

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, APRIL 23, 2013, 6:00 P.M.

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, APRIL 23, 2013, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION offered by Pastor James Wilson of the Kerrville Christian Center Church.

PLEDGE OF ALLEGIANCE TO THE FLAG led by Cadet Airman 1st Class Charles Scott Shofner, of the Tivy High School Air Force Junior Reserve Officer Training Corp.

Those in attendance may stand if they wish.

1. VISITORS/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the city secretary. City Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers will be limited to the first ten speakers and each speaker is limited to four minutes.

2. AWARDS AND PRESENTATIONS:

2A. Proclamation proclaiming the month of May as Williams Syndrome Awareness Month.

2B. Resolution of Commendation to Jim Gardner and Diane McMahon for serving on the parks and recreation advisory board. (staff)

3. CONSENT AGENDA:

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

3A. Minutes of the regular City Council meetings held February 26, March 12, and March 26, 2013. (staff)

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

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time, April 19, 2013 at 4:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

3B. Professional services agreement with Public Sector Personnel Consultants to conduct a formal classification and compensation study, to include health and fringe benefits, in an amount not to exceed \$33,000. (staff)

3C. Contract between the City of Kerrville, Texas and Kerrville Convention & Visitors Bureau, Inc. for convention and tourism promotion services. (staff)

3D. Request from Kerrville Area Chamber of Commerce for additional in-kind police and fire/EMS from the City for the 3rd Annual Kerrfest event in the additional amount of \$890.00. (staff)

3E. A Resolution adopting a Road Naming and Addressing Policy and Procedures. (staff)

END OF CONSENT AGENDA

4. PUBLIC HEARING AND RESOLUTION:

4A. A Resolution granting a Conditional Use Permit for an approximate .25 acre tract of land located on the southern 105 feet of lot 1, block 1 of the Vetterville Subdivision, within the City of Kerrville, Texas, and otherwise known as 1912-A Junction Highway; said tract is located within the W-3 zoning district; by permitting said property to be used for "vehicle sales/service-used"; making said permit subject to certain conditions and restrictions contained herein. (staff)

5. ORDINANCE, SECOND AND FINAL READING:

5A. An Ordinance amending Chapter 30 "Businesses" of the city's code of ordinances by adopting a new Article I "Group Homes and Boarding Home Facilities"; establishing registration, permitting, and inspection of group homes and boarding home facilities; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

6. CONSIDERATION AND POSSIBLE ACTION:

6A. A Resolution amending the City of Kerrville fee schedule by adding fees for the permitting of boarding home facilities. (staff)

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

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Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

6B. Request to allow a property at 2262 Bandera Highway (State Highway 173) to connect to city water and sanitary sewer services prior to the completion of the annexation process. (Councilmember Conklin)

6C. Proposal by C & W Manhattan Associates for the City of Kerrville to lease 50 parking spaces on the property located at 741 Water Street (former Bank of America building). (staff)

6D. Purchase of new aerial platform fire truck to replace the City's 23-year old unit in FY2014. (staff)

6E. Pending legislation from the 83rd Texas Legislature, regular session. (staff)

7. INFORMATION AND DISCUSSION

7A. Report on Kerr Economic Development Corporation activities. (staff)

7B. Economic update. (staff)

8. ITEMS FOR FUTURE AGENDAS

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

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

10. EXECUTIVE SESSION:

City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above including if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code, including the following matters:

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Sections 551.071 and 551.072:

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

- Jefferson Street lift station
- G Street sewer project
- River Trail

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

12. ADJOURNMENT.

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

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time, April 19, 2013 at 4:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

Agenda Item:

2A. Proclamation proclaiming the month of May as Williams Syndrome Awareness Month.



City of Kerrville

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PROCLAMATION

WHEREAS, Williams Syndrome is a rare genetic condition that is present at birth, affects more than 25,000 individuals in the United States, and is characterized by lifelong medical problems, including cardiovascular disease, developmental delays, and learning disabilities; and

WHEREAS, The Williams Syndrome Association (WSA) founded in 1982, is a non-profit organization and the most comprehensive resource for people and families living with Williams Syndrome as well as for doctors, researchers and educators. Through its efforts, from raising public awareness, to funding critical new research, and providing valuable information and support to families, the WSA has improved the quality of life and futures of those affected by Williams Syndrome; and

WHEREAS, To generate awareness about Williams Syndrome and raise funding for critical WSA programs and initiatives, the WSA has organized WS Awareness Month which includes the Walk for Williams and will encompass 45 walks across 30 states;

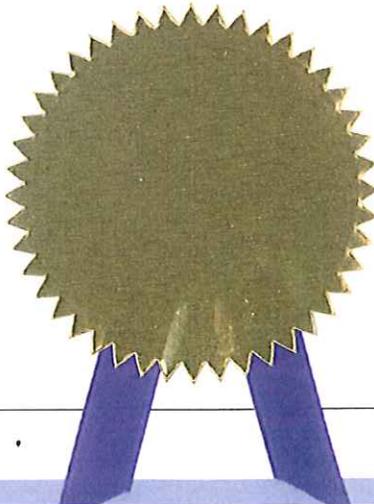
NOW, THEREFORE, I, Jack Pratt, Mayor of the City of Kerrville, Texas, do hereby proclaim May 1-31, 2013 to be:

“WILLIAMS SYNDROME AWARENESS MONTH”

In the City of Kerrville and urge our fellow citizens to recognize that the Williams Syndrome Association and the families and friends of those with Williams should be commended for their hard work, compassion, and courage for educating the country about this rare disorder.

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 _____, 2013.

Jack Pratt, Jr., Mayor



Agenda Item:

2B. Resolution of Commendation to Jim Gardner and Diane McMahon for serving on the parks and recreation advisory board. (staff)



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RESOLUTION AND COMMENDATION

WHEREAS, JIM GARDNER has served as a member of the Parks and Recreation Advisory Board with the date of service beginning April 14, 2009 and

WHEREAS, JIM GARDNER has served faithfully and dutifully on said board;

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

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

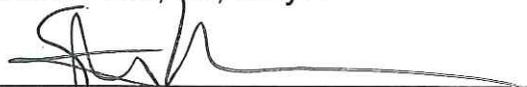
PASSED AND APPROVED, this the 23rd day of April, 2013.

ATTEST:


Brenda G. Craig, City Secretary

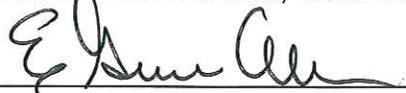



Jack Pratt, Jr., Mayor


Stacie Keeble, Mayor Pro Tem


Carson Conklin, Councilmember


T. Justin MacDonald, Councilmember


E. Gene Allen, Councilmember



City of Kerrville

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RESOLUTION AND COMMENDATION

WHEREAS, DIANE MCMAHON has served as a member of the Parks and Recreation Advisory Board with the date of service beginning April 14, 2009 and

WHEREAS, DIANE MCMAHON has served faithfully and dutifully on said board;

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

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

PASSED AND APPROVED, this the 23rd day of April, 2013.

ATTEST:

Brenda G. Craig
Brenda G. Craig, City Secretary



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

Stacie Keeble
Stacie Keeble, Mayor Pro Tem

Carson Conklin
Carson Conklin, Councilmember

T. Justin MacDonald
T. Justin MacDonald, Councilmember

E. Gene Allen
E. Gene Allen, Councilmember

Agenda Item:

3A. Minutes of the regular City Council meetings held February 26, March 12, and March 26, 2013. (staff)

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
FEBRUARY 26, 2013

The February 26, 2013, Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Pratt in the city hall council chambers at 701 Main Street. The invocation was offered by Eldon Sheffer, Director of Church Relations at Schreiner University, followed by the Pledge of Allegiance led by Cadet 2nd Lieutenant Brianna Jones of the Tivy High School Junior Reserve Officer Training Corp.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Stacie Keeble	Mayor Pro Tem
Gene Allen	Councilmember
Carson Conklin	Councilmember
Justin MacDonald	Councilmember

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Charvy Tork	Director of Information Technology Systems
Mike Erwin	Director of Finance
Kim Meismer	Director of General Operations
Robert Ojeda	Fire Chief
John Young	Police Chief
Jason Lutz	City Planner
Charlie Hastings	Director of Public Works
Heather Stebbins	Assistant City Attorney
Ashlea Boyle	Special Projects Coordinator

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

1. VISITORS/CITIZENS FORUM

1A. Benjamin Jean, student at Schreiner University, noted 27 million people were enslaved in child labor and human trafficking. He discussed a series of local events sponsored RSO Shine, that would raise awareness about modern slavery and raise support for the Stand for Freedom campaign.

2. RECOGNITION AND COMMENDATIONS:

2A. Proclamation recognizing Mt. Olive Baptist Church for receiving an historic plaque in honor of their 112th birthday. Presented to Pastor Noah Diggs and members of the congregation.

- 2B. Resolutions of Commendation to William Morgan and Joe Rogers for service on the Zoning Board of Adjustment.
- 2C. Resolutions of Commendation to Robbie Crocker, Jacques Duhr, and Melissa Southern for service on the food service advisory board.
- 2D. Resolution of Commendation to Lee Fry for service on the main street advisory board.
- 2E. Resolution of Commendation to James Kessler for service on the planning and zoning commission.
- 2F. Recognition of the 2013 EMS Person of the Year award to Paramedic Misty Gordon.
- 2G. Recognition of the 2013 Firefighter of the Year award to Lieutenant/ Paramedic Mark Dunning.
- 2H. Recognition of the 2013 Officer of the Year award: Investigator Jeffrey Purvis – Police Commendation award.
- 2I. Presentation of the Life Saving Award to Police Officer Ryan Cockrell.
- 2J. Presentation to Scott Loveland, Assistant Water and Wastewater Manager, for successfully obtaining a Class A water license from the State of Texas.
- 2K. Presentation to Donovan Banta, water reclamation superintendent, for successfully obtaining a Class A wastewater license from the State of Texas.
- 2L. Recognition of EMS Billing Specialist Cyndy Zachry and EMS billing clerk Shelby Collier for becoming certified ambulance coders (CAC) by the National Academy of Ambulance Coding.

3. PRESENTATIONS:

- 3A. Presentation by Bob Treacy, Gallagher Benefits Services, on the Patient Protection and Affordable Care Act of 2010.

Mr. Treacy, the consultant hired to manage the city's benefits plan, reviewed the provisions, penalties, and timelines associated with the PPACA. He noted that the city's existing health insurance plan was compliant with the act, and the city nor its employees would be penalized. The current city plan cost about \$6,500 annually per employee, and there should not be any additional impact on the city's budget due to PPACA.

4. CONSENT AGENDA:

Ms. Keeble moved for approval of items 4A through 4H; Mr. MacDonald seconded the motion and it passed 5-0:

- 4A. Minutes of the regular meeting held on January 8, 2013.

- 4B. Interlocal agreement with the 198th Judicial District, District Attorney for the disposition of forfeited contraband seized under Chapter 59, Texas Code of Criminal Procedure.
- 4C. Resolution No. 08-2013 authorizing the director of parks and recreation and the director of golf/tennis to negotiate specific fees for use of parks and other city facilities.
- 4D. Resolution No. 07-2013 supporting the application of Communities for Veterans to construct low income rental housing pursuant to the low income housing tax credit program administered by the Texas Department of Housing and Community Affairs.
- 4E. A professional services agreement with Peter Lewis Architect + Associates, PLLC for design of the renovation and expansion of the central fire station in an amount not to exceed \$56,900.00.
- 4F. Non-exclusive license agreement between the City of Kerrville and Texas Hill Country Senior Softball League for use of the city's softball fields.
- 4G. Purchase of a dump truck from Freightliner of Austin in the amount of \$80,459.00.
- 4H. Tennis professional agreement between the City of Kerrville, Texas and Jess Asper.

END OF CONSENT AGENDA

5. PUBLIC HEARING AND ORDINANCE, FIRST READING:

5A. An ordinance amending Article 10-IV-1 of the City of Kerrville Subdivision Code, commonly referred to as the city's "Subdivision Regulations", by amending Section 10-IV-1(B)(2)(D) of said regulations to address nonconforming lots; containing a cumulative clause; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters related thereto. Mayor Pratt read the ordinance by title only.

Mr. Lutz noted the ordinance would address the issue of existing non-conforming lots by changing the date in the ordinance from January 1, 1981, to the effective date of passage of this ordinance. There were no changes since first reading.

Mayor Pratt declared the public hearing open at 7:36 p.m.; no one spoke, and Mayor Pratt closed the public hearing at 7:36 p.m.

Mr. MacDonald moved to approve the ordinance on first reading; Mr. Conklin seconded the motion and it passed 5-0.

6. ORDINANCE, FIRST READING:

6A. An ordinance amending Chapter 30 "Businesses" of the City's Code of Ordinances by adopting a new Article I "Group Homes and Boarding Home Facilities"; establishing registration, permitting, and inspection of group homes and boarding home facilities; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. Mayor Pratt read the ordinance by title only.

Mr. Hayes noted the ordinance would establish regulations for group homes that were not licensed and regulated by the state. The city had received complaints regarding the safety of citizens and the protection of residential property, particularly when homes with group living arrangements moved into single family residential areas. The proposed ordinance did not prohibit group homes in single family areas, but allowed an appeals process whereby group homes could be accommodated. Per council's previous discussion, a grandfather provision regarding spacing requirements was added; and health and safety requirements, as copied from state law, had been removed from the ordinance.

The following persons spoke:

1. Shelby Rene Dickiman stated that people living in sober living homes (SLH) were trying to be productive to society and they deserved to be allowed to live there. The home she was in had ten people and not everyone had a vehicle.

2. Dr. Valerie Greenberg spoke about her daughter who graduated with honors, but then fell into the wrong crowd. She enrolled her daughter in La Hacienda and saw improvement and now has hope. She had not thought about disabled homes operating as a business and mixed in with residential homes, but kids deserved an opportunity and a place to learn. The home she was experienced with was a social-service type organization and residents had supervision.

3. Cody Leicht said he operated a SLH on Loop 13 and discussed concerns about the ordinance: 1) Did not clearly define a SLH; it is not a boarding house. 2) The 8 person capacity was unreasonable; larger homes should be allowed higher capacity; SLH cannot be sustained financially with only 8 people; the goal was to be of service, but SLH had to make a profit. 3) Parking limit of one vehicle per bedroom was too restrictive, should be 1.5 vehicles per bedroom. 4) Cost of permit and annual inspection was not stated. People who were discharged from local treatment centers will live in Kerrville, and without any structure or accountability, they have little chance of success and opportunity for recovery. He operated one SLH in Ingram with 28 residents living in three separate buildings. He was concerned about having to have inspections and paying fees.

Council noted, for example, that single family residential areas were not designed to serve 28 residents in one home; such facilities were more appropriate in multi-family or commercial areas. The industry standard for multi-living units was two persons per bedroom.

4. Becky Babb stated she operated a group home in a 3100 sq. ft. six bedroom house, with 15 occupants including manager and staff. She asked if existing, established operations could apply for a variance to exceed the 8 person capacity.

Ms. Stebbins noted that the time frame for compliance was six months, and people would not be asked to leave their home while the variance was being considered. Mr. Hayes noted there was a variance process stated in the

ordinance. He noted the grandfathering clause as currently written only applied to the 1/2 mile spacing; however, the grandfathering clause could be broadened to cover other aspects. The city would work through situations where homes were already in operation so existing residents would not be asked to leave.

5. Carolyn Pyealt stated she had six women in her home, and she only allows sober people to live in her home. People want to live in a single family environment; it was about family atmosphere.

6. Dan Ingles, went through a SLH and he manages one now with 13 people in seven bedrooms. The goal is to build families and try to help people change. The city should not put parameters around what can be done to help people. If the city limits the number of persons per home, it would only result in more houses being established. He opined that all people living in SLH would help neighbors any way they could.

7. Robert Hull stated he was the new manager of the SLH at 617 East Lane; with 13 residents in seven bedrooms, and only 6 or 7 vehicles. SLH provided a strong foundation and gave people hope to improve themselves and be productive in society. The ordinance regulations, especially the capacity limit, would break up those homes already in place and result in more SLH. He tried to talk with neighbors, but had not reached common agreement. He said if there was any problem at his location, contact him and he would get it corrected. He wanted a safe environment for his residents as well as the neighbors. They wanted to continue to operate the SHL at this location.

Council noted the number of vehicles fit within the parameters stated in the ordinance, one vehicle per bedroom. Also, this SLH was one of the SLH that had created the most complaints from neighbors, and the council continued to receive complaints.

8. Cheryl Auduburn, owner of the SLH home at 517 East Lane, admitted she should have known more about what conditions were going on and that police officers had been there a few times. She had tried to communicate with neighbors and make changes to address the issues, for example, if residents do not have good behavior, they were asked to leave; and there was a curfew in place now so people are not coming and going all hours of the night.

9. Bobby Templeton stated the SLH on East Lane was a tremendously bad situation several months ago; he knew of seven times that the police had been there; he cited foul language, horrible traffic, bad driving, and behavior issues with residents. At any time there may be 12 vehicles parked at the home and in the street, at it varied from 6 a.m. throughout the day; he opined that was too many vehicles for one house. He noted some improvement in the last six weeks; he attributed that, and the change in management, to the council's involvement and consideration of regulations. He did not have any issue with people's past or recovery efforts, SLH served a need and should not be

eliminated; however, the issue was that the residents' behavior created problems for the neighborhood. There should be a balance between the rights of SLH to operate and the rights of homeowners in single family neighborhoods, and the proposed ordinance and regulations provided a very good balance. SLH were being allowed to operate as businesses and turning residential neighborhoods into dormitories without any behavior controls, traffic, number of vehicles, etc. The city must act because there is no federal, state, or county regulations for SLH, and SLH do not regulate themselves.

10. Mike Bowlby stated he had visited with people in the SLH on East Lane, and they were all fine people and trying to be better, but the problem was the issues that SLH created, e.g. behavior, safety, and traffic. He was in favor of the ordinance and opined that SLH do not mix well in residential neighborhoods without some regulations.

11. Sam Ligon supported the ordinance and had issues with group homes and multi-living environments in single family residential areas. He purchased his home in a neighborhood designated for single families, and he anticipated that the city would honor the regulations for such. Now, the city was being asked to violate city codes and zoning regulations that violated homeowners' expectations. He also noted a large mobile home trailer that was allowed to park indefinitely in his neighbor's front yard. He questioned how people were allowed to invade a single family area under different rules without any recourse for homeowners. He was not suggesting anyone be denied a clean, safe environment to live in; however, the city should honor the commitments to homeowners and work within established zoning laws. He was in favor of SLH in residential areas, but only if they were well-managed and operated within the regulations stated in the ordinance.

12. Ann Darnell stated that recovery was a really good thing and congratulated people for their accomplishments. SLH were successful, did awesome work, provided invaluable service and she was totally in favor of people having support and a safe place to live while in recovery, but realistically, 13 people in one home created problems for the neighborhood. Homeowners made significant investments when they purchased their homes and homeowners had rights also. She purchased her home with the understanding that it was in a single family residential neighborhood. She supported the 1/2 mile spacing requirement so there would not be so many close together. The work accomplished in SLH was awesome but single family neighborhoods were the wrong location; however, regulations and accountability of managers could help alleviate problems.

13. Julian Arney, resident and assistant manager of a local SLH, noted that people needed the opportunity and support to try to get their lives back together. People need a clean and sober environment when they come from a treatment center. She opined that SLH clearly did not operate for a profit; rent was typically very low and most residents did not have any family support. The issue should not be about money, but about saving lives; residents had nowhere else to go. She had only heard complaints about one specific SLH and questioned why

other SLH had to suffer; she opined that the ordinance was overreaching and a burden on all operators and residents who will have to pay higher rent. She questioned what type of grandfathering would be allowed, and asked that the ordinance be clear about what was expected of home operators and residents.

Council noted there were several other SLH locations that the city was aware of, and that law enforcement received many disturbance calls. The problem was not confined to only one location, and at previous meetings representatives from several neighborhoods had expressed concerns about properties in their areas, and councilmembers received numerous phone calls regarding several locations.

14. Kimber Falkinburg noted that the ordinance exempted some groups from the process; she opined that SLH residents were being picked on. Kerrville was not the only city having problems and trying to address the issue of SLH; however, under the Federal Housing Act people with disabilities had a right to live in single family residential neighborhoods. She understood that problems happen in SLH, but problems also happen in sorority and fraternity houses, which were exempted in this ordinance. She asked that the city not tell people where they can live and use tolerance, patience, communication, and mediation. The city should respect the rights of people and respect the laws already written. She read part of a study regarding regulating through zoning and land use regulations, and noted that people had protection of federal law to live in the residence of their choice. Disabled people had rights and were better served when they were integrated into communities, and their neighbors would learn to love them.

15. Nikki Saurage said she owned two SLH. She used to live in a nice single family neighborhood, but when she first moved to Kerrville the only SLH available were in bad, unsafe locations; there were no options then. She opened SLH here in neighborhoods where women could be safe and not have to worry about raising their children. If the 1/2 mile spacing limit is passed and SLH are restricted to only multi-family residential and residential transitional areas, which are very limited in size, that would cause them to disappear. She opined that the ordinance was ridiculous and the parameters were not feasible. She did not operate SLH for a profit, her husband made plenty of money; she was trying to help women who were trying to get sober by giving them a decent place to live.

16. Ardith Dixon noted several group homes (she did not know if they were SLH) in her neighborhood just a block or two from each other; she was in favor of the 1/2 mile spacing limit. She was in favor of people getting help for their addiction; however, not all people recover, and when crime increases in residential areas, neighborhoods become unsafe, especially for young people and the elderly. The issue of group homes was location, traffic, and residents' behavior; group homes and such activities should not be tolerated in single family residential areas. She asked what the qualifications were to be the manager of a SLH and felt that the lack of responsible managers was part of the problem. If the city allows SLH in single family neighborhoods, she asked that the city publish a list of their locations because people should be able to know where SLH were located.

Council noted that under the federal Fair Housing Act, the city was restricted from creating and making such a list available to the public.

17. John Mosty noted that streets were for traffic and were not intended to be used as parking lots.

Council also discussed the following:

- People who live in SLH are good people and council praised their efforts to overcome their problems; however, the issue was the location of group homes and trying to balance the rights of homeowners and families in single family residential neighborhoods; the way the homes are operated and the lack of good management has resulted in safety and environment issues in many residential neighborhoods in the community.
- The intent was not to eradicate or put SLH out of business or stop treatment for people who need it; the issue was the impact of group homes and protection of single family neighborhoods and individual property rights. Most complaints were from single family residential zones when mixing different uses together.
- The purpose of the ordinance was not to keep group homes out of residential areas, rather, the intent was to use regulations and guidelines to mix different uses and protect and balance the property rights of homeowners with the rights of residents in group homes. Many people who were in favor of the ordinance had invested their life savings into their homes for the security of living in a single family residential neighborhood, and they felt like their rights were being violated.
- The issue of health and safety were of great concern to city council; resented implications that council was attempting to act on prejudices or label people, and acting under the guise of health and safety.
- Consider egress, particularly for two-story buildings; may tie egress and other safety issues to the fire code, but not see necessity of requiring implementation of the entire fire code.
- The ordinance should include fire and building code requirements; health and safety issues, and other requirements of the ordinance should be addressed through annual licensing and permitting of group homes regardless of zoning.
- The current zoning ordinance allowed group homes in multi-family residential and in residential transitional zones, and those zones already have specific parking requirements based on use and sq. ft. of the building. There is more parking in multi-family, transitional, and commercial areas than in single family residential areas.
- Should group homes be allowed in commercial areas? Discussed an existing group home that was operating in a commercial area.
- Discussed creating different standards and regulations, specific to each zoning district, that would allow group homes in multiple zoning districts; for example, density, number of vehicles, spacing etc.; standards would be less restrictive in higher density zones.
- The 1/2 mile spacing restriction versus 1/4 mile; 1/2 may be too restrictive.
- Owners and residents of group homes should try to understand the other side

of the issue; their neighbors have rights also.

- Need to consider safety and security of tenants regardless of zone the home is located.

The consensus of the council was: 1) Include a variance process; 2) Set the capacity at two persons per bedroom; 3) Include egress, particularly for two-story buildings; and 4) Limit the number of vehicles to one per bedroom, and vehicles not be allowed to park on the street or in the yard.

Mr. Lutz noted that the zoning ordinance input committee was looking at allowing stack zoning in some areas, and would be looking to the council for direction.

Mr. Hayes noted the fee would be based on the cost of providing the service, e.g. inspections, and that would depend on the specific requirements established in the ordinance. After the ordinance is passed, council would establish and adopt the fee by a separate action.

7. ORDINANCE, SECOND AND FINAL READING:

7A. Ordinance No. 2013-04 amending the budget for fiscal year 2013 to account for various changes to the city's operational budgets, supplemental appropriations, and closing out and supplementing capital improvement projects. Mayor Pratt read the ordinance by title only.

Mr. Erwin noted no change from first reading, and he recommend approval.

Ms. Keeble moved to approve Ordinance No. 2013-04 on second and final reading; Mr. Allen seconded the motion and it passed 5-0.

8. CONSIDERATION AND POSSIBLE ACTION:

8A. Report from the Charter Review Commission.

John Mosty, Chairman of the Charter Review Commission, reported CRC met six times and would be proposing several changes, e.g. filling vacancies on city council; procedures for initiative, referendum, and recall elections. The CRC did not feel that any of these changes were time pressing and proposed to continue reviewing the charter with the goal of reporting findings to council later in the year and recommending charter amendments be placed on the May 2014 ballot.

8B. Accept or reject bids for purchase of the old City Hall, located at 800 Junction Highway. Matter was deferred to executive session.

8C. Authorize the city manager to enter into a contract with Hunter Demolition and Wrecking Corp. for the demolition of the old City Hall located at 800 Junction Highway in an amount not to exceed \$68,000.00 and authorize the city manager to execute additional change orders in an amount not to exceed a total contract price of \$80,000.00. Matter was deferred until after action on 8B following executive session.

8D. Approval of design concepts and authorization to initiate the request for proposal process for the fabrication and installation of the wayfinding signage. Ms. Boyle reported staff had been working with National Sign Plaza for design and placement of vehicular and pedestrian wayfinding signage. She presented maps depicting the design and location of the different types of signs and noted that most of the vehicular signage would be located along State Highways 16 and 27 and would require TxDOT approval, and most pedestrian signage would be in and around the downtown area.

The consensus of the council was to proceed with the lantern design.

The following person spoke:

1. Ruth Spradling questioned if the proposed signs were compliant with the city's sign ordinance.

Mr. Parton noted that government directional signs for traffic and wayfinding purposes were exempted in the sign ordinance.

Mr. MacDonald moved to authorize staff to proceed with the request for proposals process for the fabrication and installation of wayfinding signage. Mr. Allen seconded the motion and it passed 5-0.

8E. Pending legislation under consideration by the State of Texas 83rd Legislative Session.

Mr. Parton noted that staff would place an item on future agendas for council to discuss any pending legislation that may affect the city. The city council may then take action to give official direction to staff or councilmembers to speak officially to represent the city on matters in Austin. At this time, staff was watching several issues that may be of concern, e.g. water issues, rate making authority, tax and revenue caps, newspaper publication requirements, and fiduciary issues.

The consensus of council was for staff to organize a Kerr Day in Austin for local representatives to meet with our state representatives.

9. INFORMATION AND DISCUSSION

9A. Report on activities of the Kerrville Economic Development Corporation. Councilmember Conklin reported:

- Aviation prospect toured existing facilities at airport; prospect in process of selecting location and raising capital; could result in 45 jobs, \$4 million initial investment. KEDC working on locations, real estate, incentives, and business plan prospectus.
- West Texas manufacturer; KEDC working with company to evaluate real estate options, workforce, and incentive package; 15 jobs.
- Wine industry; KEDC representatives attended the Texas Wine and Grape Growers conference to discuss plans for possible local sites; KEDC working to identify real estate.

- Private/public partnership conference center; KEDC, CVB, and city representatives attended a conference; over 650 registrants discussed public and private partnership opportunities; at the September conference in Dallas, Kerrville will have the opportunity to present specific development opportunities in Kerrville.
- Fox Tank Company; EIC evaluated a new product line proposed to create new jobs; in January EIC voted to fund \$150,000 or \$5,000 per job to approve the framework for an incentive package; would reimburse Fox Tank for utility extensions and equipment purchase; the impact analysis determined that \$150,000 would pay off in 8.8 years.
- Press conference held to accept \$304,000 for job training by Texas Workforce Commission and Alamo College; training for local students to receive skilled training at the welding facility owned by the city and county at the airport.

9B. Budget/economic update.

Mr. Erwin reported sales tax was 7.34% higher and HOT tax was 6% higher than same time last year. The increase in sales tax was attributed to the addition of Fox Tank and James Avery manufacturing companies. In both the general fund and the water and sewer fund revenue exceeded expenditures. Property tax collections were higher in February than in January and the property collections contract with KISD was working well.

9C. Proposal from the Kerr County Commissioners Court to extend the current interlocal agreement for firefighting and emergency medical services through September 30, 2024.

Mr. Parton noted a letter had been received February 20 from the county proposing to extend the current contract, under the existing provisions, for ten years; said proposal to expire in 45 days.

Council noted this was only one of several city/county interlocal agreements.

Mr. Allen moved to appoint Jack Pratt and Stacie Keeble to meet with two commissioners to discuss the proposal, and to authorize Mr. Parton to be available to provide information to the committee. Mr. MacDonald seconded the motion and it passed 5-0.

10. ITEMS FOR FUTURE AGENDAS: None.

11 ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Ms. Craig noted that March 1, 5 p.m. was the deadline to file for a place on the ballot for the positions of Place One and Place Two on the Kerrville City Council.
- Ruth Spradling noted that the regulation of group homes was necessary to protect home owners and provide safety for residents; the variance procedure should be thoroughly covered in the ordinance.

12. EXECUTIVE SESSION:

Mr. Conklin moved for the city council to go into executive closed session under Sections 551.071, 551.072, and 551.074 of the Texas Government Code; the motion was seconded by Mr. MacDonald and passed 5-0 to discuss the following matters:

Sections 551.071 and 551.072:

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

- 800 Junction Highway
- Jefferson Street lift station
- G Street sewer project
- River trail.

At 10:02 p.m. the regular meeting recessed and council went into executive closed session at 10:11p.m. At 10:50 p.m. the executive closed session recessed and council returned to open session at 10:52 p.m. The mayor announced that no action had been taken in executive session.

13. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

8B. Accept or reject bids for purchase of the old City Hall, located at 800 Junction Highway.

Mr. MacDonald moved to reject the bid received for the purchase of the former city hall property located at 800 Junction Highway; the motion was seconded by Mr. Allen and passed 5-0.

8C. Authorize the city manager to enter into a contract with Hunter Demolition and Wrecking Corp. for the demolition of the old City Hall located at 800 Junction Highway in an amount not to exceed \$68,000.00 and authorize the city manager to execute additional change orders in an amount not to exceed a total contract price of \$80,000.00.

Mr. MacDonald moved to authorize the city manager to enter into the contract as stated; Mr. Allen seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 10:54 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
MARCH 12, 2013

On March 12, 2013, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Pratt in the city hall council chambers at 701 Main Street. The invocation was offered by Allen Noah, Pastor of Barnett Chapel, followed by the Pledge of Allegiance led by Sam Barker of the Military Officers Association of America.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Gene Allen	Councilmember
Carson Conklin	Councilmember
Justin MacDonald	Councilmember

COUNCILMEMBER ABSENT:

Stacie Keeble	Mayor Pro Tem
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CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Heather Stebbins	Assistant City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Charvy Tork	Director of Information Technology Systems
Mike Erwin	Director of Finance
Robert Ojeda	Fire Chief
David Knight	Police Captain
Jason Lutz	City Planner
Charlie Hastings	Director of Public Works

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

1. VISITORS/CITIZENS FORUM

1A. A proclamation was read declaring 2013 as the Centennial Celebration of the Girl Scouts of the United States of American and the Year of the Girl.

1B. David McElvain offered suggestions on conducting council meetings to make more effective use of time: 1) Vetting presentations by consultants, i.e. Bob Treacy, city's employee benefits consultant, regarding the Patient Protection and Affordable Care Act of 2010 and its effect on the city; 2) Closed executive sessions, he suggested the agenda state the subjects to be discussed; also, he asked how the public can find out what was discussed and what action had been taken in executive session; and 3) Questioned the waiver of the sign code for National Car that was granted in executive session several meetings prior without any public input. He also recommended that the newspaper include council meeting dates in their meetings event calendar.

Council noted that no waiver was granted to National Car; council directed staff, in open session, to prepare an amendment to the sign code and place it on future council agendas for two readings of the ordinance.

2. RECOGNITIONS AND PRESENTATION:

2A. Recognition of City Secretary Brenda Craig for being nominated as TMCA Municipal Clerk of the Year 2012 by the Texas Municipal Clerks Association.

2B. Recognition for excellence in financial reporting by the Government Finance Officers Association. The city has received the award every year for 28 years.

3. CONSENT AGENDA:

Mr. Conklin moved for approval of items 3A through 3C; Mr. MacDonald seconded the motion and it passed 4-0:

3A. Minutes of the regular meeting held on January 22, 2013, and the special meeting held on January 25, 2013.

3B. Resolution No. 09-2013 amending the City of Kerrville fee schedule by eliminating the fee for copying charges at the Kerr Regional History Center.

3C. Construction contract with Kendnel Kasper Construction, Inc. for construction of improvements to the Butt-Holdsworth Memorial Library lower level project in the amount of \$191,585.00 and additional change orders not to exceed a total contract amount of \$229,902.00.

END OF CONSENT AGENDA

4. ORDINANCES, SECOND AND FINAL READING:

4A. Ordinance No. 2013-05 amending Article 10-IV-1 of the City of Kerrville Subdivision Code, commonly referred to as the city's "Subdivision Regulations", by amending Section 10-IV-1(B)(2)(D) of said regulations to address nonconforming lots; containing a cumulative clause; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters related thereto. Mayor Pratt read the ordinance by title.

Mr. Lutz noted city council held the public hearing on February 26; no one spoke; council approved the ordinance on first reading; and no changes had been made.

Mr. Conklin moved to adopt Ordinance No. 2013-05 on second and final reading; Mr. MacDonald seconded the motion and it passed 4-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Economic development grant agreement between Fox Tank Company (FTC) and the City of Kerrville, Texas Economic Improvement Corporation.

Mr. Parton noted the proposed funding agreement would reimburse FTC \$150,000 for capital improvements and equipment to expand the facility in order to manufacture oil and gas separators. This phase 2 project would add 30 new jobs with a gross annual payroll of \$1.2 million. On February 25 the EIC board

recommended to proceed, and a public hearing was scheduled for March 18. He recommended council action be deferred to the March 26 meeting.

Nathan Fox anticipated receiving ASME (American Society of Mechanical Engineers) certification that would allow FTC to manufacture new heater treaters/ separators. The production of the new ASME certified vessels would create 30 new jobs that would require higher skilled welders at higher pay. Construction of the new facility, alongside the existing facility, would begin in early April.

Jonas Titas, Executive Director of the Kerr Economic Development Corporation, noted that FTC was a major supplier in the oil industry, and this proposed new production facility would add \$1 million capital investment to the FTC's facilities. The economic impact study showed a \$35 million economic impact over ten years, and created 30 primary high skilled jobs with annual payroll of \$1.2 million.

5B. Naming of new Scott Schreiner Golf Course Pavilion.

Ms. Ondrias noted last month council awarded the contract for construction of the pavilion. She reviewed the history of the Cullins Family at the golf course and reviewed the city's guidelines established in the naming policy.

Mr. Conklin moved to approve the naming of the new pavilion as "Cullins Family Pavilion." Mr. MacDonald seconded the motion and it passed 4-0.

5C. Pending legislation from the 83rd Texas Legislature, Regular Session.

Mr. Parton noted there were many bills being discussed by the legislature that could impact the city. He proposed to have a standing item on future agendas for council to discuss pending legislative issues and, if desired, to establish an official position and authorize someone to represent the city in Austin. He presented a list of pending legislation and staff's position.

Mr. Erwin discussed several bills that were on staff's watch list regarding:

- Concern that the state legislature was getting involved in government accounting standards, rules and regulations.
- Lower the threshold for referendums on certificates of obligation; currently is 5% of the number of people who voted in the last city election, could change to 5% the number who voted in the last governor's race.
- Tax rate adoption process, require a record vote even if the city did not exceed the effective tax rate.
- Propose a credit against property tax for drip irrigation or rainwater catchment systems; this would erode property tax revenue.

Council consensus was that the state should not interfere with how the city handled and voted on its budget, should not give away money that belonged to the city, and should not interfere with any local government taxes.

6. INFORMATION AND DISCUSSION

6A. Update on the Fiscal Year 2012 comprehensive annual financial report.

Mr. Erwin noted the audit committee met today, and the CAFR will be presented at the next meeting for city council approval.

Kevin Kemp, BKD auditing firm, noted the audit was 90% complete and items identified in last year's audit were corrected, and he did not expect any significant changes, weaknesses or deficiencies. The city experienced an outstanding financial year and the unassigned funding covered almost 29% of operating expenditures as of September 30, 2012; the previous year was at 19%.

Mr. Parton noted that council had taken action to allocate part of the cash reserve toward the renovation of central fire station.

6B. Economic update.

Mr. Erwin noted that nationally job growth increased in 2012 in the private sector, but not in government jobs. Local sales tax increased 9.7% and HOT increased 4.5% over the same month last year. Council discussed the local median home listing, and Mr. Erwin noted the data provided was from a national data base and that it may not take into consideration all of the unique factors in the community. Council noted more homes were on the market and this may be driving prices down. Mr. Erwin noted that values were stable and he did not anticipate any decrease in the residential tax base, in fact, \$12-15 million new construction was added last year.

Mr. Erwin reported that revenues exceeded expenditures in the general fund and the water and sewer fund. Nationally, there were 3 million less people employed in 2012 than in 2009; in Kerr County, there were 500 less employed now than in 2009.

6C. Water resources report.

Mr. Hastings noted the city continued to be in extreme drought; rainfall totaled about 4 inches in the last three months. Recent rains increased the river flow to an average of about 32 cfs. Stage 2 water restrictions may take place in May, possible Stage 3 in June-July. The rain in January allowed the city to inject into the ASR well; the current reading was at 756 million gallons.

7. ITEMS FOR FUTURE AGENDAS: None.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- City council and staff meetings were on-going with the county regarding extending the interlocal agreement for fire/EMS service.

9. EXECUTIVE SESSION:

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

Sections 551.071 and 551.072:

- River Trail
- Jefferson Street lift station
- G Street sewer project

At 7:03 p.m. the regular meeting recessed and council went into executive closed session at 7:08 p.m. At 7:41 p.m. the executive closed session recessed and council returned to open session at 7:42 p.m. The mayor announced that no action had been taken in executive session.

10. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

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

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
MARCH 26, 2013

On February 26, 2013, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Pratt in the city hall council chambers at 701 Main Street. The invocation was offered by Heather Mitchell, Minister of Music at First Baptist Church, followed by the Pledge of Allegiance led Air Force Captain Paul Hill, Instructor of the Tivy High School Junior Reserve Officer Training Corp.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Stacie Keeble	Mayor Pro Tem
Gene Allen	Councilmember (left the meeting at 6:30 p.m.)
Carson Conklin	Councilmember
Justin MacDonald	Councilmember

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Cheryl Brown	Deputy City Secretary
Charvy Tork	Director of Information Technology Systems
Mike Erwin	Director of Finance
Kim Meismer	Director of General Operations
Jason Lutz	City Planner
Charlie Hastings	Director of Public Works

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

1. VISITORS/CITIZENS FORUM

1A. Edward Shulerspoke regarding the KPUB "smart" meters interfering with the bee population in the area.

1B. William Morgan, spoke regarding KPUB "smart" meters, and their adverse effect on the health of people with pacemakers, and autistic children. He also reported that "smart" meters sometimes caused people to hear sounds through the metal fillings in their teeth. He stated that the City of Camp Wood, Texas prohibited the use of "smart" meters within their city limits.

2. RECOGNITION AND COMMENDATIONS:

2A. Proclamation declaring March 29, 2013 as Vietnam Veterans Day . Presented to several area Vietnam Veterans.

2B. Recognition of Sheriff Rusty Hierholzer for his selection by the Kerrville Masonic Lodge, #697, A.F.A.M., for the 2013 Community Builder Award.

3. CONSENT AGENDA:

Mr. Conklin moved for approval of items 3A through 3F; Mr. MacDonald seconded the motion and it passed 5-0:

3A. Minutes of the regular meeting held on February 12, 2013, and the special meetings held on February 26 and February 28, 2013.

3B. Economic Development Grant Agreement between Fox Tank Company, Inc. and the City of Kerrville Economic Improvement Corporation.

3C. Economic Development Grant Agreement between Texas Arts & Craft Educational Foundation, Inc. and the City of Kerrville, Texas Economic Improvement Corporation.

3D. Purchase of a Ford F550 Truck from Grande Truck Center.

3E. Computer recycling agreement with the Christian Women's Job Corps.

3F. Resolution No. 10-2013 relating to establishing the City's intention to authorize the Kerrville Public Utility Board (KPUB) to reimburse itself for KPUB'S prior lawful expenditure of funds relating to constructing various capital infrastructure improvements to the City's electric utility system from the proceeds of the tax-exempt obligations not to exceed \$6,300,000 to be issued by the City on behalf of KPUB for authorized purposes; authorizing other matters incident and related thereto.

END OF CONSENT AGENDA

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Request by citizen to investigate possible property encroachment (1301 Paragon Place).

John Bauer spoke regarding an existing structure that his next-door neighbor, Mr. Larson, built on his property ten years ago when Mr. Bauer was president of the homeowners' association. Mr. Bauer stated that he did not actively pursue the matter of possible encroachments onto his property, or into the setback, or into the utility easements of the subdivision until after Mr. Larson died. Mrs. Larson still lives on the property. Mr. Bauer stated that he had a survey done of the properties in question, and that there was no proof that Mr. Larson had obtained the required permits from the city to build the structure.

Staff noted that the retention period for permits was five years; therefore, the city does not have any permits for the subject property. Staff also contacted the surveyor Mr. Bauer mentioned, and they measured and marked the property pins but no survey was done.

Kenneth Bledsoe spoke on behalf of Mrs. Larson, and noted that this matter was a civil matter, and Mr. Bauer had retained an attorney. He also stated that he would assist in the resolution of this matter in whatever capacity needed.

Mr. Conklin moved to direct staff to continue to investigate the alleged property, setback and easement encroachments. Ms. Keeble seconded, and the motion passed 3-1; with Mr. Conklin, Mr. Pratt and Ms. Keeble voting for the motion and

Mr. MacDonald voting against the motion, noting that staff had already investigated the matter.

4B. Accept Fiscal Year 2012 City of Kerrville Comprehensive Annual Financial Report (audit).

Mr. Erwin reported that there were net assets of \$8.1 million, with \$5.7 million in the general fund. There were no material weaknesses or significant deficiencies.

Mr. MacDonald moved to accept the Comprehensive Annual Financial Report. Mr. Conklin seconded, and the motion passed 4-0.

4C. Resolution No. 11-2013 supporting the Texas Department of Transportation's (TXDOT) construction of an improved interchange at Interstate Highway 10 and Farm to Market Road 783 (Harper Highway). Mr. Hastings reported that he met with TXDOT regarding the bridge, and learned it is the lowest bridge in the area, which required oversized vehicles to go through the city, which caused damage to items such as signal lights, and power poles. TXDOT suggested the city provide a resolution requesting structure improvements to the interchange at Interstate Highway 10 and Farm to Market Road 783 (Harper Highway) to accommodate oversized vehicles.

Mr. Conklin moved to approve Resolution No. 11-2013, Mr. MacDonald seconded, and the motion passed 4-0.

4D. Award contract to National Sign Plaza, Inc. for the fabrication and installation of the wayfinding program in an amount not to exceed \$142,000.00. Ms. Boyle reviewed the two types of signage, and reported on the bids received. Staff recommended the wayfinding signage contract be awarded to National Sign Plaza, Inc.

Mr. Conklin moved to authorize staff to enter into an agreement with National Sign Plaza, Inc. for the manufacturing and fabrication of the signs in an amount not to exceed \$142,000.00. Ms. Keeble seconded, and the motion passed 4-0.

4E. Authorize City Manager to enter into an agreement with Friends of the Kerr County Historical Commission (FKCHC) for the exclusive use of the former Main Street Office located at 715 Water Street specifically for the creation and operation of a museum.

Ms. Meismer noted FKCHC requested authorization to use the former Main Street Office for a museum.

Sue Dyke, FKCHC member, discussed many artifacts that were in homes throughout Kerr County. FKCHC felt that the building at 715 Main Street would be ideal for a museum, and would enhance downtown tourism.

The Council discussed holding a public hearing to get citizen input, since the building belonged to the citizens of Kerrville. It was also suggested that the

property be valued to determine if the value of the property and building outweighed the value of a museum.

The following person spoke:

Mike Bowlin stated there had been several attempts to start a museum in the past.

Mr. Parton noted that two years ago the building was put on the market, and no bids were received.

Ms. Keeble moved to authorize staff to work with the Friends of the Kerr County Historical Commission to prepare information and plans for a museum that could be presented at a public hearing during a future council meeting. Mr. MacDonald seconded, and the motion passed 4-0.

4F. Pending legislation from the 83rd Texas Legislature, Regular Session. Mr. Parton reported that the staff was working through the information, and would have an update at the next council meeting; legislative issues of particular interest were changes to property taxes, and water conservation.

Mayor Pratt reported that he testified in Austin on March 25, 2013, regarding the possible removal of the exemption of the hotel occupancy tax when a person stayed in a hotel for 30 days or more. Staff was making plans for city council's trip to Austin, and would invite several entities such as KISD, Ingram ISD, Headwaters and UGRA.

5. INFORMATION AND DISCUSSION

5A. Economic update. Mr. Erwin reported the City's revenues exceeded the expenditures in the general fund and water and sewer fund.

5B. Kerrville Economic Development Corporation update. Mr. Conklin reported on KEDC activities:

- A west Texas manufacturing company that would bring 15 skilled, high-paying jobs to the area.
- KEDC and Fox Tank Company co-sponsored a booth at a consortium conference regarding the Eagle Ford Shale operation for two days, and distributed 100 information packets regarding Kerrville.
- Discussion continued with wine industry groups; meetings were underway with several property owners.
- Mr. Titas was working on new incentive guidelines, to present to EIC at a future meeting.
- Mr. Titas attended the Southwest Energy Summit in Sweetwater on March 20 and 21, 2013, and distributed information packets.
- Mr. Titas planned to attend the UTSA Institute for Economic Development press conference.

- Mr. Titas also planned to attend the Eagle Ford Economic Summit to learn more about that industry and how it could benefit Kerrville.

6. ITEMS FOR FUTURE AGENDAS: None

7. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- On April 5, 2013 at 5:30 p.m., Riverside Nature Center held a ribbon cutting ceremony for their revitalized visitors' center, featuring their first exhibit "The Guadalupe, The River of Life," followed by the First Friday Wine Share.
- The Airport Board at their next meeting, will consider a recommendation from an ad hoc committee to add twelve more hangars to the airport
- The Riverside Nature Center was hosting "Night Sky" luncheons to discuss redirecting lights to better preserve the night sky.

8. EXECUTIVE SESSION:

Mr. Conklin moved to enter into executive closed session under sections 551.071 and 551.072 of the Texas Government Code, Mr. MacDonald seconded, and the motion passed 4-0 to discuss the following matters:

Sections 551.071 and 551.072:

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

- Jefferson Street lift station
- G Street sewer project
- River Trail

Council recessed the regular session at 7:21 p.m. and went into executive closed session at 7:21 p.m. At 7:47 p.m. the executive closed session recessed and council returned to open session at 7:48 p.m. The mayor announced that no action was taken in executive session.

9. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION: None

10. ADJOURNMENT: The meeting adjourned at 7:48 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Cheryl Brown, Deputy City Secretary

Agenda Item:

3B. Professional services agreement with Public Sector Personnel Consultants to conduct a formal classification and compensation study, to include health and fringe benefits, in an amount not to exceed \$33,000. (staff)

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

SUBJECT: Authorize the City Manager to enter into a Professional Services Agreement with Public Sector Personnel Consultants in an amount not to exceed \$33,000 for the purpose of conducting a formal Classification & Compensation Study, to include Health and Fringe Benefits.

FOR AGENDA OF: April 23, 2013 **DATE SUBMITTED:** April 10, 2013

SUBMITTED BY: Kimberly Meismer **CLEARANCES:** Todd Parton
Director of General Operations City Manager

EXHIBITS: Professional Services Agreement

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$ 33,000	\$ 50,000	\$ 50,000	01-870-306

PAYMENT TO BE MADE TO: Public Sector Personnel Consultants

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

On February 12, 2013, Council approved a Request for Proposal to be published for a formal classification and compensation study including a health and fringe benefits survey as an add-alternate. The RFP was advertised in the Kerrville Daily Times on February 15, 2013 and February 22, 2013. The deadline for proposals was March 19, 2013 and we received five (5) proposals.

The Review Committee, consisting of Todd Parton, Kristine Ondrias, Kimberly Meismer, John Young, Robert Ojeda, and Charlie Hastings, met on March 20, 2013 to review the proposals.

The Committee selected the top three to bring in for face to face interviews/presentations on April 5, 2013. The top three were Waters Consulting, Public Sector Compensation Consultants, and Gallagher Benefits Services.

After the interviews/presentations, the Review Committee unanimously recommends Public Sector Personnel Consultants as the most qualified and best fit for the City of Kerrville due to price, flexibility, references, and knowledge of the market.

RECOMMENDED ACTION

Staff recommends City Council authorize the City Manager to enter into a Professional Services Agreement with Public Sector Personnel Consultants in an amount not to exceed \$33,000 for the purpose of conducting a formal Classification & Compensation Study, to include Health and Fringe Benefits.

PROFESSIONAL SERVICES AGREEMENT

This Agreement is entered into by the **City of Kerrville** ("the City"), and **Public Sector Personnel Consultants, Inc.** ("PSPC").

This Agreement is for PSPC to conduct a compensation study detailed below and in "Exhibit A" to follow.

SCOPE OF SERVICES TO BE PROVIDED TO THE CITY

The project includes a management and employee communication plan; partnership with the Director of General Operations, City Manager and project designee(s); occupational, organizational, and operational familiarization; internal equity and external competitiveness evaluation; salary and benefits survey and competitiveness analysis; salary range recommendations; fiscal impact estimates; updated classification and compensation plan and one year of classification and compensation plan implementation support for all job classifications.

PROJECT DURATION

The City and PSPC will partner to complete the study prior to June 25, 2013.

PROJECT COST AND PAYMENT

The total contract for the compensation survey and plan shall not exceed \$ 33,000, inclusive of all reimbursable expenses and optional project add-ons, without further City approval and modification of this agreement. PSPC will provide the City with monthly invoices for services provided and out-of-pocket expenses incurred during the month. The City agrees to pay the invoices within thirty (30) days of their receipt.

SEVERABILITY

That should any word, sentence, paragraph, subdivision, clause, phrase or section of this agreement, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said agreement, which shall remain in full force and effect.

VENUE

The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement. The parties agree that this Agreement is performable in Kerr County, Texas and that exclusive venue shall lie in Kerr County, Texas.

TERMINATION

This Agreement may be terminated by either party with 30 days written notice.

ASSIGNMENT

The assignment of this agreement by any party is prohibited without the prior written consent of the other Party.

AMENDMENT

Any amendment of this Agreement must be in writing and will be effective if signed by the authorized representatives of the Parties.

NOTICES

Any notices under this agreement will be effective if transmitted to a Party by confirmed telecopy or via US Postal Service, postage prepaid, certified, to the address of the Party indicated below:

CITY
Kimberly Meisner
Director of General Operations
City of Kerrville
701 Main Street
Kerrville, TX 78028

PSPC (national office)
Matthew Weatherly
President
Public Sector Personnel Consultants, Inc.
1215 W. Rio Salado Parkway #109
Tempe, Arizona 85281

NO THIRD PARTY BENEFICIARIES

Nothing in this Agreement, express or implied, is intended to confer any rights, benefits, or remedies under or by reason of this agreement upon person or entity, other than the City and PSPC.

**APPROVED FOR
THE CITY OF KERRVILLE**

By: _____
(Signature)
Name: Todd Parton
Title: City Manager
Date: April 23, 2013

**APPROVED FOR
PUBLIC SECTOR PERSONNEL CONSULTANTS**

By: _____
(Signature)
Name: Matthew Weatherly
Title: President
Date: _____

1. City Involvement in Compensation Plan Development

We will obtain policy direction from the City Manager, Human Resources staff, and/or City Officials on the following key components of the salary plan development process:

- Comparator Employer Selection
- Benchmark Job Class Selection
- Compensation Competitiveness Policy
- Salary Structure Selection
- Job Evaluation Method-Salary Plan Linkage
- Draft Compensation Plan Review / Critique
- Compensation Points for Analysis
- Project Implementation Plan

2. Comprehensive Compensation Survey

We do not subscribe to or recommend the use of databases or data warehouses used or hosted by other firms! We will collect the complete pay plans from each of the City's comparators and build a custom survey database to ensure accuracy and completeness.

- a. **Data Collection Protocol** will be developed in consultation with the City's project leaders to determine which salary data elements to include, such as:

Salary and Benefits Information

- Salary grade/step or open range salary plan structure
- Salary range structure Minimum, Midpoint, and Maximum
- Method of salary administration – longevity, merit, or skill
- Health benefits, including premiums paid, costs shared
- Fringe benefits, such as add pays, cert pays, PTO, etc

- b. **Benchmark Job Selection** will be made by identifying City job classes common to its employment-competitive public and private employers in the immediate area and throughout the region or State, clearly identifiable, and representative of standard occupational job groups.
- c. **Comparator Employers Identification** will be made in consultation with the City's Project Manager(s) and City Council. Criteria include their degree of competition to the City in obtaining and retaining high quality staff, their location in the City's traditional recruitment areas, and their organizational size and complexity.
- d. **Compensation Data Collection** will be made by one or more of the following methods.
- Pre-survey contact with the selected comparator employers to solicit participation in the City's compensation survey(s)
 - Extraction from the pay plans of designated public employers.
 - Customized salary survey requests for local governments and other public and private employers, distributed by mail, fax, and e-mail.
 - As desired, additional private sector data extraction from established salary surveys such as Watson Wyatt and ERI.
- e. **Data Quality Control** includes editing data for accuracy and proper matching to the City's survey benchmark jobs, and phone/fax/E-mail follow-ups for data clarification and to obtain comparators' benchmark class specifications.

3. Prevailing Rates Calculation

We will consolidate the compensation data from all sources, enter the information into the *EZ COMP™* program, and compute the prevailing rates, inclusive of cost of living differentials, as the statistical mean of the survey data for each benchmark job class. Data will be projected forward from the date of collection to a common date relating to the City's salary plan year by the annual Prevailing Rate Increase Factor (PRI) applicable at that time.

4. Compensation Competitiveness Comparison

We will provide the City with charts comparing its current salary structures to those of the selected public and private comparator employers. We will calculate the extent that the City's offerings vary from the prevailing rates and practices of other relevant employers.

5. Compensation Competitiveness Policy

We will assist the City to select a compensation competitiveness policy which best fits its compensation strategy and financial resources, by providing fiscal impact estimates at various percentage relationships to the prevailing rates.

6. Salary Plan Structure Development

We will review the City's current employee agreements and wage plans and **1)** utilize the City's current wage plan structures to identify internally equitable and externally competitive salary ranges for each City job class or **2)** prepare alternative salary range structures and schedules for the City and the City Manager to select the best fit for its competitiveness strategy, with these optional criteria:

- Method of administration, i.e.: measured job performance, longevity, or skill
- Width of the salary ranges, grades, or broad bands, from Minimum to Maximum
- Varying salary range widths for FLSA non-exempt or exempt positions
- Open salary ranges for pay-for-performance or variable compensation plan
- If steps within the salary ranges, number of steps, percentage separation
- Number of salary ranges, grades, or broad bands in the salary schedule
- Percentage of separation between salary ranges, grades or broad bands
- Recognition for longevity, unique assignments, and special skill requirements
- Remuneration for required special licenses, certifications and registrations
- Linkage of performance evaluations to merit increase opportunities

7. Salary Range Assignment Development

We will assign each job classification to a salary range in the City's current or selected new salary structure on the basis of a combination of factors, including:

- the prevailing rates for the benchmark job classes
- its current relationship to similar or occupationally related job classes
- the 15% guideline for salary range separation between sequential job classes
- the 25% guideline for salary separation of a department head job class
- its quantitative evaluated internal job worth value (job evaluation points)
- implications and administration to align with succession planning and career ladders

8. Implementation Plan Development

We will consult with the Director of General Operations, City Manager and key staff on a plan for transition to the recommended plan, including a timetable for the principal activities, employee communication, and estimates of required financial resources.

9. **Draft and Final Report Preparation**

We will provide the City's project leader(s) with a draft of our report for review and critique, including the compensation market data, salary comparison tables, fiscal estimates, salary range listings, and implementation procedures. We will incorporate their critique into the development of a final report summarizing the project's findings, recommendations, and detailed description of the City's updated compensation plans.

10. **Final Report Presentations**

We will conduct a workshop or formal presentation of our final report and recommendations to the City Manager, City Officials, employees and employee representatives.

11. **EZ COMP™ Program Installation**

We will install our **EZ COMP™** program and project files on one of the Finance / Budget Department's computers and provide training to key staff in the maintenance and update of the classification and compensation plan.

Please see the illustrative **EZ COMP™** applications CD-ROM on the inside front cover of the original of the proposal, and the program description booklet in the Appendix.

12. **Implementation Warranty**

To ensure effective implementation of the new plan, we will analyze, evaluate, and provide a salary range recommendation for any new or changed job class, **at no cost to the City** for one year.

ENSURING THE CITY'S SELF-SUFFICIENCY

The City will be self-sufficient in all aspects of maintenance of the updated compensation plan through these services.

1. **Procedure Manuals**

- *PSPC Salary Administration Procedure Guide*
- *City of Kerrville EZ COMP™ Procedure Guide*

2. **Training Workshop** – for City staff in position classification, job evaluation, compensation surveys, and compensation plan design and administration.

3. **EZ COMP™** – program and project files on one of the City's computers, a users manual, and system training.

4. **Initial Year's Implementation Warranty Support** – we will analyze, evaluate, classify, and provide a salary range recommendation for any new or changed position or entire job classification, **at no cost to the City** for one year.

Agenda Item:

3C. Contract between the City of Kerrville, Texas and Kerrville Convention & Visitors Bureau, Inc. for convention and tourism promotion services. (staff)

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

SUBJECT: Approval of a contract between the Kerrville Convention and Visitors Bureau, Inc., and the City of Kerrville for convention and tourism promotion services

FOR AGENDA OF: April 23, 2013 **DATE SUBMITTED:** April 17, 2013

SUBMITTED BY: Todd Parton **CLEARANCES:**
City Manager

EXHIBITS: 1. Draft Contract between the Kerrville Convention and Visitors Bureau, Inc., and the City of Kerrville
2. Draft Performance Benchmarks

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

Kerrville Convention and Visitors Bureau, Inc. (CVB) and city staff have been working on a new contract for convention and tourism promotion services. The current contract between the CVB and the city expires on September 30, 2013.

Attached is a draft contract. It has been created by modifying the current contract. Additions, deletions and modifications are redlined within the draft.

The overarching concept of the contract is to set the general parameters for convention and tourism promotion services. It includes a process whereby the City Council and CVB Board meet annually to review activities, establish priorities and objectives, and evaluate the effectiveness of the promotional efforts. Staffs of both entities are also finalizing benchmarks and performance metrics.

The key components of this contract include:

1. Article 1 – various amendments to better reflect the current and planned operations and activities of the CVB;
2. Article 2 – establish the framework to evaluate effectiveness, set priorities, amend programming, and set expectations for the coming year; and
3. Article 4 – establish an initial term of five (5) years with two three-year (3-year) extensions.

This draft contract has been discussed by the CVB Board. The board is satisfied with the draft contract and recommends it be approved.

RECOMMENDED ACTION

City staff recommends that the City Council accept this agreement and authorize staff to finalize and execute the contract.

OPTIONS

1. Approve the contract and authorize city staff to finalize and execute it.
2. Approve the contract with amendments and authorize city staff to finalize and execute it.
3. Table or postpone consideration.
4. Deny the contract.

EXHIBIT 1

**Draft Contract between the Kerrville Convention and Visitors Bureau, Inc.,
and the City of Kerrville**

**CONTRACT BETWEEN CITY OF KERRVILLE, TEXAS AND
KERRVILLE CONVENTION & VISITORS BUREAU, INC.
FOR CONVENTION AND TOURISM PROMOTION SERVICES**

This agreement ("Contract") is made and entered into by the City of Kerrville, Texas, a municipal corporation, hereinafter referred to as "City", and the Kerrville Convention & Visitors Bureau, Inc., a Texas non-profit corporation, hereinafter referred to as "CVB", each acting by and through its authorized officials.

For and in consideration of the agreements herein contained, the City and CVB hereby covenant and agree as follows:

**ARTICLE 1
CVB COVENANTS**

In consideration of City's agreement to pay monies to CVB from its hotel occupancy tax revenues collected by City in accordance with Chapter 351 of the Texas Tax Code, as hereinafter provided, CVB agrees to undertake activities for the promotion of tourism and the convention and hotel industry through advertising and conducting promotional programs to attract tourists and convention delegates to Kerrville, all in accordance with the ~~CVB marketing plan presented to the City Council for each fiscal year~~information specified in Article 2 of this agreement, as hereinafter provided.

Specifically, but without limitation, CVB covenants and agrees as follows:

1.1 To promote the lease and use of the Kathleen C. Cailloux City Center for the Performing Arts and other public facilities on dates available in such facilities.

1.2 To conduct coordinated state, regional and national advertising, publicity and promotion campaigns emphasizing the attractions offered in the City to meetings, groups and visitors.

1.3 ~~To maintain exhibit booths for the purpose of attracting visitors, conventions, meetings, exhibits, selected trade, sports and consumer shows, and other events to City and/or areas in the vicinity of City~~To participate in market places to attract visitors, conventions, meetings, exhibits, selected trade, sports and consumer shows, and other events to City and/or areas in the vicinity of the City.

1.4 To cause to be printed and distributed in adequate quantities visitor literature of substantive quality and material to all Texas Department of Transportation Tourist Information Centers, as well as Visitor Information Centers located in places of public accommodation, and any other locations considered desirable, including the Convention & Visitors Bureau Information Center and other visitors information centers located within City's incorporated limits which are owned and/or operated by City or CVB.

1.5 To participate in appropriate tourism agencies and convention associations such as the Texas Economic Development and Tourism Office of the State of Texas, and the Texas

Society of Association Executives as well as other agencies in order to assure that favorable publicity about the City may be continued and expanded.

~~1.6 — To solicit convention and meeting holding organizations for the accommodation of appropriate facilities located in the City.~~

1.76 To provide staffing and facilities for registration assistance and services, including information relative to central housing, publicity material and attendance mailings to associations, organizations or groups convening or holding meetings in the City; and to coordinate with the appropriate City departments, local hotels, restaurants and entertainment facilities, and to strive to provide an environment in which a visiting group or organization enjoys a coordinated and productive visit to the City.

1.87 To prepare, publish and update during the term of this agreement and any renewals thereof, ~~invitational-collateral~~ materials providing specific information on hotels and motels located in the City, and to distribute said ~~invitational-collateral~~ materials to association executives and planners of meetings.

1.98 To expend funds in each fiscal year in accordance with the fiscal year budget approved, in writing, by the City Council.

1.409 To continue its separate bank account for deposit and expenditure of all funds paid by the City hereunder so as to avoid any commingling of funds.

1.410 To continue operating and maintaining an accounting system that will allow for a tracing of funds and a review of the financial status of CVB.

1.421 To have its financial records related to the receipt and expenditure of Hotel Occupancy Tax revenues paid to CVB pursuant to this Contract reviewed at the end of each fiscal year by an independent certified public accountant who will furnish an audited financial report to the City.

1.432 To permit ~~authorized~~ officials or representatives ~~of the City as authorized by the Kerrville City Council~~ to review CVB's ~~books-financial records~~ at any time.

1.443 To ~~file-retain~~ with the City Clerk ~~all-present-and-future-rules,-regulations-and-policies-of-CVB-regarding-the-administration-and-operation-of-the-CVB-program~~current, up to date by-laws of the CVB.

1.454 To prepare and submit a report at least quarterly of the previous ~~month's-quarter's~~ expenditures and a narrative report to the City, within thirty (30) days of the end of each quarter, which report shall include ~~a-report-of-all-advertising-expenses~~adequate information to indicate the degree to which performance metrics for the current fiscal year as established by mutual agreement of the City Council and the CVB Board have been achieved.

1.465 To cause the Executive Director of CVB to appear from time to time at the

request of the City Council to discuss the CVB program.

| 1.4716 To perform all other covenants provided elsewhere in this Contract.

ARTICLE 2
CVB MARKETING PLAN ANNUAL PERFORMANCE

~~In order for the City to monitor the operation of the CVB hereunder, CVB shall submit for City Council approval a comprehensive program of action (marketing plan) for each fiscal year. The marketing plan shall provide specific and detailed actions to be performed by the CVB during the fiscal year in question. The marketing plan is to be submitted by the date requested by the City each year in advance of the fiscal year in question. The Kerrville City Council and the CVB Board shall meet at least once annually on or before July 31. At this annual meeting, the CVB Board shall provide a report to the Kerrville City Council that will include, but not be limited to the following information:~~

- ~~(a) Review of data for the prior fiscal year and for year to date for the current fiscal year;~~
- ~~(b) Identification of key trends and issues; and~~
- ~~(c) Priorities and objectives for the next fiscal year.~~

~~At the annual meeting the CVB Board and the City Council consider the adoption of a strategic plan for the coming fiscal year. The strategic plan shall include the following information:~~

- ~~(a) Priorities for the next fiscal year;~~
- ~~(b) Goals and objectives for the next fiscal year;~~
- ~~(c) A media plan for the next fiscal year; and~~
- ~~(d) Performance metrics to be used to evaluate the effectiveness of the CVB projects and programs proposed for the next fiscal year.~~

~~The CVB will also present its proposed budget for the next fiscal year at the annual meeting for City Council consideration and adoption. It is recognized that the budget is a financial plan for the CVB and that the CVB Board may amend the budget from time to time. In no event shall a budget amendment(s) obligate the City Council to allocate additional funds than those already approved. In no event shall any HOT funds be used in a manner inconsistent with Texas Tax Code §351.101.~~

~~By execution of this Contract, City approves the CVB marketing plan for the 2005-2006 fiscal year, subject, however, to the limitations on total expenditures of City funds paid to CVB pursuant to Section 3.1, below.~~

ARTICLE 3
PAYMENT AND USE OF FUNDS

3.1 In consideration of the professional services to be performed by CVB under the terms of this Contract for any particular applicable fiscal year covered hereby, the City shall pay to CVB the annual sum budgeted for this purpose for that fiscal year, ~~as established for this initial year by the attached written addendum (Exhibit A),~~ with payments to be made in four equal installments on or before the following dates within that specific fiscal year:

- (a) November 10
- (b) February 10
- (c) May 10
- (d) August 10

3.2 The City shall make payments under this Contract solely from current or accumulated hotel occupancy tax revenues collected by City in accordance with Chapter 351 of the Texas Tax Code. If the hotel occupancy tax revenues actually collected by the City during any City fiscal year is actually below the estimated revenues to be collected during such fiscal year, then City shall have the right to reduce the above described payments to CVB by the same percentage that such tax revenues actually collected were less than the estimate of tax revenues to be received.

3.3 If any of the agreements herein made by the CVB are violated, the City is authorized to refuse to make any further payments until the condition on which the complaint is based is corrected to the satisfaction of the City Council.

3.4 CVB agrees to utilize the funds for the benefit of the City solely for the purposes permitted in Texas Tax Code §351.101, as amended. CVB shall provide all materials, personnel, facilities, and supervision with such funds.

3.5 All expenditures from funds provided hereunder shall be made in accordance with the budget submitted and approved by the City Council each year. ~~The 2005-2006 CVB Budget, approved by the City Council, is attached hereto as Exhibit A.~~ It is understood and agreed that, upon the acceptance of funds hereunder, a fiduciary duty is created on CVB with respect to the expenditures of such funds.

3.6 City shall have the right to perform an audit and inspection of CVB's business records relating to the expenditures of monies hereunder, at such reasonable times and intervals as City may request. The cost of the audit shall be paid by City unless such audit discloses a discrepancy of 1% or more in any report or information furnished City or any failure to follow the budget ~~submitted to and approved by City~~ adopted pursuant to Article 2 of this agreement, in which case CVB will pay the cost of such audit. Such audit will be performed by auditors selected by City. CVB shall make its books and records available for inspection by City or any representatives of City who may make copies thereof.

ARTICLE 4 TERM AND APPROPRIATIONS

4.1 The term of this Contract shall be for a period of ~~eight-five (85)~~ eight (8) years, commencing October 1, ~~2005~~2013, and ending September 30, ~~2013~~2017, unless this Contract shall have been sooner terminated or extended in accordance with other provisions contained

herein.

4.2 ~~Provided CVB is in compliance with all terms and conditions of this Contract, CVB will have the option at the beginning of fiscal year 2013-2014 to request that City enter into negotiations with CVB for an additional eight-year (8-year) term under the same terms and conditions~~This agreement may be extended for three (3) year terms up to a maximum of two (2) extensions. Should either party fail to notify the other in writing by September 30 of the year immediately preceding the last year of the contract term, the contract shall be automatically renewed for three (3) years up to a maximum of two renewals.

4.3 This Contract is subject to annual funding by the Kerrville City Council. In the event no funds or insufficient funds are appropriated and budgeted in any fiscal year for payments to CVB pursuant to this Contract, City shall notify CVB of such occurrence, and this Contract may be terminated by City or CVB effective as of the last day of the year for which appropriations were available, without penalty or expense to City of any kind whatsoever, except as specifically set forth in this Contract.

4.4 City may terminate this Contract at any time, with or without cause, upon ~~six~~ twelve months' prior written notice as provided herein.

4.5 In the event of termination of this Contract by City prior to the end of the term described in Section 4.1, above, City shall pay CVB for services rendered prior to such termination date and for contractual obligations entered into by CVB prior to receipt of notification of early termination from City. Furthermore, CVB agrees to use its best efforts to terminate contracts signed by CVB prior to receiving notice of early termination from City; provided, however, in the event ~~CYB-CVB~~ cannot terminate such contracts, City agrees to accept assignment of said contracts which are in compliance with Section 4.6, below. City shall have no obligation to pay for or take assignment of contracts signed by CVB after receiving notification of early termination from City.

4.6 CVB shall not sign any contract which is funded by monies paid by City to CVB pursuant to this Contract which has a term exceeding one year or which has a termination date subsequent to the last day of the fiscal year in which the contract was signed unless:

- (a) The contract contains a non-appropriations clause substantially similar to the provisions of Section 4.3, above, which is approved by the City Attorney; or
- (b) All payments for said contract are required to be made by CVB during the fiscal year in which the contract was entered, notwithstanding performance of all other obligations under the contract may occur in a subsequent fiscal year; or
- (c) The contract has been reviewed and approved by the City Council or its designee.

4.7 Notwithstanding Section 4.6, above, in no case shall CVB execute contracts to be

paid with funds provided by City pursuant to this Contract:

- (a) after receiving notice of early termination of this Contract; or
- (b) which require the performance of any obligations by any party after September 30, ~~2013~~ of the final year of the agreement.

ARTICLE 5 INDEPENDENT CONTRACTOR

5.1 The relationship of CVB to City shall be that of independent contractor as to all services performed hereunder and not as an officer, agent, servant or employee of City. CVB shall have exclusive control of its operations hereunder, and the persons performing same, and shall be solely responsible for the acts and omissions of its officers, agents, servants, employees, contractors, and subcontractors. The doctrine of *respondeat superior* shall not apply as between City and CVB, its officers, agents, servants, employees, contractors and subcontractors, and nothing herein shall be construed as creating a partnership or joint enterprise between City and CVB.

5.2 CVB agrees to assume and does hereby assume all responsibility and liability for damages sustained by persons or property, whether real or asserted, by or from the carrying on of work or in the performance of services performed and to be performed hereunder. CVB covenants and agrees to, and does hereby **indemnify, defend and hold harmless** the City and all its officers, agents, and employees from and against all suits, actions, claims, and expenses of any character, including attorney's fees, brought for or incurred on account of any injuries or damages, whether real or asserted, sustained by any person or property by or in consequence of any negligent act, omission or conduct of CVB, its agents, servants, employees, or contractors.

**ARTICLE 6
MISCELLANEOUS**

6.1 This written instrument constitutes the entire agreement of the parties hereto concerning the subject matter hereof, and any prior or contemporaneous oral or written agreement which purports to vary from the terms hereof shall be void.

6.2 This Contract shall be subject to all valid rules, regulations and laws applicable thereto, as promulgated by the United States of America, the State of Texas or any other governmental body or agency having lawful jurisdiction and supersedes all contracts that may be in existence.

6.3 CVB shall not assign this Contract or any interest therein without the prior written approval of the City Council.

6.4 This Contract may be amended by the mutual agreement of the parties hereto in writing to be attached to and incorporated into this Contract.

6.5 Neither City nor CVB shall be required to perform any term, condition or covenant in this Contract so long as such performance is delayed or prevented by force majeure, which shall mean acts of God, civil riots, floods and any other cause not reasonably within the control of City or CVB, except as herein provided, and which by the exercise of due diligence City or CVB is unable, wholly or in part, to prevent or overcome.

6.6 The waiver by City of any breach of any term, condition or covenant herein contained shall not be deemed a waiver of any subsequent breach of the same, or any other term, condition, or covenant.

6.7 Notices to City and CVB shall be hand delivered or mailed by first class mail, postage pre-paid, to the following:

If to City: City Manager
 800 Junction Highway
 Kerrville, Texas 78028

If to CVB: Executive Director
 2108 Sidney Baker Street
 Kerrville, Texas 78028

The parties hereto may change the address to which notice may be sent by sending written notice of such change of address to the other party. A notice mailed in accordance with this section shall be deemed to have been delivered five calendar days after delivery of the notice to an office or receptacle of the United State Postal Service.

6.8 The obligations of the parties to this Contract are performable in Kerr County, Texas, and if legal action is necessary to enforce same, exclusive venue shall lie in Kerr County,

Texas.

6.9 This Contract shall be governed by and construed in accordance with the laws and court decisions of the State of Texas.

6.10 This Contract may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

IN WITNESS THEREOF, the parties hereto, acting under authority of their governing body and board of directors, have caused this Contract to be duly executed in two counterparts, each of which will constitute an original, as of the _____ day of _____ A.D., 2013.

CITY OF KERRVILLE, TEXAS

KERRVILLE CONVENTION & VISITORS
BUREAU, INC.

By: _____
Todd Parton, City Manager

By: _____
Charlie McIlvain, Executive Director

ATTEST:

Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

EXHIBIT 2
Draft Performance Benchmarks

*Kerrville Convention & Visitors Bureau
Benchmarks for Contract
Between the City of Kerrville and the KCVB*

Organizational Objective:

Promote Kerrville as a Hill County visitor destination, promoting the Hill Country product mix to consumers, meeting planners, event planners, sports event planners, tour operators and the Texas Film Industry, utilize industry accepted methods, processes and procedures to promote the destination. The economy, product quality and availability will have an impact on these objectives.

Operations:

Budget Performance – work within the allocated budget projections.

Programs – provide quarterly reports to the City Council using projected vs. actual expenditures.

Marketing:

Promote Kerrville as a Hill Country destination, using industry accepted methods, processes and procedures.

Make 300 sales calls/marketing presentations annually.

Book a minimum of 20% of those groups/meetings into Kerrville on an annual.

Provide convention services for each group requesting those services on an annual basis.

Provide lost business reports for groups that choose other destinations for their meetings.

Economic Impact:

Determine number of new dollars that come into the community using State tourism reports generated by Dean Runyon and Associates or other companies generating the State reports.

Track visitor numbers that utilize the Visitors Center and hotel occupancy rates by time of year.

Utilize HOT and sales tax collection reports to determine what impact tourism has on the economy.

Community Activities:

Track number of events held in Kerrville on an annual basis.

Determine what type of events are taking place in the community.

Provide support for events as requested.

Determine occupancy rates that occurred as a result of the event.

Agenda Item:

3D. Request from Kerrville Area Chamber of Commerce for additional in-kind police and fire/EMS from the City for the 3rd Annual Kerrfest event in the additional amount of \$890.00. (staff)

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

SUBJECT: Additional request from the Kerrville Area Chamber of Commerce for in-kind Police and Fire / EMS services for the 3rd Annual Kerrfest event

FOR AGENDA OF: April 23, 2013 **DATE SUBMITTED:** April 12, 2013

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

EXHIBITS: Letter received from the Kerrville Area Chamber of Commerce on April 11, 2013 - Dated March 27, 2013.

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *W*

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

At its meeting of January 8, 2013, City Council approved an in-kind services request by the Kerrville Area Chamber of Commerce for Police and Fire / EMS services for the 3rd Annual Kerrfest event at a total in-kind value of \$3,460.00. The event has expanded from a two day event to a four day event thus resulting in a request for additional services.

Attached is a letter from the Kerrville Area Chamber of Commerce for additional in-kind Police and Fire / EMS services for the event to be held May 16-19, 2013. This request totals to an additional \$890.00. If approved, total in-kind services for this event totals to \$4,350.00

Total services requested are outlined below. The additional services requested are highlighted.

Kerrville Police Department (\$2,150):

Thursday, May 16, 2013:

6:00 p.m. – 10:00 p.m.: 1 Officer + 1 marked unit (4 hours) = \$140

Friday, May 17, 2013:

6:00 p.m. – 11:00 p.m.: 3 Officers + 1 marked unit (5 hours) = \$470

Saturday, May 18, 2013:

10:00 a.m. – 6:00 p.m.: 1 Officer + 1 marked unit (8 hours) = \$280

12:00 p.m. – 6:00 p.m.: 1 Officer + 1 marked unit (6 hours) = \$210

6:00 p.m. – 1:00 a.m.: 4 Officers + 2 marked units (7 hours) = \$910

Sunday, May 19, 2013:

6:00 p.m. – 10:00 p.m.: 1 Officer + 1 marked unit (4 hours) = \$140

Kerrville Fire Department / EMS (\$2,200):

Thursday, May 16, 2013:

7:00 p.m. – 11:00 p.m.: Dedicated Standby (4 hours) = \$400

Friday, May 17, 2013:

6:00 p.m. – 11:00 p.m.: Dedicated Standby (5 hours) = \$500

Saturday, May 18, 2013:

10:00 a.m. – 11:00 p.m.: Dedicated Standby (13 hours) = \$1,300

RECOMMENDED ACTION

City staff recommends consideration of the additional in-kind services request for the 2013 Kerrfest event.



March 27, 2013

Todd Parton
City of Kerrville
701 Main St.
Kerrville, TX 78028

Dear Todd,

On behalf of the Kerrfest Committee, we respectfully request the following additional in-kind services as a sponsorship from the City of Kerrville for the 3rd Annual Kerrfest, set for May 16-19, 2013:

Kerrville Police Department

Thursday, May 16, 2013, 6:00 – 10:00 p.m.: 1 Officer + 1 marked unit (4 hours)

Saturday, May 18, 2013, 12:00 – 6:00 p.m.: 1 Officer + 1 marked unit (6 hours)

Sunday, May 19, 2013, 6:00 – 10:00 p.m.: 1 Officer + 1 marked unit (4 hours)

Kerrville Fire Department/EMS

Thursday, May 16, 2013, 7:00 p.m. – 11:00 p.m.: Ambulance on-site

We appreciate the commitment and support we have already received from the city for Kerrfest this year. We have been working closely with both Kerrville Police Department and Fire/EMS on plans for this year's event. Their input and partnership has been immensely helpful. Thank you for helping to ensure that we have a safe event.

Sincerely,

A handwritten signature in black ink that reads 'Kristan D. Weaver'.

Kristan D. Weaver
Vice-President of Operations
Kerrville Area Chamber of Commerce

Agenda Item:

3E. A Resolution adopting a Road Naming and Addressing Policy and Procedures. (staff)

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

SUBJECT: Consideration and Action: Consider a resolution adopting an addressing policy for the City of Kerrville.

FOR AGENDA OF: April 23, 2013 **DATE SUBMITTED:** April 11, 2013

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

EXHIBITS: Addressing Policy & Resolution

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

The goal of the Addressing Policy is to set up a process and guidelines for the addressing of new structures, new developments, address changes, street name changes, new roads, and road naming conventions for those areas within the incorporated city limits. While the addressing responsibilities within the city limits of Kerrville are under the jurisdiction of the Kerrville Development Services Department, the city staff will continue to coordinate with Kerr 9-1-1 in order to maintain a consistent and uniform standard throughout the city for the health, safety, and welfare of individuals who live, work, and visit the community of Kerrville.

This policy seeks to establish standards and procedures for the following:

- Road Renaming & Address Change Procedures
- Naming Conventions
- Roads Requiring Names
- Road Naming Authority
- Renaming of Roads
- Addressing Authority
- Renumbering of Addresses
- Protocols for Road Naming and Addressing
- Naming of New or Previously Unnamed Roads
- Road Name Characteristics
- Public Notice and Public Hearing Requirements for Road Renaming or modification of addresses

RECOMMENDED ACTION

1. Approve the addressing policy and resolution.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. -2013**

**A RESOLUTION ADOPTING A ROAD NAMING AND ADDRESSING
POLICY AND PROCEDURES**

WHEREAS, the naming of roads and the assignment of addresses to properties in a consistent manner based upon adopted standards is critically important for public safety; and

WHEREAS, the City's Development Services Department has drafted and recommends that City Council approve a *Road Naming and Addressing Policy and Procedures* that establishes guidelines and processes for the naming and addressing of properties within the City; and

WHEREAS, the Development Services Department will continue to involve and seek input from other local entities, to include the Kerr Emergency 9-1-1 Network and utility providers, with respect to street naming and addressing in an effort to maintain a consistent and uniform standard throughout the City for the health, safety, and welfare of residents and visitors to the community; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to adopt a *Road Naming and Addressing Policy and Procedures* as proposed by the Development Services Department;

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

The *Road Naming and Addressing Policy and Procedures* is adopted, the provisions of which are as set forth in **Exhibit A**.

PASSED AND APPROVED ON this the _____ day of _____ A.D., 2013.

Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

Road Naming and Addressing Policy and Procedures

I. Road Name Characteristics

- a. Road names may not exceed 18 characters, including spaces between the elements.
- b. The elements of a road name must be placed in proper logical order as follows:
 - i. The road prefix directional indicator (N, SW, etc.) is a National Emergency Number Association ("NENA") standard convention but is not recommended. If used, this element must not exceed two characters, including spaces.
 - ii. The primary street name is an essential element. The street name must not exceed 18 characters, including spaces.
 - iii. The suffix is an essential element and indicates the road type (STREET, DRIVE, AVENUE, etc.). The suffix must not exceed four characters when abbreviated per United States Postal Service ("USPS") and NENA standards. A directional indicator indicates the geo-region in which a road lies and is optional. It is limited to a two-character maximum and must be one of the eight NENA approved abbreviated directional indicators (N, E, W, S, NW, SW, NE, and SE). Emergency Service Numbers ("ESN") which provide uniqueness when duplicates within the City of Kerrville ("City") exist are replacing this element.

II. Naming Conventions

- a. Each road must have only one official name.
- b. An appropriate road name should be easy to read and remember in an emergency and may promote tradition, history, geography, and character.
- c. Frivolous or complicated words or unconventional spellings may not be used for primary street names.
- d. A defined road is essentially continuous and without gaps.
- e. Where practicable, each continual road must have the same primary street name and suffix throughout its entire length, regardless of the boundaries of local political subdivisions.
- f. A proposed or new road that is obviously an extension of an existing named road must bear the assigned name of the existing road.
- g. Alias road names are prohibited.
- h. Special characters are prohibited in road names (hyphens, periods, apostrophes, etc.).
- i. A primary street name may not consist of only a suffix and directional indicator (e.g., COURT ST or NORTH AVE).

- j. The alteration or inversion of the proper, logical order of road name elements may not occur (e.g., AVE OF CEDARS or BLVD BLUE).
- k. Roman numerals may not be used in a road name.
- l. Numeric road names must be abbreviated per USPS standards and not spelled out (e.g., 8TH ST instead of EIGHTH ST).
- m. USPS route numbers are prohibited from being used as road names.
- n. Road names may not be duplicated within the City or within its extraterritorial jurisdiction as defined by state law ("ETJ"), except in extraordinary circumstances (e.g., one short cul-de-sac and/or one short loop that intersect no other road than the parent road, may bear the primary street name of the parent street, but with a different suffix). Some examples of duplicate road names are:
 - i. CATHY LANE compared to KATHY LANE;
 - ii. LAKE VIEW ROAD compared to LAKEVIEW ROAD;
 - iii. JONDO STREET compared to JONDO CROSSING or HONDO STREET;
 - iv. PINE TREE LANE compared to PINE TREES LANE or PINES TREE LANE;
 - v. 5. MAIN PARKWAY compared to MAIN STREET.
- o. Every road name must have a corresponding standard suffix, abbreviated per USPS guidelines, and that complies with NENA and USPS standards as follows:
 - i. HIGHWAY (HWY) - a State designated highway classified as a major thoroughfare (highway, expressway, freeway, turnpike, etc.)
 - ii. PARKWAY (PKWY) - a State designated highway classified as a minor thoroughfare or a non-thoroughfare (Farm-to-Market, Park Road, etc.)
 - iii. ALLEY (ALY)-A narrow lane between or behind a row of buildings
 - iv. AVENUE (AVE)-A principal road in a densely populated area
 - v. BOULEVARD (BLVD) - A street with a median reflecting the boulevard character
 - vi. CIRCLE (CIR)- Self-terminating circular streets
 - vii. COURT (CT)-A permanently closed street ending in a cul-de-sac
 - viii. COVE (CV)-A short permanently closed road ending in a cul-de-sac
 - ix. DRIVE (DR)-A curvilinear street
 - x. LANE (LN)-A secondary dead-end road
 - xi. LOOP (LOOP) - A crescent shaped road that connects two or more different roads
 - xii. PATH (PATH)-A minor road, usually consisting of a single traffic lane
 - xiii. RIDGE (RDG) -A scenic road, usually in urban areas
 - xiv. ROAD (RD)-A common collector road, usually in rural areas
 - xv. ROW (ROW)-A minor short road
 - xvi. RUN (RUN)-A minor road, usually in a residential subdivision

- xvii. STREET (ST)-A common collector road, usually in urban areas
 - xviii. TRAIL (TRL)-A secondary curvilinear road
 - xix. VIEW (VW)-A scenic road, usually in rural areas
 - xx. WAY (WAY) - A minor roadway
 - xxi. The City may allow other suffixes for roads not listed above provided the suffix is a valid street suffix and allowed by USPS.
- p. Where a private restricted road is an extension of a public access road and substantially continues the same level of service as the public road, it is recommended for public safety purposes that the private road carry the name of the public road if there is no obvious demarcation (e.g., an intersection, cattle guard, permanent gate) to easily indicate a change in road status.
 - q. Where a change or modification to a road name along a continuous roadway must occur based upon the regulations of a local governmental authority, the change or modification should occur only at a major intersection or similar demarcation.
 - r. Road names memorializing living individuals or politicians should not be used.
 - s. Road names that are obviously offensive, libelous, or derogatory in spelling or pronunciation are prohibited.

III. Roads Requiring Names

- a. All publicly maintained roads must be named and signed.
- b. A public access road or a private restricted road exceeding one-quarter mile (1,320 feet) in length and providing access to two or more separate properties (lots), upon which exists, or potentially exists, more than two separately owned buildings must be named and properly signed.
- c. Any road, regardless of length, that provides access to more than two properties must be named and signed under the following circumstances:
 - i. The location or arrangement of the buildings confuses or hinders consistent address assignment from a named road.
 - ii. A named road intersects the road, but due to topography or distance, buildings along the unnamed road are not easily viewed or located from the named intersecting road.
 - iii. Naming of the road is necessary to adequately direct emergency responders to a building(s) or property(s).
 - iv. Any road that leads to one or more roads that provides access to separately owned properties or buildings.
- d. A private restricted road may not require naming and will be treated as a driveway when the road is:
 - i. the access to a single property; and

- ii. is entered from a named road, allowing address assignment at that intersection.
- e. A driveway need not be named even if the driveway serves multiple buildings on a single property if the buildings are visible so that they can be addressed from a named road intersecting the driveway.

IV. Road Naming Authority

- a. The City is the authority for naming roads in the City and its ETJ.
- b. The City will name roads in accordance with the procedures specified below.
- c. The City will provide Kerr 9-1-1 with an opportunity to address road names and ranges for new roads during the City's Development Review Committee (DRC) process.

V. Renaming of Roads

- a. The City, Kerr 9-1-1, or a concerned party may seek to rename a road:
 - i. to eliminate duplication and confusion;
 - ii. to eliminate confusion when a permanent gap occurs in a previous continuous road;
 - iii. to change the classification, type, or status of a road;
 - iv. to correct a misspelling;
 - v. to improve or maintain continuity and parity of street numbering;
 - vi. to provide a required suffix; or
 - vii. to recognize a person or organization.
- b. The City's DRC will consider requests submitted to the City .
- c. If an existing road requires renaming, the City will follow the procedures specified below.

VI. Addressing Authority

- a. Authority for addressing rests with the City for properties in the City and its ETJ.
- b. The City will address roads in accordance with the procedures specified below.
- c. The City will provide Kerr 9-1-1 with an opportunity to review property addresses and ranges for new development during the City's DRC process.
- d. The City will submit any new addresses created or address issues identified during the City's building permitting process via email to Kerr 9-1-1 for review.

VII. Renumbering of Addresses

- a. The City, Kerr 9-1-1, or a concerned party may seek to renumber an address:
 - i. to eliminate duplication and confusion;
 - ii. to eliminate confusion when a permanent gap occurs in a previous continuous road;
 - iii. to correct errors;
 - iv. to improve or maintain continuity and parity of street numbering;

- v. to accommodate redevelopment of a property; or
 - vi. to recognize a person or organization.
- b. If existing addresses require renumbering the City will follow the procedures specified below.

I. Naming of New or Previously Unnamed Roads

- a. The DRC will review all new public access roads and private restricted roads.
- b. Pursuant to the City's subdivision regulations, approved road names must be specified on the plat prior to approval by the City's Planning and Zoning Commission.
- c. Persons seeking to name either a previously unnamed public access road that is located wholly or partially within the City or ETJ or a private restricted road that is located wholly or partially within the City or its ETJ must submit a written request to the City's Development Services Department.
- d. Road naming must conform to the criteria set forth above.
- e. The City's approval to name or rename a privately maintained road, or install a road name sign for the private drive, does not constitute nor imply acceptance of the road for public maintenance by the City.

II. Road Renaming & Address Change Procedures

- a. The City, Kerr 9-1-1, or a concerned party may initiate a process to rename an existing public access road or modification of addresses or ranges provided that any request from a party other than the City must be submitted in writing to the City's Development Services Department.
- b. If a road to be renamed or readdressed is under the jurisdiction of more than one local authority, the City will coordinate with the other authorities for renaming.
- c. Any road renaming or modification of addresses or ranges must adhere to the following process:
 - i. Where renaming or address modification affects more than four (4) separately owned properties:
 - 1. The City Council will hold a public hearing as scheduled by the City's Development Services Department at a regular meeting date of the Council.
 - 2. The City will provide written notification to affected property owners at least ten (10) days prior to the public hearing. The written notice is deemed to have been provided by placement in the U.S. mail.
 - 3. The City will provide public notice of the public hearing in a paper of general circulation within the City at least fifteen (15) days prior to the public hearing. The City will post a similar notice on its website.

4. City Council will take action to approve or reject the renaming or address modification proposal after the public hearing and will adopt any such action by resolution.
 5. The City's Development Services Department will provide letter notifications to all affected property owners of the decisions rendered by the City Council
- ii. Where renaming or address modification affects four (4) or fewer separately owned properties:
1. The City will provide written notification to affected property owner(s).
 2. The written notice is deemed to have been provided by placement in the U.S. mail.
 3. The City's Development Services Department will take administrative action on the renaming or address modification request in accordance with the procedures specified above and provide affected property owner(s) notice of the change.

Agenda Item:

4A. A Resolution granting a Conditional Use Permit for an approximate .25 acre tract of land located on the southern 105 feet of lot 1, block 1 of the Vetterville Subdivision, within the City of Kerrville, Texas, and otherwise known as 1912-A Junction Highway; said tract is located within the W-3 zoning district; by permitting said property to be used for "vehicle sales/service-used"; making said permit subject to certain conditions and restrictions contained herein. (staff)

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

SUBJECT: Public Hearing & Action: Conditional Use Permit (CUP) Consideration and action to allow a proposed use of "Vehicle Sales/Service – Used" in the W-3 zoning district, for an approximate 0.25 acre tract of land located on the southern 105 feet of Lot 1, Block 1, of the Vetterville subdivision, and more commonly known as 1912-A Junction Hwy. Zoned (W-3) West Side District.

FOR AGENDA OF: April 23, 2013 **DATE SUBMITTED:** April 11, 2013

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

EXHIBITS: Location Map, CUP – Resolution, Exhibits

AGENDA MAILED TO: Greg Maxwell, 228 W. Main St., Kerrville, Texas 78028

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

The applicant is seeking a Conditional Use Permit in order to operate a business involved in the sale and service of used vehicles in the W3 zoning district. This district does not permit the land use of "Vehicle Sales/Service – Used" by right, but this land use may be permitted through the approval of a Conditional Use Permit via a resolution.

The applicant is seeking this land use for only a portion of Lot 1, Block 1, of the Vetterville subdivision. This lot contains two structures (1912-A and 1912-B Junction Highway) and the applicant is seeking approval of the CUP for an approximate 0.25 acre tract of land located on the southern 105 feet of Lot 1, Block 1, of the Vetterville subdivision.

Vehicle service will be allowed on the property, but it will be limited to only that which is necessary and/or required by law to prepare a used vehicle for sale to a retail customer.

The setbacks required for this land use are as follows:

1. Front and rear setbacks of 35'
2. Side setbacks of 12.5'

Currently the building located on the site is 25' from the front property line and 30' from the side property lines. However, Art. 11-1-17 (b) of the City of Kerrville's zoning code does allow for alternative setbacks if they are adopted via a resolution creating a (CUP) conditional use permit.

Off-street parking requirements for this use are 4 parking spaces + 1 additional ADA compliant parking space.

A 20' wide striped and dedicated fire lane is required for the driveway located on the western side of the property. This fire lane is for fire truck access to the 2nd building located towards the rear of the property. No hammerhead will be required as the fire lane does not exceed 150' in length.

The subject property is immediately adjacent to a vacant flag lot & Guadalupe National Bank to the West, Kerrville Ranch and Pet to the East, and Kerr County Truck & Trailer repair to the North, on the same lot. Based on the adjacent land uses and proposed use of the property, no screening is required.

There are 2 additional properties with the land use of "Vehicle Sales/Service – Used" within 1,000 feet of the property.

1. Troy Faust Motor Company (1903 Junction Hwy)
2. Roberts Auto Sales (1918 Junction Hwy)

The Kerrville Planning & Zoning Commission held a public hearing on April 4, 2013. No citizens spoke on the issue and the Commissioners approved the CUP by a vote of 5-0.

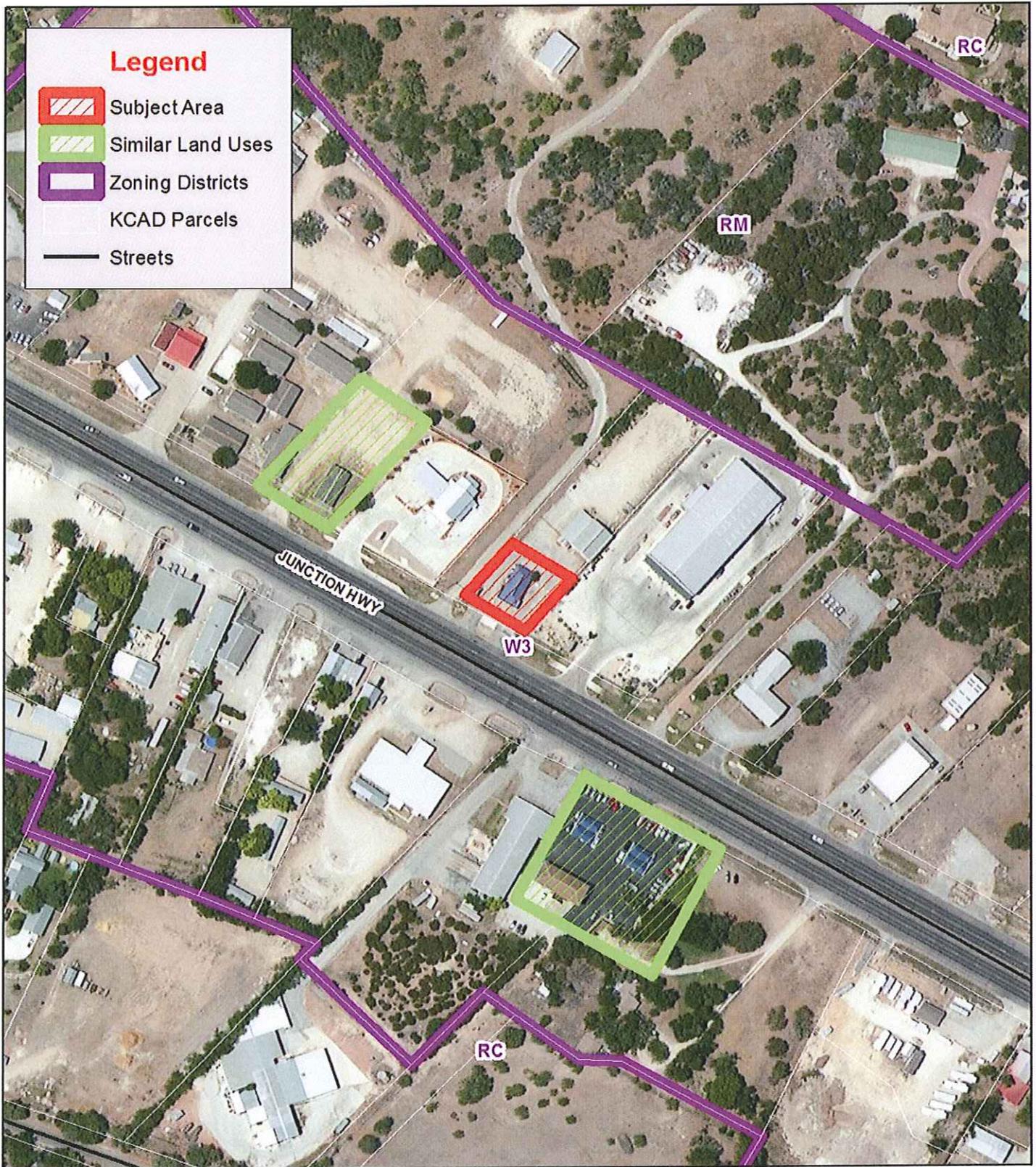
RECOMMENDED ACTION

1. Open the public hearing and receive comments.
2. Approve the resolution granting the conditional use permit.

P&Z Case #2013-009

CUP

Location Map



Legend

- Subject Area
- Similar Land Uses
- Zoning Districts
- KCAD Parcels
- Streets



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.



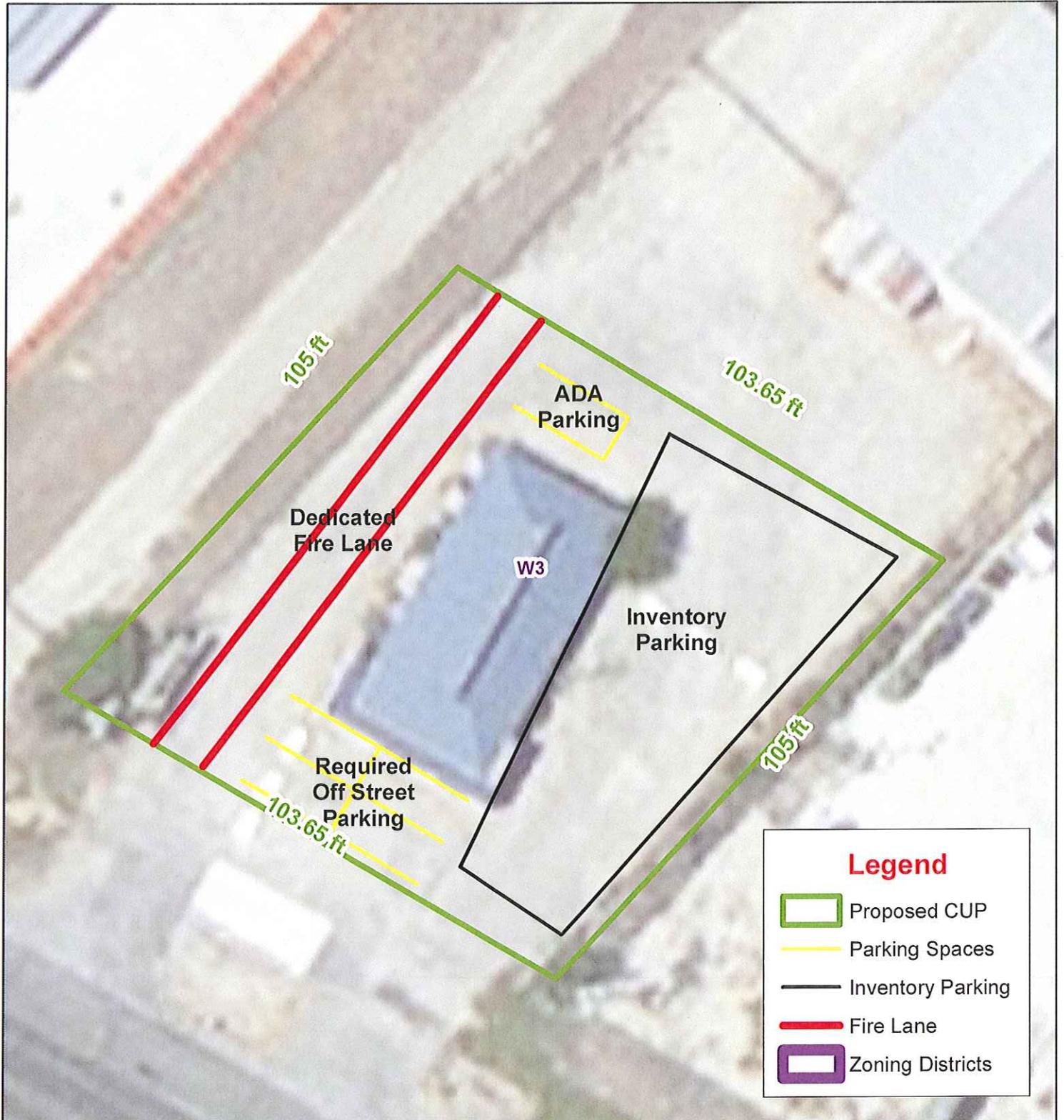
1 inch = 200 feet



Exhibit B

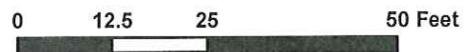
1912-A Junction Hwy - CUP - Site Plan

Proposed Vehicle Sales/Service - Used



Required Off-street Parking.
4 Spaces
Setbacks for proposed use.
Front & Rear 35'
Side 12.5

Distance to nearest building.
60'
Distance to side property lines.
30'
Distance to front property line.
25'



1 inch = 25 feet



Signage to conform to the City of Kerrville's adopted sign ordinance.

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

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATE .25 ACRE TRACT OF LAND LOCATED ON THE SOUTHERN 105 FEET OF LOT 1, BLOCK 1 OF THE VETTERVILLE SUBDIVISION, WITHIN THE CITY OF KERRVILLE, TEXAS, AND OTHERWISE KNOWN AS 1912-A JUNCTION HIGHWAY; SAID TRACT IS LOCATED WITHIN THE W-3 ZONING DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR "VEHICLE SALES/SERVICE-USED"; MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

WHEREAS, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with the City Charter and state law with reference to the granting of conditional use permits under Title 11, Chapter I of the Zoning Code of the City of Kerrville, Texas, and the official zoning map adopted thereby; having given the requisite notices by United States mail, publication, and otherwise; and after holding due public hearings and affording a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the City Council of the City of Kerrville, Texas, finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit, subject to the special conditions and restrictions set out hereinafter on the property described in Section One hereof;

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

SECTION ONE. A Conditional Use Permit is granted to permit the property described below (the "Property") to be used and developed for Vehicle Sales/Service-Used as that term is defined by Title 11, Chapter I of the Zoning Code of the City of Kerrville, Texas ("Zoning Code"), and such use and development is subject to the provisions of this Resolution and other applicable City ordinances and regulations:

An approximate .25 acre tract or parcel of land located on the southern 105 feet of Lot 1, Block 1 of the Vetterville Subdivision, within the City of Kerrville, Kerr County, Texas, and as more particularly described and depicted at Exhibit A.

SECTION TWO. In addition to the development and use regulations currently applicable to the Property, the Property may be developed and used for Vehicle Sales/Service-Used and is subject to the following conditions and regulations:

- A. **Site Plan:** The use of the Property must conform to the site plan, attached as **Exhibit B**.
- B. **Parking:** The design and number of parking spaces must comply with the City's regulations in effect at the time that individual building permits are submitted to the

City. All required parking spaces must be marked and kept available for customers and employees and may not be used for the display of vehicle inventory. The storage and display of vehicles may only occur at ground level.

C. Signage: All signs must comply with the City's Sign Code at the time of permitting.

D. Trash and Other Solid Waste: Solid waste collection bins and dumpsters must 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 principal building to which it is adjacent on the remaining three sides.

E. Vehicle Repair and Maintenance: No repair or maintenance of any vehicle on the Property may occur at any time except as follows:

1. maintenance may be performed only on used vehicles:
 - (a) that are a part of the business operator's inventory; or
 - (b) that have been sold out of the business operator's inventory within six (6) months of the date of performance of the maintenance;
2. the level of maintenance is limited to only that which is necessary and/or required by law to prepare a used vehicle for sale to a retail customer;
3. no vehicle parts or supplies, including, but not limited to, tires, petroleum products, or hazardous materials, may be kept or stored on the exterior of any building;
4. no tools or equipment may be stored on the exterior of any building unless contained in an enclosed area fully screened from view from all adjacent properties, streets, and alleys.

F. Fire Code: The development and use of the Property must comply with the City's Fire Code, to include the designation of a twenty foot (20') fire lane where appropriate.

G. Other Zoning Regulations: The regulations set forth in this Resolution are in addition to those set forth in Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, as amended or superseded, the provisions of this Resolution shall prevail.

SECTION THREE. This Resolution and the Conditional Use Permit granted herein is subject to termination in accordance with Article 11-I-13 of the Code of Ordinances of the City of Kerrville, Texas.

PASSED AND APPROVED ON this the _____ day of _____ A.D., 2013.

Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

7717

Exhibit A - Plat

CITY OF KERRVILLE
COUNTY OF KERR

Know All Men By These Presents:

That I, Rocky Rhodes, hereby certify that Rhodes Construction Co., Inc. is the owner of Lot 1, Block 1, as shown and platred herein. I hereby certify that the purpose of this plat of subdivision of its own line will establish the minimum building restriction lines and dedications all easements for purposes noted.

Witness my hand this 23rd day of Oct., 1992.

Rocky Rhodes
Rocky Rhodes, Owner
Rhodes Construction

STATE OF TEXAS
COUNTY OF KERR

BEFORE ME, the undersigned authority, on this day personally appeared Rocky Rhodes, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office

this 23rd day of Oct., 1992

W.C. Vaultel
W.C. Vaultel, Notary Public for the State of Texas

I hereby certify that this subdivision plat has been found to comply with the Subdivision Act of the State of Texas, with the exception of such variations as are noted in the minutes of the City Planning Commission and County Clerk.

Dated this 22nd day of Oct., 1992

Robert L. Hanson
Robert L. Hanson
City Engineer

I hereby certify that the subdivision plat is in accordance with the City of Kerrville Standard Specifications.

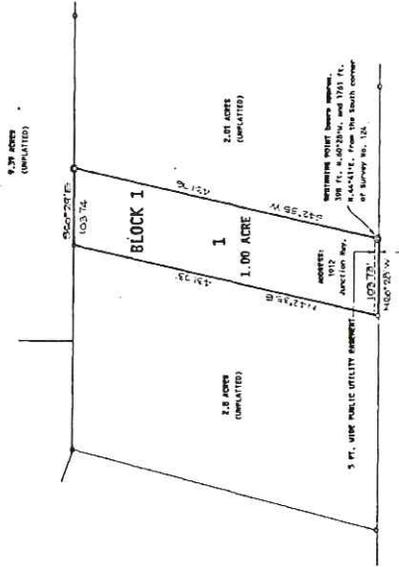
Robert L. Hanson
Robert L. Hanson
City Engineer

I hereby certify that this plat meets with the requirements of the City of Kerrville Standard Specifications for house numbers assigned by City of Kerrville Planning Department.

Robert L. Hanson
Robert L. Hanson
Postmaster

I hereby certify that this plat is an accurate representation of the property shown and described hereon as determined by survey and described hereon under my direction and supervision except no survey was made to establish patent survey lines at corners and the lines are monumented with 1/2" iron stake unless otherwise shown.

W.C. Vaultel
W.C. Vaultel
Registered Professional Land Surveyor No. 3009
County Surveyor for Kerr County



STATE HIGHWAY NO. 27

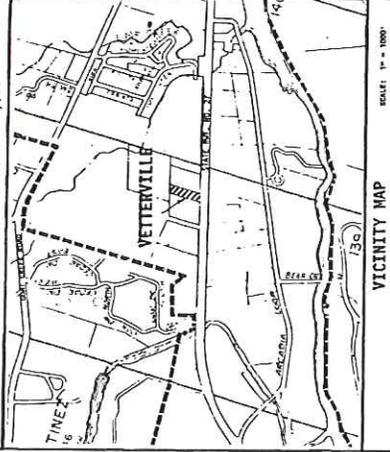


SCALE: 1" = 100'



LEGEND

- 1/2" iron stake
- 1/2" iron stake in concrete monument



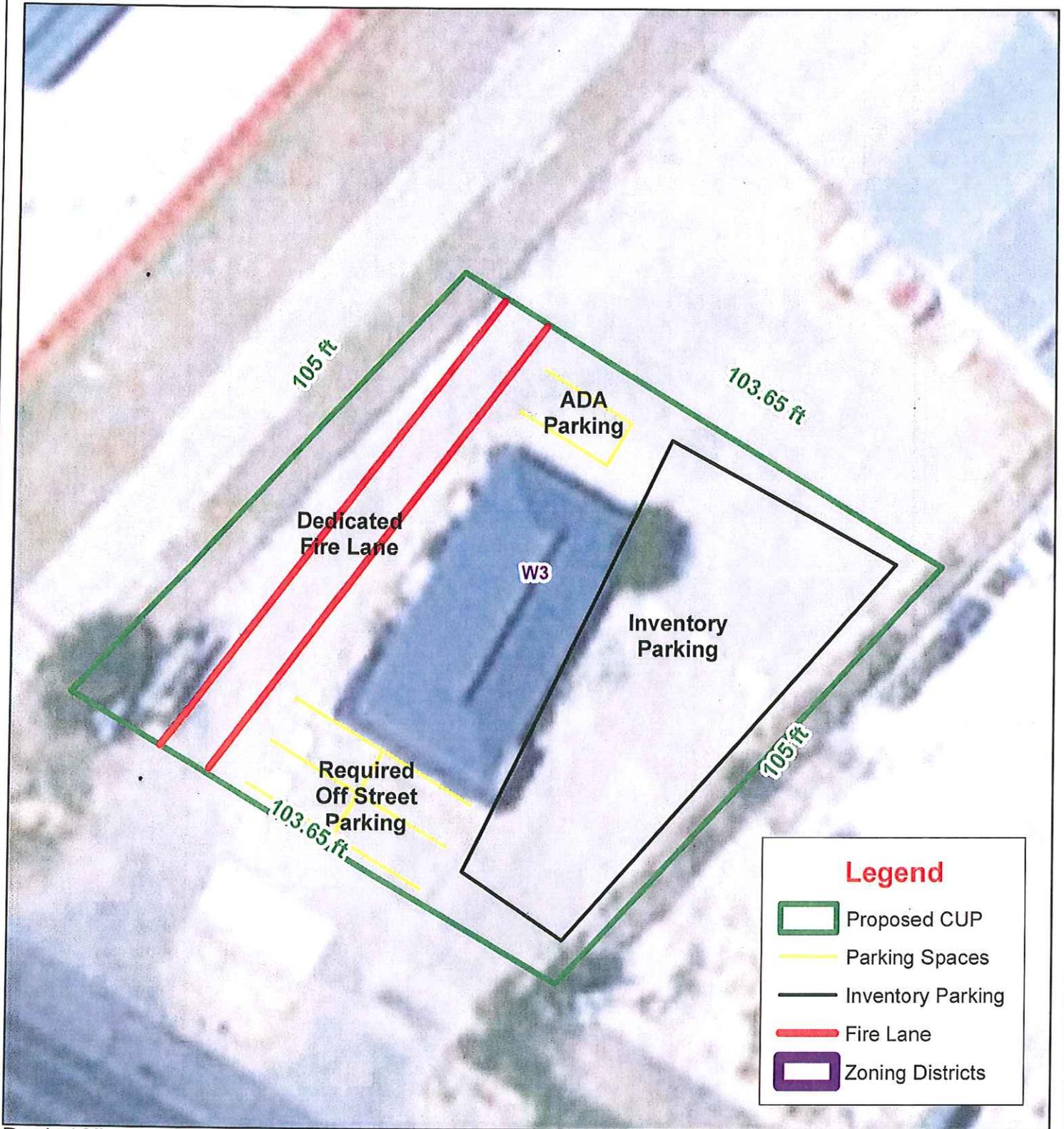
SCALE: 1" = 1000'

VETTERVILLE

A SUBDIVISION CONTAINING 1.00 ACRE OF LAND, MORE OR LESS,
OUT OF FRANCISCO MARTINEZ SURVEY NO. 124, ABSTRACT NO. 247
IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS
OCTOBER 1992

Exhibit B

1912-A Junction Hwy - CUP - Site Plan Proposed Vehicle Sales/Service - Used



Required Off-street Parking.
4 Spaces
Setbacks for proposed use.
Front & Rear 35'
Side 12.5

Distance to nearest building.
60'
Distance to side property lines.
30'
Distance to front property line.
25'



1 inch = 25 feet



Signage to conform to the City of Kerrville's adopted sign ordinance.

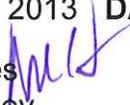
Agenda Item:

5A. An Ordinance amending Chapter 30 "Businesses" of the city's code of ordinances by adopting a new Article I "Group Homes and Boarding Home Facilities"; establishing registration, permitting, and inspection of group homes and boarding home facilities; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

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

SUBJECT: An Ordinance Amending Chapter 30 "Businesses" of the City's Code of Ordinances by adopting a new Article I "Group Homes and Boarding Home Facilities".

FOR AGENDA OF: April 23, 2013 **DATE SUBMITTED:** April 15, 2013

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

EXHIBITS: Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:		Account Number:
\$ 0	\$ 0	\$ 0	NA	

PAYMENT TO BE MADE TO: NA
REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

City Council has, over the course of several meetings, considered the adoption of regulations applicable to "group homes". Based upon comments made from Council at those meetings, the attached ordinance will adopt regulations applicable to such businesses. Council passed the Ordinance on 1st reading at its April 9, 2013, meeting.

RECOMMENDED ACTION

Consideration of Ordinance.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2013-__**

AN ORDINANCE AMENDING CHAPTER 30 “BUSINESSES” OF THE CITY’S CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE I “GROUP HOMES AND BOARDING HOME FACILITIES”; ESTABLISHING THE REGISTRATION OF GROUP HOMES AND THE PERMITTING AND INSPECTION OF BOARDING HOME FACILITIES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, in response to a study concerning unregulated board home facilities in Texas, the State Legislature enacted H.B. 216 in 2009, which is now codified in Chapter 260 of the Texas Health and Safety Code; and

WHEREAS, Chapter 260 authorizes, but does not require, municipalities to require boarding home facilities to obtain a permit and comply with model standards; and

WHEREAS, neither Chapter 260 nor any other state law requires boarding home facilities to comply with any uniform state standards; and

WHEREAS, Section 215.075 of the Texas Local Government Code grants home-rule municipalities the authority to license any lawful business or occupation that is subject to the police power of the municipality; and

WHEREAS, the Texas Health and Human Services Commission published model standards for the municipal regulation of boarding home facilities in the August 27, 2010 edition of the Texas Register; and

WHEREAS, City Council has considered the issue of the regulation of group homes and boarding home facilities in several public meetings, including a workshop meeting which was dedicated to this issue and where citizens and operators of such homes were given an opportunity to directly address Council; and

WHEREAS, City Council believes that the provisions in this Ordinance will provide adequate and appropriate standards to protect the health and safety of the residents of group home and boarding home facilities, including ensuring that adequate life-safety measures are present; and

WHEREAS, City Council has determined that the regulation of boarding home facilities through this Ordinance, which includes the adoption of standards, the issuing of permits, the inspection of boarding home facilities, and the ability to enforce the provisions of the Ordinance is in the best interest of the public and will promote the public health, safety, and welfare of the City;

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

SECTION ONE. Chapter 30 “Businesses” of the Code of Ordinance of the City of Kerrville, Texas, is amended by adding a new Article I “Group Homes and Boarding Homes Facilities” to add the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

“Chapter 30 - BUSINESSES

ARTICLE I. GROUP HOMES AND BOARDING HOME FACILITIES

DIVISION 1. GENERAL

Sec. 30-1. Purpose of Article.

- (a) The purpose of this article is for the City to maintain a record of group homes, which generally provide personal care services and are licensed by the State of Texas, and boarding home facilities. These records will enable the City to try to ensure adequate fire, police, or emergency response vehicles or patrols are available, to identify and facilitate appropriate emergency responses for residents who may require special assistance during an emergency, and to enable enforcement of the spacing requirement between boarding home facilities. These standards are implemented pursuant to the City’s home-rule authority under Article XI, Section 5 of the Texas Constitution and the authority to license or permit lawful businesses subject to the City’s police power granted by Sections 54.005 and 215.075 of the Texas Local Government Code.

- (b) The City seeks and intends that this article is legally compliant with the Federal Fair Housing Amendments Act of 1988 (“FHAA”), the Americans with Disabilities Act of 1990 (“ADA”), and the Americans with Disabilities Amendments Act of 2008, and all other applicable state and federal legislation. It is the express intent of the City that this article is applied and enforced in a manner consistent with the FHAA, the ADA, and other applicable federal and state legislation.

Sec. 30-2. Definitions. The following definitions apply:

- (a) Boarding home facility means an establishment, including a residence or dwelling, that furnishes, in one or more buildings, to persons under separate rental agreements, whether oral or written, lodging to three or more persons unrelated to the owner of the establishment by blood or marriage, and is not listed in Sec. 30-12.
- (b) Department means the department designated by the City Manager to enforce and administer this article.
- (c) Disability means a disability as defined in 42 U.S.C. §12102.
- (d) Director means the director of the department designated by the City Manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.
- (e) Habitable space means space in a residence or dwelling used for living, sleeping, eating, or cooking and includes bathrooms, closets, and hallways but does not include garages, attics, or porches.
- (f) Operator means the person in control of a boarding home facility.
- (g) Owner means an individual who has an ownership interest in a corporation or other legal entity operating a boarding home facility or the owner of the real property where a boarding home facility is located.
- (h) Resident means a person who is residing in a boarding home facility.
- (i) Sleeping room means a room intended and used for sleeping purposes but does not include a kitchen, dining room, living room, bathroom, hallway, or garage.

DIVISION 2. GROUP HOMES LICENSED BY THE STATE

Sec. 30-6. Registration. A person commits an offense if he owns or operates the following types of group homes without registering with the Department and providing proof of a valid state license, where applicable:

- (a) Home and community support services licensed under Chapter 142 of the Texas Health and Safety Code;

- (b) Convalescent and nursing homes and related institutions licensed under Chapter 242 of the Texas Health and Safety Code;
- (c) Continuing care facilities licensed under Chapter 246 of the Texas Health and Safety Code;
- (d) Assisted living facilities licensed under Chapter 247 of the Texas Health and Safety Code;
- (e) Intermediate care facilities for the mentally retarded licensed under Chapter 252 of the Texas Health and Safety Code;
- (f) A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by the Texas Department of Mental Health and Mental Retardation or its successor (“TDMHMR”) and monitored by TDMHMR or its designated local authority in accordance with standards set by TDMHMR;
- (g) A child-care facility as defined by Section 42.002 of the Texas Human Resources Code;
and
- (h) A family violence shelter as defined by Section 51.002 of the Texas Human Resources Code.

DIVISION 3. BOARDING HOME FACILITIES.

Sec. 30-11. Permit Required.

- (a) A person commits an offense if he owns or operates a boarding home facility within the City without a valid permit under this division.
- (b) It is a defense to prosecution under this division if a person operates a boarding home facility while an application under Sec. 30-13 is pending.
- (c) It is a defense to prosecution under this division if a person operates a facility listed in Sec. 30-12.

Sec. 30-12. Exemptions. This division does not apply to:

- (a) Home and community support services licensed under Chapter 142 of the Texas Health and Safety Code;
- (b) Convalescent and nursing homes and related institutions licensed under Chapter 242 of the Texas Health and Safety Code;
- (c) Continuing care facilities licensed under Chapter 246 of the Texas Health and Safety Code;
- (d) Assisted living facilities licensed under Chapter 247 of the Texas Health and Safety Code;
- (e) Intermediate care facilities for the mentally retarded licensed under Chapter 252 of the Texas Health and Safety Code;
- (f) A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by the Texas Department of Mental Health and Mental Retardation or its successor (“TDMHMR”) and monitored by TDMHMR or its designated local authority in accordance with standards set by TDMHMR;
- (g) An establishment conducted by or for adherents of a well-recognized church or religious denomination for the purpose of providing facilities to care and treat the sick who depend exclusively on prayer and spiritual means for healing, without the use of any drug or material remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules including Sec. 30-28;
- (h) A hotel as defined by Section 156.001 of the Texas Tax Code;
- (i) A retirement community as defined by Section 11.18 of the Texas Tax Code;
- (j) A monastery or convent;
- (k) A child-care facility as defined by Section 42.002 of the Texas Human Resources Code
- (l) A family violence shelter as defined by Section 51.002 of the Texas Resources Code; and

- (m) A sorority, fraternity house, or dormitory located on the property of an institution of higher education.

Sec. 30-13 Permit Application. To obtain an annual permit to operate a boarding home facility, a person must submit an application to the director on a form provided for that purpose and pay the permit fee. The applicant must be the owner or operator of the boarding home facility. If the owner or operator is not an individual, an authorized officer or agent of the owner or operator must submit the form. The application must contain the following information before it is considered complete and subject to review:

- (a) The name, mailing address, email address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and the date of birth of the applicant. The mailing address may not be the address of the boarding home facility unless the applicant actually resides full-time at the boarding home facility.
- (b) The name, form of business, mailing address, email address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant is not an individual. The mailing address may not be the address of the boarding home facility unless the authorized officer or agent actually resides full-time at the boarding home facility.
- (c) The names, mailing addresses, email addresses, telephone numbers, legible copies of the drivers' licenses or other official state or federal identification cards, and dates of birth of any owners, operators, or employees of the boarding home facility other than the applicant. The mailing address may not be the address of the boarding home facility, unless the owner, operator, or employee actually resides full-time at the boarding home facility.
- (d) If the operator of the boarding home facility is renting or leasing the home or facility, then the operator must present a letter from the owner of the real property authorizing the use of the rental property to operate a boarding home facility and acknowledging the requirements for the property to be used as a boarding home facility set out within this article.
- (e) The street address and telephone number of the boarding home facility.
- (f) The name, mailing address, email address, and telephone number of a person(s) to contact in an emergency.

- (g) Documentary evidence of the payment of ad valorem taxes, fees, fines, and penalties owed to the City in connection with real property used to operate the boarding home facility.
- (h) The maximum number of residents that will reside at the boarding home facility pursuant to Sec. 30-26.
- (i) The services to be offered or provided to the residents of the boarding home facility.
- (j) A zoning verification letter from the City stating that the proposed use of the property complies with the City's zoning regulations.
- (k) If the boarding home facility has one or more residents with a disability, a list of the general disabilities of the resident(s).
- (l) A statement that, by filing this application, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this section.
- (m) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested permit should be granted.

Sec. 30-14 Notification of Change of Information. The permit holder shall notify the director within 10 days after any material change in the information contained in the application for a permit to operate a boarding home facility, including any change in ownership.

Sec. 30-15 Permit Fees.

- (a) The annual fee for a permit to operate a boarding home facility is as determined from time to time by City Council.
- (b) The City will not refund a permit fee.

Sec. 30-16 Issuance or Denial of Permit.

- (a) Upon payment of the fee and the submission of a complete application, the director shall issue an annual permit to operate a boarding home facility to the applicant, to include the number of authorized residents, if the director determines that:

- 1) The applicant has complied with all requirements within this article for issuance of the permit;
 - 2) The applicant, owner(s), operator(s), or employee(s) of the boarding home facility do not own or operate another permitted boarding home facility in the City for which the permit is currently suspended or has been revoked;
 - 3) The applicant has not made a false statement as to a material matter in the application for a permit; and
 - 4) The proposed boarding home facility is not within one-half (1/2) mile of an existing boarding home facility. For purposes of this section, the measurement consists of a straight line without regard to intervening structures or objects, from the nearest property line of the lot or tract on which the proposed boarding home facility is located to the nearest property line of the existing registered or permitted boarding home facility, which requires separation. An exception exists where two or more boarding home facilities exist within one-half (1/2) mile of each other as of the adoption date of this Ordinance, such boarding home facilities are exempt from this distance requirement and may remain in operation, but only where they are issued a permit by the City and comply with the remaining requirements of this article. Following the issuance of a permit, should the permit be revoked or a boarding home facility cease operations for a period of time greater than 90 days, then the distance requirement will apply.
- (b) If the director determines that the requirements of (a) have not been met and, if applicable, a variance under the article has been denied, the director shall deny the permit and notify the applicant in writing that the application is denied, the reason for denial, and a statement informing the applicant of the right to appeal.

Sec. 3-17.Variance from Distance Requirement.

- (a) City Council may grant a variance to a proposed boarding home facility authorizing its location within one-half (1/2) mile of another boarding home facility.
- (b) The variance procedure is as follows:
 - 1) Application. When requesting a variance from the distance requirement found within Sec. 30-18, the applicant must submit the following information to the director:
 - A. Completed variance request form with the following information:

- i. The name and address of the applicant for the boarding home facility;
 - ii. The name and address of the boarding home facility subject to the request, if applicable;
 - iii. The name of the property owner for the property where the boarding home facility is proposed to be located;
 - iv. The name and address of the boarding home facility currently in existence which triggered the request for variance;
 - v. Notarized authorization of the property owner consenting to the variance request; and
 - vi. The payment of the applicable fee for the variance, which is nonrefundable.
- B. Statement of justification as to how the variance meets the criteria in this section;
- C. A site and floor plan showing the following information:
- i. North arrow and scale;
 - ii. Boundaries of the property;
 - iii. Location and dimensions of all buildings and structures; and
 - iv. All fences, parking area, and landscape area.
- (2) Hearing. The director shall set a date for a public hearing on the first available City Council agenda after the passage of 30 days from the date a complete variance application is received;
- (3) Notices. No later than 10 days prior to the date of the hearing, the director shall send written notice of the variance request, to include the date and time of the scheduled public hearing, to:
- A. The property owner of the boarding home facility currently in existence which triggered the request for variance;
 - B. The applicant requesting the variance; and

C. Each owner, as indicated by the most recently approved municipal tax roll, of real property, within 200 feet of the property.

(4) Council Decision; Criteria.

A. In determining whether to grant a variance, City Council must find that the enforcement of the distance requirement is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a permit, does not serve its intended purpose, and/or is not effective or necessary.

B. If at the conclusion of the public hearing the City Council grants the applicant's request for a variance, the City Council may impose additional conditions on the granting of the variance where such conditions are intended to mitigate the impacts caused by the boarding home facility and are in the public interest.

(5) Renewal and Transfer. A variance granted pursuant to this subsection is valid for subsequent renewals of the permit for which a variance was sought.

(6) Variance Violation. The director may request the City Attorney to seek any and all remedies available at law and or equity to assure the conditions imposed on the granting of the variance are enforced.

(7) Denial. If a variance is denied, no new application for the same location will be accepted within 12 months from date of the denial.

Sec. 30-18. Suspension of Permit; Prohibition of New Residents.

(a) The director may suspend a permit for a boarding home facility for a period not to exceed 90 days if the director finds that the permit holder or an employee of the boarding home facility has:

(1) Failed to comply with any provision of this article, any other ordinance, or any state or federal law applicable to the operation of a boarding home facility; or

(2) Intentionally or knowingly impeded or refused to allow an inspection by the director authorized under this article.

(b) A boarding home facility for which the permit has been suspended may not admit any new residents during the time the permit is suspended.

- (c) In lieu of suspending a permit for a boarding home facility, the director, at his sole discretion, may enter into a compliance agreement with a permit holder if the director determines that the compliance agreement would eliminate the noncompliance that would otherwise justify a suspension, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to the standards of this article.
- (d) The director shall send a written statement of the reasons for the suspension, the date the suspension is to begin, the duration of the suspension, and the permit holder's right to appeal by certified mail, return receipt requested.
- (e) A permit holder whose permit is suspended may not be granted a permit to operate any additional boarding home facility during the suspension period.
- (f) A permit holder commits an offense if he operates or owns a boarding home facility that admits new residents during the time that the suspension of the permit is in effect.

Sec. 30-19. Revocation of Permit.

- (a) Except as provided in Subsection (b), the director shall revoke any permit issued to operate a boarding home facility if the director determines that:
 - (1) The permit holder intentionally made a false statement as to a material matter in the application or in a hearing concerning the permit;
 - (2) The permit holder failed to pay a fee required by this article at the time it was due; or
 - (3) A cause for suspension has occurred and the permit has already been suspended at least once within the preceding 12 months.
- (b) In lieu of revoking a permit for a boarding home facility, the director, at his sole discretion, may enter into a compliance agreement with a permit holder if the director determines that the compliance agreement would eliminate the noncompliance that would otherwise justify a revocation, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to the standards of this article.
- (c) Before revoking a permit under Subsection (a), the director shall notify the permit holder in writing by certified mail, return receipt requested, that the permit is being considered for revocation. The notice must include the reason for the proposed revocation, action the permit holder must take to prevent the revocation, and a statement that the permit holder has 10 days to comply with the notice.

- (d) If after 10 days from the date of the notice required in Subsection (c) was sent or delivered, whichever is later, the permit holder has not complied with required actions listed in the notice, the director shall revoke the permit and notify the permit holder in writing of the revocation. The notice must include the reason for the revocation and a statement informing the permit holder of the right of appeal.
- (e) If a permit has been revoked, the permit holder has 10 days from the date the notice was sent or delivered, whichever is later, to relocate the residents of the facility and cease operations. An appeal of the revocation does not suspend or toll this deadline.

Sec. 30-20. Appeals. If the director denies the issuance or renewal of a permit or suspends or revokes a permit issued under this article, the action is final unless the permit holder files a written appeal within 10 days of the director's action with City Council.

Sec. 30-21. Expiration and Renewal of Permit.

- (a) The annual permit to operate a boarding home facility expires one year after the date of issuance.
- (b) A permit holder must apply for renewal at least 30 days before the expiration of the annual permit on a form provided by the director. The permit holder must update the information contained in the original permit application required under this article if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications or that any information that has been updated is accurate and complete and pay the annual fee.
- (c) The director shall follow the procedures set forth in this article when determining whether to renew a permit.

Sec. 30-22. Non-transferability. A permit to operate a boarding home facility is not transferable to another location.

Sec. 30-23. Posting Requirements. The permit holder shall prominently and conspicuously post for display in a public area inside the boarding home facility that is readily available to residents, the operator, employees, and visitors the following:

- (a) The permit issued under this article to operate the boarding home facility. The permit must be presented upon request to the director for examination; and

- (b) A sign provided by the director specifying how complaints may be registered with the City and a copy of the most recent inspection report conducted by the director.

Sec. 30-24. Reasonable Accommodations.

- (a) The City intends to ensure that all persons with a disability have equal opportunity to use and enjoy a dwelling by providing such persons with reasonable accommodations in rules, policies, practices, and procedures promulgated under this article consistent with the FHAA and the ADA, as amended.

- (b) The method of submitting a request for reasonable accommodation is as follows:
 - (1) A request for a reasonable accommodation may be submitted at any time that the accommodation may be necessary to ensure equal access to housing.
 - (2) A request for a reasonable accommodation may be submitted by an individual with a disability, the person's representative, or a permit holder providing housing for one or more individuals with disabilities.
 - (3) A request for a reasonable accommodation must be submitted in writing to the director on the form provided by the department or in the form of a letter.
 - (4) There is no fee for an application requesting a reasonable accommodation.
 - (5) If an individual needs assistance in making a request for a reasonable accommodation, the City will provide assistance to ensure that the application process is accessible to the individual.

- (c) An applicant shall submit the following information before an application for a reasonable accommodation is considered to be complete:
 - (1) The applicant's name, mailing address, street address, telephone number, and email address;
 - (2) The applicant's relation to the individual(s) with a disability, if applicable;
 - (3) The address of the property to which the requested reasonable accommodation would apply;
 - (4) A disability determination by the Social Security Administration or the Department of Veteran's Affairs, or other substantially equivalent medical determination, that

substantiates that the individual who would obtain the benefit of the reasonable accommodation is:

- A. An individual with a physical or mental impairment that substantially limits one or more major life activities;
- B. An individual who is regarded as having such an impairment; or
- C. An individual with a record of such impairment.

(5) The section(s) of this article from which a reasonable accommodation is being requested; and

(6) A brief explanation of why the requested accommodation is necessary for the individual or individuals with disabilities to have equal access to housing.

(d) Upon receipt of a complete application for a reasonable accommodation, the director shall review the application and issue a written ruling that grants, grants with conditions, or denies the application.

(e) Before making a decision, the director may request an inspection of the boarding home facility and the property on which it is located. If the director makes such a request, the applicant must make the property, the facility, and its records available for the inspection within 20 days after the date of the request or the application is automatically denied.

(f) If the director deems it necessary to request additional information from the applicant consistent with federal and state law, the director shall contact the applicant in writing and specify the additional information that is required. If the director makes such a request, the applicant must provide the additional information to the director within 20 days after the date of the request or the application is automatically denied.

(g) All proposed decisions of the director must be submitted to the City Attorney for legal review to determine compliance with local, state, and federal laws and regulations.

(h) The director may impose reasonable conditions on any accommodation granted consistent with the purpose of this article.

(i) The written decision must be consistent with the FHAA and based on a consideration of the following factors:

- (1) Whether the housing that is the subject of the request will be used by one or more individuals with a disability;
 - (2) Whether the requested accommodation is necessary to make specific housing available to one or more individuals with a disability;
 - (3) Whether the requested accommodation would impose an undue financial or administrative burden on the City;
 - (4) Whether the requested accommodation would require a fundamental alteration in the nature of City regulations;
 - (5) The potential impacts of the requested accommodation on the applicant, the other residents of the boarding home facility, and the surrounding neighborhood;
 - (6) Whether a failure to grant an accommodation would result in the property having no economically viable use; and
 - (7) Whether there are alternative accommodations that are reasonable and have an equal, or less of an impact on the City, applicant, other residents of the boarding home facility, and the surrounding neighborhood.
- (j) The director shall issue a written decision within 20 days of:
- (1) Receipt of a completed application, provided that the director is able to issue a decision based on the information provided in the original request; or
 - (2) The completed inspection of the property, facility, and its records, as requested by the director; or
 - (3) The director's receipt of all additional requested information.
- (k) The director's written decision must explain in detail the basis of the decision and notify the applicant of the right to appeal the director's decision to the City Council.

Sec. 30-25. Inspection; Fees.

(a) *Required inspections.*

- (1) A boarding home facility must pass all required inspections.

(2) The permit holder shall keep a current file of reports and other documentation on site that is needed to demonstrate compliance with applicable City ordinances and federal and state laws. Inspection records must be signed and dated by the appropriate authority and there may not be any pending corrective actions.

(3) The following inspections are required:

(A) Permitting inspection.

(B) Annual permitting inspection.

(C) Annual inspection for compliance with the City's building codes, to include the fire code.

(b) *Other inspections.* The director may inspect any boarding home facility for the purpose of ascertaining whether violations of this article or any other City ordinances exist. The director is authorized at a reasonable time to inspect:

(1) The exterior of a structure and the surrounding premises; and

(2) The interior of a structure if the permission of the owner, occupant, or person in control is given or a search warrant is obtained.

(c) *Consequences of refusal to inspect.* If the owner, occupant, or person in control denies permission to search any part of the interior or exterior of the structure or the surrounding premises, the director may suspend or revoke the permit to operate a boarding home facility.

(d) *Re-inspections.* Whenever a boarding home facility is inspected by the director and a violation of this code is found, the building or premises will, after the expiration of any time limit for compliance given in the notice or order issued because of the violation, be re-inspected by the director to determine that the violation has been eliminated.

(e) *Re-inspection fee.* The permit holder shall pay the director a fee for each re-inspection after the first inspection that the violation is determined to be eliminated, including any other applicable fees from other departments.

Sec. 30-26 Residents. A boarding home facility operating within one of the following zoning districts, is subject to residency limitations as follows:

- (a) *“R1” Single Family Zoning District, “R1-A” Residential Zoning District, “RC” Residential Cluster District.* The number of residents, including owners, operators, managers, and caregivers for a boarding home facility located within an “R1” Single Family Zoning District, “R1-A” Residential Zoning District, and “RC” Residential Cluster District may not exceed the lowest number of residents derived from the following, with any resulting fraction for the number of residents being rounded down:
- (1) 50% of the total gross square footage of the habitable space divided by 150 square feet;
 - (2) Number of sleeping rooms, meeting the requirements found within Sec. 30-28, multiplied by 2 residents;
 - (3) Number of bathrooms multiplied by 6 residents; or
 - (4) Maximum of 8 residents.
- (b) *“RT” Residential Transition Zoning District.* The number of residents, including owners, operators, managers, and caregivers for a boarding home facility located within an “RT” Residential Transition Zoning District may not exceed the lowest number of residents derived from the following, with any resulting fraction for the number of residents being rounded down:
- (1) 50% of the total gross square footage of the habitable space divided by 150 square feet;
 - (2) Number of sleeping rooms, meeting the requirements found within Sec. 30-28, multiplied by 2 residents;
 - (3) Number of bathrooms multiplied by 6 residents; or
 - (4) Maximum of 10 residents.
- (c) *“R-3”, “RM” Residential Mix, Commercial, and Industrial Zoning Districts.* The number of residents, including owners, operators, managers, and caregivers for a boarding home facility located within an R3, RM, Commercial, or Industrial Zoning District may not exceed the lowest number of residents derived from the following, with any resulting fraction for the number of residents being rounded down:

- (1) 50% of the total gross square footage of the habitable space divided by 150 square feet;
- (2) Number of sleeping rooms, meeting the requirements found within Sec. 30-28, multiplied by 2 residents; or
- (3) Number of bathrooms in the single family residence multiplied by 6 residents.

Sec. 30-27 Parking. Off-street parking spaces must be provided for all vehicles required to be registered with the state as part of the use and operation of a boarding home facility. Required spaces must be located on the lot or tract for which the boarding home facility is located and must be provided as either improved surface parking areas or within garages, in accordance with the City's Zoning Code. In addition, the number of spaces are based upon the zoning district in which the boarding home facility is located as follows, with any resulting fraction for the number of spaces being rounded up:

- (a) *"R1" Single Family Zoning District, "R1-A" Residential Zoning District, "RC" Residential Cluster District.* The number of required off-street parking spaces for a boarding home facility located within an "R1" Single Family Zoning District, "R1-A" Residential Zoning District, or "RC" Residential Cluster District is derived by multiplying the number of residents authorized by Sec. 30-26 by 75%.
- (b) *"RT" Residential Transition Zoning District.* The number of required off-street parking spaces for a boarding home facility located within a "RT" Residential Transition Zoning District is the greater number from either the regulations applied to this use within an such a district or the amount derived by multiplying the maximum number of residents authorized by Sec. 30-26 by 75%.
- (c) *"R-3", "RM" Residential Mix, Commercial, and Industrial Zoning Districts.* The number of required off-street parking spaces for a boarding home facility located within an "R-3", "RM" Residential Mix, Commercial, or Industrial Zoning Districts is the greater amount from either the regulations applied to this use within the applicable zoning district or the amount derived by multiplying the maximum number of residents authorized by Sec. 30-26 by 75%.

Sec. 30-28. Operational Standards. Each permit holder shall ensure the residents' health, safety, comfort, and protection from hazards and shall comply with the following:

- (a) City zoning and building codes; federal, state, and City adopted fire codes and applicable standards; federal, state, and City health and safety codes; and federal and state accessibility regulations;
- (b) Mobile homes may not be used as a boarding home facility;
- (c) Each sleeping room must contain at least 150 square feet of floor space for each occupant; a built-in closet; and access must not be solely through another sleeping room;
- (d) A kitchen must be accessible to each resident without the need to travel through a sleeping room of another resident, contain a sink with at least two compartments for manual dishwashing, and contain an operational cooking stove with at least two working burners;
- (e) Smoke alarms must be installed in compliance with the City's fire code to include installation within each sleeping room, immediately outside of each sleeping area, and on each story of the building, including any basement or attic;
- (f) Maintain the residence or dwelling and its premises in a clean and sanitary condition;
- (g) Pathways and stairways must remain unobstructed; and
- (h) Operation of a boarding home facility may not result in illegal or nuisance activities, including disturbance of the peace, illegal drug activity, harassment of passers-by, public urination, theft, assault, vandalism, littering, illegal parking, loud noise, disorderly conduct, lewd conduct, or police detention and/or arrests.

Sec. 30-29 Emergency Precautions. The permit holder shall provide fire escapes and exits that are kept in good repair and accessible at all times in accordance with applicable fire codes, as amended.

Sec. 30-30 Violations; Penalty.

- (a) A permit holder, employee, or other person who violates any provision of this article, or who fails to perform a duty required by this article, commits an offense.
- (b) An offense under this article is punishable by a fine not to exceed \$2,000.00.
- (c) A separate offense occurs each day or part of a day that the violation is committed, continued, or permitted.
- (d) If the director finds a boarding home facility operating in violation of the standards prescribed by this article and the violations create an immediate threat to the health and

safety of a resident in the facility, the director may order immediate closing of all or part of the facility. An order of immediate closure is effective immediately on providing written notice of the order to the owner or operator by facsimile, email, or hand-delivery. The order of closure of all or part of a boarding home facility is valid for 10 days after its effective date.

- (e) The City Attorney may petition the appropriate court for civil penalties and for injunctive relief to restrain a continuing violation of the standards or permit requirements for a boarding home facility under this article if the violations create an immediate threat to the health or safety of the residents. In addition, the City Attorney may petition a court for civil penalties and for injunctive relief to restrain the continuing operation of a facility that is providing services inconsistent with those prescribed by this article and state law until such time as said facility becomes appropriately licensed by the State of Texas or meets the requirements to obtain a permit under this article.
- (f) The remedies and procedures in this section and in other laws are cumulative law, and the use of any particular remedy or procedure does not prevent the enforcement of any other law.”

SECTION TWO. The City Secretary is authorized and directed to send this Ordinance to the publisher of the City’s Code of Ordinances and the publisher is authorized to amend said Code to reflect the new Article I of Chapter 30 as adopted herein, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

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

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

SECTION FIVE. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, or its successor section, of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION SIX. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City’s Charter, the City Secretary is hereby authorized and directed to publish the

descriptive caption of this Ordinance in the manner and for the length of time prescribed by law as an alternative method of publication.

SECTION SEVEN. Following passage and approval upon second reading, this Ordinance shall become effective on June 3, 2013.

PASSED AND APPROVED ON FIRST READING, this the 9th day of April, A.D., 2013.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ___ day of _____, A.D., 2013.

ATTEST:

Jack Pratt, Jr., Mayor

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

Agenda Item:

6A. A Resolution amending the City of Kerrville fee schedule by adding fees for the permitting of boarding home facilities. (staff)

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. ____-2013

**A RESOLUTION AMENDING THE CITY OF KERRVILLE FEE
SCHEDULE BY ADDING FEES FOR THE PERMITTING OF BOARDING
HOME FACILITIES**

WHEREAS, the City Council of the City of Kerrville adopted a Fee Schedule by Resolution No. 91-138 on September 24, 1991, and has amended said document on a number of occasions; and

WHEREAS, City staff recommends adding fees related to the City's permitting process for boarding home facilities;

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

The Fee Schedule of the City of Kerrville, Texas, is amended as set forth in **Exhibit A**, attached hereto and incorporated herein by reference, such changes to be effective March 13, 2013.

PASSED AND APPROVED ON this the ____ day of _____ A.D., 2013.

Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

ADMINISTRATION FEE SCHEDULE

	FY 13 APPROVED	FY 13 PROPOSED
ADMINISTRATION DEPARTMENT:		
AMBULANCE LICENSE (per year)	\$250.00	
GROUP HOMES AND BOARDING HOME FACILITIES		
Annual Permit		\$1,000.00
Re-inspection Fee		\$75.00
Variance from distance requirement for a boarding home facility		\$160.00
COPIES OF PUBLIC INFORMATION:		
Standard size paper copy (per page)	\$0.10	
Non-standard size copy:		
Computer diskettes (each)	\$1.00	
Computer magnetic tape (each)	\$10.00	
VHS video cassette (each)	\$2.50	
Audio cassette (each)	\$1.00	
Oversized Paper copy (per page)	\$0.50	
Other	Actual Cost	
Labor charge (per hour and if applicable under state law)	\$15.00	
Overhead charge (if applicable under State law)	20% of Personnel Charge	
Microfiche or microfilm charge:		
Paper copy (per page)	\$0.10	
Fiche or film copy	Actual Cost	
Remote document retrieval charge	Actual Cost	
FAX TRANSMISSIONS:		
Local (per page)	\$0.10	
Long distance, same area code (per page)	\$0.50	
Long distance, different area code (per page)	\$1.00	
Other costs	Actual Cost	
JUNK YARD OPERATION LICENSE	\$5.00	
NATURAL GAS TRANSPORTED THROUGH PIPELINE:		
the preceding month for consumption or use within the City.		
PEDDLERS AND SOLICITORS FEE:		
Base Charge (per year)	\$600.00	
For Each Additional Person-		
Thirty days	\$10.00	
One Year	\$100.00	
Deposit	\$750.00	
Exemptions		
Temporary special events, sales and festivals sponsored by charitable organizations recognized as such by the United States' Internal Revenue Service.		
Temporary special events, sales and festivals sponsored by governmental subdivisions, including school districts, Chamber of Commerce and Junior Chamber of Commerce.		
Texas State Arts and Crafts Fair and other special events such as the Easter Chili Cook-off or Jimmy Rodgers Jubilee, as approved by Council, provided that the organizer/operator of said events provides the information required for an open air market.		
Traveling salesman or solicitor calling only upon commercial businesses in the City.		
Garage sales.		
A business with a separate business location in the City that furnished proof of payment to the City of all ad valorem and personal property taxes then due.		
Six or more businesses that are organized in a sales show, convention, or similar sales by an indoor shopping mall, hotel, or similar sponsor.		
Businesses conducted in an open air market in compliance with all laws and zoning regulations applicable thereto.		
Sale of fresh produce (fruit, nuts, and vegetables).		
Sale of firewood.		
SEXUALLY ORIENTED BUSINESSES		
Annual License Fee	\$500.00	
Annual Fee per Employee	\$50.00	
VEHICLE FOR HIRE PERMIT	\$25.00	
TRAVELING SHOW AND EXHIBITION LICENSE (30 days)	\$100.00	
Exceptions-		
Carnivals, circuses, travel-shows, tent shows, exhibits, menagerie which are actually operated by volunteers of a public school located in Kerr County, or a bona fide charity located in Kerr County, or a service organization located in Kerr County.		

Agenda Item:

6B. Request to allow a property at 2262 Bandera Highway (State Highway 173) to connect to city water and sanitary sewer services prior to the completion of the annexation process. (Councilmember Conklin)

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

SUBJECT: Consider a request to allow a property at 2262 Bandera Highway to connect to city water and sanitary sewer services, prior to the completion of the annexation process.

FOR AGENDA OF: April 23, 2013 **DATE SUBMITTED:** April 11, 2013

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

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 DIRECTOR OF FINANCE:

SUMMARY STATEMENT

After additional information and conversations with staff, Councilman Conklin asked for this item to be placed back on the agenda for consideration.

The landowner (Louis Howard) is requesting approval to connect to city sewer and water prior to the completion of the annexation process. Mr. Howard has petitioned the city for annexation and based on the current timeline the annexation process should be completed on July 23, 2013. Mr. Howard is requesting annexation in order to provide utilities to a building that is currently under construction at the intersection of Bandera Highway and Loop 534. This structure is a commercial building designed for three tenants. Currently Mr. Howard has a contract for one of the tenant spaces. The contract is for a Papa John's Pizza franchise looking to open for business during the month of May. In order for Mr. Howard to meet the timetable for opening, utility connections must be made prior to the completion of the annexation process.

City of Kerrville's resolution number 91-144 states:

2. That it is the policy of the City to encourage the growth of the City and its tax base by the extension of necessary capital improvements, including water and sewer service within the corporate limits of the City; and,
3. That the City Council shall review and approve each request for City water and sewer service outside the corporate limits of the City; and,
4. That annexation shall be required of any land to which water or sewer service

is requested, and that such annexation shall be in accordance with the laws of the State of Texas;

Even though the property is located outside the city limits and is not required to adhere to city policies regarding development, the applicant has been working with city staff over the course of two months to submit proper applications and paperwork and has voluntarily conformed to city building and fire codes during construction. During that time the applicant has allowed the city to perform inspections on the construction of the structure. In addition the applicant is also going through the City of Kerrville's Development Site Plan (DSP) process.

The proposed timeline for the completion of the annexation process for this property is July 23, 2013. Based on the facts that the Kerrville City Council has accepted the applicant's petition for annexation, the annexation process has been initiated, and due to the need for the applicant to maintain a timeline for the operation of a business, staff recommends approval of utility connections prior to the completion of the annexation process, with the following condition:

1. That the land owner pay a rate of 1.5 times the rate for city residents until the annexation is complete.

RECOMMENDED ACTION

Staff recommends approval of the request for utility connections prior to annexation.

Agenda Item:

6C. Proposal by C & W Manhattan Associates for the City of Kerrville to lease 50 parking spaces on the property located at 741 Water Street (former Bank of America building). (staff)

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

SUBJECT: Proposal by C & W Manhattan Associates for the City of Kerrville to lease 50 parking spaces on the property located at 741 Water Street (former Bank of America building)

FOR AGENDA OF: April 23, 2013 **DATE SUBMITTED:** April 18, 2013

SUBMITTED BY: Todd Parton **CLEARANCES:**
City Manager

EXHIBITS: Letter from C & W Manhattan Associates (dated April 17, 2013)
Downtown Parking Study Map

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

The City Council has received a proposal by C & W Manhattan Associates for the City of Kerrville to lease 50 parking spaces within the parking lot located at 741 Water Street (former Bank of America property). The proposed lease would be compensation for the public's continued use of the parking lot.

This is a privately owned parking facility constructed to serve the primary building, which was built for banking and professional office uses. C & W Manhattan Associates has generously allowed free public access to its property for many years. The parking facility has been popular with visitors to the historic downtown core due to its convenient location and accessibility. It also provides convenient access to the downtown pavilion.

In its analysis of current and long-term parking needs for the city's downtown core, the Main Street Advisory Board recognized that this parking lot currently serves as a key parking amenity. However, the board recognized that this parking lot was privately owned and should not be incorporated into a long-term public parking strategy. The board concluded that existing public parking facilities are adequate to serve downtown businesses and that reduced availability of privately owned parking facilities would be offset by greater utilization of the parking garage which is striped for approximately 500 parking stalls. Attached is a copy of the parking study map prepared by the board.

City staff has identified two primary issues to consider in evaluating this proposal:

1. the parking lot subject to this request is required to meet the off-street parking requirements for future occupants of the primary building. This building is currently vacant and could be leased or sold at any time; and
2. there are other private parking lots within the community that are used for public purposes as well and granting this request could be deemed as a precedent for similar situations.

RECOMMENDED ACTION

City staff recognizes that C & W Manhattan Associates has been extremely generous to the community in making its parking lot available to the general public. However, city staff recommends that the City Council not grant this request pursuant to the following reasons:

1. adequate parking facilities exist to meet downtown parking needs; and
2. parking stalls within the subject lot will be required to accommodate tenants for the primary structure.

C & W Manhattan Associates

222 SIDNEY BAKER SOUTH
SUITE 305
KERRVILLE, TEXAS 78028
830/257-6300
FAX 830/792-4525

April 17, 2013

Mr. Todd Parton, City Manager
City of Kerrville
701 Main Street
Kerrville, Texas

RE: Kerrville downtown parking

Todd,

Pursuant to our conversation, we would like to amend our previous proposal to the City of Kerrville regarding the parking lot located at 741 Water Street in Kerrville, Texas. In lieu of requesting an abatement of property taxes, we would like to make a proposal for the City Council to lease 50 non-exclusive parking spaces from of our parking lot located at 741 Water Street on a month-to-month lease for the amount of \$700 per month. The lease could be cancelled by either party upon 30 days prior written notice. The property owner may reserve up to 20 spaces in the parking lot for exclusive use by the current building tenants. This will allow the centrally located parking lot in downtown Kerrville to remain open for access and public use by the downtown merchants, businesses, customers and tourists visiting Kerrville.

Thank you.

Regards,



Corey Walters



Rolinda Schmidt

Agenda Item:

6D. Purchase of new aerial platform fire truck to replace the City's 23-year old unit in FY2014. (staff)

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

SUBJECT: Purchase of a new aerial platform truck to replace the city's 23 year old unit in Fiscal Year 2014

FOR AGENDA OF: April 23, 2013 **DATE SUBMITTED:** April 18, 2013

SUBMITTED BY: Todd Parton **CLEARANCES:**
City Manager

EXHIBITS: None

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

City staff has been evaluating options to purchase a new aerial platform truck. This is a piece of firefighting apparatus that is used to fight large fires and for rescue operations.

Kerrville's aerial platform truck is stationed at Central Fire Station. It is a 1990 Stuphen that was built in 1989 and is now 23 years old. The vehicle is inspected annually and has maintained certification to verify its fitness to remain in service.

The National Fire Protection Association (NFPA) is a nation-wide nonprofit agency that establishes standards for fire protection, fire prevention, and fire education that has established standards that recommend when equipment should be considered for replacement. Based on the NFPA's standards, a piece of apparatus should be removed from active service after 15 years and, after 15 years could be kept as a reserve unit. The standards also specify that a piece of equipment should not be kept in service after 25 years.

According the NFPA standards, Kerrville's aerial truck should have been removed from active service in 2005 and should be completely removed from service by 2015. Kerrville has been fortunate in that this unit has not been required to see a significant amount of active service. As a result, it has remained in good condition and repair expenses have remained fairly low. A total of \$32,131.36 has been spent on repairs of this unit since 2006 of which \$14,308.30 was spent in 2012 to replace a failed fire nozzle control apparatus.

Kerrville's aerial platform truck is the only one that serves the city and available within the area. Should Kerrville's unit fail the city and area would be without a very important piece

of apparatus. With its advanced age, city staff has growing concerns about its dependability and durability.

Advantages to purchasing a new aerial platform truck include maintaining a higher ISO rating and providing a unit that contains new technology. One factor used to establish an ISO rating is the age and condition of equipment. Also, technology in these types of units advanced significantly in 1991. Technological advancements have increased firefighter safety and improved equipment functionality and dependability.

It is estimated that the cost to purchase and equipment a platform aerial truck will be \$1.3 million. City staff has evaluated purchase options and feels that the city is likely to be able to fund this purchase through a short-term loan. The loan would mature within 5 to 7 years and carry a very competitive interest rate with annualized debt service being approximately \$250,000.

Staff anticipates that it would take up to two years to put the unit in service after it has been ordered. This includes the time it will take to manufacture and equip the unit.

RECOMMENDED ACTION

City staff recommends that the purchase of a new platform aerial truck be programmed for Fiscal Year 2014 and that city staff be directed to evaluate purchase options for a new aerial platform truck.

Agenda Item:

6E. Pending legislation from the 83rd Texas Legislature, regular session. (staff)

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

SUBJECT: Discussion and direction to city staff regarding pending legislation under consideration by the State of Texas 83rd Legislative Session

FOR AGENDA OF: April 23, 2013 **DATE SUBMITTED:** April 17, 2013

SUBMITTED BY: Todd Parton,
City Manager **CLEARANCES:**

EXHIBITS: Texas Municipal League (TML) Legislative Updates may be viewed at the TML website at www.tml.org.

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

The State of Texas has convened the 83rd Legislative Session. There are many bills that have been filed by members of the House of Representatives and the Senate. Many of these bills could impact the City of Kerrville. This item will be placed on each regular City Council meeting to provide an opportunity to discuss any pending bills, establish an official position on any pending bill, and officially authorize an individual to represent the City of Kerrville before an appropriate body.

Legislative Updates authored by the Texas Municipal League are available for viewing at www.tml.org. These updates provide a comprehensive list and brief synopsis of each bill filed on a weekly basis.

The TML Legislative Update Issues to be considered at this time are:

- March 15, 2013, Number 10
- March 22, 2013, Number 11
- March 29, 2013, Number 12
- April 5, 2013, Number 13
- April 12, 2013, Number 14

Dates of Interest:

- **January 8, 2013** – 83rd Legislature convened
- **March 8, 2013** – Deadline for filing bills and joint resolutions other than local bills, emergency appropriations, and bills that have been declared an emergency by the

governor.

- **May 27, 2013** – Last day of 83rd Regular Session
- **June 16, 2013** – Last day governor can sign or veto bills passed during the regular legislative session
- **August 26, 2013** – Date that bills without specific effective dates (that could not be effective immediately) become law

RECOMMENDED ACTION

Staff requests that the City Council review the list of bills and provide direction regarding any bill that is deemed of interest to the City of Kerrville.

STAFF RECOMMENDATION	CITY COUNCIL POSITION	BILL NUMBER	STATUS*	SUMMARY	BILL TEXT
		HB 56 - Burnam	Stage 1 - Passed Stage 2 - in committee	relating to the tax exemption for permanent hotel residents.	http://legiscan.com/TX/text/HS56/id/667880/ Texas-2013-HB56-Introduced.html
Support		HB 2521 - Springer	Stage 1 - Passed Stage 2 - in committee	relating to a project authorized to be undertaken by a Type B economic development corporation in connection with housing.	http://legiscan.com/TX/text/HS2521/id/773256/ Texas-2013-HB2521-Introduced.html
Support		HB 2414 - Button	Stage 1 - Passed Stage 2 - in committee	relating to requirements for open meetings held by videoconference call.	http://legiscan.com/TX/text/HS2414/id/777695/ Texas-2013-HB2414-Introduced.html
			Stage 1 - Passed Stage 2 - Passed, bill reported out of Senate committee on Open Government with vote of 4 Ayes, 0 Nays, 0 Present, Not Voting, 1 Absent. Stage 3 - Passed Stage 4 - in committee	relating to written electronic communications between members of a governmental body.	
Support		SB 1297 - Watson	Stage 1 - Passed Stage 2 - in committee	relating to the authority of certain development corporations to undertake projects with respect to community libraries.	http://legiscan.com/TX/text/HS1297/id/811586/ Texas-2013-SB1297-Engrossed.html
Support		HB 374 - Guillen	Stage 1 - Passed Stage 2 - in committee	relating to the authority of a county or municipality to regulate the location of halfway houses; providing a penalty.	http://legiscan.com/TX/text/HS374/id/678157/ Texas-2013-HB374-Introduced.html
Support		HB 691 - Phillips	Stage 1 - Passed Stage 2 - in committee	relating to authorizing broker agreements for the sale of real property by certain municipalities.	http://legiscan.com/TX/text/HS691/id/705459/ Texas-2013-HB691-Introduced.html
Support		HB 1795 - Isaac	Stage 1 - Passed Stage 2 - in committee	relating to authorizing broker agreements for the sale of real property by certain municipalities.	http://legiscan.com/TX/text/HS1795/id/759659/ Texas-2013-HB1795-Introduced.html
			Stage 1 - Passed Stage 2 - Passed, bill reported out of Senate committee on Intergovernmental Relations with vote of 5 Ayes, 0 Nays, 0 Present, Not Voting, 0 Absent. Stage 3 - Passed Stage 4 - in committee	relating to authorizing general infrastructure projects to be undertaken by economic development corporations.	http://legiscan.com/TX/text/HS985/id/808811/ Texas-2013-SB985-Comm_Sub.html
Support		SB 985 - Zaffirini (companion bill to HB 1795)	Stage 1 - Passed Stage 2 - in committee	relating to authorizing general infrastructure projects to be undertaken by economic development corporations.	http://legiscan.com/TX/text/HS985/id/808811/ Texas-2013-SB985-Comm_Sub.html
Support		HB 1935 - Schaefer	Stage 1 - Passed Stage 2 - in committee	relating to authorizing development corporations to finance projects to support primary job training facilities and programs at certain educational institutions.	http://legiscan.com/TX/text/HS1935/id/766759/ Texas-2013-HB1935-Introduced.html
Support		HB 2181 - Stephenson	Stage 1 - Passed Stage 2 - in committee	relating to periodic reauthorization of municipal building permit fees.	http://legiscan.com/TX/text/HS2181/id/770828/ Texas-2013-HB2181-Introduced.html
Support		HB 3360 - Dutton	Stage 1 - Passed Stage 2 - in committee	relating to a municipality's comprehensive development.	http://legiscan.com/TX/text/HS3360/id/779947/ Texas-2013-HB3360-Introduced.html
Oppose		HB 3513 - Guillen	Stage 1 - Passed Stage 2 - in committee	relating to the condemnation of conservation easements.	http://legiscan.com/TX/text/HS3513/id/780201/ Texas-2013-HB3513-Introduced.html
Watch		HB 3087 - Workman	Stage 1 - Passed Stage 2 - in committee	relating to liability of a political subdivision and potential penalties for a violation of certain laws relating to local permits.	http://legiscan.com/TX/text/HS3087/id/782337/ Texas-2013-HB3087-Introduced.html
Watch		HB 3088 - Workman	Stage 1 - Passed Stage 2 - in committee	relating to limitations on the application of certain municipal regulations to local permits.	http://legiscan.com/TX/text/HS3088/id/781167/ Texas-2013-HB3088-Introduced.html
Watch		HB 3089 - Workman	Stage 1 - Passed Stage 2 - in committee	relating to uniformity of requirements of certain municipal regulations to local permits.	http://legiscan.com/TX/text/HS3089/id/781168/ Texas-2013-HB3089-Introduced.html
Watch		HB 3090 - Workman	Stage 1 - Passed Stage 2 - in committee	relating to the fiscal transparency and accountability of certain entities responsible for public monies.	http://legiscan.com/TX/text/HS3090/id/781173/ Texas-2013-HB3090-Introduced.html
Oppose	Oppose	HB 14 - Pitts	Stage 1 - Passed Stage 2 - in committee	relating to the fiscal transparency and accountability of certain entities responsible for public monies.	http://legiscan.com/TX/text/HS14/id/726612/ Texas-2013-HB14-Introduced.html
Oppose	Oppose	SB 14 - Williams (companion bill to HB14)	Stage 1 - Passed Stage 2 - in committee	relating to the fiscal transparency and accountability of certain entities responsible for public monies.	http://legiscan.com/TX/text/HS14/id/726612/ Texas-2013-HB14-Introduced.html
Oppose	Oppose	HB 1724 - Bohac	Stage 1 - Passed Stage 2 - in committee	relating to the statute of limitations on municipal and county hotel occupancy taxes and interest on delinquent payments of municipal hotel occupancy taxes.	http://legiscan.com/TX/text/HS1724/id/756947/ Texas-2013-HB1724-Introduced.html

					Stage 1 - Passed Stage 2 - Passed, bill reported out of Senate committee on Finance with vote of 14 Ayes, 0 Nays, 0 Present Not Voting, 1 Absent. Stage 3 - Passed Stage 4 - in committee	relating to procedural requirements for adopting and filing a school district budget and voting requirements for setting a property tax rate by the governing body of a taxing unit, including a school district.	http://legiscan.com/TX/text/SB657/id/749824/Texas-2013-SB657-introduced.html
	Oppose	SB 657 - Paxton			Stage 1 - Passed Stage 2 - Passed, bill reported out of Senate committee on Open Government with vote of 4 Ayes, 0 Nays, 0 Present Not Voting, 1 Absent. Stage 3 - Passed Stage 4 - in committee	relating to providing transparency in the taxing and budgeting process of certain local governments.	
	Oppose	SB 656 - Paxton			Stage 1 - Passed Stage 2 - in committee	relating to a credit against the ad valorem taxes imposed on property on which certain water conservation systems have been installed.	https://legiscan.com/TX/text/SB656/id/749819/Texas-2013-SB656-introduced.html
	Oppose	HB 1173 - Anchia			Stage 1 - Passed Stage 2 - in committee	relating to the public notice required to be provided by certain taxing units before adopting an ad valorem tax rate.	http://legiscan.com/TX/text/HB1173/id/731823/Texas-2013-HB1173-introduced.html
Neutral / Oppose		HB 3112 - Hilderbran			Stage 1 - Passed Stage 2 - in committee	proposing a constitutional amendment abolishing ad valorem taxes and limiting the rate and applicability of state and local sales and use taxes	http://legiscan.com/TX/text/HB3112/id/777769/Texas-2013-HB3112-introduced.html
Oppose		HJR 143 - Hilderbran			Stage 1 - Passed Stage 2 - in committee	proposing a constitutional amendment authorizing the legislature to limit the frequency of reappraisal of real property for ad valorem tax purposes	http://legiscan.com/TX/text/HJR143/id/783248/Texas-2013-HJR143-introduced.html
Oppose		HJR 144 - Hilderbran			Stage 1 - Passed Stage 2 - in committee	relating to procedures and requirements for the issuance of certificates of obligation, would: (1) provide that, except in a case of grave public necessity to meet an unusual and unforeseen condition, a city may not issue a certificate of obligation (CO) if the voters voted down a bond proposition for the same purpose within the preceding three years; (2) extend the timeframe to publish newspaper notice of intention to issue a CO from 30 to 45 days before the passage of the ordinance; (3) require a city issuing a CO to maintain an internet website, and to continuously post notice of intention to issue a CO on its website for 45 days before the passage of the CO issuance ordinance;	http://legiscan.com/TX/text/HJR144/id/783247/Texas-2013-HJR144-introduced.html
Oppose		HB 2176 - Kolkhorst			Stage 1 - Passed Stage 2 - in committee	to repeal certain state sales, use, excise, franchise, severance, production, occupations, gross receipts and inheritance taxes, to repeal or limit certain local sales, use, excise and ad valorem property taxes, to enact a statewide and local value added tax, and to reform school finance and administration; providing penalties.	http://legiscan.com/TX/text/HB2176/id/769017/Texas-2013-HB2176-introduced.html
Oppose		HB 3742 - Lavender			Stage 1 - Passed Stage 2 - Passed, bill reported out of House committee on Natural Resources with vote of 9 Ayes, 0 Nays, 0 Present Not Voting, 2 Absent	relating to the provision of water by a public utility or water supply or sewer service corporation for use in fire suppression.	http://legiscan.com/TX/text/HB3742/id/790246/Texas-2013-HB3742-introduced.html
Watch		HB 1973 - Lucio			Stage 1 - Passed Stage 2 - in committee	relating to identification requirements for certain fire hydrants and flush valves.	http://legiscan.com/TX/text/HB1973/id/766865/Texas-2013-HB1973-introduced.html
Watch		SB 1374 - Hinojosa (companion bill is HB 1768)			Stage 1 - Passed Stage 2 - in committee	relating to prohibiting the use of eminent domain to take private property for recreational purposes.	http://legiscan.com/TX/text/SB1374/id/777950/Texas-2013-SB1374-introduced.html
Oppose		SB 96 - Nichols			Stage 1 - Passed Stage 2 - in committee	relating to prohibiting the use of eminent domain to take private property for recreational purposes.	http://legiscan.com/TX/text/SB96/id/668137/Texas-2013-SB96-introduced.html
Oppose		HB 754 - Ashby (companion bill to SB 96)			Stage 1 - Passed Stage 2 - in committee	relating to interstate cooperation to address regional water issues.	http://legiscan.com/TX/text/HB754/id/709929/Texas-2013-HB754-introduced.html
Neutral / Watch		SB 1168 - Hegar			Stage 1 - Passed Stage 2 - in committee		http://legiscan.com/TX/text/SB1168/id/775457/Texas-2013-SB1168-introduced.html

Agenda Item:

7A. Report on Kerr Economic Development Corporation activities. (staff)

Agenda Item:

7B. Economic update. (staff)

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

SUBJECT: Kerrville Budget/Economic Update

FOR AGENDA OF: April 23, 2013 **DATE SUBMITTED:** April 11, 2013

SUBMITTED BY: Mike Erwin 
Director of Finance **CLEARANCES:** Todd Parton
City Manager

EXHIBITS: Economic Update

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 OR FINANCE:

SUMMARY STATEMENT

The City of Kerrville staff will present and update Council on a biweekly basis as to the status of the City's budget and current economic trends affecting the City.

RECOMMENDED ACTION

No action required information purposes only.

CITY OF KERRVILLE
ECONOMIC UPDATE AS OF APRIL 17, 2013

	Current Month	Previous Month	1 Year Ago	Trend	Current Month
National					
Unemployment	7.60%	7.70%	8.20%	↓	March
Consumer Confidence	59.7	69.6	69.5	↓	March
1 year T-Bills	0.12%	0.14%	0.17%	↓	4/16/13

State					
Monthly Unemployment	6.50%	6.90%	7.20%	↓	February
Monthly Sales Tax	\$1,977.9m	\$2,082.8m	\$1,874.1m	↑	March

Local					
Monthly Unemployment (Kerr Co.)	5.40%	5.90%	5.80%	↓	February
Median Listing Price	\$168,000	\$165,000	\$218,000	↔	3/13/13
Monthly Sales Tax	\$431,654	\$411,548	\$371,721	↑	April
Monthly EIC Tax	\$215,800	\$205,749	\$185,835	↑	April
Monthly HOT	\$53,023	\$44,657	\$48,803	↑	February

	FY13 Budget	FY13 as of 3/31/2013	FY13 % Received	FY12 as of 3/31/2012	FY12 % Received
General Fund					
Tax Revenue	\$14,939,900	\$11,357,516	76.02%	\$11,189,456	77.16%
Property Tax	\$8,050,000	\$7,891,249	98.03%	\$7,835,314	99.18%
Sales Tax	\$4,885,000	\$2,698,316	55.24%	\$2,574,560	56.58%
Permits & Fees	\$324,975	\$151,599	46.65%	\$148,516	45.84%
Intergovernmental	\$1,191,000	\$656,680	55.14%	\$801,830	68.36%
Service Revenues	\$2,411,860	\$1,305,405	54.12%	\$1,216,841	47.32%
Grant Revenue	\$29,500	\$16,144	54.73%	\$17,359	65.51%
Fines & Forfeitures	\$513,618	\$224,331	43.68%	\$250,610	51.32%
Interest & Misc.	\$240,850	\$125,198	51.98%	\$92,702	24.36%
Transfers In	\$1,250,000	\$625,000	50.00%	\$625,000	49.31%
Total General Fund	\$20,901,703	\$14,461,871	69.19%	\$14,342,314	69.18%
Total General Fund Expenditures	\$21,209,503	\$10,398,246	49.03%	\$9,617,982	47.27%
Water/Sewer Fund					
Water Sales	\$4,500,000	\$2,301,117	51.14%	\$1,912,876	43.43%
Sewer Sales	\$3,800,000	\$1,709,861	45.00%	\$1,841,160	49.15%
Other Revenue	\$725,500	\$343,446	47.34%	\$366,603	49.86%
Total Water & Sewer Fund	\$9,025,500	\$4,354,424	48.25%	\$4,120,639	46.37%
Total W&S Fund Expenditures	\$8,931,239	\$4,164,722	46.63%	\$5,763,630	54.57%