

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY, AUGUST 27, 2013, 6:00 P.M.**

**KERRVILLE CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

**KERRVILLE CITY COUNCIL AGENDA**  
**REGULAR MEETING, TUESDAY, AUGUST 27, 2013, 6:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**INVOCATION** offered by John Standridge, Pastor of Christ Church Presbyterian.

**PLEDGE OF ALLEGIANCE TO THE FLAG** led by Woody Chambless, Commanding Officer of American Legion Post 208.

Those in attendance may stand if they wish.

**1. VISITORS/CITIZENS FORUM:**

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

**2. RECOGNITION:**

2A. Recognition of the city's contribution to the 10<sup>th</sup> annual river clean up by the Upper Guadalupe River Authority. (Ray Buck, UGRA General Manager)

2B. Proclamation to proclaim September 2013 as "Childhood Cancer Awareness Month." (Mayor Pratt)

**3. CONSENT AGENDA:**

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

3A. Minutes of the Kerrville City Council regular meeting held August 13, 2013. (staff)

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

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time, August 23, 2013 at 12:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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3B. Resolution 27-2013, approving the budget for fiscal year 2014 for the Kerr Emergency 9-1-1 Network. (staff)

3C. Resolution No. 28-2013 authorizing the use of internal combustion engines on Nimitz Lake upstream of the city's impoundment dam for a triathlon. (staff)

**END OF CONSENT AGENDA**

**4. PUBLIC HEARING:**

4A. First public hearing to set the 2013 tax rate. (staff)

**5. ORDINANCE, FIRST READING:**

5A. Ordinance No. 2013-15 amending the budget for fiscal year 2013 to account for a change to the city's operational budget within the water and sewer fund to appropriate funding for a feasibility study of reclaimed water. (staff)

**6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Update on water/wastewater, river trail and park improvements through Louise Hays Park and Lehmann and Monroe Park and the use of eminent domain for the acquisition of a water/wastewater easement, temporary construction easement, and recreation easement (river trail) through property owned by Rio Robles, Inc. (32 Chaparral). (staff)

6B. Resolution No. 29-2013 approving the City of Kerrville, Texas Economic Improvement Corporation budget for fiscal year 2013-2014. (staff)

6C. Guadalupe-Blanco River Authority's application for a water use permit from the Texas Commission on Environmental Quality to divert and use not to exceed 75,000 acre-feet of water per year from the Guadalupe River in Gonzales County. (staff)

6D. Ethics policy. (staff)

**7. INFORMATION AND DISCUSSION:**

7A. Update on activities of the beautification advisory committee. (staff)

7B. Budget and economic update. (staff)

**8. BOARD APPOINTMENTS:**

8A. Appointment to the food service advisory board. (staff)

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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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**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.

**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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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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## **Agenda Item:**

2A. Recognition of the city's contribution to the 10<sup>th</sup> annual river clean up by the Upper Guadalupe River Authority. (Ray Buck, UGRA General Manager)

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

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**SUBJECT OF REQUEST:** Acknowledgement of the City of Kerrville contribution to the success of the 10<sup>th</sup> Annual River Clean Up.

**AGENDA DATE:** August 27, 2013

**DATE SUBMITTED:** 8/5/13

**REQUESTED/SUBMITTED BY:** Tara Bushnoe

**PHONE:** 830-896-5445

**ORGANIZATION REPRESENTING:** Upper Guadalupe River Authority

**MAILING ADDRESS:** 125 Lehmann Drive, Suite 100, Kerrville, Texas 78028

**EMAIL ADDRESS:** tbushnoe@ugra.org

**EXHIBITS/INFORMATION:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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

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

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**DESCRIPTION OF REQUEST**

Ray Buck, General Manager, and Tara Bushnoe, Natural Resources Coordinator, would like to thank the City Council for the contributions that the City of Kerrville made towards the success of the 10<sup>th</sup> Annual River Clean Up held on July 27, 2013.

**RECOMMENDED COUNCIL ACTION**



**City of Kerrville**

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

**PROCLAMATION**

- WHEREAS,** Cancer continues to be the leading cause of death by disease among children between the ages of 3 and 14; and
- WHEREAS,** Dramatic progress has been made in early diagnosis and treatment of the disease; and
- WHEREAS,** In many cases, advances in science and technology are bringing hope and healing where once there was only fear and loss; and
- WHEREAS,** Every family touched by childhood cancer needs the support of its relatives, neighbors, teachers, and clergy; and
- WHEREAS,** Hundreds of private voluntary organizations at both the national and local levels – including the American Cancer Society, the Candlelighters Childhood Cancer Foundation, the Leukemia Society of America, and the Ronald McDonald Foundation are helping parents and children cope with the emotional and financial stresses created by cancer treatment and rehabilitation; and
- WHEREAS,** In the month of September 2013, we recognize the dedication and hard work of all those scientists, health care professionals, and volunteers who are working to overcome childhood cancer and to assist its victims. We also reaffirm our admiration and support for the courageous youngsters and parents who struggle with this disease.

**NOW, THEREFORE,** I, Jack Pratt, Mayor of the City of Kerrville, Texas, do hereby proclaim September 2013; as

**“CHILDHOOD CANCER AWARENESS MONTH”**

All Kerrville residents are encouraged to observe this month through appropriate programs, ceremonies, and activities.



**IN WITNESS WHEREOF,**  
I have hereunto set my hand and  
caused the Seal of the City of  
Kerrville to be affixed hereto,  
the \_\_\_ day of \_\_\_\_\_, 2013.

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

## **Agenda Item:**

2B. Proclamation to proclaim September 2013 as "Childhood Cancer Awareness Month." (Mayor Pratt)

## **Agenda Item:**

3A. Minutes of the Kerrville City Council regular meeting held August 13, 2013.  
(staff)

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
AUGUST 13, 2013

On August 13, 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 Ann Buck, Executive Director, Christian Women's Job Corps, followed by the Pledge of Allegiance led by Sherrill Eckstein, Commanding Officer of American Legion Garrett-Baker Post 13.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Robert Ojeda	Fire Chief
John Young	Police Chief
Kim Meismer	Director of General Operations
Charlie Hastings	Director of Public Works
Ashlea Boyle	Special Projects Manager

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

1. VISITORS/CITIZENS FORUM: No one spoke.

2. RECOGNITION:

2A. Recognize city lifeguards for their accomplishment in receiving gold medals and the title of 2013 State Champions in the T.A.A.F. Games of Texas State Lifeguard Championships in Corpus Christi on July 24, 2013.

2B. Resolutions of commendation to Pat Angell, B.K. Cody, and Bill Thomas for their service on the golf course advisory board.

2C. Recognition of the Kerrville Citizens Police Academy Alumni Association. Chief Young noted the KCPAAA was awarded the Alumni Association of the Year award by the Texas Citizen Police AAA.

**3. CONSENT AGENDA:**

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

3A. Minutes of the Kerrville City Council budget workshop held July 17, 2013; the Kerrville City Council Texas Employee Benefits Trust meeting held July 23, 2013; the Kerrville City Council regular meeting held July 23, 2013; and the special meeting held July 24, 2013.

3B. Professional services agreement with Peter Lewis Architect + Associates, PLLC, for the design of Louise Hays/Lehmann & Monroe Parks and the river trail – Louise Hays Park to G Street project.

3C. Professional services agreement with Freese and Nichols, Inc. to provide professional engineering design and construction administration services for the wastewater treatment plant clarifier and motor control center improvements in an amount not to exceed \$407,000.00.

**END CONSENT AGENDA**

**4. ORDINANCE, SECOND AND FINAL READING:**

4A. 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 only.

Chief Ojeda noted this ordinance would update the city's current ordinance with regard to the city maintaining and operating an EMS; provide medical control of EMS by means of a medical director; and establish 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 in the city. There was no change to the ordinance since first reading, and he recommended approval.

Mr. MacDonald moved for approval of Ordinance No. 2013-14 on second reading; Mr. Allen seconded the motion and it passed 5-0.

**5. CONSIDERATION AND POSSIBLE ACTION:**

5A. Resolution No. 25-2013 providing for the city's approval or disapproval of the Kerr Central Appraisal District's Fiscal Year 2014 budget.

Mr. MacDonald reported he and Ms. Keeble met with KCAD Chief Appraiser Fourth Coates and discussed KCAD personnel and customer relations issues.

Mr. Conklin moved for approval of Resolution No. 25-2013, approving the KCAD FY2014 budget; Mr. MacDonald seconded the motion and it passed 5-0.

5B. Funding agreement between the City of Kerrville and the City of Kerrville Economic Improvement Corporation for improvements to the Cailloux Theater.

Ms. Boyle noted that on July 22 EIC approved a funding agreement for lighting improvements at the Cailloux Theater in an amount not to exceed \$200,652. On August 21 Kerrville Public Utility Board will consider an energy efficient grant.

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

5C. Funding agreement between Playhouse 2000, Inc. and the City of Kerrville Economic Improvement Corporation for improvements to the Cailloux Theater.

Ms. Boyle noted the funding agreement was approved by EIC on July 22 for roof upgrades and replacement to the VK Garage, and for a modular seating riser system. A grant was received from Peterson Foundation in the amount of \$49,000 for a sprinkler system to allow for expanded seating capacity.

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

5D. Resolution No. 26-2013 setting forth the ad valorem tax rate to be considered for adoption for the 2013 tax year; calling two public hearings prior to the adoption of said rate; and calling a public hearing as required by both the City's Charter and state law prior to the adoption of the Fiscal Year 2014 budget.

Mr. Parton recommended setting the 2013 ad valorem tax rate at \$0.5625 per \$100 valuation, the same as the 2012 tax rate. Since this rate would exceed the effective tax rate (\$0.56128) by 0.22%, the city was required under state law to hold two public hearings, and he proposed the dates of August 27, 6:00 p.m., and August 29, 3:00 p.m.

Mr. MacDonald moved to approve Resolution No. 26-2013 with the public hearing dates as presented by Mr. Parton (editor's note: the August 29, 3:00 p.m. date was later changed to September 10, 6:00 p.m.); the motion was seconded by Mr. Conklin and passed 5-0 upon roll call vote:

FOR: Mayor Jack Pratt; Councilmember Place One Carson Conklin; Councilmember Place Two Stacie Keeble; Councilmember Place Three Justin MacDonald, and Councilmember Place Four Gene Allen.

AGAINST: None.

All members were present and voted; the motion passed 5-0.

5E. 4B sales tax funding request guidelines and procedures for economic development incentives.

Ms. Boyle presented the guidelines and procedures as approved by the economic improvement corporation on July 22. She reviewed specific changes: streamlined and clarified the application process, added general procedures section, added community events section at a maximum of \$100,000 per year, identified principles for each separate area, identified wage requirements at \$30,000 annual salary for primary jobs, and established minimum capital investment must exceed \$200,000.

Mr. Allen moved to accept the guidelines and procedures as present; Ms. Keeble seconded the motion and it passed 5-0.

**6. BOARD APPOINTMENTS:**

6A. Appointment to the main street advisory board.

Mr. Conklin moved to appoint William Rector with term to expire January 31, 2015; Mr. Allen seconded the motion and it passed 5-0.

6B. Appointment to the beautification advisory committee.

Mr. Pratt moved to appoint James Williamson with term to expire December 11, 2014; Mr. Allen seconded the motion and it passed 5-0.

**7. ITEMS FOR FUTURE AGENDAS**

- Report on activities of the beautification advisory committee.

**8. ANNOUNCEMENTS OF COMMUNITY INTEREST:** None.

**9. EXECUTIVE SESSION:** None.

**10. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION.** None.

**ADJOURNMENT.** The meeting adjourned at 6:28 p.m.

APPROVED: \_\_\_\_\_

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

ATTEST:

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

## **Agenda Item:**

3B. Resolution 27-2013, approving the budget for fiscal year 2014 for the Kerr Emergency 9-1-1 Network. (staff)

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

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**SUBJECT:** Kerr Emergency 9-1-1 Network Budget for Fiscal 2013

**FOR AGENDA OF:** August 27, 2013

**DATE SUBMITTED:** August 16, 2013

**SUBMITTED BY:** Chief John Young

**CLEARANCES:** Mike Hayes, City Attorney

**EXHIBITS:** Resolution, Proposed Budget Fiscal 2014

**AGENDA MAILED TO:** Bill Amerine, Kerr Emergency 9-1-1 Network, 819 Water Street, Suite 270, Kerrville, Texas 78028

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**



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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

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**SUMMARY STATEMENT**

The city has received the proposed 2014 budget for the Kerr Emergency 9-1-1 Network. The FY 2014 proposed operating budget totals \$399,000.00 as compared to \$383,225.00 in FY 2013, for an overall increase of 4.12%. The change in revenue can be attributed to very slight increases in wireless, VoIP and landline income.

The Texas Health and Safety Code, Subchapter D, The Emergency Telephone Number Act requires the 9-1-1 Board to present to the governing body of the participating jurisdictions (cities) and to the county commissioners court no later than 45 days prior to the date the budget is adopted. The participating jurisdictions shall review the proposed budget and submit any comments regarding the budget to the 9-1-1 board. The budget must be approved by a majority of the participating jurisdictions. If no action is taken on the proposed budget before the 61<sup>st</sup> day after the proposed budget is received, the budget is approved by operation of law. The city received the proposed 9-1-1 budget on August 16, 2013.

**RECOMMENDED ACTION**

Recommend approval of the proposed budget for the Kerr Emergency 9-1-1 District for FY 2014.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 27-2013**

**A RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2014  
FOR THE KERR EMERGENCY 9-1-1 NETWORK**

**WHEREAS**, in accordance with Section 772.309 of the Texas Health and Safety Code, the Executive Director of the Kerr Emergency 9-1-1 Network has prepared and presented to the City Council a budget for the Network's fiscal year commencing January 1, 2014; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve said budget;

**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, approves the 2014 Fiscal Year Budget for the Kerr Emergency 9-1-1 Network as presented and set forth in **Exhibit A**.

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

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

APPROVED AS TO FORM:

ATTEST:



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

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

Kerr Emergency 911 Network  
2014 Opr. Budget - Proposed

EXHIBIT "A"

		2013 Approved	2014 Proposed	Delta	% Change
<b>100 - Revenue</b>					
	101 - Local 911 Service	131,350.00	139,000.00	7,650.00	5.82%
	105 - Wireless Emergency Income	235,500.00	244,000.00	8,500.00	3.61%
	110 - VoIP Service Fees	14,500.00	14,500.00	0.00	0.00%
	120 - Interest Income	1,875.00	1,500.00	-375.00	-20.00%
<b>Total 100 - Revenue</b>		<b>383,225.00</b>	<b>399,000.00</b>	<b>15,775.00</b>	<b>4.12%</b>
<b>200 - Payroll Expense</b>					
	210 - Salary	110,000.00	114,000.00	4,000.00	3.64%
	212 - Payroll Taxes	8,415.00	8,720.00	305.00	3.62%
	213 - Medical Insurance Expense	33,000.00	36,000.00	3,000.00	9.09%
	214 - TCDRS Expense Company	8,163.00	6,635.00	-1,528.00	-18.72%
	215 - TCDRS OTLI	350.00	365.00	15.00	4.29%
	225 - Texas Workforce Commission	1,000.00	148.00	-852.00	-85.20%
<b>Total 200 - Payroll Expense</b>		<b>160,928.00</b>	<b>165,868.00</b>	<b>4,940.00</b>	<b>3.07%</b>
<b>300 - Operations (PSAP)</b>					
	310 - PSAP Floor Space Lease	6,000.00	6,000.00	0.00	0.00%
	315 - 911 Call Taker Training	8,000.00	10,000.00	2,000.00	25.00%
	320 - Wireless Phase I Contracts	37,100.00	34,000.00	-3,100.00	-8.36%
	321 - AT&T Wireless Tariff	1,805.00	1,805.00	0.00	0.00%
	330 - Intrado Service Charge	21,275.00	20,000.00	-1,275.00	-5.99%
	335 - Frame Relay Charges	6,700.00	7,100.00	1,400.00	24.56%
	337 - AT&T SR Fees	5,000.00	4,500.00	-500.00	-10.00%
	350 - PSAP Trunk Charges	20,000.00	18,000.00	-2,000.00	-10.00%
	355 - Language Line	500.00	500.00	0.00	0.00%
	357 - PSAP Fiber ADMIN/KPD/KCSO	4,500.00	2,100.00	-2,400.00	-53.33%
	365 - Wireless Redundancy MRC	750.00	750.00	0.00	0.00%
	370 - PSAP Repairs & Maintenance	10,000.00	10,000.00	0.00	0.00%
<b>Total 300 - Operations (PSAP)</b>		<b>120,630.00</b>	<b>114,765.00</b>	<b>-5,875.00</b>	<b>-4.87%</b>
<b>400 - Direct Services</b>					
	410 - Office Supplies	3,000.00	3,000.00	0.00	0.00%
	412 - Office Equipment & Repairs	2,000.00	2,000.00	0.00	0.00%
	420 - Liability Insurance	2,750.00	2,750.00	0.00	0.00%
	430 - Professional Development	3,750.00	6,000.00	2,250.00	60.00%
	440 - Rent	23,000.00	24,000.00	1,000.00	4.35%
	450 - Professional Fees	15,000.00	15,000.00	0.00	0.00%
	460 - Postage & Delivery	250.00	250.00	0.00	0.00%
	490 - Bank Service Charges	100.00	100.00	0.00	0.00%
<b>Total 400 - Direct Services</b>		<b>49,850.00</b>	<b>53,100.00</b>	<b>3,250.00</b>	<b>6.52%</b>
<b>500 - Miscellaneous</b>					
	502 - Pictometry Annual Payment	7,942.00	7,942.00	0.00	0.00%
	510 - Awards & Honorariums	500.00	500.00	0.00	0.00%
	520 - Dues & Subscriptions	750.00	1,000.00	250.00	33.33%
	530 - Public Education & Advertising	3,175.00	5,000.00	1,825.00	57.48%
	550 - Telecommunications	10,500.00	9,000.00	-1,500.00	-14.29%
	560 - Sundry	1,750.00	2,000.00	250.00	14.29%
	570 - Texas 911 Alliance Meetings	5,000.00	5,000.00	0.00	0.00%
	575 - Nena/APCO Conferences	1,500.00	4,145.00	2,645.00	176.33%
<b>Total 500 - Miscellaneous</b>		<b>31,117.00</b>	<b>34,587.00</b>	<b>3,470.00</b>	<b>11.15%</b>

Kerr Emergency 911 Network  
2014 Opr. Budget - Proposed

<b>600 - Discretionary Communications</b>					
	610 - VFD Pager Service	1,900.00	1,890.00	-10.00	-0.53%
	620 - Kerr County VFD Radio Tower Service Donation	8,800.00	8,800.00	0.00	0.00%
<b>Total 600 - Discretionary Communications</b>		<b>10,700.00</b>	<b>10,690.00</b>	<b>-10.00</b>	<b>-0.09%</b>
<b>700 - PSAP Equipment Replacement Account</b>					
	710 - Operating to Capital Fund Transfer	10,000.00	20,000.00	10,000.00	100.00%
<b>Total 700 - PSAP Equipment Replacement Account</b>		<b>10,000.00</b>	<b>20,000.00</b>	<b>10,000.00</b>	<b>100.00%</b>
<b>Annual Budget Totals</b>		<b>383,225.00</b>	<b>399,000.00</b>	<b>15,775.00</b>	<b>4.12%</b>
<b>Net Income</b>		<b>383,225.00</b>	<b>399,000.00</b>	<b>15,775.00</b>	<b>4.12%</b>
Projected Budget Surplus/Deficit		0.00	0.00	0.00	0.00%

## **Agenda Item:**

3C. Resolution No. 28-2013 authorizing the use of internal combustion engines on Nimitz Lake upstream of the city's impoundment dam for a triathlon. (staff)

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

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**SUBJECT:** Resolution authorizing operation of watercraft equipped with an internal combustion engine for the 2013 Kerrville Triathlon

**FOR AGENDA OF:** 8/27/13

**DATE SUBMITTED:** 8/16/13

**SUBMITTED BY:** Charlie Hastings *CH*  
Public Works Director

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:** Map of Swimming Event

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** *MP*

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

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**SUMMARY STATEMENT**

The 2012 Kerrville Triathlon, as planned and coordinated by High Five Events out of Austin, Texas will consist of a sprint (500 meter swim, 12 mile bike, 3.2 mile run) on Saturday September 28, 2013, as well as a quarter distance triathlon (1000 meter swim, 29 mile bike, 6.4 mile run) and a half distance triathlon (1.2 mile swim, 56 mile bike, 13.1 mile run) on Sunday September 29, 2013. The swimming portion of the triathlon will be in the Guadalupe River with the start and finish on the grounds of the Kerrville Family Sports Center at the northern end of Guadalupe Street. This will require the use of watercraft equipped with internal combustion engines for course preparation (placement of buoys) as well as the monitoring and potential rescue of swimmers.

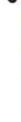
Chapter 118 Article II Water Impoundment Regulations of the Kerrville Code of Ordinances Section 118-34 (4) allows the operation of watercraft equipped with an internal combustion engine when it is engaged in an activity that has been authorized by resolution of the city council.

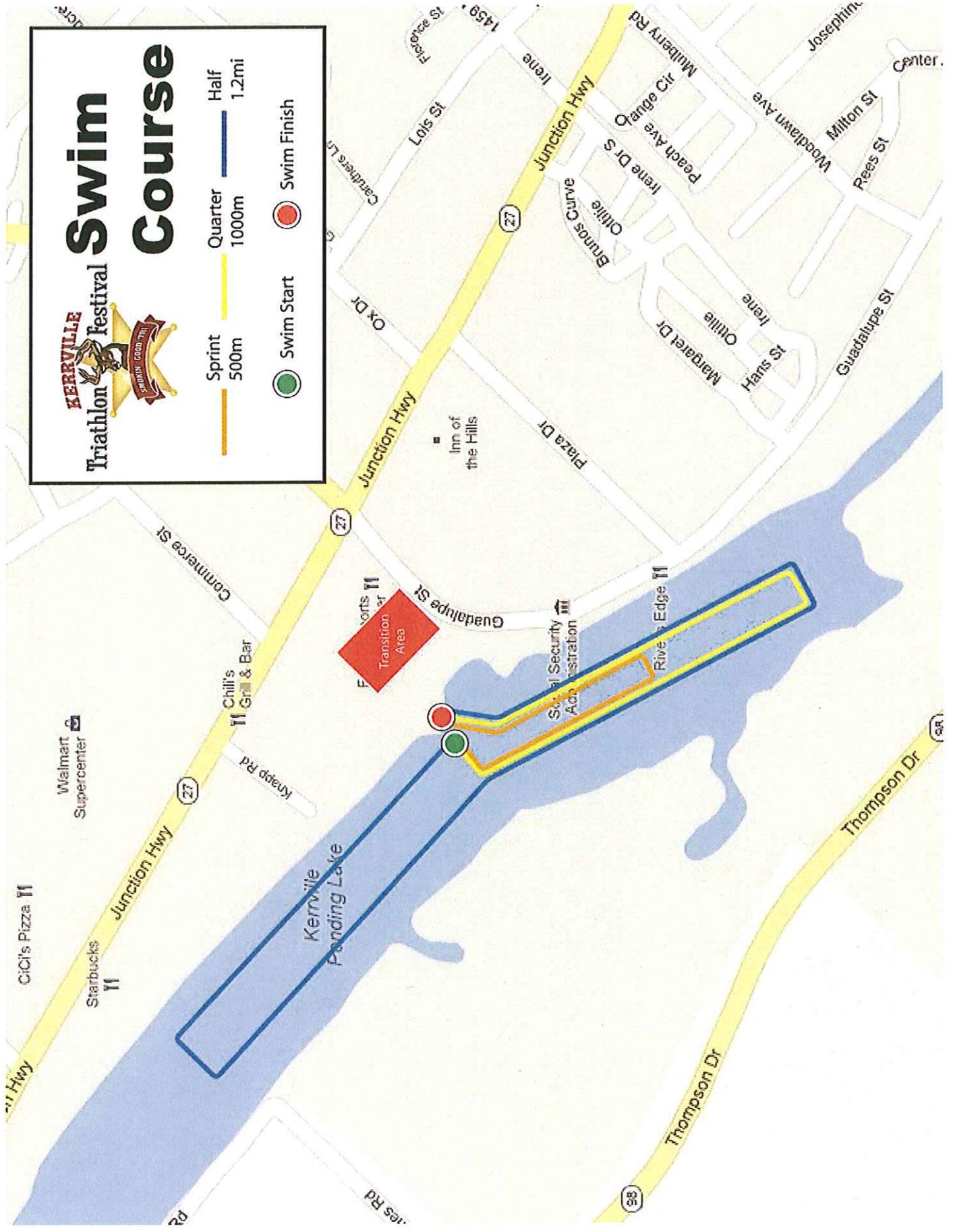
**RECOMMENDED ACTION**

The Director of Public Works recommends that Council adopt a resolution authorizing High Five Events to operate watercraft equipped with internal combustion engines for course preparation (placement of buoys) as well as the monitoring and potential rescue of swimmers from September 23, 2013 through October 1, 2013 for the swimming competition events of the 2013 Kerrville Triathlon.

# KERRVILLE Triathlon Festival Swim Course



-  Sprint 500m
-  Quarter 1000m
-  Half 1.2mi
-  Swim Start
-  Swim Finish



**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 28-2013**

**A RESOLUTION AUTHORIZING THE USE OF INTERNAL COMBUSTION  
ENGINES ON NIMITZ LAKE UPSTREAM OF THE CITY'S  
IMPOUNDMENT DAM FOR A TRIATHLON**

**WHEREAS**, Chapter 118 of the City Code of Ordinances (the "Code") regulates and prohibits certain activities on Nimitz Lake, the lake upstream of the City's impoundment dam (the "Lake"); and

**WHEREAS**, one of the prohibited activities is the operation of an internal combustion engine on the Lake; and

**WHEREAS**, under the Code, City Council may authorize an exception to this prohibition by adopting a resolution authorizing an activity which requires the use of an internal combustion engine on the Lake; and

**WHEREAS**, the organizer of a triathlon to be held in Kerrville and who would like to use the Lake for the swimming portion of its competition, is seeking an exception to the prohibition against combustible engines so that they may use boats with combustion engines to ensure the safety of competitors; and

**WHEREAS**, pursuant to this request and to promote and expand the recreational uses of the Lake, the City Council hereby finds that a public purpose exists to authorize the use of internal combustion engines on the Lake;

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

**SECTION ONE.** The City Council authorizes the use of internal combustion engines on the Lake, such authority subject to the following terms:

- a. the authority is granted to High Five Events, LLC, of Austin Texas, their agents, or representatives and no other person or group;
- b. the authority is valid from September 23, 2013, through October 1, 2013; and
- c. authority is limited to no greater than five (5) boats with such engines.

**SECTION TWO.** This Resolution and the authority granted hereby shall automatically expire and be revoked on October 2, 2013.

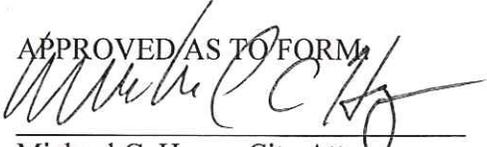
**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2013.**

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

ATTEST:

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

APPROVED AS TO FORM

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

## **Agenda Item:**

4A. First public hearing to set the 2013 tax rate. (staff)

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

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**SUBJECT:** Public Hearing – Ad Valorem Tax Rate for Tax Year 2013/Fiscal Year 2014

**FOR AGENDA OF:** August 27, 2013 **DATE SUBMITTED:** August 20, 2013

**SUBMITTED BY:** Sandra Yarbrough **CLEARANCES:** Todd Parton  
Director of Finance City Manager

**EXHIBITS:**

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

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**SUMMARY STATEMENT**

At the August 13, 2013 Council meeting, council voted to a public hearing to establish the proposed ad valorem tax rate for 2012 at \$0.5625/\$100 value. This rate exceeds the effective rate as calculated by the Tax Assessor-Collector of \$.056128 by .022%. The City is required to hold two public hearings since the proposed tax rate exceeds the effective tax rate.

This is the first public hearing on the proposed tax rate of \$0.5625/\$100.

**RECOMMENDED ACTION**

Hold a public hearing on the tax rate as required and set second public hearing for September 10, 2013.

## **Agenda Item:**

5A. Ordinance No. 2013-15 amending the budget for fiscal year 2013 to account for a change to the city's operational budget within the water and sewer fund to appropriate funding for a feasibility study of reclaimed water. (staff)



**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2013-15**

**AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2013  
TO ACCOUNT FOR A CHANGE TO THE CITY'S OPERATIONAL  
BUDGET WITHIN THE WATER AND SEWER FUND TO APPROPRIATE  
FUNDING FOR A FEASIBILITY STUDY OF RECLAIMED WATER**

**WHEREAS**, Ordinance No. 2012-11, dated September 25, 2012, adopted the Fiscal Year 2013 Budget; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds that amending the City's Fiscal Year 2013 Budget is in the best interest of the citizens of the City of Kerrville;

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

In accordance with Section 8.07 of the City Charter, the Official Budget for Fiscal Year 2013 is amended as set forth in **Exhibit A**.

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

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

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

APPROVED AS TO FORM:

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

ATTEST:

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

August 2013 Budget Amendment - Attachment A

<u>Fund</u>	<u>Fund Name</u>	<u>Dept</u>	<u>Account Type</u>	<u>Line Item Account</u>	<u>Line Item Name</u>	<u>Reason</u>	<u>Amount</u>
02	Water/Sewer Fund	General Operations	Expenditures	02-890-410	Contingency	Fund feasibility study of re-use water	\$135,000.00

## **Agenda Item:**

6A. Update on water/wastewater, river trail and park improvements through Louise Hays Park and Lehmann and Monroe Park and the use of eminent domain for the acquisition of a water/wastewater easement, temporary construction easement, and recreation easement (river trail) through property owned by Rio Robles, Inc. (32 Chaparral). (staff)

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

**SUBJECT:** Update on water, wastewater, river trail and park improvements through Louise Hays Park and Lehmann and Monroe Park and the use of eminent domain for the acquisition of a water/wastewater easement, temporary construction easement, and recreation easement (river trail) through property owned by Rio Robles, Inc. (32 Chaparral).

**FOR AGENDA OF:** Aug. 27, 2013      **DATE SUBMITTED:** Aug. 22, 2013

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

**EXHIBITS:** Status Report – Kerrville River Trail (August 2013)

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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

**PAYMENT TO BE MADE TO:** .

**REVIEWED BY THE DIRECTOR OF FINANCE:**

**SUMMARY STATEMENT**

City staff will provide an update on the status of the ongoing water and wastewater utility extensions underway through Louise Hays Park and Lehmann and Monroe Park. The update will include a review of the following items:

1. Tree Removal – a total of approximately 17 desirable trees were removed. Desirable trees have a trunk diameter of at least 6 inches and are of the pecan, oak, and elm species. No more trees will need to be removed.
2. Tree Mitigation – the project includes a budget of \$1,000 for each of the desirable trees removed and they will replace them once the project is completed. This will occur in conjunction with the park construction project.
3. Park Closure – the park closure that occurred on August 15 is for the construction of the water and wastewater utilities through the park. This project is being conducted on a 180 day contract and construction should be completed by the end of January 2014. Additionally, park construction is scheduled to commence immediately upon the completion of the water and wastewater projects.

Full closure of the parks during the utility construction is necessary due to the alignment of the water and wastewater mains and the nature of the work. There just is not a good way to cordon off a portion of the parks during this project.

Full closure of the entire parks during the park improvement project will occur due to several factors. First, the park improvements will impact nearly all of Louise Hays Park. Second, the park improvements will impact the improved areas of Lehmann Monroe Park including the streets and drive aisles. Third, bidding the park projects in phases will add significantly to time and costs.

4. Park Planning – the design phase for the park improvements is underway and a concept plan is expected within the next 30 to 60 days. Once the park concept plan has been completed it will be made available to the general public. We will have project signs posted at the parks and at city facilities, include a copy of the plan on the city's website, and provide copies of the plan to vendors throughout the city who wish to display them.

The condemnation process through Rio Robles for the easements necessary to accommodate the utility and river trail projects is underway. As of the date of this memo, no easements had been negotiated with the property owners.

#### **RECOMMENDED ACTION**

Staff recommends that the City Council accept the staff report and reaffirm the prior decision to use eminent domain for the acquisition of a water/wastewater easement, temporary construction easement, and recreation easement through property owned by Rio Robles, Inc.

# Monthly Status Report

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## River Trail/Parks Projects

August 2013

Updates from prior month's report highlighted.

4B Funds

\$6,000,000 (River Trail Project)

\$2,000,000 (Louise Hays and Lehmann & Monroe Parks Project Renovation)

# Status Report Kerrville River Trail

# Riverside Nature Center (RNC) to Louise Hays Park (Package A)

<b>SCOPE</b>	Extends from a new trailhead at the Riverside Nature Center parking lot, along the west property line of the RNC, down to the river's edge, under the Lemos St. Bridge, construction of a trail bridge across the river, through Tranquility Island, to the west end of the parking area in Louise Hays Park. The 10' wide trail will be constructed of concrete, except for the segment that runs along the RNC western property line. <i>Total trail length: 0.7 miles</i>
<b>Amenities</b>	Trailheads with lighting, observation/seating areas, bridge, drainage, and signage. [Additional amenities, such as trail entries, kiosks, and interpretive signage, will be added, once designed.]

PHASING	Action Item	Schedule (Status)	Task/Issues	Comments/Risks
Recreation easements or Property Agreements	easement to CoK from RNC lease renewal to RNC from CoK approval from TxDoT and GLO for use of state property	complete (6/12; 9/12) complete (6/12) complete (5/12)	RNC to provide easement to City City to provide lease to RNC TxDoT approval of plans and Const./Maint. Agreement	requires RNC approval City Council approval (6/12) SA office approval; include in MMA
Property Survey	M&B and Topo surveys	complete (3/12) upon trail completion	identify property boundary and grades flood level impact, if any	submittal to FEMA
Misc. Reports/Permits	LOMR TPWD (land & water permit) USACE	complete (5/12) complete (5/12)	coffer dam - bridge construction review involves jurisdictional waters of the US	review by TPWD no USACE permit required
Design	contract - Hewitt Engineering location of trail	complete (12/11)	define gradients and layout	
Preliminary Design	schematic plans; prelim. costs	50% review - complete (12/11) 75% review - complete (1/12) 90% review - complete (2/12)	all project elements all project elements all project elements	
Construction Drawings Bidding/Contracts	final plans/specs/costs/ documents secure contractor	complete (3/12) bid (3/12); awarded (5/12) to Westar Construction	all project elements bid process, contract prep	project delay, bid cost, permit approvals, etc.
Construction	construct project	start (5/12); complete (12/12)	sequencing of work	Dedication and opening 12/15/12

FUNDING - BUDGET	Allocation	Expended - Encumbered	Balance	Cost Est. for Package	Needed to Complete Package
G.O. bonds (2002) Park Dedication Funds	\$500,000 -25,000 \$525,000	2002 bonds \$147,112 [includes completion of the River Trail Master Plan and survey work]	\$377,888	Construction bid: \$667,427 plus 10% contingency \$735,000	2002 bonds \$377,888 2011 bonds \$357,112 (includes contingency)
COs (4B)	\$357,112				

## Status Report

### Kerrville River Trail

### Louise Hays Park to G St. (Package B) and Parks Project

#### SCOPE

Connects to the west end of the Louise Hays Park parking lot (Package A), through Louise Hays Park and Lehmann & Monroe Park, to G St. (west r.o.w. line). The 10' wide trail will be constructed of concrete. This Package will be coordinated with the Jefferson Wastewater Project and Water transmission Line Project, both slated for completion by early 2014. This segment will include the entire scope of work for the Louise Hays Park/Lehmann & Monroe Park Project, as funded by 4B. *Total trail length: 1 mile*

#### Amenities

Trail - trailheads with security lighting, observation areas, seating areas, bridging, drainage, signage, trail entries, kiosks, and interpretive signage.  
Parks - park amenities, amphitheater/stage, interactive water feature, event areas, large pavilion upgrades, river access, restrooms, roads/parking, lighting, utilities, landscaping, signage.

PHASING	Action Item	Schedule (Status)	Task/Issues	Comments/Risks
Recreation easements or Property Agreements	easements to CoK from property owners	complete by 11/15/13	CoK to secure easements from property owners; title work and surveys	
Property Survey	construction easements, if needed	na	na	from property owner
Misc. Reports/Permits	M&B and Topo surveys	M&B - complete (9/12) Topo - partially complete	identify property boundary and grades	
	LOMR	upon trail completion	flood impact, if any	may require submittal to FEMA
	TPWD (land & water permit)	12/1/13, if needed	environmental impact to state waters	review by TPWD
	GLO (state property use)	12/1/13, if needed	routing preference	approval by State, if needed
Design	-Trail Routing Options - Half	complete (6/12)	define route options w/ costs	complete (6/12)
	-Design Contract Document - Half*	complete (approved 12/11/12)*	all remaining design phases	Council approval
Preliminary Design	schematic plan with amenities; prelim. costs	50% review - (partially complete) 75% review - 90% review -	all project elements all project elements all project elements	coord. with utilities projects
Construction Drawings	final plans/specs/costs/ documents	complete by late 2013	all project elements	project delay assoc. with approvals
Bidding/Contracts	secure contractor	early 2014	bid process, contract prep	project delay, bid cost, etc.
Construction	construct project	start early 2014	sequencing of work	typical delays/field alterations

\* Half Assoc. design agreement terminated; new design agreement with Peter Lewis Architect + Assoc. approved 8/13/13.

FUNDING - BUDGET	Allocation	Expended - Encumbered	Balance	Cost Est. for Package	Needed to Complete Package
COs (4B) - River Trail	\$1,000,000	Design fee: \$99,537	\$900,463		
COs (4B) - LHP/LMP Project	\$2,000,000	\$199,073	\$1,800,927		

## Status Report Kerrville River Trail

## G St. to Kerrville-Schreiner Park (Package F)

<b>SCOPE</b>	Extends from G St. (west r.o.w. line) along the south bank of the river into Kerrville-Schreiner Park. The 10' wide trail will be constructed of concrete. This Package will be coordinated with the Jefferson Wastewater Project and Water transmission Line Project, both slated for completion by fall 2013. <i>Total trail length: + 2 miles</i>
<b>Amenities</b>	Trailheads with parking, security lighting, observation areas, seating areas, trail bridges, drainage, signage, trail entries, kiosks, and interpretive signage.

PHASING	Action Item	Schedule (Status)	Task/Issues	Comments/Risks
Recreation easements or Property Agreements	easement to CoK from property owners; land acquisition construction easements, if needed	complete by 9/31/13 complete by 12/13, if needed	CoK to secure easements/deed from property owners determine need by 10/13	from property owner
Property Survey	M&B and Topo surveys	M&B amend. - to complete (8/13) upon trail completion	identify property boundary and grades flood impact, if any	coord. w/ utilities projects may require submittal to FEMA
Misc. Reports/Permits	LOMR TPWD (land & water permit)	12/1/13, if needed complete (6/12)	environmental impact to state waters define route options w/ costs	complete (6/12)
Design	-Trail Confirmation - Terra Design Group (TDG) -Final Design Contract - TDG	complete (6/23/13)	all remaining design phases	Council approval (6/23/13) coord. with utilities projects
Preliminary Design	schematic plans with amenities; prelim. costs	50% review - 75% review - 90% review -	all project elements all project elements all project elements	project delay assoc. with approvals project delay, bid cost, etc. typical delays/field alterations
Construction Drawings	final plans/specs/costs/ documents	complete by late 2013	all project elements	
Bidding/Contracts	secure contractor	early 2014	bid process, contract prep	
Construction	construct project	start early 2014	sequencing of work	

FUNDING - BUDGET	Allocation	Expended - Encumbered	Balance	Cost Est. for Package	Needed to Complete Package
COs (4B)	\$2,300,000	\$228,305	\$2,071,695		

## Status Report Kerrville River Trail

## RNC to Knapp Crossing (Packages C and D)

<b>SCOPE</b>	Extends from a new trailhead at the Knapp Crossing Boat Ramp parking lot, runs adjacent to the river, ties into the Guadalupe St. r.o.w.(Package D) extends to Guadalupe Park and connects to Package A (Package C). The 10' wide trail will be constructed of concrete. Total trail length: 1.6 miles
<b>Amenities</b>	Trailheads with lighting, observation areas, seating areas, trail bridge, drainage, signage, trail entries, kiosks, interpretive signage, and private improvement interface.

PHASING	Action Item	Schedule (Status)	Task/Issues	Comments/Risks
Recreation easements or Property Agreements	easement to CoK from property owners	TBD	CoK to secure easements from property owners	from property owner
Property Survey	construction easements, if needed	TBD	TBD	from property owner
Misc. Reports/Permits	M&B and Topo surveys	(partially complete)	identify property boundary and grades	
	LOMR		flood impact, if any	may require submittal to FEMA
	TPWD (land & water permit)		environmental impact to state waters	review by TPWD
Design	TBD	(partially complete)		waiting for private development
Routing	location of trail	(partially complete)	define gradients and layout	" " "
Preliminary Design	schematic plan with amenities; prelim. costs	50% review – 75% review – 90% review –	all project elements all project elements all project elements	" " "
Construction Drawings	final plans/specs/costs/ documents	TBD	all project elements	" " "
Bidding/Contracts	secure contractor	TBD	bid process, contract prep	" " "
Construction	construct project	TBD	sequencing of work	" " "

FUNDING - BUDGET	Allocation	Expended - Encumbered	Balance	Cost Est. for Package	Needed to Complete Package
COs (4B)					

## Status Report Kerrville River Trail

## Knapp Crossing to West Terminus (Package E)

<b>SCOPE</b>	Extends from Knapp Crossing trailhead to the west terminus of trail on Junction Hwy along the river's edge. The 10' wide trail will be constructed of concrete. Total trail length: up to 1 mile
<b>Amenities</b>	Trailheads with lighting, observation areas, seating areas, trail bridge, drainage, signage, trail entries, kiosks, and interpretive signage.

PHASING	Action Item	Schedule (Status)	Task/Issues	Comments/Risks
Recreation easements or Property Agreements	easement to CoK from property owners	TBD	CoK to secure easements from property owners	from property owner
	construction easements, if needed	TBD	TBD	from property owner
Property Survey	M&B and Topo surveys	(partially complete)	identify property boundary and grades	
Misc. Reports/Permits	LOMR		flood impact, if any	may require submittal to FEMA
	TPWD (land & water permit)		environmental impact to state waters	review by TPWD
Design	TBD			
Preliminary Design	schematic plan with amenities; prelim. costs	50% review – (partially complete)	all project elements	waiting for private development
		75% review –	all project elements	" " " "
		90% review –	all project elements	" " " "
Construction Drawings	final plans/specs/costs/ documents	TBD	all project elements	" " " "
Bidding/Contracts	secure contractor	TBD	bid process, contract prep	" " " "
Construction	construct project	TBD	sequencing of work	" " " "

FUNDING - BUDGET	Allocation	Expended - Encumbered	Balance	Cost Est. for Package	Needed to Complete Package
COs (4B)					

### **Other Services to be Evaluated**

Required reporting and permitting may dictate additional professional services or consolidation of services assigned to the design teams. These include, but are not limited to, the following.

1. Floodplain/Floodway Impact, Hydraulic Analysis, Section 404 – Clean Water Act submittals (Corps of Engineers), and Flood Insurance Rate Map/ Letter of Map Revision preparation and submittal (CoK, FEMA) will be completed by one firm in order to comprehensively address the issues and data collection/reporting. This will avoid multiple submittals (costs) and reduce mistakes and need for resubmittals.
2. Archeological and Environmental Surveys and Section 404 review will need to be completed in areas where sensitive site conditions are probable. We anticipate no extreme findings in the initial surveys/reports; however, if further study is required by state or federal agencies, those services will require amendments to trail segment allocations and the consultant contracts.
3. TDLR permitting for ADA compliance, CoK building permits, Texas Historical Commission plan review, any other city or state agency submittals, will best be submitted by each of the design teams at the time of plan completion. This keeps regulation compliance with the design teams.

## **Agenda Item:**

6B. Resolution No. 29-2013 approving the City of Kerrville, Texas Economic Improvement Corporation budget for fiscal year 2013-2014. (staff)



**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 29-2013**

**A RESOLUTION APPROVING THE CITY OF  
KERRVILLE, TEXAS ECONOMIC IMPROVEMENT  
CORPORATION BUDGET FOR FISCAL YEAR 2013-2014**

**WHEREAS**, the Board of Directors of the City of Kerrville, Texas Economic Improvement Corporation (“the Corporation”) approved its budget for the Fiscal Year 2013-2014; and

**WHEREAS**, in accordance with Section 551.073 of the Texas Local Government Code (Development Corporation Act of 1979), all programs and expenditures of the Corporation must be approved by the City Council and the City Council must also annually review the financial statements of the Corporation; and

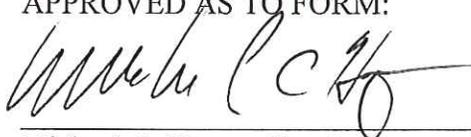
**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve the Corporation’s proposed budget for Fiscal Year 2013-2014;

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

The budget adopted by the City of Kerrville, Texas Economic Improvement Corporation’s for Fiscal Year 2013-2014, as summarized in **Exhibit A**, is approved.

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

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

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

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

**Economic Improvement Corporation**  
Expenditures by Line Item

Acct.	Account Name	FY 12 Actual	FY 13 Approved	FY 13 Amended	FY13 Actual 05/31/13	FY 13 Estimated	FY 14 Proposed
101	Office Supplies	\$16	\$500	\$0	\$500	\$500	\$250
<b>Total Supplies</b>		<b>\$16</b>	<b>\$500</b>	<b>\$0</b>	<b>\$500</b>	<b>\$500</b>	<b>\$250</b>
305	Legal Services	\$254	\$0	\$0	\$3,500	\$3,500	\$3,500
306	Special Services	\$1,000	\$103,500	\$103,500	\$66,667	\$100,000	\$100,000
316	Advertising	\$0		\$500	\$0	\$0	\$250
<b>Total Services</b>		<b>\$1,254</b>	<b>\$103,500</b>	<b>\$104,000</b>	<b>\$70,167</b>	<b>\$103,500</b>	<b>\$103,750</b>
441	River Trail Debt Service	\$90,000	\$170,000	\$170,000	\$113,333	\$170,000	\$170,000
442	River Trail	\$250,000		\$300,000	\$200,000	\$300,000	\$300,000
443	Kerr Economic Development Corp	\$175,000	\$175,000	\$175,000	\$127,000	\$127,000	\$60,000
<b>Total Other Expenses</b>			<b>\$345,000</b>	<b>\$645,000</b>	<b>\$440,333</b>	<b>\$597,000</b>	<b>\$530,000</b>
901	General Fund			\$100,000	\$0	\$0	\$0
943	EIC Debt Service	\$505,000	\$505,000	\$505,000	\$336,667	\$505,000	\$68,000
975-01	Category 1	\$350,000	\$1,078,961	\$1,078,961	\$650,000	\$650,000	\$496,750
975-02	Category 2	\$100,000	\$858,141	\$1,158,141	\$149,703	\$1,192,528	\$1,715,000
975-03	Category 3	\$1,000,000	\$500,000	\$500,000	\$0	\$500,000	\$1,250,000
<b>Total Operating Transfers</b>		<b>\$1,450,000</b>	<b>\$2,942,102</b>	<b>\$3,242,102</b>	<b>\$1,786,369</b>	<b>\$4,690,056</b>	<b>\$3,461,750</b>
<b>EIC FUND Total Expenditures</b>		<b>\$1,451,270</b>	<b>\$3,391,102</b>	<b>\$3,991,102</b>	<b>\$2,297,369</b>	<b>\$5,391,056</b>	<b>\$4,163,750</b>

## Agenda Item:

6C. Guadalupe-Blanco River Authority's application for a water use permit from the Texas Commission on Environmental Quality to divert and use not to exceed 75,000 acre-feet of water per year from the Guadalupe River in Gonzales County. (staff)

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

**SUBJECT:** Guadalupe-Blanco River Authority's application for a water use permit from the Texas Commission on Environmental Quality to divert and use not to exceed 75,000 acre-feet of water per year from the Guadalupe River in Gonzales County

**FOR AGENDA OF:** 8/27/13

**DATE SUBMITTED:** 8/23/13

**SUBMITTED BY:** Charlie Hastings, P.E. <sup>GA</sup>  
Public Works Director

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:** Notice of Water Use Permit, Draft Water Use Permit

**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 Guadalupe-Blanco River Authority (GBRA) filed application for water use permit number 12378 with the Texas Commission on Environmental Quality (TCEQ) on December 23, 2009. Notice of GBRA's application and the draft permit was published July 31, 2013 with public comments due to TCEQ within 30 days. According to GBRA general manager, Bill West Jr., "We filed the application for the permit in December 2009 because we wanted to be proactive in addressing the demand being created in the high-growth areas of our basin. Between 2000 and 2010, the total population of those five counties (Hays, Caldwell, Comal, Guadalupe, and Gonzales) has increased from 315,455 to 455,269 – an increase of more than 44 percent." GBRA's statutory district consists of Hays, Comal, Guadalupe, Caldwell, Gonzales, DeWitt, Victoria, Kendall, Refugio, and Calhoun Counties.

Below is a summary of the proposed permit:

- (1) Construct one or more off-channel reservoirs in Gonzales County with a maximum combined storage capacity of 125,000 acre-ft.
- (2A) Divert and use not to exceed 75,000 acre-ft of water per year for municipal and industrial purposes within GBRA's district.
- (2B) Store water diverted in the off-channel reservoir(s) and subsequently divert and use for municipal and industrial purposes within GBRA's district.

- (2C) Exempt interbasin transfer to portions of the following basins located within GBRA's district: San Antonio River, Colorado River, Lavaca River, Colorado-Lavaca Coastal, Lavaca-Guadalupe Coastal, and San Antonio-Nueces Coastal.
- (3A-B) Diversion rate (maximum combined) of 500 cubic feet per second (224,430 gallons per minute) within a diversion segment on the Guadalupe River beginning near Gonzales following the river for approximately 36.7 miles to the Gonzales/DeWitt county line.
- (4) Time priority date of December 23, 2009.
- (5) Water conservation plans shall be implemented by permittee and its successive wholesale customers.
- (6A-J) Special conditions limit diversions based on season and "...appears to have been developed and evaluated in accordance with how the Senate Bill 3 environmental flows process was expected to be applied to new projects as envisioned under the law," as explained by Bob Brandes, Vice Chair of the SB-3 statewide Science Advisory Committee.
- (6L) May store in and divert from the off-channel reservoir(s) other waters from the Guadalupe River Basin (authorized by surface water rights) so long as the underlying surface water right authorizes storage in the off-channel reservoir.
- (6M) Special conditions are subject to adjustment by the commission as appropriate to achieve compliance with applicable environmental flow standards adopted pursuant to Texas Water Code §11.1471(e-1).
- Subject to all superior and senior water rights in the Guadalupe River Basin.

RPS Espey Engineering Consultants have reviewed this application and have noted that although this water right application would have a priority date junior to any of Kerrville's water rights, special condition 6L has the potential to allow the use of other water rights that may be effectively more senior to Kerrville's, to divert into this proposed off-channel reservoir downstream of Canyon Lake. Therefore, it would be prudent for Kerrville to request a contested case hearing in order to obtain assurances that its interests are being addressed with this proposed water right.

### **RECOMMENDED ACTION**

Staff recommends that Council authorize the City Manager to contest the permit application with the TCEQ because it appears that it could have a negative impact on our permits and our water supply. However, we could withdraw our opposition at some point that we are able to determine there would be no negative impact.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF AN APPLICATION FOR A  
WATER USE PERMIT**

APPLICATION NO. 12378

Guadalupe-Blanco River Authority seeks authorization to divert and use not to exceed 75,000 acre-feet of water per year from the unappropriated flows of the Guadalupe River, Guadalupe River Basin for use for municipal and industrial purposes within GBRA's statutory district which consists of Hays, Comal, Guadalupe Caldwell, Gonzales, DeWitt, Victoria, Kendall, Refugio, and Calhoun Counties in the San Antonio, Colorado, and Lavaca River Basins, and the Colorado-Lavaca, Lavaca-Guadalupe, and San Antonio-Nueces Coastal Basins. Applicant also seeks authorization to construct one or more off-channel reservoirs in Gonzales County with a combined maximum storage capacity of 125,000 acre-feet, and to store water in the off-channel reservoir(s) for subsequent diversion and use for municipal and industrial purposes within GBRA's statutory district. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** Guadalupe-Blanco River Authority, 933 East Court Street, Seguin, Texas 78155, Applicant, seeks a Water Use Permit pursuant to Texas Water Code (TWC) §11.121 and §11.085, and Texas Commission on Environmental Quality Rules Title 30 Texas Administrative Code (TAC) §§295.1, *et seq.* Notice is being published and mailed to the water rights holders of record in the Guadalupe River Basin pursuant to Title 30 TAC §295.151.

Guadalupe-Blanco River Authority (Applicant seeks authorization to divert and use not to exceed 75,000 acre-feet of water per year from the unappropriated flows of the Guadalupe River, Guadalupe River Basin, at a maximum diversion rate of 500 cfs (224,415.588 gpm) for use for municipal and industrial purposes within GBRA's statutory district which consists of Hays, Comal, Guadalupe, Caldwell, Gonzales, DeWitt, Victoria, Kendall, Refugio, and Calhoun Counties. Applicant also seeks authorization to construct one or more off-channel reservoirs in Gonzales County with a combined maximum storage capacity of 125,000 acre-feet, and to store water in the off-channel reservoir(s) for subsequent diversion and use for municipal and industrial purposes within GBRA's statutory district.

The proposed diversion segment will be located in zip code 78629 between the following two points:

1. Upper limit of the diversion segment is located at Latitude 29.4907°N, Longitude 97.4709°W, also bearing N38°W, 4,800 feet from the northwest corner of the Jose Maria Salinas Survey, Abstract No. 59, Gonzales County, Texas.
2. Lower limit of the diversion segment is located at Latitude 29.3488°N, Longitude 97.2891°W, also bearing S 30°W, 2,220 feet from the east corner of the Benjamin Fulcher Survey, Abstract No. 21, Gonzales County, Texas.

The application and a portion of the fees were received on August 22, 2008. Additional information and fees were received on December 11, 2008, August 11, October 29, and December 18, 2009, February 12, 2010, June 2, and July 1, 2013. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on December 23, 2009.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions requiring streamflow restrictions. The application, technical memoranda, and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F, Austin, TX 78753.

**PUBLIC COMMENT / PUBLIC MEETING.** Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

**INFORMATION.** Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <http://www.tceq.state.tx.us/about/comments.html>. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Si desea información en Español, puede llamar al 1-800-687-4040 or por el internet al [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

Issued: July 29, 2013

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## WATER USE PERMIT

PERMIT NO.	12378	TYPE	§§ 11.121, 11.085
Permittee:	Guadalupe-Blanco River Authority	Address:	933 East Court Street Seguin, TX 78155
Filed:	December 23, 2009	Granted:	
Purpose:	Municipal & Industrial	Counties:	Gonzales, Hays, Comal, Guadalupe, Caldwell, DeWitt, Victoria, Kendall, Refugio, Calhoun
Watercourse:	Guadalupe River	Watershed:	Guadalupe River Basin, San Antonio River Basin, Colorado River Basin, Lavaca River Basin, Colorado-Lavaca Coastal Basin, Lavaca- Guadalupe Coastal Basin, San Antonio-Nueces Coastal Basin

WHEREAS, Guadalupe-Blanco River Authority (GBRA or Applicant) seeks authorization to divert and use not to exceed 75,000 acre-feet of water per year from the unappropriated flows of the Guadalupe River, Guadalupe River Basin, at a maximum diversion rate of 500 cfs (224,430 gpm) for municipal and industrial purposes within GBRA's statutory district, which consists of Hays, Comal, Guadalupe, Caldwell, Gonzales, DeWitt, Victoria, Kendall, Refugio, and Calhoun Counties; and

WHEREAS, Applicant also seeks authorization to construct one or more off-channel reservoirs in Gonzales County with a combined maximum storage capacity of 125,000 acre-feet, and to store water in the off-channel reservoir(s) for subsequent diversion and use for municipal and industrial purposes within GBRA's statutory district; and

WHEREAS, Applicant seeks an exempt interbasin transfer to the portions of the San Antonio River Basin, Colorado River Basin, Lavaca River Basin, Colorado-Lavaca Coastal Basin, Lavaca-Guadalupe Coastal Basin, and the San Antonio-Nueces Coastal Basin located within Hays, Coral, Guadalupe, Caldwell, Gonzales, DeWitt, Victoria, Kendall, Refugio, and Calhoun Counties; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) finds that jurisdiction over the application is established; and

WHEREAS, this permit, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included in the permit; and

WHEREAS, \_\_\_\_\_ requests for a contested case hearing were received for this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this water use permit;

NOW, THEREFORE, this Water Use Permit No. 12378 is issued to the Guadalupe-Blanco River Authority subject to the following terms and conditions:

1. IMPOUNDMENTS

Permittee is authorized to construct one or more off-channel reservoirs in Gonzales County with a maximum combined storage capacity of 125,000 acre-feet.

2. USE

A. Permittee is authorized to divert and use not to exceed 75,000 acre-feet of water per year from the Guadalupe River, Guadalupe River Basin for municipal and industrial purposes within GBRA's statutory district, which consists of Hays, Comal, Guadalupe, Caldwell, Gonzales, DeWitt, Victoria, Kendall, Refugio, and Calhoun Counties.

B. Permittee is authorized to store water lawfully diverted under this permit in the off-channel reservoir(s) authorized in Paragraph 1 and may subsequently divert and use this stored water for municipal and industrial purposes within GBRA's statutory district, which consists of Hays, Comal, Guadalupe, Caldwell, Gonzales, DeWitt, Victoria, Kendall, Refugio, and Calhoun Counties.

C. Permittee is authorized an exempt interbasin transfer to the portions of the San Antonio River Basin, Colorado River Basin, Lavaca River Basin,

Colorado-Lavaca Coastal Basin, Lavaca-Guadalupe Coastal Basin, and San Antonio-Nueces Coastal Basin located within Hays, Comal, Guadalupe, Caldwell, Gonzales, DeWitt, Victoria, Kendall, Refugio, and Calhoun Counties.

3. DIVERSION

A. Permittee is authorized to divert water from the Guadalupe River in the following diversion segment:

1. Upper limit of the diversion segment is located at Latitude  $29.4907^{\circ}\text{N}$ , Longitude  $97.4709^{\circ}\text{W}$ , also bearing  $\text{N}38^{\circ}\text{W}$ , 4,800 feet from the northwest corner of the Jose Maria Salinas Survey, Abstract No. 59, Gonzales County, Texas.
2. Lower limit of the diversion segment is located at Latitude  $29.3488^{\circ}\text{N}$ , Longitude  $97.2891^{\circ}\text{W}$ , also bearing  $\text{S}30^{\circ}\text{W}$ , 2,220 feet from the east corner of the Benjamin Fulcher Survey, Abstract No. 21, Gonzales County, Texas.

B. Permittee is authorized to divert the authorized water at a maximum combined diversion rate of 500 cfs (224,430 gpm).

4. TIME PRIORITY

The time priority for this right is December 23, 2009.

5. CONSERVATION

Permittee shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into, on or after the effective date of this permit, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive wholesale customer in the resale of the water will be required to implement water conservation measures.

6. SPECIAL CONDITIONS

A. Diversions of water from the Guadalupe River upstream of USGS Gage No. 08173900 (Guadalupe River at Gonzales) shall only be authorized when

streamflows exceed the following values at USGS Gage No. 08173900 (Guadalupe River and Gonzales), subject to Special Conditions C - J below:

Season	Subsistence	Base	Small Seasonal Pulse (2 per season)	Large Seasonal Pulse (1 per season)
Winter	210 cfs	796 cfs	Trigger: 1,150 cfs Volume: 9,640 af Duration: 13 days	N/A
Spring	210 cfs	791 cfs	N/A	N/A
Summer	210 cfs	727 cfs	Trigger: 950 cfs Volume: 7,060 af Duration: 10 days	Trigger: 1,760 cfs Volume: 14,800 af Duration: 14 days
Fall	180 cfs	746 cfs	Trigger: 1,410 cfs Volume: 11,400 af Duration: 13 days	N/A

cfs = cubic feet per second  
af = acre-feet

- B. Diversions of water from the Guadalupe River downstream of USGS Gage No. 08173900 (Guadalupe River at Gonzales) shall only be authorized as follows:
1. When streamflows at USGS Gage No. 08173900 (Guadalupe River at Gonzales) exceed subsistence and base flow values in Special Condition A above plus the diversion rate at the time of the diversion; and
  2. Applicable pulse flow requirements in Special Condition A are met and diversions from the Guadalupe River do not prevent a qualifying pulse from passing the diversion point; and
  3. Diversions below USGS Gage No. 08173900 (Guadalupe River at Gonzales) are also subject to Special Conditions C - J below.
- C. Permittee shall not divert water from the Guadalupe River if streamflow at USGS Gage No. 08173900 (Guadalupe River at Gonzales) is below the applicable subsistence flow.
- D. If streamflow at USGS Gage No. 08173900 (Guadalupe River at Gonzales) is greater than the applicable subsistence flow but less than the applicable base flow, Permittee shall not divert water from the Guadalupe River unless the measured flow at the gage exceeds the applicable subsistence flow, plus 50% of the difference between measured streamflow and the applicable subsistence flow.

- E. If streamflow at USGS Gage No. 08173900 (Guadalupe River at Gonzales) is greater than the applicable base flow but less than the applicable high flow pulse trigger requirement, permittee may divert water from the Guadalupe River unless streamflows fall below the applicable base flow, in which case Special Conditions C and D apply to the diversions.
- F. Seasons are defined as Winter (January-March), Spring (April-June), and Summer (July-September), and Fall (October-December).
- G. Each season is independent of the preceding and subsequent seasons with respect to high flow pulse frequency.
- H. If a qualifying pulse flow event is recorded at USGS Gage No. 08173900 (Guadalupe River at Gonzales), this pulse event shall satisfy a pulse requirement for that event within the respective season. A qualifying event occurs if the pulse flow trigger requirement is met and either the pulse flow volume or duration requirement is met. Permittee may divert water from the Guadalupe River when streamflows at USGS Gage No. 08173900 (Guadalupe River at Gonzales) exceed the pulse flow trigger requirement so long as such diversions do not prevent the occurrence of a qualifying high flow pulse which would otherwise have occurred.
- I. If a pulse flow requirement for the summer large seasonal pulse is satisfied, one of the summer small seasonal pulse requirements is also considered to be satisfied.
- J. If Permittee has stored water in any off-channel reservoir in accordance with the terms and conditions of this permit, including any applicable environmental flow requirements in effect at the time the water was diverted from the Guadalupe River and stored in the off-channel reservoir, Permittee may divert and use that stored water at any time, even if the applicable environmental flow requirement for diversion from the Guadalupe River is not met at the time of the subsequent diversion and use of that stored water.
- K. Within ten years of issuance of this permit, and prior to impoundment of water diverted hereunder in any off-channel reservoir, Permittee shall either: (a) notify the Executive Director that the authorized off-channel reservoir(s) as proposed in the plans filed with the application will be used for storage of water diverted under this permit and identify the specific location of the reservoir(s); or (b) submit a detailed statement and plans under Texas Water Code §11.144 for alterations and changes to the plans submitted with the application, including identifying the location for the specific off-channel reservoir to be constructed; or (c) file an application to extend the time for submitting a detailed statement and plans modifying the plans submitted with the application under Texas Water Code §11.144 as described under item (b) of this special condition.

- L. Permittee may store in and divert from the off-channel reservoir(s) other waters from the Guadalupe River Basin (authorized by surface water rights) so long as the underlying surface water right authorizes storage in the off-channel reservoir.
- M. Special Conditions A thru I are subject to adjustment by the commission if the commission determines, through an expedited public review process, that such adjustment is appropriate to achieve compliance with applicable environmental flow standards adopted pursuant to Texas Water Code § 11.1471. Any adjustment shall be made in accordance with the provisions of Texas Water Code § 11.147(e-1).
- N. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures may include, but shall not be limited to, the installation of screens at the diversion structures within the diversion reach.
- O. Prior to the diversion of water authorized herein, Permittee shall contact the South Texas Watermaster.
- P. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point(s) authorized above in Diversion Paragraph 3.
- Q. Permittee shall record the streamflow level at USGS Gage 08173900 (Guadalupe River at Gonzales) the time of the gage reading, the quantity of water diverted and the rate at which water is diverted when diversions from the Guadalupe River are initiated. Permittee shall continue to monitor and record streamflow levels and its diversion rate no less frequently than once every six hours while diversion of water from the Guadalupe River occurs. Permittee shall make these records available to the South Texas Watermaster on a weekly basis.
- R. Permittee shall allow representatives of the TCEQ reasonable access to the property to inspect the measuring device and records.

This water use permit is issued subject to all superior and senior water rights in the Guadalupe River Basin.

Permittee agrees to be bound by the terms, conditions, and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this water use permit are denied.

This water use permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State resources exercised by the Commission.

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For the Commission

ISSUED:

DRAFT

# **Agenda Item:**

6D. Ethics Policy. (staff)

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

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**SUBJECT:** Ethics Policy

**FOR AGENDA OF:** Aug. 27, 2013 **DATE SUBMITTED:** Aug. 14, 2013

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

**EXHIBITS:** None

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** *mp*

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

**PAYMENT TO BE MADE TO:** NA

**REVIEWED BY THE FINANCE DEPARTMENT:**

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**SUMMARY STATEMENT**

During the July 23, 2013, City Council meeting, Council discussed a draft ethics policy and directed the City Attorney to revise the draft.

**RECOMMENDED ACTION**

Consideration of ethics policy and direction to staff.

## **Agenda Item:**

7A. Update on activities of the beautification advisory committee. (staff)

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

**SUBJECT:** Update on activities of the Kerrville Beautification Advisory Committee

**FOR AGENDA OF:** August 27, 2013      **DATE SUBMITTED:** August 22, 2013

**SUBMITTED BY:** Ashlea Boyle, *AB*      **CLEARANCES:** Todd Parton,  
Main Street / Special Projects Manager      City Manager

**EXHIBITS:**

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

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**SUMMARY STATEMENT**

A report will be given on the activities of the Kerrville Beautification Advisory Committee.

**RECOMMENDED ACTION**

This report is for informational purposes only. No action is required.

## **Agenda Item:**

7B. Budget and economic update. (staff)



**City of Kerrville**  
**July 31, 2013**  
 (Month 10 of FY13 Budget)

	Current Month	Year To-Date	% (83.33) to Budget	Prior Year To-Date
<b>General Fund</b>				
Total Revenues	\$1,215,706	\$19,190,433	91.79%	\$18,859,731
Sales tax	\$433,337	\$4,535,912	93.52%	\$4,206,150
Property tax	\$53,883	\$8,165,580	101.44%	\$8,132,374
Total Expenditures	\$1,629,769	\$16,920,993	79.20%	\$15,718,215

<b>Water and Sewer Fund</b>				
Total Revenues	\$785,563	\$7,444,854	82.49%	\$7,271,228
Water Sales	\$421,594	\$3,935,787	87.46%	\$3,641,541
(9,646 accounts serving 12,624 units - 9,802 installed meters - 268 inactive)				
Sewer Service	\$297,165	\$2,906,559	76.49%	\$3,012,039
(8,830 accounts serving 11,950 units)				
Expenditures	\$666,639	\$6,916,006	76.95%	\$8,520,727

<b>Hotel/Motel:</b>				
Revenues	\$104,494	\$761,012	91.14%	\$674,301
Expenditures		\$620,250	74.28%	\$656,250

<b>Unemployment:</b>		<b>Consumer confidence:</b>		
National	7.4	National	80	
Texas	6.5	Texas	106	(Regional) up 14.8% over 2012
Local	5.6			(Sources: State Comptroller/WorkforceAlamo)

<b>Housing:</b>	
<i>Statewide</i>	
Building permits issued 21% over same period 2012	
Sales of existing single-family house 10.6% over same period 2012	
(Source: State Comptroller)	
<i>Local</i>	<i>Permits Issued for New Residence</i>
YTD 2013 - # month supply of inventory was 10.4	Oct 2011 - July 2012 - 15
YTD 2012 - # month supply of inventory was 12.8	Oct 2012 - July 2013 - 31
(Source: Texas Real Estate - Local Market Trends)	

## **Agenda Item:**

8A. Appointment to the food service advisory board. (staff)



**FOOD SERVICE ADVISORY BOARD**

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
HUGHES, BRENDA Chairperson 709 Galbraith Ave.	257-4540 (O) 370-3614 (H)	12-13-11		12-01-13
ARCHER, TYLER Vice-Chairperson 240 Valley View	210-372-2812 (O) 257-7000 (H)	12-13-11		12-01-13
BADING, DEBBIE 627 Lois Street #14	257-1348 (O) 210-326-3313 (H)	12-11-12		12-01-14
DITTMAR, REBECCA 155 Aqua Vista	353-1305 (O) 896-9037 (H)	12-11-12		12-01-14
McCRACKEN, SUSAN 406 Ave. B	895-4655 (O) 377-9847 (H)	12-08-09	12-13-11	12-01-13
VAZQUEZ, ABEL 158 Valley View	257-0606 (O) 896-9899 (H)	01-11-11	12-11-12	12-01-14
YOUNG, DARRELL 1326 Ranchero Rd.	257-0800 (O) 896-1852 (H)	12-11-12		12-01-14
<b>COUNCIL LIAISON:</b>				
STACIE KEEBLE 3533 La Cumbre Dr.	895-7725 (H)			
<b>CITY STAFF:</b>				
Danny Batts Director of Bldg. Svcs.	258-1178 (O) 896-0517 (F)			

**Qualifications:** Shall be composed of local certified food managers from the food service or food processing industry, any member of the local restaurant association who owns or conducts business in the city of Kerrville or any citizen of Kerr County qualified by training and/or experience to advise on the application of the food code.

**Powers and Duties:** To hear appeals and make recommendations to the health official for variances from provisions of the code; to provide assistance to the health official concerning interpretations of the code; to advise the city manager, at his request, regarding the suspension or revocation of food permits; and to consider and make recommendations to city council regarding any matters relating to the food service program.

**Term of Office:** Two Years; no member shall serve more than two consecutive terms.

Quorum: Four  
Number of Members: Seven  
Meeting Time & Place: Quarterly (Mar, Jun, Sep & Dec), Third Tuesday, 3:00 p.m., Council Chambers  
Absences: Any member who misses three consecutive regular meetings shall thus cause his/her seat on the board to become vacant. The council shall then appoint a new member to fill the vacancy.  
Established by: Ordinance 1989-30; amended by Ordinance 1994-11  
Code of Ordinances: Chapter 58 - Article II - Section 58-34  
Revised: December 13, 2012