

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY, JANUARY 14, 2014, 6:00 P.M.**

**KERRVILLE CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

**KERRVILLE CITY COUNCIL AGENDA**  
**REGULAR MEETING, TUESDAY, JANUARY 14, 2014, 6:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**INVOCATION** offered by Reverend David McMillan, Rector for St. Michael Anglican Church.

**PLEDGE OF ALLEGIANCE TO THE FLAG:** led by Second Lieutenant Brianna Jones, 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. MOMENT OF SILENCE:**

2A. Moment of silence in remembrance of Kerr County Judge Pat Tinley and in honor of his service to the citizens of Kerr County.

**3. CONSENT AGENDA:**

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

3A. Minutes of the city council regular meeting held December 10, 2013, and the special meeting held December 23, 2013. (staff)

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

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time, January 10, 2014 at 4:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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3B. Resolution No. 01-2014 ordering that a general election be held on May 10, 2014, for the election of a Mayor and two City Councilmembers; appointing election judges, adopting an electronic counting system; establishing a central counting station; appointing a central counting station manager; appointing a tabulation supervisor; appointing the central counting station presiding judge; and authorizing the early processing of ballots. (staff)

3B. RESOLUCIÓN 01-2014 QUE DECRETA QUE LAS ELECCIONES GENERALES SE LLEVEN A CABO EL 10 DE MAYO DEL 2014 PARA ELEGIR AL ALCALDE DE LA CIUDAD Y A DOS CONCEJALES MUNICIPALES; NOMBRAR A LOS JUECES ELECTORALES; ADOPTAR UN SISTEMA ELECTRÓNICO DE CONTEO DE VOTOS; ESTABLECER UNA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN ADMINISTRADOR(A) DE LA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN SUPERVISOR(A) DE TABULACIÓN; DESIGNAR AL JUEZ PRESIDENTE DE LA ESTACIÓN CENTRAL DE CONTEO; Y AUTORIZAR EL PROCESAMIENTO TEMPRANO DE LOS VOTOS ELECTORALES.

**END OF CONSENT AGENDA**

**4. PUBLIC HEARING AND RESOLUTION:**

4A. Resolution No. 02-2014, granting a conditional use permit for an approximate 0.94 acre tract of land within the City of Kerrville, Kerr County, Texas, with a street address of 233 and 237 Guadalupe Street, and located within an R-1 zoning district; by permitting said property to be used for a bed and breakfast; and making said permit subject to certain conditions and restrictions. (staff)

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

5A. Ordinance No. 2014-02, amending the city's "Zoning Code" by adding a definition of "Boarding Home Facility" to Article 11-I-3 "Definitions and Interpretation of Words and Phrases"; and revising Article 11-I-4 to add boarding home facility as a use that is permitted within any zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (staff)

**6. ORDINANCES, FIRST READING:**

6A. Ordinance No. 2014-01, ordering a special election to be held on May 10, 2014, for the purpose of submitting propositions to the voters for proposed amendments to the City Charter; establishing early voting locations and polling places for this election; and making provisions for the conduct of the election. (staff)

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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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6A. UNA ORDENANZA 2014-01 QUE DECRETA UNA ELECCIÓN ESPECIAL QUE HA DE LLEVARSE A CABO EL 10 DE MAYO DEL 2014 CON EL FIN DE PRESENTAR A LOS VOTANTES LAS ENMIENDAS PROPUESTAS A LA CARTA CONSTITUCIONAL DE LA CIUDAD; ESTABLECER LOS LUGARES DE LA VOTACIÓN TEMPRANA Y LOS CENTROS ELECTORALES PARA ESTA ELECCIÓN; Y HACER LAS DISPOSICIONES NECESARIAS PARA LLEVAR A CABO ESTA ELECCIÓN.

**7. BOARD APPOINTMENTS:**

7A. Appointments to the planning and zoning commission, one term expired January 1, 2014; and one term due to expire January 1, 2015 currently held by William Morgan due to not meeting attendance requirements. (staff)

**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 property
- Jefferson lift station
- River Trail.

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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.

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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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Section 551.074:

- Appointments to the planning and zoning commission

**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, January 10, 2014 at 4:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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## **Agenda Item:**

2A. Moment of silence in remembrance of the late Kerr County Judge Pat Tinley's service to the citizens of Kerr County.

## **Agenda Item:**

3A. Minutes of the city council regular meeting held December 10, 2013, and the special meeting held December 23, 2013. (staff)

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
DECEMBER 10, 2013

On December 10, 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 Jimmy Sportsman, minister of Kerrville Church of Christ, followed by the Pledge of Allegiance led by Cadet 2nd Lt. Heather Rene Wyatt with the Tivy High School Air Force Junior Reserve Officer Training Corps.

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	Deputy City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Robert Ojeda	Fire Chief
Kim Meisner	Director of General Operations
Ashlea Boyle	Main Street Manager/Special Projects Coordinator
Stuart Barron	Interim Director of Public Works
Jason Lutz	City Planner

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

**1. VISITORS/CITIZENS FORUM:**

1A. Glenn Andrew, member of the charter review commission, expressed concern about council's previous action to not include on the May 2014 ballot CRC's recommendation to reduce the number of signatures required on referendum, initiative, and recall petitions. He reviewed the current process and signature requirements and stated they were non-viable alternatives. The current recall procedure was complicated and confusing and should be simplified. He understood council's concerns about recall when making decisions, and he opined that the public desired principled voting representation and council should vote their convictions without any concern about a recall. Regarding the cost of elections, if it was the citizens' position to spend money on an election that should be their choice. He opined that the current requirement was unattainable and that lowering the threshold on petitions would allow for more citizen involvement. He asked council to support CRC's recommendations.

## **2. CONSENT AGENDA:**

Mr. Hayes requested item 2D be removed from the consent agenda.

Mr. Allen moved to approve consent agenda items 2A through 2C. Mr.

MacDonald seconded, and the motion passed 5-0:

2A. Minutes of the city council regular meeting held November 12, 2013.

2B. Resolution No. 46-2013 authorizing the filing of an application with the Alamo Area Council of Governments for a 2013 solid waste pass through grant.

2C. Election agreement with Kerr County for conducting the City of Kerrville General and Special Elections to be held on May 10, 2014.

### **END OF CONSENT AGENDA**

2D. Accept donation of permit to use state water, Permit No. #5208.

Mike Hayes noted this was the donation of the water right along Verde Creek as offered to the city by James and Mary Hayes. Mike Hayes noted the formal agreement letter had been finalized and he read the amendments:

-Paragraph 3: "The city accepts the water right as is with all its faults, if any. The city will comply with TCEQ rules and regulations with respect to the conveyance of such right. The city plans to initiate the change of ownership status with TCEQ as soon as possible and will keep you apprised of such action."

-Added sentence: "The city's acceptance of the right herein shall deny any recourse against James Hayes and/or Mary K. Mosty Hayes."

Mr. MacDonald moved to accept the donation letter agreement as amended. Mr. Allen seconded the motion and it passed 5-0.

## **3. PUBLIC HEARING AND RESOLUTION**

3A. Resolution No. 44-2013 repealing Resolution No. 118-2004 and granting a Conditional Use Permit for an approximate 2.80 acre tract of land located on Lots 1 and 2-R, Block 1 of the Bryant Addition, a subdivision within the City of Kerrville, Texas, and otherwise known as 1871 and 1903 Junction Highway; said tract is located within the 3-W zoning district; by permitting said property to be used for "dwelling – single family attached", "vehicle sales – new", and "vehicle sales – used"; and making said permit subject to certain conditions and restrictions contained herein.

Mr. Lutz noted the applicant (Troy Faust) was granted a CUP in 2004 for used vehicle sales. Mr. Faust was seeking a new CUP to expand his sales lot to an adjacent tract and to add vehicle sales new and single family detached as permitted uses, thus allowing the applicant to add on to an existing single family structure. Mr. Lutz noted an existing utility easement had been granted to the adjacent landowner; however, utility connection had since been re-routed and the owner was in the process of abandoning that easement. The planning and zoning commission approved the replat subject to the easement being abandoned prior to the construction of the culvert that would be located in that easement.

Mayor Pratt opened the public hearing at 6:16 p.m. and the following person spoke:

1. James Koch, adjacent neighbor on Arcadia Loop, stated that he did not oppose the development request; however, he was concerned that additional development would increase stormwater runoff on to his property from Junction Highway. He contacted TxDOT regarding the drainage structure on Junction Highway and TxDOT would not relocate the culvert, rather, they would like to increase it at this location. The culvert channeled water from Junction Highway on to his property causing flooding. Mr. Koch was concerned that additional development would result in increased flooding to his property, and he asked that any new development not be allowed to restrict water flow or direct additional water on to his property.

Mayor Pratt closed the public hearing at 6:22 p.m.

Mr. Lutz stated the city was aware of drainage from Junction Highway, and Mr. Faust's plan would continue to allow water to flow its natural course the same as now; however, it would not increase the flow. Mr. Lutz noted that Mr. Faust proposed to expand the parking lot for additional vehicles along Junction Highway. Although the parking lot may increase runoff at this location, that additional runoff would drain south/southeast and not on to Mr. Koch's property. The additional parking lot would not have an adverse effect to Mr. Koch's property with storm runoff any more than it did now.

Mr. MacDonald noted the city was meeting the standard and he moved for approval of Resolution No. 44-2013 as presented; Mr. Conklin seconded the motion and it passed 5-0.

**4. ORDINANCE, SECOND AND FINAL 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. Mayor Pratt read the ordinance by title only.

Mr. Lutz noted no change since first reading.

Mr. MacDonald moved for approval of Ordinance 2013-22 on second and final reading; Mr. Conklin seconded the motion and it passed 5-0.

**5. CONSIDERATION AND POSSIBLE ACTION:**

5A. Appointment of municipal court judges.

Ms. Meisner noted that Mark Prislovsky's and Patrick Maguire's terms would expire December 31, 2013; staff recommended reappointment.

Mayor Pratt noted that both judges were recognized at a reception prior to this meeting: Judge Prislovsky for 25 years of service; and Judge Maguire for 10 years of service to the City of Kerrville.

Ms. Keeble moved to reappoint Mark Prislovsky and Patrick Maguire as the city's municipal court judges for two year terms beginning January 1, 2014, and ending December 31, 2015. Mr. Conklin seconded the motion and it passed 5-0.

5B. Funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and Habitat for Humanity in an amount not to exceed \$375,000.

Ms. Boyle noted EIC held a public hearing and approved the funding agreement on October 28 to fund public infrastructure improvements for Phase II in an amount not to exceed \$375,000.

Mr. Hayes noted an amendment had been made to the agreement per EIC's motion: EIC voted to fund the project at \$0.50 for every \$1.00; therefore, if the project is less than \$375,000, then EIC's funding would be less than \$375,000.

Mr. Parton noted that the total value of work put into the project was \$900,000.

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

5C. Funding agreement between the City of Kerrville, Texas Economic Improvement Corporation and Schreiner University in an amount not to exceed \$250,000.

Ms. Boyle noted that the EIC held a public hearing and approved a funding agreement with Schreiner University in the amount of \$250,000 to build a 35,000 sq. ft. athletic facility and event center at an estimated total cost of \$11 million. The facility was Schreiner's top priority. Construction of the facility would add 100 temporary jobs and two permanent full time positions. She noted that community events could be held at the facility.

Council noted the economic impact that Schreiner University brings to Kerrville.

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

5D. Authorization to submit application to the City of Kerrville, Texas Economic Improvement Corporation in the amount of \$500,000 for improvements to the Cailloux Theater for the construction of a support facility.

Ms. Boyle noted that on November 25 EIC considered a funding application from Playhouse 2000, Inc. (P2K) to construct a 6,000 sq. ft. support facility to be built near the Cailloux Theater and facing Jefferson Street. The property was owned by P2K, and in accordance with the operation and management agreement between P2K and the city, the land and building would be conveyed to the city; therefore, since it would become a city facility, staff requested permission to submit a funding application to EIC. EIC also recommended implementing a first right of refusal in the event that P2K decided to vacate the building.

Council noted the city was being asked to be the applicant for funding on property that the city did not own; if P2K owned the property, they should be the applicant. Mr. Hayes noted that in terms of control of the construction and site, the city could request ownership sooner.

The following person spoke:

1. Jeffrey Brown, representing P2K, stated that in the past property conveyance occurred upon completion of the facility; however, he opined that P2K would not object to conveyance of the building and surrounding property to the city at groundbreaking.

Mr. MacDonald moved to authorize staff to submit funding application to EIC in the amount not to exceed \$500,000 for improvements to the Cailloux Theater for a support facility, contingent upon conveyance of the property to the city at the appropriate time. Ms. Keeble seconded the motion and it passed 5-0.

5E. Kerrville Beautification Advisory Committee's (BAC) proposed goals and objectives.

Brandon Douglass, chairman of the BAC, presented the goals and objectives as required by the resolution that created the BAC. The goals covered a broad spectrum of what the committee wished to accomplish.

Council cautioned not to expand the program beyond a voluntary program with regard to developing an urban forestation program.

Mr. Douglass noted that BAC had no power, and he proposed to amend the goals to state "Work with landowners to voluntarily identify and label landmark trees."

5F. Casting votes to elect member to the Kerr Central Appraisal District 2014-2015 Board of Directors.

Mr. Parton noted the city had 709 votes to cast and recommended 705 be cast for Justin MacDonald and one vote for each of the remaining candidates to ensure that the city has standing in the event of a recall of any board member.

Mr. Conklin moved to cast 705 votes for Justin MacDonald, and one vote each for: Mark Bigott, Jack Parks, Charles Lewis, and Ray Orr. Mr. Allen seconded the motion and it passed 5-0.

**6. INFORMATION AND DISCUSSION:**

**6A. Budget and economic update.**

Ms. Yarbrough noted: general fund revenue at \$3,137,497, expenditures \$3,249,369; water and sewer fund revenue at \$1,529,973, expenditures \$1,302,556; hotel/motel tax revenue at \$115,616 and expenditures \$214,550.

**7. BOARD APPOINTMENTS:**

**7A. Appointments to the library advisory board.** Mr. MacDonald moved to

reappoint Thomas Jones and Jeanine Kenworthy, and to appoint Gail Brown, all with terms to expire November 22, 2015. Mr. Allen seconded the motion and it passed. 5-0.

7B. Appointments to the building board of adjustment and appeals. Matter was deferred to executive session.

7C. Appointments to the planning and zoning commission. Matter was deferred to executive session.

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

9. **ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- The Holiday Lighted Parade had a grand turn out in spite of freezing weather.
- Jimmie and Ruth Spradling were recognized for their 60<sup>th</sup> wedding anniversary.
- Supper with Santa on December 14 at Schreiner Park, 4-6:00 p.m.
- The Polar Bear Plunge would be January 1 at MO Ranch; proceeds from the event would go to Hill Country Cares.

10. **EXECUTIVE SESSION:**

Mr. Conklin moved for the city council to go into executive closed session under Sections 551.071, 551.072, and 551.074 of the Texas Government Code; motion was seconded by Mr. Allen and passed 5-0 to discuss 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 property
- Jefferson lift station
- River Trail.

Section 551.074:

- Appointments to the planning and zoning commission

At 6:53 p.m. the regular meeting recessed and council went into executive closed session at 6:59 p.m. At 7:25 p.m. the executive closed session recessed and council returned to open session at 7:26 p.m. The mayor announced that no action had been taken in executive session.

Ms. Keeble left the meeting at 7:23 p.m.

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

7B. Appointments to the building board of adjustment and appeals. Mr. Conklin moved to reappoint the following persons to the specific positions: John Hewitt, professional engineer; Kenneth Bledsoe, contractor; Dwayne Downey, active construction; and John Priour, alternate member; all with terms to expire August 31, 2015. Mr. MacDonald seconded the motion and it passed 4-0.

7C. Appointments to the planning and zoning commission. Mr. MacDonald moved to reappoint David Watterson and Doyle Malone to their current positions with terms to expire January 1, 2016, and to appoint Rustin Zuber to the alternate member position with term to expire January 1, 2015. Mr. Conklin seconded the motion and it passed 4-0.

**ADJOURNMENT.** The meeting adjourned at 7:29 p.m.

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

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

ATTEST:

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

CITY COUNCIL MINUTES  
SPECIAL MEETING

KERRVILLE, TEXAS  
DECEMBER 23, 2013

On December 23, 2013, the Kerrville City Council special meeting was called to order by Mayor Pratt at 10:00 a.m. in the city hall council chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Carson Conklin	Mayor Pro Tem
Stacie Keeble	Councilmember (left at 10:04 a.m.)
Gene Allen	Councilmember (arrived at 10:14 a.m.)
Justin MacDonald	Councilmember

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Malcolm Matthews	Director of Parks and Recreation

EXECUTIVE SESSION:

Mr. Conklin 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. MacDonald and passed 4-0 to discuss the following matter:

**City of Kerrville, Texas vs. Rio Robles, Inc., 198<sup>th</sup> District Court of Kerr County, No. 13698B (Condemnation).**

Ms. Keeble recused herself at 10:04 a.m. Mr. Allen arrived at 10:14 a.m.

At 10:04 a.m. the regular meeting recessed and council went into executive closed session at 10:05 a.m. The executive closed session recessed and council returned to open session at 10:47 a.m. The mayor announced that no action had been taken in executive session.

ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:

**City of Kerrville, Texas vs. Rio Robles, Inc., 198<sup>th</sup> District Court of Kerr County, No. 13698B (Condemnation).**

Mr. Conklin noted that one of the most important duties of the city council was fiduciary responsibility with regard to the use of public funds. Regarding the award by the special commissioners court, city council cannot justify such great expense for floodway property when compared to developable real estate.

Mr. Conklin moved to appeal the award of the special commissioners court with respect to the Rio Robles property. Mr. MacDonald seconded the motion and it passed 4-0.

**ADJOURNMENT:** The meeting adjourned at 10:49 a.m.

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

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

ATTEST:

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

## **Agenda Item:**

3B. Resolution No. 01-2014 ordering that a general election be held on May 10, 2014, for the election of a Mayor and two City Councilmembers; appointing election judges, adopting an electronic counting system; establishing a central counting station; appointing a central counting station manager; appointing a tabulation supervisor; appointing the central counting station presiding judge; and authorizing the early processing of ballots. (staff)

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

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**SUBJECT:** Resolution No. 01-2014 ordering City Council General Election on May 10, 2014; appointing election judges; and establishing a central counting station

**FOR AGENDA OF:** January 14, 2014    **DATE SUBMITTED:** December 5, 2013

**SUBMITTED BY:** Brenda Craig,  
City Secretary *BC*                      **CLEARANCES:** Todd Parton, City Manager  
Mike Hayes, City Attorney

**EXHIBITS:** Resolution No. 01-2014 and Election Calendar

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

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**SUMMARY STATEMENT**

The attached resolution orders a General Election to be held on Saturday May 10, 2014, to elect one mayor and two councilmembers whose terms will expire as follows:

Mayor – Jack Pratt  
Councilmember Place Three – Justin MacDonald  
Councilmember Place Four – Gene Allen.

The period for filing an application for a place on the ballot is January 29 through February 28, 2014; write-in candidates may file through February 28, 2014.

Approval of the Resolution No. 01-2014 will establish the period of early voting by personal appearance, appoint election judges, establish the central counting station, and establish the date and time for canvassing the election. The city secretary recommends the following:

1. Early voting by personal appearance be held April 28 through May 6 at the Cailloux City Center at 910 Main Street as follows:
  - Monday and Tuesday, April 28 and 29: 7 a.m. to 7 p.m.
  - Starting Wednesday, April 30, May 1, 2, 5, and 6: 8 a.m. to 5 p.m.
2. Applications for ballot by mail be addressed to Nadene Alford, Kerr County Courthouse, 700 Main Street, Kerrville, Texas 78028, and be received no later than 5:00 p.m., May 1, 2014.

3. Election Day is Saturday, May 10, 2014, from 7:00 a.m. to 7:00 p.m. at the Cailloux City Center at 910 Main Street.
4. Appoint the following election judges:
  - Kathy Coleman, election judge
  - Helen Herget, alternate election judge; and
  - Pam Cornett, early voting ballot board judge.
5. Establish the location of the central counting station as the Kerr County Juvenile Facility, 3501 Legion Drive, Kerrville, Texas, and appoint the central counting station workers as follows:
  - Jennifer Favour, central counting station presiding judge;
  - Michele Schneider, tabulation supervisor; and
  - Nadene Alford, central counting station manager.
6. Official canvass of the election be held on May 20, 2014, at 10:00 a.m.

#### **RECOMMENDED ACTION**

The city secretary recommends approval of Resolution No 01-2014 calling the General Election on May 10, 2014, adoption of the calendar, and related matters as presented.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 01-2014**

**A RESOLUTION ORDERING THAT A GENERAL ELECTION BE HELD ON MAY 10, 2014, FOR THE ELECTION OF A MAYOR AND TWO CITY COUNCILMEMBERS; APPOINTING ELECTION JUDGES; ADOPTING AN ELECTRONIC COUNTING SYSTEM; ESTABLISHING A CENTRAL COUNTING STATION; APPOINTING A CENTRAL COUNTING STATION MANAGER; APPOINTING A TABULATION SUPERVISOR; APPOINTING THE CENTRAL COUNTING STATION PRESIDING JUDGE; AND AUTHORIZING THE EARLY PROCESSING OF BALLOTS**

**WHEREAS**, Section 2.03 of the City Charter establishes a two-year term of office for each Councilmember and until a successor is elected; and

**WHEREAS**, the term of office for Mayor, Councilmember Place Three, and Councilmember Place Four will expire in May 2014; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to call a general election to be held on May 10, 2014, for the election of persons to the offices of Mayor, Councilmember Place Three, and Councilmember Place Four; and

**WHEREAS**, in order to more efficiently conduct the counting of ballots for the May 10, 2014, general election for the City of Kerrville, the City Council finds it to be in the public interest to appoint various officials and to adopt certain procedures for conducting said election;

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

**SECTION ONE.** City Council orders that a general election be held in the City of Kerrville, Texas, on Saturday, the 10<sup>th</sup> day of May 2014, for the purpose of electing persons to the offices of Mayor, Councilmember Place Three, and Councilmember Place Four for the City of Kerrville, Texas.

**SECTION TWO.** City Council orders that the Hart Voting System, which is an electronic touch screen voting system, be the method of voting.

**SECTION THREE.** City Council orders that the municipal polling place for such election will be the Kathleen C. Cailloux City Center of the Performing Arts, 910 Main Street, Kerrville, Texas, 78028.

**SECTION FOUR.** On election day, May 10, 2014, the polls shall be open from 7:00 AM to 7:00 PM. Early voting shall be conducted at the Kathleen C. Cailloux City Center of the Performing Arts, 910 Main Street, Kerrville, Texas, 78028, April 28 through May 6 as follows:

Monday, April 28, 2014: 7:00 AM to 7:00 PM

Tuesday, April 29, 2014: 7:00 AM to 7:00 PM

Starting Wednesday, April 30, and May 1, 2, 5 and 6, 2014: 8:00 AM to 5:00 PM

**SECTION FIVE.** Applications for ballot by mail should be addressed to: Nadene Alford, Kerr County Courthouse, 700 Main Street, Kerrville, Texas, 78028, and must be received no later than 5:00 PM on May 1, 2014.

**SECTION SIX.** The following persons are appointed as election judges pursuant to Texas Election Code §32.005 for the election to be held on May 10, 2014, inclusive of the early voting period:

Kathy Coleman– Election Judge

Helen Herget – Alternate Election Judge

Pam Cornett – Early Voting Ballot Board Judge

**SECTION SEVEN.** In accordance with Texas Election Code §127.001, City Council declares that ballots for the May 10, 2014, City election shall be electronically counted by using the Hart E Scan System owned by Kerr County.

**SECTION EIGHT.** In accordance with Texas Election Code §127.001, City Council establishes that the central counting station for the counting of ballots in the May 10, 2014, election will be located in the Kerr County Juvenile Facility, 3501 Legion Drive, Kerrville, Texas.

**SECTION NINE.** In accordance with Texas Election Code §127.005, City Council appoints Jennifer Favour to serve as presiding judge of the central counting station for the May 10, 2014, City election.

**SECTION TEN.** In accordance with Texas Election Code §127.003, City Council appoints Michele Schneider to serve as tabulation supervisor for the May 10, 2014, City election.

**SECTION ELEVEN.** In accordance with Texas Election Code §127.002, City Council appoints Nadene Alford to serve as central counting station manager for the May 10, 2014, City Council election.

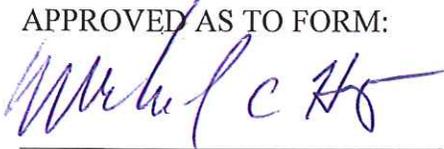
**SECTION TWELVE.** In accordance with Texas Election Code §127.124, City Council authorizes that the ballots cast during the early voting period for the May 10, 2014, City election may be processed on or after 9:00 AM on May 10, 2014.

**SECTION THIRTEEN.** City Council will conduct the official canvass of the election at a special meeting on Tuesday, May 20, 2014, beginning at 10:00 AM in the Council Chambers, City Hall, 701 Main Street, Kerrville, Texas.

PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2014.

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

APPROVED AS TO FORM:



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

ATTEST:

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

## CITY COUNCIL ELECTION CALENDAR

This memo gives the dates for the various actions connected with the regular city election to be held on May 10, 2014, and lists the councilmembers whose terms are expiring. Please mark these dates on your calendar:

Jan. 29 – Feb. 28	Candidate may file application for place on ballot from 8:00 a.m. to 5:00 p.m. Monday-Friday. The name of the candidate and the place for which they are filing will be affixed by the city secretary at the time of issuance of a petition form.
Jan. 29– Feb. 28	Write-In candidate may file to declare candidacy at city secretary's office 8:00 a.m.-5:00 p.m. Monday-Friday.
Mar. 10	City secretary conducts drawing for order of names on ballot at 10:00 a.m.
Apr. 10	Last day for submitting voter registration application or for requesting transfer of registration in time to vote in the election.
Apr. 28– May 6	Early voting by personal appearance at Cailloux City Center at 910 Main Street on April 28 through May 6: - Monday and Tuesday, April 28 & 29: 7 a.m. to 7 p.m. - Starting Wednesday, April 30, May 1, 2, 5, & 6: 8 a.m. to 5 p.m.
May 10	ELECTION DAY, voting from 7:00 a.m. to 7:00 p.m. at Cailloux City Center, at 910 Main Street. Early voting results will be available at the Kerr County Juvenile Facility, 3501 Legion Drive after 7:00 p.m., and the unofficial tabulation results of election day will be available after 7:30 p.m. at the Kerr County Juvenile Facility, 3501 Legion Drive, and on the city's website at <a href="http://www.kerrvilletx.gov">www.kerrvilletx.gov</a> .
May 20	City council meeting at 10:00 a.m. at city hall, 701 Main Street, to officially canvass election returns by city council, certificates of election issued, oaths of office given, newly elected officers assume duties, and mayor pro tem may be elected by city council.
May 27	Regular city council meeting at 6:00 p.m. at city hall, 701 Main Street.

Councilmembers whose terms are expiring are:

Mayor – Jack Pratt  
Place Three – Justin MacDonald  
Place Four – Gene Allen

## **Agenda Item:**

**3B. RESOLUCIÓN 01-2014 QUE DECRETA QUE LAS ELECCIONES GENERALES SE LLEVEN A CABO EL 10 DE MAYO DEL 2014 PARA ELEGIR AL ALCALDE DE LA CIUDAD Y A DOS CONCEJALES MUNICIPALES; NOMBRAR A LOS JUECES ELECTORALES; ADOPTAR UN SISTEMA ELECTRÓNICO DE CONTEO DE VOTOS; ESTABLECER UNA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN ADMINISTRADOR(A) DE LA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN SUPERVISOR(A) DE TABULACIÓN; DESIGNAR AL JUEZ PRESIDENTE DE LA ESTACIÓN CENTRAL DE CONTEO; Y AUTORIZAR EL PROCESAMIENTO TEMPRANO DE LOS VOTOS ELECTORALES.**

**ASUNTO DEL CONCEJO MUNICIPAL  
CIUDAD DE KERRVILLE, TEXAS**

**ASUNTO:** Resolución N° 01-2014 que ordena las Elecciones Generales del Concejo Municipal del 10 de mayo del 2014; el nombramiento de los jueces electorales y el establecimiento de una estación central de conteo.

**PARA LA AGENDA DEL:** 14 de enero, 2014  
**FECHA DE PRESENTACIÓN:** 5 de diciembre, 2013

**PRESENTADO POR:** Brenda Craig  
Secretaria de la ciudad

**AUTORIZACIONES:** Todd Parton  
Administrador de la Ciudad  
Mike Hayes  
Procurador de la Ciudad

**DOCUMENTOS:** Resolución N° 01-2014 y el Calendario de las Elecciones

**AGENDA ENVIADA POR CORREO A:**

**APROBADA PARA SER PRESENTADA POR EL ADMINISTRADOR DE LA CIUDAD:** 

Gastos	Balance de Cuenta	Monto	Número de la
Requeridos:	Corriente:	Presupuestado:	Cuenta:
\$	\$	\$	

**EL PAGO DEBE HACERSE A:**

**REVISADO POR EL DIRECTOR DE FINANZAS:**

**DECLARACIÓN RESUMEN**

La resolución adjunta ordena unas Elecciones Generales a celebrarse el sábado 10 de mayo del 2014 para elegir un alcalde y dos concejales, cuyos mandatos vencen como sigue:

Alcalde – Jack Pratt  
Concejal Puesto Tres – Justin MacDonald  
Concejal Puesto Cuatro – Gene Allen.

El período para presentar una solicitud pidiendo ser colocado en la boleta de votación es del 29 de enero al 28 de febrero del 2014; los candidatos agregados (write-in) pueden presentar su solicitud hasta el 28 de febrero del 2014.

La aprobación de la Resolución N° 01-2014 establecerá el período de la votación temprana en persona, nombrará a los jueces electorales, establecerá la estación central de conteo y establecerá la fecha y la hora para hacer el escrutinio de los votos. La Secretaria de la Ciudad recomienda lo siguiente:

1. La votación temprana en persona ha de llevarse a cabo del 28 de abril al 6 de mayo en el Cailloux City Center, ubicado en la calle Main Street #910 con el siguiente horario:
  - lunes 28 de abril y martes 29 de abril: 7 a.m. - 7 p.m.
  - A partir del miércoles 30 de abril y el 1, 2, 5 y 6 de mayo: 8 a.m. - 5 p.m.

2. Las solicitudes de las boletas de votación por correo se deben enviar a Nadene Alford, Kerr County Courthouse, 700 Main Street, Kerrville, Texas 78028, y se deben recibir no más tardar de las 5:00 p.m. del 1 de mayo del 2014.
3. El Día de las Elecciones es el sábado 10 de mayo del 2014 de 7:00 a.m. - 7:00 p.m. en el Cailloux City Center, ubicado en la calle Main Street #910.
4. Nombrar a los siguientes jueces electorales:
  - Kathy Coleman, juez electoral
  - Helen Herget, juez electoral suplente; y
  - Pam Cornett, juez de la junta de boletas de la votación temprana.
5. Establecer la ubicación de la estación central de conteo en Kerr County Juvenile Facility, Legion Drive #3501, Kerrville, Texas y designar a los trabajadores de la estación central de conteo de la siguiente manera:
  - Jennifer Favour, juez que preside la estación central de conteo;
  - Michele Schneider, supervisora de la tabulación; y
  - Nadene Alford, administrador de la estación central de conteo.
6. El escrutinio oficial de los votos se llevará a cabo el 20 de mayo del 2014 a las 10:00 a.m.

### **ACCIÓN RECOMENDADA**

La secretaria de la ciudad recomienda la aprobación de la Resolución N° 01-2014 que ordena las Elecciones Generales del 10 de mayo del 2014, la adopción del calendario y los asuntos relacionados, tal como han sido presentados.

**CIUDAD DE KERRVILLE, TEXAS  
RESOLUCIÓN N<sup>o</sup> 01-2014**

**RESOLUCIÓN QUE DECRETA QUE LAS ELECCIONES GENERALES SE LLEVEN A CABO EL 10 DE MAYO DEL 2014 PARA ELEGIR AL ALCALDE DE LA CIUDAD Y A DOS CONCEJALES MUNICIPALES; NOMBRAR A LOS JUECES ELECTORALES; ADOPTAR UN SISTEMA ELECTRÓNICO DE CONTEO DE VOTOS; ESTABLECER UNA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN ADMINISTRADOR(A) DE LA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN SUPERVISOR(A) DE TABULACIÓN; DESIGNAR AL JUEZ PRESIDENTE DE LA ESTACIÓN CENTRAL DE CONTEO; Y AUTORIZAR EL PROCESAMIENTO TEMPRANO DE LOS VOTOS ELECTORALES**

**POR CUANTO**, la Sección 2.03 de la Carta Constitucional de la Ciudad establece un término de dos años para cada Concejal y hasta que su sucesor haya sido elegido; y

**POR CUANTO**, el término del Alcalde, el Concejal Puesto Tres y el Concejal Puesto Cuatro se vence en mayo del 2014; y

**POR CUANTO**, el Concejo Municipal de la Ciudad de Kerrville, Texas, considera que es en el interés público convocar unas elecciones generales, a ser celebradas el 10 de mayo del 2014, para la elección de las personas que ocuparán los cargos de Alcalde, Concejal Puesto Tres y Concejal Puesto Cuatro; y

**POR CUANTO**, con el fin de llevar a cabo de manera más eficiente el conteo de las boletas de votación de las elecciones generales de la Ciudad de Kerrville del 10 de mayo del 2014, el Concejo Municipal considera que es en el interés público designar a varios funcionarios y adoptar ciertos procedimientos para la realización de dichas elecciones;

**POR LO TANTO, RESUÉLVASE POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE KERRVILLE, CONDADO DE KERR, TEXAS:**

**SECCIÓN PRIMERA.** El Concejo Municipal ordena que unas elecciones generales se celebren en la Ciudad de Kerrville, Texas, el sábado, el día 10 de mayo del 2014, con el fin de elegir a las personas que ocuparán los cargos de Alcalde, Concejal Puesto Tres y Concejal Puesto Cuatro de la Ciudad de Kerrville, Texas.

**SECCIÓN SEGUNDA.** El Concejo Municipal ordena que el Sistema de Votación Hart, que es un sistema de votación electrónico con pantalla táctil, sea el método utilizado en la votación.

**SECCIÓN TERCERA.** El Concejo Municipal ordena que el centro electoral municipal de dichas elecciones sea el Centro de Bellas Artes de la ciudad Kathleen C. Cailloux, ubicado en Main Street #910, Kerrville, Texas, 78028.

**SECCIÓN CUARTA.** El día de las elecciones, el 10 de mayo del 2014, las urnas electorales estarán abiertas de 7:00 AM hasta las 7:00 PM. La votación temprana se deberá llevar a cabo en el Centro de Bellas Artes de la ciudad Kathleen C. Cailloux, ubicado en Main Street #910, Kerrville, Texas, 78028, desde el 28 de abril hasta el 6 de mayo de la siguiente manera:

Lunes 28 de abril del 2014: 7:00 AM a 7:00 PM

Martes 29 de abril del 2014: 7:00 AM a 7:00 PM

A partir del miércoles 30 de abril y los días 1, 2, 5 y 6 de mayo del 2014:  
8:00 AM a 5:00 PM

**SECCIÓN QUINTA.** Las solicitudes de las boletas de votación por correo deben ser dirigidas a: Nadene Alford, Kerr County Courthouse, 700 Main Street, Kerrville, Texas, 78028 y deberán ser recibidas no más tardar del 1 de mayo del 2014 antes de las 5:00 p.m.

**SECCIÓN SEXTA.** Las siguientes personas se han nombrado como jueces electorales de conformidad con el Código Electoral de Texas §32.005 de las elecciones que se celebrarán el 10 de mayo de 2014, incluido el período de votación temprana:

Kathy Coleman– Juez electoral

Helen Herget – Juez electoral suplente

Pam Cornett – Juez de la junta de la votación temprana

**SECCIÓN SÉPTIMA.** De conformidad con el Código Electoral de Texas §127.001, el Concejo Municipal declara que las boletas de las elecciones de la ciudad del 10 de mayo del 2014 serán contadas electrónicamente utilizando el Sistema de Escaneado Electrónico Hart, propiedad del Condado de Kerr.

**SECCIÓN OCTAVA.** De conformidad con el Código Electoral de Texas §127.001, el Concejo Municipal establece que la estación central de conteo de las boletas de votación de estas elecciones del 10 de mayo del 2014 estará ubicado en Kerr County Juvenile Facility, Legion Drive #3501, Kerrville, Texas.

**SECCIÓN NOVENA.** De conformidad con el Código Electoral de Texas §127.005, el Concejo Municipal nombra a Jennifer Favour para servir como juez presidente de la estación central de conteo de las elecciones de la ciudad del 10 de mayo del 2014.

**SECCIÓN DÉCIMA.** De conformidad con el Código Electoral de Texas §127.003, el Concejo Municipal nombra a Michele Schneider para servir como supervisora de tabulación de las elecciones de la ciudad del 10 de mayo del 2014.

**SECCIÓN UNDÉCIMA.** De conformidad con el Código Electoral de Texas §127.002, el Concejo Municipal nombra a Nadene Alford para servir como administrador de la estación central de conteo de las elecciones de la ciudad del 10 de mayo del 2014.

**SECCIÓN DUODÉCIMA.** De conformidad con el Código Electoral de Texas §127.124, el Concejo Municipal autoriza a que los votos emitidos durante el período de votación temprana de las elecciones de la ciudad del 10 de mayo del 2014 sean procesados el día 10 de mayo del 2014 a partir de las 9:00 a.m.

**SECCIÓN DÉCIMOTERCERA.** El Concejo Municipal realizará el escrutinio oficial de las elecciones en una reunión especial el martes 20 de mayo del 2014 a las 10:00 a.m. en la Cámara del Concejo en el Ayuntamiento, ubicado en la calle Main Street #701, Kerrville, Texas.

**PASADA Y APROBADA en éste el \_\_\_\_\_ día de \_\_\_\_\_, 2014 D.C.**

\_\_\_\_\_  
Jack Pratt, Jr., Alcalde

APROBADA EN FORMA:

DOY FE:

\_\_\_\_\_  
Michael C. Hayes, Procurador de la Ciudad

\_\_\_\_\_  
Brenda G. Craig, Secretaria de la Ciudad

## CALENDARIO DE LAS ELECCIONES DEL CONCEJO MUNICIPAL

Este memorando tiene las fechas importantes relativas a las elecciones ordinarias de la ciudad que se celebrarán el 10 de mayo del 2014, y la lista de los concejales, cuyos mandatos vencen. Por favor, marque estas fechas en su calendario:

29 de enero – 28 de febrero	El candidato podrá presentar su solicitud para aparecer en la boleta de votación desde las 8:00 a.m. hasta las 5:00 p.m. de lunes a viernes. El nombre del candidato(a) y el puesto para el que solicita será colocado por la secretaria de la ciudad en el momento que se emita el formulario de petición.
29 de enero – 28 de febrero	Candidato agregado (write-in) podrá declarar su candidatura en la oficina de la secretaria de la ciudad de 8:00 a.m. a 5:00 p.m. de lunes a viernes.
10 de marzo	La secretaria de la ciudad realiza un sorteo a las 10:00 a.m. para decidir el orden en que aparecerán los nombres en la boleta de votación.
10 de abril	Último día para presentar la solicitud de inscripción de votante o para solicitar una transferencia de la inscripción a tiempo para votar en las elecciones.
28 de abril- 6 de mayo	La votación temprana en persona en el Cailloux City Center ubicado en la calle Main Street #910 del 28 de abril hasta el 6 de mayo: - lunes y martes, 28 y 29 de abril: 7 a.m. - 7 p.m. - a partir del miércoles 30 de abril y el 1, 2, 5 y 6 de mayo: 8 a.m. - 5 p.m.
10 de mayo	DÍA DE LAS ELECCIONES: la votación se llevará a cabo de 7:00 a.m. a las 7:00 p.m. en el Cailloux City Center, ubicado en la calle Main Street #910. Los resultados de la votación temprana estarán disponibles en Kerr County Juvenile Facility, ubicado en Legion Drive #3501 después de las 7:00 p.m. y los resultados no oficiales de la tabulación del día de las elecciones estarán disponibles después de las 7:30 p.m. en Kerr County Juvenile Facility, ubicado en Legion Drive #3501 y en el sitio web de la ciudad en <a href="http://www.kerrvilletx.gov">www.kerrvilletx.gov</a> .
20 de mayo	Reunión del Concejo Municipal en el Ayuntamiento a las 10:00 a.m., ubicado en la calle Main Street #701, para hacer el escrutinio oficial de los votos de las elecciones, emitir los certificados de la votación, hacer los juramentos de oficio, los funcionarios recién electos asuman sus puestos y para que el concejo municipal elija al alcalde interino (pro-term).
27 de mayo	Reunión ordinaria del concejo municipal a las 6:00 p.m. en el Ayuntamiento, ubicado en la calle Main Street #701.

Concejales cuyos mandatos se vencen:

Alcalde – Jack Pratt

Puesto Tres – Justin MacDonald

Puesto Cuatro – Gene Allen

## **Agenda Item:**

4A. Resolution No. 02-2014, granting a conditional use permit for an approximate 0.94 acre tract of land within the City of Kerrville, Kerr County, Texas, with a street address of 233 and 237 Guadalupe Street, and located within an R-1 zoning district; by permitting said property to be used for a bed and breakfast; and making said permit subject to certain conditions and restrictions.  
(staff)

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

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**SUBJECT:** Public Hearing & Action: Conditional Use Permit – Public hearing, consideration, and action concerning a proposed CUP to allow the land use of “Bed and Breakfast”, for a 0.94 acre tract, part of Block 11 of the Lowry Addition, out of the John Young Survey No. 118, Abstract No. 375, located at 233 & 237 Guadalupe Street.

**FOR AGENDA OF:** Jan. 14, 2014      **DATE SUBMITTED:** Jan. 3, 2014

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

**EXHIBITS:** Resolution, Exhibits, Statement From Applicant, Protest Letter, and Pictures

**AGENDA MAILED TO:** Barbara Burton, 235 Guadalupe St., Kerrville, Texas 78028

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

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**SUMMARY STATEMENT**

The applicant is seeking to obtain a CUP to allow a Bed and Breakfast for two small homes, located at 233 & 237 Guadalupe Street. These homes have been operating as a Bed and Breakfast since July of 2009 and Ms. Burton has been collecting and paying hotel (HOT) taxes.

These homes (Guest Cottages) are both 1 bedroom 1 bath residences that can each accommodate 4 guests. 4 off street parking spaces are located on the site, which does meet the required parking found in the City of Kerrville’s adopted zoning code. Based on the size of the units, no health permits are required by the State of Texas or the City of Kerrville.

The property is located in an R-1A zoning district, which does permit a Bed and Breakfast with the approval of a conditional use permit. The property is also bound to the south (across the river) by the Guadalupe River (GR) District, a Public & Institutional (PI) District is located 800 ft. to the east, and a Multifamily Residential (R-3) District is located 400 ft. to the west. All of the adjacent districts mentioned above permit a Bed and Breakfast by right.

Based on the following facts the Planning & Zoning Commission approved the request, by a vote of 5-0, at their regularly scheduled meeting on Dec. 5, 2013. Only 1 official protest has been received.

**Findings of Fact:**

1. A Bed and Breakfast is permitted in the R-1A zoning district, with approval of a conditional use permit.
2. The property has been functioning as a Bed and Breakfast since July of 2009.
3. No complaints, from neighboring land owners, have been submitted for the subject property.
4. The land owner has been collecting and paying (HOT) taxes.

### **RECOMMENDED ACTION**

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

**CITY OF KERRVILLE, TEXAS**  
**RESOLUTION NO. 02 -2014**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATE 0.94 ACRE TRACT OF LAND WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, WITH A STREET ADDRESS OF 233 AND 237 GUADALUPE STREET, AND LOCATED WITHIN AN R-1 ZONING DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR A BED AND BREAKFAST; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS**

**WHEREAS**, the Kerrville Planning and Zoning Commission and the Kerrville City Council, in compliance with the City Charter and the State law, with reference to the granting of conditional use permits under Title 11, Chapter I of the City's Code of Ordinances and the official zoning map adopted thereby, have given the requisite notices by mail, publication and otherwise; and after holding 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, the Kerrville City Council finds that the health, safety and general welfare will be best served by the granting of a Conditional Use Permit, subject to the special conditions and restrictions as provided on the property described in Section One;

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

**SECTION ONE.** A Conditional Use Permit is granted to permit the property described below to be used for the purpose of a Bed and Breakfast, as is currently defined in Article 11-I-3 of the Zoning Code for the City of Kerrville, Texas, and subject to the provisions of this Resolution and other applicable City ordinances and regulations:

**An approximate 0.94 acre tract located within the City of Kerrville, Kerr County, Texas, part of Block 11 of the Lowry Addition, out of the John Young Survey No. 118, Abstract No. 375, and being more particularly described in Exhibit A.**

hereafter referred to as "the Property."

**SECTION TWO.** In addition to the use and development regulations currently applicable to the Property, the Property may be used and developed for a bed and breakfast, and is subject to the following additional regulations:

- A. **Site Plan and Elevation Plan:** The development of the Property must conform in all respects with the Site Plan, which may be found at **Exhibit B**, as attached hereto and incorporated herein by reference.
- B. **Signs:** The design, installation, location, operation, and maintenance of signs must comply with the City's ordinances regulating signs existing at the time of

installation. Notwithstanding this section, the only sign that is permitted is an unlighted name plate or business sign with a face not more than two square feet attached flush to the building, uses no exterior sign to identify the occupation or business or to indicate the means of access to the business, including, but not limited to, any directional sign.

- C. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, as amended or superceded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, as amended or superceded, the provisions of this Resolution shall prevail.
- D. **Parking:** All off-street parking must be as shown on **Exhibit B**.
- E. **Building Location, Site, and Orientation:** The location of each building shall be as indicated on **Exhibit B**. Any changes shall require modification of this Resolution by the City's Planning and Zoning Commission and the City Council.

**SECTION THREE.** This Resolution and the Conditional Use Permit granted herein shall be subject to termination in accordance with Article 11-I-13 of the Code of Ordinances of the City of Kerrville, Texas.

**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

EXHIBIT "A"

VOL 710 PAGE 376

Field notes description for a certain 0.94 acre tract or parcel of land located in the City of Kerrville, Kerr County, Texas, part of Block 11 (Eleven) of the Lowry Addition, out of the John Young Survey No. 118, Abstract No. 375, being the same tract conveyed from William C. Judd and Louise D. Judd to William J. Murphy, Trustee, by a Warranty Deed dated March 29, 1984 and recorded in Volume 293, Page 576 of the Deed Records of Kerr County, Texas; being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron stake in the Southwest right-of-way line of Guadalupe Street for the Northwest corner of this tract, the Northeast corner of a 0.91 acre tract conveyed to David H. Houston by Deed of record in Volume 294, Page 627 of the Deed Records of Kerr County, Texas, from which a 1" square iron stake bears N. 24 deg. 59' E. 3.69 feet, and a 48" Cypress blazed "X" at the Southeast or Lower River Corner of Survey No. 118 bears S. 67 deg. 00' E. 608.86 feet, S. 58 deg. 00' E. 460.46 feet, and S. 45 deg. 00' W. 176.87 feet;

THENCE, S. 67 deg. 00' E. with said right-of-way line 90.41 feet to a 1/2" iron stake for the Northeast corner of this tract, the Northwest corner of a 1.19 acre tract (called 1.22 acres) conveyed to R. E. Dodson, Trustee, by a Deed of Record in Volume 293, Page 589 of the Deed Records of Kerr County, Texas;

THENCE, S. 06 deg. 30' W. along the common line with said 1.19 acre tract 454.68 feet to a 1/2" iron stake on the North bank of the Guadalupe River for the Southeast corner of this tract, the Southwest corner of said 1.19 acre tract;

THENCE, N. 89 deg. 10' W. up the Guadalupe River 87.12 feet to a 1/2" iron stake for the Southwest corner of this tract, the Southeast corner of said 0.91 acre tract;

THENCE, N 06 deg. 30' E. along the common line with said 0.91 acre tract 488.96 feet to the PLACE OF BEGINNING, containing 0.94 acres within these metes and bounds.

RECORD Real Property  
VOL. 710 PG 373

RECORDING DATE

SEP 10 1993



*Patricia Bye*

COUNTY CLERK, KERR COUNTY

... provisions herein which restricts the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal Law. (THE STATE OF TEXAS)

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Office of Public Records of Kerr County, Texas on

SEP 10 1993



*Patricia Bye*

COUNTY CLERK, KERR COUNTY, TEXAS

RECORDER'S NOTE

AT TIME OF RECORDATION INSTRUMENT FOUND TO BE INADEQUATE FOR BEST PHOTOGRAPHIC REPRODUCTION DUE TO DEPTH & DARKNESS OF PRINT, COLOR OF PRINT OR INK, BACKGROUND OF PAPER, ILLEGIBILITY, CARBON OR PHOTO COPY, ETC.



**Birds Nest Guest Cottages  
Property Boundary**

Exhibit A - Pg. 2

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.





Required Off-Street Parking

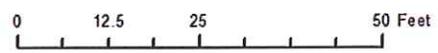
Required Off-Street Parking

R1A

(2) One Bedroom Guest Cottages

# Birds Nest Guest Cottages Site Plan

Exhibit B



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.



I was stunned to have recently received a 'Notice of Zoning Violation' (certified letter) from the City of Kerrville's Development Services Dept. ~ As I read this letter, I vividly recalled my meeting with the Director of Planning (5/09) in which he gave me the 'green light' to proceed with my plans for creating a guest cottage/vacation rental. The following is a summary of my decision process and the research that led me to believe that I was conducting my business in full compliance with all regulations:

**History of 'Bird's Nest Guest Cottages' - 233-237 Guadalupe St. - Kerrville, Tx.**

Late in the Summer of 2008, I learned of some disturbing behavior on the part of the tenant that had lived (for 15 years) @ 233 Guadalupe St., and also recognized that my property was being sorely neglected by him. I decided it was time for an eviction notice.

My plan was to do the necessary repairs and extensive clean-up, so that I could move in there myself. Then, I would sell my beloved historic building @ 300 Guadalupe St., in an effort to pay off some of the tremendous debt I've incurred due to a serious, ongoing medical issue that I've been dealing with for the past eight years.....unfortunately, the timing was really bad as it was the Fall/Winter of '08 (the economy had 'tank'd').

A few friends and acquaintances suggested the possibility of turning the cottage into a little B&B. I knew that I didn't want to prepare food for potential short-term tenants, so I decided instead to start thinking about a 'Guest Cottage on the River'.

The first 'official' conversation I had (4/09) was with my friend, Sudie Burditt, immediate past Executive Director of the Kerrville Convention and Visitor's Bureau. She said that unless I had nine (9) beds or more, I was not required to have any license or permit. She also said that if I chose to charge (HOT) occupancy tax, that the CVB would list and promote my business. She was excited about the possibility and encouraged me to pursue the opportunity, saying "Kerrville needs more little places like this, especially since you're on the river!" Her only caution was to check the zoning.....so I did.

I met with Mr. Browning, Director of Planning Dept., in May of '09 @ the old City Hall. He asked how many units (Answer:Possibly Two), number of people each would accommodate (Four), parking space available for each cottage (Yes), would I be preparing breakfast (No). He then said "That area is about to change from R1A to RT" and cited the "Dieter Center right down Guadalupe St., and the medical office right down Hugo St., which is the western boundary of the Main St. District." He went on to say "I don't see any problem with your plans, in fact, with your river frontage I imagine it might be quite successful. Good luck to you." With that said, I believed that I had exhausted my research and secured approval for my venture. I regret, now, neglecting to request written assurance from Mr. Browning.

I then set about furnishing the cottage with all of the amenities expected of a vacation rental, including satellite TV and a Wi-Fi connection.

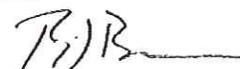
Indeed, it has been successful. It's been a tremendous amount of work for me and more expenses than I'd anticipated, but the cottages are starting to pay for themselves now. In addition to being the hostess for my guests, I do the housekeeping, grounds-keeping, maintenance, repairs AND act as an ambassador for our community.

\*\*\*\*\*

In an effort to support the CVB and tourism industry of our region, I have voluntarily collected/paid over \$4000 in Kerrville (HOT) tax since creating 'Bird's Nest' in July of '09.

According to the city's zoning map, my property's eastern boundary is adjacent to 'P1' zoning. My southern boundary is adjacent (separated by the river) to 'GR' zoning. Two houses west is 'R3' zoning. Two blocks west is 'W8' zoning. One block east (sep. by Town Creek) is '13C' zoning.....each of which permit a 'Bed and Breakfast' facility. ~

Respectfully submitted,  
Barbara J. Burton



12-19-2013

Jason Lutz  
Senior Planner,  
City of Kerrville.

I am writing to inform you that we oppose the conditional use permit for planning File no 2013-051. Due to increase of traffic on Guadalupe St. plus too much commercial already on Guadalupe St. the condominiums, there, plus the River Trail in process. When we moved in 92 the area was a quiet residential area. But that's hardly the case now. So we are not in favor of it.

Thank You

Richard O. & Alice D. Inewno  
432 Hugo St.  
Kerrville, Tx. 78028  
(830) 777-4233

## **Agenda Item:**

5A. Ordinance No. 2014-02, amending the city's "Zoning Code" by adding a definition of "Boarding Home Facility" to Article 11-1-3 "Definitions and Interpretation of Words and Phrases"; and revising Article 11-1-4 to add boarding home facility as a use that is permitted within any zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (staff)

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

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**SUBJECT:** Public Hearing & Action: Zoning Code Text Amendment and 1<sup>st</sup> Ordinance Reading – Public hearing, consideration, and action concerning proposed amendments to the City of Kerrville’s adopted zoning code by adding the definition “Boarding Home Facility” to Article 11-I-3 and revising Article 11-I-4 to add “Boarding Home Facility” as a use that is permitted within any zoning district.

**FOR AGENDA OF:** Jan. 14, 2014      **DATE SUBMITTED:** Jan. 3, 2014

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

**EXHIBITS:** Ordinance

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

---

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

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**SUMMARY STATEMENT**

On April 23, 2013 the Kerrville City Council adopted an ordinance establishing a definition and development regulations governing the location and operation of Boarding Home Facilities located in the City of Kerrville. The ordinance created development regulations for each facility based on the zoning district a facility is permitted in. Each district requires different regulations based on the zoning classification, but these facilities are permitted in any zone. This issue was considered and reviewed by the City Council, staff, and operators of these facilities over several months.

The Boarding Home Ordinance (2013-06) amended Chapter 30 “Businesses” of the City’s Code of Ordinances and these proposed amendments to the zoning code are designed to align themselves to the adopted ordinance.

The 1<sup>st</sup> proposed amendment is to add a definition for “Boarding Home Facilities” which matches the definition found in the Boarding Home Ordinance. The following section of code will be amended to add the Boarding Home Facility definition.

**Article 11-I-3 Definitions and interpretation of Words and Phrases**

- a. **Definitions:** For purposes of this Chapter, the following words and phrases shall have the following meanings unless the context otherwise clearly indicates a different meaning:

**Boarding Home Facility:** An establishment, including a residence or dwelling, that furnishes, in one or more buildings, to persons under separate rental agreements, whether oral or written, lodging to three or more persons unrelated to the owner of the

establishment by blood or marriage, and is not listed in Section 30-12 of the Code of Ordinances.

The 2<sup>nd</sup> proposed amendment is to establish the zoning districts in which the land use "Boarding Home Facility" will be permitted. The Boarding Home Ordinance permits boarding homes in any district in the City of Kerrville. The following Section of code will be amended to permit these facilities in any zoning district.

#### **Article 11-I-4 Zoning Districts – Generally**

f. **Uses Permitted in Any Zone:** The following uses are permitted in any zoning district of the City:

Boarding home facility, but subject to the application of other regulations adopted by the City.

The Planning & Zoning Commission approved the request, by a vote of 5-0, at their regularly scheduled meeting on Dec. 19, 2013.

#### **Recommended Action**

1. Open the required public hearing, and
2. Approve the zoning code text amendments as outlined in the attached ordinance.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2014-02**

**AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY ADDING A DEFINITION OF "BOARDING HOME FACILITY" TO ARTICLE 11-I-3 "DEFINITIONS AND INTERPRETATION OF WORDS AND PHRASES"; AND REVISING ARTICLE 11-I-4 TO ADD BOARDING HOME FACILITY AS A USE THAT IS PERMITTED WITHIN ANY ZONING DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); AND ORDERING PUBLICATION**

**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 a hearing which was held before the City Council on January 14, 2014, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in revisions to Articles 11-I-3 and 11-I-4 of the City's Zoning Code which will add regulations with respect to the use of a "board home facility" as defined; and

**WHEREAS**, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on January 14, 2014, as advertised; and

**WHEREAS**, after a full hearing, 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 to revise Articles 11-I-3 and 11-I-4 to address the use of a "boarding home facility";

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

**SECTION ONE.** Article 11-I-3 "Definitions and Interpretation of Words and Phrases" of the City's Zoning Code is amended by adding the language that is underlined (added), which is a definition of "boarding home facility" as follows:

**"Art. 11-I-3 DEFINITIONS AND INTERPRETATION OF WORDS AND PHRASES**

- (a) **Definitions:** For purposes of this Chapter, the following words and phrases shall have the following meanings unless the context otherwise clearly indicates a different meaning:

- ⋮
- (14) Boarding Home Facility: An establishment, including a residence or dwelling, that furnishes, in one or more buildings, to persons under separate rental agreements, whether oral or written, lodging to three or more persons unrelated to the owner of the establishment by blood or marriage, and is not listed in Section 30-12 of the Code of Ordinances.

**SECTION TWO.** Subsection (f) of Article 11-I-4 “Zoning Districts - Generally” of the City’s Zoning Code is amended by adding the language that is underlined (added), which will authorize the use of a “boarding home facility” within any zoning district of the City as follows:

- “(f) Uses Permitted in Any Zone: The following uses are permitted in any zoning district of the City:
- ⋮
- (10) Boarding home facility, but subject to the application of other regulations adopted by the City.”

**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 Section 1-9, Chapter 1 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., 2014.**

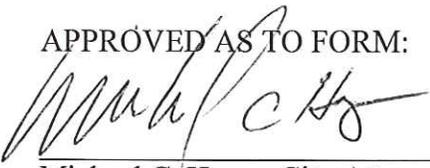
**PASSED AND APPROVED ON SECOND AND FINAL READING, this the  
day of \_\_\_\_\_, A.D., 2014.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

## **Agenda Item:**

6A. Ordinance No. 2014-01, ordering a special election to be held on May 10, 2014, for the purpose of submitting propositions to the voters for proposed amendments to the City Charter; establishing early voting locations and polling places for this election; and making provisions for the conduct of the election.  
(staff)



**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2014-01**

**AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON  
MAY 10, 2014, FOR THE PURPOSE OF SUBMITTING PROPOSITIONS  
TO THE VOTERS FOR PROPOSED AMENDMENTS TO THE CITY  
CHARTER; ESTABLISHING EARLY VOTING LOCATIONS AND  
POLLING PLACES FOR THIS ELECTION; AND MAKING  
PROVISIONS FOR THE CONDUCT OF THE ELECTION**

**WHEREAS**, in December 2012, the City Council appointed persons to a Charter Review Commission ("CRC") and charged the CRC with reviewing and proposing amendments to the Kerrville City Charter; and

**WHEREAS**, following a series of meetings, all of which were open to the public, the CRC presented its Report of proposed Charter amendments to City Council in a public meeting; and

**WHEREAS**, the Council reviewed the Report and after considering the CRC's proposed amendments, the Council now believes that Kerrville voters, in accordance with Section 9.004 of the Texas Local Government Code, should vote on the following amendments, in the form of propositions; and

**WHEREAS**, during the time leading up to the May 10, 2014, election, the Council believes it necessary to make the amendments available for public review on the City's website, in the office of the City Secretary, and at the Butt-Holdsworth Memorial Library; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it in the public interest to order a special election, to be held in conjunction with the City's general election on May 10, 2014, for a vote of the electors as to the proposed amendments to the Kerrville City Charter;

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

**SECTION ONE.** A special election is ordered to be held by the City of Kerrville, Texas ("City"). At this special election, ballot propositions will be submitted to the qualified voters of the City for proposed amendments to the City Charter, in accordance with applicable provisions of the City Charter and State law.

**SECTION TWO.** The following measures will be submitted to the qualified voters of the City at the election in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and Section 14.06 of the Kerrville City Charter and other applicable laws:

**Measure No. 1**

**SHALL SECTION 1.03 OF THE CITY CHARTER REGARDING THE FILING OF A CLAIM AGAINST THE CITY BE DELETED:**

**Section 1.03. Special Provision for Damage Suits.**

Before the City shall be liable to damage claim or suit for injury to one's person or property, the person who is injured or whose property is damaged or someone in his behalf shall give the City Manager or City Secretary notice in writing within thirty (30) days after the occurring of the alleged injury or damage, stating specifically in such notice when and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the City for injury to one's person or property prior to the expiration of sixty (60) days after the notice hereinbefore described has been filed with the City Manager or City Secretary. After the expiration of sixty (60) days aforementioned, the complainant may then have two (2) years in which to bring an action at law. Any provisions hereof which are in conflict with the Texas Tort Claims Act shall be null and void and of no effect and the provisions of such act as it now exists, or as it may hereafter be amended, shall control.

**Measure No. 2**

**SHALL SECTION 2.04 OF THE CITY CHARTER REGARDING VACANCIES OF CITY COUNCIL BE AMENDED TO READ AS FOLLOWS:**

**Section 2.04. Vacancies.**

Vacancies in the City Council, including a vacancy resulting from a recall election, shall be filled by the Council for the remainder of the unexpired term. The Council shall appoint a qualified elector to fill a vacancy within thirty (30) days after such vacancy occurs. For purposes of this section and the Charter, a "qualified elector" or "qualified voter" means a "registered voter" in accordance with state law.

**Measure No. 3**

**SHALL SECTION 3.02 OF THE CITY CHARTER REGARDING THE AUTHORITY OF THE MAYOR DURING EMERGENCIES BE AMENDED TO READ AS FOLLOWS:**

**Section 3.02. Mayor and Mayor Pro Tem.**

Following the canvass of a regular election, the Council shall choose one of its members (other than the Mayor) as Mayor Pro Tem. The Mayor shall preside at meetings of the Council and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by this Charter and the ordinances of the City. He shall be recognized as the head of the City government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public

danger or emergency, the Mayor is authorized to act in accordance with federal and state law and City policy. If a vacancy occurs in the Office of Mayor, the Council shall appoint a successor Mayor for the remaining term, in accordance with Section 2.04. If the Mayor is absent or disabled, the Mayor Pro Tem shall act as Mayor for the duration of the period of such absence or disability. If the Mayor Pro Tem is also absent or disabled, then the Council shall elect a Presiding Officer to act in the place of the Mayor Pro Tem.

**Measure No. 4**

**SHALL SECTION 4.03 OF THE CITY CHARTER REGARDING THE APPLICATION FOR CANDIDACY TO CITY COUNCIL BE AMENDED TO READ AS FOLLOWS:**

**Section 4.03. Application for Candidacy.**

Any person who lawfully qualifies, and is, a registered voter may file an application for election for a Place on the City Council. The name of such candidate and Place for which he is filing will be affixed by the City Secretary at the time of issuance of an application form. Such application shall include a petition signed by not less than 100 qualified and registered voters of the City. The application and the signatures thereon as well as the affidavits of the circulators shall meet the requirements of state law. All papers comprising an application shall be assembled and filed with the City Secretary in accordance with state law. Signatures are not required where the application includes a filing fee of \$100.00. The City Secretary shall review the petition as required by state law and if the petition is found to be insufficient, the City Secretary shall return it immediately to the person who filed it, with a written statement certifying why the petition is found to be "insufficient." Within the time authorized by state law such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate. If the application complies with this section and state law, the City Secretary shall place such name on the ballot. Application forms shall be obtained from the City Secretary, as they are promulgated by the Texas Secretary of State.

**Measure No. 5**

**SHALL SECTION 4.08 OF THE CITY CHARTER REGARDING THE CANVASSING OF ELECTIONS BE AMENDED TO READ AS FOLLOWS:**

**Section 4.08. Canvassing Elections.**

The City shall conduct an election canvass following a general or special election in accordance with state law.

**Measure No. 6**

**SHALL SECTION 5.10 OF THE CITY CHARTER REGARDING THE RESULT OF A RECALL ELECTION BE AMENDED TO READ AS FOLLOWS:**

**Section 5.10. Result of Recall Election.**

a. If a majority of the votes cast at a recall election are “No”, that is against the recall of the Councilmember named on the ballot, the Councilmember shall continue in office for the remainder of his/her unexpired term, subject to recall as provided herein. If a majority of the votes cast at such election are “Yes”, that is for the recall of the Councilmember named on the ballot, the Councilmember shall, regardless of any technical defects in the recall petition, be deemed removed from office upon passing of the resolution canvassing the election, and the vacancy shall be filled in accordance with Section 2.04 above.

b. Where a vacancy(s) occurs due to a recall election, the remaining Councilmembers, including where the remaining Councilmembers number two or less, shall appoint a qualified elector(s) for the recalled place(s), which such person(s) may serve only through the canvassing of the next municipal election. The appointed person(s) may choose to become a candidate at such election but in any case, the person elected at the election will only serve through the remainder term, if applicable.

c. A Councilmember who is recalled is not eligible for appointment to Council in the period between the recall vote and the next election or qualified for placement on the ballot for the immediately ensuing election.

**Measure No. 7**

**SHALL SECTION 5.11 OF THE CITY CHARTER REGARDING RECALL RESTRICTIONS BE DELETED:**

**Section 5.11. Recall Restrictions.**

No recall petition shall be filed against any Councilmember within six (6) months after the Councilmember’s election, within the last six (6) months of the Councilmember’s term, nor within six (6) months after an election for such Councilmember’s recall.

**Measure No. 8**

**SHALL SECTION 8.07.d. OF THE CITY CHARTER REGARDING BUDGET AMENDMENTS BE AMENDED TO READ AS FOLLOWS:**

**Section 8.07. Amendments after Adoption.**

d. **Transfer of Appropriations.** At any time during the fiscal year, the City Council may by ordinance transfer part or all of the unencumbered appropriation balance from one department, fund, or organizational unit to the appropriation for other departments or organizational units or a new appropriation. The manager may transfer funds among programs within a department, fund, or organizational unit and shall report such transfers to the Council in writing in a timely manner.

**SECTION THREE.** The ballots for the City election must comply with the Texas Election Code and must have the measures described in Section Two of this Ordinance stated as propositions as follows:

**PROPOSITION NO. 1**

FOR/AGAINST      The amendment of the City Charter deleting Section 1.03 regarding the filing of a claim against the City.

**PROPOSITION NO. 2**

FOR/AGAINST      The amendment of Section 2.04 of the City Charter to address vacancies, including a vacancy resulting from a recall election.

**PROPOSITION NO. 3**

FOR/AGAINST      The amendment of Section 3.02 of the City Charter to clarify the Mayor's authority during emergencies.

**PROPOSITION NO. 4**

FOR/AGAINST      The amendment of Section 4.03 of the City Charter to increase the number of signatures required for a candidacy petition and to waive the signature requirement where a filing fee is paid.

**PROPOSITION NO. 5**

FOR/AGAINST      The amendment of Section 4.08 regarding the canvassing of elections to conform to state law.

**PROPOSITION NO. 6**

FOR/AGAINST      The amendment of Section 5.10 to revise the process for a vacancy created as the result of a recall.

**PROPOSITION NO. 7**

FOR/AGAINST      The amendment of the City Charter deleting Section 5.11 regarding time restrictions with respect to the use of recall.

**PROPOSITION NO. 8**

FOR/AGAINST      The amendment of Section 8.07 to require that an ordinance is used for a budget amendment.

**SECTION FOUR.** The method of voting will be by the Hart Voting System, which is an electronic touch screen voting system.

**SECTION FIVE.** The municipal polling place for such election will be the Kathleen C. Cailloux City Center of the Performing Arts, 910 Main Street, Kerrville, Texas 78028.

**SECTION SIX.** On election day, Saturday May 10, 2014, the polls will remain open from 7:00 AM to 7:00 PM. Early voting will also be conducted at the Kathleen C. Cailloux City Center of the Performing Arts, 910 Main Street, Kerrville, Texas, 78028 as follows: April 28 and April 29, 2014, from 7:00 AM to 7:00 PM; and April 30, May 1, May 2, May 5, and May 6, 2014, from 8:00 AM to 5:00 PM.

**SECTION SEVEN.** Applications for ballot by mail must be addressed to: Nadene Alford, Early Voting Clerk, Kerr County Courthouse, 700 Main Street, Kerrville, Texas 78028, and must be received no later than 5:00 PM on May 1, 2014.

**SECTION EIGHT.** City Council will conduct the official canvass of the election at a special meeting on Tuesday, May 20, 2014, beginning at 10:00 AM in the Council Chambers, City Hall, 701 Main Street, Kerrville, Texas 78028

**SECTION NINE.** In order to afford the public with the opportunity to review the proposed Charter amendments, the City Secretary shall be responsible for placing the proposed amendments on the City's website and making copies of the amendments available for public review in the office of the City Secretary and at the Butt-Holdsworth Memorial Library.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2014.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2014.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

## **Agenda Item:**

6A. UNA ORDENANZA 2014-01 QUE DECRETA UNA ELECCIÓN ESPECIAL QUE HA DE LLEVARSE A CABO EL 10 DE MAYO DEL 2014 CON EL FIN DE PRESENTAR A LOS VOTANTES LAS ENMIENDAS PROPUESTAS A LA CARTA CONSTITUCIONAL DE LA CIUDAD; ESTABLECER LOS LUGARES DE LA VOTACIÓN TEMPRANA Y LOS CENTROS ELECTORALES PARA ESTA ELECCIÓN; Y HACER LAS DISPOSICIONES NECESARIAS PARA LLEVAR A CABO ESTA ELECCIÓN.

**ASUNTO DEL CONCEJO MUNICIPAL  
CIUDAD DE KERRVILLE, TEXAS**

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**ASUNTO:** La ordenanza N° 2014-01 que ordena que se celebre una Elección Especial el 10 de mayo del 2014, en relación con las enmiendas de la Carta Constitucional de la ciudad.

**PARA LA AGENDA DEL:** 14 de enero, 2014 **FECHA DE PRESENTACIÓN:** 11 de diciembre, 2013

**PRESENTADO POR:** Brenda Craig  
Secretaria de la Ciudad

**AUTORIZACIONES:** Todd Parton  
Mike Hayes

**DOCUMENTOS:** Ordenanza N° 2014-01

**AGENDA ENVIADA POR CORREO A:**

**APROBADA PARA SER PRESENTADA POR EL ADMINISTRADOR DE LA CIUDAD:**

<b>Gastos</b>	<b>Balance de Cuenta</b>	<b>Monto</b>	<b>Número de la</b>
<b>Requeridos:</b>	<b>Corriente:</b>	<b>Presupuestado:</b>	<b>Cuenta:</b>
<b>\$</b>	<b>\$</b>	<b>\$</b>	

**EL PAGO DEBE HACERSE A:**

**REVISADO POR EL DIRECTOR DE FINANZAS:**

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**DECLARACIÓN RESUMEN**

La ordenanza adjunta ordena una Elección Especial que se celebrará el sábado 10 de mayo del 2014 para permitir que los electores voten sobre las enmiendas de la Carta Constitucional de la Ciudad.

Esta Elección Especial se llevará a cabo conjuntamente y con el mismo horario de las Elecciones Generales de la Ciudad de Kerrville.

**ACCIÓN RECOMENDADA**

La secretaria de la ciudad recomienda la aprobación de la ordenanza que ordena la Elección Especial del 10 de mayo del 2014.

**CIUDAD DE KERRVILLE, TEXAS  
ORDENANZA N<sup>o</sup> 2014-01**

**UNA ORDENANZA QUE DECRETA UNA ELECCIÓN ESPECIAL QUE HA DE LLEVARSE A CABO EL 10 DE MAYO DEL 2014 CON EL FIN DE PRESENTAR A LOS VOTANTES LAS ENMIENDAS PROPUESTAS A LA CARTA CONSTITUCIONAL DE LA CIUDAD; ESTABLECER LOS LUGARES DE LA VOTACIÓN TEMPRANA Y LOS CENTROS ELECTORALES PARA ESTA ELECCIÓN; Y HACER LAS DISPOSICIONES NECESARIAS PARA LLEVAR A CABO ESTA ELECCIÓN**

**POR CUANTO**, en diciembre del 2012, el Concejo Municipal designó a un grupo de personas para una Comisión de Revisión de la Carta Constitucional (“CRC” por siglas en inglés) y encomendó a esta comisión revisar los estatutos y proponer enmiendas a la Carta Constitucional de la Ciudad de Kerrville; y

**POR CUANTO**, tras celebrarse una serie de reuniones, todas las cuales estuvieron abiertas al público, la Comisión de Revisión de la Carta Constitucional presentó su Informe de las enmiendas propuestas a la Carta Constitucional al Concejo Municipal en una reunión pública; y

**POR CUANTO**, el Concejo Municipal revisó el Informe y, después de haber examinado las enmiendas propuestas por la Comisión de Revisión, el Concejo Municipal considera que los electores de la ciudad de Kerrville, conforme a la Sección 9.004 del Código de Gobierno Local de Texas, deben votar sobre las siguientes enmiendas, en forma de proposiciones; y

**POR CUANTO**, durante el período de tiempo previo a la elección del 10 de mayo del 2014, el Concejo Municipal considera necesario hacer que las enmiendas propuestas estén a la disposición del público en el sitio web de la Ciudad, la oficina de la Secretaria de la Ciudad y la biblioteca municipal Butt-Holdsworth Memorial Library; y

**POR CUANTO**, el Concejo Municipal de la Ciudad de Kerrville, Texas, considera que es el interés público convocar a una elección especial, que se celebrará en conjunto con las elecciones generales de la ciudad del 10 de mayo del 2014, para que los electores voten sobre las enmiendas propuestas a la Carta Constitucional de la Ciudad de Kerrville;

**POR LO TANTO, SEA ORDENADO POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE KERRVILLE, TEXAS:**

**SECCIÓN PRIMERA.** Una elección especial se ordena a ser celebrada en la Ciudad de Kerrville, Texas (“la Ciudad”). En esta elección especial se presentarán propuestas electorales a los votantes calificados de la Ciudad para las enmiendas propuestas a la Carta Constitucional de la Ciudad, de conformidad con las disposiciones aplicables de la Carta Constitucional de la Ciudad y la ley estatal.

**SECCIÓN SEGUNDA.** Las siguientes medidas serán presentadas a los votantes calificados de la Ciudad en la elección especial en forma de proposiciones, conforme a la Sección 9.004 del Código de Gobierno Local de Texas y la Sección 14.06 de la Carta Constitucional de la Ciudad de Kerrville y otras leyes que se aplican:

**Medida N° 1**

**DEBERÁ ELIMINARSE LA SECCIÓN 1.03 DE LA CARTA CONSTITUCIONAL DE LA CIUDAD CON RESPECTO A LA PRESENTACIÓN DE UNA RECLAMACIÓN CONTRA LA CIUDAD:**

**Sección 1.03. Disposición especial para las demandas por daños.**

Antes de que la Ciudad se haga responsable de una reclamación por daños o demanda por lesiones personales o daños a la propiedad, la persona que ha sido lesionada o cuya propiedad ha sufrido daños, o alguien en su nombre, deberá dar aviso por escrito al Administrador Municipal o Secretaria de la Ciudad dentro de los primeros treinta (30) días después de haber ocurrido la supuesta lesión o daño, indicando específicamente en dicha notificación cuándo y cómo la lesión o el daño ocurrió, y declarar la seriedad y alcance de la lesión o daño con la mayor precisión posible. Ninguna acción legal por daños habrá de dirigirse contra la Ciudad por los daños a personas o bienes antes de la expiración de sesenta (60) días después de que la notificación anteriormente descrita haya sido presentada ante el Administrador o Secretario de la Ciudad. Después de la expiración de los sesenta (60) días antes mencionados, el demandante tendrá entonces dos (2) años para iniciar una acción legal. Cualesquiera disposición de la misma que esté en conflicto con la Ley de Demandas por Agravios de Texas será nula y sin valor y sin efecto, y las disposiciones de dicha ley, tal y como existen ahora, o como sean enmendadas en lo sucesivo, deberá controlar las mismas.

**Medida N° 2**

**DEBERÁ ENMENDARSE LA SECCIÓN 2.04 DE LA CARTA CONSTITUCIONAL DE LA CIUDAD CON RESPECTO A LAS VACANTES DEL CONCEJO MUNICIPAL PARA QUE LEA COMO SIGUE:**

**Sección 2.04. Vacantes.**

Las vacantes del Concejo Municipal, incluyendo una vacante que resulta de una elección de Revocación (recall), se llenará por el Concejo por el resto del término no vencido. El Concejo designará a un elector calificado para llenar esa vacante dentro de los treinta (30) días después de ocurrir la vacante. Para efectos de esta sección y la Carta Constitucional, un “elector calificado” o “votante calificado” significa un “votante inscrito” de conformidad con la ley estatal.

**Medida N° 3**

**DEBERÁ ENMENDARSE LA SECCIÓN 3.02 DE LA CARTA CONSTITUCIONAL DE LA CIUDAD CON RESPECTO A LA AUTORIDAD DEL ALCALDE DURANTE EMERGENCIAS PARA QUE LEA COMO SIGUE:**

**Sección 3.02. El Alcalde y el Alcalde Interino.**

Después de que se haya realizado el escrutinio de unas elecciones ordinarias, el Concejo Municipal elegirá a unos de sus miembros (excepto, el Alcalde) como Alcalde Interino (Mayor Pro Tem). El Alcalde presidirá las reuniones del Concejo y ejercerá todas dichas facultades y realizará las demás funciones que sean o puedan ser conferidas e impuestas por esta Carta Constitucional y las ordenanzas de la Ciudad. El alcalde será reconocido como el jefe del gobierno municipal para todos los fines ceremoniales, por los tribunales para estar presente en los procesos civiles y por el Gobernador para efectos de la ley militar. En tiempos de peligro o emergencias, el Alcalde está autorizado para actuar conforme a las leyes estatales y federales y la política de la Ciudad. Si el cargo del Alcalde queda vacante, el Concejo nombrará a un alcalde sucesor por el resto del término, de conformidad con la Sección 2.04. Si el Alcalde está ausente o incapacitado, el Alcalde Interino actuará como alcalde mientras dure dicha ausencia o incapacidad. Si el Alcalde Interino se encuentra también ausente o incapacitado, entonces el Concejo elegirá a un Funcionario Presidente que actúe en lugar del Alcalde Interino.

**Medida N° 4**

**DEBERÁ ENMENDARSE LA SECCIÓN 4.03 DE LA CARTA CONSTITUCIONAL DE LA CIUDAD CON RESPECTO A LA SOLICITUD DE UNA CANDIDATURA AL CONCEJO MUNICIPAL PARA QUE LEA COMO SIGUE:**

**Sección 4.03. Solicitud de Candidatura.**

Cualquier persona que califique ante la ley y que sea un votante inscrito puede presentar una solicitud para la elección de un Puesto en el Concejo Municipal. El nombre de dicho candidato y el Puesto para el que solicita será añadido por la Secretaria de la Ciudad en el momento que se emita un formulario de la solicitud. Esa solicitud debe incluir una petición firmada por no menos de 100 votantes calificados e inscritos de la Ciudad. La solicitud y las firmas al respecto, así como las declaraciones juradas de los circuladores deberán cumplir con los requisitos de la ley estatal. Todos los papeles que comprenden una solicitud se deberán juntar y ser presentados a la Secretaria de la Ciudad conforme a la ley estatal. Las firmas no son necesarias cuando la solicitud incluye una cuota de \$100 al ser presentada. La Secretaria de la Ciudad revisará la petición como lo pide la ley estatal y si la petición resulta ser insuficiente, la Secretaria de la Ciudad la devolverá inmediatamente a la persona que la presentó, con una declaración por escrito en la que se certifica la razón por la cual la petición se considera “insuficiente”. Dentro del período de tiempo autorizado por la ley estatal dicha petición se podrá enmendar y presentar otra vez como una nueva petición o una petición diferente podrá ser presentada por el mismo candidato. Si la solicitud cumple con esta sección y la ley estatal, la Secretaria de la Ciudad

colocará ese nombre en la boleta electoral. Los formularios de solicitud se pueden obtener de la Secretaria de la Ciudad, según han sido promulgados por el Secretario de Estado de Texas.

#### **Medida N° 5**

**DEBERÁ ENMENDARSE LA SECCIÓN 4.08 DE LA CARTA CONSTITUCIONAL DE LA CIUDAD CON RESPECTO AL ESCRUTINIO DE LAS ELECCIONES PARA QUE LEA COMO SIGUE:**

##### **Sección 4.08. Escrutinio de los Votos.**

La Ciudad llevará a cabo un escrutinio de los votos después de una elección general o especial conforme a la ley estatal.

#### **Medida N° 6**

**DEBERÁ ENMENDARSE LA SECCIÓN 5.10 DE LA CARTA CONSTITUCIONAL DE LA CIUDAD CON RESPECTO AL RESULTADO DE UNA ELECCIÓN DE REVOCACIÓN PARA QUE LEA COMO SIGUE:**

##### **Sección 5.10. Resultados de una Elección de Revocación (“Recall”).**

a. Si la mayoría de los votos emitidos en una elección de revocación son “No”, es decir, en contra de la revocación del Concejal nombrado en la boleta electoral, el Concejal seguirá en su cargo durante el resto de su término no vencido, sujeto a la Revocación de lo dispuesto en el presente documento. Si la mayoría de los votos emitidos en dicha elección son “Sí”, es decir, que desean la revocación del Concejal nombrado en la boleta electoral, el Concejal, independientemente de cualquier defecto técnico de la petición de revocación, se considerará removido de su cargo una vez que se apruebe la resolución del escrutinio de la elección, y la vacante se llenará de acuerdo a lo estipulado en la Sección 2.04.

b. Cuando una vacante o vacantes ocurren debido a una elección de revocación, los Concejales restantes, incluyendo cuando quedan dos o menos Concejales, nombrarán a un elector (o electores) calificado para llenar el puesto o los puestos del Concejal (o Concejales) revocado, y dicha persona (o personas) servirá en ese puesto(s) hasta el escrutinio de las próximas elecciones municipales. La persona (o personas) nombrada podrá escoger convertirse en un candidato en tal elección, pero en cualquier caso, la persona electa en las elecciones servirá solamente por el término que resta, en su caso.

c. Un Concejal que sea revocado no reúne los requisitos para ser nombrado al Concejo en el período comprendido entre el voto de revocación y las próximas elecciones ni calificado para ser colocado en la boleta electoral para la elección inmediatamente posterior.

**Medida N° 7**

**DEBERÁ ELIMINARSE LA SECCIÓN 5.11 DE LA CARTA CONSTITUCIONAL DE LA CIUDAD CON RESPECTO A LAS RESTRICCIONES DE LA REVOCACIÓN:**

**Sección 5.11. Restricciones de la Revocación.**

Ninguna petición de revocación se podrá presentar en contra de un Concejal dentro de los primeros seis(6) meses después de haber sido electo, dentro de los últimos seis(6) meses del mandato del Concejal ni dentro de los seis(6) meses después de la elección para la revocación de ese Concejal.

**Medida N° 8**

**DEBERÁ ENMENDARSE LA SECCIÓN 8.07.d. DE LA CARTA CONSTITUCIONAL DE LA CIUDAD PARA QUE LEA COMO SIGUE:**

**Sección 8.07. Enmiendas después de la Adopción.**

d. **Transferencia de Apropiaciones.** En cualquier momento durante el año fiscal, el Concejo Municipal podrá, mediante ordenanza, transferir parte o todo el saldo de apropiación no comprometido de un departamento, fondo o unidad organizacional a la apropiación de otros departamentos o unidades organizacionales o una nueva apropiación. El administrador puede transferir fondos entre los programas de un departamento, fondo o unidad organizacional e informará por escrito al Concejo sobre dichas transferencias de manera oportuna.

**SECCIÓN TERCERA.** Las boletas electorales de la elección de la Ciudad deben cumplir con el Código de Elecciones de Texas y deben tener las medidas descritas en la Sección Segunda de esta Ordenanza como las siguientes proposiciones:

**PROPOSICIÓN N° 1**

A FAVOR/EN CONTRA      Enmienda de la Carta Constitucional de la Ciudad que elimina la Sección 1.03 con respecto a la presentación de una reclamación contra la ciudad.

**PROPOSICIÓN N° 2**

A FAVOR/EN CONTRA      Enmienda de la Sección 2.04 de la Carta Constitucional de la Ciudad para ocuparse de las vacantes, incluyendo una vacante que resulta de una elección de revocación (recall).

**PROPOSICIÓN N° 3**

A FAVOR/EN CONTRA Enmienda de la Sección 3.02 de la Carta Constitucional de la Ciudad para clarificar la autoridad del Alcalde durante las emergencias.

**PROPOSITION N° 4**

A FAVOR/EN CONTRA Enmienda de la Sección 4.03 de la Carta Constitucional de la Ciudad para aumentar el número de firmas necesarias para una petición de candidatura y para eximir del requisito de la firma cuando se paga una cuota al presentar la petición.

**PROPOSITION N° 5**

A FAVOR/EN CONTRA Enmienda de la Sección 4.08 con respecto al escrutinio de los votos electorales para que esté en conformidad con la ley estatal.

**PROPOSITION N° 6**

A FAVOR/EN CONTRA Enmienda de la Sección 5.10 para revisar el proceso de una vacante creada como resultado de una revocación.

**PROPOSITION N° 7**

A FAVOR/EN CONTRA Enmienda de la Carta Constitucional de la Ciudad para eliminar la Sección 5.11 con respecto a la utilización de una revocación.

**PROPOSITION N° 8**

A FAVOR/EN CONTRA Enmienda de la Sección 8.07 para requerir que se requiera una ordenanza para hacer una enmienda del presupuesto.

**SECCIÓN CUARTA.** El método de votación será el Sistema de Votación Hart, que es un sistema electrónico de votación con pantalla táctil.

**SECCIÓN QUINTA.** El centro electoral municipal para tal elección será el Centro de Bellas Artes de la Ciudad Kathleen C. Cailloux, ubicado en Main Street #910, Kerrville, Texas 78028.

**SECCIÓN SEXTA.** El día de las elecciones, el sábado 10 de mayo del 2014, los centros electorales estarán abiertos de 7:00 AM a 7:00 PM. La votación temprana se llevará a cabo también en el Centro de Bellas Artes de la Ciudad Kathleen C. Cailloux, ubicado en Main Street #910, Kerrville, Texas, 78028 de la siguiente manera: 28 y 29 de abril del 2014, de 7:00 AM a 7:00 PM; y el 30 de abril, el 1, 2, 5 y 6 de mayo del 2014 de 8:00 AM a 5:00 PM.

**SECCIÓN SÉPTIMA.** Las solicitudes de la boleta por correo deben estar dirigidas a: Nadene Alford, Oficial de Votación Temprana, Kerr County Courthouse, 700 Main Street, Kerrville, Texas 78028 y deben ser recibidas no más tardar del 1 de mayo del 2014 a las 5:00 p.m.

**SECCIÓN OCTAVA.** El Concejo Municipal llevará a cabo el escrutinio oficial de las elecciones en una reunión especial el martes 20 de mayo del 2014 a las 10:00 a.m. en la Cámara del Concejo en el Ayuntamiento, ubicado en Main Street #701, Kerrville, Texas 78028

**SECCIÓN NOVENA.** Con el fin de dar al público la oportunidad de revisar las enmiendas propuestas a la Carta Constitucional, la Secretaria de la Ciudad será responsable de colocar las enmiendas propuestas en el sitio web de la Ciudad y de que copias de las enmiendas estén a disposición del público en la oficina de la Secretaria de la Ciudad y en la biblioteca municipal Butt-Holdsworth Memorial Library.

**PASADA Y APROBADA EN LA PRIMERA LECTURA, en éste el \_\_\_\_\_ día de \_\_\_\_\_, 2014 D.C.**

**PASADA Y APROBADA EN LA SEGUNDA Y FINAL LECTURA, en éste el \_\_\_\_\_ día de \_\_\_\_\_, 2014 D.C.**

\_\_\_\_\_  
Jack Pratt, Jr., Alcalde

DOY FE:

\_\_\_\_\_  
Brenda G. Craig, Secretaria de la Ciudad

APROBADA EN FORMA:

\_\_\_\_\_  
Michael C. Hayes, Procurador de la Ciudad

## **Agenda Item:**

7A. Appointments to the planning and zoning commission, one term expired January 1, 2014; and one term due to expire January 1, 2015 currently held by William Morgan due to not meeting attendance requirements. (staff)



**PLANNING AND ZONING COMMISSION**

	<u>Telephone</u>	<u>Orig. Appt. Date</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
WATTERSON, DAVID Chairman 177 Phoenix Dr.	634-3300 (O) 377-6400 (C)	01-12-10	12-10-13	01-01-16
BUELL, HAROLD Vice-Chairman 1214 Jack Dr.	896-0114 (O) 895-2444 (H)	01-09-07	01-10-12	01-01-14
HARMON, GARRETT 701 Lee Street	895-4510 (O) 285-2151 (C)	06-25-13		01-01-15
MORGAN, WILLIAM 1744 Glen Road	739-9655 (O) 257-6263 (H)	01-22-13		01-01-15
WALLER, ROBERT 33 Antelope Trail	792-6088 (H) 896-2950 (O)	07-09-13		01-01-15

**ALTERNATES:**

MALONE, DOYLE 208 Spring Mill Dr.	257-8755 (H)	07-23-13	12-10-13	01-01-16
ZUBER, RUSTIN 112 Harmon Way	895-2829 (O) 895-4913 (H)	12-10-13		01-01-15

**COUNCIL LIAISON:**

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

**CITY STAFF:**

Jason Lutz  
Senior Planner  
258-1184 (O)

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

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

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

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

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

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

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

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

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

**Revised:** December 16, 2013