001	Division re-organization	\$ 25,636.20
General Fund	01-804-005	Division re-organization	\$ 1,961.17
General Fund	01-804-006	Division re-organization	\$ 2,217.53
General Fund	01-805-001	Correct budget calculation error in Excel format	\$ 7,425.40
General Fund	01-805-005	Correct budget calculation error in Excel format	\$ 568.04
General Fund	01-805-006	Correct budget calculation error in Excel format	\$ 642.30
General Fund	01-842-001	Division re-organization	\$ (9,674.58)
General Fund	01-842-005	Division re-organization	\$ (740.11)
General Fund	01-842-006	Division re-organization	\$ (545.85)
General Fund	01-842-306	Commercial plan reviews	\$ 7,500.00
General Fund	01-843-001	Division re-organization	\$ 7,942.55
General Fund	01-843-004	Division re-organization	\$ 350.00
General Fund	01-843-005	Division re-organization	\$ 607.61
General Fund	01-843-006	Division re-organization	\$ 687.03
General Fund	01-7020	Transfer in from Hotel/Motel Fund	\$ 20,000.00
General Fund	01-870-306	Special Services	\$ 20,000.00
Hotel/Motel Fund	20-800-901	Transfer out to General Fund	\$ 20,000.00

Attachment A - Budget Amendment - February 2014

General Fund	01-870-504	Mowing equipment	\$	100,000.00
Water/Sewer Fund	02-890-504	Mowing equipment	\$	100,000.00
General Fund	01-870-502	Building design (UTC/Purchasing building)	\$	37,000.00
Water/Sewer Fund	02-890-502	Building design (UTC/Purchasing building)	\$	113,000.00
Water/Sewer Fund	02-890-502	Wastewater building finish out	\$	70,000.00
General Fund	01-870-202	Repair roof and mechanical at Police department building	\$	200,000.00
General Fund	01-870-202	Repair roof and painting at City Garage	\$	30,000.00
Golf Fund				
Golf Fund	14-801-001	Personnel vacancy-position eliminated	\$	(25,927.20)
Golf Fund	14-801-005	Personnel vacancy-position eliminated	\$	(1,983.43)
Golf Fund	14-801-006	Personnel vacancy-position eliminated	\$	(2,307.52)
Golf Fund	14-801-007	Personnel vacancy-position eliminated	\$	(5,625.00)
Golf Fund	14-801-388	Lease equipment	\$	10,000.00
EIC-Capital Projects Fund				
EIC-Capital Projects Fund	75-800-940	Close Golf Course Improvement Project #E53	\$	89,572.84
EIC-Sales Tax Fund	40-7075	Return funds from closed Project #E53	\$	89,573.00
General CIP Fund				
General CIP Fund	70-800-968	Close Library Renovation Project #G95 into Project #H01	\$	143,020.73
History Center Fund	68-7070	Close Library Renovation Project #G95 into Project #H01	\$	143,020.73
History Center Fund	68-800-502	Project #H01 - renovations and improvements	\$	143,020.73
History Center Fund	68-800-502	Project #H01 - renovations and improvements	\$	131,000.00
Library Memorial Fund	15-800-968	Transfer out funds - endowment at Wells Fargo and Shoemaker Estate	\$	131,000.00
History Center Fund	68-7015	Transfer in funds received in Library Memorial Fund - Project #H01	\$	131,000.00
General CIP Fund	70-800-968	Transfer out balance of closed Project #G65 to Project #H01	\$	22,992.19
History Center Fund	68-7070	Transfer in balance of closed Project #G65 to Project #H01	\$	22,992.19
History Center Fund	68-800-502	Project #H01 - renovations and improvements	\$	22,992.19
Water/Sewer CIP Fund				
Water/Sewer CIP Fund	71-800-510	Funds from Crenwelge Motors for water line replacement Project #U02	\$	58,290.00
General CIP Fund				
General CIP Fund	70-800-508	Funds from Crenwelge Motors for sale of Rodriguez St to Project #B08	\$	100,000.00
General CIP Fund				
General CIP Fund	70-800-918	Transfer out balance of closed Project #G74	\$	17,922.80
Asset Replacement Fund	18-7070	Transfer in balance of closed Project #G74	\$	17,922.80
Asset Replacement Fund	18-800-202	Repairs to city parks/trails	\$	17,922.80

Attachment A - Budget Amendment - February 2014

Water/Sewer CIP Fund	Projects completed - unspent balances transferred to other existing projects in fund		
	Close Project #W75 to Project #W92		\$ 12,443.19
	Close Project #W96 to Project #W92		\$ 366,598.95
Water/Sewer CIP Fund	Increase Project #U03 from unallocated bond proceeds		\$ 300,000.00
EIC-Capital Projects Fund	Transfer in funds for Cailloux Theater expansion Project #E66	75-7040	\$ 500,000.00
EIC-Sales Tax Fund	Transfer out funds for Cailloux Theater expansion Project #E66	40-800-975	\$ 500,000.00

Agenda Item:

6A. Funding agreement between the City of Kerrville, Texas Economic Improvement Corporation, Inc., the City of Kerrville, and Playhouse 2000, Inc. in the amount of \$500,000 for construction of a support facility to be owned by the City and used in conjunction with the Cailloux Theater for the Performing Arts.
(staff)

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

SUBJECT: Funding agreement between the City of Kerrville, Texas Economic Improvement Corporation, the City of Kerrville and Playhouse 2000, Inc. in the amount of \$500,000 for construction of a support facility to be owned by the City and used in conjunction with the Cailloux Theater for performing arts

FOR AGENDA OF: February 11, 2014 **DATE SUBMITTED:** February 3, 2014

SUBMITTED BY: Ashlea Boyle *AB* **CLEARANCES:** Todd Parton
Special Projects Manager City Manager

EXHIBITS: Funding Agreement

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

At its meeting of May 20, 2013, the Economic Improvement Corporation (EIC) considered an application from Playhouse 2000, Inc. (P2K) for multiple projects. One of the projects that was supported but deferred until more detail was available was for the construction of a support facility to the Cailloux Theater.

At its meeting of October 28, 2013, the EIC considered a funding application from P2K on the follow-up application in the amount of \$500,000 to construct a 6,000 square foot facility addition. The overall cost for the project is \$755,000 and will consist of expanded dressing / green-rooms, rehearsal / classroom space, scenic and costume construction spaces, and storage. The building will be placed immediately behind the Cailloux Theater facing the parking lot with an attractive side facade facing Jefferson Street. Peter Lewis Architect + Associates prepared the conceptual plans and proposed exterior materials of limestone veneer to complement the Cailloux Theater, and the general downtown theme. Staff was directed by the EIC to review the operational and maintenance agreement between the City and P2K as it pertained to conveyance and utility payments.

On November 25, 2013, staff provided an update to the EIC regarding the findings of the questions relating to the operation and management agreement as directed. Section 3.21 of the agreement addresses the conveyance of real property. According to the agreement, as the support facility constitutes a functional part of the facilities, P2K must convey the property to the City. The City is obligated, under section 5.22, section B of the agreement,

to pay one-half of the costs of the utilities used in the operation and management phase. As directed, staff continued discussions with P2K regarding the project. P2K has agreed to convey the land of the proposed building to the City and provide a first right of refusal of the VK Garage to the City in the event P2K becomes insolvent or vacates the building. In the event P2K becomes insolvent or vacates, P2K has requested to include negotiation language in the agreement to convey the building at a cost to the City. Since the project would be city managed and owned, the City Council must authorize staff to submit a funding request. Staff received authorization at the December 10, 2013 City Council meeting to submit the funding application, not to exceed \$500,000, for improvements to the Cailloux Theater for construction of a support facility contingent upon conveyance of property to the City at the appropriate time. P2K has committed to secure the additional funding for the project.

At its meeting of December 16, 2013, the EIC considered the application and directed staff to prepare a funding agreement for 2/3 of the project cost not to exceed \$500,000 to include language that the property be conveyed to the City prior to the start of the project, one year for P2K to raise additional project funds, and first right of refusal language for the City in the event P2K becomes insolvent or vacates the VK Garage. The Cailloux Foundation has since requested that the first right of refusal be reserved for the Cailloux Foundation with the City as secondary.

At its meeting of January 27, 2014, the EIC held a public hearing and approved the funding agreement as presented. Attached is the funding agreement that has been finalized between the City and P2K.

RECOMMENDED ACTION

City staff recommends the consideration and approval of this funding agreement as presented.

PROJECT FUNDING AGREEMENT BETWEEN THE CITY OF KERRVILLE, TEXAS, ECONOMIC IMPROVEMENT CORPORATION; THE CITY OF KERRVILLE, TEXAS; AND PLAYHOUSE 2000, INC., FOR THE CONSTRUCTION OF A SUPPORT FACILITY TO BE OWNED BY THE CITY AND USED IN CONJUNCTION WITH THE CAILLOUX THEATER FOR THE PERFORMING ARTS

THIS PROJECT FUNDING AGREEMENT is entered into this ____ day of _____, 2014, by and between the City of Kerrville, Texas Economic Improvement Corporation ("EIC"), a Texas non-profit corporation established by City pursuant to Section 4B of Tex. Rev. Civ. Stat. Art. 5190.6 and codified in Chapters 501, 502, and 505 of the Texas Local Government Code, otherwise known as the Development Corporation Act of 1979 ("the Act"); the City of Kerrville, Texas ("City"), a Texas home-rule municipality; and Playhouse 2000, Inc., a Texas nonprofit corporation ("P2K").

WITNESSETH:

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

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

Buildings, equipment, facilities, and improvements found by the EIC to be required or suitable for use for professional and amateur sports, including children's sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, parks and park facilities, open space improvements, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of the items described by 505.152 of the Act; and

WHEREAS, P2K proposes construct a support facility on City-owned property adjacent to the Kathleen C. Cailloux Theater for the Performing Arts, a City-owned auditorium ("Auditorium"); and

WHEREAS, the Auditorium serves as the primary venue within the area for the performing arts; and

WHEREAS, P2K plans the support facility as an approximate 6,000 square foot building, which will consist of dressing rooms, a green room, rehearsal space and classrooms, space for the construction of scenes and costumes, and storage (the "Project"); and

WHEREAS, the Project, estimated to cost \$755,000.00, will address deficiencies and inefficiencies in planning, preparing for, and staging performing arts held at the Auditorium, which

will help P2K in presenting performances and which will enhance the quality of life of area residents; and

WHEREAS, P2K seeks grant funding from the EIC in the amount of \$500,000.00, for the City to use in bidding, awarding, and managing the construction of the Project; and

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

WHEREAS, the EIC finds that the Project is required or suitable for entertainment, tourist, convention, auditoriums, amphitheaters, concert halls, exhibition facilities and other related improvements that enhance any of these items; and

WHEREAS, the EIC finds that it will be in the public interest to enter into this Agreement with City and P2K to provide sales tax revenues collected pursuant to the Act (“4B Revenues”) to City for costs related to the Project; and

WHEREAS, on January 27, 2014, in a meeting that was open to the public in accordance with the Texas Open Meetings Act, the EIC held a public hearing pursuant to Section 501.072 of the Act related to the proposed expenditure of 4B Revenues for the Project;

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

1. **“Project” Defined:** When used in this Agreement, the phrase “Project” means the project summary as described in **Exhibit A** attached hereto and included herein for all purposes. City will manage the funding it receives from EIC and the bidding and construction of the Project. City shall not substantively alter the description of the Project in any respect without the prior approval of the EIC.
2. **Agreement to Fund Project:** The EIC agrees to provide City an amount up to and not to exceed two-thirds (2/3) of the total costs of the Project, such amount not to exceed \$500,000.00, in 4B Revenues to be used for the Project. Prior to any payment or use of any of the funds from EIC, P2K shall perform the following:
 - a. provide sufficient evidence, in the sole opinion of City, that P2K has received and/or been promised funding from other entities or sources, that when combined with the funding promised by EIC, will allow for full completion of the Project; and
 - b. convey the property where the Project will be constructed and as more specifically described in **Exhibit B** to the City in the form of a warranty deed.
3. **Payments Authorized:** City is authorized to make payments for the herein described purposes directly from the Sales Tax Improvement Fund (Fund 40) or by making a transfer of 4B Revenues from the Sales Tax Improvement Fund (Fund 40) to one or more funds described in the City’s approved budget.

4. **Eligible Costs:** Payments made by City from 4B Revenues as authorized by Section 3, above, are limited to the payment of “costs” as defined in the Act.
5. **Project Timeline:** P2K and the City shall begin construction activities for the Project on or before February 1, 2015. Should such activities not occur, EIC may elect to cancel and withhold its pledge of funds for the Project.
6. **Right of First Refusal:** P2K owns property located at 301 Washington Street, which is located adjacent to the Auditorium and otherwise known as the VK Garage (the “Adjacent Property”). Should P2K or its successors or assigns desire to sell or transfer the Adjacent Property or any part of it on the receipt of a bona fide offer (including a contract) which P2K desires to accept, P2K shall first notify City in writing (the “Offer Notice”) of the offer to purchase the Adjacent Property (or any part of it) and the name of the proposed transferee and the terms and conditions of the proposed transfer, together with a full, legible, true, correct, and complete copy of any written offer, including any exhibits and addenda (collectively the “Transaction Document”); whereupon City has the first and prior exclusive right and option to purchase all of the Adjacent Property for the consideration and on the terms equivalent to the consideration and terms stated in such Transaction Document, which option will continue for a period which will expire thirty (30) days following the City’s receipt of the Offer Notice. If City elects to accept the option, the option must be exercised by City by written notice (the “Exercise Notice”) in substantially the form of the Transaction Document, delivered to P2K and the escrow or closing agent named in the Transaction Document, if any, and the sale must be closed in accordance with the equivalent terms of the bona fide offer, but no earlier than sixty (60) days from the time that the Exercise Notice is delivered to P2K. If City does not elect to exercise the option within the deadline for doing so, P2K may sell the Adjacent Property to the prospective purchaser named in the bona fide offer on terms no less favorable to P2K than those stated in the Offer Notice; provided, however: (a) such sale must be closed and funded no later than six (6) months from the date of the Offer Notice (called the “Final Closing Deadline”), and upon the closing and funding, this preemptive right of first refusal will be terminated and released from the Adjacent Property by the City pursuant to the delivery of an acknowledgment of such release in recordable form evidencing its waiver of this right; and (b) if such sale is not closed and funded within such Final Closing Deadline, then the Adjacent Property will continue to be subject to this preemptive right of first refusal and the Offer Notice must again be provided to City prior to any future sale. City may require such evidence as City may reasonably determine to be appropriate to clearly prove P2K’s compliance with this preferential right of first refusal. In addition, the parties have agreed to execute a Memorandum describing only the names and addresses of the parties, the Adjacent Property, and a general description of this right of first refusal notifying the public of the existence of the right. Said right of first refusal also applies where P2K becomes insolvent, has a receiver appointed for it, and/or files or is adjudicated as bankrupt.
7. **Conditions Under which EIC may Suspend Performance of its Obligations under this Agreement:** under any of the following conditions EIC may, at its option, after fifteen (15) days written notice to P2K, suspend its further performance under this Agreement until such time as P2K shall have cured the condition(s) and so notified EIC, in writing, that the condition(s) have been cured:
 - a. P2K becomes insolvent. “Insolvent” is defined to mean one either has ceased to pay its debts in the ordinary course of business or cannot pay its debts as they become due, or is insolvent within the meaning of the federal bankruptcy law.

b. The appointment of a receiver of P2K, or of all or any substantial part of the Property, and the failure of such receiver to be discharged within sixty (60) days thereafter.

c. The adjudication of P2K as bankrupt.

d. The filing by P2K of a petition to be adjudged as bankrupt, or a petition or answer seeking reorganization or admitting the material allegations of a petition filed against it in any bankruptcy or reorganization proceeding.

Should any of these conditions not be cured by P2K within ninety (90) days, P2K will be considered to have breached this Agreement and EIC may, at its option, with written notice to P2K, terminate this Agreement and P2K shall be obligated to refund the EIC the full amount of any Grant funding received from the EIC.

8. **Applicable Law:** This Agreement is governed by and construed in accordance with the laws of the State of Texas. The Agreement is entered into and fully performable within Kerr County, Texas. Accordingly, venue for any cause of action arising pursuant to this Agreement is proper only in Kerr County, Texas.

9. **Interpretation:** Each party has had the opportunity to be represented by counsel of its choice in negotiating this Agreement. This Agreement will therefore be deemed to have been negotiated and prepared at the joint request, direction, and construction of the parties, at arm's length, with the advice and participation of counsel, and will be interpreted in accordance with its terms without favor to any party.

10. **No Joint Venture:** Nothing contained in this Agreement is intended by the parties to create a partnership or joint venture between the parties.

11. **Survival of Terms:** All rights, duties, liabilities and obligations accrued prior to termination will survive termination.

12. **Entire Agreement:** This Agreement represents the entire agreement of the parties with respect to the subject matter hereof.

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

CITY OF KERRVILLE, TEXAS

CITY OF KERRVILLE, TEXAS ECONOMIC
IMPROVEMENT CORPORATION

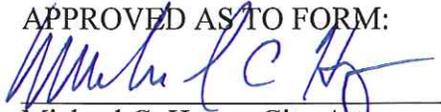
By: _____
Jack Pratt, Jr., Mayor

By: _____
David Wampler, President

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Rex Boyland, Secretary for the EIC

PLAYHOUSE 2000, INC.

By: _____
Jeffrey Brown, Executive Director

EXHIBIT "A" 99

Playhouse 2000, Inc.
Application to the Economic Improvement Corporation
October, 2013

SECTION IV - PROJECT DESCRIPTION

Thank you for this opportunity to apply for EIC support of proposed improvements to the facilities of The Kathleen C. Cailloux City Center for the Performing Arts.

As producers of local arts and entertainment programming and managers of the Center on behalf of the City of Kerrville, we are anxious to enhance our economic impact on our community. We're seeking assistance in meeting the challenges that stand in the way of meeting those goals.

This application is a "follow-up" to our application from June of this year. At that time, we requested support of a facility addition, but had little more than general information about the form that this facility would take. We are pleased to provide further information about that project with this application.

Facility addition - Education/Rehearsal Space, Scene/Costume Shop, Backstage support

The original plan for turning the old Municipal Auditorium into the Kathleen C. Cailloux City Center for the Performing Arts included not only The Cailloux Theater, but also auxiliary buildings which would provide space for a variety of additional performance and support activities.

In the past two years, Playhouse 2000 has taken steps to fulfill a portion of that mission by re-opening the VK Garage Theater, a "blackbox" performing space immediately adjacent to The Cailloux Theater. We have invested a little more than \$90,000 in renovations and equipment upgrades, and this was supplemented by the recent grant of about \$118,000 from the EIC for roofing and professionally designed seating risers. We intend for the VK Garage to become a full-time performance site.

That full-time goal is currently out of reach, though, due to the lack of additional support space originally provided in the City Center plan. At present, costumes, props and scenery pieces are all stored inside the VK Space, which also serves as our only scenic construction space - and then doubles as our rehearsal space!

In addition, Playhouse 2000 recently achieved another programming goal when we opened our Youth Theater Program, a production-based activity designed to provide theatrical opportunities for people under 18 years old. This program also shares the VK Garage Space, as does the Playhouse 2000 partnership with The Dietert Center - a program aimed specifically at senior citizens.

All of the programs which take place in and around The Kathleen C. Cailloux City Center for the Performing Arts are hindered by this over-booking of support space. With additional space for classes, camps, rehearsals, construction and storage, all aspects of the Center's programming would improve.

We are requesting support of \$500,000 toward the construction of a facility to provide for these activities. We are in the process of approaching several sources in the community to provide the balance of the estimated total cost of the project of approximately \$750,000.

Our proposed building, as conceived by local architect and Playhouse 2000 volunteer Peter Lewis, includes approximately 6,000 square feet of space, and will be placed immediately behind The Cailloux Theater facing the parking lot with an attractive side façade facing Jefferson Street.

From the front doors, visitors will have immediate access to a 1,000 square foot classroom/rehearsal room which will be outfitted with a 'sprung' floor for participant safety, as well as a mirrored dance wall, a ballet barre, and equipment storage. This space will be used for children's programming, as well as for other ancillary theater activities.

This entrance will also be used by performers in The Cailloux Theater, offering access to additional dressing rooms and "green room" space. This will allow larger ensembles to more comfortably perform at The Cailloux, and provide more privacy for "stars" when needed.

The back of the building will be set aside for scenic and costume construction and storage, supporting all Playhouse 2000 activities as well as removing the substantial number of items currently being housed in Cailloux wings.

The facility will be served by HVAC systems throughout, and will be fire-sprinklered and alarmed as appropriate.

The entire structure will be finished in a limestone veneer in order to fit comfortably into the neighborhood and complement the Cailloux Theater.

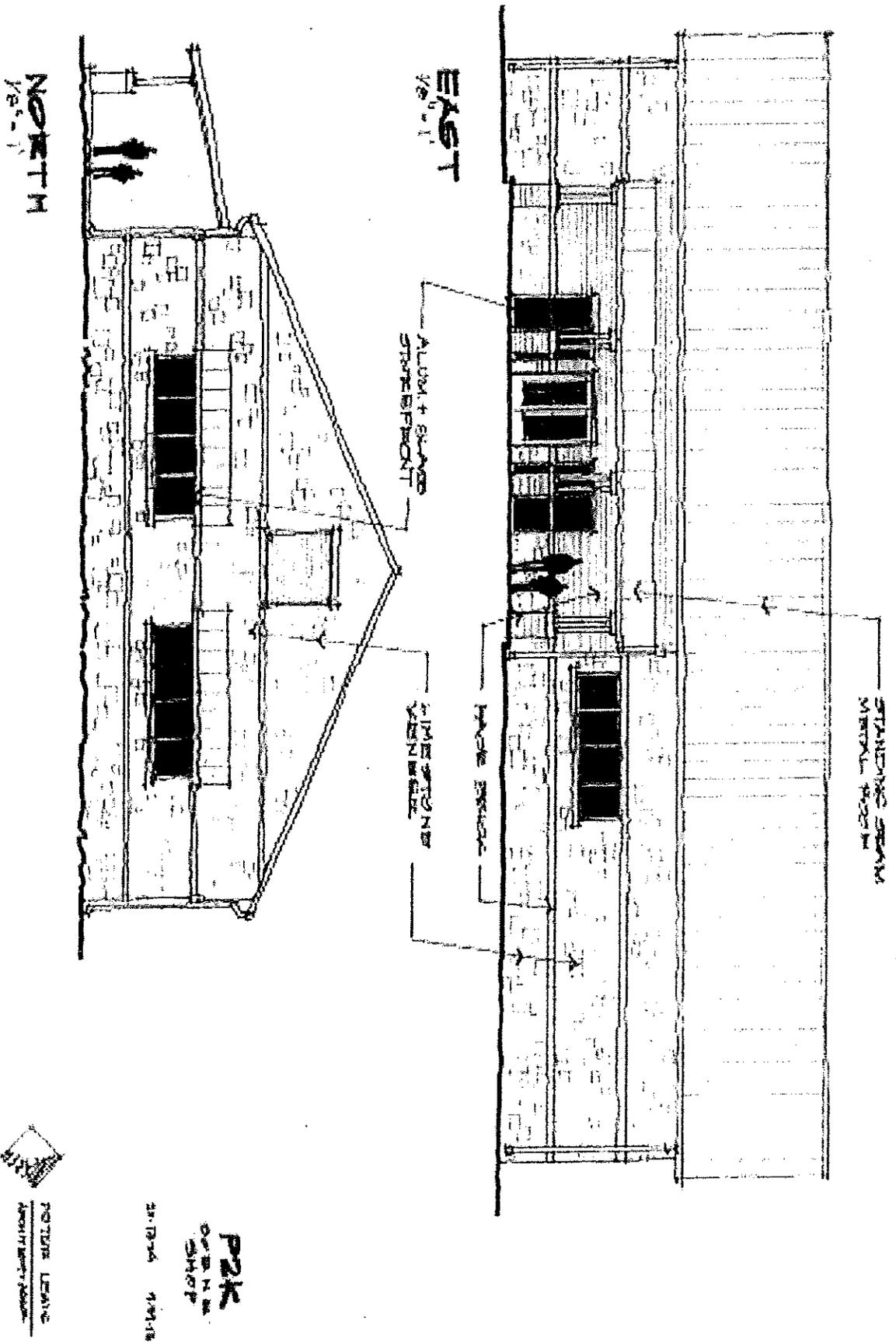
We anticipate that all design for the facility will be provided by Peter Lewis + Associates here in Kerrville. We will seek competitive bids for construction.

If this project achieves the approval of the EIC before the end of the year, we anticipate that all additional funding can be achieved within 8 months, that design will be accomplished concurrently with final fund-raising, and that we can break ground no later than the fall of 2014. We anticipate the space being fully on-line by Spring, 2015.

Once the facility is in place, Playhouse 2000 will be able to expand our production offerings to include at least 6 productions per year plus our Senior projects and the annual Shakespeare In the Park project. With its dedicated classroom/rehearsal space, this building will also allow us to grow in service to school-age children, including drama and/or dance camps for school breaks and summers, additional productions, and training in theater arts.

These, plus expanded presentations in The Cailloux Theater, will bring our potential production calendar to 60 event-days per year or more, with potential audiences of more than 50,000 guests. The face value of tickets for these events would exceed \$1 million, and the economic impact of 50,000 visits to the downtown district per year is estimated to be that much or more.

This new facility will move Kerrville one step closer to achieving the goals laid out when a cultural center for the Hill Country was envisioned more than 15 years ago. We look forward to working toward those goals with you.



Agenda Item:

6B. Violation of Kerrville City Charter and Ethics Policy. (Councilmember Keeble)

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

SUBJECT: Violation of Kerrville City Charter and Ethics Policy

FOR AGENDA OF: 2/11/14

DATE SUBMITTED: 2/5/14

SUBMITTED BY: Stacie Keeble
City Councilmember

CLEARANCES:

EXHIBITS: 2 Photographs

AGENDA MAILED TO: City Manager

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$	\$	\$	

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

Article III, Section 3.01 of the Kerrville City Charter states, in the first sentence, that ". . . the newly elected [council] members shall assume the duties of office without party or partisan mark or designation." Section 4, paragraph A of the Kerrville City Ethics Policy duplicates this admonition, stating, in the last sentence, that "[u]nder the city charter, city council assumes the duties of office without party or partisan mark or designation." The current Kerrville Mayor has recently placed numerous campaign signs throughout the city with the Republican Party (R) mark prominently displayed on each sign.

I am asking the city council to consider whether these signs have been placed in violation of the city charter and ethics policy, and, if so, that the council recommend a remedy or remedies in order to mitigate the harm done by these violations.

RECOMMENDED ACTION

To be decided by the city council.