

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

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

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

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

CALL TO ORDER

INVOCATION offered by Reverend Patty Edwards, Unity Church of the Hill Country.

PLEDGE OF ALLEGIANCE TO THE FLAG led by Bill Bacon, First Vice President of the Hill Country Vets Alliance.

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.

6:05 P.M. APPROXIMATELY

2. CITY COUNCIL RECESS:

THE CITY COUNCIL WILL RECESS THE REGULAR MEETING TO CONVENE A MEETING OF THE CITY OF KERRVILLE EMPLOYEE BENEFITS TRUST (see separate posted agenda).

THE KERRVILLE CITY COUNCIL WILL RECONVENE INTO REGULAR SESSION FOLLOWING THE MEETING OF THE CITY OF KERRVILLE EMPLOYEE BENEFITS TRUST.

3. CONSENT AGENDA:

These items are considered routine and can be approved in one motion unless a city councilmember asks for separate consideration of an item. It is recommended that

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 19, 2013 at 11:30 a.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

City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:

3A. Minutes of the regular Kerrville City Council meetings held June 25, 2013, and July 9, 2013. (staff)

3B. Purchase new CAD/RMS (Computer Aided Dispatch and Records Management System) from Tyler Technologies for the police department, in the amount of \$46,091.00. (staff)

3C. Construction contract with Nelson Lewis, Inc. for the construction of the Jefferson lift station, gravity and force main and the Riverhills/Ridgewood transmission main-Phase 1 project in the amount of \$1,575,764.00 and additional change orders which may exceed \$50,000 but not exceed the total amount of \$1,890,917.00. (staff)

3D. Resolution No. 23-2013 authorizing the transfer of the ownership of funds from the City of Kerrville to the City of Kerrville Employee Benefits Trust to pay for employee related benefits for fiscal year 2014. (staff)

END OF CONSENT AGENDA

4. ORDINANCE, SECOND AND FINAL READING:

4A. 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)

5. ORDINANCES, FIRST READING:

5A. 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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Brenda Craig
City Secretary, City of Kerrville, Texas

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Resolution No. 24-2013 supporting the construction of twelve metal building T-hangars on the Kerrville-Kerr County Airport property. (Bruce McKenzie, Airport Manager)

6B. Upper Guadalupe River Authority's (UGRA's) offer to the City regarding UGRA's surface water permit and the City's use of such water under the permit. (staff)

6C. Resolution No. 25-2013 providing for the city's approval or disapproval of the Kerr Central Appraisal District's fiscal year 2014 budget. (P.H. "Fourth" Coates, KCAD Chief Appraiser)

6D. Ethics policy. (staff)

6E. Presentation of proposed Fiscal Year 2014 budget. (staff)

7. INFORMATION AND DISCUSSION:

7A. Budget and economic update on the Fiscal Year 2014 budget.

8. BOARD APPOINTMENTS:

8A. Appointments to the planning and zoning commission. (staff)

8B. Appointments to the main street advisory board. (staff)

8C. Appointment to the golf course advisory board. (staff)

9. ITEMS FOR FUTURE AGENDAS

10. 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.

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Brenda Craig
City Secretary, City of Kerrville, Texas

11. 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:

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:

- Jefferson lift station
- River Trail.

12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

13. ADJOURNMENT.

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Brenda Craig
City Secretary, City of Kerrville, Texas

Agenda Item:

3A. Minutes of the regular Kerrville City Council meeting held June 25, 2013 and July 9, 2013. (staff)

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JUNE 25, 2013

On June 25, 2013, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Pratt in the city hall council chambers at 701 Main Street. The invocation was offered by City Secretary Brenda Craig, followed by the Pledge of Allegiance led by Gary Noller, President of the Hill Country Vets Council.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT:

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Charvy Tork	Director of Information Technology Systems
Sandra Yarbrough	Director of Finance
Robert Ojeda	Fire Chief
Jason Lutz	City Planner
Charlie Hastings	Public Works Director
John Young	Police Chief
Kim Meismer	Director of Administrative Services
Stuart Barron	Water/Wastewater Division Manager

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

1. VISITORS/CITIZENS FORUM The following person spoke:

1A. Barbara Burton asked council to reconsider the timing and the length of the closure of Louise Hays Park, 18 months. She stated she was all in favor of the river trail and handicapped accessibility. The park was a revenue generator for the community and closure for 18 months would result in lost revenue. She understood that the park had to be closed for safety reasons while crews installed underground utilities, but questioned starting the project in the middle of summer instead of starting in the fall, and closing the park a section at a time.

2. CONSENT AGENDA:

Staff requested Item 2C be deferred until after Item 4D.

Mr. Conklin moved for approval of items 2A, 2B, 2D, and 2E; Ms. Keeble seconded the motion and it passed 5-0:

- 2A. Minutes of the regular Kerrville City Council meeting held June 11, 2013.
- 2B. Construction contract with HMC, Inc. for the renovation and expansion of the central fire station in the amount of \$505,857.80 and authorize execution of change orders which may exceed \$50,000.00 but will not exceed a total contract value of \$607,029.36.
- 2D. Contract for bulk fuel and card services for city's vehicle fleet Fiscal Year 2014.
- 2E. Agreement between the City of Kerrville, Texas, and Summit Property Owners Association to allow association to install and maintain landscaping within City right-of-way.

END OF CONSENT AGENDA

3. ORDINANCE, SECOND AND FINAL READING:

- 3A. Ordinance No. 2013-13 amending the budget for fiscal year 2013 to account for various changes to the City's operational budgets, supplemental appropriations, and closing out and supplementing capital improvement projects. Mayor Pratt read the ordinance by title.

Mr. Parton noted no changes since first reading. The ordinance amended the budget to address projects approved by council and closed out several projects.

Mr. MacDonald moved for approval of Ordinance No. 2013-13 on second and final reading; Mr. Allen seconded the motion and it passed 5-0.

4. CONSIDERATION AND POSSIBLE ACTION:

- 4A. Funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and the Hill Country Quilt Guild.

Mr. Parton noted that on June 17 EIC approved reimbursement of \$1,000 to the Hill Country Quilt Guild for an event held in May. Concern was expressed about EIC awarding reimbursement after an event had been held. Mr. Parton noted this application had been submitted prior to the event and was prequalified. EIC was working on policies and guidelines to evaluate projects and timing of applications for future funding requests.

Council questioned why the city had to wait 60 days before providing payment. Mr. Parton noted a 60 day statutory requirement under 4B statute during which time citizens had an opportunity to petition against any funding request.

Mr. MacDonald moved for approval of the funding agreement; Ms. Keeble seconded the motion and it passed 5-0.

- 4B. Report of the findings with a recommendation for implementation of the results from the formal classification and compensation study including health and fringe benefits by Public Sector Personnel Consultants (PSPC).

Matt Weatherly, President of PSPC, presented the results of the study, which included compensation survey, salary and benefits survey, and updating the compensation plan for all job titles and development of updated pay structure.

He reviewed the sources/benchmark cities used in the collection of data for 76 job titles and provided information on the current salary range and recommended salary midpoint. Based on midpoint comparison he found that 68% of the city's employees were more than 5% below midpoint; 25% were within 5% of midpoint, and 7% were 5% or more above midpoint. He found that the city offered a comparable level and type of benefits based on a comparison of compensation, salary, benefits, insurance, paid time off, pension, etc. He recommended the following:

- Pay grade modifications to ensure consistent market alignment of all jobs.
- As a result of placing all general job titles on a pay grade within 5% of market average, 60 employees fell below the new minimum of the grade proposed for their job; the cost to move these 60 employees to the new minimum was \$118,591.
- Positions falling more than 5% below market averages include entry and opt-out rates for nearly all police and fire ranks.
- Corrections to the grade and step scales for police and fire equal to 100% of market would cost an estimated \$500,000 plus the cost of "unfreezing" step corrections.
- Alternatively for year one, the cost of a one-step increase (4%) in the existing scale for each police and fire employee would cost an estimated \$230,000 plus benefits and roll-up cost.
- The proposed adjustments to the pay plans for general and safety positions should be phased in over multiple budget years.
- Budget discussions should include the projected cost to allow for regular adjustments (COLA, steps, etc.) in order to recruit and retain employees.

Mr. Weatherly noted the compensation plan update and the updated pay structure were already included in his contract. He noted that cities generally update their compensation plans every 5-7 years; Kerrville's last study was seven years ago.

Council also discussed the following:

- Determine where city employees' salaries were in relation to the market place
- City should maintain a competitive compensation package so it does not lose skilled employees to competition; this benefits the city.

Mr. Parton noted that criteria used for selecting benchmark cities was to be within one hour of a metroplex area, to provide comparable services, and to be a stand-alone type of city. He noted that city employees were assuming more responsibilities and acquiring major skill sets to benefit the city. He recommended council accept the conclusions of the study and direct staff to move forward to develop and implement a multi-year (2-3) program, within budget constraints, with priority to address public safety since the step plan had been frozen for 2-5 years due to economic recovery.

Mr. MacDonald moved to proceed with Mr. Parton's recommendation; Mr. Conklin seconded the motion and it passed 5-0.

4C. Establish budget calendar for Fiscal Year 2014 budget.

Mr. Parton planned to present an overview of the proposed "strawman" budget to council on July 9. He proposed two budget workshops, July 17, 9:00 a.m. – 1:00 p.m.; and July 19, 8:00 a.m. – 11:00 a.m. The final draft budget would be presented to council on July 23. The City Charter required that the budget be filed with the city secretary by July 30.

The consensus of the council was to proceed with the dates for the budget workshops as presented.

4D. Resolution No. 22-2013 declaring the necessity to acquire a .433 acre water/wastewater easement, a .345 acre temporary construction easement, and a .507 acre recreation easement (river trail) each existing out of one or both of the Thomas L. Waddell Survey No. 145, Abstract No. 354, and the William C. Francis Survey No. 146, Abstract No. 137, Kerr County, Texas, with a street address of 32 Chaparral, Kerrville, Texas; consisting of property owned by Rio Robles, Inc.; said easements are required for a public water/wastewater utility extension project and the extension of a public river trail adjacent to and along the Guadalupe River; confirming and ratifying the initial offer made by the city to the owner(s) of the property where the easements are to be located; authorizing the city manager or designee to take all steps necessary to acquire the property interests in compliance with all applicable laws and city policies; and authorizing the city attorney to acquire the property interests through eminent domain if negotiations between the city and the property owner are not successful.

Ms. Keeble filed a conflict of interest affidavit and left the meeting at 6:48 p.m.

Mayor Pratt asked council to consider separating the resolution into two parts: one utility, and one recreation. The consensus of the remaining councilmembers was to not separate the resolution into two parts, and to consider the resolution as one document, noting that the resolution addressed the same type of action on the same property under the same ownership, and they were not comfortable passing a resolution in a form other than the way it was on the posted agenda.

Mr. Parton noted the resolution addressed a utility extension easement and a recreation easement both on the same property and owned by the same owner. Staff began meetings with representatives of Rio Robles in June 2012 to discuss improvements that could be made upon dedication of the easements. On October 12 staff met with Rio Robles representatives to discuss options the city could offer to Rio Robles. In November 2012 Rio Robles rejected the city's offer. In June 2013 staff began the appraisal process for both easements. June 14, 2013, staff forwarded an initial offer to Rio Robles which took into account the appraisals; the proposed resolution was the next step in the process toward condemnation should negotiations to obtain access to the property fail. Rio Robles had 30 days to respond to the letter. The city had all other easements from Louise Hays Park to Kerrville Schreiner Park for both the utility project and

the river trail project. Rio Robles was the only remaining easement to acquire. He noted that the easement for the utility project was nearer to the Rio Robles residential area, and all utility construction would be underground. The easement needed for the river trail was located in the riverbed area well inside the floodway where no permanent above ground construction was allowed, and there was 400-450 feet of separation between the utility easement and the river trail easement.

The following persons spoke:

1. Paul Flett, Chairman of the Rio Robles Board, noted that Rio Robles already maintained two city utility easements, and they did not ask for reimbursement for that maintenance. He requested that the acquisition of the utility easement and the river trail easement be considered separately by council. He believed that a majority of the Rio Robles stockholders would grant the city a utility easement; then, the city could work with Rio Robles to address their concerns about the river trail. Some residents were against the river trail, and some, although not opposed, were concerned about problems it would create for Rio Robles' residents; in particular, a river trail on their property would give the impression to the public that it was public land. For example, Rio Robles granted permission for the marathon to go through their property last year and visitors used their clubhouse restrooms and swimming pool. The river trail would also allow easier access for transients to enter Rio Robles property. The city's offer of a fence and lighting did not adequately address their serious issues of liability, security, safety, and public access to the remainder of their property. Putting up an 8 ft. fence and gate would restrict Rio Robles residents' access to their property. Any private land next to public land, people viewed as public and would access it; for example, people were driving onto their lower land by the river and dumping garbage and trees. The city should be more considerate of Rio Robles' genuine liability and safety concerns. The city had given Rio Robles only seven days to make their decision, and it was all or nothing because the city would not separate the easements into two projects. If the utility project could be built separate from the river trail, then the city should separate the two easements. Rio Robles residents contributed to the community and would like to keep a good relationship with the city.

Council noted that substantial consideration was being provided to Rio Robles for the river trail, i.e. an 8 ft. fence with a gate (pedestrians only, no vehicular access) accessible only to their residents, police patrol, lighting, and signage indicating private property (if desired).

2. Suzanne Harston stated that people's rights were being infringed upon and an 8 ft. fence on their property would take away their right to access their property. The city should separate the two issues and give the people of Rio Robles the opportunity to provide a utility easement. She asked how councilmembers would feel if the city put a fence in their back yard so others could walk in their back yard.

3. Harley David Belew asked why the two projects were tied together and what a water and wastewater project had to do with a river trail, and if both projects had to be done as one project at the same time.

Mr. Parton noted there were two major projects going through Louise Hays Park, the utility project and the river trail, but the projects would have separate contractors. There were areas in both projects that were close together and some areas where the projects overlapped,

Council noted that the two projects inhabited the same space through most of the route, although at this particular site there was +400 ft. separation. Council and staff felt it would be efficient and save time and money to do both projects at the same time instead of putting in one project (utility) and then a year later coming back through and closing the same properties to do another project (river trail).

4. Barbara Burton stated if citizens were willing to grant the easement for the utility line, council should apply eminent domain to the river trail only and not continue to tie the two projects together. Rio Robles was residential; other easements received along Thompson Drive were from commercial properties.

Council noted the city had already received, or was in the process of receiving, all of the properties; Rio Robles was the only property remaining to complete the projects. The city had successfully worked with all other property owners and addressed their concerns of security, access, safety and liability. The projects were underway to run continuous through all properties.

Council noted, and Mr. Hayes confirmed, that Rio Robles could voluntarily sign the utility easement, in effect separating the easements, and then the city would continue action only for the river trail.

5. Morris Smith stated that the city had made plans but did not have the property to do the project. Rio Robles residents were concerned about security; they already had problems with people coming through their property on four-wheelers and tearing up their property and using their clubhouse and swimming pool. They had pride in their property, and the city would not maintain it to their standards. The river trail would present more problems for Rio Robles' residents. He stated it was apparent that minds were made up and the city would take the property.

6. Rita Morrison said she moved into Rio Robles 12 years ago and was told that they had turned down the city then. The city should not have gone forward with plans without having the land; it was not their fault the city committed money.

7. Nita Porter stated that Rio Robles residents had only two days to make their decision. She chose to live in Rio Robles because of security, but if the city put in a public sidewalk, an 8 ft. fence would not stop people from coming through their property, using their swimming in pool, stealing lawn mowers, sleeping in garages, and taking golf carts. If the city takes the property, will the city use prisoners for maintenance? She suggested the city put up two fences, an 8 ft. fence as close to the sidewalk as possible, and another 8 ft. fence to separate property owners. She suggested the city use the money dedicated for the river

trail and improve Louise Hays Park instead and not have to close the park for 18 months. She asked council to consider the good of the community and not go through private property.

Council noted that the city did not use jail trustees for maintenance, the county did. The river trail project already included significant improvements for Louise Hays Park which is one reason the park would be closed for so long.

8. Maxine Burleson said the city may get their land, but it was not morally right to take their property.

9. Londa Peterson said she lived next to the Louise Hays Park fence and she enjoyed the wildlife. In the past the city mowed the property between the park and the apartments; when the city stopped mowing that area, city staff told her that there was not money in the budget to mow land that the city already had, so she asked if there would be money in the budget to mow this area.

Council asked staff if there was any remaining process or procedure by which the city could obtain the easements needed for the two projects apart from the legal process being considered; had the city exhausted all possible options? Mr. Hayes confirmed that was correct. He clarified that the city manager had written a letter to Mr. Flett, as Rio Robles representative, describing the appraisal and value of the property. The city combined the two easements because both projects, although not on the exact same land, were on property owned by the same owner and the projects would be constructed simultaneously; legally, the resolution could be separated into two resolutions. The city had given Rio Robles an offer and that started the 30 day process. Under state law, at the end of the 30 day process, the city would be obligated to give Rio Robles a final offer, then after a 7 day period the city can file. The item on this agenda was for city council to give staff authority to proceed with condemnation if negotiations with Rio Robles failed. The city hoped to negotiate with Rio Robles outside of court; however, he explained that during a condemnation process, three commissioners would determine nothing but the value of an easement and that was the amount the city would pay.

Council asked what the ramifications were to the city of not having the easements; was it possible for the projects to proceed? Mr. Parton noted the utility project could not proceed because it would create a void with no connection between the utility lines east and west. Bids on the project had come in about \$.5 million under budget; therefore, any delay in the project could have significant financial ramifications. Without the recreation easement, the trail would dead end on both ends of the Rio Robles property. It was not feasible to go across the river because the city already had six miles of easements on the south side of the river; also the north side had interconnectivity and severe topographical and accessibility issues; also, it would be extremely costly to build two pedestrian bridges across the river.

10. Jim Duke asked council to allow Rio Robles to grant the utility easement and construct the utility lines, and then worry about the river trail project later; these

should be two separate projects.

Mr. Parton stated if the city had the utility easement, it would be possible to proceed with the utility project.

Council noted the two projects ran parallel throughout the six mile route, and the projects were planned to be constructed simultaneously to save money and time on the project; any further delays would also extend the time period that the park would have to be closed.

11. Carol Nichols stated that at one of the city's meetings about the river trail one route showed the trail crossing in front of Rio Robles property on the sidewalks already built along State Highway 16; why not use that route since people were using that sidewalk now.

Council noted that the Texas Department of Transportation had concerns about designating a recreation trail and the volume of pedestrian traffic that would be created along a major highway without any separation from traffic; a lot of public safety issues would have to be resolved before TxDOT would even consider allowing the city to designate a recreation trail along SH 16.

12. Malcolm Simmons opined these were two different projects with different engineering, people and equipment and asked council to separate the resolution.

Council noted that if the resolution was passed, Rio Robles could still grant the utility easement so the utility project could move forward. Mr. Hayes confirmed that Rio Robles could grant the easement now, just as they could have months ago. Mr. Hayes also confirmed that even if the resolution is passed by council, Rio Robles could still negotiate on issues related to both easements if they wanted to.

Mayor Pratt stated that council denied his request to separate the resolution into two issues; he would have voted for condemnation for utilities, but he would not vote for condemnation for the river trail.

Mr. Conklin moved for approval of Resolution No. 22-2013 as presented; Mr. MacDonald seconded the motion and it passed 3-1-1, with Councilmembers Conklin, Allen, and MacDonald voting in favor of the motion; Mayor Pratt voting against the motion; and Councilmember Keeble abstaining.

2C. Professional services agreement with Terra Design Group, Inc. for the design of the River Trail – G Street to Kerrville Schreiner Park project in an amount not to exceed \$228,305.00.

Mr. MacDonald moved to award the agreement as presented; Mr. Allen seconded the motion and it passed 4-0-1 with Messrs. MacDonald, Allen, Conklin, and Pratt voting in favor of the motion; no one voted against the motion; and Ms. Keeble abstained.

4E. Authorization to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for a reuse pond feasibility study.

Ms. Ondrias noted that EIC requested the city submit a funding application for \$135,000 for a feasibility study to construct wastewater reuse ponds on city property next to the wastewater treatment plant at the landfill site. The city currently discharges 350 million gallons annually from the plant into the river; two reuse ponds would provide 200 million gallons of storage; a third pond would provide a total storage capacity of 350 million gallons. Staff proposed that the study be conducted by Freese & Nichols and include: geotechnical services that would evaluate the depth of the ponds and how big the berms would have to be, environmental survey, permitting, flood plain issues, overall constructability, effect on landfill operations, cost estimates, site survey, and evaluation of treating wastewater to drinking standards to augment the city's potable water supply.

The following persons spoke:

1. Mack McElvain said he heard that the cost of such an operation would be \$27 million, and he opined that the return on investment would be small and it would take a thousand years to repay that investment; he questioned spending \$150,000-155,000 on a study to determine that a project was too expensive. He also question if there was a potential customer.

Ms. Ondrias noted that staff would do a financial, return on investment study in-house, but this was not part of the scope of the Freese & Nichols study.

Council also discussed the following:

- The city already had an investment in the water because the city treated the water to state standards at the plant before it could be released into the river; and the city did not receive credit from the state for that; the city was not getting a return on the investment already made.
- The city had potential customers now that had been denied because there was insufficient supply of effluent water.
- The wastewater could be treated to potable water standards for alternative water supply. Ms. Ondrias noted that part of the scope of the F&N study was to evaluate this option and estimate the cost.
- If the city did not release treated wastewater into the river, would that affect the city's permit with the state? Mr. Barron noted the permit did not require the city to put water back into the river; however, there was an understanding that the stream must be kept flowing. He did not know if or how much water the state would require to be returned to the river, but the ponds would not be large enough to hold all of the water being discharged now, so the city would still have to release water into the river. He noted that wastewater was the only water source that the city had clear title to, and treating wastewater to drinking water standards and injecting it into the city's water supply was a good plan.

2. Tom Moser, Kerr County Commissioner, noted that 18 months ago he did a study looking at the needs and benefits of effluent water. The Riverhills Golf Course and the surrounding 700 homes lack water for the golf course; Riverhills

provided \$8.5 million in annual revenue to the city and county in ad valorem tax, sales tax, and jobs; if the golf course closed, the city and county would lose \$6.5 million in ad valorem tax revenue annually, assuming only a 20% drop in property valuation. Of great concern was the fact that the water table east of Kerrville was dropping continuously and the Trinity aquifer did not recharge in that area. He opined that the reuse of wastewater was a tremendous opportunity that would benefit the community and secure the future of Kerrville; economically, wastewater was more valuable than could be imagined.

3. Carolyn Lipscomb noted that treating effluent to drinking water standards was a good plan, but was expensive. She believed that the city passed an ordinance a few years ago that would allow grey water systems in the city. Currently, the city was paying to treat wastewater; she suggested allowing homeowners to install grey water systems in their homes and reuse it for landscaping, this would save the city the cost of treating some wastewater to effluent standards, and conserve treated potable water from being used for landscaping. This would also benefit homeowners during times of drought.

Council noted that grey water was designated by purple pipe; infrastructure for grey water and running two lines would be expensive. Effluent water was treated at the plant and was safe to go into river; grey water was untreated water. The council had not adopted an ordinance that would allow residents to use grey water on their lawns.

Mr. Conklin moved to authorize staff to submit a funding application to EIC; Ms. Keeble seconded the motion and it passed 5-0.

5. INFORMATION AND DISCUSSION

5A. Pending legislation from the 83rd Texas Legislature, regular session.

Mr. Parton noted staff would continue to monitor, but there was nothing new to report.

6. BOARD APPOINTMENT:

6A. Appointment to the Planning and Zoning Commission.

Mr. MacDonald moved to appoint Garrett Harmon, currently serving as alternate member, to the regular member position with term to expire January 1, 2015. Mr. Conklin seconded the motion and it passed 5-0.

7. ITEMS FOR FUTURE AGENDAS

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- The past weekend's celebrity golf tournament held at Comanche Trace was well attended; celebrities included several Hall of Famers, and NFL football players and basketball players. A 13 year old young man from Oklahoma made a hole in one and won a Mercedes.
- Kerrville's 4th on the River event will be held in Louise Hays Park on July 4; event opens at 11:00, free concert starts at 4:00, fireworks at 9:15.

- Wounded Warrior project Second Chance would bring several families of disabled veterans to Kerrville on July 10. The police will escort buses from the hotel downtown around the 700 block of Water Street; citizens should assemble at 6:00 to honor the veterans and their families.
- Freedoms Path veteran housing project was currently ranked in the top position in the state's funding process.
- The public was invited to a meet and greet with Donna Bowyer, new Main Street Coordinator, on Friday, June 28, 5:30 p.m. at the Gather.

9. **EXECUTIVE SESSION**: None.

ADJOURNMENT. The meeting adjourned at 8:25 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JULY 9, 2013

On July 9, 2013, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Pratt in the city hall council chambers at 701 Main Street. The invocation was offered by Ms. Karen Quanstrom, Executive Director of Kerr County Habitat for Humanity, followed by the Pledge of Allegiance led by Byron Warren, with the Military Order of the Purple Heart.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT:

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Robert Ojeda	Fire Chief

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

1. **VISITORS/CITIZENS FORUM:** No one spoke.

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. Mayor Pratt read the ordinance by title.

Ms. Ondrias noted this was the first reading for a voluntary annexation at 2262 Bandera Highway. Public hearings were held by city council on May 28 and June 11. Council discussed traffic issues at this location.

Mr. MacDonald moved for approval of Ordinance No. 2013-08 on first reading; Mr. Allen seconded the motion and it passed 5-0.

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. Mayor Pratt read the ordinance by title.

Staff requested the item be tabled.

3. CONSIDERATION AND POSSIBLE ACTION:

3A. Citizen request for soccer league practice field. (Elias Gomez)
Mr. Gomez was not in attendance.

3B. Ethics policy.

Mr. Hayes noted that council directed him to prepare an ethics policy for councilmembers; he provided samples from several cities and requested direction from council as to what they would like to have in an ethics policy.

Council discussed the following points:

- Did not want the policy to create additional committee or ethics advisors as mentioned in some samples; no additional expenses for the city.
- Secretary of State's Office had ethics guidelines that could be used to create the city's policy.
- Conflicts of interest should be addressed in the policy; sometimes a councilmember did not have a technical conflict under state law because they had no financial interest, but felt that a conflict existed, for example, serving on a board that had an issue before the city.
- Policy should not be burdensome; not create additional bureaucracy.
- Transparency; council should keep matters in open session and not go into executive session unless necessary.
- Council should provide a positive workplace environment and refrain from creating the perception of inappropriate direction to staff.
- Fiduciary responsibility; councilmembers should not use their office to benefit themselves.
- Intimidation; people should feel welcome at city hall.
- Councilmembers should not have the appearance of representing the city without first having the support of the council; if not, they should make it abundantly clear that they were speaking only as an individual citizen and were not representing the city.

Mr. Hayes will prepare a draft ethics policy for the next meeting.

4. INFORMATION AND DISCUSSION:

4A. Update on the Fiscal Year 2014 budget.

Mr. Parton discussed the assumptions on which the budget was being prepared:
General Fund:

- Fiscal sustainability (5 year fiscal forecast; adequate reserve funds)
- Maintain property tax rate at \$0.5625/\$100 valuation
- Maintain water and wastewater utility rates at current levels
- Sustain existing programs and services
- Implement salary adjustments in accordance with the compensation study.
- Anticipated possible termination of interlocal agreements with the county for EMS and firefighting services in FY2015; would require spending \$390,000 from reserve in FY2015 and spending \$142,300 in FY2016, and reduce spending by \$370,000 in FY2015; balanced budget by 2017. In addition, city would no longer serve as county emergency management coordinator and would no longer manage the county first responder program.
- Included replacement of aerial platform ladder truck over a 7 year bank loan
- Incorporated salary adjustments in accordance with the compensation study and personnel related expenses
- Revenue projections were conservative
- Cost projections allowed growth in recurring operational expenditures
- Capacity for new tax supported debt by FY2019.

Utility Fund:

- Maintained current utility rates
 - Budget based on Stage 1 water restrictions
 - Moderate increase in revenues through growth
 - Maintained net retained earnings levels; will not drop below 25% reserve; above 25% to be budgeted for pay-as-you-go capital projects
 - Maintained one-year bond payment reserve
- Provided up to \$13 million in pay-as-you-go through FY2019 for capital projects: (\$1.0 million budgeted annually; \$2.75 million budgeted in FY2016; and \$3.0 million budgeted in FY2019). The utility master plan should be completed in the next few months and the city can begin to schedule capital projects.
- Incorporated salary adjustments in accordance with the compensation study and personnel related expenses.

Mr. Parton reviewed highlights of items included in the FY2014 budget and capital improvement plan and requested direction. The proposed FY2014 budget had to be filed in the City Secretary's Office by July 31. Budget workshops were scheduled for July 17, 9 a.m., and July 19, 8 a.m., if needed.

Mr. Parton noted that two-thirds of the general fund revenue, approximately, \$8.2-8.3 million, was generated from property tax; sales tax generated about \$5.5 million. He reviewed trends for several types of revenue growth.

Council commended staff for preparing a budget that anticipated the possible termination of contracts with the county for EMS and fire services; noting

however, that the city desired to continue to provide these services to residents of Kerr County at a fee that covered costs; it was the county that was proceeding to terminate services, and the city was preparing the FY2014 and future budgets in that direction. The consensus of council was to proceed as presented.

5. BOARD APPOINTMENTS:

5A. Appointments to the planning and zoning commission. Mr. Conklin moved to appoint Robert Waller to an alternate member position with term to expire January 1, 2015; Mr. MacDonald seconded the motion and it passed 5-0.

5B. Appointments to the golf course advisory board. Mr. Conklin moved to appoint Gregory Maxwell and Jeffrey Mitchel, both with terms to expire July 1, 2013; Ms. Keeble seconded the motion and it passed 5-0.

6. ITEMS FOR FUTURE AGENDAS

Mr. MacDonald asked if an item should be on the next agenda to authorize him to speak in Austin stating the city's support of the Freedom's Path veterans housing project at the Kerrville VA. Council consensus was that this was not necessary because council previously adopted a resolution supporting the project.

7. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- July 10, citizens were encouraged to line up around the 700 block of Main/Earl Garrett/Water Street starting at 6:00 to welcome the families of several Wounded Warriors who were visiting Kerrville.
- Kerrville's 4th on the River event was successful; thanks to event organizers, volunteers, and sponsors, especially Hagi and Mamacita's for sponsoring the fireworks.
- The Wine and Brew Festival held July 6 at Comanche Trace was also a successful event.
- Mr. Parton noted a collection service had been hired to collect late fines and fees, now totaling \$25,000, for the library. The initial courtesy notices were sent to 87 customers, totaling \$12,000.

8. EXECUTIVE SESSION:

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

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

At 7:09 p.m. the regular meeting recessed and council went into executive closed session at 7:11p.m. At 7:16 p.m. the executive closed session recessed and council returned to open session at 7:17 p.m. The mayor announced that no action had been taken in executive session.

9. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

ADJOURNMENT. The meeting adjourned at 7:17 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

Agenda Item:

3B. Purchase ne CAD/RMS (Computer Aided Dispatch and Records Management System) from Tyler Technologies for the police department, in the amount of \$46,091.00. (staff)

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

SUBJECT: Authorizing the police department to purchase a new CAD/RMS from Tyler Technologies

FOR AGENDA OF: July 23, 2013

DATE SUBMITTED: July 12, 2013

SUBMITTED BY: Chief John Young

CLEARANCES: Todd Parton, City Manager

EXHIBITS: Proposal

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$ 46,091.00	\$46,091.00	\$46,091.00	01-813-112

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The police department entered into an inter-local agreement with Sam Houston State University to provide a computer aided dispatch (CAD) and records management system (RMS) in 2008. The system although cost effective has encountered numerous updates and versions over the last 5 years. Additionally, modules that were scheduled to come on line have been delayed or eliminated. The department has experienced a number of conversion issues over the last several years which have created significant data entry and records management issues not only for the department but for the city's IT staff.

In conjunction with IT, the department has researched vendors that could provide an improved CAD/RMS for department use. Tyler Technologies recently provided the department and IT staff with a demonstration of their CAD/RMS software. Tyler Technologies can provide a more user friendly, efficient and upgraded system. Because this software will improve City's ability to preserve and protect public health and safety through several enhanced modules (Global Positioning System, Automatic Vehicle Location, Sex offender registration, case management, evidence processing) competitive bidding is not required.

After careful review and discussion, we have decided it is in the city's best interest to transition from our current software, CRIMES to Tyler Technologies. Tyler Technologies is a current city vendor and already provides software to the city through Incode Financial/Payroll/Building Permits/Utility System as well as Incode Court modules.

Our current vendor, CRIMES annual cost is \$45,000.00. Tyler Technologies has agreed to amortize the total cost of the software (\$276,546) over a 6 (six) year period setting our annual cost of \$46,091.00.

RECOMMENDED ACTION

The Chief of Police recommends that City Council authorize the purchase of Tyler Technologies CAD/RMS system.



Proposal

Local Government Division

Presented to:

Charvy Tork
Director of Information
City of Kerrville Police Department
429 Sidney Baker St.

Kerrville, TX 78028
(830) 258-1290
charvy.tork@kerrvilletx.gov

Proposal date:

March 20, 2013

Submitted by:

Mark Northcutt
(800) 646-2633
mark.northcutt@tylertech.com

Tyler Technologies
Local Government Division
5519 53rd Street
Lubbock, Texas 79414

Subscription Summary
 Charvy Tork
 City of Kerrville Police Department
 March 20, 2013



Cost Summary

Proposal Valid for 120 days

Professional Services & Hardware	Cost
Implementation Services	33,125
Professional Services	2,500
Services	35,625

Estimated Travel Expenses 14,845

*** Note: Travel expenses are billed as incurred based on Federal IRS per diem standards.*

Subscription - Hosted		Annual Fees
Length of Agreement	6 Years - 72 Months	
Annual Subscription Fee		46,091
Summary		46,091

Software Licenses - Subscription

Charvy Turk
City of Kerrville Police Department
March 20, 2013



Application Software	QTY
Public Safety Suite	1
Computer Aided Dispatch/Comm Center CAD (All dispatcher seats included) E-911 Server Interface NCIC Server Interface <i>Note: Does not include CJIS Addendum</i>	
Combined Search	
Mobile Applications	
Mobile RMS Client	42
Mobile CAD Client	42
Mobile Network Services	
Mapping	
CAD Mapping Interface	1
RMS Mapping Interface	1
Public Safety Records	
Base RMS System <i>(Offense/Incidents w/ Supplements, Arrests, Warrants, UCR/NIBRS Reporting, Traffic/Parking Citations, Accidents w/ EZ Street Draw Interface, Field Interview, Racial Profiling Collection/Reporting, Media & Narratives, Calls for Service, Intelligence, Reports - Stat/Summary Analysis)</i>	
Case Events Center	
Vehicle Impound	
Personnel <i>(Training, Evaluation, Certification)</i>	
Property Room/Evidence Management	
Property Room	
Other Interfaces	
Tyler Court Case Management Interface	
Brazos Technology Citation Interface	
System Software & Network Services	
System Software	
System Software diagramming	1
Note: Public Safety On-Site Services are based on a 8 a.m. to 5 p.m. day. Public Safety On-Site Services are based on the following criteria:	
Number of CAD Training Sessions:	2
Number of RMS Training Sessions:	5

Professional Services - Subscription

Charvy Turk
 City of Kerrville Police Department
 March 20, 2013



Application Professional Services Summary	Estimated Hours	Estimated Services
Implementation Services		
Public Safety Suite	265	33,125
Incode Professional Services		
Project Management		2,500
Professional Services Total	265	35,625

Implementation Services Breakdown	QTY	Estimated Hours	Estimated Services
Public Safety Suite			
Computer Aided Dispatch/Comm Center			
CAD (1 dispatcher seat included)	1	32	4,000
E-911 Server Interface (1 seat included)	1	16	2,000
NCIC Server Interface (1 seat included)	1	16	2,000
<i>Note: Does not include CJIS Addendum</i>			
Combined Search	1	4	500
Mobile Applications			
Mobile Applications Server w/ Messaging	1		
Mobile RMS Client	1	8	1,000
Mobile CAD Client	1	35	4,375
Mobile Network Services		30	3,750
Mapping			
CAD Mapping Interface	1	N/A	N/A
RMS Mapping Interface	1	N/A	N/A
Public Safety Records			
Base RMS System	1	80	10,000
<i>(Offense/Incidents w/ Supplements, Arrests, Warrants, UCR/NIBRS Reporting, Traffic/Parking Citations, Accidents w/ EZ Street Draw Interface, Field Interview, Racial Profiling Collection/Reporting, Media & Narratives, Calls for Service, Intelligence, Reports - Stat/Summary Analysis)</i>			
System Administration Training	1	16	2,000
Case Events Center	1	16	2,000
Vehicle Impound	1	4	500
Personnel	1	4	500
<i>(Training, Evaluation, Certification)</i>			
Property Room/Evidence Management			
Property Room	1	4	500
Other Interfaces			
Tyler Court Case Management Interface	1		N/A
Brazos Technology Citation Interface	1		N/A
Public Safety Suite Subtotal		265	33,125
Professional Services			
Professional Services			
Project Management			2,500
Professional Services Subtotal		0	2,500

Agenda Item:

3C. Construction contract with Nelson Lewis, Inc. for the construction of the Jefferson lift station, gravity and force main and the Riverhills/Ridgewood transmission main-Phase 1 project in the amount of \$1,575,764.00 and additional change orders which may exceed \$50,000.00, but not to exceed the total amount of \$1,890,917.00. (staff)

Phase 1 Project Budget	\$3,644,500.00
Original FNI Alignment Study	\$71,000.00
Alignment Study Credit	<\$8,965.00>
Revised Alignment Study Contract	\$62,035.00
Original FNI Design Contract Amount	\$627,783.00
Contract Amendment #1	<u>\$103,869.00</u>
Construction Budget	\$2,850,813.00

On June 25, 2013, seven (7) bids were opened and the apparent low bidder was Nelson Lewis, Inc. Nelson Lewis' bid was \$1,575,764.00.

RECOMMENDED ACTION

The Director of Engineering recommends the City Council authorize the City Manager to execute a construction contract with Nelson Lewis, Inc. for the construction of the Jefferson Lift Station, Gravity and Force Main and the Riverhills/Ridgewood Transmission Main-Phase 1 project in the amount of \$1,575,764.00 and authorize the City Manager to execute additional change orders which may exceed \$50,000 but not exceed the total amount of \$1,890,917.00.



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www.freese.com

July 9, 2013

Dieter Werner, P.E.
 Director of Engineering and Planning

City of Kerrville
 200 Sidney Baker St. North
 Kerrville, TX 78028

Subject: Jefferson Lift Station, Force and Gravity Mains – Ph. 1, Riverhill/Ridgewood Transmission Line – Ph. 1
 Recommendation of Award of Contract

Dear Mr. Werner:

Listed below is the summary of bids for the Jefferson Lift Station, Force and Gravity Mains – Ph. 1,
 Riverhill/Ridgewood Transmission Line – Ph. 1 project. A total of seven bids were received on June 25th, 2013.

Summary of Bids:

<u>Bidders</u>	<u>Total Bid Amount</u>
1) Nelson Lewis Inc.	\$ 1,575,764.00
2) S.J. Louis Construction	\$ 1,618,389.87
3) Santa Clara Construction	\$ 1,772,773.00
4) QRO Mex Construction	\$ 1,871,456.00
5) Pesado Construction	\$ 1,917,179.00
6) Merryman Excavation	\$ 1,935,881.80
7) Lewis Contractors	\$ 1,951,670.00

A copy of the bid tabulation is attached for your use and information.

Based on the City's previous experience with Nelson Lewis, Inc., and the Contractor's experience in utility construction, Freese and Nichols recommends that the City of Kerrville award the construction contract for this project to **Nelson Lewis Inc.** in the amount of \$1,575,764.00.

Please call me at (210) 298-3842 if you have any questions.

Sincerely,

Freese and Nichols, Inc.

Matthew K. Ewald, P.E.
 Construction Manager



Freese & Nichols, Inc.
4040 Broadway, Suite 600
San Antonio, TX 78209
BID TABULATION

#	Description	Quantity	Unit	Nelson Lewis Inc.		S.J. Louis Construction		Santa Clara Construction		QRO Mex Construction		Pesado Construction		Merryman Excavation Inc.		Lewis Contractors	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Mobilization	1	LS	\$78,000.00	\$78,000.00	\$80,000.00	\$80,000.00	\$69,700.00	\$69,700.00	\$90,000.00	\$90,000.00	\$75,000.00	\$75,000.00	\$84,320.00	\$84,320.00	\$66,000.00	\$66,000.00
2	Prep Right-of-Way	1	LS	\$68,000.00	\$68,000.00	\$80,000.00	\$80,000.00	\$10,000.00	\$10,000.00	\$60,000.00	\$60,000.00	\$90,000.00	\$90,000.00	\$32,620.00	\$32,620.00	\$86,850.00	\$86,850.00
3	SMPPP	1	LS	\$12,000.00	\$12,000.00	\$20,000.00	\$20,000.00	\$21,500.00	\$21,500.00	\$30,000.00	\$30,000.00	\$15,000.00	\$15,000.00	\$35,060.00	\$35,060.00	\$25,000.00	\$25,000.00
4	Traffic Control Plan and Devices	1	LS	\$4,000.00	\$4,000.00	\$2,000.00	\$2,000.00	\$4,400.00	\$4,400.00	\$20,000.00	\$20,000.00	\$1,000.00	\$1,000.00	\$2,875.00	\$2,875.00	\$9,800.00	\$9,800.00
5	Trench Safety System	13,787	LF	\$0.50	\$6,893.50	\$0.01	\$137.87	\$1.00	\$13,787.00	\$2.00	\$27,574.00	\$4.00	\$55,148.00	\$1.20	\$16,544.40	\$1.00	\$13,787.00
6	Hydromulch Seeding	37,350	SY	\$0.50	\$18,675.00	\$0.20	\$7,470.00	\$0.60	\$22,410.00	\$1.50	\$56,025.00	\$1.00	\$37,350.00	\$2.90	\$108,315.00	\$0.30	\$11,205.00
7	Utility Marker	17	EA	\$100.00	\$1,700.00	\$150.00	\$2,550.00	\$50.00	\$850.00	\$50.00	\$850.00	\$250.00	\$4,250.00	\$17.00	\$289.00	\$75.00	\$1,275.00
Subtotal - General Items				\$230,629.50		\$192,157.87		\$142,647.00		\$287,849.00		\$276,048.00		\$280,023.40		\$219,917.00	
8	21" ASTM F679 PVC SDR 26 Gravity Main	6,297	LF	\$80.00	\$503,760.00	\$94.00	\$591,918.00	\$115.00	\$724,155.00	\$95.00	\$598,215.00	\$113.00	\$711,561.00	\$134.00	\$843,798.00	\$135.00	\$850,095.00
9	15" ASTM D3034 PVC SDR 26 Stub Out with Plug	9	LF	\$160.00	\$1,350.00	\$75.00	\$675.00	\$100.00	\$900.00	\$1,500.00	\$13,500.00	\$125.00	\$1,125.00	\$104.00	\$936.00	\$130.00	\$1,170.00
10	24" ASTM F679 PVC SDR 26 Gravity Main	393	LF	\$100.00	\$39,300.00	\$92.00	\$36,176.00	\$125.00	\$49,125.00	\$115.00	\$45,195.00	\$135.00	\$53,055.00	\$74.00	\$29,082.00	\$150.00	\$58,950.00
11	Jack and Bore 36" Steel Casing (with 24" PVC Carrier Pipe)	80	LF	\$700.00	\$56,000.00	\$611.00	\$48,880.00	\$630.00	\$50,400.00	\$550.00	\$44,000.00	\$590.00	\$47,200.00	\$936.00	\$74,880.00	\$625.00	\$50,000.00
12	72" Diameter Manhole	8	EA	\$10,000.00	\$80,000.00	\$6,900.00	\$55,200.00	\$8,500.00	\$68,000.00	\$8,500.00	\$68,000.00	\$9,000.00	\$72,000.00	\$7,735.00	\$61,880.00	\$8,500.00	\$68,000.00
13	72" Diameter Manhole with Ventilation System	6	EA	\$14,000.00	\$84,000.00	\$11,400.00	\$68,400.00	\$15,950.00	\$95,700.00	\$12,500.00	\$75,000.00	\$14,000.00	\$84,000.00	\$12,140.00	\$72,840.00	\$10,000.00	\$60,000.00
Subtotal - Gravity Main				\$764,410.00		\$601,228.00		\$988,280.00		\$843,910.00		\$968,841.00		\$1,083,416.00		\$1,088,215.00	
14	12" C900 PVC DR 14 Water Main	308	LF	\$58.00	\$17,744.00	\$45.00	\$13,770.00	\$62.00	\$18,972.00	\$60.00	\$18,480.00	\$70.00	\$21,420.00	\$56.00	\$17,136.00	\$62.00	\$19,372.00
15	16" C905 PVC DR 18 Water Main	6,767	LF	\$60.00	\$406,020.00	\$70.00	\$473,900.00	\$68.00	\$460,156.00	\$87.00	\$588,729.00	\$75.00	\$507,525.00	\$58.00	\$392,486.00	\$71.00	\$480,457.00
16	16" Class 250 Ductile Iron Water Main	15	LF	\$125.00	\$1,875.00	\$427.00	\$6,405.00	\$110.00	\$1,650.00	\$125.00	\$1,875.00	\$150.00	\$2,250.00	\$82.00	\$1,230.00	\$101.00	\$1,515.00
17	Jack and Bore 30" Steel Casing (with 16" D.I. Carrier Pipe)	75	LF	\$600.00	\$45,000.00	\$553.00	\$41,475.00	\$500.00	\$37,500.00	\$420.00	\$31,500.00	\$550.00	\$41,250.00	\$757.00	\$56,775.00	\$525.00	\$39,375.00
18	16" Gate Valve	9	EA	\$6,500.00	\$58,500.00	\$5,400.00	\$48,600.00	\$7,795.00	\$70,155.00	\$5,800.00	\$52,200.00	\$6,500.00	\$58,500.00	\$6,580.00	\$59,220.00	\$7,000.00	\$63,000.00
19	12" Gate Valve	1	EA	\$3,000.00	\$3,000.00	\$2,000.00	\$2,000.00	\$3,900.00	\$3,900.00	\$1,950.00	\$1,950.00	\$2,500.00	\$2,500.00	\$2,570.00	\$2,570.00	\$3,000.00	\$3,000.00
20	12" Tapping Sleeve and Valve	1	EA	\$9,000.00	\$9,000.00	\$6,000.00	\$6,000.00	\$6,500.00	\$6,500.00	\$6,000.00	\$6,000.00	\$7,300.00	\$7,300.00	\$10,300.00	\$10,300.00	\$5,500.00	\$5,500.00
21	6" Cul-It Tee	1	EA	\$5,000.00	\$5,000.00	\$2,000.00	\$2,000.00	\$6,000.00	\$6,000.00	\$3,500.00	\$3,500.00	\$3,300.00	\$3,300.00	\$3,395.00	\$3,395.00	\$4,600.00	\$4,600.00
22	Disinfection	7,163	LF	\$0.50	\$3,581.50	\$1.00	\$7,163.00	\$1.00	\$7,163.00	\$1.00	\$7,163.00	\$1.00	\$7,163.00	\$0.80	\$5,730.40	\$1.00	\$7,163.00
23	Fire Hydrant Assembly	3	EA	\$6,000.00	\$18,000.00	\$3,700.00	\$11,100.00	\$4,950.00	\$14,850.00	\$3,500.00	\$10,500.00	\$4,000.00	\$12,000.00	\$3,450.00	\$10,350.00	\$4,400.00	\$13,200.00
24	2" Manual Air Release Valve	4	EA	\$2,000.00	\$8,000.00	\$2,300.00	\$9,200.00	\$1,800.00	\$7,200.00	\$1,900.00	\$7,600.00	\$1,500.00	\$6,000.00	\$2,940.00	\$8,160.00	\$2,900.00	\$11,600.00
25	2" Temporary Blow-Off Valve	2	EA	\$2,500.00	\$5,000.00	\$1,800.00	\$3,600.00	\$1,600.00	\$3,200.00	\$2,100.00	\$4,200.00	\$1,500.00	\$3,000.00	\$2,545.00	\$5,090.00	\$578.00	\$1,156.00
Subtotal - Transmission Line				\$580,724.50		\$625,003.00		\$641,846.00		\$739,697.00		\$672,208.00		\$572,442.40		\$649,538.00	
Total Bid Amount				\$1,575,764.00		\$1,618,385.87		\$1,772,773.00		\$1,871,456.00		\$1,917,197.00		\$1,935,881.80		\$1,951,670.00	

* Denotes Calculation Error in Extended Cost

Agenda Item:

3D. Resolution No. 23-2013 authorizing the transfer of the ownership of funds from the City of Kerrville to the City of Kerrville Employee Benefits Trust to pay for employee related benefits for fiscal year 2014. (staff)

TO BE CONSIDERED BY THE CITY COUNCIL

CITY OF KERRVILLE, TEXAS

SUBJECT: Approve the resolution authorizing the transfer of funds from the City of Kerrville to the City of Kerrville Employee Benefits Trust to pay for employee related benefits for FY 2014.

FOR AGENDA OF: July 23, 2013

DATE SUBMITTED: July 11, 2013

SUBMITTED BY: Kimberly Meisner
Director of General Operations

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Resolution

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
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(Fees are a part of the Group Insurance line item and are spread among all divisions.)

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Due to the action taken by the Trustees of the Employee Benefit Trust to authorize the City Manager to sign contracts for FY 2014 employee benefits, Council will now need to consider approval of the resolution authorizing the transfer of funds from the City of Kerrville to the City of Kerrville Employee Benefits Trust to pay for the employee benefits for FY 2014.

RECOMMENDATION

Staff recommends City Council authorize the transfer of funds in the amount not to exceed \$7,500 per employee from the City of Kerrville to the City of Kerrville Employee Benefits Trust and Benefit Truест Reserve to pay for employee benefits for FY 2014.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 23-2013**

**A RESOLUTION AUTHORIZING THE TRANSFER OF THE OWNERSHIP
OF FUNDS FROM THE CITY OF KERRVILLE TO THE CITY OF
KERRVILLE EMPLOYEE BENEFITS TRUST TO PAY FOR EMPLOYEE
RELATED BENEFITS FOR FISCAL YEAR 2014**

WHEREAS, the City Council created an Employee Benefits Trust (the "Trust") for the administration of employee benefits; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it in the public interest to transfer the ownership of the City's fund where gross premiums and revenue are maintained for the City's various life, disability, sick, accident, and other health benefits to the Trust;

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

The City Council of the City of Kerrville, Texas, authorizes the transfer of the ownership of the City of Kerrville Internal Service Fund to the City of Kerrville Employee Benefits Trust.

PASSED AND APPROVED ON 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:

4A. Ordinance 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 th territory annexed; and establishing the zoning for the area annexed. (staff)

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

SUBJECT: 2nd Ordinance Reading, Annexation & Zoning Request – 2nd 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 23, 2013 **DATE SUBMITTED:** July 11, 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: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

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 1st 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 2nd required public hearing on June 11, 2013. No individuals spoke on the issue during the public hearing.

The City Council approved the 1st Ordinance reading on July 9, 2013.

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 approved by the City Council.

July 23, 2013

Second and final ordinance reading by the City Council.

RECOMMENDED ACTION

1. Approve the ordinance on second and final 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 9th day of July, 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 A 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

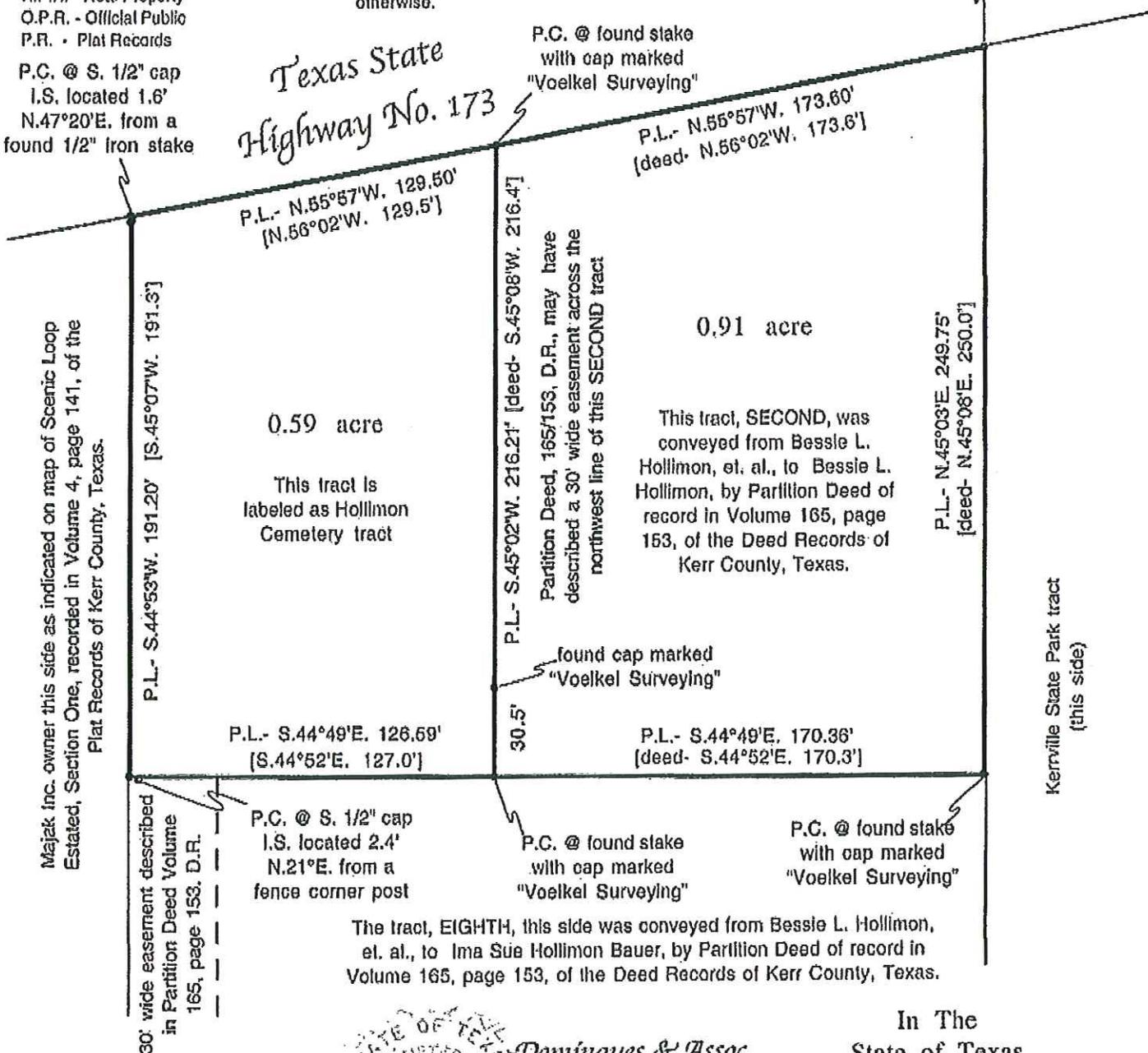
The located property lines are one and the same line as those indicated on the deed. The indicated bearings are as surveyed property line bearings and are different than the recorded deeds because the bearing on the recorded deeds were based on compass direction and the indicated plat bearings are based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



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

Charles B. Domingues
Charles B. Domingues 05/19/13



Domingues & Assoc.

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

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

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 B

PETITION REQUESTING ANNEXATION INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, OF .91 ACRES OUT OF THE 148 John Southmayde Survey, Abstract Number 288, KERR COUNTY TEXAS

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF KERRVILLE, TEXAS:

Louis Howard is the sole owner of an approximately .91 acre tract of land located adjacent to the incorporated limits of the City of Kerrville which is out of the Survey No. 148, Abstract No. 288 Kerr County, Texas, and is more particularly described as follows:

SEE EXHIBIT "A" (Field Notes) and EXHIBIT "B" (Survey) attached hereto.

The above-described property is (a) less than one-mile in width, (b) contiguous to the incorporate limits of the City of Kerrville, Texas, and (c) presently vacant and without residents or on which fewer than three qualified voters reside.

In accordance with Texas Local Government Code §43.028, Louis Howard hereby requests and petitions that the above-described property be annexed into the incorporated limits of the City of Kerrville, Texas.

SUBMITTED THIS 19th day of march 2013.

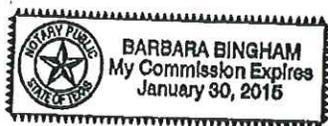
By: Louis Howard
Legally authorized signature

ACKNOWLEDGEMENTS

THE STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on the 19th day of march, 2013, for and on behalf of Louis Howard



Barbara Bingham
NOTARY PUBLIC, STATE OF TEXAS

Printed Name: Barbara Bingham

My Commission Expires: 1/30/2015

EXHIBIT C

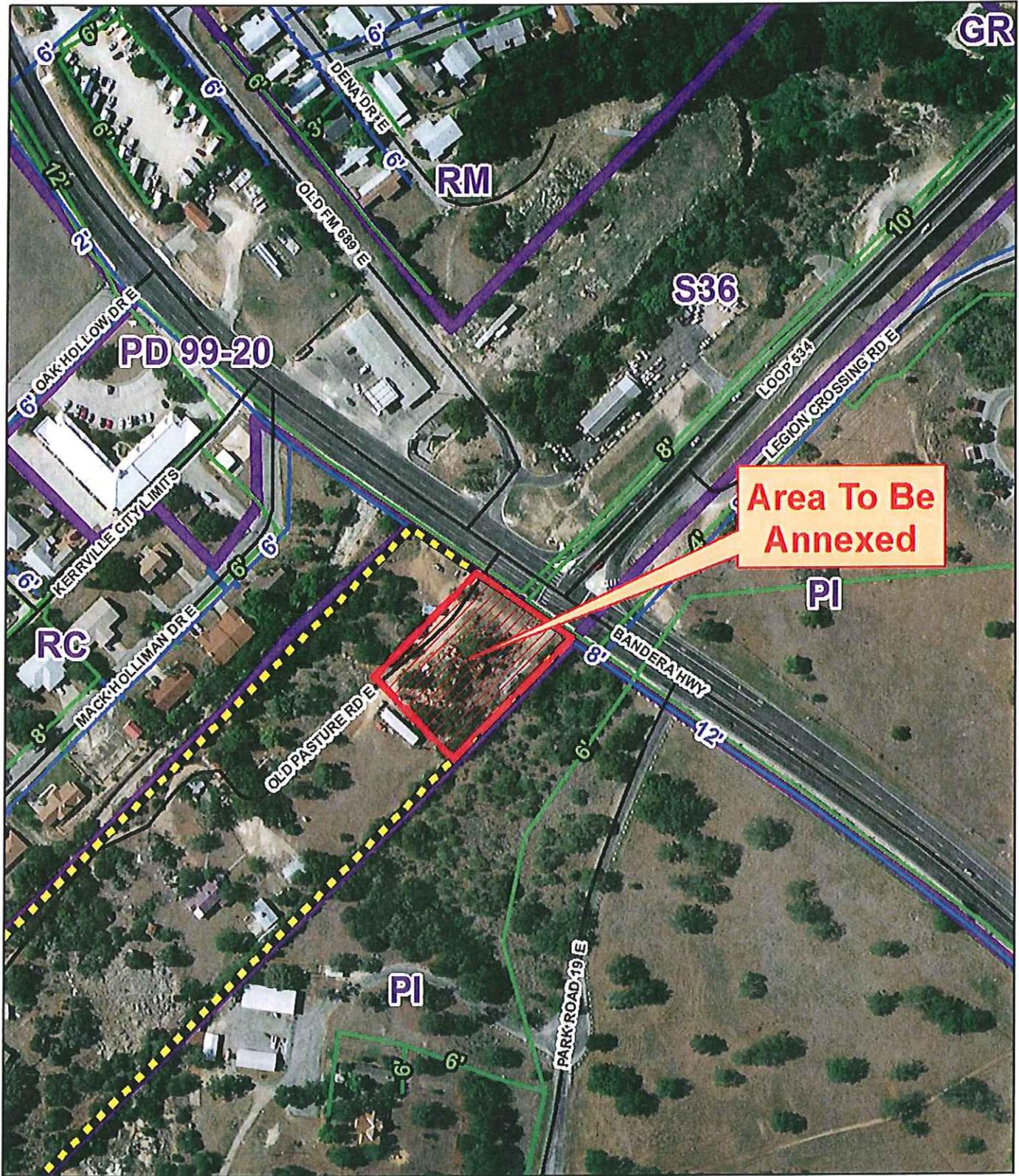
ANNEXATION SERVICE PLAN

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)

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Public Services - Street Department	Public streets not maintained by the Texas Department of Transportation within the area shall be maintained by the City.	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:

5A. 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 23, 2013

DATE SUBMITTED: July 15, 2013

SUBMITTED BY: Robert Ojeda
Fire Chief

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO: N/A

REVIEWED BY THE FINANCE 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 ambulance services within the corporate limits of the City. Finally, the Texas Legislature recently adopted a law that imposes various operational conditions and licensing requirements on non-governmental emergency medical service EMS providers. The law requires an EMS provider to obtain a letter of approval from the city council in which the applicant is located. The council may only grant such a letter where it makes the following findings: (1) the addition of another licensed EMS provider will not interfere with or adversely affect the provision of EMS by licensed providers operating in the city; (2) the addition of another licensed EMS provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed providers operating in the city; and (3) the addition of another licensed EMS provider will not cause an oversupply of licensed EMS providers in the city.

RECOMMENDED ACTION

The Kerrville Fire Department recommends that Council adopt the ordinance amending Article III, Emergency Medical Services, Chapter 42, Emergency Services, of the City's Code of Ordinances after the Second Reading on August 13th, 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 operation and maintenance 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 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) To establish that the City owns, operates, and maintains 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 of non-emergency or transfer services.

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 or transfer ambulance service.

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 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 immediate on-scene care to ill or injured persons.

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 appoint 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 review and revise such medical protocols and standing orders, as necessary;
 - (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 of emergency ambulance service; exceptions.

- (a) Except as provided herein, the City's EMS is the sole provider of emergency ambulance service within the corporate limits of the City.
- (b) Other than the City, it is unlawful for any person having ownership, management, or control of any ambulance to operate or allow to be operated such ambulance for emergency ambulance service 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 emergency service pursuant to a mutual aid agreement executed by the City.

Sec. 42-75. Ambulance services operating subject to an exception or exemption.

Any ambulance service operating with lights and sirens and within the City pursuant to an exception found in Section 42-74 and transporting a patient to a medical facility within the City shall notify the KFD Dispatch of the transport and destination.

Sec. 42-76 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. 42-77. License for non-emergency or transfer ambulance service; exemptions.

- (a) It is unlawful for any non-emergency or transfer ambulance service to operate within the City for the purposes of transporting patients for a fee or charge without first obtaining an annual license from the City.
- (b) No license is required for any non-emergency or transfer 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. 42-78. Application for license.

A non-emergency or transfer ambulance service desiring to provide such service within the City must complete a written application accompanied by the non-refundable application fee for the annual license. The application must be signed and sworn to by an authorized representative of the applicant and submitted to 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 make, model, year of chassis manufacture, year of box manufacture, size, design, mileage, and color scheme of each vehicle;
- (9) a complete copy of applicant's current DSHS EMS provider packet;
- (10) verification of DSHS inspection and certification as ambulances of all vehicles proposed to be used within the City;
- (11) verification of certification by the DSHS for all personnel to be performing patient care or transportation within the City;

(12) 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 in the preceding seven years, 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;

(13) 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;

(14) 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;

(15) 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;

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

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

(18) documentation of applicant's implementation and enforcement of a drug and alcohol policy for its employees that meets the minimum requirements of the Drug Free Workplace Act of 1988 (41 U.S.C. 701), and any amendments. Applicant shall supply certification from the applicant-designated drug testing center that none of applicant's safety-sensitive employees has failed any drug test it has administered. Except when and to the extent that it may be prohibited by law, applicant shall provide records of failed drug tests upon written request; and

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

Sec. 42-79. Investigation of applicant.

(a) Upon receipt of an application to operate a non-emergency or transfer 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.

- (b) Within 30 days of the receipt of a complete application, the Fire Chief will determine whether the applicant has submitted all necessary information as required by Section 42-78. The Fire Chief may require additional time as 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.
- (c) The Fire Chief shall review the completed application for compliance with Section 42-80.

Sec. 42-80. Licensing criteria and operating conditions.

An applicant must meet the following minimum requirements for consideration of a license to operate a non-emergency or transfer ambulance service and continue to meet such requirements during the duration of the annual license :

- (1) provide sufficient evidence of ability to comply with the applicable operating requirements of this article;
- (2) demonstrate experience and ability in providing non-emergency or transfer 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) possess financial capacity to respond to damages or to pay claims for personal injury, death, and property damages arising from its operations and toward that end, has no unsatisfied final judgments 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) submit a signed 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) file 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 license 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) vehicles used must be licensed by the DSHS as a mobile intensive care unit ("MICU"); and

(7) personnel must meet minimum requirements established by the DSHS for MICU ambulances;

(8) establish and maintain an office within the corporate limits of the City;

(9) equipment used must be maintained in good working condition;

(10) non-emergency or transfer ambulances must use colors that are different and distinctive from the color of ambulances operated by KFD. Each non-emergency or transfer 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";

(11) personnel must use attire whose color is different and distinctive from the color of KFD personnel attire;

(12) maintain at its place of business located within the City a publically listed telephone number, an 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;

(13) maintain a daily log on which is 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;

(14) submit annually, by or before the anniversary date of its license, any additional information reflecting changes in the information currently on file with the City as required by 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;

(15) ambulances are subject to all other federal and state laws with respect to their ownership, use, and operation;

(16) 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;

(17) 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;

(18) 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;

(19) 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

(20) no ambulance chassis that the licensee operates may be older than eight (8) years.

Sec. 42-81. Report to City Council.

Following an investigation and upon finding that the applicant meets the criteria and meets or will meet the operating conditions set out in Section 42-80, the Fire Chief shall forward a report on the application and findings to City Council for its consideration and the issuance of a letter of approval, if appropriate, in accordance with Chapter 773, Texas Health and Safety Code.

Sec. 42-82. Letter of approval; issuance of license.

(a) Pursuant to state law (Chapter 773, Texas Health and Safety Code), the City Council will consider whether to issue the applicant a letter of approval. Council may issue such approval but only if it determines that:

(1) the addition of another licensed non-emergency or transfer ambulance service provider will not interfere with or adversely affect the provision of the City's EMS;

(2) the addition of another licensed non-emergency or transfer ambulance service will remedy an existing provider shortage that cannot be resolved through the City's EMS; and

- (3) the addition of another licensed non-emergency or transfer ambulance service will not cause an oversupply of licensed EMS providers operating within the City.
- (b) Where Council issues a letter of approval, the Fire Chief shall then issue a one-year, renewable 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.
- (c) Letters of approval expire three years from the date of issuance. Thereafter, an applicant must apply for a new license pursuant to the terms of this article.
- (d) Where Council does not issue a letter of approval, the applicant may not seek a subsequent letter of approval for the period of twelve months from the date of denial.

Sec. 42-83. Expiration and renewal of license.

- (a) A license to operate a non-emergency or transfer ambulance service expires one year after the date of issuance.
- (b) A license holder must apply for renewal at least 60 days before the expiration of the annual license on a form provided by the Fire Chief. The license holder must update the information contained in the original license application required under this article if any of the information has changed. The license holder shall sign a statement affirming that there is either no change in the information contained on the original license application and any subsequent renewal applications or that any information that has been updated is accurate and complete and pay the annual fee.
- (c) The Fire Chief shall follow the procedures set forth in this article when determining whether to renew a permit with the exception of Sec. 42-82 and the issuance of a letter of approval.

Sec. 42-84. Non-transferability.

A license to operate as a non-emergency or transfer ambulance service provider is not transferable.

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 a complaint regarding the quality, cost, safety, or general professionalism of the service provided by the licensee and upon notice of such complaint, the licensee has not undertaken reasonable measures to satisfy and remedy the cause or causes for such complaint;
- (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 or transfer 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 or the action shall be final and unappealable. 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. Where the 30 day deadline is missed or City Council affirms the action of the Fire Chief, the applicant may not apply for another license until the expiration of twelve months from the date of denial.
- (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.

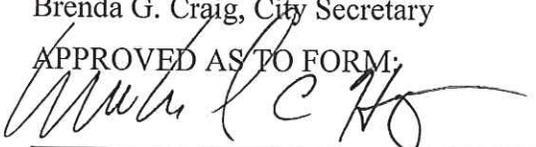
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2013.

ATTEST:

Jack Pratt, Jr., Mayor

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

6A. Resolution No. 24-2013 supporting the construction of twelve metal building T-hangars on the Kerrville-Kerr County Airport property. (Bruce McKenzie, Airport Manager)

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 24-2013**

**A RESOLUTION SUPPORTING THE CONSTRUCTION OF
TWELVE METAL BUILDING T-HANGARS ON THE
KERRVILLE-KERR COUNTY AIRPORT PROPERTY**

WHEREAS, the Kerrville-Kerr County Airport Board (“Board”) has notified the Airport’s owners, Kerr County and the City of Kerrville, that it will construct certain improvements on the Airport grounds in order to improve the services provided by the Airport to the local aviation community; and

WHEREAS, the general description of the project is described as the building of one set of up to twelve metal building T-hangars at the Airport; and

WHEREAS, the Board has requested financial assistance from the Texas Department of Transportation for these improvements and has received approval for construction of said project up to a total cost of \$640,000.00; and

WHEREAS, the Board will be responsible for 10% of the total project costs; and

WHEREAS, the Board has named the Texas Department of Transportation as its agent for the purposes of applying for, receiving, and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation and completion of the project;

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

The City Council hereby endorses the Board’s decision to move forward with the described improvements with respect to the T-Hangars at the Airport; concurs in its direction and authority provided to Bruce McKenzie, Airport Manager, who is to take all necessary steps to implement the above-described improvements at the Airport; and authorizes the Mayor to execute the Certification of Project Funds and the Designation of Sponsor’s Authorized Representative, both documents attached as **Exhibit A**.

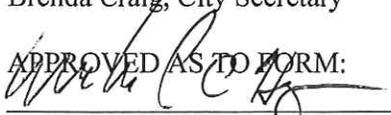
PASSED AND APPROVED ON this the _____ day of _____, A.D., 2013.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

CERTIFICATION OF PROJECT FUNDS

I, Jack Pratt, Mayor of Kerrville,
(Name) (Title)

do certify that sufficient funds to meet the City of Kerrville share of
(Sponsor Name)
project costs as identified for the project and will be available in accordance with the schedule
shown below:

SPONSOR FUNDS

<u>Source</u>	<u>Amount</u>	<u>Date Available</u>
<u>Airport Board</u>	<u>\$32,000.00</u>	<u>7/23/2013</u>
_____	_____	_____
_____	_____	_____

Kerrville, Texas
(Sponsor)

By: _____

Title: City of Kerrville

Date: 7/23/2013

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

I Jack Pratt, Mayor of Kerrville,
(Name) (Title)
with City of Kerrville designates Bruce McKenzie, Airport Manager
(Sponsor Name) (Name, Title)
as the City of Kerrville authorized representative for the T-Hangar project,
(Sponsor Name)
who shall have the authority to make approvals and disapprovals as required on behalf of the
City of Kerrville.
(Sponsor Name)

City of Kerrville, Texas
(Sponsor)

By: _____
(Signature)
Title: Mayor of Kerrville
Date: July 23, 2013

By: _____
(Signature)
Title: _____
Date: _____

DESIGNATED REPRESENTATIVE

Mailing Address: 1877 Airport Loop,
Kerrville, Texas 78028

*Physical/Overnight Address: _____
1877 Airport Loop,
Kerrville, Texas 78028

Telephone Number: (830) 896-9399

Fax Number: (830) 896-9440

E-Mail Address: bruce.mckenzie@kerrvilleairport.com

* ALL GRANT AGREEMENTS ARE SENT BY OVERNIGHT MAIL

Agenda Item:

6B. Upper Guadalupe River Authority's (UGRA's) offer to the City regarding UGRA's surface water permit and the City's use of such water under the permit.
(staff)

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

SUBJECT: Upper Guadalupe River Authority (UGRA) Raw Water Offer

FOR AGENDA OF: 7/23/13

DATE SUBMITTED: 7/18/13

SUBMITTED BY: Charlie Hastings
Public Works Director

CLEARANCES: Todd Parton
City Manager

EXHIBITS: UGRA Letter Dated June 27, 2013
UGRA Resolution No. 2013-11
UGRA Board Report from June 26, 2013, Board Meeting

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The City Council received a letter from UGRA dated June 27, 2013, with a proposal to allow the city to divert water via their surface water permit. A copy of this letter is attached.

In 1993 UGRA was granted surface water permit 5394 that allowed them to divert 4,760 acre-feet of Guadalupe River Water. In April 1998, UGRA and the City of Kerrville divided the permit to allocate 2,000 acre feet to UGRA and 2,169 acre feet to the City of Kerrville. Both permits have the same diversion points and are subject to the same pumping restrictions as determined by the State of Texas Water Master.

Over the past 15 years UGRA has evaluated numerous options to use their surface water to serve Kerr County. UGRA is currently working with a regional consortium that is intent on developing a water supply project that would serve eastern Kerr County and western Kendall County.

UGRA is proposing that the City of Kerrville use its permitted water for an undetermined amount of time. This offer is made under the assumption that the city's exercise of this permit would establish historical use, thus making the permit less likely to be eliminated by TCEQ for non-use. However, using the UGRA permit would mean the City would not exercise its own permits thereby making them susceptible to reduction or elimination.

Kerrville's current water supplies are in excess of existing demand. In fact, Kerrville could accommodate a 30% growth in consumption. Kerrville's annual water demand is 4,422 acre-feet and has 6,051 acre-feet of surface water (available annually during a year of typical rainfall), 4,422 acre-feet of groundwater available annually, and 2,387 acre-feet of water currently in the groundwater injection system.

Staff estimates that approximately \$15 million in capital improvements would be required in order to use the UGRA permit and not affect the city's current permits. This investment would be well in advance of the city's needs and would be for a temporary supply of water.

Kerrville will need additional water to support growth over the long term. The UGRA permit could help supplement the city's future needs should it still be available.

RECOMMENDED ACTION

City staff recommends that the City of Kerrville continue discussions with UGRA to investigate other options that benefit both parties and protect the tax payers of the City of Kerrville and Kerr County.



Guadalupe Basin
Natural
Resources Center
125 Lehmann Drive
Ste. 100
Kerrville, Texas
78028-5908
(830) 896-5445
Fax (830) 257-2621
E-mail: ugraadm@ugra.org

June 27, 2013



The Honorable Jack Pratt
Mayor, City of Kerrville
701 Main Street
Kerrville, Texas 78028

Mayor Pratt:

Thank you for the time you and your staff spent with UGRA representatives discussing the UGRA surface water permit. Based on the stated position that the City currently does not need the additional water, coupled with the novel methodology used to establish a value, our Board has opted to continue to investigate the best use of our permit.

As you know, UGRA was able to get the restriction precluding the use of our permit within the City of Kerrville removed. This now allows it to be used anywhere within Kerr County. It is the duty of our Board to find the best fit for our permit to offer the greatest return to the citizens of Kerr County. Taking additional time will give us an opportunity to review all aspects of this issue. Hopefully, through greater efficiencies and expanded capabilities, the City will soon be able to take full advantage of its current surface water permits. When this is accomplished, then proper consideration can be given to additional water sources.

With this in mind, we have a proposal for you to consider. Our permit is not being used today. In order to help the citizens of Kerr County now, we offer the City access to the UGRA permit at no cost until a final usage is determined. We would prefer to have available water used within the County versus having it collected outside the area, offering no benefit to our citizens. If you are interested, we are prepared to move forward to make this offer a reality for the near-term.

Thank you for your consideration. We stand ready to work together to the benefit of the citizens.

Sincerely,

Stan Kubenka
Board President

cc: UGRA Board of Directors
Carson Conklin, Kerrville City Council
Stacie Keeble, Kerrville City Council
Justin MacDonald, Kerrville City Council
Gene Allen, Kerrville City Council
Todd Parton, Kerrville City Manager

**June 26, 2013 UGRA Board
RESOLUTION NO. 2013-11**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE UPPER GUADALUPE
RIVER AUTHORITY (UGRA) AUTHORIZING A WATER SUPPLY OFFER, VIA
LETTER, TO THE CITY OF KERRVILLE MAYOR AND CITY COUNCIL**

WHEREAS, UGRA is the holder of certain water rights under Permit No. 5394D (the "Permit"), which authorizes the diversion up to 2,000 acre-feet of water per annum from the Guadalupe River under the terms and conditions set forth therein for municipal use and/or injection via wells into an underground aquifer reservoir for subsequent retrieval and use for municipal purposes in Kerr County;

WHEREAS, under the Permit, not to exceed 1,661 acre-feet per year of the water authorized for diversion may be contracted for municipal use by Kerr County entities, including the City of Kerrville ("City");

WHEREAS, the City is the holder of certain water rights permits, including Permit No. 5394B, which authorizes the diversion up to 2,169 acre-feet per annum from the Guadalupe River under the terms and conditions set forth therein for municipal use and/or injection via wells into an underground aquifer reservoir for subsequent retrieval and use for municipal purposes;

WHEREAS, the City owns and operates certain water supply diversion, treatment, storage, pumping, injection and retrieval facilities required for the beneficial use of water diverted under Permit No. 5394B;

WHEREAS, UGRA and the City have entered into certain "Memorandum of Understanding Regarding Regional Water and Wastewater Matters" dated April 2008 pursuant to which the Parties agreed to cooperate in good faith regarding the investigation and development of regional water supply treatment, storage and transmission facilities;

WHEREAS, UGRA is committed to serving all Kerr County residents;

WHEREAS, in furtherance of regional cooperative efforts, UGRA is willing to partner and participate with other entities to do so;

WHEREAS, UGRA is willing to offer raw water from Permit 5394D, free of charge, to the City for a time for the supply of water to Kerr County residents; and,

WHEREAS, UGRA is willing to work with the City to review and enhance water treatment efficiencies.

NOW, THEREFORE, IT IS RESOLVED that the UGRA Board of Directors hereby approves the submittal of a letter, under the signature of the UGRA President, to the Kerrville City Council and Mayor depicting an offer as referenced above.

**Upper Guadalupe River Authority
June 26, 2013 Board Meeting**

Agenda Item: X.

Topic: Water Source Offer to City of Kerrville.

Background Information: UGRA owns Permit No. 5394D (permit) which authorizes the diversion of up to 2,000 acre-feet of water per year from the Guadalupe River. The permit was administratively amended this year to allow the water to be used within the City of Kerrville (the permit had previously contained a provision excluding use of the water in the City of Kerrville).

To be used for municipal purposes, the water must be treated to drinking water standards. Currently, the only surface water treatment plant in Kerr County is owned and operated by the City of Kerrville. However, a coalition of seven entities, including UGRA, is investigating the feasibility of treating surface water in Comfort to supply western Kendall County and eastern Kerr County.

Hydrologic studies conducted for UGRA indicate that on average, 1,072 acre-feet or 350 million gallons of surface water from the permit is available for use annually. However, the water is not being used due to the requirement it be treated to drinking water standards and currently UGRA has no way to treat the water.

To that end, the Water Source Development Task Force has investigated several options. The first option involved negotiating a lease or sale to the City of Kerrville. UGRA Directors and staff met with Mayor Pratt and city staff on May 1, 2013 to broach the idea. On May 15, 2013, UGRA Directors and staff once again met with Mayor Pratt and city staff to review an initial offer from the city. UGRA was concerned that the initial offer from the city used questionable methodology to estimate the dependability and subsequent value of the permit. When the issue was brought to the full Board, several UGRA Directors expressed a desire to lease the water from the permit rather than sell the permit outright.

The second option involves the Kerr East Water Supply Project which is a planning consortium comprised of Kerr County, Kendall County, UGRA, GBRA, Headwaters GCD, Cow Creek GCD, and Kendall County WCID No. 1. UGRA Directors and staff met several times with Commissioner Letz and Commissioner Moser regarding this option. With Kerr County leading the effort, the Texas Water Development Board recently issued a grant for a feasibility study to investigate various options for a surface water supply to serve eastern Kerr and western Kendall counties. This could include the use of UGRA's Permit 5394D. If one of the options is deemed feasible, planning and design could take up to five years. It is possible that once the design is completed, it may take an additional five years to install the required infrastructure.

The Water Source Development Task Force met initially on June 6, 2013 to refine an interim option and again on June 11, 2013 to discuss the Kerr East Water Supply Project with Commissioner Letz.

In order to allow time to thoroughly investigate all options to use the permit to the best interests of the citizens of Kerr County, the Water Source Development Task Force recommends the Board consider offering the use of water from the permit to the City of Kerrville free of charge until a final solution is determined. In the event the Kerr East Water Supply project is the selected option, this could be for a period of five years or more. If the interim offer to the City is not extended, available water will continue to go unused in Kerr County and will be collected outside the county to the benefit of others. If offered, final acceptance and usage of the available water rests with the City of Kerrville.

The attached Resolution authorizes the UGRA President to submit a letter offer with these caveats to Mayor Pratt and the City Council.

Recommended Action: Approve Resolution No. 2013-11 authorizing the UGRA President to submit a letter offer to the City of Kerrville.

Agenda Item:

6C. Resolution No. 25-2013 providing for the city's approval or disapproval of the Kerr Central Appraisal District's fiscal year 2014 budget. (P.H. "Fourth" Coates, KCAD Chief Appraiser)

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

SUBJECT: Resolution providing for the city's approval or disapproval of the Kerr Central Appraisal District's fiscal year 2014 budget.

FOR AGENDA OF: July 23, 2013

DATE SUBMITTED: July 12, 2013

SUBMITTED BY: Sandra Yarbrough
Director of Finance

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Resolution, FY 2014 Budget

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The Kerr Central Appraisal District has submitted its FY 2014 Proposed Budget for approval by the Kerrville City Council. The FY 2014 budget is \$902,512, which is \$17,087 or 1.93% more than FY 2013. The increases included salaries and software support. The City of Kerrville's estimated allocation for the FY 2014 budget is \$123,585 which is \$107 less than FY 2013's allocation of \$123,692.

RECOMMENDED ACTION

The Director of Finance recommends Council take action to approve or disapprove the FY2014 Kerr Central Appraisal District budget.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 25-2013**

**A RESOLUTION PROVIDING FOR THE CITY'S APPROVAL OR
DISAPPROVAL OF THE KERR CENTRAL APPRAISAL DISTRICT'S
FISCAL YEAR 2014 BUDGET**

WHEREAS, the Kerr Central Appraisal District ("KCAD") submitted its proposed fiscal year 2014 budget to the City Council for consideration; and

WHEREAS, pursuant to state law, the City Council must consider KCAD's budget and in the event Council does not approve, it must indicate this action via a resolution; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to either approve or disapprove of said proposed budget as indicated below;

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

The Kerr Central Appraisal District's proposed fiscal year 2014 budget, as set forth in Exhibit A, is _____ (APPROVED OR DISAPPROVED).

PASSED AND APPROVED ON 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

2014 Proposed Budget

Kerr Central Appraisal District

P.O. Box 294387
1836 Junction Highway
Kerrville, TX78029
(830) 895-5223

BOARD MEMBERS

Charles Lewis, Chairman
Mark Bigott, Vice Chair
Ray Orr, Secretary
William H. "Hank" Moody
Jack Parks
Diane Bolin, CTAC

P. H. Coates, IV
Chief Appraiser

Sharon E. Capeheart
Deputy Chief

<u>Line</u>	<u>Item</u>	<u>2013</u>	<u>2014</u>	<u>\$ Diff</u>	<u>% Diff</u>	<u>% Total</u>
5006	Salaries	\$514,311	\$503,163	(\$11,148)	-2.17%	55.8%
5010	Employer Portion of Ret	\$42,625	\$41,733	(\$892)	-2.09%	4.6%
5012	Medicare Insurance	\$7,458	\$7,296	(\$162)	-2.17%	0.8%
5015	Employee Medical Insur	\$94,608	\$93,662	(\$946)	-1.00%	10.4%
5016	TX Employment Commiss	\$3,132	\$2,871	(\$261)	-8.33%	0.3%
5017	Disability Insurance	\$8,000	\$7,333	(\$667)	-8.34%	0.8%
5030	Appraisal Review Board	\$12,500	\$12,500	\$0	0.00%	1.4%
5034	Vehicle Replace. Reserve	\$8,000	\$8,000	\$0	0.00%	0.9%
5035	Travel & Mileage & Maint.	\$18,000	\$18,000	\$0	0.00%	2.0%
5040	Annual Audit	\$5,750	\$5,950	\$200	3.48%	0.7%
5045	Mapping Expense	\$11,093	\$11,093	\$0	0.00%	1.2%
5060	Deed Copies	\$1,000	\$1,000	\$0	0.00%	0.1%
5070	Leased Equipment	\$6,051	\$6,051	\$0	0.00%	0.7%
5075	Telephone	\$3,000	\$3,000	\$0	0.00%	0.3%
5080	Utilities	\$9,000	\$9,000	\$0	0.00%	1.0%
5085	Grounds & Building Maint.	\$4,050	\$4,410	\$360	8.89%	0.5%
5090	Consultant - Appraisal	\$15,000	\$50,000	\$35,000	233.33%	5.5%
5100	Legal & Consultants	\$10,000	\$20,000	\$10,000	100.00%	2.2%
5102	Legal ARB	\$2,000	\$2,000	\$0	100.00%	0.2%
5105	Liab./Workers Compensat	\$5,000	\$6,000	\$1,000	20.00%	0.7%
5110	Publishing/Publications	\$3,500	\$3,600	\$100	2.86%	0.4%
5120	Schools/Employee Ed.	\$6,550	\$6,550	\$0	0.00%	0.7%
5130	Postage	\$15,000	\$15,000	\$0	0.00%	1.7%
5135	Printing	\$5,000	\$5,000	\$0	0.00%	0.6%
5136	Professional Dues	\$2,285	\$2,285	\$0	0.00%	0.3%
5140	Office Supplies	\$7,000	\$7,000	\$0	0.00%	0.8%
5145	Furniture, Fixtures & Equip	\$7,000	\$7,000	\$0	0.00%	0.8%
5150	Board of Directors	\$3,200	\$3,200	\$0	0.00%	0.4%
5155	Equip. Maint. and Reserve	\$1,500	\$1,500	\$0	0.00%	0.2%
5170	Building Reserve	\$7,000	\$7,000	\$0	0.00%	0.8%
5180	Software Support	\$31,195	\$31,195	\$0	0.00%	3.5%
5186	Appraisal System Exp	\$15,497	\$0	(\$15,497)	100.00%	0.0%
5200	Banking Fees	\$120	\$120	\$0	0.00%	0.0%
TOTAL	TOTALS	\$885,425	\$902,512	\$17,087	1.93%	100.0%

5006 Salaries:

<u>Positions</u>	<u>2013</u>	<u>COLA</u> <u>1.75%</u>	<u>COLA</u>	<u>Merit/Desig</u>	<u>2014 Total</u>
Chief Appraiser	\$83,265	\$1,457	\$84,722	\$ -	\$84,722
Deputy Chief	\$57,464	\$1,006	\$58,470	\$ -	\$58,470
Senior Appraiser	\$53,560	\$937	\$54,497	\$ -	\$54,497
Agr App RPA	\$39,140	\$685	\$39,825	\$ -	\$39,825
Field App RPA	\$38,610	\$676	\$39,286	\$ -	\$39,286
Com App RPA	\$36,069	\$631	\$36,700	\$ -	\$36,700
Field App RPA	\$37,065	\$649	\$37,714	\$ -	\$37,714
Field App II	\$25,750	\$451	\$26,201	\$ -	\$26,201
Abstractor	\$32,960	\$577	\$33,537	\$ -	\$33,537
GIS Man/Field App I	\$47,947	\$839	\$48,786	\$ -	\$48,786
Exemp Spec	\$30,885	\$540	\$31,425	\$ -	\$31,425
Ex Spec (deleted)	\$28,250				
TOTALS	\$510,965	\$8,448	\$491,163	\$ 12,000	\$503,163

Total Benefits:

<u>Position</u>	<u>2014 Sal</u>	<u>Med</u> <u>Ins</u>	<u>Retire</u>	<u>Medicare</u>	<u>Unemp</u>	<u>Disabilit</u>	<u>Totals</u>
Chief Appraiser	\$84,722	\$8,515	\$6,778	\$1,228.47	\$261	\$667	\$102,171
Deputy Chief	\$58,470	\$8,515	\$4,678	\$847.82	\$261	\$667	\$73,438
Senior App	\$54,497	\$8,515	\$4,360	\$790.21	\$261	\$667	\$69,089
Agr. App RPA	\$39,825	\$8,515	\$3,186	\$577.46	\$261	\$667	\$53,031
Field Appr. RPA	\$39,286	\$8,515	\$3,143	\$569.65	\$261	\$667	\$52,441
Com Appr RPA	\$36,700	\$8,515	\$2,936	\$532.15	\$261	\$667	\$49,611
Field Appr. RPA	\$37,714	\$8,515	\$3,017	\$546.85	\$261	\$667	\$50,720
Field Appr. I	\$26,201	\$8,515	\$2,096	\$379.91	\$261	\$667	\$38,119
Abstractor	\$33,537	\$8,515	\$2,683	\$486.29	\$261	\$667	\$46,149
GIS Manager	\$48,786	\$8,515	\$3,903	\$707.40	\$261	\$667	\$62,839
Exemp Spec II	\$31,425	\$8,515	\$2,514	\$455.66	\$261	\$667	\$43,837
<u>Merit Raises</u>	<u>\$12,000</u>		<u>\$960</u>	<u>\$174.00</u>			<u>\$13,134</u>
Totals	\$503,163	\$93,662	\$40,253	\$7,296	\$2,871	\$7,333	\$654,578

It is in the best interest of tax payers as well as the taxing entities for the district to retain well trained and educated employees. Hiring from other districts for appraisers with an RPA designation and employees with experience and training has heightened due to the Comptroller's MAPS Review. There is a 1.75% C.O.L.A. applied for 2014. In 2013 we lost an appraiser who had just completed his RPA to a neighboring district. One other RPA designated appraiser has interviewed with two other appraisal districts in the area. There is a \$12,000 merit raise reserved for 2014. Since the budget is prepared so early in the year to accommodate the taxing entities the allocation per employee is not done until later in the year when staff reviews are completed.

It is vital that Kerr CAD remain competitive with other appraisal districts. There will be a total of 11 staff positions this year. One staff position, Exemption Specialist was eliminated due to realignment of job duties of other staff. Contracting the appraisal of the commercial property is a priority for 2014. Most of the district's lawsuits arise from our commercial properties. Data has become almost impossible to obtain for appraisal districts. Most sales of high valued commercial property are confidential and the properties that are listed on MLS are typically pulled from MLS prior to the closing of the sale thereby circumventing the publishing of sales date in MLS. Private companies are able to obtain sales information more readily than CADs for obvious reasons. Contracting will greatly enhance the accuracy of commercial market values, ensure equity of those properties and allow the appraisers to spend more time on residential properties. The salary related savings from the elimination of this one position is in excess of \$43,500.

The total salary line item for 2014 is \$503,163. We are required by the Methods Assistance Program administered by the State of Texas Property Tax Assistance Division to display each employee's salary and benefits as well as the total salary and benefits for each employee. The total for salaries plus benefits is \$654,578.

5010 - Employers Retirement: KCAD has an independent employee retirement plan. All employees are required to participate in this plan. The Kerr CAD Board of Directors has elected to fund 8% of the employee's salary for their retirement plan. Employees also match an 8% contribution from their salary. The total matching amount for Kerr CAD is \$40,253 plus an administrative fee of \$1,480 making a total of \$41,733. Details as shown below:

Total 2014 Salaries	\$	503,163
KCAD Matching Percentage		<u>X 0.08</u>
KCAD Contribution	\$	40,253
Administration Fee	\$	<u>1,480</u>
TOTAL	\$	41,733

5012 - Employer Medicare: KCAD is responsible for the Medicare tax on each of the employee's wages. This rate is equal to 1.45 percent of the first \$125,000 paid to each employee per year. Details of this item are as follows:

Total 2014 Salaries	\$	503,163
Medicare Rate		<u>x 0.0145</u>
TOTAL	\$	7,296

5015 - Employee Medical Insurance: Kerr CAD provides health & dental insurance to its employees through the Texas Association of Counties. The carrier for Texas Association of Counties is Blue Cross / Blue Shield. The Texas Association of Counties has informed us of an increase in the premiums for 2014 of 8%. However since one position has been dropped from the 2014 Budget this line item has decreased. Details of this estimated expenditure follow:

KCAD Contribution Per Month	\$ 709.56
Number of Employees	<u>x 11</u>
Total Monthly Contribution	\$ 7,805
Number of Months	<u>x 12</u>
TOTAL for 2014	\$ 93,662

5016 - Texas Employment Commission: KCAD is responsible for the payment of each employee's unemployment tax through the Texas Workforce Commission. This tax is a percentage of the first \$9,000 of the employee's quarterly salary. These rates change annually and are based on the number of employees hired and fired during the previous year. This line item will be reduced to \$2,871 with one less employee for 2014.

5017 - Disability Insurance: The KCAD Board of Directors has elected to pay disability insurance in lieu of social security for KCAD employees. New employees will be under the same vesting requirements as other benefits. The line item for this year will also be reduced to \$7,333.

5030 - Appraisal Review Board: KCAD is responsible for the Appraisal Review Board member's stipends. The reimbursement covers the ARB member's salary, travel, and training expenses related to serving on this board. The Board of Directors has decided Kerr CAD's ARB would benefit from additional training above and beyond the required rudimentary training required by the State estimated at \$2,500. The line item for the ARB will remain at \$12,500.

Reimbursement per Member	\$2,000
Number of Members	<u>X 5</u>
TOTAL	\$10,000
Education	<u>+ \$2,500</u>
TOTAL	\$12,500

5034 - Vehicle Replacement Reserve: The allocated amount for vehicle replacement will remain at \$8,000 for this year.

5035 - Travel and Mileage: The heaviest driving for the CAD is in the fall and winter months during our appraisal period. This line item also includes maintenance and tires. This item also includes other travel expense and also pertains to meals and hotel expense when employees are sent to school. This line item will remain at \$18,000.

5040 - Annual Audit: Section 6.063 of the Property Tax Code requires that the district have an annual audit by a Certified Public Accountant. The 2013 financial year audit will be conducted in 2014. The contract amount for the audit has increased to \$5,950.

5045 - Mapping Expense: In the past the district has cost shared with Kerr County 911 as well as The City of Kerrville and KPUB in acquiring a GIS mapping system called Pictometry. This system is a patented information system that combines aerial imaging with a state of the art software system allowing an appraiser to view and measure any structure, intersection, fire hydrant, tree or any feature in the county from a laptop or workstation. This technology has enabled the district to increase productivity, cut down on field trips and enhance appraisal of existing as well as the discovery of new taxable property. The investment in this system began in 2009 at a cost of \$8,093 per annum for Kerr CAD's portion. New photos were flown in March of 2012. The line item for the flights will remain at \$8,093 which added to the existing GIS system cost of \$3,000 will total **\$11,093**.

5060 - Deed Copies: In order to maintain correct property ownership, KCAD is required to purchase copies of real property deeds from the Kerr County Clerk. In 2008 the County Clerk began supplying the district with a CD format instead of paper. This resulted in a significant cost savings to the district. This item will remain at **\$1,000** for this year.

5070 - Leased Equipment: The CAD leases a copy machine and a postage machine. This line item is **\$6,051** for this year.

5075 - Telephone: This item includes basic telephone equipment lease and service, long distance service, and Internet subscription. This item will be **\$3,000** for this year.

5080 - Utilities: The District's utility expense covers city water and electricity. Anticipated water and sewer costs are \$400 per year. Electricity costs are running approximately \$725 per month. The amount for this year is unchanged at **\$9,000**.

5085 - Building and Grounds Maintenance: Building and grounds maintenance includes trash pickup, building cleaning, lawn care, and pest control. There is a \$200 increase due to trash pickup for 2014. The details of this maintenance are as follows:

<u>Expense</u>	<u>\$/Month</u>	<u>\$/Year</u>
Trash Pickup	\$180	\$2,160
Building Cleaning	\$150	\$1,800
Pest Control	\$25	\$ 300
Termite Inspection		<u>\$ 150</u>
TOTAL		\$4,410

5090 - Consultant – Appraisal: KCAD contracts out the appraisals on utilities, minerals, pipelines, and industrial properties to the industrial appraisal firm Capitol Appraisal Group. The contract cost is **\$15,000**.

Kerr CAD will be contracting with a professional appraisal firm to appraise the commercial properties in Kerr County. Commercial real estate sales information is very difficult to obtain statewide. Also commercial special use properties can be very intricate to appraise. The Comptroller's Methods Assistance Study is demanding more stringent methodology for market value and equity. Most of the lawsuits Kerr CAD is served with are commercial property suits. Limited commercial sales and rental information not only hinders a fair and equitable appraisal but also increases the related costs of lawsuits due to the necessity of hiring a professional appraisal firm to ensure the value is defensible. A contractor would not only appraise the

commercial property but would also defend property values in the appraisal review process as well as be available as an expert witness when litigation occurs. Many appraisal districts across the state are using contractors as a cost efficient method of ensuring that their values are meeting the stringent requirements of the Comptroller's Property Value Study and the Methods Assistance Program Study. Contracting will be a valuable tool in ensuring that taxpayers are treated fairly and equitably. The anticipated investment for the contracting of commercial properties is \$35,000.

The total amount proposed for this line item is \$50,000.

5100 - Consultant - Legal & Expert Witness: KCAD maintains a contract with the Law Office of Peter Low. The monthly retainer fee is \$150. The hourly fees are \$150 for litigation and \$100 for non-litigation fees such as travel. Other related expenses such as hotel room fees when needed are paid by the district. Because of the increased litigation of commercial property the line item for this year is \$20,000. The implementation of contracting with a professional firm for the appraisal of commercial properties should allow this line item to diminish in the future.

5102 - Legal ARB : Recent legislation has mandated Appraisal Review Boards retain separate legal counsel from Appraisal Districts. Historically the need for legal counsel for the Kerr Appraisal Review Board has been minimal. This line item is \$2,000.

5105 - Liability and Workers Compensation: This line item covers workers compensation, general liability, automotive liability, errors and omissions, and real and personal property insurance as well as liability related to our retirement program. The carrier for this insurance is the Texas Municipal League Intergovernmental Risk Pool (TML). This line item is \$6,000.

5110 - Publishing and Publications: This line item includes required newspaper advertisements, property asset listings, and appraisal guides. This line item has a total of \$3,600.

5120 - Schools and Employee Education: According to Section 5.04, of the Property Tax Code, an appraisal district shall reimburse an employee for all actual and necessary expenses, tuition, other fees and costs of materials incurred in attending, with the chief appraiser's approval, a course or training program conducted or by the Texas Department of Licensing and Regulation. This item is a total of \$6,550.

5130 - Postage: Kerr CAD uses an outside mailing firm to print and mail the required appraisal notices. This saves the district some postage and helps ensure a timely mailing of appraisal notices. The district is currently charged \$.70 for each address correction from the Post Office. Kerr CAD elected to mail notices only to property owners whose values changed last year or due to a change of ownership or per request by the taxpayer. Significant savings have occurred since this practice was initiated therefore this line item is \$15,000.

5135 - Printing: This line item includes expenses such as printing of Notices of Appraised Value, Appraisal Rolls and envelopes. This item is \$5,000.

5136 - Dues: This line item is devoted to the registration of the district and employees with different state agencies and trade organizations. Registration with the Texas Department of Licensing and Regulation is

a requirement by law. Affiliation with the Texas Association of Appraisal Districts allows KCAD to enroll in state classes for reduced tuition and keeps the district informed of changing rules and laws. Being a member of TAAD also requires us to be a member of the local Southwest Chapter. Membership in the International Association of Assessing Officers is now required by the MAPS review and also requires membership in the Texas Association of Assessing Officers. The district receives most of the sales data used in appraisals of real property from the Kerrville Board of Realtors Multiple Listing Service. The district receives a discounted price for items purchased through the Texas Building & Procurement Commission. The district also pays a membership for the Visa charge card. A detailed cost description of this line item follows:

Texas Department of Licensing & Regulation	\$ 680
Texas Association of Appraisal Districts	\$ 900
Texas Association of Appraisal Districts Southwest Chapter	\$ 15
International Association of Assessing Officers	\$ 175
Texas Association of Assessing Officers	\$ 80
Kerrville Board of Realtors M.L.S. Membership	\$ 300
Texas Building & Procurement Commission	\$ 100
Visa Charge Membership	\$ 35
TOTAL	\$2,285

5140 - Office Supplies: This line item includes all miscellaneous office supplies used in the district. These items include paper, writing utensils, film, toner cartridges, and other supplies. The amount this year is \$7,000.

5145 - Furniture and Fixtures: This line item includes upgrading and replacement of computers and as well as desk, chairs and other office related furniture and fixtures. Kerr CAD is designating \$4,500 of its self-generated income from property record card sales, computer generated lists, map sales, and bank interest towards this line item. There is \$2,500 allotted for desks, chairs, filing cabinets and other office related furniture and fixtures. The total amount for this line item is \$7,000.

5150 - Board of Directors: This line item is utilized to purchase director manual and reference material for the Board of Directors. A portion of this line item is also utilized to purchase awards of appreciation to outgoing board members and name plaques. Because of increased duties, responsibilities as well as increased liability associated with being a board member this line item includes education for board members. The average cost for a board member to attend a TAAD conference is approximately \$1,000, A Rural Chief Appraisers Conference is approximately \$500 per person. This addition would allow 3 members to attend a TAAD Conference or all six members to attend a Rural Chief's Conference. This line item is \$3,200.

5155 - Equipment Maintenance: This item includes the maintenance of PC computers, networks, postage machine and copy machines. This line amount is \$1,500.

5170 - Building Reserve: This fund is reserved and cannot be utilized for any purpose other than replacement of the current building or to repair the existing building. The building was constructed in the 1970s and suffers from physical deterioration. In 2006 a metal roof was installed. In 2010 the septic system failed and due to the city's rules the line was connected to the City of Kerrville's sewer system at cost near \$30,000. The parking lot was repaired in 2013. The two air conditioning and heating units are inefficient and

repair costs on the aging systems continue to increase. The building has had several termite infestations through the years. The plumbing has been retrofitted two or three times in the past several years due to leaks. The interior of the building is in need of an extensive remodel. The building is very energy inefficient due to the lack of insulation and large windows throughout the aging building. The board is currently considering options concerning the appraisal district office building. A study is planned on the various options and will be presented to the taxing entities when completed. This amount will remain at \$7,000 this year.

5180 - Software Support – True Automation: Kerr CAD converted their old appraisal computer system to True Automation in October of 2006. True Automation is the largest CAD appraisal software company in the state True Automation calls their system the PACS System. This line item provides for continuing maintenance and support of the PACS System by True Automation. This system is the lifeblood of the district. Every property account is recorded, updated, and appraised through this system and the tax roll is generated resulting in the values used to levy taxes for every taxing entity serviced by Kerr CAD. True Automation has notified the district that the software support and maintenance for this year will be \$31,195.

5186 Appraisal System Expenses: The Kerr County Tax Assessor/Collector's software system now resides in the Kerr Central Appraisal District's office. Prior to this year an expenditure of \$15,497 was allotted for the purchase and maintenance of the software system. This expenditure has been eliminated for 2014 and will be shown as zero on the Budget Recap Sheet.

5200 – Banking Fees: We are being assessed service charges on our bank account for \$120 annually.

	2012 Cert Net Tax or Freeze Adj. Tax	2012 Tax Rate	Levy	Freeze	Total Levy	% of Total Levy	Allocation
City of Ingram	\$67,889,791	0.4732	\$321,254	0	\$321,254	0.47%	\$4,182
City of Kerrville	\$1,252,790,965	0.5625	\$7,046,949	\$2,447,127	\$9,494,076	13.80%	\$123,585
Kerr emerg. Dist. #1	\$516,273,841	0.0215	\$110,999	0	\$110,999	0.16%	\$1,445
Kerr Emerg. Dist. #2	\$102,736,320	0.035	\$35,958	0	\$35,958	0.05%	\$468
Kerr County	\$2,914,384,577	0.4121	\$12,010,179	\$3,700,375	\$15,710,554	22.83%	\$204,505
Ingram Hill Road District	\$3,571,736	0.15	\$5,358	0	\$5,358	0.01%	\$70
Lateral Roads	\$2,899,580,467	0.0322	\$933,665	\$308,392	\$1,242,057	1.81%	\$16,168
Lake Ingram Estates Rd	\$8,024,195	0.2865	\$22,989	0	\$22,989	0.03%	\$299
Center Point ISD	\$187,754,139	1.1	\$2,065,296	\$404,750	\$2,470,046	3.59%	\$32,153
Comfort ISD	\$121,060,324	1.21	\$1,464,830	\$328,881	\$1,793,711	2.61%	\$23,349
Divide ISD	\$51,423,436	0.85	\$437,099	\$25,450	\$462,549	0.67%	\$6,021
Harper ISD	\$34,484,481	1.04	\$358,639	\$72,498	\$431,137	0.63%	\$5,612
Hunt ISD	\$270,363,765	1.04	\$2,811,783	\$514,082	\$3,325,865	4.83%	\$43,293
Ingram ISD	\$362,934,079	1.1186	\$4,059,781	\$987,650	\$5,047,431	7.34%	\$65,703
Kerrville ISD	\$1,792,226,547	1.18	\$21,148,273	\$5,741,068	\$26,889,341	39.08%	\$350,019
Medina ISD	\$10,870,393	1.04	\$113,052	\$0	\$113,052	0.16%	\$1,472
Upper Guadalupe River A.	\$4,094,948,730	0.025	\$1,023,737	\$0	\$1,023,737	1.49%	\$13,326
Headwaters							
Groundwater	\$4,094,948,730	0.0074	\$303,026	0	\$303,026	0.44%	\$3,944
TOTAL EST LEVY			\$54,272,866.68	\$14,530,273	\$68,803,140	100.00%	\$895,612
2014 Budget							
Less:KERV/KRVL Lease							\$902,512
Other Income							\$2,400
Reduction to Entities							\$4,500
ENTITY PORTION							\$6,900
							\$895,612

Agenda Item:

6D. Ethics Policy. (staff)

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

SUBJECT: Ethics Policy

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

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

EXHIBITS: None

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: NA

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

During the last City Council meeting, Council directed the City Attorney to prepare a draft ethics policy for consideration.

RECOMMENDED ACTION

Consideration of ethics policy and direction to staff.

Agenda Item:

6E. Presentation of proposed Fiscal Year 2014 budget. (staff)

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

SUBJECT: Presentation of the FY2014 Annual Budget

FOR AGENDA OF: 7/23/13

DATE SUBMITTED: 7/18/13

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS: None

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

City staff is finalizing the adjustments to the FY2014 Annual Budget pursuant to the City Council workshop held on July 17, 2013. The budget has been built upon the following principles:

1. Sustainability – a budget that does not use one-time revenues to meet expenditures and plans for the future.
2. Balanced – expenditures do not exceed revenues (General Fund and Water/Sewer Fund revenues meet or exceed expenditures).
3. Maintains Current Tax Rate – the total property tax rate remains at \$0.5625.
4. Prioritize Programs – identify core services and programs that must be maintained over at least a 5-year planning horizon.
5. Fund Priorities – allocate funds to meet priorities.
6. No Use of Fund Balance – General Fund and Water and Sewer Fund do not use fund balance to meet regular, recurring expenditures.

The final draft will be presented to the City Council at this meeting. A copy will be filed with the City Secretary no later than July 30, 2013.

RECOMMENDED ACTION

No action is required and city staff looks forward to any additional comments or direction.

Agenda Item:

7A. Budget and economic update on the Fiscal Year 2014 budget. (staff)

City of Kerrville
June 30, 2013
 (Month 9 of FY13 Budget)

	Current Month	Year To-Date	% to Budget	Prior Year To-Date
General Fund				
Total Revenues	\$1,066,971	\$17,955,001	86%	\$17,796,480
Sales tax	\$469,616	\$4,104,082	85%	\$3,784,580
Property tax	\$40,041	\$8,112,194	100.1%	\$8,086,542
Total Expenditures	\$1,445,308	\$15,087,618	71%	\$14,113,159

Water and Sewer Fund				
Total Revenues	\$761,963	\$6,658,687	74%	\$6,397,450
Water Sales	\$408,321	\$3,514,194	78%	\$3,130,819
(9,654 accounts serving 12,527 units - 9,796 installed meters - 264 inactive)				
Sewer Service	\$297,126	\$2,609,398	69%	\$2,717,259
(8,839 accounts serving 11,958 units)				
Expenditures	\$684,540	\$6,204,550	69%	\$7,755,853

Hotel/Motel:				
Revenues	\$94,236	\$656,518	79%	\$577,504
Expenditures	-	\$620,250	74%	\$656,250

Unemployment:		Consumer confidence:	
National	7.6	National	81
Texas	6.5	Texas	94
Local	5.6		
(Sources: State Comptroller/WorkforceAlamo)			

Housing:	
<i>Statewide</i>	
Building permits issued 21% over same period 2012	
Sales of existing single-family house 22.9% over same period 2012	
(Source: State Comptroller)	
<i>Local</i>	<i>Permits Issued for New Residence</i>
YTD 2013 - # month supply of inventory was 8.7	Oct 2011 - June 2012 - 11
YTD 2012 - # month supply of inventory was 22.7	Oct 2012 - June 2013 - 24
(Source: Texas Real Estate - Local Market Trends)	

Agenda Item:

8A. Appointments to the planning and zoning commission. (staff)

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
WALLER, ROBERT 33 Antelope Trail	792-6088 (H) 896-2950 (O)	07-09-13		01-01-15

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

CITY STAFF:
Jason Lutz
Senior Planner
258-1184 (O)

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

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

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

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

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

Number of Members: Five regular members and two alternates.

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

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

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

Revised: July 10, 2013

Agenda Item:

8B. Appointments to the main street advisory board. (staff)

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

SUBJECT: Appointments to the Main Street Advisory Board

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

SUBMITTED BY: Brenda Craig *BC* **CLEARANCES:**
City Secretary

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *MP*

SUMMARY STATEMENT

Consider appointments to the following board:

Main Street Advisory Board: Two terms, to expire on January 31, 2015; due to the resignations of Shelby Braswell, and Leticia Perez; and one term to expire on January 31, 2014; due to the resignation of Tammi Clanton.

RECOMMENDED ACTION

Consider appointments.

MAIN STREET ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
RAIN, SCOTT Chairman 106 Bowie	459-1156 (H) 257-8588	01-25-11	01-22-13	01-31-15
SCHNEIDER, RICH Vice Chairman 312 Valley Drive	370-4876 (H) 257-7373 (O)	01-25-11	01-22-13	01-31-15
BRASWELL, SHELBY 260 Thompson Dr. #3	896-4100 (O) 377-5509 (H)	03-13-12	01-22-13	01-31-15
CLANTON, TAMMI 3340 Loop 534	792-7456 (O) 459-5752 (H)	01-24-12		01-31-14
COBBS, STAN 521 Guadalupe St. #1202	895-8771 (O) 895-8771 (H)	01-24-12		01-31-14
MARTIN, DAVID 1717 Foothills Dr.	895-1313 (O) 895-1857 (H)	05-08-12		01-31-14
PEREZ, LETICIA 4312 Bandera Hwy Center Point, TX 78010	895-2000 (O) 210-508-8706 (H)	01-22-13		01-31-15
WILSON, CAROLINE 220 Riverhill Club Ln. #13	512-787-7964 (H)	09-11-12		01-31-14
YATES, AARON 317 Sidney Baker, #400	830-214-7635 (O) 377-9058 (H)	03-13-12	01-22-13	01-31-15
COUNCIL LIAISON:				
Gene Allen	895-5111 (O)			
2106 Vista Ridge Dr.	792-4651 (H)			
1221 Junction Hwy				
CITY STAFF:				
Donna Bowyer	258-1113			
Main Street Coordinator				
Ashlea Boyle	258-1153			
Main Street/Special Projects Manager				

Powers and Duties: To encourage participation in the Main Street Revitalization Program; to establish goals and priorities for the Main Street Program; to review design appropriateness for the purpose of participation in the main street low-interest loan program and incentive grant projects; and to advise and support the main street program manager.

Term of Office: Two years with a maximum of two full successive terms (Bylaws)

Quorum: Five members
Number of Members: Nine
Absences: Any member who miss three consecutive meetings may be replaced (Bylaws)
Meeting Time & Place: Third Thursday at 12:00 p.m., 701 Main Street
Established by: Resolution No. 1994-133
Revised: May 29, 2013

Agenda Item:

8C. Appointment to the golf course advisory board. (staff)

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

SUBJECT: Appointment to the Golf Course Advisory Board

FOR AGENDA OF: July 23, 2013 **DATE SUBMITTED:** July 18, 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: *TP*

SUMMARY STATEMENT

Consider appointment to the following board:

Golf Course Advisory Board: Two terms expired July 1, 2013: B.K. Cody, and James Howard.

RECOMMENDED ACTION

Consider appointment.

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
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
MAXWELL, GREG 253 HighRidge	377-2903 (H) 315-5555 (O)	07-09-13		07-01-15
MITCHEL, JEFFREY 115- Cypress Creek Rd.	210-218-2164 (C)	07-09-13		07-01-15
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
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: July 10, 2013