

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY, NOVEMBER 12, 2013, 6:00 P.M.**

**KERRVILLE CITY HALL UPSTAIRS CONFERENC ROOM**

**701 MAIN STREET, KERRVILLE, TEXAS**

**KERRVILLE CITY COUNCIL AGENDA**  
**REGULAR MEETING, TUESDAY, NOVEMBER 12, 2013, 6:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**INVOCATION** offered by Father Tom Murray, of St. Peter's Episcopal Church.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** led by Cadet 1<sup>st</sup> Lieutenant Curtis Kenalty, of the Tivy High School Air Force Junior Reserve Officer Training Corps.

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. 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:

2A. Minutes of the city council special meeting held October 22, 2013 at 8:30 a.m. and the regular meeting held October 22, 2013 at 6:00 p.m. (staff)

2B. Authorization to submit a funding application in the amount of \$20,000 to the City of Kerrville, Texas Economic Improvement Corporation to host an arts event during Memorial Day weekend. (staff)

**END OF CONSENT AGENDA**

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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, November 8, 2013 at 1:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig  
City Secretary, City of Kerrville, Texas

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**3. PUBLIC HEARING AND RESOLUTION**

3A. Resolution No. 43-2013 amending Resolution No. 34-2010, which granted a Conditional Use Permit for an approximate 2.19 acre tract of land, being Lots 134 through 143, inclusive, of Block 2 of the J.D. Brown Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 620 Main Street (State Highway 27) and located within zoning district 11-C (Central City), by amending the provisions applicable to signage on the property. (staff)

**4. PUBLIC HEARING AND ORDINANCE, FIRST READING:**

4A. Ordinance No. 2013-22, amending the city's "Zoning Code" by revising regulations regarding building setbacks; containing a cumulative clause; containing a savings and severability clause; providing for a penalty for a violation of any provision hereof; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

**5. CONSIDERATION AND POSSIBLE ACTION:**

5A. Charter of the City of Kerrville, Texas and proposed amendments, if any. (staff)

5B. Resolution No. 42-2013 nominating candidates to Kerr Central Appraisal District Board of Directors. (staff)

5C. Offers to purchase property at 800 Junction Highway, the former city hall. (staff)

5D. Donation by the Cailloux Foundation to the City of Kerrville of land and improvements consisting of the parking garage and office building located at the northwest corner of the intersection of Sidney Baker and Water Street and the office building located at 219 Clay Street. (staff)

**6. INFORMATION AND DISCUSSION:**

6A. Budget and economic update. (staff)

**7. BOARD APPOINTMENTS:**

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

7B. Appointments to the beautification advisory committee. (staff)

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Brenda Craig  
City Secretary, City of Kerrville, Texas

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**8. ITEMS FOR FUTURE AGENDAS**

**9. 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.

**10. 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:

- 800 Junction Highway, former city hall
- Donation by the Cailloux Foundation to the City of Kerrville of land and improvements consisting of the parking garage and office building located at the northwest intersection of Sidney Baker and Water Street and the office building located at 219 Clay Street
- Jefferson lift station
- River Trail.

Section 551.074:

- Annual review of city attorney.

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

**12. ADJOURNMENT.**

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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, November 8, 2013 at 1:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig  
City Secretary, City of Kerrville, Texas

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## **Agenda Item:**

2A. Minutes of the city council special meeting held October 22, 2013 at 8:30 a.m. and the regular meeting held October 22, 2013 at 6:00 p.m. (staff)

CITY COUNCIL MINUTES  
SPECIAL MEETING

KERRVILLE, TEXAS  
OCTOBER 22, 2013

On October 22, 2013, the Kerrville City Council special meeting was called to order by Mayor Pratt at 8:30 a.m. in the city hall council chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT:

Gene Allen	Councilmember
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CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Heather Stebbins	Assistant City Attorney
Kristine Ondrias	Assistant City Manager
Cheryl Brown	Deputy City Secretary
Jason Lutz	Senior Planner
Kim Meismer	Director of General Operations
Susan Michelson	Municipal Court Coordinator

**CONSIDERATION AND POSSIBLE ACTION:**

Appeals by the applicant/operator for reasonable accommodations in accordance with Ordinance No. 2013-06 group home and boarding home facilities at the following addresses:

818 Bulwer Avenue  
929 Pecan Street

Ms. Stebbins reviewed the ordinance, and stated its purpose. She also reviewed the requests in the applicant's request for reasonable accommodation. She stated that the applicant, Nikki Saurage requested an increase in the allowed occupants from 8 to 15 in the 818 Bulwer Avenue location, and in the 929 Pecan Street location, requested an increase from 8 to 10 occupants. The applicant also requested the \$1,000.00 fee be waived and to be excepted from the Group Home Ordinance. Ms. Stebbins explained that Council will review staff's denial of the applicant's requests.

Mr. Steven Polin, attorney representing Ms. Saurage, spoke regarding her request. He listed the reasons she should be granted the request for more occupants, and the waiver of the \$1,000.00 fee.

**EXECUTIVE SESSION:**

Mr. MacDonald moved for the city council to go into executive closed session under Section 551.071 of the Texas Government Code; the motion was seconded by Mr. Conklin and passed 4-0 to discuss the following matter:

**Pursuant to Section 551.071:**

Appeals by the applicant/operator for reasonable accommodations in accordance with Ordinance No. 2013-06 group home and boarding home facilities at the following addresses:

818 Bulwer Avenue  
929 Pecan Street.

At 8:45 a.m. the regular meeting recessed and council went into executive closed session. The executive closed session recessed and council returned to open session at 9:33 a.m. The mayor announced that no action had been taken in executive session.

Ms. Stebbins stated that the ordinance regulating group/boarding homes was not discriminatory, and that the boarding homes were held to the same standards as other group homes. Ms. Stebbins reminded those in attendance that the applicant was given a reasonable accommodation for the Pecan Street location, as she was allowed to have 8 occupants instead of only 6. Ms. Stebbins said when a complaint regarding overcrowding, even if it is a residential home, is received by the city, that complaint is investigated, and the appropriate action is taken for any code violations. She stated that the city determined when drafting the ordinance that to proceed with a permit requirement without charging a fee would be an undue burden on the City. The fee will be reviewed next year when re-permitting is done, but for the initial permit, \$1,000.00 was a reasonable fee.

Mr. MacDonald made the motion that the City Council find the applicant's request to waive the fee for both of the homes, 929 Pecan Street and 818 Bulwer Avenue, would impose an undue financial burden on the City, and further that the City Council found that the waiver of the applicability of the ordinance in its entirety also imposed an undue administrative burden on the City, and on those grounds he moved to deny both requests. Mr. Conklin seconded, and the motion passed 4-0.

Ms. Keeble made the motion that, based on the information provided to Council by Ms. Stebbins regarding the location and size of the property at 818 Bulwer Avenue, the applicant be permitted to increase the number of occupants from eight to ten. She stated the house is located next to a Residential Transitional zoning district, it is in a more secluded area, it is near places in town that the residents will need to frequent during their recovery, and because of that, a reasonable accommodation should be made to increase the number of occupants from eight to ten. Mr. MacDonald seconded, and the motion passed

4-0.

Mr. Conklin made the motion that the council deny the requested accommodation for increasing the number of occupants at 929 Pecan Street, and that the number of allowed occupants remain at eight. Ms. Keeble seconded, and the motion passed 4-0.

**ADJOURNMENT:** The meeting adjourned at 9:40 a.m.

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

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

ATTEST:

\_\_\_\_\_  
Cheryl Brown, Deputy City Secretary

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
OCTOBER 22, 2013

On October 22, 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 Bob Allen, of the First United Methodist Church, followed by the Pledge of Allegiance led by Wilie Askey, Army World War II Veteran, and member of the Association of the American Veterans.

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
Cheryl Brown	Deputy City Secretary
Sandra Yarbrough	Director of Finance
Robert Ojeda	Fire Chief
Ashlea Boyle	Special Projects Coordinator
Laura Bechtel	Library Director

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

**1. VISITORS/CITIZENS FORUM:**

Bill Cantrell, 428 Saddle Club Drive, Kerrville, TX reported on the upcoming Veterans' Day March, which was formerly called the Veterans' Day Parade. He stated several bands and color guards would participate. He invited all of the veterans, and their families to attend the march on November 11, 2013 at 5:00 p.m.

**2. RECOGNITIONS:**

2A. Proclamation designating Friends of the Library Week October 20-26, 2013.

2B. Resolution of Commendation to Glenn Clark Andrew for serving on the zoning board of adjustment.

2C. Proclamation recognizing Clarabelle Snodgrass on the occasion of her 100<sup>th</sup> birthday.

**3. CONSENT AGENDA:**

Mr. Conklin moved to approve Consent Agenda items number 3A through 3D. Ms. Keeble seconded, and the motion passed 5-0.

3A. Minutes of the city Council special meetings held October 3, 2013 at 8:00 a.m. and 10:00 a.m.; special meetings held October 8, 2013, at 2:00 p.m. and 5:30 p.m.; and the regular meeting held October 8, 2013 at 6:00 p.m.

3B. Authorization to submit grant application to the Hal & Charlie Peterson Foundation in the amount of \$400,000 for Phase III of the Butt-Holdsworth Memorial Library Campus renovation project.

3C. Authorization to submit funding application in the amount of \$400,000 to the City of Kerrville, Texas Economic Improvement Corporation for Phase III of the Butt-Holdsworth Memorial Library Campus renovation project.

3D. Resolution No. 39-2013 cancelling the regular meeting of the city Council scheduled for November 26, 2013.

**END OF CONSENT AGENDA**

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

5A. Ordinance No. 2013-20, approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's 2013 annual rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; requiring the company to reimburse cities' reasonable ratemaking expenses; repealing conflicting resolutions or ordinances; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; providing a most favored nations clause; and requiring deliver of this ordinance to the company and the steering committee's legal counsel. Mayor Pratt read the ordinance by title only.

Mr. Hayes noted that this was the second and final reading of the ordinance. He reported that after ACSC's legal counsel reviewed the filing, they recommended a \$16.6 million rate increase; the average residential customer's bill would increase \$0.74 per month. Mr. Hayes recommended approval.

Ms. Keeble moved for approval of Ordinance No. 2013-20, as presented, on second and final reading; Mr. Allen seconded the motion and it passed 5-0.

**5. ORDINANCE, FIRST AND ONLY READING:**

5A. Ordinance No. 2013-21 by the City Council of the City of Kerrville, Texas authorizing the issuance of "City of Kerrville, Texas Utility System Revenue Bonds, Series 2013"; providing for the payment of the principal of and interest on the bonds by a first and prior lien on and pledge of the pledged revenues of the city's utility system; providing the terms and conditions of such bonds; resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such bonds; authorizing the execution of a paying agent/registrar agreement and a purchase and investment letter; complying with the requirements of the letter of representations previously executed with the depository trust company; and providing for an effective date. Mayor Pratt read the ordinance by title only.

Mr. Parton noted that the ordinance provided for a \$6,300,000.00 bond issuance on behalf of Kerrville Public Utility Board (KPUB). The pledge to repay the bond would be from KPUB's revenue. The debt issuance would fund KPUB's capital plan. The debt issuance was discussed by the City Council in March, 2013, when the City Council approved a reimbursement resolution that allowed KPUB to expend some of the funds for the contemplated projects, and would allow them to use part of the bond proceeds to reimburse the eligible expenditures that were passed and approved. KPUB is an entity of the City of Kerrville, and the issuance of any debt must be approved by the City Council.

Mr. McCuan, General Manager of KPUB, stated that the bond issuance was for four sub-station projects. The bonds were to be issued by Broadway Bank.

Mr. MacDonald moved for approval of Ordinance 2013-21 as presented. Mr. Allen seconded the motion and it passed 5-0.

**6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Request by the Military Order of the Purple Heart to waive all fees for the Veterans Day Parade.

Byron Warren, reviewed plans for the parade, and asked that the Council approve the waiver of the \$50.00 fee for the parade.

Ms. Keeble moved to approve the waiver of the fee for the parade. Mr. Allen seconded the motion, and it passed 5-0.

6B. Charter of the City of Kerrville, Texas and proposed amendments, if any.

Mr. Hayes noted that, on September 24, 2013, the Charter Review Commission (CRC) presented a report to the Council.

Council discussed the changes recommended by the CRC, in particular, sections pertaining to the fee for a candidate to be placed on the ballot, and the petition requirements for recall and referendum.

John Mosty, Chairman of the CRC, responded to some questions from the Council. Citizens were encouraged to contact the Council members.

The consensus of the Council was to garner more input from the public and discuss the charter amendments at the next meeting.

**7. INFORMATION AND DISCUSSION:**

**7A. Kerrville Economic Development Corporation work program update.**

Jonas Titas presented an update of the work program with KEDC; he reviewed the projects that were currently being considered, projects that were completed during the past year, and for the next year, which included craft agriculture, and the implementation of a wine tour.

**7B. Kerrville Triathlon post event report.**

Ms. Boyle reported on the event, that there were 1,254 participants, which included 150 children in the "Fun Run", and 300 volunteers helped with the event. According to the CVB, there was an economic impact of approximately \$600,000.00 to the Kerrville area.

**7C. Budget and economic update.**

Ms. Yarbrough reported the 2013 budget: 1) general fund revenue was at 103% of projection, and expenditures at 96% of budget; and 2) utility fund was at 103% of projected revenue and expenditures at 93%. This was the last pay period for both funds for fiscal year 2013.

**8. BOARD APPOINTMENTS:**

**8A. Appointments to the zoning board of adjustment:**

Matter was deferred to executive session.

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

**10. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

Police department would be conducting a prescription drug collection on Saturday, October 26, 2103.

**11. EXECUTIVE SESSION:**

**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.

**Section 551.074:**

- Appointment to the zoning board of adjustment.

At 7:05 p.m. the regular meeting recessed and Council went into executive closed session at 7:05 p.m. At 7:30 p.m. the executive closed session recessed and Council returned to open session at 7:32 p.m. The mayor announced that no action had been taken in executive session.

**11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:**

8A. Appointments to the Zoning Board of Adjustment. Ms. Keeble moved to appoint Sam Ligon as a regular board member with term to expire September 30, 2015; Mr. Allen seconded the motion and it passed 5-0.

**ADJOURNMENT.** The meeting adjourned at 7:34 p.m.

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

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

ATTEST:

\_\_\_\_\_  
Cheryl L. Brown, Deputy City Secretary

## **Agenda Item:**

2B. Authorization to submit a funding application in the amount of \$20,000 to the City of Kerrville, Texas Economic Improvement Corporation to host an arts event during Memorial Day weekend. (staff)

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

**SUBJECT:** Authorization for city staff to submit a funding application to the City of Kerrville, Texas, Economic Improvement Corporation to host an arts event during Memorial Day weekend

**FOR AGENDA OF:** November 12, 2013 **DATE SUBMITTED:** November 6, 2013

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

**EXHIBITS:**

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

**SUMMARY STATEMENT**

The Texas Arts and Crafts Educational Foundation recently announced the retirement of the Official Texas State Arts and Crafts Fair. Kerrville has an established reputation of hosting a major arts event during Memorial Day weekend as the fair has been held in Kerrville for over 40 years. In an effort to keep a major arts event in Kerrville on Memorial Day weekend, the City of Kerrville in conjunction with other community stakeholders, are planning to host an event in downtown Kerrville in 2014. The event tentatively named *Kerrville Festival of the Arts* will present a juried fine art show in addition to family "fun art" events incorporating a multitude of different forms of art.

City staff is requesting authorization to submit a funding application to the Economic Improvement Corporation (EIC) in the amount of \$20,000 for equipment items to support the event. Funding applications for community events for the 2014 calendar year are due to the EIC by December 1, 2013. The EIC will consider the community event applications at their January 2014 meeting.

**RECOMMENDED ACTION**

City staff is requesting authorization to submit a funding application to the EIC in the amount of \$20,000 to host a Memorial Day weekend arts event.

## **Agenda Item:**

3A. Resolution No. 43-2013 amending Resolution No. 34-2010, which granted a Conditional Use Permit for an approximate 2.19 acre tract of land, being Lots 134 through 143, inclusive, of Block 2 of the J.D. Brown Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 620 Main Street (State Highway 27) and located within zoning district 11-C (Central City), by amending the provisions applicable to signage on the property. (staff)

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

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**SUBJECT: Public Hearing & Action: CUP Amendment** – Public hearing, consideration, and action concerning proposed amendments to the allowable signage portion of Section Two (E)(1) of Resolution 034-2010, which granted a Conditional Use Permit for an approximate 2.19 acre tract of land and more commonly known as National Car Sales, located at 620 Main Street.

**FOR AGENDA OF:** Nov. 12, 2013      **DATE SUBMITTED:** Oct. 31, 2013

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

**EXHIBITS:** Site Map, Resolution, and Exhibit

**AGENDA MAILED TO:** John Miller, 620 Main Street, 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 DIRECTOR OF FINANCE:**

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**SUMMARY STATEMENT**

The applicant is seeking to amend his current conditional use permit in order to construct a new sign located at the northwest corner of Sidney Baker St. and Main Street.

Previously the applicant applied for a variance to the new sign ordinance to allow his existing electronic sign to continue to operate as a scrolling sign. The variance was denied based on a vote of 3 members voting for the variance and 2 members voting against the variance. Any variance requires an affirmative vote of at least 4 members.

The applicant then sought an amendment to the current sign code in order to allow him to replace the existing sign with a larger one. The sign code at the time stated that if a street was the boundary for the Downtown Core that both sides of the street would fall under the Downtown Core section for signage, even though the property was not located in the core. This amendment was approved by council, which would now allow the applicant to install a larger electronic sign in this location. However the enlargement of the sign is still governed by his existing CUP, which limits his existing signs on the property to be maintained in their current sizes and dimensions.

The current sign that the applicant is seeking to install (see Exhibit A) is larger than what is permitted by his existing CUP. The applicant is seeking to amend this CUP to allow a new sign, as depicted in Exhibit A.

The proposed sign does meet the current regulations of the sign code for signs located at street intersections. The current ordinance does not allow for any portion of a sign face to be located

between 2' and 10' if the sign is located in the sight visibility triangle of an intersection. This triangle is formed by extending 25' in each direction from the intersection. The existing sign is located in this triangle and does not meet the criteria for this regulation.

Based on the following facts, the Kerrville Planning & Zoning Commission recommended approval of the proposed amendments to the CUP, by a vote of 4-0.

1. The new sign would meet the safety criteria found in the City of Kerrville's adopted sign code.
2. The new sign and its proposed dimensions would be permitted under the City of Kerrville's adopted sign code.
3. Other signage found on the property was permitted via the variance process in 2010.

### **RECOMMENDED ACTION**

1. Open the public hearing and receive comments.
2. Approve the CUP amendment, as outlined in the attached resolution.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. \_\_\_\_-2013**

**A RESOLUTION AMENDING RESOLUTION NO. 34-2010, WHICH GRANTED A CONDITIONAL USE PERMIT FOR AN APPROXIMATE 2.19 ACRE TRACT OF LAND, BEING LOTS 134 THROUGH 143, INCLUSIVE, OF BLOCK 2 OF THE J.D. BROWN ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, AND OTHERWISE KNOWN AS 620 MAIN STREET (STATE HIGHWAY 27) AND LOCATED WITHIN ZONING DISTRICT 11-C (CENTRAL CITY), BY AMENDING THE PROVISIONS APPLICABLE TO SIGNAGE ON THE PROPERTY**

**WHEREAS**, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, pursuant to Resolution No. 34-2010, granted a Conditional Use Permit for the property located at 620 Main Street; and

**WHEREAS**, in compliance with the City Charter and state law with reference to the granting of conditional use permits under Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, Texas, and the official zoning map adopted thereby, having given the requisite notices by United States mail, publication and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the City Council of the City of Kerrville, Texas, finds that the health, safety and general welfare will be best served by amending the Conditional Use Permit, as previously authorized by Resolution No. 34-2010, to revise the provisions applicable to signage on the property and as set out hereinafter on the property described in Section One hereof;

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

**SECTION ONE.** Resolution No. 34-2010 is amended by deleting subsection 2.E.1. and replacing it in its entirety as follows:

“E. **Signs:** All signage on the property must comply with the following:

1. On-premise, signage adjacent to Sidney Baker is limited to two (2) existing monument signs and their existing sizes and dimensions; and one (1) free-standing sign located at the intersection of Sidney Baker and Main Street, to replace the existing free-standing sign located at the same location, and which if constructed, must be constructed in accordance with the size and dimensions specified in **Exhibit A.**”

**SECTION TWO.** Other than the amendment specified above, Resolution No. 34-2010 remains in full force and effect.

**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

CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 43-2013

A RESOLUTION AMENDING RESOLUTION NO. 34-2010, WHICH GRANTED A CONDITIONAL USE PERMIT FOR AN APPROXIMATE 2.19 ACRE TRACT OF LAND, BEING LOTS 134 THROUGH 143, INCLUSIVE, OF BLOCK 2 OF THE J.D. BROWN ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, AND OTHERWISE KNOWN AS 620 MAIN STREET (STATE HIGHWAY 27) AND LOCATED WITHIN ZONING DISTRICT 11-C (CENTRAL CITY), BY AMENDING THE PROVISIONS APPLICABLE TO SIGNAGE ON THE PROPERTY

WHEREAS, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, pursuant to Resolution No. 34-2010, granted a Conditional Use Permit for the property located at 620 Main Street; and

WHEREAS, in compliance with the City Charter and state law with reference to the granting of conditional use permits under Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, Texas, and the official zoning map adopted thereby, having given the requisite notices by United States mail, publication and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the City Council of the City of Kerrville, Texas, finds that the health, safety and general welfare will be best served by amending the Conditional Use Permit, as previously authorized by Resolution No. 34-2010, to revise the provisions applicable to signage on the property and as set out hereinafter on the property described in Section One hereof;

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

SECTION ONE. Resolution No. 34-2010 is amended by deleting subsection 2.E.1. and replacing it in its entirety as follows:

“E. Signs: All signage on the property must comply with the following:

1. On-premise signage adjacent to Sidney Baker is limited to two (2) existing monument signs and their existing sizes and dimensions; and one (1) free-standing sign located at the intersection of Sidney Baker and Main Street, to replace the existing free-standing sign located at the same location, and which if constructed, must be constructed in accordance with the size and dimensions specified in **Exhibit A.**”

SECTION TWO. Other than the amendment specified above, Resolution No. 34-2010 remains in full force and effect.

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

Exhibit A - Pg. 1

Watchfire XVS 12mm RGB Electronic Message Center. See page 3-4 for warranty and terms of purchase.

Two sided lighted cabinet with embossed pan faces as shown. Internal lighting using fluorescent lamps.



Existing flower bed structure. Will remove dirt and cut concrete to allow access to auger a new hole for sign pole.

All sign projects performed by Pro-Tech require a 50% deposit for work to begin or material to be ordered. All signs and structures sold and/or installed by Pro-Tech remain 100% property of Pro-Tech until final balance is paid in full.

\*Regulated by the Texas Dept. of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711 - Tel:(512)463-6599, Toll Free (in Texas): 800-803-9202 Online-  
<http://www.license.state.tx.us/Complaints>" (Ref: 1305).

To make this quotation and order please inspect proof for color, spelling, size and shape. If everything is approved please sign below



1684 Junction Hwy, Kerrville, Texas 78028  
T: 830.895.4900 F: 210.579.6825

Client: National Car Sales	Date: 8-29-13
Location: Kerrville, Texas	Page: 1 of 4
Approval:	
Total Cost:	



WatchFire XVS 12mm RGB  
 Overall Size - 41" x 9'3"  
 Viewing Area - 36" x 9'  
 Matrix - 72x216  
 9 Lines / 43 Characters @ 3" Type.

watchfire

**National**  
 Car Sales.

830-257-8266  
 www.nationalcarsales.net

New 8" steel support pole will be direct buried 7' in ground and cemented in center of flower bed.

Existing rock base will remain under new sign

Remove and discard existing sign

All sign projects performed by Pro-Tech require a 50% deposit for work to begin or material to be ordered. All signs and structures sold and/or installed by Pro-Tech remain 100% property of Pro-Tech until final balance is paid in full.

\*Regulated by the Texas Dept. of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711 - Tel:(512)463-6599, Toll Free (in Texas): 800-803-9202 Online-  
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To make this quotation and order please inspect proof for color, spelling, size and shape. If everything is approved please sign below



1684 Junction Hwy. Kerrville, Texas 78028  
 T: 830.895.4900 F: 210.579.6825

<b>Client:</b> National Car Sales	<b>Date:</b> 8-29-13
<b>Location:</b> Kerrville, Texas	<b>Page:</b> 1 of 4
<b>Approval:</b>	
<b>Total Cost:</b>	

## **Agenda Item:**

4A. Ordinance No. 2013-22, amending the city's "Zoning Code" by revising regulations regarding building setbacks; containing a cumulative clause; containing a savings and severability clause; providing for a penalty for a violation of any provision hereof; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

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

---

**SUBJECT:** Public Hearing & Action: Zoning Code Text Amendment and 1<sup>st</sup> Ordinance Reading – Public hearing, consideration, and action concerning a request to amend Article 11-I-17(c)(9), regarding regulations concerning the Location of accessory structures beyond setbacks, of the Zoning Code of the City of Kerrville.

**FOR AGENDA OF:** Nov. 12, 2013

**DATE SUBMITTED:** Oct. 31, 2013

**SUBMITTED BY:** Jason Lutz

**CLEARANCES:** Kristine Ondrias 

**EXHIBITS:** Ordinance

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

---

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

---

**SUMMARY STATEMENT**

The goal of this amendment is to modify language in the current zoning code, adjust the size of accessory structures in relation to their setbacks, limit structure height, and allow accessory structures, with a floor square footage between 150' and 528' to be located beyond the rear setback, but no closer than 6' to any property line. In addition these amendments would also eliminate an error in the current zoning code concerning screening requirements for accessory structures. All proposed amendments have been recommended by the City of Kerrville's Zoning and Input Committee.

The attached ordinance highlights new language in blue and shows deleted language in red.

The major changes are outlined below:

- (9) Location of Accessory Structures Beyond Setback:
  - Language change, structures shall not extend beyond the setbacks, except as follows.
  - "May extend" was changed to "shall not extend".
- (9) (ii)
  - Language added: added "located on property zoned as residential"
  - Language change: deleted "of less than" and replaced with "not exceeding"
  - Language added: "and not exceeding fifteen feet (15.0)'"
  - Language change: deleted "in no case" and replaced with "not"
- (9) (iii)
  - Language added: added "located on property zoned as residential"

- Language change: deleted “but less than four hundred (400) square feet” and replaced with “up to a maximum of five hundred twenty-eight (528) square feet”
    - This increase in size is to accommodate a standard two car garage (22'x24')
  - Language change: deleted “into any setback” and replaced with “to any property line”
    - The goal of this change is to correct an error in the language that was not intended in this regulation. The original amendment was added to allow structures beyond the setbacks but no closer than 6’ to any property line. The language adopted stated “not closer than 6’ into any setback” thus changing the goal. An example of this is that a property with a rear setback of 25’ could only put a garden shed 19’ from the property line, instead of 6’, as they were only allowed to encroach the setback by 6’.
- (9) (iv)
    - Language added: added “or structure”
    - Language change: deleted “residential” and replaced with “zoned as residential”
    - Language change: deleted “non-residential” and replaced with “not zoned as residential”
    - Language change: deleted “lot” and replaced with “property”
    - Language change: deleted “as described in Paragraph (iv), above” and replaced with “Type A screening is constructed in accordance with City regulations”
      - This change is being done to correct an error in the code. The original amendment change for this section, done in 2010, deleted Paragraph (iv), consequently this section of code has been referring to another section that no longer exists.
  - (9) (v)
    - Language change: deleted “residential” and replaced with “zoned as residential”
    - Language change: deleted “non-residential” and replaced with “not zoned as residential”
    - Language added: added “or structure”
    - Language change: deleted “residential” and replaced with “zoned as residential”
    - Language change: deleted “business” and replaced with “not zoned as residential”
    - Language change: deleted “in no case shall the building extend” and replaced with “not”
    - Language change: deleted “lot” and replaced with “property”

### **RECOMMENDED ACTION**

1. Open the public hearing and receive comments.
2. Approve the zoning code text amendments, as outlined in the attached ordinance on the first reading.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2013-\_\_**

**AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY REVISING REGULATIONS REGARDING BUILDING SETBACKS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR A VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

**WHEREAS**, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of public hearings which were held before the City Council on \_\_\_\_\_, 2013, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in revisions to the City's Zoning Code as specified herein; and

**WHEREAS**, such public hearings were held in the Council Chambers beginning at approximately 6:00 p.m. on \_\_\_\_\_, 2013, as advertised; and

**WHEREAS**, after full hearings, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and the City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's Zoning Code as specified herein;

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

**SECTION ONE.** Section 11-I-17 (9) of the City's Zoning Code is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~[deleted]~~) to the sections as follows:

- "(9) Location of Accessory Structures Beyond Setback:** Accessory buildings or structures shall not ~~[may]~~ extend beyond the setback, except as follows:
- i. satellite dishes may extend beyond the side or rear setback, but not the front setback;
  - ii. an accessory building or structure, located on property zoned as residential, with a floor area not exceeding ~~[of less than]~~ one hundred fifty (150) square feet, and not exceeding fifteen feet (15.0') in height, may extend beyond the

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

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

**SECTION SIX.** 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 the 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

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2013-22**

**AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY REVISING REGULATIONS REGARDING BUILDING SETBACKS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR A VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT**

**WHEREAS**, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of public hearings which were held before the City Council on November 5, 2013, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in revisions to the City's Zoning Code as specified herein; and

**WHEREAS**, such public hearings were held in the Council Chambers beginning at approximately 6:00 p.m. on November 5, 2013, as advertised; and

**WHEREAS**, after full hearings, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and the City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's Zoning Code as specified herein;

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

**SECTION ONE.** Section 11-I-17 (9) of the City's Zoning Code is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) to the sections as follows:

- "(9) Location of Accessory Structures Beyond Setback:** Accessory buildings or structures shall not ~~may~~ extend beyond the setback, except as follows:
- i. satellite dishes may extend beyond the side or rear setback, but not the front setback;
  - ii. an accessory building or structure, located on property zoned as residential, with a floor area not exceeding ~~of less than~~ one hundred fifty (150) square feet, and not exceeding fifteen feet (15.0') in height, may extend beyond the

side or rear setback, but not ~~[in no case]~~ closer than three feet (3.0') to any property line.

- iii. an accessory building or structure, located on property zoned as residential, with a floor area greater than one hundred fifty (150) square feet up to a maximum of five hundred twenty-eight (528) square feet ~~[but less than four hundred (400) square feet,]~~ and not exceeding ~~[no taller than]~~ fifteen feet (15.0') in height ~~[, and located on residential property]~~ may extend beyond the rear setback but not closer than six feet (6.0') to any property line ~~[into any setback]~~.
- iv. an accessory building or structure located on ~~[non-residential]~~ property not zoned as residential and abutting other ~~[non-residential]~~ property not zoned as residential, including garages and carports, may extend beyond the side or rear setback, but no closer than:
  - a three feet (3.0') to any property ~~[lot]~~ line, if a Type A screening fence ~~[as described in Paragraph (iv), above,]~~ is constructed in accordance with City regulations; or
  - b six feet (6.0') to any lot line if no screening fence is constructed;
- v. if the side or rear lot line of a ~~[residential]~~ property zoned as residential abuts the property line of a ~~[non-residential]~~ property not zoned as residential, an accessory building or structure located on ~~[residential]~~ property zoned as residential, including, but not limited to, a detached carport or garage, may extend beyond the rear setback of the lot line adjacent to the ~~[business]~~ property zoned as commercial property, but not ~~[in no case shall the building extend]~~ closer than three feet (3.0') to any property line ~~[lot]~~ line."

**SECTION TWO.** The City Secretary is authorized and directed to amend the Zoning Code to reflect the amendments adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code, as appropriate.

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

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

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

**SECTION SIX.** 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 the 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:**

5A. Charter of the City of Kerrville, Texas and proposed amendments, if any.  
(staff)

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

**SUBJECT:** Charter of the City of Kerrville, Texas, and Proposed Amendments, if any

**FOR AGENDA OF:** Nov. 12, 2013, *WNA* **DATE SUBMITTED:** Oct. 30, 2013

**SUBMITTED BY:** Mike Hayes, *WNA* **CLEARANCES:**  
City Attorney

**EXHIBITS:** *Report of the 2013 Kerrville Charter Review Commission* (by email only)

**AGENDA SENT TO:** CRC

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

<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>
\$ NA	\$	\$	

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

**SUMMARY STATEMENT**

Last year, the City Council established a Charter Review Commission (“CRC”). Council charged the CRC with reviewing the City Charter. The CRC completed its review of the Charter and submitted its *Report of the 2013 Kerrville Charter Review Commission* at Council’s September 24, 2013, meeting. After the CRC’s presentation, Council voted to accept the Report.

**RECOMMENDED ACTION**

Consideration of amendments to the City Charter.

## **Agenda Item:**

5B. Resolution No. 42-2013 nominating candidates to Kerr Central Appraisal District Board of Directors. (staff)

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

**SUBJECT:** Resolution No. 42-2013 submitting nomination(s) to represent the City of Kerrville on the Kerr Central Appraisal District Board of Directors

**FOR AGENDA OF:** November 12, 2013      **DATE SUBMITTED:** October 31, 2013

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

**EXHIBITS:** Letter from KCAD dated October 10, 2013  
Current KCAD board sheet

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

**SUMMARY STATEMENT**

The Kerr Central Appraisal District (KCAD) has requested nominations from the City of Kerrville for the Board of Directors for the 2014-2015 term. There are five positions open on the board, and the city may nominate up to five (5) persons. The deadline for taxing entities to submit nominees is November 15; KCAD will then prepare a ballot for entities to cast their votes.

Based on the city's tax levy, KCAD estimates that the city will have 709 votes of the 5,000 votes to be cast in the election. Each entity can choose to allocate its votes to one candidate or may split their votes among all five candidates.

Nominees are required to meet certain eligibility requirements as stated in the attached letter from KCAD; those requirements are:

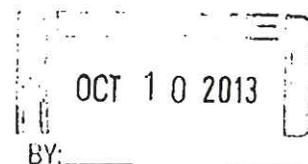
- Must live in the appraisal district more than two years.
- Must not have any significant conflict of interest.
- Must not be delinquent in payment of property taxes for more than 60 days.
- Cannot be related to an appraiser or a taxpayer representative.
- Must not have substantial interest in a business that is party to a contract with KCAD, or contracts with any taxing entity that participated in KCAD.

**RECOMMENDED ACTION**

Approval of Resolution No. 42-2013 nominating person(s) to the KCAD Board of Directors.

# KERR CENTRAL APPRAISAL DISTRICT

P.O. BOX 294387  
1836 JUNCTION HIGHWAY  
KERRVILLE, TEXAS 78029



City of Kerrville  
701 Main Street  
Kerrville, TX 78028

Re: Nominations for Kerr CAD Board of Directors 2014 - 2015 Term

1. As a participating taxing entity your governing body may nominate up to five (5) people by resolution for the election of Appraisal District Board of Directors.
2. Once all nominees have been received I will be mailing you a ballot in order for your entity to cast their votes.
3. Based on your entity's 2013 levy a total of 709 votes may be cast by your entity for the nominee or nominees of your choice after you receive your ballot from me. A total of 5,000 votes are allotted to the taxing entities eligible to participate in the election of the Kerr CAD Board of Directors 2014 - 2015 Term. There are five (5) elected Board of Directors on the Kerr CAD Board and the state appointed non-voting County Tax Assessor Collector for a total of six (6) board members.
4. I have attached the eligibility requirement as well as other information pertaining to BOD members.
5. Please return your nomination or nominations in the form of a letter or resolution to me as soon as possible so I may prepare the ballots for the election of the Kerr CAD Board of directors.
6. If you have any questions, please feel free to contact me by phone at 830-895-8223 or by email at [Fourth.Coates@kerrcad.org](mailto:Fourth.Coates@kerrcad.org)

Thank you,

A handwritten signature in black ink, appearing to read "P.H. Coates".

P.H. "Fourth" Coates, IV RPA  
Chief Appraiser

**PHONE 830-895-5223**  
**FAX 830-895-5227**



# Governance

## Composition of Board of Directors

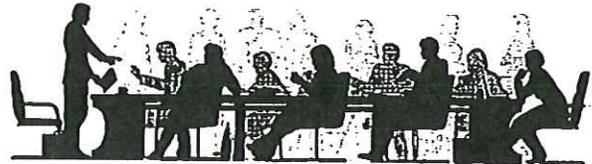
The board of directors is composed of five members.<sup>4</sup> The number of directors can be increased up to 13 by action of the board of directors.<sup>5</sup> However, the board may not make this change if a voting taxing unit adopts a resolution opposing the change.<sup>6</sup>

Taxing units participating in the CAD may increase the number of directors up to 13 members if three-fourths of voting taxing adopt resolutions.<sup>7</sup> A change is not valid if it reduces the voting entitlement of one or more taxing units (unless the unit adopts one of two specified resolutions) or if it expands the types of taxing units that are entitled to vote on the appointment of directors.<sup>8</sup>

The county TAC is a nonvoting director, if not appointed as a voting director.<sup>9</sup> If a commissioner's court of the county enters into a contract for assessment and collections under Tax Code Section 6.24(b) or if the CAD board of directors enters into a contract for appraisal under Tax Code Section 6.05(b), then the county TAC is ineligible to serve on the board.<sup>10</sup>

## Appointment, Eligibility and Terms

**Appointment:** Taxing units—counties, cities/towns, school districts, and certain conservation and reclamation districts—select directors in the fall of odd-numbered years.<sup>11</sup> Conservation and reclamation districts may participate in this process if at least one conservation and reclamation district in the CAD



delivers to the chief appraiser a written request to nominate and vote on the board of directors by June 1 of each odd-numbered year.<sup>12</sup> On request, the chief appraiser must certify all eligible conservation and reclamation districts that are imposing taxes and that participate in the CAD by June 15.<sup>13</sup>

The board of directors is selected by appointment; it is not an "election" governed by the Texas Election Code.<sup>14</sup> The method or procedure for appointing members can be changed by the board of directors or by three-fourths of the voting taxing units acting through resolutions.<sup>15</sup>

The voting entitlement of a taxing unit is determined by a calculation that takes into account a taxing unit's share of the total dollar amount of property taxes imposed in the CAD.<sup>16</sup> The chief appraiser makes this calculation for each taxing unit (other than conservation and reclamation districts) and delivers written notice before Oct. 1 of each odd-numbered year of the number of votes to which each taxing unit is entitled.<sup>17</sup> Each taxing unit (other than a conservation and reclamation district) that is entitled to vote may submit to the chief appraiser one nominee for each position to be filled before Oct. 15.<sup>18</sup>

The chief appraiser also must calculate the number of votes that an eligible conservation and reclamation district is entitled to and must deliver before July 1 of each odd-numbered year, a written notice to the district of its voting entitlement

<sup>4</sup> Tex. Tax Code §6.03(a).

<sup>5</sup> Tex. Tax Code §6.031(a).

<sup>6</sup> Tex. Tax Code §6.031(a).

<sup>7</sup> Tex. Tax Code §6.031(b).

<sup>8</sup> Tex. Tax Code §6.031(b).

<sup>9</sup> Tex. Tax Code §§6.03(a).

<sup>10</sup> Tex. Tax Code §6.03(a).

<sup>11</sup> Tex. Tax Code §6.03.

<sup>12</sup> Tex. Tax Code §6.03(c).

<sup>13</sup> Tex. Tax Code §6.03(c).

<sup>14</sup> Tex. Att'y Gen. Op. JM-166 (1984).

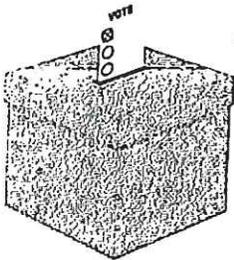
<sup>15</sup> Tex. Tax Code §6.031(a) and (b).

<sup>16</sup> Tex. Tax Code §6.03(d).

<sup>17</sup> Tex. Tax Code §6.03(e).

<sup>18</sup> Tex. Tax Code §6.03(g).

and right to nominate one candidate for director.<sup>19</sup> All eligible conservation and reclamation districts must submit the name of the district's nominee to the chief appraiser before July 15 of each odd-numbered year.<sup>20</sup> Before Aug. 1, the chief appraiser must prepare a nominating ballot listing all the nominees of conservation and reclamation districts and deliver a ballot to the presiding officer of the board of directors of each district.<sup>21</sup> The board of directors of each district must submit its vote for the nominee of conservation and reclamation districts before Aug. 15.<sup>22</sup> The winning nominee of the conservation and reclamation districts in the CAD becomes a nominee for CAD director.<sup>23</sup>



The chief appraiser must prepare a ballot before Oct. 30 with candidates whose names were timely submitted, including the nominee of conservation and reclamation districts if applicable.<sup>24</sup> Each taxing unit entitled to vote must determine its vote by resolution and submit it to the chief appraiser before Dec.

15.<sup>25</sup> The five candidates who receive the largest cumulative vote totals become the board of directors.<sup>26</sup> The chief appraiser announces the new directors before Dec. 31.<sup>27</sup> Ties must be resolved by the chief appraiser by any method of chance.<sup>28</sup>

Both the board of directors and taxing units may propose to change the method or procedure for appointing directors.<sup>29</sup> If the board of directors makes the proposal, then a voting taxing unit may veto the proposal by filing a resolution before Sept. 1.<sup>30</sup> If a participating taxing unit proposes a change, the change is adopted if three-fourths of the voting taxing units adopt resolutions providing for the change.<sup>31</sup> A resolution to change the method or procedure for appointing directors must be filed with the chief appraiser after June 30 and before

Oct. 1 of a year in which members are appointed, or the resolution is ineffective.<sup>32</sup>

Throughout the selection process, the Property Tax Code specifies dates for action by the chief appraiser and the taxing units. The dates provided in Tax Code Section 6.03(f) and (g) are directory and not mandatory.<sup>33</sup> However, the advice of legal counsel should be obtained in such situations.

**Eligibility:** To be eligible to serve on a board, an individual must be a resident of the CAD and must have resided in the CAD for at least two years immediately preceding the date of taking office.<sup>34</sup> This residency requirement does not apply to a county TAC serving as a nonvoting director.<sup>35</sup>

An employee of a taxing unit that participates in the CAD is not eligible to serve on the board of directors, unless that individual also is a member of the governing body of the taxing unit or an elected official of a taxing unit.<sup>36</sup> Membership on the governing body of a taxing unit does not make an otherwise eligible individual ineligible to serve on the board.<sup>37</sup>

Owing delinquent property taxes disqualifies a person from serving on the CAD board of directors.<sup>38</sup> The person is ineligible if he or she owns property on which delinquent property taxes have been owed for more than 60 days after the date the person knew or should have known of the delinquency.<sup>39</sup> This disqualification does not apply if the person is paying the delinquent taxes and any penalties and interest under an installment payment agreement or has deferred or abated a suit to collect the delinquent taxes.<sup>40</sup>

A person is ineligible to serve on the board if the individual is related within the second degree of consanguinity (blood) or affinity (marriage) to the following:

- an appraiser who appraises property for use in a proceeding under the Property Tax Code; or

<sup>19</sup> Tex. Tax Code §6.03(f) and (h).

<sup>20</sup> Tex. Tax Code §6.03(h).

<sup>21</sup> Tex. Tax Code §6.03(h).

<sup>22</sup> Tex. Tax Code §6.03(h).

<sup>23</sup> Tex. Tax Code §6.03(h).

<sup>24</sup> Tex. Tax Code §6.03(j).

<sup>25</sup> Tex. Tax Code §6.03(k).

<sup>26</sup> Tex. Tax Code §6.03(k).

<sup>27</sup> Tex. Tax Code §6.03(k).

<sup>28</sup> Tex. Tax Code §6.03(k).

<sup>29</sup> Tex. Tax Code §6.031(a) and (b).

<sup>30</sup> Tex. Tax Code §6.031(a).

<sup>31</sup> Tex. Tax Code §6.031(b).

<sup>32</sup> Tex. Tax Code §6.031(c).

<sup>33</sup> Tex. Att'y Gen. Op. JM-166 (1984).

<sup>34</sup> Tex. Tax Code §6.03(a).

<sup>35</sup> Tex. Tax Code §6.03(a).

<sup>36</sup> Tex. Tax Code §6.03(a).

<sup>37</sup> Tex. Tax Code §6.03(a).

<sup>38</sup> Tex. Tax Code §6.035(a)(2).

<sup>39</sup> Tex. Tax Code §6.035(a)(2).

<sup>40</sup> Tex. Tax Code §6.035(a)(2).

## Degrees of Consanguinity and Affinity

<b>1st DEGREE</b>	<b>2nd DEGREE</b>	<b>3rd DEGREE</b>
<p><b>By Consanguinity</b></p> <ul style="list-style-type: none"> <li>• Parents</li> <li>• Children</li> </ul> <p><b>By Affinity</b></p> <ul style="list-style-type: none"> <li>• Spouses of relatives listed under consanguinity</li> <li>• Spouse</li> <li>• Spouse's parents</li> <li>• Spouse's children</li> <li>• Stepparents</li> <li>• Stepchildren</li> </ul>	<p><b>By Consanguinity</b></p> <ul style="list-style-type: none"> <li>• Grandparents</li> <li>• Grandchildren</li> <li>• Brothers &amp; sisters</li> </ul> <p><b>By Affinity</b></p> <ul style="list-style-type: none"> <li>• Spouses of relatives listed by consanguinity</li> <li>• Spouse's grandparents</li> <li>• Spouse's grandchildren</li> <li>• Spouse's brothers &amp; sisters</li> </ul>	<p><b>By Consanguinity</b></p> <ul style="list-style-type: none"> <li>• Great grandparents</li> <li>• Great grandchildren</li> <li>• Nieces &amp; nephews</li> <li>• Aunts &amp; uncles</li> </ul>

- a person who represents property owners for compensation in proceedings under the Property Tax Code in the CAD.<sup>41</sup>

A director who continues to hold office knowing he or she is related in this manner to the above named persons commits a Class B misdemeanor offense.<sup>42</sup>

An individual is not eligible to be appointed to or to serve on the board of directors if an individual has a substantial interest in a business entity that is party to a contract or the individual is a party to a contract with the CAD.<sup>43</sup> This prohibition also applies to contracts with a taxing unit that participates in the CAD if the contract relates to the performance of an activity governed by the Property Tax Code.<sup>44</sup> A CAD may not enter into a contract with a board member or with a business entity in which a member of the board has a substantial interest.<sup>45</sup> A taxing unit may not enter into a contract relating to the performance of an activity governed by the Property Tax Code with a board member in which the taxing unit participates or with a business entity in which a board member has a substantial interest.<sup>46</sup>

An individual has "substantial interest" in a business entity if:

<sup>41</sup> Tex. Tax Code §6.035(a)(1).  
<sup>42</sup> Tex. Tax Code §6.035(b).  
<sup>43</sup> Tex. Tax Code §6.036(a).  
<sup>44</sup> Tex. Tax Code §6.036(a).  
<sup>45</sup> Tex. Tax Code §6.036(b).  
<sup>46</sup> Tex. Tax Code §6.036(c).

- the combined ownership of the director and the director's spouse is at least 10 percent of the voting stock or shares of the business entity; or
- the director or director's spouse is a partner, limited partner or officer of the business entity.<sup>47</sup>



**Term of Office and Vacancy:** CAD directors serve two-year terms.<sup>48</sup> Each term begins on Jan. 1 of an even-numbered year.<sup>49</sup> The two-year term of office does not apply to the county TAC who serves as a nonvoting director.<sup>50</sup>

Voting taxing units may adopt staggered one and two-year terms.<sup>51</sup> To adopt staggered terms, taxing units must take two actions.<sup>52</sup> First, at least three-fourths of the voting taxing units are required to adopt resolutions for staggered terms.<sup>53</sup> Second, the voting taxing units must have changed the method for appointing members to end cumulative voting (casting all or part of the votes to which the taxing unit is entitled). These two actions may be proposed concurrently.<sup>54</sup>

<sup>47</sup> Tex. Tax Code §6.036(d).  
<sup>48</sup> Tex. Tax Code §6.03(b).  
<sup>49</sup> Tex. Tax Code §6.03(b).  
<sup>50</sup> Tex. Tax Code §6.03(b).  
<sup>51</sup> Tex. Tax Code §6.034(a).  
<sup>52</sup> Tex. Tax Code §6.034(a).  
<sup>53</sup> Tex. Tax Code §6.034(a).  
<sup>54</sup> Tex. Tax Code §6.034(a).

A resolution proposing staggered terms must be filed with the chief appraiser after June 30 and before Oct. 1.<sup>55</sup> If the chief appraiser determines that enough taxing units filed valid resolutions, he or she must notify all taxing units of the change before Oct. 10.<sup>56</sup> Staggered terms take effect on Jan. 1 of the next even-numbered year.<sup>57</sup> To start staggering terms, all members are appointed for that year without regard to staggered terms.<sup>58</sup> At the earliest practical date after Jan. 1, the board determines by lot which of its members will serve one- and two-year terms.<sup>59</sup>

Boards with an even number of members divide the one- and two-year terms in half. Boards with an odd number of members must have one more member with a two-year term than members with one-year terms.<sup>60</sup> For example, a six-member board would choose three members to serve one-year terms. A five-member board would choose two.

For each director's term that expires on Jan. 1, the CAD must annually appoint directors for a term that begins on that Jan. 1.<sup>61</sup>

Staggered terms may be rescinded by resolution of a majority of voting taxing units.<sup>62</sup> The resolution must be adopted and filed with the chief appraiser after June 30 and before Oct. 1 of odd-numbered years.<sup>63</sup> After a valid rescission, the terms of all current members expire on the next Jan. 1, even if a member will have only served one year of a two-year term.<sup>64</sup> The entire board will be appointed for two-year terms on that date.<sup>65</sup> Staggered terms are automatically rescinded if the CAD makes a change in the method of appointing directors that results in a method of using cumulative voting.<sup>66</sup>

Directors may not receive compensation for service on the board but are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.<sup>67</sup>

This reimbursement is as provided by the budget adopted the board of directors.<sup>68</sup>



If a director's vacancy occurs on the board, each voting taxing unit nominates by resolution a candidate to fill the vacancy.<sup>69</sup> Within 45

days after receiving notice from the board of directors that a vacancy exists, a taxing unit must submit the nomination to the chief appraiser.<sup>70</sup> The chief appraiser delivers a list of the nominees to the directors within the next five days.<sup>71</sup> Directors select by majority vote one of the nominees to fill the vacancy.<sup>72</sup> If a vacancy occurs for a board with staggered terms, the vacancy is filled by appointment of the voting taxing unit that nominated the person whose departure caused the vacancy.<sup>73</sup>

## Conflicts of Interest

Board members are subject to conflict of interest provisions in law, including Tax Code Section 6.036 which excludes certain individuals from serving on the board of directors. Local Government Code Chapter 171 applies to all local political officials, including boards of directors of CADs. Local Government Code Chapter 176 applies to local government officers of political subdivisions of the state.<sup>74</sup>

For more information, see the Texas Attorney General's publication *2012 Texas Conflict of Interest Laws Made Easy* at [www.oag.state.tx.us/AG\\_Publications/pdfs/conflict\\_easy.pdf](http://www.oag.state.tx.us/AG_Publications/pdfs/conflict_easy.pdf).

Also, see the Texas Ethics Commission's conflict of interest forms at [www.ethics.state.tx.us/whatsnew/conflict\\_forms.htm](http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm).

## Ex Parte Communications

A member of the board of directors commits a Class C misdemeanor offense if the member directly or indirectly communicates with the chief appraiser on any matter relating to

<sup>55</sup> Tex. Tax Code §6.034(b).

<sup>56</sup> Tex. Tax Code §6.034(c).

<sup>57</sup> Tex. Tax Code §6.034(d).

<sup>58</sup> Tex. Tax Code §6.034(d).

<sup>59</sup> Tex. Tax Code §6.034(d).

<sup>60</sup> Tex. Tax Code §6.034(d).

<sup>61</sup> Tex. Tax Code §6.034(e).

<sup>62</sup> Tex. Tax Code §6.034(g).

<sup>63</sup> Tex. Tax Code §6.034(g).

<sup>64</sup> Tex. Tax Code §6.034(g).

<sup>65</sup> Tex. Tax Code §6.034(g).

<sup>66</sup> Tex. Tax Code §6.034(h).

<sup>67</sup> Tex. Tax Code §6.04(c).

<sup>68</sup> Tex. Tax Code §6.04(c).

<sup>69</sup> Tex. Tax Code §6.03(l).

<sup>70</sup> Tex. Tax Code §6.03(l).

<sup>71</sup> Tex. Tax Code §6.03(l).

<sup>72</sup> Tex. Tax Code §6.03(l).

<sup>73</sup> Tex. Tax Code §6.034(i).

<sup>74</sup> Tex. Local Government Code §171.001(1) and §176.001(3) and (4).

the appraisal of property by the CAD.<sup>75</sup> However, this type of communication is allowed in:

- an open meeting of the CAD board of directors or another public forum; or
- a closed meeting of the board of directors held to consult with the board's attorney about pending litigation, at which the chief appraiser's presence is necessary for full communication between the board and the board's attorney.<sup>76</sup>

These ex-parte communication provisions do not apply to a routine communication between the chief appraiser and the county TAC relating to the administration of an appraisal roll, including a communication made in connection with the certification, correction or collection of an account.<sup>77</sup> This exception applies regardless of whether the county TAC was appointed to the board of directors or serves as a nonvoting director.<sup>78</sup>

## Oath of Office



The Texas Constitution requires all elected and appointed officers to sign an anti-bribery statement and take an oath of office before beginning the duties of the office.<sup>79</sup>

The constitutionally prescribed anti-bribery statement is located on the Secretary of State's website as Form 2201 at [www.sos.state.tx.us/statdoc/forms/2201.pdf](http://www.sos.state.tx.us/statdoc/forms/2201.pdf). The director signs this statement before the oath of office is administered.<sup>80</sup> Directors should retain the statement in the official records of the office.<sup>81</sup>

The official oath of office is found on the Secretary of State's website as Form 2204 at [www.sos.state.tx.us/statdoc/forms/2204.pdf](http://www.sos.state.tx.us/statdoc/forms/2204.pdf).

<sup>75</sup> Tex. Tax Code §6.15(a) and (d).

<sup>76</sup> Tex. Tax Code §6.15(a).

<sup>77</sup> Tex. Tax Code §6.15(c).

<sup>78</sup> Tex. Tax Code §6.15(c).

<sup>79</sup> Tex. Const. XVI, §1(a) and (b).

<sup>80</sup> Tex. Const. XVI, §1.

<sup>81</sup> Tex. Const. XVI, §1(c).

## Recalling a Director

A taxing unit may ask for the recall of any director the unit voted for in the appointment process.<sup>82</sup> A recall starts when a taxing unit files a resolution with the chief appraiser stating that the unit is calling for the recall of a named member.<sup>83</sup> Within 10 days after a unit files a recall resolution, the chief appraiser must give written notice of the filing of the resolution to the presiding officer of each voting taxing unit.<sup>84</sup>

Only the taxing units that voted for the member may vote.<sup>85</sup> A recall-voting taxing unit has the same number of votes in the recall that it cast in appointing the member to the board.<sup>86</sup> A unit votes by submitting a resolution to the chief appraiser on or before the 30th day after the recall resolution is filed.<sup>87</sup>

Not later than the 10th day after the last day for voting in favor of the recall, the chief appraiser must count the casted votes.<sup>88</sup> A director is recalled if the number of votes cast in favor of recall equals or exceeds a majority of the votes cast appointing the director to the board.<sup>89</sup> The chief appraiser must immediately notify in writing the presiding officer of the board of directors and the governing body of each recall-voting taxing unit of the results.<sup>90</sup> If the chair is the subject of the recall, the board secretary shall also be notified.<sup>91</sup>

After a recall, the director's vacancy is filled by the recall-voting taxing units appointing a new board member.<sup>92</sup> Each recall-voting taxing unit may nominate by resolution one candidate and is entitled to the same number of votes it originally cast to appoint the recalled member.<sup>93</sup>

On or before the 15th day after the last day nominations must be submitted, the chief appraiser must prepare a ballot and deliver a copy of the ballot to the presiding officer of the governing body of each taxing unit that is entitled to vote to fill the

<sup>82</sup> Tex. Tax Code §6.033(a).

<sup>83</sup> Tex. Tax Code §6.033(a).

<sup>84</sup> Tex. Tax Code §6.033(a).

<sup>85</sup> Tex. Tax Code §6.033(b).

<sup>86</sup> Tex. Tax Code §6.033(b).

<sup>87</sup> Tex. Tax Code §6.033(b).

<sup>88</sup> Tex. Tax Code §6.033(c).

<sup>89</sup> Tex. Tax Code §6.033(c).

<sup>90</sup> Tex. Tax Code §6.033(c).

<sup>91</sup> Tex. Tax Code §6.033(d).

<sup>92</sup> Tex. Tax Code §6.033(d).

<sup>93</sup> Tex. Tax Code §6.033(d).

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vacancy.<sup>94</sup> A taxing unit determines its vote by resolution and submits it to the chief appraiser.<sup>95</sup> The chief appraiser counts the votes on or before the 15th day after the last day on which a taxing unit may vote, declares the winner who received the largest vote total, and notifies the chair of the board of directors, each taxing unit and the candidates.<sup>96</sup> The chief appraiser must resolve a tie vote by any method of chance.<sup>97</sup>

If the board of directors is appointed by another method or procedure adopted under Tax Code Section 6.031, the taxing units that voted for or participated in the appointment of the director may recall him or her and appoint a new director by any method adopted by resolution of a majority of recall-voting taxing units.<sup>98</sup> If the appointment was by election, the method of recall and appointing a new director to the vacancy is not valid unless it provides that each unit is entitled to the same number of votes it cast for the member being recalled.<sup>99</sup>

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<sup>94</sup> Tex. Tax Code §6.033(d).

<sup>95</sup> Tex. Tax Code §6.033(d).

<sup>96</sup> Tex. Tax Code §6.033(d).

<sup>97</sup> Tex. Tax Code §6.033(d).

<sup>98</sup> Tex. Tax Code §6.033(e).

<sup>99</sup> Tex. Tax Code §6.033(e).

## STRUCTURE OF MEMBERSHIP OF KERR CENTRAL APPRAISAL DISTRICT

Hires _____ <b>CHIEF APPRAISER</b>	_____ <b>BOARD OF DIRECTORS</b>	_____ Appoints <b>APPRAISAL REVIEW BOARD</b>
Administers Appraisal District Office	Adopts Appraisal District Budget	Determines Appraisals are Substantially Uniform
Submits Records to Appraisal Review Board	Contracts for CAD Services	Exemptions have been granted property
Grants Exemptions	Establishes General Policies for CAD	Insures Records Conform to Law
Certifies Appraisal Roll	Selects Bank Depository	Hears Taxpayer Protests

### KCAD STAFF:

CHIEF APPRAISER	P.H. "FOURTH" COATES, IV., RPA
DEPUTY CHIEF APPRAISER	SHARON CAPEHEART, RPA
SENIOR APPRAISER	MIKE COMER, RPA
FIELD/AGRICULTURAL APPRAISER	JESSE SCOTT
FIELD/PERSONAL PROPERTY APPRAISER	KATHY LEIFESTE
FIELD APPRAISER	JASON PAREDES
FIELD APPRAISER	MICHAEL MANN
FIELD APPRAISER	RUSSELL HAZELETT
GIS MANAGER	ROBERT NEUMAN
ABTRACTOR	D. J. SHOLUND
CLERICAL	KATHY L. JOHNSON
CLERICAL	COLLIN GRAY

### BOARD OF DIRECTORS:

Kirk Griffin, Chalman

Raymond Orr, Secretary

Mark Blgott

Charles Lewis , Vice-Chalman

William H. Moody

Diane Bolln, Tax Assessor/Collector – Non Voting Member

### APPRAISAL REVIEW BOARD:

Kenneth O'Neal

Dorothy Alves

John Gumert

William Cooper

William B. Petty Jr

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 42-2013**

**A RESOLUTION NOMINATING CANDIDATES TO KERR  
CENTRAL APPRAISAL DISTRICT BOARD OF  
DIRECTORS**

**WHEREAS**, the City of Kerrville, Texas, as a member of the Kerr Central Appraisal District, has the right to submit nominations for the District's Board of Directors; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to submit names for nomination;

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

In accordance with Section 6.03 of the Texas Tax Code, the City Council of the City of Kerrville, Texas hereby submits the following name(s) for consideration for election to the Kerr Central Appraisal District Board of Directors for the term beginning January 1, 2014:

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

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Jack Pratt, Jr., Mayor

ATTEST:

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Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



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Michael C. Hayes, City Attorney

## **Agenda Item:**

5C. Offers to purchase property at 800 Junction Highway, the former city hall.  
(staff)

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

**SUBJECT:** Consider offers for the purchase of the former City Hall location at 800 Junction Highway, Kerrville, TX 78028

**FOR AGENDA OF:** November 12, 2013 **DATE SUBMITTED:** November 4, 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:** *TP*

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

**SUMMARY STATEMENT**

At its meeting of September 24, 2013, City Council authorized staff to enter into a brokerage agreement for the sale of 800 Junction Highway. In this year's 83<sup>rd</sup> Legislative Session, legislation (SB 985) was passed which allows municipalities to authorize broker agreements for the sale of real property owned by the municipality. Under this law, the property must be listed for at least 30 days before it is allowed to be sold to a buyer. This time requirement has been met and thus proposals may now be considered.

**RECOMMENDED ACTION**

City staff is requesting consideration of offers for the purchase of 800 Junction Highway and direction to staff.

## **Agenda Item:**

5D. Donation by the Cailloux Foundation to the City of Kerrville of land and improvements consisting of the parking garage and office building located at the northwest corner of the intersection of Sidney Baker and Water Street and the office building located at 219 Clay Street. (staff)

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

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**SUBJECT:** Donation by the Cailloux Foundation to the City of Kerrville of land and improvements consisting of the parking garage and office building located at the northwest intersection of Sidney Baker and Water Street and the office building located at 219 Clay Street

**FOR AGENDA OF:** Nov. 11, 2013      **DATE SUBMITTED:** Nov. 7, 2013

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

**EXHIBITS:** Cailloux Foundation and City of Kerrville Agreement – March 10, 2011

**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 OF FINANCE:**

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**SUMMARY STATEMENT**

The Cailloux Foundation (Foundation) is offering to donate the land and improvements to the City of Kerrville for the parking garage located at the intersection of Sidney Baker and Water Street and the office building located at 219 Clay Street. These properties are currently leased to the City of Kerrville by the Foundation pursuant to an agreement executed between both parties on March 10, 2011 (attached).

The office space included within the parking garage contains approximately 4,500 square feet and houses the city's Development Services Department and Engineering Department. Kerrville's Information Technology Department is located within the 2,800 square foot building located at 219 Clay Street. Both buildings were renovated by the City of Kerrville as part of the City Hall construction project in 2012 and are provided to the city through a 99 year lease.

The Foundation has requested that the property transfer occur prior to December 31, 2013.

**RECOMMENDED ACTION**

City staff recommends that the City Council accept the offer to donate the land and buildings and authorize staff to work with the Cailloux Foundation to convey the property.

## AGREEMENT

THIS AGREEMENT is made and entered into this 10<sup>th</sup> day of MARCH, 2011, by and between CITY OF KERRVILLE ("City"), and FLOYD A. AND KATHLEEN C. CAILLOUX FOUNDATION DBA THE CAILLOUX FOUNDATION, a Texas non-profit corporation ("Foundation");

### WITNESSETH:

A. Foundation owns approximately 2.31 acres in downtown Kerrville which land includes the site located at the corner of Sidney Baker and Main Streets which site is the subject of this Agreement and which site is shown on **Exhibit "A"**, attached hereto, and which site is herein referred to as the "Land", and including a future gift of additional adjoining land for expansion which will be set forth in the Deed to be delivered by Foundation to City at the Closing.

B. Foundation desires to transfer the Land and to enter into the Leases (herein defined and herein so called) to and with City and City desires to acquire the Land and enter into Leases, upon and subject to the terms, conditions and provisions hereinafter set forth subject to the Reversion and Restriction, herein defined and specified.

C. Foundation and City have agreed that this transaction, and City's subsequent use of the Land, will further the development of downtown Kerrville, and be consistent with the Foundation's charitable purposes. Foundation and City agree that such development would not be possible but for this transaction.

D. The Leases ("Leases") will be as follows and will be set forth in Lease Agreements (herein so called) on terms mutually approved by the parties and entered into at Closing:

- (i) Parking Garage Lease which will provide that the Parking Garage will be maintained by the City as a Public Downtown Parking Garage (no fees or charges for use) subject to existing leases and use agreements and that certain spaces mutually approved will be designated for use by the City employees and staff and by the Foundation as to retail and commercial users in Downtown.
- (ii) Cardiac Rehab Premises Lease which will provide that the Cardiac Rehab Site will be used and maintained by the City for City offices.
- (iii) Clay Street Premises Lease which will provide that premises at 219 Clay Street will be used and maintained by the City for City offices.
- (iv) Cancer Center Premises Option to Lease which will provide that if and when the current lease for this premises terminates Foundation will lease such premises to City and that it will be used and maintained by the City for City offices. The Foundation agrees that in no event shall this lease term be extended beyond the current term and option thereto.
- (v) All of the Leases will be for nominal rent of \$100.00 each per year and will be for a term of 99 years, or such earlier date on which the Land ceases to

Contract 2011-17

be used as a City Hall. The Leases for premises without current tenants may be used by City prior to construction or move-in of the City Hall.

E. The Reversion and Restriction ("Reversion and Restriction") will be set forth in the Deed and conveyance of the Land and will provide that the Land shall be for the construction of and use for the City Hall of the City with (a) reversion provisions (fee simple determinable) (i) if such use ceases at any time (with perpetual provisions mutually approved by the parties prior to Closing) and/or (ii) such construction is not completed within three (3) years after the Closing and with a perpetual restriction (with perpetual provisions mutually approved by the parties prior to Closing) that the Land shall be subject to and the Foundation shall have architectural review and approval (with mutually approved provisions as to standard, time and process) of all improvements on the Land (based on a standard of compatibility with the other buildings and architectural style of other buildings in the Kerrville Downtown area and with a restriction that the City Hall shall not be more than two stories), including City Hall. The Reversion and Restriction shall be upon terms, conditions and provisions mutually approved by the City and Foundation and will be set forth in the Deed and recorded and which will provide for rights and remedies for reversion of title and enforcement of restriction.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained the receipt and sufficiency of which are hereby acknowledged and confessed, the parties hereto have agreed as follows subject to the terms, conditions and provisions hereinafter set forth:

1. Transaction/Conditions.

- A. This transaction is conditioned upon (i) the determination by the City of the architectural design of the proposed improvements on the Property (and approval by Foundation under its architectural review and approval restriction and covenant), (ii) the determination and completion of a subdivision plat of the downtown property of Foundation and the parties shall have reviewed and determined water, sewer and utility services for, and platting, zoning, and regulatory issues for, the Land and adjoining land owned by Foundation (not conveyed to the City); it being understood that such adjoining land may be used/developed into open space/commercial development and mixed uses by Foundation, subject to compliance with the City's development regulations, and (iii) the determination and approval by the City of the projected cost of the proposed improvements on the Property. If any such condition is not satisfied the City may terminate this Agreement by written notice to Foundation prior to the Closing Date.
- B. On the Closing Date (as herein defined) Foundation will convey the Land and City and Foundation will enter into the Leases subject to the terms, provisions and conditions of this Agreement, the Lease Agreements and the Reversion and Restriction.
- C. Foundation agrees that it will construct the Clock Tower on the tract

contiguous to the Land which shall have a plaque recognizing the Peterson family which Clock Tower will connect with the City Hall.

- D. The walkway across Sidney Baker Street is subject to an agreement with State Department of Highways and Public Transportation and Foundation and City agree that such walkway shall be jointly used and will be improved by Foundation.

2. The Closing Date. The date of closing of the transaction contemplated by this Agreement (the "Closing Date") shall be within one (1) year after the date hereof subject to the conditions set forth in 1A above, or such earlier date on which such conditions are satisfied.

3. The Closing. On the Closing Date Foundation agrees to deliver to City (a) Special Warranty Deed ("Deed"), conveying unto City title to the Land subject to the exceptions set forth in Exhibit "B", attached hereto and made a part hereof for all purposes and the Reversion and Restriction (collectively called the "Permitted Exceptions") and City and Foundation agree to enter into the Leases and Lease Agreements.

4. Disclaimer. SUBJECT TO THE CONDITIONS OF THIS AGREEMENT CITY ACKNOWLEDGES AND AGREES THAT FOUNDATION HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO THE LAND AND FOUNDATION MAKES NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF CONDITION, HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, IN RESPECT OF THE LAND, AND SPECIFICALLY, THAT FOUNDATION HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY LAWS, RULES, REGULATIONS, AND ENVIRONMENTAL PROTECTION, POLLUTION OR LAND USE LAWS, RULES, REGULATIONS OR ORDERS. CITY FURTHER ACKNOWLEDGES AND AGREES THAT CITY IS NOT RELYING ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY FOUNDATION. CITY FURTHER ACKNOWLEDGES AND AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE TRANSFER OF THE LAND AS PROVIDED FOR HEREIN IS MADE ON AN "AS-IS" CONDITION AND BASIS WITH ALL FAULTS. The provisions of this paragraph will survive Closing and will be set forth in the Deed.

5. Default/Dispute Resolution. In the event either party shall fail to comply with this Agreement and/or shall fail to perform its obligations hereunder (subject to the terms, provisions and conditions of this Agreement) then the non-defaulting party may terminate this Agreement; provided, that in no event shall either party be liable for any punitive, speculative or consequential damages nor be able to seek any equitable relief (no specific performance). The parties agree to negotiate in good faith in an effort to resolve any dispute related to this Agreement that may arise. If the dispute cannot be resolved by negotiation, the parties will submit the dispute to mediation

before resorting to litigation and will equally share the costs of a mutually acceptable mediator. This paragraph survives termination of this Agreement.

6. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.

7. Entire Agreement; Modification. This Agreement embodies and constitutes the entire understanding among the parties with respect to the transactions contemplated herein, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this Agreement. Neither this Agreement nor any provision hereof may be waived, modified, amended, discharged or terminated except by an instrument in writing signed by the party against which the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument, except as otherwise expressly provided herein.

8. Notices. Any notice to be given or to be served upon any party hereto, in connection with this Agreement, must be in writing, and may be given by Certified or Registered Mail and shall be deemed to have been given and received when a Certified or Registered Letter containing such notice, properly addressed, with postage prepaid is deposited in the United States Mail, or if delivered by any other method, including without limitation by FAX or by expediting service, it shall be deemed to have been given when delivered or transmitted to the address specified and when receipt is verified by such method at such address. Such notices shall be given to the parties hereto at the addresses set forth below opposite the signatures of the parties. Any party hereto may, at any time by giving of five (5) days written notice to the other parties hereto, designate any other address in substitution of the foregoing address to which such notice shall be given.

9. Headings. The headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation hereof.

10. Time of Essence. Time shall be of the essence in the performance of this Agreement. However, if the final date of any period which is not set out in any provision of this Agreement falls on a Saturday, Sunday or legal holiday under the laws of the United States or the State of Texas, then in such event, the time of such period shall be extended to the next day which is not a Saturday, Sunday or legal holiday.

11. Invalidity. The invalidity or unenforceability in particular circumstances of any portion of this Agreement shall not extend beyond such provision or such circumstances, and no other provision hereof shall be affected thereby. If, from any circumstances whatever, fulfillment of any provision of this Agreement, or the exercise of any right or option whatsoever contained in this Agreement shall involve transcending the limit of validity prescribed by law, then, the provision, right or obligation to be fulfilled shall be reduced or reformed to the limit of such validity.

12. Interpretation. Whenever the context hereof shall so require, the singular shall include the plural, the male gender shall include the female gender and the neuter, and vice versa.

13. Attorneys' Fees. Should either party employ an attorney or attorneys to enforce any

of the provisions hereof or to protect its or their interest in any matter arising under this Agreement, or to recover damages for the breach of this Agreement, the non-prevailing party in any action (the finality of which is not legally contested) agrees to pay to the prevailing party all reasonable costs, damages and expenses, including attorneys' fees, expended or incurred in connection therewith.

14. Applicable Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Texas and shall be performable in Kerr County, Texas.

15. Counterparts. This Agreement may be executed in any number of counterparts and each such counterpart hereof shall be deemed to be an original instrument, but all such counterparts together shall constitute but one Agreement.

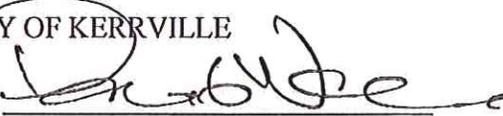
16. Authority. Each party represents to the other that all authorizations and approvals for this Agreement and transaction have been obtained. At Closing each party will provide evidence of such authority and approval.

17. LLC. The Foundation may decide that the Land will be owned by a Limited Liability Company ("LLC") to be formed by the Foundation prior to Closing. The LLC will be an entity wholly owned and controlled by the Foundation. Prior to Closing, Foundation will provide City with written evidence that the Land is owned by the LLC, together with copies of the Certificate of Formation, Company Agreement, Consent of Sole Member, and such other related documents as may reasonably confirm that the LLC is wholly owned by the Foundation and is controlled by the Foundation.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY:

CITY OF KERRVILLE

BY:   
Name: David Wampler  
Title: Mayor

FOUNDATION:

FLOYD A. AND KATHLEEN C.  
CAILLOUX FOUNDATION DBA  
THE CAILLOUX FOUNDATION,  
a Texas non-profit corporation

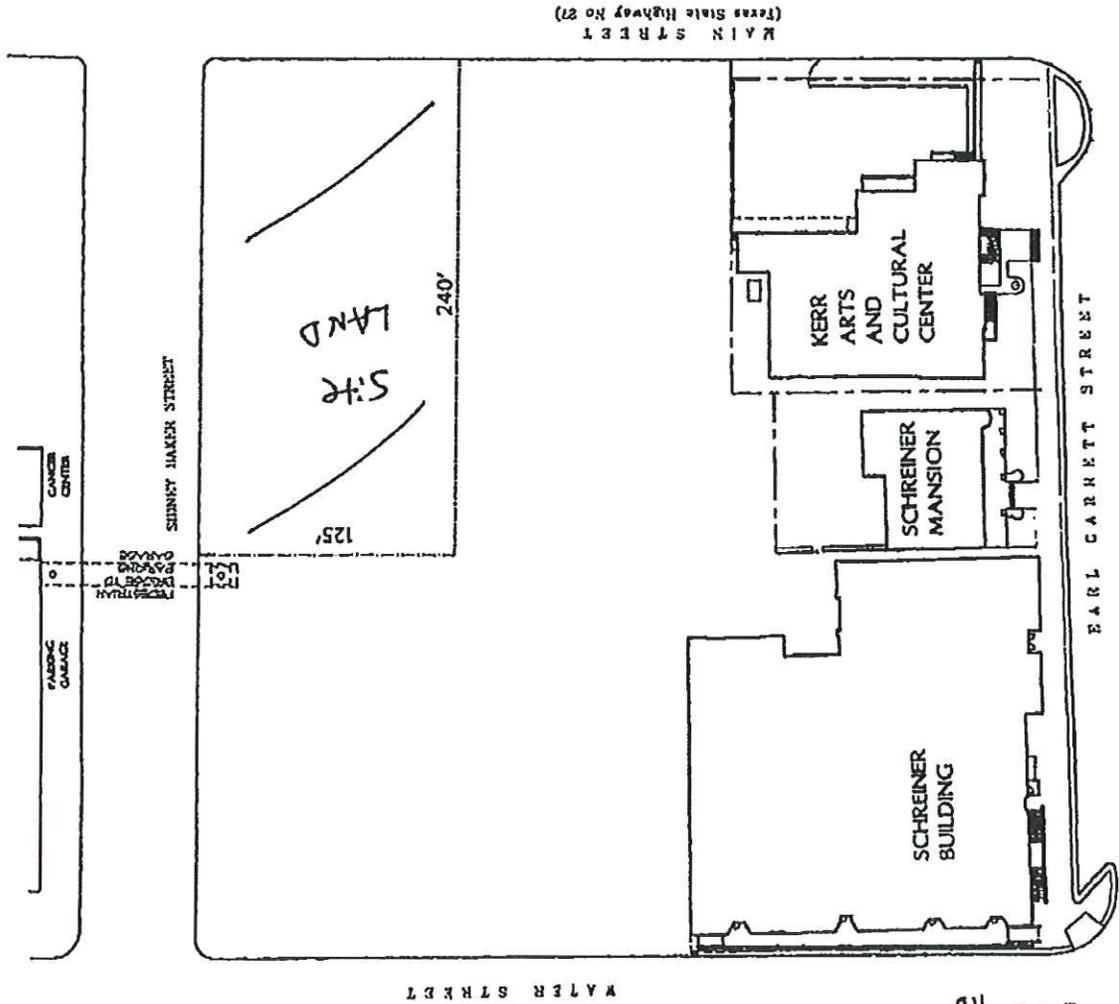
BY:   
Name: KENNETH CAILLOUX  
Title: PRESIDENT

Address:  
800 Junction Hwy.  
Kerrville, Texas 78028

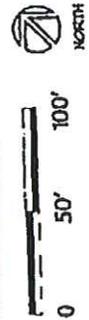
Address:  
P. O. Box 2911276  
Kerrville, Texas 78029-1276

C2011-17

EXHIBIT "A"



Downtown Kerrville



C2011-17

## EXHIBIT "B"

1. Easement dated January 29, 1949 to L.C.R.A., recorded in Volume 1, Page 156, Easement Records, Kerr County, Texas.
2. Easement dated September 30, 1949, to L.C.R.A., recorded in Volume 1, Page 193, Easement Records, Kerr County, Texas.
3. Easement dated October 9, 1948, to the City of Kerrville recorded in Volume 1, Page 556, Easement Records, Kerr County, Texas.
4. Party Wall Agreement and Easement dated June 30, 1952, recorded in Volume 97, Page 153, Deed Records, Kerr County, Texas, having extended a previous agreement reserved in deed dated August 25, 1937, recorded in Volume 62, Page 396, Deed Records, Kerr County, Texas.
5. Easement dated November 10, 1977 to L.C.R.A., recorded in Volume 9, Page 632, Easement Records, Kerr County, Texas.
6. Thirty (30) ft. wide access easement and 20 ft. x 20 ft. sign easement reserved in deed dated September 18, 2000, recorded in Volume 1085, Page 71, Real Property Records, Kerr County, Texas.
7. Sign Easement Agreement to the City of Kerrville, Texas, dated October 2, 2000 recorded in Volume 1090, Page 170, Real Property Records, Kerr County, Texas.
8. Easement and Right-of-Way dated April 27, 2004, to Kerrville Public Utility Board and Time Warner Cable, recorded in Volume 1356, Page 61, Real Property Records, Kerr County, Texas.
9. Unrecorded Multiple Use Agreement Between The State of Texas and The City of Kerrville, Texas For the Construction of a Pedestrian Overpass Across S.H. 16 (Sidney Baker Street) Between Water Street and Main Street (S.H.27) of Kerrville, Texas dated May 8, 1987, and contemporaneously adding Sid Peterson Memorial Hospital and the Hal and Charlie Peterson Foundation.
10. Any visible and/or apparent roadways or easements over or across the subject property.
11. Taxes and assessments for 2011.

C 2011-17

## **Agenda Item:**

6A. Budget and economic update. (staff)



**City of Kerrville**  
**Month ending October 31, 2013**  
 (Month 1 of FY14 Budget)

	Current Month	Year To-Date	% (8.33) to Budget	Prior Year To-Date
<b>General Fund</b>				
Total Revenues	\$1,734,107	\$1,734,107	7.87%	\$1,573,934
Sales tax	\$483,057	\$483,057	8.78%	\$453,376
Property tax	\$517,676	\$517,676	6.18%	\$511,986
Total Expenditures	\$1,803,065	\$1,635,522	7.73%	\$1,840,746

<b>Water and Sewer Fund</b>				
Total Revenues	\$812,371	\$812,371	7.75%	\$853,028
Water Sales	\$428,128	\$428,128	8.41%	\$479,248
(9,664 accounts serving 12,517 units - 9,822 installed meters - 261 inactive)				
Sewer Service	\$324,237	\$324,237	8.49%	\$303,636
(8,847 accounts serving 11,638 units)				
Expenditures	\$674,179	\$610,509	6.12%	\$705,880

<b>Hotel/Motel:</b>				
Revenues	\$76,073	\$76,043	8.84%	\$57,621
Expenditures	-	\$0	0.00%	\$0

<b>Unemployment:</b>		<b>Consumer confidence:</b>		
National	N/A	National	71.2	down 2.6% compared to 2012
Texas	N/A	Texas	86.6	up 2.9% compared to 2012
Local	N/A	(Sources: State Comptroller/WorkforceAlamo)		

<b>Housing:</b>				
<i>Statewide:</i>				
Building permits issued single family housing (not available at this time)				
Sales of existing single family house (not available at this time)				
Median sale price for existing single family was (not available at this time)				
(Source: State Comptroller)				
 <i>Local:</i>				
<i>Permits Issued for New Residence</i>				
Oct 2012 - 2				
Oct 2013 - 2				

## **Agenda Item:**

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

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

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**SUBJECT:** Appointments to the Food Service Advisory Board

**FOR AGENDA OF:** November 12, 2013    **DATE SUBMITTED:** November 4, 2013

**SUBMITTED BY:** Brenda Craig  
City Secretary

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:** Board List

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**



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**SUMMARY STATEMENT**

Consider appointments to the following board:

**Food Service Advisory Board:** Three terms due to expire on December 1, 2013;  
Brenda Hughes, Tyler Archer and Susan McCracken.

**RECOMMENDED ACTION**

Consider appointments.

**FOOD SERVICE ADVISORY BOARD**

	<u>Telephone</u>	<u>Orig. Appt. Date</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
DITTMAR, REBECCA 155 Aqua Vista	353-1305 (O) 896-9037 (H)	12-11-12		12-01-14
GONZALES, DAVID C. 209 Orange Frdrcksbrg, TX 78624	830-315-2750 (O) 940-452-5486 (H)	08-27-13		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

## **Agenda Item:**

7B. Appointments to the beautification advisory committee. (staff)

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

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**SUBJECT:** Appointments to the Kerrville Beautification Advisory Committee

**FOR AGENDA OF:** November 12, 2013

**DATE SUBMITTED:** November 7, 2013

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

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:** Board List

**AGENDA MAILED TO:**

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

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**SUMMARY STATEMENT**

Consider appointments to the following board:

**Kerrville Beautification Advisory Committee:** Two positions with terms to expire December 11, 2013: Brandon Douglass and John Risher.

**RECOMMENDED ACTION**

Consider appointments.

**CITY OF KERRVILLE BEAUTIFICATION ADVISORY COMMITTEE**

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
DOUGLASS, BRANDON Chair 909 Tanglewood Lane	739-9882 (O)	12-11-12		12-11-13
WILLIAMSON, JAMES Vice-Chair Secretary 432 Fitch Street	257-2860 (H) 257-9673 (W)	08-13-13		12-11-14
RISHER, JOHN 114 Crestwood Dr.	459-3336 (H)	05-28-13		12-11-13
SPRADLING, JIMMY 1725 Foothills Dr.	792-5082 (H)	05-28-13		12-11-14
TRITENBACH, DAVID 216 Riverhill Blvd.	895-1953 (H)	12-11-12		12-11-14

**COUNCIL Ex-OFFICIO:** Jack Pratt

Qualifications: Resident of the city.

Purpose:

- Evaluate the community on issues and matters pertaining to beautification of the community and to provide a report to the City Council;
- Educate the public and increase awareness regarding beautification of the community;
- Prepare and implement a beautification recognition program as approved by the City Council;
- Coordinate community beautification efforts;
- Prepare and present to the City Council for its consideration and approval a set of goals and objectives for a community beautification program; and
- Provide a report to the City Council at least twice a year on Kerrville Beautification Advisory Committee matters.

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

Quorum: Majority

Number of Members: Minimum of three, no more than five.

Meeting Time & Place: First Thursday of each month.

Established by: Resolution 40-2012, November 13, 2012

Revised: October 9, 2013