

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY, JULY 9, 2013, 6:00 P.M.**

**KERRVILLE CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

**KERRVILLE CITY COUNCIL AGENDA**  
**REGULAR MEETING, TUESDAY, JULY 9, 2013, 6:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**INVOCATION** offered by Ms. Karen Quanstrom, Executive Director of Kerr County Habitat for Humanity.

**PLEDGE OF ALLEGIANCE TO THE FLAG** led by Byron Warren, with the Military Order of the Purple Heart.

Those in attendance may stand if they wish.

**1. VISITORS/CITIZENS FORUM:**

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

**2. ORDINANCES, FIRST READING:**

2A. Ordinance No. 2013-08 annexing an approximately 0.91 acre tract out of original Survey No. 148, John A. Southmayde, Abstract No. 288, part of the Clergy Hollimon tract, within Kerr County, Texas; said property being located adjacent to the corporate limits of the City of Kerrville, Texas, and with the address of 2262 Bandera Highway; describing the territory to be annexed; adopting a service plan for the territory annexed; and establishing the zoning for the area annexed. (staff)

2B. Ordinance No. 2013-14 amending Chapter 42 "Emergency Services" of the Code of Ordinances of the City of Kerrville, Texas, by amending Article III, "Emergency Medical Services" in its entirety to provide for the continued maintenance, operation, licensing, and regulation of such services; providing a penalty for violation of any provision hereof; containing a cumulative clause; containing a savings and severability clause; ordering publication; providing for an effective date; and providing other matters relating to the subject. (staff)

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

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time, July 5, 2013 at 2:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig  
City Secretary, City of Kerrville, Texas

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**3. CONSIDERATION AND POSSIBLE ACTION:**

3A. Citizen request for soccer league practice field. (Elias Gomez)

3B. Ethics policy. (staff)

**4. INFORMATION AND DISCUSSION:**

4A. Update on the Fiscal Year 2014 budget.

**5. BOARD APPOINTMENT:**

5A. Appointments to the planning and zoning commission. (staff)

5B. Appointments to the golf course advisory board. (staff)

**6. ITEMS FOR FUTURE AGENDAS**

**7. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

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

**8. EXECUTIVE SESSION:**

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

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Brenda Craig  
City Secretary, City of Kerrville, Texas

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Sections 551.071 and 551.072:

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

- Former city hall building at 800 Junction Highway
- Jefferson lift station
- River Trail.

**9. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION**

**10. ADJOURNMENT**

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Brenda Craig  
City Secretary, City of Kerrville, Texas

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## **Agenda Item:**

2A. Ordinance No. 2013-08 annexing an approximately 0.91 acre tract out of original Survey No. 148, John A. Southmayde, Abstract No. 288, part of the Clergy Hollimon tract, within Kerr County, Texas; said property being located adjacent to the corporate limits of the City of Kerrville, Texas, and with the address of 2262 Bandera Highway; describing the territory to be annexed; adopting a service plan for the territory annexed; and establishing the zoning for the area annexed. (staff)

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

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**SUBJECT:** 1<sup>st</sup> Ordinance Reading, Annexation & Zoning Request – 1<sup>st</sup> Ordinance Reading of the requested voluntary annexation and zoning recommendation of S-36 for an approximately 0.91 tract of land, more or less, out of the original Survey No. 148, John A. Southmayde, Abstract No. 288, part of the Clergy E. Hollimon tract, within Kerr County, Texas, and consisting of the property addressed as 2262 Bandera Highway.

**FOR AGENDA OF:** July 9, 2013      **DATE SUBMITTED:** June 27, 2013

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

**EXHIBITS:** Location Map, Petition for Annexation, Ordinance

**AGENDA MAILED TO:** Louis Howard, 1150 Sidney Baker S., Kerrville, Texas  
78028

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

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**SUMMARY STATEMENT**

The annexation request and zoning recommendation is for an approximate 0.91 acre tract out of the John A. Southmayde Survey No. 148, Abstract No. 288, within Kerr County, Texas, and consisting of the property addressed as 2262 Bandera Highway and adjacent to the corporate limits of the City of Kerrville.

City Council accepted the applicant's petition for annexation (resolution 12-2013) on April 9, 2013. The property, owned by Louis Howard, will be utilized as a commercial center with three tenant spaces available for lease. Currently one space has been leased for a Papa John's Pizza franchise, with the remaining lease spaces available for office, retail, restaurant, or other uses permitted by right in the recommended S-36 zoning district.

Given the property's current and proposed uses of office, retail, restaurant, and other similar uses, staff recommends that the zoning district of S-36 be assigned to this property. The property is currently adjacent to an RC (Residential Cluster) zoning district to the west, a PI (Public & Institutional) zoning district to the east, and a low intensity business district (S-36) to the north, across Bandera Highway. According to Art. 11-1-9 (a)(4) of the city's zoning code, the purpose of District S-36 is to allow low intensity business uses that are appropriate for the district's location near the River Hill and Oak Hollow residential developments.

In order to properly zone the subject area, S-36 was chosen based on allowable uses and the proximity of the same zoning district adjacent to the property. Any other zoning district would not be suitable zoning or would create an area of spot zoning.

The property will be served by existing water and sanitary sewer lines located in the Bandera Highway right of way. No additional public infrastructure will be required to be built or dedicated in order to serve this property.

The Planning & Zoning commission recommended approval of the annexation and zoning classification of S-36, by a vote of 5-0, at their regularly scheduled meeting on May 2, 2013. At the meeting two property owners officially protested the annexation based on unresolved issues concerning access easements and potential effects to a business located on their property (fireworks stand). Staff did inform the protestors that the easements would be looked at during the preliminary and final platting. The fireworks stand would not be effected by the zoning of the subject area, as the location of the stand would not be taken into the City of Kerrville.

The City Council held the 1<sup>st</sup> required public hearing on May 28, 2013. Two individuals protested the annexation based on unresolved issues concerning access easements. These easements shall be handled during the platting process, which would occur after annexation has been completed on July 23, 2013.

The City Council held the 2<sup>nd</sup> required public hearing on June 11, 2013. No individuals spoke on the issue during the public hearing.

The timeline for the annexation process is as follows:

April 9, 2013  
Petition for Annexation accepted by City Council.

May 2, 2013  
Public hearing for annexation and recommendation of zoning district S-36 approved by the Planning and Zoning Commission.

May 28, 2013  
First public hearing for the request by City Council.

June 11, 2013  
Second public hearing for the request by City Council.

**July 9, 2013**  
**First ordinance reading by the City Council.**

July 23, 2013  
Second and final ordinance reading by the City Council.

### **RECOMMENDED ACTION**

1. Approve the ordinance on first reading as written

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2013-08**

**AN ORDINANCE ANNEXING AN APPROXIMATELY 0.91 ACRE TRACT OUT OF ORIGINAL SURVEY NO. 148, JOHN A. SOUTHMAYDE, ABSTRACT NO. 288, PART OF THE CLERGY HOLLIMON TRACT, WITHIN KERR COUNTY, TEXAS; SAID PROPERTY BEING LOCATED ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, AND WITH THE ADDRESS OF 2262 BANDERA HIGHWAY; DESCRIBING THE TERRITORY TO BE ANNEXED; ADOPTING A SERVICE PLAN FOR THE TERRITORY ANNEXED; AND ESTABLISHING THE ZONING FOR THE AREA ANNEXED**

WHEREAS, pursuant to Texas Local Government Code Section 43.052(h)(2), the owner of the property described in Section One, below, has petitioned the City of Kerrville, Texas ("City"), to annex said property into the corporate limits of the City; and

WHEREAS, having provided all required public notices, held all required public hearings at which people with an interest in the matter were provided an opportunity to be heard, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve an ordinance annexing the subject property, adopt a service plan as required by state law, and establish zoning regulations for the area;

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

**SECTION ONE.** The property described and depicted in **Exhibit A** is annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

**SECTION TWO.** The petition for annexation concerning the property described in Section One, above, is attached as **Exhibit B** and incorporated herein by reference.

**SECTION THREE.** The service plan regarding the provision of public services, as set forth in **Exhibit C**, attached hereto and incorporated herein by reference, is hereby adopted for the property described in Section One, above, as required by Texas Local Government Code §43.056.

**SECTION FOUR.** Upon the adoption of this Ordinance, the property as described in Section One, above, shall be subject to a zoning designation of District S-36.

**SECTION FIVE.** Upon the adoption of this Ordinance, the owner of the property shall file applications for a preliminary and final plat in accordance with the City's Subdivision Code within one year.

**SECTION SIX.** The provisions of this Ordinance are to be cumulative of all

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

**SECTION SEVEN.** 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 EIGHT.** The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-1-7 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 NINE.** In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

**SECTION TEN.** In accordance with Section 43.028(d) of the Texas Local Government Code, the City Secretary is directed to file a certified copy of this Ordinance together with a copy of the petition requesting annexation with the Kerr County Clerk.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2013.**

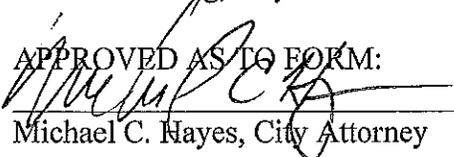
**PASSED AND APPROVED ON SECOND READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2013.**

ATTEST:

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

\_\_\_\_\_  
Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

# Exhibit A Pg. 1

All that certain tract or parcel of land, lying and being situated in the County of Kerr; State of Texas; comprising 0.91 acre, more or less; out of original Survey No. 148, John A. Southmayde, Abstract No. 288; being all that SECOND described conveyance which was conveyed from Bessie L. Hollimon, et. al., to Bessie L. Hollimon, by Partition Deed of record in Volume 165, page 153, of the Deed Records of Kerr County, Texas; which tract is part of that 25.13 acre Third Tract which was conveyed from Susan I. Hollimon to Clergy E. Hollimon, by deed dated June 28, 1949, of record in Volume 86, page 304, of the Deed Records of Kerr County, Texas; subject tract being designated as Tract No. 7 of the Clergy E. Hollimon Subdivision according to plat prepared by Louis Domingues, dated March 5, 1973, which tract is out of Tract No. 6 of the James Hollimon and wife Addition, as described in Volume 44, page 302 to 305, of the Deed Records of Kerr County, Texas; and subject tract being more particularly described by metes and bounds, as follows, to wit:

BEGINNING at an iron stake (steel reinforcing bar) with cap marked Voelkel Surveying in fence line, found marking the south corner of said Bessie L. Hollimon tract, being in the southeast line of said 25.13 acre Clergy E. Hollimon tract, being the east corner of that EIGHTH described conveyance which was conveyed from Bessie L. Hollimon, et. al., to Ima Sue Hollimon Bauer, by said Partition Deed of record in Volume 165, page 153, of the Deed Records of Kerr County, Texas, and being in a northwest line of the Kerrville State Park property, which deed to Bessie L. Hollimon tract, describes the beginning corner as located a distance of 3480.8 feet, a direction of N.45°08'E., from a fence corner marking the south corner of said 25.13 acre Clergy E. Hollimon tract, for a reentrant corner of said Kerrville State Park property;

THENCE with the southeast line of said Bessie L. Hollimon tract, the southeast line of said 25.13 acre Clergy E. Hollimon tract, a northwest line of the Kerrville State Park property, along a fence, a direction of N.45°03'E., for a distance of 249.75 feet [deed- N.45°08'E. 250.0'] to an iron stake (steel reinforcing bar) with cap marked Voelkel Surveying found marking the east corner of said Bessie L. Hollimon tract, being in the southwest right of way line of Texas State Highway No. 173;

THENCE with the northeast line of said Bessie L. Hollimon tract, along the southwest right of way line of said Texas State Highway No. 173, a direction of N.55°57'W., for a distance of 173.60 feet [deed- N.56°02'W. 173.6'] to an iron stake (steel reinforcing bar) with cap marked Voelkel Surveying found marking the north corner of said Bessie L. Hollimon tract, for the east corner of that 0.59 acre Hollimon Cemetery tract, which is part of said James Hollimon and wife Addition, as described in Volume 44, page 302 of the Deed Records of Kerr County, Texas;

THENCE with the northwest line of said Bessie L. Hollimon tract, the southeast line of said 0.59-acre Hollimon Cemetery tract, a direction of S.45°02'W., for a distance of 216.21 feet [deed- S.45°08'W. 216.4'] to an iron stake (steel reinforcing bar) with cap marked Voelkel Surveying found marking the west corner of said Bessie L. Hollimon tract, for the south corner of said 0.59 acre Hollimon Cemetery tract, being in the northeast line of said tract conveyed to Ima Sue Hollimon Bauer;

THENCE with the southwest line of said Bessie L. Hollimon tract, the northeast line of said tract conveyed to Ima Sue Hollimon Bauer, a direction of S.44°49'E., for a distance of 170.36 feet [deed- S.44°52'E. 170.3']

This conveyance is made and accepted SUBJECT TO the following, but only to the extent they are valid and apply to the subject property:

1. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.

Exhibit A Pg. 2

2. Easements described in Partition Deed dated May 16, 1973, recorded in Volume 165, Page 153, Deed Records of Kerr County, Texas.
3. Easement to Lower Colorado River Authority dated May 18, 1950, recorded in Volume 1, Page 244, Easement Records of Kerr County, Texas.
4. Rights of Ruth E. Hollimon, if any, in and to the land described herein.
5. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.
6. Visible and apparent easements on or across property herein described.

# Exhibit B Pg. 3

**LEGEND:**

- P.C. - property corner
- S. I.S. - set iron stake
- F. I.P. - found iron pipe cap - Domingues 1713
- P.L. - property line
- [ ] - deed information
- / - Volume/page
- D.R. - Deed Records
- R.P.R. - Real Property
- O.P.R. - Official Public
- P.R. - Plat Records
- P.C. @ S. 1/2" cap
- I.S. located 1.6'
- N.47°20'E. from a found 1/2" iron stake

The located property lines are one and the same line as those indicated on the deed. The indicated bearings are as surveyed property line bearings and are different than the recorded deeds because the bearing on the recorded deeds were based on compass direction and the indicated plat bearings are based on Global Positioning System grid north observation.

Basis of bearings was derived from True North observations using G.P.S. (Trimble) R.T.K. system on December 21, 2010. All distances are in feet unless stated otherwise.



P.C. @ found stake with cap marked "Voelkel Surveying"

Texas State Highway No. 173

P.C. @ found stake with cap marked "Voelkel Surveying"

P.L.- N.55°57'W. 173.60'  
[deed- N.56°02'W. 173.6']

P.L.- N.55°57'W. 129.50'  
[N.56°02'W. 129.5']

P.L.- S.45°08'W. 216.47'

Partition Deed, 165/153, D.R., may have described a 30' wide easement across the northwest line of this SECOND tract

0.91 acre

This tract, SECOND, was conveyed from Bessie L. Hollimon, et. al., to Bessie L. Hollimon, by Partition Deed of record in Volume 165, page 153, of the Deed Records of Kerr County, Texas.

P.L.- N.45°03'E. 249.75'  
[deed- N.45°08'E. 250.0']

0.59 acre

This tract is labeled as Hollimon Cemetery tract

P.L.- S.44°56'W. 191.20' [S.45°07'W. 191.5']

Majak Inc. owner this side as indicated on map of Scenic Loop Estatic, Section One, recorded in Volume 4, page 141, of the Plat Records of Kerr County, Texas.

P.L.- S.44°49'E. 126.60'  
[S.44°52'E. 127.0']

30.5'

P.L.- S.44°49'E. 170.36'  
[deed- S.44°52'E. 170.3']

found cap marked "Voelkel Surveying"

P.C. @ found stake with cap marked "Voelkel Surveying"

P.C. @ S. 1/2" cap I.S. located 2.4' N.21°E. from a fence corner post

P.C. @ found stake with cap marked "Voelkel Surveying"

The tract, EIGHTH, this side was conveyed from Bessie L. Hollimon, et. al., to Ima Sue Hollimon Bauer, by Partition Deed of record in Volume 165, page 153, of the Deed Records of Kerr County, Texas.

Kerrville State Park tract (this side)

30' wide easement described in Partition Deed Volume 165, page 153, D.R.

I do hereby certify that this map or plat represents a survey made on the ground.

*Charles B. Domingues*  
Charles B. Domingues 051913

Registered Professional Land Surveyor No. 1713  
Only those prints containing the raised seal should be considered official and relied upon by the user.



Domingues & Assoc.

P. O. Box 649  
Hunt, TX. 78024-0649  
Tel. 830/896 6900  
cdomingues@kte.com  
Firm No. 100934-00

In The  
State of Texas  
County of Kerr  
Scale 1" = 50 Feet  
December 23, 2010  
revised January 18, 2011

part of former  
Clergy E. Hollimon property



## EXHIBIT C

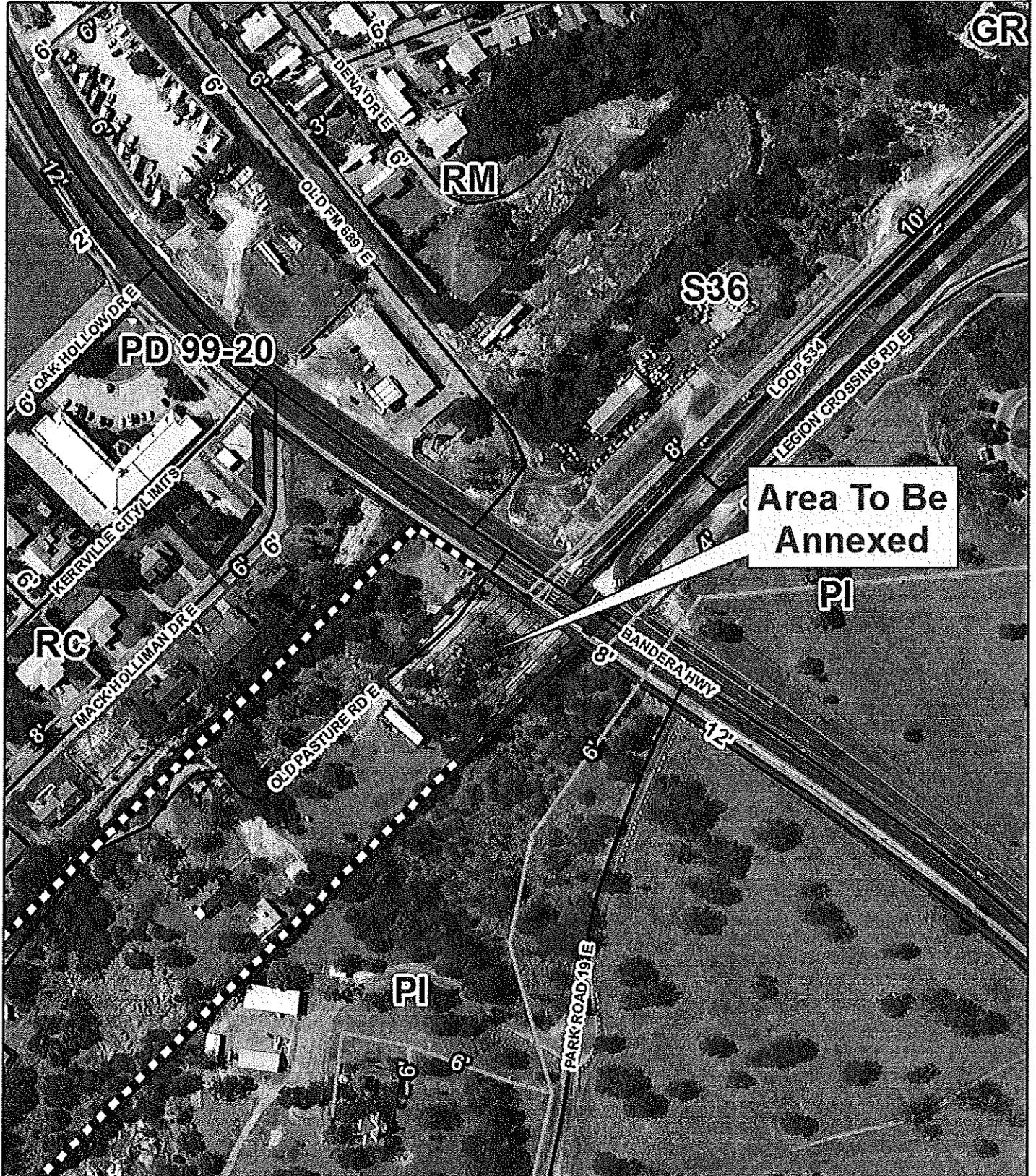
### ANNEXATION SERVICE PLAN

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Animal Control	The provisions of animal control services shall be in effect following annexation of the property.	Immediately following annexation
Code Enforcement	The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related code requirements adopted by the City shall be made immediately to the area upon annexation. The preparation of a zoning plan shall serve as a basis for the zoning of land following annexation. The adoption of the zoning plan shall be in accordance with the procedures of the City's Zoning Ordinance.	Immediately following annexation, zoning to be concurrent with annexation
Fire Protection and Suppression	Fire protection and suppression personnel and equipment from the Kerrville Fire Department will be provided to the area as needed.	Immediately following annexation
Fire Prevention	The services of the City's Fire Marshall shall be provided to the area.	Immediately following annexation.
Library	Future residents of the area, if any, will continue to be entitled to utilize all City's Library facilities.	Immediately following annexation.
Parks and Recreation	The City's Parks and Recreation services will continue to be available to any area residents.	Immediately following annexation
Police Protection	Kerrville Police Department protection personnel and equipment shall be provided to the area immediately upon annexation. Police enforcement and protection services shall be provided through regular patrol activities.	Immediately following annexation

**ANNEXATION SERVICE PLAN (CONTINUED)**

<b>SERVICE</b>	<b>DETAILS OF SERVICE PROVIDED</b>	<b>TIMETABLE</b>
Public Services - Street Department	Public streets not maintained by the Texas Department of Transportation within the area shall be maintained by the City.	Immediately following annexation
Sanitation (Refuse Collection)	Refuse collection shall be available to any residents of the annexed area at the same costs and procedures as required of City residents and businesses.	Immediately following annexation
Traffic Engineering	Traffic control devices and street markers shall be installed where deemed necessary by the City Street Department, except as provided by the Texas Department of Transportation.	Immediately following annexation
Utilities (Water Distribution and Wastewater Collection)	Extension of utilities to the property shall be in accordance with the City's Subdivision Ordinance.	As the property develops

2013-017 Annexation & Zoning Request Location Map



Legend

-  City Limits
-  Annexation Area
-  Zoning Districts

0 50 100 200 Feet

1 inch = 200 feet



## **Agenda Item:**

2B. Ordinance No. 2013-14 amending Chapter 42 "Emergency Services" of the Code of Ordinances of the City of Kerrville, Texas, by amending Article III, "Emergency Medical Services" in its entirety to provide for the continued maintenance, operation, licensing, and regulation of such services; providing a penalty for violation of any provision hereof; containing a cumulative clause; containing a savings and severability clause; ordering publication; providing for an effective date; and providing other matters relating to the subject. (staff)

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

**SUBJECT:** An Ordinance amending Article III, Emergency Medical Services, Chapter 42, Emergency Services, of the City's Code of Ordinances.

**FOR AGENDA OF:** July 9, 2013

**DATE SUBMITTED:** June 28, 2013

**SUBMITTED BY:** Robert Ojeda  
Fire Chief 

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:** Ordinance

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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

**PAYMENT TO BE MADE TO:** N/A

**REVIEWED BY THE FINANCE DEPARTMENT:**

**SUMMARY STATEMENT**

Portions of the current Article III, Emergency Medical Services, of Chapter 42, Emergency Services, of the City's Code of Ordinances, are antiquated and in need of revision. The attached ordinance revises and updates this nearly twenty (20) year old ordinance with regard to the City maintaining and operating an Emergency Medical Service (EMS) and provides medical control of EMS by means of a medical director. This revised ordinance also establishes the regulations and procedures for the licensing of non-emergency ambulance providers consistent with federal and state law and local ordinances and the coordination of emergency and non-emergency ambulances services within the corporate limits of the City.

**RECOMMENDED ACTION**

The Kerrville Fire Department recommends that Council adopts the amending of Article III, Emergency Medical Services, Chapter 42, Emergency Services, of the City's Code of Ordinances after the Second Reading on July 23<sup>rd</sup>, 2013.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2013-14**

**AN ORDINANCE AMENDING CHAPTER 42 "EMERGENCY SERVICES" OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY AMENDING ARTICLE III "EMERGENCY MEDICAL SERVICES" IN ITS ENTIRETY TO PROVIDE FOR THE CONTINUED MAINTENANCE, OPERATION, LICENSING, AND REGULATION OF SUCH SERVICES; PROVIDING A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT**

**WHEREAS**, on January 1, 1994, the City of Kerrville through its Fire Department (KFD), took over and began operating emergency medical services (EMS) from a private provider; and

**WHEREAS**, about this time, the City Council adopted an ordinance which eventually became Article III of Chapter 42 of the City's Code of Ordinances; and

**WHEREAS**, Article III of Chapter 42, "Emergency Medical Services" provides, among other things, for the City's maintenance and operation of an EMS system, the medical control of such system by a medical director, and the types of services that the City would provide both within and outside the City; and

**WHEREAS**, the Fire Chief and the EMS Coordinator now recommend amending Article III of Chapter 42 as a means of reflecting changes that have occurred with respect to the administrative and operational standards of an EMS system; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend the Code of Ordinances of the City of Kerrville, Texas, to amend Article III "Emergency Medical Services" of Chapter 42 as provided herein;

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

**SECTION ONE.** The Code of Ordinances of the City of Kerrville, Texas ("City"), is amended by amending Chapter 42, Article III "Emergency Medical Services" in its entirety and adding a new Article III to provide as follows:

**"ARTICLE III. EMERGENCY MEDICAL SERVICES AND AMBULANCES**

**Sec. 42-71. Purpose and intent of article.**

It is the general purpose of this article:

- (1) For the City to maintain, own, and operate an emergency medical service (“EMS”) for both emergency and non-emergency or transfer ambulance service.
- (2) To provide medical control of EMS by means of a medical director to oversee and regulate all clinical aspects of EMS which affect patient care.
- (3) To establish regulations and procedures for the licensing and regulation of non-emergency ambulance providers.

**Sec. 42-72. Definitions.**

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

*Ambulance* means any publicly or privately owned and Department of State Health Services (“DSHS”) licensed motor vehicle that is specially designed, constructed, equipped, maintained, and intended to be used for the transportation of injured or sick patients.

*Applicant* means any person, firm, partnership, corporation, or other legal entity seeking a license from the City to operate a non-emergency ambulance system.

*City* means the City of Kerrville, Texas.

*Emergency* means any circumstance that calls for immediate action and in which the element of time is essential to the health, safety, or life of a person. Such circumstances constituting an emergency include fires, accidents, traffic accidents, acute illnesses, and acts of violence or other similar occurrences, which can or do result in personal injury. In general, any condition requiring examination or treatment in the emergency department of a hospital is considered an emergency.

*Emergency ambulance service* means ambulance service licensed as a Texas DSHS EMS Provider.

*Emergency medical services (“EMS”) personnel* means Texas DSHS certified:

- (1) Emergency medical technicians;
- (2) Emergency medical technicians – intermediate;
- (3) Emergency medical technicians – paramedic; or
- (4) Licensed paramedic.

*EMS interlocal agreement (“interlocal agreement”)* means a contract between the City and another jurisdiction or entity with respect to the provisions of emergency medical services.

*Fire Chief* means the Fire Chief of the City's Fire Department or designee.

*Fire Department or KFD* means the City's Fire Department.

*First responder* means any person, fire department vehicle, or other vehicle not normally used for purposes of patient transport, but which vehicle and on-board personnel are capable of providing first responder (medical) services in emergencies.

*License* means a license issued by the City to operate a non-emergency or transfer ambulance service within the corporate limits of the City.

*Licensee* means any person, firm, partnership, corporation, or other legal entity to whom or which a license is issued under this article.

*Medical Director* means the licensed physician appointed by the City Council to promulgate and update the system standard of care and to perform quality assurance and otherwise monitor performance of the City's EMS.

*Medical protocol* means any diagnosis-specific or problem-oriented written statement of standard procedure or algorithm, promulgated by the medical director as the normal standard of pre-hospital care for a given clinical condition.

*Mutual aid agreement* means a written agreement between one or more entities whereby the signing parties agree to provide backup ambulance service to one another under conditions and pursuant to terms specified in the agreement.

*Non-emergency or transfer ambulance* means any ambulance engaged in providing non-emergency or transfer ambulance service within the City.

*Non-emergency or transfer ambulance service* means ambulance service provided for the purpose of transporting persons to or from prearranged or scheduled tests, treatments, or examinations by a physician or other health care provider, or the transportation of patients discharged from a hospital back to their residence.

*Patient* means any person receiving medical attention from EMS personnel.

*Quality Assurance ("QA")* means an official inquiry into the circumstances involving an ambulance response or request for ambulance service, conducted by the medical director or designee.

*Response time* means the actual elapsed time between receipt of notification from the KFD's Dispatch Center that an ambulance is needed and the actual on scene arrival of an ambulance.

*Service area* means the geographic area which is contained within the corporate limits of the City. This also includes areas created by an EMS interlocal agreement.

*System standard of care* means the combined compilation of all priority-dispatching protocols, pre-arrival instruction protocols, medical protocols, standards for certification of pre-hospital care personnel, as well as standards governing requirements for on-board medical equipment and supplies, and licensure of ambulance services and first responder agencies.

**Sec. 42-73. Medical Director.**

(a) *General.* The City Council shall appoint a Medical Director who must possess a license from the Texas Medical Board. The Medical Director serves at the pleasure of the City Council. In the event of the resignation, removal, death, or disability of the Medical Director, Council shall point a successor to the Medical Director.

(b) *Duties.* The Medical Director has the following powers and duties:

- (1) Develop medical protocols and standing orders for City-operated ambulance and first responder services and periodically revise such medical protocols and standing orders;
- (2) Conduct quality assurance reviews and develop standards and procedures for the conduct of QA reviews;
- (3) Periodically conduct QA reviews of the City's EMS performance relative to specific clinical types and to revise medical protocols and such other standards of the City's EMS as may be appropriate; and
- (4) Conduct QA reviews of individual cases as requested by any licensed physician regarding a patient of such physician or by any health care facility.

**Sec. 42-74. City as Sole Provider.**

Except as provided herein, the City's EMS is the sole provider of emergency ambulance service within the corporate limits of the City.

**Sec. 42-75. Exceptions.**

No one may provide emergency ambulance services within the City except as follows:

- (1) a vehicle rendering service as an ambulance in the case of a major catastrophe or extreme system overload when such condition is declared by the Fire Chief, Mayor, or other authorized official;
- (2) any ambulance owned, operated, provided, or contracted by a federal or state agency;
- (3) any emergency ambulance service engaged in transporting a patient from a point of origin located outside the service area to a destination inside the service area; and
- (4) any ambulance service rendering such service pursuant to a mutual aid agreement executed by the City.

**Sec. 42-76. Ambulance services operating subject to an exception.**

Any ambulance service operating with lights and sirens and within the City pursuant to an exception found in Section 42-75 and transporting a patient to a medical facility within the City shall notify the KFD Dispatch of their transport and destination.

**Sec. 42-77 Fees for service.**

The schedule of fees for EMS under this article is determined by City Council and is subject to change from time to time.

**Sec. 42-78. License for non-emergency or transfer ambulance service.**

It is unlawful for any non-emergency ambulance service to operate within the City for the purposes of transporting patients for a fee or charge without first obtaining a license from the City.

**Sec. 42-79. Exemptions from license requirement.**

No license is required for any non-emergency ambulance service transporting patients within the City and engaged exclusively in one or more of the following activities:

- (1) transporting any patient from a point of origin located outside the service area to a destination inside the service area;
- (2) transporting a patient who is picked up from a location within the service area and transported to a location greater than 100 miles beyond the service area;
- (3) any ambulance owned, operated, provided, or contracted by any federal or state agency; or
- (4) operating an ambulance in response to a request for assistance by the Fire Chief under a declared emergency or mutual aid circumstance.

**Sec. 42-80. Application for license.**

A non-emergency ambulance service desiring to provide such service within the City must complete a written application accompanied by the non-refundable application fee. The application must be signed and sworn to by an authorized representative of the applicant and filed with the City Secretary. The application will be on a form prescribed by the Fire Chief and must contain as a minimum the following information:

- (1) lawful name of the person, firm, partnership, corporation, or other entity owning and operating the service;
- (2) address and phone number of the applicant's primary place of business;
- (3) address or addresses within the City from which the service will operate and a phone number for each location;
- (4) assumed name, if any, under which the applicant proposes to do business within the City, accompanied by a certified copy of a Certificate of Assumed Name as required by state law;
- (5) if the applicant is an individual, the name and home address of the applicant;
- (6) if the applicant is a partnership or association, the name and address of each partner or associate;
- (7) if the applicant is a corporation, the name and address of the corporation and the names and addresses of all officers and directors of such corporation and the address of the registered agent for service;
- (8) the number of vehicles the applicant desires to operate and the model, year, size, design, mileage, and color scheme of each vehicle;
- (9) verification of DSHS inspection and certification as ambulances of all vehicles proposed to be used within the City;
- (10) verification of certification by the DSHS for all personnel to be performing patient care or transportation within the City;
- (11) information regarding all employees who will be engaged in the service to be provided within the City who has been convicted of any felony or misdemeanor, other than minor traffic violations not subjecting the individual to cancellation of driver's license or insurance, under the laws of this state, the United States, or elsewhere. The applicant shall provide any information regarding such offenses with the application, to include date and nature of the offense and the disposition of the case;

(12) information regarding any claims or judgments which remain outstanding and unsatisfied against the applicant for damages resulting from the negligent operation of an ambulance or care given in association therewith;

(13) a detailed description of the experience of the applicant in rendering ambulance service elsewhere, including the extent of time such service has been rendered, each service area in which such service has been rendered, and in what capacity, whether private or public, such service has been rendered;

(14) a letter from an authorized agent of the applicant's insurance carrier stating that the insurance required under this article is available to the applicant and that such coverage is or will be provided prior to the issuance of the license described herein;

(15) the fee schedule the applicant proposes to charge for the services to be rendered;

(16) a complete copy of applicant's DSHS EMS provider packet;

(17) any other information the Fire Chief reasonably determines is necessary to the issuance of a license; and

(18) payment of a non-refundable application fee in an amount set by the City Council payable at the time the application is filed.

**Sec. 42-81. Investigation of applicant.**

Upon receipt of an application to operate a non-emergency ambulance service under this article, the Fire Chief shall make or cause to be made an investigation of the matters set out in the application; the ability of the applicant to perform the services required; the financial responsibility of the applicant to respond to damages or to pay claims for personal injury, death, and property damages arising from the applicant's operation; and such investigation of other pertinent facts as are deemed necessary and appropriate by the Fire Chief. The Fire Chief will render a decision on the issuance of a license within 30 days of receipt of the application for same, subject to such additional time as the Fire Chief finds necessary for the applicant to furnish and the Fire Chief to review information required to complete an otherwise incomplete application or to supply relevant information requested by the Fire Chief to adequately complete an investigation. The Fire Chief shall notify the applicant of any extension of time.

**Sec. 42-82. Licensing criteria.**

In rendering a determination as to the issuance of a license, the Fire Chief shall determine whether the applicant meets the following minimum requirements:

- (1) the applicant has provided sufficient evidence of ability to meet and comply with the applicable operating requirements of this article;
- (2) the applicant has demonstrated experience and ability in providing non-emergency ambulance service or similar services elsewhere and has demonstrated an ability to provide service of sufficient quality as to best serve the public interest;
- (3) the applicant has no unsatisfied final judgments, if any, to claimants as the result of damage to property or personal injuries received by reason of operation of ambulances or care given in association therewith;
- (4) the applicant has signed an affidavit or other document indemnifying and holding harmless the City, its officers and employees, from any liability arising out of the operations of the applicant or the applicant's performance of its services under any such license;
- (5) the applicant has filed with the City Secretary a certificate showing a policy of public liability insurance issued by an insurance carrier qualified to do business in the State of Texas and naming the City as an additional insured, which contains the following minimum conditions and stipulations regarding such coverage:
  - a. the term of the insurance must extend for at least as long as the permit is valid;
  - b. the insurance policy must provide limits of liability for each accident involving bodily injury including death at any time resulting therefrom, in the amount of \$500,000.00 for each person, \$2,000,000.00 for each accident, and \$250,000.00 for property damage sustained in any such accident;
  - c. such policy must expressly provide that it may not be canceled, except after 30 days written notice to the City; and
  - d. proof of additional general professional liability (malpractice) insurance in the amount of \$5,000,000.00;
- (6) the vehicles proposed to be used are each licensed by the DSHS as a mobile intensive care unit ("MICU");
- (7) the personnel proposed to work in the City must each be certified by the DSHS to at least the basic emergency medical technician level; and
- (8) the intent of the service is to operate non-emergency or transfer ambulance service only.

**Sec. 42-83. Issuance of license.**

Following an investigation and upon finding that the applicant meets the required qualifications set out herein and will be able to give proper and adequate service, the Fire Chief will issue a license to operate. The license will, as a condition of such operation, require that only non-emergency or transfer ambulance service may be provided and will include any additional restrictions or conditions necessary under the terms and provisions of this article. A copy of each license will be filed with the Fire Chief and the City Secretary.

**Sec. 42-84. Operating conditions.**

During the term of the license, the licensee shall comply in all respects with this article and shall satisfy all terms and conditions of any license issued hereunder. In order to stay in compliance with the requirements of this article and to comply with the terms and provisions of a license issued hereunder, a licensee shall during the term of the license continue to adhere to the provisions and requirements of Section 42-82, as well as fulfill the following requirements:

- (1) licensee shall establish and maintain an office within the corporate limits of the City;
- (2) all motor vehicles and personnel used in the performance of the non-emergency or transfer ambulance service must during the term of any license meet minimum requirements established by the DSHS for MICU ambulances;
- (3) all equipment must be maintained in good working condition;
- (4) the color of all non-emergency ambulances must be different and distinctive from the color of emergency ambulances operated by KFD. Each non-emergency ambulance must bear markings which identify both the licensee's name and vehicle number. The name designation must be placed on both sides and the rear of the ambulance and may not include the word "Kerrville" or the letters "KFD";
- (5) the color of all attire worn by licensee's personnel must be different and distinctive from the color of KFD personnel attire;
- (6) each licensee shall maintain at its place of business located within the City a publically listed telephone number and operable telephone and business records and daily logs as required herein, which are available for inspection or audit upon request. It is also the responsibility of the licensee to maintain with the Fire Chief the business address and telephone number where the licensee may be reached at all times;
- (7) each licensee shall maintain a daily log on which must be recorded the date, time of service requested, time of dispatch, time of arrival on the scene, time of arrival at the ultimate destination, patient reference number, and fees and charges assessed for each

trip. Said records and books must, at all reasonable times, be made available for purposes of audit by the Fire Chief;

(8) each licensee shall annually, by or before the anniversary date of its license, submit any additional information reflecting changes in the information currently on file with the City as required under the terms and provisions of this article. By or before the annual anniversary date of the issuance of the license, the licensee shall post with the City, along with the required information necessary to update the license information in the City's file, an annual renewal fee as specified by the City's fee schedule;

(9) all ambulances are subject to the same statutes, ordinances, and rules and regulations relating to safety and operating equipment applicable to other motor vehicles in the City;

(10) the licensee shall, upon request of the Fire Chief, present any and all vehicles and equipment for inspection by the Fire Chief at a location specified by the Fire Chief;

(11) licensee shall not respond with lights and sirens to or from any call for non-emergency or transfer ambulance service within the City without first obtaining authorization from the Fire Department Dispatch;

(12) the licensee shall provide the Fire Chief with copies of DSHS findings and results of all DSHS inspections and site visits any time the licensee, vehicles, and personnel are inspected;

(13) licensee shall provide Fire Chief with notification of any administrative penalties, suspensions, probations, reprimands, revocations, change in status of licensee and/or personnel, or any like disciplinary action stemming from DSHS rules or regulations; and

(14) licensee shall provide proof that the ambulance chassis that the licensee operates is not older than eight (8) years.

**Sec. 42-85. Revocation, alteration, or suspension of license.**

Each license issued hereunder is subject to revocation, alteration, or suspension by the Fire Chief when one or more of the following conditions are determined to exist:

(1) the licensee has refused to render the full service authorized by the license;

(2) the licensee has been convicted of a felony;

(3) the application for the license was found to contain material facts intentionally omitted or falsely stated;

- (4) the licensee has demonstrated a persistent and continuous practice of permitting its vehicles to be operated in violation of law;
- (5) the licensee has willfully and knowingly violated or failed to comply with any of the provisions hereof or any policies or rules established pursuant to this article;
- (6) the licensee, its agents, or employees have acted in bad faith by inducing or seeking to induce a change of destination to or from a hospital or other place specified by the person hiring the ambulance;
- (7) the licensee, its agents, or employees has been adjudicated guilty of practices or procedures which constitute negligence in the performance of its services;
- (8) the licensee's insurance coverage as required herein has been canceled, withdrawn, or terminated;
- (9) the vehicles or equipment used or operated by the licensee in the performance of services authorized hereunder have become damaged, deteriorated, or otherwise unfit for providing safe and reliable ambulance service;
- (10) the licensee, its agents, or employees actively engage in providing emergency ambulance service within the City in violation of this article and without the request or permission of the Fire Chief for mutual aid;
- (11) the City receives complaint(s) regarding the quality, cost, safety, or general professionalism of the service provided by the licensee and upon notice of such complaint(s), the licensee has not undertaken reasonable measures to satisfy and remedy the cause or causes for such complaint(s);
- (12) the licensee fails to file any and all reports required hereunder or fails to pay the requisite annual renewal fee as set out herein; and/or
- (13) the licensee fails in any material respect to satisfy or conform with the requirements of this article.

**Sec. 42-86. Appeal of any denial, revocation, alteration, or suspension of license.**

(a) Should the Fire Chief disapprove or deny an application for a non-emergency ambulance license, the Fire Chief shall notify the applicant by certified mail of that determination and the reasons for denial. The applicant may appeal the denial by submitting a written appeal to the City Council within 30 days after receipt of the denial notification. The City Council shall conduct a hearing to consider the appeal within 30 days after the filing of same. The City Council shall determine the disposition of said appeal and in so doing determine whether or not to affirm the action of the Fire Chief or

grant the license as requested, subject to any and all other conditions which the City Council may impose pursuant to the provisions of this article. The City Council's decision is final and binding.

(b) In addition to the general penalties imposed for a violation of the provisions of this article, the Fire Chief is authorized to suspend, alter, or revoke any license issued by the City upon failure of the licensee to comply with the rules, regulations, and standards adopted herein provided that the Fire Chief shall, by certified mail, furnish the licensee no less than ten days written notice of the proposed action and the reasons for the suspension, alteration, or revocation of the license, and shall offer the licensee the opportunity to request and participate in a hearing before the Fire Chief to discuss the proposed action prior to its effective date. Any request for a hearing before the Fire Chief must be filed in writing within ten days of receipt of the written notice of the proposed action, or the action shall be final and unappealable. Following any hearing requested, the Fire Chief shall notify the licensee of his findings in writing.

(c) Any licensee whose license to operate has been suspended, altered, or revoked, following a hearing before the Fire Chief may, within 30 days from the date of such suspension, alteration, or revocation, submit a written appeal of such action to the City Council. Such appeal shall suspend the effects of the Fire Chief's action pending the rendering of a decision by the City Council. The City Council shall conduct a hearing to consider the appeal within 30 days after the filing of same. The City Council shall determine the disposition of said appeal and in so doing determine whether or not to affirm, revise, or reverse the action of the Fire Chief, subject to any and all other conditions which the City Council may impose pursuant to the provisions of this article. The City Council's decision is final and binding.

(d) If the Fire Chief determines that imminent danger to public health and safety exists, the Fire Chief may require the immediate suspension of all non-emergency or transfer ambulance service provided by a licensee as part of any notice of revocation. The Fire Chief shall also notify the DSHS regarding the pendency of such action. Under the circumstances of such immediate suspension of service and danger to public health and safety, the license will be suspended during the period of any appeal and the licensee will be prohibited from providing any type of ambulance services within the City unless such suspension is lifted by City Council during the appeal. The appeal of any such revocation and accompanying suspension due to public health and safety shall be conducted as otherwise provided in subsection (c) hereof for the appeal of any other suspension, alteration, or revocation.

#### **Sec. 42-87. Complaints.**

Complaints about non-emergency or transfer ambulance service within the City must be filed in writing with the City Manager. Upon receipt of any such complaint, the City Manager or designee shall forward a copy of said complaint as soon as reasonably possible

to the licensee, instructing the licensee to reply to the City Manager regarding the disposition and satisfaction of such complaint within ten working days of the receipt of same.

**Sec. 42-88. Violations.**

It is unlawful to knowingly operate or cause to be operated or to provide emergency ambulance service or non-emergency or transfer ambulance service within the service area except as provided pursuant to this article.

**Sec. 42-89. Penalty.**

Each violation of this article is hereby declared a misdemeanor and upon adjudication of guilt thereof, any person, firm, partnership, corporation, or other entity which violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article may be assessed a fine not to exceed \$2,000.00 for each offense in accordance with the provisions of Section 1-7 of the City's Code of Ordinances. Each day that a violation is permitted to exist may be deemed a separate offense for which a separate fine may be assessed."

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

**SECTION THREE.** The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.

**SECTION FOUR.** 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 is hereby expressly repealed to the extent of any such inconsistency or conflict.

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

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

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

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2013.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2013.**

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

## **Agenda Item:**

3A. Citizen request for soccer league practice field. (Elias Gomez)

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

SUBJECT OF REQUEST: Soccer League practice field

AGENDA DATE: 7/9/13

DATE SUBMITTED:

REQUESTED/SUBMITTED BY: Elias Gomez

PHONE: 830-377-1456

ORGANIZATION REPRESENTING: LATINOS UNIDOS

MAILING ADDRESS: 1000 Junction Hwy

EMAIL ADDRESS: N/A

EXHIBITS/INFORMATION:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

WILL THIS ITEM REQUIRE CITY COUNCIL TO AUTHORIZE THE  
EXPENDITURE OF CITY FUNDS? YES: \_\_\_\_\_ NO: \_\_\_\_\_

IF YES, STATE AMOUNT REQUESTED: \$ \_\_\_\_\_

DESCRIPTION OF REQUEST

we want to bring more league players to Kerrville and  
my idea bring people to spend money to Kerrville  
gas-store.

RECOMMENDED COUNCIL ACTION

## **Agenda Item:**

3B. Ethics policy. (staff)



## **Agenda Item:**

4A. Update on the Fiscal Year 2014 budget.

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

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**SUBJECT:** Update on the Fiscal Year 2014 Budget

**FOR AGENDA OF:** July 9, 2013

**DATE SUBMITTED:** July 3, 2013

**SUBMITTED BY:** Todd Parton  
City Manager

**CLEARANCES:**

**EXHIBITS:** None

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

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**SUMMARY STATEMENT**

City staff is finalizing a draft budget for Fiscal Year 2014. The City Manager will file a draft budget with the City Secretary no later than July 30, 2013. Two City Council budget workshops have been scheduled to discuss the budget proposal in detail. The first of the workshops has been scheduled for 8 a.m. to 1 p.m. on July 17, 2013, and the second for 9 a.m. to noon on July 19, 2013. The City Manager will request feedback at these meetings to finalize the budget to be filed with the City Secretary.

The City Manager will provide a brief update to the City Council on July 9 on the current status and assumptions being used to prepare the Fiscal Year 2014 budget. Some of the core assumptions being used to develop the budget include the following:

1. Maintaining the current cumulative property tax rate of \$0.5625;
2. Maintaining the current water and wastewater utility rates;
3. Maintaining a minimum of 25% reserve funds in the general and utility funds;
4. Maintaining current levels of service and current programs;
5. Incorporating payroll adjustments that are based upon the ongoing compensation study;
6. Replacing the Kerrville Fire Department ladder truck through the use of short term financing (7-year bank loan); and
7. Allocating at least \$1 million in the utility fund for pay as you go capital improvements.

One of the primary objectives of the city's budget is fiscal sustainability. Budgetary decisions are made upon the ability of the city to maintain operations for a minimum of 5 years under reasonable financial projections. Kerr County's decision to consider alternative means to deliver fire and emergency medical services beyond the City of

Kerrville would have a significant impact on the budget over the next several years. The 5-Year Fiscal Sustainability Model is being modified to assume that Kerrville will not provide these services. County contributions and revenue generated from non-city ambulance calls are being removed from the budget forecast. The forecast also assumes that the city will no longer manage the first responder program or serve as Kerr County's emergency management agency.

City staff's presentation will include the updated 5-Year Fiscal Sustainability Model, revenue projections for property taxes, sales taxes, water sales, wastewater sales, and highlights of the items that the City Manager contemplates including in the budget that he will file.

### **RECOMMENDED ACTION**

City staff recommends that the City Council confirm the 7 core items discussed in this report in addition to the preparation of a 5-Year Fiscal Sustainability Model that excludes county participation in fire and emergency medical services starting in Fiscal Year 2015.

## **Agenda Item:**

5A. Appointments to the planning and zoning commission. (staff)

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

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**SUBJECT:** Appointment to the Planning and Zoning Commission

**FOR AGENDA OF:** July 9, 2013    **DATE SUBMITTED:** June 28, 2013

**SUBMITTED BY:** Brenda G. Craig    **CLEARANCES:**  
City Secretary

**EXHIBITS:** Planning and Zoning Commission Board List

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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**SUMMARY STATEMENT**

Consider appointment to the following board:

**Planning and Zoning Commission:** One alternate member term, expiring January 1, 2015, due to the previous alternate being appointed to a regular member term.

**RECOMMENDED ACTION**

Consider appointment.

**PLANNING AND ZONING COMMISSION**

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
WATTERSON, DAVID Chairman 177 Phoenix Dr.	634-3300 (O) 377-6400 (C)	01-12-10	01-10-12	01-01-14
BUELL, HAROLD Vice-Chairman 1214 Jack Dr.	896-0114 (O) 895-2444 (H)	01-09-07	01-10-12	01-01-14
HARMON, GARRETT 701 Lee Street	895-4510 (O) 285-2151 (C)	06-25-13		01-01-15
MORGAN, WILLIAM 1744 Glen Road	739-9655 (O) 257-6263 (H)	01-22-13		01-01-15
STEVENS, JOHN "BART" 822 Lamar Street	895-2021 (O) 512-350-0863 (H)	07-05-12	01-22-13	01-01-15

**ALTERNATES:**

McRAE, CHASTAN 202 Manor	377-3710 (C)	09-28-10	01-10-12	01-01-14
VACANT				01-01-15

**COUNCIL LIAISON:**

Justin MacDonald 257-5323 (O)  
2951 Fall Creek Road

**CITY STAFF:**

Jason Lutz 258-1184 (O)  
Senior Planner

**Qualifications:**

At least four of the regular members shall be residents and eligible voters of the city; one regular member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County. At least one alternate member shall be a resident and eligible voter of the city; one alternate member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County.

**Powers and Duties:**

1. Shall formulate and recommend to the city council for adoption a Comprehensive Plan for the orderly growth and development of the city and its environs. On a yearly basis the commission shall review and if necessary recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the city.

2. Shall formulate a zoning plan (ordinance) as may be deemed best to carry out the goals of the Comprehensive Plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in state law.
3. Shall exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as set out by state law and the city's subdivision regulations.
4. Shall initiate for consideration at public hearings, proposals for the original zoning of annexed areas or for the change of zoning district boundaries on an area wide basis.
5. Shall consider and take appropriate action, upon written request, variances as prescribed to the city's subdivision and sign regulations.
6. Shall from time to time recommend such changes to the subdivision regulations, sign regulations, and any other ordinance the city council assigns to their review that will facilitate the general health, safety and welfare of the citizens of the city.

**Term of Office:** Two years. No regular member shall serve more than three consecutive full terms on the Commission without having at least one full year off the Commission between terms.

**Quorum:** Three (may include an alternate member but only where substitution for and acting as a regular member)

**Number of Members:** Five regular members and two alternates.

**Meeting Time & Place:** First and third Thursdays, 4:30 p.m., City Hall

**Absences:** Any member who is absent from twenty-five percent (25%) of the board's regular meetings during any twelve (12) month period, or who is absent from any three (3) consecutive regular meetings, shall be considered for removal by the city council. The staff member has the responsibility of reporting a member's non-attendance to the city council in writing, and the city secretary shall notify the board member in writing that their non-attendance has been reported to the city council. However, a member whose absences are directly related to a medical or family emergency may seek consideration from the board upon which they serve to qualify such absences as excused.

**Established by:** Minutes of 12-18-44 Council meeting; amended by Ordinance Nos. 1979-37, 1987-24, and 2008-24 (which deleted from Code of Ordinances book Chapter 82 – Article II – Sections 82-31 through 82-36 and rolled into Zoning Code which is not codified)

**Revised:** May 29, 2013

## **Agenda Item:**

5B. Appointments to the golf course advisory board. (staff)

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

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**SUBJECT:** Appointments to the Golf Course Advisory Board

**FOR AGENDA OF:** July 9, 2013 **DATE SUBMITTED:** July 1, 2013

**SUBMITTED BY:** Brenda Craig *BC* **CLEARANCES:** Todd Parton  
City Secretary City Manager

**EXHIBITS:** Board List

**AGENDA MAILED TO:**

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

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**SUMMARY STATEMENT**

Consider appointments to the following board:

**Golf Course Advisory Board:** Four terms expired July 1, 2013: B.K. Cody, Pat Angell, James Howard and Bill Thomas.

**RECOMMENDED ACTION**

Consider appointments.

## GOLF COURSE ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
CODY, B. K. 1602 Quinlan Creek Chair	896-4472 (H)	06-24-08	07-12-11	07-01-13
ANGELL, PAT 2329 Rock Creek Vice-Chair	896-0347 (H)	04-08-08	07-12-11	07-01-13
BIRDSALL, GRAHAM 721 Riverhill Blvd.	896-8022 (H)	09-11-12		07-01-14
HOWARD, JAMES 1312 Water St.	903-399-3011 (H) 890-5464 (O)	08-24-10	07-12-11	07-01-13
McCARTER, CHARLES 937 Myrta	210-286-4646 (C) 895-1112 (H)	09-11-12		07-01-14
STERN, ALLEN 2565 Bandera Hwy.	895-2892 (H) 739-5353 (O)	09-11-12		07-01-14
THOMAS, BILL 435 Coronado Drive	895-2323 (O) 895-3695 (H)	07-28-09	07-12-11	07-01-13
COUNCIL LIAISON: Carson Conklin 720 Earl Garrett	895-5202 (O)			
CITY STAFF: Kristine Ondrias Assistant City Manager	258-1106 (O)			
Scott McDonough General Manager of Golf & Tennis	258-1400 (O)			

**Qualifications:** Of the seven (7) regular voting members appointed by the City Council, six (6) shall be residents of the City of Kerrville, Texas, and one (1) member may reside outside the City but within Kerr County.

**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 Wednesday, every other month, 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: May 29, 2013