

CITY OF KERRVILLE

MAYOR AND CITY COUNCIL

800 Junction Highway

Kerrville, Texas 78028

830-257-8000 / www.kerrvilletx.gov

PROCLAMATION

WHEREAS, Kerrville Independent School District has recently received 32 Gold Performance Awards from the Texas Education Agency; and

WHEREAS, Each campus in the Kerrville Independent School District has received at least three Gold Performance Awards which are based on student performance, test results and attendance rates; and

WHEREAS, Kerrville Independent School District was one of only twelve Texas districts named in Texas Business Schools *Third Annual Bragging Rights 2009-2010*; and

WHEREAS, Kerrville Independent School District received three district commendations for having high percentages of students score at the Commended Performance level; and

WHEREAS, Kerrville Independent School District's Academic Excellence Committee is charged with helping to improve academic achievements through specialized curriculum offerings; and

WHEREAS, The Council would like to commend the Students, Teachers and Administrators of Kerrville Independent School District for outstanding academic performance;

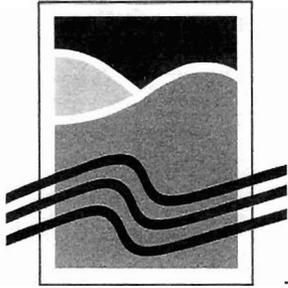
NOW, THEREFORE, I, Todd A. Bock, Mayor of the City of Kerrville, Texas, do hereby honor **Kerrville Independent School District** and call upon the citizens of the City of Kerrville to congratulate them for their many years of excellence.

IN WITNESS WHEREOF,

I have hereunto set my hand and caused the Seal of the City of Kerrville to be affixed hereto, the ___ day of _____, 2010.

Todd A. Bock, Mayor





CITY OF KERRVILLE

MAYOR AND CITY COUNCIL

800 Junction Highway

Kerrville, Texas 78028

830-257-8000 / www.kerrvilletx.gov

PROCLAMATION

- WHEREAS,** KACC was founded in 1995 with Bob Brach as the first president with a mission of providing a show place for local artists and furthering the art and cultural education of the community; and
- WHEREAS,** KACC has become an integral component of downtown through the purchase, renovation and occupancy of Kerrville's historic Post office located at 228 Earl Garrett Street; and
- WHEREAS,** A show featuring Texas furniture makers was envisioned in 2000 and began in 2001 during the presidency of Tom Peterson and has developed into the Texas Furniture Makers Show™ which is a key community event conducted by KACC with over half of the visitors coming from outside the city of Kerrville; and
- WHEREAS,** KACC is a major sponsor of youth art and culture through the establishment of the youth art expo that began under the direction of Jim Derby, President from 2002 – 2007; and
- WHEREAS,** KACC attracts over 2000 visitors annually and the Center is comprised of sixteen affiliated groups, representing over 500 artists including oil and water media painters, photographers, wood turners, quilters and more; and
- WHEREAS,** Four distinct galleries house as many as forty exhibitions each year; and
- WHEREAS,** KACC provides state of the art educational facilities including a naturally lighted studio and capabilities for guest demonstrators and lecturers which also serves a key downtown attraction for local and out of town visitors; and
- WHEREAS,** KACC is one of the communities anchors that contributes to the vibrancy of the downtown area and the cultural hub of the Texas Hill Country.

NOW, THEREFORE, I, Todd A. Bock, Mayor of the City of Kerrville, Texas, do hereby honor **Kerr Arts and Cultural Center** and call upon the citizens of the City of Kerrville to congratulate them for their many years of excellence.



IN WITNESS WHEREOF,
I have hereunto set my hand and
caused the Seal of the City of
Kerrville to be affixed hereto,
the ___ day of _____, 2010.

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
AUGUST 25, 2009

On August 25, 2009, the Kerrville City Council meeting was called to order by Mayor Bock at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Father Stockton Williams, St. Peter's Episcopal Church, followed by the Pledge of Allegiance led by Big Brothers and Big Sisters of Kerrville.

MEMBERS PRESENT:

Todd A. Bock	Mayor
R. Bruce Motheral	Mayor Pro Tem
Chuck Coleman	Councilmember
Stacie Keeble	Councilmember
T. Scott Gross	Councilmember

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Brenda G. Craig	City Secretary
Travis Cochrane	Director of Information Technology
Josh Selleck	Director of Finance
Kevin Coleman	Director of Development Services
Kristine Ondrias	Director of General Services
Charlie Hastings	Director of Public Works
Mindy Wendele	Director of Business Programs
John Young	Police Chief
Brian Crenwelge	Asst. Director of Parks and Recreation
Robert Ojeda	Fire Chief
Stuart Barron	Water and Wastewater Utilities Manager
Amy Ives	Health Officer and Compliance Manager

VISITORS PRESENT: List on file in city secretary's office.

1. PRESENTATIONS:

1A. Joint proclamation with Kerr County declaring the week of August 30—September 5, 2009, as Mentoring Week.

1B. Delbert Wilson, representing Hill Country Telephone Cooperative, discussed plans to open an office in Kerrville, and extend digital cable network system to the Kerrville area.

2. VISITORS/CITIZENS FORUM: No one spoke.

3. CONSENT AGENDA:

Mr. Motheral requested Items 3C and 3D be removed from the consent agenda.

Mr. Coleman moved for approval of items 3A and 3B; Mr. Gross seconded the motion and it passed 5-0:

3A. Approval of minutes of the City Council meetings held on April 14, 2009, and June 23, 2009.

3B. Authorize the City Manager to execute a contract between the City of Kerrville and the City of Kerrville, Texas Economic Improvement Corporation for administrative services for FY10.

END OF CONSENT AGENDA.

3C. Authorize the City Manager to execute a Professional Services Agreement with HDR, Inc. in the amount of \$68,000 for engineering services for the design and construction of the high service pumps at Riverhills booster station.

In response to questions raised by council, Mr. Hastings noted the following:

-The previous consulting engineer had agreed to perform several items that were not written in the original scope of work; when a new agreement was negotiated, those items had to be included in the revised scope of work.

-The cost in the contract was based on the time necessary to do the project.

-City staff did not have the expertise to do SCADA design, but could do SCADA installation; this agreement was for design only.

-HDR to evaluate existing 8" pipe between the pump station and street to determine if increase to 12" pipe was recommended and include design of pipe replacement if recommended. Mr. Hastings noted staff had provided the city's water model and data to the engineer to reduce cost; HDR took this into consideration when providing their bid. HDR will utilize the city's water model and input their assumptions; the contract specified that HDR be responsible for their evaluation and design.

-HDR perform hydraulic evaluation of the existing tank and riser pipe at the pumping site and recommend possible improvements. The project would add more generating capacity; the existing generator was not adequate to run two pumps.

-Staff planned to update the water model in-house.

3D. Authorize the City Manager to execute a Professional Services agreement with Hewitt Engineering, Inc. in the amount of \$75,080 for engineering services for the design and construction of a new production well located at the Methodist Encampment well site.

In response to questions raised by council, Mr. Hastings noted the following:

- Mr. Hewitt anticipated encountering sands in the drilling area, and he did not feel qualified to interpret the sands and determine where to put the well pump and determine the size of the screens; if needed, he proposed hiring a hydrological subconsultant to make those determinations. Mr. Hastings explained that the subconsultant would analyze the drilling every 10 feet for 700-800 feet.

-Recommended the contract state a "not to exceed" instead of a "lump sum" amount for all services including the subconsultant; if less time is spent, the cost may be less.

-The proposed agreement was for engineering services only, and construction costs were only rough estimates at this time.

-Anticipated completion of well construction was May 2010 and on line in FY11.

The following persons spoke:

- Feathergail Wilson discussed the specifics of wells in the area, anticipated geological findings, and the drilling process. He cited his extensive credentials and experience and noted that determinations and decisions must be made on the spot, depending on drilling and findings. He would only charge for the time he was needed.
- Carl Meek questioned cost estimates for the Methodist Encampment well. Mr. Barron noted extensive re-piping and re-valving configuration, and noted the site was a relay point for city's entire SCADA system. Mr. Meek questioned \$65,000 for electrical service for the Methodist Encampment well. Mr. Barron noted the project would be a significant upgrade to a substantial three-phase pump requiring at least three transformers at \$12,000 each and related equipment. Mr. Meek questioned site work preparation at \$10,000. Mr. Barron noted a fence would have to be removed and a new fence constructed; the city also may have to move a power line.

Mr. Gross moved for approval of the agreements as presented in 3C and 3D. Mrs. Keeble seconded the motion and it passed 5-0.

4. PUBLIC HEARINGS

4A. First public hearing on FY10 tax rate.

Mr. Parton noted in August council voted to establish the proposed ad valorem tax rate at \$0.5625 per \$100 valuation, an increase of .0125 above FY08, based on: maintenance and operations (M&O) portion at \$0.4851/\$100 valuation, and \$0.0774/\$100 required to pay tax supported debt. Mr. Parton noted the M&O portion of the budget decreased from FY08 (\$0.4891/\$100).

Mayor Bock opened the public hearing at 6:57 p.m. and the following persons spoke:

1. William Beltrone recognized the M&O decreased, but council increased the tax rate. He asked council to reduce the budget and cut spending; he requested more information on how the city could cut back and not raise taxes. He encouraged the public to do things individually within their means to help fill gaps and save money. Regarding the senior tax freeze, if seniors did not want to pay their share of taxes, then the city should cut areas that benefited seniors.
2. Robert Jacks noted he had two homes in Riverhills and could not find anyone who could pay the rent, and his property tax increased 4.7%. He had to adjust spending due to bad economy and limited income. He suggested the city council tell the city manager he had a certain amount to spend and he had to run the city on that budget, and the city manager could cut police services. He stated that government was killing the people.

The council noted the following points:

- The council had used city savings to balance the proposed budget.
- The council reduced the retirement benefits to retirees in the proposed budget.
- To further reduce the budget, the city would have to cut services.
- Over half of the budget was dedicated to fire, police, and EMS services.
- The council was responsible for the budget; the city manager created a budget based on the council's goals and the services needed.

- If the national economy did not improve, or the city did not get significant economic development, the budget would likely worsen for FY11.
- Kerrville needed more diversity in the tax base.
- City staff should be commended for reducing the maintenance and operations portion of the budget.
- Past city councils had been frugal and not raised taxes for several years; also, past councils had not maintained infrastructure.
- City was in the third year of the senior tax freeze and had lost \$400,000 thus far; taxes may have to be increased annually for a few years.

Mayor Bock closed the public hearing at 7:08 p.m.

5. ORDINANCE, FIRST READING:

5A. An ordinance amending Ordinance No. 99-18 which establishes the tariffs and electric service provided by the City of Kerrville's electric system by allowing the Kerrville Public Utility Board to adjust the Power Cost Adjustment Factor to accomplish rate stabilization; containing a cumulative clause; containing a savings and severability clause; and establishing an effective date. Mayor Bock read the ordinance by title only.

Mr. Selleck noted the ordinance would give KPUB the ability to use power cost adjustment factor to create rate stabilization and "smooth out" rate increases. Mayor Bock noted the ordinance had been recommended by KPUB.

Mr. Coleman moved for approval of the ordinance on first reading; Mr. Motheral seconded the motion and it passed 5-0.

6. ORDINANCE, SECOND AND FINAL READING:

6A. Ordinance No. 2009-14 amending Chapter 74 of the Code of Ordinances of the City of Kerrville, Texas, titled "Parks and Recreation" by amending Section 74-5 to adopt operating hours for the pavilion within Louise Hays Park; containing a cumulative clause; containing a savings and severability clause; providing a penalty; and providing other matters relating to the subject. Mayor Bock read the ordinance by title only.

Ms. Ondrias noted the council previously amended the operating hours at the Louise Hays Park pavilion; she recommended approval of the ordinance so staff could enforce the operating hours.

Mrs. Keeble moved for passage of Ordinance No. 2009-14 on second and final reading; Mr. Coleman seconded the motion and it passed 5-0.

7. CONSIDERATION AND POSSIBLE ACTION:

7A. Request by Bryan Demaree to rescind Ordinance No. 2000-02, camping in public areas. Mr. Demaree was not present. Council took no action on this matter.

7B. Hotel Occupancy Tax (H.O.T.) funding contract for FY10 for the Arts Co-op and consideration of the proposed structure of said organization.

Mr. Parton noted in FY09 the council created the arts co-op from local arts groups who received HOT funding, and HOT funds were administered by the convention and visitors bureau to achieve cost effective advertising and marketing. Marketing funds were evaluated and awarded by city council based on applications submitted by the individual organizations.

Mr. Selleck noted the co-op wished to become a more self-sufficient committee and proposed a structure; it would appoint officers, create a budget and advertising schedule, work through CVB to obtain low advertising prices, and accounting and expenditures would be managed by the coop and CVB.

Mr. Motheral moved to approve the arts co-op structure and authorize the city manager to execute a contract with the convention and visitors bureau for FY10 funding of the arts co-op as presented. Mr. Gross seconded the motion and it passed 5-0.

7C. Appeal to the Texas Water Development Board (TWDB) regarding the establishment of a Desired Future Condition (DFC) in the Edwards Aquifer within Kerr County and authorizing the Mayor to execute said appeal to be submitted by the Plateau Region Water Planning Group (Region J).

Mary Ellen Summerlin, Headwaters Groundwater Conservation District (HGCD) board member, presented several maps and discussed particulars of several aquifers:

- Major Aquifers of Texas (Kerrville in Edwards and Trinity aquifers).
- Groundwater Management Areas in Texas (Kerrville in GMA9) as established by the Texas Water Development Board.
- Regional Water Planning Areas (Kerrville in Region J).

Mrs. Summerlin stated she was not representing the HGCD and argued against the support of the proposed appeal to the TWDB, noting the following points:

- HGCD had banned permitting of production wells in the Edwards aquifer in order to protect the springs of the Guadalupe River; HGCD allowed the drilling of production wells only in the Trinity aquifer.
- The appeal argued that other groundwater availability models existed and should be used; however, TWDB would decide which model would be used.
- The appeal argued that the boundaries did not fit; she agreed, it would be impossible to draw perfect boundaries for the aquifers.
- Edwards DFC was set by counties that do not have anything to do with it; agreed.
- Appeal challenged the reasonableness of the DFC that GMA9 submitted which was a zero draw down of the Edwards/Trinity Plateau. Kerr County would be limited to 1,263 acre feet; if that amount was pumped and no more for the next fifty years, the model showed the Edwards would not have a draw down; however, the Regional Water Planning Group study showed ten times more, or 12,000 acre feet.
- Need to protect springs; agreed that was why HGCD banned drilling of production wells in the Edwards.
- Production wells total available groundwater estimates of the state water plan

should be taken into account; but total water was different than the amount of water that could be safely pumped and still sustain the aquifer.

- Argued that the model was out of date; a new model was available now and it incorporated new data.
- Argued there was no data from wells in Kerr and Bandera counties; not accurate.
- Results would be impossible to measure and may vary widely; true.
- Regional models were not to be used to predict availability in smaller areas; models were designed to predict a whole area and could be relied on to do that.
- Argued that public input had been ignored; HGCD had listened and evaluated all comments and concerns.
- The DFC had not yet been set for the Trinity so it could not be appealed.

Mrs. Summerlin proposed that data be submitted to TWDB to prove there was no draw down of the Edwards; further, the appeal be based on the argument that no draw down in the Edwards was not a reasonable DFC. Regional water regulation was in our best interest; the aquifer should be preserved and limits placed on Kendall and Bandera counties, even if it meant putting limits on Kerr. She felt there was the thought that opposing the existing process would put off pumping limits in Kerr County and limits that were developed regionally; she felt that was hopeless and not in Kerr's best interest.

Ray Buck, UGRA general manager, represented Region J on their position on the Plateau Water Planning Group (PWPG) appeal. He noted that under Senate Bill 1 in 1997 the TWDB divided the state into 16 planning regions; Kerr County was in Region J Plateau (PWPG), which also included Bandera, Real, Edwards, Kinney, and Val Verde counties. He reviewed the tasks of the PWPG and noted that information would be compiled into the state water plan. He reviewed PWPG's DFC appeal:

- The DFC was established without consideration of all groundwater availability models, in violation of Section 36.108(d) of the Texas Water Code.
- DFC was established without consideration of other relevant data and information.
- The DFC was established without consideration of the fact that uses and conditions of the aquifer differed substantially from one geographic area to another.
- The DFC was not physically possible; Edwards aquifer will rise and fall with rainfall.
- Proper consideration of groundwater use was not given.
- The DFC may create unreasonable socio-economic impacts and have adverse impacts on private property rights; aquifers are designed to recharge; this may be an argument for no growth.
- The DFC will not result in the reasonable and prudent development of the state's groundwater resources.
- The assumptions for GMA 9 DFC for the Edwards-Trinity (Plateau) aquifer:
 - Allow for no net increase in average drawdown from current conditions in the Edwards Group of the Edwards-Trinity (Plateau) Aquifer.
 - 2006 PWPG water supply plan established a maximum level of aquifer withdrawal that resulted in an acceptable level of long-term aquifer impact such that the base flow in the rivers and streams was not significantly affected beyond a level that would be anticipated due to naturally occurring conditions.

Mr. Buck noted the amount of managed available groundwater assigned to Kerr County by the TWDB in 2009 in the Edwards aquifer was 1,211 acre feet; the 2006 PWPG plan assigned 16,410 acre feet. He was concerned that the process had not been thought through when implemented, and by accepting rather than appealing, they would not be supporting the people of Kerr County.

Mr. Barron, the city's representative on PWPG, noted that the conditions set on the DFC for the Edwards would not affect the city of Kerrville; however, if this process was used on the Trinity aquifer, he would like the process refined to give as accurate information as possible as it would limit the amount of water available to the city.

Mr. Coleman moved to authorize the mayor to sign the appeal to the TWDB in support of the area's interest; Mr. Gross seconded the motion and it passed 5-0.

7D. Direction to staff regarding the proposal from the Peterson Regional Medical Center to participate on a plan for the revitalization of downtown Kerrville.

Mr. Parton noted on August 11 the Peterson Regional Medical Center requested the city provide \$100,000 to fund a downtown master plan; PRMC committed \$25,000 and offered to seek commitments to match the city's \$100,000. Mr. Parton suggested focusing more on economic development rather than another master plan or study.

Ms. Wendele noted the city's current master plan underwent comprehensive evaluation and update in 2008. The convention center blue ribbon committee (CCBRC) provided significant recommendations for downtown recently, and the city's zoning ordinance input committee (ZOIC) was currently revising the downtown zoning districts. Staff recommended that any further study of the downtown area be a business plan that focused on marketability and outlined a strategy to facilitate the revitalization/renovation, and redevelopment of downtown. A study should focus on intended outcome: 1) revisions to the city's economic development strategic plan; 2) updates to the CIP to provide infrastructure to support businesses; and 3) recruitment of targeted businesses and uses. If council proceeded to participate in such a plan, she recommended that after a scope of work had been established and corporate pledges confirmed, that the city apply to the economic improvement corporation for matching funds equal to the corporate pledges. After all funding had been secured, staff would begin the process of advertising and selecting a consultant.

The council also discussed the following issues:

- A feasibility study for a convention center (CC) would be more productive.
- Would like to hear from downtown property owners and businesses, the main street advisory board, and the chamber of commerce.
- City continue to accept pledges and private donations; this would determine the amount of community support for a downtown master plan.
- Mayor Bock noted KPUB supported the project, but opted not to help fund the master plan, rather KPUB could absorb some costs when the plan was put into action.
- Reviewed the city's past participation in the former Peterson Hospital building:
 - 1) Evaluation and study to relocate city hall into the Griggs Annex to facilitate that

development; 2) Winder Hall commissioned a master plan prior to their interest in the building but that sale did not happen; and 3) CC option that would stimulate activity downtown. The city supported using \$38,000 of EIC funds for the original economic development strategic plan.

- Questioned the need for another master plan as the city already had several plans and committees reviewing plans for the downtown area, a CC, city hall relocation, river trail, potential creation of a fund to help business owners to renovate buildings and provide stimulus in downtown, and significant library renovation in progress.
- More productive to spend \$15,000 on the feasibility of a CC; prefer to begin executing a project instead of funding another plan.

The following persons spoke:

1. John Mosty, chairman of ZOIC, noted ZOIC, with assistance from LCRA, was in the process of an inventory of the central city area, which should be completed soon. He requested council table another downtown master plan until ZOIC's work had been completed. He stressed the need to focus on correcting zoning issues first so owners did not have to rely on planned development districts and conditional use permits. Several years ago the city offered tax incentives to get development in central city and no one took advantage of that program. ZOIC members were volunteers appointed by council; he asked that the council let the ZOIC process work first before hiring another consultant to prepare a downtown master plan.

2. Tom Gould, representing Bank of the Hills and a member of the CCBRC, noted CCBRC voted in favor of a CC with the ideal location to be in the historic downtown; however, if another location was selected, it should aid in revitalization of downtown. The bank felt that revitalization of downtown and a CC and related facilities would be a boon to Kerrville. At the August 11 meeting Pat Murray, representing PRMC, discussed a plan to sell downtown hospital properties in a manner that would enhance the vitality of downtown, and committed \$25,000 for a downtown master plan. On behalf of the bank, Mr. Gould presented a letter pledging \$20,000 to fund a downtown master plan.

3. Guy Overby, president of Kerr Economic Development Foundation, noted other contributions would be forthcoming. He noted the economic development strategic plan was supported by all economic development partners and called for a master plan. He noted the PRMC challenge had a deadline of September 30 and asked council to give the private sector an opportunity to step forward with funding.

The consensus of the council was to move forward with the CC feasibility study; staff to inventory documents and studies already in existence; staff evaluate and provide options on how to proceed with implementation of existing studies; ZOIC continue their charge; and the city not commit to commissioning another master plan until after the 9-30 deadline and all pledges were received. Council wanted to focus on results and implementation to accomplish master plan and concepts the city already had. Mr. Parton noted he would meet with economic partners and donors to review the overall concept and create a plan to be discussed at a future council meeting.

7E. Resolution in support of the Kerrville Public Utility Board's notice to the Lower Colorado River Authority of its rejection of the amended and restated Wholesale Power Agreement. Deferred to executive session.

8. INFORMATION AND DISCUSSION:

8A. Report on preparation effort to mitigate the local impact of the H1N1 (swine flu) virus.

Ms. Ives provided information on the H1N1 flu virus and noted several cases in the Kerrville area. To date, 28 people had died in Texas and the antiviral was not yet available to all. She reviewed preparations being taken by the Texas Department of Health and local hospitals, physicians, and schools. She reviewed precautions that could help reduce disease transmission.

8B. Status of the zoning ordinance and Zoning Ordinance Input Committee timeline.

Kevin Coleman noted in June city council approved a revised charge to ZOIC empowering ZOIC to be the lead in guiding a multi-step overhaul process of the existing zoning ordinance. He reviewed the progress of ZOIC:

- Reviewed the draft zoning ordinance and the overhaul process approved by council in June.
- Began working through the critical issues of the zoning ordinance.
- Focusing initial efforts on the central city.
- Identified need for land use survey and the creation of an inventory of current uses in the central city area.
- Engaged Lower Colorado River Authority (LCRA) resources to prepare a land use survey/inventory of existing uses, under the guidance of city staff.
- Engaged LCRA to serve as resource to handle the technical aspects of that survey.
- Survey results will be presented to ZOIC in late September.

Kevin Coleman noted one board member had not attended a meeting since early June and the committee recommended council appoint someone else to serve on ZOIC. John Mosty, ZOIC chairman, recommend Justin MacDonald, a member of P&Z be appointed to ZOIC.

8C. Update on boardwalk pavilion.

Ms. Ondrias noted council had directed staff to evaluate and bring back cost estimates for completing the construction of the pavilion to make the structure pedestrian safe, and to complete the roof. She noted staff was still receiving bids, and she was getting cost estimates on alternative roofing materiel. She will report to council in two weeks.

8D. Negotiations with county commissioners on platting responsibilities in the city's extraterritorial jurisdiction. Mr. Motheral prepared a working outline to be used in preparing a blended set of standards for the etj area. He presented a copy of the outline to County Commissioner Letz for review and comment.

8E. Receive a report from city staff regarding water production and use for the Kerrville municipal water system.

Mr. Hastings presented a water pumpage report noting the gallons of water pumped from the river, aquifer storage and recovery wells, and groundwater wells. For the period August 1-12 he noted the total amount to distribution was 3.609 mg; safe operating capacity of the system was 5.243 mg. He noted no water had been injected into ASR wells since June 2008, and the safe operating capacity would vary depending on water distribution. He noted that water levels were dropping in wells through the county; however, Headwaters Groundwater Conservation District did not have authority over the city's ASR wells. Safe Operating Capacity (SOC) is the amount of water that can be treated and pumped; if the SOC could be increased, the city could drill another ASR well. The city was currently at about 75% of SOC.

The following person spoke:

- David Lipscomb questioned why well #4 was selected in the report. Mr. Barron noted well #4 was a monitoring well and the aquifer level was reported daily. Well #4 was located in the area of Hays and McFarland.

9. EXECUTIVE SESSION:

Mr. Bock moved for the city council to go into executive closed session under Section 551.086 (deliberation regarding competitive matters) of Chapter 551 of the Government Code of the State of Texas; the motion was seconded by Mr. Coleman and passed 5-0 to discuss the following matter:

Section 551.086:

- Discuss competitive matters with respect to Kerrville Public Utility Board. The Texas Open Meetings Act does not require a public power utility governing body to conduct an open meeting to deliberate, vote or take final action on any competitive matter, as that term is defined in Subsection 551.086. "Competitive matter" means a utility-related matter that the public power utility governing body in good faith determines by a vote under this section is related to the public power utility's competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors. Section 551.086(b)(3), Texas Government Code.

At 9:59 p.m., the regular meeting recessed and council went into executive closed session at 10:00 p.m. At 10:25 p.m., the executive closed session recessed and council returned to open session at 10:26 p.m. The mayor announced that no action had been taken in executive session.

7E. Resolution NO. 056-2009 in support of the Kerrville Public Utility Board's notice to the Lower Colorado River Authority of its rejection of the amended and restated Wholesale Power Agreement.

Mr. Gross moved that the city council resolve to be supportive of KPUB in its negotiations for a long term contract by approving Resolution No. 056-2009; Mr. Motheral seconded the motion and it passed 5-0.

9. EXECUTIVE SESSION:

Mr. Coleman moved for the city council to go into executive closed session under 551.072 (deliberation regarding real property), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas; the motion was seconded by Mrs. Keeble and passed 5-0 to discuss the following matters:

Section 551.072:

- Discuss the purchase, exchange, lease, sale, or value of real property for use as a City facility, the public discussion of which would not be in the best interests of the City's bargaining position with third parties.

Section 551.087:

- Discuss commercial or financial information received from an existing business or a business prospect which may locate, stay, or expand within the City and which the City Council is conducting economic development negotiations.

At 10:27 p.m., the regular meeting recessed and council went into executive closed session at 10:28 p.m.

At 10:43 p.m. Mr. Coleman recused himself due to a potential conflict of interest and left the meeting.

At 11:58 p.m., the executive closed session recessed and council returned to open session at 11:59 p.m. The mayor announced that no action had been taken in executive session.

10. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

ADJOURNMENT. The meeting adjourned at 12:01 a.m. August 26, 2009.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
SEPTEMBER 8, 2009

On September 8, 2009, the Kerrville City Council meeting was called to order by Mayor Bock at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Father Tom Murray, St. Peter's Episcopal Church, followed by the Pledge of Allegiance led by J. Louis Odle, former city manager.

MEMBERS PRESENT:

Todd A. Bock	Mayor
R. Bruce Motheral	Mayor Pro Tem
Chuck Coleman	Councilmember
Stacie Keeble	Councilmember
T. Scott Gross	Councilmember

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Brenda G. Craig	City Secretary
Kristine Ondrias	Assistant City Manager
Travis Cochran	Director of Information Technology
Josh Selleck	Director of Finance
Kevin Coleman	Director of Development Services
Rosa Lea Melton	Director of Human Resources and Risk Management
Charlie Hastings	Director of Public Works
John Young	Police Chief
Mark Beavers	Assistant Fire Chief
Eric Maloney	EMS Coordinator

VISITORS PRESENT: List on file in city secretary's office.

1. VISITORS/CITIZENS FORUM:

1A. Carolyn Lipscomb noted council discussed plans for downtown revitalization, river trail, convention center, and library. A convention center would draw on our limited water supply. Kerrville needed more retail development for businesses to cluster around; do not ban chain businesses from historic downtown. What Kerrville needed was more activity to draw people downtown; stop taking action that moved people out of downtown. Businesses cannot survive on tourism only. Kerrville also needed to develop a labor force. She suggested the former hospital building be used as a nursing or trade school to train a labor force instead of demolishing the building. The previous council supported the pavilion and since it was stalled for lack of funding, the council should step up and spend the money to finish it out first class.

2. PRESENTATIONS:

2A. Resolutions of commendation to Brent Bates and Mark Ince for serving on the board of adjustment and appeals (building board).

3. CONSENT AGENDA:

Mr. Coleman moved for approval of items 3A through 3D; Mr. Gross seconded the motion and it passed 5-0:

3A. Approval of minutes of the city council meeting held on July 7, 2009.

3B. Authorize the city manager to purchase four pieces of used construction equipment for the street division in the total amount of \$173,006.00.

3C. Authorize the city manager to execute a contract with Country Clean Laundry to provide self-serve laundry services at the Kerrville Schreiner Park.

3D. Resolution No. 057-2009 approving the Kerr Emergency 9-1-1 District budget for fiscal year 2010.

END OF CONSENT AGENDA.

4. ORDINANCE, SECOND AND FINAL READING:

4A. Ordinance No. 2009-15 amending Ordinance No. 99-18 which establishes the tariffs and electric service provided by the City of Kerrville's electric system by allowing the Kerrville Public Utility Board to adjust the Power Cost Adjustment Factor to accomplish rate stabilization; containing a cumulative clause; containing a savings and severability clause; and establishing an effective date. Mayor Bock read the ordinance by title only.

Mr. Parton noted the ordinance would allow KPUB to amend their rates in order to establish rate stabilization policies to smooth out the impact of power increases.

Mr. Gross moved for passage of Ordinance No. 2009-15 on second and final reading; Mr. Motheral seconded the motion and it passed 5-0.

5. FISCAL YEAR 2010 BUDGET PUBLIC HEARINGS AND ORDINANCES:

5A. Public hearing for ad valorem tax rate for fiscal year 2010.

Mr. Parton noted council previously voted to establish the ad valorem tax rate at \$0.5625 per \$100 value, which was a \$0.0125 increase over FY09, and a 0.9% increase over the effective tax rate.

Mayor Bock opened the public hearing at 6:50 p.m. no one spoke; Mayor Bock closed the public hearing at 6:50 p.m.

5B. First Reading: An ordinance levying ad valorem taxes for the use and the support of the municipal government for the city of Kerrville, Texas, for the fiscal year 2010; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. Mayor Bock read the ordinance by title only; Items 5B and 5D would be considered together.

Mr. Parton reviewed revenue sources and expenditures for all funds.

Mr. Coleman moved for approval of the ordinance on first reading that the property tax rate be increased by the adoption of a tax rate of \$.5625 per \$100 valuation, which was effectively a 0.9% increase in the tax rate. Mr. Gross seconded the motion and it passed 5-0, with the following roll call vote:

Mayor Bock	Yes
Mayor Pro Tem Motheral	Yes
Councilmember Coleman	Yes
Councilmember Gross	Yes
Councilmember Keeble	Yes.

5C. Public hearing for fiscal year 2010 budget.

Mayor Bock opened the public hearing at 6:52 p.m. and the following persons spoke:

1. Bill Beltrone stated he had reviewed and discussed the budget with staff and noted additional debt anticipated to be issued in FY10, would result in increased ad valorem tax rate. The city had \$30 million in debt and new debt was proposed to be issued; the debt and budget were unsustainable without additional increases in utility rates and ad valorem taxes in future years. The city manager had removed several projects proposed in the original budget; he requested council cut more projects to prevent incurring further debt that would result in higher utility bills and taxes. Street reconstruction was necessary but could be delayed until economy improved. Projects such as water treatment plant, drainage, and thoroughfare plan were growth related, and that debt could be delayed and reevaluated. Economic development should come from tax credits instead of the city issuing new debt to cover something that may not yield results. Regarding the senior tax freeze, he suggested that the public be informed why projects and services were being cut and taxes being increased; that is, the senior tax freeze resulted in seniors not paying taxes like other citizens. He noted the senior tax freeze was unfair and not sustainable and questioned how the senior tax freeze could be reversed.

Mr. Parton noted the \$40 million capital improvements master plan was to cover expenses for existing systems and infrastructure that was at peak capacity, and projects delayed in the past were resulting in equipment and infrastructure failures that could no longer be ignored. The city could not promote economic development and try to increase and shift ad valorem tax from residential to commercial without adequate infrastructure to support commercial development. The senior tax freeze resulted in a loss in revenue of \$340,000 for the city.

2. Sheila Brand requested council reconsider the reduction in retired employees' retirement benefits and reinstate the full cost of living benefit in the FY10 budget. Retirees had dedicated themselves to the public sector and lesser pay knowing they had good retirement benefits and based their retirement plans on those promises, and now that was being changed. She noted this was sending a negative message to existing and future employees and would have an affect on future recruitment. She asked council to reconsider the reduction in the employees' retirement plan and questioned what additional cuts in benefits the council planned in the future.

Mr. Parton noted the ordinance amending the benefits under the TMRS plan would have first reading on September 22 and would become effective in FY10; the proposed budget included the cost of living benefit at 70% of consumer price index.

3. Dane Tune understood that TMRS had restructured their retirement projections based largely on funding not being realized due to national economic downturn and cities were being asked to absorb those costs to fully fund their existing plans. According to TMRS, the COLA benefit for FY10 would be .010%, basically nothing. In the past, the city had been effective in hiring quality employees because it had a good benefits plan, and that would likely change and make recruitment more difficult in the future. He noted that with the proposed tax rate, the city would be at almost the same rate it was 25 years ago. Promises were made to former employees; they were hired at a certain level of benefits and those promises were being changed.

The council noted that COLA was not significant in FY10 but escalated in future years as more employees retired, and projections indicated a huge deficit in future years.

Mayor Bock closed the public hearing at 7:19 p.m.

5D. First Reading: An ordinance adopting the annual budget for the fiscal year 2010; providing appropriations for each department and fund; containing a cumulative clause; and containing a savings and severability clause. Mayor Bock read the ordinance by title only.

Mr. Parton noted the FY10 budget was based on an ad valorem tax rate of \$0.5625 per \$100 value, which was a \$0.0125 increase over FY09. The FY10 budget totaled \$40,726,658 in revenues and \$41,832,251 in expenditures. He described the city's FY10 budget as recessionary and anticipated it to be sustainable for only two years at adequate service levels; capital projects and vehicle replacements were deferred; cash balances in the general fund and debt service fund were used to buy down the tax rate. The 2009 bond issue required an increase in debt service of 1.65%. The FY10 budget proposed a \$2 million bond issue to fund major street and infrastructure projects. The proposed FY10 budget had a reduction in maintenance and operations rate from 48.91% to 48.51% and still maintained a 3% cash reserve. He estimated with the utility rate increases and ad valorem tax rate increase the average household would see an increase of \$43.01 in FY10.

The council also discussed the following points:

- Concerned about "whittling down" the cash reserve; if economy did not improve, services would have to be cut in the future.
- Would like to see a plan for smoothing out water and wastewater rates and proposed 3-6% for water, and 8-15% for wastewater annually for the next four years to negate a huge spike projected in 2014; would also like to establish a reserve fund to cover debt service.

Mr. Coleman moved for approval of the ordinance on first reading adopting the FY10 budget as presented on July 28, 2009, and appended throughout the budget process. Mr. Gross seconded the motion and it passed 5-0.

6. PUBLIC HEARING AND RESOLUTION:

6A. Resolution No. 058-2009 granting a conditional use permit for Lot 2, Block 1, Junction Hwy. Addition, which is presently zoned "GR", Guadalupe River district; by permitting said property to be used for retail trade I and business services I uses; and making said permit subject to certain conditions and restrictions contained herein.

Kevin Coleman noted the applicant proposed to reopen a gun shop at 1241 Junction Highway and noted the CUP issued in 1998 expired because the business had closed over six months. PZC voted approval of the CUP subject to the conditions stated in the resolution, and staff recommended approval.

Mayor Bock opened the public hearing at 7:21 p.m. No one spoke. Mayor Bock closed the public hearing at 7:22 p.m.

Mr. Gross moved for approval of Resolution No. 058-2009; Mr. Coleman seconded the motion and it passed 5-0.

7. ORDINANCE, FIRST READING:

7A. An ordinance amending Chapter 10 "alcoholic beverages" of the Code of Ordinances of the City of Kerrville, Texas, by revising Section 10-3 regarding alcoholic beverage permit and license requirements to provide for a two year permit or license in accordance with state law; containing a cumulative clause; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters relating to the subject. Mayor Bock read the ordinance by title only.

Mr. Selleck noted the existing ordinance limited permits to a term no longer than one year and to expire concurrent to the expiration of state permits. Effective September 1, 2009, the Texas Alcoholic Beverage Commission implemented two-year permits and renewals for alcoholic beverage licenses; therefore, he recommended approval of the proposed ordinance to remain consistent with TABC changes.

Mrs. Keeble moved for approval of the ordinance on first reading; Mr. Coleman seconded the motion and it passed 5-0.

8. CONSIDERATION AND POSSIBLE ACTION:

8A. Update on river trail Phase 1 and direction to staff regarding easement acquisition and re-scoping of the trail.

Ms. Ondrias reviewed the status of easement acquisition and discussed on-going negotiations with and several property owners. Two owners declined to participate: Gerald McCall at 1241 Junction Highway (Item 6A above), and Family Sports Center at 1107 Junction Highway.

The council asked staff to continue to negotiate easements that were in process and to try to work with the two property owners to see if their concerns could be resolved and try to persuade them to participate.

8B. Direction to staff to initiate a feasibility study for a municipal convention center for the city of Kerrville.

Mr. Coleman noted a possible future conflict of interest and recused himself; he left the meeting at 7:31 p.m.

Mr. Parton suggested council authorize staff to initiate a feasibility analysis for a possible convention center (CC). An independent analysis could consider the viability and financial stability of a proposed CC, including market constraints and potential to serve as a catalyst to supplement existing businesses and provide overall economic benefit to the community. The analysis should not focus on a specific location during this step of the process. If the analysis proved to be viable, the next step would be to move forward with a request for proposals to provide a public private partnership.

The council also discussed the following issues:

- The analysis should consider several locations and not be limited to any one location; however any location selected should somehow encourage people to the downtown area; need to support downtown businesses.
- Make use of studies city already had when bidding the project.
- City offer tax incentive package that used a combination of resources, HOT, ad valorem, and sales tax.
- Look at what was working and not working in other Texas cities.
- Need to consider the affect a CC would have on the city's infrastructure, also a CC would have to be located where infrastructure was adequate.
- There were not enough Class A hotel rooms to accommodate a CC; a CC must have hotel support in order to be successful.
- There was not a sizeable property available in downtown to accommodate a CC.
- City can encourage a CC to locate downtown, but if the developer was financing it, they would put it at a location of their choosing.
- Need to have a comprehensive, accurate feasibility study before making such a decision; need to determine how a CC would be financed; if a convention center will not bring money in, do not do it; facility must at least be tax neutral.

The following persons also spoke:

1. Tom Gould, representing Bank of the Hills, noted the bank had contributed \$20,000 toward a downtown master plan study; now council was discussing a comprehensive plan for \$15,000. Were these two separate plans? Bank of the Hills was supportive of revitalization of downtown and enhancing economic development.

Mayor Bock noted the current direction of council was to study the feasibility of a CC in Kerrville and define what that would be and the location of such facility, which may or may not be in downtown. The downtown master plan was a separate plan specifically for revitalization of the downtown area.

2. Bill Beltrone questioned the potential profitability of a CC. He did not believe such a facility would be profitable or could be supported by Kerrville. He did not believe downtown could support a CC.

Mayor Bock stated there had to be an economic benefit for the city to move forward on the project; the city would be looking at a public/private partnership that would benefit the community and serve as a catalyst to supplement existing businesses.

3. Jack Pratt noted his experience with CCs and the feasibility study should consider its location in relationship to airport and transportation.

4. David Lipscomb asked if the information from the convention center blue ribbon committee was available to the public; Mr. Parton stated it was.

The consensus of the council was to proceed with the feasibility study in phases with a cost associated with each phase, and to select a few target areas to be evaluated, with one area to be downtown.

Mr. Coleman returned to the meeting at 8:03 p.m.

8C. Amending procedural rules for meetings of the Kerrville City Council.

Mr. Hayes noted council previously requested an item be placed on the agenda to consider amending the rules.

The council discussed several issues:

- Person(s) repeatedly places items on the agenda and then does not attend the meeting to discuss their item(s).
- A person or group repeatedly places the same issue back on the agenda if they did not get the ruling they desired.
- Mayor Bock noted the council was not following the meeting procedure as outlined in the rules; that is, a motion is to be made and seconded before discussion begins. He suggested council may want amend the rules to provide for discussion before a motion was made. The consensus of the council was not to amend that section of the rules.

Mr. Coleman moved to amend the procedural rules to preclude placing the same item back on an agenda sooner than 12 months, however, a councilmember may sponsor the item to be placed on an agenda; and other changes proposed by Mr. Hayes with respect to clarifying the current rules; the motion was seconded by Mr. Motheral and passed 5-0.

9. BOARD APPOINTMENTS:

9A. Appointment to the zoning ordinance input committee.

Mr. Coleman moved to appoint Walter Schellhase to fill the vacancy created by the resignation of Cody Ahrens; Mr. Motheral seconded the motion.

Mrs. Keeble moved to appoint Sean Gilliland; the motion died for lack of a second.

The motion appointing Walter Schellhase passed 5-0.

Mrs. Keeble suggested revising the application and establishing an interview process so the council may become better acquainted with applicants, and several options were discussed. An item would be placed on a future agenda to establish a revised board appointment process.

10. EXECUTIVE SESSION:

Mr. Coleman moved for the city council to go into executive closed session under Section 551.072 (deliberation regarding real property) of Chapter 551 of the Government Code of the State of Texas; the motion was seconded by Mr. Gross and passed 5-0 to discuss the following matters:

Section 551.072:

- Discuss the purchase, exchange, lease, sale, or value of real property for use as a City facility, the public discussion of which would not be in the best interests of the City's bargaining position with third parties.

At 8:29 p.m., the regular meeting recessed and council went into executive closed session at 8:39 p.m. At 9:02 p.m., the executive closed session recessed and council returned to open session at 9:04 p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

ADJOURNMENT. The meeting adjourned at 9:04 p.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
SEPTEMBER 22, 2009

On September 22, 2009, the Kerrville City Council meeting was called to order by Mayor Bock at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Reverend Patty Edwards, Unity Church of the Hill Country, followed by the Pledge of Allegiance led by the Notre Dame Catholic School –Student Council.

MEMBERS PRESENT:

Todd A. Bock	Mayor
R. Bruce Motheral	Mayor Pro Tem
Chuck Coleman	Councilmember
Stacie Keeble	Councilmember
T. Scott Gross	Councilmember (arrived at 7:49 p.m.)

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Brenda G. Craig	City Secretary
Travis Cochrane	Director of Information Technology
Josh Selleck	Director of Finance
Kevin Coleman	Director of Development Services
Rosa Lea Melton	Director of Human Resources and Risk Management
Charlie Hastings	Director of Public Works
Tony Lenard	Fire Battalion Chief
Debra Lenard	Parks and Recreation Division
Mindy Wendele	Director of Business Programs
David Knight	Police Captain
Robert Ojeda	Fire Chief
Kim Meisner	Director of Administrative Services
Eric Maloney	Emergency Medical Services Director
Mike Wellborn	City Engineer
Mindy Wendele	Director of Business Programs

VISITORS PRESENT: List on file in city secretary's office.

1. VISITORS/CITIZENS FORUM: The following person spoke:

1A. Robert Naman noted no children walked to Tally Elementary School and only a few walked to Starkey. The safe routes to school federal grant that the city received was tearing up people's yards for no reason. Council should send a message to Washington by sending back the money because Kerrville did not need it. Mayor Bock asked that staff visit with Mr. Naman and discuss his concerns.

2. PRESENTATIONS:

2A. Recognition of Fire Battalion Chief Tony Lenard by the National Fire Academy for completion of the course "Command and Control Decision Making at Multiple Alarm Incidents" at the National Emergency Training Center, Emmitsburg, Maryland.

3. CONSENT AGENDA:

Staff requested item 3B be removed from the consent agenda.

Mr. Motheral moved for approval of items 3A, 3C, and 3D; Mr. Coleman seconded the motion and it passed 4-0:

3A. Approval of minutes of the regular city council meeting held April 28, and special meeting held July 14, 2009.

3C. Authorize the city manager to renew the contract with Steven G. Nail, M.D. for EMS medical director services for fiscal year 2010 in the amount of \$25,000.

3D. Authorize the city manager to enter into a professional service agreement with Bureau Veritas North America, Inc. for plan review and on site building inspection services for fiscal year 2010 in an amount not to exceed \$42,300.00.

END OF CONSENT AGENDA.

3B. Authorize the city manager to enter into a contract with PSC Environmental Services, LLC, for fall and spring household hazardous waste services for fiscal year 2010 in the amount of \$50,000.00.

Mr. Hastings noted the city holds two household hazardous waste collections annually at the recycling center. RFPs were received and evaluated; staff recommended a contract be executed with PSC Environmental Services to conduct the collection event and disposal of materials received.

Mr. Motheral moved for approval of the contract; Mr. Coleman seconded the motion and it passed 5-0.

4. FISCAL YEAR 2010 BUDGET RELATED MATTERS:

4B. Second Reading: Ordinance No. 2009-16 adopting the annual budget for the fiscal year 2010; providing appropriations for each department and fund; containing a cumulative clause; and containing a savings and severability clause. Mayor Bock read the ordinance by title only.

Mr. Parton described the city's FY10 budget as recessionary and sustainable for one year. If economy did not improve, the city may have to defer capital projects and make budget cuts that would affect service delivery in the future. The maintenance and operations portion of the budget decreased in FY09, and cash balances in the general fund and debt service fund were used to buy down the tax rate. The 2009 bond issue required an increase in debt service of 1.65%. The FY10 budget proposed a \$2 million bond issue to fund major street and infrastructure projects.

Mrs. Keeble moved for passage of Ordinance No. 2009-16 on second and final reading adopting the FY10 budget as presented on July 28, 2009, and appended throughout the budget process. Mr. Coleman seconded the motion and it passed 4-0.

4C. Resolution No. 059-2009 ratifying the adoption of the city's fiscal year 2010 budget that will require raising more revenue from property taxes than the fiscal year 2009 budget. Mr. Parton noted the budget totaled \$41,832,251 in expenditures; \$40,726,658 in revenues, of which \$9,468,959 was ad valorem property tax; and beginning cash balances were used to balance the budget.

Mr. Coleman moved for approval of Resolution No. 059-2009; Mr. Motheral seconded the motion and it passed 4-0.

4A. Second Reading: Ordinance No. 2009-17 levying ad valorem taxes for the use and the support of the municipal government for the city of Kerrville, Texas, for the fiscal year 2010; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. Mayor Bock read the ordinance by title only.

Mr. Parton noted the ordinance would set the tax rate for FY10 at \$0.5625 per \$100 value, which was a \$0.0125 increase over FY09

Mayor Bock noted councilmembers were taxpayers also, and nobody wanted a tax increase. The budget was extremely difficult and hard decisions had to be made; if there was not major economic development this year, there may have to be a tax increase again next year or have major cuts in services.

The following person spoke:

- Robert Naman opposed the tax increase.

Mr. Coleman moved for approval of Ordinance No. 2009-17 on second and final reading that the property tax rate be increased by the adoption of a tax rate of \$.5625 per \$100 valuation, which was effectively a 0.9% increase in the tax rate. Mr. Motheral seconded the motion and it passed 4-0, with the following roll call vote:

Mayor Bock	Yes
Mayor Pro Tem Motheral	Yes
Councilmember Coleman	Yes
Councilmember Keeble	Yes
Councilmember Gross	Absent during vote.

4D. Resolution No. 060-2009 amending the city of Kerrville fee schedule by revising fees charged for various services and uses provided by the city.

Mr. Selleck reviewed amendments to the fee schedule and recommended approval.

Mr. Coleman moved for approval of Resolution No. 060-2009; Mrs. Keeble seconded the motion and it passed 4-0.

5. ORDINANCE, SECOND AND FINAL READING:

5A. Ordinance No. 2009-18 amending Chapter 10 "alcoholic beverages" of the Code of Ordinances of the City of Kerrville, Texas, by revising Section 10-3 regarding alcoholic beverage permit and license requirements to provide for a two year permit or license in accordance with state law; containing a cumulative clause; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters relating to the subject. Mayor Bock read the ordinance by title only.

Mr. Selleck noted the existing ordinance limited permits to a term no longer than one year and to expire concurrent to the expiration of state permits. Effective September 1, 2009, the Texas Alcoholic Beverage Commission implemented two-year permits and renewals for alcoholic beverage licenses; therefore, he recommended approval of the proposed ordinance to remain consistent with TABC changes.

Mr. Coleman moved for passage of Ordinance No. 2009-18 on second and final reading; Mrs. Keeble seconded the motion and it passed 4-0.

6. ORDINANCES, FIRST READING:

6A. An ordinance authorizing and allowing, under the act governing the Texas Municipal Retirement System "updated service credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are member of the city; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the city; and establishing an effective date. Mayor Bock read the ordinance by title only.

Ms. Meismer noted under the city's current TMRS plan the city adopted the updated service credits for employees at 100% and the cost of living adjustments for retirees at 70% of the consumer price index for urban wage earners (CPI-U). Council instructed staff to prepare an ordinance that would reduce the COLA for retirees from 70% of the CPI-U to 50% of the CPI-U.

The council noted they had to be fiscally responsible and next year the budget may be even harder. For 20 years TMRS encouraged cities to provide COLA benefits and said it would not cost anything and now there is a huge shortfall and cities were having to pay those costs. TMRS should have been projecting out the cost annually. Council discussed TMRS' method of calculating COLA and felt it was wrong that TMRS would recalculate COLA retroactive back to the effective retirement date when reducing the CPI from 70% to 50%. Mr. Hayes explained that under Texas Local Government Code, when TMRS calculated the CPI they had to use a set formula and go back to the effective date of retirement.

The following persons spoke:

1. Dane Tune requested council leave COLA at 70% of CPI-U. He noted that city of Kerrville retirees were not receiving health care like retirees from some cities and counties; also, retirees already were not going to receive an increase next year from TMRS. He appreciated the council's considerations and felt councilmembers had worked diligently on the subject.
2. Larry Vetter noted on average the decrease would cost retirees about \$200 year.
3. Denis Kneese stated he retired after 26 years with the city. He felt a deal was a deal and retirees were at the mercy of others; existing staff were getting increases and retirees were being decreased.

Mayor Bock noted the TMRS plan could be revisited each year.

Mr. Coleman moved for approval of the ordinance on first reading authorizing the updated service credits at 100% and the cost of living adjustment for retirees to 50% of the CPI-U on an annually repeating basis. Mr. Motheral seconded the motion and it passed 4-0.

7. CONSIDERATION AND POSSIBLE ACTION:

7A. Authorize request for proposals (RFP) for a feasibility study for a convention center within the city of Kerrville.

Mr. Coleman noted a possible future conflict of interest and recused himself; he left the meeting at 7:06 p.m.

Mr. Parton recommended council approve the RFP and authorize staff to solicit proposals for a feasibility study. The rfp would provide the following information: market analysis, recommend type of facility, constraints, economic impact, establish benchmarks, construction and financing, and identify targeted areas.

The council also discussed the following points:

- The study should look at comparable cities and their financial impact.
- The analysis should contain criteria evaluating up to five locations; however, city council should rank those locations.
- The current tax base was 72% residential and 22% commercial; need economic development to shift the tax burden. Residential growth does not generate tax dollars sufficient to cover the expenses it creates unless it is above the \$300,000 value.
- A convention center would generate additional commercial development and capitalize on existing assets.

The following persons spoke:

1. Carolyn Lipscomb suggested the analysis include what amenities other cities had that drew people to their convention center, and identify what Kerrville has to offer.
2. William Beltrone encouraged council to use a totally independent group so the analysis would not be biased and would be truly independent.
3. Robert Naman stated a consultant would provide whatever information the city wanted; if the private sector wanted a convention center, let the private sector poll and pay for it. The city should focus on providing safety and protection, water, wastewater and streets; anything else was not necessary. A few years ago the ad valorem taxes for persons over 65 were frozen and now the people under 65 were having to pay higher taxes and more tax increases were probable in the future. The tax freeze has pitted one group of citizens against another.
4. Lindsey Hollin asked how the criteria would be selected, who would select it, and when it would be available to the public.

Mr. Parton noted the criteria was specified in the rfp, it would be available to the public on September 23, and advertised ASAP, the deadline to accept proposals would be October 9, and the proposal selected would be presented to city council at a special council meeting in December.

Mr. Motheral moved to authorize the RFP with modifications as discussed; Mrs. Keeble seconded the motion and it passed 3-0-1 with Councilmembers Motheral, Keeble and Gross voting in favor of the motion; no one voted against the motion; and Mr. Coleman abstained due to a potential conflict of interest.

Mr. Coleman returned to the meeting at 7:33 p.m.

7B. Authorize city manger to enter into a memorandum of agreement (MOA) between the Federal Bureau Investigation (FBI) and the City of Kerrville for development of a regional firearms training facility.

Police Captain Knight, noted the San Antonio Division of the FBI proposed construction of a regional firearms training facility to be constructed on land provided by the city. The facility would be use by the FBI, Kerrville Police Department, and other local and regional law enforcement agencies. Funding for construction would be allocated to the city in the amount of \$1.328 million. The MOA provided that the FBI would use the facility for 25 years; however the title to the property and all improvements would remain with the city; all maintenance and utilities would be borne by the city. Such facility would enable local and regional law enforcement officers to receive quality tactical training at a state of the art facility at a minimal cost.

Mr. Coleman moved to authorize the city manager to enter into a memorandum of agreement between the FBI and the city for development of a regional firearms training facility. The motion was seconded by Mrs. Keeble.

The following person spoke:

- Carolyn Lipscomb questioned if the facility would be well utilized and whether the former hospital building could be used as a dormitory for persons travelling from out of town. She suggested possible future expansion of the facility for fire fighter training.

The motion passed 4-0.

8. INFORMATION AND DISCUSSION:

8A. City's water resource report, showing water availability and use.

Mr. Gross arrived at 7:49 p.m.

Mr. Hastings reviewed the report noting the following information:

- Currently have about 446 mg in aquifer storage system.
- Averaged 3.2 mg per day in Sept. 2009 (4.1 mgd averaged for previous five years)
- Sept. 2009 average river flow was 57 cubic feet per second (101 cfs average in September for past 23 years)
- On September 16 the aquifer level was 1,342 ft. at the monitor well on Mack Hollimon (average for September was 1,400 ft.)
- City has permits from Headwaters Groundwater Conservation District totaling 1.2-1.4 billion gallons per year from the Trinity aquifer.
- City has four permits totaling 5,000 acre feet per year that can be taken from the Guadalupe River, but the state can curtail these permits.

- City can treat 6 mgd; currently treating only 1 mgd from river because of cutbacks by state watermaster.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

The following announcements were made; however, no action was taken:

- Mr. Coleman noted he had worked with city staff through the construction of the Riverside Church of Christ and found staff to be excellent to work with. The church would have an open house and dedication on October 18.
- Mr. Motheral reported on the trip to Washington, DC to seek funding support for the proposed USDA facility.
- Mrs. Keeble noted she had met with downtown business owners to see what their concerns were.
- Mr. Motheral noted he and County Commissioner Letz were continuing to meet regarding extraterritorial jurisdiction issues and they were beginning to assemble a document to bring to city council.

10. ITEMS FOR FUTURE AGENDAS: No items discussed.

11. EXECUTIVE SESSION:

Mrs. Keeble moved for the city council to go into executive closed session under Section 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), and 551.074 (personnel matters) of Chapter 551 of the Government Code of the State of Texas; the motion was seconded by Mr. Coleman and passed 5-0 to discuss the following matter:

Section 551.072:

- Discuss the purchase, exchange, lease, sale, or value of real property for use as a City facility, the public discussion of which would not be in the best interests of the City's bargaining position with third parties.

At 8:06 p.m., the regular meeting recessed and council went into executive closed session at 8:10 p.m. At 8:17 p.m., the executive closed session recessed and council returned to open session at 8:18 p.m. The mayor announced that no action had been taken in executive session.

12. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION None.

ADJOURNMENT. The meeting adjourned at 8:18 p.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
OCTOBER 13, 2009

On October 13, 2009, the Kerrville City Council meeting was called to order by Mayor Bock at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Mary Meredith, Salvation Army, followed by the Pledge of Allegiance led by Dane Gourley, Battalion Chief, Kerrville Fire Department.

MEMBERS PRESENT:

Todd A. Bock	Mayor
R. Bruce Motheral	Mayor Pro Tem
Chuck Coleman	Councilmember
Stacie Keeble	Councilmember
T. Scott Gross	Councilmember

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Brenda G. Craig	City Secretary
Travis Cochran	Director of Information Technology
Kevin Coleman	Director of Development Services
Rosa Lea Melton	Director of Human Resources and Risk Management
Charlie Hastings	Director of Public Works
David Knight	Assistant Police Chief
Kim Meisner	Director of Administrative Services
Eric Maloney	Emergency Medical Services Director
Mindy Wendele	Director of Business Programs
Mark Beavers	Assistant Fire Chief
Jeff Finley	Chief Building Official

VISITORS PRESENT: List on file in city secretary's office.

1. **VISITORS/CITIZENS FORUM:** The following persons spoke:

1A. Bill Perkison, representing Tierra Linda Home Owners Association, noted that Lower Colorado River Authority was planning construction of a 345 volt transmission line from San Angelo to Comfort. LCRA was considering three routes, one near TL and TLHOA proposed the route be moved to a route parallel to I-10, which he stated was supported by State Representative Harvey Hilderbran, or to a route north of TL where LCRA had existing right of way. He requested council consider this matter at the next meeting.

1B. Sharon Walling questioned the safety of a proposed firing range at the landfill and noted a dense population within 2500 feet, including the high school. She quoted a recent news article regarding a shooting at the city landfill in 1992 as well as articles from news media throughout the nation. A \$2.5 million facility was being

built in Bexar County and city police officers could perhaps train at that facility. A firing range at the landfill on Loop 534 would create a dangerous situation and be a liability for the city. She was also concerned about the stress that noise from a firing range would have on veterans at the nearby veterans' hospital.

1C. Carolyn Lipscomb expressed appreciation to the fire and police departments for their participation in the National Night Out program in her neighborhood.

1D. Brian Demaree stated that councilmembers were not fairly compensated for their work and time. Mayor Bock noted the amount was set by city charter and was revised about one year ago as the result of a charter amendment election.

2. PRESENTATIONS:

2A. Invitation to the Kerrville Business Technology Forum hosted by Windstream Communications. Lindsey Hollin and Kimberly Dandurand invited council members to attend a technology forum hosted by Windstream on October 22 to learn more about telecom and data technology.

3. CONSENT AGENDA:

Mr. Coleman moved for approval of items 3A through 3H; Mr. Motheral seconded the motion and it passed 5-0:

3A. Approval of minutes of the regular city council meeting held July 14, 2009; special meetings held July 23 and July 28, 2009; and the minutes of the employee benefits trust held July 28, 2009.

3B. Purchase of one (1) replacement ambulance for EMS in the amount of \$143,525.00.

3C. Purchase two (2) patrol vehicles for police department in the amount of \$59,154.00.

3D. Purchase of one (1) 2 ton Freightliner truck for utility construction in the amount of \$91,616.00

3E. Ratify emergency purchase of equipment and services related to the repair and rehabilitation of the Louise Hays Park well in the amount of \$49,684.00.

3F. Adoption of an approved list of broker dealers for the purchase of investment instruments for FY2010.

3G. Adoption of the city's investment policy and investment strategy.

3H. Acceptance of a homeland security grant for communications equipment for the fire department in the amount of \$131, 622.00.

END OF CONSENT AGENDA.

4. ORDINANCE, SECOND AND FINAL READING:

4A. Ordinance No. 2009-19 authorizing and allowing, under the act governing the Texas Municipal Retirement System "updated service credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are member of the city; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the city; and establishing an effective date. Mayor Bock read the ordinance by title only.

Ms. Meisner noted the city's current TMRS plan adopted the updated service credits for employees at 100% and the cost of living adjustments for retirees at 70% of the consumer price index for urban wage earners (CPI-U). Council approved the ordinance on first reading on September 22, 2009.

Mr. Coleman moved for passage of Ordinance No. 2009-19 on second and final reading; Mr. Gross seconded the motion and it passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Resolution No. 062-2009 authorizing the waiver for Habitat for Humanity Kerr County Affiliate, Inc. of various fees associated with the construction of homes; said waiver to remain in effect through September 30, 2010, or the construction of ten homes, whichever occurs first. Mayor Bock noted 5A and 5B would be considered together.

Kevin Coleman noted Habitat requested the city waive payment of fees related to the development of property; i.e. development fees, platting fees, building permit fees, and parkland dedication fees, estimated at \$9,000. Approval of the resolution did not waive any fee related to utility service or connection; and did not release Habitat from the requirement to obtain permits, inspections or plat approvals.

Mr. Gross moved for approval of Resolution No. 062-2009; Mrs. Keeble seconded the motion and it passed 5-0.

5B. Resolution No. 061-2009 authorizing the waiver for Hill Country Home Opportunity Council, Inc. of various fees associated with the construction of homes; said waiver to remain in effect through September 30, 2010, or the construction of ten homes, whichever occurs first.

Kevin Coleman noted HCHOC requested the city waive payment of fees related to the development of property; i.e. development fees, platting fees, building permit fees, and parkland dedication fees, estimated at \$10,000. Approval of the resolution did not waive any fee related to utility service or connection; and did not release HCHOC from the requirement to obtain permits, inspections or plat approvals.

Mr. Gross moved for approval of Resolution No. 061-2009; Mrs. Keeble seconded the motion and it passed 5-0.

5C. Resolution No. 063-2009 nominating candidates to the Kerr County Appraisal District Board of Directors.

Mr. Parton noted the city could submit one nominee per open position to serve on KCAD; there were five open positions. Mr. Selleck noted he had contacted William H. "Hank" Moody, currently the city's representative, and he expressed interest in being reappointed.

Mr. Motheral moved for approval of Resolution No. 063-2009 nominating William H. Hank Moody; Mr. Coleman seconded the motion and it passed 5-0. No other nominations were made.

5D. Adopt revised board appointment process.

Mrs. Keeble suggested a revised board appointment process that included a more detailed questionnaire and an interview process. The council reviewed the board application. The consensus of the council was to make minor changes to the application and place the item on the next agenda for discussion and adoption of the application and interview process.

5E. Application to the economic improvement corporation for funding for a downtown master plan.

Mr. Parton noted staff had not received confirmation of any additional pledges by the deadline (September 30, 2009) set by Peterson Regional Medical Center; therefore, the proposal had been withdrawn.

No action was taken by the city council.

The following person spoke:

- Jack Pratt noted a downtown master plan should be part of an overall strategic plan for all of Kerrville.

5F. Accept proposal for a convention center facility study and direct the city manager to negotiate and execute a contract.

Mr. Coleman filed a potential conflict of interest affidavit and left the meeting at 6:50.

Mr. Parton noted staff evaluated the four proposals received, and based on qualifications and criteria, he recommended a contract be awarded to TXP upon completion of a reference check.

The consensus of the council was to gather data from several cities that had a convention center, what their HOT tax and sales tax revenues were for three years prior to and three years after opening the convention center.

The following person spoke:

- Bob Miller questioned whether the facility would be paid for by the city and be city owned and operated?

Mayor Bock noted those decisions had not been made; council was simply collecting data.

Mr. Gross moved to authorize the city manager to gather data requested, negotiate a contract, and make a decision, and provide that information to city council. Mr. Motheral seconded the motion and it passed 4-0-1 with Councilmembers Gross, Motheral, Bock and Keeble voting in favor of the motion; no one voted against the motion; and Mr. Coleman abstained.

Mr. Coleman returned to the meeting at 7:08 p.m.

6. INFORMATION AND DISCUSSION:

6A. Discussion of downtown business owners' concerns to be considered for upcoming downtown business plan.

Mrs. Keeble discussed a meeting she had with downtown business owners and provided a list of their concerns, in particular, lack of available parking, completion of the pavilion, timing of traffic signal, advertising, appointing downtown business owners to city boards, signage, water rights and rainwater harvesting, implement downtown master plan, and water plants more often.

6B. Presentation on timeline and changes to the electric code and proposed changes to associated building code ordinances.

Kevin Coleman noted the adoption of the 2008 National Electric Code (NEC08) would require a set of local amendments and would replace the NEC02, which would also require amendments to four other building codes. NEC08 would affect all new construction and major rehab projects; however, projects started under NEC02 would be completed under NEC02 requirements. The NEC08 was not adopted two years ago when other building codes were adopted. The proposed amendment to the IBC would delete the homeowner (homesteaded and owner-occupied) exemption for contractor licensing for commercial projects, and the proposed amendment to the IRC created a single permit contractor license. The code would become effective two weeks after adoption and publication.

The amendments also adopted changes regarding the building board of adjustment and appeals:

- Added two alternate members to the BBA.

- Added provision that if the BBA did not convene to hear an appeal within ten business days of written appeal, the application for appeal would be submitted to the city council for final action.

No action was taken by the city council at this time; public hearing and ordinance first reading would be scheduled for a future council meeting.

6C. Discussion of the results of the recently completed economic development (ED) questionnaire and presentation of a proposal for the restructuring of economic development efforts.

Mr. Parton discussed the results of the ED questionnaire designed to critique the existing ED program that consisted of 95 positions from seven ED partners: City, County, EIC, Chamber, KEDF, KPUB, and KISD. He discussed obstacles and challenges and noted only 42% responded to the survey. The responses indicated that not all partners "were on the same page"; a coordination of efforts was needed; desired outcomes and expectations should be established; and additional resources were needed. Mr. Parton proposed a new ED organization plan designed to focus on the shortfalls and provide results by focusing on cooperation and performance that would meet obstacles and challenges. He proposed an economic development council (EDC) be established consisting of nine members appointed by the current ED partners and two members from the business community; the annual budget would be

funded by EIC based on EDC's request and program evaluation. Upon council's approval of the restructuring plan, Mr. Parton outlined a plan of action and proposed to meet with all ED partners to review and implement the proposed program.

The city council also discussed the following comments:

- This proposal was not intended as criticism of Kerr Economic Development Foundation (KEDF).
- The proposal was intended to include all ED partners.
- City council had fiduciary responsibility to the taxpayers, and by funding KEDF, the city was essentially providing public tax money to fund a private organization. In reviewing KEDF's statements for the past six years, the city had contributed 52% of all funding but had no managerial input or influence; for example, in the past city contributions to KEDF had been used to pay rent to the chamber of commerce.
- KEDF's employee compensation increased 66% in the past five years.
- A nine member committee was too large; should be seven members.
- The EDC should report to the city council and the staff member should be a city employee who was supervised by the city manager.

The consensus of the council was to confirm the conceptual plan as presented by the city manager and authorize him to proceed to schedule meetings with all ED partners; however, each ED partner should be encouraged to appoint their executive director as their representative to the EDC and that person be authorized to vote on behalf of that ED partner.

7. BOARD APPOINTMENTS:

7A. Appointments to the zoning board of adjustments. No action was taken pending new board appointment process.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

The following announcements were made; however, no action was taken:

- Mr. Motheral reported he and Mr. Letz were continuing to meet regarding development standards in the extraterritorial jurisdiction.

9. ITEMS FOR FUTURE AGENDAS:

- Park Lane extension.
- Report on recyclable materials and possible change in materials accepted that were not monetarily sensible.
- Completion of the pavilion.
- Branding and way finding signs.
- Disposition of structure at 433 Water Street.

10. EXECUTIVE SESSION:

Mr. Gross moved for the city council to go into executive closed session under Section 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), and 551.074 (personnel matters) of Chapter 551 of the Government Code of the State of Texas; the motion was seconded by Mr. Motheral and passed 5-0 to

discuss the following matter:

Section 551.072:

- Discuss the purchase, exchange, lease, sale, or value of real property for use as a City facility, the public discussion of which would not be in the best interests of the City's bargaining position with third parties.

At 8:39 p.m., the regular meeting recessed and council went into executive closed session at 8:39 p.m. At 9:33 p.m., the executive closed session recessed and council returned to open session at 9:34 p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

ADJOURNMENT. The meeting adjourned at 9:34 p.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
OCTOBER 27, 2009

On October 27, 2009, the Kerrville City Council meeting was called to order by Mayor Bock at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Heather Mitchell, Minister of Music, First Baptist Church, followed by the Pledge of Allegiance led by Dick Weaver of the Retired Military Officers' Association.

MEMBERS PRESENT:

Todd A. Bock	Mayor
R. Bruce Motheral	Mayor Pro Tem
Chuck Coleman	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Brenda G. Craig	City Secretary
Travis Cochran	Director of Information Technology
Kristine Ondrias	Assistant City Manager
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
David Knight	Police Captain
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief
David Vasquez	Solid Waste Manager
Antonio Martinez	Library Director

VISITORS PRESENT: List on file in city secretary's office.

1. VISITORS/CITIZENS FORUM: The following person spoke:

1A. Fred Gamble, representing Schreiner University, noted the university would like to reopen discussions regarding a previous land swap with the city for land on Loop 534. He presented a letter requesting council's authorization to meet with Mr. Parton.

2. CONSENT AGENDA:

Mr. Coleman moved for approval of items 2A and 2B; Mr. Gross seconded the motion and it passed 5-0:

2A. Approval of minutes of the regular city council meeting held July 28, 2009.

2B. Expenditure of \$57,609 out of the general fund and \$16,225 out of the utility fund FY 2010 budget to replace a 4-door sedan for municipal court, a 1-ton crew cab pickup for emergency medical services, a ½ ton pickup for general operations, and a small pickup for water records.

END OF CONSENT AGENDA.

3. ORDINANCE, FIRST READING:

3A. An ordinance amending Chapter 26 "Building and Building Regulations", Article II "Building Codes", of the Code of Ordinances of the City of Kerrville, Texas, by amending Section 23-31 to cite the Electrical Code adopted by the city; amending Sections 26-33 and 26-44 to add alternates to the city's building board of adjustment and appeals; and to revise the hearing date for appeals; providing for a penalty for violation of any provision hereof; containing a cumulative clause; containing a savings and severability clause; ordering publication; providing for an effective date; and providing other matters related to the subject. Mayor Bock read the ordinance by title only and requested Items 3A, 3B, 3C, and 3D be considered together.

Kevin Coleman noted the building board and electrical board had reviewed all code changes and recommended adoption of the ordinances. The changes were also presented to the homebuilders association and the development services community advisory team. A meeting would be scheduled for electrical contractors after final adoption of the ordinances. The current NEC02 would be enforced on all projects currently in process and projects submitted for permit prior to the effective date of the new code. Permits after the effective date of the ordinance would be enforced under NEC08. Staff recommended approval of ordinances in 3A, 3B, 3C, and 3D; ordinances would be effective November 23, 2009. He reviewed specific amendments:

- Amendment to delete homeowner exemption for commercial projects.
- Added two alternates to the building board of appeals.
- Added a ten day time limit on building board of appeals action or the matter would be sent to city council for action.
- Adoption of the NEC08 would result in associated changes to International Building Code, International Residential Code, International Mechanical Code, and International Fuel and Gas Code.

Mr. Coleman moved for approval of the ordinance on first reading; Mr. Motheral seconded the motion and it passed 5-0.

3B. An ordinance amending Chapter 26 "Building and Building Regulations" of the Code of Ordinances of the City of Kerrville, Texas, by amending Section 26-122 "International Fuel Gas Code", to reference the Electrical Code adopted by the city; providing for a penalty for violation of any provision hereof; containing a cumulative clause; containing a savings and severability clause; ordering publication; and providing other matters related to the subject. Mayor Bock read the ordinance by title.

Mr. Motheral moved for approval of the ordinance on first reading; Mrs. Keeble seconded the motion and it passed 5-0.

3C. An ordinance amending in its entirety Chapter 26 "Building and Building Regulations", Article III "Electrical Code", of the Code of Ordinances of the City of Kerrville, Texas, by adopting the 2008 National Electrical Code as the electrical code for the city of Kerrville; said code to regulate the assembly, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, equipment, design, quality

of materials, use, and maintenance of electrical equipment within the city of Kerrville, Texas; providing for the issuance of permits, requiring licenses and registrations for electrical contractors and electricians; containing a cumulative clause; containing a savings and severability clause; ordering publication; providing for a penalty for violation of any provision hereof; and providing other matters related to the subject. Mayor Bock read the ordinance by title only.

Mrs. Keeble moved for approval of the ordinance on first reading; Mr. Motheral seconded the motion and it passed 5-0.

3D. An ordinance amending Chapter 26 "Building and Building Regulations", Article V "Mechanical Code", of the Code of Ordinances of the City of Kerrville, Texas, by amending Section 26-171 to reference the Electrical Code adopted by the city; providing for a penalty for violation of any provision hereof; containing a cumulative clause; containing a savings and severability clause; ordering publication; and providing other matters related to the subject. Mayor Bock read the ordinance by title only.

Mr. Gross moved for approval of the ordinance on first reading; Mr. Coleman seconded the motion and it passed 5-0.

4. CONSIDERATION AND POSSIBLE ACTION:

4J. Public safety of firearm training center (FTC) and request for town hall meeting. (Citizen request-Sharon Walling)

Mr. Parton noted staff was in the process of a feasibility analysis for a contemplated FTC project. Under the proposal, FBI would provide funding for construction of the facility, but no funds had been transferred and the city was not legally committed to the project; feasibility costs may be available in January. The decibels study conducted by staff was very preliminary; future environmental assessment would include a complete acoustical analysis by a professional consultant; however, such future analysis would not be conducted if the preliminary study by LNV revealed inadequate funding from FBI for engineering and construction of said facility.

Mr. Knight discussed the scope of the project and noted safety, sound abatement, bullet containment, and environmental concerns would all be addressed prior to finalization of any plans. He described the possible project:

-Proposed to be constructed at the closed landfill area which was part of an 89 acre tract of land owned by the city on Loop 534 east of Tivy High School (THS).

-Project would consist of 250 yard rifle range, 50 yard pistol deck, an enclosed ballistic proof shoot house, and 3,000 sq. ft. administrative and classroom facility.

-LNV Engineering was currently conducting borings to determine if a structure could be built on that site; further environmental studies would have to be completed prior to construction.

-Preliminary layout design called for the direction of the proposed target line to be east/southeast into the hill mass from the range deck, with vertical elevation of 80-85 ft. for backstop; this direction would be opposite of Loop 534, THS, soccer fields, and homes in The Summit.

- The proposed bullet trap system was designed to contain 100% of the bullets and eliminate possible ricochet.
- All ranges would be completely contained by baffles and berms approximately 25 ft. or higher the entire length of the range; this would also contain noise, and it would be unlikely that noise would be very noticeable at THS.
- The bullet trap system would be a granular rubber trap system backed by a steel or concrete containment system; lead would be reclaimed.
- City staff took preliminary decibel readings at 16 positions using various firearms at 50 yard increments. On low ground, readings were less than 60 decibels; ambient traffic on the landfill road and Loop 534 exceeded 60 decibels. At the top, the decibel reading was 60 except for a few spikes at 70 decibels. He noted that readings did not take into consideration any site design or acoustical accommodations such as baffling and berms. He recommended a professional acoustics survey be performed.
- The facility would be used by the FBI field office in San Antonio and the Kerrville Police Department, also possibly the Kerr County Sheriff's Office and 15 other local agencies; every law enforcement agency could benefit from using the facility.
- FBI did not choose this site; FBI had approached KPD for property on which to locate a joint use facility.
- People had discussed building a training range at the Hill Country Sports Shooting Center (HCSSC); however, the FBI cannot provide funding to a private entity to construct a range.

Ms. Ondrias noted LNV Engineering was in the process of performing a multi-phase feasibility study: (1) Location a facility could be built; (2) Engineering cost estimates to determine if a FTC could be constructed for the amount that FBI had offered; (3) Work with TCEQ as part of the permitting process. IF all three phases were successful, only then would the city proceed with noise assessment by a professional sound acoustics consultant. The city's goal was that such a facility would be a revenue neutral operation at no cost to the city taxpayers.

Sharon Walling stated she had requested the item be on the agenda because of several concerns, mainly public safety, noise, and threatened tax spending. She discussed the following points:

- THS was located only 2,500 ft. from the FTC; having guns going off all the time would have an affect on students growing up. Noise could also be heard at the elementary and junior high schools; she was concerned that students would have noise throughout their school life because the contract was for 25 years.
- A bullet could travel three miles (15,840 ft.) and could go over 20 ft. high berms, so berms may not do any good.
- Council had discussed and decided the matter in executive session; she requested minutes of that executive session meeting. The matter should have been discussed at a town hall meeting publicized and open to the public.
- Concerned about public safety and reminded council that there was an accidental shooting at the landfill in 1992.
- City receiving funds from FBI, but spending lots of city money for maintenance and up keep.

-Errant bullets (ricochets, misfire bringing guns into a facility): She never heard of a firing range that was 100% safe. She cited several news articles about accidents from errant bullets in other cities.

-Questioned this location: KPD deserved a good facility at a good location. KPD was shooting at a professional range now, and another range was under construction in San Antonio. This type of facility should be located on land that was not in a high density area.

-City cannot stop noise; noise travels up and through the valleys and shooting would be heard at The Summit.

-Range would also be open and allow shooting on Sundays.

-Project would affect other entities; she cited: Schreiner University had 400 acres in the area for an endowment program; Museum of Western Art would have fund raising outside with bullets going off; Riverhills was the same distance away as The Summit and the FTC would cause problems for golfers; Veterans Administration cared for veterans affected by war and now they would have to hear the noise of guns going off; people in canoes in Kerrville Schreiner Park would have bullets fall on their heads; city was trying to have tourists, hunters, and campers and this was the wrong message to send.

- The current feasibility study being done was for the safety of buildings; the city needed a safety study for citizens done by an independent source that did not have a stake in the project.

-In 1998 the Hill Country Gun Club found the landfill to be too expensive because of environmental studies; if the environmental studies found toxic systems, the city could be responsible for clean up; this could be a huge expense.

-Noise study was performed by staff and was not adequate; wanted an independent acoustics study; also, no copy of the study was available.

-Bad publicity for the city to build a firing range in the middle of the city.

-Real estate values and tax income for the city would decline. If a person was selling their property they had to reveal anything detrimental, like a firing range; property values would go down.

-This was the biggest issue ever faced by the city.

The city council also discussed the following points:

- Expressed concern over baseless wild accusations that had no foundation.
- Emails received by council were misleading and contained incorrect information.
- The city had not entered any agreement to build a facility; the city had a memorandum of understanding to allow the city to do a study to receive information that would help answer questions.
- Feasibility study on public safety would be conducted by an outside consultant if the project proceeded after the cost study was received in January.
- Depending on the LNV preliminary cost study, the city may not proceed to a feasibility study; however, all information from any study would be public information and would be provided to the public as soon as it was available.

The following persons also spoke:

1. Floyd Walling supported police and want them to have training; his concern was

the location being 2,500 ft. from THS. He submitted a letter of questions that he wanted answered; for example, how many employees would be needed to man the facility for 25 years, including salaries and related costs. If core samples were taken and toxic waste found, how much would it cost the city to fix the problem. Did the city have commitments from other law enforcement agencies that they would use the facility; if others did not participate, the city would have to maintain the facility itself. A better sound study was needed. Council should appoint a committee of 3 citizens to work with an outside consultant so they can have positive input on this decision.

2. John William Pete Clanton stated his family owned 43.5 acres on Loop 534 west of THS and on the west side of the shooting range. He was concerned for his family's safety and the public. He questioned a 100% containment facility and noted he had been hit by ricochet in a controlled environment. Thunder Ranch on Hwy. 41 was a professional facility built for law enforcement. The city should find another location not so close to the city.

3. Fred Gamble, chief financial officer at Schreiner University, noted SU owned land behind and around THS, the same property that they requested to exchange with the city on May 9, 2006. He supported a public forum/town hall meeting and requested that information be provided to the public, such information should already be part of the feasibility study, including: estimate of yearly operating cost, rental revenue, noise study by a professional consultant (he noted SU's property was the highest property in that area and would be more susceptible to noise); information about LNV's compensation for the engineering study and any agreement if LNV should receive the construction contract. If the plan was approved, he also requested: 1) Provisions on upgrading the facility to accommodate more powerful weapons in the future or a limit on the caliber of weapons allowed at the facility; and 2) Minimum insurance limits by all users of the facility.

4. Tom Hamilton noted HCSSC was a 501(c)3 not for profit corporation that had a world class shooting facility for shotgun, trap, and skeet, and an indoor state of the art air rifle and air pistol shooting range; why not pursue using FBI funds to build on HCSSC's ranges; HCSSC also had a management team in place. This cooperative effort would continue to help build an international world class firing range and invite international competition to come to Kerrville. The city should encourage FBI to build a world class range that was a joint use facility open to the public and not a nuisance. Operational costs of the proposed FTC would not be budget neutral for the city.

5. Gary Rauls stated it was not wise to build a FTC next to the high school. Firearms were not fired one at a time and any test should consider each firearm discharge. The city cannot guarantee there would be no noise pollution or errant bullets and should find another site outside the city. The city did not need a "Columbine incident" to determine if a FTC was too close to the high school. The city should not allow any shooting range in city limits, and never near the high school. He asked that council not put money before human life and citizens' peace. Americans had a love affair with guns and blood shed and a site away from schools and out of the city would be

better. If the council approved the project, it would suffer lawsuits, violence, distressed property values, and loss of revenue from people leaving Kerrville.

6. Wendell Bingham asked that the city risk manager check on the cost of insurance increase due to the city's exposure. The feasibility study and environmental impact study should include citizens' input on quality of life. San Antonio was in the process of building a facility; why could FBI not use that facility.

7. Richard Lockwood stated a performance analysis should include: firearms training budgets for area law enforcement agencies that might be potential users; how much time would be available for other users; and the cost of operational expenses. He asked what would be the cost to build the facility, what the estimated timeline would be, and when would the analysis be available.

8. Robert Berryman felt council should put off any decision until the feasibility studies were complete. Law enforcement agencies did need a range, and if FBI was willing to pay for it, maybe the city should proceed; however, wait until studies were done.

9. Tom Moser requested the feasibility study consider noise. The city should first establish what was an acceptable noise level and at what location and frequency. Traffic was a steady noise, gun fire was a percussion, random rapid firing. First, establish acceptable noise levels, and if it is a nuisance detriment, recognize that.

10. Curt Hodel stated he was a THS student, and the THS cafeteria was louder than a firing range. If 18 year old students went to a range and learned safety it would result in less chance of an accident.

11. Diane McMann questioned who was paying for the study? Ms. Ondrias noted the city was paying for the preliminary study and the majority of that cost was for sample borings of the landfill.

12. Alan Hodel stated he had two sons attending THS and did not feel this was a concern. He felt that what was being expressed was "Not In My Back Yard" and cited other NIMBY examples. The facility as described would be a wonderful benefit to the city. He could not imagine how having an FBI training center within 2,500 feet of THS would result in a Columbine-type incident. He supported the city taking action to investigate and do studies; it would have been imprudent upon the council not to proceed to investigate.

13. Lewis Wood questioned the caliber of weapons proposed at the facility and if FBI and law enforcement could use silencers for their weapons. Mr. Knight noted the highest caliber would be .308, and to his knowledge, the local agencies did not have silencers, but FBI agents may have silencers.

14. Joe Nagey noted when the man was shot several years ago at the landfill, rounds had been fired into the air, it was not a ricochet incident. The range was then closed.

15. Carolyn Lipscomb noted Olmos Park in San Antonio had a shooting range and the city could investigate if that range had any detriment to surrounding property values. If the FBI personnel would be spending the night in Kerrville to attend training, that would help economic development and support sales tax base.

Mayor Bock noted any future studies would include a financial analysis as well as other issues discussed. The city council had the same concerns raised by the public but needed information before answers could be provided; however, when that information was available, it would be provided to the public.

4. PUBLIC HEARING AND RESOLUTION:

4A. Resolution No. 065-2009 granting a conditional use permit for an approximately 0.25 acre tract of land being lot 2, block 1, Michael James Addition, within the City of Kerrville, Kerr County, Texas and otherwise known as 2503 Memorial Blvd., and located within the "GR", Guadalupe River district; by permitting said property to be used for business services II uses (limited to a carwash); and making said permit subject to certain conditions and restrictions contained herein.

Kevin Coleman noted the applicant (Greg Masters) proposed to reopen a car wash that had been closed several years, requiring a CUP. PZC and staff recommended approval with changes stated in the resolution. He noted that had the land been vacant, the recommendation might have been different; however, it was already built and was pre-existing. He noted that water from the car wash was recycled through the city's wastewater system, treated and released into the river. In addition, car wash bays catch storm drainage and channels it into the city's system. Mr. Coleman noted that the property was zoned commercial and considering setback requirements, the facility had limited potential and the site would not hold any additional buildings.

The council also discussed the following issues:

- Need to maximize land use along river frontage.
- Car wash at this location did not follow the comprehensive plan.

Mayor Bock declared the public hearing open at 8:07 p.m. and the following persons spoke:

1. Barbara Burton stated environmental concerns for the river and asked if there was a containment system for the car wash and if the water was being recycled?
2. Greg Masters stated he was in the process of purchasing the property. Currently storm drainage created erosion problems sending debris into the river; he discussed plans to correct erosion. Regarding the car wash, water entered the bays where solids were trapped and had to be removed and taken to the landfill; wastewater entered the city's system. He discussed plans to rehab the facility, but noted the existing equipment was operational, and people who wash their vehicles at home use five times more water than a car wash and their water was not recycled.
3. Unknown person commented that the previous owner had passed away and the property had fallen into disrepair.

4. Don Henderson asked if the applicant had considered storing the water from the roof into tanks to be used at this facility.

No one else spoke, and Mayor Bock closed the public hearing at 8:21 p.m.

Mr. Motheral moved for approval of Resolution No. 065-2009; Mr. Coleman seconded the motion and it passed 5-0.

4. CONSIDERATION AND POSSIBLE ACTION:

4B. Receive a report from Lower Colorado River Authority (LCRA) to update the city council on the proposed routes for a planned 345kV electric transmission line extending from Comfort, Texas, to San Angelo, Texas, and consider taking an official position on the proposed electric transmission line routes.

Sarah Morgenroth, senior regulatory case manager with LCRA, updated council on the proposed transmission line. She noted that LCRA proposed to file for the project in July 2010 and was currently collecting data and analyzing information regarding transmission line routes. Part of their review of routes took into consideration existing transmission lines and existing TxDOT right of ways. She advised that a new segment B-21 would parallel I-10 through Kerrville and asked that the city provide input and identify any constraints within the I-10 route. The city had the right to become an intervener in the process before the Public Utility Commission. She noted that any new preliminary segment identified for the new route would not eliminate preliminary segments currently being considered by LCRA. The towers would be lattice structures 160-180 ft. high. LCRA estimated that placing the line underground would cost \$30-40 million and this would not be considered by LCRA. This presentation was for informational purposes, and no action was necessary by the city at this time.

4C. Plan for city branding and wayfinding (directional) signs.

Mr. Gross proposed wayfinding/directional signs to assist visitors in knowing what public amenities were available in Kerrville and presented several examples. He proposed 12 signs focusing on the Hwy. 16 corridor. Further, Mr. Gross suggested adoption of a new logo that better depicted Kerrville; however he recommended that logo items not be changed out immediately, rather, they be changed in the natural course of business as items were replaced.

The following persons also spoke:

1. Vickie Love noted that signs should be visible; sometimes signs were too tall to be effective.
2. Carolyn Ruth felt that the words "friendly, comfortable, lifestyle" did not work or sound right together.
3. Joyce Mechler suggested a logo design contest be opened to the public.

4D. Completion by the city of Kerrville of the downtown pavilion.

Mr. Gross asked that the matter be deferred to a future meeting as there may be another group interested in completing the project.

4E. Creation of a historic district to be established along the river trail corridor.
Mr. Gross asked council to think about creating a zoning regulation to designate an historic overlay district for the downtown and rivertrail corridor areas. Such designations might result in grants becoming available and might be helpful in acquiring land for the river trail. Staff was asked to research whether such designation would result in any potential grants becoming available.

The following person spoke:

- Barbara Burton requested to be invited to future meetings where river or river trail were to be discussed.

4F. Resolution No. 064-2009 updating the master plan for the Kerrville/Kerr County Municipal Airport at Louis Schreiner Field.

Ms. Ondrias noted the airport board proposed to apply for a TxDOT 90/10 grant to update the airport master plan. The project was estimated at \$175,000; the city's portion would be \$8,750 and was budgeted in the airport capital improvement plan. Approval of the resolution would authorize the airport board to apply for the grant.

The following person spoke:

- Bruce McKenzie, airport manager, noted the airport board was required by TxDOT to have a current master plan on file.

Mr. Coleman moved for approval of Resolution No. 064-2009; Mr. Gross seconded the motion and it passed 5-0.

4G. Receive a report on the results of the municipal convention center financial analysis and provide direction to city staff for the execution of a professional services contract with TXP to conduct a feasibility study for the construction of a municipal convention center for the city of Kerrville.

Mr. Coleman filed a conflict of interest affidavit and recused himself and left the meeting at 9:02 p.m.

Mr. Parton provided an analysis of 12 Texas cities that were surveyed to measure the impact that a convention center had on their hotel revenues before and after construction; however, he noted that data was yet to be received from the Texas Comptroller's Office on some of the cities.

Mr. Parton noted staff had reviewed the proposals and recommended a contract be executed with TXP for the feasibility study of a municipal convention center.

Mrs. Keeble moved to authorize the city manager to execute the contract with TXP. Mr. Motheral seconded the motion and it passed 4-0-1 with Members Keeble, Motheral, Bock, and Gross voting in favor of the motion; no one voted against the motion; and Mr. Coleman abstained.

Mr. Coleman returned to the meeting at 9:09 p.m.

4H. Adoption of the Central Kerrville Development Corporation's proposed downtown strategic plan and direction to city staff to begin implementing the downtown strategic plan in accordance with the city's master plan for central city.

Mrs. Keeble presented a copy of the Strategic Planning Report for Downtown Kerrville that was prepared for the Central Kerrville Development Corporation in 2007 and proposed that council adopt the plan and direct staff to begin implementing the plan by working on issues such as: parking (first priority), tree and greenscapes, finish the pavilion; improve sidewalks along Earl Garrett Street; install lighting features; and any projects that would support downtown.

The council also discussed the following points:

- The subject report had not been commissioned by the city or been through a public hearing and public vetting process as had other city plans.
- The projects proposed would require money that was not available except by raising taxes.
- Zoning was the first step toward revitalization and the zoning ordinance input committee (ZOIC) was reviewing the zoning ordinance. ZOIC previously requested the city hire professional help, and city council had voted not to hire a consultant; however, the city council may need to hire a professional to speed up the process.
- Implementation of the subject plan would undermine the comprehensive plan review committee's and ZOIC's work in progress; should let ZOIC complete their review and make recommendations and not start moving in another direction.
- Some of the ideas suggested were the responsibility of private businesses and property owners.
- Some revitalization was already happening, e.g. sale of Schreiner Company building, Cailloux Foundation creation of a park on the old hospital property, and five new businesses in the last month.

The following persons also spoke:

1. Bob Couch suggested the city implement some part of the plan and get something done; do a small project; people in downtown were not seeing any progress.
2. Vickie Love, owned an antique store downtown for eleven years; it was a hard struggle when no progress was being made and they keep being told to wait and hold on. She asked council to do something soon that would give encouragement, direction, and hope. Upon question, she stated her top priorities: 1) finish the pavilion; 2) encourage downtown people to become more involved in downtown plans; and 3) find ways to invite and encourage people to participate.
3. Joyce Mechler felt the city could do something, e.g. clean streets, repair sidewalks, clean the museum, decorate, etc. Downtown needed encouragement; too many businesses were leaving; too many empty shops.
4. Carolyn Lipscomb noted the downtown district extended to Schreiner Street and Town Creek. The city should lead by example and make the recycling center and court building more attractive by planting a few trees and providing landscaping.

5. William Beltrone suggested the city could spend more time on media relations and encourage town hall meetings where citizens could learn and give input about all the different plans, street plan, master plan, comp plan, etc. KEDF and other non profit groups could step forward. Seniors who recently received the tax freeze could put some of their money to work with non profit organizations; focus private money for public cause and get things moving.

6. Robert Keeble questioned if there had been a second to Mrs. Keeble's motion. Mrs. Keeble stated she did not make a motion.

4I. Modifications to the City of Kerrville's board, committee and commission appointment processes.

Mrs. Keeble proposed a more comprehensive board application and a process for interviewing applicants. The council discussed several methods for conducting interviews.

Mrs. Keeble moved that council adopt the interview procedure whereby: 1) applicants would complete a more comprehensive application (said application would be presented for adoption at the next meeting); and 2) two councilmembers would interview applicants, one being the liaison councilmember on that board where applicable, and the second would be a councilmember assigned on rotation. The mayor would serve as an alternate in case someone was not available to interview applicants. The interview team would then make a recommendation to the full council. The motion was seconded by Mr. Motheral and passed 5-0.

4J. Public safety of firearm training center and request for town hall meeting.
(NOTE: matter heard earlier in meeting.)

4K. Demolition of city building at 433 Water Street.

Mr. Gross advised council of his discussions with The Friends and the Library Advisory Board (LAB) and requested council consider demolition of the structure at 433 Water Street and the carriage house. He noted library funding program was getting started and felt the demotion would show progress was being made and could help with fundraising. He proposed giving staff an additional six weeks to solicit for removal of the building(s); following the six weeks, he proposed staff prepare a proposal to have the buildings demolished.

Council noted the following points:

- City had advertised the removal of the building in the past and no bid was received.
- Both buildings were too costly to remodel; very little salvageable materiel.
- City cannot proceed with library plans until the buildings were removed.
- Funding for the library could take several years, and demolition of the buildings would remove any possibility of future use.

Ms. Wendele noted the mantra of the main street program did not follow council's proposal; in fact, the demolition could possibly jeopardize the city's status as a main

street city. The Main Street Advisory Board (MSAB) would like the structures to be saved in some fashion, and recent building code changes may make renovation more economically feasible. If demolition occurred, MSAB requested that material be salvaged where possible and that a hole not be left in the ground, noting a basement at 433 Water Street. She requested council give the MSAB opportunity to solicit proposals to remove or salvage the buildings before demolition was finalized. She noted that neither building was on the National Register of Historical Buildings and did not have historical significance to her knowledge. However, if the buildings were demolished, the city may have to prove to the State Historical Commission and the National Trust for Historic Preservation that the city had done due diligence to save the buildings in order to not jeopardize our main street status.

Mr. Gross moved to allow staff and the MSAB six weeks to work with the private sector to remove the building(s); following the six weeks staff would be instructed to prepare a bid for demolition with two options: 1) 433 Water Street; and 2) carriage house. The demolition bid would include filling in the basement to create level ground. Mr. Motheral seconded the motion.

The following person spoke:

- David Lipscomb questioned if anyone was currently occupying the carriage house? Mr. Martinez noted no one was currently using the structure; also the two tenants at 433 Water Street had been notified of plans and both leases were month to month with 30 day notice to vacate. Both leases generated about \$5,000 per year.

The motion passed 4-1 with Members Gross, Motheral, Coleman, and Keeble voting in favor of the motion; and Mayor Bock voting against the motion.

5. INFORMATION AND DISCUSSION:

5A. Receive a staff report regarding the current status of the library renovation project. Mr. Martinez reported on fundraising, building and site plan development, community presentations, and the carriage house.

Fundraising: Gayle Spencer had begun submitting grants to local foundations. Victoria Wilson was working to establish a library foundation and a fundraising kickoff event. Library staff was working on a grant for energy efficiency improvements.

Building and site plan: Building renovation plans and reports were reviewed by Bill Reynolds, HEB's vice president for facility construction, and Peter Lewis, project architect. They had prepared a scope of work and schedule for the multi-phased project. Initial focus would be on construction documents for site development of the library campus and renovation and expansion of the main library. Subsequent phases would focus on the history center and carriage house. Anticipate bid to be let in spring 2010.

Carriage house: The Friends have discussed demolition of the building so they could construct a new building, but were still discussing other options.

5B. Citizen request for discussion on demolition of Sid Peterson Memorial Hospital. Mr. Brian Demaree was not present; no discussion or action was taken by council.

5C. Amendments to City of Kerrville Code of Ordinances, Chapter 110, Article III water management plan (WMP).

Mr. Hastings discussed three possible amendments to the WMP: 1) the refilling of swimming pools be move from Stage 3 to Stage 4; 2) review restrictions for car washes that use recycled water; 3) revise lawn watering schedules. Council also discussed power washing of buildings and parking lots.

The following persons spoke:

- Jimmie Spradling noted every summer the city placed restrictions on watering trees and lawns, and washing vehicles and homes. He noted if concrete was not wetted, foundations would crack and this would be a great expense to homeowners. He noted 10 years ago the city had only one ASR well; since then there have been many upgrades to the city's system and city had two ASR wells now; people should be able to use water. The city wanted economic development, but people did not want to move to a city with dead trees and lawns. Retirees were driving Kerrville's economy; the city should focus on attracting more retirees; retirees would take care of economic development. The city should concentrate on fixing the infrastructure, providing water for citizens, and clean the city.

Mr. Hastings noted the various stages were the result of the state water master restricting the city from pumping water out of the river, and the city's safe operating capacity of the water system. The stages were not caused by a lack of water supply, but the availability of that water. The city had plenty of water available in the ASR wells.

2. Carolyn Lipscomb requested changing the watering times to daytime hours; watering at night was difficult and people could not see.

5D. Negotiating agreements with non-municipal water service providers for fire protection.

Mr. Parton noted he had received letters from county residents who were on Aqua Texas (AT) water system, in particular a resident from Saddlewood Subdivision in the city's extraterritorial jurisdiction (ETJ). The county attorney had referred the person to the city. AT had painted fire hydrants black in response to House Bill 1717. Black fire hydrants indicate the hydrant was not in service and not available for fire fighting purposes. Attorney General Abbot had issued an opinion regarding HB1717 that private water suppliers may choose to take fire hydrants out of service at their sole discretion and that fire hydrants painted black were considered unavailable for use other than on a temporary basis. This could result in substantially increased insurance premiums and stall commercial development due to lack of adequate fire protection.

Mr. Parton proposed the city seek a standard agreement with individual water service providers to include the following items:

1. Guaranteed access to the water infrastructure for fire fighting purposes.

2. No charge for water used in the course of fire fighting activities.
3. Indemnification of the city for any damage to the infrastructure resulting from fire fighting activities.
4. Routine maintenance of fire hydrants;
5. Routine flow testing of fire hydrants and appropriate color coding or marking of those hydrants that were deemed to be functional for fire fighting purposes.
6. Acknowledgement that future expansion or improvements to the system would occur in a manner meeting the city's regulations in place at the time that system improvement was made.

Mr. Parton also noted that development projects in the city's jurisdiction were subject to the city's subdivision standards, regardless of whether they were on private or municipal water systems. He requested council authorize staff to prepare a standard fire fighting agreement and enter into negotiations with all private water providers in the city limits and those subject to the city's fire protection services.

Mr. Ojeda stated the fire department's tactics and strategy for fighting fires in the ETJ would not change; when water was needed and a fire hydrant was the only source available, fire personnel assumed that the hydrants were available and that the hydrant was painted black for liability reasons. Black hydrants created problems for firefighters because they do not know if it is functional until they plug into it. Insurance companies do not recognize black hydrants for firefighting purposes and are reevaluating their customers; therefore, insurance rates have gone up significantly.

The council also discussed the following points:

- The intent of HB1717 was to identify those hydrants that were truly not available (maintenance and insufficient pressure hydrants); now everything was black and considered not acceptable for fire fighting.
- This is the exact reason why the city should apply for a certificate of convenience and necessity (CCN) in the ETJ.
- The ETJ standards may address fire flow in new areas.
- In effect, the private water provider was shifting the responsibility to the city to provide water for fire fighting purposes.
- The state refused to force private systems to provide water sufficient to meet fire flow standards.
- City could raise the fee to the county for firefighting to recover the cost of water.
- Residents on private systems should go to their water providers and force them to provide water sufficient to meet fire flow and paint fire hydrants accordingly.
- Private systems need to be able to fund upgrades for their infrastructure.

Council consensus was that staff prepare a standard agreement for private water providers and bring it to the city council to evaluate, and then proceed to have discussions with providers and other entities.

5E. Report from city staff on the city of Kerrville's recycling program to include the financial return on items collected through the recycling program.

Staff provided revenue information on items collected at the recycling center. Mr. Vasquez noted staff tried to optimize on cost effectiveness of materials accepted at the recycling center; however, not all items were profitable; sometimes the city had to pay for disposal of materials received. The biggest cost benefit was not having these items take up space in the landfill and community participation and perception.

5F. Discuss the appointment of a board member to the Kerrville/Kerr County Municipal Airport Board.

Stephen King, airport board president, noted the board had reviewed 17 applications and interviewed 4 applicants. The board recommended Corey Walters be appointed. He noted the county had voted to appoint Mr. Walters.

Mr. Coleman moved to appoint Corey Walters to the Kerrville/Kerr County Joint Airport Board; Mr. Motheral seconded the motion and it passed 5-0.

6. ANNOUNCEMENTS OF COMMUNITY INTEREST:

The following announcements were made; however, no action was taken:

- Mr. Motheral noted meetings with County Commissioner Letz and making progress regarding development standards in the city's extraterritorial jurisdiction.

7. EXECUTIVE SESSION:

Mrs. Keeble moved for the city council to go into executive closed session under Section 551.071 (consultation with attorney), 551.072 (deliberation regarding real property) of Chapter 551 of the Government Code of the State of Texas; the motion was seconded by Mr. Gross and passed 5-0 to discuss the following matters:

Section 551.071:

- Application for a wastewater discharge permit from the Texas Commission on Environmental Quality by Hill Country Camp at 1325 Harper Road, Kerrville, Texas 78028.

Section 551.072:

- Discuss the purchase, exchange, lease, sale, or value of real property for use as a city facility, the public discussion of which would not be in the best interests of the city's bargaining position with third parties.

Section 551.074:

- Discuss the appointment of a board member to the Kerrville/Kerr County Municipal Airport Board. (Item discussed in open session)

At 11:28 p.m., the regular meeting recessed and council went into executive closed session at 11:29 p.m. At 12:13 a.m., the executive closed session recessed and council returned to open session at 12:13 a.m. The mayor announced that no action had been taken in executive session.

8. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

8A. Mr. Coleman moved to instruct staff to finalize negotiations with intent to authorize the mayor to execute a contract to purchase property at 741 Water Street; Mr. Motheral seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 12:14 a.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
OF A SPECIAL MEETING

KERRVILLE, TEXAS
SEPTEMBER 10, 2009

On September 10, 2009, the Kerrville City Council attended a meeting of the Kerrville Economic Development Foundation at 12:00 noon at the Riverhills Country Club, 100 Riverhill Club Lane, Kerrville, Texas.

CITY COUNCIL MEMBERS PRESENT:

R. Bruce Motheral	Mayor Pro Tem
Chuck Coleman	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

CITY COUNCIL MEMBER ABSENT:

Todd A. Bock	Mayor
--------------	-------

CITY STAFF PRESENT:

Todd Parton	City Manager
Brenda G. Craig	City Secretary

1. KEDF budget comparison report for the month of August 2009.

Report was presented by KEDF President Guy Overby.

2. Nominating committee recommendations for KEDF directors for the 2009-10 year.

Slate was presented by KEDF Chairman Sue Tiemann.

3. Discussion of the KEDF budget for 2009-10.

2009-10 budget was presented by KEDF Chairman Sue Tiemann.

4. Francisco Lemos Street bridge project and other TxDOT updates.

Mr. Parton noted TxDOT had informed him:

1. The Lemos Street bridge construction had been delayed due to rain.
2. Golf Street completion was anticipated in late October.

5. 4th Annual Kerrville/Kerr County economic/business delegation visit to Washington D.C., September 16-18.

KEDF President Guy Overby noted a delegation had traveled to Washington DC, and he reported on the following federal projects:

1. USDA construction funding for new lab: Design and engineering had been completed based on the land on Peterson Farm Road; construction funding was pending, and he suggested a letter writing campaign to encourage congressmen to support funding.
2. Veterans Administration Hospital: 1.) Possible opportunity to expand facility services to provide improved medical care for women veterans. 2.) Possible opportunity to expand facility to provide housing for homeless veterans and veterans who need to be acclimated back into the general public.

6. Downtown developments and updates.

Pat Murray, representing Peterson Regional Medical Center, noted PRMC had made a challenge grant of \$25,000 to the city to conduct a downtown master plan. Mr. Overby noted other pledges had also been made, now totaling \$80,000 with a goal of \$100,000; pledges would continue to be accepted until September 30.

Mr. Murray noted the city was working on a feasibility study for a convention center.

7. Economic development questionnaire.

KEDF 2010 Chairman Dan Troxell discussed the economic development questionnaire prepared by City Manager Todd Parton.

Mr. Parton noted the purpose of the survey was to provide honest input and evaluation of the economic development systems and partners. The deadline for submission of the questionnaire was September 11 and the report would go to city council by September 30.

The meeting adjourned at 1:11 p.m.

APPROVED: _____
ATTEST:

R. Bruce Motheral Mayor Pro Tem

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
RETREAT MEETING

KERRVILLE, TEXAS
NOVEMBER 5, 2009

On Thursday, November 5, 2009, the Kerrville City Council meeting was called to order by Mayor Bock at 7:45 a.m. at the Kerrville Public Utility Board meeting room, 2250 Memorial Boulevard, Kerrville, Texas.

MEMBERS PRESENT:

Todd A. Bock	Mayor
R. B. Bruce Motheral	Mayor Pro Tem
Chuck Coleman	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Michael C. Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Interim Director of Finance
Charlie Hastings	Public Works Director
Kevin Coleman	Director of Planning and Development
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief
Josh Selleck	Director of Finance
David Knight	Police Captain
Scott McDonough	General Manager of Golf/Tennis
Ashlea Boyle	Aquatics/Special Events
Cheri Halford	CIP Manager
Mike Wellborn	City Engineer
Stuart Barron	Water and Wastewater Manager
Rosa Lea Melton	Director of Human Resources and Risk Management
Travis Cochran	Director of Information Technology
Susan Michelson	Municipal Court Clerk

CITY COUNCIL GOALS, VISION, AND MISSION STATEMENTS

Mr. Parton discussed the "ultimate city concept" and the city's vision and mission statements. He noted the city anticipated reaching a population of 25,000 in a few years, thereby increasing the extraterritorial jurisdiction (ETJ) to two miles; in preparation, the city should begin reviewing planning documents to accommodate the two mile ETJ, e.g. thoroughfare plan, water and wastewater master plan, etc.

The council also noted the following issues:

- Development of utilities would be driven by developers and where they develop.
- Key focus should be to preserve the Guadalupe River.

Mr. Parton noted staff proposed the vision statement: "To be the best city through our services, infrastructure and quality of life."

And, the mission statement: "Enhance our citizens' quality of life through core functions and maintain fundamental services while building internal and external relationships and emphasizing values that reflect council's policies and directives."

The consensus of council was for staff to condense and simplify the mission statement.

FISCAL FORECAST UPDATE:

Mr. Selleck reviewed the fiscal forecast and noted the following points:

- Projected no increase in sales tax or new growth in revenue for FY10 budget.
- Cash balances in the general fund and debt service fund were used to buy down the tax rate.
- The cash reserve had been used to balance the FY 10 budget.
- The city's established policy set aside 10% of sales tax receipts for street reconstruction; however the forecast did not include this for next five years.
- The FY10 tax rate was set at \$0.5625. Assuming a 3% growth in ad valorem value, he projected steady tax increases for five years; estimating the tax rate in FY14 at \$0.6481 (with FY10 debt issuance) or \$0.6350 (without FY10 debt issuance).
- City will likely have to cut services to balance next year's budget.
- The senior tax exemption increased 5.06% in FY10 and was estimated to increase to 7% in FY11.
- Postponing infrastructure projects would have a snowball effect on future costs.
- Need to invest in economic development to help shift the tax burden off residential properties; 70% of city ad valorem taxes were residential properties.
- Estimated about 3.5-4% interest rate on FY10 debt issuance with a 10 year payout.

The following person spoke:

- William Beltrone questioned using EIC 4B funds for infrastructure projects to offset the need to issue new debt. Staff explained if a project met the criteria of state law as an economic development project, EIC funds could be used, e.g. utility line to commercial property, industrial park, or convention center area.

CAPITAL IMPROVEMENT PROJECTS:

Staff reviewed existing CIP projects, including costs, completion dates, and project changes; particular projects discussed were:

- Oak Hollow drainage, staff to seek additional drainage easements.
- Remedial drainage funds (\$500,000): dedicated to Lois Street were determined to be insufficient for that project; funds shifted to other drainage projects.
- Upgrade GIS to provide aerial information on website.
- Work to resolve bacterial problems in Guadalupe River at Louise Hays Park.
- Staff unable to secure easements for rivertrail; shift funds from rivertrail project to Louise Hays Park.
- Anticipate construction in May 2010 for the safe routes to schools sidewalks grant.
- Remove Park Lane project from CIP until the city is ready to proceed with construction and following reevaluation of the thoroughfare plan.

- Harper Hwy. utility extension project to get water/sewer to James Avery Campus and the I-10 corridor for future development, and proposed annexation, discussed: 1) acquisition of easements; and 2) annexation path. Mr. Parton noted that properties in the annexation path would not be required to tie on to city utility lines as long as their utilities were operational. Council consensus was to move forward with voluntary annexation but proceed to involuntary annexation if necessary; progress report to council in January.
- Anticipate ASR 3 would be operational by end of 2010.

The following person spoke:

- William Beltrone questioned why the rivertrail project was being stopped and if EIC funds could be used for the rivertrail. Staff noted two property owners refused to provide easements to their property; call provisions in the previous bond issue prohibited those funds from being used for anything other than rivertrails as stated in the bond covenants.

Staff reviewed capital projects in the FY10 budget. Council will review the list of projects, then make a decision on issuing bonds. If council chose to proceed, Mr. Selleck recommended private placement to lessen costs associated with issuance.

MASTER PLAN REVIEW AND UPDATES

Water and Wastewater Master Plan: Mr. Hastings reviewed the utility master plan and noted the plan addressed needs through 2027.

The following person spoke:

- William Beltrone asked council to take care of existing city citizens' needs first; he asked what portion of the proposed improvements were for economic development or to serve future growth.

Comprehensive Master Plan: Kevin Coleman discussed revisions to the plan including: rewrite of land use and central city links, projected population changes based on growth trends, adopting a 20 year utility master plan, and adopting a parks, recreation and open spaces plan.

Regarding possible future projects proposed by other groups to be constructed on city property, the consensus of council was not to proceed until a project was fully funded, further, that the city not accept any liability or commitment on behalf of such groups. The council requested staff develop an alternative plan for completion of the pavilion.

Drainage Master Plan: Mr. Wellborn recommended the 1983 storm drainage study be updated. Council requested staff prepare a project scope for a drainage master plan.

DISCUSSION OF COUNCIL OBJECTIVES:

Fire Flow: Kevin Coleman discussed enforcement of the fire flow requirement in the extraterritorial jurisdiction and noted International Fire Code 06 was adopted by the city in 2007 and contained the same fire flow requirement in the IFC00 adopted by the city in 2004, i.e. 1,000 gpm for residential and 1,500 gpm for commercial developments. Fire Chief Ojeda noted this was the lowest acceptable requirement. Mr. Coleman noted

the fire code was an element of the current ISO insurance rating. He reviewed policy issues with regard to enforcement of the IFC.

The council noted that enforcement of established fire flow requirements was intended for public safety, maintaining standards, and preservation of the city's current insurance rating. Consensus of the council was that staff develop policy guidelines for exceptions, be specific, establish criteria, and inform developers at the start of the process. Chief Ojeda noted that the IFC did not allow the city to modify the code requirements. Mr. Parton noted amendments would be needed to the CIP if future projects were required to deliver a higher fire flow design.

Extraterritorial Jurisdiction: Mr. Motheral noted he and County Commissioner Letz were working to create a single set of blended development standards for enforcement in the ETJ.

Zoning Ordinance Input Committee: Kevin Coleman reported on ZOIC's progress and noted the committee's immediate focus was on seven identified weaknesses; proposed recommendations for interim amendments to the existing zoning ordinance would be presented to council after completion of legal review.

FY11 Budget Priorities: Council requested staff schedule another meeting for budget follow up.

ADJOURNMENT

The council adjourned at 4:16 p.m.

APPROVED: _____

Todd A. Bock, Mayor

Brenda G. Craig, City Secretary

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

SUBJECT: Authorization for the City Manager to execute a construction contract with RePipe Construction, Ltd. for the replacement and/or renewal of approximately 9,691 linear feet of deteriorated sanitary sewer pipe and associated manholes to serve the Westland and Colonial Manor residential subdivision areas in an amount not to exceed \$452,307.70 and authorize the City Manager to execute change orders in an amount not to exceed \$127,692.30.

FOR AGENDA OF: January 12, 2010 **DATE SUBMITTED:** December 17, 2009

SUBMITTED BY: Michael Wellborn *MW* **CLEARANCES:** Kristine Ondrias *KO*
Director of Engineering Assistant City Manager

EXHIBITS: Contract on file in City Secretary Office, Bid Tabulation, Graphical Exhibits

PAYMENT TO BE MADE TO: RePipe Construction, LTD
7600 S. Santa Fe Bldg. E
Houston, TX. 77061

APPROVED FOR SUBMITTAL BY CITY MANAGER: *[Signature]*

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$580,000.00	\$700,000.00	\$600,000.00	W78

PAYMENT TO BE MADE TO:
REVIEWED BY THE FINANCE DIRECTOR: *[Signature]*

SUMMARY STATEMENT

In the FY09 CIP, Council approved a multi phased Inflow and Infiltration (I&I) project to identify and correct problems in the waste water collection system. Ongoing studies and sewer rehabilitation will enable the city to maintain a more compliant and better operational sanitary sewer system. The project was approved at \$700,000.00 per year; \$100,000.00 in evaluation and engineering and \$600,000.00 annually for construction.

In 2008, the Water / Waste Water Utility Division funded the initial studies with construction to begin in FY09. FY09 debt sales in the amount of \$700,000.00 will fund the first phase of construction and the second phase of system evaluation and engineering.

Due to the complicated nature of the bidding options and the research needed on the project, the advertisement for bids ran on November 6, 2009, November 13, 2009, November 23, 2009, November 30, 2009 and December 7, 2009. The bid opening date was December 16, 2009.

The project provides several base bid options for replacement or renewal of the deteriorated sanitary sewer pipe and the bids were submitted to the City with pricing on the following options.

- Option 1 All cured in place pipe (CIPP)
- Option 2 Combination of CIPP and pipe bursting
- Option 3 Combination of pipe bursting or open cut pipe replacement

In addition to the base bid options, three additive alternates were included in the bids.

- Additive Alternate 1 - Westland Sub Basin South
- Additive Alternate 2 - Cynthia Drive North
- Additive Alternate 3 - Lois Street North

Staff have reviewed the bids and determined the best and most economical bid option would be to award Base Bid Option 3 and Additive Alternate 2.

Based on the bids received, Base Bid Option 3 is \$396,010.50 and the Additive Alternate 2 is \$56,297.20 for a total project cost of \$452,307.70.

The above bid does not include a contingency. The Director of Engineering anticipates the potential for change orders due to the complexity and unknown conditions that exist in the sanitary sewer system. Staff recommends the City Council authorize the City Manager to execute change orders on this project in an amount not to exceed \$127,692.30 for unforeseen complications or additive alternates as funds permit.

The project is scheduled to begin on January 18, 2010 and construction is anticipated to last 180 calendar days. The target completion date is July 17, 2010.

The remaining \$20,000.00 of the construction budget is being held as a contingency for additional construction administration services. City Council approved an original contract with CH2MHill in June 2008 in the amount of \$99,996.00 for design services. Due to the complex nature of this project, if additional construction administration services are needed, staff will bring back a change order to the original contract.

RECOMMENDED ACTION

The Director of Engineering recommends that Council authorize the City Manager to execute a contract with RePipe Construction, LTD in an amount not to exceed \$452,307.70 for the Sanitary Sewer Rehabilitation Project Phase 1. Additionally, the Director of Engineering requests that Council authorize the release of the remaining construction budget in an amount not to exceed \$127,692.30 to be used as contingency funds for change orders resulting from unforeseen circumstances and/or for additional work. The total construction budget requested is \$580,000.00.

CITY OF KERRVILLE

Sanitary Sewer Rehabilitation Project Phase I - Construction

-5-
Bid Opening

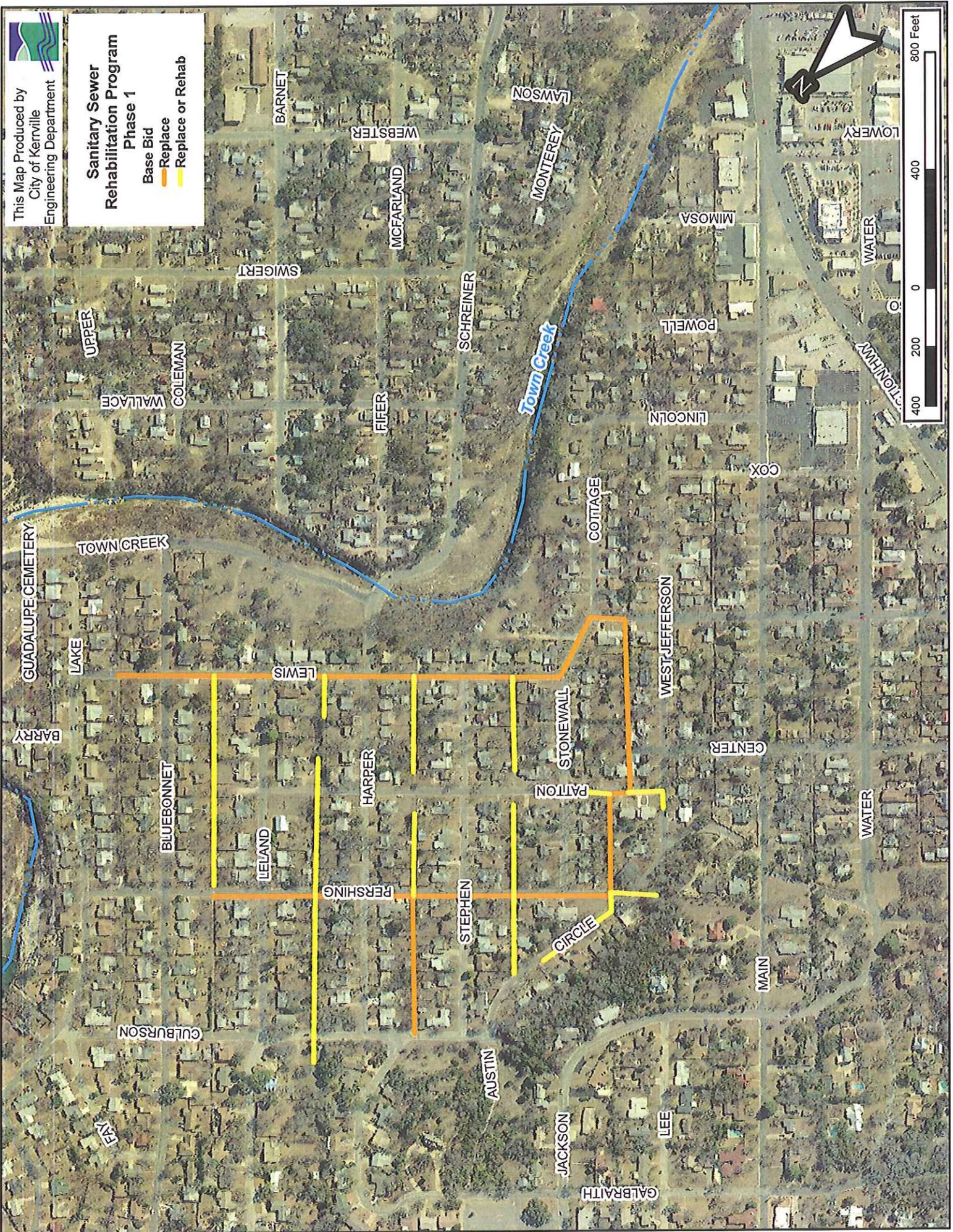
12/16/2009

BIDDER	ADDENDUM NO. 1 ACKNOWLEDGE	BID BOND	BASE BID - OPTION 1	BASE BID - OPTION 2	BASE BID - OPTION 3	ADDITIVE ALTERNATE 1	ADDITIVE ALTERNATE 2	ADDITIVE ALTERNATE 3
1 A & A Cable Contractors	✓	✓	\$372,709.65	\$524,155.15	\$593,300.15	\$73,740.00	\$75,436.20	\$177,121.40
2 Ella S. A. Contracting	✓	✓	NO BID	NO BID	\$896,555.20	\$137,732.32	\$109,710.00	\$386,763.00
3 Fuquay, Inc.	✓	✓	\$581,279.25	NO BID	NO BID	\$120,670.50	\$102,813.40	\$357,404.95
4 Horseshoe Construction	✓	✓	NO BID	NO BID	\$390,855.00	\$90,335.00	\$123,130.00	\$309,188.25
5 Huff & Mitchell	✓	✓	NO BID	NO BID	\$508,951.50	\$105,050.75	\$102,976.50	\$310,089.25
6 Lopez Utilities	✓	✓	NO BID	\$533,221.00	\$552,784.00	\$83,405.00	\$78,740.00	\$250,286.00
7 National Power Rodding	✓	✓	\$932,679.52	\$965,037.48	\$928,469.69	\$165,651.45	\$136,793.75	\$439,186.52
8 Nelson Lewis	✓	✓	\$445,768.00	\$620,953.35	\$624,325.85	\$86,042.50	\$70,917.00	\$274,424.00
9 Pipelayers	✓	✓	\$530,046.00	\$582,958.60	\$527,886.60	\$97,130.00	\$80,546.00	\$289,234.80
10 Repipe	✓	✓	\$340,768.50	\$403,726.60	\$396,010.50	\$66,661.00	\$56,297.20	\$182,144.25
11 SKE	✓	✓	\$463,364.65	\$572,607.15	\$499,645.50	\$130,875.50	\$128,697.60	\$272,536.20
12 Dolan Directional Drilling	✓	✓	\$620,126.70	\$587,619.70	\$439,030.70	\$87,473.00	\$90,450.40	\$319,783.90

This Map Produced by
City of Kerrville
Engineering Department

Sanitary Sewer Rehabilitation Program Phase 1

- Base Bid
— Replace
— Replace or Rehab



Sanitary Sewer Rehabilitation Program Phase 1

Additive Alternate 2
Replace or Rehab



Section 070

CITY OF KERRVILLE

CONSTRUCTION CONTRACT

This agreement made this day by and between the City of Kerrville, Texas, called "City," and the undersigned "Contractor" as follows:

1. THE WORK

The Contractor shall perform all the work as required by this contract for:

Base Bid – Westland Sub Basin North

Replacement and/or Renewal of approximately 8120 linear feet (LF) of deteriorated sanitary sewer pipe and associated manholes to serve the Westland Neighborhood.

Additive Alternate #1 – Westland Sub Basin South

Replacement and/or Renewal of approximately 1200 linear feet (LF) of deteriorated sanitary sewer pipe and associated manholes to serve the Westland Neighborhood.

Additive Alternate #2 – Cynthia Drive North

Replacement and/or Renewal of approximately 1571 linear feet (LF) of deteriorated sanitary sewer and associated manholes to serve homes on Cynthia Drive.

Additive Alternate #3 – Lois Street North

Replacement and/or Renewal of approximately 3219 linear feet (LF) of deteriorated sanitary sewer and associated manholes along Lois Street.

The following are incorporated herein:

- a. General Provisions
- b. Technical Specifications
- c. Addenda issued prior to receipt of Bid
- d. Plans
- e. Instructions to Bidders
- f. Proposal

Some of such documents may not be physically attached hereto but are on file at City Hall, and copies may be obtained upon request.

2. TIME

Construction substantial completion time will be 180 calendar days and 30 calendar days after for final completion from the date of written notice to proceed. Working days are defined in

specification section 123.20. The project shall not be considered complete until all sewer rehabilitation or replacement has been accepted and is operational and performing to its intended purpose. The Contractor's obligations to the project however, are not complete and retainage will not be released until all disturbed areas within State highway right-of-way have been re-vegetated to the satisfaction of local Texas Department of Transportation officials.

3. LIQUIDATED DAMAGES

Liquidated damages are hereby established for work which is not substantially complete in the amount of Three Hundred Dollars (\$300.00) per working day for each working day after the date established in the Notice to Proceed. The City may offset any such liquidated damages against any sums from time to time due by the City to Contractor.

The completion time assumes that fifteen percent of the working days are "bad weather days," days on which the work cannot proceed; therefore, the time for completion shall not be extended on account of bad weather until the said number of assumed "bad weather days" has been exceeded.

The time for completion shall not be extended except by written memorandum executed by the Contractor and the City Engineer. Contractor shall make written application to the City not later than ten (10) days after the day, event, or cause claimed by Contractor to be a delay. Failure to make such written claim within such time shall result in a waiver by Contractor of an extension based on those particular days, events, or causes. If, for example, this contract assumes twenty (20) bad weather days and Contractor desired a one-day extension for the twenty-first day of rain, Contractor shall make a written claim not later than ten (10) days after the occurrence of such twenty-first day.

The said amount per day is not a penalty but an agreed amount of actual damages which are difficult to calculate. Such damages include loss of staff time, answering complaints by citizens who have been inconvenienced by the work, City Council time, loss of use, and other damages difficult to reasonably anticipate or calculate.

4. PAYMENTS

The City shall pay the Contractor ninety-five percent (95%) of the portion of Contract Sum properly allocable to labor, materials, and equipment incorporated in the Work and ninety-five percent (95%) of the portion of the Contract Sum properly allocable to materials and equipment complete and in-place, less the aggregate of previous payments made by the City, and, upon substantial completion of the entire Work, a sum sufficient to increase the total payments to ninety-five percent (95%) of the Contract Sum. All retainages from progress payments shall be withheld without liability for interest. Upon acceptance, the City shall make payment to Contractor such that one hundred percent (100%) of the Contract Sum has been paid.

The City may choose to award a contract for the amount of the base bid plus no or any combination of additive alternates.

5. LIABILITY INDEMNITY

THE CONTRACTOR AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF KERRVILLE, TEXAS, AND ALL OF THEIR RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, LOSSES, PROPERTY DAMAGES, AND EXPENSES OF ANY CHARACTER WHATSOEVER, INCLUDING ATTORNEY'S FEES BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OF DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PROPERTY ON ACCOUNT OF ANY NEGLIGENT ACT OF THE CONTRACTOR, THE CITY OF KERRVILLE, TEXAS, OR ANY OF THEIR RESPECTIVE OFFICERS, EMPLOYEES, AGENTS, REPRESENTATIVES, OR SUBCONTRACTORS IN THE EXECUTION, SUPERVISION, AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS AGREEMENT, WHETHER OR NOT THE ACT OR OMISSION OF THE CITY OR ANY OF THEIR RESPECTIVE OFFICERS, EMPLOYEES, OR AGENTS WAS THE SOLE PROXIMATE CAUSE OF THE INJURY OR DAMAGE OR A PROXIMATE CAUSE JOINTLY AND CONCURRENTLY WITH THE NEGLIGENCE OF THE CONTRACTOR OR ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, OR SUBCONTRACTORS, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS AGREEMENT,

6. LIABILITY INSURANCE

Prior to the commencement of any work and not later than fifteen (15) days following the execution of this contract, the Contractor shall furnish the City copies of paid-up policies (to the City Risk Manager/City Hall) providing Liability and Workman's Compensation Coverage as follows (minimum limits):

TYPE OF INSURANCE	LIMITS
a. Workman's Compensation covering all employees	Statutory
b. Employer's Liability	<u>\$100,000.00</u>
c. Comprehensive General Liability	
Bodily Injury & Property Damage (per occurrence)	<u>\$1,000,000.00</u>
Aggregate	<u>\$1,000,000.00</u>
(Premises/Operations Products/Completed Operations/Independent Contractors/Contractual Liability/Coverages may not be excluded). XCU must be supplied if any exposure.	
d. Business Automobile Liability covering owned vehicles, rented and non-owned vehicles and employee non-ownership	
Bodily Injury Property Damage (per occurrence)	<u>\$1,000,000.00</u>
Aggregate	<u>\$1,000,000.00</u>

The Commercial General Liability and the Automobile Liability policies shall name the City of Kerrville, Texas, as additional insured and all policies shall provide for a waiver of subrogation in favor of the City of Kerrville. The policy and any renewal certificate shall provide that the City be notified thirty (30) days prior to cancellation or modification of any coverage. Language to the effect that the company will "Endeavor" or "Attempt" to so notify the City of Kerrville is not sufficient. Renewal certificates must be received by the City at least ten (10) days prior to any cancellation date. Policies will be in effect until final acceptance or cancellation of this contract, unless otherwise specified. The City may, at its sole option, terminate this agreement and file a claim on the Contractor's bid bond if the Contractor fails to deliver the required policies and certificates within 15 days after execution of this contract.

It shall be the responsibility of the Contractor to insure that all Subcontractors comply with the same insurance requirements as the said Contractor.

7. CASUALTY INSURANCE

In the event the work includes structures or buildings susceptible to damage by fire, windstorm, or other casualty, then the Contractor before being authorized to begin work shall furnish the City a duplicate original of an insurance policy naming the City of Kerrville as an additionally insured. Such insurance shall insure both the City of Kerrville and Contractor, during the term of the work, against loss by fire, windstorm, vandalism, theft, or other casualty. Such policy shall be in the total amount of this contract.

8. QUALITY OF WORK

All work shall be of good workmanship. Contractor shall comply with all applicable City of Kerrville Codes as well as all applicable professional and technical standards. Materials shall be of first quality.

9. CHANGES AND EXTRAS

No change of this Contract, whether for additional work, additional compensation, or other, shall be effective unless prior thereto a written change order has been authorized by the City Engineer. Employees of the City other than the City Engineer or Public Works Director do not have the authority to issue change orders.

10. ADDENDA

Contractor acknowledges the receipt of the following addenda:

1. Dated: November 23 Acknowledged by: Ulrike Volkmann
2. Dated: _____ Acknowledged by: _____

II. CONTRACT SUM

Proposal: Contractor agrees to provide all labor, materials, and all incidentals necessary to complete "The Work" for the following complete and in-place Unit Prices.

ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL AMOUNT
BASE BID – OPTION 1					
1	Mobilization	LS	1	\$ 10,000.00	\$ 10,000.00
2	CIPP 6" x 4.5mm	LF	7,617	\$ 23.00	\$ 175,191.00
3	CIPP 8" x 6.0mm	LF	504	\$ 25.00	\$ 12,600.00
4	Internal Reconnects	EA	131	\$ 275.00	\$ 36,025.00
5	6" - 12" CIPP Setup (<300LF)	EA	8	\$ 350.00	\$ 2,800.00
6	Setup pump & piping	EA	10	\$ 1,200.00	\$ 12,000.00
7	Operate pumping system	LS	1	\$ 10,000.00	\$ 10,000.00
8	6" Clean and TV sanitary sewer	LF	7,617	\$ 1.50	\$ 11,425.50
9	8" Clean and TV sanitary sewer	LF	504	\$ 1.50	\$ 756.00
10	6" - 8" Post TV Inspection after Rehabilitation	LF	8,120	\$.05	\$ 406.00
11	6" - 8" Point repair (0'-8" deep)	EA	21	\$ 1700.00	\$ 35,700.00
12	6" - 8" Point repair extra length	LF	50	\$ 25.00	\$ 1,250.00
13	Trench Safety	LF	200	\$.05	\$ 10.00
14	Repair Rehab 2" Asphalt pavement -- per point repair	EA	21	\$ 500.00	\$ 10,500.00
15	Repair Rehab 2" Asphalt pavement -- extra length	LF	50	\$ 69.00	\$ 3,450.00
16	Seal	SY	100	\$ 30.00	\$ 3,000.00
17	Repair/Rehab Concrete curb and gutter	LF	20	\$ 50.00	\$ 1,000.00
18	Root Removal	LF	1,000	\$ 1.00	\$ 1,000.00
19	Flowable Fill	CY	75	\$ 5.00	\$ 375.00
20	Traffic Control	LS	1	\$ 500.00	\$ 500.00
21	MH Rehab - cementitious	SF	1,020	\$ 4.50	\$ 4,590.00
22	Replace MH frame & cover 1025,1051,1094	EA	3	\$ 450.00	\$ 1,350.00
23	Replace MH frame seal 1025,1041,1042,1048,1051,1094	EA	6	\$ 350.00	\$ 2,100.00
24	Install End of Line (EOL) Cleanout	EA	12	\$ 395.00	\$ 4,740.00
TOTAL BASE BID – OPTION 1				\$ 340,768.50	

ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL AMOUNT
BASE BID – OPTION 2					
1	Mobilization	LS	1	\$ 20,000.00	\$ 20,000.00
2	CIPP 6" x 4.5mm	LF	3,542	\$ 22.00	\$ 77,924.00
3	Replace existing 6" or 8" w/8" SDR 19 HDPE (0-8' depth)	LF	4,578	\$ 28.00	\$ 128,184.00
4	Access Pit (0-8' depth)	EA	12	\$ 500.00	\$ 6,000.00
5	External service reconnections (0-8' depth)	EA	62	\$ 420.00	\$ 26,040.00
6	Internal Reconnects	EA	69	\$ 75.00	\$ 5,175.00
7	6" - 12" CIPP Setup (<300LF)	EA	8	\$ 150.00	\$ 1,200.00
8	Setup pump & piping	EA	10	\$ 150.00	\$ 1,500.00
9	Operate pumping system	LS	1	\$ 6,000.00	\$ 6,000.00
10	6" Clean and TV sanitary sewer	LF	7,617	\$ 1.50	\$ 11,425.50
11	8" Clean and TV sanitary sewer	LF	504	\$ 1.50	\$ 756.00
12	6" - 8" Post TV Inspection after Rehabilitation	LF	8,121	\$.10	\$ 812.10
13	6" - 8" Point repair (0-8' deep)	EA	10	\$ 2,000.00	\$ 20,000.00
14	6" - 8" Point repair extra length	LF	25	\$ 25.00	\$ 625.00
15	Trench Safety	LF	400	\$.05	\$ 20.00
16	Repair Rehab 2" Asphalt pavement – per point repair	EA	10	\$ 69.00	\$ 690.00
17	Repair Rehab 2" Asphalt pavement – extra length	LF	25	\$ 25.00	\$ 625.00
18	Sod	SY	100	\$ 30.00	\$ 3,000.00
19	Repair/Rehab Concrete Curb and Gutter	LF	100	\$ 55.00	\$ 5,500.00
20	Root Removal	LF	1,000	\$ 1.00	\$ 1,000.00
21	Flowable Fill	CY	350	\$ 5.00	\$ 1,750.00
22	Traffic Control	LS	1	\$ 500.00	\$ 500.00
23	Replace Manholes at Access Pit	EA	12	\$ 6,000.00	\$ 72,000.00
24	Replace Manholes away from Access Pit	EA	2	\$ 2,000.00	\$ 4,000.00
25	Install End of Line (EOL) Cleanout	EA	12	\$ 750.00	\$ 9,000.00
TOTAL BASE BID – OPTION 2				\$	<u>403,726.60</u>

ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL AMOUNT
BASE BID - OPTION 3					
1	Mobilization	LS	1	\$ 28,000.00	\$ 28,000.00
2	Replace existing 6" or 8" w/8" SDR 19 HDPE (Trenchless) or w/8" pipe meeting City of Kerrville Specifications (Open Cut)	LF	8121	\$ 28.00	\$ 227,388.00
3	External service reconnections (0-8' depth)	EA	131	\$ 420.00	\$ 55,020.00
4	Setup pump & piping	EA	10	\$ 500.00	\$ 5,000.00
5	Operate pumping system	LS	1	\$ 6,000.00	\$ 6,000.00
6	6" Clean and TV sanitary sewer	LF	7,617	\$ 1.50	\$ 11,425.50
7	8" Clean and TV sanitary sewer	LF	504	\$ 1.50	\$ 756.00
8	8" Post TV Inspection after Replacement	LF	8,121	\$ 1.00	\$ 8,121.00
9	Traffic Control	LS	1	\$ 4,000.00	\$ 4,000.00
10	Replace Manholes	EA	14	\$ 2,950.00	\$ 41,300.00
11	Install End of Line (EOL) Cleanout	EA	12	\$ 750.00	\$ 9,000.00
TOTAL BASE BID - OPTION 3				\$ 396,010.50	

ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL AMOUNT
ADDITIVE ALTERNATE 1 – Westlund Sub Basin					
Alt 1 - 1	Mobilization	LS	1	\$ 6,000.00	\$ 6,000.00
Alt 1 - 2	CIPP 6" x 4.5mm	LF	1,200	\$ 23.00	\$ 27,600.00
Alt 1 - 3	Internal Reconnects	EA	34	\$ 75.00	\$ 2,555.00
Alt 1 - 4	Setup pump & piping	EA	2	\$ 500.00	\$ 1,000.00
Alt 1 - 5	Operate pumping system	LS	1	\$ 750.00	\$ 750.00
Alt 1 - 6	6" Clean and TV sanitary sewer	LF	1,200	\$ 1.50	\$ 1,800.00
Alt 1 - 7	6" - 8" Post TV Inspection after Rehabilitation	LF	1,200	\$ 1.50	\$ 1,800.00
Alt 1 - 8	6" - 8" Point repair (0'-8" deep)	EA	8	\$ 2,000.00	\$ 16,000.00
Alt 1 - 9	6" - 8" Point repair extra length	LF	20	\$ 75.00	\$ 1,500.00
Alt 1 - 10	Trench Safety	LF	80	\$.05	\$ 4.00
Alt 1 - 11	Repair Rehab 2" Asphalt pavement – per point repair	EA	8	\$ 59.00	\$ 472.00
Alt 1 - 12	Repair Rehab 2" Asphalt pavement – extra length	LF	20	\$ 15.00	\$ 300.00
Alt 1 - 13	Sod	SY	30	\$ 30.00	\$ 900.00
Alt 1 - 14	Repair/Rehab Concrete Curb and Gutter	LF	10	\$ 55.00	\$ 550.00
Alt 1 - 15	Root Removal	LF	300	\$ 1.00	\$ 300.00
Alt 1 - 16	Flowable Fill	CY	30	\$ 5.00	\$ 150.00
Alt 1 - 17	Traffic Control	LS	1	\$ 3,500.00	\$ 3,500.00
Alt 1 - 18	MHI Rehab - cementitious 1026,1031	SF	135	\$ 11.00	\$ 1,485.00
TOTAL ADDITIVE BID ALTERNATE 1				\$	66,661.00

ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL AMOUNT
ADDITIVE ALTERNATE 2 – Cynthia Drive North					
Alt 2 - 1	Mobilization	LS	1	\$ 3,000.00	\$ 3,000.00
Alt 2 - 2	CIPP 6" x 4.5mm	LF	1,572	\$ 23.00	\$ 36,156.00
Alt 2 - 3	Internal Reconnects	EA	17	\$ 75.00	\$ 1,275.00
Alt 2 - 4	Setup pump & piping	EA	2	\$ 500.00	\$ 1,000.00
Alt 2 - 5	Operate pumping system	LS	1	\$ 2,500.00	\$ 2,500.00
Alt 2 - 6	6" Clean and TV sanitary sewer	LF	1,572	\$ 1.50	\$ 2,358.00

ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL AMOUNT
Alt 2 - 7	6" - 8" Post TV Inspection after Rehabilitation	LF	1,572	\$.10	\$ 157.20
Alt 2 - 8	6" - 8" Point repair (0'-8' deep)	EA	1	\$ 1,700.00	\$ 1,700.00
Alt 2 - 9	6" - 8" Point repair extra length	LF	5	\$ 100.00	\$ 500.00
Alt 2 - 10	Trench Safety	LF	10	\$.10	\$ 1.00
Alt 2 - 11	Sod	SY	10	\$ 30.00	\$ 300.00
Alt 2 - 12	Root Removal	LF	1,200	\$ 1.00	\$ 1,200.00
Alt 2 - 13	Traffic Control	LS	1	\$ 500.00	\$ 500.00
Alt 2 - 14	MH Rehab - cementitious 1411,1412,1413	SF	350	\$ 11.00	\$ 3850.00
Alt 2 - 15	Replace MH frame & cover 1411	EA	1	\$ 450.00	\$ 450.00
Alt 2 - 16	Install End of Line (EOL) Cleanout	EA	3	\$ 450.00	\$ 1350.00
TOTAL ADDITIVE BID ALTERNATE 2				\$	56,297.20

ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL AMOUNT
ADDITIVE ALTERNATE 3 – Lois Street North					
Alt 3 - 1	Mobilization	LS	1	\$ 3,000.00	\$ 3,000.00
Alt 3 - 2	CIPP 10" x 60mm	LF	1654	\$ 30.00	\$ 49,620.00
Alt 3 - 3	CIPP 12" x 60 mm	LF	1,565	\$ 34.00	\$ 53,210.00
Alt 3 - 4	12" additional 1.5mm for CIPP	LF	1,565	\$ 4.00	\$ 6,260.00
Alt 3 - 5	Internal Reconnects	EA	14	\$ 75.00	\$ 1,050.00
Alt 3 - 6	Setup 6" pump & piping	EA	3	\$ 500.00	\$ 1,500.00
Alt 3 - 7	Operate 6" pumping system	LS	1	\$ 750.00	\$ 750.00
Alt 3 - 8	10" Clean and TV sanitary sewer	LF	1654	\$ 2.00	\$ 3,308.00
Alt 3 - 9	12" Clean and TV sanitary sewer	LF	1,565	\$ 2.50	\$ 1563.50
Alt 3 - 10	10" - 12" Post TV Inspection after Rehabilitation	LF	3,883	\$.25	\$ 970.75
Alt 3 - 11	10" - 12" Point repair (0'-8' deep)	EA	1	\$ 2,500.00	\$ 2,500.00
Alt 3 - 12	10" - 12" Point repair (8'-12' deep)	EA	2	\$ 3,000.00	\$ 6,000.00
Alt 3 - 13	10" - 12" Point repair (12'-16' deep)	EA	2	\$ 4,000.00	\$ 8,000.00
Alt 3 - 14	10" - 12" Point repair extra length	LF	25	\$ 50.00	\$ 1,250.00
Alt 3 - 15	Trench Safety	LF	60	\$.05	\$ 3.00
Alt 3 - 16	Repair Rehab 2" Asphalt pavement – per point repair	EA	50	\$ 500.00	\$ 25,000.00
Alt 3 - 17	Repair Rehab 2" Asphalt pavement – extra length	LF	25	\$ 5.00	\$ 125.00
Alt 3 - 18	Sod	SY	40	\$ 30.00	\$ 1,200.00

ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL AMOUNT
Alt 3 - 19	Repair/Rehab Concrete curb and gutter	LF	20	\$ 55.00	\$ 1,100.00
Alt 3 - 20	Tuberculation Removal	LF	17	\$ 300.00	\$ 5,100.00
Alt 3 - 21	Root Removal	LF	1,000	\$ 1.00	\$ 1,000.00
Alt 3 - 22	Flowable Fill	CY	100	\$ 5.00	\$ 500.00
Alt 3 - 23	Traffic Control	LS	1	\$ 1,000.00	\$ 1,000.00
Alt 3 - 24	MH Rehab - cementitious 2127,2099,2080	SF	485	\$ 11.00	\$ 5,335.00
Alt 3 - 25	Replace MH frame & cover 2080	EA	1	\$ 450.00	\$ 450.00
TOTAL ADDITIVE BID ALTERNATE 3				\$ 182,144.25	

**TOTAL BASE BID PLUS
ADDITIVE BID ALTERNATES 1 THROUGH 3** \$ 1,445,608.05

COMPLETED BY

Michael Vellano

DATE

12-16-09

Sub-Contractors:

NAME	ADDRESS	PHONE	WORK TO BE PERFORMED
1. PM Construction	171 N Richey St Pasadena, TX	713-252-4800	Pipe Bustin
2. Chief Solotta	N Post Oak Houston TX	832 423 7918	CCTU
3. Standard Cement	5710 W 34th St Houston, TX 77092	713-680-0482	Manhole Rehex

(Attach additional sheet if required)

INSURANCE AGENT

NAME	ADDRESS	PHONE	POLICY
1. Arch Insurance / Mike Petic	3 Parkway Suite 1580	Philadelphia, PA	(See Attachment)
2.			
3.			

BONDING AGENT

NAME	ADDRESS	PHONE	POLICY
1. American Institute of Architects	Jessica Piccinillo	1735 N. M St	Washington, DC
2.			
3.			

Signed this 16th day of December, 2002

Attest: Rego Construction Contractor

Secretary BY: Michael Vellano
(if bid by a Corporation)

Title: General Manager

SEAL

Business Address:

7600 S Santa Fe
Houston, TX 77061

Phone: 281-727-8735

Fax: 832-550-2135

ACCEPTED THIS _____

day of _____, 2009

By: _____

Todd Parton
City Manager
City of Kerrville, Texas.

ATTEST:

Brenda Craig
City Secretary

CITY SEAL

APPROVED AS TO FORM:

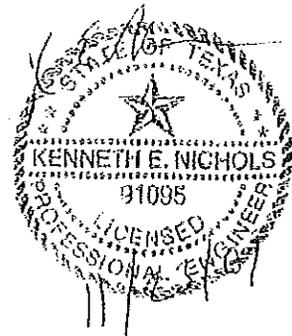
Michael C. Hayes
City Attorney

Addendum No. 1
To
Contract Documents
For the construction of the
Sanitary Sewer Rehabilitation Program Phase 1

City of Kerrville, Texas

(Dated November 2009)

November 23, 2009



To Bidder of Record:

This addendum, applicable to work designed above, is an amendment to the bidding documents and as such shall be part of and included in the Contract. Attach a signed copy of this Addendum to all submitted copies of the proposal.

Item Number	Specification Section or Drawing Number	Description
1-1	060-1	The Bid Opening date has changed from Wednesday, 11/25/2009 at 3:00 pm to Wednesday, 12/16/2009 at 3 pm.
1-2	070-2	Replace 5. Liability Indemnity with Attachment 1 which modifies the language of the requirement slightly.
1-3	070-6	Add Base Bid Option 3 – Replace all Pipe and Manholes with New Pipe and Manholes. See Attachment 2 for bid items and quantities.
1-4	070-8	Replace Quantities for bid items Alt 3-2 and Alt 3-8. See Attachment 2 for updated quantities.
1-5	01025	Add requirement to 1.07.D Item 1 – “The Site Mobilization/Demobilization bid item shall not exceed 20% of the total Base Bid or the Bid may be considered unbalanced and may be rejected at the discretion of the City of Kerrville.
1-6	01025	Add 1.07.E. All quantities, planned work activities, and work schedules shall be reviewed with the City of Kerrville Inspector prior to performing the work and installing materials. This requirement is necessary to allow the City of Kerrville Inspector to verify conformance with the specifications and to assist the Contractor with required notifications of affected homeowners, businesses, and other parties. Documentation of this review is required for payment.
1-7	01025	Add Base Bid Option 3 – Replace all Pipe and Manholes with New Pipe and Manholes. See Attachment 3 for description of Measurement and Payment. The methods acceptable for this option include pipe bursting, pipe reaming, and open cut and replace. Because the relative quantities of open cut vs. trenchless techniques will not be specified, a simplified bidding table has been provided. Payment for replacement of the pipe will be at the same unit price regardless of method. All required backfill, trench safety, flowable fill under all streets, and other work required to replace the pipe as specified shall be included in the unit price bid for Replace Existing 6" or 8" pipe with 8" SDR 19 HDPE (pipe bursting or reaming) or in accordance with City of Kerrville Standard Specifications (open cut).
1-8	01500	Add 1.06 Storage and Staging Area. 1.06.A The Contractor shall make all necessary arrangements and payments for a suitable staging area to store all equipment and materials when not in use. The Contractor is solely responsible for safety and security of the storage area. A location for temporary storage and staging of material and equipment necessary immediately prior to installation or performance of Work shall be approved in advance by the City of Kerrville.
1-9	01500	Add 1.07 Public Notifications. 1.07.A The Contractor shall coordinate with the City Inspector to make sure that all homeowners, business owners, or other affected parties are made aware of the planned work and schedule. The Contractor will work

		with the City inspector to make sure that each affected party is notified in person. Where this is not possible a typed note prepared by the Contractor and approved by the City shall be left on the main entrance to the home or building describing the work and schedule.
1-10	01500	In 3.01C. add "The Contractor may obtain water from a City of Kerrville fire hydrant near the project site as approved by City of Kerrville Staff. The Contractor shall obtain a City of Kerrville hydrant meter and pay the deposit of \$2100. The Contractor will get the deposit back at the end of the project after returning the meter in satisfactory condition. The Contractor will pay the City for water used at a rate of \$3.00 per 1,000 gallons of water registered on the meter. Any other water source must be approved prior to use. The Contractor must obtain approval from the City of Kerrville for each hydrant prior to making the connection."
1-11	02954	Replace 3.07.D. in its entirety with "Warranty: A written guarantee of one (1) year in length shall be provided by the Contractor to the Owner against any damage of the liner material, inadequate structural strength or any shortcoming in workmanship."
1-12	Non-Mandatory Prebid Meeting	Minutes of the meeting, including a list of attendees are provided as Attachment 4.

By the signature affixed below, Addendum No. 1 is hereby incorporated into and made part of the above referenced contract documents.

Acknowledged By:

Repipe Construction  12-16-09
 Bidder's Name Authorized Signature Date

Attachment 1
Revised Liability Indemnity Language

THE CONTRACTOR AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF KERRVILLE, TEXAS, AND ALL OF THEIR RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, LOSSES, PROPERTY DAMAGES, AND EXPENSES OF ANY CHARACTER WHATSOEVER, INCLUDING ATTORNEY'S FEES BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OF DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PROPERTY ON ACCOUNT OF ANY NEGLIGENT ACT OF THE CONTRACTOR, THE CITY OF KERRVILLE, TEXAS, OR ANY OF THEIR RESPECTIVE OFFICERS, EMPLOYEES, AGENTS, REPRESENTATIVES, OR SUBCONTRACTORS IN THE EXECUTION, SUPERVISION, AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS AGREEMENT, WHETHER OR NOT THE ACT OR OMISSION OF THE CITY OR ANY OF THEIR RESPECTIVE OFFICERS, EMPLOYEES, OR AGENTS WAS THE SOLE PROXIMATE CAUSE OF THE INJURY OR DAMAGE OR A PROXIMATE CAUSE JOINTLY AND CONCURRENTLY WITH THE NEGLIGENCE OF THE CONTRACTOR OR ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, OR SUBCONTRACTORS, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS AGREEMENT.

REASONABLE
ITS
THE CONTRACTOR AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF KERRVILLE, TEXAS, AND ALL OF THEIR RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, LOSSES, PROPERTY DAMAGES, AND EXPENSES OF ANY CHARACTER WHATSOEVER, INCLUDING ATTORNEY'S FEES BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PROPERTY ON ACCOUNT OF ANY NEGLIGENT ACT OF THE CONTRACTOR, ~~THE CITY OF KERRVILLE, TEXAS, OR ANY OF THEIR RESPECTIVE OFFICERS, EMPLOYEES,~~ OR SUBCONTRACTORS IN THE EXECUTION, SUPERVISION, AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS AGREEMENT, WHETHER OR NOT THE ACT OR OMISSION OF THE CITY OR ANY OF THEIR RESPECTIVE OFFICERS, EMPLOYEES, OR AGENTS WAS THE ~~SOLE PROXIMATE CAUSE OF THE INJURY OR DAMAGE OR A~~ PROXIMATE CAUSE JOINTLY AND CONCURRENTLY WITH THE NEGLIGENCE OF THE CONTRACTOR OR ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, OR SUBCONTRACTORS, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS AGREEMENT.

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

SUBJECT: Approval of Request for Proposal for the Convention Center/Conference Center project

FOR AGENDA OF: January 12, 2010 **DATE SUBMITTED:** December 22, 2009

SUBMITTED BY: Mindy N. Wendele
Director of Business Programs

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Draft Request for Proposal

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 FINANCE DIRECTOR:

SUMMARY STATEMENT

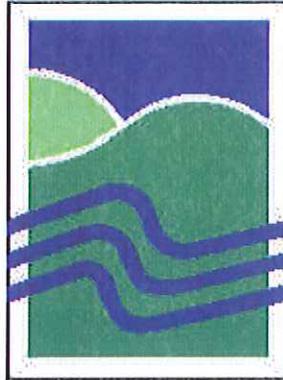
At a special called meeting of the Kerrville City Council on Thursday, December 17, 2009, Council directed staff to draft a Request for Proposal for a potential convention center/conference center project. Based on the recommendation from TXP, Inc. the same evening, the RFP should include a public/private partnership component, location and financial package.

Once approved, the RFP will be made public through traditional and electronic outlets. Deadline for receiving proposals will be March 15, 2010.

RECOMMENDED ACTION

Review information and approve the RFP.

REQUEST FOR PROPOSAL
MULTI-PURPOSE MEETING FACILITY PROJECT
FOR THE
CITY OF KERRVILLE



CITY OF KERRVILLE

Due Date: March 15, 2010
@3:00 P.M. CST

CITY OF KERRVILLE, TEXAS
800 Junction Hwy
Kerrville, TX 78028
(830) 257-8000
www.kerrvilletx.gov

CONTENTS

Overview	3
Community Profile	
Hospitality and Tourism	
History of Convention Center	
Definitions, Terms and Conditions	7
Proposed Agreement	9
Solicitation and Negotiation Process	11
Ownership and Operations	11
Submission Requirements	12
Time and Place for Submission of Responses	14
Selection Criteria	15
Special Conditions	15

1.0 Overview

General Information

This Request for Proposals ("RFP") is a solicitation process, which is expected to culminate in a negotiated agreement between the City of Kerrville ("Kerrville") and a qualified Developer ("Developer") to develop and construct a Multi-Purpose Meeting Facility (MMF). The Kerrville City Council has the responsibility of selecting a Developer for the MMF project. An RFP review team will be appointed by the City Council to recommend a potential Developer.

Proposers are to propose a development team to include appropriate professionals such as architects, construction professionals, a hotel operator and other parties found necessary to complete the Project. The proposal selected by the City may require modifications by the City.

Interested proposers must submit one (1) original, five (5) copies and one (1) electronic version (CD-Rom or USB drive) of the proposal which must then be submitted in a sealed envelope bearing the name and address of the proposer.

Proposals will be accepted until 3:00 pm CST on Monday, March 15, 2010 and should be addressed to:

City Secretary
City of Kerrville
800 Junction Hwy
Kerrville, TX 78028

Schedule of Important Dates

The tentative schedule for this Request for Proposal is as follows:

Release RFP to Proposers	January 14, 2010
Advertise Dates	Jan. 15 & Jan. 22, 2010
Proposal Submission Deadline	March 15, 2010, 3 p.m.

Community Profile

The Kerrville/Kerr County area, located in the heart of the Texas Hill Country, is surrounded by majestic rolling hills, the beautiful Guadalupe River and picturesque trees. Each spring, the hills come alive with beautiful wildflowers that dot the countryside.

Kerrville is 62 miles northwest of San Antonio on Interstate 10 and is intersected by State Highways 16 and 27. Austin, the Gulf Coast and Mexico are easily accessible by nearby Interstate Highways 35 and 37. The central location of the Kerrville area attracts visitors, as well as consumers, from throughout the Hill Country.

Chartered in 1856, Kerr County was named after Captain James Kerr, a friend of founder Joshua Brown and boasts approximately 48,000 residents. The City of Kerrville was founded in 1889, and is home to approximately 23,500 residents. Our 10 year forecast projects our population to be 29,500 by 2020. Kerrville is the county seat of Kerr County.

In the early '20s, the Kerrville area was identified as one of the "healthiest places in the nation" to live. There is pride in maintaining a healthy environment, which depends greatly on the climate and year-round good weather. Kerrville is 1,640 feet above sea level with an average July temperature of 81 degrees and a January norm of 47 degrees. The average yearly rainfall is 31.5 inches and the mean relative humidity at noon is 55%.

The Kerrville area also boasts a desirable quality of living because of its available healthcare, technology, education, arts and culture. The low crime rate and big city amenities position this area as one of the best small town environments in which to live and work.

The City of Kerrville is home to three golf courses, 936 acres of parkland, including a 500 plus acre city park nestled on the banks of the Guadalupe River and a sophisticated arts community.

The local economy is fueled by small businesses that are widely known. Tourism and retirement services take the lead for employment, followed closely by healthcare (V.A. Medical Center, Kerrville State Hospital and Peterson Regional Medical Center) hospitals, clinics, and special services). Major employers in the Kerr County area draw their labor force from the immediate Hill Country area (Kerr, Bandera, Gillespie, Kendall, Real and Kimble counties). This is also considered the trade area. The collective population of these counties is approximately 145,000.

Corporate offices, health care services, camps, communications, construction, entertainment, financial services, hunting, hospitality, personnel services, real estate, retail, transportation and wholesale distribution and warehousing are ideal operations for the Kerr County area. Markets outside the community can be quickly reached by

truck and light cargo deliveries. Several local industries market their product internationally as well.

Kerrville is also the home of Schreiner University, an independent and coeducational university. The prestigious U.S. News and World Report "America's Best Colleges Guide" listed Schreiner College as one of the top regional liberal arts colleges in the western United States. The Board of Trustees voted to change the college to Schreiner University in February 2001.

Kerrville also boasts the Kerrville Municipal Airport, located in the center of the Airport Development Area east of the city of Kerrville. The airport is conveniently located six miles from downtown Kerrville on State Highway 27 E and is easily accessible to Interstate Highway 10 at only seven miles. For more than forty years, Kerrville Municipal, a city/county owned airport, has served private and corporate aircraft on a 6,000-foot runway. Current utility infrastructure to the airport site includes water and wastewater. A state of the art general aviation terminal greets passengers and houses professional offices.

The Economic Improvement Corporation (4B Sales Tax Board) funded the extension of water and wastewater to the Airport Commerce Park, a Planned Development District business park of approximately 70 acres located across State Highway 27 E from the Airport. The Airport Commerce Park attracts not only aviation related businesses, but general professional, manufacturing and service providers to the area.

Hospitality and Tourism

The major source of employment for the Kerrville area is the hospitality industry that includes tourism, youth camps, retreat facilities, seasonal visitors known as Winter Texans and year-round hunting. Approximately one million visitors come to the Kerrville/Kerr County area each year.

Visitors enjoy eclectic retail shops, Hill County cuisine and outdoor activities. Kerrville is the center of an arts and cultural renaissance featuring Community Theater, art galleries, and the Official Texas Arts and Crafts Fair and the Kerrville Folk Festival.

The City of Kerrville has approximately 1,200 hotel/motel rooms featuring 730 of those rooms as business class appropriate for conventioners. Many bed and breakfast accommodations pepper the county along the Guadalupe River and its tributaries.

History of Convention Center

The Kerrville City Council appointed a ten member committee in June 2009, to study the possibility of developing and constructing a convention center in Kerrville. The Convention Center Blue Ribbon Committee was charged with answering the following questions: 1.) Do we want a convention center? 2.) If so, where would it be located? And 3.) How can we fund, build and operate the facility?

The group reviewed the Kerrville Convention & Visitors Bureau's in-house analysis detailing potential convention business expansion, projected tax increases and timelines for additional hotel build outs. Other resources aiding the committee were the Kerrville/Kerr County Economic Development Strategic Plan, the updated Comprehensive Plan and financial planning tools available to the City.

Based on the knowledge garnered, the committee recommended the following:

- Positive recommendation for a convention center project that must be tax neutral, maintain or improve the quality of life and help revitalize the downtown area.
- The type of facility recommended would be 45,000-60,000 square feet, capable of hosting 2,500 delegates at a time.
- The center would be City-owned and City-managed.
- Preferred location would be Historic Downtown with the alternative location being within walking distance of downtown in the Central City district. If preferred locations are not feasible, other locations could be considered.

A Request for Proposals was issued in September 2009 to receive proposals for a third party feasibility study addressing the scope and marketability, the economic impact, and potential targeted locations of a convention. The study was completed in December 2009 and yielded a strong recommendation to seek proposals from interested parties with detailing a potential private/public partnership to build an approximate 40,000-45,000 square foot convention center/ conference center.

2.0 DEFINITIONS, TERMS AND CONDITIONS

Definitions

In order to simplify the language throughout this request for proposal, the following definitions shall apply:

City – City of Kerrville

Project Team – Group of individuals assigned by the City of Kerrville to conduct reviews, interviews, or negotiations with proposers to the RFP.

Proposer – Company or individual submitting a proposal in response to the RFP as well as any subcontractors listed in the RFP.

RFP – Request for Proposals.

Receipt of Proposals

The submitted Proposal(s) must be received by the City Secretary's Office prior to the time and date specified. The mere fact that the proposal was sent will not be considered; a potential proposer must ensure that the Proposal is actually delivered.

Questions and Inquiries

Questions and Inquiries about this RFP should be directed to Mindy Wendele, Director of Business Programs at (830) 792-8343 or mindy.wendele@kerrvilletx.gov. Questions should be submitted in writing on or before 5:00 pm CST on the day prior to the proposal due date specified herein.

Reservations

The City reserves the right to accept or reject any or all Proposals as a result of this request, to negotiate with all qualified proposers, or to cancel, in part or in its entirety, this RFP if found to be in the best interest of the City. All Proposals and media (CDs or USB drives) shall become the property of the City of Kerrville.

Reimbursements

There is no express or implied obligation for the City of Kerrville to reimburse responding proposers for any expenses incurred in preparing Proposals in response to this RFP and the City shall not reimburse proposers for these expenses, nor shall the City pay any subsequent costs associated with the provision of any additional information or presentation.

Communication

The City shall not be responsible for any verbal communication between any employee of the City and any proposer. Only written requirements and qualifications will be considered.

Negotiations

The City may negotiate with as many as three of the responsible qualified proposers who submit Proposals that are reasonably suitable for selection. All proposers

reasonably suitable for selection based on criteria set forth in this RFP may be given an opportunity to make a presentation and/or interview with the Project Team. Following any presentation and/or interviews, proposers will be ranked in order of preference and contract negotiations will begin with the top ranked proposer. Should negotiations with the highest ranked respondent fail to yield a contract or if the respondent is unable to execute said contract, negotiations will be formally ended and then commence with the second highest ranked proposer, etc.

Award of Contract

Award of the contract shall be made to the, proposer whose proposal is determined to be the best evaluated offer resulting from the proposal and negotiation process, taking into consideration the relative importance of price and other factors set forth in this RFP.

3.0 Proposed Agreement

3.1 Project Scope

The City seeks the development of a multi-purpose meeting facility with a hotel ("Project") with a target opening date of Spring 2013. The purpose of the Project is to attract a higher volume of convention bookings to the City that the City cannot currently accommodate due to lack of convention and trade show space.

The City's interest in the Project is based in part on the findings of a June 2009 economic impact analysis study produced by the Kerrville Convention and Visitors Bureau (KCVB) and a subsequent feasibility study performed by TXP, Inc. substantiating the KCVB analysis. These studies and reports will be used to evaluate proposals submitted in response to this RFP. Upon request, the City will provide all relative information that it has including data collected by the Kerrville Convention and Visitors Bureau, Kerrville/Kerr County Economic Development Strategic Plan, the Convention Center Feasibility Study, digital base maps, aerials, topography, and floodplain maps.

The TXP, Inc. feasibility study recommended construction of a 35,000-50,000 square foot multi-purpose meeting facility with additional hotel rooms with amenities directly associated with the convention center/conference center. The City desires approximately 25,000-27,000 square feet of multi-purpose spaces for meetings and ballrooms. The preferred size request is not intended to limit the respondent's creativity or limit the proposer's response. Parking facilities sufficient for a minimum of 600 attendees must conform to the City zoning requirements.

The City seeks development proposals that create vibrant linkages and connections to existing or proposed additional development – commercial, entertainment, retail and recreational. Proposal should include a transportation plan for ease of transporting conventioners to citywide events.

Proposers are to target, to the greatest extent practical, the Leadership in Energy and Environmental Design (LEED) Green Building Rating System standard for a certification for the Project with the goal of maximizing long-term benefits, such as operating and maintenance savings, while minimizing up-front Project cost. Proposers are to explain methodologies they will employ and estimated cost to achieve this goal.

The City seeks qualified developers willing to develop the Project in accordance with the scope of work as stated in this RFP, as well as all applicable land use regulations established by the City and the City's Comprehensive Plan and Comprehensive Plan Update. The comprehensive plan is available on the City's website at www.kerrvilletx.gov.

3.2 Project Goals

The City's goal is to minimize the level of public financial participation in the Project and to attain the most distinctive and marketable Project possible. It is the desire of the City that proposers consider creative development structures that will accomplish the goals of the project. Two development structures of interest include, but are not limited to: 1) private ownership and financing of the MMF that might include a component of public participation in infrastructure improvements. 2) a public not-for profit corporation ownership (local development corporation) with a tax-exempt, public financing structure. The proposers are encouraged to be creative in the development and financing alternatives, plus the room count/meeting space alternatives. A key component of any development structure is the creation of jobs and the improvement of the Kerrville economy. Proposers are to assemble all the necessary parties with proven track records in the development similar in scope to the Project. The City may require Proposer to remove or add members from the Development Team as the City deems necessary.

3.3 Project Team

Proposers are encouraged to bring to the Project a team of architects and construction professionals with proven track records that meet the goals of the development. The City reserves the right to select the design architect and the construction firm and to review and approve all sub-contracts.

3.4 Project Target

Any Agreement entered into between the City and a proposer shall specify a commitment to develop a MMF designed for the group meeting market, specifically the SMERF (social, military, educational, religious, and fraternal) sub-segment. It is anticipated that the Kerrville Convention and Visitors Bureau (CVB) will work closely with selected Developer to market the new facility. The quality and level of finishes should be consistent with the quality of similar facilities in comparable North American cities. Pricing and booking policies shall be consistent with the needs of the Center in attracting group demand.

3.5 Development Commitment

The City shall require a commitment from the selected Proposer to meet a clearly defined Project schedule, scope of development, and guaranteed maximum price. The City will require a complete open book development with the City having a key role in the Project.

3.6 Historical Underutilized Businesses

It is the City's policy to ensure the full and equitable participation by Minority/Women Business Enterprises (M/WBE) in the procurement of all goods and services to the City on a contractual basis. The City's objective is to increase the use of M/WBE firms to a level comparable to the availability of M/WBEs that provide goods and services directly or indirectly to the City. An M/WBE goal will be established for Kerrville's participation in this project.

4.0 Solicitation and Negotiation Process

4.1 In order to encourage broad participation by the development community and in recognition of the strong interest in Kerrville's MMF market, Kerrville reaffirms the following general timeline for the selection of a proposer:

4.1.1 Issue RFP, January 14, 2010

4.1.2 Developer Responses due March 15, 2010

4.1.3 Interview Developers, April 15, 2010

4.1.4 Rank Developers and make a recommendation of the top-ranked Developer(s) to City Council, April 27, 2010

4.1.5 Selection and authorization to negotiate, April 29, 2010

4.1.6 Begin negotiations May 1, 2010

4.2 Non-exclusivity – The City encourages the best combination of potential participants. With this objective in mind, all members of a responding team, with the exception of the lead member, may be listed as members on more than one but not more than four different proposals. A member of one team may submit as a supporting member to another team, but will not be considered for multiple lead-Developer submittals. For example, a lead member in one Project team may submit as an investor on another team. The City reserves the rights to select members of the final development team for the Project.

5.0 Ownership and Operations

5.1 Ownership of the project and MMF will be dictated in part by the requirements of the arrangement negotiated between the selected proposer and the City. The City will consider the following possible arrangements:

5.1.1 A long-term ground lease with the City as lessee, and the proposer as owner of the improvements for the life of the land lease and its extensions, or

5.1.2 Other ownership and financial arrangements that may achieve favorable financial terms.

5.2 The proposer will be expected to take responsibility for the design and construction of all improvements of the MMF, operated exclusively for the benefit of the MMF. The operating agreements and design shall be subject to approval by the City, and as appropriate, the lender or underwriter. Such approval shall not be unreasonably withheld.

- 5.3 In the negotiation process, the City will seek assurances from the proposer that the future operations and capital improvements of the MMF are provided in a manner acceptable to the City. The general terms of the operating agreement shall be summarized in response to this RFP.

6.0 Submission Requirements

- 6.1 Transmittal letter and offer to negotiate – not to exceed one page and including:
- 6.1.1 A statement that the signatory is authorized to submit the proposal;
 - 6.1.2 A statement that the proposal will remain in effect for a minimum of 180 days;
 - 6.1.3 Name of a single contact person for all correspondence and notifications;
 - 6.1.4 An offer to negotiate indicating the proposer's awareness and agreement to comply with the terms of this RFP.
 - 6.1.5 Proposal must include a \$5,000 bid bond.
- 6.2 Development Team Qualifications
- 6.2.1 Legal name and principal Officers of each member of the proposer's team, at a minimum, including the Developer, architect, construction manager or general contractor, and all other known team members;
 - 6.2.2 To the extent not already submitted by the RFP Response, summary of qualifications, list of completed projects, relevant experience, and references for each member of the development team presented in 5.2.1.
 - 6.2.3 A detailed description of other projects most similar in scope to the MMF Project; and
 - 6.2.4 A description of the type of entity that will develop the MMF (e.g. corporation, LLC, joint venture, etc.) and a list of other owners of interest that may provide equity to the ownership entity and the estimated percentage of ownership of each.
- 6.3 Physical Development Proposal - Proposers shall provide a concept study for the proposed Project program, inclusive of the following:
- 6.3.1 An overall schematic breakdown of the MMF;

- 6.3.2 Amount (square feet) and distribution of meeting and banquet space;
- 6.3.3 Description of facilities for food and beverage services;
- 6.3.4 Total gross building area;
- 6.3.5 Building footprint;
- 6.3.6 Number of stories;
- 6.3.7 Links between MMF elements and parking facilities;
- 6.3.8 Infrastructure enhancements (if any) need to support the MMF; and
- 6.3.9 Traffic management plan

6.4 Concept Description - As part of the Project description, proposers shall include the gross floor area of each use at all elevations and major entrances and the physical interrelationship of the MMF with the adjacent built environment. A narrative statement, not to exceed 1,000 words, shall accompany the diagrams and summarize their content, the factors taken into consideration in developing the layout, and other information that the proposer believes would be helpful in understanding the presentation. This element of the proposal is not intended to be a design submittal; however, it is desired that the design of the MMF be consistent with the goal of maximizing local economic impact and job creation. To that end, the concept description should address the integration/coordination between the MMF and delegate services (including retail, restaurants, and entertainment) outside the MMF.

6.5 Project Schedule - Proposers shall provide a Project schedule, from authorization to negotiate through opening of the MMF, assuming that a development agreement is consummated with the City.

6.6 Project Financing – All proposals to this RFP shall include the following.

6.6.1 Proposers shall provide a detailed development budget, including detailed estimates on pre-construction costs, construction costs, furniture, fixtures, and equipment, developer profits, and contingency funds. Escalation of costs for inflation shall be included in the projections.

6.6.2 Proposers shall provide a statement of net operating income for the proposed project, assuming completion of construction and opening of the MMF in the appropriate year, based upon the Project schedule submitted by the proposer.

6.6.3 Proposers shall provide an analysis of the Project's cash flows. In this schedule, cash flows from operations, project costs, debt service, profit

requirements, and the residual value of the Project are used to calculate the net present value of the Project.

6.6.4 Proposers shall provide a plan and demonstrate ability for obtaining both equity capital and, as required, debt financing necessary to undertake the Project, including the rates of return these sources are likely to require. Proposers are encouraged to present evidence of equity capital and debt financing commitments from financial institutions, partners, and other resources, as part of the proposal.

6.6.5 Proposers shall provide evidence of the concurrence of key participants in the development concept, site plan, and economics. These participants should include, in addition to the development team, the MMF operator and sources of debt and equity capital.

6.6.6 In order to keep the City's options open regarding financing, all financing approaches will be considered.

6.7 Information requested in the RFP and deemed to be privileged and confidential may be submitted in a separate envelope marked "Privileged and Confidential Information." The City shall use its best efforts to protect such information from disclosure to the extent allowable by law.

7.0 Time and Place for Submission of Responses

7.1 The deadline for receipt of proposals shall be 3:00 p.m. CST on March 15, 2010. Proposals received by the City after that date and time will not be considered. IT IS THE PROPOSER'S RESPONSIBILITY TO ENSURE THAT THE PROPOSALS ARE RECEIVED BY THE CITY PRIOR TO THE DEADLINE.

7.2 Proposers shall submit 5 bound copies and one electronic copy in .pdf format of their Response to:

City Secretary
City of Kerrville
800 Junction Highway
Kerrville, Tx 78028

7.3 Proposals must be in 8½" by 11" format. Any materials that are larger than this size should be folded to fit into the 8½" by 11" format. Proposals must be organized following the Submission Requirements section headings noted in Section 6 of this RFP, and must include at least the requested information. The City reserves the right to request additional information from any or all proposers during the RFP review period.

7.4 The outside of the package should be clearly marked with the following: "RFP Response-Multi-Purpose Meeting Facility City of Kerrville."

7.5 RESPONSES THAT ARE NOT SUBMITTED IN A SEALED ENVELOPE OR CONTAINER WILL NOT BE CONSIDERED. TELEGRAPHIC OR FACSIMILE RESPONSES WILL NOT BE ACCEPTED.

7.6 Questions regarding the required procedure for the submittal of proposals shall be submitted in writing or by FAX to Mindy N. Wendele at 830-792-3850. Responses to questions will be provided in writing to all known participants. Questions should be submitted by 5:00 p.m. CST on Thursday, March 11, 2010 to ensure a timely response.

8.0 Selection Criteria

8.1 The qualifications of the development team will be evaluated based on the following criteria:

8.1.1 Previous experience with similar project(s) - 15%

8.1.2 Best value to City - 30%

8.1.3 Financial strength and stability of the Proposer - 30%

8.1.4 Project innovation, creativity, practicality and ability to minimize risk to the City - 25%

8.2 The proposed building program, ownership structure, and operating plans will be evaluated using the following criteria:

8.2.1 The extent to which the proposed MMF building program meets the City's objectives in the development of the MMF;

8.2.2 The overall quality of the proposed Project;

8.2.3 The benefit to the City's, financial and otherwise, of the proposed ownership, and operating arrangements; and

8.2.4 The proposals will also be evaluated based on the level of responsiveness to the requirements of the RFP.

9.0 Special Conditions

- 9.1 This RFP does not commit the City to procure or award a contract for the scope of work described herein.
- 9.2 All information submitted in response to this RFP shall become the property of the City, and as such, may be used by the City in any manner.
- 9.3 The City has sole discretion and reserves the right to reject any and all proposals received with respect to this RFP and to cancel the RFP at any time prior to entering into a formal agreement. The City reserves the right to reasonably request additional information or clarification of information provided in the proposal without changing the terms of the RFP.
- 9.4 The City reserves the right to waive any technicalities or irregularities in any proposal.
- 9.5 Proposers acknowledge and agree that the City shall not be liable for any costs, expenses, losses, damages (including damages for loss of anticipated profit) or liabilities incurred by the proposers or any member thereof as a result of, or arising out of, submitting a acceptance of the proposal.
- 9.6 The City shall provide for the release of all public information concerning the Project, including selection announcements and contract awards. Those desiring to release information to the public must receive prior written approval from Director of Business Programs Mindy N. Wendele of the City.
- 9.7 Neither the City nor any of its officers, agents, consultants, or employees shall be responsible for the accuracy of any information provided as part of this RFP. All respondents are encouraged to independently verify the accuracy of any information provided. The use of any of this information in the preparation of a proposal to the RFP is at the sole risk of the respondent.
- 9.8 Any proposal to this RFP will remain in effect for a minimum of 180 days after the date of submission.
- 9.9 The proposer shall not collude in any manner or engage in any practices with any other proposer(s), which may restrict or eliminate competition or otherwise restrain trade. Violation of this shall cause the City to reject the proposer's submittal. This prohibition is not intended to preclude joint ventures or subcontracts.
- 9.10 All Proposals submitted must be the original work product of the proposer. The copying, paraphrasing, or other use of substantial portions of the work product of another respondent is not permitted. Failure to adhere to this instruction will cause the City to reject the proposal.

9.11 Proposers, team members and its consultants are prohibited from communicating in any manner about this Project with any of the members of the Kerrville team during this process. Any communications between proposers, their consultants, and the City Development team may disqualify the proposer. At the time official interviews begin, it will be acceptable for the above mentioned to communicate with the City, through official meetings and negotiations.

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

SUBJECT: Authorization for the City Manager to execute a construction contract with Lambda Construction I, LTD for the construction of the Belt Filter Press and Building Improvements at the Waste Water Treatment Plant in an amount not to exceed \$577,000.00 and authorize the City Manager to execute contingency change orders in an amount not to exceed \$28,404.00.

FOR AGENDA OF: January 12, 2010 **DATE SUBMITTED:** January 4, 2010

SUBMITTED BY: Michael Wellborn *MW* **CLEARANCES:** Kristine Ondrias *KO*
Director of Engineering Assistant City Manager

EXHIBITS: Contract on file with the City Secretary's office, Bid Tabulation, Recommendation Letter from HDR, Belt Filter Press Option Analysis

PAYMENT TO BE MADE TO: Lambda Construction I, LTD
211 Jesse's Circle
New Braunfels, TX. 78132

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JP*

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$605,404.00	\$621,024.10	\$655,700.00	W63

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR: *DJ*

SUMMARY STATEMENT

In the FY 2008 CIP, City Council approved a project for the design and replacement of the Belt Filter Press located at the Wastewater Treatment Plant. A belt filter press is used to dewater treated sludge from the wastewater treatment facility so that it may be transported to the landfill for disposal (composting and soil cover). Due to the age and design of the belt press, it is not as efficient as the newer models, is in constant need of repairs, and parts are not readily available making downtimes longer with the potential for TCEQ permit violations and possible fines. In addition, the working environment inside the belt press building is poor: lacking ventilation, lighting, and the structure has severe rusting.

HDR – Claunch and Miller engineering (HDR-CM) was engaged in 2008 to perform design, bid phase, and construction administration services for \$23,600 to replace the belt filter press facility, and \$17,500 to rehabilitate the belt filter press building. However, early in the design phase it was discovered that the piping, electrical, rental and operation fees for a temporary belt press would cost approximately \$160,500 over the duration of rehabilitation (four months). HDR-CM recommended putting these additional costs into a new building and belt filter press and leaving the old press and

building in place as a backup, thus eliminating the need for a temporary operation and expensive rental fees. HDR-CM estimated that the new building, new press, and rehabilitation of the existing building could all be accomplished within the project budget. Staff has attached a comparison of the options.

HDR-CM agreed to re-scope their original contracts into a new one that would include design services for a new building and belt filter press under the original contract amounts plus \$7,876.00 for electrical and structural engineering required for the new belt filter press building.

In addition to the above mentioned professional services, Rock Engineering and Testing was awarded a \$1,250 contract by the city to perform geotechnical evaluations to be utilized by HDR-CM in the new building foundation design.

Attached is a spreadsheet with the three options that were analyzed. Option A was to replace the belt press with a refurbished unit (not viable), and rehabilitate the existing building, thus the operation and rental of a temporary belt press would be needed. Option B was to replace the belt press with a new unit, rehabilitate the existing building, sell the old press, and operate a temporary press for a total cost of \$586,500. Option C was to install a new belt press in a new building, make repairs to the old building (\$5000 for structural/foundation repairs), continue to operate the old belt press during construction thus avoiding the expense of a temporary press, with the added benefit of retaining the old press as a back up for a total cost of \$577,000. Option C was chosen as the best alternative to move forward.

The project was advertised for bids on November 20, 2009 and November 27, 2009. Four bids were received for the project on the December 9, 2009 bid opening date. The lowest qualified bid was received from Lambda Construction I, LTD in the amount of \$577,000.00. To address potential unforeseen issues with project construction, the Director of Engineering requests the City Council authorize the City Manager to approve contingency change orders in an amount not to exceed \$28,404 (the balance of the project after all engineering fees have been paid).

The timeline for construction is anticipated to be 6 months from the date of the Notice to Proceed.

RECOMMENDED ACTION

The Director of Engineering recommends that Council authorize the City Manager to execute a contract with Lambda Construction I, LTD in a lump sum amount of \$577,000.00 and authorize the City Manager to execute contingency change orders in an amount not to exceed \$28,404 for the Belt Filter Press and Building Improvements at the Wastewater Treatment Plant.

Section 070

CITY OF KERRVILLE

CONSTRUCTION CONTRACT

This agreement made this day by and between the City of Kerrville, Texas, called "City," and the undersigned "Contractor" as follows:

1. THE WORK

The Contractor shall perform all the work as required by this contract for:

Base Bid

Supply, delivery to site, off-loading from transport, placing, installation and putting to work one (1) Skid Mounted Belt Press complete with all necessary appurtenances and services including but not limited to; on-site demolition and necessary excavation; skid Mounted Belt Press complete with all appurtenances including sludge pump, polymer system, control panel, piping and valves etc.; Belt Press support steelwork, catwalk & access stairway; yard piping including all valves, fittings & manholes etc.; pre-engineered steel building with reinforced concrete foundation; electrical wiring, conduits, panels, connections, lighting, switches etc.; and repairs/improvements to the existing press building per the Contract Documents.

The following are incorporated herein:

- a. General Provisions
- b. Technical Specifications
- c. Addenda issued prior to receipt of Bid
- d. Plans
- e. Instructions to Bidders
- f. Proposal

Some of such documents may not be physically attached hereto but are on file at City Hall, and copies may be obtained upon request.

2. TIME

Construction substantial completion time will be **180** calendar days and **30** calendar days after for final completion from the date of written notice to proceed. Working days are defined in specification section 123.20. The project shall not be considered complete until the water main and sewer main has been accepted and is operational and performing to its intended purpose. The Contractor's obligations to the project however, are not complete and retainage will not be released until all disturbed areas have been re-vegetated to the satisfaction of the City Engineer.

3. LIQUIDATED DAMAGES

Liquidated damages are hereby established for work which is not substantially complete in the amount of Six Hundred dollars (\$600.00) per working day for each working day after the date established in the Notice to Proceed. The City may offset any such liquidated damages against any sums from time to time due by the City to Contractor.

The completion time assumes that fifteen percent of the contract time includes "bad weather days," days on which the work cannot proceed; therefore, the time for completion shall not be extended on account of bad weather until the said number of assumed "bad weather days" has been exceeded.

The time for completion shall not be extended except by written memorandum executed by the Contractor and the City Manager. Contractor shall make written application to the City not later than ten (10) days after the day, event, or cause claimed by Contractor to be a delay. Failure to make such written claim within such time shall result in a waiver by Contractor of an extension based on those particular days, events, or causes. If, for example, this contract assumes twenty (20) bad weather days and Contractor desired a one-day extension for the twenty-first day of rain, Contractor shall make a written claim not later than ten (10) days after the occurrence of such twenty-first day.

The said amount per day is not a penalty but an agreed amount of actual damages which are difficult to calculate. Such damages include loss of staff time, answering complaints by citizens who have been inconvenienced by the work, City Council time, loss of use, and other damages difficult to reasonably anticipate or calculate.

4. PAYMENTS

The City shall pay the Contractor ninety-five percent (95%) of the portion of Contract Sum properly allocable to labor, materials, and equipment incorporated in the Work and ninety-five percent (95%) of the portion of the Contract Sum properly allocable to materials and equipment suitably stored at the site or at some other location agreed upon in writing, less the aggregate of previous payments made by the City, and, upon substantial completion of the entire Work, a sum sufficient to increase the total payments to ninety-five percent (95%) of the Contract Sum. All retainages from progress payments shall be withheld without liability for interest. Upon acceptance, the City shall make payment to Contractor such that one hundred percent (100%) of the Contract Sum has been paid.

The City may choose to award a contract for the amount of the base bid plus no or any combination of additive alternates.

5. LIABILITY INDEMNITY

THE CONTRACTOR AGREES TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY OF KERRVILLE, TEXAS, AND ALL OF THEIR RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES FROM ALL SUITS, ACTIONS, CLAIMS, DAMAGES, PERSONAL INJURIES, LOSSES, PROPERTY DAMAGES, AND EXPENSES OF ANY CHARACTER

WHATSOEVER, INCLUDING ATTORNEY'S FEES BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OF DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PROPERTY ON ACCOUNT OF ANY NEGLIGENT ACT OF THE CONTRACTOR, THE CITY OF KERRVILLE, TEXAS, OR ANY OF THEIR RESPECTIVE OFFICERS, EMPLOYEES, AGENTS, REPRESENTATIVES, OR SUBCONTRACTORS IN THE EXECUTION, SUPERVISION, AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS AGREEMENT, WHETHER OR NOT THE ACT OR OMISSION OF THE CITY OR ANY OF THEIR RESPECTIVE OFFICERS, EMPLOYEES, OR AGENTS WAS THE SOLE PROXIMATE CAUSE OF THE INJURY OR DAMAGE OR A PROXIMATE CAUSE JOINTLY AND CONCURRENTLY WITH THE NEGLIGENCE OF THE CONTRACTOR OR ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, OR SUBCONTRACTORS, IN THE EXECUTION, SUPERVISION AND OPERATIONS GROWING OUT OF OR IN ANY WAY CONNECTED WITH THE PERFORMANCE OF THIS AGREEMENT.

6. LIABILITY INSURANCE

Prior to the commencement of any work and not later than fifteen (15) days following the execution of this contract, the Contractor shall furnish the City copies of paid-up policies (to the City Risk Manager/City Hall) providing Liability and Workman's Compensation Coverage as follows minimum limits):

TYPE OF INSURANCE	LIMITS
a. Workman's Compensation covering all employees	Statutory
b. Employer's Liability	<u>\$100,000.00</u>
c. Comprehensive General Liability	
Bodily Injury & Property Damage (per occurrence)	<u>\$1,000,000.00</u>
Aggregate	<u>\$1,000,000.00</u>
(Premises/Operations Products/Completed Operations/Independent Contractors/Contractual Liability/Coverages may not be excluded). XCU must be supplied if any exposure.	
d. Business Automobile Liability covering owned vehicles, rented and non-owned vehicles and employee non-ownership	
Bodily Injury Property Damage (per occurrence)	<u>\$1,000,000.00</u>
Aggregate	<u>\$1,000,000.00</u>

The Commercial General Liability and the Automobile Liability policies shall name the City of Kerrville, Texas, and the Engineer, Claunch & Miller, Inc. as additional insured and all policies shall provide for a waiver of subrogation in favor of the City of Kerrville. The policy and any renewal certificate shall provide that the City be notified thirty (30) days prior to cancellation or modification of any coverage. Language to the effect that the company will "Endeavor" or "Attempt" to so notify the City of Kerrville is not sufficient. Renewal certificates must be received by the City at least ten (10) days prior to any cancellation date. Policies will be in effect until final acceptance or

cancellation of this contract, unless otherwise specified. The City may, at its sole option, terminate this agreement and file a claim on the Contractor's bid bond if the Contractor fails to deliver the required policies and certificates within 15 days after execution of this contract.

It shall be the responsibility of the Contractor to insure that all Subcontractors comply with the same insurance requirements as the said Contractor.

7. CASUALTY INSURANCE

In the event the work includes structures or buildings susceptible to damage by fire, windstorm, or other casualty, then the Contractor before being authorized to begin work shall furnish the City a duplicate original of an insurance policy naming the City of Kerrville as an additionally insured. Such insurance shall insure both the City of Kerrville and Contractor, during the term of the work, against loss by fire, windstorm, vandalism, theft, or other casualty. Such policy shall be in the total amount of this contract.

8. QUALITY OF WORK

All work shall be of good workmanship. Contractor shall comply with all applicable City of Kerrville Codes as well as all applicable professional and technical standards. Materials shall be of first quality.

9. CHANGES AND EXTRAS

No change of this Contract, whether for additional work, additional compensation, or other, shall be effective unless prior thereto a written change order has been authorized by the City Council. Employees of the City do not have the authority to issue change orders.

10. ADDENDA

Contractor acknowledges the receipt of the following addenda:

- | | | |
|----|-------------------------|--|
| 1. | Dated: <u>12/7/2009</u> | Acknowledged by: <u>ZANE SHULLANBERGER</u> |
| 2. | Dated: <u>12/7/2009</u> | Acknowledged by: <u>ZANE SHULLANBERGER</u> |

11. CONTRACT SUM

Bid Proposal: Contractor agrees to provide all labor, materials, and all incidentals necessary to complete "The Work" for the following Lump Sum Price:

Lump Sum Base Bid

Item 1 Complete supply, delivery to site, off-loading from transport, placing, installation and putting to work one (1) Skid Mounted Belt Press complete with all necessary appurtenances and services including but not limited to;

On-site demolition and necessary excavation
Skid Mounted Belt Press complete with all appurtenances including sludge pump, polymer system, control panel, piping and valves etc.
Belt Press Support Steelwork, catwalk & access stairway
Yard piping including all valves, fittings & manholes etc.
Pre-engineered steel building with reinforced concrete foundation
Electrical wiring, conduits, panels, connections, lighting, switches etc.
Repairs/improvements to the existing press building

All in accordance with the Contract Documents, complete in place the lump sum of:

FIVE HUNDRED SEVENTY SEVEN THOUSAND Dollars and NO Cents

Lump Sum Price: \$ 577,000.00

COMPLETED BY

LAMBDA CONSTRUCTION I, LTD.

DATE

12/9/2009

SUB-CONTRACTORS:

NAME	ADDRESS	PHONE	WORK TO BE PERFORMED
1. DW Electric	330 Petterson Dr Kerrville, TX 78020	830-257-3389	Electrical
2.			
3.			

(Attach additional sheet if required)

INSURANCE AGENT

NAME	ADDRESS	PHONE	POLICY
1. CATTO & CATTO,	217 E. HOUSTON ST,	SAN ANTONIO, TX 78205,	800-399-6059
2.			
3.			

BONDING AGENT

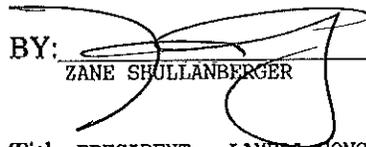
NAME	ADDRESS	PHONE	POLICY
1. SURETY: THE HARTFORD,	P.O. BOX 130927,	DALLAS, TX 75313,	972-807-4686
2. AGENT: IBTX,	5726 HAUSMAN RD,	STE 100, SAN ANTONIO, TX 78247,	210-696-6688
3.			

Signed this 9TH day of DECEMBER, 2009

Attest:

Secretary
(if bid by a Corporation)

LAMBDA CONSTRUCTION I, LTD.
Contractor

BY: 
ZANE SHULLANBERGER

Title: PRESIDENT - LAMBDA CONSTRUCTION
MGMT, LLC, GENERAL PARTNER

SEAL

Business Address:

LAMBDA CONSTRUCTION I, LTD.

211 JESSE'S CIRCLE

NEW BRAUNFELS, TX 78132

Phone: 830-629-5808

Fax: 830-629-1507

ACCEPTED THIS _____ day of _____, 20____

By: _____
Todd Parton, City Manager
City of Kerrville, Texas.

ATTEST:

City Clerk

CITY SEAL

APPROVED AS TO FORM:

City Attorney

CITY OF KERRVILLE

Belt Filter Press

Bid Opening

12/9/2009

BIDDER	Bid Bond	Addendum 1 Acknowledged	Addendum 2 Acknowledged	LUMP SUM BID
1 Associated Construction	X	X	X	\$589,000.00
2 J3 Excavation	X	X	X	\$628,900.00
3 Lambda Construction	X	X	X	\$577,000.00
4 Pesado Construction	X	X	X	\$624,000.00

HDR | CLAUNCH & MILLER

Engineering Consultants

February 12, 2007

Ms Cheri Halford
City of Kerrville
800 Junction Highway
Kerrville, TX 78028

Re: Letter of Recommendation
Improvements to Belt Press Building & Belt Press Replacement
CMI Job. No. 08-053/08-054

Dear Ms. Halford:

On December 9, 2009, bids were received on the above referenced project at the Kerrville City Hall. Bids were opened and read in public. Four (4) bids were received on the project and all were considered responsive bidders, providing all documentation duly completed as required in the Instructions to Bidders.

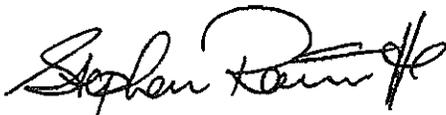
The following is a summary of the bid evaluation from the lowest to highest:

Bidder	Lump Sum Bid Price
Lambda Construction	\$577,000.00
Associated Construction	\$589,000.00
Pesado Construction	\$624,000.00
J3 Excavation	\$628,900.00

The bid package of the apparent low bidder, Lambda Construction I, LTD, was examined and no irregularities were found in their bid. It is understood that Lambda Construction has satisfactorily performed and completed projects for the City of Kerrville in the past. It is recommended that the referenced project, Improvements to Belt Press Building & Belt Press Replacement, be awarded to Lambda Construction I, LTD for their Lump sum Bid Price bid of Five Hundred and Seventy-Seven Thousand Dollars and Zero Cents (\$577,000.00).

If you have any questions, please contact me.

Sincerely,
HDR | CLAUNCH & MILLER



Stephen Ratcliffe, P.E.
Senior Project Director

Belt Filter Press Option Analysis

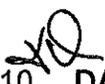
Item Description	Option A			Option B			Option C		
	Refurbish belt press and repair structural member on old building, add ventilation and lighting to old building, operate temporary belt press for 4 months	New belt press and repair structural member on old building, add ventilation and lighting to old building, operate temporary belt press for 4 months	New Belt Press, New Building, and repair structural member on old building - retain old belt press and building as a back up for the new one	Refurbish belt press and repair structural member on old building, add ventilation and lighting to old building, operate temporary belt press for 4 months	New belt press and repair structural member on old building, add ventilation and lighting to old building, operate temporary belt press for 4 months	New Belt Press, New Building, and repair structural member on old building - retain old belt press and building as a back up for the new one	Refurbish belt press and repair structural member on old building, add ventilation and lighting to old building, operate temporary belt press for 4 months	New belt press and repair structural member on old building, add ventilation and lighting to old building, operate temporary belt press for 4 months	New Belt Press, New Building, and repair structural member on old building - retain old belt press and building as a back up for the new one
Mobilization, Bonding, Insurance	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	
Belt Press Installation and startup	\$ 231,500.00	\$ 304,000.00	\$ 304,000.00	\$ 304,000.00	\$ 304,000.00	\$ 304,000.00	\$ 304,000.00	\$ 304,000.00	
Belt press appurtenances and piping	\$ 87,000.00	\$ 87,000.00	\$ 87,000.00	\$ 87,000.00	\$ 87,000.00	\$ 87,000.00	\$ 87,000.00	\$ 87,000.00	
Building	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 89,500.00	
***Yard Piping	\$ 47,000.00	\$ 47,000.00	\$ 47,000.00	\$ 47,000.00	\$ 47,000.00	\$ 47,000.00	\$ 47,000.00	\$ 47,000.00	
***Electrical	\$ 24,500.00	\$ 24,500.00	\$ 24,500.00	\$ 24,500.00	\$ 24,500.00	\$ 24,500.00	\$ 24,500.00	\$ 24,500.00	
***Temporary Belt Press rental & operation, 4 months	\$ 89,000.00	\$ 89,000.00	\$ 89,000.00	\$ 89,000.00	\$ 89,000.00	\$ 89,000.00	\$ 89,000.00	N/A	
Demobilization	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	
Sale of old Belt Press	\$ (10,000.00)	\$ (10,000.00)	\$ (10,000.00)	\$ (10,000.00)	\$ (10,000.00)	\$ (10,000.00)	\$ (10,000.00)	N/A	
Total	\$ 514,000.00	\$ 514,000.00	\$ 514,000.00	\$ 586,500.00	\$ 586,500.00	\$ 586,500.00	\$ 586,500.00	\$ 577,000.00	

***Option C is the best value, no wasted dollars on temporary operation of a belt press and the old belt press remains as a back up.

****The yard piping and electrical work is anticipated to be approximately the same whether it is being used temporarily (Options A & B) or permanently (Option C).

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

SUBJECT: Request from the Kerrville Performing Arts Society for use of the Cailloux Theater pursuant to the Development and Operation Agreement with Playhouse 2000.

FOR AGENDA OF: January 12, 2010  **DATE SUBMITTED:** January 5, 2010

SUBMITTED BY: Kristine Ondrias **CLEARANCES:**
Assistant City Manager

EXHIBITS: Letter, Packet provided by KPAS, Resolution

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 DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The Kerrville Performing Arts Society (KPAS) is requesting the use of the Cailloux Theater without charge pursuant to the Development and Operations Agreement with Playhouse 2000 under Section 5.10 Other Uses Without Charge.

KPAS currently offers outreach programs providing local youth of the community the opportunity to attend live concerts by international artists at no charge. The majority of the students impacted by the KPAS outreach programs are students from KISD and other local private schools. Since 2003-2004, the KPAS outreach program has grown from approximately 300 students to over 5,000 in 2009-2010.

KPAS is requesting use of the theater without charge for the following outreach performances:

January 19, 2010 – *A Year with Frog and Toad*

January 22, 2010 – *Ballet Folklorico de Mexico de Amalia Hernandez*

February 22, 2010 – *American Big Band*

According to the Development and Operations Agreement with Playhouse 2000, Section 5.10 Other Uses Without Charge, Playhouse agrees to make the facility available for a maximum of 150 daytime events and 30 night/Sunday events. Daytime events are defined as any day of the week prior to 6 pm except Sunday between noon – 6 pm. Night/Sunday events are defined as noon to 6 pm on Sunday and after 6 pm any day of the week.

Additionally, the agreement states the only individuals or groups authorized to use the facilities subject to this section shall include:

1. The City Council.
2. Any city employee conducting city business.
3. Any other governmental entity with who, the City has signed an interlocal agreement whereby use of the Auditorium without charge for certain purposes is part of the consideration.
4. Any group or person sponsoring an event or activity co-sponsored by the City, must be evidenced by a resolution approved by the City Council.
5. Veterans' organizations.

The letter from KPAS requests use of the theater through the City's Interlocal Agreement with KISD signed in 2008 and the provision in the Development and Operation Agreement that allows for such use. Since the request has not come from KISD, staff believes it is appropriate for the City Council to approve such use without charge through the co-sponsorship of the events. If the City Council wishes to move forward with this request, staff has provided the attached resolution which provides for the co-sponsorship of the performance dates January 19 and 22, and February 22, 2010.

RECOMMENDED ACTION

Staff recommends the City Council pass a resolution co-sponsoring the KPAS Outreach Program through use of the Cailloux Theater without charge for the reference performances.



December 30, 2009

Dear Honorable Mayor Bock and Members of the Kerrville City Council:

The Kerrville Performing Arts Society would like to request consideration for use of the Cailloux Theater without charge pursuant with Section 5.10 a. (3) of the Performing Arts Center Development and Operation Agreement by and between The City of Kerrville, Texas, and Playhouse 2000, Inc., dated January 11, 2000.

The only individuals or groups authorized to use the Facilities subject to this Section 5.10 shall include:

- (1) The City Council...*
- (2) Any city employee...*
- (3) Any other governmental entity with whom the City has signed an interlocal agreement whereby use of the Auditorium without charge for certain purposes is part of the consideration;*
- (4) Any person or group...*
- (5) Veterans organizations.*

We have recently been made aware that the City of Kerrville has an interlocal agreement with KISD; the majority of the students impacted by the KPAS outreach programs are students from KISD.

As part of KPAS' Mission Statement, KPAS offers outreach programs to local youth of the community to attend live concerts by international artists at no charge. KPAS currently pays all artists fees, backstage labor costs, theater rental, marketing and publicity expenses, and operating expenses to provide over 800 students the opportunity to attend each daytime performance at the Cailloux Theater.

KPAS' unmatched outreach programs have grown from reaching 300 students in the 2003-2004 season, to over 4,500 students during the 2008-2009 season. For the 2009-2010 season, KPAS has scheduled five outreach programs, one master class, 14 pre-concert lobby performances and the opportunity for 50 local students to participate in the *5th Annual Nutcracker in the Hills*. In total, over 5,000 local students will experience a live event courtesy of the Kerrville Performing Arts Society...all at no cost to the students.

KPAS works closely with the Kerrville Independent School District to coordinate the attendance of KISD students at these outreach programs. As our primary target school district, KPAS offers attendance at these performances to the KISD administrators/teachers prior to announcing availability to other school districts and private schools in the greater Kerrville area.

In our efforts to continue to offer these programs at no charge to students, KPAS would like to request assistance by way of financial relief from the City of Kerrville for rental expenses of the Cailloux Theater for both preparation and performance times of the following student outreach programs.

January 19, 2010: *A Year with Frog and Toad*

January 22, 2010: *Ballet Folklorico de Mexico de Amalia Hernandez*

February 22, 2010: *American Big Band*

Included with this packet, please find the following information regarding KPAS' 2009-2010 Outreach Programs for your perusal:

- **LIVE from Kerrville!** Flyer that was distributed to all KISD administrators to announce the 2009-2010 KPAS Outreach Programs. Following presentation to KISD, this information was distributed to all school districts within a 75-mile radius of Kerrville.
- Letter from Dr. Dan Troxell, KISD Superintendent, dated June 10, 2009, regarding KISD Involvement with KPAS Outreach Programs
- *A Year with Frog and Toad*: Detailed description of Outreach Program including list of students to be in attendance
- *A Year with Frog and Toad*: Outreach Program Study Guide that has been provided to all teachers whose students will be attending the program.
- *Ballet Folklorico de Mexico*: Detailed description of Outreach Program including list of students to be in attendance.
- *American Big Band Show*: Detailed description of Outreach Program including list of students to be in attendance.
- *Yamato Drummers*: Copy of newspaper story from Kerrville Daily Times covering KPAS Outreach Program in October 2009.
- KPAS Program from *5th Annual Nutcracker in the Hills*. Please note that KPAS recognizes the City of Kerrville on the front page of each program.

KPAS will also be providing a Master Class with the *Berlin Philharmonic Wind Quintet* in January for approximately 250 KISD band students. KPAS has scheduled this Master Class at the Tivy High School Auditorium as KISD has generously donated the use of their facility for this event.

On behalf of the Board of Directors for the Kerrville Performing Arts Society, I would like to thank you for your consideration of this proposal. We firmly believe that providing these opportunities for our local youth impacts each individual and makes Kerrville a very special community.

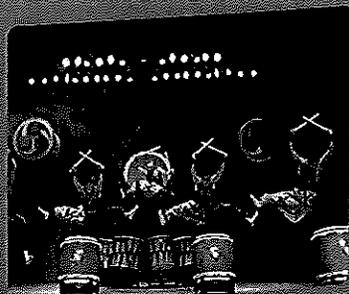
Sincerely,



Gregory L. Talford, President
Kerrville Performing Arts Society

LIVE from Kerrville!

PERFORMING ARTS FOR THE NEXT GENERATION OF CONCERT GOERS!!!!



YAMATO DRUMMERS
Outreach Performance

October 22, 2009
7:00am

Target Audience: Grades 4-12
www.yamato.jp



FROG & TOAD
Outreach Performance

January 19, 2010
10:00am & 1:00 pm

Target Audience: Grades 1-4
www.theroadcompany.com



AMERICAN BIG BAND
Outreach Performance

February 22, 2010
10:00am

Target Audience: Grades 4-12
www.ama.bz



BERLIN WIND QUINTET
Masterclass

January 28, 2010
3:00 pm

Target Audience:
Band/Orchestra Students 6-12
www.windquintet.com



BALLET FOLKLÓRICO DE MÉXICO
Outreach Performance

January 22, 2010
10:00am

Target Audience: Grades 4-12
www.balletamalia.com



5th Annual **NUTCRACKER IN THE HILLS**
Students Perform (after successful audition)

November 21-22, 2009
8:00pm & 2:00 pm

Target Audience: Grades 2-12
www.sandiegoballet.org

KPAS' unmatched Community Outreach Programs are available to local students at NO CHARGE!

Through the generous donations of Season Ticket Subscribers, Sponsors, Donors, Grants and Advertisers, KPAS is offering the following programs FREE on a first come-first served basis with reservations being made through teachers/administrators at info@kpas.org.

www.kpas.org – 830.896.5727





1009 Barnett St.
Kerrville, Texas 78028
(830) 257-2201 voice
(830) 257-2249 fax

Dan Troxell, Ph.D.
Superintendent

June 10, 2009

Gary Talford, President
Kerrville Performing Arts Society
P.O. Box 291884
Kerrville, Texas 78029

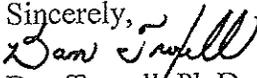
To Whom It May Concern:

The Kerrville Performing Arts Society touches the lives of Kerrville Independent School District children in immeasurable ways. From kindergarten to high school, over 4,700 students in KISD have the opportunity each year to experience live theater, dance, musical productions, and other special entertainment opportunities. It is unlikely the district could ever afford to send as many students to as many productions as offered through the Outreach Program that KPAS extends to us.

In most cases, these offerings are the one and only performing arts opportunity that some of our students will ever have the chance to enjoy. In a district with over 50% of our students on free and reduced lunch, KISD feels fortunate to have KPAS reach out to the minds and imaginations of all students and so profoundly touch the senses of children rarely getting this chance to enjoy the experience of a live production in the beautiful Cailloux Theater. One only needs to sit among a sea of mesmerized second graders for a production of "Flat Stanley" or watch over 300 sixth grade staff members and students literally dance their way back to campus after enjoying "Synergy" to understand the impact these performances have on children of all ages.

We appreciate the tireless efforts of Tom Murray, Gregory Talford, and Sue Talford. The KPAS staff lines up the best acts for our students but additionally offers teacher curriculum ideas or classroom projects that support upcoming productions. The KPAS efforts make productions enriching to students far after the show is over.

From performing arts selections bar none to generous scholarship available to students participating in their master classes, KPAS gives to our community by giving to our children, who in turn are inspired to give of their talents in return. KISD hopes to work with KPAS for many years to come.

Sincerely,

Dan Troxell, Ph.D.
Superintendent, Kerrville ISD

DATE: January 19, 2010
EVENT: **A Year with Frog & Toad**
PERFORMANCE TIMES: 10:00am and 1:00pm
AUDITORIUM RENTAL: 4:00am – 4:00pm (estimated)

DESCRIPTION: The Broadway production of **A Year with Frog & Toad** was nominated for 3 Tony Awards and is presently on its second national tour. Based on the books by Caldecott Winner, Arnold Lobel, the music and lyrics have been created by Willie Reale and Robert Reale. This theatre production for young audiences relates the four seasons through song and dance. The presentation is designed to relate to science, technology, health, dance, visual arts, English language arts, theatre and mathematics. A study guide has been provided to all teachers whose students will be attending A Year with Frog & Toad to relate this full stage production to academic basics.

STUDENTS SCHEDULED TO ATTEND:

10:00am Performance: KISD Daniels Elementary Grade 1 (93)
KISD Daniels Elementary Grade 2 (93)
KISD Daniels Elementary Grade 3 (107)
KISD Tally Elementary Grade 1 (88)
KISD Tally Elementary Grade 2 (88)
KISD Tally Elementary Grade 3 (88)
Hunt ISD Grades 1-4 (108)
St. Peter's Episcopal School Kindergarten (20)
Impact Christian Academy Elementary (19)
Divide ISD (35)
Geneva School of Boerne (51)
7th Day Adventist Grades K-12 (8)
Ambleside Grade 1 (13)
TOTAL STUDENTS - 811

1:00pm Performance: KISD Nimitz Elementary Grade 1 (70)
KISD Nimitz Elementary Grade 2 (115)
KISD Nimitz Elementary Grade 3 (93)
KISD Starkey Elementary Grade 1 (80)
KISD Starkey Elementary Grade 2 (80)
KISD Starkey Elementary Grade 3 (88)
Fredericksburg Christian School (20)
Grace Christian School (20)
Ingram ISD Grades 1-2 (145)
Hill Country Home School Association (4)
Heritage School (62)
Ambleside Grade 2 (18)
First United Methodist Church ARK (16)
TOTAL STUDENTS - 811

DATE: January 22, 2010
EVENT: **Ballet Folklorico de Mexico de Amalia Hernandez**
PERFORMANCE TIMES: 10:00am
AUDITORIUM RENTAL: 8:00am – 2:00pm (estimated)

DESCRIPTION: One of the largest companies to ever perform in the Cailloux Theater, this company of 55 dancers and 15 musicians, will provide a first-class event for local students. This production highlights the zest for rich Mexican tradition and folklore and has been performed over 5,000 times throughout the world by a company that is considered Mexico's finest, proof being that they are permanently housed at the Palace of Fine Arts in Mexico City. The program will share the beauty of the Universe in motion through Mexican dances from the Pre-Columbian era, the Hispanic Viceroy period, and the popular period of the Revolutionary years. This will introduce many facets of the performing arts, theatrical experience, history, language and social studies.

STUDENTS SCHEDULED TO ATTEND:

10:00am Performance: KISD BT Wilson Grade 6 (325)
KISD Tivy Color Guard (25)
KISD Peterson Middle School Choir (78)
KISD Bi-lingual Classes from Daniels Elementary (75)
Hunt ISD Grades 5-8 (68)
Center Point Spanish Classes (40)
Harper ISD Spanish Classes (15)
Divide ISD (35)
St. Mary's School (50)
Our Lady of the Hills (40)
Notre Dame (50)
Hill Country Home School Association (9)
7th Day Adventist (10)

TOTAL STUDENTS - 820

DATE: February 22, 2010
EVENT: **American Big Band Show**
PERFORMANCE TIMES: 10:00am
AUDITORIUM RENTAL: 8:00am – 2:00pm (estimated)

DESCRIPTION: A company of 20 singers, dancers and big band will present a full-blown tribute to the swing era, featuring the sounds of Glenn Miller, Duke Ellington, Benny Goodman, and many more. This high-energy production will focus on the musical style that became famous during the 1940's and provide insight and motivation to local band, choir, theater and dance students. This post-war era will also be directly tied to curriculums of US History and Social Studies.

STUDENTS SCHEDULED TO ATTEND:

10:00am Performance: KISD BT Wilson Grade 6 (325)
KISD Peterson Middle School Band (120)
KISD Peterson Middle School Choir (10)
Hill Country Homeschool Association (11)
7th Day Adventist School Grades 5-8 (15)
Center Point ISD Band (35)
Ingram ISD Drama (35)
Ingram ISD Grades 3-4-5 (263)
Divide ISD (35)

TOTAL STUDENTS – 849

Home
Marketplace
Classifieds
Autos
Homes
Jobs
Place an Ad
Print Ads
Sections
Today's Front
News
Sports
Opinion
Columnists
Blogs
Communities
Lifestyle
Announcements
Entertainment
TV Listings
Photographs
Photo Reprints
Religion
Obituaries
Weather
Corrections
Services
Email Extra
Mobile News
RSS
1-Month View
Search
Circulation
AP News
Top Stories
Nation
Texas
Politics
Business
Technology
Sports
Health
Arts

Don't miss your 20% off.

All print ads, including coupons, are online for a week.



Giving them something to drum about

By **Tim Sampson**
The Daily Times

Published October 23, 2009

As 800 elementary school students rose to their feet at the end of the performance, applauding and filling the Cailloux City Center for the Performing Arts with shrill screams of enthusiasm, one may have assumed the amassed youngsters were cheering the latest Disney Channel pop star or the latest 3-D animated movie — but probably not a group of eight traditional Japanese drummers.

But the Yamato Drummers, a group that for decades has performed around the world, combining traditional Japanese percussion instruments with a modern flare, were able to rev up the audience of grade-school students from across the Hill Country, who came for the latest performance in the Kerrville Performing Arts Society's Outreach series.

"They were the best, especially the guy with the really big drum," said Dylan McWilliams, a second-grade student from Harper.

Dylan was referring to the centerpiece of the Yamato performance, a 1,000 pound drum carved from a single 400-year-old tree. The drum prompted many "oohs" and "ahhs" as it shook the auditorium.

But that was only one of many traditional Japanese instruments used by the band during its performance. In addition to drums of all shapes and sizes, performers played several simple string and wind instruments.

The highly choreographed performance was filled with energy, passion and humor. And for an encore, the drummers got the students into the act, turning their applause into another percussive instrument.

Soon the auditorium was filled with children clapping, stomping and chanting.

"I think the performers like playing to the audience of kids, because the kids get so much more into it than the adults," said Sue Talford of KPAS.

Japanese drumming, traditionally associated with ancient thanksgiving festivals, experienced a revival in the mid-20th century, explained the Yamato's North American tour director, Uriel Luft.

Luft said the drummers are different than other drumming groups. Many viewed the performances as historical recreations that should be as close to the originals as possible.

Luft said the Yamato sought to blend ancient techniques with a more contemporary style, synching the show to lights and choreography.

"Many of the groups that were performing this did it for the sake of displaying a part of the culture," Luft said. "But the Yamato look to bring in the modern aesthetic and make it something that is enjoyable to watch just as a show by itself."

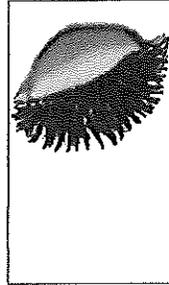
Every year, the KPAS outreach program offers a series of free live performances to students across the Hill Country.

Photo Reprints
Get Daily Times photos from the latest games and scenic locales.

Special Sections

- [Visitor's Guide](#)
- [Real Estate Guide](#)
- [Hill Country Life](#)
- [Medical Directory](#)
- [Home Directory](#)

Advertisement



★★★★★
CRENWELGE
Motors
"HONDA" "TOYOTA" "JEEP" "RAM"

301 Main Street • 830-4825
www.crenwelge.com

cecil
Cecil Atkisson
Kerrville
When the products are similar, the dealer makes the difference.

Open a Chase Checking™ account, start using it and get a **\$100 CASH BONUS.**

GET DETAILS



CHASE

Talford said KPAS likes to vary the type of performances to expose kids to different art-forms.

"The Yamato Drummers are something that these kids would otherwise not have been exposed to," Talford said. "And now, they are leaving here all excited and will hopefully bring their family and parents back to see the show in the evening."

[Share](#) | [Save](#) | [Mail](#) | [Print](#) | [Comment](#)



Tom Holden/Times Photo Editor, photo@dailytimes.com

The Yamato Drummers from Japan perform Thursday night at the Calloux Theater.

watch it in the kitchen 

Serving the Texas Hill Country since 1910

[Home](#) | [Home Delivery](#) | [About Us](#) | [Mobile News](#)
[Search](#) | [Reprints](#) | [Write a Letter](#) | [Help](#)

© 2009 Kerrville Daily Times. All rights reserved.

A [Southern Newspapers](#) publication.

[back to top](#)

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. _____-2010**

**A RESOLUTION GRANTING THE KERRVILLE
PERFORMING ARTS SOCIETY (KPAS) LIMITED USE OF
THE CAILLOUX THEATRE WITHOUT CHARGE
PURSUANT TO THE DEVELOPMENT AND OPERATIONS
AGREEMENT WITH PLAYHOUSE 2000**

WHEREAS, on January 11, 2000, the City of Kerrville, Texas, entered into a Performing Arts Center Development and Operation Agreement with Playhouse 2000 ("Agreement") for the operation and management of the City's Kathleen C. Cailloux City Center for the Performing Arts ("Auditorium"); and

WHEREAS, according to the Agreement with Playhouse 2000, Section 5.10 Other Uses Without Charge, Playhouse 2000 agreed to make the Auditorium available for a maximum of 150 daytime events and 30 night/Sunday events; and

WHEREAS, the Kerrville Performing Arts Society ("KPAS") has requested that the fees for use of the Cailloux Theatre, be waived for outreach performances scheduled January 19, 22, and February 22, 2010, and that the City co-sponsor the events; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds that the community benefits from KPAS's outreach programs, which provide local area youth the opportunity to attend live concerts by international artists at no charge, that it is in the public interest to waive the fees for such events, and by doing so, the City will serve as a co-sponsor for such programs;

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

The City of Kerrville, Texas, in accordance with its Agreement with Playhouse 2000 for the operation and management of the Auditorium, authorizes the waiver of fees for KPAS's use of the Auditorium for KPAS's outreach programs scheduled for January 19, 22, and February 22, 2010. By taking this action, the City shall serve as a co-sponsor for these performances and the outreach programs.

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2010.

Todd A. Bock, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Brenda G. Craig, City Secretary

**BUSINESS OF THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Public Hearing: Annexation-Zoning Request – A proposed annexation-zoning request for approximately 86.71 acres generally located northwest of the Kerrville/Kerr County Airport fronting the northeast side of Peterson Farm Road, adjacent to the corporate limits of the City of Kerrville. Applicant: Kerr Economic Development Foundation. (File No. 2009-45)

FOR AGENDA: January 12, 2010 **DATE SUBMITTED:** December 18, 2009

SUBMITTED BY: Gordon Browning, Senior Planner 

EXHIBITS: Location Map, Applicant's Request, Annexation and Zoning Ordinance

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Mail Agenda Bill to: Guy Overby, Kerr Economic Development Foundation, 1700 Sidney Baker, Suite 100, Kerrville, Texas 78028

Annexation-Zoning Timeline:

- November 30, 2009 – Annexation petition and zoning request submitted for review and consideration.
- December 3, 2009 – Notice of public hearing published in The Kerrville Daily Times.
- December 8, 2009 – City Council considers and accepts annexation petition for the subject tract by resolution.
- December 17, 2009 – Planning and Zoning Commission (P&Z) public hearing on proposed annexation and recommendation of zoning designation to the City Council.
- **January 12, 2010 – City Council conducts the first required public hearing on the proposed annexation.**
- January 26, 2010 – City Council conducts the second required public hearing on the proposed annexation and considers an ordinance on first reading annexing and zoning the subject tract.
- February 9, 2010 – City Council considers an ordinance on second and final reading annexing and zoning the subject tract.

Summary:

The applicant proposes annexation and zoning of approximately eighty-six (86.71) acres generally located northwest of the Kerrville/Kerr County Airport, fronting the northeast side of Peterson Farm Road adjacent to the corporate limits of the City of Kerrville. The concept plan submitted as part of the request shows the property developed as an animal and insect research facility. The requested annexation and zoning is intended to

be the first step in the relocation of the USDA-ARS Knippling-Bushland U.S. Livestock Insects Research Laboratory currently located north of the City on SH 16.

Staff is working closely with the Kerr Economic Development Foundation, USDA-ARS staff and their consultants on the timing and development of this facility.

Article 11-I-4(b) of the Zoning Code requires on all annexation requests that:

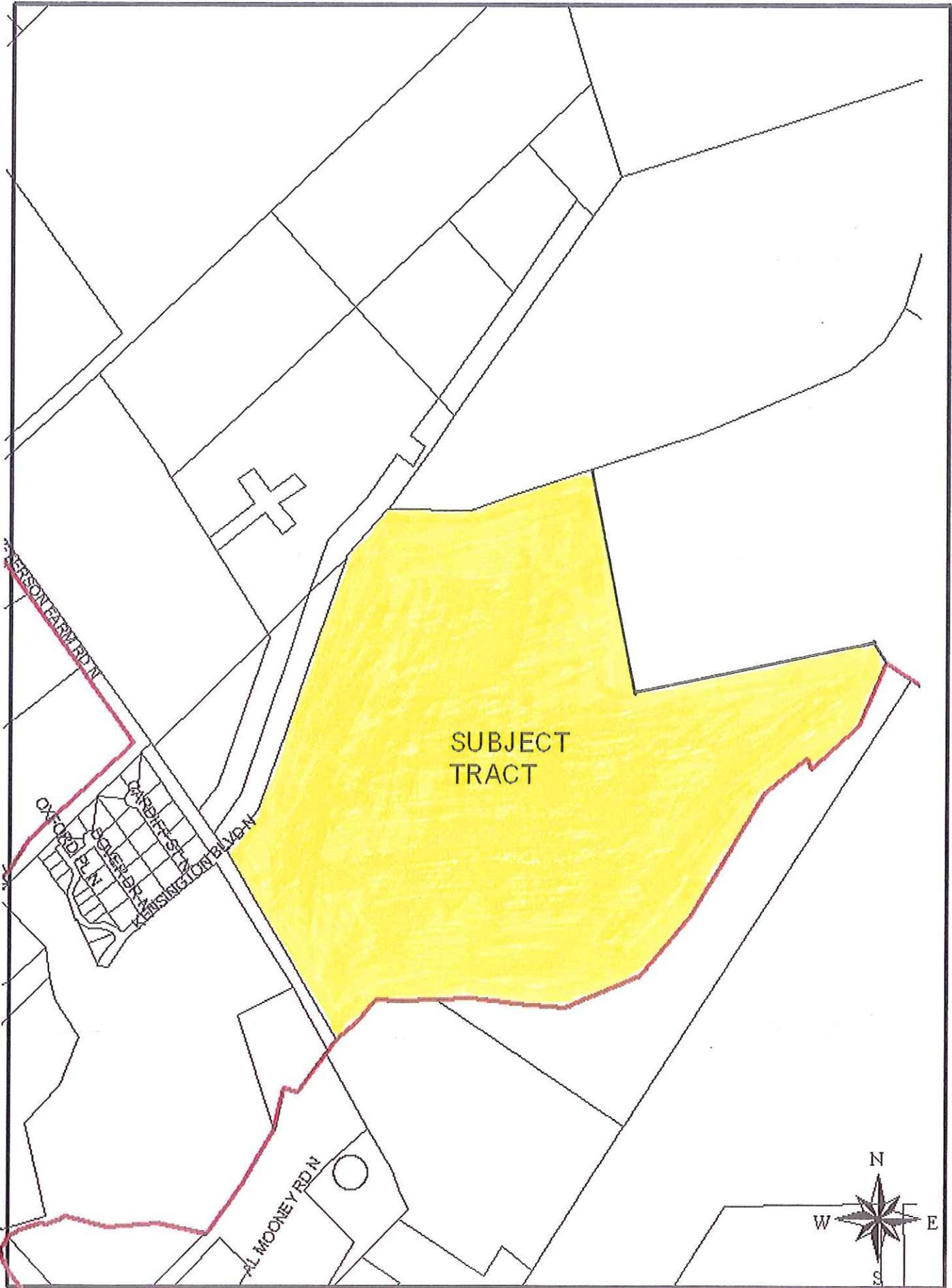
1. The Commission hold a public hearing on the proposed annexation, and
2. Make a recommendation to the City Council as to the zoning designation of the subject tract upon its annexation.

Staff recommended a zoning designation for this tract of PDD (Planned Development District) for a "USDA-ARS Livestock Insects Research Laboratory" to include the land uses and development standards outlined in the attached draft ordinance. The proposed use is in conformance with the compatible land uses outlined in the Airport Master Plan and the 'Rural Development' designation of the City's Comprehensive Plan.

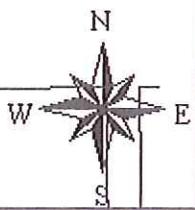
The Planning and Zoning Commission, following a public hearing on this request, recommended annexing the subject tract with a zoning designation of PDD (Planned Development District) as outlined. No one from the public appeared at the public hearing.

RECOMMENDED ACTION

Staff and the Planning and Zoning Commission recommend that the City Council conduct the first required public hearing on this request. No action is to be taken at this time.



SUBJECT TRACT



CITY OF KERRVILLE, TEXAS
ORDINANCE NO. _____-2010

AN ORDINANCE ANNEXING AN APPROXIMATE 86.71 ACRE TRACT OUT OF THE W.T. CROOK SURVEY NO. 71, ABSTRACT NO 114; SAID TRACT BEING LOCATED ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS AND GENERALLY LOCATED NORTHWEST OF THE KERRVILLE/KERR COUNTY AIRPORT FRONTING THE NORTHEAST SIDE OF PETERSON FARM ROAD; DESCRIBING THE TERRITORY TO BE ANNEXED; ADOPTING A SERVICE PLAN FOR THE TERRITORY ANNEXED; AND ESTABLISHING THE ZONING FOR THE AREA ANNEXED

WHEREAS, pursuant to Texas Local Government Code Section 43.052(h)(2), the owner of the property described in Section One, below, has petitioned the City to annex the property into the corporate limits of the City of Kerrville, Texas; and

WHEREAS, having provided all required public notices, held all required by public hearings at which persons with an interest in the matter were provided an opportunity to be heard, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve an Ordinance annexing the subject property, adopt a service plan as required by state law, and establish zoning regulations for the area;

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

SECTION ONE. The property as described in **Exhibit A** and depicted in **Exhibit B**, is hereby annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

SECTION TWO. The service plan regarding the provision of public services set forth in **Exhibit C**, is adopted for the property described in Section One, above, as required by Texas Local Government Code 543.056.

SECTION THREE. Upon the adoption of this Ordinance, the property described in Section One, above, shall be placed in a newly created "Planned Development District for a "Livestock-Insects Research Laboratory". For the purpose of this Ordinance, Livestock-Insects Research Laboratory shall include the following uses:

- a. research laboratory and office space;
- b. large animal research facility;
- c. insect research and rearing facility;
- d. the keeping, penning and pasturing of livestock;
- e. maintenance and storage facilities and structures;
- f. animal waste storage incinerator;

- g. chemical storage structures; and
- h. accessory structures directly related thereto.

SECTION FOUR. The property described in Section One, above, may be developed and uses as a “Livestock-Insects Research Laboratory”, subject to each of the following:

a. Concept Plan: The development of the property shall be substantially in accordance with the Concept Plan found in **Exhibit D**, attached hereto and incorporated herein by reference.

b. Platting: The development of the property shall be subject to the City’s Subdivision Regulations, which includes submittal and approval of a plat.

c. Development Site Plan: Prior to the issuance of a building permit, a Development Site Plan shall be submitted pursuant to the City regulations.

d. Parking: The design, number of parking spaces, and aisle dimensions shall be in accordance with the regulations in effect at the time of individual building permits are submitted to the City.

e. Sidewalks: The construction of sidewalks shall be required in accordance with the regulations in effect at the time building permits are submitted.

f. Setbacks Requirements: The Planned Development District shall be developed with minimum setbacks from property lines as follows:

- i. Front Yard Setback: 35.0 feet
- ii. Rear Yard Setback: 35.0 feet
- iii. Interior Yard Setback: 12.5 feet
- iv. Exterior Yard Setback: 15.0 feet
- v. Animal Pens: 30.0 feet from any property line

g. Maximum Height: No building or structure shall exceed 40.0 feet in height. Notwithstanding the provisions of Article 11-1-3(a)(47), no portion of any structure built on the property, included but not limited to communication antennae and water towers, shall exceed 50.0 feet in height.

h. Signs: The design, installation, location, and maintenance of signs shall comply with the City’s sign regulations existing at the time of permitting.

i. Trash and Other Solid Waste: Solid waste collection bins and dumpsters shall be equipped with lids and screened with a gate with an opaque screen

on one side and masonry material finished to look substantially like the adjacent building on the remaining three (3) sides.

j. Outdoor Parking Lot Lighting: All parking lot pole lights shall be of a "shoe box" design and shall be located, shielded and aimed in such a manner so as not to allow light to fall directly on adjacent roadways and/or properties. All outdoor lighting must be designed in accordance with the regulations of the Federal Aviation Administration or its successor agency in order to prevent such outdoor lighting from constituting a hazard to air traffic arriving or departing the Kerrville/Kerr County Airport.

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

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

SECTION SEVEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-1-9 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. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Clerk is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____ A.D., 2010.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____ A.D., 2010.

Todd A. Bock, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Brenda C. Craig, City Secretary

FIELD NOTES DESCRIPTION FOR 86.71 ACRES OF LAND OUT OF THE EQUITECH-BIO, INC. LAND ALONG PETERSON FARM ROAD IN KERR COUNTY, TEXAS

Being all of a certain tract or parcel of land containing 86.71 acres, more or less, out of W.T. Crook Survey No. 71, Abstract No.114 in Kerr County, Texas; part of a certain 268.62 acre tract conveyed from James S. Ernst, et ux to Equitech-Bio, Inc. by an Assumption Warranty Deed with Vendor's Lien executed the 8th day of November, 1995 and recorded in Volume 823 at Page 774 of the Real Property Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron stake set in the northeast right-of-way line of Peterson Farm Road, a sixty (60) ft. wide public road and in the southwest line of said 268.62 acre tract for the most westerly corner of the herein described tract; which point bears: 64.57 ft. S.30°55'53"E. from a fence cornerpost, the most westerly corner of said 268.62 acre tract; and, approximately, 4646 ft. South and 3706 ft. West from the northwest corner of Survey No. 43;

THENCE, upon, over and across said 268.54 acre tract, parallel to and sixty (60) ft. east and southeast from the west line of 268.54 acre tract, all calls to set ½" iron stakes: N.37°23'22"E., 257.05 ft.; N.19°32'35"E., 746.64 ft.; N.18°32'29"E., 401.99 ft.; N.41°24'35"E., 226.79 ft.; S.89°03'43"E., 333.56 ft.; and N.71°57'13"E., 737.56 ft. to a ½" iron stake set in a fence for the northerly northeast corner of the herein described tract;

THENCE, along or near a fence continuing upon, over and across said 268.62 acre tract, all calls to fence angleposts: S.01°57'42"E., 482.78 ft.; S.13°11'05"E., 415.47 ft.; N.77°49'16"E., 753.33 ft.; N.77°58'21"E., 98.86 ft.; S.85°32'16"E., 12.08 ft.; S.74°27'14"E., 3.75 ft.; S.03°46'51"W., 17.24 ft.; and S.54°21'06"E., 154.52 ft. to a fence cornerpost in the south line of 268.62 acre tract and north line of a certain 142 acre tract conveyed as Parcel No. 1 from Ida E. Ingenhuett, et al to the City of Kerrville by a Warranty Deed executed the 16th day of August, 1941 and recorded in Volume 68 at Page 302 of the Deed Records of Kerr County, Texas;

THENCE, along a fence with the common line between said 268.62 and 142 acre tracts: S.22°36'31"W., 289.54 ft. to a fence anglepost; S.47°54'07"W., 280.75 ft. to a fence cornerpost; and N.18°05'29"W., at 29.8 ft. passing a fence endpost, then continuing for a total distance of 51.30 ft. to an unmarked point in the approximate center of Silver Creek;

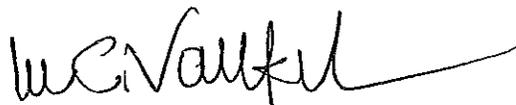
THENCE, with the said approximate center of Silver Creek continuing with the said common line between 268.62 and 142 acre tracts, all calls to unmarked points: S.51°22'58"W., 235.04 ft.; S.32°29'44"W., 281.06 ft.; S.30°19'43"W., 330.44 ft.; S.40°56'47"W., 335.80 ft.; S.66°45'40"W., 349.28 ft.; N.85°35'12"W., 217.96 ft.; N.82°37'16"W., 178.69 ft.; S.88°45'46"W., 192.23 ft.; S.86°02'35"W., 125.33 ft.; N.86°48'11"W., 100.78 ft.; S.41°59'45"W., 120.64 ft.; and S.46°29'39"W., 120.34 ft. to an unmarked point in a fence, the said northeast right-of-way line of Peterson Farm Road for the southwest corner of the herein described tract and 268.62 acre tract;

THENCE, along a fence with the southwest line of said 268.62 acre tract and northeast right-of-way line of Peterson Farm Road N.30°55'53"W., 864.69 ft. to the PLACE OF BEGINNING.

I hereby certify that this field notes description and accompanying plat are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown.(Bearing basis = True north based on GPS observations)

Dates Surveyed: March 7 & 11, 2003
October 26, 2006

Dated this 31st day of January, 2008



Lee C. Voelkel
Registered Professional Land Surveyor No. 3909
County Surveyor for Kerr County, Texas

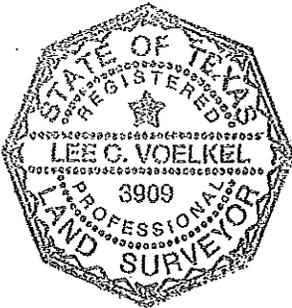


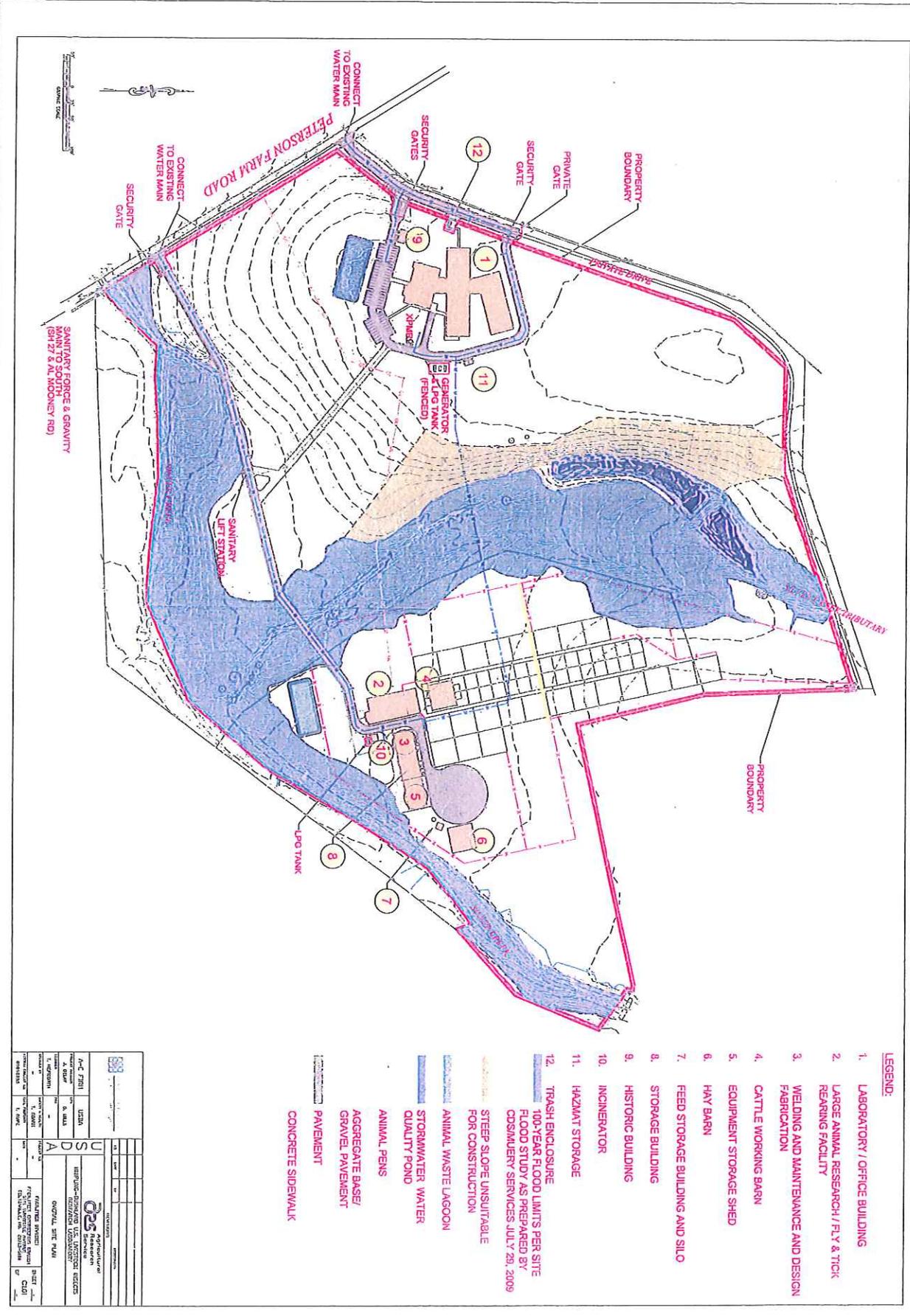
EXHIBIT A

ANNEXATION SERVICE PLAN

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Animal Control	The provisions of animal control services shall be in effect following annexation of the property.	Immediately following annexation
Code Enforcement	The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related code requirements adopted by the City of Kerrville shall be made immediately to the area upon annexation. The preparation of a zoning plan shall serve as a basis for the zoning of land following annexation. The adoption of the zoning plan shall be in accordance with the procedures of the City of Kerrville's Zoning Ordinance.	Immediately following annexation, zoning to be concurrent with annexation
Fire Protection and Suppression	Fire protection and suppression personnel and equipment from the Kerrville Fire Department will be provided to the area as needed.	Immediately following annexation
Fire Prevention	The services of the City of Kerrville Fire Marshall shall be provided to the area.	Immediately following annexation.
Library	Future residents of the area, if any, will continue to be entitled to utilize all City of Kerrville Library facilities.	Immediately following annexation.
Parks and Recreation	City of Kerrville Parks and Recreation services will continue to be available to any area residents.	Immediately following annexation
Police Protection	Police protection personnel and equipment shall be provided to the area immediately upon annexation. Police enforcement and protection services shall be provided through regular patrol activities.	Immediately following annexation

ANNEXATION SERVICE PLAN (CONTINUED)

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Public Services - Street Department	Public streets not maintained by the Texas Department of Transportation within the area shall be maintained by the City of Kerrville.	Immediately following annexation
Sanitation (Refuse Collection)	Refuse collection shall be available to any residents of the annexed area at the same costs and procedures as required of City residents and businesses.	Immediately following annexation
Traffic Engineering	Traffic control devices and street markers shall be installed where deemed necessary by the city street department, except as provided by the Texas Department of Transportation.	Immediately following annexation
Utilities (Water Distribution and Wastewater Collection)	Extension of utilities to the property shall be in accordance with the City of Kerrville's Subdivision Ordinance.	As the property develops



LEGEND:

1. LABORATORY / OFFICE BUILDING
2. LARGE ANIMAL RESEARCH / FLY & TICK REARING FACILITY
3. WELDING AND MAINTENANCE AND DESIGN FABRICATION
4. CATTLE WORKING BARN
5. EQUIPMENT STORAGE SHED
6. HAY BARN
7. FEED STORAGE BUILDING AND SILO
8. STORAGE BUILDING
9. HISTORIC BUILDING
10. INCINERATOR
11. HAZMAT STORAGE
12. TRASH ENCLOSURE

100-YEAR FLOOD LIMITS PER SITE FLOOD STUDY AS PREPARED BY COSMAMERY SERVICES, JULY 29, 2009

STEEP SLOPE UNSUITABLE FOR CONSTRUCTION

ANIMAL WASTE LAGOON

STORMWATER WATER QUALITY POND

ANIMAL PENS

AGGREGATE BASE/ GRAVEL PAVEMENT

PAVEMENT

CONCRETE SIDEWALK

PROJECT NO.	DATE	SCALE
100-000000	10/1/09	AS SHOWN
DESIGNED BY	CHECKED BY	APPROVED BY
J. S. SMITH	M. J. SMITH	M. J. SMITH
Q&S ENGINEERING, INC. 1000 N. 10TH ST., SUITE 100 DENVER, CO 80202 PHONE: 303.733.8888 FAX: 303.733.8889 WWW.QANDSENG.COM		

**BUSINESS OF THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Public Hearing: Annexation and Zoning Request – A proposed annexation-zoning request for approximately 3.954 acres located at 246 Johnson Drive, adjacent to the corporate limits of the City of Kerrville. Applicant: Kerrville/Kerr County Airport Board (File No. 2009-44)

FOR AGENDA: January 12, 2010 **DATE SUBMITTED:** December 18, 2009

SUBMITTED BY: Gordon Browning, Senior Planner 

EXHIBITS: Location Map, Applicant's Request, Annexation and Zoning Ordinance

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Mail Agenda Bill to: Bruce McKenzie, Airport Manager, 1877 Airport Loop, Kerrville, Texas 78028

Annexation-Zoning Timeline:

- November 12, 2009 – Annexation petition and zoning request submitted for review and consideration.
- December 3, 2009 – Notice of public hearing published in The Kerrville Daily Times.
- December 8, 2009 – City Council considers and accepts annexation petition for the subject tract by resolution.
- December 17, 2009 – Planning and Zoning Commission (P&Z) public hearing on proposed annexation and recommendation of zoning designation to the City Council.
- **January 12, 2010 – City Council conducts the first required public hearing on the proposed annexation.**
- January 26, 2010 – City Council conducts the second required public hearing on the proposed annexation and considers an ordinance on first reading annexing and zoning the subject tract.
- February 9, 2010 – City Council considers an ordinance on second and final reading annexing and zoning the subject tract.

Summary:

- The Kerrville/Kerr County Joint Airport Board, representing the owners, request annexation and zoning of the subject 3.954 acre tract adjacent to the airport and corporate limits of the City of Kerrville.
- Article 11-I-4(b) of the Zoning Code requires on all annexation requests that:

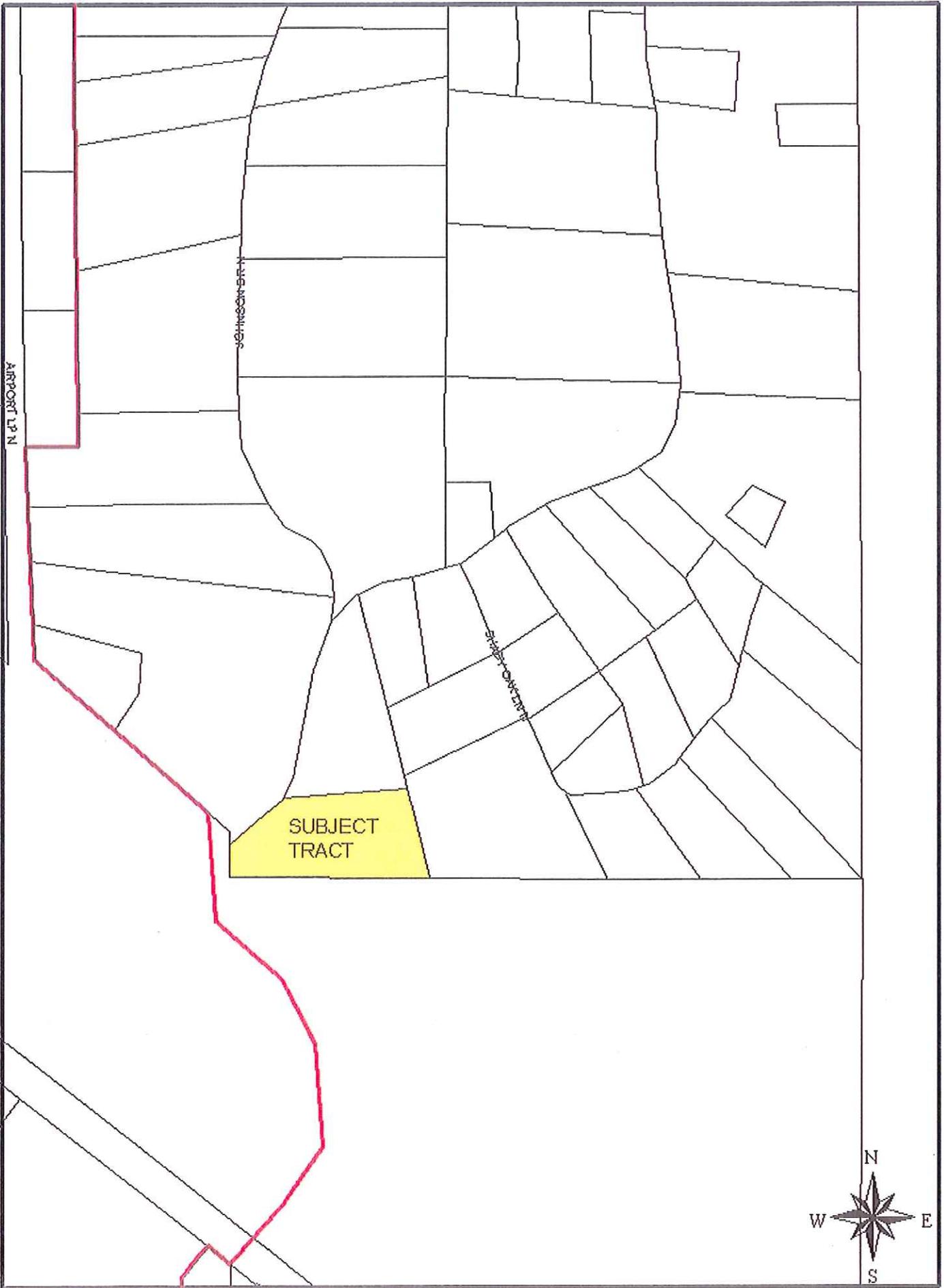
1. The Commission hold a public hearing on the proposed annexation, and
2. Make a recommendation to the City Council as to the zoning designation of the subject tract upon annexation.

Staff recommended a zoning designation of "AD" (Airport District) which is in conformance with the Comprehensive Plan, the adjacent zoning and the Airport Master Plan.

The Planning and Zoning Commission, following a public hearing on this request, recommended annexing the subject tract with a zoning designation of AD (Airport District). No one from the public appeared at the public hearing.

RECOMMENDED ACTION

Staff and the Planning and Zoning Commission recommend that the City Council conduct the first required public hearing on this request. No action is to be taken at this time.

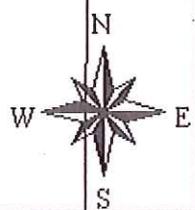


AIRPORT LN N

JOHNSON ST N

SHERIDAN ST

SUBJECT TRACT



PETITION REQUESTING ANNEXATION TO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, OF TEXAS ACRES OUT OF THE Robissas Survey, Abstract Number _____, KERR COUNTY TEXAS

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF KERRVILLE, TEXAS:

Kerrville/Kerr County Airport Is the sole owner of an approximately 3.95 acre tract of land located adjacent to the incorporated limits of the City of Kerrville which is out of the Survey No. _____ Abstract No. _____ Kerr County, Texas, and is more particularly described as follows:

SEE EXHIBIT "A".

Kerrville/Kerr County Airport In accordance with Texas Local Government Code §43.028, hereby respectfully requests and petitions that the above-described property be annexed into the incorporated limits of the City of Kerrville, Texas. SUBMITTED THIS 12 day of November 2009

By: Bruce D. McKenzie
Legally authorized signature

ACKNOWLEDGEMENT

THE STATE OF TEXAS

§
§
§

COUNTY OF KERR

This instrument was acknowledged before me on the 12 day of November 2009 by Laurie DeJohn-Erme for and on behalf of Bruce McKenzie.



Laurie DeJohn-Erme
NOTARY PUBLIC, STATE OF TEXAS

Printed Name: Laurie DeJohn-Erme

My Commission Expires: 01-08-2013

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. _____-2010

AN ORDINANCE ANNEXING AN APPROXIMATE 3.954 ACRE TRACT, SAID PROPERTY BEING LOCATED ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, AND CONSISTING OF A TRACT ADJACENT TO THE KERRVILLE/KERR COUNTY AIRPORT AND BEING MORE PARTICULARLY DESCRIBED AS PART OF LOT 1, SHADY GROVE SUBDIVISION; DESCRIBING THE TERRITORY TO BE ANNEXED; ADOPTING A SERVICE PLAN FOR THE TERRITORY ANNEXED; AND ESTABLISHING THE ZONING FOR THE AREA ANNEXED

WHEREAS, pursuant to Texas Local Government Code Section 43.052(h)(2), the owners of the property described in Section One, below, have petitioned the City to annex said property into the corporate limits of the City of Kerrville, Texas; and

WHEREAS, having provided all required public notices, held all required public hearings at which people with an interest in the matter were provided an opportunity to be heard, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve an ordinance annexing the subject property, adopt a service plan as required by state law, and establish zoning regulations for the area;

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

SECTION ONE. The property, as described in **Exhibit A** and depicted in **Exhibit B**, is hereby annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

SECTION TWO. The service plan regarding the provision of public services, as set forth in **Exhibit C**, attached hereto and incorporated herein by reference, is hereby adopted for the property described in Section One, above, as required by Texas Local Government Code §43.056.

SECTION THREE. Upon the adoption of this Ordinance, the property as described in Section One, above, shall be subject to a zoning designation of "AD", Airport District.

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

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this Ordinance is,

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

SECTION SIX. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-1-9 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 SEVEN. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Clerk is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, A.D., 2010

PASSED AND APPROVED ON SECOND READING, this the _____ day of _____, A.D., 2010.

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

Job No. S0285201
March 27, 2007

County: Kerr
C.S.J. No.:
Highway: Kerrville Airport
Project Limits: At Kerrville Airport

PROPERTY DESCRIPTION OF PARCEL NO. 1

Being a 3.954 of acres (172,274 square foot) parcel of land, more or less, out of Lot 1, Shady Grove Subdivision, Kerrville, Kerr County, Texas, being the tract as described in Volume 645, Page 227, Official Public Records, Kerr County, Texas, which 3.954 of acres (172,274 square feet) of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" rebar with MDS cap found for the southwest corner of the herein described tract, said point being in the north line of 39.51 acre tract as recorded in Volume 257, Page 608, Deed Records, Kerr County, Texas;

- 1) THENCE South 00°00'15" West, with and along the west line of the herein described tract, a distance of 76.00 feet to a 1/2" rebar with a CEC plastic cap set for an angle point of said Johnson Drive;
- 2) THENCE North 33°03'09" East, with and along the center line of Johnson Drive and the west line of the herein described tract, a distance of 79.30 feet to a 1/2" rebar with a CEC plastic cap set for an angle point of said Johnson Drive;
- 3) THENCE North 52°33'09" East, with and along the center line of Johnson Drive and the west line of the herein described tract, a distance of 199.69 feet, to a 1/2" rebar with a CEC plastic cap set for the northwest corner of the herein described tract and the southwest corner of a 3.94 acre tract as recorded in Volume 192, Page 829, Deed Records, Kerr County, Texas;
- 4) THENCE South 84°52'09" West, with and along the north line of the herein described tract and the south line of said 3.94 acre tract, a distance of 438.89 feet to a 1/2" rebar with a CEC plastic cap set for the northeast corner of the herein described tract and the southeast corner of a 3.94 acre as recorded in Volume 192, Page 829, Deed Records, Kerr County, Texas;
- 5) THENCE South 14°25'48" East, with and along the east line of the herein described tract and the west line of a 5.94 acre tract as recorded in Volume 1222, Page 687, Official Public Records, Kerr County, Texas, a distance of 311.82 feet to a 1/2" rebar found for the

southeast corner of the herein described tract and the southwest corner of said 5.94 acre tract, said point being in the north line of said 39.51 acre tract;

- 6) South $89^{\circ}54'27''$ West, with and along the south line of the herein described tract and the north line of said 39.51 acre tract, a distance of 716.63 feet to the **POINT OF BEGINNING** and containing 3.954 acres (172,274 square feet) of land, more or less.

The basis of bearing recited herein is the Texas State Plane Coordinate System (South Central Zone 4204). This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants. The square footage recited herein is based on mathematical calculations and is subject to the rules of rounding and significant numbers. There is a plat of survey with even date.

Chester A. Varner, R.P.L.S. 3/27/07
Chester A. Varner, RPLS#4812



3.94 ACRES
VOL. 192, PG. 829, D.R.K.C.

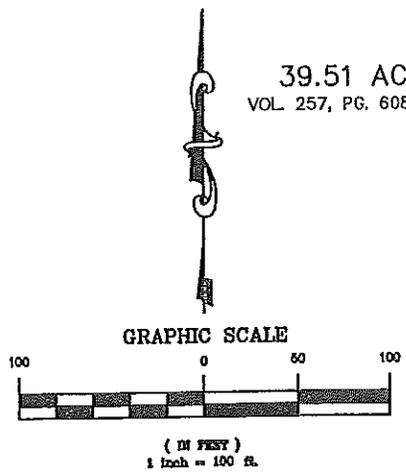
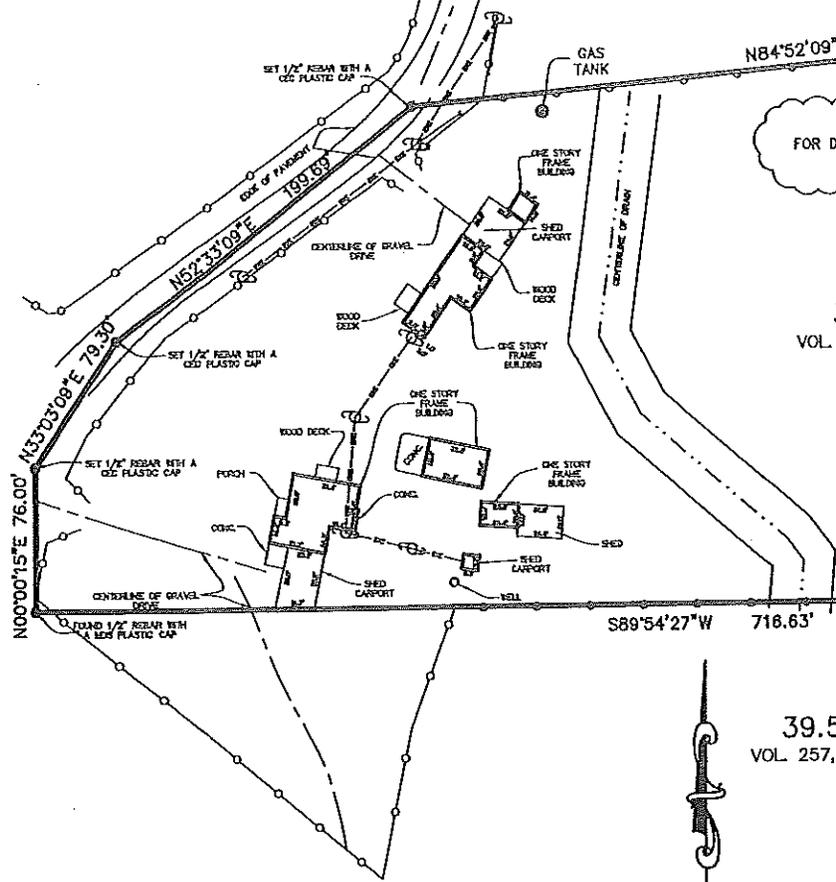
5.94 ACRES
VOL. 1222, PG. 687, O.P.R.K.C.

FOR DETAIL OF BUILDINGS
SEE SHEET 2.

3.954 ACRES
VOL. 645, PG. 227, O.P.R.K.C.

LOT 1
SHADY GROVE
VOL. 1, PG. 48

39.51 ACRES
VOL. 257, PG. 608, D.R.K.C.



NOTES:

1. BEARINGS ARE BASED ON NAD 83 TEXAS STATE PLANE COORDINATE SYSTEM (SOUTH CENTRAL ZONE 4204).
2. A LEGAL DESCRIPTION OF EVEN SURVEY DATE HEREMITH ACCOMPANIES THIS PLAT.
3. THE SQUARE FOOTAGE RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND IS SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE ACREAGE OF THE PARENT TRACT WAS TAKEN FROM THE RECORDED INSTRUMENTS IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY COMPLETED AND MONUMENTS SET: MARCH 30, 2007.
6. O.P.R.K.C. = OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS.
D.R.K.C. = DEED RECORDS OF KERR COUNTY, TEXAS.

LEGEND

- TELEPHONE PEDESTAL
- POWER POLE
- GUY WIRE
- WIRE FENCE
- OVERHEAD ELECTRIC LINE

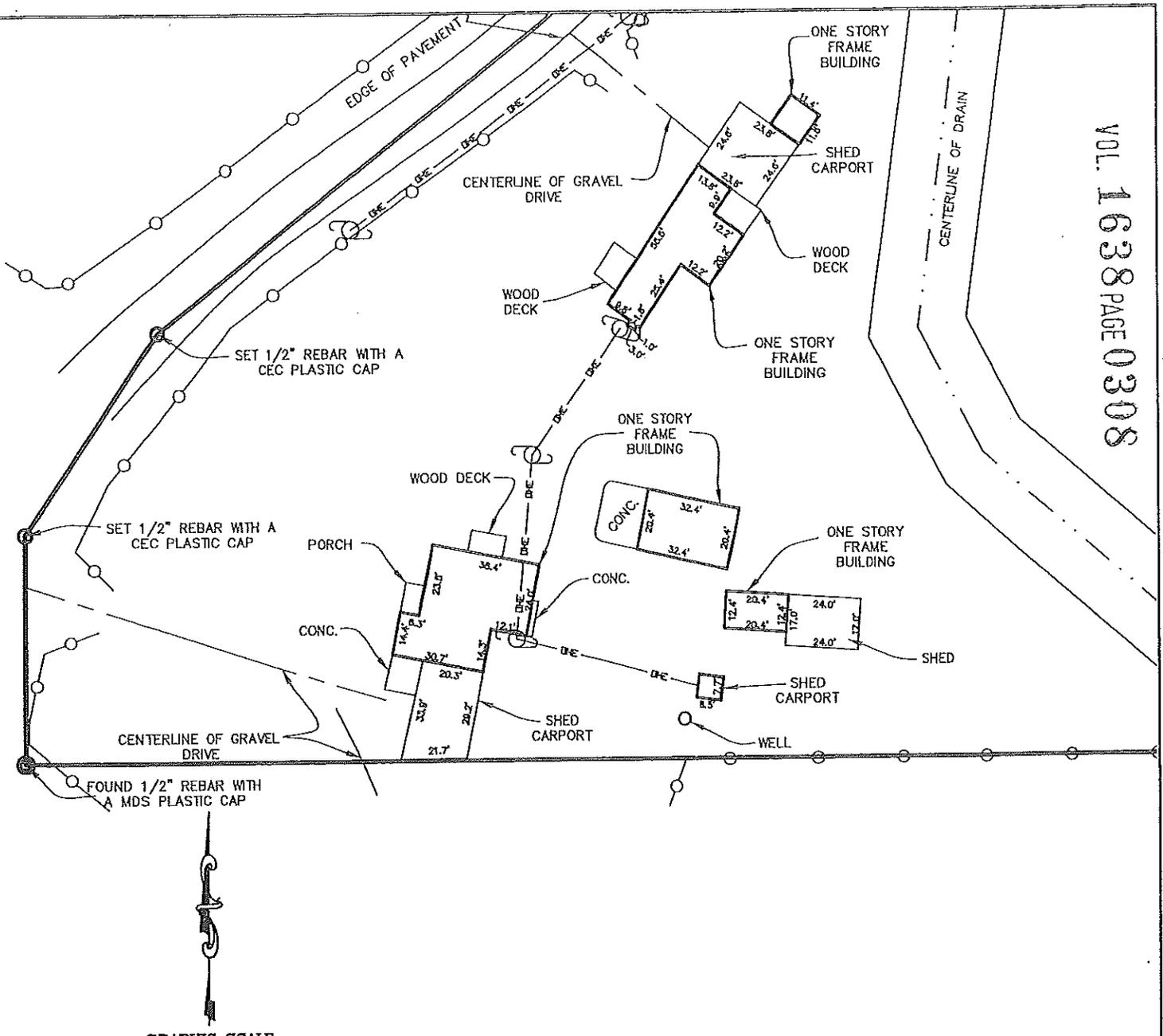
CIVIL ENGINEERING CONSULTANTS
11650 IH 10 WEST, SUITE 395
SAN ANTONIO, TEXAS (210) 641-8999

Christina Vanner
P.P.S. 3/27/07

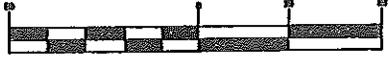
PARCEL 1		
DIST. NAME SAN ANTONIO	PLAT OF A SURVEY OF PROPERTY TEXAS DEPARTMENT OF TRANSPORTATION	COUNTY KERR
R.C.S.J. 0000-00-000	KERRVILLE AIRPORT	DATE OF SURVEY MARCH 27, 2007
TAKING: 3.954 ACRES (172,274 SQ. FT.)		
REMAINDER: 0.000 ACRES	PAGE: 1 OF 2	

EXHIBIT B

JOB NO. S0285201



GRAPHIC SCALE



NOTES:

1. BEARINGS ARE BASED ON HAD 83 TEXAS STATE PLANE COORDINATE SYSTEM (SOUTH CENTRAL ZONE 4204).
2. A LEGAL DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.
3. THE SQUARE FOOTAGE RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND IS SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE ACREAGE OF THE PARENT TRACT WAS TAKEN FROM THE RECORDED INSTRUMENTS IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY COMPLETED AND MONUMENTS SET: MARCH 30, 2007.
6. O.P.R.K.C. = OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS.
D.R. = DEED RECORDS OF KERR COUNTY, TEXAS.

LEGEND

- TELEPHONE PEDESTAL
- POWER POLE
- GUY WIRE
- WIRE FENCE
- OVERHEAD ELECTRIC LINE



CIVIL ENGINEERING CONSULTANTS
 11660 IH 10 WEST, SUITE 395
 SAN ANTONIO, TEXAS (210) 641-9999

PARCEL 1		
DIST. NAME SAN ANTONIO	PLAT OF A SURVEY OF PROPERTY TEXAS DEPARTMENT OF TRANSPORTATION	COUNTY KERR
R.C.S.J. 0000-00-000	KERRVILLE AIRPORT	DATE OF SURVEY MARCH 27, 2007
TAKING: 3.954 ACRES (172,274 SQ. FT.)		
REMAINDER: 0.00 ACRES		PAGE: 2 OF 2

Provisions herein which restrict the sale, rental or use of the described prop-
erty because of color or race is invalid and unenforceable under Federal Law.
THE STATE OF TEXAS }
COUNTY OF KERR }
I hereby certify that this instrument was FILED in the File Number Sequence
on the date and at the time stamped hereon by me and was duly RECORDED
in the Official Public Records of Kerr County, Texas on

OCT 18 2007



Janet Peiper
COUNTY CLERK, KERR COUNTY, TEXAS

RECORDER'S NOTE
AT TIME OF RECORDATION INSTRUMENT FOUND
TO BE INADEQUATE FOR BEST PHOTOGRAPHIC
REPRODUCTION DUE TO THE DEPTH & DARKNESS OF
PRINT, COLOR OF PRINT OR INK, BACKGROUND OF
PAPER, ILLEGIBILITY, CARBON OR PHOTO COPY ETC.

ANNEXATION SERVICE PLAN

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Animal Control	The provisions of animal control services shall be in effect following annexation of the property.	Immediately following annexation
Code Enforcement	The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related code requirements adopted by the City of Kerrville shall be made immediately to the area upon annexation. The preparation of a zoning plan shall serve as a basis for the zoning of land following annexation. The adoption of the zoning plan shall be in accordance with the procedures of the City of Kerrville's Zoning Ordinance.	Immediately following annexation, zoning to be concurrent with annexation
Fire Protection and Suppression	Fire protection and suppression personnel and equipment from the Kerrville Fire Department will be provided to the area as needed.	Immediately following annexation
Fire Prevention	The services of the City of Kerrville Fire Marshall shall be provided to the area.	Immediately following annexation.
Library	Future residents of the area, if any, will continue to be entitled to utilize all City of Kerrville Library facilities.	Immediately following annexation.
Parks and Recreation	City of Kerrville Parks and Recreation services will continue to be available to any area residents.	Immediately following annexation
Police Protection	Police protection personnel and equipment shall be provided to the area immediately upon annexation. Police enforcement and protection services shall be provided through regular patrol activities.	Immediately following annexation

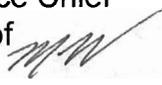
ANNEXATION SERVICE PLAN (CONTINUED)

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Public Services - Street Department	Public streets not maintained by the Texas Department of Transportation within the area shall be maintained by the City of Kerrville.	Immediately following annexation
Sanitation (Refuse Collection)	Refuse collection shall be available to any residents of the annexed area at the same costs and procedures as required of City residents and businesses.	Immediately following annexation
Traffic Engineering	Traffic control devices and street markers shall be installed where deemed necessary by the city street department, except as provided by the Texas Department of Transportation.	Immediately following annexation
Utilities (Water Distribution and Wastewater Collection)	Extension of utilities to the property shall be in accordance with the City of Kerrville's Subdivision Ordinance.	As the property develops

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

SUBJECT: Update on the Firearms Training Center

FOR AGENDA OF: January 12, 2010 **DATE SUBMITTED:** January 5, 2010

SUBMITTED BY: Kristine Ondrias  **CLEARANCES:** John Young, Police Chief
Assistant City Manager Mike Wellborn, Director of
Engineering 

EXHIBITS: Estimate of Probable Cost

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

In October 2009, the City of Kerrville engaged LNV Engineering to perform a feasibility study to review the site layout, perform geotechnical exploration, provide a TCEQ work plan and provide preliminary cost estimates for the proposed Firearms Training Center.

Based on the geotechnical exploration, the attached document gives an estimate of probable cost for the firearms training center. The numbers do not include the costs for a noise study or baffling which may be required by the noise study and for safety.

The MOU with the FBI provides for funds totaling \$1,328,000. Approximately \$500,000 in additional funds will be needed to complete the facility if the City continues to move forward.

On January 6, 2010 city staff met with representatives of the Federal Bureau of Investigations to discuss the results of the feasibility study and to determine our course of action. The FBI advised staff that their construction budget was set and did not contain additional funding.

RECOMMENDED ACTION

Without the additional funding necessary to construct this project, City staff recommends that the City Council opt out of this project and not initiate the next phase of the FTC study.

FBI FIRING RANGE

City of Kerrville's Estimate of Probable Cost

ITEM	Unit	Quantity	Unit Price	Total Price
TRAINING FACILITY BUILDING				
Building	SF	2128	\$96.00	\$204,288.00
Porch	SF	560	\$40.00	\$22,400.00
Contingency	LS			\$50,000.00
Total =				\$276,688.00
Architectural & Engineering Fees =				\$45,000.00
Total Facility Building				\$321,688.00

SITE WORK				
Parking Area	SY	2410	\$40.00	\$96,400.00
Access Road	SY	3120	\$40.00	\$124,800.00
Sidewalks	SF	4795	\$4.00	\$19,180.00
OSSF - Sewer	LS			\$25,000.00
Water	LF	1800	\$50.00	\$90,000.00
Misc Utilities	LS			\$15,000.00
Site Grading	CY	4500	\$8.00	\$36,000.00
Contingency	LS			\$100,000.00
Total =				\$506,380.00
Engineering, Surveying, & Geotechnical =				\$70,000.00
Total Site Work				\$576,380.00

Firing Range Items				
Entrapment System	LS			\$220,000.00
Target System	LS			\$160,000.00
Berms	CY	79000	\$7.00	\$553,000.00
Contingency	LS		\$0.00	\$0.00
Total =				\$933,000.00
Architectural & Engineering =				\$20,000.00
Total Firing Range Items				\$953,000.00

GRAND TOTAL ALL ITEMS COMBINED = \$1,851,068.00

Note:

- *Building Size reduced from 3000-sf to 2128-sf per 12/23/09 Meeting.
- *Building Unit Price based on estimate from LNV for a Pre Manufactured Modular Building supported directly on piers with a 24" air space above grade
- *Porch Size reduced from 664sf to 560sf per 12/23/09 Meeting.
- *Parking Area designed for 40 spaces per 12/23/09 Meeting.
- *Access Road estimated from aerial.
- *Sidewalk quantity per LNV & Unit Price based on recently bid projects.
- *Sewer estimate from LNV...requires TCEQ approval.
- *Water based on 12" from Transfer Station to Firing Range Building.
- *Misc Utilities includes LNV estimate for electrical & telephone.
- *Site Grading estimated for 2-ft of fill in paved areas including building pad.
- *Contingency for Site Work to include Drainage, additional site grading, Erosion Control, etc.
- *Entrapment System estimate is for 2 ranges per 12/23/09 Meeting.
- *Target System estimate is for 2 ranges per 12/23/09 Meeting.
- *Berm estimate based on 575-linear yards in length & 20-feet tall with a 2-ft wide top & 3:1 slopes per 12/23/09 Meeting.
- **Berm also estimated at having to import fill material...not in-situ soil material.

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

SUBJECT: Discussion and Possible Action on Development Services Community Action Team (DSCAT) recommendation concerning adoption of the International Existing Building Code

FOR AGENDA OF: January 12, 2010 **DATE SUBMITTED:** December 18, 2009

SUBMITTED BY: Kevin Coleman, Director of Development Services 

CLEARANCES: Kristine Ondrias, Assistant City Manager 

EXHIBITS: Existing Building Code Summary from Jeff Finley, Chief Building Official
Texas Cities that have Adopted the International Existing Building Code

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 DEPARTMENT:

SUMMARY STATEMENT

At its meeting on December 1, the Development Services Community Action Team (DSCAT) reviewed the IEBC and discussed its value, constraints and overall effect on the community. DSCAT, by unanimous support of a motion, recommends that Council begin/authorize the process of adoption of the 2006 IEBC. Leadership of the DSCAT will be at this meeting to discuss the committee's recommendation.

The International Existing Building Code (IEBC) meets the need for an up to date code that directly addresses the repair, alteration, addition or change in occupancy in existing buildings. Correctly administered over time, the IEBC will serve to incrementally increase the value, use, and safety of the existing building stock in the community.

The IEBC is intended to encourage the use and reuse of existing building stock, by creating a balance between the protection safety of the public and the burden of code compliance as building use changes. The IEBC creates a vehicle by which specific code compliance requirements are determined by the scope and purpose of permitted construction activity within isolated areas and systems of existing buildings.

The attachments to this agenda bill were provided to DSCAT for their review. They are presented to Council to provide an overview of the code, and to provide a list of the

cities in Texas that have chosen to adopt the IEBC, according to the ICC website.

Adoption of this code will create an opportunity to review the two other codes that have a direct effect on existing building stock. As in past code adoptions, local amendments to the base code or changes to previously adopted codes will be kept to a minimum. However to allow the IEBC to be applied to its fullest intent, some revision, deletion, and/or additions will be necessary.

The codes and sections that will be under review are as follows:

Section 50-1 of the Code of Ordinances, Construction Standards within the Fire Limits. This code section applies to a specific area of the central city core. With the adoption of the IEBC, many portions of this code section can be simplified and many redundant and antiquated parts of the code can be eliminated. A few sections will remain that specifically apply to the buildings in that high density area, but are not covered within the body of the city's other building codes.

Chapter 34 of the IBC. This code section is the Chapter of the IBC that currently deals with existing buildings. With the adoption of the IEBC, many portions of this chapter can be amended or totally deleted. Existing sections or amendments to this section can be brought forward as amendments to the IEBC upon adoption.

At this meeting, Council will receive the DSCAT recommendation and will be asked to direct staff to move forward with the adoption of the IEBC.

If given that direction, staff will move forward as follows:

- Develop recommended changes to IBC, specifically Chapter 34, to allow full implementation of the IEBC,
- Develop recommended changes to Section 50-1 of the Code of Ordinances to allow full implementation of the IEBC,
- Present draft changes for review to the Home Builders Association, the DSCAT, and the City's building trade boards for review and comment,
- Develop draft ordinances for needed changes,
- Present draft of ordinance adopting IEBC and other code amendments to the Building Board of Appeal for recommendation, and
- Present the draft ordinance to City Council for review and approval.

It is projected that Council will receive this draft ordinance within 90 days.

RECOMMENDED ACTION

Receive the DSCAT recommendation and direct staff to move forward with the adoption of the IEBC following the process outlined above.

EXISTING BUILDING CODE SUMMARY

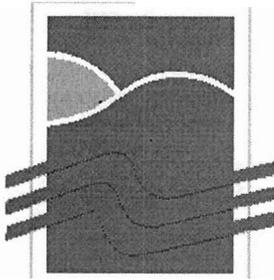
DSCAT MEETING DECEMBER 1, 2009

- This code allows the designer, owner and the code official to look at an older building and use existing features of the building that provide the same or similar life safety protection that the current code requires.
- Allows ways to save existing building architectural features.
- Provides a path to allow the use of existing building components instead of removing and replacing with newer materials.
- Requires that only the part of the building being rehabilitated be brought up to comply with the all other codes. Allows the rest of the building to be used as is except in instances of direct threat to life safety. (such as means of egress)
- Allows building to change occupancy with no required upgrades, unless new use is more intense or of higher hazard classification. Life safety hazards are still required to be corrected.
- Performance measures allowed as opposed to prescriptive measures. The ability to think outside the code box.
- Has an entire chapter set aside for performance compliance methods and formulas to prove that the methods are safe.
- Provides guidelines on fire ratings of archaic materials and assemblies that are not available today.
- The stated intent of the code is “to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare.”

**TEXAS CITIES THAT USE THE ICC EXISTING
BUILDING CODE AS OF NOVEMBER 1, 2009**

- | | |
|---------------------|--------------------|
| 1. Alamo | 27. Killeen |
| 2. Alamo Heights | 28. Lake Jackson |
| 3. Amarillo | 29. Laredo |
| 4. Baytown | 30. Leander |
| 5. Beaumont | 31. Leon Valley |
| 6. Bee Cave | 32. Lindale |
| 7. Boerne* | 33. Lorena |
| 8. Brownsville | 34. Marshall |
| 9. Brownwood | 35. McGregor |
| 10. Bryan | 36. New Braunfels* |
| 11. Burnet | 37. Pflugerville |
| 12. Cibolo | 38. Rosenberg |
| 13. Cleburne* | 39. Round Rock* |
| 14. Cleveland | 40. Saginaw |
| 15. Copperas Cove* | 41. Salado |
| 16. Dallas | 42. San Angelo |
| 17. Electra | 43. San Antonio* |
| 18. Ennis* | 44. Santa Fe |
| 19. Fredericksburg* | 45. Seguin* |
| 20. Georgetown* | 46. Shavano Park |
| 21. Goliad | 47. Sugar Land |
| 22. Grand Saline | 48. Waco |
| 23. Hutchins | 49. Waller |
| 24. Hutto* | 50. Weatherford* |
| 25. Jonestown | |
| 26. Kemah | |

* Designates a City on the list commonly used as a comparable City to Kerrville for survey purposes.



City of Kerrville
Assistant City Manager
800 Junction Hwy
Kerrville, Texas 78028
830.792.8384 (O)
Kristine.ondrias@kerrvilletx.gov

MEMORANDUM

TO: Todd Parton, City Manager

FROM: Kristine A. Ondrias, Assistant City Manager 

DATE: January 5, 2010

SUBJECT: Boardwalk Pavilion

At the direction of the City Council, staff has reviewed the numbers of the pavilion construction in the event the City chooses to take the project over. It is important to note that the numbers below do not have an inflationary factor for increasing costs of materials, so the number today may not be the number six months from today.

The following is a breakdown of the costs:

Item	Cost	Notes
Pavilion roof – standing seam	\$45,000	Materials & installation by a contractor
Decking	\$15,000	Materials only; installed by Parks
Railings	\$20,000	Materials only; installed by Parks
Parks Overtime Labor	\$5,000	
Electrical	\$10,000	Contingency & conduit only; no fixtures included
Water Meter/Plumbing	\$5,000	
Total	\$100,000	

Staff has had conversations with a local roofing contractor regarding installation of the roof. At this point it looks as if he may donate the roof labor and could possibly get the materials at a discount or donated. From previous roofing quotes staff believes the materials for the roof will cost between \$12,000 - \$18,000. Staff has told the contractor we will need to wait for City Council direction to move forward before we can finalize details.

The above cost estimate does not provide for any of the bump outs along the boardwalk. Staff has estimated those to cost approximately \$20,000 each as they require additional railings, decking, footings, etc. Adding the bump outs is certainly possible but will require a

contractor to perform the work and will change the overall cost since this work will not be able to be performed by in-house labor.

These cost estimates do not include funds for amenities or lighting. Staff anticipates a request to KPUB to fund the cost of the fixtures. Staff also assumes the site amenities will have to be added at a later date.

Staff has identified funding available in the event the City Council would like to appropriate these funds to the project. This will take a budget amendment requiring two readings of an ordinance before the funding is available to start the construction.

At this time, staff is waiting for direction prior to moving forward with canceling the CKDC contract or planning for the construction.

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

SUBJECT: Update on logo and tag line project

FOR AGENDA OF: January 12, 2010 **DATE SUBMITTED:** January 4, 2010

SUBMITTED BY: Mindy N. Wendele **CLEARANCES:** Todd Parton
Director of Business Programs **City Manager**

EXHIBITS:

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 FINANCE DIRECTOR:

SUMMARY STATEMENT

In October 2009 city council directed staff to stage a contest for a possible new tag line for the City of Kerrville. The contest would be open to anyone with an interest in describing Kerrville with the following criteria:

- Point out what makes Kerrville unique or special.
- Avoid words that are too long or difficult to pronounce or spell.
- Six words or less.
- Assigning all rights to the City of Kerrville.

The contest was launched on December 9 and completed on January 4, 2010. Staff received approximately 90 suggestions.

Along with the contest, council asked for an updated logo design to accompany the tag line.

Staff is requesting council appoint a three member committee to review the tag line entries and the logo designs. During the January 26, 2010 council meeting the top three tag lines and top two logos would be presented.

RECOMMENDED ACTION

For discussion and council appointment of three person committee to review, evaluate and recommend a tag line and logo design.

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

SUBJECT: Discussion and direction concerning proposed water conservation ordinance revisions

FOR AGENDA OF: 01/12/10

DATE SUBMITTED: 12/28/09

SUBMITTED BY: Charlie Hastings *CH* **CLEARANCES:** Todd Parton
Public Works Director City Manager

EXHIBITS: Options for days and times of watering (one page)

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *TP*

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Pursuant to the 2009 drought, lessons learned during implementation of Stage 3 of the water conservation ordinance, and Council direction, revisions are being drafted by staff to the ordinance with regards to water for dust control, exceptions for athletic fields, operation of car washes, refilling or adding water to swimming pools, provisions for spray parks, and lawn watering. The following is a summary of the suggestions:

Water for dust control – currently the use of potable water for dust control is prohibited in Stages 1-4. Staff recommends the use of potable water for dust control to be permitted only during Stage 1, during subsequent stages alternative methods such as reuse water, gravel packing, tack oil, etc. can be used.

Exception for athletic fields – currently there are no exceptions for athletic fields to irrigate outside of permitted hours. Staff recommends adding language to the ordinance to allow exceptions for athletic fields to be reviewed by the City Manager on a case by case basis. Requests for exceptions should include health and safety issues related to not watering the athletic fields, and a conservation plan outlining alternative methods of equal conservation.

Operation of car washes – currently, operation of car washes are restricted in Stage 3 to the hours of 7am to 7pm, and in Stage 4 to the hours of 8am to 5pm. Due to enforceability issues and the differences between full service and unattended car washes, staff recommends removing the restriction from Stage 3 (car wash operation is restricted to the hours of 7am to 7pm) and placing it on Stage 4.

Refilling or adding water to swimming pools – currently, filling, refilling, or adding water to swimming pools, wading pools, and Jacuzzis-type pools is prohibited in both Stages 3 and 4. Pools are widely used for medical rehabilitation, and the amount of water it takes to keep most pools full is insignificant. In addition, prohibiting pools from adding water and allowing them to drain may cause permanent damage. Staff recommends removing the prohibition from Stage 3 and reserving it only for Stage 4.

Spray parks – currently there is no definition for spray parks in the ordinance. Kerrville has plans to construct several spray parks in the near future. Spray parks are used primarily for recreation with no known medical value. Staff recommends a definition for spray parks be added to the ordinance and their operation prohibited in Stages 3 and 4.

Lawn watering – currently landscape watering with a hose-end sprinkler or automatic irrigation system is prohibited in Stages 3 and 4. Option 1 is to make no changes to the ordinance. Option 2 is to lower the trigger for Stage 3 from 95% to 90% of safe operating capacity and add one day a week of watering for Stage 3 only (i.e. Tuesdays from 6am-8am and 7pm-9pm for odd numbered street addresses, and Wednesdays for even numbered addresses). Option 3 is to add a new Stage 5, redefine the previous stages, and limit landscape watering to one day a week for all stages but at different times as shown in the attached tables.

Option 3 was considered after reviewing water conservation ordinances in other cities (it is very similar to San Antonio) and offers the biggest window of time for watering to occur, has the least amount of impact on our water system in terms of peak water usage, allows for deep root watering, and encourages owners to plant native, drought-resistant vegetation that can survive on less than once-a-week watering thus conserving water for emergencies and growth.

Below is a summary of the number of hours per week allowed for automatic irrigation and sprinkler watering in the various stages of each option:

Option 1 – 12 hours (Stage 1), 8 hours (Stage 2), 0 hours (Stage 3)

Option 2 – 12 hours (Stage 1), 8 hours (Stage 2), 4 hours (Stage 3)

Option 3 – 15 hours (Stage 1), 10 hours (Stage 2), 5 hours (Stage 3)

RECOMMENDED ACTION

The Public Works Director recommends that Council direct staff to prepare an ordinance addressing water conservation and the operation of car washes, refilling of swimming pools, provisions for the operation of spray parks, and adjustments to lawn watering schedules as directed.

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

SUBJECT: Status report on progress of the zoning ordinance input committee's review of the zoning ordinance.

FOR AGENDA OF: January 12, 2010 **DATE SUBMITTED:** January 07, 2010

SUBMITTED BY: Kevin Coleman, Director of Development Services 

CLEARANCES: Kristine Ondrias, Assistant City Manager 

EXHIBITS:

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 DEPARTMENT:

In June of 2009, the City Council approved a three step process to guide the work of the Zoning Input Ordinance Committee (ZOIC) review of the City's zoning ordinance.

The following is presented as an overview of the progress of ZOIC in that effort.

Step One – Address Legal and Performance Issues of Existing Ordinance

The first step in the ZOIC process is to identify needed changes in the existing ordinance that will correct some of the most immediate weaknesses of that ordinance.

The Committee has completed its review and has forwarded draft revisions to the City Attorney for review. The Attorney's office review is nearing completion. Upon completion of City Attorney review, any needed changes will be forwarded to the ZOIC for its review. Once accepted by ZOIC, those amendments will be presented to the Planning and Zoning Commission. Upon Planning and Zoning Commission review, these changes will be brought forward as amendments to the existing ordinance.

Step Two – Correct Baseline Zoning

The second, and largest part, in the ZOIC process is to correct the baseline zoning of the city. The Committee is proceeding within the context of the City's Comprehensive Plan.

The Comprehensive Plan outlines the following goals:

- To focus on simplifying and consolidating the multitude of zoning districts in the existing ordinance to the minimum number needed to regulate residential, commercial and industrial uses into logical base zoning districts;
- To identify those areas where an overlay district can be used to enhance and/or protect special features of specific areas through additional development restrictions;
- To reconstruct the ordinance to present these changes in a logical and understandable format.

The committee's initial efforts have been directed at two fronts.

Base Zoning Districts in the Central City

Using the information generated from the recent land use survey completed by the LCRA Community and Economic Development Team, ZOIC has established the boundaries of a draft Central Business District (CBD) Zoning District. The draft CBD essentially combines the existing C18 district with appropriate parts of the existing C11 and C12 districts to create a unique geographic area that reflects a commonality of existing commercial uses. The draft district reflects an area generally accepted as a unique core commercial area for the community.

Land Use Chart Revisions

Using industry classification in the National American Industry Classification System (NAICS) as a foundation, ZOIC has started a new land use chart for a new zoning code. The NAICS is the standard used by Federal statistical agencies in classifying business establishments of all types. ZOIC has proposed its use as a basis for the land use charts as a defensible, understandable and comprehensive resource to classify use groups in commercial and industrial districts.

Step Three – Revise Remaining Portions of the Ordinance

The Committee has not started this phase of the project.

Future Progress Plan of the Committee

The Committee plans to move forward as follows:

- Present key changes in the existing ordinance, identified in step one, for adoption.
- Revise the zoning districts in the balance of the Central City area, combining areas of common use types into cohesive draft districts.
- Determine uniqueness of those draft districts against similar areas outside of Central City.

- Redraft commercial-industrial land use chart based on NAICS types.
- Apply draft land use charts to those districts within Central City that are determined unique to Central City.

Bring forth for adoption the rezoning of those districts unique to the Central City for adoption, correcting the baseline zoning of those areas.

- Provide the City Council a status report on Committee action identifying any resources needed as the Committee addresses rezoning in the rest of the City.

RECOMMENDED ACTION

Council should review the information presented and provide direction as appropriate.

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

SUBJECT: Update on negotiations with county regarding development standards in the city's extraterritorial jurisdiction.

FOR AGENDA OF: January 12, 2010 **DATE SUBMITTED:** January 7, 2010

SUBMITTED BY: Kevin Coleman, Director of Development Services *kc*

CLEARANCES: Kristine Ondrias, Assistant City Manager *KO*

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *K*

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

BACKGROUND

Subsequent to its joint meeting with the Kerr County Commissioners Court in July of last year, the City Council appointed Councilmember Motheral as the sole city representative to continue to meet with a representative of Kerr County (Commissioner Letz). Their charge is to develop the basis of an Interlocal Agreement satisfying Section 242 of the Local Government Code, with the purpose of an Interlocal Agreement is to establish the plat approval authority in the ETJ.

Councilmember Motheral and County Commissioner Letz have been working toward a "blended standard" to guide platting and development in the ETJ. The blended standard is meant to reflect a blend of design standards of both jurisdictions, while protecting the unique needs and responsibilities of each jurisdiction. Settlement on this blended standard will set the stage for the development of an Interlocal Agreement.

CURRENT STATUS

Though not complete, Councilmember Motheral and Commissioner Letz have settled on the basics of a blended standard. Throughout the process, city staff has been reviewing the various versions of this standard to help provide technical assistance and input to Councilmember Motheral in his continuing conversations with the County. Councilmember Motheral is completing a draft ordinance with these blended standards to be adopted as an alternative to adopting these ETJ standards within the City of Kerrville's existing subdivision ordinance. If adopted, this ETJ subdivision ordinance

would guide the platting process and requirements within the ETJ, while a separate subdivision ordinance would guide development within the city.

NEXT STEPS

Finalize agreement between Councilmember Motheral and Commissioner Letz regarding the "blended standards" to apply to new developments in the ETJ.

Develop and approve an Interlocal Agreement between the city and the county. Within an addendum to that agreement the elements of the blended standards finalized above should be itemized and adopted.

Develop a complete and legally conforming ETJ subdivision ordinance incorporating the blended standard and addressing weaknesses in the existing ordinance.

Present an ETJ ordinance through a public vetting process including the Kerr County Commissioners Court, the development community, the City's Planning and Zoning Commission, followed by City Council review and adoption.

Revise the primary subdivision ordinance as needed to match the new ETJ subdivision ordinance in form and legal conformance.

RECOMMENDED ACTION

Council should review the issue as presented by staff and provide direction as appropriate.

**BUSINESS OF THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Appointment to the Library Advisory Board

FOR AGENDA OF: January 12, 2010 **DATE SUBMITTED:** January 5, 2010

SUBMITTED BY: Brenda Craig *BC* **CLEARANCES:**
City Secretary

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *[Signature]*

SUMMARY STATEMENT

Consider appointment to the following board:

Library Advisory Board: One term expired November 22, 2009: Diana K. Martin.

RECOMMENDED ACTION

Consider appointment.

LIBRARY ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
** LIPSCOMB, DAVID Chair 909 Lake Drive	895-4232 (H)	11-22-05	11-13-07	11-22-10
* HAYES, KAY Vice-Chair Box 1004 Center Point 78010	257-2122 (O) 634-2152 (H)	10-11-05	11-13-07	11-22-10
*** DOBIE, JIM 211 South Spanish Oak Trail	792-6583 (H)	10-22-07		11-22-10
** GROSS, SCOTT City Council, Place 3 2908 Dry Hollow PO Box 291277	792-5555 (O) 210-363-1144 (C)	05-23-06		
** MARTIN, DIANA K. 3931 Kite Ct.	896-3300 (H)	03-10-09		11-22-09
* MOSELEY, JANET 151 Bluff Hill Rd., Hunt, Texas 78024	238-4436 (H)	07-09-07	12-08-08	11-22-11
* OEHLER, BRUCE County Commissioner, Pct 4 Kerr County Courthouse 700 Main St.	792-2217 (O)	01-08-07		

CITY STAFF:

Antonio Martinez 792-8320 (O)
800 Junction Highway

Qualifications: One board member shall be a member of the Kerrville City Council; one board member shall be a member of the Kerr County Commissioners Court; two at-large board members appointed by the city council; two at-large board members appointed by the commissioners court; one board member appointed by The Friends of the Library shall be a member of that group.

Powers and Duties: - May hold hearings and consider and make recommendations to the city council and county commissioners court in writing pertaining to the library system.
- Perform the following duties: (1) Initiate and support policies, programs, and planning for the advancement of the library; (2) Communicate the needs of the citizens of the city and county to the director of the library and the library staff; (3) Inform the public about library services available; (4) Evaluate progress of specific library activities; (5) Provide input to city manager during the selection process for a director of the library; (6) Develop and submit to the city council and commissioners court a proposed annual budget for the library, based on information provided to the board by the library director.

- On or before June 30 of each year, the board shall present a proposed operational expense budget for the next fiscal year to the commissioners' court and the city council, including a forecast of fines and fees to be collected by the library. The proposed budget will comply with the provisions of the interlocal agreement.
- May recommend that persons who have provided long and valuable service and support to the library be appointed by the city and county as life members of the "honorary library advisory panel" which may provide advice and assistance to the board as agreed upon between the board and the advisory panel, but in no event will this panel have the duties or obligations delegated to the library advisory board.

Term of Office: Three years with a maximum of two consecutive terms

Quorum: Four members

Number of Members: Seven members

Meeting Time & Place: Third Tuesday of Every Month; 4:00 pm – 5:00 pm; City Council Chambers

Absences: Any member having three consecutive unexcused absences shall have his membership reviewed by the board. By majority vote, the board may recommend to the appointing entity that such member be removed from office. The political entity that originally made the appointment shall fill the vacancy for the remainder of the unexpired term.

Established by: Ordinance No. 1967-17; amended by Ordinance Nos. 80-5, 84-14, 84-58, 85-01, 87-24, 87-60, 87-61, and 2005-19 (in its entirety); Resolution Nos. 045-2006, 107-2006, 076-2007, and 122-2007 did not change this board.
Code of Ordinances: Chapter 66 - Article II – Sections 66-31 through 66-34

Revised: December 31, 2009

- * Appointed by Kerr County Commissioners Court – voting member
- ** Appointed by Kerrville City Council – voting member
- *** Appointed by Friends of the Butt-Holdsworth Memorial Library

**BUSINESS OF THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Appointments to the Planning and Zoning Commission

FOR AGENDA OF: January 12, 2010 **DATE SUBMITTED:** January 5, 2010

SUBMITTED BY: Brenda G. Craig
City Secretary *BL* **CLEARANCES:**

EXHIBITS: P&Z Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *RP*

SUMMARY STATEMENT

Consider appointments to the following board:

Planning and Zoning Commission: Two terms expired on January 1, 2010: Harold Buell and George Hager.

RECOMMENDED ACTION

Consider appointments.

PLANNING AND ZONING COMMISSION

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
PHILLIPS, ANDY Chairperson P.O. Box 291697	257-8989 (O) 895-2314 (H)	01-24-06	12-09-08	1-01-11
KESSLER, JAMES Vice-Chairperson 131 Homestead	895-7831 (H)	04-12-05	01-08-08	1-01-11
BUELL, HAROLD 1214 Jack Dr.	896-0114 (O) 895-2444 (H)	01-09-07		1-01-10
HAGER, GEORGE WILLIAM 520 Lois	459-8989 (O) 896-3511 (H)	05-08-07		1-01-10
MACDONALD, JUSTIN 2951 Fall Creek Road	257-5323 (O) 896-4821 (H)	06-24-08	12-09-08	1-01-11

ALTERNATES:

WATTERSON, DAVID 133 W. Water Street	895-4448 (O) 377-6400 (H)	10-14-08		1-01-11
ALLEN, ELWYNN GENE 2106 Vista Ridge Dr.	895-5111 (O) 792-4651 (H)	10-14-08		1-01-12

COUNCIL LIAISON:
Bruce Motheral
812A Sidney Baker
257-6360 (O)

CITY STAFF:
Gordon Browning
Senior Planner
792-8350 (O)

Qualifications: At least four of the regular members shall be residents and eligible voters of the city; one regular member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County. At least one alternate member shall be a resident and eligible voter of the city; one alternate member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County.

- Powers and Duties:
1. Shall formulate and recommend to the city council for adoption a Comprehensive Plan for the orderly growth and development of the city and its environs. On a yearly basis the commission shall review and if necessary recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the city.
 2. Shall formulate a zoning plan (ordinance) as may be deemed best to carry out the goals of the Comprehensive Plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in state law.
 3. Shall exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as set out by state law and the city's subdivision regulations.

4. Shall initiate for consideration at public hearings, proposals for the original zoning of annexed areas or for the change of zoning district boundaries on an area wide basis.
5. Shall consider and take appropriate action, upon written request, variances as prescribed to the city's subdivision and sign regulations.
6. Shall from time to time recommend such changes to the subdivision regulations, sign regulations, and any other ordinance the city council assigns to their review that will facilitate the general health, safety and welfare of the citizens of the city.

Term of Office: Two years. No regular member shall serve more than three consecutive full terms on the Commission without having at least one full year off the Commission between terms.

Quorum: Three (may include an alternate member but only where substitution for and acting as a regular member)

Number of Members: Five regular members and two alternates.

Meeting Time & Place: First and third Thursdays, 4:30 p.m., City Hall

Absences: Any member who is absent from twenty-five percent (25%) of the board's regular meetings during any twelve (12) month period, or who is absent from any three (3) consecutive regular meetings, shall be considered for removal by the city council. The staff member has the responsibility of reporting a member's non-attendance to the city council in writing, and the city secretary shall notify the board member in writing that their non-attendance has been reported to the city council. However, a member whose absences are directly related to a medical or family emergency may seek consideration from the board upon which they serve to qualify such absences as excused.

Established by: Minutes of 12-18-44 Council meeting; amended by Ordinance Nos. 1979-37, 1987-24, and 2008-24 (which deleted from Code of Ordinances book Chapter 82 – Article II – Sections 82-31 through 82-36 and rolled into Zoning Code which is not codified)

Revised: June 9, 2009