



CITY OF KERRVILLE

MAYOR AND CITY COUNCIL

800 Junction Highway

Kerrville, Texas 78028

830-257-8000 / www.kerrvilletx.gov

RESOLUTION OF COMMENDATION

WHEREAS, TOM ANTHONY has served as a member of the Food Service Advisory Board with the date of service beginning April 10, 2007; and

WHEREAS, TOM ANTHONY 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 **TOM ANTHONY** be recognized for outstanding service as a member of the Food Service 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 26th day of January, 2010.

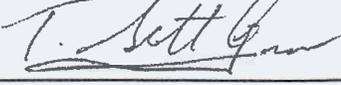
ATTEST:


Brenda G. Craig, City Secretary


Todd A. Bock, Mayor


Bruce Motheral, Mayor Pro Tem


Stacie Keeble, Councilmember


T. Scott Gross, Councilmember


Chuck Coleman, Councilmember





CITY OF KERRVILLE

MAYOR AND CITY COUNCIL

800 Junction Highway

Kerrville, Texas 78028

830-257-8000 / www.kerrvilletx.gov

RESOLUTION OF COMMENDATION

WHEREAS, **ROSE MARIE JUNDZILO** has served as a member of the Food Service Advisory Board with the date of service beginning January 24, 2006; and

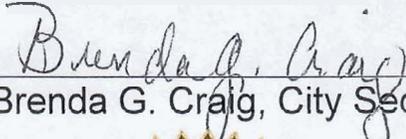
WHEREAS, **ROSE MARIE JUNDZILO** has served faithfully and dutifully on said board;

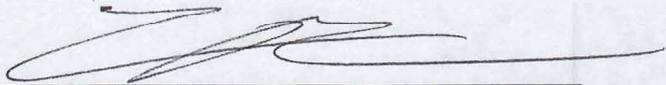
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

That **ROSE MARIE JUNDZILO** be recognized for outstanding service as a member of the Food Service 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.

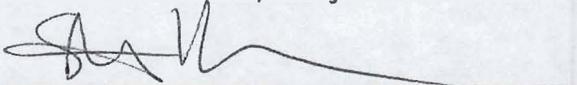
PASSED AND APPROVED, this the 26th day of , 2010.

ATTEST:

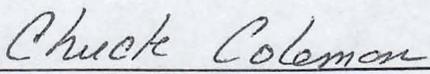

Brenda G. Craig, City Secretary


Todd A. Bock, Mayor


Bruce Motheral, Mayor Pro Tem


Stacie Keeble, Councilmember


T. Scott Gross, Councilmember


Chuck Coleman, Councilmember



CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
NOVEMBER 17, 2009

On November 17, 2009, the Kerrville City Council held a town hall meeting at the Kerrville Public Utility Board meeting room, 2250 Memorial Boulevard at 6:00 p.m.

MEMBERS PRESENT:

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

MEMBER ABSENT: None

Todd A. Bock	Mayor
Stacie Keeble	Councilmember

STAFF PRESENT:

Todd Parton	City Manager
Brenda G. Craig	City Secretary
Charlie Hastings	Director of Public Works

Visitors Present: List on file in city secretary's office for required retention period.

Discussion of the City of Kerrville's application to the Texas Commission on Environmental Quality (TCEQ) for a water utility Certificate of Convenience and Necessity (CCN)

Mr. Hastings noted the city council had authorized staff to submit an application to TCEQ for the city to be the water purveyor in the extraterritorial jurisdiction (ETJ), currently one mile to be expanded to two miles when the city population reached 25,000 in the near future. He displayed a map depicting the existing and application CCN areas and reviewed the city's goals and reasons for the application as follows:

1. Safety: fire flow and fire protection. Existing CCN water providers had painted all fire hydrants black, indicating the hydrant was not available for fire protection. Black fire hydrants were a very serious issue for fire fighting and for the city's insurance rating. Insufficient water flow for fire protection could have significant negative affect on fire insurance rates in the ETJ and possibly the city. The Kerrville Fire Department was under contract with the county to provide fire services outside the city and must be able to locate fire hydrants that have sufficient water (250 gpm) for pumping. If the CCN is granted, the city would be responsible to ensure that city standards were available in that CCN area.
2. Long term water sustainability of conjunctive water sources (surface, ground, ASR). Pumping from the river and wells will have a long term impact on the city's conjunctive use system.
3. Economic growth. If the CCN is granted, it will be the city's responsibility to ensure sustainability and service for the CCN area.

Mr. Hastings answered questions and noted the following points:

- If someone had their own well, nothing would change and people could still drill a new well if they obtain a permit from Headwaters Groundwater Conservation District. This was not an attempt by the city to shut down wells or prohibit drilling of new wells. However, if the city is granted the CCN, it will prohibit well owners from being a water purveyor and selling water to the public.
- If the city was granted the CCN by TCEQ it will prohibit other CCN providers' ability to expand in the city's ETJ.
- When will the city get water to the CCN area? Property owners must file a written application to the city to request water service, same process as currently exists; no changes as a result of the CCN. However, if the owner developed the property or sold the property to a developer, they must meet minimum fire flow requirements. If the city requested a water system be expanded for future growth, that expansion would be at the city's cost.
- Anyone in the proposed CCN area who owned 25 acres or more was notified by the city that the city had applied for the CCN; this was a requirement of TCEQ as part of the CCN application process.
- Any property owner with 25 acres or more can opt out; the opt out deadline is November 28.
- This was not a move by the city to annex the CCN or two mile ETJ area. The city would continue to consider annexation requests on a case by case basis when property owners filed applications.
- The city had drought restrictions last summer; how can the city provide water to a larger area? He explained the city's conjunctive use system of groundwater, surface water and aquifer storage and recovery (ASR) wells. The drought restrictions were due to the state water master's curtailment of water allowed to be pumped from the river. The city did not experience a shortage of water.

The following persons spoke:

- 1, John Vanderkam questioned if the 60,000 acre CCN area was all in Kerr County, and if so, what precluded the county from making these development standards part of their subdivision rules and enforcing these standards? Mr. Parton noted that all of the CCN area was in Kerr County, and the city and county had similar standards; however, under state law a non-municipal CCN water purveyor may paint fire hydrants black designating them not available for fire fighting, thus impacting fire fighting and insurance rates. He noted that under state law the water provider had sole declaration to determine whether to make hydrants available for fire protection.
- What would happen with private wells when property was annexed? Mr. Hastings noted some private wells existed in the city limits now and future annexations would not affect private wells, only the sale of water.
- The city had a water shortage in the summer and had to enforce drought restrictions; where would the city get water to serve the CCN area? Mr. Motheral noted drought stages were set by a formula triggered when the state water master curtailed the pumping of water from the river, which then forced the city into drought stages; however, the city had plenty of water during the summer and currently had 460 million gallons in storage and adding another ASR well. Mr. Hastings reviewed the city's conjunctive water system of groundwater, surface water, and ASR wells.

2. Diane McMahon noted the city pumped water from the Lower Trinity and most private wells were in the Middle Trinity; had the city determined any area where it would not be feasible to provide water; would the city be expanding to Kerr Country Estates; and was there a plan to put in a well there? Mr. Hastings noted the decision had not been made at this time as the CCN area had not been finalized; however, if approved, the city would consider requests for service from property owners on a case by case basis.

3. Linda Bullard questioned whether the city's CCN would impose any restrictions on her property or well, what would be the advantage or disadvantage of opting out, and could someone opt out now and in the future request to opt back in? How long would the CCN application process continue; would there be any financial implications to landowners who opted out; and if the city is granted CCN would landowners have to pay property taxes? Mr. Hastings noted there would not be any affect on private wells used for private consumption. The advantage of opting out would be to control the sale of water to others. Mr. Parton noted if the well owner was not a CCN provider, they could not sell water. The disadvantage would be in the future another water purveyor could assume your area and they could paint fire hydrants black and not meet minimum standards or fire flow requirements. Mr. Motheral noted a CCN provider had the ability to expand one-quarter mile without notifying landowners, and when they assumed an area the owner was stuck with that service. Mr. Parton noted a property owner could later file a request with the city to opt into the city's CCN only if their property was not already in another CCN; however, depending on the outcome of the CCN application, the city may be focused and planning water supply in another direction. He noted that CCN operators had already filed a protest against the city's application. Mr. Hastings anticipated the process to be complete within six months; there would be no cost to landowners to opt out. Mr. Parton noted the city could not tax property that was in the CCN area unless it was annexed into the city; the CCN was about exclusive right to sell water in an area.

4. Reed West questioned why owners with less than 25 acres had to protest to opt out and noted his property was landlocked by larger tracts that had opted out and questioned how the city could get water to his property. He asked if the CCN affected septic systems. Mr. Hastings noted under state law, tracts 25 acres were not allowed to automatic opt out, but he could file a protest. Mr. Motheral noted the city was not taking away any private wells, people could still drill wells under the same regulations in place today. Mr. Parton noted that the city would have to receive easements from landowners to run utility lines through their property to a landlocked area. Mr. Hastings stated the CCN application did not affect wastewater.

5. Francha West questioned if a landlocked property remained in the city's CCN how water could be provided, and if this was an attempt to put meters on private wells? Mr. Parton noted the city could access landlocked property through easements granted by neighboring property owners; and no, the city had no intention of placing meters on private wells.

6. Frances Lovett requested local public hearings before the November 28 deadline and requested information and address to file a protest. Mr. Hastings referred her to information published in the newspaper or she could contact his office for assistance.

7. Rick Love asked if any water districts had requested to be annexed and if the city would annex a water district if requested to do so; Mr. Hastings replied no.

-Had any water systems expressed desire to upgrade their system or do away with black fire hydrants? Mr. Hastings replied no and noted the city had receive many phone calls from concerned citizens regarding black hydrants, but no phone calls from water purveyors. Mr. Motheral noted state law precluded the city from entering another CCN provider's area.

-Did the city need to increase its service area and could the city provide ample water supply and still have sufficient water for fire fighting? Mr. Hastings noted the city had capacity at the existing treatment plant to provide over 1,000 more connections; in addition, the city was in the process of a water treatment plant expansion project and drilling another ASR well. The city had identified some areas in the city where fire flow requirements were insufficient; however, upgrades were in progress in these areas. Mr. Parton noted that buildings in those areas also had sprinkler systems. As new developments applied for water service in the city's CCN area, the city could provide service or the owner could request decertification and the city would assist the landowner with acquiring water through another CCN provider in the area, and assure that fire flow standards were being met.

-Why were only those properties over 25 acres allowed to opt out? Mr. Motheral noted that was state law and the city had no control over that.

-The city should only apply for a CCN in the existing one mile ETJ, and later apply for extension of the CCN when the city ETJ increased to two miles. Mr. Motheral noted the city tried to obtain economies of scale by not having to go through the process twice, since it was anticipated that the population would reach 25,000 very soon. It did not make economic sense to go through the same process twice; the city should have begun this type of planning much earlier.

Mr. Gross noted the CCN would give the city the right of first refusal and assure that standards were met in new subdivisions. They question that landowners should ask themselves was if their well went dry, would they want to be served by a private water company or the city; if the landowner opted out of the city's CCN now, later the city may not be planning and expanding in their direction, or a CCN may have expanded and taken over their area prohibiting the city from providing them service.

8. County Commissioner Bill Williams stated the public needed to know exactly how the city's CCN application would affect them. He noted the city had not provided prior notification to Headwaters Underground Water District, Upper Guadalupe River Authority, or the county; it might have simplified the process if the city had provided advance notice. The commissioners did not know what the city's intention or actions were when they were questioned by citizens. He felt the issue of substandard development could be resolved by the city enforcing construction standards in new developments; however, he questioned if development was built at today's standards

and the city annexed that area, who would pay for upgrades if the standards changed again? Mr. Motheral noted the city had made a presentation to other entities, but the county did not request a presentation. If a development was built to city standards in place at the time of construction, and the city annexed that property, the city would have to pay for upgrades.

-TCEQ did not require a CCN purveyor to meet fire flow standards and the CCNs had painted hydrants black. The county had a contract with the city for firefighting services; if there was not a red fire hydrant, did the firefighter have the discretion of not fighting a fire? Mr. Parton noted firefighters would use whatever means they had available at the time to fight a fire; however, if a fire hydrant was painted black the firefighter may not be able to see the hydrant at night and would not know if it was available and capable of producing sufficient water for firefighting.

-He noted that Headwaters had a requirement in place now that a developer had to have a five acre minimum to drill a well; the city may want to consider requiring a water availability study for future developments.

9. Jimmie Spradling questioned the next step in the process and if the city would continue the process if the county and others objected. Mr. Motheral noted TCEQ would hold public hearings and then make a decision on the city's application; TCEQ may take citizens' and county's comments and objections into consideration.

10. Pete Fish questioned the cost that would be incurred to do two CCN applications, one for the existing one mile ETJ, and another application when the city reached a two mile ETJ. Mr. Hastings replied the application fee was \$100; however the process had consumed very much staff time for several months, as well as legal fees, and was a very detailed and lengthy process.

11. Susie Ferno questioned what the requirements would be for commercial developments and discussed rainwater catchment systems. Mr. Hastings noted the development standards would also be required for commercial developments, and noted the city encouraged rainwater catchment systems.

Mr. Parton noted that TCEQ's focus was on potable water, and public safety and standards were not part of their purview at this time, but this may change over time.

ADJOURNMENT. The meeting adjourned at 7:39 p.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
NOVEMBER 24, 2009

On November 24, 2009, the Kerrville City Council meeting was called to order by Mayor Bock at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Reverend Mike Williams with Zion Lutheran Church, followed by the Pledge of Allegiance led by David Lipscomb.

MEMBERS PRESENT:

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

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Travis Cochran	Director of Information Technology
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
Kim Meismer	Director of Administrative Services
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief

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

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

1A. Scott Gross stated he appreciated receiving correspondence from the citizens; he did not appreciate people being careless about facts and making false claims. The city was a democracy, and city council was comprised of five persons who were also taxpayers and voted what they thought was best for Kerrville as a whole. People should work well with others to make Kerrville a better place to live.

2. PRESENTATION:

2A. Recognition and appreciation of Mario G. Medina, P.E., San Antonio District Engineer, and Michael Coward, P.E., Project Engineer, Kerr County, of the Texas Department of Transportation for the installation of the traffic signal at the intersection of Holdsworth Drive and Harper Road.

3. CONSENT AGENDA:

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

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

3A. Approval of minutes of the special meetings held August 6 and August 11, 2009.

3B. Resolution No. 068-2009 canceling the regular meeting of the city council scheduled for December 22, 2009.

END OF CONSENT AGENDA.

3C. Authorize mayor to execute contract for school resource officers.

Mr. Hayes noted the new contract called for two school resource officers: one at Tivy High School and one at Peterson Middle School.

Mr. Coleman moved to terminate the existing contract and authorize the mayor to execute the new contract for two school resource officers; Mrs. Keeble seconded the motion and it passed 5-0.

4. ORDINANCE, FIRST READING:

4A. An ordinance amending the budget for fiscal year 2010 to allow for adjustments to various funds. Mayor Bock read the ordinance by title only.

Mr. Coleman filed a conflict of interest form regarding the Town Creek sanitary sewer project and left the meeting at 6:12 p.m.

Mr. Parton noted the following amendments to the FY10 budget:

Engineering Department: \$10,000 expenditure for inspection staff overtime to be offset by increase in revenue from inspection fees paid by contractors for weekend and after hours inspection services.

Fire Department: Expenditure of donations received, \$2,851.

Landfill Fund/Transfer Station: Transfer \$450,000 to fund the design and construction of a water main to the landfill transfer station; the water line will be sufficient to meet fire flow requirements. Funds in the landfill post closure fund are from penalties paid by Allied Waste for delay of the transfer station construction.

Homeland Security: Expenditure of grant funds for communication equipment.

Town Creek Sanitary Sewer: Reallocate funds remaining from other capital projects for construction completion.

Methodist Encampment Production Well: \$417,000 from previously issued bonds and unexpended funds from capital projects to move the well to FY10; additional debt will also have to be issued in FY10 to complete construction.

Water Supply Acquisition: Allocate \$85,000 remaining cash balance to water supply.

Downtown Pavilion: \$100,000 to create capital project to complete the pavilion.

Council was concerned about allocating funds to a project that the city did not own.

Mrs. Keeble moved for approval of the ordinance on first reading, excluding \$100,000 for completion of the downtown pavilion; Mr. Motheral seconded the motion and it passed 4-0-1; with Messrs. Bock, Gross, Keeble, and Motheral voting in favor of the motion; no one voted against the motion; and Mr. Coleman abstained.

Mr. Coleman returned to the meeting at 6:22 p.m.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Update of the feasibility study for the firearms training center (FTC) with the FBI at the city landfill and the scheduling of a town hall meeting.

Mr. Parton anticipated the initial report from LNV Engineering would be available by mid December. He requested permission from council to schedule a town hall meeting to discuss the report, as previously requested by several citizens. Mr. Parton noted that FBI could not spend public funds on private property, i.e. Hill Country Shooting Sports Center; if the funds were not used at the city landfill, the FBI would have to start their process over, including application for funding.

Mr. Gross moved to schedule a town hall meeting to discuss the firearms training center after council had received the feasibility study from LNV; Mr. Motheral seconded the motion.

The following persons spoke:

1. Duke Ellington noted the LNV study did not include an economic feasibility study or site engineering; he anticipated the FTC would be revenue negative.
2. Tom Hamilton provided an outline for council to use in the decision process and requested a comprehensive study be done that addressed the following: police department requirements, feasibility cost analysis, public safety, noise impact, reduction in real estate values, public input, site selection, and other FTC options. He requested this information be available at the town hall meeting, and that the city offer the FBI other alternatives not at the landfill.
3. Tom Moser asked council to review evaluation factors before making a decision: noise, safety, cost, and public support. He noted three types of noise and requested the city hire a professional gun range design expert.
4. Allan Livey stated he was confused about why the city would consider spending money on an FTC when there were other problems facing Kerrville. He questioned whether police officers needed such a facility, but if so, the city should look at other locations. He objected to squandering tax funds.
5. Gary Ralls suggested other uses for the landfill, i.e. prison, halfway housing, brewery. He disapproved a shooting range next to the high school and felt it was a waste of tax money, and would decrease property value and quality of life for citizens; he requested a public referendum.
6. Sharon Walling requested the map be published in the newspaper so people would realize where it was located and how they would be affected. She questioned how much insurance the city would have and was concerned about zoning, acoustics, and noise pollution; she read articles about police officers shooting pedestrians from shooting ranges.
7. David Baker, concerned parent of a Tivy student, questioned the benefits of a range and asked the proximity of the site from the school and veterans hospital.
8. Scott Thompson opined that there would be an accident resulting in injury at the range in the future; he was concerned about children playing at the soccer field or persons visiting the landfill.

The motion passed 5-0.

5B. Appoint one councilmember to an economic development task force for the purpose of creating a revised economic development structure that will be submitted to the city and various other entities for final ratification. Mr. Parton noted staff had worked with the Kerr Economic Development Foundation (KEDF) and the Kerr Area Chamber of Commerce (KACC) to restructure the economic development program based on the concept presented to city council in October. He proposed a 10 member task force be created to finalize a Kerrville Economic Development Council (KEDC) and to establish program overview, benchmarks and performance measures. The 10 entities would each appoint one member to the task force, and the task force would prepare an organizational document that would be presented to each entity for input and ratification. He reviewed the proposed role and responsibilities of each organization in the KEDC. He felt it would be important for the task force members to have an understanding of business needs and the overall policy objective. Mr. Parton recommended the city council appoint a member to the task force.

Mrs. Keeble moved to appoint Stacie Keeble as the city council's representative to the economic development task force. The motion died for lack of a second.

Mr. Motheral noted that Mayor Bock previously represented the city in the creation of the economic development strategic plan; Mayor Bock agreed to serve on the economic development task force.

Mr. Gross moved to appoint Mayor Bock to be the city's representative on the economic development task force; Mr. Coleman seconded the motion and it passed 4-1 with Councilmembers Bock, Coleman, Gross, and Motheral voting in favor of the motion and Councilmember Keeble voting against the motion.

6. INFORMATION AND DISCUSSION:

6A. Update on TXP feasibility study for a convention center project for the city of Kerrville.

Mr. Coleman filed a conflict of interest form and left the meeting at 7:28 p.m.

Ms. Wendele noted a special city council meeting had been scheduled for December 17, 2009, at 6:00 p.m. in order for TXP to present and discuss their findings.

Mr. Coleman returned to the meeting at 7:30 p.m.

7. BOARD APPOINTMENTS:

7A. Appointments to the zoning board of adjustments.

Mrs. Keeble moved to reappoint: Dan Germany, Carolyn Lipscomb, and Glenn Andrew as full board members with terms to expire September 30, 2011; and to appoint Robert Irvin as an alternate board member with term to expire September 30, 2010. Mr. Coleman seconded the motion and it passed 5-0.

8. ITEMS FOR FUTURE AGENDAS: None.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

9A. Mr. Motheral stated he and Commissioner Letz agreed to include a statement in the development standards that the county would administer the on-site sewage facility regulations and were working on addressing storm drainage and flood calculations in the proposed ETJ standards.

9B. Mayor Bock announced there were 94 floats in the holiday parade and thanked everyone for participating.

9C. Mayor Bock announced he had been appointed to the Alamo Area Council Of Governments, regional rural planning organization.

10. EXECUTIVE SESSION:

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

Section 551.071:

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

Section 551.072:

- Discuss the purchase, exchange, lease, sale or value of real property located at 741 Water Street, Kerrville, Texas, for use as a city hall, the discussion of which would not be in the best interests of the city's bargaining position with third parties.

At 7:41 p.m., the regular meeting recessed and council went into executive closed session at 7:42 p.m. At 8:32 p.m., the executive closed session recessed and council returned to open session at 8:33 p.m. The mayor announced that no action had been taken in executive session.

8. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

Hill Country Camp wastewater discharge permit from Texas Commission on Environmental Quality

Mr. Coleman moved to authorize approval of the compromise and settlement agreement as currently negotiated with Hill Country Camp. The motion was seconded by Mr. Motheral and passed 5-0.

ADJOURNMENT. The meeting adjourned at 8:34 p.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
DECEMBER 8, 2009

On December 8, 2009, the Kerrville City Council meeting was called to order by Mayor Bock at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Father Mike Peinemann of the Notre Dame Catholic Church, followed by the Pledge of Allegiance led by Bob Avery of the Retired Military Officers Association.

MEMBERS PRESENT:

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

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Travis Cochran	Director of Information Technology
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
Kim Meismer	Director of Administrative Services
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief
Mike Wellborn	City Engineer
Antonio Martinez	Director of Library Services

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

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

1A. Sharon Walling noted the feasibility study addressed construction and cost of the range and building site for the firearms training center proposed at the landfill; it did not address safety, devaluation of property, and acoustics. She questioned how these issues would be addressed if they were not included in the feasibility study. She hoped law enforcement would move to the Hill Country Sports Shooting Center, which received over \$1 million from EIC. She referred to news articles and stated that no range could be designed that was completely safe and noted that Boerne had turned down FBI's offer.

2. **PRESENTATION:**

2A. Resolution of Commendation to Sana Waller for serving on the zoning ordinance input committee.

2B. Recognition of Eric Maloney, Kerrville Fire Department EMS Coordinator, for receiving the Texas Department of State Health Services 2009 EMS Administrator Award.

3. CONSENT AGENDA:

Mrs. Keeble requested item 3A be removed from the consent agenda.

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

3B. Contract with CH2M Hill for construction administration services for Phase I aquifer storage recovery well 3 in an amount not to exceed \$35,838.00.

3C. Contract with C and C Groundwater Services for the construction of aquifer storage recovery well No. 3 in an amount not to exceed \$357,225.60.

3D. Contract amendment with LNV Engineering for the safe routes to school projects in an amount not to exceed \$40,000.00.

3E. Confirm appointment of Mayor Bock to the Alamo Area Council Of Governments, Alamo Regional Rural Planning Organization.

END OF CONSENT AGENDA.

3A. Approval of minutes of the regular meeting of August 11, 2009, and the special meetings of August 13, and August 18, 2009.

A change was made to the August 11 minutes.

Mrs. Keeble moved for approval of the minutes of the regular meeting of August 11, 2009, and the special meetings of August 13, and August 18, 2009; Mr. Motheral seconded the motion and it passed 5-0.

4. ORDINANCE, SECOND AND FINAL READING:

4A. Ordinance No. 2009-24 amending the budget for fiscal year 2010 to allow for adjustments to various funds. Mayor Bock read the ordinance by title only.

Mr. Coleman stated a conflict of interest and left the meeting at 6:16 p.m.

Mr. Parton noted the funding allocation for completion of the pavilion project was removed from the ordinance on first reading; no other changes were made.

Mr. Gross moved for approval of Ordinance No. 2009-24 on second and final reading; Mrs. Keeble seconded the motion and it passed 4-0-1; with Messrs. Bock, Gross, Keeble, and Motheral voting in favor of the motion; no one voted against the motion; and Mr. Coleman abstained.

Mr. Coleman returned to the meeting at 6:17 p.m.

5. CONSIDERATION AND POSSIBLE ACTION:

5C. Discussion regarding potential zoning issues in and around the airport and the potential need for an airport zoning board.

Mr. Hayes noted the airport board had requested staff research zoning issues around the airport and the possible need for an airport zoning board. He was amiable to doing the research, but before proceeding he requested authorization from council as the research would require much of his time; examples of research issues were:

- Could the city planning and zoning commission be used to zone areas in and around the airport, particularly areas outside the city?
- How do other airports operate and address zoning issues?

The following persons also spoke:

1. Steve King, airport board president, questioned whether a 1992 zoning law was still legal since several changes had been made to the airport board since then.

2. Fred Vogt, airport board vice-president, opined that the 1992 ordinance was still in effect and met current FAA requirements for airport zoning. The airport board planned to prepare an airport master plan, and zoning would be a large part of that plan. The board wanted to look beyond the airport property; however, land outside the airport was in the county. As owners of the airport, the city and county were obligated to keep compatible land use around the airport so that high residential development did not build up outside the airport. One of the questions Mr. Hayes would be researching would be whether the existing airport board could act as an airport zoning board.

The consensus of council was that Mr. Hayes proceed to research airport issues.

5A. Third amendment to the landfill operation and disposal agreement as requested by Allied Waste to provide for construction of a scale house, construction of a water main and fire hydrants, and clarification of personnel and equipment requirements.

Mr. Hastings stated that staff recommended approval of amendments to the 2006 agreement as requested by Allied Waste (AW) as follows:

- AW to design, fund and construct a dual-scale-house (entry/exit weighing capabilities) as part of improvements to operate the transfer station.
- City to fund and construct water main improvement.
- After transfer station was operational, AW would meet personnel and equipment requirements identified in the standard operating procedures listed in the permits.

Mr. Hastings noted the operation of a transfer station would give the city a chance to expand the landfill on the existing boundary and accumulate soil for the next 20 years to meet future soil deficiency; however, the transfer station would not result in closing the landfill. The amendment would also give AW time to comply with the 2006 agreement, specifically personnel and equipment requirements.

Brad Dugas, AW representative, noted that at the time AW signed the agreement in 2006, they had intended on completing all requirements; however, AW experienced

issues regarding permitting; he expected final issuance of the permit by the state very soon and the transfer station to begin operation in May-June 2010.

Mr. Motheral moved for approval of the third amendment and to authorize the city manager to sign the agreement as modified; Mr. Coleman seconded the motion and it passed 5-0.

5B. Contract with Matkin Hoover Engineering for design and construction administration services for the landfill water main extension project in an amount not to exceed \$34,800.00.

Mr. Wellborn noted the opening of the transfer station at the landfill required the water main be extended to the site and upgraded to meet fire flow requirements. He recommended the city manager be authorized to sign a contract with Matkin Hoover Engineering for the design and construction administration services in the amount not to exceed \$34,800. Funding for the project was budgeted in the landfill post closure fund through penalties paid by Allied Waste for the delay in the construction of the transfer station. He estimated construction at \$400,000.

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

5D. Resolution No. 071-2009 granting a petition requesting the annexation of an approximately 3.95 acre lot, known as Lot 1, Shady Grove Subdivision, within Kerr County, Texas, and consisting of the property addressed as 246 Johnson Drive South; and ordering the preparation of an annexation ordinance.

Kevin Coleman noted the city and county, through the airport board, filed a petition for annexation of the subject tract and requested the property be zoned AD, airport district. Approval of the resolution will grant the petition and initiate annexation proceedings, with final reading on February 9, 2010.

Bruce McKenzie, airport manager, noted approval of the annexation would allow for extension of the taxiway and a new road through the center of the property.

Mr. Gross moved for approval of Resolution No. 071-2009; Mr. Coleman seconded the motion and it passed 5-0.

5E. Resolution No. 072-2009 granting a petition requesting the annexation of an approximately 86.71 acre tract out of the W.T. Crook Survey No. 71, Abstract No. 114, within Kerr County, Texas, and generally located northwest of the Kerrville/Kerr County Airport and adjacent to the Peterson Farm Road; and ordering the preparation of an annexation ordinance.

Kevin Coleman noted the Kerr Economic Development Foundation (KEDF) filed a petition for annexation of the subject tract and requested the property be zoned PDD, planned development district, to allow an animal and insect research facility to house livestock and perform research on livestock and other accessory uses associated

with that research. He noted that KEDF previously purchased the land for relocation of the US Department of Agriculture lab.

Mr. Gross moved for approval of Resolution No. 072-2009; Mrs. Keeble seconded the motion and it passed 5-0.

5F. Resolution No. 069-2009 authorizing the city to support and participate with the Upper Guadalupe River Authority (UGRA) with respect to the submission of a grant application to the Texas Commission on Environmental Quality (TCEQ) for funding to address and implement a plan designed to reduce bacterial levels in the Guadalupe River.

UGRA General Manager Ray Buck noted TCEQ and EPA had designated 3.5 miles of the Guadalupe River as bacteria impaired due to elevated levels of E. coli bacteria. TCEQ initiated a total maximum daily load (TMDL) study and an implementation plan. He noted that UGRA planned to apply to TCEQ for a three year grant to pay for measures outlined in the plan; 60% TCEQ and 40% local match through in-kind services. The 40% local match would be in-kind services; no local entity would be required to pay cash.

Tara Bushnoe, UGRA Natural Resources coordinator, noted the impaired area was located from the confluence of Town Creek to Flat Rock Lake. UGRA spearheaded establishing a group of local stakeholders and preparing an implementation plan:

- Reduce bird feeding at public parks.
- Install exclusion/deterrent devices on SH 16 and SH 534 bridges.
- Manage waterfowl population at public parks.
- Reduce human contamination through ongoing lateral sewage line replacement, sewage inspection and rehabilitation, and ongoing septic system plan review and registration.
- Implement education program for pet owners and install pet waste stations in public parks.
- Education programs for local livestock owners.
- Reduce nonpoint source pollution from stormwater runoff.

The city's assigned duties were: assist with bird deterrent structure plans; assist with education; continued waterfowl management; and continued stormwater pollution reduction. The city was being very effective through the street sweeping program to remove contaminants before reaching the river through storm drainage.

Mr. Coleman moved for approval of Resolution No. 069-2009 with the city to participate with in-kind services as the city's contribution; Mr. Gross seconded the motion and it passed 5-0.

5G. Purchase communication equipment for the fire department through the Houston-Galveston Area Council (HGAC) purchasing cooperative in an amount not to exceed \$64,838. Mayor Bock requested Items 5G and 5H be considered together.

Chief Ojeda noted the city had been awarded a homeland security grant in the amount of \$131,622 to upgrade interoperable communications equipment for the fire and police departments. Equipment would be purchased through HGAC.

5H. Purchase communication equipment and computers for the fire and police departments through the State of Texas Department of Information Resources contracts in an amount not to exceed \$47,638.

Chief Ojeda noted that funds from the homeland security grant in the amount of \$47,638 would be used to purchase ten mobile data terminals for fire and police vehicles; this would improve communications between dispatch and the field units. The equipment would be purchased through the State of Texas Department of Information Resources.

Mr. Gross moved to authorize the purchase of equipment as stated in items 5G and 5H; Mr. Motheral seconded the motion and it passed 5-0.

5I. Resolution No. 072-2009 casting votes for Kerr Central Appraisal District Board of Directors.

Mr. Parton noted there were five open positions on the KCAD board. On October 13 city council nominated William H. "Hank" Moody; Mr. Moody accepted the nomination, and was placed on the ballot. The city was allocated 792 of 5,000 votes and may cast all votes to one candidate or may split votes between all five candidates.

Mr. Motheral moved for approval of Resolution No. 072-2009 casting all 792 votes to William H. "Hank" Moody; Mrs. Keeble seconded the motion and it passed 5-0.

5J. Resolution No. 073-2009 authorizing publication of notice of intention to issue certificates of obligation.

Mayor Bock requested Items 5J and 5K be considered together.

Mr. Parton noted the FY10 budget included CIP projects funded by certificates of obligation (CO); the water and wastewater system improvements portion of the CO debt would be funded by revenue from the water/wastewater fund.

5K. Resolution No. 074-2009 expressing official intent to reimburse with tax-exempt obligation proceeds for costs associated with making extensions and improvements to the city's waterworks and sewer system.

Mr. Parton noted the reimbursement resolution would enable the city to reimburse itself from bond proceeds for eligible expenditures incurred prior to issuance of the CO, thereby allowing the city to begin acquisition and construction of the projects prior to issuance of the CO.

Mr. Coleman moved for approval of Resolution No. 073-2009 and Resolution No. 074-2009 as presented; Mr. Motheral seconded the motion and it passed 5-0.

5L. Update and possible action on the city-owned structures at 433 Water Street. Ms. Wendele noted previously staff had requested additional time for discussions with two parties who expressed interest in moving the building at 433 Water Street. She met with the two parties: 1. Mark and Linda Stone; and 2. Texas Arts and Crafts Educational Foundation. She requested six months to work with the two parties, and she committed to put together a plan and schedule by June 1 for removal of the structures. She noted the carriage house behind 433 Water Street was not viable for relocation but may be demolished and used as construction material.

Mr. Gross moved to extend action on 433 Water Street to the second city council meeting in February in anticipation of receiving a letter of intent from one of the parties, and stating a target move date by June 1; and that a sign be placed on the building explaining what was happening. The motion was seconded by Mr. Coleman and passed 5-0.

6. INFORMATION AND DISCUSSION:

6A. Update on library renovation project and the carriage house.

Mr. Martinez reported the following:

Butt-Holdsworth Memorial Library Renovation: Working on a written funding commitment for the overall renovation project. Documents to establish a local library foundation had been written and would be filed with appropriate agencies; a local library foundation was necessary to provide a legal means of receiving and disbursing funds for the project.

Carriage House: The initial work (\$60,000) for the conceptual plan incorporated the carriage house into the campus conceptual plan. Three actions were requested from the Friends: 1. Funding commitment for either the carriage house construction or the overall renovation project; 2. Timeline for moving the Friends' book sale activity out of the library basement in order to plan construction; and 3. Submittal of construction plans if Friends decided to contract with their own architect for a new building at the site of the carriage house.

Mr. Martinez noted that construction documents had been prepared by Architect Peter Lewis and the project was waiting funding; he anticipated a 4-5 year construction start on the estimated \$6 million project.

7. BOARD APPOINTMENTS:

7A. Appointments to the food service advisory board. (Staff)

Mr. Gross moved to reappoint Debbie Baerwald; and to appoint Susan McCracken and Kelly Varwig; all with terms to expire December 1, 2011. Mr. Motheral seconded the motion and it passed 5-0.

8. ITEMS FOR FUTURE AGENDAS

8A. Mr. Parton congratulated Mayor Bock on his appointment to the Alamo Area Council Of Governments, Alamo Regional Rural Planning Organization; he noted one of the main issues to be discussed by the ARRPO will be rural transportation.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST: None

10. EXECUTIVE SESSION:

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

Section 551.071:

- Pending or contemplated litigation and settlement of same relating to the City of Kerrville vs. Clear Channel Outdoor, Inc., with respect to the city's sign board amortization and abatement sign schedules.

Section 551.072:

Discuss the purchase, exchange, lease, sale or value of real property located at 741 Water Street, Kerrville, Texas, for use as a city hall, the discussion of which would not be in the best interests of the city's bargaining position with third parties.

Section 551.074:

- Evaluation of city manager.
- Evaluation of city attorney.

At 7:18 p.m., the regular meeting recessed and council went into executive closed session at 7:27 p.m. At 9:45 p.m., the executive closed session recessed and council returned to open session at 9:46 p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

Mr. Coleman moved to authorize the city manager to sign a settlement release agreement with Clear Channel Outdoor. The motion was seconded by Mr. Motheral and passed 5-0.

ADJOURNMENT. The meeting adjourned at 9:47 p.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
DECMEBER 17, 2009

On December 17, 2009, the Kerrville City Council meeting was called to order by Mayor Bock at 6:00 p.m. in the city hall council chambers, 800 Junction Highway.

MEMBERS PRESENT:

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

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Brenda G. Craig	City Secretary
Kevin Coleman	Director of Development Services
Mindy Wendele	Director of Business Programs
Sandra Yarbrough	Interim Finance Director
Johnna Wade	Assistant Main Street Manager

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

Feasibility Study for Convention Center Project, Presentation by TXP.

Mr. Coleman noted a potential future conflict of interest and recused himself; he left the meeting at 6:01 p.m.

Jon Hockenyos and Travis James, of TXP, gave a summary of the convention center feasibility study. He presented information that validated the convention and visitors bureau (CVB) figures. He reviewed constraints, e.g. limited retail shops, lack of Four Star or Five Star hotels, land of rooms and meeting space, night life, transportation, airport travel time, etc. Mr. Hockenyos opined that Kerrville's target market should focus on social, military, educational, religious, fraternal groups that typically travelled by personal vehicle within five hour range. He provided economic impact and market analysis on convention centers located in five Texas cities similar to Kerrville.

He projected a fifteen year economic and tax revenue impact, including, city, county, 4B, and sales taxes and associated tax income at anywhere between \$1,762,833 to \$19,808,973 depending on several factors. He recommended Kerrville solicit for proposals for a partnership for a convention center in the 40,000-45,000 sq. ft. range. He estimated the annual finance cost to be \$675,000 based on a \$10,750,000 asset, with a 30 year amortization at 4.8%.

Mr. Hockenyos noted the following:

Regardless whether Kerrville built a convention center or not, there currently existed a shortage in hotel rooms.

More hotel room space would be necessary to support a convention center.

Group meetings/conventions would create a weekday business market that Kerrville was not receiving advantage of now.

- Kerrville had a strong tourism business and good marketing.
- Kerrville was missing a maximum opportunity to supplement existing businesses and increase its tax base.

The council noted the following points:

Proposed facility should be tax neutral, support downtown, and promote expansion and growth of existing businesses.

City had a sound reputation and a good market.

- Put together an information package and see what types of responses were received.
- If proceed, the city should take active role in how the facility was built, utilized, and managed.
- Currently, there was not sufficient 4-star/5-star hotel rooms to accommodate a 40,000 sq. ft. facility.
- Facility definitely would have economic value to the community, but only way it would work would be with hotel support.
- Proceed cautiously; cannot afford to saddle citizens with 30 year debt and operational expenses.

Mrs. Keeble moved to direct the city manager to prepare a request for proposal for council's consideration at the January 12, 2010, council meeting. Mr. Motheral seconded the motion.

The following persons spoke:

1. Carolyn Lipscomb asked the population of New Braunfels since Kerrville was being compared to New Braunfels; Mr. Hockenyos noted 50,000. Mrs. Lipscomb tried to visualize the size of the building being proposed; it was noted that the Plaza Theatre was 12-14,000 sq. ft. and the HEB Grocery was 54,000 sq. ft.

2. David Lipscomb asked if an analysis existed of groups that fit the category being considered for a facility this size.

3. Sudie Burditt, CVB, discussed the lost business report for 2008, and noted 263 contacts had inquired about Kerrville, but Kerrville did not have a facility large enough to accommodate their event. Many of these groups were those already doing business in Kerrville. She estimated overall the full lost business that Kerrville could not handle based entirely on space constraints on a regular basis to be 1,000. She noted this type of business would be entirely based on a larger facility; it would not affect the existing smaller events currently booked at

the hotels. The proposed a 45,000 sq. ft. facility with a ballroom or exhibit hall. Currently, the Inn of the Hills seated 525; YO Hotel seated 490; and the Kerr County Ag Complex could seat 600. The Hill Country Sport Shooting Center air hall may handle more when completed; however, that facility was designed toward shooting activities and she anticipated it would be booked most of the year.

As compared to the convention center in New Braunfels, Ms. Burditt noted that facility was a total rehabilitation of an existing city building, there was not a sales team dedicated to the center, and there was not a stand alone hotel.

The motion passed 4-0-1 with Councilmembers Keeble, Motheral, Bock, and Gross voting in favor of the motion; no one voted against the motion, and Councilmember Coleman abstained.

Councilmember Coleman returned to the meeting at 6:56 p.m.

ADJOURNMENT. The meeting adjourned at 6:59 p.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

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

SUBJECT: Authorization for the City Manager to execute a contract with Kerrville Kayak and Canoe to operate non-motorized watercraft concessions at Louise Hays Park.

FOR AGENDA OF: February 23, 2010

DATE SUBMITTED: February 11, 2010

SUBMITTED BY: Malcolm Matthews
Director of Parks and Recreation

CLEARANCES: Kristine Ondrias
Assistant City Manager

EXHIBITS: Contract

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO: N/A

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The Kerrville Kayak and Canoe License Agreement, contract No. 2006-62 for boat, tube, and raft concessions in Louise Hays Park, expired on November 8, 2009. Kerrville Kayak and Canoe ("KK&C"), a local business, successfully provided non-motorized concessions under the previous agreement. KK&C also provides the same concession services in Kerrville-Schreiner Park under a separate license agreement with the City of Kerrville. That license agreement, when renewed in 2008, implemented several safety and accountability improvements which will be required under the new agreement in Louise Hays Park, as well. The operational improvements include use of appropriate safety training and equipment, requirement for employees to wear uniforms and name tags, increase of insurance limits to \$1 million for all categories, and the requirement for daily income log sheets to be submitted with corresponding monthly payments to the City.

The proposed concessions agreement for Louise Hays Park includes a three year term with an option to renew for an additional three years. The licensee will pay the City 8% of gross sales, or \$100 per month, whichever is greater. No payment is required to be paid to the City if the licensee does not operate during any given month. The licensee operates from March through October and the City of Kerrville receives generally \$400.00.

RECOMMENDED ACTION

The Director of Parks and Recreation recommends the City Council authorize the City Manager to execute a contract with Kerrville Kayak and Canoe to operate non-motorized watercraft concessions at Louise Hays Park.

LICENSE AGREEMENT BETWEEN KERRVILLE KAYAK & CANOE
AND
CITY OF KERRVILLE
FOR OPERATION OF BOAT, TUBE AND RAFT CONCESSION

This License Agreement ("License") is made and entered into by and between the CITY OF KERRVILLE, TEXAS ("City"), and KERRVILLE KAYAK & CANOE, herein referred to as "Licensee" or "KK&C", as follows:

1. Grant of License. In consideration of and subject to the terms, provisions and covenants herein contained, City hereby grants to Licensee an exclusive license to operate a business of non-motorized watercraft rentals on the following described real property owned by City, together with all improvements thereon, in the City of Kerrville, Kerr County, Texas, to-wit:

Approximately twenty-five (25) feet by one hundred (100) feet on the south side of the Guadalupe River in a location within Louise Hays Park that is mutually agreed upon by the City and KK&C ("Licensed Premises").

2. Term. This License shall become effective upon the date the signatures of the representatives of all of the parties to this License are affixed hereto and shall terminate three (3) years thereafter ("Initial Term"), subject to renewal or earlier termination as herein provided.

3. Renewal. Not later than ninety (90) days prior to the end of the term, the parties agree to commence negotiations in good faith for a renewal term not exceeding three (3) years and upon such conditions and provisions as the parties may agree. Any such renewal shall provide a percentage license fee and minimum license at least on the same terms as this License. If no renewal agreement is entered into prior to the end of the term, this License shall expire and terminate and be of no force and effect provided that Licensee is not in default hereunder.

4. Termination Election. City and Licensee each shall have the right, either with or without cause, to terminate this License upon not less than thirty (30) days prior written notice to the other party. Upon such termination, City and Licensee shall be relieved of all further obligations hereunder except only for obligations accruing prior to the effective date of termination.

5. Use. Licensee shall continuously use the Licensed Premises and all improvements thereon for non-motorized watercraft rental, and for no other purpose. Licensee shall at all times comply with the Texas Water Safety Act (Texas Parks & Wildlife Code Chapter 31, as amended). No motorized watercraft of any kind shall be rented. No other use of the Licensed Premises may be made without the prior written consent of City.

6. Water Access. It is understood and agreed that Licensee shall have access to all water areas impounded by the Louise Hays Park dam. Licensee shall maintain the Licensed Premises as much in keeping with the natural surrounding as possible. So long as no default exists

hereunder, Licensee shall be the exclusive kayak, canoe, paddle boat and inner tube vendor in Louise Hays Park, but Licensee shall not have exclusive or any right of refusal on concessions or on other similar or dissimilar arrangements for other business activities, recreational or otherwise.

7. Interruption of Business. City shall not be liable or responsible to Licensee in any manner for any interruption, or adverse impact on, Licensee's business as a result of casualty, flooding, acts of God, utility failure, or other occurrence. In the event of flooding or other act of God that impairs Licensee's access to the Licensed Premises or Licensee's operations hereunder, City agrees to exercise reasonable efforts to restore access to the Licensed Premises, but City shall not be responsible for failure to restore access within any particular period of time. Further, Licensee shall not be entitled to any abatement of license fees or any other off-set as a result of any such interruption or adverse impact or any delay or failure by City to restore access by the public to the Licensed Premises.

8. Maintenance. Licensee shall, at Licensee's cost and expense, during the term of this License and any renewal thereof, maintain the equipment, Licensed Premises and all improvements thereon, in a first-class manner, including but not limited to maintaining the premises free from litter and debris.

9. Signs. Licensee shall provide three (3) removable signs, each no larger than 32 square feet, identifying the business and stating that watercraft rentals are available at the location, stating hours of operation and pricing, and listing safety guidelines. The signs shall be and remain the property of Licensee. Licensee shall be responsible for maintenance of the signs and replacement if the same are damaged or destroyed. No signs other than those described herein may be erected at the Licensed Premises unless approved in writing by the City prior to installation. Placement and design of all signs shall be subject to prior approval by the City.

10. Insurance. Licensee agrees to acquire and maintain in force and effect, during the term hereof, workers' compensation insurance and also liability and casualty insurance covering all dates when Licensee is in operation on the Licensed Premises. Upon execution of this License, Licensee shall provide City with a copy of the insurance policies required hereby, showing premium prepaid for the period covered. In the event of failure by Licensee to keep such insurance in effect, the License shall terminate without notice from City to Licensee.

This insurance shall include liability and workers' compensation coverage as follows:

<u>Type of Insurance</u>	<u>Minimum Limits</u>
A. Workers' Compensation covering all employees	Statutory
B. Employer's Liability	\$100,000.00

C. Commercial General Liability

- Bodily Injury & Property Damage
Per Occurrence \$1,000,000.00
- Aggregate \$1,000,000.00

(Premises/Operations, Products/Completed, Operations/Independent, Contractors/Contractual Liability/Water Craft/Property Entrusted to Others/Coverages shall be included.)

Any structures or buildings constructed or owned by Licensee shall be insured against damage by fire, windstorm or other casualty under the standard "extended coverage" insurance. Prior to commencement of any construction, Licensee shall furnish City a duplicate original of an extended coverage insurance policy naming City as "additional insured" with "all-risk builder's risk" coverage if required by City. Such insurance shall insure both City and Licensee against loss by fire, windstorm, vandalism, theft or other casualty covered under standard "extended coverage" insurance. Such policy shall be in the amount of full replacement value for all improvements.

The commercial general liability and casualty insurance policies shall name City as an "additional insured". All policies shall include a waiver of subrogation provision in favor of City. The policy and any renewal certificate shall provide that the City be notified thirty (30) days prior to cancellation or modification of any coverage. Language to the effect that the insurance company will "endeavor" or "attempt" to so notify the City is not sufficient. Renewal certificates must be received by the City at least ten (10) days prior to expiration date. Policies will be in effect for the entire term of this License and any renewals. It shall be the responsibility of the Licensee to insure that all subcontractors for improvements comply with the same insurance requirements as the Licensee.

11. Alterations and Improvements. Licensee shall have the right, after first obtaining the written consent of City and at Licensee's sole cost and expense, to make such alterations, additions and improvements to the Licensed Premises as Licensee may desire and as may have been approved by City. All such alterations, additions and improvements shall thereafter constitute part of the Licensed Premises and shall not be removed by Licensee upon the termination or expiration of this License or any renewal hereof, except that the Licensee may remove such alterations, additions and improvements provided that Licensee shall restore the Licensed Premises to the condition existing on the date hereof. Any improvements not removed within thirty (30) days after expiration or termination of this License shall remain with the land.

12. Access. City shall have free access to the Licensed Premises at all reasonable times for the purpose of inspection of the same or for any maintenance or repairs allowed to be made by City hereunder.

13. Termination for Safety Violation or Unlawful Use. Licensee shall not use or occupy nor permit the Licensed Premises or any part thereof to be used or occupied for any unlawful purpose, or for any purpose or in any manner which is in violation of any present or future governmental laws or regulations. Licensee shall comply with all laws, ordinances, orders, rules and

regulations of state, federal, municipal or other agencies or bodies having any jurisdiction thereof relating to the use, condition or occupancy of the Licensed Premises. Notwithstanding any other provision of this License, any violation of this provision, or a gross violation of any safety-related provision herein, shall entitle the City to terminate this License immediately.

14. **INDEMNIFICATION.** LICENSEE AGREES TO INDEMNIFY, DEFEND, AND HOLD CITY HARMLESS OF AND FROM ALL CLAIMS, DEMANDS, LIABILITY, LOSS, COST AND EXPENSE (INCLUDING ATTORNEY'S FEES AND COST OF LITIGATION) IN ANY MANNER ARISING OUT OF OR RESULTING FROM LICENSEE'S OPERATIONS, LICENSEE'S USE OF THE LICENSED PREMISES OR THE EXISTENCE OF LICENSEE AND LICENSEE'S IMPROVEMENTS AND PERSONALTY ON THE PREMISES, INCLUDING BUT NOT LIMITED TO ANY AND ALL LIABILITY, LOSS, COST AND EXPENSE ARISING FROM CLAIMS OR DEMANDS BY LICENSEE'S OWN EMPLOYEES; AND THESE INDEMNITY AND HOLD HARMLESS PROVISIONS SHALL APPLY AND EXTEND TO ANY CLAIM, DEMAND, LIABILITY, LOSS, COST OR EXPENSE CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF THE CITY OR ITS OFFICIALS, AGENTS, SERVANTS OR EMPLOYEES.

15. Assignment or Sublicense. Licensee shall not assign or sublicense the Licensed Premises or any of its rights hereunder, in whole or in part, without the express prior written consent of the City.

16. Casualty. In the event of casualty, Licensee shall restore all damaged improvements within thirty (30) days thereafter. Insurance proceeds will be made available for such repairs.

17. Performance by City. If Licensee fails to perform its obligation, City may (at its option) perform such obligations and Licensee shall pay to City upon demand all costs and expenses incurred by City.

18. Independent Contractor. This License constitutes the entire agreement between City and Licensee. Nothing contained herein shall be construed to create any principal/agent, employer/employee, joint venture, partnership or other arrangement between City and Licensee. Licensee shall at all times be an independent contractor and shall maintain full control over the means of conducting the business operations permitted hereby, provided such means are consistent with the provisions of this Agreement.

19. Default. If either party hereto shall fail to perform any obligation of such party as herein set forth, and such failure shall continue for a period of ten (10) days after written notice of default (except for Licensee's insurance obligations or obligation to pay the License fee, for which no notice or opportunity to cure shall be given) the party not in default shall have the right, at such party's option, and in addition to any other remedies available at law or in equity, to terminate this License by notice to the party in default. The failure of either party to declare any default immediately upon the occurrence thereof or delay in taking any action in connection therewith shall

not waive such default, but such party shall have the right to declare any such default at any time and take such action as might be authorized hereunder or that may be available at law or in equity.

20. Notice. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered, whether or not actually received, when deposited in the United States mail, postage prepaid, or certified mail, return receipt requested, addressed to the parties hereto at their respective addresses as set forth below or at such other address as they have heretofore specified by written notice delivered in accordance with the terms hereof:

City: City of Kerrville, Texas
Attention: Director of Parks and Recreation
800 Junction Highway
Kerrville, Texas 78028

Licensee: Kerrville Kayak & Canoe
Attention: Corey Miller
130 W. Main Street
Kerrville, Texas 78028

21. Operating Hours. Minimum hours of operation shall be from 12:00 noon until one (1) hour before sunset on Wednesdays through Fridays, and from 9:00 a.m. until one (1) hour before sunset on Saturdays and Sundays, except when prevented by inclement weather or when otherwise agreed between the Licensee and the City. Licensees shall be open during the period of the Agreement from the Friday before Memorial Day through Labor Day. Licensee shall also operate during Spring Break and Easter weekend, and as agreed between Licensee and Director of Parks and Recreation. Licensee shall also operate on all holidays and any other days and times which in the opinion of Licensee and Director of Parks and Recreation are appropriate and not in conflict with maintenance of Louise Hays Park.

22. Training and Orientation. Licensee will conduct two (2) training and orientation sessions for up to two classes of youth using licensee's equipment. Sessions will be scheduled at least two weeks in advance and will not be scheduled on City-recognized holidays.

23. Restraining Devices. Licensee shall, at Licensee's expense, place physical restraining devices (e.g. cables and/or boundary markers) as deemed necessary by Licensee for safety purposes and control of water activities, subject to prior approval by City and only on property of City or upon water surfaces abutting property of City. Any such devices shall be in accordance with all applicable laws, rules and regulations of state, federal or local governing authority, and shall be arranged such that the restraining devices do not cause abrasion or other physical damage to trees or fixtures.

24. Uniforms. Licensee shall require its employees to wear company uniforms and name tags while on duty. At a minimum, the combination of uniforms and name tags shall include the Licensee's name and the employee's full legal name.

25. Safety Assurances. Licensee agrees that at all times its employees and customers will be adequately supervised in order to maintain the safety of the public. Licensee agrees to provide all safety equipment, personnel and procedures to comply with all water safety rules and regulations as required by state and local laws and regulations. Licensee agrees to abide by the Texas Water Safety Act at all times. Licensee agrees to provide customers with U.S. Coast Guard approved personal flotation devices ("PFD's"). Licensee agrees that it will not rent watercraft to any customers unless each such customer agrees in writing to be bound to the following provisions:

- All persons utilizing rented watercraft shall abide by all state and local laws;
- No one under the age of sixteen (16) may rent or utilize any rented watercraft unless accompanied by and/or directly under the continuous supervision of a responsible adult;
- No person shall be permitted to occupy or utilize any rented watercraft without a signed waiver of any claim against Licensee and City, which waiver shall include an agreement to hold the parties harmless for any property damage or personal injury related directly or indirectly to Licensee's watercraft rental business;
- No bottled or canned drinks may be carried or consumed while using rented watercraft;
- All persons shall wear the PFD's provided by Licensee at all times while occupying any rented watercraft;

26. License Fee. Licensee shall pay City a License fee as follows: Licensee shall pay to the City one hundred dollars (\$100.00) per month or eight percent (8%) of its gross revenues, whichever is greater. Should Licensee provide operations in less than a full month, Licensee shall pay the City the greater of one hundred dollars (\$100.00) or eight percent (8%) of its gross revenue for the period of time during which operations were on-going. In no event, however, shall Licensee be required to pay any fee to the City under this provision if Licensee does not operate on City property at all in a given month. Licensee shall pay the City on or before the 5th working day of each month for revenues received for the prior month, and late fees shall accrue thereafter at five dollars (\$5.00) per day on all unpaid amounts. For purposes of this License, the term "gross revenue" shall mean all monies received or payments made by check or credit card for services provided by Licensee to customers pursuant to this License, excluding that portion of collections which represents local or state sales taxes.

27. Method of Payment. All License fee payments will be made to City at the City's Parks and Recreation Department headquarters, 2385 Bandera Highway, Kerrville, Kerr County, Texas, or such other place as City may designate, without deduction, set-off, prior notice or demand.

28. Accounting and Records. Licensee shall close its books by the last day of each month. Licensee's books, including income, sales and other tax returns and reports, shall be maintained for not less than one (1) year and shall be subject to City's inspection at all reasonable times and for twelve months following the termination of this License. A copy of daily income log sheets shall be turned in with the corresponding monthly payments. Licensee shall provide a copy of its daily income log sheets to City with the monthly payment.

29. Rental Rates. Licensee shall charge its customers the following user fees for its services hereunder for the remainder of 2010:

<u>Watercraft</u>	<u>Per Hour</u>	or	<u>½ day (4 hours)</u>
Single kayak	\$10.00		\$25.00
Double kayak	\$15.00		\$35.00
Canoe	\$15.00		\$35.00
Pedal Boat	\$15.00		\$35.00
Inner Tube	\$ 5.00		\$15.00

Rental rates include PFD's for all boats and for inner tubes; paddles are included for kayaks and canoes, and seatbacks are included for kayaks. All rate structures and any changes in user fees must receive the prior written approval of City before becoming effective. Licensee may also charge \$3.00 for every ten (10) minutes overdue beginning after boats are initially ten (10) minutes overdue.

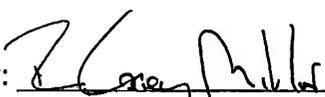
30. Approval Authority. In this License, wherever an act requires approval by or consent of the City, such approval or consent may be obtained from the Director of Parks and Recreation Department, or designee.

31. Governing Law and Enforcement. This License shall be governed by the laws of the State of Texas and shall be performable in Kerr County. Venue for any dispute arising between the parties to this License shall be in Kerr County, Texas

SIGNED and agreed by the authorized representatives of City and Licensee on the dates indicated below.

KERRVILLE KAYAK & CANOE

CITY OF KERRVILLE, TEXAS

By: 
Corey Miller

By: _____
Jeffrey Todd Parton, City Manager

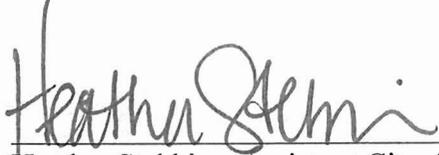
Date: _____

Date: _____

ATTEST:

Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Heather Stebbins". The signature is written in a cursive style and is positioned above a horizontal line.

Heather Stebbins, Assistant City Attorney

T:\Legal\PARKS & RECREATION\Contract\Watercraft Concessions @ Louise Hays Park_012610.doc

**AGREEMENT BETWEEN CITY OF KERRVILLE AND KERRVILLE KAYAK & CANOE
FOR OPERATION OF BOAT, TUBE AND RAFT CONCESSION - PAGE 8 OF 8**

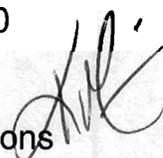
**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: First reading of Ordinance to bring Library Advisory Board into compliance with City policies for boards and commissions.

FOR AGENDA OF: February 23, 2010 **DATE SUBMITTED:** February 8, 2010

SUBMITTED BY: Antonio Martinez
Library Director

CLEARANCES: Kimberly Meisner
Director of General Operations



EXHIBITS: Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

The Library Advisory Board is currently established primarily through the Interlocal Agreement between the City and the County. With funding for the library shifting predominantly to the City over the next several years, the board will need formal establishment by City Council. This action will also bring the board into compliance with the "Procedural Rules for Kerrville City Boards" previously approved by Council.

RECOMMENDED ACTION

Staff recommends Council approval of the ordinance.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2010-__**

AN ORDINANCE AMENDING CHAPTER 66, "LIBRARY," OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY AMENDING ARTICLE II "LIBRARY ADVISORY BOARD", CONCERNING THE CREATION, POWERS, AND AUTHORITY OF THE LIBRARY ADVISORY BOARD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT

WHEREAS, the City of Kerrville, Texas, owns and administers the Butt-Holdsworth Memorial Library ("Library"); and

WHEREAS, Kerr County provides annual funding to the City for the Library's operations as the Library offers services to all Kerr County residents; and

WHEREAS, the City Council of the City of Kerrville, Texas, previously established a Library Advisory Board for the purpose of advising and making recommendations to the City Council on matters pertaining to the Library; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend Chapter 66, Article II of the Code of Ordinances of the City of Kerrville to revise the Library Advisory Board;

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

SECTION ONE. Chapter 66 "Library," Article II "Library Advisory Board" of the Code of Ordinance of the City of Kerrville, Texas, is amended in its entirety to read as follows:

"ARTICLE II. LIBRARY ADVISORY BOARD

Sec. 66-31. Definitions. The following terms shall the meanings as follows:

Board means the Library Advisory Board.

City means the City of Kerrville, Texas.

Commissioners Court means the governing body of Kerr County, Texas.

Council means the governing body of the City of Kerrville, Texas.

County means Kerr County, Texas.

Library means the Butt-Holdsworth Memorial Library.

Procedural Rules means the Procedural Rules for Kerrville City Boards as adopted by City Council.

Sec. 66-32. Creation.

A Library Advisory Board has been created to be composed of five (5) members, a majority of whom shall be residents of the City, and all of whom shall be residents of Kerr County.

Sec. 66-33. Duties and responsibilities of the Board.

The Board shall constitute an advisory board to the Council. The Board shall have authority to hold meetings within the City and to consider and make recommendations to the Council from time to time on any and all matters pertaining to the Library. All recommendations made by the Board to the Council shall be by a majority vote of the total membership of the Board. Three voting members shall constitute a quorum for the transaction of all matters considered by the Board. The Board shall adhere to the Procedural Rules, which the City Secretary shall provide to each Board member at the time that he or she gives an oath of office.

Sec. 66-34. Composition of and appointment to the Board; ex-officio members; terms; vacancies; absences, officers, compensation; meetings.

- (a) *Composition.* The Board shall be composed of five (5) members with appointments to be made as follows:
- 1) Council shall appoint two (2) members;
 - 2) the Commissioners Court shall appoint two (2) members; and
 - 3) the Friends of the Butt-Holdsworth Memorial Library shall appoint one (1) of its members.
- (b) Ex official members of the Board shall consist of a member of the Council, a member of the Commissioners Court, a member of the Kerrville Genealogical Society, and the Library Director. Such ex official members shall serve without voting privileges and may act in an advisory capacity to the Board.
- (c) *Terms.* All Board appointments shall serve two (2) year terms. No Board member shall serve more than two (2) consecutive two (2) year term on the Board without having at least one (1) full year off of the Board between terms. A majority of the members' terms shall expire in even-numbered years with the remaining members' terms expiring in odd-numbered years.
- (d) *Vacancies.* When a vacancy occurs by means other than the expiration of the term of a Board member, the entity responsible for making the appointment, either the Council, Commissioners Court, or Friends of the Butt-Holdsworth Memorial Library, shall appoint a person to fill the vacancy for the remainder of the unexpired term.

- (e) *Absences.* Members shall be subject to the attendance requirements established by the Procedural Rules.
- (f) *Officers.* From its regular members, the Board shall appoint a chair and vice-chair. The Library Director, or designee, shall act as secretary. It shall be the duty of the chair to preside at all meetings of the Board and the secretary shall keep a record of all the proceedings of the Board.
- (g) *Compensation.* Service on the Board is without compensation.
- (h) *Meetings.* The Board shall meet on dates and times as agreed upon by the Board members, which schedule may be changed from time to time. All such meetings of the Board shall be held in accordance with the Texas Open Meetings Act.”

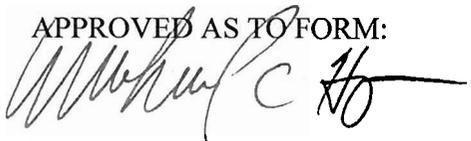
SECTION THREE. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of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

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

PASSED AND APPROVED ON FIRST READING, this the ___ day of _____, 2010.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, 2010.

Todd A. Bock, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

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

SUBJECT: Second Ordinance Reading: Zoning Change Request – Consider a request to change the zoning from R-3 (Multifamily Residential District) to a PDD (Planned Development District) on approximately 11.16 acre tract located on the west side of Loop 534 between Stoneledge Drive and Paragon Lane. Zoned: R-3. Applicant: Vordenbaum Engineering, Inc. (File No. 2009-54)

FOR AGENDA: February 23, 2010 **DATE SUBMITTED:** February 12, 2010

SUBMITTED BY: Gordon Browning, Senior Planner 

EXHIBITS: Location Map, Applicant's Request and Concept Plan (attached separately), Draft Ordinance, email from an adjacent property owner

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Mail Agenda Bill to: Kevin Spraggins, Vordenbaum Engineering, Inc. 507-D Highway St., Fredericksburg, Tx 78624

Project Timeline:

- December 10, 2009 – Applicant and staff hold a pre-application conference to discuss the proposed application.
- December 21, 2009 – An application for a Planned Development District is accepted by staff for review and consideration.
- January 7, 2010 – In accordance with Statute and local ordinance, notice of the required public hearing was published in The Kerrville Daily Times and notices mailed to property owners within 200-feet of the subject tract.
- January 15, 2010 – Staff comments and draft ordinance to applicant.
- January 21, 2010 – Public hearing before the Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.
- February 9, 2010 – Public hearing before the City Council and consideration of an ordinance approving the PDD on first reading.
- February 23, 2010 – **Second and final ordinance reading approving the PDD.**

PDD Process and Summary:

- Article 11-I-15 of the Zoning Code describes Planned Development Districts (PDD) and the process by which they are considered. PDD's are zoning districts that can be considered for permitting land uses not normally allowed in the zoning district in which the property is located. A PDD is governed by a site plan and any other development regulations associated with a City Council approved ordinance. A PDD effectively becomes a "stand alone" zoning district similar to those districts already described in the Zoning Code.

- No underlying right exists to approve a PDD request. The fact that the P&Z and City Council may review an application for a zoning change does not mean it must be approved. The burden falls on the applicant to show that the use would be a benefit to the particular area and to the general welfare of the City.
- The P&Z and Council may impose requirements and conditions of approval as are needed to ensure that a use requested by a PDD is compatible and complementary to adjacent properties.
- The applicant's request is to change the zoning on an approximately 11.16 acre tract from R-3 (Multifamily Residential District) to a PDD (Planned Development District) to allow a mixed-use development of office, retail, restaurant and multifamily as outlined in the attached draft ordinance.
- As presented in the applicant's concept plan and request, the proposed development will consist of six (6) buildings, approximately 34,000 square feet, in a commercial condominium style development. The proposed uses as requested and defined in the attached ordinance include, Retail Trade I, Business Services I, Life Care Development, Multifamily (condominiums and townhouses), Professional Office, Restaurants and Personal Services I.
- Unless specifically addressed in the attached draft ordinance, approval of the PDD does not exempt the property owner and/or developer from any other ordinance or requirement related to the development of the property described. Approval of the PDD is not a permit for development and/or construction.
- Prior to submission of any building and/or civil construction plans, the applicant shall submit a preliminary plat per the City's Subdivision Regulations and a development site plan for review and approval per Resolution No. 033-2009.
- Based on the proposed concept plan and uses outlined in the attached ordinance, staff recommends approval of the zoning change.
- The attached ordinance proposed by staff is consistent with previous PDD ordinances reviewed by the Commission and Council.

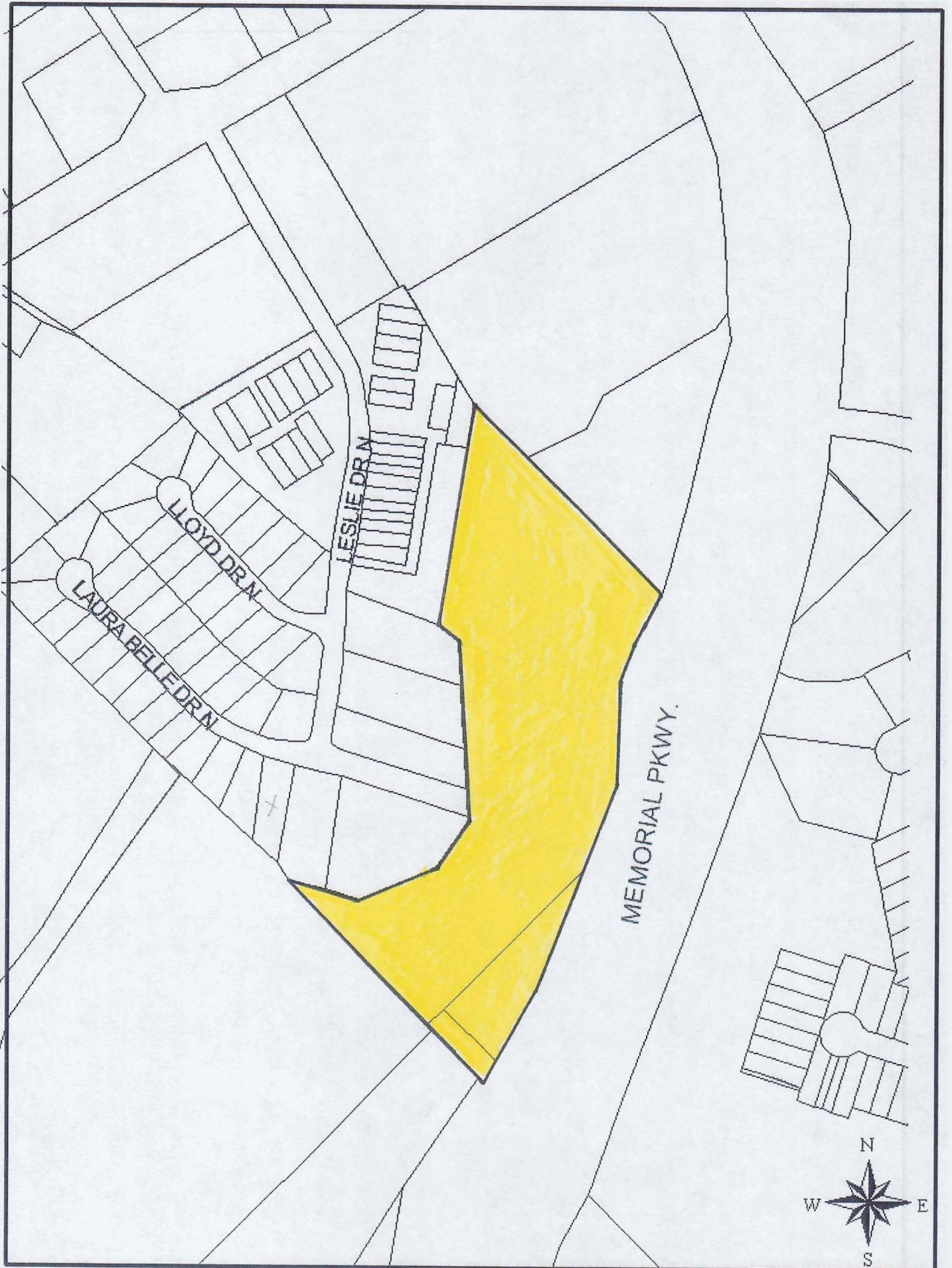
During the Commission's public hearing (held on January 21, 2010) two (2) property owners adjacent to the subject tract (Allen Polzin, 1950-B Leslie Drive and Kiley Seaton, 825 Laura Belle) spoke in regards to previous flooding in the area. While their concerns were not related to the zoning change, they were concerned with the amount of fill that has been added to the site and the effects it may have on adjacent properties during a flood.

STAFF NOTE: The owner's engineer is currently finalizing a FEMA LOMR (Letter of Map Revision) for the subject tract. Additionally, a review of the drainage for this proposed development will be a part of the plat, development site plan, civil construction and building plan review process.

Following the public hearing and the applicant's presentation, the Commission recommended approval of the PDD subject to the conditions and stipulations outlined in the attached ordinance.

RECOMMENDED ACTION

1. Approve the zoning change requested as outlined in the attached ordinance on second and final reading.





CIVIL · STRUCTURAL · ENVIRONMENTAL
ENGINEERING

507 EAST HIGHWAY STREET
FREDERICKSBURG, TX 78624
PHONE: 830.997.4744 FAX: 830.997.6967

ADDITIONAL LOCATIONS: KERRVILLE, TX • BOERNE, TX

TEXAS REGISTERED ENGINEERING FIRM #F-165
ARKANSAS REGISTERED ENGINEERING FIRM #1807

December 21, 2009

Applicant: Kevin Spraggins
507 East Highway Street
Fredericksburg, Texas 78624
(830) 997-4744

Legal Description:

- Deed – Exhibit “A” – 11.82 acres (see attached)
- Legal Description out of the area of the floodplain (LOMR-F) 6.84 acres (see attached)

Statement describing the proposed use:

- Requesting a Plan Development District to allow all of the following zoning districts, and their permitted uses: Retail I, Business Services I, Life Development Services (Assisted Living), Multi Family to include Multi Family Condominiums, Townhouses, Professional Offices, Restaurant (Limited and General), Personal Services I.
- We are requesting Quinlan Creek Village to follow City of Kerrville commercial condominium subdivision policies.

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

AN ORDINANCE CREATING A “PLANNED DEVELOPMENT DISTRICT” FOR RETAIL TRADE I, BUSINESS SERVICES I, LIFE CARE DEVELOPMENT, MULTIFAMILY RESIDENTIAL, PROFESSIONAL OFFICE, RESTAURANT (GENERAL AND LIMITED), AND PERSONAL SERVICES I ON AN APPROXIMATELY 11.16 ACRE TRACT OF LAND, MADE UP OF 10.10 ACRES OUT OF THE BENJAMIN F. CAGE SURVEY NUMBER 116, ABSTRACT NUMBER 106 AND 1.06 ACRES OUT OF THE FRITZ VOLLMERING SURVEY NUMBER 1432, ABSTRACT NUMBER 1519, WITHIN THE CITY OF KERRVILLE, TEXAS, AND GENERALLY LOCATED WEST OF LOOP 534 (VETERANS HIGHWAY) BETWEEN STONELEDGE DRIVE AND PARAGON PLACE; ADOPTING A CONCEPT PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT OF SAID DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING A PENALTY OR FINE NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Kerrville, Texas, in compliance with the City Charter and the State law with reference to the creation of Planned Development Districts under Article 11-I-15 of the Zoning Code of the City of Kerrville, Texas, and amending the official zoning map adopted thereby, have given the requisite notices by United States mail, publication and otherwise; and after holding due 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 Governing Body of the City of Kerrville, Texas, finds that the health, safety and general welfare will be best served by the creation of a Planned Development District for Retail Trade I, Business Services I, Life Care Development, Multifamily Residential (Condominiums/Townhomes), Professional Office, Restaurant (general and limited), and Personal Services I purposes, subject to the special conditions and restrictions set out hereinafter on the property described in Section One hereof;

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

SECTION ONE. The property described in **Exhibit A** (the “Property”) is removed from Zoning District R-3 (Multifamily Residential District) and placed in a newly created “Planned Development District” for development and use.

SECTION TWO. The Property may be developed and used but only in accordance with the following conditions:

- A. Permitted Uses: The following uses shall be permitted in the “Planned Development District” subject to the conditions provided herein and the applicable regulations for each use as provided within the Zoning Code: Retail Trade I, Business Services I, Life Care Development, Multifamily Residential (Condominiums/Townhomes), Professional Office, Restaurants (general and limited) and Personal Services I.

- B. Concept Plan: The development and use of the “Property” shall be substantially in accordance with the Concept Plan attached as **Exhibit B**.
- C. Development Site Plan: Prior to the City’s acceptance of any civil construction or building plans, a Development Site Plan shall be submitted pursuant to City regulations.
- D. Setbacks and Height: The Property shall be developed with the minimum setbacks from the Property lines and a maximum height as follows:
1. Front Yard Setback: 20-feet
 2. Rear Yard Setback: 20-feet
 3. Side Yard Setback: 5-feet
 4. Maximum Height: 40-feet
- E. Parking: The design, number of parking spaces, and aisle dimensions shall be in accordance with City regulations in effect at the time individual building permits are submitted to the City. All required parking spaces shall be constructed of asphalt or concrete and shall be marked and kept available for customers and employees.
- F. Parking Lot Lighting: All outside pole lights shall be of a “shoe box” design and shall be located, shielded, and aimed in such a manner so as not to allow light to directly fall on adjacent roadways and/or properties.
- G. Sidewalks: The construction of sidewalks shall be required and constructed in accordance with City regulations in effect at the time building permits are submitted.
- H. Signage: The design, installation, location, and maintenance of signs shall comply with City sign regulations existing at the time of permitting for the sign.
- I. Landscaping Regulations: Landscaping shall be installed in accordance with the following:
1. Planting materials planed on the Property shall be from the list of recommended plants set forth in the most recent edition of Recommended Plants for the Kerrville Area published by the City at the time of planting.
 2. All landscaping shall be maintained in a healthy, growing condition.
- J. Screening: Screening shall be required in accordance with City regulations in effect at the time individual building permits are submitted to the City.
- K. Trash and Other Solid Waste: Solid waste collection bins and dumpsters shall be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the adjacent building(s) on the remaining three sides.

L. Outdoor Storage and Display: The outdoor storage of any materials, supplies, inventory and/or equipment, whether in cargo containers or similar containers or buildings shall be prohibited.

M. Platting: The development of this property shall be subject to the City's Subdivision Regulations, which includes submittal and approval of a plat.

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

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

SECTION FIVE. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-I-9 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

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

PASSED AND APPROVED ON FIRST READING, this the 9th day of February, A.D., 2010.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ___ day of _____, A.D., 2010.

Todd A. Bock, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

FIELD NOTE DESCRIPTION
6.84 ACRES BEING THE PORTION OF AN 11.16 ACRE TRACT
THAT IS NOT WITHIN THE 100 YEAR FLOOD PLAIN

Being a tract of land containing 6.84 acres situated in Kerr County, Texas and being approximately 5.78 acres in the Benjamin F. Cage Survey No. 116, Abstract No. 106 and approximately 1.06 acres in the Fritz Vollmering Survey No. 1432, Abstract No. 1519 and being also the portion of a 11.16 acre tract of record in Volume 1515, Page 273, Official Public Records of Kerr County, determined by Vordenbaum Engineering, Inc. not to be within the 100 Year Flood Plain, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found in the westerly right of way line of Texas State Highway Loop 534 and being the south corner of a 3.20 acre tract of record in Volume 407, Page 652, Real Property Records of Kerr County and being the northeast corner of said 11.16 acre tract and the subject tract;

THENCE with the westerly right of way lines of said Loop 534, being the easterly lines of said 11.16 acre tract, the following calls:

S 28° 20' W for 124.10 feet to an unmarked point;
S 20° 55' W for 100.00 feet to an unmarked point;
S 00° 31' W for 213.19 feet to a concrete monument;
S 20° 53' W for 503.56 feet to a concrete monument;
S 29° 28' W for 234.68 feet to an unmarked point being the northeast corner of a 74.5 acre tract of record in Volume 58, Page 424, Deed Records of Kerr County and being the south corner of said 11.16 acre tract and the subject tract;

THENCE with the common line of said 74.5 acre tract and said 11.16 acre tract, N 44° 38' W for 67.80 feet to an unmarked point and continuing, N 44° 53' W for 396.87 feet to an unmarked point at the 100 Year Flood Plain line as determined by Vordenbaum Engineering, Inc. and being the southwest corner of the subject tract;

THENCE through the interior of said 11.16 acre tract with said 100 Year Flood Plain line, from unmarked point to unmarked point, the following calls:

N 86° 27' E for 20.63 feet;
N 71° 08' E for 22.94 feet;
N 63° 16' E for 24.33 feet;
S 64° 03' E for 21.16 feet;
S 43° 14' E for 12.70 feet;
S 88° 39' E for 10.22 feet;
N 66° 48' E for 53.11 feet;
S 48° 53' E for 9.93 feet;
N 06° 53' E for 14.02 feet;
N 59° 21' E for 43.29 feet;
S 69° 30' E for 26.68 feet;
N 86° 27' E for 56.64 feet;
N 49° 56' E for 5.60 feet;

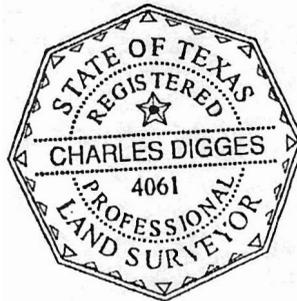
N 45° 31' E for 64.63 feet;
N 32° 22' E for 117.60 feet;
N 16° 20' E for 33.28 feet;
N 01° 55' E for 76.55 feet;
N 05° 10' W for 57.39 feet;
N 05° 24' W for 117.45 feet;
N 00° 16' E for 46.49 feet;
N 08° 07' E for 88.51 feet;
N 03° 09' W for 62.40 feet;
N 03° 33' W for 67.39 feet;
N 00° 56' W for 86.13 feet;
N 03° 17' E for 30.22 feet;
N 19° 33' E for 45.39 feet;
N 52° 00' E for 49.30 feet;
N 80° 24' E for 10.69 feet;
S 72° 32' E for 63.22 feet;
S 54° 07' E for 122.00 feet;
S 70° 45' E for 37.93 feet to an unmarked point in the southwest line of the
aforementioned 3.20 acre tract and the northeast line of said 11.16 acre tract;

THENCE with the common line of said 3.20 acre tract and said 11.16 acre tract, S 44° 50' E for 94.27 feet to the POINT OF BEGINNING and containing 6.84 acres within these metes and bounds.

This description is a companion to a Plat of Survey dated March 23, 2009 and was prepared this 24th day of March 2009.



Charles Digges RPLS
Texas Registration No. 4061
File# 09031902 msword DP



LEGEND

- Unmarked Point
- 1/2" Found Iron Rod
- Concrete Monument
- POB Point of Beginning
- D.R.K.C. Deed Records of Kerr County
- R.P.R.K.C. Real Property Records of Kerr County
- O.P.R.K.C. Official Public Records of Kerr County

0 200'



SCALE 1" = 200'

D. Pillatzke
 JOB# 09031902
 SURVEY PERFORMED
 MARCH 23, 2009.



Copyright 2009 Guadalupe Survey Company:
 This Survey is created for the benefit of
 only the buyer, seller, lender and
 title company of this transaction.

**BENJAMIN F. CAGE
 SURVEY NO. 116
 ABSTRACT NO. 106**

6.84 Acres
 APPROX. 5.78 ACRES
 IN SURVEY NO. 116
 APPROX. 1.06 ACRES
 IN SURVEY NO. 1432

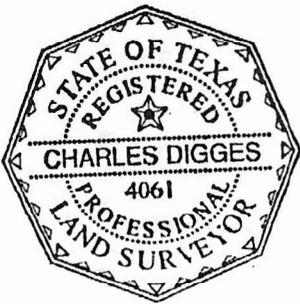
**FRITZ VOLLMERING
 SURVEY NO. 1432
 ABSTRACT NO. 1519**

74.5 ACRES
 VOL. 58, PG. 424
 D.R.K.C.

**THOMAS HAND
 SURVEY NO. 115
 ABSTRACT NO. 193**

*Plat of Survey of 6.84-acres being the
 portion that lies outside the 100 Year
 Flood Plain of a 11.16 acre tract of
 record in Volume 1515, Page 273,
 Official Public Records of Kerr
 County, Texas.*

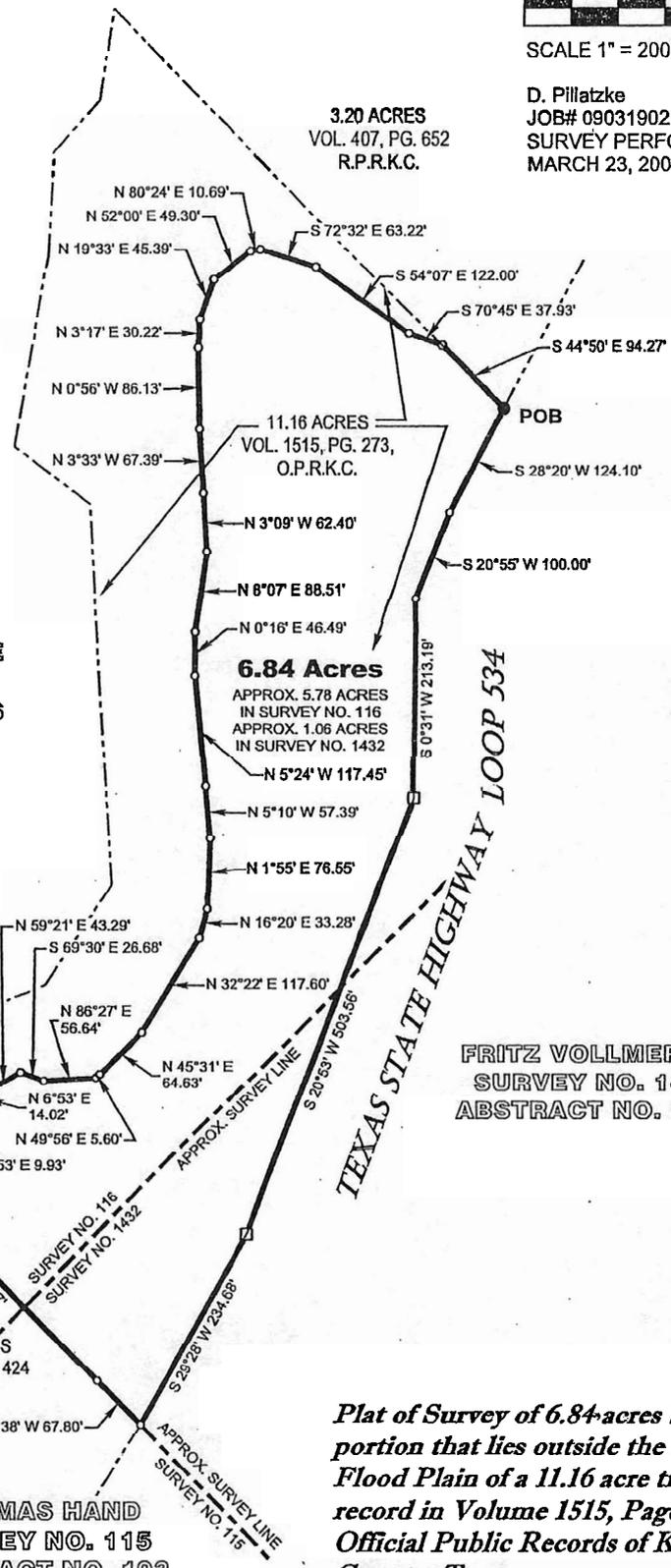
NOTE:
 THIS PLAT OF SURVEY IS A COMPANION
 TO A FIELD NOTE DESCRIPTION DATED
 MARCH 24, 2009.

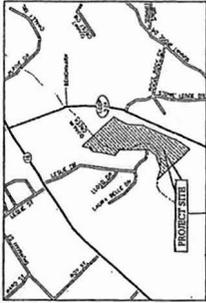


[Signature]
 Charles Digges, R.P.L.S.
 Texas Registration No. 4061

GUADALUPE SURVEY COMPANY

217-A West Water Kerrville, Texas 78028 Ph# (830)895-1808 Fax# (830)896-3534





LOCATION MAP
NOT TO SCALE

SUMMARY TABLE

LOT 1	LOT 2
<p>LOT 1</p> <p>CURRENT ZONING: R2</p> <p>TOTAL LOT AREA: 248,696 sq. ft. / 5.67 AC.</p> <p>AREA OF OUT-LOOK PLAN: 142,439 sq. ft. / 3.27 AC.</p> <p>PROPOSED BUILDING AREA: 16,702 sq. ft. / 0.38 AC.</p> <p>PARKING SPACES REQUIRED (1 PER 300 S.F.): 56</p> <p>PARKING SPACES PROVIDED: 104</p> <p>HANDICAP PARKING SPACES REQUIRED: 7</p> <p>HANDICAP PARKING SPACES PROVIDED: 7</p>	<p>LOT 2</p> <p>CURRENT ZONING: R2</p> <p>TOTAL LOT AREA: 155,175 sq. ft. / 3.52 AC.</p> <p>AREA OF OUT-LOOK PLAN: 12,338 sq. ft. / 0.28 AC.</p> <p>PROPOSED BUILDING AREA: 12,338 sq. ft. / 0.28 AC.</p> <p>PARKING SPACES REQUIRED (1 PER 300 S.F.): 58</p> <p>PARKING SPACES PROVIDED: 131</p> <p>HANDICAP PARKING SPACES REQUIRED: 4</p> <p>HANDICAP PARKING SPACES PROVIDED: 6</p>
<p>COMBINATION OF LOTS 1 & 2</p> <p>CURRENT ZONING: R2</p> <p>TOTAL LOT AREA: 403,871 sq. ft. / 9.19 AC.</p> <p>AREA OF OUT-LOOK PLAN: 254,777 sq. ft. / 5.83 AC.</p> <p>PROPOSED BUILDING AREA: 29,040 sq. ft. / 0.66 AC.</p> <p>PARKING SPACES REQUIRED (1 PER 300 S.F.): 114</p> <p>PARKING SPACES PROVIDED: 235</p> <p>HANDICAP PARKING SPACES REQUIRED: 11</p> <p>HANDICAP PARKING SPACES PROVIDED: 13</p>	

A
PROPOSED CONCEPT PLAN
FOR

QUINLAN CREEK
VILLAGE

AN ALL EASE CONTRACT ESTABLISHED ON QUINLAN CREEK
BETWEEN LESLIE DR. & LOOP 69, IN TAMU COUNTY, TEXAS.

CHEROKEE ROAD & BRIDGE OWNER

CONTRACT NO. 1994-0001-0001
P.O. BOX 408
JACKSON, TEXAS 75404

ENGINEER

VORDBERGMANN
ENGINEERING, INC.

10001 W. STATE HIGHWAY 190
SUITE 200, LUBBOCK, TEXAS 79424

PROFESSIONAL ENGINEER REGISTRATION # 11-145

FILE NO. 09104

DATE: 12/21/89 SHEET: CP (1 OF 1)



GRAPHIC NORTH

LEGEND

- PROPOSED BUILDING
- PROPERTY BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- BUILDING SETBACK LINE
- LOAN-F FLOODPLAIN BOUNDARY
- 40' DRIVE CENTER LINE
- EXISTING CONTOURS
- EXISTING STORM SEWER
- EXISTING CONCRETE FOUNDATION
- EXISTING JUNCTION BOX
- EXISTING CONCRETE FF-3-AP
- INDICATOR
- TYPICAL
- 0'0" B.S.L.
- PROPOSED DRAINAGE LOCATION
- NUMBER OF PROPOSED PARKING SPACES
- PROPOSED LOT FEATURE



REVISIONS: (09/23)
 FROM PLAN: ON TOP OF EXISTING BUILDING, BRASS SIGN SET IN
 PLACE. ALL OTHERS AS SHOWN. ALL UTILITIES TO BE LOCATED AND
 DELETED FROM THIS PLAN. ALL UTILITIES TO BE DELETED FROM
 THIS PLAN. 12/21/89

Gordon Browning

From: Kathy Gaulden [kgaulden@co.kerr.tx.us]

Sent: Thursday, January 21, 2010 2:37 PM

To: Gordon Browning

Cc: Tara La Montia

Subject: Zoning Change Request

Dear Mr. Browning:

Per my telephone conversation with you earlier this afternoon, I am writing to you and the Kerrville City Council regarding my and my husband's concerns about the zoning change request filed by Voedenbaum Engineering, Inc., pertaining to property located on the west side of Loop 534 between Stoneledge Drive and Paragon Lane. My husband and I are unable to attend the meeting tonight, but definitely plan to attend the Kerrville City Council meeting on February 9th.

My husband and I own a townhouse at 1920 Leslie Drive, which faces Quinlan Creek and is directly across the creek from the above-mentioned property. My husband and I have sincere concerns about the placement of fill in this area, believing that the flow of Quinlan Creek has been drastically changed. We have seen this creek in all stages -- from dry creekbed to high raging waters. I believe it was in 2002 when Kerrville experienced some very severe flooding that completely destroyed one home and seriously damaged another one just down the street from us. There was also extensive damage to a small bridge and the #12 green at Schreiner Golf Course. This, of course, was before the fill was in place and the creek was able to overflow in the direction AWAY from our house. Now, we are concerned that with the wall of dirt that has been placed, the creek will have nowhere to go except TOWARDS our home, which no doubt, would result in a disastrous situation.

We respectfully ask that you sincerely consider our concerns before granting a zoning change in this area.

Sincerely,

Frances K (Kathy) and Gerald Gaulden
1920 Leslie Drive
Kerrville, TX 78028
830/895-2446

01/21/2010

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

SUBJECT: Keep Kerrville Beautiful

FOR AGENDA OF: February 23, 2010 **DATE SUBMITTED:** February 17, 2010

SUBMITTED BY: Councilmember Keeble **CLEARANCES:**

EXHIBITS: Handouts, Slideshow

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$TBD	\$500.00	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

Who keeps Kerrville beautiful? We can. The City of Kerrville has the opportunity to become an affiliate of Keep Texas Beautiful. We would be called "Keep Kerrville Beautiful." I encourage council to consider taking on this chance to play a lead role in instilling pride in our community. Let's be able to answer the question, "who keeps Kerrville beautiful?" with the answer: The City of Kerrville.

To get started, council will need to vote to proceed with making the City of Kerrville a Keep Texas Beautiful affiliate. Then the city attorney would need to work up an ordinance that establishes the city as an affiliate. The city could then begin taking Keep Kerrville Beautiful Commission applications, following the city's regulations regarding board creation and using the city's application, then requiring interviews to be conducted by the council liaison plus the mayor. After distributing and reviewing the results of a litter survey, council will task the commission with developing a mission statement, bylaws, organizational guidelines, goals based upon the survey results, objectives outlining steps to implement the goals, and a list of tasks detailing how the commission will accomplish the objectives. The commission will also establish a budget, recruit volunteers, begin fundraising efforts, and begin planning to participate in at least one KTB program this year. Council and commission will assess achievements at the end of the year.

In short, council will appoint a commission that will complete the steps necessary to become a Keep Texas Beautiful affiliate, and then the commission will follow the necessary steps (submit an annual fee, attend annual KTB training, report activities

annually, and participate in at least one endorsed program such as Don't Mess with Texas Trash-Off, Texas Recycles Day, or Texas Arbor Day) in order to maintain affiliate status.

RECOMMENDED ACTION

Approve a resolution allowing the City of Kerrville to become a Keep Texas Beautiful affiliate. Direct the city attorney to draft an ordinance reflecting the city's intention to become an affiliate. Direct staff to begin accepting applications for a Keep Texas Beautiful Commission.

Who Keeps Texas Beautiful?
You do.

The City of Kerrville has the opportunity to become an affiliate of Keep Texas Beautiful, which is an affiliate of Keep America Beautiful. We would be called “Keep Kerrville Beautiful.” I encourage council to consider strongly taking on this chance to play a lead role in instilling pride in our community. Let’s be able to answer the question, “who keeps Kerrville beautiful?” with the answer: The City of Kerrville.

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Who Keeps Texas Beautiful? You do.

AFFILIATE PROGRAM

Everything You Need to Know about Building a Program in Your Town . . .

Keep Texas Beautiful's mission is to educate and engage Texans to take responsibility for improving their community environment.

Over 360 cities and counties make up a statewide network of community-based grassroots litter prevention and beautification programs in Texas. Through the Affiliate Program, KTB strives to provide organizational development assistance in order to establish stability and sustainability. Communities and counties of all sizes may benefit. This program can increase economic development, change visitors' perceptions, and change citizens' attitudes about litter prevention, waste reduction and beautification, with the ultimate goal to increase pride in the community.

Benefits

- ✓ Access to partner agencies including the Texas Department of Transportation, the Texas Commission on Environmental Quality, and other state agencies
- ✓ Access to a network of more than 360 city and county affiliates
- ✓ Recognition at annual conference
- ✓ Use of the KTB logo
- ✓ *Grassroots* newsletter
- ✓ Annual meeting discounts
- ✓ Free educational training
- ✓ Award programs to recognize efforts
- ✓ Communication and Education kits
- ✓ Free trash bags and volunteer incentives
- ✓ Affiliate Sign

Responsibilities of an Affiliate

- ✓ Submit a \$75 fee (due on an annual basis on March 1st)
- ✓ Organize a local citizen committee or board
- ✓ Complete a brief Annual Report
- ✓ Attend one KTB training session annually
- ✓ Participate in one KTB endorsed activity annually

Our program managers are dedicated to taking your community through the steps necessary to become a successful KTB affiliate so that you can create clean and beautiful places to live, work, and visit.



The KTB affiliate program has three major goals:
KTB's affiliate program has three major goals:

1. to increase an affiliate's interest in litter prevention, solid waste management and beautification
2. to enable affiliates already involved in the KTB program to fulfill their commitment
3. to encourage and help affiliates apply to the Keep America Beautiful system

When you become a Keep Texas Beautiful affiliate you gain access to the largest community improvement and grassroots environmental network in the state.

Keep Texas Beautiful



SERVICES TO AFFILIATES

Services are provided to KTB affiliates to enhance the effectiveness with which they maintain their leadership role in mobilizing grassroots volunteers to address such issues as litter prevention, solid waste management, recycling, beautification and general community improvement.

Training Assistance, Workshops and Seminars

Executive Trainers and KTB Staff conduct workshops or seminars throughout the state. Training opportunities include organizational training, funding resources, new coordinator training, board development, KTB/KAB education curricula workshops, and public/media relations. Affiliates have the opportunity to call on these experienced individuals for assistance in how to create and maintain a successful KTB program. KTB Ambassadors serve as mentors to new affiliates and assist in recruiting.

Annual Statewide Conference

The KTB annual conference includes statewide issue analysis, case studies and workshops on a variety of topics related to the KTB mission and affiliate program. National trends and issues, as well as presentation of the Governor's Community Achievement Awards, highlight conference offerings. The 38th Annual Conference will be held in Houston from June 27-30, 2005.

Awards

Each year, KTB and the Texas Department of Transportation team up to honor the best-of-the-best in grassroots environmental programming with the Governor's Community Achievement Awards (GCAA). GCAA winners in nine categories share \$1 million in prize money to be used towards highway landscaping projects. The KTB awards offer recognition for environmental efforts to organizations, youth, educators, volunteers and businesses in 37 categories.

Informational Mailings

KTB provides a monthly Leadership Update publication to keep affiliates up-to-date on national and state happenings, training opportunities and program ideas. Other informational mailings, faxes and e-mails are sent to the affiliate contact to promote KTB programs and events.

Grassroots

KTB's newsletter, Grassroots, highlights program and project ideas from affiliates, educational resources and national and state initiatives from KAB and KTB.

Products

Through partnerships with the Texas Department of Transportation, Texas Commission on Environmental Quality, and Keep America Beautiful, KTB is able to provide volunteer incentives, assistance with publicity and some printing. In addition, KTB is able to provide trash bags, banners and volunteer incentives for cleanup projects. These are shipped free-of-charge to affiliates.



AFFILIATE TRAINING MANUAL OVERVIEW

PURPOSE

Welcome! The purpose of this manual is two-fold. One purpose is to provide new affiliates with information on starting and setting up a program. The second is to provide affiliates with useful resources and program ideas.

New affiliates have some specific needs: How do I set up a program? Who should serve on the governing body? What exactly do I need to do?

Affiliates in general may have questions about Keep Texas Beautiful and types of programs and activities endorsed by the organization. We hope that this document will serve as a guide and place where questions will begin to be answered. This book belongs to the organization and should be available to new directors/coordinators, board members, and volunteers.

AFFILIATES

Over 340 cities and counties make up a statewide network of community-based grassroots litter prevention and beautification programs in Texas. From 1992-2001 this program was called "Proud Community." In 2001, the name was changed to "Affiliate." This program is the primary method for grassroots involvement with KTB. Through the Affiliate Program, KTB strives to provide organizational development assistance in order to establish stability and maintainability.

Communities and counties of all sizes may benefit. Everyone wants a clean community. This program can increase economic development, change visitors' perceptions, and change citizens' attitudes about waste handling practices. The ultimate goal is to increase pride in the community or county.

WHO ARE WE?

Keep Texas Beautiful is a grassroots-based organization dedicated to a mission "to educate and engage Texans to take responsibility for improving their community environment." Our organizational focus is concentrated in three areas:

- Litter Prevention
- Beautification
- Waste Reduction

Keep Texas Beautiful is more than a cleanup organization. KTB is a group working to change attitudes about litter and solid waste practices. To reach this goal the organization believes that individual responsibility is essential; education is the foundation; and partnerships are key to long-term success.

MISSION OF AFFILIATE PROGRAM

The mission of the Keep Texas Beautiful Affiliate Program is to establish a standard for annual approval and recognition of Texas communities and counties whose ongoing litter prevention and community beautification efforts are representative of the mission of Keep Texas Beautiful.

GOALS

KTB's three major goals for the Affiliate Program are to:

- increase interest in solid waste management and beautification programs
- enable involved organizations to fulfill their commitment through a KTB partnership
- encourage and help affiliates to join Keep America Beautiful

BENEFITS TO THE AFFILIATE

- Training manual
- Free training provided by KTB
- KTB affiliate road sign
- Access to a network of more than 300 affiliates in Texas
- Recognition at the KTB annual conference
- Use of the KTB logo
- *Grassroots* newsletter
- Invitations to KTB Forums, regional meetings, and other specialized training
- Trash bags, incentive items, and publicity materials when participating in designated events
- Connections to state and federal agencies

RESPONSIBILITIES OF AN AFFILIATE

STEP	ACTION	EXPLANATION
1	Submit annual fee	Payment of the fee on annual basis is required to receive benefits. Fee must be paid each year to maintain affiliate status. Due in January.
2	Attend annual KTB training	A representative must receive annual training from KTB either regionally or at the conference.
3	Report activities annually	Complete an Annual Report provided by KTB stating annual accomplishments and program activities. Due in January.
4	Participate	Participate in at least one endorsed program such as Don't Mess with Texas Trash-Off, Texas Recycles Day, or Texas Arbor Day.

CHECKLIST FOR SUCCESS

To meet these responsibilities, the affiliate should establish an ongoing organization that will sustain the program long-term. A board, commission, or committee consisting of grassroots representatives from the public, private, and civic sectors is a vital part of this long-term success. Affiliates are entered into the KTB system as Provisional Members until the following steps are completed. The status of an organization is moved to affiliate status upon completion of all steps and submittal of a copy of board/committee/commission membership list and bylaws or ordinance. Official affiliates in good standing are eligible for additional benefits and recognition.

1 STEP ONE: Review the KTB Training Manual

Completed by: _____ Date: _____

1 STEP TWO: Determine organizational structure and determine board membership

Completed by: _____ Date: _____

1 STEP THREE: Draft mission statement

Completed by: _____ Date: _____

1 STEP FOUR: Draft bylaws, organization guidelines, ordinance, or resolution the organization (samples in Training Manual and available by email or on diskette upon request to KTB staff)

Completed by: _____ Date: _____

1 STEP FIVE: Get the facts about your community

Completed by: _____ Date: _____

1 STEP SIX: Prioritize the projects that you would like to accomplish in the first year (based on Step 5), set goals and objectives, and create a Calendar of Events (check KTB newsletter and/or www.ktb.org for dates)

Completed by: _____ Date: _____

1 STEP SEVEN: Establish a budget (This may be all in-kind for the first year.)

Completed by: _____ Date: _____

1 STEP EIGHT: Develop a media list and a list of community/volunteer organizations to assist you in accomplishing the projects.

Completed by: _____ Date: _____

USE OF THE TRAINING MANUAL

Information on each of the steps identified in the last session is included in this training manual. We ask that new affiliates review the checklist monthly and report by the 5th of each month until all the steps are complete. Existing affiliates may want to review the steps to ensure that the local program is sustainable.

STEP	ACTION	CHAPTER
1	Review Training Manual	Look at the table of contents and familiarize yourself with the entire manual.
2	Determine organizational structure and determine board membership	Chapter 3 provides information on different types of organizational structures. The Introduction to Keep Texas Beautiful training provides an overview of organization types and how each works. Chapter 4 provides information on finding volunteers and selecting officers.
3	Draft mission statement	Chapter 3 provides information on setting a mission. Some affiliates may choose to use a version of the Keep Texas Beautiful or Keep America Beautiful mission.
4	Draft bylaws, organization guidelines, ordinance, or resolution the organization	Samples are located on the KTB CD each new affiliate receives.
5	Get the facts about your community	In Chapter 6, KTB has provided copies of surveys and evaluation tools that may be used to assess the needs in your community. <i>Get the Facts</i> is one of the steps outlined in Chapter 2 as part of the Five Step approach to changing attitudes.
6	Prioritize the projects that you would like to accomplish in the first year (based on Step 5), set goals and objectives, and create a Calendar of Events (check KTB newsletter and/or www.ktb.org for dates)	Chapter 7 describes the planning process including setting goals and objectives. Chapter 9 provides some “creative ideas” that may be helpful in your brainstorming exercises.
7	Establish a Budget. Identify funding sources and ideas for in-kind contributions.	Chapter 11 covers budgets and fundraising.
8	Develop a media list and a list of community/volunteer organizations to assist you in accomplishing the projects.	“Working with the media” is the title of Chapter 12 which will assist you in determining your media resources.

STATE AND NATIONAL CONNECTION

KEEP TEXAS BEAUTIFUL OVERVIEW

MISSION

The mission of Keep Texas Beautiful is “to education and engage Texans to take responsibility for improving their community environment.”

VISION

Texas will be the cleanest, most beautiful state in the nation.

FOCUS

- Litter Prevention
- Beautification
- Waste Reduction

PAST AND PRESENT

Keep Texas Beautiful (KTB) is a statewide 501(c)(3) nonprofit organization. KTB serves as a coordinating body and information clearinghouse for grassroots-based litter prevention, beautification, community improvement, and solid waste programs.

The Beautify Texas Council was founded in 1967 as a volunteer organization. The organization operated initially as a branch of the Governor's Office of Community Affairs and Volunteer Services. In 1985, the organization changed its name to Keep Texas Beautiful, Inc. and became a state affiliate of Keep America Beautiful, Inc.

In January 1985, the Texas Department of Highways and Public Transportation, now the Texas Department of Transportation, authorized a new anti-litter campaign. The campaign included funding for public

education and media programs plus prize money for the Keep Texas Beautiful Governor's Community Achievement Award. Since the introduction of the "Don't Mess with Texas" campaign in 1985, KTB has partnered with the Texas Department of Transportation to reduce litter statewide (additional information available in the Partners section).

A **board of directors** consisting of community, business, and government leaders from throughout the state directs KTB. A network of **Executive Trainers** promotes grassroots involvement, provides leadership at a regional level, and conducts training statewide. **Ambassadors** serve as mentors to new affiliates and coordinators and assist in recruiting efforts. The KTB **staff** maintains the day-to-day operations of the organization and provides ongoing support for grassroots groups.

RECENT ACCOMPLISHMENTS

- Named best State-Wide Keep America Beautiful Program in 1999 and 2000. Received the 2001 and 2002 Gold Award, the highest designation for state organizations.
- Contracts with the Texas Department of Transportation to support the Don't Mess with Texas campaign, coordinate the Trash-Off and assist local program development
- Contracts with the Texas Commission on Environmental Quality to coordinate Texas Recycles Day (2001 and 2002) and Lake and River Cleanup Program (1998-present)

KTB ORGANIZATION

STRUCTURE

This chart shows the organizational structure as determined by the Keep Texas Beautiful, Inc. bylaws (copy provided in the appendix).

Board of Directors	15 to 30 member board consisting of community, government, and business leaders from throughout Texas
Executive Trainers	Network of volunteers providing training and support for programs
Ambassadors	Volunteers that serve as mentors and recruiters
Members	Dues-paying members with voting rights in the election of board of director members
Staff	Maintains and administers programs on a day-to-day basis; provides ongoing support to community groups

BOARD OF DIRECTORS

KTB's business affairs are entrusted to, and governed by, a board of directors who:

- serve staggered one or three-year terms
- are active, dues-paying members of KTB
- meet quarterly
- hold an annual meeting in conjunction with the KTB annual conference

EXECUTIVE TRAINERS

- provide training and assistance to affiliates
- plan and facilitate at least one regional training per year
- contact individuals and communities referred by KTB
- report to KTB Board quarterly
- assist communities with reasonable requests to boost their programs, such as: participating in ceremonies, speaking to organizations, and attending local meetings

AMBASSADORS

- provide assistance to affiliates
- contact individuals referred by KTB
- serve as mentor to new coordinators and affiliates

STAFF

- handle the day-to-day administration of the organization
- represent KTB at conferences and trainings
- provide support to affiliates
- coordinate the distribution of materials
- develop and implement training for affiliates
- report to KTB Executive Trainer
- recruit new affiliates

KTB OFFICE

P.O. Box 2251
 Austin, Texas 78768
 Phone: (512)478-8813 or 1-800-CLEAN-TX
 Fax: (512)478-2640

1524 S IH 35 Suite 150
 Austin, Texas 78704
 Email: admin@ktb.org
 Web Page: <http://www.ktb.org>

KTB INDIVIDUAL MEMBERSHIP

OVERVIEW

Membership dollars provide continuing financial support for KTB. Joining KTB as an individual or business member provides many opportunities and benefits. One affiliate contact is given voting rights as a member. In order to be considered a member of KTB, a person must join KTB.

MEMBERSHIP BENEFITS

- *Grassroots* - A publication sharing KTB's program ideas and techniques of successful affiliates. As the main vehicle

of membership communication, *Grassroots* is also the source of information for upcoming events and conferences.

- Annual conference discounts
- A substantial discount on conference registration is offered to KTB members.
- Special KTB events
- Members receive priority notification and registration opportunities for all KTB events including training, workshops, and social events.
- Merchandise- All KTB members receive an item of KTB merchandise.

CATEGORIES OF MEMBERSHIP

There are six categories of KTB membership.

LEVEL	DONATION
Texas Friend	\$25-\$49
Good Neighbor	\$50-\$99
Trailblazer	\$100-\$499
Bluebonnet Benefactor	\$500-\$999
Lone Star Leader	\$1,000-\$2,499
Keep Texas Beautiful Corporate Council	\$2,500+

KEEP AMERICA BEAUTIFUL, INC. OVERVIEW

Keep America Beautiful, Inc. (KAB) is a national, nonprofit, public education organization working to involve citizens, businesses, and local government in actions including preventing litter, beautifying the community, and minimizing the impact of solid waste.

MISSION

The mission of Keep America Beautiful, Inc. is to engage individuals to take greater responsibility for improving their community environments. Keep America Beautiful certification is the ultimate commitment your Keep Texas Beautiful affiliate can make. KAB provides information on litter prevention, beautification, community improvement, and solid waste management to its affiliates.

HISTORY

KAB was founded in 1953 to broaden public awareness of litter through projects, education, and cleanups. By 1972, it became apparent that cleanup was not the only solution to litter, and the public needed a systematic approach to the litter problem. The result was the establishment of locally operated grassroots KAB affiliates to reduce litter to manageable proportions.

The guiding principles for KAB are:

- Acceptance of individual responsibility is essential for the enhancement of community environment;
- Education is the foundation for responsible individual action toward the environment;
- The most effective community partnerships include representation from the public (government), private (business), and civic sectors; and
- The importance of volunteerism.

KAB is supported by 200 corporations and is guided in its programming by a Board of Directors, an Advisory Board, which includes

public and private agencies, and several committees including ones on Education and Solid Waste.

ACHIEVEMENTS

KAB has:

- Over 500 community affiliates, both cities and counties, in 40 states
- 22 states with statewide KAB programs
- 5 international programs in Canada, the Bahamas, and South Africa
- an affiliate average litter reduction of 48% after three years
- in 2001, an average cost/benefit of \$12.15 returned for every \$1 invested
- 2.5 million students educated through affiliate school programs annually
- 3 million volunteers giving time to improve their communities each year

BEHAVIOR BASED SYSTEM

The KAB System seeks to change behavior and attitudes about handling waste. KAB's research shows that cleanups:

- only remove existing litter
- do not prevent the recurrence of litter
- deal only with the symptom—litter, and not the action that caused the litter to occur

KAB deals with the root cause of the problem behavior.

ADVANTAGES OF KAB AFFILIATION:

- a national network of ideas, solutions, and success
- higher level of accountability through cost-benefit analysis and litter index
- access to the latest information and training through:
 - annual meeting
 - workshops
 - videos
 - brochures
 - manuals

FIVE-STEP PROCESS

For long-term results, the KAB System offers a five-step process to change attitudes about handling waste:

STEP	ACTION
1	GET THE FACTS
2	INVOLVE THE PEOPLE
3	DEVELOP A SYSTEMATIC ACTION PLAN
4	FOCUS ON RESULTS
5	PROVIDE POSITIVE REINFORCEMENT

BECOMING A CERTIFIED KAB AFFILIATE

Keep Texas Beautiful believes that the KAB certified program is so valuable that KTB pays the initial certification fee for a KTB affiliate to become a KAB affiliate. The new KAB affiliate is required to maintain certification for a minimum of three years and submit all required paperwork to KAB. Affiliates that have taken advantage of this program include Cedar Hill, Longview, Van Alstyne, Rowlett, Whitehouse, Muenster, Katy, Aransas County, White Deer, Tyler, Coppell, and Gilmer.

STEP 1: GAIN COMMUNITY-WIDE SUPPORT

Sponsoring organization submits:

- an application to Keep America Beautiful, Inc. through Keep Texas Beautiful
- a letter of endorsement from your highest-ranking public official(s)

A one-time certification fee* supports your KAB System's development with:

- training of representatives at a one-day Pre-Certification Workshop
- training and informational materials for early program development
- field visit by a KAB representative to:
 - guide and counsel your local leaders

- officially certify your program
- *KTB is currently paying this fee.

STEP 2: PRE-CERTIFICATION

Through the Pre-Certification Workshop, your Organizational Team, will receive:

- step-by-step instructions from KAB professional trainers
- "how to" manuals and other materials to complete certification requirements

After the pre-certification workshop, KAB and the KTB staff provide support and monitoring to help your Organizational Team complete the following certification tasks:

- Determine the type of affiliate organizational structure and create the organizational structure.
- Invite leaders to serve as the affiliate board of directors/committee/commission.
- Establish administrative needs including designating a staff director.
- Complete a technical analysis of litter in your community using a Litter Index
- Complete the Litter/Solid Waste Survey.

STEP 3: CERTIFICATION

When your Organizational Team has completed the certification requirements, a KAB representative will visit your affiliate to:

- conduct the certification meeting
- train your board members
- help set first year program goals
- officially certify your KAB affiliation in a public ceremony

To maintain certification, your organization must:

- report twice yearly to KAB
- keep records and provide KAB with statistics on program efforts and volunteer involvement
- calculate an annual cost/benefit analysis
- conduct an annual follow-up litter index measurement
- pay annual membership fee based on population

ONGOING SUPPORT

To ensure a new affiliate's success, KAB and KTB staff will:

- provide training, field counseling, and monitoring services
- market, train, and certify new affiliates
- work with your organization to implement a program
- act as a liaison between affiliates
- update KAB on growing education needs

CONTACTS

To receive an application form and authorization for KTB to pay the initial fee, contact:

Keep Texas Beautiful at 1-800-CLEAN-TX or www.ktb.org.

For more information from KAB, contact:

Keep America Beautiful, Inc.
 1010 Washington Blvd.
 Stamford, Connecticut 06901
 203/323-8987
www.kab.org

KAB EDUCATIONAL RESOURCES

Resources are available to support environmental education and solid waste management programs.

INITIATIVE	DESCRIPTION
"Waste in the Workplace"	Guidelines for auditing waste, identifying recyclables, minimizing waste, and reducing disposal costs for small businesses.
"Close the Loop, Buy Recycled"	Identifies the most effective ways of communicating a "buy recycled" message.
Great American Cleanup	The world's largest cleanup, community improvement, and recycling event.
Building Clean, Livable Cities	A partnership with the U.S. Conference of Mayors has resulted in the development of a best practices guide and increased awareness of urban litter problems.
Graffiti Hurts	With a grant from the Sherwin Williams Company, a community education kit was developed which includes training manual, teacher's guide, poster, video, and camera-ready brochure.

TEACHER CURRICULA

KAB's teacher curricula were developed and field -tested by KAB and professional educators to help tomorrow's decision-makers understand solid waste and litter issues. KAB offers:

- *Waste In Place* curriculum from grades K-8
- *Get a Grip*
- teacher training organized by affiliates and led by a KAB national education consultant

NETWORK SERVICES

OVERVIEW

Network services help KAB affiliates serve their affiliates and maintain a leadership role in litter and solid waste concerns.

- new directors
- "Building Better Board Relationships" seminar for an affiliate's board of directors

SEMI-ANNUAL AND ANNUAL MEETINGS

Annual and Semi-Annual meetings are held by KAB to reach

- affiliate directors and staff
- board members
- public sector
- private sector

Semi-Annual meeting agendas include:

- training sessions
- professional skills development
- case studies
- workshops on solid waste and litter issues

National meeting agendas include:

- national issues
- national program initiations
- award presentations

FIELD COUNSELING AND GUIDANCE

Services include:

- contact with KAB staff and/or state leaders
- support and guidance on all aspects of the KAB system
- site visits by a KTB/KAB representative, when possible

WORKSHOPS

Workshops and seminars may be held nationally, regionally, or at the state level. KAB representatives offer training for:

- the use of KAB curricula

MEDIA RELATIONS

KAB's Communications Department helps strengthen an affiliate's local media relations through public service announcements and other strategies.

One of the most memorable public service campaigns in history is KAB's 1970 campaign featuring the "crying Indian," Iron Eyes Cody. In 1998, KAB unveiled its newest public service announcement, resurrecting the image of Iron Eyes in the "Back by Popular Neglect" campaign.

INFORMATIONAL MAILINGS

KAB provides publications, videos, and other educational materials for affiliates.

NATIONAL AWARDS PROGRAM

Each year, more than 80 prestigious awards are given by KAB to recognize outstanding KAB affiliates, civic and youth groups, individuals, and companies.

NETWORK NEWS

Quarterly issues of KAB's *Network News* newsletter are mailed to KAB affiliates.

SPECIAL PROJECTS DIVISION

Affiliates can order promotional items such as litterbags, book jackets, and activity kits for children

Many items can be printed with the name of the affiliate and/or local sponsor.

GREAT AMERICAN CLEANUP

Started in 1999, KAB sponsors the nation's largest cleanup event. The event focuses a community's attention on the positive attitudes that promote proper waste handling methods. Activities are held from mid-March to mid-May. The Don't Mess with Texas Trash-Off is the signature litter-prevention event for Texas.

COMMISSION

CONSIDERATIONS

A city or county government appointing members typically forms a commission. Sometimes this group may be called "Board" but is formed as part of, or appointed by, government. With this type of organization, government management could play a significant role in determining your organization's activities. Changes in administration and the outcome of elections may impact your organization. Becoming part of government will give your organization visible recognition and support. It will also allow for close involvement and access to city offices, such as the parks department and solid waste services, or county offices such as the sheriff or public works.

In most commissions, government will pay expenses for the organization and will provide a salary for the organization's coordinator/director. The government management may also ask the organization to raise funds for support of its activities or seek in-kind donations. Although governments have tax-exempt status, it is recommended that the commission have a separate line item and budget for account purposes.

HOW TO FORM A COMMISSION

Steps to forming a commission may be dictated by your local government, since the commission will be a part of the local governing body. The organization will report directly to the mayor and/or city council or the commissioner's court.

STEP	ACTION
1	Work with your local government to determine the needs and roles of a Keep _____ Beautiful commission.
2	Decide: <ul style="list-style-type: none"> • if members will be appointed or selected and by whom • length of term and whether terms will be staggered
3	Draft an ordinance for adoption. Determine if the appointments will become effective immediately or will require a delay before becoming effective.
4	Determine the schedule for adopting the ordinance. The city council or commissioner's court may require several readings or have other procedural requirements before the ordinance is adopted.

SAMPLE ORDINANCES FOR FORMING CITY AND COUNTY COMMISSIONS ARE IN THE APPENDIX.

ORGANIZATIONAL GOAL/OBJECTIVE WORKSHEET

Mission Statement:

Goal:

Objective: Specific and quantifiable action steps to implement the goal.

Tasks: The details of how you are going to accomplish the objectives (you should include financing and responsibility).

-
-
-
-
-

KEEPING YOUR PROGRAM GOING

Choose practical ideas that will help stimulate and maintain interest in litter prevention, community improvement, beautification, and solid waste minimization projects. One of the best ideas is to maintain contact with the KTB staff. The staff may be able to provide you with suggestions, put you in contact with other affiliates, and share success stories with you from across the state and nation.

- Promote an essay contest in schools on "What Can I Do to Improve the Appearance of My Community?" or similar topics
- Get schools involved in designing a logo and/or publicizing activities
- Promote a competition between businesses or neighborhoods to conduct projects

- Keep the press involved because publicity creates interest
- Take "before" and "after" photographs of your community
- Post the "before" and "after" photographs in the press, on television, or at public meeting sites
- Ask clubs and organizations for an opportunity to speak to their group
- Identify a beautification site and seek a service club to be a leader by completing a project
- Involve people that cannot physically participate by requesting volunteers to review ordinances, create flyers, or make posters

THE FOLLOWING FORMS ARE IN THE APPENDIX:

**COMMUNITY IMPROVEMENT CHECKLIST
 COMMUNITY WINDSHIELD SURVEY
 COMMUNITY BEFORE & AFTER EVALUATION
 COMMUNITY EVALUATION REPORT
 COMMUNITY ORDINANCE & EDUCATION SURVEY
 LITTER ATTITUDES SURVEY**

SAMPLE ORDINANCE

FORMING A CITY COMMISSION/BOARD

Be it ordained by the city council of the city of _____:

SECTION I.

That a Keep _____ Beautiful Commission is hereby created for the purpose of assisting the City Council in establishing a citywide policy for decreasing the amount of litter in the city.

SECTION II.

That the Commission provided for herein shall be comprised of fifteen (15) members to be nominated by, and approved by, the City Council and shall be residents of the City. The board shall consist of representatives from business and industry, media, community organizations, education, and members at large.

Eight members of the Commission originally appointed shall be for a term of one (1) year. Seven members of the Commission originally appointed shall be appointed for a term of two (2) years. Thereafter, the term of each Commission member shall be two (2) years. No Commission member shall serve three (3) successive terms, provided, however, that a Commission member appointed to complete the term of another Commission member shall, at the completion of such term, be eligible for appointment for another full term; and provided further, that one place shall always be filled by a city employee who shall serve as a non-voting ex-officio member of the Commission.

SECTION III.

That the Executive Director of the Commission shall be a non-voting member of the Commission. The Executive Director shall be custodian of all minutes and records of the Commission and perform such other duties as the Commission may deem necessary and consistent with both the responsibilities of the Commission and his/her responsibilities to the City of _____ through the City Manager. The Executive Director shall work under the supervision and control of _____ for the purpose of implementing the provisions of this ordinance.

SECTION IV.

Those eight (8) members of the Commission shall constitute a quorum for the conduct of business. The members of the Commission shall regularly attend meetings and serve without compensation except for reimbursement of authorized expenses attendant to the performance of their duties.

The Commission shall hold an organizational meeting in August of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The Commission shall meet regularly and shall designate the time and place of its meetings.

The Commission shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the provisions of this ordinance and the Charter of the City of _____. Newly-appointed members shall be installed at the first regular meeting after their appointment.

Each month a report shall be submitted to the City Council showing the cumulative attendance of each member with notation of members who have been absent from three (3) consecutive meetings.

SECTION V.

That the Commission shall recommend policies related to litter prevention, beautification and community improvement, and the minimization of solid waste to the City Council so all city activities might follow a common purpose. The Commission shall have the following responsibilities:

1. Develop citywide refuse and environmental policy plan(s);
2. Evaluate City actions in light of that policy;
3. Determine and recommend to the City Council management and program priorities on a citywide basis;
4. Recommend enforcement and additional program alternatives;
5. Monitor City performance from data collected and examined under the Keep America Beautiful, Inc. Affiliate System guidelines and make an annual report to the City Council; and
6. Carry out such other tasks as the City Council may designate.

To accomplish these responsibilities the Commission shall establish sub-committees such as, but not limited to, the areas of Business and Industry, Communications, Education, Finance/Fundraising, and Cleanup.

A Commission member will chair each sub-committee with an unspecified number of community volunteers chosen by the Commission as working sub-committee members.

SECTION VI.

The City, within the budgetary appropriation process, shall furnish the office space, supplies, telephone, postage, and secretarial support for the Executive Director. The City, within Council-imposed budgetary restraints, shall also supply additional funds for Commission activities involving travel or training for the Executive Director.

The City shall pay the Executive Director's salary. Such salary and other expenses, whether specifically enumerated in the preceding paragraph or not, may be paid from donations when, as and if same are received by the City from the general public, business, industry, foundations, and other sources for the purposes embraced by the scope of the Commission's purpose and responsibilities administered in accordance with standard City policy and practice governed by statute, charter, and ordinance.

SECTION VII.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of the Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or illegal by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, or paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph, or section.

SECTION VIII.

That this ordinance shall be in full force and effect from and after the date of its passage, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

City Attorney

ADOPTED: _____

EFFECTIVE DATE: _____

COMMUNITY IMPROVEMENT CHECKLIST

Community: _____

Contact: _____ Date: _____

Mark the applicable answer to each question with a "no" answer indicating a need for improvement. Blank lines in each section allow you to add specific questions of concern for your affiliate.

IN GENERAL	YES	NO
Do the entrances to the community create a favorable impression to visitors?		
Are the areas along the entrances free from objectionable views such as dilapidated structures, junked cars, dead trees, fences down, etc.?		
Is the general appearance of the city neat and clean?		
Would a visitor be attracted to become a resident or business owner in the community?		
STREETS/SIDEWALKS	YES	NO
Overall, are the streets free of litter and debris?		
Residential streets		
Downtown streets		
Business areas		
Overall, are the sidewalks free of litter and debris?		
Residential sidewalks		
Downtown sidewalks		
Business sidewalks		
Are sidewalks smooth and free from hazards?		
PARKS, PLAYGROUNDS, TOURIST STOPS	YES	NO
Are the parks maintained in a neat condition?		
Are the trees in the parks in healthy condition without dead limbs or disease?		
Are buildings painted and in good repair?		
Is equipment painted and in good repair?		
SCHOOLS AND CHURCH GROUNDS	YES	NO
Is the landscaping at schools adequate?		
Is the landscaping at schools well-maintained?		
Does the maintenance at churches set a good example for the community?		
Are youth involved in planting and maintenance of the school grounds?		
BUSINESS AREAS	YES	NO
Are the buildings well-maintained and painted?		
Are the windows clean?		
Is the area behind the buildings free of trash and debris?		
Is equipment and merchandise displayed in an orderly manner or screened from public view by a fence or other means?		
CEMETERIES	YES	NO
Are the cemeteries well-maintained?		
Is the fence surrounding the cemetery in good condition and free of debris?		

HOMES/NEIGHBORHOODS		YES	NO
Are the homes in good condition and painted?			
Are the yards well-maintained?			
Are yards free from trash and debris?			
Are there junked cars parked in driveways or otherwise visible from public streets?			
VACANT LOTS		YES	NO
Are vacant lots in business areas clean and free of weeds?			
Are vacant lots in business area maintained with no stacks of debris and/or junked vehicles?			
Are residential vacant lots mowed?			
Are residential vacant lots free of construction debris and other trash?			
DISPOSAL AREAS		YES	NO
Are dumpsters screened from public streets?			
Are dumpster areas clean and free of stacked debris?			
Do business areas have defined disposal areas?			
Are residential alleys or disposal areas defined?			
Are business areas around disposal sites clean and free of debris?			
Are recycling areas clearly defined from waste disposal areas?			

**Who Keeps Kerrville Beautiful?
We Can.**

Why the City of Kerrville Should Join Keep Texas Beautiful:

1. The city creates the ordinances.
2. Only the city can enforce the ordinances.
3. The city has resources, from publicity to dumpsters.
4. The city already has the existing framework necessary for coordinating all city departments.
5. The endorsement of the city lends the initiative credibility.
6. By becoming an affiliate, the city takes responsibility for keeping our city beautiful.
7. The city also takes a lead role in keeping our city beautiful.
8. The city sets an example for our community and others.
9. The city can help to bring other organizations under one umbrella for maximum effectiveness.
10. As KTB advertises, “this program can increase economic development, change visitors’ perceptions, and change citizens’ attitudes about waste handling practices,” three things that the city already wants to promote.
11. The city can be responsible for increasing pride in the community.
12. The city can win awards that will bring recognition to our city and also make us eligible for grant money to use on even more projects.
13. The city can be on the forefront of educating and engaging our citizens to take responsibility for improving our community environment.
14. The affiliate program provides a “standard for annual approval and recognition of Texas communities and counties whose ongoing litter prevention and community beautification efforts are representative of the mission of KTB.” By maintaining this standard, the city will not lose focus of its goals.
15. The city has the ability to spread the message promoting litter prevention, beautification, and waste reduction at each and every city function, on city mailers (think KPUB bills), on the city website, and at any other event in which the city participates. In short, the city has the ability to get the word out in a way no other organization can.
16. The city makes the laws, promotes the laws, and enforces the laws. The city is in the best position to make a difference in the way people view our community.

How Can the City Keep Kerrville Beautiful? We Can Get Started Now.

How to get started:

1. Vote to proceed with becoming a Keep Texas Beautiful affiliate.
2. Have the city attorney work up an ordinance that establishes the city as an affiliate.
3. Review current ordinances and begin strict code enforcement.
4. Begin taking Keep Kerrville Beautiful Commission applications, following the city's regulations regarding board set-up, using the city's application, and requiring interviews by the council liaison plus the mayor.
5. Distribute (and put on the website) a litter survey.
6. Task the commission with developing a mission statement, goals based upon the survey results, objectives outlining steps to implement the goals, and a list of tasks detailing how the commission will accomplish the objectives.
7. Begin fundraising efforts.
8. Recruit volunteers.
9. Plan to participate in at least one KTB program this year.
10. Assess achievements at the end of the year.



economic development governing body and the parameters for a new economic development organizational structure. The key concepts used as the foundation for this recommendation is that it provides an opportunity for each partner to be fully integrated and it provides for full transparency and accountability for the economic development operation.

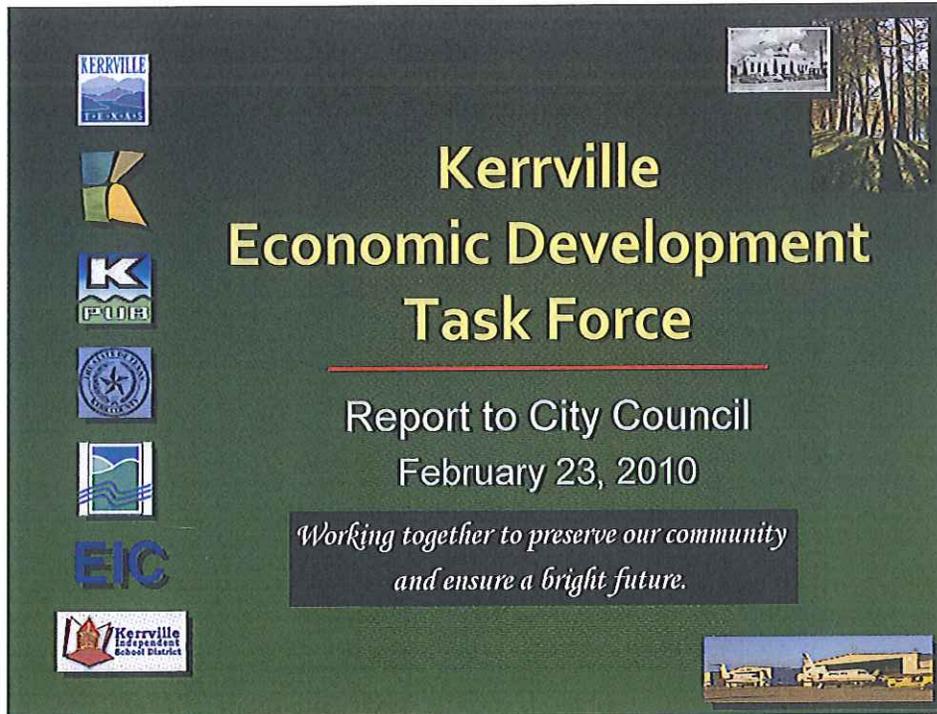
This recommendation is being first presented to the City Council for their review and consideration. After City Council review and comment, it will be presented to the governing bodies of each of the other partners identified in the proposal and to the KEDF board of directors.

Should the plan be ratified, the next step is to create the economic development governing body. The first task for the governing body to achieve will be to establish its operational procedures and rules, identify the roles and responsibilities for each of the partners, create an action plan, adopt a budget, and submit funding requests to the appropriate entities.

RECOMMENDED ACTION

This recommendation is based primarily on the concept that city staff presented to the City Council in 2009. It addresses those specific items as stated by the City Council on November 10, 2009. Accordingly, the Kerrville Economic Development Task Force recommends acceptance of this recommendation and creation of the economic development governing body upon acceptance of this recommendation by the partnering entities and the KEDF executive board.

**Kerrville Economic Development Task Force
City Council Report – 2/23/2010**



The cover features a dark green background with a vertical column of logos on the left: Kerrville The Heart, a stylized 'K', KPUB, Kerrville State University, a blue square with a white wave, EIC, and Kerrville Independent School District. On the right, there are two small images: a building and a tree-lined path. The main title is centered in large yellow font. Below it, the report date is in white. A dark grey box contains the mission statement in white italicized font. At the bottom right, there is a small image of an airport terminal.

**Kerrville
Economic Development
Task Force**

Report to City Council
February 23, 2010

*Working together to preserve our community
and ensure a bright future.*

Task Force Members

Mike Huff, Chairman – Large Employer
Mark Armstrong, Vice Chairman – Small Employer
Todd Bock, City of Kerrville
Bill Crumrine, EIC
Stephen Fine, KPUB
Steve Huser, Kerr Economic Development Foundation
Trevor Hyde, Kerrville Chamber of Commerce
Bob Miller, Kerrville Convention and Visitors Bureau
Pat Tinley, Kerr County
Dr. Dan Troxell, Kerrville ISD



*Kerrville Economic Development Task Force
Recommendations – 2/23/2010*

Task Force Charge

Draw economic development partners together into one resource to work out an economic development structure that would be quantifiable, measurable, and accountable to citizens.



Kerrville Economic Development Task Force
Recommendations – 2/23/2010

Basic Recommendations

- Organizational Structure
- Funding
- Implementation



Kerrville Economic Development Task Force
Recommendations – 2/23/2010

Kerrville Economic Development Task Force City Council Report – 2/23/2010

Major Findings

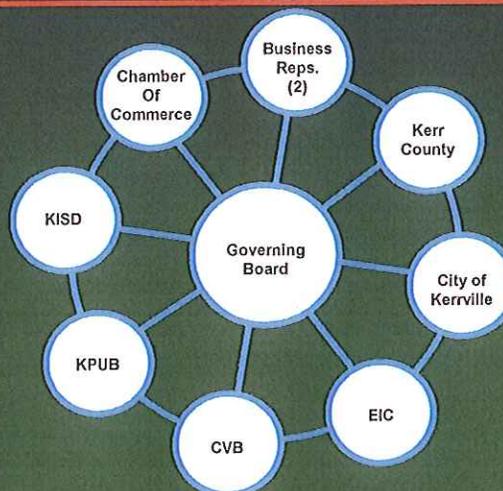
- All major stakeholders must be included
- ED entity limited to 9 members
- No single entity should have absolute control
- ED program must have a degree of autonomy
- ED priorities/objectives must be established through joint efforts of the stakeholders
- All stakeholders must have a financial commitment
- Desired outcomes and expectations must be clearly defined
- Routine reporting must be required
- **NO MORE BUSINESS AS USUAL**



Kerrville Economic Development Task Force
Recommendations – 2/23/2010

Organizational Structure

- **Governing Board (9)**
 - 7 Partners
 - Major Stakeholders
 - 2 At-Large Bus. Reps.
 - Designated by Governing Board
 - Voting Members
 - Each Partner Designates Own Rep.
 - No Individual May Serve More than 6 Consecutive Years
 - 3-Year Staggered Terms
 - Hire/Fire ED Director
 - Approve Budget
 - Submit Funding Requests



Kerrville Economic Development Task Force
Recommendations – 2/23/2010

Kerrville Economic Development Task Force
City Council Report – 2/23/2010

Funding

Source of Revenues

- **Multi-Source**
 - **Governmental (Annual Funding Requests)**
 - City, County, KPUB, EIC
 - EIC Funding Caps
 - 10% of Prior Year Sales Tax Revenue
 - Maximum Amount of \$250,000 Per Year
 - **Private Donations**
 - **Other Sources**
 - Additional Funding Would Require Request to EIC or Other Entities
 - **Annual Investment**
 - \$25,000 Each From County, City, KPUB, Private
 - \$250,000 From EIC
 - \$350,000 Total Estimated Partner Investment



Kerrville Economic Development Task Force
Recommendations – 2/23/2010

Funding

Annual Budget

- **Annual Operating Expenses**
 - Routine Operational Expenses (Including Marketing)
 - Submitted to Governing Body for Approval by Economic Development Director
 - Funding Requests Submitted After Approval of Budget by Governing Body
 - *Prior Year Performance a Factor in Considering Funding Requests*



Kerrville Economic Development Task Force
Recommendations – 2/23/2010

**Kerrville Economic Development Task Force
City Council Report – 2/23/2010**

Implementation

Governing Body

- **Implement Kerrville/Kerr County Economic Development Strategic Plan 2008**
- **Adopt Action Plan**
 - Controllable
 - Achievable
 - Annual Review
 - Basis for Budgetary Decisions
- **Routine Reporting to 7 Partners**
 - Annual Kickoff and Recap
 - Quarterly Reporting
- **Hold ED Director Accountable**



*Kerrville Economic Development Task Force
Recommendations – 2/23/2010*

Implementation

ED Director

- **Oversees/Manages All ED Operations**
- **Draft Action Plan**
 - Expectations (Reasonable)
 - Desired Outcomes (Rational)
 - Primary Focus – Retention/Expansion Local Bus./Industry
- **Prepare Routing Reporting Documents**



*Kerrville Economic Development Task Force
Recommendations – 2/23/2010*

**Kerrville Economic Development Task Force
City Council Report – 2/23/2010**

What's next?

- **Presentation to Partners/KEDF Board**
 - Request Ratification
 - Completed March 2010
- **Create Governing Body**
 - KEDF Restructured to Reflect Governing Body
 - Completed April 2010
- **Governing Body (Phase 1)**
 - Establish Roles/Responsibilities for Partnering Entities
 - Prepare Action Plan
 - Approve Operational Budget
 - Submit Funding Requests
 - Completed July 2010



*Kerrville Economic Development Task Force
Recommendations – 2/23/2010*

What will it do?

- **Ensure Input from All Partners**
 - Goals and Priorities
 - Annual/Routine Evaluation
- **Formalize Priorities and Objectives**
- **Improve Transparency and Accountability**
- **Enhanced Level of Service**
 - Proactive Effort
 - Ready Response
- **Ensure Adequate Resourcing**
 - Appropriate Funding
 - Appropriate Staffing
 - Steady Revenue Stream



*Kerrville Economic Development Task Force
Recommendations – 2/23/2010*

**Kerrville Economic Development Task Force
City Council Report – 2/23/2010**

*Working together to preserve our
community and ensure a bright future.*

**Questions
And
Answers**



*Kerrville Economic Development Task Force
Recommendations – 2/23/2010*

Kerrville Economic Development Council (KEDC)
Mission,
Roles and Responsibilities
(draft 10.7.09)

The Kerrville Economic Development Council is a seven (7) member council with oversight of community economic development activities whose mission is to provide a cohesive, consistent, and coordinated regional approach to economic development while ensuring the public that there are justifiable investments in private projects. Operating independently, the KEDC's primary objective should be business expansion and recruitment, business outreach, and marketing.

As representatives of the specific organizations, the KEDC members are appointed with staggering three-year terms providing a liaison relationship between the City of Kerrville, Kerrville Economic Improvement Corporation, Kerr County, Kerrville Convention and Visitors Bureau, Kerrville Independent School District, Kerrville Public Utility Board and the Kerrville Area Chamber of Commerce. A chairman shall be selected by the Council from among its appointed members. An individual may serve no more than two consecutive terms; however, an individual may be considered for appointment again after sitting out one full term. KEDC members will have experience in the following areas: business retention and expansion, business recruitment, inter-business and inter-governmental relations, real estate industry standards, retail business and infrastructure projects.

The KEDC will meet on a regular basis to discuss open topics and issues. Each member will communicate the results of those discussions to the represented entities. These members have a unique opportunity to affect the Kerrville area economy through specific roles and responsibilities.

KEDC member roles include:

City of Kerrville

One sitting City Council member as appointed by the City Council. The city's representative will be responsible for leading economic development discussions relative to city initiated incentives mindful of the adopted goals.

The City of Kerrville has adopted goals that act as a mission statement.

The goals are:

Understand the citizens' needs and wants.

Deliver quality municipal services in a cost effective manner.

Be good stewards of public resources through strategic planning.

Plan, maintain, and upgrade infrastructure.

Promote desirable growth of business, recreational, and cultural assets.

Encourage intelligent development through reasonable, responsible, and forward thinking ordinances and streamlined procedures.

Engage in beneficial relations with other governmental agencies.

Kerrville Economic Improvement Corporation

One EIC board member as appointed by the EIC members. Through the 4B policy and guidelines, the EIC's mission has been defined as applying public resources for private projects implemented for the benefit of the public good to encourage growth and development in targeted industries. This representative will be charged with leading discussion concerning creative uses of sales tax receipts.

Kerr County

One sitting County Commissioner or the County Judge as appointed by the Kerr County Commissioners Court. The County's responsibility is the overall managing and governing body of Kerr County. The Court achieves this mission through responsible decision making for the budgetary, tax and revenue issues. This representative will lead discussions on behalf of Kerr County relative to county initiatives.

Kerrville Convention and Visitors Bureau

One sitting Board member as appointed by the Kerrville CVB board members. The mission of the Kerrville Convention and Visitors Bureau is to market the Kerrville area as a destination to individuals and convention groups as well as support development of new industry appropriate businesses. This representative is charged with leading discussions relative to the tourism industry, it's current and future impact to our economy.

Kerrville Independent School District

One sitting Board member as appointed by the KISD board of directors. The District's stated goal is to educate all students to be successful and productive citizens. The District's administrators pledge to make that happen in a way that meets parent and community expectations through continual improvement in curriculum and instruction, a safe and orderly learning environment, sound fiscal management, and leadership dedicated to excellence. This representative will keep the council updated on legislative changes reflecting state allowed participation of the school district and is charged with a leadership role with regard to public education and its role in the community's economic development efforts.

Kerrville Public Utility Board

One sitting Board member as appointed by the KPUB board. The Kerrville Public Utility Board's mission is to be a responsive and efficient locally owned provider of reliable, high-quality utility service at the lowest responsible price. This representative is charged with a leadership role connecting local and state utility entities together for creative incentives for business outreach and quality of life initiatives.

Kerrville Area Chamber of Commerce

One sitting member of the Board as appointed by the Executive Board of the Chamber of Commerce. The objective of the Kerrville Area Chamber of Commerce is to advance the economic base and enhance the quality of life of the Kerrville/Kerr County area. The representative will be the voice of the business community when considering potential projects.

ADMINISTRATION:

Staff

The KEDC shall hire and provide oversight of its own staff. Staff shall consist of an Economic Development Director and support staff necessary to conduct the business of the KEDC. Primary roles of the Director shall be preparation of an annual budget to be submitted for consideration by the Council, implementation of Council programs and policies, coordination with participating entities, management/administration of the annual budget, management of KEDC staff, and any other duties as assigned by the Council.

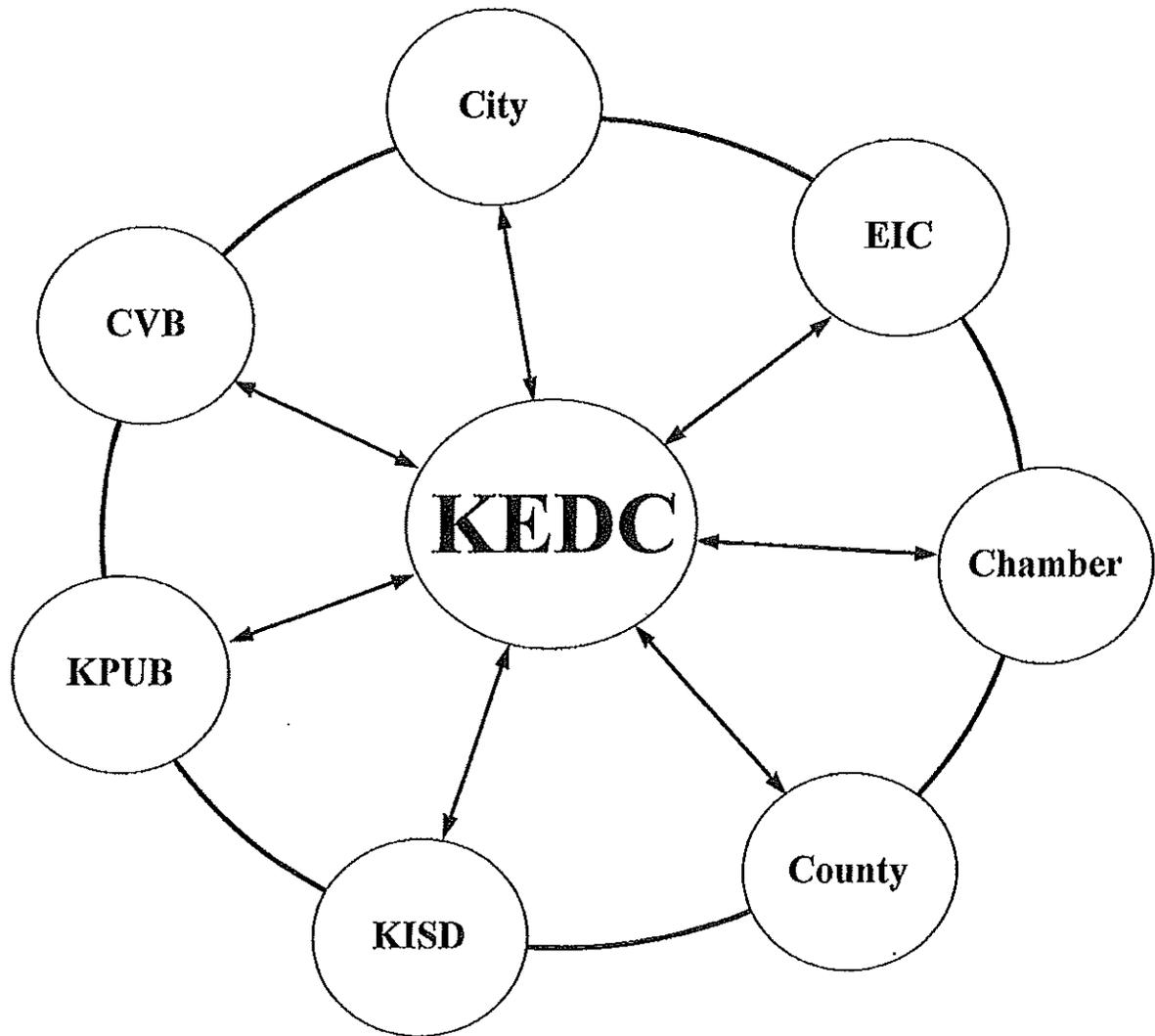
Budget

The KEDC will adopt an annual budget to allocate funds to accomplish programming objectives and conduct daily operations. 4B sales tax receipts as allowed by State law will be the funding source.

KEDC will apply to the EIC annually for funding. In considering the funding request each year, the EIC will evaluate the use of prior year funds, the successful implementation of programs and initiatives, and the successful achievement of benchmarks or targets as established in the prior year.

Reporting

The Director shall provide weekly activity reports to the Council and shall provide monthly financial statements. These regular reports shall be provided to each of the participating entities upon acceptance and approval by the Council.



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

SUBJECT: Discussion and recommendation of the disposal of 433 Water Street and the Carriage House

FOR AGENDA OF: February 23, 2010 **DATE SUBMITTED:** February 13, 2010

SUBMITTED BY: Mindy N. Wendele  **CLEARANCES:** Todd Parton
Director of Business Programs City Manager

EXHIBITS: Proposals and Site Map
Cost Estimates for Relocation

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$35,000	\$55,000	\$0	

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Earlier this year, staff requested time to explore options for the disposal of 433 Water Street and the Carriage House. Both buildings are located on City of Kerrville property and are a part of the Butt Holdsworth Memorial Library campus.

Planned library campus improvements called for the demolition or removal of the structures to provide more parking and better traffic flow. This work is part of the site preparation component of the project and part of the first planned phase.

Council granted staff several weeks to solicit potential groups or individuals to remove, restore, and preserve the buildings. Staff received two proposals specific to 433 Water Street and not any for the Carriage House. The proposers are Mark and Linda Stone and the Texas State Arts and Crafts Educational Foundation.

Both proposals included removing the front part of the building located at 433 Water Street and relocating it to property that each owns provided the building was abated of environmental contaminants pursuant to state and federal requirements. Both proposals also included using funds earmarked for the demolition expense to pay for the removal and relocation to the property of the

proposer.

Funds earmarked for the removal of 433 Water Street and the Carriage House is from the City's monthly rental income for the property. There is approximately \$55,000 of these rental income funds available.

Estimated costs for moving the building ranged from \$25,000 to \$35,000. These costs exclude asbestos remediation, site work to fill in the space, landscape removal and TxDot permit fees.

Cost estimates for the full demolition of 433 Water Street are approximately \$20,000 not including asbestos removal, site work or cornerstone placement. An estimate for the Carriage House would be similar.

Although estimated costs for demolition of the building may be less than removal, saving this important piece of Kerr County's cultural heritage from demolition is the desire of the Kerrville Main Street Advisory Board. The Board supports the use of the earmarked demolition funds to save the building and encourages the remaining part of the building that cannot be removed be retooled as a part of the Library Improvement Project.

RECOMMENDED ACTION

Staff recommends the award of 433 Water Street to the Texas Arts and Crafts Educational Foundation and to use the funds set aside for demolition to fund the moving of the building to the River Star Arts and Events Park. Timeline for removal would be no later than June 1, 2010, provided site work can be accomplished at the same time.



Texas Arts & Crafts EDUCATIONAL FOUNDATION

Kerrville City Council Members & Mayor Bock
800 Junction Hwy.
Kerrville, TX 78028

Re: Building Currently Located at 433 Water Street

The Texas Arts & Crafts Educational Foundation (TACEF), a non-profit foundation, is interested in acquiring the building that is currently located at 433 Water Street (not including the brick addition). TACEF would like to save this important piece of Kerr County's cultural heritage from demolition. We propose that the City of Kerrville convey ownership of the 28'x72', single story, wood framed building to the Texas Arts & Crafts Educational Foundation and deliver said building to River Star Arts & Event Park on Riverside Drive; free of asbestos and other environmental contaminants; at the City's expense using funds earmarked for demolition. In trade, TACEF will renovate the building over a period of 3 years contingent on full funding by March 30, 2010. TACEF has the support of our landlord, Kerr County Commissioners Court, which approved our proposal to receive and renovate the building as the next step in our Master Plan for the Park. Please see details below.

Purpose:

1. Indoor event center for public & private events for approximately 200+ people.
2. Indoor exhibit space including concession area, catering kitchen, bathrooms, TACEF office. All of which will be utilized during the Texas Arts & Crafts Fair and all other events throughout the year.

Site Plan:

TACEF plans to place the building on the West side of River Star Arts & Event Park. The building will be used as support to an addition of an approximately 3000 sq ft indoor building for exhibit/event space. TACEF will also add a granite parking area for 50 vehicles to support the new building. Please see enclosed drawing.

Funding:

TACEF plans to use grant money for funding. Local, State and Federal grants will be researched for building renovations/revitalization. TACEF also has long standing relationships with local Foundations, receiving money for many projects to aid in the improvement of the River Star Arts & Event Park.



Texas Arts & Crafts
EDUCATIONAL FOUNDATION

Timeline:

TACEF will require 2 months to prepare for the delivery of the building.

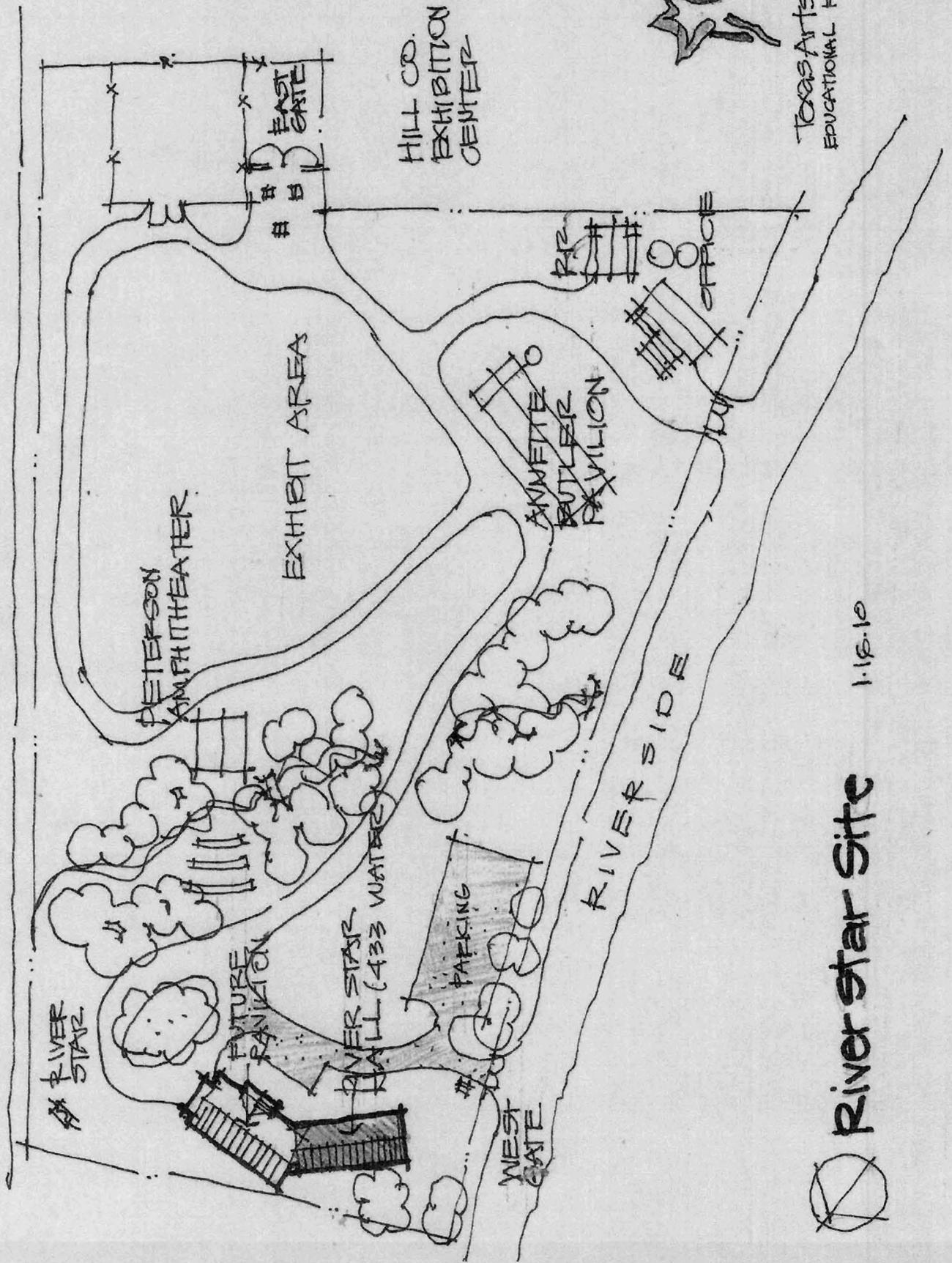
Once the building is placed, TACEF plans to acquire required amount of funds and have the renovation project completed within three years, with significant mile stones completed throughout the 3 years.

Thank you for your consideration.

Peter Lewis
Board President

Executive Director

HIGHWAY 27



Texas Arts & Crafts
EDUCATIONAL FOUNDATION

 River star site

1-18-10

Proposal

To: City of Kerrville regarding 433 Water Street
From: Mark and Linda Stone
903 Tanglewood Lane Kerrville, Texas 78028
830-896-4678, 830-739-2100, Karstone@windstream.net

January 11, 2010

Mark and Linda Stone propose that the Schreiner building located at 433 Water St. be relocated to our address of 425 Clay St. The new location is within Kerrville's Historic Downtown District. The relocated Schreiner building would undergo a renovation which would allow for a commercial mixed use building at its new location.

We would suggest the allocation of the funds that are currently set aside for the demolition of this structure be used for the relocation efforts of this historically significant building. We understand there are three options in the future of this building. #1 would be leave it and take no action. #2 demolishes the structure on site. #3 would be relocating the structure. We believe that relocation, instead of demolition, is the better choice.

Our proposed new site has ample room to accept this addition. There are currently two historic buildings on these properties. Building #1 is the original San Antonio Aransas Pass Railroad Passenger Train Depot (Rails Restaurant) and #2 is the Old Beitel Lumberyard (Rails Events Hall). We have established precedence at this location that would be fitting for an additional building of this significance. If this building is allowed to be relocated, it will be treated with equal respect and care that saved the two previous renovated buildings from being demolished. We intend to keep the original windows, framing and interior as original as possible and restore the original wooden siding that is under the applied stucco finish. In addition, if the Council accepts our proposal, the restored structure will create tax revenue for the City and KISD while preserving one of the few historic structures remaining in Kerrville. The new location, with three historic structures, would become a focal point in preservation for our community and generate additional interest for Kerrville's visitors while enhancing our City's reputation for respecting its past.

We secured one bid last summer from Fagile House Movers for the relocation of this building. This bid reflected approximately \$10.00 per sq ft. or \$25,000.00 at that time. This would set the building up on an approved foundation; include dealing with the overhead wires and light issues and necessary permits. This quote did not include the preliminary work that would be required i.e. shrub removal, filling of the basement area, disconnect of the utilities, asbestos inspection etc., expenses that would be incurred whether moving or demolishing the structure. The City has expressed interest in harvesting the large original limestone foundation blocks. These arrangements would also need to be addressed. The close proximity of our property to this one will keep moving cost as low as possible. The dollar amounts to demolish seem to be significantly higher than the alternate of relocation.

We know that the City of Kerrville is considering the adoption of new friendlier codes which will allow our Development Department the much needed latitude in preserving older structure as this one. The uniqueness of this project and others will be made possible through the implementation of these Code changes.

We would accept the Schreiner building on its new foundation at 425 Clay Street in Kerrville and would then assume all costs of renovation and restoration. The Carriage House at 425 Water Street is also scheduled for demolition. We would have room to accept that second structure at our same location under the same proposal.

Thank you for your time and consideration, we would be happy to answer any questions to clarify our proposal.

Sincerely,
Mark and Linda Stone

Mark Stone
Linda Stone

PROPOSAL

Faglic House Moving

PROPOSAL NO.	
SHEET NO.	1
DATE	2-9-10

PROPOSAL SUBMITTED TO:

NAME	T.A.C.E.F.
ADDRESS	Kerrville Tex Atto Mike Lowe
PHONE NO.	FAX 830-895-5204

WORK TO BE PERFORMED AT:

ADDRESS	433 Water Street and 4000 East River Side
DATE OF PLANS	
ARCHITECT	

We hereby propose to furnish the materials and perform the labor necessary for the completion of move old Schriener Building at 433 water street to new location at 4000 East River side or next to Arts & Center

Faglic House Moving to move and set Building level on foundation furnished by TACEF. TACEF or City to rise all wires or Redlights

Total Price for move 35,000.00

Faglic House Moving Not Responsible for Any Sheet Rock - Plumbing or Elec. Damage or hook ups

Faglic House Moving will be paid 5,000.00 upon Acceptance of Proposal.

\$20,000.00 upon Building Being Loaded or Two week into job - \$10,000.00 upon setting Building on foundation

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Thirty Five Thousand Dollars Dollars (\$ 35,000.00)

with payments to be made as follows.

Respectfully submitted

Royce Faglic

Per

FAGLIC HOUSE MOVING

*Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Royce Faglic

Note - This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory, and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date 2-9-10

Signature _____

MADE IN USA NC 3818-50

PROPOSAL

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

SUBJECT: Guadalupe Blanco River Authority

FOR AGENDA OF: 02/23/10

DATE SUBMITTED: 02/17/10

SUBMITTED BY: Todd Parton

CLEARANCES: +

EXHIBITS: GBRA Questionnaire

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



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

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

Authorization for Mayor Todd Bock to complete and return GBRA questionnaire.

RECOMMENDED ACTION

Complete and submit GBRA questionnaire.

January 22, 2010

The Honorable Eugene O. Smith
Mayor of Kerrville
800 Junction Highway
Kerrville, TX 78028

Dear Mayor Smith:

The Guadalupe-Blanco River Authority (GBRA) is updating the Guadalupe River Basin Clean Rivers Program (CRP) Stakeholder Committee for 2010. Enclosed is a questionnaire that we would appreciate some of your time to complete. As in years passed, GBRA would like to know about topics and other water issues relevant to our stakeholders that should be addressed in future CRP meetings. The questionnaire contains a list of possible topics for discussion at our next stakeholder meeting, scheduled for **Thursday, March 25, 2010, at 9:00 a.m. to be held at the GBRA River Annex, 905 Nolan St., in Seguin.**

Please return the completed questionnaire in the enclosed envelope at your convenience. By returning the questionnaire, your continued participation on the stakeholder committee will be confirmed. If you no longer wish to participate on the committee or wish to submit a name in place of yours as a representative of your interest, please contact Debbie Magin, at (830)379-5822 or dmagin@gbra.org.

Also enclosed is a draft agenda for the March meeting. We will finalize the agenda in early March based on the responses to the questionnaire.

Thank you for your support of the Clean Rivers Program. We look forward to hearing from you.

Sincerely,



Debbie Magin
Director of Water Quality Services
Guadalupe-Blanco River Authority

enclosed



Main Office: 933 East Court Street ~ Seguin, Texas 78155
830-379-5822 ~ 800-413-4130 ~ 830-379-9718 fax ~ www.gbra.org

GBRA

Guadalupe-Blanco River Authority
flowing solutions

This is the draft agenda for the 2010 Basin Steering Committee meeting. Please send in the pre-meeting questionnaire to add agenda items.

**Guadalupe River Basin
2010 Clean Rivers Program**

Basin Steering Committee

Thursday, March 25, 2010, 9:00 a.m.

GBRA River Annex

905 Nolan St.

Seguin, Texas 78155

Draft Agenda

- Welcome and Introductions
- Brief Overview of the CRP – discussion on activities, accomplishments, goals, funding and recognition of stakeholders, volunteers and others (reports from GBRA, UGRA and Wimberley Valley Watershed Association, and the Texas Stream Team.
- Discussion on priority items requiring assistance of steering committee for development and review – including water quality objectives and priorities, basin highlights report, work plan and allocation of resources, basin water quality monitoring and assessments and stakeholder participation and outreach
- Other items to be addressed – events or conditions that impacted water quality in 2009 such as the drought, land use activities, etc.

Status reports on 2009 water quality projects, such as the watershed protection plan for Plum Creek, the watershed protection plan for Geronimo Creek, the planning project for Cypress Creek, the Edwards Aquifer Recovery Implementation Project, Environmental Flows Study, etc.

CLEAN RIVERS PROGRAM STAKEHOLDER QUESTIONNAIRE

1. Implementation of nutrient standards in TPDES permits

Very important Not Very Important
 Somewhat important Not at all important
 Don't know

2. Construction/Development Impacts to Water Quality

Very important Not Very Important
 Somewhat important Not at all important
 Don't know

3. Permitting Trends in Wastewater

Very important Not Very Important
 Somewhat important Not at all important
 Don't know

4. Proposed changes to water quality standards in the Basin

Very important Not Very Important
 Somewhat important Not at all important
 Don't know

5. Review what the CRP actually represents and how customers benefit

Very important Not Very Important
 Somewhat important Not at all important
 Don't know

6. Water Bodies Not Meeting State Water Quality Criteria

- Very important Not Very Important
 Somewhat important Not at all important
 Don't know

7. Environmental Enforcement, Illegal Dumping and Illegal Discharge

- Very important Not Very Important
 Somewhat important Not at all important
 Don't know

8. Watershed Protection Plans

- Very important Not Very Important
 Somewhat important Not at all important
 Don't know

9. Are there any other water quality related issues in the Basin that you would like highlighted and/or discussed in more detail?

10. Are you still interested in receiving correspondence from the River Authority regarding CRP meetings and other stakeholder events?

11. Can you provide the names or organizations of potential stakeholders that may be interested in CRP activities?

Thank you for taking time to complete this survey!

To facilitate future communication please provide the following contact information:

Name:

Organization:

Address:

Phone #:

E-Mail:

If you have questions or need additional information about this meeting please contact Debbie Magin at G.B.R.A. (830) 379-5822.

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

SUBJECT: Initiating discussions with the Kerrville Public Utilities Board (KPUB) regarding KPUB's assumption of the operation and maintenance responsibilities of the City of Kerrville's water and wastewater systems.

FOR AGENDA OF: February 23, 2010 **DATE SUBMITTED:** February 18, 2010

SUBMITTED BY: Todd Bock
Mayor

CLEARANCES: Todd Parton
City Manager

EXHIBITS: None

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

I am requesting that the City Council agree to a joint meeting with the KPUB board to discuss moving the responsibility for maintenance and operations of the City of Kerrville water and wastewater utility operations. The purpose of this effort is to fully evaluate the pros and cons of such reorganization in order finally determine the optimal arrangement for the city.

RECOMMENDED ACTION

Request a joint meeting with KPUB.

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

SUBJECT: Update from Staff on Library Renovation Project

FOR AGENDA OF: February 23, 2010 **DATE SUBMITTED:** February 12, 2010

SUBMITTED BY: Antonio Martinez
Library Director

CLEARANCES: Kimberly Meisner
Director of General Operations

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

On January 15, staff met with HEB representatives to discuss progress on the renovation project and to establish required future activity. It was agreed that a very important next step is the creation of a narrative strategic plan and timeline that details the necessary commitments from each of the entities involved in the project.

On January 29, staff met with HEB representatives to discuss the draft of the narrative strategic plan and timeline. It was decided that fundraising feasibility for the overall project needs to be established before moving forward. It was agreed that a fundraising consultant should be contacted.

On February 5, the fundraising consultant visited with the Library Director for a tour of the campus and buildings before her scheduled meeting with the Library Foundation Steering Committee.

RECOMMENDED ACTION

No action is recommended at this time.

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

SUBJECT: Kerrville Budget/Economic Update

FOR AGENDA OF: February 23, 2010 **DATE SUBMITTED:** February 15, 2010

SUBMITTED BY: Mike Erwin
Director of Finance

CLEARANCES: Todd Parton
City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE 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.