

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, SEPTEMBER 23, 2014, 6:00 P.M.

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, SEPTEMBER 23, 2014, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION by Ann Buck, Executive Director of the Impact Christian Women's Job Corps.

PLEDGE OF ALLEGIANCE TO THE FLAG

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. PROCLAMATION:

2A. Proclamation proclaiming 2014 as the City of Kerrville's 125th Anniversary. (Mayor Pratt)

3. CONSENT AGENDA:

These items are considered routine and can be approved in one motion unless a 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 special meeting held August 14, 2014, and regular meeting held August 26, 2014. (staff)

3B. Construction contract with L.C. United Painting Co., Inc. for the rehabilitation and repainting of the stadium and summit tanks along with the addition of total trihalomethanes mixers to the stadium tanks in the amount of \$627,500.00 and additional change orders which may exceed \$50,000.00 but not to exceed the total amount of \$690,250.00. (staff)

END OF CONSENT AGENDA

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, September 19, 2014 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

4. ORDINANCES, SECOND AND FINAL READING:

4A. Ordinance No. 2014-15, adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2015; providing appropriations for each City department and fund; containing a cumulative clause; and containing a savings and severability clause. (staff)

4B. Ordinance No. 2014-16 levying an ad valorem tax for the use and the support of the municipal government for the City of Kerrville, Texas, for the Fiscal Year 2015; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. (staff)

5. ORDINANCE, FIRST READING:

5A. Ordinance No. 2014-20 amending Chapter 6 "Advertising", Article II "Signs", Section 6-36 "Exempt Signs" of the city's Code of Ordinances to exempt from permitting signs used by school districts, other school campuses, or public athletic facilities to promote sporting events or extracurricular activities; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Resolution No. 27-2014 granting a petition requesting the annexation of an approximate 3.05 acres tract out of the W.H. Crawford Survey No. 653, Abstract No. 123, within Kerr County, Texas, and consisting of the property addressed as 421 Roy Street; and ordering the preparation of an annexation ordinance. (staff)

6B. Request from Kerr County to amend the 2011 interlocal agreement for the construction of public sewer system improvements in the Kerrville South Colonia Area. (staff)

6C. Pretreatment agreement for industrial wastewater discharge for Mooney International, Inc. (staff)

6D. Draft ordinance requiring a permit and enacting minimum health and sanitation standards for lodging establishments within the city. (Mayor Pratt)

7. INFORMATION AND DISCUSSION:

7A. Report by the main street advisory board parking committee. (staff)

7B. Budget update. (staff)

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, September 19, 2014 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

8. BOARD APPOINTMENTS:

8A. Appointments to the golf course advisory board. (staff)

8B. Appointments to the parks and recreation advisory board. (staff)

9. ITEMS FOR FUTURE AGENDAS

10. ANNOUNCEMENTS OF COMMUNITY INTEREST:

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

11. EXECUTIVE SESSION:

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

Sections 551.071 and 551.072:

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

- River trail
- 800 Junction Highway, former city hall property.

Section 551.071:

- Cause No. 14686A; Westar Construction, Inc. v. City of Kerrville; in the District Court, 216th Judicial District, Kerr County, Texas.

12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

13. ADJOURNMENT.

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, September 19, 2014 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

Agenda Item:

2A. Proclamation proclaiming 2014 as the City of Kerrville's 125th Anniversary.
(Mayor Pratt)

PROCLAMATION

- WHEREAS,** On April 14, 1689, Alonso De Leon (1639-1691), Spanish explorer and governor, began exploring westward in Texas and discovered a river of rare beauty lined with giant cypress trees, native walnut and pecan trees, and De Leon named the river "Our Lady of Guadalupe", and reported that the banks of the river were covered with good timber; and;
- WHEREAS,** Joshua D. Brown was living in Gonzales when he became interested in a new industry: the making of cypress shingles, he led a party of 10 men up the Guadalupe River and in 1846 selected a site near a large spring in what is now Kerrville; and here they developed one of the first shingle camps in the territory, and in 1848 Brown and his followers named their settlement Brownsborough, and;
- WHEREAS,** A number of settlers followed, establishing sawmills and farms along the river and various streams, and at the request of Joshua Brown, the name of Brownsborough was changed to Kerrsville for his friend and fellow veteran of the Texas Revolution, Major James Kerr, and Kerrsville became the county seat and later the "s" was dropped and the town became "Kerrville", and in 1857 a German master miller and millwright started large grist and sawmill. Related mercantile and freighting enterprises led to the foundation of the Charles Schreiner family empire of retail, wholesale, banking, ranching, marketing and brokering operations, and;
- WHEREAS,** In the 1860s during the Civil War, Kerrville sheep raising boomed and the textile companies turned more and more to wool-clothing manufacturing, creating a further boom in Kerrville's wool industry and by 1890 Charles Schreiner had elevated Kerrville to pre-eminence, and;
- WHEREAS,** The Kerrville Water Works Company began to provide water for town dwellers in 1894; telephone service was introduced in 1896; the town began to pave streets in 1912, and survived recessions and the Great Depression far better than many towns. Wealthy and diversified even in the 1920s and 1930s, the town rapidly surpassed many of its neighbors economically and became a regional transportation, banking and medical center for the western Hill County, and after the 1940s the area attracted a new generation of postwar "living city but thinking and singing country" Texans, and;
- WHEREAS,** It was at this time that Mooney Aviation Company, now Mooney International, Inc., moved to Kerrville in 1946, manufacturing single engine general aviation aircraft, and among its achievements were the first pressurized and fastest single engine, piston-powered aircraft achieving 201 mph on 200 horse power, and;
- WHEREAS,** Kerrville has displayed steady growth to the present day and Kerrville's economic base has diversified and broadened through business, agriculture, light manufacturing, health care, transportation services, education, the arts and tourism

NOW, THEREFORE, I, Jack Pratt, Mayor of the City of Kerrville, Texas, do hereby proclaim 2014 as the City of Kerrville's

125th ANNIVERSARY

And call upon the citizens of Kerrville to join their fellow citizens in recognizing and participating in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Kerrville to be affixed hereto, the 23rd day of September, 2014.

Jack Pratt, Jr., Mayor

Agenda Item:

3A. Minutes of the city council special meeting held August 14, 2014, and regular meeting held August 26, 2014. (staff)

MINUTES OF THE KERRVILLE CITY COUNCIL AND THE AUGUST 14, 2014
CITY OF KERRVILLE, TEXAS ECONOMIC IMPROVEMENT CORPORATION
PROPERTY OWNERS MEETING

On August 14, 2014, a meeting of the property owners in the Guadalupe Street area to discuss the proposed river trail west of Town Creek was held August 14, 2014, 7:00 p.m. at the Dietert Center, 451 Guadalupe Street, Kerrville, Texas

COUNCIL MEMBERS PRESENT:

Jack Pratt	Mayor
Stacie Keeble	Councilmember
Gary F. Stork	Councilmember

COUNCIL MEMBERS ABSENT:

Gene Allen	Mayor Pro Tem
Carson Conklin	Councilmember

EIC MEMBERS PRESENT:

Polly Rickert	Secretary
Larry Howard	Board Member
Stacie Keeble	Board Member
Sheri Pattillo	Board Member

EIC MEMBERS ABSENT:

David Wampler	President
Kenneth Early	Vice-President
Gary Cochran	Board Member

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Ashlea Boyle	Main Street/Special Projects Manager
Sandra Yarbrough	Director of Finance
Malcolm Matthews	Director of Parks and Recreation

DISCUSSION OF THE PROPOSED RIVER TRAIL WEST OF TOWN CREEK:

Mr. Matthews gave a brief history and the current status of the river trail project. In 2011 the Economic Improvement Corporation (EIC) and Kerrville City Council approved \$6 million for the river trail project and an additional \$2 million for park improvements at Louise Hays Park (LHP) and Lehmann and Monroe Park (LMP) to be funded from 4B sales tax. The section from Tranquility Island to Riverside Nature Center (RNC) was completed and opened to the public in December 2011. The trail was currently under construction from Kerrville Schreiner Park to G Street and from G Street to LHP, and park improvements were also underway in LHP and LMP. The next section of the trail would include a low water pedestrian crossing over Town Creek behind RNC and improvements to Lowry Park. Mr. Matthews displayed a map showing three options for the river trail route in the Guadalupe Street area from Lowry Park to Guadalupe Park: the north side along

Guadalupe Street, north side along the riverbank, and the south side along the riverbank. Every option had issues but the north side along the riverbank was the preferred route. The city needed to acquire access to property in order to determine all of the issues with the north side routes; therefore, the city contracted with Contract Land Staff (CLS), a right of way land acquisition services consultant.

Matthew Eckmann, acquisition agent with CLS, provided each owner a folder of information including Senate Bill 18 and the Land Owner Bill of Rights. He noted in order to determine the issues associated with the two routes on the north side, the city needed to perform survey work and gather information that engineers would use to determine the trail route and address issues of importance with landowners. Mr. Eckmann stressed that the right of entry agreement was strictly to allow the city access to the property for this purpose; this agreement would not allow the city to begin construction. During this part of the process, landowners will have input into the document, such as identifying any structures to be saved. The information and property appraisal would be used to determine the city's offer for the easement or acquisition; as an easement, the owner would retain ownership of the land but the city would have the right to put the trail on the property and maintain it; as an acquisition, the city had ownership of the land; neither would hinder landowners access to the river or interfere with the use of their property. The next step would be research by a title company to determine the actual property owners and to prepare property descriptions and legal documents. Mr. Eckmann stated he was hired by the city to take care of the owners and make sure they got a fair deal; he would work with landowners through the easement and land acquisition process. The city did not want a contentious relationship and would listen to their concerns and take their issues under advisement.

The following comments and questions were made by the public:

- As shown on the drawing, the trail would cut through existing 220 volt electric utility line and pipes to a water system and well, and a stairwell.
- City says it will take care of his property, but wanted assurance it would be done the way he wanted it done. Mr. Matthews noted one of the reasons for the right of entry agreement was to work with owners to identify structures and things owners wanted to save; owners could negotiate specific language into their easement document to protect structures or make assurances.
- City did not know where the river trail would be located on their property. Mr. Eckmann noted the line on the map was just a tentative graphic line, the route could not be determined until a survey could be done and structures, utility lines, etc. could be identified; that was the reason for the right of entry document.
- River trail would not hinder the property owners' use of their property, but it would take away their privacy.
- Who was responsible if a trail visitor left the trail and was injured on the owner's property? Mr. Matthews noted the city would assume all liability and responsibility for people using the trail; the city would patrol the trail and install signage notifying the public that if they leave the trail they are trespassing on private property.
- The trail that Brent Bates installed on his property seems to be the plan that the city is using; is Mr. Bates' sidewalk going to be part of the city's river trail? The city should use the river trail funds to fill the hole on Mr. Bates' property. Mr. Matthews noted the trail construction would be consistent with the four miles already built; the city's trail could connect to Mr. Bates' sidewalk since it was

already there, but the city did not plan to put up a fence or have any type of visibility obstruction to the river; in fact, the trail would be constructed in the floodway and structures, including fences could not be built in the floodway.

- Did not want a river trail, wanted a nature trail; did not want to have to cross a line to get to the bottom part of his property; did not want a dam built between his house and the river.
- If the trail is along the river, it will interfere with wildlife habitat.
- Rio Robles had problems with the city. Mr. Matthews noted Rio Robles' situation was different because it was a commercial property with multiple owners; the Guadalupe Street area was almost all residential property.
- Has the city looked at the bulkhead west of the Guadalupe Park? Mr. Matthews stated anything could be built; it was just a question of money.
- He visited with Mr. Matthews personally and reviewed the plans; Mr. Matthews had been in business for many years before coming to Kerrville and had the citizen's best interest at heart.
- The challenge may be to determine who owned some of the property along Guadalupe Street. Mr. Eckmann noted the title company would conduct a full title search and determine property ownership and issue a title policy based on official information recorded at the courthouse.
- The actual property owner is shown on the deed; however, if a person was purchasing the property from the owner and had a contract for deed on a property, how would that be handled? Mr. Eckmann stated that the contract for deed should be recorded in the courthouse; if it was not in the courthouse, it was not legal. If it is filed at the courthouse, the title company would reference the buyers as co-owners of the property. If the contract for deed is recorded at the courthouse, the title agent will access it and determine ownership. The city had to abide by the title commitment.
- Who will remove trash and graffiti on the trail? Mr. Matthews noted the city would be responsible for removing offensive graffiti and trash and would patrol the trail daily, but would not do maintenance on private property. The city would also put up signage and trash receptacles to try to discourage littering.
- Tubers along the river in New Braunfels engage in drunkenness and bad behavior and leave trash on private property; the city should not put in a river trail here. Mr. Matthews noted the river in New Braunfels was owned and managed by the state and the Kerrville river trail would be on private property.
- The river will flood and debris will come down and destroy the trail and require maintenance. Mr. Matthews noted the trail would be designed and built to prepare for flooding; yes, there would be damage, but it could be minimized through design and construction. The city would repair and maintain the river trail.
- Would the city build a stairway for every owner? To access Brent Bates' property, the city would have to have stairs above his wall. Mr. Matthews noted if steps were needed to access the trail, steps could be put into the design; however, the trail was proposed to be at grade so steps should not be necessary.
- The structure on Brent Bates' property changed the course of the river and funneled water onto neighbors' property and resulted in a real drainage mess.
- People were dumping trash in the alcoves along the river now, the river trail would allow better access and result in increased trash. Mr. Eckmann noted people were already dumping; the river trail would be a benefit because it would take away the seclusion and would be better monitored and controlled.
- In favor of the river trail if done properly.

- How does the trail affect owners' right to hunt on their property? Mr. Matthews noted the trail did not impact private property rights.
- How was Mr. Eckmann's fee structure set; how much would he receive from the city for property owners to sign over rights to their property or talk them out of their property, and would he receive a bonus based on the number of owners who sign? Mr. Parton noted the consultant worked on an hourly rate; the cost to the city thus far was about \$7,000 and included preliminary title research. Mr. Eckmann noted he was paid strictly on an hourly basis for the number of hours worked; he would not receive any type of bonus based on the number of property owners who signed documents.
- What happened about the option of going on the south side of the river which is largely state-owned property? Mr. Matthews noted a higher bluff on that side and the cost of another pedestrian bridge to get back to the north side.
- Owners on Guadalupe Street already have a pedestrian sidewalk in front of their property and the city wanted another one behind their property; why not use the sidewalk on the street for the river trail for this one-half mile section? Mr. Matthews noted there were originally four route options and all were reviewed and were still under consideration; however, the best option was on the north side along the river. The route along Guadalupe Street created safety concerns with multiple driveways and narrow front yards.
- What if the owners do not sign the right of entry document? Mr. Eckmann noted that the line on the drawing was just speculation, a conceptual line from a computer generated program. The right of entry document would allow the city access to the property in order to conduct surveys and gather information, i.e. location of utilities, topography, existing structures, etc. so engineers could design a trail route. He will report to the city the number of right of entry documents he receives; if he receives enough, the engineers may be able to determine the route.
- Rio Robles and the City of Kerrville had pending litigation; how was that? Mr. Matthews noted that Rio Robles gave the city permission for right of entry for survey work; a majority of the owners would not grant an easement so the city filed eminent domain to construct the project on the Rio Robles site.
- If the court found in favor of Rio Robles, would the city have to remove the trail? Mr. Hayes noted that Rio Robles' argument was that the trail was solely an economic development project, which the city stated it was not; a hearing was scheduled for August 29.
- The city received only one bid for river trail construction, and a councilmember worked for that company. Why did the city not go out for bid to other companies instead of getting a bid from just one company? Mr. Matthews noted the city had the bid out for three weeks and only one bid was received; the city cannot force companies to bid on city projects.

The meeting adjourned at 8:18 p.m.

APPROVED: _____

Jack Pratt, Mayor

APPROVED: _____

David A. Wampler, EIC President

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
AUGUST 26, 2014

On August 26, 2014, 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 Heather Mitchell, Minister of Music, First Baptist Church, followed by the Pledge of Allegiance led by Interim Fire Chief Dannie Smith.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Gene Allen	Mayor Pro Tem
Carson Conklin	Councilmember
Stacie Keeble	Councilmember
Gary F. Stork	Councilmember

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias Day	Deputy City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Ashlea Boyle	Special Projects Manager
Dannie Smith	Interim Fire Chief
Jason Lutz	Senior Planner

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

1. VISITORS/CITIZENS FORUM: No one spoke.

2. PRESENTATIONS AND RECOGNITIONS:

2A. Leadership Kerr County presented a check to the City of Kerrville in the amount of \$2,500 for improvements to the dog park at Lehmann and Monroe Park was presented by Mayor Pratt.

2B. Mozelle Youngblood for 27 years of service to the Christian Assistance Ministry was presented by Mayor Pratt.

3. CONSENT AGENDA:

Mr. Allen moved to approve consent agenda items 3A through 3I; Mr. Conklin seconded the motion, and it passed 5-0:

3A. Minutes of the city council special meeting held July 15, 2014, and the city council regular meeting held July 22, 2014.

3B. Resolution No. 28-2014 authorizing the use of internal combustion engines

- on Nimitz Lake upstream of the city's impoundment dam for a triathlon.
- 3C. Purchase of a security camera system in and around Peterson Plaza and parking garage in the amount of \$62,859 with reimbursement from the Cailloux Foundation in the amount of \$47,969.
- 3D. Resolution 29-2014, approving the budget for fiscal year 2015 for the Kerr Emergency 9-1-1 Network.
- 3E. Rejection of bid for construction of the concrete improvements in Louise Hays Park and Lehmann and Monroe Park.
- 3F. First amendment to project funding agreement between the City of Kerrville, Texas, Economic Improvement Corporation and the City of Kerrville, Texas for improvements to Cailloux Theater for the Performing Arts (lighting).
- 3G. Funding and license agreement between the Floyd A. and Kathleen C. Cailloux Foundation, Inc. and the City of Kerrville, Texas to allow the city to install, use, and maintain a camera security system for video surveillance in the public areas in and around city hall, its parking garage, and Peterson Plaza.
- 3H. Resolution No. 25-2014, adopting the City of Kerrville Drought Contingency Plan and authorizing the city manager to take all actions in conformance with law.
- 3I. Resolution No. 26-2014, adopting the City of Kerrville Water Conservation Plan and authorizing the city manager to take all actions in conformance with law.

END OF CONSENT AGENDA

4. PUBLIC HEARINGS AND ORDINANCES, FIRST READING

4A. Ordinance No. 2014-18 repealing Ordinance No. 2003-16 and creating a new "Planned Development District" for personal services I (beauty parlor/barber shop) on Lots 15 and 16, Block 16, Westland Place subdivision, City of Kerrville, Texas, and more commonly known as 401 W. Water Street; adopting a site plan for said Planned Development District; making said district subject to certain conditions and restrictions; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed two thousand dollars (\$2,000.00); and ordering publication. Mayor Pratt read the ordinance by title only.

Mr. Lutz noted the 2003 PDD required that the property be developed under the RT (residential transition) standards which at the time limited signage for home occupation to a two sq. ft. nameplate sign. The applicant requested to amend the signage portion of the 2003 PDD in order to be able to have the same signage as currently allowed on the adjacent property on West Water, also zoned RT district, generally limited to a 24 sq. ft., 4 ft. tall monument sign. The planning and zoning commission recommended approval of the ordinance.

Mayor Pratt opened the public hearing at 6:08 p.m.; no one spoke; he closed the public hearing at 6:08 p.m.

Mr. Stork moved for approval of Ordinance No. 2014-18 on first reading; Mr. Conklin seconded the motion and it passed 5-0.

4B. Ordinance No. 2014-19 amending the city's "Zoning Code" by amending Article 11-I-18 "Special Screening Regulations" to change some screening requirements applicable to properties with commercial uses located adjacent to properties with residential land uses; 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. Mayor Pratt read the ordinance by title only.

Mr. Lutz noted the city's zoning code required screening based on land use, not zoning district. Type B screening was required for commercial property located adjacent to a property zoned residential. Type B screening consisted of a six ft. privacy fence and a 50 ft. buffer area that prohibited the construction of buildings, placement of storage areas and dumpsters, and parking spaces. An applicant may seek a variance; however the variance process could be cumbersome. He noted that many commercial properties were rendered undevelopable due to the 50 ft. buffer requirement even though the property was zoned commercial and the proposed uses were allowed by right in that district; he presented examples and noted the problem was most prominent in the central business district where commercial lots were small. He noted no protest was received at the planning and zoning commission meeting, and PZC voted to approve the ordinance. Under the proposed ordinance commercial property would still have to maintain the standard setbacks and the height of the privacy fence for Type B screening would increase from 6 ft. to 8 ft. to protect residential properties.

Mayor Pratt opened the public hearing at 6:14 p.m.; no one spoke; he closed the public hearing at 6:14 p.m.

Mr. Conklin moved for approval of Ordinance No. 2014-18 on first reading; Mr. Stork seconded the motion and it passed 5-0.

5. PUBLIC HEARINGS:

5A. Public hearing for the budget for fiscal year 2015.

Mr. Parton gave a general overview of the proposed FY2015 budget:

- Maintained current tax rate of \$0.5625.
- Revenue of \$46.2 million; expenditures of \$45.2 million.
- General fund expenditures of \$24.3 million.
- Enhanced existing level of service. In 2010 service levels were cut due to a 15% cut in operational expenses and 10% reduction in staff, and deferred major capital items in order to balance the budget. The FY2015 budget proposed unfreezing two positions in the police department, adding a three member street/drainage crew, increasing staff and supplies for street maintenance, and replacing five or six vehicles; he noted that ten vehicles were over 14 years old.
- Allocated \$600,000 in a reserve fund for fire department operations.
- Implemented step plans for police and fire employees and a 3% average merit increase for other employees.
- Maintained current utility rates.
- Water and wastewater fund expenditures of \$9.9 million.

- \$11 million in pay as you go capital through FY2020 to address maintenance and operation of systems; \$7 million to be allocated to Phase I of the water reuse project.
- Exceeded target reserve balance of 25% in the general fund and the water and sewer fund, and maintained one year of debt service payments in addition to the reserve fund balance.

Council discussed lowering the tax rate. Mr. Parton noted the possibility existed after 2016; however, he recommended a citizens survey of community needs and council discussion on future budget and program objectives before committing to lowering the tax rate. He noted the parks department was still down two crews and the police department still had two frozen positions from the 2010 budget cuts; also, ambulance call volume was increasing and a new ambulance and crew would have to be added.

Mayor Pratt opened the public hearing at 6:25 p.m.; the following person spoke:
 1. Ruth Spradling understood the desire to cut taxes, but she would rather see the city make improvements and work on the list of capital projects and city streets. Council noted the FY2015 street maintenance budget was increased to pave nine miles, up from six miles.

No one else spoke and Mayor Pratt closed the public hearing at 6:27 p.m.

5B. First public hearing to set the 2014 ad valorem tax rate.

Mr. Parton noted the resolution passed on August 12 capped the tax rate at \$.5625 per \$100 valuation; therefor, the city council could lower the rate, but could not increase the rate. The council will officially set the FY15 budget and adopt the tax rate in September.

Council noted an increase of \$70 million in property value this year and estimated the increased value would bring in \$300,000 without a change in the tax rate. Mr. Parton noted numerous properties were going through the appeals process with KCAD, so the increased value may be less than \$300,000.

Council discussed lowering the tax rate in the future. Mr. Parton noted the FY2014 operations budget had been lower due to prior cuts in service and deferred capital; he recommended maintaining the current tax rate of \$.5625 for the FY2015 budget and consider a decrease in the tax rate in future years.

Mayor Pratt opened the public hearing at 6:30 p.m.; no one spoke; he closed the public hearing at 6:30 p.m.

6. ORDINANCE, SECOND AND FINAL READING

6A. Ordinance No. 2014-17 amending the budget for Fiscal Year 2014 by allocating revenue from the City's collection of Hotel Occupancy Tax for the cost of an advertising sign for use by the Convention and Visitors Bureau and allocating unanticipated revenue for the purchase of a street sweeper. Mayor

Pratt read the ordinance by title only.

Mr. Parton noted no changes since first reading and recommended approval.

Mr. Conklin moved for approval of Ordinance No. 2014-17 on second and final reading; Mr. Allen seconded the motion and it passed 5-0.

7. ORDINANCE, FIRST READING

7A. Ordinance No. 2014-20 Amending Chapter 94 "Taxation" of the Code of Ordinances of the City of Kerrville, Texas, by adding a new Article V, titled "Telecommunications Services Tax" and relating to taxation of telecommunications services, repealing the application of the exemption provided for in Section 321.210 of the Texas Tax Code; providing for notification to the Texas Comptroller; making this Ordinance cumulative; providing a severability clause; providing for an effective date; and providing other matters related to the subject. Mayor Pratt read the ordinance by title only.

Mr. Stork noted the proposed ordinance would allow the city to repeal the exemption, thereby allowing the collection of city sales tax of 1.5% on the cost of telecommunications services. He described the tax as a "self-determined" tax based on the value of telecommunication services received; however, all city sales taxes were combined so he could not provide an estimated revenue projection.

Mr. Stork moved for approval of Ordinance No. 2014-20 on first reading; the motion failed due to lack of a second.

8. CONSIDERATION AND POSSIBLE ACTION:

8A Resolution No. 21-2014 providing for the city's approval or disapproval of the Kerr Central Appraisal District's fiscal year 2015 budget.

Mr. Parton noted the city had not received a response from KCAD to council's previous questions.

Mayor Pratt recommended the matter be postponed to a future meeting or until the council was forced to take action. There was no objection from city council.

8B. Administrative services contract between the City of Kerrville, Texas Economic Improvement Corporation and the City of Kerrville, Texas for FY2015.

Ms. Boyle reviewed the current contract due to expire September 30 and neither council nor staff recommend any changes; a new contract will be proposed to EIC and if approved, it will be on a future council agenda for action.

9. INFORMATION AND DISCUSSION:

9A. Budget update.

Ms. Yarbrough gave the financial report for the period ending July 31, 2014: general fund revenues totaled \$19,729,115 and expenditures \$17,556,809; water and sewer fund revenues at \$8,278,809 and expenditures at \$8,104,562;

hotel/motel fund revenues at \$814,610 and expenditures at \$887,281; 49 permits were issued for new residential construction.

10. ITEMS FOR FUTURE AGENDAS: None.

11. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- School started; reminder to motorists to drive safely and follow rules; children should walk on sidewalks and not in streets and cross at appropriate locations.
- City in Stage 2 water conservation.
- September was Childhood Obesity Awareness month.
- Kerrville Triathlon will be held September 26-28.

12. EXECUTIVE SESSION:

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

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:

- River trail.
- 800 Junction Highway, former city hall property.

At 6:42 p.m. the regular meeting recessed and council went into executive closed session at 6:44 p.m. At 7:14 p.m. the executive closed session recessed and council returned to open session at 7:15 p.m. The mayor announced that no action had been taken in executive session.

13. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

No action taken during open session.

ADJOURNMENT. The meeting adjourned at 7:15 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

Agenda Item:

3B. Construction contract with L.C. United Painting Co., Inc. for the rehabilitation and repainting of the stadium and summit tanks along with the addition of total trihalomethanes mixers to the stadium tanks in the amount of \$627,500.00 and additional change orders which may exceed \$50,000.00 but not to exceed the total amount of \$690,250.00. (staff)

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

SUBJECT: Council authorization for the City Manager to execute a construction contract with L.C. United Painting Co., Inc. for the rehabilitation and repainting of the Stadium and Summit Tanks along with the addition of TTHM mixers to the Stadium Tanks in the amount of \$627,500.00 and authorize the City Manager to execute additional change orders which may exceed \$50,000 but not to exceed the total amount of \$690,250.00.

FOR AGENDA OF: September 23, 2014

DATE SUBMITTED: September 12, 2014

SUBMITTED BY: Dieter Werner, P.E.
Director of Engineering

CLEARANCES: Kristine Day
Deputy City Manager

EXHIBITS: Recommendation of Award
Bid Tabulation

PAYMENT TO BE MADE TO: L.C. United Painting Co., Inc.
3525 Barbara Drive
Sterling Heights, MI 48310

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$690,250.00	\$1,299,770.84	\$1,300,000.00	U06

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The Stadium No. 1 and Summit Elevated Storage Tanks are included in the City's CIP efforts to paint multiple water storage tanks a lighter color throughout the city to reduce potential total trihalomethane (TTHM) levels. TTHMs are byproducts formed during the disinfection process when chlorine is used to react with organic matter. TTHM levels become elevated as a result of more chlorination being used for disinfection due to drought conditions and extreme high temperatures. The lighter paint colors chosen as part of the CIP efforts for the storage tanks will reduce the heat transferred to the water stored in the tank decreasing the overall water temperature and TTHM levels within the tanks.

The Stadium Tanks were also identified in the 2014 Water Master Plan as an ideal location for removing any potential total trihalomethanes (TTHMs) from the water system. TTHMs occur naturally as a byproduct of chlorination and time. The Stadium Tanks with a low modeled water age were determined an ideal location since both Stadium Tanks supply water to Kerrville North, Summit, and College Cove 1 Pressure Planes. TTHM removal at the Stadium Tanks is expected to reduce the potential TTHM

concentrations by reducing the water age for the supply at multiple downstream locations. An in-tank mixing and aeration system will be installed in each Stadium Tank to release the TTHMs from the water droplets to improve the water quality. The proposed Trihalomethane Reduction was approved by City Council as a Capital Improvement Project as part of the FY 2014 Budget.

On August 26, 2014, four (4) bids were opened and the apparent low bidder was L.C. United Painting Co., Inc. Staff along with Hewitt Engineering evaluated the contractor and recommend awarding the rehabilitation and repainting of the Stadium and Summit Tanks project to L.C. United Painting Co., Inc. Staff recommends awarding the base bid as well as the alternate (Summit Elevated Storage Tank painting) for a total project cost of \$627,500.00.

RECOMMENDED ACTION

The Director of Engineering recommends the City Council authorize the City Manager to execute a construction contract with L.C. United Painting Co., Inc. for the rehabilitation and repainting of the Stadium and Summit Tanks along with the addition of TTHM mixers to the Stadium Tanks in the amount of \$627,500.00 and authorize the City Manager to execute additional change orders which may exceed \$50,000 but not to exceed the total amount of \$690,250.00.



Hewitt Engineering Inc.

Consulting Engineering Services

September 3, 2014

Mr. Dieter Werner, P.E.
Director of Engineering
City of Kerrville
701 Main Street
Kerrville, TX 78028

**Re: Stadium and Summit Tank Improvements Project PW No. 14-012
Bid Tabulation**

Dear Dieter,

Sealed bids were received at 3:00 p.m. on August 26, 2014 for the City of Kerrville Stadium and Summit Tank Improvements project. Four bids were received for the project.

The total low bid including the Base Bid and Alternate Bid for the project was submitted by L.C. United Painting Co. Inc. from Sterling Heights, Michigan for \$627,500. The engineer's estimate for this project was \$684,800. The project scope of work includes the repainting of the Stadium No. 1 Ground Storage Tank and the Summit Elevated Tank, associated improvements at each tank and the installation of Trihalomethane Removal Equipment in both of the Stadium Ground Storage Tanks.

The low bid is approximately 8% below the projected construction estimate of \$684,800 and 7% below the average bid of \$676,661 for the four received bids. The second lowest bid was \$651,000 by NG Painting who recently completed the College Cove Tank repainting. I spoke with Mr. Kanto Lulaj of L.C. United regarding the bid. He is comfortable with his total bid although he admits that his costs are low for certain bid items and he is not familiar with Kerrville or the project sites. Mr. Lulaj's major concern is project schedule which requires him to be complete within 100 days as this conflicts with the Christmas holidays for his workers. He has submitted references for over 20 completed tank repainting projects.

Although his bid is \$23,500 less than the second lowest bid, I would recommend further discussions with the contractor regarding schedule prior to award of the contract. Based on a review of submitted references, it appears that L.C. United has relevant experience on projects similar to this City project.

Please feel free to call me at 830-315-8800 or by email at jmhewitt@hewitt-inc.com if you have any questions or require additional information.

HEWITT ENGINEERING INC.
Texas Registered Engineering Firm F-10739

John M. Hewitt, P.E., CFM

Stadium and Summit Tank Improvements
 PW#14-012
 Bid Opening: August 26, 2014

Item	Qty	Unit	Description	MG Painting, L.P.		Classic Protective Coatings, Inc.		L.C. United Painting Co., Inc.		Blastco Texas, Inc.		Average	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	1	LS	Mobilization and Bonds (5% of Base Bid Max)										
			Interior and Exterior blasting, priming, and repainting Stadium Tank, complete and in place	\$1,000.00	\$1,000.00	\$20,000.00	\$20,000.00	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00	\$9,750.00	\$9,750.00
2	1	LS	Replace exterior and interior ladders, install 72-inch handrail enclosure on roof, remount existing Saf-T-Climb system, and relocate existing antenna, complete and in place	\$220,000.00	\$220,000.00	\$260,530.00	\$260,530.00	\$216,000.00	\$216,000.00	\$177,500.00	\$177,500.00	\$218,507.50	\$218,507.50
3	1	LS	Replace roof vent with 24-inch aluminum vent, complete and in place	\$10,000.00	\$10,000.00	\$31,250.00	\$31,250.00	\$7,000.00	\$7,000.00	\$12,500.00	\$12,500.00	\$15,187.50	\$15,187.50
4	1	LS	Replace level float gauge assembly, complete and in place	\$4,000.00	\$4,000.00	\$5,850.00	\$5,850.00	\$5,000.00	\$5,000.00	\$4,500.00	\$4,500.00	\$4,837.50	\$4,837.50
5	1	LS	Replace roof and side access openings with minimum 36-inch diameter access openings, complete and in place	\$5,000.00	\$5,000.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$6,500.00	\$6,500.00	\$4,125.00	\$4,125.00
6	2	EA	Provide 12-inch overflow pipe and miscellaneous fittings including reducers, tees, tapped plugs, and bends, complete in place	\$5,000.00	\$10,000.00	\$7,500.00	\$15,000.00	\$4,000.00	\$8,000.00	\$5,500.00	\$11,000.00	\$5,500.00	\$11,000.00
7	1	LS	Connect 10-inch drain line with overflow pipe including tees, valves, hinged discharge cover, concrete blocking, and concrete splash pad, complete in place	\$15,000.00	\$15,000.00	\$8,350.00	\$8,350.00	\$6,500.00	\$6,500.00	\$9,000.00	\$9,000.00	\$9,712.50	\$9,712.50
8	1	LS	Storage tank sterilization, complete in place	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$500.00	\$500.00	\$1,500.00	\$1,500.00	\$1,375.00	\$1,375.00
9	1	LS	Purchase and installation of floating spray nozzle and mixer equipment and air ventilation equipment, blowers, and filters in each Stadium Tank, complete and in place	\$100,000.00	\$100,000.00	\$55,000.00	\$55,000.00	\$192,500.00	\$192,500.00	\$227,480.00	\$227,480.00	\$143,745.00	\$143,745.00
10	1	LS	Purchase and installation of motor control panels and motor protectors for each Stadium Tank, complete and in place	\$16,000.00	\$16,000.00	\$25,000.00	\$25,000.00	\$11,500.00	\$11,500.00	\$9,920.00	\$9,920.00	\$15,605.00	\$15,605.00
11	1	LS	All required electrical site work to connect all equipment to service main for each Stadium Tank, complete and in place	\$40,000.00	\$40,000.00	\$10,000.00	\$10,000.00	\$13,000.00	\$13,000.00	\$17,500.00	\$17,500.00	\$20,125.00	\$20,125.00
12	1	LS	Storage tank sterilization, complete in place	\$430,500.00	\$430,500.00	\$453,480.00	\$453,480.00	\$477,500.00	\$477,500.00	\$494,900.00	\$494,900.00	\$464,095.00	\$464,095.00
A-1	1	LS	Interior and Exterior blasting, priming, and repainting Summit Tank, complete and in place	\$215,000.00	\$215,000.00	\$75,000.00	\$75,000.00	\$142,000.00	\$142,000.00	\$150,000.00	\$150,000.00	\$145,500.00	\$145,500.00
A-2	1	LS	Exterior blasting, priming, and repainting Summit Tank fill line, complete and in place	\$4,000.00	\$4,000.00	\$214,765.00	\$214,765.00	\$7,500.00	\$7,500.00	\$35,000.00	\$35,000.00	\$65,316.25	\$109,382.50
A-3	1	LS	Storage tank sterilization, complete in place	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00	\$500.00	\$500.00	\$2,500.00	\$2,500.00	\$1,750.00	\$2,000.00
Total Alternate Bid				\$220,500.00	\$220,500.00	\$292,265.00	\$292,265.00	\$150,000.00	\$150,000.00	\$187,500.00	\$187,500.00	\$212,566.25	\$212,566.25
Total Base Bid plus Alternate Bid				\$651,000.00	\$651,000.00	\$745,745.00	\$745,745.00	\$627,500.00	\$627,500.00	\$682,400.00	\$682,400.00	\$676,661.25	\$676,661.25

Agenda Item:

4A. Ordinance No. 2014-15, adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2015; providing appropriations for each City department and fund; containing a cumulative clause; and containing a savings and severability clause. (staff)

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

SUBJECT: Second Reading of Ordinance to Adopt Budget for FY15

FOR AGENDA OF: September 23, 2014 **DATE SUBMITTED:** September 12, 2014

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

EXHIBITS: Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
----------------------------------	--	-----------------------------	----------------------------

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The FY2015 proposed budget was presented to the City Council in a series of budget workshops and presentations beginning on June 6, 2014 and ending July 22, 2014

The FY2015 proposed budget totals \$45,960,084 in revenues and \$44,987,121 in expenditures.

The complete proposed budget is on file in the city secretary's office, public library, as well as via the City's Website.

RECOMMENDED ACTION

Staff recommends approval of the ordinance on second reading to adopt the proposed budget for FY2015.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014- 15**

**AN ORDINANCE ADOPTING THE ANNUAL BUDGET
FOR THE CITY OF KERRVILLE, TEXAS, FISCAL YEAR
2015; PROVIDING APPROPRIATIONS FOR EACH CITY
DEPARTMENT AND FUND; CONTAINING A
CUMULATIVE CLAUSE; AND CONTAINING A SAVINGS
AND SEVERABILITY CLAUSE**

WHEREAS, in accordance with Section 8.01 of the City Charter and Section 102.005 of the Texas Local Government Code, the City Manager of the City of Kerrville prepared and filed with the City Secretary on July 28, 2014, a proposed budget for the City of Kerrville, Texas, for the fiscal year beginning October 1, 2014, and ending September 30, 2015; and

WHEREAS, in accordance with Section 8.04 of the City Charter and Sections 102.006 and 102.065 of the Texas Local Government Code, and after providing the required public notice in the City's official newspaper not less than two weeks prior to the date of the public hearing, a public hearing was duly held on August 26, 2014, at the time and place set forth in the public notice, said date being more than thirty days subsequent to the filing of the proposed budget by the City Manager, at which all interested persons were given an opportunity to be heard for or against any item within the proposed budget; and

WHEREAS, after due deliberation, study, and consideration of the proposed budget, and after making such amendments to the budget proposed by the City Manager that the City Council has determined are (1) warranted by law or (2) in the best interest of the taxpayers of the City, the City Council is of the opinion that the Official Budget for the Fiscal Year 2015, with the amendments described and discussed, should be approved and adopted, in accordance with Section 8.06 of the City Charter and Section 102.007 of the Texas Local Government Code;

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

SECTION ONE. The Official Budget of the City of Kerrville, Texas, a copy of which is on file in the office of the City Secretary, referenced by the date and number of this Ordinance, and incorporated herein by reference as if fully set out herein, is adopted, in accordance with Section 8.06 of the City Charter and Chapter 102 of the Texas Local Government Code.

SECTION TWO. The budgets for each department of the City are hereby deemed to provide a complete financial plan of City funds and activities for the Fiscal Year 2015, in accordance with Section 8.05 of the City Charter and Chapter 102 of the Texas Local Government Code.

SECTION THREE. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby 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 City Council of the City of Kerrville, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

THE MEMBERS OF CITY COUNCIL VOTED AS FOLLOWS IN ACCORDANCE WITH THE CITY CHARTER AND STATE LAW:

FIRST READING:

- A RATIFICATION VOTE TO ADOPT THE BUDGET THAT WILL REQUIRE RAISING MORE REVENUE FROM PROPERTY TAXES THAN THE PREVIOUS FISCAL YEAR.
- TO APPROVE THE BUDGET ON 1ST READING OF THE ORDINANCE AS FOLLOWS:

	YES	NO
Jack Pratt, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carson Conklin, Place 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stacie Keeble, Place 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gary Stork, Place 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gene Allen, Place 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PASSED AND APPROVED ON FIRST READING, this the 9th day of September, A.D., 2014.

SECOND READING:

- A RATIFICATION VOTE TO ADOPT THE BUDGET THAT WILL REQUIRE RAISING MORE REVENUE FROM PROPERTY TAXES THAN THE PREVIOUS FISCAL YEAR.
- TO APPROVE THE BUDGET ON 1ST READING OF THE ORDINANCE AS FOLLOWS:

	YES	NO
Jack Pratt, Mayor	_____	_____
Carson Conklin, Place 1	_____	_____
Stacie Keeble, Place 2	_____	_____
Gary Stork, Place 3	_____	_____
Gene Allen, Place 4	_____	_____

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:

4B. Ordinance No. 2014-16 levying an ad valorem tax for the use and the support of the municipal government for the City of Kerrville, Texas, for the Fiscal Year 2015; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. (staff)

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

SUBJECT: Second Reading of Ordinance - Ad Valorem Tax Rate for 2014

FOR AGENDA OF: September 23, 2014 **DATE SUBMITTED:** September 12, 2014

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

EXHIBITS: Ordinance
AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JP*

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

At the August 12, 2014 Council meeting, council voted to hold a public hearing to establish the proposed ad valorem tax rate for 2014 at \$0.5625/\$100 value, which is the same rate as tax year 2013. This rate exceeds the effective rate as calculated by the Tax Assessor-Collector of \$0.537419 by 4.23%. The City was required to hold two public hearings since the proposed tax rate exceeds the effective tax rate.

The attached ordinance will adopt the 2014 tax rate on the second and final reading. The tax rate has two components. The M&O rate for the general operations of the City is proposed at \$0.489 and the I&S rate for the General Fund's debt service is proposed at \$0.0735.

RECOMMENDED ACTION

Staff recommends approval of the ordinance on second and final reading to adopt the tax rate of \$.05625 for the 2014 tax year.

Should council approve the proposed tax rate the following motion is required "I move that the property tax rate be increased by the adoption of a tax rate of .5625, which is effectively a 4.23% increase in the tax rate" with the approval of the ordinance by record vote on the second and final reading as required.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-16**

AN ORDINANCE LEVYING AN AD VALOREM TAX FOR THE USE AND THE SUPPORT OF THE MUNICIPAL GOVERNMENT FOR THE CITY OF KERRVILLE, TEXAS, FOR THE FISCAL YEAR 2015; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID

WHEREAS, the City Council finds that an ad valorem tax must be levied to provide for current expenses and improvements for the City of Kerrville, Texas, during the fiscal year 2015; and

WHEREAS, the City Council further finds that an ad valorem tax must be levied to provide for the payment of principal and interest on outstanding debt maturing in the fiscal year 2015; and

WHEREAS, after due deliberation, study, and consideration of the proposed tax rate for the fiscal year 2015, the City Council has determined that adoption of the rate is in the best interest of the taxpayers of the City and it should be adopted in accordance with law;

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

SECTION ONE. There is hereby levied and there shall be collected for the use and support of the municipal government of the City of Kerrville, Texas, and to provide interest and sinking funds for the fiscal year 2015, a tax of **\$0.5625** on each one hundred dollars (\$100.00) valuation of all property, real, personal, and mixed, within the corporate limits of the City subject to taxation, for the specific purposes herein set forth:

- (A) For the current expenditures of the City of Kerrville and for the general improvement, use and support of the City and its property, there is hereby levied and ordered to be assessed and collected for the fiscal year 2015 on all property situated within the corporate limits of the City, and not exempt from taxation by a valid law, an ad valorem tax rate of \$0.489 on each one hundred dollars (\$100.00) valuation of such property. **THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY .14% PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$0.00.**

- (B) For the purpose of paying principal and interest and providing payments into various debt service funds for each issue of tax supported debt, there is hereby levied and ordered to be assessed and collected for the fiscal year 2015 on all property situated within the corporate limits of the City and not exempt from taxation by a valid law,

an ad valorem tax for each issue of debt described in this Section, the sum of such levies being \$0.0735 on each one hundred dollars (\$100.00) valuation of such property.

SECTION TWO. The ad valorem taxes levied are due on October 1, 2014, and may be paid up to and including January 31, 2015, without penalty, but if not paid, such taxes are delinquent on February 1, 2015, provided, however, in accordance with Section 31.03(a) of the Texas Tax Code, the ad valorem taxes due hereunder may, at the option of the taxpayer, be paid in two payments without penalty or interest so long as the first payment of one-half of the taxes levied is paid before December 1, 2014, and the remaining one-half is paid before July 1, 2015.

SECTION THREE. No discounts are authorized on property tax payments made prior to January 31, 2015.

SECTION FOUR. All taxes become a lien upon the property against which assessed, and the designated City tax collector for the City of Kerrville is authorized and empowered to enforce the collection of such taxes according to the Constitution and Laws of the State of Texas and ordinances of the City of Kerrville, and shall by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty, and interest. All delinquent taxes shall bear interest and other charges from date of delinquency as prescribed by state law.

THE MEMBERS OF CITY COUNCIL, PURSUANT TO THE SPECIFIC MOTION REQUIRED BY STATE LAW, VOTED TO APPROVE THIS ORDINANCE ON 1ST READING TO CONSIDER THE TAX INCREASE AS FOLLOWS:

	YES	NO
Jack Pratt, Mayor	<u>✓</u>	_____
Carson Conklin, Place 1	<u>✓</u>	_____
Stacie Keeble, Place 2	_____	<u>✓</u>
Gary Stork, Place 3	_____	<u>✓</u>
Gene Allen, Place 4	<u>✓</u>	_____

(record vote)

PASSED AND APPROVED ON FIRST READING, this the 9th day of September A.D., 2014.

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

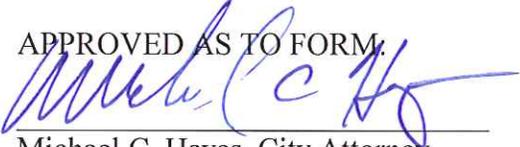
THE MEMBERS OF CITY COUNCIL, PURSUANT TO THE SPECIFIC MOTION REQUIRED BY STATE LAW, VOTED TO APPROVE THIS ORDINANCE ON 1ST READING TO CONSIDER THE TAX INCREASE AS FOLLOWS:

	YES	NO
Jack Pratt, Mayor	_____	_____
Carson Conklin, Place 1	_____	_____
Stacie Keeble, Place 2	_____	_____
Gary Stork, Place 3	_____	_____
Gene Allen, Place 4	_____	_____
<i>(record vote)</i>		

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

Agenda Item:

5A. Ordinance No. 2014-20 amending Chapter 6 “Advertising”, Article II “Signs”, Section 6-36 “Exempt Signs” of the city’s Code of Ordinances to exempt from permitting signs used by school districts, other school campuses, or public athletic facilities to promote sporting events or extracurricular activities; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

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

SUBJECT: ORDINANCE AMENDING CHAPTER 6 "ADVERTISING", ARTICLE II "SIGNS", SECTION 6-36 "EXEMPT SIGNS" OF THE CITY'S CODE OF ORDINANCES TO EXEMPT FROM PERMITTING SIGNS USED BY SCHOOL DISTRICTS AND OTHER CAMPUSES TO PROMOTE SPORTING EVENTS OR EXTRACURRICULAR ACTIVITIES.

FOR AGENDA OF: September 23, 2014 **DATE SUBMITTED:** September 16, 2014

SUBMITTED BY: Danny Batts

CLEARANCES: Kristine Day

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The purpose of the current sign ordinance was to provide uniform standards for the City's business community in order to prevent the unregulated proliferation of signs. The sign ordinance was never intended to restrict a school district or any other school campus or public athletic facility from displaying a logo, insignia, trade mark, catchphrase, motto, or other similar content associated with any of the Districts intramural sports or other extra-curricular activities.

RECOMMENDED ACTION

Approve ordinance as presented on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-20**

AN ORDINANCE AMENDING CHAPTER 6 “ADVERTISING”, ARTICLE II “SIGNS”, SECTION 6-36 “EXEMPT SIGNS” OF THE CITY’S CODE OF ORDINANCES TO EXEMPT FROM PERMITTING SIGNS USED BY SCHOOL DISTRICTS, OTHER SCHOOL CAMPUSES, OR PUBLIC ATHLETIC FACILITIES TO PROMOTE SPORTING EVENTS OR EXTRACURRICULAR ACTIVITIES; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, the City Council of the City of Kerrville, Texas (“City Council”) seeks to provide for the orderly development and use of property within the corporate limits of the City of Kerrville, Texas (“City”) and its extraterritorial jurisdiction (“ETJ”); and

WHEREAS, toward that end, City Council, pursuant to Ordinance No. 2012-05, adopted a new Sign Code, as codified in Article II of Chapter 6 of the City’s Code of Ordinances; and

WHEREAS, Ordinance No. 2012-05 established regulations governing the location, size, design, installation, and maintenance of signs located within the City and its ETJ; and

WHEREAS, City staff recommends revising the Sign Code to exempt from permitting signs placed on school district campuses, other school campuses, or public athletic facilities to promote sporting events and other extracurricular activities; and

WHEREAS, City Council, 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 property, maintaining safety, and the public health, and encouraging the most appropriate use of land throughout the City, 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 Sign Code with as provided herein;

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

SECTION ONE. Chapter 6 “Advertising”, Article II “Signs”, of the Code of Ordinances of the City of Kerrville, Texas, is amended by amending Section 6-36 by adding the language that is underlined (added) as follows:

“Sec. 6-36. Exempt signs.

·
·

(18) Any permanent sign erected on school district property or any other school campus or public athletic facility for the sole purpose of displaying the school’s or facility’s logo.

insignia, trademark, catchphrase, motto, or other similar content associated with any of the school's or facility's sports or extracurricular activities. The content may not include any type of commercial message, to include the purpose of sponsorship."

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

SECTION THREE. The 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 1-8, or its successor section, 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 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.

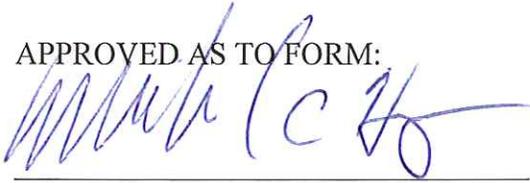
(signatures begin on following page)

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

6A Resolution No. 27-2014 granting a petition requesting the annexation of an approximate 3.05 acres tract out of the W.H. Crawford Survey No. 653, Abstract No. 123, within Kerr County, Texas, and consisting of the property addressed as 421 Roy Street; and ordering the preparation of an annexation ordinance. (staff)

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

SUBJECT: Petition for annexation: - Consideration and action concerning a petition for annexation of an approximate 3.05 acre tract of land out of the W.H. Crawford Survey No. 653, Abstract No. 123, Kerr County, Texas, and located at 421 Roy Street
Applicant: Lee Voelkel (File No.2014-033)

FOR AGENDA OF: September 23, 2014 **DATE SUBMITTED:** September 12, 2014

SUBMITTED BY: Jason Lutz  **CLEARANCES:** Dieter Werner 

EXHIBITS: Resolution
Petition for Annexation
Exhibit A – Metes & Bounds Description and Survey
Exhibit B – Location Map
Exhibit C – Annexation Service Plan

AGENDA MAILED TO: Pat Karr C/O Lee Voelkel
212 Clay Street
Kerrville, Texas 75201

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:
REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The applicant is seeking annexation in order to connect to the City of Kerrville's utility systems for water and sanitary sewer. The subject property is a currently utilized as a residential property and consists of 3.05 acres located at 421 Roy Street.

City mains are located in the Roy Street right-of-way. City water is located across the street from the subject property and extends parallel and along the entire frontage of the property. City sewer is also located in the public right-of-way and is located on the same side of the street as the subject property. The sewer main ends at the subject property and does not extend along the property's frontage.

Due to the limited revenue that would be received from the annexation of the property and the cost of the sewer extension across the frontage of the property to serve adjacent properties, staff recommends that the property owner be required to extend the sewer main across the entire frontage of their property at the applicant's expense.

The sewer main extension would allow future land owners the opportunity to connect to City services and annexation.

If the petition is accepted, the following timeline will be followed to complete the annexation process:

November 11, 2014

First public hearing on the requested annexation by the City Council.
(40 days after petition for annexation approved)

December 9, 2014

Second public hearing on the requested annexation by the City Council.
(20 days prior to 1st ordinance reading)

December 18, 2014

Public hearing and recommendation of a zoning classification from the Planning and Zoning Commission.

January 13, 2015

First ordinance reading by the City Council.

January 27, 2015

Second and final ordinance reading by the City Council.

RECOMMENDED ACTION

1. Render a decision concerning the annexation request, approve the resolution, and direct staff to initiate the annexation process as outlined above.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 27-2014**

**A RESOLUTION GRANTING A PETITION REQUESTING THE ANNEXATION
OF AN APPROXIMATE 3.05 ACRES TRACT OUT OF THE W.H. CRAWFORD
SURVEY NO. 653, ABSTRACT NO. 123, WITHIN KERR COUNTY, TEXAS,
AND CONSISTING OF THE PROPERTY ADDRESSED AS 421 ROY STREET;
AND ORDERING THE PREPARATION OF AN ANNEXATION ORDINANCE**

WHEREAS, on August 1, 2014, the owner of an approximate 3.05 acres tract out of the W.H. Crawford Survey No. 653, Abstract No. 123, within Kerr County, Texas, and more commonly known as 421 Roy Street, filed a petition with the City pursuant to Texas Local Government Code Section 43.028 and requested the annexation of the property; and

WHEREAS, having considered the petition and hearing the recommendation from City staff, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to grant said petition and to initiate the annexation process, which includes the preparation of an ordinance annexing the subject property;

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

SECTION ONE. The petition requesting annexation of an approximate 3.05 acres tract out of the W.H. Crawford No. 653, Abstract No. 123, within Kerr County, Texas, consisting of the property addressed as 421 Roy Street, and more fully described in said petition, a copy of which is attached as **Exhibit A**, is granted.

SECTION TWO. City staff is directed to initiate the annexation process and to prepare an ordinance annexing the subject property described in the above-referenced petition.

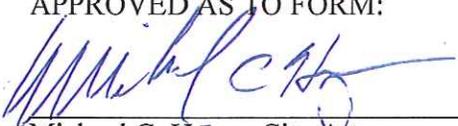
PASSED AND APPROVED ON this the ____ day of _____, A.D., 2014.

Jack J. Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

PETITION REQUESTING ANNEXATION TO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, OF TEXAS ACRES OUT OF THE W.H. Crawford Survey, Abstract Number 123, KERR COUNTY TEXAS

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

Pat Jackson Karr is the sole owner of an approximately 3 acre tract of land located adjacent to the incorporated limits of the City of Kerrville which is out of the Survey No. 653 Abstract No. 123 Kerr County, Texas, and is more particularly described as follows:

SEE EXHIBIT "A". (Paste in legal description here & provide two copies of the survey with the legal description to Development Services Department)

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

In accordance with Texas Local Government Code §43.028, Pat Jackson Karr hereby respectfully requests and petitions that the above-described property be annexed into the incorporated limits of the City of Kerrville, Texas. SUBMITTED THIS 1 day of Aug. 2014

By: Elizabeth Jackson D'Ambrosi
Legally authorized signature

By: Elizabeth Jackson D'Ambrosi
Elizabeth

ACKNOWLEDGEMENT Washington DC
THE STATE OF TEXAS §
§
COUNTY OF KERR §

This instrument was acknowledged before me on the 1 day of Aug 2014 by Elizabeth Jackson for and on behalf of Patricia Ridd Jackson Karr D'Ambrosi

Eric Culp
NOTARY PUBLIC, STATE OF TEXAS Washington DC
Printed Name: _____

My Commission Expires: _____

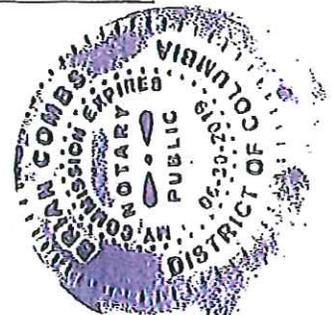


Exhibit A - Pg. 1

FIELD NOTES DESCRIPTION FOR 3.05 ACRES OF LAND OUT OF THE PAT JACKSON KARR LAND ALONG ROY STREET IN KERR COUNTY, TEXAS

Being all of a certain tract or parcel of land containing 3.05 acres, more or less, out of W. H. Crawford Survey No. 653, Abstract No. 123 in Kerr County, Texas; that same land conveyed as 3 acres from Jewel Osborne, et al to Pat Jackson Karr by a Warranty Deed executed the 3rd day of July, 1995 and recorded in Volume 805 at Page 467 of the Real Property Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a fence cornerpost in the southwest right-of-way line of Roy Street, a public street for the east corner of the herein described tract and said 3 acre tract, and the north corner of a certain one acre tract conveyed as SECOND TRACT from Otilia Marie January, et al to David R. Jackson by a Warranty Deed executed the 3rd day of May, 1994 and recorded in Volume 744 at Page 536 of the Real Property Records of Kerr County, Texas;

THENCE, along a fence with the common line between said 3 acre tract and SECOND TRACT S47°16'34"W, at 548.6 ft. passing a fence cornerpost, then continuing not along a fence for a total distance of 600.00 ft. to an unmarked point in the northeast line of a certain one acre tract conveyed from George Griesbach, Independent Executor to Rogelio Fuentes and Debra Fuentes by a Warranty Deed with Vendor's Lien executed the 13th day of January, 2006 and recorded in Volume 1501 at Page 666 of the Official Public Records of Kerr County, Texas for the south corner of the herein described tract and southwest common corner of 3 acre tract and SECOND TRACT;

THENCE, with the common line between said 3 and one acre tracts N45°29'26"W, 223.15 ft. to an unmarked point for the west corner of the herein described tract and 3 acre tract, and the south corner of a certain 5.0 acre tract conveyed from Isabel Spenrath to Isabel Spenrath, Trustee by a Warranty Deed executed the 7th day of March, 2007 and recorded in Volume 1595 at Page 567 of the Official Public Records of Kerr County, Texas;

THENCE, with the common line between said 3 and 5.0 acre tracts N47°27'31"E, at 36.7 ft. passing a fence cornerpost, then continuing along a fence for a total distance of 597.20 ft. to a fence cornerpost in the southwest right-of-way line of said Roy Street for the north corner of the herein described tract and northeast common corner of 3 and 5.0 acre tracts;

THENCE, with the northeast line of said 3 acre tract along the southwest right-of-way line of said Roy Street S46°14'19"E, at 87.8 ft. passing a fence cornerpost, then continuing along a fence for a total distance of 221.40 ft. to the PLACE OF BEGINNING.

I hereby certify that these field notes and accompanying plat are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown. (Bearing basis = True north based on GPS observations)

Date Surveyed: June 11, 2014

Dated this 22nd day of July, 2014


Lee C. Voelkel
Registered Professional Land Surveyor No. 3909
County Surveyor for Kerr County, Texas

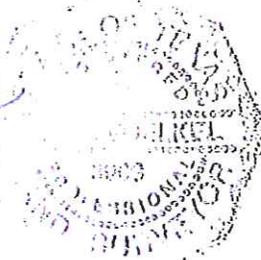
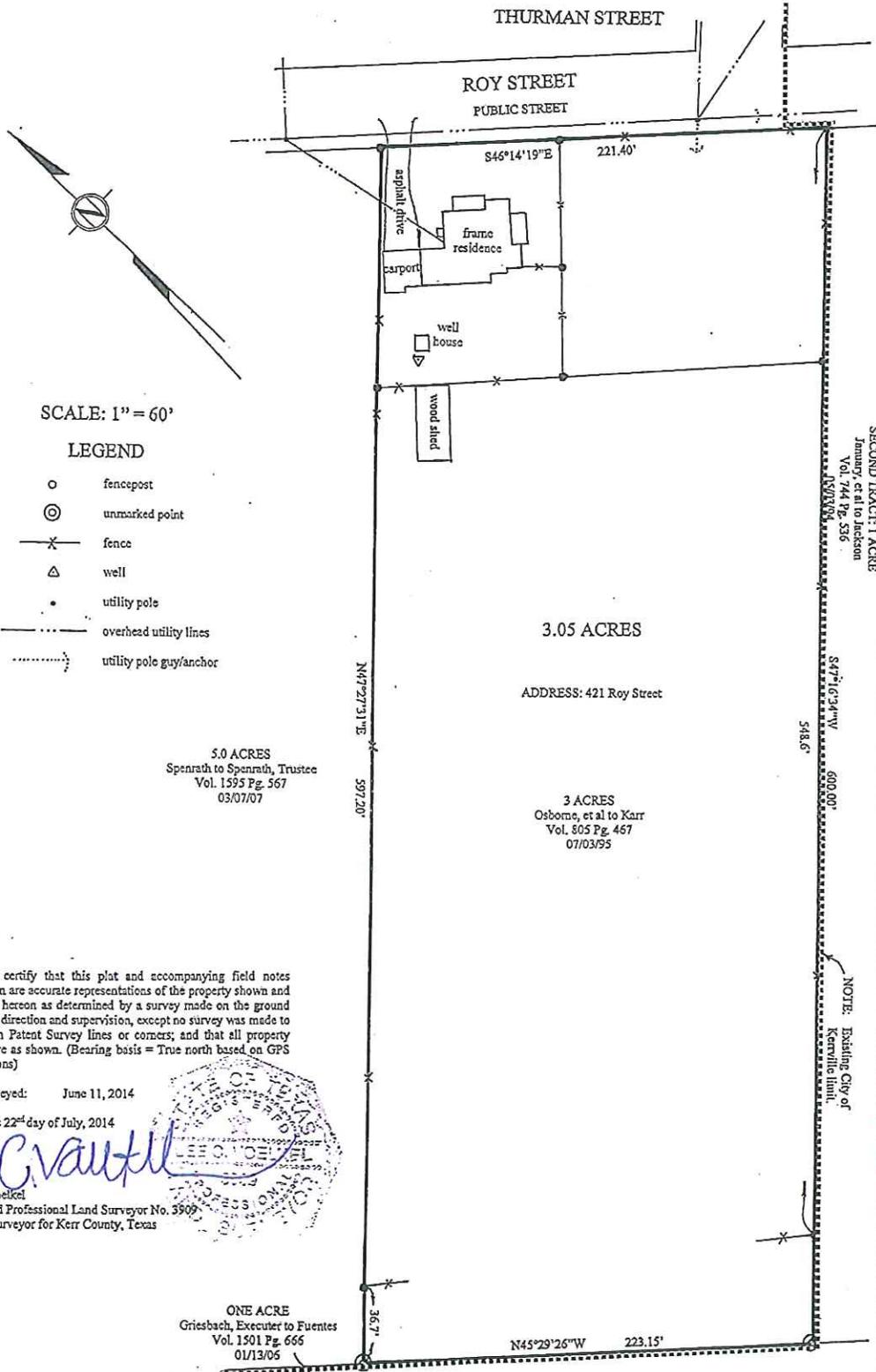


Exhibit A - Pg. 2

SURVEY PLAT FOR 3.05 ACRES OF LAND, MORE OR LESS, OUT OF W. H. CRAWFORD SURVEY NO. 653, ABSTRACT NO. 123 IN KERR COUNTY, TEXAS; THAT SAME LAND CONVEYED AS 3 ACRES FROM JEWEL OSBORNE, ET AL TO PAT JACKSON KARR BY A WARRANTY DEED EXECUTED THE 3RD DAY OF JULY, 1995 AND RECORDED IN VOLUME 805 AT PAGE 467 OF THE REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS



SCALE: 1" = 60'

LEGEND

- fencepost
- ⊙ unmarked point
- X— fence
- △ well
- utility pole
- · — · — overhead utility lines
- · — · — · — utility pole guy/anchor

I hereby certify that this plat and accompanying field notes description are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown. (Bearing basis = True north based on GPS observations)

Date Surveyed: June 11, 2014

Dated this 22nd day of July, 2014

Lee C. Voelkel

Lee C. Voelkel
Registered Professional Land Surveyor No. 3509
County Surveyor for Kerr County, Texas



Exhibit B - Location Map

Legend

-  Petition for Annexation
-  City Limits
-  Zoning Districts
-  KCAD Parcels
-  Streets
-  Water Mains
-  Sewer Mains



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.



1 inch = 200 feet



EXHIBIT C

ANNEXATION SERVICE PLAN

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

ANNEXATION SERVICE PLAN (CONTINUED)

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

Agenda Item:

6B. Request from Kerr County to amend the 2011 interlocal agreement for the construction of public sewer system improvements in the Kerrville South Colonia Area. (staff)

Since this proposal is outside the interlocal agreement, it requires City Council consideration and action. City staff expects the Commissioners' Court to make a formal request as outlined here at its next regular meeting, scheduled for Monday, September 22. Staff has been informed that the county's proposal would include a provision for the extension the three phase power in conjunction with the construction of Phase VI of the Kerrville South wastewater system project and that in no event would the extension be made later than December 31, 2015. Furthermore, the Commissioners' Court is expected to set aside the funds for the extension in the event that grant funds are not available.

RECOMMENDED ACTION

City staff has no recommendation at this time since the Kerr County Commissioners' Court has not taken formal action on this proposal. City staff will be prepare a formal recommendation once a formal proposal has been received from the county.

STATE OF TEXAS

§

INTERLOCAL AGREEMENT
Pursuant to the Interlocal Cooperation Act
Texas Government Code, Chapter 791

TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT
2011-12 COLONIA FUND

KERR COUNTY

§

This AGREEMENT is made between KERR COUNTY, TEXAS, hereinafter referred to as the COUNTY, acting through its Commissioners' Court, and the CITY OF KERRVILLE, hereinafter referred to as the CITY, acting through its City Council.

The COUNTY agrees to use grant funds from its Program Year 2011-12 Texas Community Development Block Grant Colonia Fund Contract that COUNTY has applied for and if awarded, will be solely responsible for, to construct improvements to the CITY's public sewer system in the Kerrville South Colonia area and also upgrades to the public sewer system along Sand Bend Drive, if such is awarded to the COUNTY by the Texas Department of Rural Affairs (TDRA), hereinafter referred to as the GRANT. The term of this Agreement shall be from June 3, 2011, until the GRANT, if awarded, is administratively closed by TDRA. However, in any event, this Agreement shall terminate on December 31, 2016, unless extended by the parties. Either party may terminate this Agreement with thirty (30) days written notice to the other party.

The COUNTY shall:

1. Execute its GRANT responsibilities in a timely and efficient manner.
2. Be the repository of all receipts and documentation pertinent to the GRANT and furnish such to TDRA and CITY upon request.
3. Serve as the primary contact in all matters pertaining to the GRANT and the conduit for communication between itself, the CITY, and TDRA.
4. Require its project engineer to develop all schedules, plans and specifications, including any bid alternates or subsequent modifications, in consultation with and approval by CITY staff.
5. Require its project engineer to use the current City of Kerrville Standard Specifications for Subdivision Construction design criteria with a provision that design flows from the proposed Quail Valley lift station improvements not exceed 175 gallons per minute.
6. Provide pre-bid project design plans and specifications to the CITY staff for its review and approval prior to bid authorization by the COUNTY.
7. Enter into a contract with a qualified contractor to construct GRANT improvements in accordance with the CITY-approved plans and specifications.
8. Gain CITY staff approval of change orders prior to their submittal to TDRA for review or approval.
9. Maintain at its sole discretion the right to award construction contracts or approve change orders that would result in its obligation to pay for costs that exceed available GRANT funds so long as any contract or change order meets the current City of Kerrville Standard Specifications for Subdivision Construction design criteria through the process described in ¶4 – 6, 8 (supra).
10. Ensure that the CITY shall not be responsible for any costs with respect to the GRANT, this Agreement, or the project.
11. Require construction contractor(s) to comply with CITY requirements regarding the CITY's inspection and oversight.
12. Transfer all GRANT improvements to the CITY upon approval of the Certificate of Construction Completion and Final Acceptance as issued by the CITY. In order to effectuate

- the transfer, the COUNTY shall prepare and send to the CITY a bill-of-sale or comparable instrument, to legally convey and transfer such improvements to the CITY.
13. Pay \$25,000 of either in-kind services or cash in matching funds as required by the GRANT.
 14. In the event that the COUNTY is awarded the GRANT and proceeds with construction of the project, the COUNTY, subject to available GRANT funding, shall complete, at a minimum, the CITY'S required upgrades to the public sewer along Sand Bend Drive and the Quail Valley lift station. In the event that available GRANT funding is insufficient to complete the scope of this AGREEMENT, COUNTY agrees to make good-faith effort to apply for future GRANT funding so as to complete the scope of this AGREEMENT.

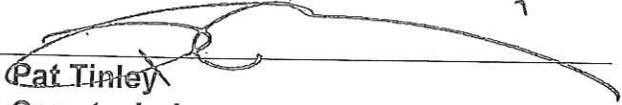
The CITY shall:

1. Provide reasonable assistance to COUNTY requests for information required to fulfill the COUNTY'S obligations under the GRANT.
2. Provide public sewer services to all beneficiaries of this project at its officially adopted utility rates, which CITY, in its sole discretion, may change at any time with or without notice to COUNTY.
3. Accept ownership and responsibility for maintenance and operation of all GRANT improvements upon transfer by the COUNTY at the time the Certificate of Construction Completion is approved and upon Final Acceptance as issued by the CITY.
4. Not be responsible for any costs, deficiencies in funding, or cost overruns resulting from the project, other than staff time for review and City inspections.

The parties further agree that any GRANT funds provided by the COUNTY are without warranty of any kind to the CITY or any third party. Nothing herein shall be construed to create any rights in third parties.

KERR COUNTY, TEXAS

CITY OF KERRVILLE


 Pat Tinley
 County Judge

 David Wampler
 Mayor

23 May 2011

 DATE

 DATE

ATTEST:

Jannett Pieper

Attest:

By Cheryl A. Thompson, Deputy

Jannett Pieper
 County Clerk

 Brenda Craig
 City Secretary



Agenda Item:

6C. Pretreatment agreement for industrial wastewater discharge for Mooney International, Inc. (staff)

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

SUBJECT: Pretreatment Agreement with Mooney International, Inc.

FOR AGENDA OF: 9/23/14

DATE SUBMITTED: 9/19/14

SUBMITTED BY: Stuart Barron *SB*
Director of Public Works

CLEARANCES: Kristine Day
Deputy City Manager

EXHIBITS: Pretreatment Agreement

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Mooney International is classified as a Categorical Wastewater Producer by the Texas Commission on Environmental Quality (TCEQ); therefore Mooney will need to pretreat their wastewater to an acceptable level prior to discharging into the City's wastewater stream. The pretreatment agreement identifies maximum contaminate levels the City is willing to accept. The City has been and will continue to work with TCEQ and Freese and Nichols to verify compliance with state law and system capabilities.

Mooney desires to start production later this month and the city will work with them toward this objective.

RECOMMENDED ACTION

Approve City Manager to execute Pretreatment Agreement with Mooney International contingent on additional information from TCEQ and Freese and Nichols.

**PRETREATMENT AGREEMENT FOR
INDUSTRIAL WASTEWATER DISCHARGE
(Mooney International, Inc.)**

STATE OF TEXAS §
COUNTY OF KERR §

A. Mooney International, Inc. (“Mooney”) certifies that it owns property located at 165 Al Mooney Road North, Kerrville, Texas 78028, and that as owner and operator of an aircraft manufacturing company, it seeks to continue its connection to the wastewater system of the City of Kerrville, Texas (“City”), and to be authorized by City to release regulated industrial discharge into the system. Mooney understands that the City requires that Mooney enter into this Agreement pursuant to issues stemming from the City’s acceptance and treatment of Mooney’s discharged wastewater. Mooney’s discharged wastewater must consist of wastewater that the City is capable of treating so that the effluent and sludge from the City’s system comply with federal and state law, there is no damage or corrosion to the City’s system that would result in damage or increased maintenance costs to the City, there are no excessive treatment costs required of the City, and that Mooney’s wastewater discharge meets pretreatment regulations required by federal and state law.

B. Mooney shall pay City the City’s established rates, charges, and fees and shall comply with all federal, state, or local law now existing or revised, each of which are subject to change and application by the City at any time and without notice to Mooney.

C. Mooney understands and agrees that the City may develop and adopt wastewater pretreatment regulations, in accordance with federal and state law and similar to those found here, and establish a permitting process to which Mooney must adhere. If adopted, the City may terminate this Agreement at any time and such regulations will replace and supersede this Agreement.

D. MOONEY WAIVES, RELEASES, AND HOLDS CITY HARMLESS FROM ANY CLAIMS AND DAMAGES RESULTING FROM MALFUNCTION OR FAILURE OF ANY CITY EQUIPMENT OR INTERRUPTION OR CESSATION OF WASTEWATER TREATMENT SERVICE INCLUDING, WITHOUT LIMITATION, DAMAGES TO PERSONS OR PROPERTY, DIRECT DAMAGES, SPECIAL DAMAGES, INCIDENTAL DAMAGES, CONSEQUENTIAL DAMAGES, OR LOSS OF PROFIT OR REVENUE.

E. City, pursuant to federal and state law, is responsible for protecting its Wastewater System (“Publicly Owned Treatment Works” or “POTW”). Mooney’s discharge to the POTW will result in additional controlled pollutants entering this system. Such pollutants can interfere with proper operation of the POTW, which may result in the City violating the wastewater treatment parameters required by state law (Texas Commission on Environmental Quality (“TCEQ”). In order to protect the POTW, Mooney shall comply with the following restrictions and requirements:

1. Prior to the City allowing Mooney to discharge to the POTW, Mooney shall provide City with an initial baseline monitoring report detailing the current levels of the pollutants listed in **Table 1**, below. City will analyze this report to determine the efficiency of Mooney's pretreatment program and the frequency of monitoring and reporting which the City will require Mooney to maintain. Mooney shall not exceed the maximum concentration limits identified for pollutants in **Table 1**.

2. TCEQ currently is the acting "Control Authority" and will regulate the concentrations of Cadmium, Chromium, Copper, Lead, Nickel, Cyanide, Zinc and Silver in the discharge originating from Mooney. At this time, the maximum limits established on these specific pollutants by TCEQ should offer sufficient protection to the City. Mooney shall provide all required TCEQ monitoring and analysis results to the City.

3. Mooney shall test and report to City a five-day composite sample for all pollutants listed in **Table 1**, at a frequency determined by City from the initial baseline monitoring report. City may alter Mooney's frequency of testing and maximum limits at any time based upon the initial baseline report, subsequent reports, changes in production, or changes in POTW operations.

4. Mooney shall notify the City in writing within one week of any new manufacturing processes and/or changes in production processes that may or will significantly alter the composition or concentration of any of the discharged pollutants as found within **Table 1**.

5. If any test conducted by Mooney indicates that Mooney's wastewater discharge exceeds the maximum concentration limits specified in **Table 1**, City shall apply a surcharge to Mooney based on the Industrial Waste Surcharge formula (IWS) as specified below. City may impose a surcharge for each pollutant listed in **Table 1**, and for each test indicating an elevated level. In addition, City may require more frequent monitoring, at the expense of Mooney, until such time that pollutant levels stabilize at or below the maximum concentration limits.

$$IWS = D.C./M.C.*(S.A.)$$

Where:

D.C. is the determined concentration level for any single pollutant listed in **Table 1**.

M.C. is the maximum concentration for corresponding pollutant listed in **Table 1**. S.A. is the surcharge amount of \$350.00 as set by the City, which may be changed from time to time and without notice to Mooney.

6. MOONEY SHALL INDEMNIFY AND REIMBURSE THE CITY FOR ALL FINES, PENALTIES, AND ASSOCIATED COSTS WHERE TCEQ, OR ANY OTHER GOVERNMENTAL ENTITY, FINDS THAT THE POTW IS IN VIOLATION OF FEDERAL OR STATE LAW AND SUCH VIOLATION HAS OCCURRED AS A RESULT OF MOONEY'S WASTEWATER DISCHARGE.

Table 1

Pollutant	Max. Daily Concentration Limit (mg/L)
Cadmium, Total	0.11
Chromium, Total	2.77
Copper, Total	3.38
Lead, Total	0.69
Nickel, Total	3.98
Silver, Total	0.43
Zinc, Total	2.61
Cyanide, Total	1.20
Cyanide, amenable**	0.86
Total toxic organics	2.13
**Amenable Cyanide may be used instead of total cyanide	

7. Mooney shall allow City and any other federal or state governmental entity charged with regulating wastewater and the POTW to inspect its property for potential sources of prohibited discharges.

8. If Mooney fails to comply with the terms of this Agreement, the City may suspend service until all violations of this Agreement have been eliminated and/or collected; City may exercise any and all other remedies available under federal or state law.

9. The City may terminate this Agreement at any time and without prior notice to Mooney.

F. This Agreement is for a term commencing on September 24, 2014, and ending September 30, 2019, unless terminated earlier as provided herein. The parties agree that should

the City establish a wastewater pretreatment program, which may include a permitting process, the City may immediately terminate this Agreement.

G. This Agreement may only be amended in writing signed by both Mooney and the City.

H. This Agreement is subject to and governed by the laws of the State of Texas. Each party submits to the jurisdiction of the state court in the State of Texas and to venue in Kerr County, Texas.

CITY OF KERRVILLE, TEXAS

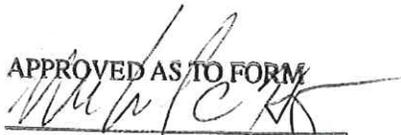
MOONEY INTERNATIONAL, INC.

By: _____
Todd Parton, City Manager

By: _____

print name & title

ADDRESS:
City Hall
701 Main Street
Kerrville, TX 78028

APPROVED AS TO FORM


Michael C. Hayes, City Attorney

T:\LEGAL\PUBLIC WORKS\WASTEWATER CONTRACT\PRETREATMENT_MOONEY INTL INC_091914.DOCX

Agenda Item:

6D. Draft ordinance requiring a permit and enacting minimum health and sanitation standards for lodging establishments within the city. (Mayor Pratt)

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

SUBJECT: Amending Chapter 30 "Businesses" of the City's Code of Ordinances by Adopting a New Article V "Tourist Courts, Hotels, Inns, and Rooming Houses"

AGENDA DATE: Sept. 23, 2014 **DATE SUBMITTED:** Sept. 19, 2014

SUBMITTED BY: Mayor **PHONE:** 258-1110

EXHIBITS/INFORMATION: Draft Ordinance

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

IF YES, STATE AMOUNT REQUESTED: \$ _____

DESCRIPTION OF REQUEST

An ordinance amending Chapter 30 "Businesses" of the City's Code of Ordinances by adopting a new Article V "Tourist Courts, Hotels, Inns, and Rooming Houses"; enacting minimum health and sanitation standards for tourist courts, hotels inns, and rooming houses; requiring a hotel permit for all hotels operated within the city; establishing standards for the issuance of said permit; establishing rules and regulations under which such permit will remain in force; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject.

RECOMMENDED COUNCIL ACTION

Place the ordinance on a future agenda for 1st reading and adoption.

DRAFT 9/16/14

CITY OF KERRVILLE, TEXAS ORDINANCE NO. 2014-__

AN ORDINANCE AMENDING CHAPTER 30 “BUSINESSES” OF THE CITY’S CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE V “TOURIST COURTS, HOTELS, INNS, AND ROOMING HOUSES”; ENACTING MINIMUM HEALTH AND SANITATION STANDARDS FOR TOURIST COURTS, HOTELS, INNS, AND ROOMING HOUSES; REQUIRING A HOTEL PERMIT FOR ALL HOTELS OPERATED WITHIN THE CITY; ESTABLISHING STANDARDS FOR THE ISSUANCE OF SAID PERMIT; ESTABLISHING RULES AND REGULATIONS UNDER WHICH SUCH PERMIT WILL REMAIN IN FORCE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, the City of Kerrville, Texas, is a Texas home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 341 of the Texas Health and Safety Code (the “Code”) establishes standards of sanitation and health protection for certain industries; and

WHEREAS, Section 341.066 of the Code establishes minimum health and sanitation standards for tourist courts, hotels, inns, and rooming houses; and

WHEREAS, Section 341.081 of the Code and Section 51.072 of the Texas Local Government Code permit a home-rule city to enact equivalent or more stringent standards than those set forth in Chapter 341 of the Code; and

WHEREAS, City Council has determined that the regulation of tourist courts, hotels, inns, and rooming houses through this Ordinance, which includes the adoption of health and sanitation standards, the issuance of permits, inspections of such businesses, and the ability to enforce the provisions of the Ordinance is in the best interest of the public and will promote the public health, safety, and welfare of the City;

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

SECTION ONE. Chapter 30 “Businesses” of the Code of Ordinance of the City of Kerrville, Texas, is amended by adding a new Article V “Tourist Courts, Hotels, Inns, and Rooming Houses” to add the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

“Chapter 30 - BUSINESSES

ARTICLE V. TOURIST COURTS, HOTELS, INNS, AND ROOMING HOUSES

Sec. 30-151. State Regulations Adopted.

The provisions of section 341.066 of the Texas Health and Safety Code, entitled “Tourist Courts, Hotels, Inns, and Roominghouses,” as they may be amended, are adopted by the City of Kerrville, Texas, in full as if set forth fully herein.

Sec. 30-152. Definitions.

The following definitions apply to this Article:

Bathroom means an enclosed space or spaces containing one or more toilets, lavatories, bathtubs, showers, or any combination of fixtures serving similar purposes.

Building codes mean the National Electric Code, International Building Code, International Fire Code, International Mechanical Code, and International Plumbing Code, adopted by the City which was in effect at the time of construction of the building in question.

City means the City of Kerrville.

Dangerous building(s) means all vacant structures, buildings, dwellings, dwelling units, and accessory structures which have any or all of the following defects:

(1) all vacant buildings or structures whose walls or other vertical structural members list, lean or buckle in excess of three-fourths (3/4) inch of horizontal measurement for each foot of vertical measurement.

(2) all vacant buildings or structures which show thirty-three (33) percent or more damage or deterioration of the supporting members, or fifty (50) percent or more damage or deterioration of the nonsupporting or outside walls or coverings.

(3) all vacant buildings or structures which have parts thereof which are so attached that they may fall or injure members of the public or property.

(4) all vacant buildings or structures which, by reason of dilapidated or deteriorated conditions, have unsafe or defective electrical wiring devices or equipment, unsafe or defective gas piping, or appliances which are liable to cause or promote fires.

(5) all vacant buildings or structures which have been damaged by fire, explosion, wind, vandalism, or elements of nature so as to have become dangerous to the life, safety, or the general health and welfare of the guests, occupants, or anyone else.

DRAFT 9/16/14

Ord. No. 2013-06

(6) those vacant structures which have become so dilapidated, decayed, unsafe, unsanitary, or which utterly fail to provide amenities essential to decent living such that they are unfit for human habitation or likely to cause sickness or disease so as to work injury to the health, safety, or general welfare of guests, occupants, or anyone else.

(7) those buildings and structures existing in violation of any provision of the building code or other ordinances of the City, to such an extent that they are dangerous to the health, safety, and welfare of guests, occupants, or anyone else.

(8) any building, shed, fence, or other manmade structure, which because of its condition or because of lack of doors or windows is available to and frequented by malefactors, disorderly persons, or anyone else who is not a lawful guest or occupant of such structures.

Designated city official ("DCO") means the City Manager's designee or delegated staff or duly authorized representative of the City. This term includes, a code enforcement officer, building inspector, fire inspector, health officer, and any other authorized representative of the City.

Health care facility means any institution that provides medical, surgical, and overnight facilities for patients, including hospitals, clinics, physical therapy facilities, medical offices, dental offices, nursing homes, adult care facilities, convalescent homes, and residential treatment centers/homes.

Hotel means any hotel, motel, lodging house, rooming house, tourist court or inn in the City having eight (8) or more rooms where transient guests are fed or lodged for pay. This term does not include any halfway house or healthcare facility located within the City.

Hotel room or room means the portion of the hotel which may be used by a guest as a temporary residence, including single rooms and suites.

Let or let for occupancy means to permit, provide, or offer possession or occupancy of a dwelling unit, rooming unit, building, premises, or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement, or license.

Manager any means person who manages the business operations of any hotel, whose duties may include the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, handling guest affairs, or overseeing security.

Operator means any person who is the proprietor of a hotel whether in the capacity as an owner, lessee, receiver, sublessee, franchisee, mortgagee in possession, manager or agent of any of the aforementioned, who offers or accepts payment for rooms, guestrooms, sleeping accommodations, or board and lodging, and retains the right of access to, and control of, the dwelling units.

DRAFT 9/16/14

Ord. No. 2013-06

Owner means any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, Kerr County or City as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person means a natural person, his heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

Plumbing means gas pipes, fuel supply lines, toilets, lavatories, sinks, laundry tubs, catch basins, wash basins, bathtubs, shower baths, waste sewer pipes and sewerage systems, septic tanks, drains, vents, traps, and any other fuel-burning or water-using fixtures and appliances, private fire hydrants, and all connections to water, waste, sewer, or gas pipes.

Substandard building means a building which, by reason of faulty construction, age, or lack of repair, fails to meet the minimum construction standards imposed by applicable provisions of the building codes.

Sec. 30-153. Permit Required.

- (a) A person commits an offense if he operates a hotel without a hotel permit issued by the City. A person must submit an application to the City on a form provided for that purpose and pay the permit fee.
- (b) Each hotel owner or operator must file an application for an annual hotel permit with the City on a yearly basis. The initial deadline will occur following 45 days of passage of this Article. The City will issue or deny the hotel permit within 60 days of receipt of the completed application. This initial hotel permit will remain effective through December 31, 2015, unless revoked earlier. The initial application fee will be prorated based on the number of months remaining before the December 31st expiration of the hotel permit. Applications thereafter must be submitted prior to December 31st each year, or if this date falls on a Saturday or Sunday, on the next business day. All subsequent hotel permits shall be effective until December 31st of the following year.
- (c) In the event that a new hotel applies for a hotel permit during the year (after the December 31st application deadline), the hotel permit will be issued or denied within 60 days and the hotel permit shall be effective until December 31st of the subsequent year. The application fee will be prorated based on the number of months remaining before the December 31st expiration of the hotel permit. Any subsequent hotel permit shall be applied for in accordance with the December 31st deadline above.
- (d) The application for a hotel permit will constitute the consent of the applicant and owner to an inspection of the entire permitted premises at reasonable times by the DCO for the purposes of determining whether there is any violation on the permitted premises, or the premises sought to be permitted, of any city ordinance or state law. Continued

DRAFT 9/16/14

Ord. No. 2013-06

maintenance and compliance with this article are conditions that are necessary to retain a hotel permit and to obtain any renewal of a hotel permit.

- (e) A hotel permit is not transferable or assignable from one person, firm, partnership, corporation or entity to another person, firm, partnership, corporation, or entity.
- (f) Whenever a change in the operator or owner occurs at an existing hotel, the new operator or owner shall apply for a hotel permit within ten business days after closing on the sale of the property. If the prior operator's hotel permit was denied or revoked, the City may issue a provisional hotel permit to the new owner or operator with special conditions designated by the DCO while the new operator or owner's application for permit is pending a decision.
- (g) The operator shall display the hotel permit and a copy of the most recent inspection report in the hotel in an open and conspicuous public place in the lobby at or near the check-in desk.
- (h) Failure to obtain or maintain a hotel permit at all times may result in revocation of the hotel's certificate of occupancy.
- (i) Once a hotel permit is obtained, the DCO may routinely inspect:

 - (1) The exterior of the structures and all of the common grounds of all hotels;
 - (2) Any or all unoccupied hotel rooms and any and all occupied hotel rooms with permission of the occupant;
 - (3) Any or all storage areas, community buildings, swimming pools, athletic facilities, club rooms, equipment rooms, and all other portions of the facility; and/or
 - (4) Any portion or portions of the hotel upon receipt of a complaint from any person, city department, employee, or division that any portion of the premises may be in violation of any applicable law.
- (j) A person, to include the owner or operator, commits an offense by denying the DCO access to the hotel. Where access is denied, the DCO may use the resources provided by law to gain entry.
- (k) The DCO, upon presentation of proper identification to the occupant in charge of any hotel room, may enter, with the occupant's permission, any hotel room; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to person, loss of life, or severe property damage, the DCO may, after presentation of proper identification enter a hotel room at any time. Where access is denied, the DCO may use the resources provided by law to gain entry.

DRAFT 9/16/14

Ord. No. 2013-06

- (l) If the DCO finds that a hotel does not pass an inspection, all necessary corrections shall be made and the owner, operator, or manager shall request a reinspection. When a hotel reinspection is requested, the City will assess reinspection fee for each reinspection until corrections are made and compliance is achieved.

Sec. 30-154. Issuance of Hotel Permit.

- (a) The department of development services must approve the issuance of a hotel permit to an applicant within sixty (60) days after receipt of an application, unless the department finds one (1) or more of the following to be true:

- (1) The applicant failed to supply all of the information requested on the application;
- (2) The applicant gave false, fraudulent, or untruthful information on the application;
- (3) The hotel permit, inspection, or reinspection fees required by this article have not been paid;
- (4) The hotel owner, operator, or manager has failed to submit the required hotel occupancy tax in accordance with Chapter 94, Article III of this Code; or
- (5) The hotel as constructed or as proposed to be operated by the applicant does not comply with all applicable laws including, the applicable building, zoning, housing, fire, safety, and health regulations and codes, including the provisions of this article.

- (b) The owner or operator may appeal the DCO's decision in accordance with this article.

Sec. 30-155. Hotel Permit Denial Appeal Process.

- (a) Filing appeal. Where the DCO denies issuing a permit to a hotel, the owner or operator may appeal this action to the City Council. The appeal must be filed within twenty (20) days from the denial by the DCO. The owner or operator must file an appeal at the office of the DCO containing the following:

- (1) A caption reading: "Appeal of Denial for a Hotel Permit," giving the names of all appellants participating in the appeal;
- (2) A brief statement setting forth the legal interest of each of the appellants;
- (3) A brief statement in ordinary and concise language of that action protested, together with any material facts claimed to support the contentions of the appellant;
- (4) A brief statement in ordinary and concise language of the relief sought and reasons why it is claimed the denial should be reversed;
- (5) The signatures of all parties named as appellants and their official mailing addresses;

(6) The verification (by declaration under penalty or perjury) of at least one appellant as to the truth of the matters stated in the appeal; and

(7) All documents that are relied upon for the appeal.

(b) Processing of appeal. Upon receipt of an appeal, the DCO shall present it at the next available regular meeting of the city council after proper notice.

(1) Notice of hearing.

(A) Notice of the hearing before the council shall be delivered to the owner and operator as listed on the application, and any lienholder or mortgagee that can be discovered with a reasonably diligent search of the instruments on file in the office of the county clerk.

(B) Notice shall be by one of the following methods at least 15 days prior to the hearing:

(i) Personal service;

(ii) Certified mail, return receipt requested, and regular mail. Notice shall be sufficient if the return receipt is returned; or unsigned for any reason, and the regular mail is not returned; and/or

(iii) If the owner, operator or lienholders of interest in the property cannot be located, by publication in a newspaper of general circulation in the city.

(2) Contents of notice. The notice of hearing shall contain the following:

(A) The street address or a legal description of the property;

(B) The place, date, and time of the hearing;

(C) A brief summary of the action of the DCO related to the property; and

(D) A statement that the appellants will be required to submit proof at the hearing of the reason why the denial of the permit was in error.

(c) Hearing by the City Council.

(1) The DCO shall present to the Council evidence of the property condition, the codes violated, the extent of danger or hazard to health, safety, and welfare, and all other evidence that supports denial of the permit.

- (2) The appellant has the burden of proof to present evidence on relevant issues including the scope of any work that may be required to comply with city ordinances and the time it will reasonably take to perform the work.
- (3) Any party may examine or crossexamine any witness before the council. Strict rules of evidence or procedure are not required, but the Council has the authority to enforce strict decorum and may cause the removal of anyone who causes a disruption.
- (d) Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- (e) Enforcement of the denial for a hotel permit shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.
- (f) After hearing evidence from any interested party the council may uphold, reverse, or modify the denial of the hotel permit.

Sec. 30-156. Hotel Permit Revocation.

- (a) City Council may revoke a hotel permit upon good cause shown that the operation of the hotel is such that it is or has negatively impacted the health, safety, and/or welfare of its guests, employees, or the neighboring community. A hotel permit may be revoked if the DCO determines the hotel owner, operator or manager has failed to submit the required hotel occupancy tax in accordance with article Chapter 94, Article III of this code.
- (b) If the DCO determines a hotel permit shall be revoked, the DCO shall file a written revocation request containing the following:

 - (1) A caption reading: "Revocation of a Hotel Permit," giving the names and addresses of owner(s) and operator(s), as shown on the most recent permit application, and the physical address of the hotel.
 - (2) A brief statement in ordinary and concise language of why the permit should be revoked together with any material facts claimed to support the contentions of the DCO.
 - (3) The signature of the DCO and his official mailing address.
- (c) Processing of revocation. The DCO shall present the revocation request at the next regular or special meeting of the City Council, after proper notice.
- (d) Scheduling and noticing for revocation hearing.

 - (1) Notice of hearing.

DRAFT 9/16/14

Ord. No. 2013-06

(A) Notice of the hearing before the council shall be delivered to the owner, operator, and any lienholder or mortgagee that can be discovered with a reasonably diligent search of the instruments on file in the office of the county clerk where the property is located.

(B) Notice shall be by one of the following methods at least 15 days prior to the hearing:

(i) Personal service;

(ii) Certified mail, return receipt requested, and regular mail. Notice shall be sufficient if the return receipt is returned; or unsigned for any reason, and the regular mail is not returned; and/or

(iii) If the owner, operator or lienholder of interest in the property cannot be located, by publication in a newspaper of general circulation in the city.

(2) Contents of notice. The notice of hearing shall contain the following:

(A) The street address or a legal description of the property.

(B) The place, date, and time of the hearing.

(e) Hearing before city council.

(1) The DCO shall present evidence to the council of the condition of the property, the codes violated, the extent of danger or hazard to health, safety and welfare, and all other evidence that supports the request for the permit revocation.

(2) The owner of any interest in the property may present evidence on relevant issues at the hearing.

(3) Any party may examine or cross examine any witness before the council. Strict rules of evidence or procedure are not required, but the council has the authority to enforce strict decorum and may cause the removal of anyone who causes a disruption.

(f) Enforcement of the revocation of a hotel permit will be suspended during the pendency of a revocation hearing and decision.

(g) Findings and orders of the council. After hearing evidence from any interested party the Council may:

(1) Revoke the hotel permit;

- (2) Deny the DCO's request to revoke the hotel permit; or
- (3) Require specific action by the hotel operator as a condition of keeping the hotel permit in effect.
- (h) Upon final decision revoking the hotel permit by the City Council, the DCO shall post on the hotel premises a copy or copies of the revocation of the hotel permit of the hotel. The notice shall be sent by certified mail and regular to the owners and operator indicating the decision of the City Council.
- (i) A posted notice of the revocation of the hotel permit may only be removed by an authorized DCO. Any removal, covering, defacing, altering or tampering by unauthorized person(s) may be prosecuted as a misdemeanor violation of this article.
- (j) Whenever a hotel permit has been revoked by the city, the operator and/or owner of the hotel for which the hotel permit was issued shall surrender such permit to the city. The operations of the hotel shall cease.

Sec. 30-157. Appeal to District Court.

Upon receipt of written notice of the denial or revocation of a hotel permit, the applicant whose application for a hotel permit has been denied or whose hotel permit has been revoked shall have the right to appeal by filing suit in district court within thirty (30) calendar days after the receipt of notice of the final decision. The filing of such suit shall have the effect of staying denial or revocation for the hotel permit at such location, pending a judicial determination of the appeal. The City shall grant a provisional permit upon the filing of a court action to appeal the denial of a hotel permit; no provisional permit shall be granted for a hotel that has been deemed to be a substandard building or a dangerous building. Written notice of the refusal of a provisional permit and the basis for the denial will be provided by the City Secretary within ten (10) calendar days of service of the court action upon the City.

Sec. 30-158. Appeal to District Court.

- (a) The hotel premises and guest rooms shall fully comply with all state law and city ordinances, including city building codes and any requirements imposed by this article.
- (b) Buildings or structures may be of any type of construction permitted by the building code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected.
- (c) Protection of materials. All wood shall be protected against termite damage and decay as provided in the building codes.
- (d) Ventilation in guest rooms. All guest rooms shall be provided with either natural ventilation or mechanical ventilation that meet or exceed the following criteria:

DRAFT 9/16/14

Ord. No. 2013-06

- (1) Natural ventilation. All guest rooms shall be provided with natural ventilation by means of screened exterior openings which are capable of being opened. Such openings shall have an area of not less than one-twentieth (1/20) of the floor area of the guestroom rooms with a minimum of five (5) square feet; or
- (2) Mechanical ventilation. If a mechanical ventilation system is provided in lieu of natural ventilation, the ventilation system shall be capable of providing two (2) air changes per hour in all guest rooms and in public corridors. One-fifth (1/5) of the air supply shall be taken from outside of the hotel.
- (e) Ventilation in other areas. In bathrooms, water closet compartments, laundry rooms and similar rooms a mechanical ventilation system connected directly to the outside, capable of providing five (5) air changes per hour, shall be provided.
- (f) Bathroom requirement, conditions, and cleanliness. All bathroom fixtures (e.g. toilet, bathtub, sink, shower, mirror) shall be maintained without cracks, chips, or stains. Floors shall be washed with water and a sanitizer at change of occupancy or at least once a week when occupancy does not change. Daily cleaning schedules shall be maintained in the manager's office.
- (1) Every guest room shall be provided with a bathroom equipped with facilities consisting of at least a toilet, a sink, and either a bathtub or a shower; or
- (2) Where private water closets, lavatories and baths are not provided, there shall be provided a bathroom on each floor consisting of at least one toilet, sink, and either a bathtub or shower accessible from a public hallway, for each sex. Additional bathrooms consisting of the above required minimum facilities, shall be provided on each floor for each sex at the rate of one (1) for every additional ten (10) guests or fractional number thereof in excess of ten (10). Such facilities shall be clearly marked for "Men" or "Women."
- (g) Room separation. Every water closet, bathtub or shower required by this code shall be installed in a room which will afford privacy to the occupant. A room in which a water closet is located shall be separated from food preparation or storage rooms by a tightfitting, self-closing door.
- (h) Plumbing requirements. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation. All plumbing fixtures shall be of an approved glazed earthenware type, stainless steel, or of a similarly nonabsorbent material. Wooden sinks or sinks of similarly absorbent material shall not be permitted.
- (i) Installation and maintenance. All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws. The owner or operator shall ensure that water service is provided at all times. It is an affirmative

DRAFT 9/16/14

Ord. No. 2013-06

defense to this section that it is impossible to provide water services because of an act of God.

- (j) Water heating equipment. The owner or manager shall provide and maintain water heating equipment and facilities for every guest room which shall be connected with water lines if municipal water service is located within one hundred (100) feet of the property and which shall be capable of heating water to such a temperature as to permit at all times an adequate supply of hot water to be drawn at every sink, lavatory basin, and bathtub or shower at a temperature of not less than one hundred ten (110) degrees Fahrenheit.
- (k) Egress required. In all lodging establishments, the owner shall provide a safe and unobstructed means of egress leading to safe and open space at ground level. When an unsafe condition exists through lack of, or improper location of exits, the building official, health inspector, or fire inspector, or their designee may require the owner to install additional exits.
- (l) Heating facilities required. Every guest room shall be equipped with heating facilities which are capable of safely and adequately heating all habitable rooms to a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance of three (3) feet above floor level which are operable whenever necessary to maintain said temperature.
- (m) Heating appliance requirements. Where fuel burning appliances are installed and properly vented, said appliances shall be rigidly connected to their fuel supply outlets and securely installed to avoid accidental displacement. Heating appliances which are connected to their fuel supply lines and which are not connected to exhaust vents that will safely exhaust carbon monoxide fumes to the outdoors are prohibited. No person shall replace an existing appliance without a permit issued by the building inspections department and without allowing the work to be inspected by a building inspection department staff member if a permit for that work is required.
- (n) Carpet condition/cleanliness. Carpeting shall be free of stains, holes, rips or odors in excess of normal wear and tear, and maintained in a sanitary, nondefective condition.
- (o) Floor condition/cleanliness. Noncarpeted floor surfaces shall be made of nonabsorbent material. All surfaces and tile grouting shall be maintained without cracks, rips or missing elements.
- (p) Wall condition/cleanliness. Wall and ceiling surfaces shall be maintained without spots, stains, flakes, chips, holes, etc. and be maintained in a clean and sanitary condition.
- (q) Mold/mildew. All surfaces, including carpeting and flooring, and fixtures shall be free from mold and mildew.
- (r) Electrical equipment. For the purpose of this article, electrical equipment shall include furniture items installed by the property owner, operator or property manager, including

DRAFT 9/16/14

Ord. No. 2013-06

televisions, lamps, etc. All electrical items must be properly maintained and be in operable condition.

- (s) Furniture condition. All furniture items shall be maintained in proper working condition, without defects, chips, holes, etc.
- (t) Shades, draperies or blinds shall be appropriately hung to cover all windows and appropriate light fixtures. All shades, draperies, blinds, shall be free of stains, holes, rips or odors in excess of normal wear and tear, and be maintained in a sanitary, nondefective condition.
- (u) Sanitation. All hotel rooms shall be thoroughly cleaned and provided with clean and sanitary sheets, towels and pillowcases upon a change of occupancy, or at least once a week when occupancy does not change. Daily cleaning schedules shall be maintained in the manager's office.
- (v) Windows. All windows designed to be opened shall be operable and have an operable window security or locking device. All windows panes shall be properly maintained and not broken.
- (w) Door locks. All rooms are required to be outfitted with exterior electronic/magnetic locks for guests to gain access to their rooms or by locks that meet with the approval of the DCO. All locks must comply with state and local laws.
- (x) Security bars. If any security bars are installed over windows or doors the bars must be equipped with approved release mechanisms which are operable from inside without the use of a key, card, or combination. The release mechanisms for such bars must not require any special knowledge or effort to operate.
- (y) Wells. All wells, cesspools, and cisterns shall be securely covered or securely closed.
- (z) Sidewalks, etc. All sidewalks, ramps, bridges, parking lots, stairs and steps shall be properly maintained.
- (aa) Fences. All fences and screening fences shall be properly maintained and in compliance with all applicable ordinances.
- (bb) Parking lots. All parking lots shall be properly maintained. All parking markings and fire lane markings shall be legible and maintained in accordance with applicable laws. An owner or operator shall ensure that guests do not use parking lots or hotel premises for the storage of heavy load, tractor trailers, or heavy equipment.
- (cc) All hotel premises shall be treated for insects at least once a year by an exterminator licensed by the state.

DRAFT 9/16/14

Ord. No. 2013-06

(dd) All hotel premises shall be maintained so that they are free from rodents, insects, and vermin and free from conditions that encourage or harbor rodents, insects, and vermin.

(ee) Storage rooms. No more than 10 percent of guest rooms may be used for storage room purposes. A minimum of 90 percent of all guest rooms must be available or in use for occupancy at all times.

Sec. 30-159. Guest Registration Requirement.

(a) Each owner, operator, or manager shall cause to be maintained a complete register for each person to whom any room at a hotel is let. The register shall be made available to the DCO upon request and shall contain the following information for guests of the hotel:

(1) Correct name and permanent address, designating street and number, city, state and country;

(2) Actual dates of occupancy indicating check-in time, checkout time and room number; and

(3) Number of individuals staying in the room.

(b) Register records shall be maintained for a period of two (2) years for each person who lets any room at a hotel.

Sec. 30-160. Limitation on Continuous and Cumulative Occupancy.

(a) The sleeping accommodations of a hotel shall be let only for the use of transient occupants and shall not be occupied under any permanent basis, and no such occupant shall be deemed to be a resident of the hotel.

(b) It shall be unlawful for a hotel to let or otherwise provide any room therein to any person for more than 365 days.

(c) For the purposes of this article, hotel rooms may be rented to guests for periods greater than 30 days (extended-stay); however, no more than twenty-five percent (25%) of the total number of guestrooms in a hotel may be let as extended-stay.

(d) It shall be unlawful for the owner, operator, or property manager to allow registration under a different name in order to avoid the continuous and cumulative occupancy provision defined in this article.

Sec. 30-161. Enforcement.

(a) Each violation of this article constitutes a separate offense.

- (b) Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this article except where expressly required by this article.
- (c) The DCO is authorized to enforce the terms and conditions of this article, including the issuance of a citation for violations hereof.
- (d) Any condition which is reasonably believed to be imminently dangerous to the life, limb, health or safety of the occupants of the property or to the public, upon reasonable notice provided to the owner, operator or manager or other responsible person, may be immediately abated by the DCO.
- (e) Actions taken to abate the imminently dangerous conditions may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use of occupancy of the property on which the dangerous condition exists or any other abatement action determined by the DCO to be necessary. In the event use or occupancy is restricted, the owner, operator or the property manager shall discontinue the use or occupancy within the time prescribed by the DCO after receipt of such notice.
- (f) If entry onto the property and access to rooms or units constituting an imminently dangerous condition in violation of this article is denied to the DCO by the owner, operator or manager of the property, the DCO may seek a court order and/or inspection and abatement warrant from a court of competent jurisdiction to authorize the immediate abatement of the imminently dangerous conditions.
- (g) Costs for any abatement performed by, or on behalf of the city, including the cost of police services provided and including the relocation of occupants of the property shall be recoverable by the city.
- (h) Expenses incurred pursuant to this article shall be charged against the real estate and attached as a lien on which the work is done or improvements made, and charged to the owner of the property for the same.
- (i) A hotel that does not comply with the provisions of this article shall constitute a public nuisance.

Sec. 30-162. Penalty.

- (a) An operator, owner, manager or responsible person who violates any provision of this article is guilty of a misdemeanor, and upon conviction is punishable as set forth in Section 1-7 of this Code for each violation and for each day or part of a day during which the violation is committed, continued or permitted.
- (b) The provisions herein are cumulative of all other remedies including, but not limited to, injunctions and other extraordinary writs. Section 1-7 of this Code shall govern all penalties for any violation of this article, notwithstanding any language to the contrary contained in any other section of this code.”

DRAFT 9/16/14

Ord. No. 2013-06

SECTION TWO. The City Secretary is authorized and directed to send this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the new Article I of Chapter 30 as adopted herein, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

SECTION THREE. The 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 1-7, or its successor section, 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 law as an alternative method of publication.

SECTION SEVEN. Following passage and approval upon second reading, this Ordinance shall become effective on _____.

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.

ATTEST:

Jack Pratt, Jr., Mayor

Brenda G. Craig, City Secretary

DRAFT 9/16/14

Ord. No. 2013-06

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

Agenda Item:

7A. Report by the main street advisory board parking committee. (staff)

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

SUBJECT: Presentation by the Main Street Advisory Board's Parking Committee

FOR AGENDA OF: September 23, 2014 **DATE SUBMITTED:** September 17, 2014

SUBMITTED BY: Ashlea Boyle *AB* **CLEARANCES:** Todd Parton
Special Projects Manager City Manager

EXHIBITS: Parking Committee Report

AGENDA MAILED TO:

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

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

In January 2013, City Council received a presentation by the Main Street Parking Committee. The committee, comprised of members of the Kerrville Main Street Advisory Board, Kerrville Historic Downtown Business Alliance, downtown business community, and city staff was tasked to investigate the parking in downtown Kerrville. The group was asked to research parking problems, identify opportunities, and then develop a report for the short-term while considering the long-term issues of Downtown Parking.

The committee spoke to the merchants, visited with citizens and customers, researched available parking, and took some initial proactive measures to correct any small issues. Their findings lend to a perceived problem, many times exacerbated by employees at the businesses. To combat this, site visits were conducted; an official letter was distributed, in addition to the ongoing education and marketing efforts to continue indefinitely. In January of 2013, Council authorized increasing the parking fee from \$5 to \$25.

This committee has recently reconvened and found the findings and recommendations from 2013 are still valid with a few minor additions. The Parking Committee report is attached for consideration.

RECOMMENDED ACTION

City staff recommends receiving a report from the Parking Committee and consideration and approval of the recommendations, specifically increasing the parking limit from two hours to three hours.



Downtown Parking Committee Report

September 17, 2014

In 2012, a special committee was formed to investigate and present recommendations for current and future downtown parking challenges. This committee was made up of members of the Kerrville Main Street Advisory Board (KMSAB), the Kerrville Historic Downtown Business Alliance (HDBA), and City of Kerrville staff. This committee has recently reconvened and found the findings and recommendations from 2013 are still valid with a few minor additions.

Our geographical area of concern is a four and one-half block area including the parking garage; Peterson Plaza and surrounding block; Kerr County Courthouse and surrounding block; the two blocks bounded by Jefferson Street, Earl Garrett, Water Street, and Washington Street; and the immediately adjacent businesses and parking areas.

In order to determine the issues currently and potential issues, the committee spoke with downtown business owners, customers, city staff, board members of KMSAB and HDBA. Additionally, members of the committee did some observation downtown as well as research such as parking counts. The following were determined as the short- and long-term issues:

Short-Term Issues:

1. **Perceived Parking Shortages:** Business owners and customers feel that there is a shortage of parking spaces available in the historic downtown sector. Our findings indicate the perceived parking problems are not critical at this time. The most vocal complaints are in regards to the employee parking behavior, but we have found that this behavior is limited to less than a dozen individuals. The most serious parking shortages occur for only two to three hours on a standard business day – around lunch time.

There are over 900 public or quasi-public parking spaces within one and a half blocks of the star (intersection of Water and Earl Garrett Streets). During working hours, the public has access to over 800 parking spaces less than two blocks from the star, including the 600-space parking garage.

We believe the lack of awareness is the most significant reason the parking situation is seen as critical. During most of the day, parking spots are found very easily and often just a few feet from the entrance to almost every business in downtown.

2. **Employee Parking:** A concern that shop owners and their employees choose to park in public, on-street parking spots, leaving fewer spots available for consumers. Many business owners believe that this behavior contributes to the parking shortage.

3. **Parking Hours:** A concern that the current time limit of two hours is too brief to allow customers to shop, dine, and seek recreation in the downtown business district.
4. **Awareness:** A belief that the general public, visitors, business owners, and employees serving downtown businesses are unaware of the various parking options available in addition to the on-street parking. This lack of awareness of other parking options may cause customers to avoid downtown shops, and may cause employees to park in the on-street spaces.

Long-term Issues:

1. **Enforcement:** The lack of enforcement of the two hour parking limit was a prior concern and has since been addressed. Enforcement is now happening regularly and there has been a mixed response from downtown. Some merchants are pleased with the enforcement and some are dissatisfied. This is an ongoing issue and there is no solution that will be pleasing to everyone. The majority consensus is to increase the parking limit.
2. **Ensuring Future Access:** The committee feels that we must not only address the current issues listed above, but we must also continue to provide for adequate parking as the downtown district develops and reaches full occupancy. There are many vacancies in the area that could become occupied in the future, and we wish to develop strategic plans to ensure future parking availability for that increased traffic and usage.
3. **Potential Changing Use:** Some downtown parking areas are “quasi-public,” meaning that they are being used by the general public at this time, but the property owners could disallow public parking at some point in the future. The committee believes that strategies should be in place to address the challenges that may arise should the public’s ability to access those lots change.
4. **Education and Awareness:** The public needs to be continuously educated about the various parking options available to them now and in the future. Clear and visible signage, maps, brochures, and other marketing material should be made available to visitors and business owners as parking opportunities change so that customers and employees are aware of the laws and regulations, changing public access, and other issues affecting the parking situation downtown.

Recommendations:

1. **Create an education program for owners (both building and business) and employees.** With employees in downtown being easily identified offenders, the committee has already done preliminary action on this recommendation by creating several programs with personal contact. The contact, with a leave behind for owners and employees, stressed the importance of on-street parking, as well as encouraged use of the parking garage for employee parking. We have since begun to see changes in parking habits of employees in several businesses.
2. **Create an education program for local citizens.** Most local citizens are still unsure of parking in the parking garage, whether because of possible cost or lack of knowledge of availability. Through hosting events in downtown, all with marketing pieces including reminders to park in the garage and use the cross walk, citizens continue to become more aware of the parking opportunity at the garage and hopefully utilize it more often.

3. **Increase parking citation fines.** Raise the parking fine from \$5.00 to \$25.00 for violations. *This recommendation has been accomplished.*
4. **Increase parking time limit.** It is recommended to increase the time limit in downtown from two (2) hours to three (3) hours. Average dining time in downtown is one and one-half hours, which only leaves 45 minutes for shopping. These limits are only applicable Monday through Friday, 8:00 a.m. – 6:00 p.m.
5. **Create a marketing program.** A comprehensive marketing plan should be created that would include advertising in various guides, magazines, newspapers, and websites. Funds would have to be allocated to create, manage, and purchase those marketing opportunities. Other marketing and education pieces need to include parking options and information with signs in downtown which designate the type of parking (free, customer, time restricted, employee, etc.). *This has been partially completed with the wayfinding signs.*
6. **Create an exclusive employee parking lot in downtown.** With the possibility of a large number of parking spaces that could become private / business allocated parking, in addition to potential new buildings and / or business in downtown, more employee parking is needed in order to keep as many customer parking opportunities as possible. Several sites exist that could be used exclusively for downtown employees and business owners.
7. **Remain proactive with progress and advancement coming to downtown.** With the addition of the River Trail, new businesses, and possible new / renovated buildings, we all must be proactive to identify increased activity and demand.

Agenda Item:

7B. Budget update. (staff)

City of Kerrville
Month ending August 31, 2014
 (Month 11 of FY14 Budget)

	Current Month	Year To-Date	Budget @ 91.67%	Prior Year To-Date	% change prior year
General Fund					
Total Revenues	\$1,374,323	\$21,110,917	95.70%	\$20,440,127	3.18%
Property tax	\$49,476	\$8,287,476	98.95%	\$8,178,414	1.32%
Sales tax	\$532,699	\$5,335,101	97.00%	\$5,029,403	5.73%
Total Expenditures	\$2,185,563	\$19,585,281	87.79%	\$18,975,509	3.11%

Water and Sewer Fund					
Total Revenues	\$963,376	\$9,217,504	87.90%	\$8,350,628	9.40%
Water Sales	\$500,479	\$4,298,559	84.46%	\$4,433,714	-3.14%
Sewer Service	\$317,792	\$3,485,413	91.25%	\$3,236,620	7.14%
Expenditures	\$758,362	\$8,737,516	85.08%	\$7,676,312	12.15%

Hotel/Motel:					
Revenues	\$123,907	\$938,516	109.12%	\$859,656	8.40%
Expenditures	\$212,250	\$887,281	94.49%	\$826,500	6.85%

Unemployment: July 2014		Consumer confidence: August 2014			
National	6.2%	National	92.4%	up 15.2% over 2013	
Texas	5.1%	Texas	98.5%	up 9.1% over 2013	
Local	4.5%	(Sources: State Comptroller/Workforce Alamo)			

Housing:					
<i>Local:</i>					
692 active residential listings; 69 residential sales August 2014					
\$12,843,244 total residential sales dollars for August 2014					
\$90,206,849 total residential sales dollars for Jan 1 through August 31, 2014					
(Source: Kerrville Board of Realtors)					
<i>Permits Issued for New Single Residence</i>					
Oct - August 2013 - 39					
Oct - July 2014 -61					

Agenda Item:

8A. Appointments to the golf course advisory board. (staff)

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

SUBJECT: Appointments to the Golf Course Advisory Board

FOR AGENDA OF: September 23, 2014 **DATE SUBMITTED:** September 15, 2014

SUBMITTED BY: Brenda Craig
City Secretary

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



SUMMARY STATEMENT

Consider appointments to the following board:

Golf Course Advisory Board: Three terms that expired July 1, 2014.

RECOMMENDED ACTION

Consider appointments.

GOLF COURSE ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt. Date</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
McCARTER, CHARLES Chairman 937 Myrta	210-286-4646 (C)	09-11-12 895-1112 (H)		07-01-14
HOWARD, JAMES Vice-Chairman 1312 Water St.	903-399-3011 (H) 890-5464 (O)	08-24-10	07-23-13	07-01-15
BIRDSALL, GRAHAM 721 Riverhill Blvd.	896-8022 (H)	09-11-12		07-01-14
BOWYER, ROD 2955 Dry Hollow	739-0099 (C)	07-23-13		07-01-15
MAXWELL, GREG 253 HighRidge	377-2903 (H) 315-5555 (O)	07-09-13		07-01-15
MITCHEL, JEFFREY 115- Cypress Creek Rd.	210-218-2164 (C)	07-09-13		07-01-15
STERN, ALLEN 2565 Bandera Hwy.	895-2892 (H) 739-5353 (O)	09-11-12		07-01-14
COUNCIL LIAISON: Carson Conklin 720 Earl Garrett	895-5202 (O)			
CITY STAFF: Kristine Ondrias Assistant City Manager	258-1106 (O)			
Scott McDonough General Manager of Golf & Tennis	258-1400 (O)			

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

Purpose and Duties: The purpose of the Board is to advise the City Council and city staff on matters relating to the operation of the Scott Schreiner Municipal Golf Course.

Term of Office: Two Years. No member shall serve more than two consecutive full terms without having at least one full year off of the Board between terms.

Vacancies: Upon the vacancy, removal, or expiration of the term of office of any member, the

city council shall appoint a successor who shall hold that position for the unexpired term or for the period of two years when the appointment is made as the result of the expiration of a board member's term.

Quorum: Four members of the board, excluding liaison members.

Number of Members: Seven

Meeting Time & Place: Fourth Wednesday, in the months of January, March, May, July, September, and November, at 4:30 p.m.; Upstairs Conference Room

Absences: The name of any member having three consecutive absences from regularly called meetings of the board, or who in any consecutive twelve-month period is absent from more than 25 percent of the regularly called meetings, shall be forwarded to the city council for consideration for removal and replacement on the board.

Established by: Resolution No. 037-2009, which repealed Resolution Nos. 99-230, 99-307, 080-2000, and 136-2004

Revised: May 29, 2014

Agenda Item:

8B. Appointments to the parks and recreation advisory board. (staff)

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

SUBJECT: Appointment to the Parks and Recreation Advisory Board

FOR AGENDA OF: September 23, 2014 **DATE SUBMITTED:** September 15, 2014

SUBMITTED BY: Brenda Craig
City Secretary

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



SUMMARY STATEMENT

Consider appointment to the following board:

Parks and Recreation Advisory Board: One term due to expire March 31, 2015, due to a resignation.

RECOMMENDED ACTION

Consider appointment.

PARKS AND RECREATION ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
ALFORD, NANCY E. 2213 Singing Wind	214-663-9903 (C)	03-27-12	04-09-13	03-31-15
KAYNE, JACKLYN 3564 Fredericksburg Rd	895-7524 (W) 895-7962 (H)	03-11-14		03-31-16
LENARD, CAROL 70 Apache Dr.	928-8499 (C)	04-09-13		03-31-15
LIPSCOMB, DAVID 909 Lake Drive	895-4232 (H)	04-12-11	04-09-13	03-31-15
MUNSON, JAY 808 Lloyd Drive	257-2212 (W) 792-4394 (H) 370-8344 (C)	03-11-14		03-31-16
MUSE, BILL 2956 Oak Park Dr.	928-7028 (C) 792-7355 (W)	4-09-13		03-31-15
SCOTT-JOHNSON, MEG 438 Timber Ridge Dr.	713-724-4168 (C) 257-0022 (H)	03-27-12	03-11-14	03-31-16
WALLACE, ED 131 Royal Oaks	257-5272 (H) 377-0455 (C)	11-30-11	04-09-13	03-31-15
COUNCIL LIAISON:				
Gene Allen 2106 Vista Ridge Dr. 1221 Junction Highway				
CITY STAFF:				
Kristine Ondrias Assistant City Manager				
Malcolm Matthews Director of Parks & Recreation				

Qualifications: A majority shall be residents of the city of Kerrville, and all shall be residents of Kerr County.

Powers and Duties: Shall constitute an advisory board to the city council and shall periodically assist city staff in procedural matters. The board shall have authority to hold hearings in the city and to consider and make recommendations to the city council in writing on any and all matters pertaining to the city's parks and recreation system.

Term of Office: Two years with a maximum of two terms. No member shall serve more than two terms without having at least one full year off between terms.

Quorum: Five

Members: Eight

Meeting Time & Place: Third Thursday, 8:15 a.m., City Council Chambers

Absences: Any member having three consecutive unexcused absences shall have his membership reviewed by the board. By majority vote, the board may recommend to the council that such member be removed from office. The council may then act upon such recommendation and either remove or retain such member.

Established by: Ordinance No. 1984-37, amended by Ordinance No. 1987-24

Code of Ordinances: Chapter 74 - Article II – Sections 74-31 through 74-38

Revised: June 12, 2014