



CITY OF KERRVILLE

MAYOR AND CITY COUNCIL

800 Junction Highway

Kerrville, Texas 78028

830-257-8000 / www.kerrvilletx.gov

RESOLUTION OF COMMENDATION

WHEREAS, Ben Modisett has served as a member of the Economic Improvement Corporation with the date of service beginning June 13, 2006; and expiring March 22, 2010.

WHEREAS, Ben Modisett 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 **Ben Modisett** be recognized for outstanding service as a member of the Economic Improvement Corporation, 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 13 day of April, 2010.

ATTEST:

Brenda G. Craig
Brenda G. Craig, City Secretary

Todd A. Bock
Todd A. Bock, Mayor

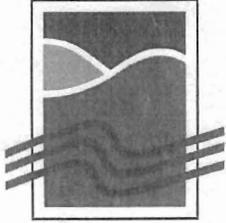
Bruce Motheral
Bruce Motheral, Mayor Pro Tem

Stacie Keeble
Stacie Keeble, Councilmember

T. Scott Gross
T. Scott Gross, Councilmember

Chuck Coleman
Chuck Coleman, Councilmember





**CITY OF KERRVILLE
MAYOR AND CITY COUNCIL**

800 Junction Highway
Kerrville, Texas 78028
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PROCLAMATION

WHEREAS, The **Kerrville Public School Foundation**, is holding the **Great Duck Race**, on April 17th, 2010 at Louise Hays Park in Kerrville, Texas, where 5,000 yellow rubber ducks adopted by individuals and companies will race down the Guadalupe River; and

WHEREAS, **Kerrville Public School Foundation**, provides financial assistance not available through state or local funding by awarding teacher grants, AP Scholarships to high-scoring seniors on AP exams, college scholarships, and the Exemplary Education Endowment Campaign; and

WHEREAS, Nelson Puett Foundation, MG Building Materials, Security State Bank & Trust, Randolph-Brooks Federal Credit Union, The City of Kerrville, Hill Country Community Journal, Rose Radio-FM 99.9, Denny & Sons Electronics, Moore's Home Furnishings, H·E·B, Cecil Atkission Motors, Ranchers ATV & Tractor, Lemon Tree Cleaners, Kerrville Auto Body, and MacDonald & Associates have generously sponsored the race and underwritten the prizes for the **Kerrville Public School Foundation Great Duck Race**; and

WHEREAS, The **Kerrville Public School Foundation Great Duck Race** will raise monies with emphasis on the Exemplary Education Endowment Campaign which will benefit all KISD school children without regard for race, age, scholastic level or income.

NOW, THEREFORE, I, Todd A. Bock, Mayor of the City of Kerrville, Texas, on behalf the Kerrville City Council and the City of Kerrville, do hereby proclaim the week of April 12th through April 17th, 2010 "Kerrville Public School Foundation Week", and Saturday April 17th, 2010 "Kerrville Public School Foundation Day" for their ongoing efforts to benefit this community.



IN WITNESS WHEREOF,
I have hereunto set my hand and caused the
Seal of the City of Kerrville to be affixed
hereto, the 13th day of April, 2010.

Todd A. Bock, Mayor

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
FEBRUARY 9, 2010

On February 9, 2010, the Kerrville City Council meeting was called to order by Mayor Bock at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Father Tom Murray of the Saint Peter's Episcopal Church, followed by the Pledge of Allegiance led by Dr. Jerry Lane 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 General Operations
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief
John Young	Police Chief
Mike Erwin	Director of Finance

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

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

1A. Valorie Olsen, Director of the Museum of Western Art, stated that during the month of February, the museum was offering free admission to Kerrville residents, under sponsorship of the H-E-B Food Stores.

2. RECOGNITION AND COMMENDATIONS:

2A. Resolution of commendation to Wes Dorman for serving on the main street advisory board.

2B. Resolution of commendation recognizing Willard L. Amann for serving on the mechanical board of adjustments and appeals.

2C. Proclamation recognizing finance department for certificate of achievement for excellence in financial reporting. Mayor Bock noted the city of Kerrville had received this award from the Government Finance Officers Association for 24 consecutive years.

3. CONSENT AGENDA:

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

3A. Approval of minutes of the city council regular meetings held November 10, 2009; and special meeting held at 1:00 p.m. on November 17, 2009.

3B. Authorize the city manager to purchase new vehicles for the police department from Buyboard in the amount of \$116,473.

3C. A resolution amending the city of Kerrville's authorized representatives relating to participation in the Texas Local Government Investment Pool.

END OF CONSENT AGENDA.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Direction to staff concerning the city's application to the Texas Commission on Environmental Quality for a Certificate of Convenience and Necessity (CCN) and consideration of requests from affected landowners for their property to be removed from the proposed CCN area.

Mr. Hastings noted council previously authorized the submission of a CCN application to TCEQ that would allow the city to be the water purveyor in the two mile extraterritorial jurisdiction (ETJ) area. The city's purpose behind the CCN application was to provide water supply sufficient to meet fire flow requirements, help ensure water sustainability in the area, and provide sufficient water for economic growth.

Mr. Hastings reviewed the opt out process and provided a list of property owners who had requested to be opted out of the city's CCN and provided revised maps including the opt out tracts. He requested council authorize staff to revise the CCN map to reflect all official opt out requests, both automatic and non-automatic, received during the opt out period and to resubmit the revised map reflecting the opt out properties to TCEQ by the March 5, 2010 deadline.

Mr. Motheral moved to accept the revised CCN map as stated by Mr. Hastings. Mr. Gross seconded the motion.

Mayor Bock encouraged the public to meet with Mr. Hastings if they had any individual questions.

The following persons spoke:

1. Gloria Louk noted the Pascal Creek Ranch Homeowners Association had not heard if their opt out request had been granted. Mayor Bock referred her to Mr. Hastings to review their location on the map and confirm their opt out request.

2. Carol Ann Neunhoffer noted that a small area of Julius Neunhoffer's land that was surrounded by his ranch remained in the CCN, but he had requested all 1,600 acres be opted out. She questioned whether the CCN would prohibit private landowners from selling water to their tenants. She also questioned whether the city's notice in the newspaper met Americans with Disabilities Act for public notification since some people were blind or illiterate. She felt the notification letter and map mailed to property owners was confusing and the property description was misleading; it was

difficult to understand what property was included. Mr. Hastings noted the letters stated the official property description on file with the Kerr Central Appraisal District. Mayor Bock asked that Mr. Neunhoffer meet with Mr. Hastings to confirm that the small area was included on the opt out map.

Emily Rogers, attorney representing the city in the CCN application, stated the notice was printed in accordance with TCEQ's requirements using their prescribed form, and that state law required the notice to be printed in the newspaper. A CCN was required for water purveyors who proposed to sell water as a public utility; raw water from a private well, such as that sold to a tenant, was not governed by a CCN.

3. Jim Schumacher said he had put off requesting to opt out and he was still on the map; he asked what he should do. Mayor Bock asked that he discuss his property with Mr. Hastings.

4. Shirley Smith noted her neighbor did not go through the opt out process by the deadline; could she still opt out? Mayor Bock asked her to meet with Mr. Hastings to get on the opt out map.

Staff anticipated that each time the ETJ line changed, the city would have to apply to TCEQ to increase the city's CCN area and follow the prescribed process.

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

4. PUBLIC HEARING AND ORDINANCE, FIRST READING:

4A. 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 an provision hereof; ordering publication; and providing other matters relating to the subject. Mayor Bock read the ordinance by title only.

Kevin Coleman noted the applicant proposed a mixed use development on 11.16 acres. Under the subdivision rules and regulations, the platting process and development site plan would be triggered when a building permit was requested. The city engineer would review the applicant's engineering and construction documents during the platting process, and assure that all standards were met, including drainage requirements. The owner must prove that drainage from his development will not impact neighboring property; however, the owner is not required

to fix existing conditions. The issue under consideration at this time was zoning; the planning and zoning commission recommended approval.

Mayor Bock declared the public hearing open and the following persons spoke:

1. Gerald Gaulden noted that in 2002 water flooded several homes, and washed away two buildings and half of another home along the creek in this area. The owner of the subject tract brought in fill to raise the level in the drainage way, thereby increasing the height of flooding. Mr. Gaulden strongly objected to allowing the higher elevation to remain as it would significantly worsen flooding problems. He noted there was zero elevation in the past and the area flooded; with the increased fill, floods would have great potential for destruction.

2. Kathy Gaulden noted their property flooded prior to the fill being placed in the floodway, now the water had nowhere to flow and would create a worse flooding situation for them and their neighbors.

3. Kevin Spraggins, project engineer, noted the owner had completed testing and filed a certified compaction report, meeting the 95% compaction requirement, with FEMA in 2006. He noted that under existing FEMA guidelines, the engineering study showed no rise as a result of the fill that had been added. Also, the LOMR (Letter Of Map Revision) had been submitted to FEMA and the revised floodplain map would show the new floodplain line. The issue before council was zoning only and drainage was a separate issue that would be addressed in the platting process.

4. Walter Crock questioned how sure the council was that the information provided was correct. The engineer had stated that nothing changed, but in his opinion, it had changed significantly. The council noted they relied on staff's knowledge; however, nothing was 100% guaranteed.

No one else spoke and Mayor Bock closed the public hearing.

The council also discussed the following:

- This was a zoning issue and drainage issues would be addressed during platting and construction.
- Concern about suitability to build on the property and how the owner would address drainage and elevation issues.
- Could council authorize a statement on the plat to ensure that the development would not impair flooding?
- An engineer did the study and determined where the floodplain line was before fill was put in.
- Under the existing zoning, the owner could put in a more dense development than proposed under the requested zoning; the owner actually proposed a development that was more restrictive.

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

5. ORDINANCE, SECOND AND FINAL READING:

5A. Ordinance No. 2010-03 annexing an approximate 86.71 acre tract out of the W.T. Crock Survey No. 71, Abstract No. 114; said tract being located adjacent to the corporate limits of the city of Kerrville, Texas and generally located northwest of the Kerrville/Kerr County Airport fronting the northeast side of Peterson Farm Road; describing the territory to be annexed; adopting a service plan for the territory annexed; and establishing the zoning for the area annexed. Mayor Bock read the ordinance by title only. Mayor Bock requested items 5A and 5B be considered together; there was no objection from council.

Kevin Coleman noted that the Kerr Economic Development Foundation requested annexation of their property. The planning and zoning commission recommended a zoning designation of planned development district to accommodate the USDA-ARS Livestock Insects Research Laboratory as requested by KEDF. The ordinance was approved by council on first reading on January 26, 2010.

Mr. Coleman moved for approval of Ordinance No. 2010-03 on second and final reading; Mr. Motheral seconded the motion and it passed 5-0.

5B. Ordinance No. 2010-02 annexing an approximate 3.954 acre tract, said property being located adjacent to the corporate limits of the city of Kerrville, Texas, and consisting of a tract adjacent to the Kerrville/Kerr County Airport and being more particularly described as part of Lot 1, Shady Grove Subdivision; describing the territory to be annexed; adopting a service plan for the territory annexed; and establishing the zoning for the area annexed. Mayor Bock read the ordinance by title.

Kevin Coleman noted the airport board requested annexation of their property; the planning and zoning commission recommended airport district zoning. The ordinance was approved by council on first reading on January 26, 2010.

Mr. Coleman moved for approval of Ordinance No. 2010-02 on second and final reading; Mr. Keeble seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6B. Receive report from Kerr Economic Development Foundation (KEDF) regarding priorities and program for FY10 and discuss economic development priorities for the city of Kerrville. (Councilmember Gross)

Guy Overby, KEDF president, reported on KEDF's current activities and economic development program for FY10. He proposed that the community continue a letter writing campaign to elected officials in Washington in support of federal funding for construction of the USDA Livestock Insects Research Laboratory in Kerrville. He reviewed the Kerrville/Kerr County Economic Development Strategic Plan and discussed current projects and opportunities for expansion of local businesses. He noted EIC had been a great funding resource, citing \$300,000 for the community college center, which currently had an enrollment of over 700 students. He noted one particular concern was physician recruitment.

The council noted there were three hospitals and hospital boards and the city could collaborate and work with the three boards to recruit physicians and health care specialists.

The following person spoke:

1. Dr. Mike Grocki encouraged council and the community to actively participate in recruitment and retention of physicians. Kerrville should be strengthening its hospitals and retaining physicians, but physicians were going to out of town hospitals. He cited several reasons: high overhead, cost of labor force, cost and lack of sufficient office space, building code requirements inhibited consolidation of building space, and lack of community amenities. The city and community should be proactive in an organized coordinated recruitment effort. The city could offer tax incentives and adjust building codes to meet Medicare requirements and allow physicians to consolidate facilities and equipment and lower overhead expenses.

Mr. Gross moved that the city council express support for retention and recruitment of health care professionals to Kerrville, and that KEDF and city staff prepare a list of ways the city can assist in that effort. The motion was seconded by Mrs. Keeble and passed 5-0.

The council encouraged a "health care summit" with the leaders from all three hospitals in this process.

6A. Direction to staff concerning the city's application to the Texas Commission on Environmental Quality for a Certificate of Convenience and Necessity (CCN) and consideration of requests from affected landowners for their property to be removed from the proposed CCN area. (Note: This item was discussed earlier in the meeting.)

6C. Provide direction to city staff regarding public affairs programming for the city of Kerrville.

Mr. Parton reviewed the primary function of a public affairs program designed to provide timely, accurate, trusted and respected communication. He discussed ways to develop and improve program initiatives. Ms. Wendele discussed media outlets available and reviewed media coverage received in the last several months.

The council also discussed the following points:

- The primary focus should be to provide trusted information so citizens could better understand the decisions made by the council.
- Citizens should be able to trust that the information was accurate.
- City staff could create an email list.

Mr. Parton noted one project for FY10 was to rebuild the city's website. Mr. Cochrane gave a brief demonstration of the proposed new website.

7. INFORMATION AND DISCUSSION:

7A. Update on the status of the city's budget and current economic trends affecting the city of Kerrville.

Mr. Erwin presented the economic update as of January 31, 2010. The council discussed whether the economic recession would have any affect on future property appraisals and anticipated ad valorem taxes. Mr. Parton noted staff was preparing a list of FY10 budget cuts to be presented to council at a future meeting. Staff will continue to monitor and provide economic updates to council monthly.

7B. Review of community logos relative to ongoing discussion concerning the city's logo.

Ms. Wendele reviewed logos of other entities. Mr. Gross noted the logo would be evolutionary and similar to the existing city logo, but with more focus on the river. The committee was still accepting and evaluating logos submitted. The existing logo was being reviewed in advance of spending money on way finding signs.

7C. Update on Keep Kerrville Beautiful. (Councilmember Keeble)

Mrs. Keeble reviewed the KTB program mission and noted the ultimate goal was to make Kerrville the cleanest community in the state by getting citizens involved in improving the community. The program would be funded through donations and volunteer participation, no city funds would be necessary. Mrs. Keeble reviewed the city's responsibilities under the program and noted the city would appoint the board members. The board would establish their bylaws, set goals and objectives, and establish projects. The board would conduct fundraising and take the lead in creating partnerships with other entities and organizations. City sponsorship would give credibility to the program. She reviewed the benefits of the program and cited reasons why the city should be the lead agency. She proposed a review after one year and if progress was not apparent, the city could be dropped from the program. Mrs. Keeble noted the success of the program would be dependent upon the number of volunteers and the donations received.

The council also discussed the following points:

- The program should start with a private approach or other organization and not controlled by the city.
- Need more information, i.e. budget, work plan.
- Noted city budget constraints; wanted assurance the program would not affect the budget.
- The city was already doing many of the projects proposed.

8. ITEMS FOR FUTURE AGENDAS: None proposed.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Alamo Area Community College recently held open house at Tivy Elementary with over 700 registered students.
- Rededication of Blackwell Fire Station at 1750 Goat Creek Road was held on Saturday, February 6.

10. **EXECUTIVE SESSION:** None.

11. **ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:** None

ADJOURNMENT. The meeting adjourned at 9:06 p.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
RETREAT MEETING

KERRVILLE, TEXAS
February 12, 2010

On Friday, February 12, 2010, the Kerrville City Council meeting was called to order by Mayor Bock at 8:20 a.m. at the Kerrville Public Utility Board meeting room, 2250 Memorial Boulevard, Kerrville, Texas.

MEMBERS PRESENT:

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

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Michael C. Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Interim Director of Finance
Charlie Hastings	Public Works Director
Kevin Coleman	Director of Planning and Development
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief
Mike Erwin	Director of Finance
Scott McDonough	General Manager of Golf/Tennis
Cheri Halford	CIP Manager
Mike Wellborn	City Engineer
Stuart Barron	Water and Wastewater Manager
Rosa Lea Melton	Director of Human Resources and Risk Management
Travis Cochran	Director of Information Technology
Susan Michelson	Municipal Court Clerk
Tara LaMontia	Executive Secretary
John Young	Police Chief
Malcolm Matthews	Director of Parks and Recreation
Kim Meisner	Director of General Operations

DISCUSSION OF CITY'S WATER SUPPLY AND FUTURE DEVELOPMENT

Mr. Hastings noted the city's production capacity was 14.4 MGD with capacity to serve 13,000 connections; the existing connections were 9,500. The average daily consumption was 4.53 MGD (3.04 MGD during drought conservation; and 9.07 MGD maximum daily demand). The average daily supply was 9.28 MGD during a normal year. ASR well 4 was in the 20 year master plan and several sites were being considered, but funding was not yet earmarked in the capital improvement plan (CIP). Staff was investigating the feasibility of changing a production well to an ASR well in the near future and would keep council informed. Mr. Hastings noted that ASR 4 would require a 1MG expansion to the water treatment plant.

The council also discussed the following:

- Upper Guadalupe River Authority's Permit
- City's permit from Headwaters Groundwater Conservation District had to be re-permitted every five years; city's permit is up for renewal in 2012.
- It is a misnomer that the city is out of water; the city has plenty of water and capacity to serve more connections. Mr. Hastings noted the distribution system was limited in some areas; the plant had capacity to treat water, however, the system had bottlenecks in some areas.
- The Texas Water Development Board will be setting pumping limits thereby regulating water districts.
- City continue to work with other entities in accordance with the memorandum of understanding regarding the purchase of surface water rights, but city moved forward to pursue any available water rights.

CITY FINANCIAL OVERVIEW

Mr. Erwin reviewed revenues, expenditures, and fund balances for all funds. He noted the city's existing financial management policy established a 5% reserve fund; he proposed gradually building a higher reserve fund sufficient to cover three months of operation. In addition, Mr. Parton noted some cities also have a reserve fund sufficient to meet one year of bond payments.

Mr. Parton noted the city's tax rate had remained constant, and the debt service obligation in the general fund was \$1.2 million through 2022.

Mr. Erwin and Mr. Parton noted the city had experienced significant reductions in revenues from the economic downturn, and noted staff would prepare a list of proposed expenditure reductions in the FY10 budget to be considered at a future council meeting.

CAPITAL IMPROVEMENT PROGRAM

Prior Year Project Review and Five Year Capital Improvement Program

Ms. Ondrias reviewed current and closed FY09-10 projects and the five year CIP project list; she discussed the following projects in detail:

- Oak Hollow Subdivision drainage: easement acquisition process; may have to purchase.
- Salvation Army detention facility: nearing completion; SA may be on a future agenda to request reimbursement.
- River trail: staff may not be able to acquire all easements necessary for the project.

DISCUSSION OF THE CITY'S DEVELOPMENT PROGRESS

Kevin Coleman reviewed a proposed flow chart process for each type of project submitted to the development services department. The purpose of the chart was to track the steps from submittal through approval and assign responsibility between the applicant and staff for each step in the process, including fire protection systems and infrastructure. He noted that staff would not change a requirement on a developer unless the developer changed something in his site plan. He anticipated the zoning ordinance input committee would bring a recommendation to the council in a few months regarding: 1. Move the requirements for a development site plan from a resolution to an ordinance so the requirements would be codified into the zoning ordinance. 2. Continue to review storm drainage on half acre to one acre lots.

The council also discussed the following:

- Include a date/time frame for each step in the process.
- City needed a process to address retaining walls. Mr. Parton noted some cities required a site development permit before moving dirt or modifying land.

DEPARTMENT OBJECTIVES/CHALLENGES: Each department director presented their short term and long term objectives and challenges.

The following person spoke:

1. David Lipscomb encouraged the city to repair and maintain vehicles longer instead of buying new vehicles, noting that money spent on vehicle maintenance stayed in Kerrville, and money spent on purchasing new vehicles left Kerrville. Police Chief Young stated that staff always compared vehicle maintenance cost with the cost of new vehicle purchase. Mr. Parton noted staff would consider maintenance versus purchase for non-emergency vehicles and noted the purchase of several new vehicles had been deferred in the FY10 budget; however, maintenance cost increased.

CITY/COUNTY INTERLOCAL FUNDING AGREEMENT

Mr. Parton noted the three year funding plan for joint operations between the city and county would expire in 2011.

Mr. Gross left the meeting at 2:55 p.m.

DISCUSSION OF COUNCIL ISSUES AND PRIORITIES

- Keep Kerrville Beautiful program was receiving support; put on a future agenda.
- Planning and zoning commission was discussing issues: 1. Sign ordinance. 2. Airport zoning. The PZC could not address zoning outside the city limits; the airport board and city attorney were investigating whether the airport board could enforce zoning around the airport; this may be on a future agenda.
- Staff should investigate performance issues versus potential savings of using LED (light emitting diode) lighting.
- Council should establish an ethics policy; staff to obtain a sample policy from TML and policies adopted by other cities.
- Staff try to provide agenda items to council sooner so council could have adequate time to review; also, some information is not presented until the council meeting.
- Fate of the downtown parking garage.
- Fire alarms training center; look at options and other possible sites.
- Management system for tracking citizens' complaints
- Look at take home vehicle policy.
- Explore possibility of city and KPUB combining utility operations; attorney to look at bond covenants and bond indebtedness; may schedule a joint meeting with KPUB.

ADJOURNMENT

The council adjourned at 3:50 p.m.

APPROVED: _____

Todd A. Bock, Mayor

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
FEBRUARY 23, 2010

On February 23, 2010, the Kerrville City Council meeting was called to order by Mayor Bock at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Heather Mitchell, Minister of Music, First Baptist Church, followed by the Pledge of Allegiance led by Fire Chief, Robert Ojeda.

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
Teri Kinsey	Administrative Assistant to the City Secretary
Travis Cochrane	Director of Information Technology
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
John Young	Police Chief
Kim Meisner	Director of General Operations
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 persons spoke:
 - 1A. Diane McMahon discussed LCRA power lines and bicycling lanes.
 - 1B. Snider King was concerned about excessive noise from vehicles, and he had called police on several occasions. He requested an ordinance prohibiting such noise be enforced. Mayor Bock instructed Mr. Parton to look into the matter and report to council.
2. **RECOGNITION AND COMMENDATIONS:**
 - 2A. Resolutions of commendation to Tom Anthony and Rose Marie Jundzilo for serving on the food service advisory board.
3. **CONSENT AGENDA:**

Mr. Motheral requested item 3B be removed from the consent agenda.

Mr. Chuck Coleman moved for approval of item 3A; Ms. Keeble seconded the motion and it passed 5-0:

3A. Approval of minutes of the city council regular meetings held November 24, and December 8, 2009, and special meetings held on November 17 and December 17, 2009.

END OF CONSENT AGENDA.

3B. Authorize the city manager to execute a contract with Kerrville Kayak and Canoe to operate non-motorized watercraft concessions at Louise Hays Park. Council discussed the term of the contract and tracking/monitoring the contractor, noting the city received 8% of all receipts or \$100.00, whichever was greater from the vendor. Mr. Parton will continue to monitor the vendor.

Mr. Motheral moved for approval of item 3B; Mr. Gross seconded the motion and it passed 5-0.

4. ORDINANCE, FIRST READING:

4A. 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. Mayor Bock read the ordinance by title only.

Mr. Martinez noted that the intent of the ordinance was; 1.) to reflect funding relationship between the city and the county; and 2.) to establish the library board in conformity with the rules and procedures for the boards and commissions.

David Lipscomb LAB chairman discussed the residency for board members. The ordinance required that all members must live in Kerr County and a majority of the board must live in the city. These restrictions limited The Friends of the Butts-Holdsworth Memorial Library ability to appoint members. He suggested the board make an exception in regard to the appointee from The Friends due to the fact that the current appointee is from Gillespie County. It was the LAB's desire to allow The Friends to place anybody they chose on the board.

Mr. Coleman moved for approval of the ordinance on first reading with modification of the language under Section 66.32, removing all language after the word "member"; Mr. Gross seconded the motion and it passed 5-0.

5. ORDINANCE, SECOND AND FINAL READING:

5A. Ordinance No. 2010-04 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 an provision hereof; ordering publication; and providing other matters relating to the subject. Mayor Bock read the ordinance by title only.

Council asked when flooding and compaction issues discussed at the previous meeting would be addressed. Kevin Coleman stated the next step would be platting and submission of civil engineering plans, with review by the city engineer, the planning and zoning commission, and the development review committee.

Mr. Gross moved for approval of Ordinance No. 2010-04 on second and final reading; Mr. Motheral seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Proposal authorizing the establishment of Keep Kerrville Beautiful.

Mrs. Keeble addressed requirements to establish a Keep Kerrville Beautiful program affiliated with the Keep Texas Beautiful program, e.g.: organizational structure of the board (bylaws, guidelines, etc.); appointments to the board; community needs and assessment evaluations; prioritized projects list; establish a budget, and submission of the application package. The responsibilities of a KTB affiliate were: submit annual fee (\$75.00); attend annual KTB training; report activities annually; participate in at least one KTB endorsed program. She proposed the council appoint a commission of seven members with two year staggered terms, and one city councilmember. The city would also be responsible for adopting an ordinance, providing code enforcement, publicizing activities of the program, and participating in beautification and educational efforts.

Council requested information regarding the city's financial responsibility, a sample ordinance, and an inventory of resources and cost estimates. Ms. Keeble noted the program would be completely funded through donations and all projects would be performed by volunteers and that an ordinance could be provided. She did not wish to pursue this program unless she had the full support of council.

Mr. Gross moved for council to come back at a future council meeting with an overview of the program to include a list of all applicable city nuisance ordinances, specifically looking at which ones would need to be enforced and which ones could be considered for modification; a list of resources within the community that would be participating in the program, including any organizations, and to look at cost estimates and accomplishments to be completed within the year; Mr. Coleman seconded the motion.

The following person spoke:

- Diane McMahon spoke in support of the Keep Kerrville Beautiful Program.

The motion passed 5-0.

6B. Receive a recommendation from the Kerrville Economic Development Task Force (KEDTF) to restructure Kerrville's Economic Development Program (EDP) and take action on said recommendation.

Mike Huff, representing the KEDTF, noted the major findings of the task force:

- All major stakeholders must be included
- ED entity limited to 9 members
- No single entity should have absolute control
- EDP must have a degree of autonomy
- EDP priorities/objectives be established through joint efforts of 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.

Mr. Huff outlined new organizational structure, the sources of revenues, annual budget, and duties of the director.

The council discussed the following:

- Goal was to focus on accountability and achieving real, measurable success
- Governing board members should receive representation commensurate with their contributions
- Membership would include city, EIC, Chambers of Commerce, one business at large and one county representative
- The economic director would be an employee of the ED governing body and have a focus of 75% retention/expansion of local business and 25% relocation of business from other areas
- The city could manage funds more efficiently and would speed the process
- Questioned why the chamber of commerce was not contributing any funding. Trevor Hyde, past chairman of the chamber stated the chamber supplied KEDF a building and support staff at a reduced rate, and this would be put into a contract.
- The city should not fund anymore than necessary and the council should be provided the budget
- Voiced concern about who would be held accountable.

Mr. Huff noted the discussion before the council was the organizational structure, the funding sources, and the implementation plan; after the ED Board was appointed they would come back with a funding request.

Ms. Keeble moved to accept the recommendation and creation of the economic development governing body by the partnering entities in the existing KEDF executive board; Mr. Gross seconded the motion and it passed 5-0.

6C. Direction regarding disposal of structure at 433 Water Street and carriage house.

Mindy Wendele advised council that no proposals were received for the carriage house. Two proposals were received regarding disposal of the structure at 433 Water Street: 1) Mark and Linda Stone, and 2) the Texas Arts & Crafts Educational Foundation (TACEF). Both proposals included relocating the front part of the structure (minus any contaminates); and city funds that were budgeted for the disposal of the building be provided to the foundation for relocating the building.

Ms. Wendele noted the main street advisory board supported the relocation of the building because of its historical nature. She recommended the proposal be awarded to TACEF and the funds budgeted for demolition be used to relocate the building to the county-owned River Star Arts and Events Park no later than June 1, 2010, provided the site work could be accomplished at the same time.

Council discussed the following:

- What the cost would be for filling the hole left by the removal of the building
- Questioned if the county could help TACEF with the cost of the relocation of the building
- Construction material from another project in the main street district could be used to fill in the hole
- The relocation of the building would cost between \$25,000 and \$35,000.

Mr. Parton noted the difference between the total cost of the demolition and the relocation was approximately \$15,000; as an option, council could defer action until time to proceed with the library renovation project.

Peter Lewis, president of the TACEF advised council that there was no rush to receive the building but TACEF did want the building. Council agreed that it would be in the city's best interest to wait and be more financially stable, and TACEF might possibly receive funds from the county to assist with moving the building.

Mr. Gross moved to donate the 433 Water Street building to the Texas Arts & Crafts Educational Foundation, Inc. subject to its availability, as related to phase I of the library renovation and related costs to the city not to exceed \$35,000; Ms. Keeble seconded the motion and it passed 5-0.

7A. Update on library renovation. Mayor Bock requested this item be moved in the agenda for consideration with Item 6C. Antonio Martinez reported that on January 15th and 29th staff met with HEB representatives to discuss the renovation progress, to establish required future activity, and to discuss the draft of the narrative strategic plan and timeline. It was decided that fundraising feasibility for the overall project needed to be established before moving forward, and a fundraising consultant should be contacted. On February 5th the fundraising consultant met with Mr. Martinez for a tour of the campus and buildings before meeting with the Library Foundation Steering Committee. No action was recommended at this time.

6D. Authorization for Mayor Bock to complete a questionnaire from Guadalupe-Blanco River Authority.

Council asked if there were any issues that should be addressed prior to the Mayor completing the survey and what the purpose of the survey was. The Mayor advised that he saw no issues that would prevent council from allowing him to complete the survey and believed the purpose of the survey was to determine priorities and job tasks of the GBRA.

Mr. Gross moved to authorize the mayor to make all selections of the survey "very important"; Ms. Keeble seconded the motion and it passed 5-0.

6E. Initiating discussions with the Kerrville Public Utility Board (KPUB) regarding KPUB's assumption of the operation and maintenance of City of Kerrville's water and wastewater systems.

Mayor Bock requested the city council agree to a joint meeting with the KPUB board to discuss the responsibility for maintenance and operations of the city's water and wastewater utility operations. The purpose of this effort was to fully evaluate the pros and cons of such reorganization in order to determine the optimal arrangement for the city and citizens.

Council discussed the following points:

- There were strong benefits to KPUB maintaining the city's water and wastewater operations
- KPUB was not subject to public input and could possibly raise more funds.
- KPUB did not have the management expertise for water and wastewater operations.
- Controlling the water and wastewater operations gives the city more leverage.
- Consideration should be made that the city absorb KPUB operations; council asked the city manager to look into how other cities managed water and wastewater operations.

Mr. Gross moved for city council to meet with KPUB to explore organizational issues Mr. Motheral seconded the motion and it passed 5-0.

7. INFORMATION AND DISCUSSION:

7A. Update on library renovation.

Item discussed earlier with item 6C.

7B. Update on the status of the city's budget and current economic trends affecting the city of Kerrville.

Mike Erwin presented and updated council as to the status of the city's budget and current economic trends affecting the city.

8. ITEMS FOR FUTURE AGENDAS. None

9. ANNOUNCEMENTS OF COMMUNITY INTEREST. None

10. EXECUTIVE SESSION:

Mrs. Keeble moved for the city council to go into executive closed session under Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices) and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code of the State of Texas; the motion was seconded by Mr. Coleman and passed 5-0 to discuss the following matter:

Section 551.072:

- Discuss the purchase, exchange, lease, sale or value of real property 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 8:47 p.m., the regular meeting recessed and council went into executive closed session at 8:48 p.m. At 8:54 p.m., the executive closed session recessed and council returned to open session at 8:54 p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

Ms. Keeble moved to approve a one year extension of existing and new leases subject to a 90 day termination clause for property at 741 Water Street. The motion was seconded by Mr. Gross and passed 5-0.

ADJOURNMENT. The meeting adjourned at 8:55 p.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Teri Kinsey
Administrative Assistant to the City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
MARCH 9, 2010

On March 9, 2010, 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 Pastor David Danielson of Impact Christian Fellowship, followed by the Pledge of Allegiance led by Mayor Bock.

MEMBERS PRESENT:

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

MEMBER ABSENT:

T. Scott Gross	Councilmember
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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 General Operations
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief
Antonio Martinez	Director of Library Services
Mike Erwin	Director of Finance
John Young	Police Chief

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

1. VISITORS/CITIZENS FORUM: No one spoke.

2. RECOGNITION AND COMMENDATIONS:

2A. Recognition of Paramedics Joel Bryant and Robert Cummings for receiving a Certificate of Excellence from the Northeast Baptist Hospital in San Antonio.

2B. Proclamation recognizing Rosa Lea Fullwood Meek Dickerson for receiving the Congressional Gold Medal honoring Women Airforce Service Pilots in WWII.

3. CONSENT AGENDA:

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

3A. Approval of minutes of the city council regular meetings held January 12 and 26, 2010, and special meeting held January 18, 2010.

3B. Authorize the city manager to execute contracts with Bloc Design Build for the purchase and installation of supervisory control and data acquisition equipment in the amount of \$70,245.

END OF CONSENT AGENDA.

4. ORDINANCE, SECOND AND FINAL READING:

4A. Ordinance No. 2010-05 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. Mayor Bock read the ordinance by title only.

Mr. Martinez noted the ordinance had been amended to reflect changes authorized by council at the February 23 meeting.

The following person spoke:

1. David Lipscomb, chairman of the library advisory board, thanked council for amending the ordinance as recommended by the LAB to rescind residency requirements and thereby allow persons who resided outside of the county to serve on the board.

Mr. Motheral moved for approval of Ordinance No. 2010-05 on second and final reading; Mrs. Keeble seconded the motion and it passed 4-0.

5. ORDINANCE, FIRST READING:

5A. 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. Erwin reviewed decreases in revenues and expenditures and delays in capital improvement projects as proposed by staff to amend the FY 10 budget due to economic conditions. He noted the economic trends would likely affect the FY11 budget.

Mr. Coleman moved for approval of the ordinance on first reading; Mrs. Keeble seconded the motion and it passed 4-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Status report on progress of the zoning ordinance input committee's review of the zoning ordinance.

ZOIC Chairman John Mosty reported on the progress of Step 1 to identify and change legal and performance issues in the existing zoning ordinance in order to correct the most immediate weaknesses. ZOIC proposed the following amendments:

1. Define and clarify vested rights in relationship to the zoning code.

2. Permit retail trade I (up to 50,000 sq. ft.) by right in the gateway district.
3. Eliminate building height restrictions on commercial and multi-family uses.
4. Define and allow certain accessory buildings.
5. Clarify open meeting requirements and ex-parte communication restrictions for the PZC and ZBA.
6. Define and clarify building permits and certificates of occupancy in relationship to the zoning code.
7. Change the planned development district (PDD) section of the code creating a minimum size restriction and outline a streamlined approval process.
8. Move the existing requirements of the development site plan requirements currently adopted by resolution into the zoning ordinance.

Amendment 2 had been discussed and recommended by ZOIC, but was withdrawn as it would require a notification process for property owners located within 200 ft.

Mr. Mosty noted Step 2 would correct the baseline zoning city-wide using the goals of the comprehensive plan:

- Simplify and consolidate zoning districts in the existing ordinance to a minimum number needed to regulate residential, commercial and industrial uses into logical base zoning districts.
- Identify areas where an overlay district could be used to enhance and/or protect special features of specific areas through additional development restrictions.
- Reconstruct the ordinance to present changes in a logical and understandable format.

Mr. Mosty described established boundaries for a proposed central business district. ZOIC proposed adopting portions of the National American Industry Classification System (NAICS) as a basis for base line zoning land use charts and standardized definitions. ZOIC would be proposing seven commercial and industrial districts plus residential districts.

Kevin Coleman reviewed the meeting schedule.

6B. Resolution No. 003-2010 supporting the 2010 U.S. Census and encouraging participation by Kerrville residents.

Kevin Coleman noted the resolution encouraged citizens to fill out and return the census form to the US Census Bureau in order that all people could be counted.

Mr. Motheral moved for approval of Resolution No. 003-2010; Mr. Coleman seconded the motion and it passed 4-0.

6C. Designation of the city's water/wastewater manager to represent the city of Kerrville in local and regional public meetings concerning water and wastewater issues.

Mr. Hastings recommended the city council officially designate Stuart Barron, the city's water and wastewater manager, as the city of Kerrville's official representative

to attend regional meetings regarding water and wastewater issues, in particular, the Groundwater Management Area 9 and the Plateau Region Water Planning Group (Region J), and similar planning groups. He noted that Mr. Barron currently represented the city on the Region J Board.

Mr. Coleman moved to designate Stuart Barron as the official representative for the city of Kerrville in local and regional public meetings concerning water and wastewater issues. Mr. Motheral seconded the motion and it passed 4-0.

6D. Establish criteria to require a drainage analysis for development or redevelopment of land within the jurisdiction of the city of Kerrville.

Councilmember Motheral noted he had met with several members of ZOIC and the development services community advisory team (DSCAT) to discuss drainage issues and potential suggestions for improvement.

Mr. Motheral moved that he be designated by the council to work with staff and community stakeholders and persons involved in development processes to develop guidelines for drainage requirements to be submitted to the city council for adoption in the future. The motion was seconded by Mr. Coleman.

The following person spoke:

ZOIC Chairman John Mosty stated that drainage standards were needed to protect people in the community, and he supported the motion.

The motion passed 4-0.

7. INFORMATION AND DISCUSSION:

7A. Negotiations with county commissioners on platting responsibilities in the city's extraterritorial jurisdiction (ETJ).

Councilmember Motheral noted he had tried to work with Commissioner Letz since last summer to prepare a blended set of rules to be applied in the city's ETJ. Mr. Motheral had not been able to achieve a document with Commissioner Letz to bring forward for adoption by the city council and county commissioners court; progress was at a standstill. His understanding from a meeting with the city and county attorneys was that the new state law mandated a "one stop" for development; each entity cannot separately enforce their issues, it must be one or the other. The city had authority under state law to enforce its standard; however, if agreement could not be reached, the issue could go to arbitration. He proposed that the city council instruct Mr. Hayes to write a letter to commissioners' court stating if an agreement could not be reached, the city would proceed to arbitration.

Mr. Coleman noted at the last joint city/county meeting in July 2009, he thought there had been agreement between the city and county that Mr. Motheral and Mr. Letz would complete the task; where there was disagreement between the two standards, they should use the best design standard as the basis for the agreement. They would then finalize the document and present it to the city and county for official

adoption. Mr. Coleman also noted that Commissioner Letz had left the meeting before that consensus had been reached.

The consensus of the council was to place the item on the next agenda to adopt the standards proposed by Mr. Motheral and send the standards to the county for ratification or proceed to arbitration.

7B. Report on the city's operational and financial performance for the first quarter of fiscal year 2010.

Mr. Erwin presented the report and noted revenues for the first quarter totaled \$12,234,896 or 27.9%; He noted that sales tax revenue was down 11% below FY10 projections; the FY10 budget anticipated sales tax to be almost 25% of the total annual budget. Property tax collection was at 50%. He noted that other revenue sources were also below budgeted projections. Expenditures were at \$10,760,088 or 23.02% of the proposed FY10 budget. He noted employee vacancies in several categories and some projects had been put on hold. He noted that the revenue-generating funds were down as expected due to seasonal activity, e.g. water/sewer, golf course, parks, etc. He provided the departmental performance update.

7C. Receive update from the director of finance regarding existing economic conditions. Mr. Erwin presented the economic update for period ending March 1, 2010; noting the FY10 actual revenue received in the general fund at \$12,544,209; and the water and sewer fund at \$3,475,536.

8. ITEMS FOR FUTURE AGENDAS

- Consider ETJ standards.
- Prepare a list of recommended projects to be submitted to TxDOT and the Alamo Regional Rural Planning Organization.

9. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Mr. Motheral noted that Mr. Hayes was reviewing possible federal legislation regarding collective bargaining for fire departments; how it would affect the city; and whether the city may want to make comments on the legislation.
- Mrs. Keeble advised of an upcoming event, "Barking for Life" to be held at the River Start Park on March 27.
- Mr. Coleman noted the election process had begun and six candidates were running for two positions.
- Mr. Bock noted the Mardi Gras celebration on February 16 raised \$19,500 and was attendance was about 550.
- Mr. Parton noted several meetings had been scheduled regarding the city's Certificate of Convenience and Necessity (CCN); April 16 was the deadline for submission to the state; the item may be on the April 13 council agenda for final approval of the map.

10. EXECUTIVE SESSION:

Mrs. Keeble moved for the city council to go into executive closed session under Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices) and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code of the State of Texas; the motion was seconded by Mr. Motheral and passed 4-0 to discuss the following matters:

Section 551.071:

- Acquisition of property interests from property owner(s) at the end of Nugent Avenue East for the installation of drainage facilities for the Oak Hollow Subdivision drainage improvement project." (Note: Removed; no discussion.)

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 7:11 p.m., the regular meeting recessed and council went into executive closed session at 7:12 p.m. At 7:48 p.m., the executive closed session recessed and council returned to open session at 7:49 p.m. The mayor announced that no action had been taken in executive session.

11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

ADJOURNMENT. The meeting adjourned at 7:49 p.m.

APPROVED: _____

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
MARCH 23, 2010

On March 23, 2010, 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 William Perkins of the First Assembly of God Church, followed by the Pledge of Allegiance led by Mayor Bock.

MEMBERS PRESENT:

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

MEMBER ABSENT:

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
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief
Antonio Martinez	Director of Library Services
Mike Erwin	Director of Finance
Mike Wellborn	City Engineer
Stuart Barron	Water and Wastewater Manager

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

1. VISITORS/CITIZENS FORUM: No one spoke.

2. RECOGNITION AND COMMENDATIONS:

- 2A. Proclamation recognizing Nan Hazeltine for receiving the Congressional Gold Medal honoring Women Airforce Service Pilots in WWII. (Mayor Bock)
- 2B. Proclamation supporting Kerrville letter carriers participation in NALC food drive. (Mayor Bock)
- 2C. Proclamation supporting the American Cancer Society's "Bark For Life" event on March 27. (Mayor Bock)

3. CONSENT AGENDA:

Mr. Coleman moved for approval of items 3A through 3F; Mr. Motheral seconded the

motion and it passed 5-0:

3A. Resolution No. 008-2010 abandoning a waterline and wastewater line easement located within the Maud Jennings Subdivision; and ordering recording.

3B. Approve purchase of wastewater treatment chemicals through Texas SmartBuy program in an amount not to exceed \$30,000.

3C. Resolution No. 004-2010 appointing election judges; adopting an electronic counting system; establishing a central counting station; appointing a central counting station manager; appointing a tabulation supervisor; appointing the central counting station presiding judge; and authorizing early processing of ballots for the general election called for May 8, 2010.

3C. Resolucion 004-2010 para poner jueces electos; adoptando un sistema electronico de cuentas; estableciendo una cuenta central; poner un gerente publico para la estacion de central; poner un gerente publico para la estacion de cuenta centrales; poner un supervisor de tabulacion; estableciendo la estacion de cuentas centrales precidiendo el juez y autorizando el proceciamento temprano de las bolletas para la eleccion general que se llevara acabo el 8 de Mayo del 2010.

3D. Resolution 005-2010 authorizing the submission of a grant application to the Office of the Governor, Criminal Justice Division, by the city of Kerrville for funding from the state; and designating the police chief as the city's authorized official.

3E. Approve an amendment to the professional services agreement with Hewitt Engineering, Inc., which was for engineering design for the Methodist Encampment water production well, by changing the scope of services to include design work for an aquifer storage and recovery well and increasing the authorized fee from \$75,080.00 to \$80,380.00.

3F. Resolution No. 006-2010 authorizing the city manager and the city's water/wastewater manager to act as the city's duly authorized officials with respect to the city's water permits and water rights applications before the Texas Commission on Environmental Quality.

END OF CONSENT AGENDA.

4. ORDINANCE, SECOND AND FINAL READING:

4A. Ordinance No. 2010-06 amending the budget for fiscal year 2010 to allow for adjustments to various funds. Mayor Bock read the ordinance by title only.

Mr. Erwin reviewed decreases in revenues and expenditures and delays in capital improvement projects as proposed by staff to amend the FY 10 budget due to economic conditions. The budget amendment recognized a decrease in general fund revenues of \$991,975 and a decrease in expenditures of \$994,160, as well as adjustments to other funds and capital improvement projects. He noted a change since first reading, the amendment included a possible grant for the police department (Item 3D above).

Mr. Coleman moved for approval of Ordinance No. 2010-06 on second and final reading; Mr. Gross seconded the motion and it passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Authorize submission of transportation thoroughfare projects to the Texas Department of Transportation and the Alamo Regional Rural Planning Organization (ARRPO) for possible future funding and grants.

Mr. Hastings noted TxDOT had a small amount of discretionary funds targeted at passing lanes on narrow rural roads and left turn lanes for safety; staff prepared a list of possible projects. The council also discussed including turn lanes on Highway 173; however, Mr. Hastings stated he had new information from TxDOT regarding SH173 and he would provide an update to the council in the future.

Mr. Gross moved to authorize the submission of a left turn lane on Holdsworth Drive at the Kroc Center for funding by TxDOT, and submission of a list "City of Kerrville Alamo Regional Rural Planning Organization Thoroughfare Plan Needs" for future potential funding and grants. Mr. Motheral seconded the motion and it passed 5-0.

5B. Routing options for the Lower Colorado River Authority project known as the McCamey D to Kendall to Gillespie Competitive Renewable Energy Zone (CREZ) 345-kv transmission line.

Mr. Hastings noted CREZ wind generation facilities were being installed throughout West Texas and transmission facilities were being built to connect to other areas of the state. LCRA was in the process of setting routes to construct new transmission lines to connect the facilities and proposed to construct two new 345 kilovolt transmission lines: 1. McCamey D. Station in northern Schleicher County to Western Kendall County; and 2. and Kendall Station in western Kendall County to Gillespie Station in central Gillespie County. In general, LCRA was attempting to follow existing utility easements and highway right of ways; one of the proposed routes was along I-10. The filing deadline for routes to the Public Utility Commission was July 6, 2010. The city could request a contested hearing.

Kerr County Commissioner Jonathan Letz confirmed the county had tabled the matter and rescheduled it for their next meeting in order to prepare a resolution requesting LCRA keep the line out of Kerr County as much as possible; try to minimize impact on real estate values; and use mono poles instead of lattice poles.

The council noted one proposed route went through central Kerrville.

Mr. Gross moved to instruct staff to prepare a resolution for the city council to adopt at the next meeting stating the city's opposition to Route Y16 to Y20 along the IH-10 and Hwy. 16 corridors. The resolution should also support the county's resolution and cite those objections that pertained to the city. Mr. Coleman seconded the motion.

The following person spoke:

1. Allen Polzin suggested council request the route be moved further north from the city; there was no advantage to having the line so close to the city.

The motion passed 5-0.

5C. Interlocal agreement between the City of Kerrville and Kerr County regarding the regulation of subdivisions within the City of Kerrville extraterritorial jurisdiction pursuant to Texas Local Government Code Chapter 242.

Mr. Motheral presented a draft set of blended standards using the city and county requirements and applying the strictest requirement where there was a difference. He noted the process he envisioned required developments to be submitted to the city and processed through the planning and zoning commission. The county would be notified and involved at the beginning and throughout the process. The final plat would have a place for the county to sign for on-site septic, floodplain, and roads, if the road was to be a public road maintained by the county. The draft provided that lots greater than five acres would be allowed to have a privately-owned well if it was permitted by Headwaters. If the developer wanted more density, they would have to build to city standards for water and sewer.

Kerr County Commissioner Jonathan Letz stated he did not agree with comments made at past council meetings and some information previously discussed by the city had been incorrect. He reviewed the timeline and noted in 2002 the state law went into effect, and in 2005 the city and county had an interlocal agreement that complied with the 2002 law; that agreement stated that city rules would apply in the ETJ. In November 2007 Kerr County became a Subchapter C county and that made Kerr County in violation of state law because of that agreement. In February 2008 the county notified the city and requested to modify that agreement. August 2008 the county gave notice to the city that it would terminate the agreement. January 2009 the county submitted a temporary fix with a 30 day renewal. February 2009 the county formally terminated the agreement because the county was in violation of state law. The Texas Water Development Board notified the county they had strict compliance of Subchapter C and the agreement with the city put the county in violation. In July 2009 the city and county had been working toward a plan to draw boundary lines to divide the ETJ area; then the city and county decided not to divide the ETJ but to develop blended standards. He had been working with Mr. Motheral and felt the standards were very close but some things still needed to be corrected. He had discussed several issues that the county had, and he and Mr. Motheral had met with the city and county attorneys to resolve those issues.

Mr. Letz stated the message from Kerr County Commissioners' Court was that they did not want to go to arbitration. He should find out what the city's issues were. He proposed the city and county attorneys review the legal issues of the document. The county would not sign any agreement that would place the county out of compliance with TWDB rules for subdivisions. The KCCC appointed him and County Attorney Rob Henneke to represent the county on the issue.

Mr. Hayes noted the city did have authority to enforce platting standards in the ETJ and noted the standards were very close. He felt that the county's issues could be addressed by placing a note on the final plat. When the subdivision was ready to develop the plat note would state what county regulations had to be met. He felt it would be appropriate to assign the matter to the city and county attorneys to resolve.

and then bring a document to the city council and county commissioners to adopt. Following adoption of that document, the city council would have to adopt the standards via ordinance.

Mr. Motheral moved to pass the ETJ blended standards as presented and forward an interlocal agreement to the county stating that both agree to enforce the blended standards in the ETJ, subject to adoption of the segment of the 16.343 minimum state standards and model political subdivision rules with a specific statement that this adoption was for subdivisions having only single family detached housing and excluding developments that contained multi family and commercial development. Additionally the county would have 30 days to adopt the standards and sign the interlocal agreement. Mr. Gross amended the motion that the agreement be subject to review in six months. Mr. Motheral agreed to the amended motion. Mr. Gross seconded the amended motion. The motion passed 5-0.

5D. Report on the economic development reorganization proposal and appointment of a representative of the City of Kerrville to the economic development governing body and consider funding allocation to the Kerr Economic Development Foundation in the amount of \$25,000.

Mr. Parton noted the task force had met with other economic partners and the following appointments had been made to the Kerr Economic Development Governing Body:

City Economic Improvement Corporation—Jack Pratt
Convention and Visitors Bureau—Sudie Burditt
Chamber of Commerce—Trevor Hyde
Kerrville Public Utility Board—Tracy McCuan

The Kerr Economic Development Foundation was in the process of reorganization and would appoint their representative after the reorganization was complete.

The next step was to seat those appointees and discuss functions, operating rules, roll of each entity, budget, and organizational structure.

Mrs. Keeble moved to appoint Todd Parton as the city's representative on the new Kerr Economic Development Governing Body. Mr. Motheral seconded the motion and it passed 5-0.

Mr. Parton noted KEDF requested \$25,000 funding for the interim period in order to allow KEDF to continue to function until the new organization was finalized as KEDF's donations were not coming in as budgeted.

The consensus of the council was to table action on KEDF's funding request, and instruct staff to provide the following information: what was KEDF's current funding level, current balance, what was included in their budget for the next 60 days; what would the \$25,000 funds be used for, and which entities had not made their contribution.

5E. Final selection of a city logo. (Councilmember Gross)

Ms. Wendele displayed several possible logo designs.

Mr. Gross noted the original intent of reviewing the logo was in advance of purchasing and placing way finding signs. He also noted that no funds were budgeted for the signs and he proposed discontinuing the project at this time.

5F. Adopt a public art policy and guidelines.

Ms. Wendele noted the Main Street Advisory Board (MSAB) developed a public art policy with two objectives: 1. Engage the art community to create a signature piece of art that would be commissioned by Kerrville Main Street; 2. Promote other organizations to participate so additional art could be purchased and placed in the district. The entire project would be self funded and placed on city owned property. Specific locations discussed were Five Points intersection, Louise Hays Park, and the library campus; however, each piece would have to come before city council for approval before placement on city property. The MSAB currently had \$62,000 designated for the project. Maintenance would be the responsibility of MSAB as part of their budget and as commissioned with the artist. Ms. Wendele assured the council that the project would not be a burden on the city's budget.

Mr. Gross moved to adopt the public art policy and guidelines as presented. Mrs. Keeble seconded the motion and it passed 5-0.

5G. Authorize the city manager to execute a construction contract with D W Electric for construction of the motor control center at the water treatment plant and contingency change orders in a total amount not to exceed \$582,856.80.

Mr. Wellborn noted the motor control center at the water treatment plant operated the plant's entire electric system. The project was bid in January with two options: 1) Complete replacement of all cables currently connected to the motor control center; and 2) Splicing of existing cables and adding new cables for new connections. He recommended the contract be executed for Option 1 with funding issued through water and sewer debt.

Mr. Motheral moved to authorize the city manager to execute the contract with DW Electric in the amount of \$582,856.80 as presented. Mr. Coleman seconded the motion and it passed 5-0.

5H. Resolution No. 007-2010 establishing an account within the city's water and sewer fund for the purpose of collecting excess funds on a yearly basis for payment of debt service or capital projects.

Mr. Erwin recommend approval of the resolution which designated savings in operations or unused revenues above expenditures in the water and sewer fund be placed in a separate account to build a reserve to handle emergencies, and access to these funds required council authorization. The purpose of the reserve fund was to fund water and sewer capital improvement projects and pay debt service. He proposed establishing a reserve sufficient to meet three months of operating expenses.

The council discussed including rate stabilization to offset future rate increases.

Mr. Gross moved for approval of Resolution No. 007-2010 with inclusion of the statement "to stabilize future rate increases"; Mr. Coleman seconded the motion and it passed 5-0.

6. INFORMATION AND DISCUSSION:

6A. Update on the status of the Former Texas Rangers Museum. (Councilmember Gross)

Mr. Gross requested an evaluation of the Former Texas Rangers Museum (FTRM) project and their board's decision to relocate to Fredericksburg and if there were similar projects in process that were considering relocating.

Mr. Parton reviewed the timeline of the project and noted the following:

- In May 2009 FTRM submitted an application to the Economic Improvement Corporation (EIC) in the amount of \$1.5 million to be disbursed over a three year period. The EIC review team consisted of one representative each from: Kerr Economic Development Foundation, City of Kerrville, Kerr County, and the Chamber of Commerce. Mr. Parton reviewed the evaluation criteria and point system under the EIC economic development incentive policy and noted upon evaluation by the team, the project scored 0 out of a possible 30 point maximum.
- A review of the financials submitted in the FTRM's EIC application indicated a budget of \$2.2 million, of which some funds were restricted to the construction of the facility; over \$1 million was spent on the purchase of the 15 acres; and the balance was available for construction of the project. Based on the estimated \$225-300,000 annual donation anticipated in FTRM's financials, it would take 35-50 years to receive adequate funds to complete construction without any large donations; however, the application indicated construction timeline completion to be 2012.
- The \$1.5 million funding request to EIC represented only about one-tenth of the \$13.5 million required to complete construction of the museum.
- Staff and a KEDF representative met with the FTRM in June 2009 and reviewed the scoring process and suggested other possibilities for EIC funding, such as quality of life project, available to the FTRM and offered assistance with that application process. At that meeting, it was mentioned that FTRM may contemplate other locations, but staff was never notified that there were on-going negotiations with other parties.
- In September staff heard that the FTRM was discussing possible relocation and requested a meeting with the FTRM board. After several attempts to schedule a meeting, in February the FTRM board agreed to meet with staff and a meeting was scheduled for March 2, the day after the press release announcing they were relocating to Fredericksburg.

The city council also discussed the following points:

- Part of the issue with the FTRM was the hard economic down turn.

- The FTRM board had looked at sources of contributions and felt they had not received significant donations in Kerr County and that was considered in the FTRM's decision to relocate.
- Need to establish a process of notification to the council regarding projects that were in the process of being denied.
- Staff did the best they could given the information they received.
- The city did not need another failed, partially-completed project similar to the downtown pavilion.
- The city should not fund underfunded projects. Projects should meet EIC guidelines before funds are approved.
- City staff had met due diligence in assisting the FTRM. The city had acted responsibly with tax dollars.
- In the past, the City and EIC had supported other non profits organizations, e.g. Salvation Army Kroc Center, Dietert Center, Schreiner University, Peterson Hospital.
- City supported the FTRM; sad to see them leave Kerrville, but encouraged the project and their efforts.

6B. Library renovation update.

Mr. Martinez reported the official name of the new library foundation had been selected: "The Mary Elizabeth Holdsworth Butt Library Foundation. Jena Lehmann Cross had been hired as the executive director of the Foundation, located at 820 Main Street, Suite 215.

6C. Economic update.

Mr. Erwin presented revenues and expenditures in the general fund and water and sewer fund and noted sales tax was down 12% compared to this time last year. In his next report he will prepare a month/year comparison report of the funds.

6D. Public works update.

Mr. Hastings reported on information requested by city council on February 12:

- Wastewater Collection System: He provided an assessment of the wastewater system and noted the plant was permitted at 4.5 mgd, not to exceed 4,861 gpm over a two-hour period. There were 8,600 connections; excess capacity based on dry weather conditions was 3,950 connections; excess capacity based on wet weather conditions was 0. Staff was replacing the old clay pipe as repairs were needed throughout town; this will help solve inflow and infiltration problems.
- Street Maintenance: Meeker Street from Legion Drive to Locust Run had been added to the list of streets to receive in-house construction for FY10. He noted that street maintenance was prioritized in the street pavement management system.
- LED Lighting: The city had about 2,500 street lights. According to TEU Services, it would take 74 months to achieve return on investment for the 1,800 100 watt lights; and 58 months for the 700 250 watt lights; this did not take into account installation, which would have to be negotiated with KPUB. He noted the illumination was about the same; however, LED had lower voltage. LED was expensive to replace (\$700 for 100 watt; \$900 for 250 watt), and he recommended not replacing lights at this time and staff investigate possible grant funds.

7. **ITEMS FOR FUTURE AGENDAS:** None

8. **ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- Bark for Life event on March 27 at the River Star Arts and Event Park.

10. **EXECUTIVE SESSION:**

Mr. Coleman moved for the city council to go into executive closed session under Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices) and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code of the State of Texas; the motion was seconded by Mr. Motheral and passed 5-0 to discuss the following matters:

Section 551.071 and 551.072:

- Discuss the purchase, exchange, lease, sale or value of real property known as Adjudicated Water Right #18-2026A, the discussion of which would not be in the best interests of the city's bargaining position with third parties.

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:

- Appointments to the Kerrville-Kerr County Joint Airport Board.

At 8:52 p.m., the regular meeting recessed and council went into executive closed session at 8:54 p.m. At 9:40 p.m., the executive closed session recessed and council returned to open session at 9:41 p.m. The mayor announced that no action had been taken in executive session.

10. **ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION**

- Discuss the purchase, exchange, lease, sale or value of real property known as Adjudicated Water Right #18-2026A:

Mr. Coleman moved to authorize the city manager to pursue purchase of the stated water right; Mr. Motheral seconded the motion and it passed 5-0.

- Discuss the purchase, exchange, lease, sale or value of real property located at 741 Water Street, Kerrville, Texas, for use as a city hall:

Mr. Coleman moved to authorize the city manager to withdraw the contingency contract on 741 Water Street; Mr. Gross seconded the motion and it passed 5-0.

Mr. Motheral moved to instruct staff to prepare a plan of projects for council's consideration to be funded with the bond funds that were designated to purchase property for a city hall; Mr. Gross seconded the motion and it passed 5-0.

- Appointments to the Kerrville-Kerr County Joint Airport Board:
Mrs. Keeble moved to reappoint Mark Cowden, Tom Moser, and Roger "Corey" Walters with terms to expire June 1, 2012.

ADJOURNMENT. The meeting adjourned at 9:44 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 Nelson Lewis Construction in the amount of \$363,417.50 for construction of the Landfill Water Main Extension and authorize the City Manager to execute contingency change orders in an amount not to exceed \$36,582.50.

FOR AGENDA OF: April 13, 2010

DATE SUBMITTED: April 5, 2010

SUBMITTED BY: Mike Wellborn, P.E.
Director of Engineering

CLEARANCES: Kristine Ondrias
Assistant City Manager

EXHIBITS: Contract, Bid Tabulation, Aerial Exhibit

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$400,000.00	\$425,600.00	\$450,000.00	W89

PAYMENT TO BE MADE TO: Nelson Lewis Construction
PO Box 235
Marble Falls, TX 78654

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The scope of Landfill Water Main Extension project is to provide fire flow to the new solid waste transfer station being constructed by Allied Waste on the city's landfill property. In order to meet the fire flow requirements, approximately 3,100 linear feet of 12-inch water main, fire hydrants, and other appurtenances must be installed from Veterans Highway (Loop 534) to the new transfer station.

On December 8, 2009, Council awarded a professional services agreement to Matkin-Hoover Engineering to prepare the civil construction plans and specifications for the Project. The plans were completed and a sealed bid process commenced on March 5, 2010 and ended on March 23, 2010 when the bids were opened publicly. The low bidder was Nelson Lewis Construction in the amount of \$363,417.50.

Funding for this project originated from the Landfill Post Closure Fund through penalties paid by Allied Waste resulting from delays in the construction of the new transfer station.

RECOMMENDED ACTION

The Director of Engineering recommends that Council authorize the City Manager to execute a construction contract for the Landfill Water Main Extension to Nelson Lewis Construction in an amount of \$363,417.50 and authorize the City Manager to execute contingency change orders in an amount not to exceed \$36,582.50.

Section 070

CITY OF KERRVILLE

CONSTRUCTION CONTRACT

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

1. THE WORK

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

Base Bid

This portion of work includes the construction of approximately 3120 L. F. of public water main. The main will include a bore under Loop 534 and a bore under a creek. The project will also include several fire hydrants, pavement repairs and a concrete saddle.

The following are incorporated herein:

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

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

2. TIME

Construction completion time will be **90** working days from the date of written notice to proceed. Working days are defined in specification section 123.20. The project shall not be considered complete until all improvements have been accepted and is operational and performing to its intended purpose. The Contractor's obligations to the project however, are not complete and retainage will not be released until all disturbed areas have been re-vegetated to the satisfaction of City of Kerrville and owner of property.

3. LIQUIDATED DAMAGES

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

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

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

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

4. PAYMENTS

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

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

5. LIABILITY INDEMNITY

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

6. LIABILITY INSURANCE

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

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

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

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

7. CASUALTY INSURANCE

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

8. QUALITY OF WORK

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

9. CHANGES AND EXTRAS

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

10. ADDENDA

Contractor acknowledges the receipt of the following addenda:

1. Dated: 3/17/10 Acknowledged by: Robert L. Shields
2. Dated: _____ Acknowledged by: _____

Addendum No.1

March 17, 2010

Re: Landfill Water Main Extension

To: All contractors bidding above referenced job.

Bid Date: Wednesday March 23, 2010, 3:00 PM

The following items have been changed or should be noted:

1. Will crossing at driveway (in TXDOT ROW) and crossing at City Farm Road be a bore with casing or will they be open cut?
Both locations will consist of a bore using 24" steel casing. The driveway crossing will consist of 16 L.F. of casing and the crossing at City Farm Rd. will consist of 25 L.F. of casing. See sheet C4.0 for details.
2. Is the contractor responsible for construction staking?
Yes, the contractor is responsible for construction staking. See bid tab item # 20.
3. Will there be any special requirements for reseeding disturbed areas within the scope of the project?
On sheet C5.0 note #9 states, "All grass seed mix shall be approved by city inspector prior to application." In addition at the field, east of the creek crossing, the disturbed area will be reseeded with Coastal Bermudagrass.

CIVIL ENGINEERS • SURVEYORS • LAND PLANNERS • CONSTRUCTION MANAGERS • CONSULTANTS

8 Spencer Road, Suite 100 • P.O. Box 54 • Boerne, Texas 78006 • Office: 830.249.0600 • Fax: 830.249.0099 • www.matkinhoover.com

11. CONTRACT SUM

The following is the schedule of prices for the **LANDFILL WATER MAIN EXTENSION** project, in accordance with the Contract Documents. Bidder must complete the entire schedule.

2/5/2010

Item No.	Description	Unit	Qty.	Unit Price	Amount
1	Mobilization	LS	1	\$16,000.00	\$16,000.00
2:	Clearing / R.O.W. Preparation	LS	1	\$4,000.00	\$4,000.00
3.	12" C-900 Pipe, Class 200	LF	3,079	\$32.00	\$98,528.00
4.	12" Gate Valve, MJ w/Valve Box	EA	19	\$2,200.00	\$41,800.00
5.	Standard Fire Hydrant Assembly	EA	5	\$3,500.00	\$17,500.00
6.	Cast Iron Fittings	Tons	3.1	\$4,000.00	\$12,400.00
7.	2" Permanent Blow Off	EA	1	\$1,500.00	\$1,500.00
8.	Bore under Mem. Pkwy. w/ Casing	LF	87	\$350.00	\$30,450.00
9.	Bore under Creek "A" w/ Casing	LF	247	\$350.00	\$86,450.00
10.	Concrete Saddle 4'Wx30'Lx2'D	LS	1	\$1,500.00	\$1,500.00
11.	Driveway Repair	LS	1	\$6,500.00	\$6,500.00
12.	City Farm Road Repair	LS	1	\$9,500.00	\$9,500.00
13.	Trench Excavation Protection	LF	3,079	\$.50	\$1,539.50
14.	Hydrostatic Testing	LS	1	\$750.00	\$750.00
15.	Revegetation	LS	1	\$2,500.00	\$2,500.00
16.	SWPPP Plan	LS	1	\$2,500.00	\$2,500.00
17.	SWPPP Inspections/Controls	LS	1	\$1,000.00	\$1,000.00
18.	Traffic Control	LS	1	\$1,000.00	\$1,000.00
19.	Material Testing	LS	1	\$1,500.00	\$1,500.00
20.	Construction Staking	LS	1	\$1,500.00	\$1,500.00
21.	Contingency ²	AA	1	\$25,000.00	\$25,000.00
Total Improvements:					\$363,417.50

Bidders Signature & Title
 Firm Name (Type or Print)
 Firm Address
 Firm Phone Number

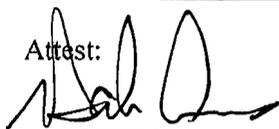
 / Project Estimator
Nelson Lewis, Inc.
P.O. Box 235, Marble Falls, TX 78654
(830) 693-8874

Notes:

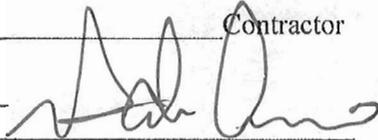
1. Total bid price includes costs for furnishing all tools, equipment, materials, supplies and manufactured articles and furnishing all labor, transportation, and services, including fuel power, water and essential communication and performing all the work, or other operations required for the contract in strict accordance with the contract documents. Any item not specifically called out under each bid item shall be included under a bid item listed that is closely related to a missing item. Contractor is directed to the Measurement and Payment section of this document for a description of each bid item.

Signed this 23rd day of March, 2010

Attest:



Secretary
(if bid by a Corporation)

BY: 

Contractor

SEAL

Title: V.P.

Business Address:

P.O. Box 235

Marble Falls, TX 78654

Phone: (830) 693-8874

Fax: (830) 693-5986

ACCEPTED THIS _____

day of _____, 20__

By: _____

Todd Parton, City Manager
City of Kerrville, Texas.

ATTEST:

Brenda Craig, City Secretary

CITY SEAL

APPROVED AS TO FORM:

Mike Hayes
City Attorney

Kerrville Landfill Water Main Bid Tabulation

Item	Description	Unit	Qty	Nelson Lewis		PipeLayers		Yantis	
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	LS	1	\$ 16,000.00	\$ 16,000.00	\$40,000.00	\$40,000.00	\$14,400.00	\$14,400.00
2	Clearing / ROW Preparation	LS	1	\$ 4,000.00	\$ 4,000.00	\$16,000.00	\$16,000.00	\$10,000.00	\$10,000.00
3	12" C-900 Pipe Class 200	LF	3079	\$ 32.00	\$ 98,528.00	\$60.00	\$184,740.00	\$35.00	\$107,765.00
4	12" Gate Valve, MJ w/Valve Box	EA	19	\$ 2,200.00	\$ 41,800.00	\$2,400.00	\$45,600.00	\$2,000.00	\$38,000.00
5	Standard Fire Hydrant Assembly	EA	5	\$ 3,500.00	\$ 17,500.00	\$5,000.00	\$25,000.00	\$3,000.00	\$15,000.00
6	Cast Iron Fittings	TONS	3.1	\$ 4,000.00	\$ 12,400.00	\$4,400.00	\$13,640.00	\$5,000.00	\$15,500.00
7	2" Permanent Blow Off	EA	1	\$ 1,500.00	\$ 1,500.00	\$2,000.00	\$2,000.00	\$1,225.00	\$1,225.00
8	Bore under Memorial Pkwy w/casing	LF	87	\$ 350.00	\$ 30,450.00	\$350.00	\$30,450.00	\$250.00	\$21,750.00
9	Bore under Creek A w/casing	LF	247	\$ 350.00	\$ 86,450.00	\$350.00	\$86,450.00	\$250.00	\$61,750.00
10	Concrete Saddle 4' W x 30' Lx2' D	LS	1	\$ 1,500.00	\$ 1,500.00	\$4,000.00	\$4,000.00	\$900.00	\$900.00
11	Driveway Repair	LS	1	\$ 6,500.00	\$ 6,500.00	\$4,400.00	\$4,400.00	\$4,000.00	\$4,000.00
12	City Farm Road Repair	LS	1	\$ 9,500.00	\$ 9,500.00	\$5,600.00	\$5,600.00	\$6,000.00	\$6,000.00
13	Trench Excavation Protection	LF	3079	\$ 0.50	\$ 1,539.50	\$1.00	\$3,079.00	\$1.00	\$3,079.00
14	Hydrostatic Testing	LS	1	\$ 750.00	\$ 750.00	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00
15	Revegetation	LS	1	\$ 2,500.00	\$ 2,500.00	\$8,000.00	\$8,000.00	\$12,000.00	\$12,000.00
16	SWPPP Plan	LS	1	\$ 2,500.00	\$ 2,500.00	\$600.00	\$600.00	\$650.00	\$650.00
17	SWPPP Insprctions/Controls	LS	1	\$ 1,000.00	\$ 1,000.00	\$3,000.00	\$3,000.00	\$5,000.00	\$5,000.00
18	Traffic Control	LS	1	\$ 1,000.00	\$ 1,000.00	\$800.00	\$800.00	\$7,000.00	\$7,000.00
19	Material Testing	LS	1	\$ 1,500.00	\$ 1,500.00	\$600.00	\$600.00	\$9,000.00	\$9,000.00
20	Construction Staking	LS	1	\$ 1,500.00	\$ 1,500.00	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00
21	Contingency	AA	1	\$ 25,000.00	\$ 25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
BID TOTAL							\$504,959.00		\$363,519.00

Map Produced by B. Gore
Engineering Department
City of Kerrville, TX



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

SUBJECT: Purchase (8) Arbitrator digital audio/video in-car camera systems including support and maintenance.

FOR AGENDA OF: April 13, 2010

DATE SUBMITTED: March 25, 2010

SUBMITTED BY: Chief John Young

CLEARANCES: Todd Parton, City Manager

EXHIBITS: PCS Quote

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$ 38,344	\$110,652	\$237,736	07-802-503

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The police department will be replacing all digital audio/video in-car camera systems currently installed in patrol vehicles, as the current system is no longer vendor supported. The police department purchased eight (8) Arbitrator digital audio/video in-car camera systems including support and maintenance from Portable Computer Systems, a TX DIR contractor (DIR-SDD-531). The Department of Information Resources (DIR) does the procurement work to competitively bid contracts. Funding for this purchase is programmed in CJD grant 2198301 that was approved by council on May 26, 2009. CJD grant 2198301 end date is 4/30/2010, and funds not expended by this date will need to be reallocated through grant adjustments.

RECOMMENDED ACTION

I recommend that the council ratify the purchase of eight (8) Arbitrator digital audio/video in-car camera systems utilizing CJD grant funds in the amount of \$38,344.00.

**CITY OF KERRVILLE
PURCHASING ORDER**

DATE: March 11, 2010 CHECK REQUEST: 68062

ACCOUNT NUMBER: 07-802-503 ALREADY ORDERED: Yes

VENDOR 1 Portable Computer Systems \$ \$38,344.00
1200 W. Mississippi Avenue
Denver, CO 80223

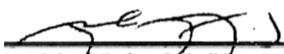
VENDOR 2 _____ \$ _____

QUANTITY	DESCRIPTION OF EXPENDITURE	UNIT COST	TOTAL
8	ARBTR-KIT-360 – Arbitrator MK2.0 Main unit w/GPS	\$4,449.00	\$35,592.00
8	CF-SVCARB2AMA1Y – Arbitrator Annual Support & Maint.	\$180.00	\$1,440.00
8	CBLMS-00200 – Lind Siren Adaptor assy	\$36.00	\$288.00
8	CN2581R-P – Arbitrator rear seat IR camera	\$128.00	\$1,024.00
	DIR-SDD-531		
		TOTAL	\$38,344.00

State exact purpose for materials or service.
 Arbitrator 350 System – CJD Grant, Project #P01

Date requested: March 11, 2010

Requested by: Capt. David Knight

Approved by: 
 Chief John M. Young, Jr.

Vendor # _____

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

SUBJECT: Council authorization to amend the existing professional services agreement with Hewitt Engineering, Inc. from \$28,940.00 to \$42,820.00 to address the final design modifications associated with the realignment in the Oak Hollow Drainage Project.

FOR AGENDA OF: April 13, 2010

DATE SUBMITTED: April 1, 2010

SUBMITTED BY: Mike Wellborn, P.E. *MW*
Director of Engineering

CLEARANCES: Kristine Ondrias *KO*
Assistant City Manager

EXHIBITS: Scope of Services, Storm Sewer Alignment Exhibit

AGENDA MAILED TO:

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

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$13,880.00	\$351,736.75	\$395,000.00	G83

PAYMENT TO BE MADE TO: Hewitt Engineering, Inc.
100 Horseshoe Ridge
Kerrville, TX 78028

REVIEWED BY THE FINANCE DIRECTOR: *[Signature]*

SUMMARY STATEMENT

In March of 2009 Council authorized a professional services agreement with Hewitt Engineering, Inc. (Consultant) for the preparation of the final design plans and specifications for the Oak Hollow Drainage project in the amount of \$28,940.00. The project was created in an effort to address the drainage concerns raised by the Oak Hollow Estates Home Owners Association.

In accordance with the preliminary engineering report, the Consultant commenced with the design of the recommended storm sewer alignment. Concurrently with the design efforts, survey data, geotechnical investigations, and easement documents were prepared for five (5) affected property owners. Attempts to secure these easements proved to be unsuccessful. The design was in the final stages of review at the time it was determined the realignment would be necessary. During the fall retreat in 2009, staff asked Council to authorize an alternate alignment of the storm sewer system and use funds from the Remedial Drainage project in addition to the Oak Hollow drainage funds to design and construct the alternate alignment. Council authorized the realignment and the Consultant prepared a preliminary design which required securing one easement. The easement acquisition was finalized on March 11, 2010.

Staff is requesting Council approval to increase the contract amount with Hewitt Engineering, Inc., by \$13,880.00 for the preparation of the final design plans and specifications associated with the realignment of the Oak Hollow Drainage Project. Although the original plans had reached the final review phase, it is now necessary for the Consultant to perform additional design services, survey and geotechnical data for the modified storm sewer alignment. Included in the attached Scope of Services from the Consultant is an additional scope of work for construction phase services in the amount of \$4,500.00 which Staff does not believe to be necessary for completion of the project and is not recommending awarding this portion of the contract.

RECOMMENDED ACTION

The Director of Engineering recommends that Council amend the existing professional services agreement with Hewitt Engineering, Inc., from \$28,940.00 to \$42,820.00 to address the final design modifications associated with the realignment in the Oak Hollow Drainage Project.



Hewitt Engineering, Inc.

Consulting Engineering Services

March 24, 2010

Mr. Michael Wellborn, P.E.
City Engineer
City of Kerrville
800 Junction Highway
Kerrville, TX 78028-5069

Re: Oak Hollow Drainage Improvements – Revised Alignment-Final Design Fee Estimate

Dear Mike,

Per your request, I have prepared a scope and fee schedule for the preparation of final design plans and specifications associated with the revised alignment of the Oak Hollow Drainage Improvements. The proposed services include field surveying by Texas Land Boundaries for the revised storm sewer alignment along the alley, Nugent Street and recently acquired drainage easement between Nugent and the City Park. The scope of services includes the following tasks:

1. Finalize Hydraulic Design Calculations and Analysis of Drainage Improvements
2. Preparation of revised Plan & Profile Sheets (approximately 3 sheets)
3. Design Outfall Detail for Storm Sewer at City Park
4. Update Technical Specifications and Bid Documents
5. Update Project Scheduling, Phasing, and Cost Estimates
6. Coordination with City staff, Homeowner's Association and Surveyor
7. Provide topographic survey, soil borings and geotechnical analysis
8. Attend Prebid conference

The final result of this project will be one set of signed and sealed drawings and two sets of black line copies of the drawings and technical specifications for the purpose of providing bid documents to potential contractors. We propose to perform these tasks including Basic and Additional Services including all expenses for a lump sum amount of \$13,880. This fee consists of \$10,400 for basic services and \$3,480 for additional services which consists of surveying. Exhibit "A" provides a detailed man hour estimate of the fees associated with each of the individual design and coordination tasks. The subconsultant proposal is attached.

I have also attached a proposal for construction phase services. This portion of the project would include attending the preconstruction meeting, reviewing submittals, periodic site observation visits and preparation of as-built drawings. The fee for this phase of the project would be \$4,500 with a detailed man hour estimate provided in Exhibit "B". If this proposal is acceptable, please complete the attached Approved in Form document and return one copy for my files. Please feel free to contact me at 285-7925 or by email at jmhewitt@stx.rr.com if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Hewitt", written over a faint, larger version of the same signature.

John M. Hewitt, P.E., CFM

Attachments

EXHIBIT A
REVISED DESIGN FEE SUMMARY
3/24/2010

Sht	Description	Total Labor Cost	Eng Hours	CADD Hours	Total Hours
1	Storm Sewer Plan & Profile design(along alley)	\$1,940	6	14	20
2	Storm Sewer Plan & Profile design(along alley and Nugent Street)	\$1,940	6	14	20
3	Storm Sewer Plan & Profile design(along Nugent and easement)	\$1,600	6	10	16
4	Outfall Detail at City Park	\$2,020	8	12	20
5	Coordination, Meetings w/City Staff and Homeowners & Surveyor	\$500	4		4
6	Revise Hydraulic Calculations	\$750	6		6
7	Specifications/Contract Documents Update	\$1,000	8		8
8	Attend Prebid	\$250	2		2
	Expenses (Plans/Specs Reproduction and Mileage)	\$400			
	TOTAL	\$10,400	46	50	96

PROPOSAL



Texas Land Boundaries
A Division of Tri-Tech Surveying Company, L.P.

March 24, 2010

This Proposal is between **John Hewitt Engineering** and **Texas Land Boundaries, a Division of Tri-Tech Surveying Company, L.P.**

CLIENT INFORMATION

Company:	Hewitt Engineering Inc.				
Contact Name:	John Hewitt				
Address:	100 Horseshoe Ridge				
City:	Kerrville	State:	TX	Zip:	78028
Phone:	(830) 285-7925	Fax:			
E-Mail:	jmhewitt@stx.rr.com				
Web Address:					

PROPERTY OWNER (if different from Client, please complete otherwise mark "same as above")

Name:					
Address:					
City:		State:		Zip:	
Phone:		Fax:			

PROJECT NAME & LOCATION

Name:	Oak Hollow Storm Sewer				
Legal Description:					
Address:					
City:		State:		Zip:	

SURVEY OBJECTIVE

X, Y, Z control for engineering reference/ add alternative route

SCOPE OF WORK

Topo
Utilities
Sanitary sewer flow lines
Control points
Drawing Templates

BILLING INFORMATION

Billing Name:	Same as Client				
Address:					
City:		State:		Zip:	
Accounting Contact:					
Phone:		Fax:			
E-Mail:					

PROPOSAL

PRICING

Total Proposed Estimated Amount is \$ 3,480.00 plus applicable sales tax unless Client is a tax exempt entity.

If tax exempt, exemption certificate must be submitted upon executing this proposal or prior to commencing work; otherwise, sales tax will be charged.

PAYMENT TERMS (check one)

<input checked="" type="checkbox"/>	Net 30 days
<input type="checkbox"/>	% or \$ Down payment and remaining balance due upon completion
<input type="checkbox"/>	Due upon completion

VISA and MasterCard accepted

Under the lien laws of Texas, the authorized signer of this proposal may be personally liable and the property subjected to a lien until the invoice is paid in full.

GENERAL TERMS & CONDITIONS

1. This proposal must be executed within 15 days of the date above; otherwise, a new proposal may be required.
2. If project is cancelled, full payment must be made within the above terms if work has already been performed and completed. If cancelled prior to work commencing or during work, you will be invoiced a prorated portion of the total amount. All cancellation notices must be provided to company in writing.
3. Our work is to be as specified herein. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written change orders and will become an extra charge over and above this proposed estimate.
4. All agreements are contingent upon strikes, accidents, or delays beyond our control, including acts of nature.
5. Our employees are covered by Workers Compensation Insurance.
6. We reserve the right to request additional fees for unforeseen extenuating circumstances or additional scopes of work and we also reserve the right to terminate this contract at any time at our sole discretion.
7. Client deliverables will include six (5) signed & embossed originals. Additional signed & embossed originals will be an additional charge. Deliverables include electronic AutoCADD files or survey work.

ACCEPTANCE

By signing below, the parties agree the above scope, pricing, terms & conditions are satisfactory and are hereby accepted. Work is authorized to commence upon receipt of all items noted in Client Responsibilities. Payment will be made per payment terms as outlined above. Those parties signing this proposal warrant that they are authorized to make such decisions for their respective organization.

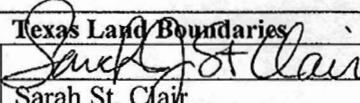
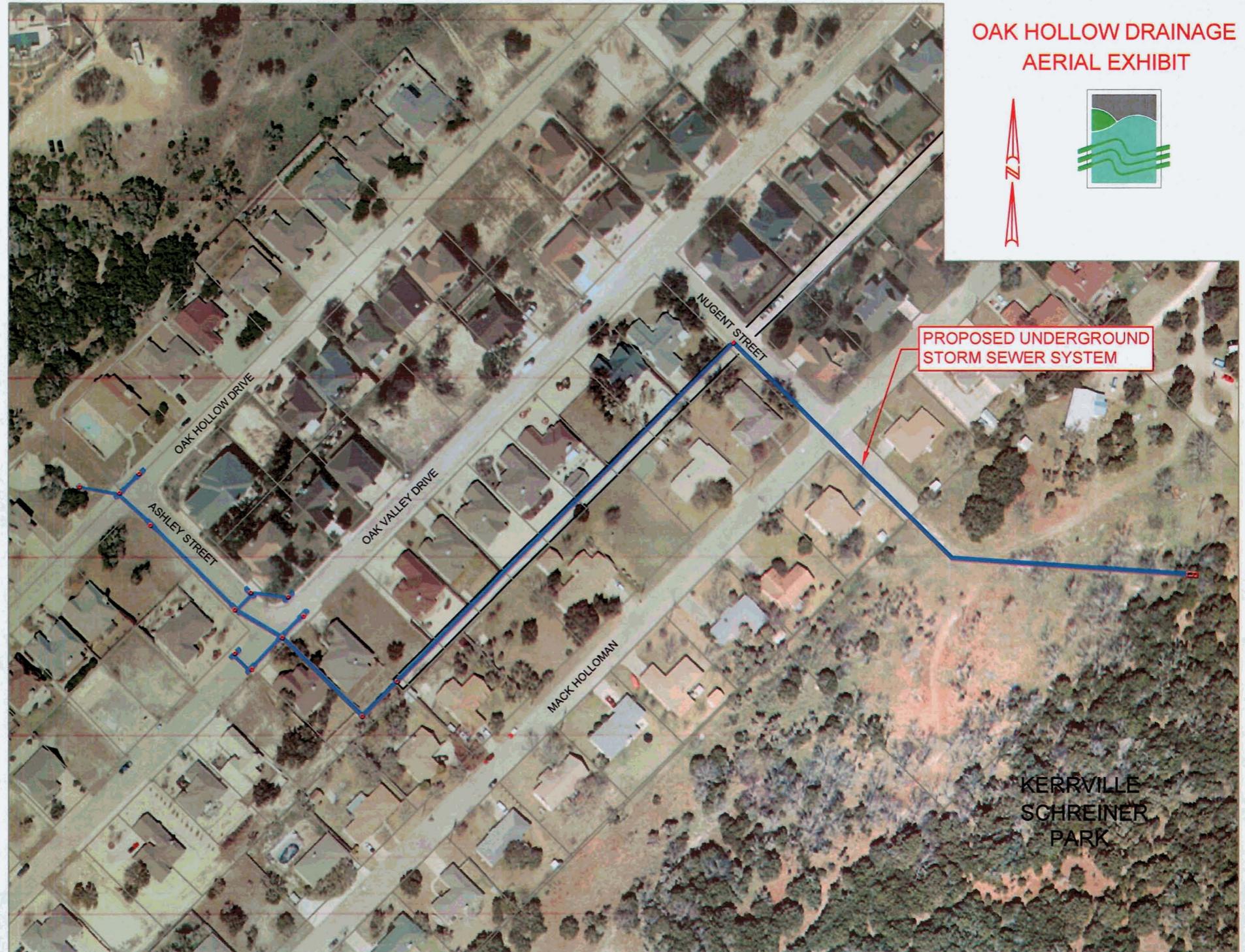
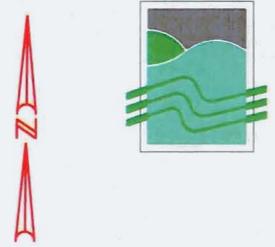
Texas Land Boundaries		Client	
Signature:		Signature:	
Name:	Sarah St. Clair	Name:	
Title:	Administrative Assistant	Title:	
Date:	March 24, 2010	Date:	

EXHIBIT B
CONSTRUCTION PHASE FEE SUMMARY
3/24/2010

Sht	Description	Total Labor Cost	Eng Hours	CADD Hours	Total Hours
1	Attend Preconstruction Meeting	\$250	2		2
2	Submittal Reviews	\$1,000	8		8
3	Periodic Site Visits (4 visits)	\$1,000	8		8
4	Coordination, Meetings w/City Staff and Homeowners	\$500	4		4
5	Prepare As-Built Drawings	\$1,430	6	8	14
	Expenses (Plans/Specs Reproduction and Mileage)	\$320			
	TOTAL	\$4,500	28	8	36

OAK HOLLOW DRAINAGE
AERIAL EXHIBIT



PROPOSED UNDERGROUND
STORM SEWER SYSTEM

KERRVILLE
SCHREINER
PARK

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

SUBJECT: Public Hearing and Resolution to repurpose the Martin Pool property from use as public parkland to use as a portion of the City utility service center.

FOR AGENDA OF: April 13, 2010

DATE SUBMITTED: March 30, 2010

SUBMITTED BY: Malcolm Matthews 
Director of Parks and
and Recreation

CLEARANCES: Kristine Ondrias 
Assistant City Manager

EXHIBITS: Survey, resolution, Utility service center master plan

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO: N/A

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The use of the Martin Pool property (0.307 acres, located at 615 Paschal St.) is being transitioned to best serve the community. The pool was closed permanently in 2009 and to mitigate that closure, a sprayground is being constructed in nearby Carver Park as a more efficient alternative to the pool. The closure of the pool and the addition of the sprayground in Carver Park were previously discussed with the community during the preparation of the Carver Park master plan. The renovation of Carver Park is in the final phase of construction, scheduled for completion this summer. Demolition of Martin Pool and bathhouse has commenced.

The Martin Pool property is strategically located on Paschal St., being directly adjacent to the City utility service center. The utility service center master plan includes utilization of the Martin Pool property as the best location for the service center's public entrance/parking area for the utility administrative offices and conference rooms. The property entrance on Paschal St. will be landscaped and properly signed when the service center is completed.

State Statute Requirement. The action associated with transitioning the Martin Pool property from park use to use connected with the service center requires specific actions by the City. The Texas Parks and Wildlife Code, Chapter 26, Protection of Public Parks and Recreational Lands, stipulates that all public parklands of the state, a county, or

a municipality, must follow specific steps for the parkland to be repurposed to another public use. Included in this process is the requirement that the municipality's governing body make the determination that there is no feasible and prudent alternative to the planned use and all reasonable planning has been performed to minimize any harm to the land resulting from use. As mentioned, the pool property is no longer functional as a recreational facility and its location on Paschal St. is critical to the efficiency of the utility service center. Because of the property's proximity to Carver Park, the Martin Pool property is not required to meet parkland needs in this area, as Carver Park provides sufficient parks space to serve the public. It is also a requirement that the City Council hold a public hearing prior to any action taken by the governing body. Finally, sufficient public notice must be made through the local newspaper regarding the public hearing. All required notices for the public hearing were completed in conformance with the state requirement, having been printed in the Kerrville Daily Times on March 22nd, March 30th, and April 6th. The Martin Pool property and the utility service center will all remain public property owned by the City of Kerrville.

In order to properly inform the residents, City staff conducted a neighborhood meeting at the Doyle School Community Center on March 29th to review all of the plans and improvement projects occurring in and near the neighborhood, including an update on the Martin Pool property transition to service center use and the schedule for the public hearing.

RECOMMENDED ACTION

Staff recommends a public hearing be conducted and action be taken to approve the repurposing of the park property at 615 Paschal St.

NOTES

1. BASIS OF BEARING WAS ESTABLISHED FROM THE CITY OF KERRVILLE COORDINATE SYSTEM.
2. FIELD SURVEY COMPLETED 01-20-2010.
3. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF THE MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

EAST DAVIS STREET

NORTH

SCALE: 1" = 60'

LEGEND

- ☐ WATER VALVE
- ☐ WATER METER
- ⊙ SEWER MANHOLE
- ⊙ LIGHT POLE
- WOOD FENCE
- ◇ CHAINLINK FENCE
- OU - OVERHEAD UTILITIES
- SS SANITARY SEWER
- UGW UNDERGROUND WATER
- ⊙ SEWER CLEANOUT
- ⊙ 1/2" REBAR FOUND
- UNLESS OTHERWISE NOTED
- POB POINT OF BEGINNING

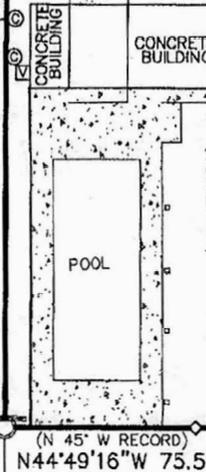
PASCHAL AVENUE

S44°51'18"E 75.22'
(S 45° E RECORD)

N45°07'43"E 177.18'
(N 45° E RECORD)

N44°49'16"W 75.57'
(N 45° W RECORD)

S45°00'56"W 177.23'
(NO RECORD)



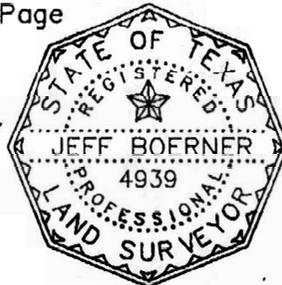
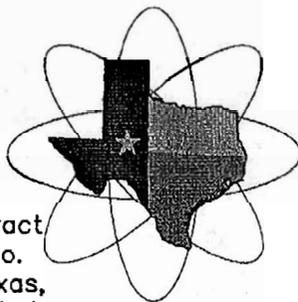
BARNETT STREET

REFERENCES:

VOLUME 80, PAGE 418 D.R.

PLAT SHOWING: a 0.307 of one acre tract of land out of the J. S. Hays Survey No. 117, Abstract No. 182, Kerr County, Texas, and being a portion of that certain called 5.14 acre tract recorded in Volume 80, Page 418, Deed Records, Kerr County, Texas.

M.D.S. LAND SURVEYING CO., INC.
9120 DIETZ ELKHORN ROAD
FAIR OAKS RANCH, TEXAS 78015
PHONE: (830) 755-6544
1005 SIDNEY BAKER A
KERRVILLE, TEXAS 78028
PHONE: (830) 257-0052



EDNA E. PRIOR SHELTER TRUST
LARRY PRIOR TRUSTEE
CALLED 4.05 ACRES
VOLUME 1392, PAGE 74
REAL PROPERTY RECORDS

STATE OF TEXAS)
COUNTY OF KERR)

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION, THIS 22nd DAY OF JANUARY, 2010, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

WARNING: ONLY THOSE COPIES SIGNED IN RED SHOULD BE RELIED UPON.

Jeff Boerner
JEFF BOERNER
REGISTERED PROFESSIONAL LAND SURVEYOR

4939
TEXAS REGISTRATION NO.

JOB #: 10-013-00

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

A RESOLUTION MAKING FINDINGS PURSUANT TO THE REQUIREMENTS OF TEXAS PARKS AND WILDLIFE CODE CHAPTER 26; THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CITY'S CHANGE IN USE OF AN APPROXIMATELY 0.307 ACRE TRACT CURRENTLY KNOWN AS MARTIN POOL FROM ITS USE AS A PUBLIC PARK TO THAT OF AN ENTRANCE TO THE CITY'S PUBLIC WORKS SERVICE UTILITY YARD; AND THAT THIS PROJECT INCLUDES ALL REASONABLE PLANNING TO MINIMIZE HARM TO THE LAND AS A PARK OR RECREATION AREA RESULTING FROM THE PROPOSED USE

WHEREAS, the City owns an approximately 0.307 acre tract located at 615 Paschal Street that was previously operated by the City as Martin Pool, which was open to the public; and

WHEREAS, following a study, a neighborhood meeting and local survey, and the review and adoption of the Carver Park Master Plan by both the City's Parks and Recreation Board and City Council, the City closed Martin Pool in 2010 and has decided not to open it again as a public pool; and

WHEREAS, as a substitute for the pool and to mitigate its closure, the City is currently constructing and will open a sprayground within Carver Park, which is located on Paschal Street, approximately ¼ mile north of the Martin Pool site; and

WHEREAS, the City held a public meeting on March 31, 2010, to gather input and local preferences from neighborhood residents and other citizens interested in the improvement and development of Carver Park, and interested persons have indicated support of the sprayground project as well as other improvements to Carver Park; and

WHEREAS, notice was printed in the Kerrville Daily Times on March 22, 2010, March 30, 2010, and April 6, 2010, as to this change in use of Martin Pool and the consideration of this issue by City Council at its April 13, 2010, meeting; and

WHEREAS, the City Council of the City of Kerrville, Texas, believes it to be in the public interest to make the following findings with respect to the City's change in use of its property known as Martin Pool;

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

In accordance with Section 26.001, Texas Parks and Wildlife Code, the City Council makes the following findings:

1. That there is no feasible and prudent alternative to the change in use of an approximately 0.307 acre tract, known as Martin Pool and located at 615 Paschal Street, from its use as a public park to its use as an entrance to the City's Service Utility Yard; and

2. That this change of use includes all planning to minimize harm to the Martin Pool site resulting from the entrance to be created to the City's Service Utility Yard use.

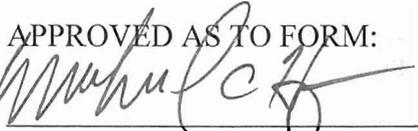
PASSED AND APPROVED ON this the _____ day of _____, A.D., 2010.

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

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

SUBJECT: Action Item – Consider a resolution pursuant to Article 11-I-4(f) of the Zoning Code establishing a Local Utility Service facility, owned by the City of Kerrville as a permitted use.

FOR AGENDA: April 13, 2010

DATE SUBMITTED: March 31, 2010

SUBMITTED BY: Gordon Browning, Senior Planner

EXHIBITS: Location Map, Resolution

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Mail Agenda Bill to:

Article 11-I-4 (f) of the Zoning Code lists the uses permitted in any zoning district in the City. Item 9 under that heading states the Major Utility Facilities and Local Utility Services constructed and owned by the City are allowed in any zoning district pursuant to a resolution approved by the City Council.

The resolution attached identifies and establishes the City's service yard at 320 McFarland Street.

At their April 1, 2010 meeting, the Planning and Zoning Commission recommended approval and adoption of the resolution.

RECOMMENDED ACTION

Approve the resolution as presented.

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

A RESOLUTION CONCERNING AN APPROXIMATELY 9.842 ACRE TRACT OF LAND OUT OF THE J. S. HAYS SURVEY NO. 117, ABSTRACT NO. 182, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, AND GENERALLY LOCATED NORTH OF MCFARLAND STREET AND BETWEEN HAYS STREET AND PASCHAL AVENUE, OTHERWISE KNOWN AS 310 MCFARLAND STREET, AND LOCATED WITHIN THE 20-C ZONING DISTRICT; BY PERMITTING SAID CITY-OWNED PROPERTY TO BE USED FOR MAJOR UTILITY FACILITIES AND LOCAL UTILITY SERVICES PURPOSES

WHEREAS, the City of Kerrville, Texas (“City”), currently owns an approximately 9.842 tract (the “Tract”) that it currently uses for a variety of municipal purposes, including a vehicle maintenance garage and utility construction activities; and

WHEREAS, the City is also repurposing an adjacent City-owned property to be used as part of the Tract; and

WHEREAS, the Tract is located within the 20-C (Central City) Zoning District; and

WHEREAS, Article 11-I-4(f) of the City’s Zoning Code (the “Code”) provides that “major utility facilities and local utility services” that are constructed and owned by the City are permitted within any zoning district, pursuant to a resolution approved by the City Council; and

WHEREAS, the City’s Planning Director believes the use of the Tract closely meets what is intended by the use of the term “major utility facilities and local utility services” within the Code and thus, recommends the adoption of a resolution, in accordance with the Code, that permits the use of the property for these purposes; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to permit the Tract to be used by the City for “major utility facilities and local utility services” in accordance with the Code;

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

The City Council permits the following described property, which is owned and operated by the City, to be used for “major utility facilities and local utility services” in accordance with Article 11-I-4(f) of the Zoning Code:

An approximately 9.842 acre tract of land out of the J. S. Hays Survey No. 117, Abstract No. 182, within the City of Kerrville, Kerr County, Texas, and as more specifically described and depicted at Exhibit A.

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

Todd A. Bock, Mayor

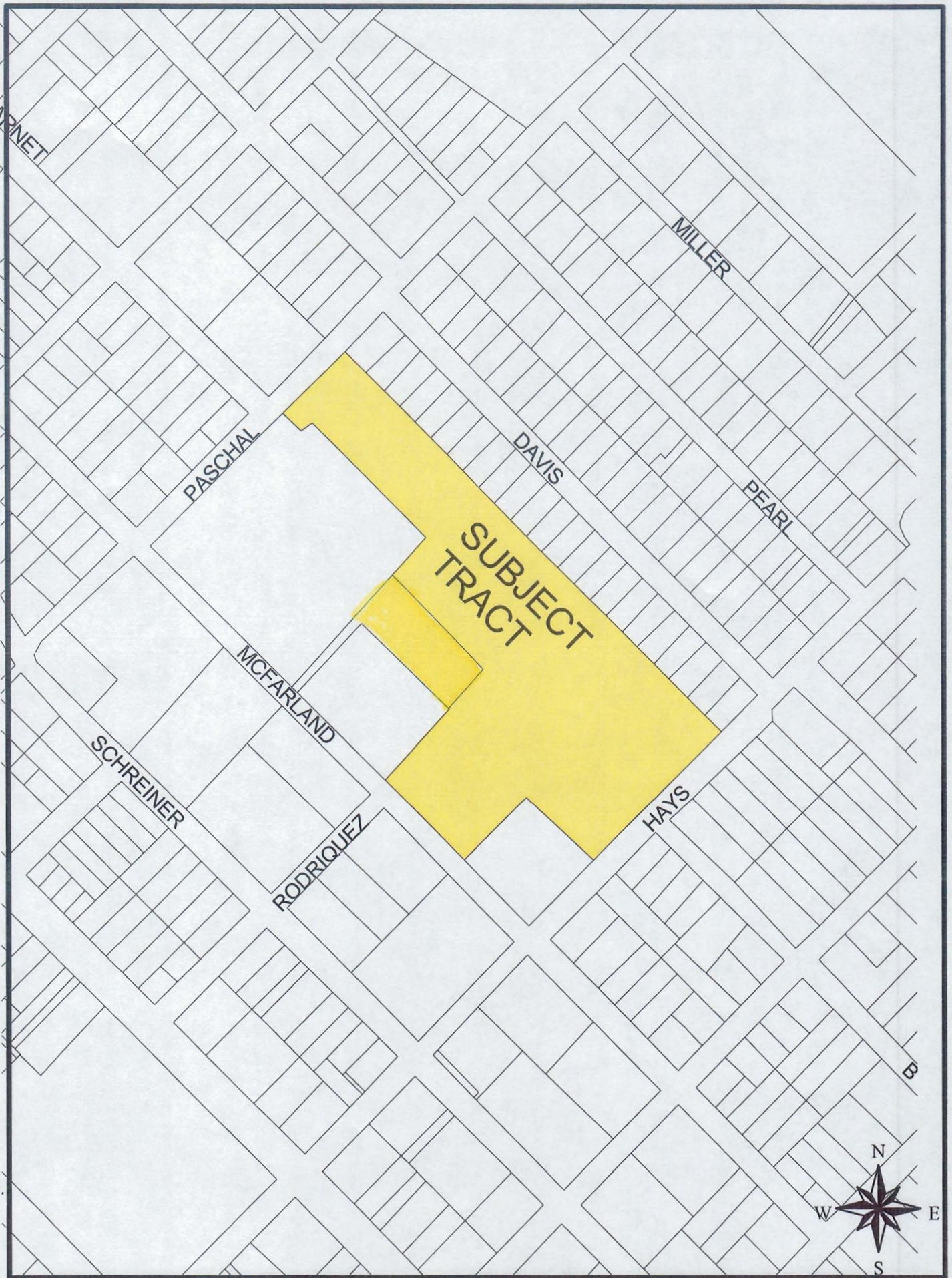
ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



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

SUBJECT: Public Hearing and First Ordinance Reading: Specific Use District Request – Consider a request to create a Specific Use District (SUD) to allow the temporary fostering and basic care for domestic cats either awaiting adoption or recovering from injury or neutering on property located at 1524 Fifth Street. Zoned: RC. Applicants: Chelle Dainas and Jonathan Lusher. (File No. 2010-03)

FOR AGENDA: April 13, 2010

DATE SUBMITTED: March 29, 2010

SUBMITTED BY: Gordon Browning, Senior Planner

EXHIBITS: Location Map, Applicant's Request, Letter of Support, Draft Ordinance

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Mail Agenda Bill to: Chelle Dainas and Jonathan Lusher, 1524 Fifth Street, Kerrville, Texas 78028

Project Timeline:

- February 15, 2010 – An application for a Specific Use District (SUD) is accepted by staff for review and consideration.
- March 3, 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.
- March 10, 2010 – Staff review process completed.
- March 12, 2010 – Staff comments and draft ordinance to applicant.
- March 18, 2010 – Public hearing before the Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.
- **April 13, 2010 – Public hearing before the City Council and consideration of an ordinance on first reading.**
- April 27, 2010 – Second and final ordinance reading approving the SUD.

Definition:

A Specific Use District (SUD) is a use allowed by the City (City Council) for a specific use not normally allowed in the underlying zoning district with requirements and conditions for that use established by ordinance. The use considered should not have a potentially greater impact on the area than a permitted or conditional use within the same zoning district.

SUD Process:

- Article 11-I-14 of the Zoning Code describes Specific Use Districts (SUD's) and the process by which they are considered. SUD's are not zoning districts but rather specific or special use districts subject to specific development regulations and conditions. A SUD is governed by a site plan and/or any other development regulations associated with a City Council approved ordinance.
- No underlying right exists to approve a SUD 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 not be a detriment to the particular area for which it is being requested.
- The P&Z and Council may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUD is compatible and complementary to adjacent properties.
- The applicant's request is to provide an indoor (see Exhibit A) facility for domestic cats referred to the applicant by local animal recues and/or Humane Societies who need auxiliary facilities for cats which might otherwise be euthanized or uncared for. The primary purpose of the SUD will be to provide the temporary fostering, shelter, food and basic care for domestic cats either awaiting adoption or recovering from injury or neutering.
- As presented in the applicant's request, the facility will be within an existing 30' x 60' climate controlled metal building. The animals, not to exceed twelve (12), will be contained in one or more kennels as shown in Exhibit C-4. No employees are anticipated, any supplies required will be brought to the facility by the applicants.
- Unless specifically addressed in the attached draft ordinance, approval of the SUD does not exempt the property owner from any other ordinance or requirement related to the property described.
- Based on the applicant's request and use proposed, staff recommends approval of the SUD.

During the Commission's public hearing (held on March 18, 2010) Charlotte Silver, 164 Forest Circle, President of the Big Fix Homeless Cat Project, spoke in favor of the request.

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

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approve the requested SUD subject to the conditions outlined in the attached ordinance.

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

AN ORDINANCE CREATING A SPECIFIC USE DISTRICT FOR THE TEMPORARY HOUSING AND FOSTERING OF DOMESTIC CATS ON AN APPROXIMATE 0.74 ACRE TRACT OF LAND CONSISTING OF LOTS 4, 5, 6, AND 7, BLOCK 67, J.A. TIVY ADDITION, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, AND OTHERWISE KNOWN AS 1524 5TH STREET, AND LOCATED WITHIN A RESIDENTIAL CLUSTER ZONING DISTRICT; ADOPTING CONDITIONS RELATED TO THE DEVELOPMENT AND USE WITHIN 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 Specific Use Districts under Article 11-I-14 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 Specific Use District for the temporary housing and fostering of cats, subject to the special conditions and restrictions set out hereinafter on the property described in Section One hereof;

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

SECTION ONE. A Specific Use Permit is created to authorize the following described property to be developed and used for a business primarily engaged in the temporary housing and fostering of domestic cats, as further specified herein:

Being comprised of Lots 4, 5, 6, and 7, Block 67, J.A. Tivy Addition, as described in the plat recorded at Volume 5, Page 142, Plat Records, Kerr County, Texas, hereinafter referred to as “the Property”.

SECTION TWO. Development and use of the Property is subject to the following conditions:

A. Authorized Uses. The Property may be developed and used for the temporary housing and fostering of domestic cats, which are awaiting adoption or recovering from injuries or medical procedures. At no time shall the number of cats being temporarily housed exceed twelve (12) cats. The intentional breeding of cats is prohibited and care shall be taken to minimize, if not eliminate, all breeding. No other uses or practices shall occur that involves

a commercial, for-profit enterprise. Each cat shall be confined to a kennel at all times, unless undergoing an examination. In no event shall any cat be released or allowed to roam free outside. All development and use is subject to other applicable City ordinances and regulations, including the existing zoning regulations applicable to the Residential Cluster Zoning District within which the property is located

B. Development Site Plan: The use authorized and specified in Section A, above, shall be limited to an existing accessory building as shown in **Exhibit A**.

C. 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.

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.

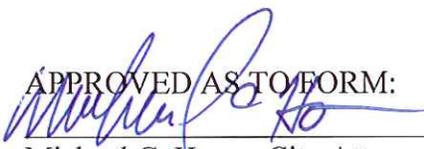
SECTION FOUR. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, hereby declares that 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 ___ day of _____, A.D., 2010.

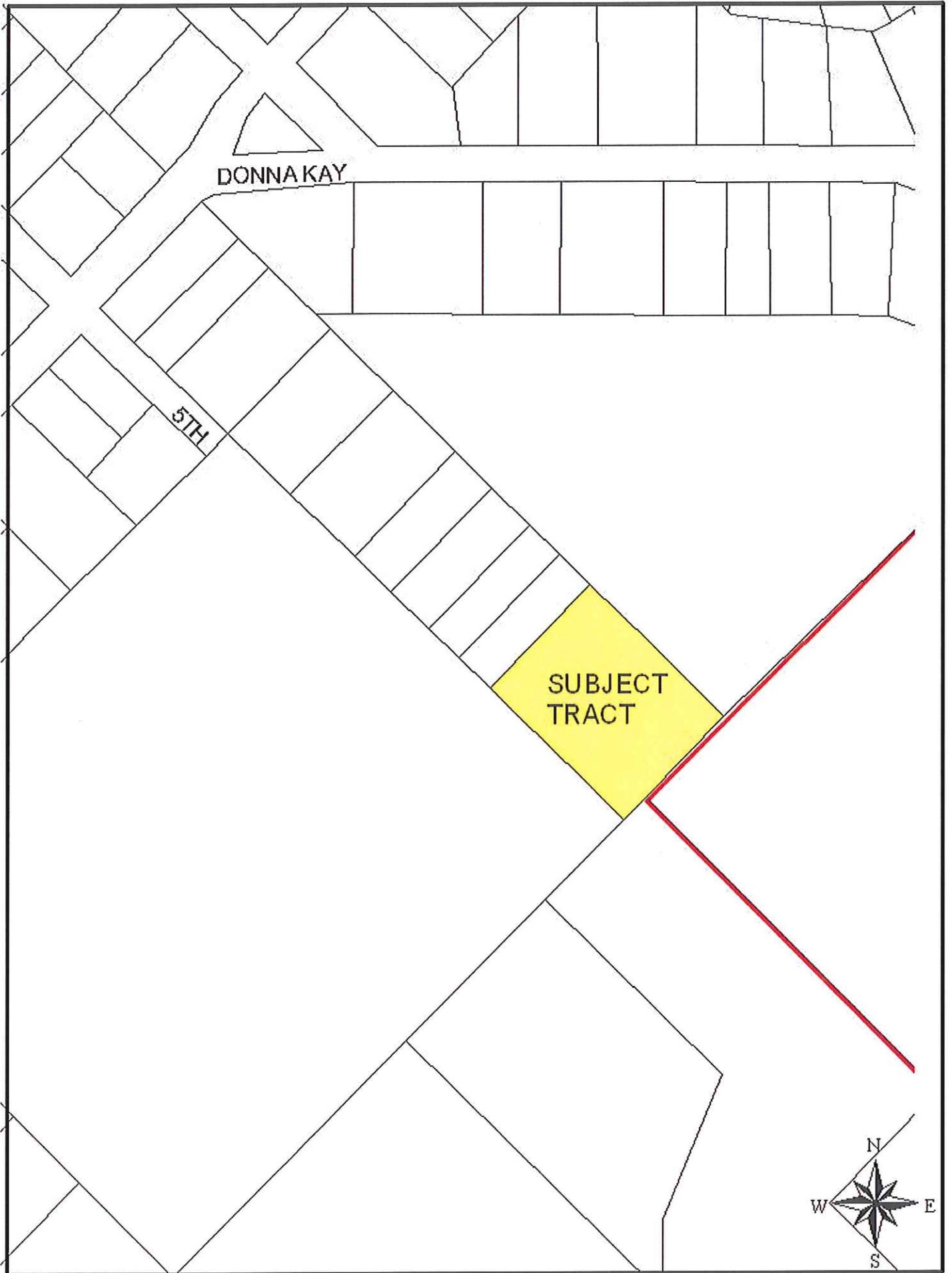
PASSED AND APPROVED ON SECOND AND FINAL READING, this the __ day of _____, A.D., 2010.

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary



Application for Special Use Permit

i) Name, address, and phone number of applicants:

Chelle Dainas & Jonathan Lusher
1524 5th Street
Kerrville, TX 78028
(830) 257-8141

ii) Same as above

iii) Not applicable

iv) Full legal description of property: See Attachment A.

Being a 0.74 acre tract or parcel of land situated in Kerr County, Texas; being comprised of Lots 4, 5, 6 and 7, block 67 J.A. Tivy Addition to the City of Kerrville as shown on plat recorded in Volume P, Page 1, Deed Records of Kerr County.

v) Same as i)

vi) Detailed description of the proposed use(s) of the property:

- Temporary fostering, shelter, food and basic care for domestic cats either awaiting adoption or recovering from injury or neutering.
- Use will not include birthing or breeding, except as may occur to cats rescued from the wild, nor will any commercial enterprise be involved.
- Cats will be “referred” to us by local animal rescue, care, or humane societies who need auxiliary facilities for cats which might otherwise be euthanized or uncared for. It is not our intention to be the primary agency for attempting to place cats for adoption; this will remain the function of the referring agency. See letter of interest from Freeman-Fritts Animal Shelter (Attachment B).
- Cats would be confined to the kennels at all times (photo attached). It is noted these kennels would be exceptionally large, providing space and running room for the animals. The kennel already constructed as a demonstration is 20’ long by 5’ wide by 9’ high, providing unusually spacious room for humane captivity.
- It is anticipated that the maximum number of cats would not exceed twelve (12) at any given time, and is likely to be less on an average basis.
- Traffic to the facility will be extremely limited, as no deliveries will be necessary. Nor will there be significant traffic of people viewing the cats for adoption as most of this will occur at the referring agency.

vii) Availability and location of off-street parking:

While there will be very little need for parking, Applicants’ home on the property has sufficient space for over fifteen (15) vehicles in the front or East of the home. This may be seen in an accompanying photograph. Parking area is completely out of sight from any street.

Projected amount of additional traffic generated:

This will be minimal, if any at all. No deliveries are contemplated—supplies to be brought in by the Applicants in private vehicles. Little or no traffic from visitors to the cats will be generated and if any, these will be in private vehicles.

viii) Proposed number of occupants and hours of occupancy:

In that this facility is part of Applicants' home, it is under constant surveillance, and would be attended by Applicants morning, afternoon and evenings on a regular basis. Applicants (2) are the only residents of the property. No other employees are necessary or anticipated.

ix) Delivery of goods to property: None; any supplies will be brought by Applicants.

x) State or federal license required: None required.

xii) Distance of property from Guadalupe River: Approximately one and a half (1.5) miles.

xiii) Number of properties within one-half mile with similar use: None.

xiv) Use of properties within 500 feet of the perimeter: Residential only.

xv) Site Plan:

a) Location and dimensions: (See Site Plan Drawing – Attachment C).

The entire property is situated on a hill at the end of the 1500-block of 5th Street. This is a dead end street, as the 1300 block of 5th. Thus, there is no through traffic on this block.

The entire property consists of .74 acres, and abuts the City Line at the East. It is approximately 160' wide by 240' deep, consisting of four (4) lots of the Tivy Addition as noted above in the legal description.

It should also be noted that the home and shed (in which the cats will be housed) are almost invisible from 5th Street, screened by elevation and natural landscaping.

Furthermore, the property is screened on three sides, one by 9.41 acres owned by the Applicants, one by 4.99 acres owned by others, and one by forested land in Kerr County. On the 5th Street side, there is a vacant and forested lot of 60' width separating the next house. No houses are present on the Applicants' 9.41 acres.

b) General appearance and intended use of existing buildings:

The building to be used is a metal structure measuring 60x 30 feet. It is fully enclosed with two (2) windows on its West side, has a full concrete floor, and four (4) roll-up doors, one on each side for ventilation. The building will contain one or more large kennels for the animals (as seen in attached photograph), and will be heated and cooled to provide appropriate temperatures for them. The building is screened from 5th Street (photo attached taken from the dead end of the street) and has a tidy, well maintained appearance. See attached photos – Attachment D.

c) Approximate location of existing buildings:

In general, Applicants' home is to the East, up-grade from the actual building to be used. No other buildings are present on the Applicants' total of over ten acres.

d) Location of parking and included areas:

No additional structures are necessary or anticipated. Parking is to the East of Applicants' home, slightly up-grade from the building intended for cat use. Landscaping screens the buildings from the street, and a paved drive provides access.

e) Location of existing drainage:

The overall property/site is extremely well designed and constructed so as to channel, direct and moderate drainage from it. During heaviest rains of the last five (5) years, Applicants have found only tiny amounts of soil displaced, and none running off the property itself. There are no streams, watercourses, or water features on or near the property.

f) Existing grading, drainage and erosion control measures:

As noted, the property controls drainage with virtually no erosion. No additional impact on this capability is likely from proposed use of the metal building.

g) Relationship of property and proposed use to surrounding uses:

The property is isolated on three sides:

- On the East, it abuts the City line and an entirely forested grade proceeds East, immediately beyond City limits;
- On the South, Applicants own the adjacent property of 9.41 acres which is entirely unimproved;
- On the North is a vacant 4.99 acre property which is also entirely unimproved.
- On the 5th Street side (West) the property's grade and size of lot, as well as a vacant lot between Applicants' property and the next neighbor, effectively isolates the property.

No noise, traffic or other impact is expected on the few neighbors in proximity. Cats would be enclosed in the pictured kennels at all times.

Note attached copies from the City's GIS system, which illustrate the space around Applicants' property; (see aerial photos – Attachment E).

xvi) Non-refundable application fee of \$300 attached.

KN

← VACANT → SITE PLAN NOT TO SCALE
↑ 4.99 acres

KERR COUNTY

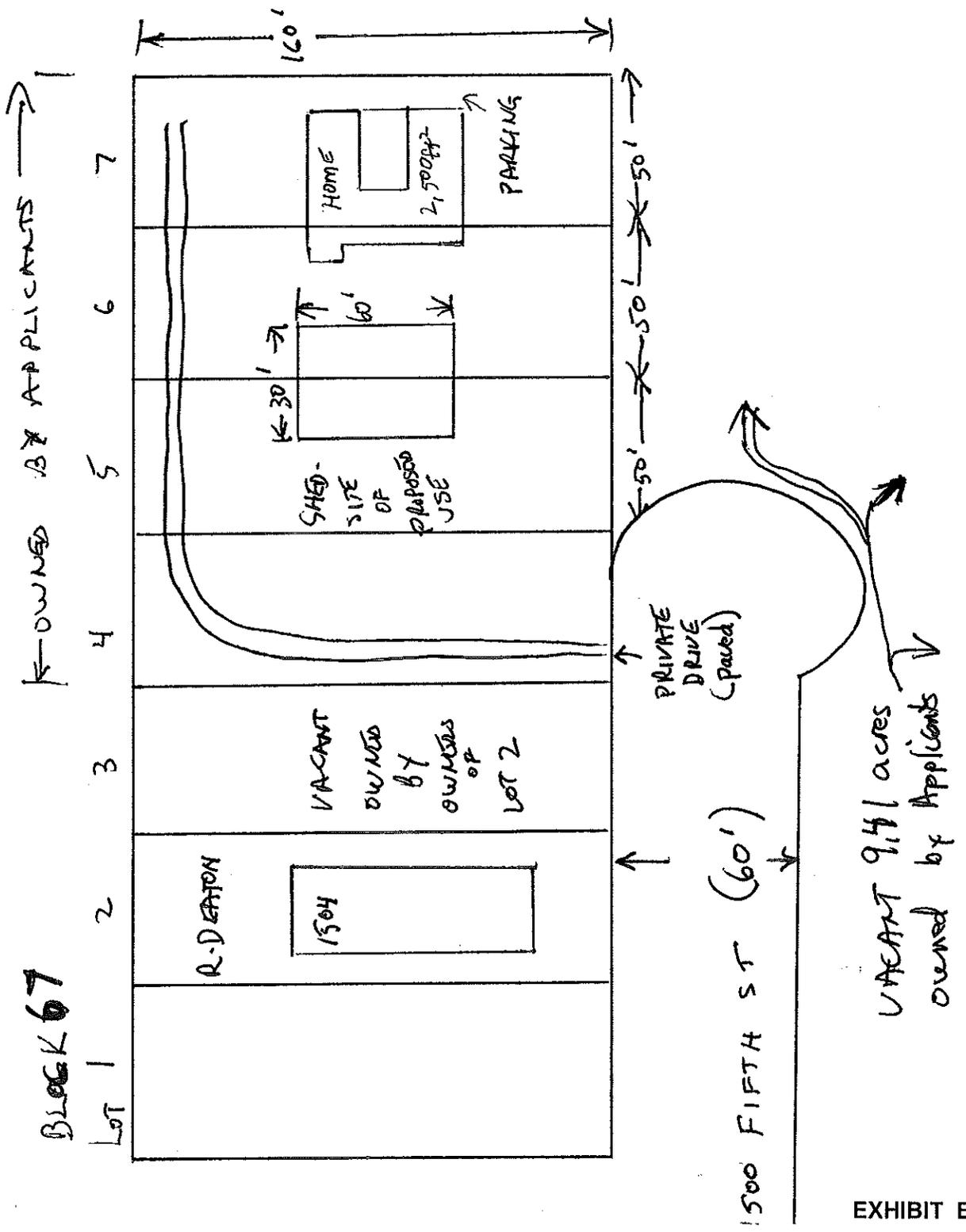




EXHIBIT C-1



EXHIBIT C-2



EXHIBIT C-3



EXHIBIT C-4



EXHIBIT C-5



EXHIBIT C-6



EXHIBIT C-7



EXHIBIT C-8

ANIMAL WELFARE SOCIETY OF KERR COUNTY, TEXAS

A non-profit organization in association with
FREEMAN-FRITTS CLINIC
515 Spur 100, Kerrville, TX
830-257-4144 www.freemanfritts.com

February 12, 2010

To Whom It May Concern:

The Animal Welfare Society of Kerr Country , TX is engaging in discussions with Chelle Dainas and Jonathan Lusher of 1524 Fifth Street, Kerrville, TX, for the welfare of homeless cat foster care. The possibility of working together will be of great benefit in expanding humane efforts for relocation of homeless socialized cats into caring homes.

Sincerely,



Mary Burchell
Board Member

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2010-_____

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undergoing an examination. In no event shall any cat be released or allowed to roam free outside. All development and use is subject to other applicable City ordinances and regulations, including the existing zoning regulations applicable to the Residential Cluster Zoning District within which the property is located

B. Development Site Plan: The use authorized and specified in Section A, above, shall be limited to an existing accessory building as shown in **Exhibit A**.

C. 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.

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 ___ day of _____, 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:

ATTEST:

Michael C. Hayes, City Attorney

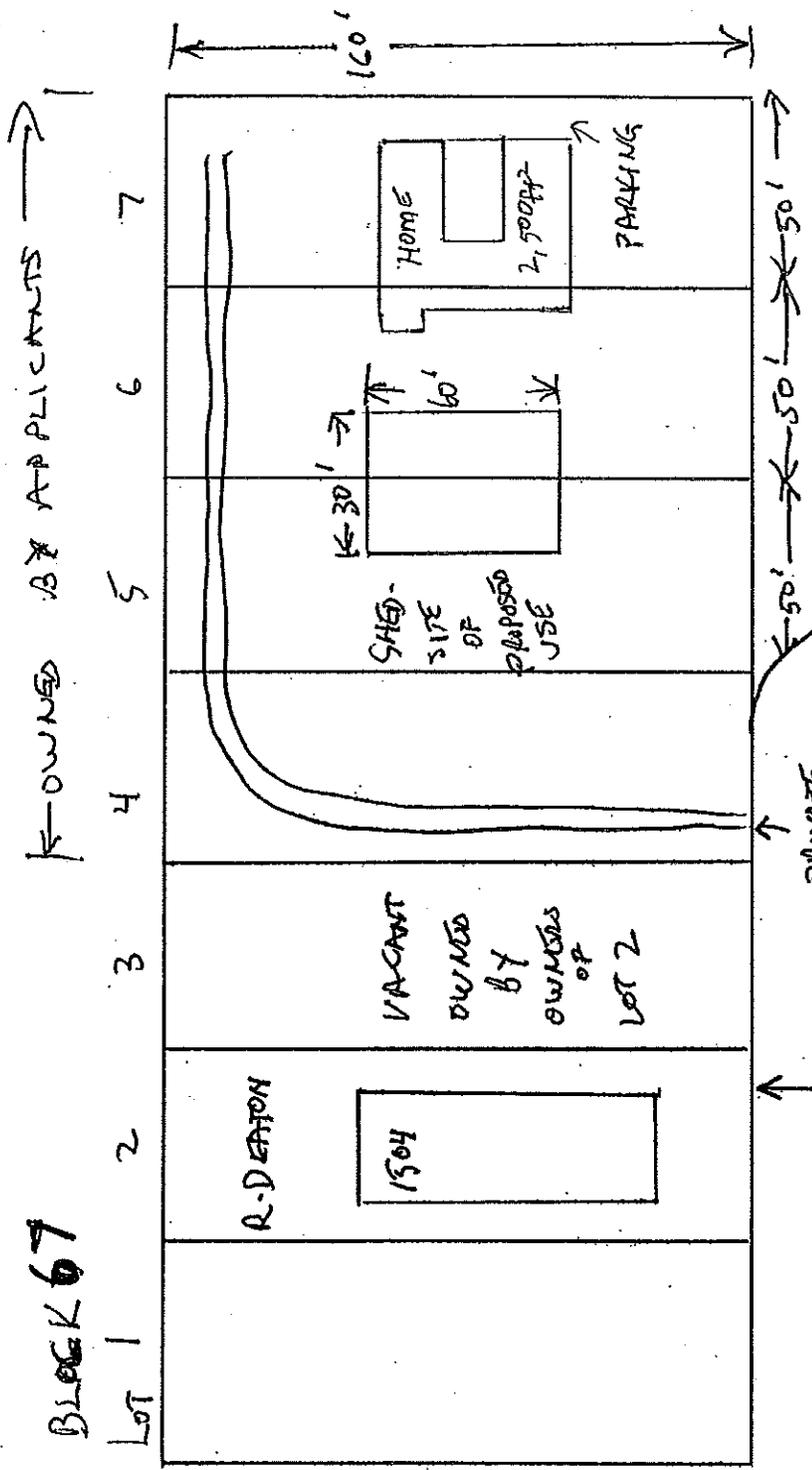
Brenda G. Craig, City Secretary

KERR
COUNTY

N

SITE PLAN
NOT TO SCALE

VACANT
4.99 acres



BLOCK 67

LOT 1

2

3

4

5

6

7

PRIVATE DRIVE (PAVED)

1500 FIFTH ST (60')

VACANT 9.41 acres owned by Applicants

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

SUBJECT: A resolution of the City of Kerrville adopting and approving the definition of "competitive matter" and the exceptions for disclosure of "competitive matters."

FOR AGENDA OF: April 13, 2010 **DATE SUBMITTED:** April 8, 2010

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

EXHIBITS: City of Kerrville Resolution
KPUB Letter Dated March 22, 2010
KPUB Resolution No. 10-05
City of Kerrville Resolution No. 042-2001

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

At its meeting of March 22, 2010, the Kerrville Public Utility Board (KPUB) passed and approved Resolution No. 10-05. This resolution established a revised definition of "Competitive Matters" and amended those items that are excepted from disclosure as "Competitive Matters." The purpose of this resolution is to allow KPUB to discuss certain matters in open session that are currently required to be addressed in executive session.

Resolution No. 10-05 removes some items from the definition of "Competitive Matters." The specific items removed from the definition include financial information, purchasing information (including bids, proposals and contracts), several items regarding business operations information, and load forecasts.

As a result of these changes, more information will be discussed in open sessions and will be available to the community as public information.

RECOMMENDED ACTION

Staff recommends ratification of KPUB Resolution No. 10-05.

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

A RESOLUTION DETERMINING WHAT ISSUES, ACTIVITIES, AND MATTERS CONSTITUTE "COMPETITIVE MATTERS" RELATING TO THE MANAGEMENT AND OPERATION OF THE CITY OF KERRVILLE'S ELECTRIC UTILITY WITH RESPECT TO THE APPLICATION OF EXCEPTIONS TO DISCLOSURE OF PUBLIC INFORMATION AND DELIBERATION OF PUBLIC BUSINESS IN OPEN MEETING PURSUANT TO CHAPTERS 551 AND 552 OF THE TEXAS GOVERNMENT CODE

WHEREAS, the City of Kerrville, Texas owns and operates a municipal electric utility which is managed and operated on behalf of the City by the trustees of the Kerrville Public Utility Board ("KPUB"); and

WHEREAS, in enacting Senate Bill 7 during its 1999 regular legislative session, the Texas Legislature recognized that municipally owned utilities require an additional degree of flexibility in connection with their operations under the Texas Open Meetings Act (Texas Government Code, Chapter 551) and the Texas Public Information Act (Texas Government Code, Chapter 552), in connection with the competitive wholesale electric market; and

WHEREAS, effective September 1, 1999, the Texas Public Information Act was amended by adding Section 552.131, which was later renumbered as Section 552.133; and

WHEREAS, Section 552.133 authorizes an exception to disclosure of public information of matters related to the operation of a public power utility, which are determined in good faith by the governing body of the publicly owned utility to constitute "competitive matters", the disclosure of which could provide an advantage to its competitors; and

WHEREAS, effective September 1, 1999, the Texas Open Meetings Act was amended by adding Section 551.086 to authorize a public utility governing body to deliberate, vote, and take final action on any competitive matter as defined by Texas Government Code §551.086(b) in a closed meeting as defined in the Texas Open Meetings Act; and

WHEREAS, KPUB has adopted a resolution defining "competitive matter" for the purpose of protecting the competitive position of the City's electric utility as provided for by state law; and

WHEREAS, the City Council of the City of Kerrville, Texas, which by virtue of its ownership of the electric system managed by the KPUB trustees also constitutes a public power utility governing body as defined by Senate Bill 7, concurs with the KPUB trustees desire to protect the public's interest by adopting a definition of "competitive matters" for the purposes set forth by the KPUB trustees and the above stated recitals;

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

SECTION ONE. The City Council, in the exercise of good faith and cognizant of its fiduciary duty in managing and operating the City's electric system, determines that for the purpose of application of Texas Government Code Section 552.133, and Texas Government Code Section 551.086, the following categories of information with respect to the management and operation of the City's municipally owned utility by, through, and/or in conjunction with the KPUB trustees, constitute competitive matters, the disclosure of which would give advantage to competitors or potential competitors:

(A) Purchasing and Contract Information, including:

- (1) Power supply pricing, proposals, and contracts;
- (2) Power sales pricing, proposals, and contracts;
- (3) Fuel contracts and proposals;
- (4) Fuel transportation pricing and contracts;

(B) Business Operations Information, including:

- (1) Personnel compensation.

(C) Generation/System Operations Information, including:

- (1) Generating unit operating and performance data, including heat rates;
- (2) Engineering and design of generation units;
- (3) Control system design and capabilities;
- (4) Maintenance schedules;
- (5) Unit outage information;
- (6) Generation system improvement plans and work papers;
- (7) Generation unit and system audits.

(D) Competitive Customer Information, including:

- (1) Customer lists or identification data, consumption data, or billing/account data.

SECTION TWO. Information or records of KPUB and the City that are reasonably related to a competitive matter as defined in Section One, above, are excepted from the disclosure requirements of Chapter 552 of the Texas Government Code.

SECTION THREE. The City Council, reserves the right to supplement or amend the list of competitive matters set out in this Resolution from time to time or case-by-case determination as may be appropriate and desirable in order to continue to operate and manage the City's electric system by, through, and/or in conjunction with, the KPUB trustees, in a manner consistent with the interest of the City and its electric ratepayers.

SECTION FOUR. Resolution No. 042-2001, which was adopted by City Council on February 27, 2001, is repealed.

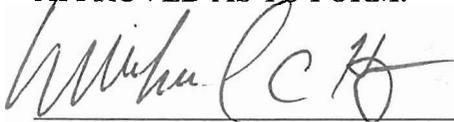
PASSED AND APPROVED ON this the ____ day of _____, A.D., 2010.

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



KERRVILLE
PUBLIC
UTILITY
BOARD

2250 Memorial Blvd. • P.O. Box 294999 • Kerrville, Texas 78029-4999 • 830-257-3050 • FAX 830-257-8078

March 22, 2010

Mr. Todd J. Parton
City Manager
City of Kerrville
800 Junction Highway
Kerrville, Texas 78028

Dear Todd,

At a Special Called Meeting held earlier today, the Kerrville Public Utility Board approved Resolution 10-05: Adopting and Approving the Definition of "Competitive Matter" and the Exceptions for Disclosure of "Competitive Matters." This Resolution will allow KPUB to discuss certain matters in the Open Session of its meetings that heretofore were discussed in Executive Closed Session.

The Board understands that the City of Kerrville City Council will need to approve a new City Resolution consistent with KPUB Resolution 10-05. I have enclosed a scanned copy of KPUB Resolution 10-05 and City of Kerrville Resolution 042-2001 for your information.

Please let me know if you have any questions or need additional information.

Yours truly,

Tracy L. McCuan
General Manager and CEO

TLM/kis

cc: Mike Hayes, City Attorney
Dwayne Machann, KPUB Counsel

Enc: KPUB Resolution 10-05
City of Kerrville Resolution 042-2001

Sec. 552.133. EXCEPTION: PUBLIC POWER UTILITY
COMPETITIVE MATTERS. (a) In this section:

(1) "Public power utility" means an entity providing electric or gas utility services that is subject to the provisions of this chapter.

(2) "Public power utility governing body" means the board of trustees or other applicable governing body, including a city council, of a public power utility.

(3) "Competitive matter" means a utility-related matter that the public power utility governing body in good faith determines by a vote under this section is related to the public power utility's competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors but may not be deemed to include the following categories of information:

(A) information relating to the provision of distribution access service, including the terms and conditions of the service and the rates charged for the service but not including information concerning utility-related services or products that are competitive;

(B) information relating to the provision of transmission service that is required to be filed with the Public Utility Commission of Texas, subject to any confidentiality provided for under the rules of the commission;

(C) information for the distribution system pertaining to reliability and continuity of service, to the extent not security-sensitive, that relates to emergency management, identification of critical loads such as hospitals and police, records of interruption, and distribution feeder standards;

(D) any substantive rule of general applicability regarding service offerings, service regulation, customer protections, or customer service adopted by the public power utility as authorized by law;

(E) aggregate information reflecting receipts or expenditures of funds of the public power utility, of the type that would be included in audited financial statements;

(F) information relating to equal employment opportunities for minority groups, as filed with local, state, or federal agencies;

(G) information relating to the public power utility's performance in contracting with minority business entities;

(H) information relating to nuclear decommissioning trust agreements, of the type required to be included in audited financial statements;

(I) information relating to the amount and timing of any transfer to an owning city's general fund;

(J) information relating to environmental compliance as required to be filed with any local, state, or national environmental authority, subject to any confidentiality provided under the rules of those authorities;

(K) names of public officers of the public power utility and the voting records of those officers for all matters other than those within the scope of a competitive resolution provided for by this section;

(L) a description of the public power utility's central and field organization, including the established places at which the public may obtain information, submit information and requests, or obtain decisions and the identification of employees from whom the public may obtain information, submit information or requests, or obtain decisions; or

(M) information identifying the general course and method by which the public power utility's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.

(b) Information or records are excepted from the requirements of Section 552.021 if the information or records are reasonably related to a competitive matter, as defined in this section. Excepted information or records include the text of any resolution of the public power utility governing body determining which issues, activities, or matters constitute competitive matters. Information or records of a municipally owned utility that are reasonably related to a competitive matter are not subject to disclosure under this chapter, whether or not, under the Utilities Code, the municipally owned utility has adopted customer choice or serves in a multiply certificated service area. This section does not limit the right of a public power utility governing body to withhold from disclosure information deemed to be within the scope of any other exception provided for in this chapter, subject to the provisions of this chapter.

(c) In connection with any request for an opinion of the attorney general under Section 552.301 with respect to information alleged to fall under this exception, in rendering a written opinion under Section 552.306 the attorney general shall find the requested information to be outside the scope of this exception only if the attorney general determines, based on the information provided in connection with the request:

(1) that the public power utility governing body has failed to act in good faith in making the determination that the issue, matter, or activity in question is a competitive matter; or

(2) that the information or records sought to be withheld are not reasonably related to a competitive matter.

(d) The requirement of Section 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under this chapter unless expressly confidential

under law does not apply to information that is excepted from required disclosure under this section.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 46, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1272, Sec. 7.02, eff. June 15, 2001. Renumbered from Sec. 552.131 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(52), eff. Sept. 1, 2001.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 042-2001**

A RESOLUTION DETERMINING WHAT CONSTITUTES A "COMPETITIVE MATTER" RELATING TO THE MANAGEMENT AND OPERATION OF THE CITY OF KERRVILLE'S ELECTRIC UTILITY WITH RESPECT TO THE APPLICATION OF EXCEPTIONS TO DISCLOSURE OF PUBLIC INFORMATION AND DELIBERATION OF PUBLIC BUSINESS IN OPEN MEETING PURSUANT TO CHAPTERS 551 AND 552 OF THE TEXAS GOVERNMENT CODE

WHEREAS, the City of Kerrville, Texas owns and operates a municipal electric utility which is managed and operated on behalf of the City by the trustees of the Kerrville Public Utility Board ("KPUB"); and

WHEREAS, the City Council of the City of Kerrville, Texas, ("the City Council") recognizes that the operations of its electric utility will be affected by the impending changes to the retail electric market and by competitive pressures from new electric suppliers, whether or not the KPUB trustees and the City Council elect to implement customer choice on and after January 1, 2002; and

WHEREAS, in enacting Senate Bill 7 during its 1999 regular legislative session, the Texas Legislature recognized that municipally owned utilities require an additional degree of flexibility in connection with their operations under the Texas Open Meetings Act (Texas Government Code, Chapter 551) and the Texas Public Information Act (Texas Government Code, Chapter 552), in connection with the existing competitive wholesale electric market and impending competitive retail market as the transition to the era of retail competition occurs; and

WHEREAS, effective September 1, 1999, the Texas Public Information Act was amended by adding Section 552.131 to provide new exceptions to disclosure of public information of matters related to the operation of a public power utility, including commercial information, which are determined in good faith by the governing body of the publicly owned utility to constitute "competitive matters", the disclosure of which could provide an advantage to its existing or prospective competitors; and

WHEREAS, effective September 1, 1999, the Texas Open Meetings Act was amended by adding Section 551.086 to authorize a public utility governing body to deliberate, vote, and take final action on any competitive matter as defined by Texas Government Code §551.086(b) in a closed meeting as defined in the Texas Open Meetings Act; and

WHEREAS, the Kerrville Public Utility Board has adopted a resolution defining "competitive matter" for the purpose of protecting the competitive position of the City's electric utility as provided for in Senate Bill 7; and

Approved by City Council
Date: February 27, 2001
Volume 34 Page 439

WHEREAS, the City Council of the City of Kerrville, Texas, which by virtue of its ownership of the electric system managed by the KPUB trustees also constitutes a public power utility governing body as defined by Senate Bill 7, concurs with the KPUB trustees desire to protect the public's interest by adopting a definition of "competitive matters" for the purposes set forth by the KPUB trustees and the above stated recitals;

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

SECTION ONE. That the City Council of the City of Kerrville, Texas, in the exercise of good faith and cognizant of its fiduciary duty in managing and operating the City of Kerrville's electric system, hereby determines that for the purpose of application of Texas Government Code §552.131, as amended, and Texas Government Code §551.086, as amended, the following categories of information with respect to the management and operation of the City of Kerrville's municipally owned utility by, through, and/or in conjunction with the KPUB trustees, constitute competitive matters, the disclosure of which would give advantage to competitors or potential competitors:

- (A) Financial Information, including but not limited to:
 - (1) Strategic and business plans;
 - (2) Rate and pricing strategies and studies;
 - (3) Revenue and expense projections and targets;
 - (4) Fuel pricing and usage;
 - (5) Fuel hedging/risk management strategies;
 - (6) Cost of service studies.

- (B) Purchasing and Contract Information, including
 - (1) Power supply pricing, proposals and contracts;
 - (2) Power sales pricing, proposals and contracts;
 - (3) Fuel contracts and proposals;
 - (4) Fuel transportation pricing and contracts;
 - (5) Purchasing information, including bids, proposals and contracts.

- (C) Business Operations Information, including
 - (1) Work management studies;
 - (2) Benchmarking information;
 - (3) Market plans and strategies;
 - (4) Personnel staffing levels and compensation.

(D) Generation/System Operations Information, including

- (1) Generating unit operating and performance data, including heat rates;
- (2) Engineering and design of generation units and transmission/distribution system;
- (3) Control system design and capabilities;
- (4) Maintenance schedules;
- (5) Unit and system outage information;
- (6) Load forecasts;
- (7) Generation/Distribution system improvement plans and work papers;
- (8) Generation unit and system audits.

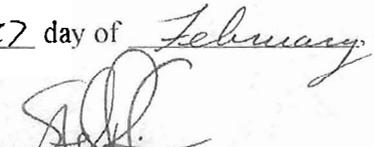
(E) Competitive Customer Information, including:

Customer lists or identification data, consumption data, or billing/account data.

SECTION TWO. That information or records of the Kerrville Public Utility Board and the City of Kerrville, Texas, that are reasonably related to a competitive matter as defined in Section One, above, are excepted from the disclosure requirements of Chapter 552 of the Texas Government Code.

SECTION THREE. That the City Council of the City of Kerrville, Texas, reserves the right to supplement or amend the list of competitive matters set out in this resolution from time to time by addition or deletion or case-by-case determination as may be appropriate and desirable in order to continue to operate and manage the City of Kerrville's electric system by, through, and/or in conjunction with, the KPUB trustees, in a manner consistent with the interest of the City and its electric ratepayers.

PASSED AND APPROVED ON this the 27 day of February, A.D., 2001.



Stephen P. Fine, Mayor

ATTEST:



Sheila L. Brand, City Clerk

APPROVED AS TO FORM:



Kevin B. Laughlin, City Attorney

E:\LEGAL\CITY CLERK\COMPETITIVE MATTERS(2).WPD

RESOLUTION NO. 10-05

A RESOLUTION OF THE KERRVILLE PUBLIC UTILITY BOARD ADOPTING AND APPROVING THE DEFINITION OF "COMPETITIVE MATTER" AND THE EXCEPTIONS FOR DISCLOSURE OF "COMPETITIVE MATTERS".

WHEREAS, Senate Bill 7 enacted into law by the 76th Session of Texas Legislature and signed by the Governor on June 18, 1999, with an effective date of September 1, 1999, amends Subchapter C, Chapter 552, Government Code, by adding Section 552.133 to provide new exception to disclosure for public power utility competitive matters; and

WHEREAS, Senate Bill 7 defines "competitive matter" as a utility-related matter that the public power utility governing body in good faith determines by a majority vote is related to the public power utility's competitive activity, including commercial information and would, if disclosed, give advantage to competitors or prospective competitors; and

WHEREAS, the City of Kerrville, Texas, a home-rule municipal corporation, in the State of Texas, owns and operates a municipal electric utility; and

WHEREAS, the Kerrville Public Utility Board has reviewed Resolution No. 99-17 and has determined that certain documents designated as competitive matters therein should not be considered competitive matters if originated on or after March 23, 2010, and the Board wishes to revise Resolution No. 99-17 accordingly; and

WHEREAS, the Kerrville Public Utility Board, as the governing body of the municipally owned electric utility, desires to adopt this Resolution defining "competitive matter" for the purpose of protecting the competitive position of its electric utility as provided for in Senate Bill 7; now therefore,

BE IT RESOLVED BY THE KERRVILLE PUBLIC UTILITY BOARD:

Section 1. Competitive Matter: For purposes of application of Section 552.133 of the Government Code, which provides for exception to disclosure for public power utility competitive matters, the following categories of information are determined to be competitive matters, the disclosure of which would give advantage to competitors or potential competitors;

- (A) Purchasing and Contract Information, including**
- (1) Power supply pricing, proposals, and contracts;
 - (2) Power sales pricing, proposals, and contracts;
 - (3) Fuel contracts and proposals;
 - (4) Fuel transportation pricing and contracts;

(B) Business Operations Information, including

- (1) Personnel compensation.

(C) Generation/System Operations Information, including

- (1) Generating unit operating and performance data, including heat rates;
- (2) Engineering and design of generation units;
- (3) Control system design and capabilities;
- (4) Maintenance schedules;
- (5) Unit outage information;
- (6) Generation system improvement plans and work papers;
- (7) Generation unit and system audits.

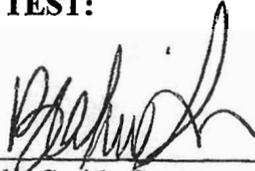
(D) Competitive Customer Information, including

- (1) Customer lists or identification data, consumption data, or billing/account data.

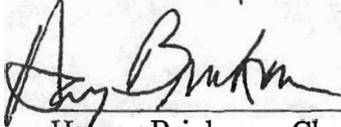
Section 2. Effective on March 23, 2010, this Resolution replaces in its entirety Resolution No. 99-17 passed, approved, and adopted September 7, 1999.

PASSED, APPROVED, AND ADOPTED this 22nd day of March, 2010, **EFFECTIVE MARCH 23, 2010.**

ATTEST:



Blake Smith, Secretary



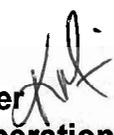
Harvey Brinkman, Chairman

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

SUBJECT: Consider proposal to provide management services for the Kerrville-Kerr County Airport for FY11.

FOR AGENDA OF: April 13, 2010

DATE SUBMITTED: March 31, 2010

SUBMITTED BY: Kimberly Meisner 
Director of General Operations

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Letter dated 3/24/10 from Bruce McKenzie
Proposal prepared by staff

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 City received a request from Bruce McKenzie, Airport Manager, on behalf of the Kerrville-Kerr County Joint Airport Board, to submit a proposal for airport management services for FY11. The deadline for submitting the proposal to the Joint Airport Board is April 23, 2010.

A proposal has been prepared by staff and is attached to this agenda bill for review and discussion by Council. Staff has determined that all current services can be performed by the City for a lump sum total of \$242,880. This is a decrease of \$8,120 from the current lump sum contract amount of \$251,000. This amount may be further decreased by \$1,800 by eliminating the administrative support to the Joint Airport Board. The administrative support includes preparing and posting agendas and recording of minutes at Board meetings.

RECOMMENDED ACTION

Authorize Staff to submit the attached proposal to the Kerrville-Kerr County Joint Airport Board for management services for the Kerrville-Kerr County Airport for FY11 in the lump sum amount of \$242,880 with an offer to decrease that amount by \$1,800 by eliminating administrative support to the Joint Airport Board.

**City of Kerrville
Proposal for Airport Management Services
Kerrville-Kerr County Airport**

<u>Item</u>	<u>Description</u>	<u>Amount</u>
1	Airport Facilities Maintenance	\$160,000
2	Legal Services	\$3,500
3	Financial Services & Fleet Maintenance	\$7,500
4	Engineering & Project Management Services	\$30,000
5	Purchasing	\$250
6	Information Technology & Geographical Information System	\$4,000
7	Grant Management Services	\$150
8	Property, Casualty, and Premises Liability Insurance	\$3,000
9	Joint Airport Board Support & Management Contract Oversight	\$9,250
10	Building Maintenance & Custodial Services	\$3,150
11	Third Party Payroll Administration (County Administered)	<u>\$0</u>
	Sub-Total	\$220,800
	10% Contingency	\$22,080
	Total	<u><u>\$242,880</u></u>



Kerrville
Kerr County
Joint Airport
Board

March 24, 2010

Stephen King
President

Kimberly Meisner
Director of General Operations
City Of Kerrville
800 Junction Highway
Kerrville, Texas 78028

Fred Vogt
Vice President

Dear Ms. Meisner,

Mark Cowden
Board Member

Pursuant to the special Airport Board meeting held March 24, 2010, this a formal request for the City of Kerrville to submit a proposal, within 30 days from the date of this letter, to perform the "Airport Management Contract" for FY 2011. The proposal is to include pricing for all services detailed on the attached document, "Management Contract – Services Provided."

Tom Moser
Board Member

Thank you,

Corey Walters
Board Member

Bruce McKenzie
Airport Manager

Enclosure

1877 Airport Loop
Kerrville, Texas 78028
Ph (830)896-9399 Fax (830)896-9440
www.kerrvilleairport.com

Management Contract - Services Provided

Airport Facilities Maintenance – The following categories and types of maintenance shall be provided by the City of Kerrville pursuant to this agreement:

1. Weekly maintenance shall include: (1) airfield lighting checks and completion of replacement(s) and/or repairs as needed; (2) pilot controlled lighting inspections and completion of minor repairs; (3) runway and taxiway inspections and emergency repair; and (4) daily runway condition inspections to include for Foreign Object/Debris (FOD) inspections. The Board shall supply all materials and parts.
2. Monthly maintenance shall include: (1) providing calibration equipment for and certified personnel to complete maintenance on approach lighting (PAPI's & VASI's); (2) completing inspection and maintenance of the airfield safety area including grading in and around runways, taxiways and drainage areas; (3) inspecting runways, taxiways, aprons, ramps, and access roads with subsequent repairs completed as required which may include crack sealing, concrete patching/replacement, etc., including access roads to the FAA Remote Communication Facility, boundary access roads and the required access road to the Edmonds' property; and (4) Mowing/weed eating around lighting, signage, and terminal building as well as providing certified personnel for and completing herbicide/pesticide applications around fencing and airfield lighting, in addition to routine mowing provided by separate contract. The Board shall supply all materials and parts.
3. Routine services provided on an as-needed basis shall include: (1) providing continuous coverage for setup and operation of runway closure lighting signs as well as taxiway closures and performing daily inspections (conducted at least twice per day) during operation of runway closure signage and emergency airfield maintenance activities; (2) ensuring that such services are coordinated with the FAA through their required communication procedures and coordination and/or reporting activities with Flight Services. Notice to Airmen (NOTAM's) will be generated and closed as required; (3) monitoring aircraft frequencies and communicating as needed during all activities in the flight areas; (4) providing vehicles and equipment used for airfield activities equipped with required lighting and radios for communications with aircraft and the Fixed Base Operator; (5) providing minor facility repair to those facilities owned and operated by the Owners (i.e., T-hangars, terminal, gates, etc.); and (6) providing escort, required notices, and communications for outside contractors performing services that the Airport to include oversight of contractors performing repairs to leased facilities.
4. Additional services provided on an as-needed basis shall include: (1) providing signs for Airport; (2) replacing boards on fence at Localizer antenna; (3) setting up barricades and providing water truck to fill with water; (4) painting segmented circle and AWOS antenna; (5) building and installing new "End of Taxiway"

marker for the new Mooney Taxiway; (6) removing signs for new construction; (7) replacing delineators on Airport Loop; (8) replacing windsocks; (9) providing spot mowing; and (10) repairing facsimile machine.

Legal Services – the City's legal staff will attempt to provide routine services, which will include reviewing, preparing, and signing documents, contracts, and other instruments as to form, and conducting legal research. In the provision of these services, the legal staff shall provide such services only if the provision of services to the Board does not in any way impair the legal staffs' ability to provide legal services to the City.

Financial Services – Providing all necessary financial services to include bookkeeping, accounts payable and receivable, collections, budget development, debt management, financial reporting and auditing, unless specifically agreed upon otherwise by written contract or other agreement between the parties.

Engineering and Project Management Services – Providing all necessary engineering services to include professional engineers and engineering technicians required for the maintenance, marketing, and development of the Airport property and its infrastructure. This does not include design services related to and otherwise funded for grant projects.

Purchasing – Providing services related to conforming with the competitive bidding statutes including notice, development of Requests for Proposals (RFP's), excluding any services the City may seek to be included in, and Requests for Qualifications (RFQ's), advertising, publication, bidding and tabulation and bidder qualification for all purchases and contracts all of which shall be conducted in accordance with state law, as applicable to home-rule municipalities.

Information Technology and Geographic Information System – Providing services related to development, implementation and maintenance of information technology infrastructure to include development and maintenance of data (parcel, aerial, utilities, etc.) required to support ongoing and future Airport projects as well for use in FAA and TxDOT Aviation compliance measures.

Grant Management Services – Providing all grant management services not otherwise covered by the foregoing provisions.

Property, Casualty, and Premises Liability Insurance – Providing and maintaining property, casualty, and premises liability insurance coverage for Airport property.

Joint Airport Board Support – Providing Board support in the form of posting agendas and the recording of minutes.

Building Maintenance and Custodial Services – Providing routine building maintenance such as changing light bulbs as well as provide for routine custodial services for the Airport Manger's and administrative support office.

Third Party Payroll Administration – This option provides for the Airport Manger and any administrative support to be paid through a third party administrator. This option would not allow the Airport Manger to use a city vehicle. The Airport Manager is subject to the City's Purchasing and Financial policies.

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

SUBJECT: Adoption of revisions to Kerrville's application for a Certificate of Convenience and Necessity for water.

FOR AGENDA OF: 04/13/10

DATE SUBMITTED: 04/06/10

SUBMITTED BY: Charlie Hastings ^{CA}
Public Works Director

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Proposed CCN map

AGENDA MAILED TO:

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

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Council authorized submission of a Certificate of Convenience and Necessity (CCN) for water service to the Texas Commission on Environment Quality (TCEQ) for an area that includes a two mile buffer around the city limits excluding existing CCN's and excluding opt out requests from property owners who met the opt out deadline. The total area encompassed in the proposed CCN is 32,800 acres. At the February 9th council meeting, direction was given to further refine the map before submittal to TCEQ as necessary. Additional time was granted from TCEQ to submit the refined map with the CCN application by April 15, 2010. The CCN map has been refined to reflect the following:

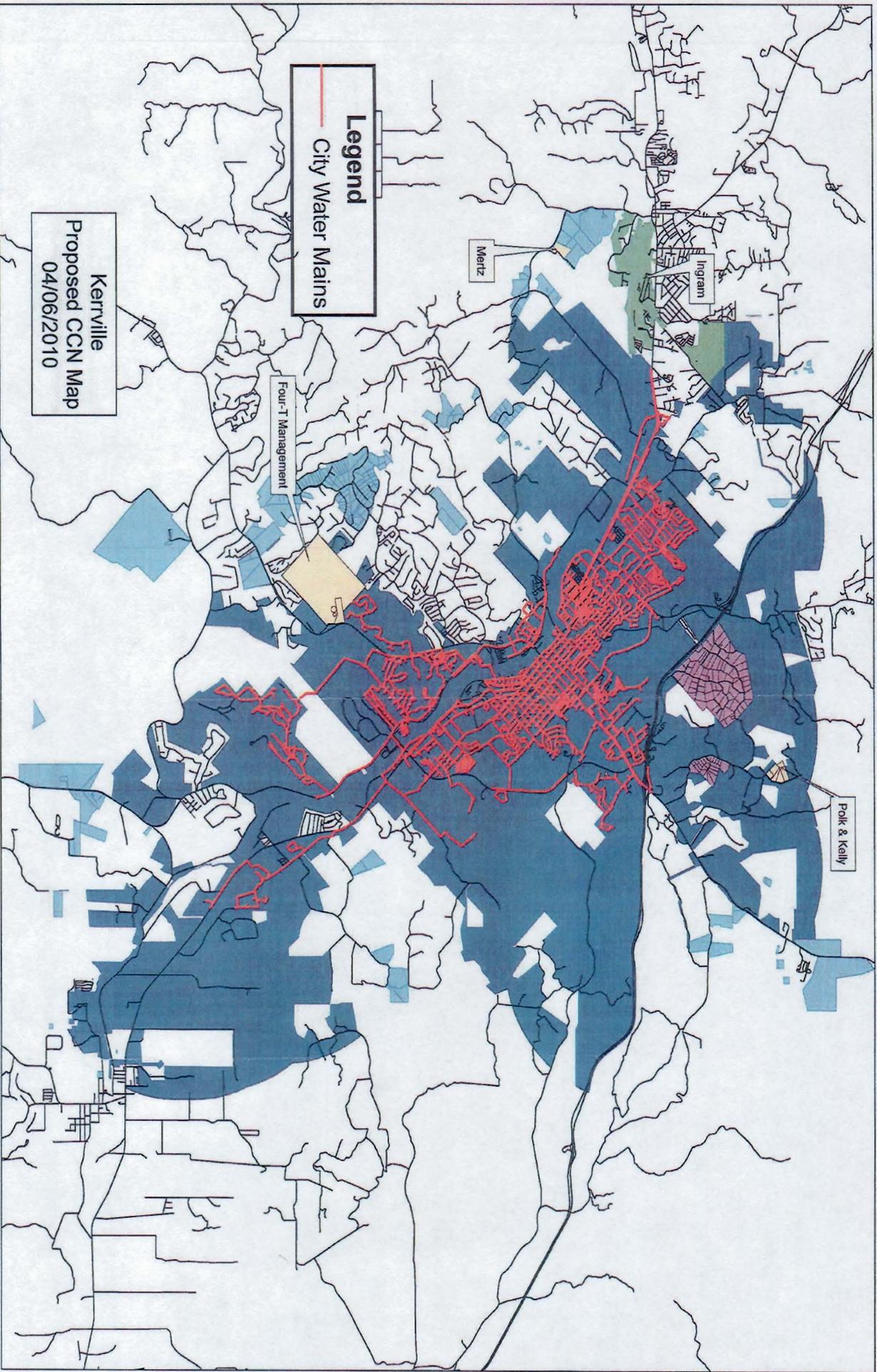
- Areas in the original CCN map that have become disconnected with the main service area as a result of granting opt out requests are shown on the proposed CCN map (light blue) and are recommended to be removed.
- Two existing water service providers (Saddle Mountain Water System and Weidenfeld Water Works, Inc.) that are within Kerrville's proposed CCN area have been operating water systems without a CCN and have requested to be removed from the area. These areas are denoted on the proposed CCN map (purple) and are recommended to be removed.
- Four additional opt out requests (tan) have been received since the February 9th council meeting from Mr. Gordon Polk, Mr. Roy Kelly, Mr. Carl Mertz, and Four-T Ranch. Mr. Polk, Mr. Kelly, and Four-T Ranch opt out requests missed the

December 2009 opt out deadline and are recommended to be denied. Mr. Mertz's opt out request missed the December 2009 opt out deadline, however, is located in a disconnected area previously described in the first bullet dot with a recommendation to be removed from the proposed CCN map.

- A presentation to the Kerr County Commissioners Court was made on 2/22/10 and the commissioners asked that Kerrville consider removing the proposed UGRA Center Point water service area. This area overlaps Kerrville's proposed CCN, existing ETJ, as well as a portion of the City Limits in the airport area. It is recommended that this request be denied.
- A presentation to the Upper Guadalupe River Authority Board was made on 3/24/10 with a deadline to submit concerns or requests by 4/1/10. Requests or concerns have not been received.
- A presentation to the Headwaters Groundwater Conservation District Board was made on 3/10/10 with a deadline to submit concerns or requests by 4/1/10. Requests or concerns have not been received.
- A presentation to the City Council of Ingram was made on 3/16/10 with a deadline to submit concerns or requests by 4/1/10. Ingram has requested that portions of Kerrville's proposed CCN (green) be excluded from their city limits and ETJ, as well as an area north of their ETJ. It is recommended that the portions that are in Ingram's city limits and ETJ (the area in green south of SH 27) be removed, however, the portion outside of the ETJ (the area in green northwest of Goat Creek Cutoff) remain in the proposed CCN.
- Meetings were held with existing CCN holders that are contesting Kerrville's application (Aqua Texas and Weidenfeld Water Works). Both entities indicated they would continue to contest on the basis that they are in the business of selling water and Kerrville's application competes with potential customers.

RECOMMENDED ACTION

The Public Works Director recommends that council authorize staff to revise the CCN map to reflect the recommendations listed above.



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

SUBJECT: Discussion of Appointments to City's Building Trade Boards

FOR AGENDA OF: April 13, 2010 **DATE SUBMITTED:** March 30, 2010

SUBMITTED BY: Kevin Coleman  **CLEARANCES:** Kristine Ondrias 

EXHIBITS: Outline of Current Boards and Membership
Draft Outline of Combined Multi-Trade/Multi-Discipline Board

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

<u>Expenditure</u>	<u>Current Balance</u>	<u>Amount</u>	<u>Account</u>
<u>Required:</u>	<u>in Account:</u>	<u>Budgeted:</u>	<u>Number:</u>
\$	\$	\$	

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:

SUMMARY STATEMENT

The City currently has four building related appeals boards, the Building Board of Adjustment and Appeal (BBAA), the Electrical Board of Adjustments and Appeals (EBAA), the Mechanical Board of Adjustments and Appeals (MBAA), and the Plumbing Board of Adjustment and Appeals (PBAA). Each board serves as the appeals body for their corresponding codes, as well as an advisory role to City Council for code changes prior their adoption of code changes. These boards are vital to the enforcement and interpretation of the City's adopted building codes. Long termed vacancies on these boards damage that vitality.

At its January 28th meeting, the City Council discussed the vacancies that then existed on the City's various building boards. No appointments have been made since that discussion. Each board has five regular members, and two alternate members, totaling twenty eight (28) members. Currently, 17 of the 28 positions are vacant or have expired terms. Three additional terms expire as of May 31. The City Secretary has nine applications for these positions. The attached overview outlines the current membership and the current applicant pool.

Since Council's last discussion, Development Services has made a concerted effort to fill vacant positions and alternates. In addition to numerous personal visits between staff and potential applicants, staff has sent a letter to each board member inviting them to reapply. Those not due for reappointment, or who chose not to reapply, were asked to forward their application to someone in their industry they feel would be a good

candidate for service. Five applications have been received in response to this effort.

At this meeting Development Services will present three options to the City Council for discussion, and ask for guidance on which of those options, or any additional option, Council would like to follow to fill the vacant positions.

Option One

Leave current board make up in place, appoint as many positions as possible from the applications on hand, followed by active Council recruitment of candidates to fill the remaining positions.

Option Two

Follow Option One, and take action to eliminate the single board membership restriction from these boards and/or broaden the membership requirements of board members thus broadening the pool of applicants from which to draw. To follow this option, Council will need to approve a future resolution amending its "Procedural Rules for Kerrville's Board and Commissions" as well as amendments to the ordinance empowering the boards.

Option Three

Abolish the existing board structure, replacing the four current boards with one multi-discipline, multi-code building board. This combined board could have representation from each of the licensed skilled trades, as well as from the design professional and general contractors. To follow this option, Council will need to approve amendments to the current ordinances deleting the current boards and creating the combined board. An outline of the make up of a draft combined board is attached for discussion.

RECOMMENDED ACTION

At this meeting, Council should review the options presented, consider additional options as needed, and direct staff to proceed on the option Council may choose.

BUILDING TRADE BOARDS
CURRENT BOARDS

BUILDING BOARD

Scot Ince	Resigned - now lives out of Kerr County
Calvin Luck	Term expires 05/31/11
James Maxwell	Term expires 05/31/10
Joe Mercer	Term expires 05/31/10
Glinn White	Term expires 05/31/10
Alternate 1	Vacant
Alternate 2	Vacant

CURRENT APPLICATIONS FOR OPENINGS

Granger McDonald
Jim Maxwell
Joe Rogers

ELECTRICAL BOARD

Ken Bledsoe	Term expired 01/01/10
Keith Harmon	Term expired 01/01/10
Robert Thomas	Term expired 01/01/10
John Flowers	Term expires 01/01/11
John Priour	Term expires 01/01/11
Alternate 1	Vacant
Alternate 2	Vacant

CURRENT APPLICATIONS FOR OPENINGS

Kenneth Bledsoe
Keith Harmon

BUILDING TRADE BOARDS
CURRENT BOARDS

PLUMBING BOARD

Charles Temper	Term expired 12/31/09
Daniel Lowery	Term expired 12/31/09
Don Nowlin	Term expired 12/31/09
Steve Holloway	Term expires 12/31/10
Johnny Bryant	Term expires 12/31/10
Alternate 1	Vacant
Alternate 2	Vacant

CURRENT APPLICATIONS FOR OPENINGS

Dwayne Downey
Daniel Lowery
Donald Nowlin

MECHANICAL BOARD

Lee Underwood	Term expired 09/13/09
Donald Kampfhenkel	Term expired 09/13/10
James Van Patten	Term expires 09/13/10
Regan Land	Term expires 09/13/10
Registered Engineer	Vacant
Alternate 1	Vacant
Alternate 2	Vacant

CURRENT APPLICATIONS FOR OPENINGS

Lee Underwood

Draft Outline
Combined Multi-Trade/Multi-Discipline Board

Duties

The board shall have the power to:

- Hear appeals of interpretation and decision of the building official, fire marshal or their designee, that relate to application of the building codes adopted by the City of Kerrville
- Recommend changes to the building codes adopted by the City of Kerrville
- Act as the reviewing board for purposes of administering the City's unsafe building ordinance

Possible Makeup Of New Overall (All Trades) Appeals Board

Position Designated For/
Current Member or Applicant

**Architect/
No current board members or applicants.

**Engineer/
Jim Maxwell

City Licensed General Contractor/
Glinn White, Granger McDonald

Master Electrician/
Kenneth Bledsoe, John Flowers, John Priour, Keith Harmon

Licensed Mechanical Contractor/
Lee Underwood, Donald Kampfhenkel, Regan Land, James Van Patten

Master Plumber/
Steve Holloway, Johnny Bryant, Dan Lowery, Don Nowlin, Dwayne Downey

Person Active In the Construction Industry/
Any of the above persons would fit this position.

**Should there not be an engineer or architect available to serve, then the Council shall appoint, at its discretion, an individual eligible to serve in another designated position

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

SUBJECT: Kerrville Budget/Economic Update

FOR AGENDA OF: April 13, 2010

DATE SUBMITTED: March 31, 2010

SUBMITTED BY: Mike Erwin 
Director of Finance

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Economic Update
AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

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

RECOMMENDED ACTION

No action required information purposes only.

**CITY OF KERRVILLE
ECONOMIC UPDATE AS OF APRIL 7, 2010**

Current Month Previous Month 1 Year Ago Current Month

National				
Unemployment	9.70%	9.70%	8.60%	March
Consumer Confidence	52.5	46.4	26	March
1 year T-Bills	0.47%	0.36%	0.59%	4/7/10

State				
Monthly Unemployment	8.20%	8.20%	6.80%	February
Monthly Sales Tax	\$1,595.2m	\$1,655.3m	\$1,749.5m	February

Local				
Monthly Unemployment (Kerr Co.)	6.00%	6.50%	5.80%	February
Median Listing Price	\$189,000	\$185,000	\$199,000	4/7/10
Monthly Sales Tax	\$319,603	\$325,061	\$297,678	4/7/10
Monthly EIC Tax	\$159,802	\$162,530	\$148,839	4/7/10
Monthly HOT	\$43,823	\$45,095	\$26,582	March

FY2010 Budget FY2010 YTD FY 2009 YTD % Received

General Fund				
Tax Revenue	\$15,055,218	\$10,595,671	\$10,897,294	70.38%
Property Tax	\$8,468,618	\$7,696,874	\$7,562,189	90.89%
Sales Tax	\$4,624,000	\$2,220,426	\$2,492,632	48.02%
Permits & Fees	\$370,750	\$168,952	\$231,433	45.57%
Intergovernmental	\$695,156	\$316,149	\$495,432	45.48%
Service Revenues	\$3,311,183	\$1,272,925	\$1,694,538	38.44%
Grant Revenue	\$10,000	\$10,525	\$31,950	105.25%
Fines & Forfeitures	\$504,510	\$254,092	\$232,403	50.36%
Interest & Misc.	\$460,211	\$285,637	\$189,188	62.07%
Transfers In	\$1,260,825	\$721,951	\$434,883	57.26%
Total General Fund	\$21,667,853	\$13,625,902	\$14,207,123	62.89%

Water/Sewer Fund				
Water Sales	\$5,060,000	\$1,896,027	\$2,280,595	37.47%
Sewer Sales	\$3,900,000	\$1,852,693	\$1,675,136	47.50%
Other Revenue	\$669,500	\$422,245	\$383,853	63.07%
Total Water & Sewer Fund	\$9,629,500	\$4,170,966	\$4,339,585	43.31%

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

SUBJECT: Appointment to the Kerrville Public Utility Board

FOR AGENDA OF: April 13, 2010 **DATE SUBMITTED:** March 30, 2010

SUBMITTED BY: Brenda Craig ^{BC} City Secretary **CLEARANCES:**

EXHIBITS: Board List
Letter and applications from KPUB (attached separately for executive session)

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

Consider appointment to the following board:

Kerrville Public Utility Board: One term due to expire April 21, 2010: Harvey Brinkman.

RECOMMENDED ACTION

Consider appointment.

KERRVILLE PUBLIC UTILITY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
SMITH, BLAKE W. Chairman Position 4 P. O. Box 139 Hunt, 78024	238-4621 (O) 238-4548 (H)	04-16-02	04-10-07	04-21-12
FINE, STEPHEN Vice-Chairman Position 3 1210 Virginia Dr.	257-6020 (O) 896-2934 (H)	03-28-06		04-21-11
BOCK, TODD Mayor 2106 West Ridge Circle	792-3646 (O) 896-7188 (H)	05-20-08		05-20-10
BRINKMAN, HARVEY Position 2 821 A Earl Garrett Treasurer	896-8888 (O) 896-3290 (H)	03-08-05		04-21-10
SAMPLE, JOHN Position 1 P. O. Box 291341 355 W. Main	257-6625 (H)	03-10-09		04-21-14
McCUAN, TRACY General Manager P.O. Box 294999	257-3050 (O)			

Qualifications: Citizen of the United States of America who reside or conduct business on a full-time basis in Kerr County, Texas and who use the system for personal, residential, business and/or company use. No person who is related within the second degree of consanguinity or affinity to any member of the board of trustees shall be eligible for election as a member of the board.

Vacancies: All vacancies shall be filled by the city council from nominations of at least three persons for each position to be filled by the majority vote of the remaining members of the board of trustees. If the city council does not act upon such nominations within 30 days after submission in writing to the city council, the board of trustees by majority vote of the remaining members shall nominate three additional persons for each position to be filled. If the city council does not act upon such additional nominations within 30 days after submission of such additional nominations, the board shall be empowered to fill such vacancies by the majority vote of the remaining members of the board of trustees.

Powers: To take, have and exercise exclusive possession and control of the system, and all additions thereto, and to collect, and enforce the collection of all funds and revenues that may be or become owing or that may arise out of the operation of the system, and to disburse the same. To fix all rates for all services to be furnished by the system, with the power to alter the same at any time or times, subject to approval of the city council of the city of Kerrville. To employ and pay the compensation of a general manager of the system, and attorneys, engineers and other professional or technical aids as may be necessary. To do any and all things necessary in reference to the installing and maintaining of a complete system of records and accounts pertaining to the system and to make monies available for the payment of revenue bonds.

Term of Office: Five years; a person who has served as a member of the Board for an initial term shall be eligible to be re-appointed for one additional consecutive term of five years, and one only, but may serve for any number of non-consecutive terms so long as such member has not served as a member of the board for at least two years next preceding the term for which such member is appointed. A member who is appointed to the board to serve out an unexpired portion of a retired member's term shall not be considered to have served a "term" unless the unexpired portion of the term so served is two years or more. Permanent removal of residence from, or the failure to conduct business on a full-time basis in Kerr County by any member of the board shall vacate his office as a member of the board.

Quorum: Three

Number of Members: Five

Meeting Time & Place: Third Monday, 8:30 a.m., 2250 Memorial Blvd.

Absences: Any member of the board, other than the Mayor, who shall be continuously absent from all meetings held by the board for a period of four consecutive months shall, unless he shall have been granted leave of absence by the unanimous vote of the remaining members of the board, be considered to have vacated his office as a member of the board.

Established by: Ordinance No. 1987-45 (purchase); Resolution 1987-106 (Board);

Revised: March 23, 2009

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

SUBJECT: Appointments to the Parks and Recreation Advisory Board

FOR AGENDA OF: April 13, 2010

DATE SUBMITTED: March 30, 2010

SUBMITTED BY: Brenda Craig
City Secretary

CLEARANCES:

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



SUMMARY STATEMENT

Consider appointments to the following board:

Parks and Recreation Advisory Board: Three terms expired March 31, 2010: Diana Bock, Claudio Castillo and Rustin Zuber.

RECOMMENDED ACTION

Consider appointments.

PARKS AND RECREATION ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
CASTILLO, CLAUDIO Chairperson 807 Laura Belle	895-8594 (H)	04-11-06	03-25-08	03-31-10
ZUBER, RUSTIN Vice-Chairperson 514 East Lane	895-2829 (O) 895-4913 (H) 895-1673 (F)	04-08-08		03-31-10
BLEVINS, MISTY 1225 Virginia	377-2175 (C) 257-5295 (H)	04-14-09		03-31-11
BOCK, DIANA L. 120 Springwood Lane	896-5624 (H)	04-08-08		03-31-10
GARDNER, JIM 607 W. Water Street	896-1122 (O) 896-5117 (H)	04-14-09		03-31-11
MCMAHON, DIANE 1904 Danielle Drive	896-3195 (H)	04-14-09		03-31-11
PETTY, ROBERT 112 Ridgerock Cove	896-9161 (H)	04-10-07	06-09-09	03-31-11
SCHMERBER, SCOTTY 429 Mack Hollimon	459-6883 (C) 896-5475 (H)	04-14-09		03-31-11
COUNCIL LIAISON:				
Stacie Keeble 3533 La Cumbre Drive	895-7725 (H)			
CITY STAFF:				
Kristine Ondrias, Assistant City Manager	792-8384 (O)			
Malcolm Matthews Director of Parks & Recreation	258-5506 (O)			

- Qualifications: A majority shall be residents of the city of Kerrville, and all shall be residents of Kerr County.
- Powers and Duties: Shall constitute an advisory board to the city council and shall periodically assist city staff in procedural matters. The board shall have authority to hold hearings in the city and to consider and make recommendations to the city council in writing on any and all matters pertaining to the city's parks and recreation system.
- Term of Office: Two years with a maximum of two terms. No member shall serve more than two terms without having at least one full year off between terms.
- Quorum: Five
- Members: Eight
- Meeting Time & Place: Third Thursday, 8:30 a.m., City Council Chambers
- Absences: Any member having three consecutive unexcused absences shall have his membership reviewed by the board. By majority vote, the board may recommend to the council that such member be removed from office. The council may then act upon such recommendation and either remove or retain such member.

Established by: Ordinance No. 1984-37, amended by Ordinance No. 1987-24
Code of Ordinances: Chapter 74 - Article II – Sections 74-31 through 74-38
Revised: January 15, 2010

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

SUBJECT: Appointment to the Golf Course Advisory Board

FOR AGENDA OF: April 13, 2010

DATE SUBMITTED: March 26, 2010

SUBMITTED BY: Brenda Craig
City Secretary

BC

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

TP

SUMMARY STATEMENT

Consider appointment to the following board:

Golf Course Advisory Board: One member resigned, effective March 22, 2010:
Deanna Hopper

RECOMMENDED ACTION

Consider appointment.

GOLF COURSE ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
HAMILTON, STEVE 942 Pecan St. Chair	895-1754 (H) 792-4844 (O)	11-09-04	06-26-07	07-01-10
ANGELL, PAT 2329 Rock Creek Vice-Chair	896-0347 (H)	04-08-08		07-01-11
CODY, B. K. 1602 Quinlan Creek	896-4472 (H)	06-24-08		07-01-11
HOPPER, DEANNA 1601 First Street	370-8696 (C)	04-28-09		07-01-11
LOW, BEN 243 Fairview Drive	257-6882 (H)	09-26-06	06-26-07	07-01-10
SMITH, KAREN 420 East Lane	792-4444 (O) 792-4442 (F)	04-10-07		07-01-10
THOMAS, BILL 435 Coronado Drive	895-2323 (O) 895-3695 (H)	07-28-09		07-01-11
COUNCIL LIAISON:				
Bruce Motheral	257-6360 (O)			
812A Sidney Baker	257-2087 (H)			
CITY STAFF:				
Kristine Ondrias	792-8384 (O)			
Assistant City Manager				
Scott McDonough	257-4982 (O)			
General Manager of Golf & Tennis				

Qualifications: All must be residents of the city.

Purpose and Duties: The purpose of the Board is to advise the City Council and city staff on matters relating to the operation of the Scott Schreiner Municipal Golf Course.

Term of Office: Two Years. No member shall serve more than two consecutive full terms without having at least one full year off of the Board between terms.

Vacancies: Upon the vacancy, removal, or expiration of the term of office of any member, the city council shall appoint a successor who shall hold that position for the unexpired term or for the period of two years when the appointment is made as the result of the expiration of a board member's term.

Quorum: Four members of the board, excluding liaison members.

Number of Members: Seven

Meeting Time & Place: Fourth Monday at 4:30 p.m.; City Council Chambers

Absences: The name of any member having three consecutive absences from regularly called meetings of the board, or who in any consecutive twelve-month period is absent from more than 25 percent of the regularly called meetings, shall be forwarded to the city council for consideration for removal and replacement on

the board.

Established by:

Resolution No. 037-2009, which repealed Resolution Nos. 99-230, 99-307, 080-2000, and 136-2004

Revised:

January 15, 2010

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

SUBJECT: Appointment to the Economic Improvement Corporation

FOR AGENDA OF: April 13, 2010

DATE SUBMITTED: March 26, 2010

SUBMITTED BY: Brenda Craig
City Secretary

BC

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

[Signature]

SUMMARY STATEMENT

Consider appointment to the following board:

Economic Improvement Corporation: One member resigned, effective March 22, 2010: Ben Modisett.

RECOMMENDED ACTION

Consider appointment.

ECONOMIC IMPROVEMENT CORPORATION

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
Crumrine, Bill 510 Winged Foot Lane President	895-1907 (H)	11-14-06	05-26-09	06-01-11
Pratt, Jack 1410 McAllen Drive Vice-President	895-2214 (O) 895-2214 (H)	05-26-09		06-01-11
Massey, Alan 1040 Edinburgh Secretary/Treasurer	257-5330 (O)	06-09-09		06-01-11
Duff, Lindsay 562 Fairway Dr.	257-5597 (O) 257-5597 (H)	04-10-07	5-27-08	06-01-10
Ferguson, Warren 2404 Rock Creek Drive	896-9500 (O)	05-26-09		06-01-11
Hamilton, Ed #170, One Schreiner Ctr	257-4020 (O) 895-1979 (H)	06-27-06	5-27-08	06-01-10
Modisett, Ben 300 Riverhill Blvd.	896-0626 (H) 895-5222 (O)	06-13-06	5-27-08	06-01-10

CITY STAFF:

Mindy Wendele 792-8343 (O)
Director of Business Programs

Qualifications: Resident of the city and at least three directors must be persons who are not employees, officers or members of the governing body of the city.

Purpose: Benefiting and accomplishing public purposes of the city permitted by Section 4B of the Act including, but not limited to, the promotion and development of industrial and manufacturing enterprises to promote and encourage employment and the public welfare, and financing the acquisition, construction and/or equipping, and/or the maintenance and operating costs of any "Project" (as defined in Section 4B of the Act).

Term of Office: Two years; maximum of two consecutive terms

Quorum: Majority

Number of Members: Seven

Meeting Time & Place: Third Monday, 4:00 p.m., City Hall Council Chambers

Established by: Resolution No. 1995-112, amended by Resolution Nos. 1999-184; 032-2009

Revised: June 16, 2009