

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY, OCTOBER 28, 2014, 6:00 P.M.**

**KERRVILLE CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

**KERRVILLE CITY COUNCIL AGENDA**  
**REGULAR MEETING, TUESDAY, OCTOBER 28, 2014, 6:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

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

**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 November 8 to be Francisco Lemos Day. (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 regular meeting held October 14, 2014. (staff)

3B. Request to waive fees for the Veterans' Day Parade to be held on November 11, 2014, in the amount of \$850.00. (Byron Warren, Military Order of the Purple Heart)

3C. Administrative services contract between the City of Kerrville, Texas Economic Improvement Corporation and the City of Kerrville, Texas in the amount of \$100,000.00. (staff)

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

I do hereby certify that this notice of meeting was posted on the bulletin board at the City hall of the City of Kerrville, Texas, and said notice was posted on the following date and time, October 24, 2014 at 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig  
City Secretary, City of Kerrville, Texas

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3D. Professional services agreement with Stewart Consulting, LLC for professional planning services to assist the city with the refinement and adoption of a new zoning ordinance, to include an update to the comprehensive plan, in the amount of \$47,800.00. (staff)

**END OF CONSENT AGENDA**

**4. ORDINANCE, FIRST READING:**

4A. Ordinance No. 2014-21 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. (staff)

**5. CONSIDERATION AND POSSIBLE ACTION:**

5A. Presentation by the Cailloux Foundation regarding the proposed athletics complex and authorization for city staff to make application to the economic improvement corporation for funding. (Parton)

5B. Professional services agreement with Freese and Nichols, Inc. to perform design and construction phase services for a treated effluent reuse facility in an amount not to exceed \$1,965,000.00. (staff)

5C. Direction to staff to establish local regulations for electronic-cigarettes. (staff)

5D. Resolution No. 35-2014 adopting a video surveillance and audio monitoring policy. (staff)

**6. INFORMATION AND DISCUSSION:**

6A. Budget update. (staff)

**7. ITEMS FOR FUTURE AGENDAS**

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City Secretary, City of Kerrville, Texas

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**8. 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.

**9. 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 551.074:

- Annual review of city attorney.
- Annual review of city manager.

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

**11. ADJOURNMENT.**

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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, October 24, 2014 at 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig  
City Secretary, City of Kerrville, Texas

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## **Agenda Item:**

2A. Proclamation proclaiming November 8 to be Francisco Lemos Day. (Mayor Pratt)



## City of Kerrville

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

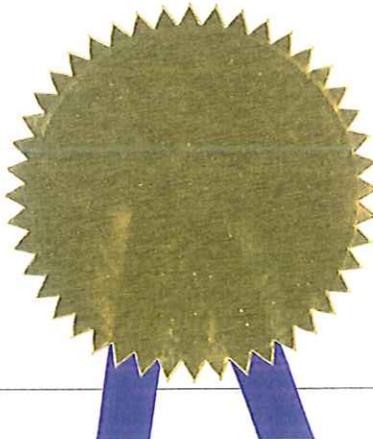
# PROCLAMATION

- WHEREAS,** Francisco Lemos was born on December 7, 1887 in San Diego, Duvall County, Texas moving with his family to Kerr County while he was in his teens; and
- WHEREAS,** He worked as a ranch laborer for the Schreiner Cattle and Sheep Company in west Kerr County; and
- WHEREAS,** Francisco was among the first young men to register for the draft volunteering for military duty in June 1917 as part of the new Texas National Guard unit formed in Kerr County later to become Company I, 141<sup>st</sup> Infantry, 36<sup>th</sup> Division; and
- WHEREAS,** In November 1918 Pvt. Lemos was killed while on scout duty with his company during a decisive battle at St. Mihiel, France on September 16, 1918 – the battle being his first engagement – and was buried in a military cemetery in Chambley, France; and
- WHEREAS,** With the help of Notre Dame Catholic Church Priest Father Henry Kemper, Pvt. Francisco Lemos' remains were brought back to Kerrville in April 1922 and were reburied in Mountain View Cemetery; and
- WHEREAS,** Pvt. Lemos was the last American killed in World War I brought back to be buried on American soil,

**NOW, THEREFORE,** I, Jack Pratt, Mayor of the City of Kerrville, Texas, do proclaim November 8, 2014 as

## “FRANCISCO LEMOS DAY”

and call upon the citizens of Kerrville to join us in recognizing a hometown son as one of America's honored peacekeepers, and defender of our liberties.



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

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

## **Agenda Item:**

3A. Minutes of the city council regular meeting held October 14, 2014. (staff)

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
OCTOBER 14, 2014

On October 14, 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 Brett Coe, Senior Minister at First Christian Church, followed by the Pledge of Allegiance led by Police Chief John Young.

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 Day	Deputy City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Ashlea Boyle	Special Projects Manager
John Young	Police Chief
Jason Lutz	Senior Planner
Danny Batts	Chief Building Official
Dannie Smith	Interim Fire Chief

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

1. VISITORS/CITIZENS FORUM: None.

2. PROCLAMATION:

2A. Proclamation recognizing Clarabelle Barton Snodgrass on the occasion of her 101<sup>st</sup> birthday was presented by Mayor Pratt.

3. CONSENT AGENDA:

Mr. Stork requested items 3B and 3F be removed from the consent agenda for clarification.

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

3A. Minutes of the City Council regular meetings held September 9 and September 23, 2014.

3C. Agreement for the City of Kerrville to participate in the Alamo Area Fire Chiefs' Association Employment Testing Cooperative.

3D. Resolution No. 31-2014, authorizing the waiver for Habitat for Humanity Kerr County, Inc. of various fees associated with the construction of homes; said waiver to remain in effect through September 30, 2015, or the construction of nine homes, whichever occurs first.

3E. Resolution No. 34-2014, authorizing the waiver for Hill Country Home Opportunity Council, Inc. of various fees associated with the construction of homes; said waiver to remain in effect through September 30, 2014, or the construction of three homes, whichever occurs first.

3G. Resolution No. 32-2014, canceling the regular meeting of the City Council scheduled for November 25, 2014.

3H. Resolution No. 33-2014, canceling the regular meeting of the City Council scheduled for December 23, 2014.

3I. Authorization to solicit proposals for a recruitment firm for the selection and hiring of the position of fire chief.

**END OF CONSENT AGENDA**

3B. Approval of bid and authorization to purchase new vehicles for the Police Department in an amount not to exceed \$119,387.

Chief Young noted staff proposed to purchase three standard unmarked vehicles at \$28,919 each, and one emergency response/patrol vehicle at a cost of \$32,230.

Mr. Stork moved to approve the purchase of new vehicles as presented; Mr. Conklin seconded the motion and it passed 5-0.

3F. Purchase of a new Type 1 ambulance from Dallas Dodge Chrysler Jeep at a price not to exceed \$166,675.

Chief Smith noted the new ambulance was a replacement and did not involve hiring additional personnel.

The following person spoke:

1. Carolyn Lipscomb asked if the city looked at hours, miles, time, and the number of calls spent on runs outside the city limits in comparison to calls inside the city limits. Mr. Parton noted the city tracked those factors.

Mr. Allen moved to approve the purchase of a new ambulance as presented. Mr. Conklin seconded the motion and it passed 5-0.

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

4A. 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. Mayor Pratt read the ordinance by title only.

Mr. Batts noted no changes since first reading.

Mr. Stork moved for approval of Ordinance No. 2014-20; Mr. Conklin seconded the motion and it passed 5-0.

**5. CONSIDERATION AND POSSIBLE ACTION:**

5A. Amendment to the 2011 interlocal agreement for the construction of public sewer system improvements in the Kerrville South Colonia area.

Mr. Parton noted the city council previously agreed to the county's proposal to use phase convertors to make pumps see three-phase power as a temporary measure, with the condition that the commissioners allocate funds into their reserve fund. In the event that Phase VI of the Kerrville South wastewater project did not happen or was delayed, the city would have commitment from the county to fund three-phase power by the end of December 2015. He recommended approval of the amendment.

Mr. Allen moved for approval of the amendment; Mr. Conklin seconded the motion and it passed 5-0.

**6. INFORMATION AND DISCUSSION:**

6A. Report on the Kerrville Triathlon.

Ms. Boyle reported on the triathlon held September 26-28 by High Five Events from Austin. Attendance was 1,294 with 1,195 of those participants from outside of Kerr County; 350 volunteers; approximately 100 children participated in the Kid's Fun Run. The September 25-27, 2015 event will incorporate Louise Hays Park and the river trail. High Five Events submitted a bid to host the USA Tri Age Group Long Course National Championship at the Kerrville Triathlon in 2015.

**7. ITEMS FOR FUTURE AGENDAS**

- Discussion regarding electronic cigarettes.

**8. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- Library would host a Halloween theme crafts session October 16, 4:00 p.m.
- Halloween Family Fright Night, Friday, October 31, 2014, 6:00 p.m. at Kerrville Schreiner Park.
- The Kerrville Citizens Police Academy Alumni Association was accepting donations and applications for the Blue Santa program to provide food and gifts to families at Christmas.
- Holiday Lighted Parade scheduled for November 22, applications currently being accepted.
- City Planner Jason Lutz was recognized for service to the city; he accepted a position as planning director in Alamo Heights.

**11. EXECUTIVE SESSION:**

Mr. Allen 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. Stork and passed 5-0 to discuss the following:

Section 551.071:

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

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 551.074:

- Annual review of city attorney.
- Annual review of city manager.

At 6:24 p.m. the regular meeting recessed and council went into executive closed session at 6:27 p.m. At 7:39 p.m. the executive closed session recessed and council returned to open session at 7:40 p.m. The mayor announced that no action had been taken in executive session.

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

Sale of real property at 800 Junction Highway, former city hall property.

Mr. Stork moved to reject the offer received from Dorado Development and to terminate the city's counteroffer with Dorado; the motion was seconded by Mr. Allen and passed 5-0.

Mr. Allen moved to reject the offer from Ed Pollard; the motion was seconded by Mr. Stork and passed 5-0.

**ADJOURNMENT.** The meeting adjourned at 7:42 p.m.

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

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

ATTEST:

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

## **Agenda Item:**

3B. Request to waive fees for the Veterans' Day Parade to be held on November 11, 2014, in the amount of \$850.00. (Byron Warren, Military Order of the Purple Heart)

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

**SUBJECT OF REQUEST:** *Payment of fees for Veterans Day Parade*

**AGENDA DATE:** *October 28, 2014* **DATE SUBMITTED:** *October 09, 2014*

**REQUESTED/SUBMITTED BY:** *Byron Warren* **PHONE:** *512-619-4378*  
*Back-up Gary Noller* *830-377-8115*

**ORGANIZATION REPRESENTING:** *Military Order of the Purple Heart*

**MAILING ADDRESS:** *P.O. Box 291163, Kerrville TX 78020*

**EMAIL ADDRESS:** *bhbuda@ix.netcom.com*

**EXHIBITS/INFORMATION:** *Narrative of parade route flyer*

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

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

**IF YES, STATE AMOUNT REQUESTED:** \$ *850.00*

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**DESCRIPTION OF REQUEST**

*Waive and rebate fees of \$850.00 paid to City of Kerrville for permits related to the Veterans Day Parade held on November 11, 2014*

**RECOMMENDED COUNCIL ACTION**



# **SALUTING KERR COUNTY WORLD WAR II VETERANS ON VETERAN'S DAY NOVEMBER 11, 2014**

## **PARADE AND FESTIVAL**

**WHEN? PARADE ASSEMBLY AT 4:00 PM. STEP OFF AT 5:00 PM**

**WHERE? PARADE ENTRIES ASSEMBLE AT TIVY AND JEFFERSON ST IN KERRVILLE. PARADE ROUTE IS JEFFERSON STREET WEST TO KERR COUNTY COURTHOUSE.**

**WHAT? BANDS – FLAGS - VETERAN'S ORGANIZATIONS - BOY AND GIRL SCOUTS – ROTC - CIVIC ORGANIZATION - FIRST RESPONDERS - LOCAL LEADERS - COLLECTIBLE AUTOMOBILES – FLOATS**

## **HONOR YOUR KERR COUNTY VETERANS FROM PEACE AND FROM WAR**

**ACTIVITIES AFTER THE PARADE? COME TO THE COURTHOUSE FOR A SALUTE TO OUR KERR COUNTY VETERANS BY YOUR LOCAL AND COUNTY LEADERS, HEAR A PATRIOTIC SALUTE FROM TIVY HS BAND, AND MUSICAL PERFORMANCES TO DANCE BY FROM THE WOLFF SISTERS, JOSH MURLEY AND THE ARNOLD GARCIA BAND, ENJOY GREAT FOOD AND DRINK VENDORS AND GAMES FOR THE KIDS.**

**BRING LAWN CHAIRS AND BLANKETS, CHAIRS WILL BE LIMITED.**

## **COME OUT, BRING THE WHOLE FAMILY AND MEET THE MEN AND WOMEN WHO FOUGHT FOR OUR FREEDOM IN EUROPE, THE PACIFIC, AND OTHER FRONTS IN WORLD WAR II!**

**FOR INFORMATION: WORLD WAR II VETERAN CALL BILL BACON AT 830-634-2975. TO REQUEST AN ENTRY INTO THE PARADE CALL GARY NOLLER AT 830-377-8115 FOR ALL OTHER INFORMATION CALL MAGGIE BAKER AT 830-792-2203**

## **Brenda Craig**

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**To:** Brenda Craig  
**Subject:** FW: Veterans Day Parade Map - For City of Kerrville records  
**Attachments:** VetDayParadeRoute2.PDF

### **The parade formation area is the following:**

Check-in on North St. at Tivy St. on the street next to B.T. Wilson Sixth Grade School

The parking lot on the south side of B.T. Wilson Sixth Grade School (with permission granted from Mr. Harmon, Principal)  
North St from Tivy St. to Gilmer St.  
A St. from Jefferson St. to North St.  
Aransas St. from Tivy St. to Jefferson St.

### **The parade route is the following:**

Jefferson St. from A St. to Earl Garrett St.  
At Earl Garrett St. the parade will disperse with some entries turning right to exit the area, some unit proceeding towards Sidney Baker St. to park at the Kerr County Courthouse, and some units turning left to drop off veterans and then exit on Main St.

Please let me know if I may be of additional assistance.

Thank you.

Gary L. Noller  
830-377-8115



## **Agenda Item:**

3C. Administrative services contract between the City of Kerrville, Texas Economic Improvement Corporation and the City of Kerrville, Texas in the amount of \$100,000.00. (staff)

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

**SUBJECT:** Approval of Administrative Services Contract between the City of Kerrville, Texas Economic Improvement Corporation and the City of Kerrville, Texas

**FOR AGENDA OF:** October 28, 2014 **DATE SUBMITTED:** October 17, 2014

**SUBMITTED BY:** Ashlea Boyle *AB* **CLEARANCES:** Mike Hayes  
Special Projects Manager City Attorney

**EXHIBITS:** Fiscal Year 2015 EIC Administrative Services Contract

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

**SUMMARY STATEMENT**

At its meeting of September 9, 2014, staff presented the current Administrative Services Contract between the City of Kerrville and the Economic Improvement Corporation (EIC) to City Council for review as it was due to expire on September 30, 2014. The City of Kerrville provides services to the EIC through an annual contract. This contract includes services for engineering and project management, legal, financial, and administrative support. EIC pays the City \$100,000 for these services. Staff did not have any proposed changes to recommend, but requested council's consideration on any proposed changes prior to presenting the contract to EIC. Staff was authorized by City Council to present the contract to the EIC with no changes.

Attached is the FY2015 Administrative Services Contract between the City of Kerrville and the EIC. The EIC held a public hearing and approved this contract at its meeting of October 27, 2014.

**RECOMMENDED ACTION**

City staff recommends approval of the FY2015 EIC Administrative Services Contract as presented.

**ADMINISTRATIVE SERVICES CONTRACT BETWEEN CITY OF KERRVILLE, TEXAS  
AND CITY OF KERRVILLE, TEXAS ECONOMIC IMPROVEMENT CORPORATION**

THIS CONTRACT is entered into and effective as of the 1st day of October 2014, by and between the City of Kerrville, Texas, ("City") and the City of Kerrville, Texas Economic Improvement Corporation ("EIC") for and in consideration of the following promises and conditions:

**ARTICLE I**  
**SERVICES PROVIDED BY CITY**

City agrees to provide the following services to the EIC subject to the limitations and conditions set forth below:

- A. Engineering and Project Management Services: City agrees to provide engineering and project management services, to include design, bid, and construction phases, for EIC projects that involve improvements to City and/or public property. For such projects requiring expenditures estimated at more than \$25,000.00 for construction, City may contract for specialized engineering services and EIC agrees to pay for such services as part of a project, which is authorized by the EIC to be funded in whole or in part by sales tax revenues generated pursuant to the authority of Chapters 501, 502, and 505 of the Texas Local Government Code.
- B. Legal Services: City agrees the City Attorney will be the legal advisor of, and attorney for, the EIC, which representation will include review of documents, contracts, and other instruments as to form and legality, the conduct of legal research, and, if requested, the issuance of legal opinions. In the provision of legal services by the City Attorney, the City Attorney shall provide such services only if the provision of legal services to the EIC does not unreasonably impair his ability to provide legal services to the City. Furthermore, in the event the City Attorney determines that a legal or ethical conflict exists between the City and the EIC, the EIC agrees that the City Attorney may continue to represent the City on such matter notwithstanding such conflict provided the City Attorney has made reasonable disclosure of the conflict to the president of the EIC. Notwithstanding this paragraph, EIC shall at all times retain the right to hire counsel of its own choice at EIC expense.
- C. Financial Services: City agrees to provide accounting, banking, and investment services, including accounts receivable, accounts payable, investments, record keeping, financial reporting, and an audit of all funds. The City will provide a report at each regular monthly meeting of the EIC, such report to include a statement of revenues and expenditures for all funds and a cash flow analysis on a form approved by the EIC.
- D. Administrative Services: City will provide services from the City Manager to include secretarial and other clerical services, including the taking minutes and preparation of resolutions and correspondence related to the operation of the EIC. The City Manager or designee will engage with the EIC in a manner comparable to the role identified by Section 6.04 of the City Charter.

- E. Investment Officer: The City's Director of Finance will serve as the EIC's investment officer in accordance with the EIC's Investment Policy, as may be amended.
- F. Regulatory Financial Reporting: The City's Director of Finance shall prepare all financial reports required by state and federal regulatory agencies.
- G. Annual Audit: The City's Director of Finance shall include the EIC's financial information as part of the City's Comprehensive Annual Financial Report (CAFR).
- H. Project Reports: The City Manager or designee shall provide a report at each regular monthly meeting of the EIC on all ongoing projects which are subject to a funding agreement with the EIC. These reports shall include the status and estimated completion date of each project and verification that performance criteria are being met.
- I. Staff Reports: The City Manager or designee shall prepare a report on each application for EIC funds, such report to include the following information:
  - 1. Complete Application
  - 2. Financial Impact Analysis
    - a. Total payroll
    - b. Payroll multiplier
    - c. Sales and ad valorem tax generation
  - 3. Return on Investment Analysis
    - a. Property tax – City, County, and KISD
    - b. Sales tax – City and County
    - c. Payroll multiplier
    - d. Timeline by which return is realized
  - 4. Feasibility Analysis
    - a. Land – size, zoning, platting, building/fire codes
    - b. Building – size, suitability, condition
    - c. Infrastructure – water, wastewater, streets, drainage, electricity, public safety

J. Prospect Support Services: The City Manager or designee shall ensure that the following support services as provided by City staff are provided to the EIC in the review and processing of applications for EIC funds:

1. receive applications
2. evaluate applications for completeness
3. determine eligibility
4. facilitate submission before the EIC
5. provide technical evaluation pursuant to Section 9, above
6. provide recommendations to the Board
7. coordinate with other aligned agencies/entities
8. identify appropriate incentives and programs

## ARTICLE II COMPENSATION

In consideration of the provision by City to EIC of the services described in Article I, above, EIC shall pay City the sum of \$100,000.00. It is agreed by the parties that this compensation is equal to the reasonable value of the services anticipated to be provided by City to the EIC. City shall deduct the payment required hereunder upon receipt of said sales tax revenues from the Comptroller of Public Accounts for the State of Texas.

## ARTICLE III TERM

The Term of this Contract commences on October 1, 2014, and ends on September 30, 2015, subject to earlier termination as provided herein and extension by agreement of the parties hereto.

## ARTICLE IV TERMINATION

This Contract may be terminated by City or EIC for any reason, with or without cause, not earlier than thirty (30) days prior to delivery to the non-terminating party of a written notice of termination. EIC agrees to pay City the reasonable cost of services rendered by City up to the date of termination.

## ARTICLE V GOVERNING LAW

This Contract is subject to, governed by, and construed in accordance with the laws of the State of Texas.

IN WITNESS WHEREOF, the parties hereto have executed this Contract in the year and as of the date indicated.

*(signatures begin on following page)*

CITY OF KERRVILLE, TEXAS

CITY OF KERRVILLE, TEXAS ECONOMIC  
IMPROVEMENT CORPORATION

By: \_\_\_\_\_  
Todd Parton, City Manager

By: \_\_\_\_\_  
David Wampler, President

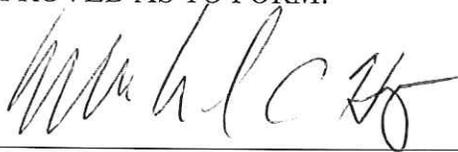
ATTEST:

ATTEST:

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

\_\_\_\_\_  
Polly Rickert, Secretary-Treasurer

APPROVED AS TO FORM:



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

## **Agenda Item:**

3D. Professional services agreement with Stewart Consulting, LLC for professional planning services to assist the city with the refinement and adoption of a new zoning ordinance, to include an update to the comprehensive plan, in the amount of \$47,800.00. (staff)

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

**SUBJECT:** Council authorization for the City Manager to execute a Professional Services Agreement with Stewart Planning Consulting, LLC for professional planning services to assist the City of Kerrville with the refinement and adoption of a new zoning ordinance, to include an update to the Comprehensive Plan, in the amount of \$47,800.00.

**FOR AGENDA OF:** October 28, 2014

**DATE SUBMITTED:** October 22, 2014

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

**CLEARANCES:** Kristine Day  
Deputy City Manager

**EXHIBITS:** Proposal for professional planning services  
Proposed Timeline

**PAYMENT TO BE MADE TO:** Stewart Planning Consulting, LLC  
P.O. Box 90999  
Austin, TX 78709

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

<b>Expenditure</b>	<b>Current Balance</b>	<b>Amount</b>	<b>Account</b>
<b>Required:</b>	<b>in Account:</b>	<b>Budgeted:</b>	<b>Number:</b>
<b>\$47,800.00</b>	<b>\$75,000.00</b>	<b>\$75,000.00</b>	<b>01-860-306</b>

**REVIEWED BY THE FINANCE DIRECTOR:**

**SUMMARY STATEMENT**

A zoning ordinance is the single most important policy document a community has to promote quality development, insure harmonious land use, and protect local property values. It is the cornerstone of the set of policies the city can adopt to further its comprehensive plan.

The Zoning Ordinance Input Committee (ZOIC), created by City Council in January 2009, has met regularly since February 2009 in efforts of their predetermined goal of reviewing the current City of Kerrville Zoning Ordinance and providing the City Council a recommendation on the process for the revision of the ordinance by building a community consensus around the need and format of any proposed revision.

ZOIC has prepared a Draft Zoning Ordinance revision document that can now be reviewed and modified as necessary prior to final adoption by the City Council. The process required for review and coordination will include several steps. These will entail a review by our professional planning consultant, ZOIC meetings with the consultant, a joint ZOIC/Council meeting, staff and Legal review, public workshops, a joint Planning and Zoning/ZOIC/Council meeting, review by P&Z and Council, and approval by P&Z prior to final adoption by the City Council. A proposed schedule is attached which

anticipates final adoption by the Council in March 2015.

Stewart Planning Consulting, LLC was chosen to provide professional planning services in order to review and provide professional input to the draft document, as well as coordinate all of the review meetings and public workshops required prior to final adoption by City Council based on their experience and expertise in planning and zoning issues working with several other municipalities in a similar capacity.

### **RECOMMENDED ACTION**

The Director of Engineering and Planning recommends the City Council authorize the City Manager to execute a Professional Services Agreement with Stewart Planning Consulting, LLC for professional planning services to assist the City of Kerrville with the refinement and adoption of a new zoning ordinance, to include an update to the Comprehensive Plan, in the amount of \$47,800.00.

## Proposed Zoning Ordinance Adoption Schedule

1. Consultant Review – Through end of October.
2. ZOIC meetings with consultant - November
3. Council ZOIC joint meeting – December 1<sup>st</sup> timeframe
4. Staff Review/Attorney Review – Mid-December through end of December.
5. Draft Document – December 1<sup>st</sup> timeframe
6. Public Workshops/Input - January
7. Council/ZOIC/P&Z joint meeting – End of January
8. P&Z/Council Review - February
9. P&Z meeting – End of February
10. Council meeting – March 1<sup>st</sup> timeframe



## STEWART PLANNING CONSULTING, LLC

P.O. Box 90999  
Austin, Texas 78709  
(512) 264-3900 v - (512) 628-3129 f - (512) 450-2051 m

October 21, 2014

Ms. Kristine Day  
Deputy City Manager  
City of Kerrville  
800 Junction Highway  
Kerrville, Texas 78028

RE: Zoning Ordinance / ZOIC and Comprehensive Plan Update Support

Dear Kristine:

I sincerely appreciate the opportunity to present this proposal for professional planning services to assist the City of Kerrville with the refinement and adoption of a new zoning ordinance, to include an update to the Comprehensive Plan.

### **BACKGROUND**

The City of Kerrville (City) has an established committee, the Zoning Ordinance Input Committee (known as ZOIC) which has been developing a draft new zoning ordinance. The preliminary draft of this ordinance is near completion, and the next steps of the process include finalization of the draft, joint review with City Council, a series of public workshops and input, and the formal adoption process. Stewart Planning Consulting (SPC) is prepared to perform a number of services to this effect, as described in detail below.

### **PROPOSED SCOPE OF SERVICES**

1. **Consultant Review.** The Consultant will provide a review of the current initial draft ordinance and formulate a set of recommendations for ZOIC consideration, based upon professional opinion and standard planning practice.
2. **ZOIC Meetings with Consultant.** The Consultant will meet on a weekly basis with ZOIC to review consultant recommendations and assist ZOIC in any revisions it may wish to see. The Consultant will prepare these revisions into a preliminary draft ordinance.
3. **Joint Meeting with City Council.** The Consultant will attend and present the preliminary draft ordinance to a joint session of ZOIC and the City Council. The Consultant will record the feedback from the Council in order to make adjustments to the ordinance as required. The Consultant will prepare a mark-up document for Staff and Attorney review, based upon direction/action of the joint bodies at this meeting.
4. **Draft Document.** The Consultant will incorporate Staff/Attorney review and produce the Draft Document which will then be made available for general public comment and input. The document will be available in .pdf and .docx format, and mapping will be conducted in GIS using the draft map prepared by City Staff.

Ms. Kristine Ondrias  
City of Kerrville

October 21, 2014

5. **Public Workshops and Input.** The Consultant will facilitate two public workshops and prepare a summary of public input.
6. **Joint Meeting with ZOIC, P&Z and City Council.** The Consultant will attend and present the summary of public input at a joint meeting of ZOIC, P&Z and City Council. The Council will provide recommendations, if necessary, to revise the Draft Document prior to P&Z and Council review.
7. **Adoption Process.** In accordance with state and local requirements for the amendment of zoning regulations, the Consultant will attend and facilitate at two required public hearings to secure public input. The Consultant will develop a GIS-based map, based on the proposed zoning map, which describes those properties which would be "downzoned" and thus subject to mailed notice requirements as Council-initiated rezonings.
8. **Comprehensive Plan Amendment.** Concurrent to the process enumerated in Tasks 1-7 above, the Consultant will develop a Comprehensive Plan Amendment which will allow proper consideration of the new zoning ordinance in the context of the City's adopted Comprehensive Plan.

**PROPOSED SCHEDULE**

SPC is prepared to start upon execution of the contract, on or about October 28, 2014. The entire process is intended to take approximately five (5) months.

**PROPOSED FEE STRUCTURE**

Completion of the Scope of Services above is proposed on a flat fee basis, with a total budget of \$47,800. The following table summarizes the task elements and associated budgets:

TASK ELEMENT	FEE
1. Consultant Review	\$2,500
2. ZOIC Meetings with Consultant	\$11,000
3. Joint Meeting with ZOIC/City Council	\$3,800
4. Draft Document	\$8,000
5. Public Workshops and Input	\$10,000
6. Joint Meeting of ZOIC, P&Z and Council	\$2,500
7. Adoption Process	\$5,000
8. Comprehensive Plan Amendment	\$5,000
<b>TOTAL</b>	<b>\$47,800.00</b>

Stewart Planning Consulting sincerely appreciates this opportunity to prepare this proposal. Should you have any questions, please do not hesitate to contact me at any time.

Respectfully Offered,



Christopher M. Stewart, AICP  
Managing Member

Ms. Kristine Ondrias  
City of Kerrville

October 21, 2014

Respectfully Offered,

A handwritten signature in blue ink, appearing to read "Christopher M. Stewart". The signature is fluid and cursive, with a long horizontal stroke at the end.

Christopher M. Stewart, AICP  
*Managing Member*

## **Agenda Item:**

4A. Ordinance No. 2014-21 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.  
(staff)

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

---

**SUBJECT:** Ordinance No. 2014-21 minimum health and sanitation standards for lodging establishments

**FOR AGENDA OF:** Oct. 24, 2014

**DATE SUBMITTED:** Oct. 28, 2014

**SUBMITTED BY:** Todd Parton  
City Manager

**CLEARANCES:**

**EXHIBITS:** Ordinance No. 2014-21

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

---

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

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**SUMMARY STATEMENT**

Ordinance No. 2014-21 establishes minimum health and sanitation standards for lodging establishments as discussed by the City Council in September 2014. This ordinance applies to lodging facilities that contain a minimum of eight (8) rooms and requires an annual permit to legally operate.

The ordinance may be implemented with existing staff resources and a nominal permit fee. Here is how the permitting and inspection processes would work:

1. An annual permit is issued to a lodging establishment and no inspections are required as a condition of the permit. It would be illegal to operate without a permit.
2. Inspections would be conducted as part of an investigation of complaints about a lodging establishment.
3. Should an establishment fail to adequately address a valid complaint within 30 calendar days of notice by the city, the Chief Building Official would have the authority to revoke the permit.
4. Should an establishment receive six (6) validated complaints within a six (6) month period the Chief Building Official would have the authority to revoke the permit or to apply conditions to the permit. These conditions could include requiring routine inspections. The establishment would be required to cover the costs to implement the conditions like extermination, environmental monitoring, and testing costs.
5. An establishment would have the right to appeal a decision of the Chief Building Official to the City Manager.
6. An establishment would have the right to appeal a decision of the City Manager to

the City Council.

7. An establishment could file for relief in district court for a decision of the City Council.

This inspection process is designed to operate on a complaint basis and affords ample opportunity to correct valid complaints and would greatly supplement the existing code enforcement efforts and protocols. The appeal processes also ensure due process. Due process is extremely important in that the decision to revoke or add conditions to a permit could have significant impacts to existing businesses.

### **RECOMMENDED ACTION**

City staff recommends that the City Council approve Ordinance No. 2014-21.

# DRAFT 10/24/14

## CITY OF KERRVILLE, TEXAS ORDINANCE NO. 2014-21

**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 lodging establishments; 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 lodging establishments through this Ordinance, which includes the adoption of health and sanitation standards, the issuance of permits, possible 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) as follows:

## “Chapter 30 - BUSINESSES

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

#### Sec. 30-151. State Regulations Adopted.

Section 341.066 of the Texas Health and Safety Code, entitled “Tourist Courts, Hotels, Inns, and Rooming Houses,” as it may be amended, is 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.

*Common nuisance* means a place to which persons habitually go for the following purposes or to commit the following acts:

- (1) discharge of a firearm in a public place as prohibited by the Texas Penal Code;
- (2) reckless discharge of a firearm as prohibited by the Texas Penal Code;
- (3) engaging in organized criminal activity as a member of a combination as prohibited by the Texas Penal Code;
- (4) delivery, possession, manufacture, or use of a controlled substance in violation of Chapter 481, Texas Health and Safety Code;
- (5) gambling, gambling promotion, or communicating gambling information as prohibited by the Texas Penal Code;
- (6) prostitution, promotion of prostitution, or aggravated promotion of prostitution as prohibited by the Texas Penal Code;
- (7) compelling prostitution as prohibited by the Texas Penal Code;
- (8) Commercial manufacture, commercial distribution, or commercial exhibition of obscene material as prohibited by the Texas Penal Code;

# DRAFT 10/24/14

Ord. No. 2014-21

- (9) aggravated assault as described by the Texas Penal Code;
- (10) sexual assault or aggravated sexual assault as described by the Texas Penal Code;
- (11) robbery or aggravated robbery as described by the Texas Penal Code;
- (12) sexual assault as described by the Texas Penal Code;
- (13) unlawfully carrying a weapon as described by the Texas Penal Code; or
- (14) murder or capital murder as described by the Texas Penal Code.

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

- (1) 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) showing 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) parts thereof which are attached in ways that they may fall or injure a person or property.
- (4) by reason of dilapidated or deteriorated conditions, the presence of unsafe or defective electrical wiring devices or equipment, unsafe or defective gas piping, or appliances which are liable to cause or promote fires.
- (5) damage 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 other persons.
- (6) dilapidated, decayed, unsafe, unsanitary, conditions or conditions 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) existing violations 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) 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.

# DRAFT 10/24/14

Ord. No. 2014-21

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, or health officer.

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 boarding home 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.

Let 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 means any 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.

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) It is unlawful and 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 to file an application is January 1, 2015. The City will issue or deny the hotel permit within 30 days of receipt of the completed application. All initial hotel permits will remain effective through December 31, 2015, unless revoked earlier. Renewal applications thereafter must be submitted prior to December 31st each year, or if this date falls on a Saturday or Sunday or City holiday, on the next business day. All hotel permits will remain effective, unless revoked, through December 31st.
- (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 30 days and the hotel permit will 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 will be applied for in accordance with the December 31st deadline above.
- (d) An application for a hotel permit constitutes consent of the applicant, owner, or operator and subjects the property considered for or under a permit to possible inspections of the entire permitted premises at reasonable times by the DCO for the purposes of determining whether there is any violation of any City ordinance or other applicable law on the premises.
- (e) It is unlawful and a person, to include the owner, operator, or manager, commits an offense by denying the DCO access to the hotel. Where access is denied, the DCO may use all legal methods to gain entry.
- (f) Continued compliance with this Article are conditions that are necessary to retain a hotel permit and to obtain any renewal of a hotel permit.
- (g) A hotel permit is not transferable or assignable from one person, firm, partnership, corporation or entity to another person, firm, partnership, corporation, or entity.
- (h) 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 30 days after closing on the sale of the property. If the prior owner or 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 owner or operator's application for a permit is pending a decision.

# DRAFT 10/24/14

Ord. No. 2014-21

- (i) The owner and operator shall display the hotel permit and, where applicable, 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.
- (j) Failure to obtain or maintain a hotel permit at all times may result in the DCO's revocation of the hotel's certificate of occupancy.
- (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 all legal methods to gain entry.
- (l) If the DCO finds that a hotel does not pass an inspection, all necessary corrections must 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 City shall approve the issuance of a hotel permit to an applicant within 30 days after receipt of an application, unless it finds one 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 building, zoning, housing, fire, safety, and health regulations and codes, and the provisions of this Article to include where dangerous buildings, substandard buildings, and/or common nuisance exists.
- (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 Manager. The appeal must be filed within 10 days from the denial by the DCO. The owner or operator must file an appeal in the office of the City Secretary 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) A 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 and consideration of appeal. Upon receipt of an appeal that is administratively complete, the City Manager shall consider the appeal and issue a written decision to the appellant within 10 days.

**Sec. 30-156. Appeal to Council.**

- (a) Filing appeal. Where the City Manager upholds the denial of a permit to a hotel, the owner or operator may appeal this action to the City Council. The appeal must be filed within 10 days from the date of such denial by the City Manager. The owner or operator must file an appeal in the office of the City Secretary 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) A verification, by declaration under penalty of 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 that is administratively complete, the City Manager shall present it at the next available regular meeting of City Council after proper notice.

(1) Notice of hearing.

(A) Notice of the hearing before the City Council must 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 must be by one of the following methods at least 10 days prior to the hearing:

(i) Personal service;

(ii) Certified mail, return receipt requested, and regular mail. Notice is 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 must 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 City 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 cross-examine any witness before the Council. Strict rules of evidence or procedure are not required, but the City Council has the authority to

# DRAFT 10/24/14

Ord. No. 2014-21

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 will be considered in the hearing of the appeal.
- (e) Enforcement of the denial for a hotel permit will be stayed during the pendency of an appeal therefrom that is properly and timely filed.
- (f) After hearing evidence from any interested party the City Council may uphold, reverse, or modify the denial of the hotel permit.

## **Sec. 30-157. Revocation of Hotel Permit.**

(a) Revocation of a hotel permit by the DCO:

- (1) may occur at any time upon good cause shown that the operation of the hotel is such that an extreme hazard(s) is known to exist which may involve imminent injury or significant impact to the health, safety, or welfare of any person, to include that the hotel has a dangerous and/or substandard building or there exists a common nuisance;
- (2) the DCO shall revoke a hotel permit where the DCO, over a period of 180 days, receives 6 verified complaints regarding a dangerous or substandard building or the existence of a common nuisance; or
- (3) may occur at any time 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 revokes a hotel permit , 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) The owner or operator may appeal the revocation of a hotel permit by availing himself to the appeal process specified in Sections 30-155 and 30-166.

- (d) Enforcement of the revocation of a hotel permit will be suspended during the pendency of an appeal.
- (e) Upon a final decision upholding the revocation of a 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 must be sent by certified mail and regular to the owners and operator indicating the decision of the City Council.
- (f) A posted notice of the revocation of the hotel permit may only be removed by an authorized DCO. It is unlawful and a person commits an offense if they remove, cover, deface, alter, or tamper with the posted notice.
- (g) Whenever a hotel permit has been revoked by the City, the owner or operator of the hotel for which the hotel permit was issued shall surrender such permit to the City. The operations of the hotel must immediately cease.

## **Sec. 30-158. 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 has the right to appeal by filing suit in district court within 30 days after the receipt of notice of the final decision. The filing of such suit will 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 will be granted for a hotel that has been deemed to be a substandard building or dangerous building or where a common nuisance exists. Written notice of the refusal of a provisional permit and the basis for the denial will be provided by the City Secretary within 15 days of service of the court action upon the City.

## **Sec. 30-159. General Premises Requirements.**

- (a) The hotel premises and guest rooms must fully comply with all state laws and City ordinances, including City building codes and any requirements imposed by this Article.
- (b) All hotel rooms must 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 must be maintained in the manager's office.
- (c) 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 must be capable of resisting any and all forces and loads to which they may be subjected.
- (d) All wood must be protected against termite damage and decay as provided in the building codes.
- (e) All guest rooms must be provided with either natural ventilation or mechanical ventilation that meet or exceed the following criteria:

- (1) All guest rooms must be provided with natural ventilation by means of screened exterior openings which are capable of being opened. Such openings must 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) If a mechanical ventilation system is provided in lieu of natural ventilation, the ventilation system must 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 must be taken from outside of the hotel.
- (f) 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, must be provided.
- (g) All bathroom fixtures, to include the toilet, bathtub, sink, shower, mirror, must be maintained without cracks, chips, or stains. Floors must 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 must be maintained in the manager's office.

  - (1) Every guest room must 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 must 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 must be provided on each floor for each sex at the rate of 1 for every additional 10 guests or fractional number thereof in excess of 10. Such facilities must be clearly marked for "Men" or "Women."
- (h) Every water closet, bathtub, or shower required by this code must be installed in a room which will afford privacy to the occupant. A room in which a water closet is located must be separated from food preparation or storage rooms by a tightfitting, self-closing door.
- (i) All plumbing fixtures must be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures must 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 must be of an approved glazed earthenware type, stainless steel, or of a similarly nonabsorbent material. Wooden sinks or sinks of similarly absorbent material are not permitted.
- (j) All sanitary facilities must be installed and maintained in safe and sanitary condition and in accordance with all applicable laws. The owner or operator must ensure that water service is provided at all times. It is an affirmative defense to this section that it is impossible to provide water services because of an act of God.

# DRAFT 10/24/14

Ord. No. 2014-21

- (k) The owner or manager must provide and maintain water heating equipment and facilities for every guest room which is connected with water lines if municipal water service is located within one hundred feet (100') of the property and which must 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.
- (l) The owner or operator must 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 DCO may require the installation of additional exits.
- (m) Every guest room must 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.
- (n) Where fuel burning appliances are installed and properly vented, said appliances must 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 may replace an existing appliance without a permit issued by City and without allowing the work to be inspected by the City if a permit for that work is required.
- (o) Carpeting must be free of stains, holes, rips, or odors in excess of normal wear and tear, and maintained in a sanitary, nondefective condition.
- (p) Noncarpeted floor surfaces must be made of nonabsorbent material. All surfaces and tile grouting must be maintained without cracks, rips or missing elements.
- (q) Wall and ceiling surfaces must be maintained without spots, stains, flakes, chips, holes, etc. and be maintained in a clean and sanitary condition.
- (r) All surfaces, including carpeting and flooring, and fixtures must be free from mold and mildew.
- (s) For the purpose of this Article, electrical equipment must include furniture items installed by the property owner, operator or property manager, including televisions, lamps, etc. All electrical items must be properly maintained and be in operable condition.
- (t) All furniture items must be maintained in proper working condition, without defects, chips, or holes.
- (u) Shades, draperies or blinds must be appropriately hung to cover all windows and appropriate light fixtures. All shades, draperies, blinds, must be free of stains, holes, rips or odors in excess of normal wear and tear, and be maintained in a sanitary, nondefective condition.

# DRAFT 10/24/14

Ord. No. 2014-21

- (v) All windows designed to be opened must be operable and have an operable window security or locking device. All windows panes must be properly maintained and not broken.
- (w) 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) 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) All wells, cesspools, and cisterns must be securely covered or securely closed.
- (z) All sidewalks, ramps, bridges, parking lots, stairs, and steps must be properly maintained, to include absence of cracks and other conditions that might lead a person to trip, stumble, or fall.
- (aa) All fences must be properly maintained and in compliance with all applicable ordinances.
- (bb) All parking lots must be properly maintained. All parking markings and fire lane markings must be legible and maintained in accordance with applicable laws. An owner or operator must 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 must be treated for insects at least once a year by an exterminator licensed by the state.
- (dd) All hotel premises must 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) 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. 30-160. 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 must be made available to the DCO upon request and must 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 must be maintained for a period of two (2) years for each person who lets any room at a hotel.

## Sec. 30-161. Limitation on Continuous and Cumulative Occupancy.

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

(b) It is 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 is 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. 30-162. 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 is recoverable by the City.
- (h) Expenses incurred pursuant to this Article must 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 constitutes a public nuisance.

## Sec. 30-163. 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, injunctions, and other extraordinary writs. Section 1-7 of this Code governs all penalties for any violation of this Article, notwithstanding any language to the contrary contained in any other section of this code.”

**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 will 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

# DRAFT 10/24/14

Ord. No. 2014-21

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 January 1, 2015.

**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

APPROVED AS TO FORM:

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

## **Agenda Item:**

5A. Presentation by the Cailloux Foundation regarding the proposed athletics complex and authorization for city staff to make application to the economic improvement corporation for funding. (Parton)

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

---

**SUBJECT:** Presentation by the Cailloux Foundation and discussion regarding a proposed athletic complex for baseball, softball, and soccer

**FOR AGENDA OF:** Oct. 24, 2014

**DATE SUBMITTED:** Oct. 28, 2014

**SUBMITTED BY:** Todd Parton  
City Manager

**CLEARANCES:**

**EXHIBITS:** None

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

---

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

---

**SUMMARY STATEMENT**

A representative from the Cailloux Foundation will provide a presentation regarding a proposed athletic complex for baseball, softball and soccer.

**RECOMMENDED ACTION**

This report is for information, discussion, and action up to and including direction to city staff as the City Council deems appropriate.

## **Agenda Item:**

5B. Professional services agreement with Freese and Nichols, Inc. to perform design and construction phase services for a treated effluent reuse facility in an amount not to exceed \$1,965,000.00. (staff)

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

**SUBJECT:** Council authorization for the City Manager to enter into a Professional Services Agreement with Freese and Nichols, Inc. to perform design and construction phase services for a treated effluent reuse facility in an amount not to exceed \$1,965,000.00.

**FOR AGENDA OF:** October 28, 2014      **DATE SUBMITTED:** October 24, 2014

**SUBMITTED BY:** Kristine Day      **CLEARANCES:**  
Deputy City Manager

**EXHIBITS:** Water Reuse Feasibility Study  
Water Reuse Feasibility Study Presentation 6-10-14  
Water and Wastewater Integrated CIP  
Distribution Line Cost Estimates and Map  
Design Scope of Services

**AGENDA MAILED TO:** Freese and Nichols, Inc.  
Attention: Richard Weatherly, P.E.  
10497 Town and Country Way, Suite 600  
Houston, Texas 77024

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

<b>Expenditure</b>	<b>Current Balance</b>	<b>Amount</b>	<b>Account</b>
<b>Required:</b>	<b>in Account:</b>	<b>Budgeted:</b>	<b>Number:</b>
\$1,965,000.00	\$2,000,000.00	\$2,000,000.00	U8
			71-15001
			71-800-511

**PAYMENT TO BE MADE TO:** Freese and Nichols, Inc.  
**REVIEWED BY THE FINANCE DIRECTOR:**

**SUMMARY STATEMENT**

The City of Kerrville currently has a successful water reuse program which provides reclaimed water from its Water Reclamation Facility (Wastewater Treatment Plant) to various customers for irrigation of golf courses, athletic fields, recreational areas and landscape, as well as other non-potable uses. In order to expand the available usage of this resource and to conserve potable water usage, the City is seeking to construct reclaimed water storage ponds to increase the flexibility of matching water supply and demand.

In 2013, the City retained Freese and Nichols, Inc. (FNI) to investigate the feasibility of adding additional reuse storage capacity. As part of the Reuse Feasibility Study, FNI performed necessary surveying, environmental services, geotechnical and landfill

investigations, flood plain analysis, water reuse pump station requirements, water reuse regulatory requirements and provided cost development analysis. At the June 10, 2014 City Council Workshop, FNI presented a summary of the findings in the report. FNI recommended the South Pond as the most feasible allowing for 105 MG of additional storage. (Final Report and Council Workshop Presentation attached.) Direction from City Council to staff at the workshop and during the budget process was to determine the financial feasibility of constructing this project. Staff worked with the City's financial consultants and determined the project could be constructed within the current utility rate structure with debt being sold in 2016 and 2017 for construction (Integrated Water and Wastewater CIP attached). Additionally, staff has worked with FNI to determine routing of distribution lines to potential customers (customers which have previously requested reuse or are currently requesting reuse water) as well as probable construction costs associated with these lines. Attached is a map and cost estimates for the distribution lines.

The design and construction of this project will happen in three phases with the following timeline.

Phase 1 – Design – This phase would consist of design for the construction of the pond and the associated pump station for the distribution lines. Design would begin in November 2014 and take approximately 12 months to complete (December 2015). The project would be bid and constructed in two phases. The design scope is attached and staff recommending City Council to authorize the City Manager to execute the design contract with FNI for this phase of the project.

Phase 2 – Construction of the Reuse Pond – This phase would consist of the construction of the 105 MG Reuse Pond. Bid documents would be ready in January 2016 with funding from the bond proceeds available in March 2016. Staff would bid the project in January/February 2016 and award a construction contract in March 2016. Construction of the pond would take approximately 12 months for completion in March 2017.

Phase 3 – Construction of the Pump Station – This phase would consist of the construction of the associated pump station to distribute the reuse to various customers from the pond. Bid documents would be ready in January 2017 with funding from the bond proceeds available in March 2017. Staff would bid the project in January/February 2017 and award a construction contract in March 2017. Construction of the pump station would take approximately 6 months to complete and it is believed the City could begin filling the pond in the fall of 2017.

The distribution lines would require additional engineering but this could be achieved during the Phase 2 process above to allow for construction of the distribution lines during Phase 3. This would allow for available reuse water to be distributed in late 2017.

#### **RECOMMENDED ACTION**

Council authorization for the City Manager to enter into a Professional Services Agreement with Freese and Nichols, Inc. to perform design and construction phase services for a treated effluent reuse facility in an amount not to exceed \$1,965,000.00.



Innovative approaches  
Practical results  
Outstanding service



## Water Reuse Feasibility Study

Prepared for:

**City of Kerrville**



Prepared by:

**FREESE AND NICHOLS, INC.**

4040 Broadway, Suite 600

San Antonio, Texas 78209

210-298-3800

FNI Project No.: KER13488



Innovative approaches  
Practical results  
Outstanding service

## Water Reuse Feasibility Study

Prepared for:

**City of Kerrville**



*Johnny M. New* 6-04-14

FREESE AND NICHOLS, INC.  
TEXAS REGISTERED  
ENGINEERING FIRM  
F-2144



*Richard Weatherly* 6/4/14

FREESE AND NICHOLS, INC.  
TEXAS REGISTERED  
ENGINEERING FIRM  
F-2144

Prepared by:

**FREESE AND NICHOLS, INC.**  
4040 Broadway, Suite 600  
San Antonio, Texas 78209  
210-298-3800

FNI Project No.: KER13488



## TABLE OF CONTENTS

1.0	INTRODUCTION.....	1-1
2.0	ENVIRONMENTAL SITE INVESTIGATION .....	2-1
3.0	GEOTECHNICAL & LANDFILL INVESTIGATION.....	3-1
4.0	FLOODPLAIN ANALYSIS .....	4-1
5.0	WATER REUSE REGULATORY REQUIREMENTS .....	5-1
6.0	WATER REUSE INFRASTRUCTURE REQUIREMENTS.....	6-1

### List of Tables

Table 6.1	Summary of Reuse Pond Project Costs .....	6-3
Table 6.2	Detailed Opinion of Probable Construction Cost.....	6-7

### List of Figures

Figure 1.1	Conceptual Reuse Pond Study Area .....	1-2
Figure 6.1	Proposed Reuse System .....	6-4
Figure 6.2	Typical Embankment Section .....	6-5
Figure 6.3	Reuse Gravity Line HGL Profile.....	6-6

### Appendices

Appendix A	Presentations
Appendix B	Environmental Permitting Technical Memorandum
Appendix C	Geotechnical and Landfill Investigation Technical Memorandum
Appendix D	Floodplain Analysis Technical Memorandum
Appendix E	Water Reuse Regulatory Requirements



## 1.0 INTRODUCTION

The City of Kerrville currently has a successful water reuse program which provides reclaimed water from its Water Resource Recovery Facility (Wastewater Treatment Plant) to various customers for irrigation of golf courses, recreational areas and landscape, as well as other non-potable uses. In order to expand the available usage of this resource, the City is seeking to construct reclaimed water storage ponds to increase the flexibility of matching water supply and demand. This study evaluated two separate pond locations: a North Pond and a South Pond. The location of the proposed ponds evaluated for this study are shown in **Figure 1.1**. The City is also interested long-term in the potential to convert some of its treated effluent into a supplemental source of domestic supply for the City.

Freese and Nichols, Inc. (FNI) was retained in 2013 by the City of Kerrville to investigate the feasibility of adding additional reuse storage capacity and prepare a Reuse Feasibility Study. The goals of the Reuse Feasibility Study were to investigate necessary environmental permitting, geotechnical conditions, hydrologic and hydraulic analyses and regulatory requirements for the implementation of this future reuse project. This report has been prepared to provide the City of Kerrville with an assessment of the feasibility of short-term and long-term improvements to the reuse system infrastructure. The recommended improvements will serve as a basis for the design, construction, and financing of facilities required to implement the reuse options investigated.

The major elements of the scope of this project include:

- Surveying
- Environmental Services
- Geotechnical and Landfill Investigations
- Flood Plain Analysis
- Water Reuse Pump Station Requirements
- Water Reuse Regulatory Requirements
- Cost Development and Report Preparation

As part of this project, FNI gave a series of presentations to the City Council and EIC, which are included in **Appendix A**.

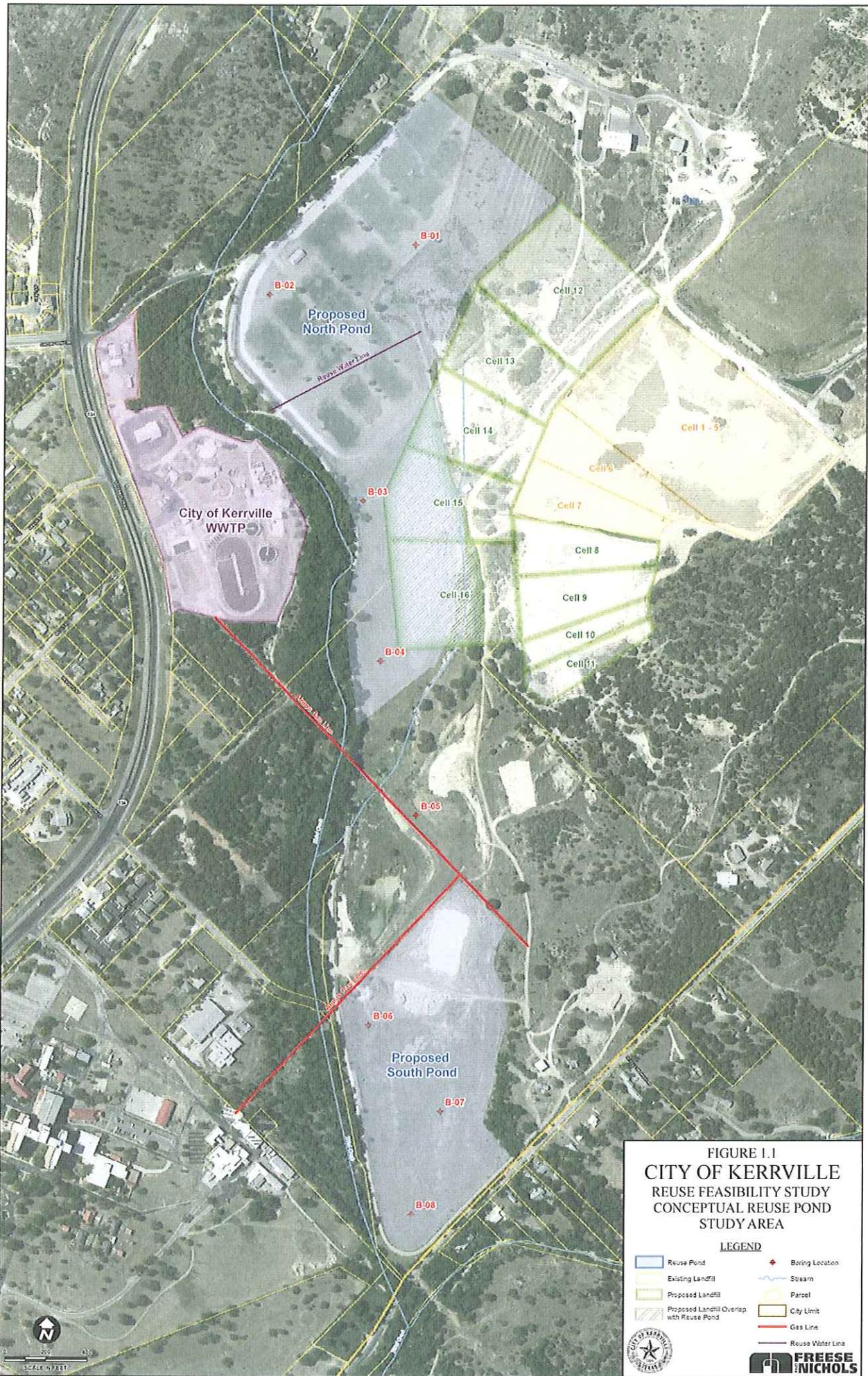


FIGURE I.1  
 CITY OF KERRVILLE  
 REUSE FEASIBILITY STUDY  
 CONCEPTUAL REUSE POND  
 STUDY AREA

**LEGEND**

Reuse Pond	Boring Location
Existing Landfill	Stream
Proposed Landfill	Parcel
Proposed Landfill Overlap with Reuse Pond	City Limit
	Gas Line
	Reuse Water Line



## 2.0 ENVIRONMENTAL SITE INVESTIGATION

FNI conducted a pedestrian site visit of the City of Kerrville's wastewater treatment plant and land adjacent to the City's sanitary landfill proposed as the future location of the City's reuse storage ponds and associated facilities to assess site conditions. FNI prepared an environmental permitting technical memorandum summarizing the field observations described above which is included in **Appendix B** of this report. The property proposed for the reuse water storage facility is currently used as recreational sports fields, numerous borrow pits for the sanitary landfill, storage of empty refuse containers and a remote controlled aircraft airfield. Within the study area, there appears to be approximately 2,400 feet of an unnamed tributary of Third Creek. The vegetation types noted in the study area are described in the technical memorandum.

FNI investigated whether any Section 404 permitting would be required to construct the proposed reuse infrastructure. Potential Section 404 impacts include stream impacts to the unnamed tributary to Third Creek and to Third Creek itself, herbaceous wetland impact and open water impacts. All of these potential impacts would be avoided in the conceptual reuse project proposed in this report.

FNI conducted a reconnaissance-level field survey within the area of the proposed water reuse ponds to identify potential habitat and document any federally listed or Texas Parks and Wildlife Department threatened or endangered (T&E) species. There is no United States Fish and Wildlife Services (USFWS) critical habitat designated in Kerr County. The type of habitats needed for the endangered species that might be encountered in Kerr County were not observed within the project site. In addition, no endangered flowering plants were seen within the project site.

FNI provided a desktop review of the Texas Archaeological Research Laboratory (TARL) to determine the likelihood and potential extent of coordination with the Texas Historical Commission (THC). Coordination with the THC would be required if greater than 5,000 cubic yards of material were moved or more than five areas of area were disturbed. FNI recommends drafting a letter to THC with the project description and location requesting their opinion as to the archeological requirement for the project.



The following is a summary of the environmental site investigation:

- The conceptual reuse pond project, as proposed in this report, would avoid any Section 404 impacts and therefore, could be constructed under a USACE Nationwide Permit.
- The type of habitats needed for the endangered species that might be encountered in Kerr County were not observed within the project site.
- No endangered flowering plants were seen within the project site.
- FNI recommends drafting a letter to the Texas Historical Commission with the project description and location requesting their opinion as to the archeological requirement for the project.



### **3.0 GEOTECHNICAL & LANDFILL INVESTIGATION**

Geotechnical and landfill investigations were performed to investigate the feasibility of siting the reuse ponds in the proposed location. FNI prepared a technical memorandum summarizing the geotechnical investigation and landfill issues which is included in **Appendix C** of this report.

#### **Geotechnical Investigation**

The purpose of the geotechnical investigation was to explore subsurface conditions and determine if suitable material is available for use in constructing the proposed pond embankments. FNI selected locations for a total of 8 (eight) exploratory borings to a depth of 25 feet. The locations are shown on Figure 2 in Appendix C. Samples were collected intermittently using continuous flight augers and a split-spoon sampler in conjunction with the Standard Penetration Test (SPT). FNI provided an engineer who directed the drilling, logged the borings, recorded field test data, handled and transported the samples. FNI selected samples for laboratory testing, assigned tests, delivered samples to Holt Engineering, Inc. for laboratory testing and reviewed test results. Testing included classification and moisture content tests. The subsurface soils encountered during drilling primarily consisted of lean clays (CL), lean clays with sand (CL) and fat clays with sand (CH). Based on laboratory testing, the CL and CH material meets soil classification criteria for foundation and embankment material. However, FNI identified dispersive soils onsite which will need to be used selectively.

Since the reuse ponds will hold wastewater effluent, a low permeability liner will be required to limit the release of potential contaminants into the groundwater and surface water bodies. Due to the type of effluent being stored in the ponds, it will be necessary to clean the ponds of solids periodically. For this reason, a hard surface layer such as concrete or soil cement is recommended. Various liner options can be evaluated and slope stability analyses can be performed as part of the design phase.

#### **Landfill Investigation**

The City of Kerrville operates a Type I municipal solid waste landfill located to the east of the proposed reuse pond location. FNI reviewed landfill documents in order to identify potential issues that may impact the operation of the reuse ponds. Based on the existing groundwater conditions, liner and cap system for the landfill and the anticipated liner system for the reuse ponds, FNI believes issues of contaminate release from the landfill or reuse ponds to be minimal or non-existent.



The following is a summary of the subsurface investigation and landfill documents review:

- Suitable soils are available onsite for construction of the pond embankments
- Dispersive soils were found onsite and will need to be used selectively
- Quantity of soils available onsite is yet to be determined until the flood study is complete and a crest elevation can be established.
- Some rock will likely need to be excavated for pond development but is likely soft enough to be excavated with conventional construction equipment.
- Water was encountered in some of the borings and is likely perched above or between rock layers but should be manageable during construction.
- Issues are not anticipated with contaminant release from the landfill or pond with liner systems in place.
- Potential conflict with potential reuse pond locations and future expansion of landfill. This will need to be explored further when pond layout design options are finalized.



## 4.0 FLOODPLAIN ANALYSIS

The floodplain analysis study, included in this report as **Appendix D**, provides a detailed hydrologic and hydraulic evaluation of Third Creek based on existing and proposed conditions for the 1.0% annual chance event. The limits of the hydraulic analysis is defined by Spur 100 to the south and 1,500-feet upstream of Landfill Road to the north. The following provides a brief summary of the analyses.

### General information

1. This reach is designated as Zone A by the Federal Emergency Management Agency, which indicates that the area is subject to flooding during the 1.0% annual chance flood event (1% AC), but no detailed hydraulic analysis has been performed; therefore no base flood elevation exists.
2. The project area parallels city, county and privately owned property that fronts Third Creek.
3. The hydrologic modeling was based on non-calibrated conditions.
4. The hydraulic analysis was developed using two-foot topography and field measurements and based on non-calibrated conditions.

### Existing Conditions Evaluation

1. The peak 1% AC discharge for Third Creek is approximately 15,800 cfs based on existing land use conditions, which was assumed to be the same as future land use conditions.
2. The project area, as well as City and private land parcels adjacent and upstream of the project area are inundated by flood water for existing conditions during the 1% AC. One publicly-owned structure and six privately-owned structures are potentially affected during the subject event; however a finished floor elevation survey will need to be obtained to confirm the inundation.
3. For the project area to be developable, floodplain modifications will be necessary to remove the area from the 1% floodplain.

### Proposed Conditions Evaluation

1. Three alternatives were developed to prevent flood water from the 1% AC from inundating the project area. Each alternative is based on constructing an earthen levee(s) along the eastern side of the existing maintenance road on the east side of the creek.
2. **Alternative 1** consists of constructing a levee around the designated South Pond area to the east of Third Creek. Results for this alternative are as follows:
  - a. Maximum flood stage increase of 2.37 feet as compared to existing conditions.



- b. Causes adverse impact from Spur 100 to approximately 3,600 feet upstream of the road.
  - c. The increase in water surface elevation is confined to City and County properties, so no additional floodplain modifications will be required to implement Alternative 1 as long as the City and County approve of the flood water increases on their property.
  - d. As in the existing conditions analysis, one publicly-owned structure and six privately-owned structures are potentially affected by the one-percent storm. No additional structures are inundated by this alternative. In order to determine potential adverse impact to the structures, a finished floor elevation survey will need to be performed.
3. **Alternative 2** consists of constructing a levee around the designated North Pond area to the east of Third Creek. Results for this alternative are as follows:
  - a. Maximum flood stage increase of 2.73 feet as compared to existing conditions.
  - b. Causes adverse impact from the upstream study limit to just south of the City wastewater treatment plant.
  - c. The increase in water surface elevation affects City and County land as well as private property north of Landfill Road, thus additional floodplain modifications will likely be required to implement Alternative 2.
  - d. As in the existing conditions analysis, one publicly-owned structure and six privately-owned structures are potentially affected by the one-percent storm. No additional structures are inundated by this alternative. In order to determine potential adverse impact to the structures, a finished floor elevation survey will need to be performed.
4. **Alternative 3** consists of constructing two levees along the eastern edge of the maintenance drive around the North and South Ponds on the east side of Third Creek. Results for this alternative are as follows:
  - a. Maximum flood stage increase of 2.73 feet as compared to existing conditions.
  - b. Causes adverse impact throughout the study limits.
  - c. The increase in water surface elevation affects City and County land as well as private property north of Landfill Road, thus additional floodplain modifications will likely be required to implement Alternative 3.
  - d. As in the existing conditions analysis, one publicly-owned structure and six privately-owned structures are potentially affected by the one-percent storm. No additional



structures are inundated by this alternative. In order to determine potential adverse impact to the structures, a finished floor elevation survey will need to be performed.

**Floodplain Analysis Recommendations**

Due to the potential adverse impact to private property owners at the upstream end of the study reach, Alternative 1 results in the most feasible alternative since the flood stage increases are limited to City and County property. The following items shall be considered for future modeling effort if the project moves into final design.

1. As this analysis is based on non-calibrated conditions and City available base data, the models shall be revised to reflect calibrated conditions and design survey, including finished floor elevation information.
2. The models shall be revised to represent proposed flow patterns through the project area that could affect the location and time of contributing runoff to Third Creek.



## 5.0 WATER REUSE REGULATORY REQUIREMENTS

The water reuse regulatory requirements review, included in this report as **Appendix E**, provides discussion of regulatory issues associated with the use of reclaimed water, including the addition of storage ponds and the potential future implementation of potable reuse and/or incorporating reclaimed water into the City's program of aquifer storage and recovery (ASR).

The following is a summary of the reuse regulatory requirements review:

1. Pond storage of reclaimed water can be provided without revising the City's reclaimed water authorization (Chapter 210 approval). However, standard plans and specification approval is required.
2. Pond storage can be anticipated to result in some level of algae growth and dissipation of chlorine residual which should be considered in the final design of pumping facilities.
3. Direct potable reuse projects have been approved by TCEQ, with the first (CRMWD's Big Spring project) in operation since April 2013, and the second (Wichita Falls) anticipating imminent approval to begin production. Direct potable reuse requirements are evaluated on a case by case basis, as confirmed by discussion with TCEQ staff. The City could expect a 2-3 year interval which would include a treatment feasibility study, pilot testing and final design. This would involve continuous coordination with TCEQ throughout this period. This same time period would also represent an opportunity for public education.
4. Recent testing of Kerrville's reclaimed water indicates it may be a good candidate for a potable reuse treatment sequence which does not include reverse osmosis. This could significantly improve the economics and reduce implementation hurdles by avoiding creation of a brine byproduct stream.
5. Aquifer storage and recovery is likely to have similar treatment requirements as direct potable reuse, but has not been recently considered in detail at TCEQ.



## 6.0 WATER REUSE INFRASTRUCTURE REQUIREMENTS

Due to the floodplain analysis determining that the North Pond was not a feasible location as proposed, FNI evaluated the infrastructure necessary to construct a reuse system that would convey treated effluent from the City's WWTP to the South Pond and then deliver reuse water from that pond to connect to the City's existing reuse system. The conceptual reuse system infrastructure that would be required include the following items:

- Reuse storage pond at the South Pond location
- Reuse gravity pipeline to convey reuse water from existing WWTP to future reuse pond
- Reuse Pump Station located at the South Pond
- Reuse Distribution pipeline to connect to existing City reuse system

**Figure 6.1** shows the conceptual reuse pond proposed reuse system.

### Reuse Pond

FNI evaluated the construction of the reuse storage pond with the goal of maximizing reuse water storage volume while minimizing the costs to the City. **Figure 6.2** shows the proposed typical embankment section for the reuse storage pond. The crest elevation for the embankment was established based on the conclusions reached in the flood study. This crest elevation was determined to be 1628 ft and will be constant around the entire pond. The maximum water elevation inside the reuse pond would be 1625 ft to provide a recommended 3-foot of freeboard. The embankment sections, pond areas and excavation depths were determined based on the embankment crest elevations and geotechnical investigations. Cut and fill quantities required for the embankment were calculated based on the recommended embankment slope of 3H:1V or flatter. The volume of soil needed to construct the embankment exceeds the amount of soil recoverable during excavation and, therefore, and estimated 149,920 cubic yards of offsite fill material would need to be delivered to the site for construction. The proposed reuse storage pond is estimated to hold 105 million gallons.

Since the reuse ponds will hold wastewater effluent, a low permeability liner will be required to limit the release of potential contaminants into the groundwater or surface water bodies (i.e. nearby Third Creek). Soil liners, geo-membrane liners and bentonite mats are all examples of low permeability liners. The cost developed for this study assumed an HDPE geo-membrane liner.



The cost estimate provided as part of this study includes additional items such as an under-drain system, aeration equipment, inlet/outlet vaults, emergency spillway outfall, berm armoring and access road improvements.

### **Reuse Gravity Pipeline Analysis**

FNI evaluated the ability to convey reuse water from the existing WWTP to the proposed Reuse Ponds by developing a hydraulic grade line profile. **Figure 6.3** shows the hydraulic grade line profile for the proposed reuse gravity line for a potential route that could allow for gravity flow to the reuse pond. Based on the hydraulic analysis, FNI determined that a 24" pipeline would be able to deliver the peak WWTP flow of 8 MGD to the reuse storage pond. This line size allows for gravity flow which eliminates the need to pump the flow from the WWTP to the reuse pond.

### **Preliminary Reuse Pump Station Configuration**

FNI recommends that the reuse pump station be located below the embankment on the southwest corner of the South Pond. A 16" suction pipe encased in concrete would be installed during the embankment construction. The suction line could also serve as a line to drain the ponds for maintenance if needed. The suction line will run to a header pipe outside of the embankment. The header pipe will feed two or three cans that will house vertical turbine pumps. Each pump will have a discharge line and associated valves and piping coming together into a common discharge header. The pumps may be located outside with a slab poured under the piping and valves for improved access and maintenance. A driveway should be located adjacent to the slab to allow a small crane to remove pumps and valves for maintenance. An electrical and control room would be located off to the side of the pump station to house the electrical and SCADA equipment. Due to the limited amount of room at the proposed site, some fill and perhaps a retaining wall may be needed to develop a suitable workspace out of the floodplain.

### **Reuse Transmission Pipeline**

A hydraulic model was used to evaluate the reuse transmission pipeline from the reuse pump station at the pond to the existing reuse pipeline at the City's WWTP. The reuse transmission pipeline route follows the same route as the gravity pipeline. The analysis concluded that a 12" line would be required to deliver the required flow rate and not exceed the City's existing 8" reuse pipeline pressure rating.

### **Summary of Infrastructure Costs**

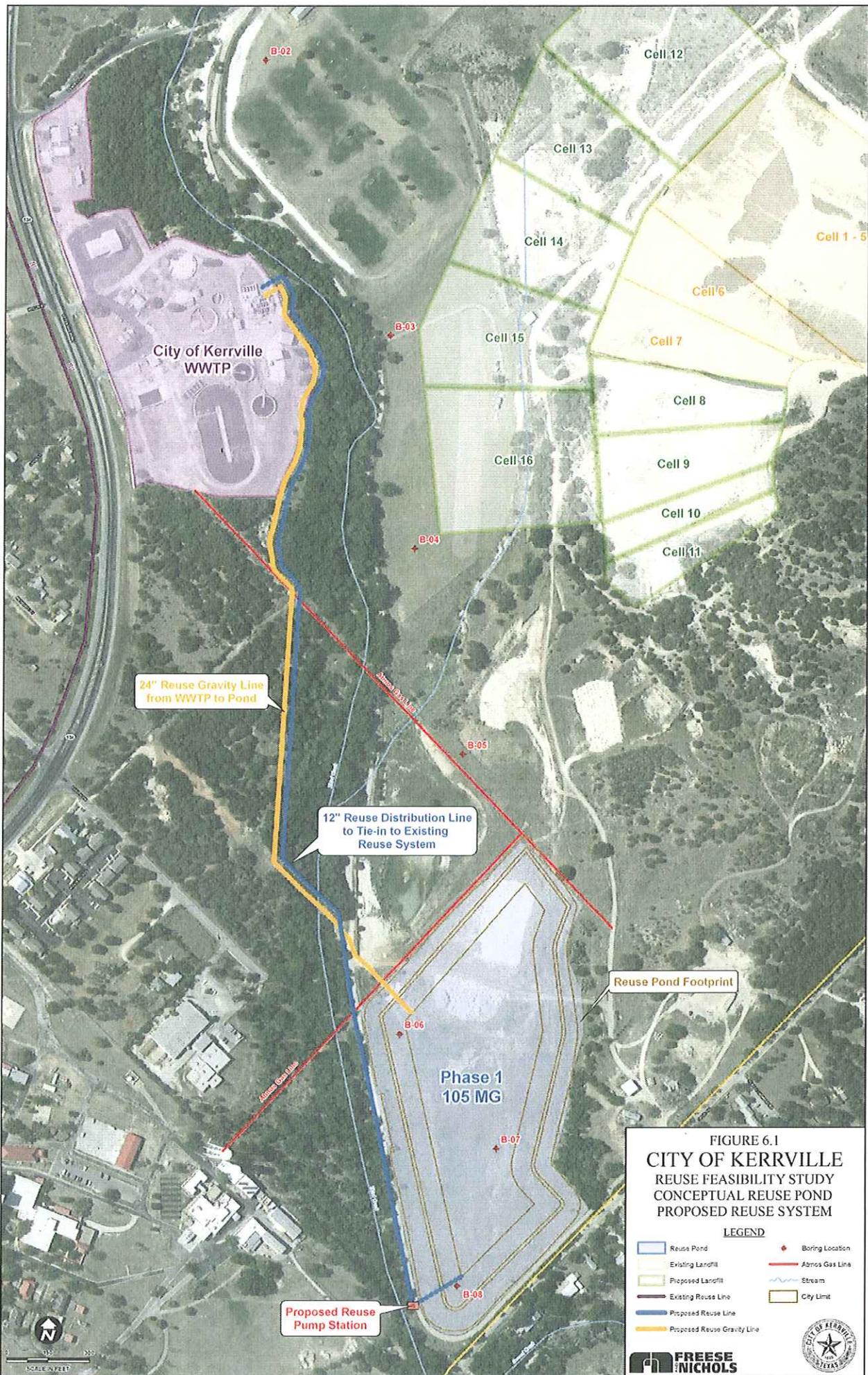
The recommended projects for the water distribution system are presented on **Table 6.1**. Locations shown for new reuse infrastructure were generalized for this analysis. Specific alignments and sites will

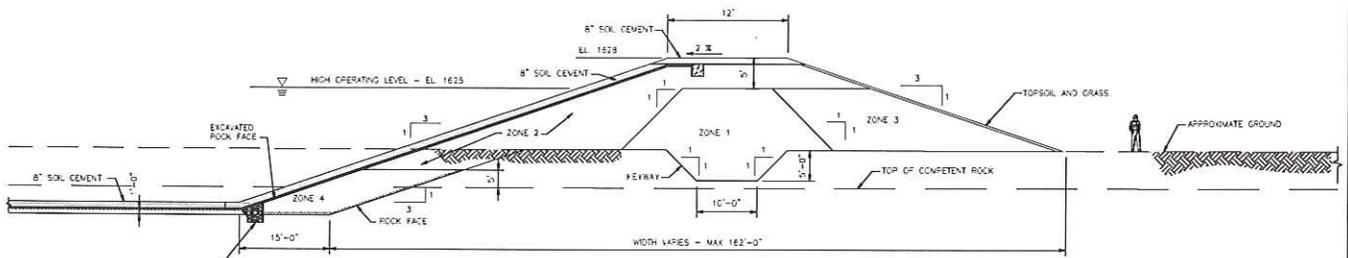


be determined as part of the design process. **Table 6.1** summarizes the project cost of the conceptual reuse system for the City of Kerrville. A detailed cost estimate is shown in **Table 6.2**.

**Table 6.1 Summary of Reuse Pond Project Costs**

Item	Description	Cost
1	105 MG Reuse Pond	\$7,775,000
2	Gravity Line from WWTP	\$635,000
3	Reuse Pump Station	\$1,334,000
4	Pipeline to Existing Reuse System	\$513,000
<i>Subtotal:</i>		\$10,257,000
<i>Mobilization @ 5%:</i>		\$513,000
<i>Subtotal:</i>		\$10,770,000
<i>Contractor Overhead &amp; Profit @ 15%:</i>		\$1,616,000
<i>Subtotal:</i>		\$12,386,000
<i>Contingency @ 20%:</i>		\$2,477,000
<i>Project Total:</i>		\$14,863,000





**TYPICAL EMBANKMENT SECTION  
(CUT & FILL SECTION)**  
N.T.S.

**NOT FOR CONSTRUCTION**  
THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD AND SHALL BE RESPONSIBLE FOR ANY CHANGES REQUIRED.

Freese and Nichols, Inc.  
Texas Registered Engineering Firm F-2144

Project: High 3489  
Date: JUN 2014  
Scale: AS SHOWN  
Author: JRM  
Check: WFA

CITY OF KERVILLE  
**REUSE FEASIBILITY STUDY**  
TYPICAL CROSS SECTION  
OF PROPOSED REUSE POND EMBANKMENT



6.2  
FIGURE

Figure 6.3  
 City of Kerrville  
 Reuse Water Gravity Pipeline Profile  
 WWTP to the Pond - 24" PVC

Q=8 MGD, Dia.= 24-in, C=140, H<sub>i</sub>= 1.98 fpt

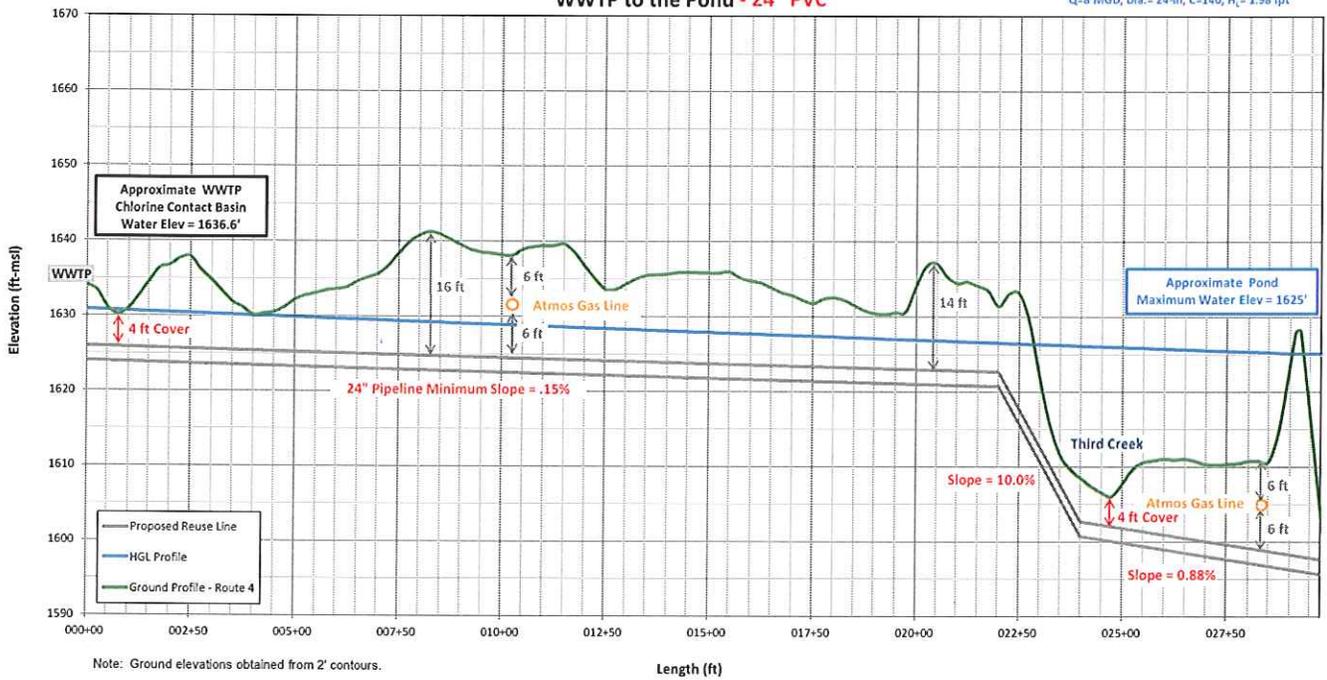




Table 6.2 Detailed Opinion of Probable Construction Cost

<b>105 MG REUSE POND</b> <b>CITY OF KERRVILLE</b> <b>REUSE FEASIBILITY STUDY</b>					
OPINION OF PROBABLE CONSTRUCTION COST					June 4, 2014
ESTIMATOR		CHECKED BY		ACCOUNT NO	
MKE		JMN		KER13488	
ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>REUSE POND</b>					<b>\$7,775,000</b>
1	CLEARING, GRUBBING AND STRIPPING OF TOPSOIL	104,444	SY	\$1	\$104,000
2	GENERAL EXCAVATION	76,685	CY	\$4	\$307,000
3	ROCK EXCAVATION	45,625	CY	\$10	\$456,000
4	COMPACTED FILL	226,605	CY	\$3	\$680,000
5	OFF-SITE FILL MATERIAL	149,920	CY	\$15	\$2,249,000
6	8" SOIL CEMENT	18,637	CY	\$100	\$1,864,000
7	HDPE GEOMEMBRANE WITH GEONET	83,864	SY	\$12	\$1,006,000
8	UNDERDRAIN SYSTEM	1	LS	\$352,000	\$352,000
9	CIRCULATION / AERATION EQUIPMENT	1	LS	\$100,000	\$100,000
10	INLET / OUTLET VAULTS	2	EA	\$100,000	\$200,000
11	EMERGENCY SPILLWAY OUTFALL	1	LS	\$100,000	\$100,000
12	BERM ARMORING	1,167	SY	\$80	\$93,000
13	ACCESS ROAD IMPROVEMENTS	1	LS	\$100,000	\$100,000
14	SWPPP, TOPSOIL, EROSION CONTROL MATS, SEEDING	23,407	SY	\$7	\$164,000
<b>GRAVITY PIPELINE FROM WWTP</b>					<b>\$635,000</b>
15	TIE-IN AT TREATMENT PLANT	1	LS	\$50,000	\$50,000
16	24" C905 PVC PIPE	3,000	LF	\$130	\$390,000
17	CONCRETE ENCASED PIPE THROUGH DAM	200	LF	\$200	\$40,000
18	6' PRECAST MANHOLES	8	EA	\$7,500	\$60,000
19	36" BORE UNDER CREEK	100	LF	\$750	\$75,000
20	PAVEMENT REPAIR	1	LS	\$20,000	\$20,000
<b>PUMP STATION</b>					<b>\$1,334,000</b>
21	CONCRETE ENCASED PS SUCTION 16" PIPE	250	LF	\$250	\$63,000
22	PUMP STATION STRUCTURE	1	LS	\$550,000	\$550,000
23	VERTICAL TURBINE PUMPS	3	EA	\$65,000	\$195,000
24	PUMP STATION MECHANICAL	1	LS	\$151,000	\$151,000
25	ELECTRICAL AND INSTRUMENTATION	1	LS	\$275,000	\$275,000
26	SITE IMPROVEMENTS	1	LS	\$100,000	\$100,000
<b>PIPELINE TO REUSE SYSTEM</b>					<b>\$513,000</b>
27	12" C900 PVC PIPE	4,500	LF	\$85	\$383,000
28	24" BORE UNDER CREEK	100	LF	\$500	\$50,000
29	ISOLATION AND AIR RELEASE VALVES	1	LS	\$50,000	\$50,000
30	PAVEMENT REPAIR	1	LS	\$20,000	\$20,000
31	SYSTEM TIE-IN	1	LS	\$10,000	\$10,000
SUBTOTAL:					\$10,257,000
MOBILIZATION: 5%					\$513,000
SUBTOTAL:					\$10,770,000
OVERHEAD & PROFIT: 15%					\$1,616,000
SUBTOTAL:					\$12,386,000
CONTINGENCY: 20%					\$2,477,000
<b>PROJECT TOTAL:</b>					<b>\$14,863,000</b>



**APPENDIX A:  
Presentations**



**APPENDIX B:  
Environmental Permitting Technical Memorandum**



**APPENDIX C:  
Geotechnical and Landfill Investigation Technical Memorandum**

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**APPENDIX D:  
Floodplain Analysis Technical Memorandum**



**APPENDIX E:  
Water Reuse Regulatory Requirements Technical Memorandum**



# Water Reuse Feasibility Study

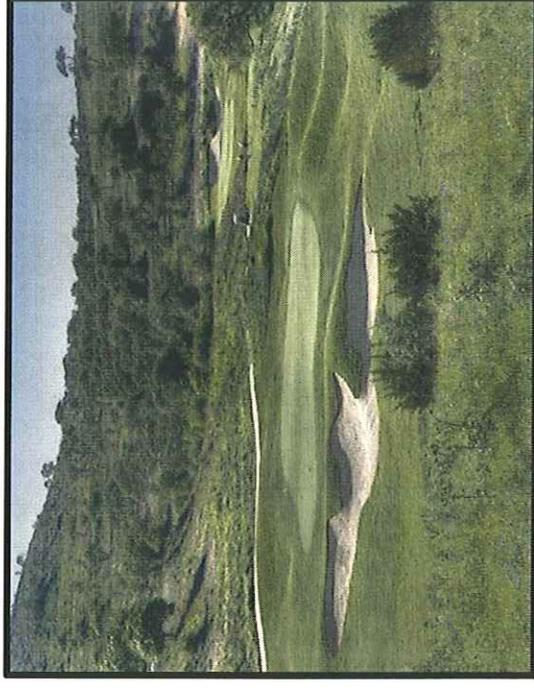
CITY OF KERRVILLE

June 10, 2014



# Water Reuse Project Drivers

- The City provides 100% of its summertime WWTP effluent as reuse water to six current irrigation customers
  - Tivy HS, Comanche Trace GC, KCAS, HCYSA, Schreiner GC, Truck haulers
- Potential reuse customers requesting reuse water from City
- Reuse storage ponds would allow flexibility to match year-round reuse water supply and demand

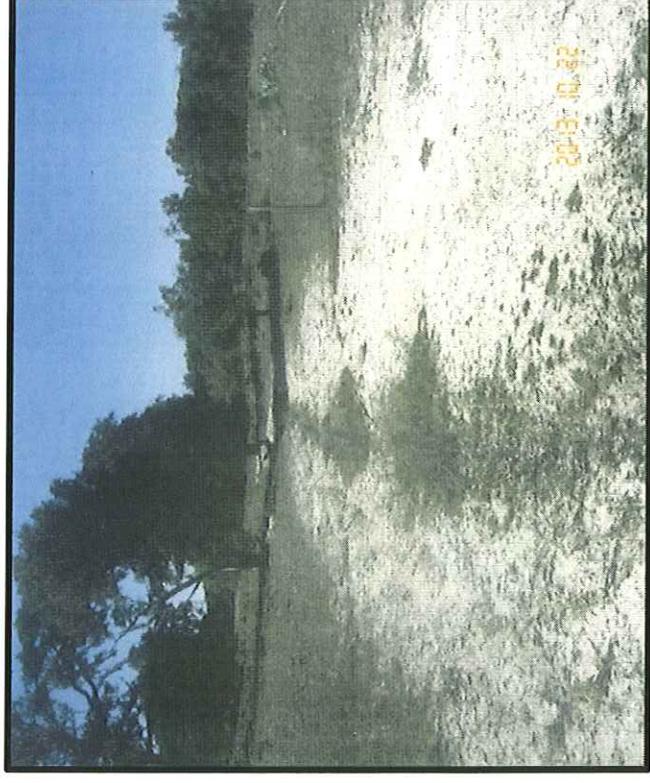




# Environmental Site Visit



- Site Visit on October 22, 2013
- Summary of Findings:
  - Proposed System could be designed under USACE Nationwide Permit
  - No endangered species
  - No endangered flowering plants



# Geotechnical Investigation



**FREESSE AND NICHOLS**

- 8 soil boring locations
- Max excavation depths for ponds based on groundwater and rock
- Suitable material is available for pond construction
- Recommend liner system

**LOG OF BORING NO. B-04**

DEPTH, ft		TYPE	ROW COUNTS	HAND PICKED TORNAMENT (ft)	RECOVER, %	SYMBOL	MATERIAL DESCRIPTION	WATER CONTENT, %	UNIT WEIGHT, pcf	% PASSING NO. 200 SIEVE	LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX	UFC, COMPRESSIVE STRENGTH, lb	STRAIN AT FAILURE, %	ELEVATION, ft
0	4.5	SP1		4.5-10'			LEAN CLAY (CL), moist to 15" then dry, dark brown, hard	21	87	63	25					
5	15.15	SP2	15.15-18.00				LIMESTONE, tan, weathered, thinly bedded, hard, alternating with thicker beds of very soft, marly limestone									
10	16.65	SP3	16.65-17.00				LEAN TO FAT CLAY (CL-CI), light brown, moist, stiff	30								
15	18.15	SP4	18.15-20.00				LIMESTONE, tan, weathered, thinly bedded, hard, alternating with thicker beds of very soft, marly limestone	20								
20	20.25	SP5	20.25-21.00				SHALE, gray, dry, very soft, lightly weathered -with hard rock layer from 20 to 21 feet	26								
25	25.00	SP6	25.00-25.00				Total boring depth 25.0 ft.									

Water Observations: 15 ft At Time Of Drilling

Remarks:

Sheet 1 of 1



# Water Reuse Regulatory Requirements



- Pond construction would comply with City's existing TCEQ Reuse Authorization
- Direct potable reuse (DPR) requirements evaluated on a case by case basis by TCEQ
- No pre-existing case for ASR reuse but treatment requirements would be similar to DPR

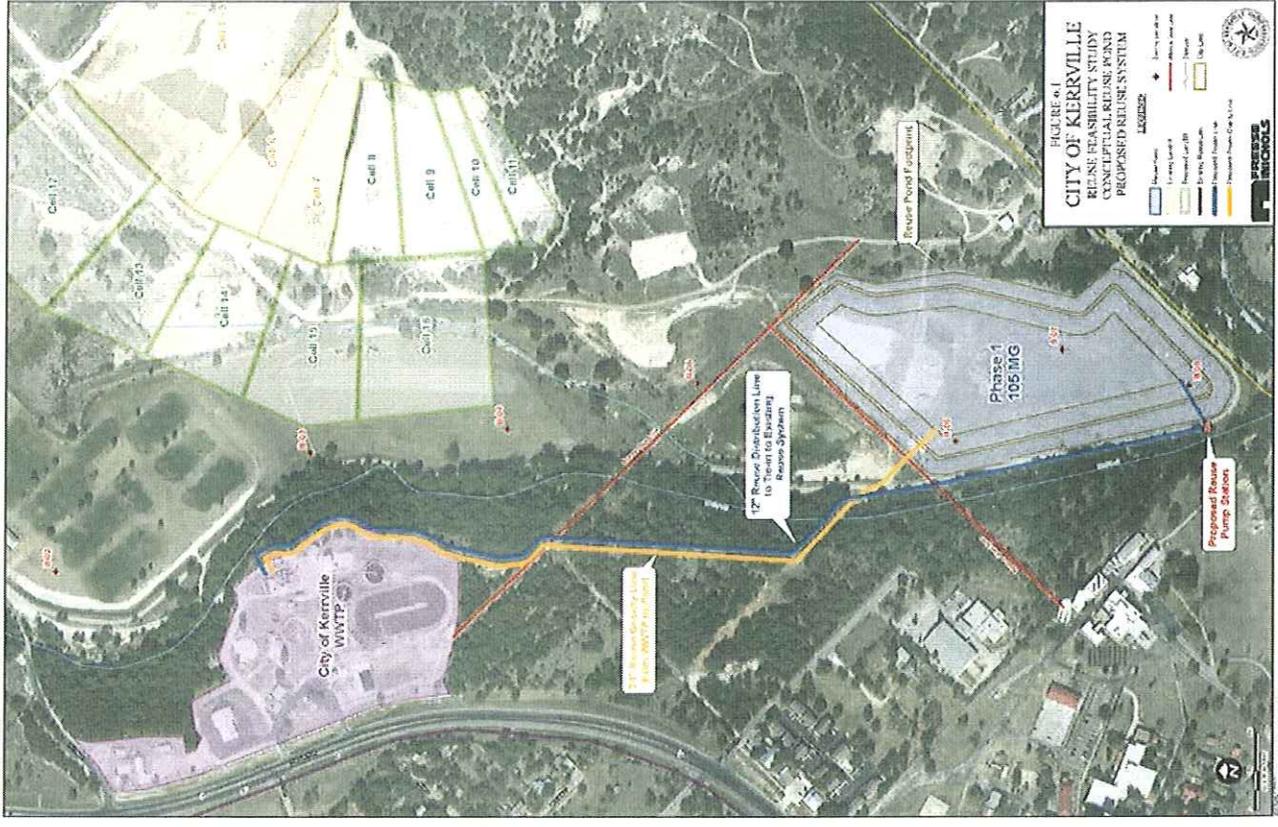


Colorado River MWD – Big Spring Raw Water Production Facility

# Water Reuse Infrastructure Requirements



- 105 MG Storage for Proposed South Pond
  - Berm Elevation: 1628'
  - Max Berm Height: 26'
- 24" Gravity Pipe from WWTP
- Reuse Pump Station
- 12" Transmission Pipe to Existing Reuse System



# Water Reuse Infrastructure Costs



Item	Reuse Infrastructure Components	Cost
1	105 MG Reuse Pond	\$9,389,000
2	3000 LF of 24" Gravity Line from WWTP	\$767,000
3	Reuse Pump Station	\$1,611,000
4	4500 LF of 12" Pipeline to Existing Reuse System	\$620,000
5	Construction Contingency @ 20%	\$2,477,000
<b>Subtotal:</b>		<b>\$14,864,000</b>
<b>Engineering &amp; Construction Management @ 13%:</b>		<b>\$1,932,000</b>
<b>Project Total:</b>		<b>\$16,796,000</b>



# Questions and Discussion

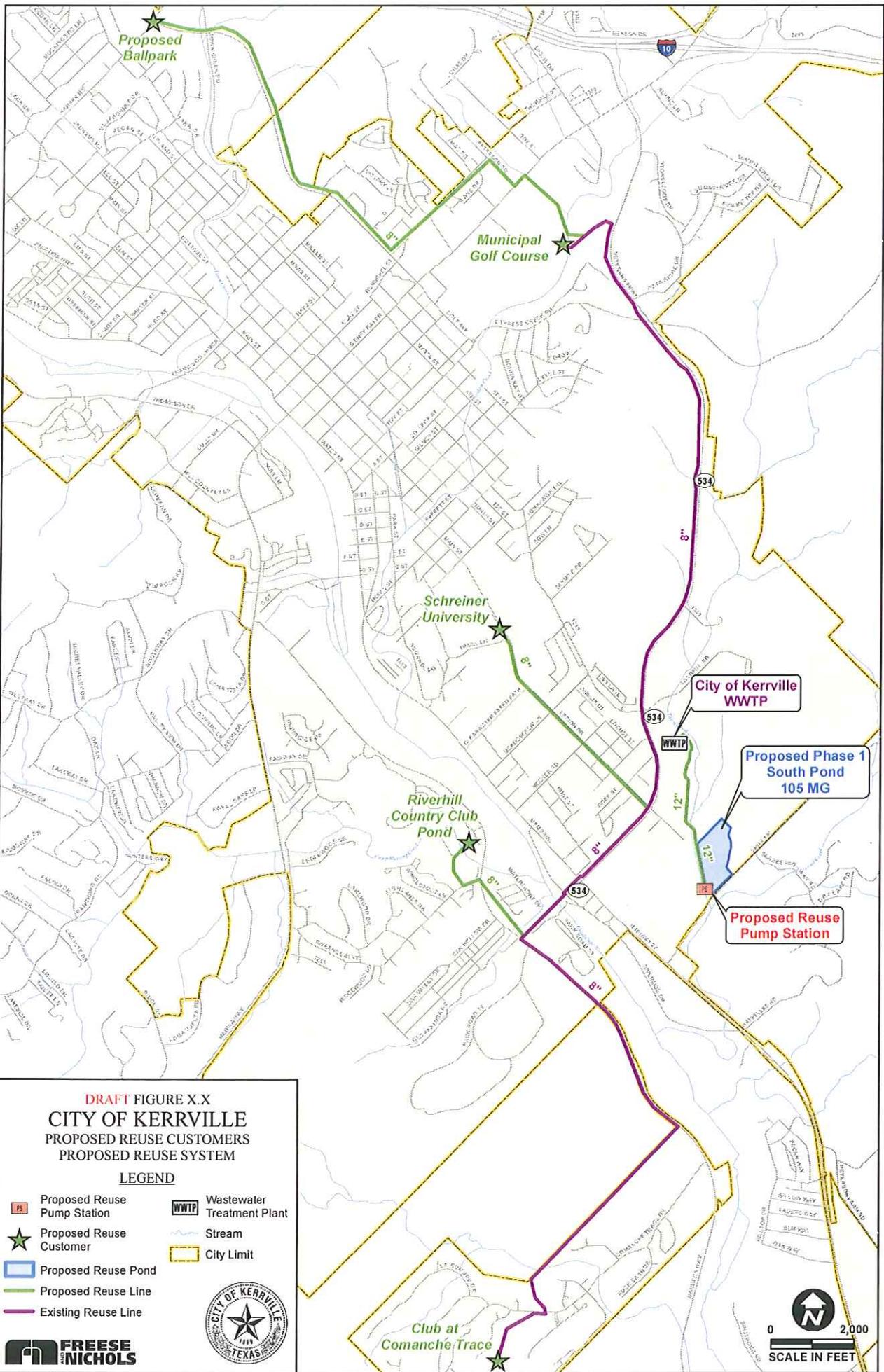
CITY OF KERRVILLE

June 10, 2014



## Water and Wastewater Integrated CIP - Revised

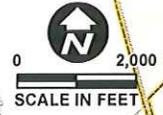
Project Number		Project Description	Project Cost FY 15	Project Cost with 3% Annual Inflation
FY 2015	1	Reuse Pond Design	\$ 2,000,000	\$ 2,000,000
Total 2015			\$ 2,000,000	\$ 2,000,000
FY 2016	1	Reuse Pond Construction - Phase 1	\$11,000,000	\$ 11,330,000
Total 2016			\$11,000,000	\$ 11,330,000
FY 2017	1	Reuse Pond Construction - Phase 2	\$ 4,000,000	\$ 4,243,600
	2	Rehabilitate Conventional Plant Clarifier at WTP	\$ 644,500	\$ 683,750
	3	Stadium Tank 2 Repaint	\$ 464,100	\$ 492,363
	4	Lois Tank Repaint	\$ 546,000	\$ 579,251
	5	Rehabilitate Chemical Feed System at WWTP	\$ 107,416	\$ 113,957
	6	Rehabilitate RAS Pump Station	\$ 48,512	\$ 51,467
Total 2017			\$ 5,810,528	\$ 6,164,388
FY 2018	1	Rehabilitate Oxidation Ditch at WWTP	\$ 1,361,499	\$ 1,487,745
Total 2018			\$ 1,361,499	\$ 1,487,745
FY 2019	1	Knapp LS - Wet Well Expansion and 12" Force Main	\$ 2,000,000	\$ 2,318,547
Total 2019			\$ 2,000,000	\$ 2,318,547
Total 5 Year CIP - Water/WasteWater			\$22,172,027	\$ 23,300,680
FY2020 beyond	1	15"/18"/21" Interceptor Downstream of Knapp Lift Station	\$ 2,122,400	\$ 2,467,823
	2	12"/18" Interceptor Upstream of Knapp Lift Station	\$ 1,943,100	\$ 2,322,188
	3	21" Interceptor Downstream of Jefferson Lift Station	\$ 1,412,200	\$ 1,788,970
	4	1 MG Clearwell Expansion at WTP	\$ 2,100,000	\$ 3,575,200
	5	Increase Filter Capacity at WWTP	\$ 3,532,454	\$ 6,379,159
	6	12" River Crossing Water Line	\$ 1,223,800	\$ 2,083,500
	7	12" College Cove Water Line	\$ 355,700	\$ 605,600
Total 2020 & Beyond			\$12,689,654	\$ 19,222,440



**DRAFT FIGURE X.X**  
**CITY OF KERRVILLE**  
**PROPOSED REUSE CUSTOMERS**  
**PROPOSED REUSE SYSTEM**

**LEGEND**

-  Proposed Reuse Pump Station
-  Wastewater Treatment Plant
-  Proposed Reuse Customer
-  Proposed Reuse Pond
-  Proposed Reuse Line
-  Existing Reuse Line
-  Stream
-  City Limit



Created by Freese and Nichols, Inc.  
 Job No: KERR1348  
 Location: H:\V\SWW\_PLANNING\DELIVERABLES\00 - WORK\0202-Proposed\_Reuse\_Customers\Figure X.X\Proposed\_Reuse\_Customers\_11x17.mxd  
 Updated: Wednesday, September 03, 2014 9:24:58 AM



BALLPARK REUSE LINE  
CITY OF KERRVILLE

OPINION OF PROBABLE CONSTRUCTION COST

September 3, 2014

ESTIMATOR KLD	CHECKED BY	ACCOUNT NO KER13488
------------------	------------	------------------------

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
	<b>PIPELINE TO REUSE SYSTEM</b>				<b>\$969,000</b>
1	8" C900 PVC PIPE	15,600	LF	\$57	\$884,000
2	ISOLATION AND AIR RELEASE VALVES	1	LS	\$50,000	\$50,000
3	PAVEMENT REPAIR	1	LS	\$25,000	\$25,000
4	SYSTEM TIE-IN	1	LS	\$10,000	\$10,000
SUBTOTAL:					\$969,000
MOBILIZATION: 5%					\$48,000
SUBTOTAL:					\$1,017,000
OVERHEAD & PROFIT: 15%					\$153,000
SUBTOTAL:					\$1,170,000
CONTINGENCY: 20%					\$234,000
<b>PROJECT TOTAL:</b>					<b>\$1,404,000</b>



SCHREINER UNIVERSITY REUSE LINE  
CITY OF KERRVILLE

OPINION OF PROBABLE CONSTRUCTION COST

September 3, 2014

ESTIMATOR	CHECKED BY	ACCOUNT NO
KLD		KER13488

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
	<b>PIPELINE TO REUSE SYSTEM</b>				<b>\$414,000</b>
1	8" C900 PVC PIPE	5,800	LF	\$57	\$329,000
2	ISOLATION AND AIR RELEASE VALVES	1	LS	\$50,000	\$50,000
3	PAVEMENT REPAIR	1	LS	\$25,000	\$25,000
4	SYSTEM TIE-IN	1	LS	\$10,000	\$10,000
				SUBTOTAL:	\$414,000
				MOBILIZATION: 5%	\$21,000
				SUBTOTAL:	\$435,000
				OVERHEAD & PROFIT: 15%	\$65,000
				SUBTOTAL:	\$500,000
				CONTINGENCY: 20%	\$100,000
				<b>PROJECT TOTAL:</b>	<b>\$600,000</b>



RIVERHILL REUSE LINE  
CITY OF KERRVILLE

OPINION OF PROBABLE CONSTRUCTION COST

September 3, 2014

ESTIMATOR KLD	CHECKED BY	ACCOUNT NO KER13488
------------------	------------	------------------------

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
	<b>PIPELINE TO REUSE SYSTEM</b>				<b>\$283,000</b>
1	8" C900 PVC PIPE	3,500	LF	\$57	\$198,000
2	ISOLATION AND AIR RELEASE VALVES	1	LS	\$50,000	\$50,000
3	PAVEMENT REPAIR	1	LS	\$25,000	\$25,000
4	SYSTEM TIE-IN	1	LS	\$10,000	\$10,000
SUBTOTAL:					\$283,000
MOBILIZATION: 5%					\$14,000
SUBTOTAL:					\$297,000
OVERHEAD & PROFIT: 15%					\$45,000
SUBTOTAL:					\$342,000
CONTINGENCY: 20%					\$68,000
<b>PROJECT TOTAL:</b>					<b>\$410,000</b>

**CITY OF KERRVILLE, TEXAS  
KERRVILLE REUSE FACILITY  
EXHIBIT A - SCOPE OF SERVICES**

**GENERAL PROJECT DESCRIPTION:**

This document provides details for the final design of the proposed Kerrville Reuse Facility Storage Pond and Pump Station for the City of Kerrville. The proposed site is located approximately 0.4 miles northeast of the intersection of Highway 27 (Memorial Boulevard) and Spur 100.

The overall project will consist of detailed design services, bidding services, and services during construction. The general aspects of the proposed project are defined below along with our understanding of the improvements as it pertains to the project.

Kerrville Reuse Facility consists of three main components as follows:

- New Storage Pond (South) – With a 105 MG capacity of reuse water, the pond will consist of a new soil cement and HDPE-liner with 3H:1V or flatter side slopes and a footprint of approximately 15 acres.
- New Pump Station – The approximate location of the proposed pump station will be at the southwestern corner of the proposed reuse storage pond. The proposed pump station will be capable of serving two pressure planes within the City's proposed reuse system.
- New 24-inch Gravity Pipeline from WWTP and New Transmission Pipelines (2 total, one for each pressure plane) to Existing Reuse System – Approximately 2,560 linear feet of 24-inch gravity line will be installed from the new pond to the existing treatment facility. Two transmission mains will be installed, approximately 2,000 linear feet in length from the proposed pump station to the existing reuse distribution system adjacent to Legion Dr. to Veterans Hwy (534). It is assumed that the transmission mains will be constructed adjacent to each other.

The depth of the pond is estimated to be about 26 feet which includes 3 feet of freeboard. The volume of soil needed to construct the embankment exceeds the amount of soil recoverable during excavation so an estimated 150,000 cubic yards of offsite fill material would need to be delivered to the site for construction. Fill for construction of the earthen embankment will be obtained from onsite excavation of the pond and either from an offsite borrow source or from the north end of the property where soccer fields are currently located. Geotechnical investigations and material testing are to be performed at the site and potential offsite borrow sites to provide the technical parameters to develop plans and specifications for the pond.

**1.0 PROJECT SCOPE AND ASSUMPTIONS:**

**A. PROJECT SCOPE**

1. 105 MG Re-Use Pond with soil cement liner. Berm height will vary from less than 5' to the 30' range as the topography of the site varies.
2. Pump station to pump water from the pond to the City's existing re-use system on Veteran's Hwy (534).
3. Approximately 2,560 LF of 24" gravity line to take WWTP effluent to the pond.
4. Approximately 4,000 LF of transmission main to move re-use water from the pump station to the City's existing re-use system.

**B. PROJECT ASSUMPTIONS**

1. The project scope, in general, will be in accordance with the recommendations made in the "Water Reuse Feasibility Study", by Freese and Nichols, Inc., dated June 4, 2014.
2. Project will be split into two bid packages:
  - a. Reuse Pond
  - b. Pump Station and Reuse Process Piping
3. Waters of the US impacts require a Corps of Engineers' approval. With rare exceptions, Waters of the US exist within floodplains. It is clearly understood that any Waters of the US involvement relating to this project will be addressed by others and is not included in our scope of services unless specifically stated in the contract.
4. Review fees of any kind from city, state, federal or other sources will be paid by the client and are not included in this proposal.
5. Public Meetings are not included.
6. The existing floodplain analysis is based on existing watershed conditions. As the watershed develops the runoff increases and the floodplain widths and depths will also increase. Even ultimate land use studies may have future floodplain widths wider than determined due to a change of land use of the watershed, loss of valley storage, and other development. The client understands and agrees that Freese and Nichols, Inc. is not responsible for future floodplain expansions that may require the property to purchase flood insurance or the resulting flood damages.
7. Improvements to existing reuse lines and/or additional reuse distribution lines are not included within this scope of work.
8. The proposed pump station and the City's reuse system will operate as a non-pressurized system, i.e. hydro-pneumatic tanks, etc. are not required and are not included within this scope.

**2.0 SUBCONSULTANTS:**

- A. Surveyor - Cuplin and Associates, Inc.
- B. Geotechnical Drilling – Austin Geologic (AG)
- C. Geotechnical Testing Lab – TRI Environmental, Inc. (TRI)
- D. Archaeological Investigation - Prewitt and Associates, Inc.

**3.0 BASIC SERVICES: FNI shall provide the following professional services in connection with the development of the Kerrville Re-Use Facility:****A. PROJECT MANAGEMENT**

1. Prepare subconsultant agreements as required for the project.
2. Conduct Project Kickoff Meeting with City Staff: Purpose of this meeting is to introduce the FNI project team to City staff, establish project communications protocols, confirm project goals and objectives, review scope, schedule and budget, and coordinate initial project tasks.
3. 1-Page Monthly Reports: FNI will prepare and submit monthly status reports to the City with FNI's monthly invoice. Monthly status reports will comprise a one page summary of

the progress to date on the project, work completed during the prior month, work anticipated to be completed during the upcoming month, and discussion of any scope, schedule, or budget issues that may need to be resolved.

4. Quality Assurance/Quality Control: FNI will develop and implement a QA/QC plan for the work.

#### B. WATER RESOURCES ENGINEERING AND POND DESIGN

The depth of the pond is estimated to be about 26 feet which includes 3 feet of freeboard. The volume of soil needed to construct the embankment exceeds the amount of soil recoverable during excavation and, therefore, an estimated 150,000 cubic yards of offsite fill material will be required for construction. Fill for construction of the earthen embankment will be obtained from onsite excavation of the pond and either from an offsite borrow source and/or from the north end of the property where soccer fields are currently located. Geotechnical investigations including material testing will be performed as part of the project at the proposed pond site and potential offsite borrow areas during the design phase. The investigations will provide technical parameters to develop plans and specifications for the pond.

1. Engineering and Analysis and Design
  - a. Perform slope stability and seepage analyses of proposed embankment sections.
  - b. Perform settlement analysis of proposed embankment.
  - c. Provide encasement design of inlet and outlet pipes through the embankment. Thrust restraint design and connection design will be coordinated with the pump station design.
  - d. Provide structural design of inlet and outlet structures with removable grates, inlet and outlet pipe encasement, and ancillary features.
  - e. Provide the electrical design associated with lighting located on the reservoir crest as well as sump pump (if necessary) for the underdrain system. Design will only include tapping into power from the electrical panel in the pump station, and the ductbanks required to connect power source to lighting and sump pump.
  - f. Design underdrain system to be installed below the bottom of each reservoir cell. Provide design for pipe, trench and embedment material. Design will include sump pump system, if necessary based on grades, to discharge water collected in the underdrain system.
  - g. Design of basic instrumentation for the two initial reservoir cells including piezometers, surface reference monuments, and high water level indicators.
  - h. Perform hydrologic and hydraulic analyses to determine flow capacity of emergency overflow spillways, the most appropriate locations of the emergency overflow spillways, and the grading necessary to direct flows away from the structure.
  - i. Provide site grading necessary to direct storm water and emergency overflow spillway discharges away from the toe of the reservoir embankment and toward acceptable areas.
  - j. Design emergency spillway configuration. Alternatives to consider for design include outlet pipes with an outfall basin or an overflow weir with stilling basin.
  - k. Provide structural design of outlet emergency spillway structure.

- I. FNI will evaluate the pond and provide electrical, structural and mechanical design for a pond aeration and mixing system.
    - m. FNI will prepare an engineering report summarizing design criteria and basis of design, which will include:
      - 1) Discussion of expected performance requirements
      - 2) Summary of subsurface conditions, soil properties, and strength parameters
      - 3) Summary of permit strategy
      - 4) Seepage, settlement and slope stability analysis and results
      - 5) Earthwork related recommendations including staging areas and haul roads for development of plans and specifications for zoned embankment
      - 6) Structural recommendations for outlet structures and embankment penetration plans and specifications
      - 7) Recommendations for emergency spillway outfall
      - 8) Recommendations for development of soil cement overlay, HDPE liner, and underdrain system plans and specifications
      - 9) Recommendations for circulation and aeration equipment
      - 10) General discussion of expected construction related issues
      - 11) General discussions of expected operation and maintenance requirements including access
  - 2. Breach Analysis and Emergency Action Plan: Perform a Probable Maximum Flood (PMF) analysis in accordance with the Texas Commission on Environmental Quality (TCEQ) Guidelines. Complete a breach analysis of the reservoir and develop inundation mapping based on the results of the breach analysis. Evaluate up to three potential breach locations. Use best available topographic data to develop inundation mapping, including survey information at the reservoir site, and TNRS 10-foot data where survey information is unavailable. Inundation mapping will be completed for a distance of up to 5 miles from the reservoir. Up to three different potential breach locations will be considered. Coordinate with City to obtain information required to develop an Emergency Action Plan for the reservoir. Submit draft copies of the Breach Analysis report and Emergency Action Plan to City and TCEQ for comments and approval. Provide final reports to City.
- C. REUSE PUMP STATION DESIGN AND REUSE PROCESS PIPING
  - 1. FNI will provide design of a pump station to pump water from the proposed detention pond to the City's existing reuse distribution system along Veteran's Hwy (534).
  - 2. The pump station will be able to pump into two separate pressure planes, i.e. two pumps for each pressure plane.
  - 3. FNI will coordinate with the existing reuse system and pump station at the WWTP.
  - 4. FNI will design the gravity reuse line from the WWTP to the proposed pond.
  - 5. FNI will provide the architectural, electrical, structural and mechanical design for the pump station and all appurtenant structures including one electrical building and pump station canopy.

6. Provide design for metering facilities including meter vault(s), instrumentation and SCADA coordination.
7. FNI will model the City's existing and proposed improvements to their reuse system and establish pressure plane boundaries and system curves for the proposed pump station. FNI will provide a technical memo with recommendations for the proposed system.

#### D. GEOTECHNICAL ENGINEERING

The proposed geotechnical scope of work will consist of field exploration, laboratory testing, and engineering analysis. It is anticipated that exploration will be performed by AG and laboratory testing will be performed by TRI, under the direction of FNI.

##### 1. Geotechnical Exploration

- a. Review the boring logs from the Reuse Study.
- b. FNI will select appropriate locations for exploratory borings within the vicinity of the proposed improvements according the following:
  - 1) 105 MG Holding Pond – 4 borings to a depth of 50 feet; 5 borings to a depth of 40 feet and 2 borings to a depth of 15 feet
  - 2) Pump Station – 2 borings to a depth of 40 feet near the southwest corner of the proposed storage pond; one boring to a depth of 20 feet for the flow meter vault
  - 3) 24-inch Gravity Pipeline, 12-inch Transmission Pipeline, other miscellaneous lines – 2 borings to a depth of 45 feet at the creek crossing
  - 4) Onsite or Offsite Borrow Area – 3 borings to a depth of 15 feet
- c. Subsurface samples shall be obtained at 2.5-foot intervals within the upper 10 feet and at 5-foot intervals thereafter using 3-inch diameter Shelby tubes for cohesive soils and a 2-inch diameter split-spoon sampler in conjunction with the Standard Penetration Test (SPT) for intermediate geomaterial and non-cohesive soils. Rock and rock-like materials will be cored using an NX core barrel within 4 of the borings in the pond and both borings at the pump station. Insitu testing (SPT or the Texas Cone Penetration Test) will be performed between core runs with poor recovery (less than 75 percent) and at the termination depth of each boring.
- d. Groundwater observations within the borings will be recorded at the time of drilling and at the completion of drilling and sampling.
- e. FNI will notify the One-Call system of the planned borings in order to locate existing underground utilities at the project site prior to commencement of the exploration activities. FNI will notify the appropriate City department, obtain relevant permits (if applicable), check other existing ongoing construction, and verify accessibility.
- f. FNI will provide an engineer or geologist experienced in logging borings to direct the drilling, log the borings, record the blow counts of insitu testing, and handle the samples. Visual classification of the subsurface stratigraphy shall be provided according to the Unified Soil Classification System (USCS).
- g. The borings drilled for the creek crossings and offsite borrow areas will be backfilled with auger cuttings at the completion of drilling and sampling. The remaining borings (for the storage pond, pump station and onsite borrow areas/future reuse pond areas) will be grouted with cement-bentonite grout.

## 2. Laboratory Testing

- a. Testing shall be performed by TRI on samples obtained from the borings to determine soil classification and pertinent engineering properties of the subsurface materials.
- b. FNI will select samples for laboratory testing, assign tests, and review the test results.
- c. Laboratory tests will be appropriately assigned for the specific subsurface materials encountered during exploration, but are expected to include:
  - 1) Classification tests (liquid and plastic limits and percent passing the no. 200 sieve) – maximum of 30 Atterberg Limits and 30 No. 200 sieve tests
  - 2) Moisture content – maximum of 30 tests
  - 3) Dry unit weight – maximum of 12 tests
  - 4) Unconfined compressive strength – maximum of 5 soil samples and 15 rock core samples
  - 5) Triaxial tests – CU bar: maximum of 3 tests on remolded samples; UU: maximum of 3 tests on remolded samples and maximum of 2 tests on undisturbed samples
  - 6) CD direct shear tests – maximum of 2 tests
  - 7) Crumb dispersion tests – maximum of 30 tests

## 3. Engineering Analysis

FNI will perform the geotechnical engineering analysis and prepare a report summarizing the geotechnical investigation, which will include:

- a. Appendix with the laboratory data provided by TRI.
- b. Discussion of subsurface conditions and soil properties indicated by the field and laboratory work, and the implications for design.
- c. Foundation recommendations for the support of the proposed pump station, including bearing capacity of soils, suitable bearing material, lateral and overturning resistance, etc. applicable for the recommended foundation or foundation options.
- d. Lateral earth pressures when appropriate.
- e. Seepage, settlement and slope stability analysis and recommendations for the 105 MG Storage Pond.
- f. General discussion of expected construction related issues.
- g. Earthwork related recommendations for use during development of plans and specifications.

## E. SURVEY AND EASEMENT PREPARATION

The proposed survey scope of work will consist of topographical survey. It is anticipated that exploration will be performed by Cuplin and Associates, Inc., under the direction of FNI.

1. Provide topographical survey and survey of existing features and structures within the project limits.

2. Research utilities and easements within the project boundaries. Obtain drawings of existing agency and municipal owned utilities and include locations of these utilities in the survey.
3. Coordinate utility marking with Dig Tess (level B), conduct survey and locate utilities within the project boundary. Obtain the services of a utility locator service (such as DIGTESS) and coordinate flagging of existing franchise utilities. Tie in the locations of the existing utilities on the survey.
4. Subsurface utility exploration (SUE) may be provided by the City as directed by the Engineer. Surveyor shall coordinate and survey uncovered utilities.
5. Provide control staking for the project. Construction staking shall be provided by the Contractor.
6. Parcels and Field Notes
  - a. Perform deed, plat and courthouse record research and prepare metes and bounds descriptions, survey parcels and field notes for up to 4 possible impacted parcels of land for permanent and temporary right-of-way acquisition. The descriptions shall each contain drawing Exhibit A and verbal description Exhibit B, in accordance with State surveying standards.
  - b. Obtain copies of deeds and easement documents.
  - c. Survey existing property corners, fences and appurtenant property evidence along the alignment route.
  - d. Stake Final easement corridor from alignment data.
  - e. Show ownership and adjoiner ownership data for properties along the route.
  - f. Revise parcel descriptions and field notes per comments and final title report.
  - g. Stake all parcels.

#### F. ENVIRONMENTAL EVALUATION AND PERMITTING

The scope outlined below assumes that there is no major opposition in the permitting process and that there are no unusual permitting problems. If opposition develops or permitting problems occur, the scope and fee limit will be revised and submitted to Owner for approval. The scope of work does not include studies, reports, permit applications, etc. for electrical power line easements or utility relocation. This scope assumes that the project can be designed and authorized under the terms and conditions of Nationwide Permit (NWP) 12, Utility Line Activities, or other NWP, without a pre-construction notification.

1. Prior to making a field visit, FNI will obtain information for the vicinity such as soils maps, National Wetland Inventory maps, topographic maps, floodplain maps, and other readily available, pertinent data. This information will be evaluated to guide the field survey described below. FNI's scientists will conduct a pedestrian survey of the proposed reuse pond(s) and associated facilities to assess the conditions at the site.
2. Waters of the U. S. are regulated by the USACE and require a permit for activities conducted within the jurisdictional boundaries. The presence of jurisdictional waters such as ephemeral, intermittent, or perennial streams; wetlands; or other open waters will be documented and mapped. FNI will prepare a technical memorandum that will include a description of field observations described above; and if so, the type(s) of

waters; an estimate of the area of impact to waters of the U.S.; and a discussion of USACE 404 permit authorizations.

3. Threatened and Endangered Species. Conduct reconnaissance-level field surveys within the area of the proposed water reuse ponds to identify potential habitat and document any threatened or endangered (T&E) species encountered. Emphasis will be on federally listed species, but the Texas Parks and Wildlife Department T&E species database will be reviewed and documented. The results of the T&E species review will be documented in a site visit memorandum.
4. The Antiquities Code of Texas was passed in 1969. It requires that the Texas Historical Commission staff review any action that has the potential to disturb historic and archaeological sites on public land.

Additional actions that need review under the Antiquities Code of Texas include any construction program that takes place on land owned or controlled by a state agency or a state political subdivision, such as a city or a county.

Projects that require review include:

- a. Reservoirs constructed by river authorities and water districts;
  - b. Construction of recreational parks or the expansion of existing facilities by city governments;
  - c. Energy exploration by private companies on public land; and
  - d. Construction by a city or county government that exceeds 5 acres or 5,000 cubic yards, whichever comes first. If the activity occurs inside a designated historic district or affects a recorded archaeological site, it needs to be reviewed, regardless of project size.
  - e. If there is a requirement for a Section 404 permit, compliance with the conditions of the National Historic Preservation Act is required. No activity which may affect historic properties listed or eligible for listing in the National Register of Historic Places can be authorized until the USACE District Engineer has complied with the provisions of 33 CFR part 325, Appendix C.
5. Freese and Nichols, Inc. environmental scientist will provide desktop review of the Texas Archaeological Research Laboratory (TARL) to determine the likelihood and potential extent of coordination with the Texas Historical Commission (THC). Subsequent activities, potentially including shovel test and/or backhoe trenching, may require the services of a qualified archaeologist, as an additional service.
  6. FNI will provide the Storm Water Pollution Prevention Plans (SWPPP) for both projects.

#### G. STORM WATER ENGINEERING

The Federal Emergency Management Agency (FEMA) floodplain map shows that the subject tributary has an approximate floodplain noted as Zone A on the FIRM Panel 48265C0490F. We understand that you wish to finalize base flood elevations along Third Creek to more accurately define the existing condition floodplain in order to set the levee elevation for the proposed reuse pond. To accomplish this we propose to revise the preliminary study to incorporate design survey along Third Creek. This information will be used to set the required levee elevation for the reuse pond. We will prepare a submittal request to FEMA in support of a Conditional Letter of Map Revision (CLOMR) to be approved by the Community and FEMA

and to ensure that the project meets federal requirements for a levee. Once the project is constructed, the CLOMR will be revised to reflect as-built conditions and submitted to FEMA as a LOMR for both Community and FEMA approval. Once both entities approve the LOMR, the Flood Insurance Rate Map (FIRM) will be modified to reflect the project results.

1. Data Collection

- a. A site visit will be made to validate the design survey.
- b. OWNER will provide Compaction Certification of all fill placed in the FEMA Effective floodplain for inclusion in the LOMR. This certification must show the fill was compacted to a minimum of 95% Standard Proctor Dry Density.

2. Hydrologic Analyses

- a. The pre-project conditions hydrology and associated HEC-HMS model will be obtained from the preliminary study and used for defining pre-project 100-year conditions. Scope of this project assumes hydrologic calibration is not applicable since stream gages do not exist on the subject reach.
- b. The model will be updated to include 10-, 25-, and 500-year storm events based on FEMA requirements.
- c. The revised model will be modified to reflect proposed changes to the watershed based on project conditions. For scoping purposes, only one project condition has been included and basin DA2 is proposed to be subdivided into a maximum of four basins.

3. Pre-Project Condition Hydraulic Analyses

- a. Update existing cross sections and culvert information from the preliminary study from Station 3763 to 6052 using design survey.
- b. Add new sections, if necessary, to define irregular geometric conditions as determined by the design survey.
- c. Determine flood stage for various events across the study area. Scope of this project assumes historic high water mark data is not available through the subject reach; therefore hydraulic validation is not included.
- d. Based on the above data, complete pre-project conditions hydraulic model to include:
  - 1) Water Surface Profile Plots
  - 2) Cross Section Plots
  - 3) 100-year and 500-year Floodplain Delineation
  - 4) Computer printouts of model runs

4. Proposed Condition Hydraulic Analyses

Using the floodplain reclamation approach, a design will be completed that will accomplish the reclamation requirements. Since it is possible to develop many designs that accomplish the same purpose, we have included only one design in the proposal. If others are desired we will accomplish these with client authorization of "Additional Services".

- a. Modify existing condition cross-sections as necessary to develop a proposed hydraulic model of the project conditions through the site.

- b. Develop a proposed condition hydraulic analysis of the above conditions and compare the results to the pre-project condition flood levels and velocities to determine if there are any increases in 100-year flood levels or erosive velocities.
  - c. Where 100-year flood levels increase or where erosive conditions exist, coordinate with the client and community, including Kerr County floodplain administrator, to determine if these conditions are acceptable.
  - d. Based on the above data complete:
    - 1) Water Surface Profile Plots
    - 2) Cross Section Plots
    - 3) 100-year and 500-year Floodplain Delineation
    - 4) Computer printouts of model runs
5. Property Owner Research and Individual Notification of Adverse Impacts
- a. Identify adversely impacted properties from flood study.
  - b. Research property ownership obtaining names and addresses of adversely impacted properties.
  - c. Coordinate with the community to distribute certified mail notifications to these property owners.
  - d. Supply FEMA with copies of certified mail distributions.
6. Conditional Letter of Map Revision
- Once design is complete, prepare a submittal request to FEMA in support of a Conditional Letter of Map Revision (CLOMR) for approval of the design.
- a. Complete necessary FEMA MT-2 forms for inclusion in submittal.
  - b. Prepare five (5) hard copies of the report (FEMA, Community, Kerr County, and 2 for City) and one digital copy explaining the methodologies and results of the study and containing appropriate charts, graphs, plots, exhibits and printouts to describe the study. Additional copies can be provided with client approval of "Additional Services."
7. Letter of Map Revision
- Once construction is complete, prepare a submittal request to FEMA in support of a Letter of Map Revision (LOMR) for approval of a map change. For scoping purposes, it is assumed that the project is constructed as the CLOMR reflects; therefore additional modeling/mapping will not be necessary.
- a. Complete necessary FEMA MT-2 forms for inclusion in submittal.
  - b. Prepare five (5) hard copies of the report (FEMA, Community, Kerr County, and 2 for City) and one digital copy explaining the methodologies and results of the construction. Additional copies can be provided with client approval of "Additional Services".
  - c. Provide RPLS sealed survey of project area and as-built plans.

#### 8. Regulatory Coordination

Provide necessary coordination with FEMA and the Community to provide technical information in support of the CLOMR and LOMR report. Notification beyond certified letters to impacted property owners is beyond the scope of the basic services, however if necessary this can be performed with client authorization of "Additional Services."

9. FNI will pay for the fees associated with the FEMA review of the letter of map revision.

#### H. ARCHAEOLOGY

The scope of work for the archaeological survey includes the pond area and the proposed utilities to the WWTP and to Veteran's Hwy (534).

##### 1. Pond and Utilities

a. The archaeological survey includes alignment of the proposed gravity and pressure reuse lines between the proposed detention pond and the WWTP. Survey will also include the pond area. It is assumed that the area of the pond has been substantially disturbed and exploratory excavations will not be required.

##### b. Archaeological Survey

1) Pedestrian coverage of approximately 3,000 LF of pipeline corridor from the pond to the WWTP, 25 acre detention pond area, approximately 1,200 LF of utility alignment along Legion Drive from the proposed pond to Veteran's Hwy, and the existing ROW and adjacent easement at Legion Drive and Veteran's Hwy. at intervals of 100 LF or less.

2) All areas of exposed ground surface and existing subsurface exposures will be examined for evident of archaeological remains.

Where ground surface visibility is less than 30% and there is the potential for buried cultural materials, shovel tests will be dug to look for archaeological remains. Shovel tests will be approximately 1 foot in diameter and up to 3 feet deep. All tests will be backfilled immediately upon completion. In compliance with the requirements of the Texas Historical Commission's Archaeological Survey Standards for Texas, up to 13 shovel tests may be needed along the pipeline corridors. Limited shovel testing will be needed in the proposed detention pond based on the level of disturbance.

##### 2. Pre-field efforts will consist of three main tasks:

a. A file search using the Texas Historical Commission's Archaeological Sites Atlas to collect information on known sites that could be impacted by the project.

b. Review of existing literature on archaeological investigations nearby.

c. Completion of an application for an antiquities permit from the Texas Historical Commission.

d. After receipt of the permit and private property access provided by the OWNER, field work will be conducted by a two-person crew who will perform an intensive survey of the full length and width of the corridor, including an examination of the ground surface and existing exposures for evidence of archaeological remains.

3. The survey will identify and document all archaeological resources within the project area and existing disturbances and any other factors that could preclude archaeological

deposits with good contextual integrity. Any archaeological materials discovered will be recorded on State of Texas Archaeological Site Data Forms for subsequent submittal in TexSite format to the Texas Archaeological Research Laboratory. The survey will be conducted under a limited-collection policy in which only temporally diagnostic artifacts (dart points, arrow points, prehistoric ceramics, and diagnostic historic artifacts) will be retained for curation,

4. Analysis of the information recovered and preparation of a report providing discussions of background research, work accomplished, results of field investigations, and recommendations concerning eligibility for State Archaeological Landmark designation and listing in the National Register of Historic Places will be conducted following completion of the fieldwork. The report will meet the requirements of the Council of Texas Archaeologists' guidelines and will provide all information required for consultation with regulatory agencies. After receipt of any review comments, the report will be modified as necessary, and a final report will be produced.
- I. 30% DESIGN PHASE: FNI shall provide professional services in this phase as follows:
1. Project Plans for this phase shall consist of:
    - a. Plan of existing conditions
    - b. Construction survey and project features controls
    - c. Plan and typical sections of critical project features
    - d. Critical details to support proposed concept
  2. FNI will provide separate construction drawings for the following projects:
    - a. Detention Pond
    - b. Pump Station and Reuse Process Piping
  3. Meetings/Site Visits
    - a. Project Kickoff Meeting with the City
    - b. Project site visit for environmental permitting
    - c. Project site visit for survey coordination
    - d. Site visits for data collection and coordination. Maximum of 3.
    - e. Attend 30% design review meeting with the City
    - f. Participate in meeting with TCEQ Dam Safety to discuss project and provide draft documents for review.
  4. Deliverables
    - a. Monthly 1-Page Reports
    - b. Project schedule
    - c. FNI will provide separate submittals for each project at the 30% submittal as follows:
      - 1) 5 hard copies in 22"x34" (full-size) format
      - 2) 1 electronic copy in PDF via FTP
      - 3) Opinion of Probable Construction Cost (OPCC)

- d. Environmental Memorandum
  - e. Pond Design Engineering Report
  - f. Reuse System Modelling Technical Memorandum
  - g. Comment Address Form with written responses to the City's 30% comments.
- J. 90% DESIGN PHASE:
- Project plans for this phase shall be substantially completed drawings, all sheets: general site drawings, civil drawings, structural drawings with reinforcement details, mechanical and electrical drawings. Contract documents and project specifications will be provided during this phase.
- FNI will provide separate construction drawings and contract documents for the following projects:
1. Detention Pond
  2. Pump Station and Reuse Process Piping
  3. Meetings/Site Visits
    - a. Attend 90% design review meeting with the City
    - b. Site visits for data collection and coordination. Maximum of 3.
  4. Deliverables
    - a. Monthly 1-Page Reports
    - b. Project Schedule
    - c. Comment Address Form with written responses to the City's 30% comments.
    - d. FNI will provide separate submittals for each project at the 90% submittal as follows:
      - 1) 5 hard copies in 22"x34" (full-size) format
      - 2) 5 hard copies of contract documents and project specifications.
      - 3) 1 electronic copy in PDF via FTP
      - 4) Opinion of Probable Construction Cost (OPCC)
- K. 100% DESIGN PHASE:
- Project plans for this phase shall be complete signed and sealed drawings, issued for bid and agency review.
1. FNI will provide separate construction drawings and contract documents for the following projects:
    - a. Detention Pond
    - b. Pump Station and Reuse Process Piping
  2. FNI will provide engineering reports, plans and required documentation required for applicable agency review, including the TCEQ, TxDOT and other agencies.
  3. Deliverables
    - a. Monthly 1-Page Reports

- b. Project schedule
  - c. Comment Address Form with written responses to the City's 30% comments.
  - d. 3 copies of parcel/easement documents, as required
  - e. FNI will provide separate submittals for each project at the 100% submittal as follows:
    - 1) 5 hard copies in 22"x34" (full-size) format
    - 2) 5 hard copies in 11"x17" (half-size) format
    - 3) 5 hard copies of contract documents and project specifications.
    - 4) 1 electronic copy in PDF via FTP
    - 5) Opinion of Probable Construction Cost (OPCC)
- J. BID OR NEGOTIATION PHASE: Upon completion of the design services for the two bid packages indicated above, and approval bid drawings and specifications by City, FNI will proceed with the performance of services in this phase as follows:
- 1. Meetings:
    - a. Prebid Meeting: Assist the City in conducting a pre-bid conference for the construction project and coordinate responses with City. Response to the pre-bid conference will be in the form of addenda issued after the conference. FNI will attend two prebid meetings, one for each project indicated above.
    - b. Bid Opening: Attend project bid opening and open bids as required by the City. FNI will attend two bid openings, one for each project indicated above.
  - 2. Bid Phase Services:
    - a. FNI will set up the projects on CivCastusa.com to distribute the bid documents to prospective bidders and plan rooms. Electronic sets of documents will be made available at no charge to plan holders. Hard copy plans will not be provided by the Engineer except as indicated below.
    - b. Assist City by responding to questions and interpreting bid documents. Prepare and issue addenda to the bid documents to plan holders if necessary.
    - c. Tabulate and analyze the bids received. Review the qualification information provided by the apparent low bidder to determine if, based on the information available, they appear to be qualified to construct the project.
    - d. Recommend award of contracts or other actions as appropriate to be taken by City.
    - e. Provide Notice of Award of Contract to the Contractor and provide letter with directions for the execution of the contract documents.
    - f. Assist City in the preparation of the Construction Contract Documents.
  - 3. Phase Deliverables:
    - a. Conformed Construction Documents
      - 1. For contract execution:
        - 3 copies of the contract documents
      - 2. For City for use during construction:

- a. 3 hard copies in 22"x34" (full-size) format
  - b. 5 hard copies in 11"x17" (half-size) format
  - c. 5 hard copies of contract documents and project specifications.
  - d. 1 electronic copy in PDF via FTP
3. For Construction Contractor:
    - a. 3 hard copies in 22"x34" (full-size) format
    - b. 5 hard copies in 11"x17" (half-size) format
    - c. 5 hard copies of contract documents and project specifications.
- K. CONSTRUCTION PHASE:
1. Upon completion of the bid or negotiation phase services, FNI will proceed with the performance of construction phase services for each of the two projects as described below.
  2. FNI will endeavor to protect the City in providing these services however, it is understood that FNI does not guarantee the Contractor's performance, nor is FNI responsible for supervision of the Contractor's operation and employees. FNI shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor, or any safety precautions and programs relating in any way to the condition of the premises, the work of the Contractor or any Subcontractor.
  3. FNI shall not be responsible for the acts or omissions of any person (except its own employees or agents) at the Project site or otherwise performing any of the work of the Project.
  4. These services are based on the use of FNI standard General Conditions for construction projects. Modifications to these services required by use of other general conditions or contract administration procedures are an additional service. If general conditions other than FNI standards are used, the City agrees to include provisions in the construction contract documents that will require the construction contractor to include FNI and their subconsultants on this project to be listed as an additional insured on contractor's insurance policies.
  5. FNI will furnish construction contract administration services in support of full time on-site inspection personnel provided by the Owner.
  6. Meetings:
    - a. Pre-Construction Meeting: Assist the City in conducting pre-construction conference with the Contractor. Prepare project meeting minutes. FNI will attend a total of 2 pre-construction meetings, one for each project.
    - b. Construction Site Visits/Construction Progress Meetings: Make up to 12 site visits during the course of construction (estimated to be approximately 12 months construction schedule), as distinguished from the continuous services of a Resident Project Representative, to observe the progress and the quality of work and to attempt to determine in general if the work is proceeding in accordance with the Contract Documents. Site visits in excess of the specified number shall be considered an Additional Service.

- c. Punchlist Meeting: Conduct, in company with City's representative, a final review of the Project for conformance with the design concept of the Project and general compliance with the Construction Contract Documents. Prepare a list of deficiencies to be corrected by the contractor before recommendation of final payment. Visiting the site to review completed work in excess of one trip is an additional service. FNI will attend a total of 2 punchlist meetings, 1 for each project.
7. Construction Phase Services:
- a. Establish and maintain a project documentation system consistent with the requirements of the construction Contract Documents.
  - b. Monitor the processing of contractor's submittals and provide for filing and retrieval of project documentation.
  - c. Produce monthly reports indicating the status of all submittals in the review process.
  - d. Review contractor's submittals, including:
    - 1) Requests for information
    - 2) Modification requests
    - 3) Shop drawings
    - 4) Schedules
    - 5) Certified test reports
    - 6) Other submittals
  - e. Monitor the progress of the contractor in sending and processing submittals to see that documentation is being processed in accordance with schedules.
  - f. Notify City of Contractor's non-conforming work observed on site visits. Review quality related documents provided by the contractor such as test reports, equipment installation reports or other documentation required by the Construction Contract Documents.
  - g. Interpret the drawings and specifications for City and Contractor. Investigations, analyses, and studies requested by the Contractor and approved by City, for substitutions of equipment and/or materials or deviations from the drawings and specifications is an additional service.
  - h. Coordinate the work of testing laboratories and inspection bureaus required for the testing or inspection of materials, witnessed tests, factory testing, etc. for quality control of the Project. The cost of such quality control shall be paid by the City and is not included in the services to be performed by Freese and Nichols, Inc.
  - i. Consult with and advise the City during construction, make recommendations to the City regarding materials and workmanship, and prepare change orders with the City's approval.
  - j. Review samples, catalog data, schedules, shop drawings, laboratory, shop and mill tests of material and test equipment, and other data pursuant to the General Conditions of the Construction Contract.
  - k. Assist the City in arranging for testing of materials and laboratory control during construction to be conducted at the City's expense.

- l. Review and comment on monthly and final estimates for payment to Contractor pursuant to the General Conditions of the Construction Contract.
  - m. Conduct, in company with the City's representative, a final review of the Project for conformance with the design concept of the Project and general compliance with the Contract Documents, and review and comment on the Certificate of Completion and the recommendation for final payment to the Contractor.
8. Phase Deliverables:
- a. Monthly 1-Page Reports.
  - b. Project site visit memos and construction progress meeting minutes
  - c. Project Record Drawings:
    - 1) 2 sets of full size plans
    - 2) 1 set of full size plans on mylar
    - 3) CD with Record Drawings in PDF Format, project survey files, project CAD files in AutoCad or Microstation formats and shapefiles in GIS format if needed.

**4.0 ADDITIONAL SERVICES:** Additional Services to be performed by FNI, if authorized by the City, which are not included in the above described basic services, are described as follows:

- A. Preparation of construction traffic control plan(s).
- B. Furnishing full time on-site construction Resident Representation services.
- C. Furnishing Special Inspections required under chapter 17 of the International Building Code. These Special Inspections are often continuous, requiring an inspector dedicated to inspection of the individual work item, and they are in addition to General Representation and Resident Representation services noted elsewhere in the contract.
- D. Investigations involving consideration of operation, maintenance and overhead expenses, and the preparation of rate schedules, earnings and expense statements, feasibility studies, appraisals, evaluations, assessment schedules, and material audits or inventories required for certification of force account construction performed by the City.
- E. Preparing applications and supporting documents for government grants, loans, or planning advances and providing data for detailed applications.
- F. Providing shop, mill, field or laboratory inspection of materials and equipment.
- G. Preparing Operation and Maintenance Manuals or conducting operator training.
- H. Preparing data and reports for assistance to the City in preparation for hearings before regulatory agencies, courts, arbitration panels or any mediator, giving testimony, personally or by deposition, and preparations therefore before any regulatory agency, court, arbitration panel or mediator.
- I. Assisting City in claims disputes with Contractor(s).
- J. Performing investigations, studies and analyses of substitutions of equipment and/or materials or deviations from the plans and specifications.
- K. Assisting City in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this proposal. Such services, if any, shall be furnished by FNI on a fee basis negotiated by the respective parties outside of and in addition to this proposal.

- L. Providing environmental support services including the design and implementation of ecological baseline studies, environmental monitoring, impact assessment and analyses, permitting assistance, and other assistance required to address environmental issues.
- X. Construction Staking.
- Y. Additional Environmental Services - Freese and Nichols will notify the City if any of the following services will be necessary to comply with USACE permit requirements. The following services can be provided as an additional service and upon written authorization by the City:
  - 1. Performing special environmental studies and other studies not specifically described in the basic scope of services.
  - 2. Tree survey
  - 3. Presence/absence surveys for federally listed threatened/endangered species.
  - 4. Consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species act.
  - 5. Expert witness representation in legal proceedings or contested permit hearings.
  - 6. Application for General Land Office easements.
  - 7. Preparation of permittee-responsible mitigation plans in accordance with the USACE Mitigation Rule dated April 10, 2008 (33 CFR Parts 325 and 332) or other regulations.
  - 8. Cultural resources investigation, mitigation, or data recovery activities.
  - 9. Mitigation monitoring if required by permit conditions.
  - 10. Monitoring for compliance with permit conditions.
  - 11. Testing for site contamination, and remediation of contaminated properties.
- Z. Archaeological testing requiring excavations by a backhoe or excavator and any other efforts required by the state beyond those specifically indicated in the Basic Services.

#### AA. STORM WATER ADDITIONAL SERVICES

The following services are beyond the scope of basic services described in the tasks above. However, FNI can provide these services, if needed, upon the Owner's request. Such services will require additional services at an increased fee and schedule.

##### 1. Additional Proposed Designs

If additional proposed designs are requested beyond what is specifically addressed in the scope additional services will be required for the additional modeling and coordination.

##### 2. LOMR Additional Designs

The basis of the LOMR scope is that the project was built as the original CLOMR was modeled. If the As-Built survey does not reflect this to be the case, additional services will be required to modify the existing CLOMR model to match onsite conditions, map the results, and to coordinate with Community.

**5.0 SCHEDULE**

**TIME OF COMPLETION:** FNI is authorized to commence work on the Project upon execution of this AGREEMENT and agrees to complete the services in accordance with the following schedule:

<b>DETENTION POND BID PACKAGE</b>	
<b>Milestone/Deliverable</b>	<b>Calendar Days</b>
Anticipated Notice to Proceed	November 2014
30% Design Phase Submittal	150 days from Notice to Proceed
90% Design Phase Submittal	180 days following receipt of comments from City on 30% Design Submittal
100% Design/Bid Phase Documents Submittal	30 days following receipt of comments from City on 90% Design Submittal
TCEQ Review Time	60 Days
Anticipated Issued for Bid	December 2016
Anticipated Issued for Construction	February 2016
Construction Completion	October 2017
Provide Record Drawings	60 days from Project Completion
Submit LOMR	60 days from Project Completion

<b>PUMP STATION AND REUSE PROCESS PIPING BID PACKAGE</b>	
<b>Milestone/Deliverable</b>	<b>Calendar Days</b>
Anticipated Notice to Proceed	November 2014
30% Design Phase Submittal	150 days from Notice to Proceed
90% Design Phase Submittal	180 days following receipt of comments from City on 30% Design Submittal
100% Design/Bid Phase Documents Submittal	30 days following receipt of comments from City on 90% Design Submittal
TCEQ Review Time	60 Days
Anticipated Issued for Bid	October 2016
Anticipated Issued for Construction	November 2016
Construction Completion	December 2017
Provide Record Drawings	60 days from Project Completion

If FNI’s services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in City or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc.

**6.0 COMPENSATION**

**Basic Services**

Compensation to FNI for the Basic Services shall be the lump sum of \$1,965,000.00. If FNI sees the Scope of Services changing so that additional services are needed, including but not limited to those services described as Additional Services, FNI will notify City for City’s written approval before proceeding.

## **Agenda Item:**

5C. Direction to staff to establish local regulations for electronic-cigarettes.  
(staff)

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

---

**SUBJECT:** Direction to city staff to establish local regulations for e-cigarettes

**FOR AGENDA OF:** Oct. 24, 2014

**DATE SUBMITTED:** Oct. 28, 2014

**SUBMITTED BY:** Todd Parton  
City Manager

**CLEARANCES:**

**EXHIBITS:** 1. Summary of Texas Cities – E-Cigarette Regulations  
2. E-Cigarette Articles

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

---

**SUMMARY STATEMENT**

Councilmember Keeble requested that city staff provide some recommendations for the local regulation of e-cigarettes. Some of the primary concerns stated were the access that youth have to e-cigarette products and the fact that they are being used to ingest illegal narcotic substances.

City staff is proposing that the City Council consider expanding the existing smoking ordinance to include e-cigarettes and to establish a minimum age limit of 18 to purchase e-cigarettes and e-cigarette products. In formulating this recommendation, city staff has looked into existing research regarding the health impacts of e-cigarettes and how the codes being implemented by other Texas communities.

Based on city staff's literature review, e-cigarettes do have negative health impacts. They cause lung irritation and inflammation with impacts being similar to asthma for users. City staff was able to find data that indicates that even though second-hand impacts of e-cigarette vapor may be less harmful than regular smoke it still poses health risks to non-users. That being said, city staff believes that non-users have similar perceptions and concerns about e-cigarette use and vapor that they have for smoking regular cigarettes.

A total of 14 Texas cities who have adopted of e-cigarette regulations were identified. Generally, the approach recommended here is consistent with these other communities. A summary showing the communities and their regulations is attached.

## **RECOMMENDED ACTION**

City staff recommends that the City Council provide direction to amend the existing smoking ordinance to encompass e-cigarettes and to establish an age limit for the purchase of e-cigarettes and e-cigarette products.

**Exhibit 1**  
Summary of Texas Cities – E-Cigarette Regulations

# REGULATION OF E-CIGARETTES

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## I. NO SMOKING & BAN UNDER 18

### CITY OF BAYTOWN:

- Prohibits the possession, consumption, and sale of e-cigarettes and liquid nicotine to persons under 18
- Prohibits vending machines
- Expands definition of smoking to include use of e-cigarettes so that the regulations in place for tobacco products extend to e-cigarettes and liquid nicotine; no vaping in public places, like restaurants

### CITY OF BEDFORD:

- Bans smoking e-cigarettes in work places or public places – restaurants, bars, & parks
- Prohibits the sale of e-cigarettes to persons under 18 and sale in vending machines.
- Prohibits the possession of e cigarettes and vaping liquid by minors.

### CITY OF CARROLLTON:

- Bans smoking electronic cigarettes inside or within 20 feet of local retail and restaurant establishments
- Prohibits sale of e-cigarettes and vaping liquid to minors
- The penalty for violating the new ban is a fine up to \$2,000

### CITY OF CEDAR PARK:

- Bans e-cigarette sale to, distribution, or possession by minors
- Prohibits use of e-cigarettes in city buildings.

### CITY OF GEORGETOWN:

- Bans smoking (including e-cigarettes) in work places or public places – like restaurants, bars and parks.
- Prohibits the sale of e-cigarettes to persons under 18 and sale in vending machines.

### CITY OF PLANO:

- Bans smoking (including e-cigarettes) in work places or public places – like restaurants, bars and parks.
- Prohibits the sale of e-cigarettes to persons under 18.

### CITY OF WATAUGA:

- Bans smoking e-cigarettes in work places or public places – like restaurants, bars and parks.
- Prohibits the sale of e-cigarettes to persons under 18 and sale in vending machines.
- Prohibits the possession of e cigarettes and vaping liquid by minors.

## II. BAN UNDER 18 ONLY

### CITY OF AUSTIN:

- Prohibits people under 18 years of age to buy electronic cigarettes.
- Fines for selling or giving e-cigarettes to minors range from \$100 for the first offense to \$500 for the third offense.

### CITY OF COLLEGE STATION:

- Last month adopted ordinance providing that minors age 17 and under not able to own, purchase, or use e-cigarettes
- Language in ordinance to classify e-cigarettes under definition of traditional nicotine cigarettes failed by 4-3 vote.

### CITY OF KYLE:

- Prohibits any minor who is under legal age to smoke tobacco products to be in possession of an e-cigarette.
- Prohibits individuals and/or businesses to “give, distribute, sell, market, or offer e-cigarettes to a minor.”

## III. NO SMOKING ONLY

### CITY OF EL PASO:

- Bans the use of e-cigarettes in public places across El Paso where smoking is now banned will be prohibited starting Sept. 1.
- Smoking and vaping will be banned from all city-owned properties, such as parks, starting in 2015.

### CITY OF SAN MARCOS:

- Bans smoking (including e-cigarettes) in work places or city-owned and leased property.
- Prohibits vaping in public places such as restaurants, bars and other places.
- The ordinance exempts designated outdoor areas of bars and restaurants, as well as retail tobacco stores.
- Does not currently have regulations regarding the sale of e-cigarettes, just their use.

### CITY OF LUFKIN:

- Bans smoking (including e-cigarettes) in work places or public places – like restaurants, bars and parks.

### CITY OF FRISCO:

- Treats e-cigarettes and liquid nicotine products just like cigarettes.
- The products are banned everywhere that tobacco cigarettes are banned.

**Exhibit 2**  
E-Cigarette Articles

# the Ecig Alternative

**ATTENTION VAPERS!**

**VAPING  
THREATENED**

THIS COULD ULTIMATELY  
AFFECT YOU TOO!

**JOIN THE FIGHT!**

**LEARN MORE**

Home/Ecig Basics

My Ecig Journey

Electronic Cigarette  
Benefits

About Ecig Kits &  
Components

About Juices  
& Nicotine Liquids

Vaping & Side Effects

Smoking Vs. Vaping  
Chemicals

E-cigarette Success  
Rates Vs. NRTs

Ecig Jargon

E-cigarette Myth  
Busting

Don't Demonise  
Smokers

"Won't Someone Think  
Of The Children?"

E-cigarette News

E-cigarette research  
and studies

Share this page with a  
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167

There IS an alternative  
to smoking tobacco.

Disclaimer/ Contact

## Ecig vaping and side effects

Just about any substance introduced to the body can cause side effects - whether it's ingested, inhaled or even just touched. The eliquids used in association with vaping are no different.

However, it can be hard to pin down exactly what the side effects of the liquid can be - or whether anything being experienced is actually from vaping.

This is because when we stop smoking, regardless of the method, our bodies undergo major changes during a readjustment period.

## "Cold turkey" quitting side effects

Many people who quit cold turkey without any sort of NRT (Nicotine Replacement Therapy) report all sorts of strange physical effects, including:

- "Quit zits"
- Bleeding gums,
- Susceptibility to colds, the flu
- Various skin issues
- Anxiety
- An increase in coughing (a good sign usually)
- Dizziness
- Insomnia
- Dry throat

## Side effects of vaping

While many people appear to have a side-effect free experience with ecigs, aside from the general issues with continuing the usage of nicotine, the following are some of the side effects that may occur while vaping that can probably be attributed to in whole or part to vaping. These tend to be temporary.

- Dry skin
- Dry mouth
- Rash/burning sensation on face
- Itchiness
- Puffy/dry eyes
- Caffeine sensitivity
- Minor blood nose issues

The dry mouth side effect is very common due to the nature of eliquids.

One of the major components of most eliquids is polyethylene glycol, more commonly referred to as PG.

As well as eliquids, PG is also widely used in pharmaceutical and personal care products. One of PG's attributes is that it is a hygroscopic liquid; meaning it attracts and hold water molecules from the surrounding environment; such as your mouth.

The dry mouth side effect is usually easily rectified by increasing water intake; i.e. small sips of water often. This doesn't mean to say you'll necessarily be sipping water non-stop, just that your water consumption may increase.

The dry skin issue can often be addressed with a hypo-allergenic moisturiser until such time that the body adjusts.

What appears to be a minority of people suffer minor blood noses. Again, this could be due to the drying effect of eliquids; particularly if they are high in PG.

In all the reports I've seen, the issue rectifies itself. Something that may help is to not exhale ecigarette vapors through the nose; particularly during the initial weeks.

Sometimes side effects may occur due to simply vaping too much and will disappear when ecigarette use is reduced.

In other instances, it may not be the ecigarette at all, but how your body is now reacting to other substances.

For example, I found after a few days into my electronic cigarette journey, I was getting a little anxious at times - just very brief flashes. I was concerned I wasn't vaping enough, or too much. It was neither.

It turned out that how my body was now reacting to caffeine was the the culprit. After I reduced my caffeine intake (I used to drink at least gallon of strong coffee a day); this symptom disappeared immediately. I still enjoy coffee and reducing my consumption of it certainly hasn't done me any harm.

Other reactions may occur due to an allergy to any or all of the **ingredients of eliquid** - such as the propylene glycol or vegetable glycerine, flavourings or the nicotine itself. Adjusting levels of any component can sometimes bring relief.

As mentioned, some who have reported mild side effects have persisted with vaping and found the issues disappear after a short while without taking any sort of action. Others find they worsen; however it does appear rare for people to have to cease vaping altogether due to side effects.

The possibility of side effects and allergic reactions is why I recommend making the switch to ecigs **under medical supervision** if possible.



**I've been an ex-smoker for:**

**822 days and 4 hours**

**Saved: \$21177,69 ; Cigarettes Avoided: 41110!**

**Get Your Free Quit Smoking Counter/Meter Banner**

**Contact & Disclaimer** - PLEASE NOTE: This web site is directed to smokers of legal smoking age and medical supervision is recommended if switching to ecigs. Copyright (c) 2014 EcigAlternative.com

Apr 25



# What's So Bad About E-Cigarettes?

BY MAGGIE P...

**T**he Food and Drug Administration says it plans to [regulate e-cigarettes](#), along with cigars and other tobacco products.

Health advocates say it's about time, but many "vapers" who use e-cigarettes say regulation will damage a product that's a far safer substitute for cigarettes.



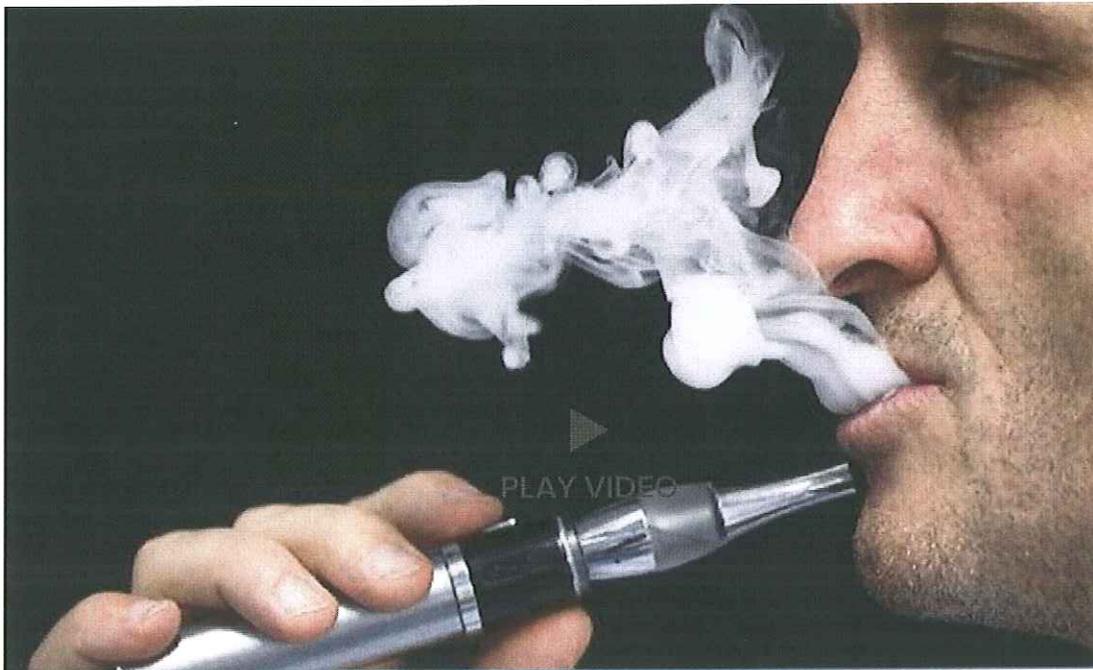


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“The FDA has over stepped their boundaries,” supporters wrote in an [online petition](#) posted this week. “DoNot, allow the FDA to take control of a life saving product (sic).”



Even health experts agree that electronic cigarettes, which [deliver nicotine](#) in a heated mist of water, glycerin and propylene glycol, might be useful in helping people who want to quit smoking. So where’s the harm in them?

Mostly, it’s the unknown, the FDA says. “We can’t even tell you what the compounds are in the vapor,” FDA’s Mitch Zeller told reporters.



### Dr. Nancy Snubs Out E-Cigarette Myths



NBCNEWS.COM

FDA regulation would require the companies to tell the agency, but not necessarily the public, what’s in their products. FDA is sensitive to protecting competitive secrets.





The FDA is also asking for research on potential harms from inhaling the heated mixture. It might not be as harmful as burning tobacco leaves, but it might not be completely benign, either, says Dr. John Spangler, who runs a smoking cessation clinic at Wake Forest Baptist Medical Center in North Carolina.

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"It is true that electronic cigarettes are safer than regular cigarettes. On the other hand there are some effects in the lung of the vapors which mimic the same kind of changes that go along with asthma," Spangler told NBC News.

"That happens within 5 minutes of using an electronic cigarette. We don't know how long that will last or whether it will lead to permanent lung damage."

Vaping enthusiasts will argue that using the products allows them to skip regular tobacco cigarettes, whose harms are well-documented. If that's the case, many health advocates say they are all for them. But there's not much research to say whether that's true.

Spangler's been studying this and doesn't have final data yet. But in general, e-cigarettes appear slightly less effective than nicotine gum or patches or drugs such as Chantix, he says.

"I do have about 20 percent of my smoking patients in my clinic who are using electronic cigarettes," he said. "Of the patients who use them, about 10 percent of them actually quit smoking using electronic cigarettes."

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*"Most consumers would be shocked to realize the products they buy have less oversight than a bag of dog food."*





And experts argue that if e-cigarette makers wanted their products used as quit-smoking aids, they'd have submitted them to the FDA as such. Instead, manufacturers fought FDA's attempts to regulate them in that way, and won in federal appeals court.

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Either way, people who use them should want them regulated, says pulmonologist Dr. Nathan Cobb of Georgetown University School of Medicine.

"Electronic cigarettes may represent the next evolution of nicotine replacement, supplanting the gum, patch and the existing inhaler. However, most consumers would be shocked to realize the products they buy have less oversight than a bag of dog food, and are often manufactured and imported from countries that have histories of tainted pharmaceutical and food products," Cobb added.

The fear is that smokers will use e-cigarettes as a bridge that gets them through the day in a society that increasingly restricts cigarettes. And the even bigger fear is that e-cigarettes will appeal to children, who will get addicted to nicotine.

"Kids should not be initiating even an e-cigarette that contains no burning tobacco leaves because of the effect that nicotine can have on the developing brain," Zeller says. Several studies suggest nicotine might [slow the growth](#) of the adolescent brain.

The Centers for Disease Control and Prevention and FDA [say 10 percent of high school students](#) have tried vaping, with numbers rising steadily. More than [21 percent of adults](#) have tried vaping at least once.

The e-cigarette industry itself welcomes the FDA's proposal. "We have no problem divulging our ingredients," says Miguel Martin, president of e-cigarette maker Logic. Martin and other makers also say they support restricting sales to people 18 or older.





"FDA has worked over three years to meet the regulatory challenges presented by this very new and technology-driven industry, while preserving and supporting the enormous potential for harm reduction it offers. We share that goal," added the Smoke Free Alternatives Trade Association.

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*“You should always be suspicious when the tobacco industry applauds something.”*

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Public health advocates say even that worries them. “You should always be suspicious when the tobacco industry applauds something,” says Tom Glynn, senior director of cancer science and trends for the American Cancer Society.

Glynn and others remember that the tobacco industry first told Americans that cigarettes were healthful, and then battled the U.S. government in court for decades when the Surgeon General declared that smoking caused cancer. It took decades to prove that tobacco companies colluded to make cigarettes ever more addictive and to cover up research showing tobacco caused not only cancer, but heart disease, stroke, emphysema and other diseases.

They also point to industry attempts to market “light” cigarettes as less dangerous — research shows they are not — and companies have pushed menthol cigarettes [despite evidence](#) that menthol worsens the health effects.

“Like cigarette companies, e-cigarette makers claim they don't market to kids. But they're using the same themes and tactics tobacco





companies have long used to market regular cigarettes to kids," says Matthew Myers, president of the Campaign for Tobacco-Free Kids.

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And nicotine itself may not be so harmless. The concentrated nicotine juice used in vaping can poison people, and Spangler says nicotine build-up in vaping salons could be dangerous, also.

"We don't know what will happen to nicotine that settles into the environment," he said.

First published April 25th 2014, 8:26 am



MAGGIE FOX

Maggie Fox is senior health writer for NBCNews.com and TODAY.com, writing top news on health policy,...

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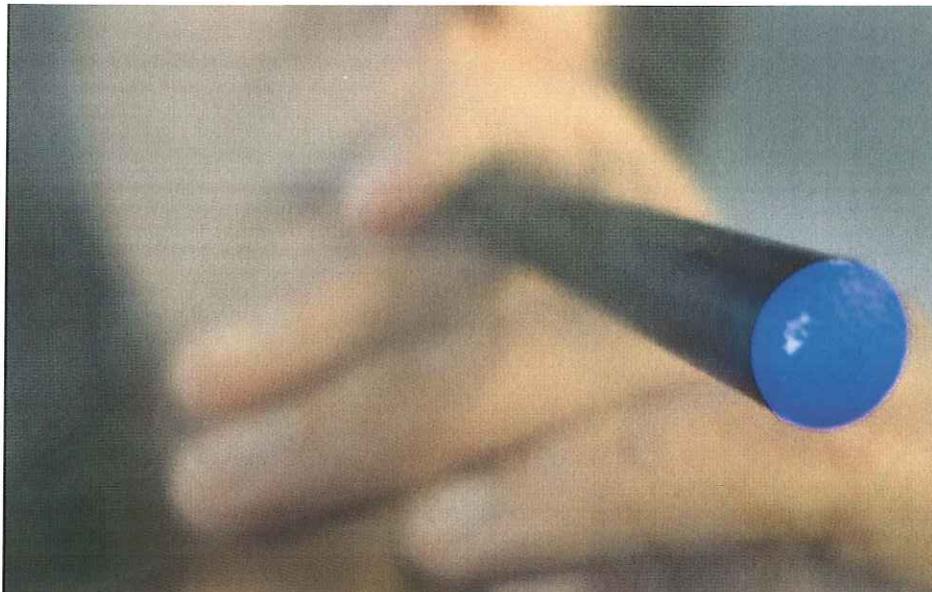
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TECH + HEALTH 09.25.14



# E-Cigarettes: The Side Effects Nobody Talks About

By Amanda Woerner for Life by DailyBurn



These days it's nearly unfathomable to imagine a marathoner crossing the finish line, only to light up cigarette. And even ordinary exercisers may subject themselves to dirty looks if they puff near their gym. But what if they're smoking an e-cigarette?

Introduced to the public as a product with the potential to shield smokers from the dangerous effects of Marlboros, e-cigarettes are marketed as a way to get your nicotine fix without inhaling all that lung-blackening smoke that's been directly linked to cancer and heart disease.

But it turns out e-cigarette vapors may be full of suspected lung irritants, chemicals with addictive properties that could contribute to heart troubles down the road, says Dr. Norman Edelman, senior consultant for scientific affairs at the American Lung Association and a professor of preventive medicine and internal medicine at Stony Brook University on Long Island.

Here's the scoop on how this controversial device could impact your health—and your workouts.

## The "Health Halo" Surrounding E-Cigarettes

According to the U.S. Centers for Disease Control and Prevention (CDC), nearly 250,000 youths who had never before smoked tried e-cigs in 2013 — a

THE DAILY BEAST **threefold increase since 2011. What's more, about three out of every four people** WOMEN BOOKS



smokers goes on to smoke as an adult, due to their addiction to nicotine (the primary ingredient in e-cigs), according to the CDC.

Young and otherwise healthy people might be reaching for an electronic fix for numerous reasons, including the potential for nicotine to reduce appetite, boost mood or increase their heart rate and alertness.

Nicotine is also a known stimulant, and has been shown in studies to have a positive effect on endurance, according to Dr. Robert E. Sallis, co-director of the Sports Medicine Fellowship at Kaiser Permanente.

"At best it might be described as weakly ergogenic, or performance enhancing," Sallis says. "There are some pretty good studies that show modest improvements in things like time-to-exhaustion, that people perceive that exercise is not as difficult and that it's a little bit of a stimulating effect that wakes you up and prepares you for a competition."

Yet, evidence is emerging indicating that e-cigarette vapors might not be all that innocent.

"We don't know what's in [the e-cigarette vapors], because they are not regulated and the manufacturers are not yet required to tell what's in the solution," Edelman says.

### **Bad News for Your Lungs**

E-cigs may not contain real smoke, but they can still do a number on your lungs. "They do cause an inflammation," Edelman says. "It would be similar to smoking, only less...and you might get a chronic cough, or raise a little [mucus]."

While casual exercisers might not notice any difference in lung capacity, intense gym-goers might feel the effects of an e-cig. "For people who exercise to the [full] capacity of their lungs, then of course any decrease in lung function will impair your ability to exercise," Edelman says.

Digital smokes have also been called out by the American College of Allergy, Asthma and Immunology (ACAAI) as a potential cause of asthma attacks and allergies.

"Lack of production oversight for any inhaled product raises a concern for impurities or contaminants," says Dr. Andrew Nickels, Allergy and Immunology Fellow at the Mayo Clinic in Rochester, Minnesota. Though he has not yet had a patient complain of e-cig allergies, "From an allergy standpoint, additives such as flavors, could be a source of allergic reactions."

Allergies release inflammatory chemicals called histamines, which can make it difficult to breathe during a tough workout, and could even induce the onset of asthma symptoms.

In or out of the gym, there's more cause for concern: Early research on human cells has indicated that e-cigarette vapor may act on lung cells in a way similar to cigarette smoke, pointing to a potential link between vaping and an increased risk for lung cancer.



Unsurprisingly, quitting smoking has been proven to improve health and, more specifically, increase an individual's overall level of fitness, according to Edelman. "It's not clear if it's because the lungs are better [after quitting] or [blood] circulation is better, but the bottom line is: Smoking impairs fitness and we know because people stop smoking and fitness improves," Edelman says. But whether this is true of e-cigs remains to be seen.

If smoking's impact on blood flow to the body's muscles and heart is to blame for impeding fitness, nicotine may be at fault—and that's an indicator that e-cigarettes could carry a similar physical burden. "E-cigarettes irritate the lungs less than regular cigarettes, but they deliver as much or more nicotine, and nicotine constricts blood vessels," Edelman says.

Because the U.S. Food and Drug Administration does not yet regulate e-cigarettes, some brands are suspected to contain levels of nicotine significantly higher than what is found in an old-school pack of smokes.

"Nicotine is a poison and you don't have to smoke or inhale that much to get nicotine poisoning," Edelman says. "The fact that people may be using very high doses is a concern. It's likely to have an effect on the circulatory system."

On top of that, a study from Brown University recently discovered that prolonged exposure to nicotine may be linked to an increased risk for atherosclerosis, or a hardening of the arteries that can cause heart attacks.

In other words, perhaps we should think of smoking e-cigarettes the same way we think about eating cheeseburgers. Yes, they can be enjoyable. And sure, they aren't linked as strongly to an increased risk of death as other tobacco products. But they're linked to some potentially dangerous health problems that could affect you down the road.

### **A Call for More Research and Regulation**

A recent study published in the journal *Nicotine and Tobacco Research* revealed that while secondhand exposure to e-cigarettes is likely less harmful than tobacco smoke, it still exposes bystanders to some levels of nicotine. Until more research can be done, organizations like the ALA are strongly urging the FDA to "move and move quickly" to regulate e-cigarettes the same way they do tobacco products, according to Edelman. In the meantime, he says he'll continue to advise patients to steer clear of the e-cig.

"If they want to use it for smoking cessation I will say there are tested, FDA-approved products that are useful and why use something that hasn't been tested?" Edelman says. And as for how e-cigs could impact fitness, "There are theoretical reasons to believe that e-cigarettes will impair performance in a manner similar to tobacco cigarettes, but that's as far as we know at the moment."

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Article Link: <http://www.webmd.com/smoking-cessation/features/electronic-cigarettes>

## Smoking Cessation Health Center



# E-Cigarettes 101

By [R. Morgan Griffin](#)

WebMD Feature

Reviewed by [Arefa Cassoobhoy, MD, MPH](#)

Electronic cigarettes: Are they safer than tobacco? Or are they a high-tech way to hook a new generation on a bad nicotine habit?

Nobody knows yet.

Research into the effects of e-cigarettes lags behind their popularity. But ready or not, the era of e-cigarettes is here. It's a booming, billion-dollar industry -- on track to outsell tobacco products within a decade. The number of teens and tweens using these products doubled between 2011 and 2012.

The time to get informed about these products is now.

[Slideshow: Surprising Ways Smoking Affects Your Looks and Life](#)

## How E-Cigarettes Work

They look like the real thing. The end glows as you inhale. As you exhale, you puff out a cloud of what looks like smoke. It's vapor, similar to the fog you might see at rock shows, says M. Brad Drummond, MD. He's an assistant professor of medicine at Johns Hopkins University School of Medicine.

All e-cigarettes work basically the same way. Inside, there's a battery, a heating element, and a cartridge that holds nicotine and other liquids and flavorings. Features and costs vary. Some are disposable. Others have a rechargeable battery and refillable cartridges.

Using an e-cigarette is called "vaping."

## Are They Safe?

The nicotine inside the cartridges is addictive. When you stop using it, you can get withdrawal symptoms including feeling irritable, depressed, restless and anxious. It can be dangerous for people with [heart](#) problems. It may also harm your [arteries](#) over time.

So far, evidence suggests that e-cigarettes may be safer than regular cigarettes. The biggest danger from tobacco is the smoke, and e-cigarettes don't burn. Tests show the levels of dangerous chemicals they give off are a fraction of what you'd get from a real cigarette. But what's in them can vary.

"E-cigarettes may be less harmful than cigarettes," Drummond says. "But we still don't know enough about their long-term risks or the effects of secondhand exposure."

## Pro and Con

E-cigarettes have triggered a fierce debate among health experts who share the same goal -- reducing the disease and death caused by tobacco. But they disagree about whether e-cigarettes make the problem better or worse.

Opponents say that because nicotine is addictive, e-cigarettes could be a "gateway drug," leading nonsmokers and kids to use tobacco. They also worry that manufacturers -- with huge advertising budgets and celebrity endorsements -- could make [smoking](#) popular again. That would roll back decades of progress in getting people to quit or never start smoking.

Others look at possible benefits for smokers. "Obviously, it would be best if smokers could quit completely," says Michael Siegel, MD, MPH, a professor at Boston University's School of Public Health. "But if that's not possible, I think they'd be a lot better off with e-cigarettes. They're a safer alternative."

Siegel compares replacing tobacco with e-cigarettes to heroin users switching to the painkiller methadone. The replacement may have its own risks, but it's safer.

Some supporters believe that e-cigarettes could help people quit, just like nicotine gum. Research hasn't shown that yet, though.

## What Parents Should Know

- Nicotine can affect brain development in children and teens, Drummond says.
- Some e-cigarettes have candy flavoring, which could make them appealing to kids.
- They don't leave a smell like tobacco. So it's harder for parents to know if their kids are vaping.

## What Adults and Smokers Need to Know

- **If you don't smoke**, don't start vaping. There are no health benefits and some risks.
- **If you smoke and are trying to quit**, you're better off with an FDA-approved method of quitting, Drummond says, like the nicotine patch or gum. There's good evidence that they help. E-cigarettes may turn out to be an effective way to quit, but we don't have the proof yet.
- **If you're not planning to quit**, would it be healthier to switch from tobacco products to e-cigarettes? Maybe. Talk to your doctor about the risks and benefits.

While experts debate, some cities -- like Boston, Los Angeles, and New York -- have passed laws about how people can buy or use e-cigarettes in public.

Bigger, changes are likely.

The FDA has proposed new regulations that would extend the agency's authority over many tobacco products, including e-cigarettes.

A minimum age requirement is among the proposed regulations.

#### SOURCES:

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Michael Siegel, MD, MPH, professor, Department of Community Health Sciences, Boston University School of Public Health.

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UCLA: "Tobacco smoking impacts teens' brains, UCLA study shows."

Reviewed on January 03, 2014

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My Notes:

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[CDC Director Dr. Tom Frieden on E-Cigarettes](#)

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## Electronic cigarettes can be dangerous, even if you don't smoke them



A woman smokes a "Blu" electronic cigarette. A new report from the CDC documents a steep rise in calls to poison control centers related to improper use of e-cigarettes. (Jim Watson / AFP/Getty Images)

By **KAREN KAPLAN**

APRIL 3, 2014, 12:53 PM

**T**he Centers for Disease Control and Prevention has identified a new health problem related to electronic cigarettes -- the risk that the devices themselves or the liquid nicotine that goes into them will cause injury to eyes, skin or other body parts.

Calls to poison control centers to report problems related to e-cigarette exposures rose from one per month in September 2010 (when officials started to keep track of such calls) to 215 per month in February 2014, according to [a report](#) published Thursday in the CDC's Morbidity and Mortality Weekly Report. During that time, poison control centers fielded a total of 2,405 calls about e-cigarette injuries.

To put those numbers into some perspective, the report also notes that during the same period, Americans made 16,248 calls to poison control centers regarding exposures to regular cigarettes. The monthly number of cigarette-related calls varied between 301 and 512.

Electronic cigarettes are **battery-operated devices** that deliver users a hit of nicotine in vapor form without the carbon monoxide or tars that come from burning tobacco leaves. The CDC estimates that 10% of American high school students and nearly 3% of middle school students **used e-cigarettes** in 2012.

The authors of the Morbidity and Mortality Weekly Report -- from the CDC and the Food and Drug Administration -- found records of 9,839 calls involving either regular or electronic cigarettes that included information on the side effects suffered by victims. Among these cases, 58% of calls involving e-cigarettes reported some kind of "adverse health effect." In 68.9% of these cases, people became injured by ingesting something, 16.8% by inhaling something, 8.5% by getting something in their eye and 5.9% by getting something on their skin.

When people were injured by e-cigarettes, the most common side effects reported to poison control centers were nausea, vomiting and eye irritation. One person committed suicide by injecting the nicotine solution into his or her veins.

By comparison, only 36% of calls to poison control centers about regular cigarettes reported an adverse health effect -- and in 97.8% of those cases, the problems were related to ingestion.

Young children were the ones most likely to be harmed by regular cigarettes, with 95% of victims under the age of 6. By comparison, 51% of those harmed by e-cigarettes were in that age group, and 42% of victims were over the age of 20.

"This report raises another red flag about e-cigarettes -- the liquid nicotine used in e-cigarettes can be hazardous," Dr. Tom Frieden, the CDC director and a vocal critic of e-cigarettes, said in a statement. "Use of these products is skyrocketing and these poisonings will continue."

The Morbidity and Mortality Weekly Report noted that the nicotine liquid used in e-cigarettes comes in flavors such as fruit, mint and chocolate. That could make them especially appealing to children, but Frieden warned that the liquid cartridges are not required to be sold in childproof containers.

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Reuters

# E-cigs may be tempting non-smoking youths to smoke – US CDC study

August 26, 2014 1:52am

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CHICAGO - Electronic cigarettes may be more tempting to non-smoking youths than conventional cigarettes, and once young people have tried e-cigarettes they are more inclined to give regular cigarettes a try, U.S. researchers said on Monday.

A report, released by a team at the US Centers for Disease Control and Prevention, lends evidence to the argument that electronic cigarettes encourage youth smoking.

The study, based on nationally representative youth surveys, found that more than a quarter-million adolescents and teens who had never smoked used an electronic cigarette in 2013, a threefold increase from 2011.

Youths who had tried e-cigarettes were nearly twice as likely to say they would try a conventional cigarette in the next year compared with those who had never tried an e-cigarette, according to the study in the journal Nicotine and Tobacco Research.

E-cigarettes are slim, reusable, metal-tube devices containing nicotine-laced liquids that come in exotic flavors. When users puff, the nicotine is heated and released as a vapor containing no tar, unlike conventional cigarette smoke.

Health experts have raised concerns that the burgeoning \$2 billion e-cigarette industry, which has been virtually unregulated, would reverse gains in the decades-long effort to curb youth smoking in the United States. Just 15.7 percent of U.S. teenagers reported smoking in 2013, the lowest rate on record.

In April, the U.S. Food and Drug Administration proposed rules that would ban the sale of e-cigarettes to anyone under 18 but would not restrict flavored products, online sales or advertising, which public health advocates say attract children.

Earlier this month, attorneys general from 29 states urged the FDA to strengthen those rules to better protect young people from nicotine addiction.

"We are very concerned about nicotine use among our youth, regardless of whether it comes from conventional cigarettes, e-cigarettes or other tobacco products," Dr. Tim McAfee, director of CDC's Office on Smoking and Health, said in a statement.

"Not only is nicotine highly addictive, it can harm adolescent brain development."

In the CDC study, researchers analyzed data from the 2011, 2012, and 2013 National Youth Tobacco Surveys of students in grades 6-12. They found that more than 263,000 who had never smoked a conventional cigarette used e-cigarettes in 2013, up from 79,000 in 2011.

Among non-smoking youth who had tried electronic cigarettes, 43.9 percent said they intended to

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smoke conventional cigarettes within the next year, compared with 21.5 percent of those who had never used e-cigarettes.

Lorillard Inc leads the U.S. e-cigarette market, while Reynolds American Inc and Altria Group Inc are rolling out their own brands nationwide this summer. A Wells Fargo analyst report in July projected that U.S. sales of e-cigarettes would outpace conventional ones by 2020. — Reuters

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## Second-hand e-cig smoke compared to regular cigarette smoke

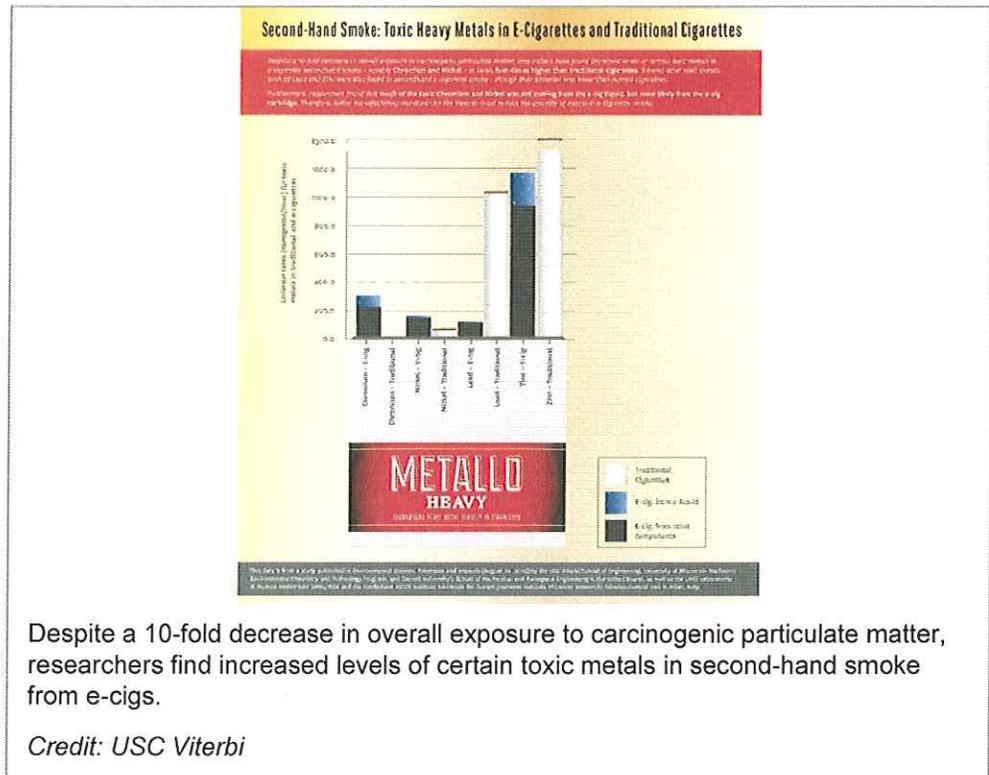
**Date:** August 28, 2014

**Source:** University of Southern California

Despite a 10-fold decrease in overall exposure to carcinogenic particulate matter, researchers find increased levels of certain toxic metals in second-hand smoke from e-cigs.

E-cigarettes are healthier for your neighbors than traditional cigarettes, but still release toxins into the air, according to a new study from USC.

Scientists studying secondhand smoke from e-cigarettes discovered an overall 10-fold decrease in exposure to harmful particles, with close-to-zero exposure to organic carcinogens. However, levels of exposure to some harmful metals in second-hand e-cigarette smoke were found to be significantly higher.



While tobacco smoke contains high levels of polycyclic aromatic hydrocarbons -- cancer-causing organic compounds -- the level of exposure to these substances was reduced to almost zero in second-hand e-cigarette smoke, due to the fact that they do not burn organic material the way old-fashioned cigarettes do.

However, despite the lack of harmful organic material and a decrease in the majority of toxic metals emissions, e-cigarette smoke contains the toxic element chromium, absent from traditional cigarettes, as well as nickel at levels four times higher than normal cigarettes. In addition, several other toxic metals such as lead and zinc were also found in second-hand e-cigarette smoke -- though in concentrations lower than for normal cigarettes.

"Our results demonstrate that overall electronic cigarettes seem to be less harmful than regular cigarettes, but their elevated content of toxic metals such as nickel and chromium do raise concerns," said Constantinos Sioutas, professor at the USC Viterbi School of Engineering, and corresponding author of the study, which was published online on August 22 by the *Journal of Environmental Science, Processes and Impacts*.

Sioutas and his colleagues at Fondazione IRCCS Istituto Nazionale dei Tumori (National Institute of Cancer Research) in Milan, Italy, began this study with the goal of quantifying the level of exposure to harmful organics and metals in second-hand e-cigarette smoke, in hopes of providing insight for the regulatory authorities.

"The metal particles likely come from the cartridge of the e-cigarette devices themselves -- which opens up the possibility that better manufacturing standards for the devices could reduce the quantity of metals in the smoke," said Arian Saffari, a PhD student at USC Viterbi and lead author of the paper. "Studies of this kind are necessary for implementing effective regulatory measures. E-cigarettes are so new, there just isn't much research available on them yet."

For this study, the researchers conducted all of the experiments in offices and rooms. While volunteer subjects were smoking regular cigarettes and e-cigarettes, the researchers collected particles in the indoor air and studied the chemical content and sources of the samples.

"Offices and rooms- not laboratories -- are the environments where you're likely to be exposed to second-hand e-cigarette smoke, so we did our testing there to better simulate real-life exposure conditions," Saffari said.

Sioutas and Saffari compared the smoke from a common traditional cigarette brand with smoke from an Elips Serie C e-cigarette, one of the most popular European brands. The results could vary based on which type of cigarettes and e-cigarettes are tested, the researchers noted.

Sioutas and Saffari collaborated with researchers from LARS Laboratorio and the Fondazione IRCCS Istituto Nazionale dei Tumori in Milan, Italy, as well as University of Wisconsin-Madison and Cornell University in the United States.

Financial support for the study was provided by the Fondazione IRCCS Istituto Nazionale dei Tumori.

#### Story Source:

The above story is based on materials provided by **University of Southern California**. *Note: Materials may be edited for content and length.*

#### Journal Reference:

1. Arian Saffari, Nancy Daher, Ario Alberto Ruprecht, Cinzia De Marco, Paolo Pozzi, Roberto Boffi, Samira H. Hamad, Martin Shafer, James Jay Schauer, Dane Westerdahl, Constantinos Sioutas. **Particulate Metals and Organic Compounds from Electronic and Tobacco-containing Cigarettes: Comparison of Emission Rates and Secondhand Exposure.** *Environmental Science: Processes & Impacts*, 2014; DOI: 10.1039/C4EM00415A

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#### Cite This Page:

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University of Southern California. "Second-hand e-cig smoke compared to regular cigarette smoke." ScienceDaily. ScienceDaily, 28 August 2014. <[www.sciencedaily.com/releases/2014/08/140828142809.htm](http://www.sciencedaily.com/releases/2014/08/140828142809.htm)>.

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**E-Cigarettes Expose People to More Than  
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Research  
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News Center

By [Elizabeth Fernandez](#) on May 13, 2014 | [Email](#) | [Print](#)



In a major scientific review of research on e-cigarettes, UC San Francisco scientists found that industry claims about the devices are unsupported by the evidence to date, including claims that e-cigarettes help smokers quit.

The review marks the first comprehensive assessment of peer-reviewed published research into the relatively



new phenomenon of electronic cigarettes.

The devices, which are rapidly gaining a foothold in popular culture particularly among youth, are marketed as a healthier alternative to tobacco smoking, as an effective tool to stop smoking, and as a way to circumvent smoke-free laws by allowing users to “smoke anywhere.” Often the ads stress that e-cigarettes produce only “harmless water vapor.”

But in their analysis of the marketing, health and behavioral effects of the products, which are unregulated, the UCSF scientists found that e-cigarette use is associated with significantly lower odds of quitting cigarettes. They also found that while the data are still limited, e-cigarette emissions “are not merely ‘harmless water vapor,’ as is frequently claimed, and can be a source of indoor air pollution.

The long-term biological effects of use are still unknown, the authors said.

In tackling the question of whether e-cigarette use is helping or harming the nation’s tobacco control efforts, the authors analyzed 84 research studies on e-cigarettes and other related scientific materials.

They concluded that e-cigarettes should be prohibited wherever tobacco cigarettes are prohibited and should be subject to the same marketing restrictions as conventional cigarettes.

The paper is published May 12, 2014 in the American Heart Association’s journal *Circulation*.

E-cigarettes deliver a nicotine-containing aerosol popularly called “vapor” to users by heating a solution commonly consisting of glycerin, nicotine and flavoring agents. E-liquids are flavored, including tobacco, menthol, coffee, candy, fruit and alcohol flavorings.



Stanton Glantz, PhD



Neil Benowitz, MD



Rachel Grana,  
PhD, MPH

Despite many unanswered questions about e-cigarette safety, the impact on public health, and whether the products are effective at reducing tobacco smoking, e-cigarettes have swiftly penetrated the marketplace in the United States and abroad in both awareness and use. Sold by the major multinational tobacco and other companies,

the devices are aggressively marketed in print, television and the Internet with messages similar to cigarette marketing in the 1950s and 1960s, even in the U.S. and other countries that have long banned advertising for cigarettes and other tobacco products.

In one indication of the swiftness by which the devices have been embraced, in the U.S. youth “ever use” of the devices rose from 3.3 percent in 2011 to 6.8 percent the following year; in Korea, youth “ever use” of e-cigarettes rose from .5 percent in 2008 to 9.4 percent in 2011. “Ever use” means whether one has smoked the product even just once.

Furthermore, most adults and youths who use e-cigarettes are engaging in “dual use” – smoking both e-cigarettes and conventional cigarettes.

While most youth using e-cigarettes are dual users, up to a third of adolescent e-cigarette users have never smoked a conventional cigarette, indicating that some youth are starting use of the addictive drug nicotine with e-cigarettes.

The report also tackles secondhand exposure.

“E-cigarettes do not burn or smolder the way conventional cigarettes do, so they do not emit side-stream smoke; however, bystanders are exposed to aerosol exhaled by the user,” said the authors. Toxins and nicotine have been measured in that aerosol, such as formaldehyde, acetaldehyde, acetic acid and other toxins emitted into the air, though at lower levels compared to conventional cigarette emissions.

One study of e-cigarettes was conducted to resemble a smoky bar: the researchers found that markers of nicotine in nonsmokers who sat nearby was similar for both cigarette smoke and e-cigarette aerosol exposure. Short-term exposure studies of e-cigarette use show a negative impact on lung function and bystanders absorb nicotine from passive exposure to e-cigarette aerosol, the authors report.

While early research found that e-cigarettes resulted in lower levels of plasma nicotine than conventional cigarettes, more recent research demonstrated that experienced users can attain nicotine absorption similar to that with conventional cigarettes.

When UCSF scientists pooled the results of five population-based studies of smokers, they found that smokers who used e-cigarettes were about a third less likely to quit smoking than those who did not use e-cigarettes. Whether e-cigarette use prevents attempts to quit or whether people who choose to use e-cigarettes are more highly dependent and therefore have a harder time quitting remains to be determined.

The scientists said their research illustrates the need for product regulation.

“While it is reasonable to assume that, if existing smokers switched completely from conventional cigarettes (with no other changes in use patterns) to e-cigarettes, there would be a lower disease burden caused by nicotine addiction, the evidence available at this time, although limited, points to high levels of dual use of e-cigarettes with conventional cigarettes, no proven cessation benefits, and rapidly increasing youth initiation with e-cigarettes,” the authors wrote.

“Furthermore, high rates of dual use may result in greater total public health burden and possibly increased individual risk if a smoker maintains an even low-level tobacco cigarette addiction for many years instead of quitting.”

The authors are [Rachel Grana](#), PhD, MPH, a postdoctoral fellow at the [UCSF Center for Tobacco Control Research and Education \(CTCRE\)](#); [Neal Benowitz](#), MD, a UCSF professor of medicine and bioengineering and therapeutic sciences and chief of the division of clinical pharmacology at San Francisco General Hospital and Trauma Center; and [Stanton Glantz](#), PhD, professor of medicine at UCSF, director of the CTCRE and the American Legacy Foundation Distinguished Professor in Tobacco Control.

The same authors have previously published [general information on e-cigarettes](#).

The paper is a condensed and updated version of a longer report by Grana, Benowitz and Glantz with the support of the World Health Organization. Additional support came from the University of California Tobacco Related Disease Research Program and the National Cancer Institute and Food and Drug Administration Center for Tobacco Products.

Benowitz is a consultant to several pharmaceutical companies that market smoking cessation medications and has been a paid expert witness in litigation against tobacco companies.

UC San Francisco (UCSF), now celebrating the 150th anniversary of its founding, is a leading university dedicated to promoting health worldwide through advanced biomedical research, graduate-level education in the life sciences and health professions, and excellence in patient care. It includes top-ranked graduate schools of dentistry, medicine, nursing and pharmacy, a graduate division with nationally renowned programs in basic, biomedical, translational and population sciences, as well as a preeminent biomedical research enterprise and two top-ranked hospitals, UCSF Medical Center and UCSF Benioff Children’s Hospital San Francisco.

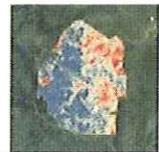
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Challenging the Unknown

## **Agenda Item:**

5D. Resolution No. 35-2014 adopting a video surveillance and audio monitoring policy.  
(staff)

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

**SUBJECT:** A Resolution adopting a video surveillance and audio monitoring policy

**FOR AGENDA OF:** Oct. 28, 2014 *MCH* **DATE SUBMITTED:** Oct. 16, 2014

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

**EXHIBITS:** Resolution, Policy

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**  
**REVIEWED BY THE FINANCE DEPARTMENT:**

**SUMMARY STATEMENT**

City Council recently approved a contract to install video cameras in various City facilities, to include City Hall, Peterson Plaza, the parking garage, and municipal court. Once these cameras are put into use and recording begins, City employees must abide by certain restrictions and limitations as to the use of the cameras and recordings. The proposed policy establishes those restrictions and limitations. City policies are generally adopted by resolution.

**RECOMMENDED ACTION**

Consideration of policy and adoption of Resolution.

CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 35-2014

**A RESOLUTION ADOPTING A VIDEO SURVEILLANCE AND AUDIO  
MONITORING POLICY**

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds that it is in the public interest to adopt a Video Surveillance and Audio Monitoring Policy;

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

The *Video Surveillance and Audio Monitoring Policy*, the provisions of which are set forth in **Exhibit A** attached hereto and incorporated herein by reference, is approved and adopted.

**PASSED AND APPROVED ON 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

# ***CITY OF KERRVILLE, TEXAS***

<b>SECTION:</b> TECHNOLOGY SERVICES	<b>REFERENCE NUMBER:</b>
<b>SUBJECT:</b> VIDEO SURVEILLANCE AND AUDIO MONITORING	<b>INITIAL EFFECTIVE DATE:</b>
<b>TITLE:</b> VIDEO SURVEILLANCE AND AUDIO MONITORING	<b>LAST REVISION DATE:</b>

## **PURPOSE:**

The City recognizes that improvements and changes in technology can greatly enhance public safety, the protection of property, and law enforcement efforts. In light of these goals, the City reserves the right to place video/audio monitoring and/or recording equipment on City-owned or controlled property where necessary and appropriate in accordance with this policy. This policy does not apply to cameras used by the Kerrville Police Department for law enforcement purposes and any applicable law will supersede this policy.

## **PROCEDURES:**

### ***I. Video Surveillance and Audio Monitoring Equipment***

- A. The acquisition and installation of video/audio monitoring and/or recording equipment must be coordinated and approved through the City Manager.
- B. The City shall not make video or audio recordings or conduct surveillance without the proper and legal acknowledgments and/or postings as required by law or this policy.
- C. The City shall not use false, empty, dummy, or inactive cameras.

### ***II. Video Surveillance***

- A. In order to promote the safety of its employees and visitors, as well as the security of its facilities, the City may conduct video surveillance of any portion of City-owned or controlled property at any time, the only exception being restrooms. Employees should not expect privacy in work-related areas as a result of this policy though the privacy of employees in non-work areas will be respected to the extent possible. An exception may occur where the City has reasonable belief of on-site drug use, physical abuse, theft, or other criminal acts. Legal advice will be sought in advance in such rare cases where non-work area privacy must be compromised.
- B. City will post signage in a conspicuous manner and at appropriate locations notifying the public that video surveillance cameras are in operation.

### ***III. Audio Recording/Monitoring***

- A. Department Directors or their specific designee may record and/or listen in on customer service telephone lines to ensure employees are being respectful and responsible to customers or for other legitimate business purposes. Calls may also be recorded and/or monitored for training purposes to critique customer service skills and provide feedback for job performance as needed.
- B. Department Directors shall inform employees that they may be monitored at any time during business calls without notification. Each employee's written acknowledgment will be obtained prior to his/her commencing employment and a signed copy of this policy will be placed in the employee's file. In addition, the City will notify customers of possible monitoring.
- C. If at any time during the monitoring process a personal call is identified, the monitoring will immediately be suspended. However, a continuous excessive level of non-business related phone calls is a basis for disciplinary action.

### ***IV. Storage and Review of Audio/Video Surveillance Recordings***

The City will store all recordings in a secure manner within its property, the access, review, and use of which will be limited to only authorized employees. The Department Director must designate the employees authorized to access recordings in his or her written request for video/audio surveillance equipment through the Information Technology Department ("IT"). If questions arise as to the authorized individual, IT will make the determination as to who may access the audio/video surveillance recording. That decision may be appealed to the City Manager.

### ***V. Audio/Video Monitoring Storage***

IT will ensure that the recording media is on a reusable single source schedule and thereafter is retained in strict accordance with the City's record retention policy. Any recordings not covered by the records retention policy may be retained only as long as required for operational necessity. In general, where no event or incident occurs which requires review or further use, such recordings are generally maintained for 21 days. Should an incident take place and the recording needs to be saved, the Department Director must notify IT immediately. IT will then convert the recording containing the event into a permanent video clip and store in strict accordance with the City's retention policy. The City will maintain video clips which could become evidence in civil or criminal proceedings indefinitely unless other direction is given by either the Police or Legal Department.

### ***VI. Release of Recordings***

Video or audio recordings may not be viewed or released outside of the organization unless required by the Texas Public Information Act or other applicable law, or as

deemed appropriate by the City Manager or Legal Department. Recordings may be released for criminal prosecution.

#### **VII. Destruction or Tampering with Video/Audio Recording Equipment**

Any employee who tampers with or willfully destroys any video/audio monitoring and recording equipment or recorded video or any part of the equipment or recorded video may be disciplined up to and including dismissal from the City.

## **Agenda Item:**

6A. Budget update. (staff)



**City of Kerrville**  
**Month ending September 30, 2014**  
 (Month 12 of FY14 Budget)

	Current Month	Year To-Date	Budget @ 100.00%	Prior Year To-Date	% change prior year
<b>General Fund</b>					
<b>Total Revenues</b>	<b>\$1,299,773</b>	<b>\$22,294,696</b>	<b>101.07%</b>	<b>\$21,660,951</b>	<b>2.84%</b>
Property tax	\$20,680	\$8,308,156	99.20%	\$8,214,290	1.13%
Sales tax	\$477,907	\$5,813,008	105.69%	\$5,554,073	4.45%
<b>Total Expenditures</b>	<b>\$2,411,340</b>	<b>\$22,079,000</b>	<b>98.74%</b>	<b>\$20,848,299</b>	<b>5.57%</b>

<b>Water and Sewer Fund</b>					
<b>Total Revenues</b>	<b>\$985,655</b>	<b>\$10,195,447</b>	<b>97.22%</b>	<b>\$10,316,640</b>	<b>-1.19%</b>
Water Sales	\$521,857	\$4,820,417	94.71%	\$4,953,077	-2.75%
Sewer Service	\$321,860	\$3,807,273	99.67%	\$3,594,601	5.59%
<b>Expenditures</b>	<b>\$845,884</b>	<b>\$9,656,190</b>	<b>94.16%</b>	<b>\$10,587,468</b>	<b>-9.64%</b>

<b>Hotel/Motel:</b>					
<b>Revenues</b>	<b>\$107,394</b>	<b>\$1,045,911</b>	<b>121.60%</b>	<b>\$957,850</b>	<b>8.42%</b>
<b>Expenditures</b>	<b>\$60,300</b>	<b>\$947,581</b>	<b>100.91%</b>	<b>\$826,500</b>	<b>12.78%</b>

<b>Unemployment: September 2014</b>		<b>Consumer confidence: September 2014</b>	
National	5.9%	National	86.0% up 18.8% over 2013
Texas	5.3%	Texas	103.5% up .4% over 2013
Local	4.5%	(Sources: State Comptroller/Workforce Alamo)	

**Housing:**

*Local:*  
 712 active residential listings; 57 residential sales September 2014  
 \$10,000,548 total residential sales dollars for September 2014  
 \$100,207,397 total residential sales dollars for January 1 through September 30, 2014  
 (Source: Kerrville Board of Realtors)

*Permits Issued for New Single Residence*  
 Oct - September 2013 - 45  
 Oct - September 2014 -68