

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY, MARCH 24, 2015, 6:00 P.M.**

**KERRVILLE CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

**KERRVILLE CITY COUNCIL AGENDA**  
**REGULAR MEETING, TUESDAY, MARCH 24, 2015, 6:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**INVOCATION:** by Blair Cushman, Assistant Pastor, Kerrville Bible 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. AWARDS AND RECOGNITIONS:**

2A. Citizen's Certificate of Merit to Mike Phillips. (Mayor Pratt)

2B. Proclamation recognizing the Pinewood Derby. (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. Lease of city property located at 715 Water Street to Representative Andrew Murr for use as a local office. (staff)

3B. Resolution No. 13-2015 amending Resolution No. 04-2015 that ordered the holding of a General Election to be held on May 9, 2015, by changing the election judge. (staff)

**END OF CONSENT AGENDA**

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The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 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, March 20, 2015 at 11:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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**4. PUBLIC HEARING:**

4A. Public hearing concerning a proposed voluntary annexation and an initial zoning classification of (RM) "Residential Mix" District, for an approximately 3.05 acre tract of land out of the W.H. Crawford Survey No. 653, Abstract No. 123, Kerr County Texas, located at 421 Roy Street. (staff)

**5. PUBLIC HEARING AND POSSIBLE ACTION:**

5A. Resolution No. 09-2015 nominating James Avery Craftsman, Inc. for award by the State of Texas of its manufacturing construction project and activities as an enterprise zone project designation and expressing intent to offer other local economic development incentives. (staff)

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

6A. Ordinance No. 2015-03 amending the City's "Zoning Code" to revise Article 11-I-20 "Off-Street Parking and Loading Requirements" by exempting existing buildings within the Central Business District from requiring off-street parking in specific circumstances; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication. (staff)

6B. Ordinance No. 2015-04 amending the City's "Zoning Code" by adding a definition of "Community Gardens" to Article 11-I-3 "Definitions and Interpretation of Words and Phrases"; revising Article 11-I-4 to add Community Garden as a use that is permitted within any zoning district; revising Article 11-I-19 to adopt regulations applicable to the use of property as a community garden; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of Two Thousand Dollars (\$2000.00); and ordering publication. (staff)

6C. Ordinance No. 2015-05, creating a Planned Development District as zoning for an approximate 6.920 acre tract consisting of several parcels located in the Walter Fosgate Survey No. 120, Abstract No. 138, within the City of Kerrville, Kerr County, Texas, addressed as 1107 Junction Highway (State Highway 27), and generally located on the southwest corner of Junction Highway and its intersection with Guadalupe Street; adopting a concept plan and conditions related to the development of said district; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed \$2,000.00 for each day of violation of any provision hereon; and ordering publication. (staff)

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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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**7. CONSIDERATION AND POSSIBLE ACTION:**

7A. Proposed 2015 Street Rehabilitation List. (staff)

**8. INFORMATION AND DISCUSSION:**

8A. Kerr Economic Development Corporation quarterly report. (staff)

8B. Mardi Gras on Main post event report. (staff)

8C. Budget update. (staff)

**9. APPOINTMENTS TO BOARDS AND COMMISSIONS:**

9A. Appointment to the Main Street Advisory Board. (staff)

9B. Appointment to the Kerr Emergency 9-1-1 Network Board. (staff)

9C. Appointment to the Kerrville Public Utility Board. (staff)

**10. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

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

**11. EXECUTIVE SESSION:**

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

**Section 551.074:**

- Appointment to the Kerrville Public Utility Board.

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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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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

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

**13. ADJOURNMENT.**

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The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 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, March 20, 2015 at 11:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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## **Agenda Item:**

2A. Citizen's Certificate of Merit to Mike Phillips. (Mayor Pratt)

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

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**SUBJECT:** Citizen's Certificate of Merit to Mike Phillips

**FOR AGENDA OF:** March 24, 2015 **DATE SUBMITTED:** March 12, 2015

**SUBMITTED BY:** Chief Dannie Smith *D.C.S.* **CLEARANCES:** Todd Parton, City Manager

**EXHIBITS:**

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

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**SUMMARY STATEMENT**

On December 20, 2014, the Kerrville Fire Department responded to a structure fire at 4:45 AM, 1800 Junction Hwy (Lime Creek Apartments). Upon arrival, Engine 2 found several individuals standing outside of the apartments and heavy amounts of smoke pouring from apartment #7. Engine 2's crew made entry to find moderate fire damage to the kitchen's cooking area. It was very obvious that someone had used a dry-chemical fire extinguisher to suppress the fire on the stove, vent-a-hood and cabinetry. During the investigation, a Kerrville Police officer stated a neighbor had removed an extinguisher from the outside wall, went inside the apartment, and applied it to the fire. This application extinguished the fire and eliminated the need for firefighters to charge their hose lines. This quick and heroic act not only saved the possessions of the occupants, but also valuables and treasured items belonging to the 17 other residents, in the complex. Given the time of morning, when so many occupants were asleep and awaiting the arrival of Christmas in only 5 days, the heroic act of this person ensured that innocent people still exist. The person, who helped his neighbors in a desperate time of need, is Mr. Mike Phillips.

**RECOMMENDED ACTION**

That Mike Phillips be given the Citizen's Certificate of Merit.

## **Agenda Item:**

2B. Proclamation recognizing the Pinewood Derby. (Mayor Pratt)



## City of Kerrville

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

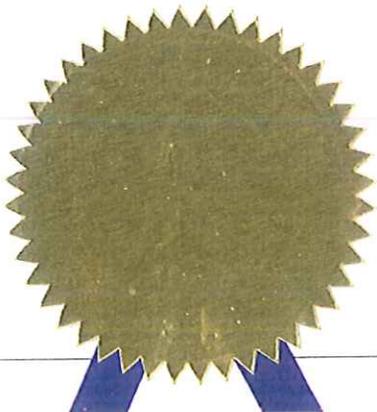
# PROCLAMATION

- WHEREAS,** In 1953 the Cub Master of Cub Scout Pack 280C, wanted to create a new father-son Cub Scout activity he could do with his 10-year-old son who was too young to race in the Soap Box Derby; and
- WHEREAS,** He wanted to devise a wholesome, constructive activity that would foster a closer father-son relationship and promote craftsmanship and good sportsmanship through competition; and
- WHEREAS,** When his idea for carving and racing miniature cars was presented to the Cub Scout Pack 280C of Manhattan Beach, California the project was heartily endorsed; and
- WHEREAS,** The first racing kits came in a paper bag and were composed of a block of wood, a pair of axles, four nails and four wheels; and
- WHEREAS,** The moment the first group of miniature cars started down the 32-foot race ramp with the battery-run finish line made from doorbells on May 15, 1953, the Pinewood Derby enjoyed instant success and the following year the national office of the Boy Scouts of America® adopted the program for Cub Scout packs nationwide; and
- WHEREAS,** More than half century after running of the first Pinewood Derby, the event continues to be immensely popular not only among Cub Scouts® of which more than 100 million have participated in the Derby to date, but with members of other youth groups as well,

**NOW, THEREFORE,** I, Jack Pratt, Mayor of the City of Kerrville, Texas, do hereby proclaim April 11, 2015 as

## PINEWOOD DERBY DAY

And commend generations of parents and children who have built strong relationships as they have also developed valuable skills.



**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 \_\_\_\_\_, 2015.

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

## **Agenda Item:**

3A. Lease of city property located at 715 Water Street to Representative Andrew Murr for use as a local office. (staff)

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

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**SUBJECT:** Lease of city property located at 715 Water Street to Representative Andrew Murr for use as a local office

**FOR AGENDA OF:** Mar. 24, 2015

**DATE SUBMITTED:** Mar. 17, 2015

**SUBMITTED BY:** Todd Parton  
City Manager

**CLEARANCES:**

**EXHIBITS:** Lease Document

**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:**

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**SUMMARY STATEMENT**

Attached is a lease between the City of Kerrville and State Representative Andrew Murr to establish a local office at the city-owned property located at 715 Water Street. This was formerly the Business Programs and Kerrville Main Street Office.

The initial term of the lease will be through January 10, 2017. Pursuant to the lease the city will also provide basic utilities – water, wastewater, and electric. An amount of \$350 will be paid to the city on a monthly basis and will be adequate to cover the city's expenses.

The City of Kerrville will maintain access to the attic area of the building which is used to store city materials and supplies.

**RECOMMENDED ACTION**

It is recommended that the City Council approve this lease as presented.



State of Texas
House of Representatives

DISTRICT OFFICE LEASE CONTRACT

This lease is entered into between City of Kerrville, herein referred to as Lessor, and the Committee on House Administration of the Texas House of Representatives of the State of Texas, herein referred to as Lessee, for the benefit of Andrew Murr, a Member of the House of Representatives of the State of Texas, herein referred to as Member.

For and in consideration of the covenants, conditions, and provisions contained in this instrument, Lessor hereby leases to Lessee the following described property located in Kerr County, Texas. The address of the leased property is:

715 Water Street Kerrville 78028
Street Address, Suite, etc. City Zip Code

(which includes approximately 1200 square feet of floor space), with all the rights easements, and appurtenances belonging thereto and usually had and enjoyed therewith, on the terms and condition contained herein.

I.

The term of this lease begins March 24, 2015 and ends January 10, 2017 but (Month Day, Year) (Lease must end on or prior to January 10, 2017)

the Lessor understands and agrees that the Lessee may cancel this lease, without penalty, if funds for its continuation are not provided for the next fiscal period or if the Member, for whose benefit this lease is made, ceases to be a Member of the House of Representatives.

II.

Lessee has the option to renew this lease for an additional period of 24 months for the same monthly rental and under the same conditions, covenants, and provisions applicable under this lease during the primary term. To exercise the option, Lessee must give written notice of its election to do so to Lessor not later than 30 days before the expiration of the primary term of the lease.

III.

As rental for the leased premises, Lessee will pay Lessor the sum of \$ 350.00 per month, which shall be paid solely from the funds of the House of Representatives. However, the Lessor agrees that the liability of the House of Representatives to pay the rental is limited to the amount of money in the Member's operating account. If the Member's account is depleted, the House of Representatives may immediately notify the Lessor in writing. Until further notice, neither the House of Representatives nor the State of Texas is responsible for any rent that accrues after the date of the notice. The Lessor may thereupon, terminate the lease or allow the Member to continue to occupy the leasehold on terms mutually agreeable to the Lessor and the Member.

IV.

The leased premises will be used by the Member of the House of Representatives named herein as an office to be used in connection with his official business as a State Representative.

V.

Although this lease is for the purpose of providing office space for the Member named in this instrument, no title, credits, allowances, premiums, or anything of value shall inure to the benefit of the Member at any time because of this agreement. (Under Art. III, Sec 18, of the Texas Constitution, neither the legislator nor his form may contract with the State of Texas if the subject of the contract was authorized or funded by a legislature of which the individual was a member.) The Member named in this lease is not related in the first degree by marriage, or through blood relationship, to anyone who has a financial interest,

either directly or indirectly, in the property leased by the House of Representatives for this said Member. Any agreement contrary to this paragraph renders the lease null and void and renders Lessor liable for the refund of all payments paid hereunder together with interest on that at 10 percent annum, reasonable attorney's fees for the collection of that amount, and all costs incurred with said collection.

VI.

Either party may terminate this lease at any time for failure of the other to comply with the covenants, conditions, and provisions of the lease. Also, either party may terminate this lease by providing the other party with written notice 30 days prior to date of termination.

VII.

The following additional covenants, and provisions are further agreed to by Lessor and Lessee:

VIII.

The covenants and conditions in this instrument are the full and complete terms of this lease. No alterations, amendments or modifications of those terms are binding unless reduced to writing and signed by the parties to the lease.

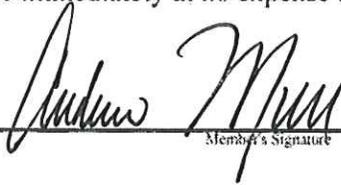
**City of Kerrville**

Lessor's Company Name (type or print)	Date
<b>Todd Parton</b>	
Lessor's Name (type or print)	Date
	<b>City Manager</b>
Lessor's Signature (1)	Lessor's Signatory's Title (1)
<b>701 Main Street</b>	<b>(830) 257-8000</b>
Lessor's Address	Telephone Number
<b>City Government</b>	<b>74-6001490</b>
Lessor's Type of Organization (2)	Lessor's Tax ID Number (3)
<i>Todd Parton</i>	<i>March 10, 2015</i>
Signature of Representative (4)	Date
Signature of Chairman (5)	Date

**Note:**

1. Must be signed by lessor or person authorized to contractually bind said individual, partnership, company or corporation. Signature must be an original signature (not from a signature stamp or photo copied).
2. Lessor's type of organization (law firms, realtor firm, sole proprietorship, dental firm, etc.).
3. The applicable tax identification number for individual, partnership, or corporation for reporting rent payments to the Internal Revenue Service.
4. Member of the Texas House of Representatives whose office operating account is to be charged. Signature must be an original signature (not from a signature stamp or photo copied).
5. Chairman of Committee on House Administration or person authorized to sign such agreements.

I, Andrew Murr do not have an interest  
Name of Member  
in the described property that I have requested the Texas House of Representatives to enter into a district office lease contract. Furthermore, I hereby state that I am not related in the first degree by marriage or through blood relationship to anyone who has a financial interest either directly or indirectly in the property leased by the House of Representatives for this said member. If I should acquire an interest in said property, I will advise the Chair of the Committee on House Administration in writing and terminate my district office lease immediately at no expense to the House of Representatives.

  
Member's Signature

March 10, 2015  
Date

## **Agenda Item:**

3B. Resolution No. 13-2015 amending Resolution No. 04-2015 that ordered the holding of a General Election to be held on May 9, 2015, by changing the election judge. (staff)

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

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**SUBJECT:** Resolution No. 13-2015 Appointing Kathy Coleman, as Election Judge for the General Election to be held on May 9, 2015

**FOR AGENDA OF:** March 24, 2015      **DATE SUBMITTED:** March 18, 2015

**SUBMITTED BY:** Brenda Craig *BC*      **CLEARANCES:** Todd Parton  
Mike Hayes

**EXHIBITS:** Resolution No. 04-2015 and Resolution No. 13-2015

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

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**SUMMARY STATEMENT**

At the meeting of January 27, 2015, the city council approved Resolution No. 04-2015 ordering the general election and appointing election judges for the general election to be held May 9, 2015. Since that time, Michael Louise Bond has asked to be replaced as the city's election judge. I recommend Kathy Coleman be appointed to serve as election judge; Mrs. Coleman has the appropriate qualifications and experience and has served in this capacity for the city in the past.

**RECOMMENDED ACTION**

Approval of Resolution No. 13-2015 appointing Kathy Coleman as election judge for the City of Kerrville General Election being held May 9, 2015.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 13-2015**

**A RESOLUTION AMENDING RESOLUTION NO. 04-2015 THAT  
ORDERED THE HOLDING OF A GENERAL ELECTION TO BE  
HELD ON MAY 9, 2015, BY CHANGING THE ELECTION JUDGE**

**WHEREAS**, pursuant to Resolution No. 04-2015, City Council ordered a general election to be held on May 9, 2015, and appointed election judges and election workers to oversee the conduct of such elections; and

**WHEREAS**, the City Secretary recently learned that the appointed election judge is no longer available to serve on election day; and

**WHEREAS**, the City Council finds it to be in the public interest to appoint a new election judge;

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

**SECTION ONE.** Resolution No. 04-2015 is amended by revising Section Six of the Resolution by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

“**SECTION SIX.** The following person is appointed as election judge pursuant to Texas Election Code §32.005 for the election to be held on May 9, 2015, inclusive of the early voting period:

Kathy Coleman ~~Michael Louise Bond~~ – Election Judge

**SECTION TWO.** Other than the amendments in Section Six above, there are no other changes to Resolution No. 04-2015, and it remains in full force and effect.

**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2015.**

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

APPROVED AS TO FORM:

ATTEST:

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

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

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 04-2015**

**A RESOLUTION ORDERING THAT A GENERAL ELECTION BE HELD ON MAY 9, 2015, FOR THE ELECTION OF TWO CITY COUNCILMEMBERS; APPOINTING ELECTION JUDGES; ADOPTING AN ELECTRONIC COUNTING SYSTEM; ESTABLISHING A CENTRAL COUNTING STATION; APPOINTING A CENTRAL COUNTING STATION MANAGER; APPOINTING A TABULATION SUPERVISOR; APPOINTING THE CENTRAL COUNTING STATION PRESIDING JUDGE; AND AUTHORIZING THE EARLY PROCESSING OF BALLOTS**

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

WHEREAS, the term of office for Councilmember Place One and Councilmember Place Two will expire in May 2015; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to call a general election to be held on May 9, 2015, for the election of persons to the offices of Councilmember Place One and Councilmember Place Two; and

WHEREAS, in order to more efficiently conduct the counting of ballots for the May 9, 2015, general election for the City of Kerrville, the City Council finds it to be in the public interest to appoint various officials and to adopt certain procedures for conducting said election;

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

**SECTION ONE.** City Council orders that a general election be held in the City of Kerrville, Texas, on Saturday, the 9<sup>th</sup> day of May 2015, for the purpose of electing persons to the offices of Councilmember Place One and Councilmember Place Two for the City of Kerrville, Texas.

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

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

**SECTION FOUR.** On Election Day, May 9, 2015, the polls shall be open from 7:00 AM to 7:00 PM. Early voting shall be conducted at the Kathleen C. Cailloux City Center of the Performing Arts, 910 Main Street, Kerrville, Texas, 78028, April 27 through May 5 as follows:

Monday, April 27, 2015: 7:00 AM to 7:00 PM

Tuesday, April 28, 2015: 7:00 AM to 7:00 PM

*Resolution  
04-2015*

Wednesday through Friday, April 29, April 30, and May 1, 4, and 5, 2015: 8:00 AM to 5:00 PM

**SECTION FIVE.** Applications for ballot by mail should be addressed to: Michelle Schneider, Kerr County Courthouse, 700 Main Street, Kerrville, Texas, 78028, and must be received no later than 5:00 PM on April 30, 2015.

**SECTION SIX.** The following persons are appointed as election judges pursuant to Texas Election Code §32.005 for the election to be held on May 9, 2015, inclusive of the early voting period:

Michael Louise Bond – Election Judge  
Helen Herget – Alternate Election Judge  
Pam Cornett – Early Voting Ballot Board Judge

**SECTION SEVEN.** In accordance with Texas Election Code §127.001, City Council declares that ballots for the May 9, 2015, City election shall be electronically counted by using the Hart E Scan System owned by Kerr County.

**SECTION EIGHT.** In accordance with Texas Election Code §127.001, City Council establishes that the central counting station for the counting of ballots in the May 9, 2015, election will be located in the Kerr County Juvenile Facility, 3501 Legion Drive, Kerrville, Texas.

**SECTION NINE.** In accordance with Texas Election Code §127.005, City Council appoints Cindy Guardiola to serve as presiding judge of the central counting station for the May 9, 2015, City election.

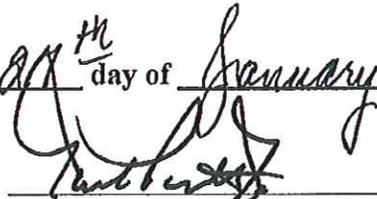
**SECTION TEN.** In accordance with Texas Election Code §127.003, City Council appoints Nadene Alford to serve as tabulation supervisor for the May 9, 2015, City election.

**SECTION ELEVEN.** In accordance with Texas Election Code §127.002, City Council appoints Michele Schneider to serve as central counting station manager for the May 9, 2015, City Council election.

**SECTION TWELVE.** In accordance with Texas Election Code §127.124, City Council authorizes that the ballots cast during the early voting period for the May 9, 2015, City election may be processed on or after 9:00 AM on May 9, 2015.

**SECTION THIRTEEN.** City Council will conduct the official canvass of the election at a special meeting on Tuesday, May 19, 2015, beginning at 10:00 AM in the Council Chambers, City Hall, 701 Main Street, Kerrville, Texas.

PASSED AND APPROVED ON this the 01<sup>st</sup> day of January A.D., 2015.

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

R 04-2015

APPROVED AS TO FORM:

  
Michael C. Hayes, City Attorney

ATTEST:

  
Brenda G. Craig, City Secretary

## **Agenda Item:**

4A. Public hearing concerning a proposed voluntary annexation and an initial zoning classification of (RM) "Residential Mix" District, for an approximately 3.05 acre tract of land out of the W.H. Crawford Survey No. 653, Abstract No. 123, Kerr County Texas, located at 421 Roy Street. (staff)

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

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**SUBJECT:** Second public hearing concerning a proposed voluntary annexation and an initial zoning classification of (RM) "Residential Mix" District, for an approximately 3.05 acre tract of land out of the W.H. Crawford Survey No. 653, Abstract No. 123, Kerr County, Texas, located at 421 Roy Street.

**FOR AGENDA OF:** March 24, 2015

**DATE SUBMITTED:** March 13, 2015

**SUBMITTED BY:** Dieter Werner, P.E.  
Dir. of Engineering and Planning

**CLEARANCES:** Kristine Day  
Deputy City Manager

**EXHIBITS:**

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

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**SUMMARY STATEMENT**

This item concerns a public hearing for the voluntary annexation and initial zoning classification of 421 Roy St. The applicants requested annexation by petition on August 1, 2014 and the Council granted the petition and directed Staff to begin the proceedings with Resolution No. 27-2014 on September 23, 2014.

The applicant has requested RM "Residential Mix" zoning. This district allows all uses permitted in the "RC" Residential Cluster District with the addition of the development of subdivisions which include the location of manufactured housing, subject to certain development restrictions.

City Council held the first public hearing on this item at its regular meeting on March 17, 2015.

**RECOMMENDED ACTION**

Staff recommends that the Council hold the required public hearing to receive public comments. No action required at this time.

# Exhibit A - Pg. 1

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

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

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

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

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

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

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

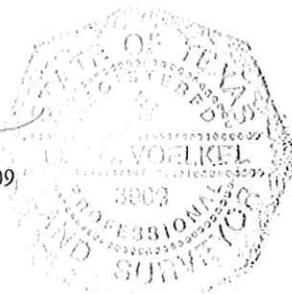
I hereby certify that these field notes and accompanying plat are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all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

Date Surveyed: June 11, 2014

Dated this 22<sup>nd</sup> day of July, 2014

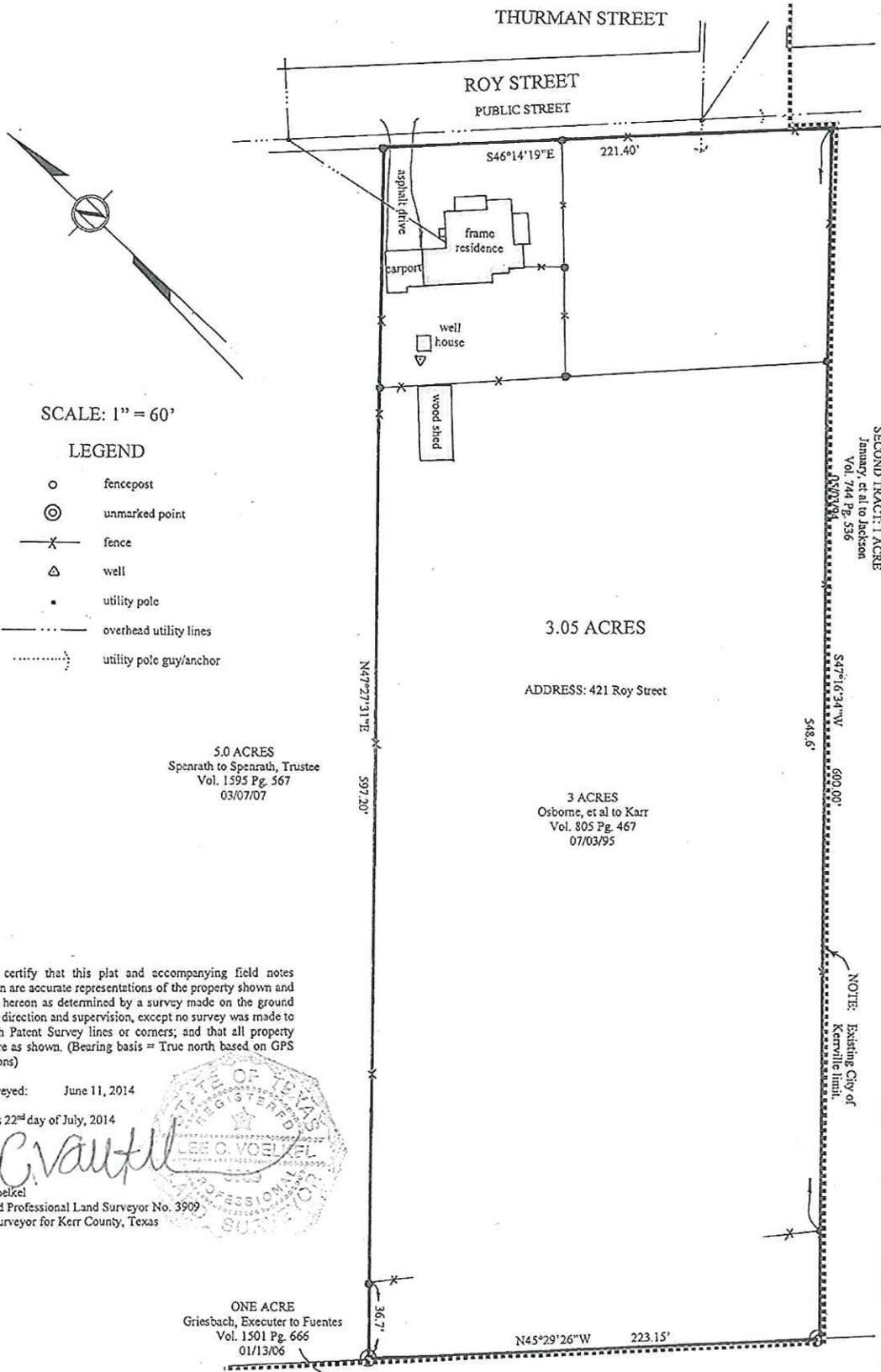


Lee C. Voelkel  
Registered Professional Land Surveyor No. 3909  
County Surveyor for Kerr County, Texas



# Exhibit A - Pg. 2

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



SCALE: 1" = 60'

**LEGEND**

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

5.0 ACRES  
Spenrath to Spenrath, Trustee  
Vol. 1595 Pg. 567  
03/07/07

3.05 ACRES

ADDRESS: 421 Roy Street

3 ACRES  
Osborne, et al to Karr  
Vol. 805 Pg. 467  
07/03/95

ONE ACRE  
Griesbach, Executor to Fuentes  
Vol. 1501 Pg. 666  
01/13/06

SECOND TRACT: 1 ACRE  
January, et al to Jackson  
Vol. 744 Pg. 536

NOTE: Existing City of Kerrville limit.

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

Date Surveyed: June 11, 2014

Dated this 22<sup>nd</sup> day of July, 2014

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





## **Agenda Item:**

5A. Resolution No. 09-2015 nominating James Avery Craftsman, Inc. for award by the State of Texas of its manufacturing construction project and activities as an enterprise zone project designation and expressing intent to offer other local economic development incentives. (staff)

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

**SUBJECT:** Public Hearing and Resolution No. 09-2015 supporting and nominating James Avery Craftsman for the award of State of Texas Enterprise Zone Project designation

**FOR AGENDA OF:** March 24, 2015      **DATE SUBMITTED:** March 11, 2015

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

**EXHIBITS:** Resolution

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

**SUMMARY STATEMENT**

James Avery Craftsman (JAC) would like to apply for a State of Texas Enterprise Zone designation which will make the company eligible for a refund of state sales tax paid on the project expenditures. In order to accomplish this, under the Enterprise Zone Act, the City of Kerrville must pass a resolution nominating JAC to the Governor's Office of Economic Development and Tourism. If approved, the City will incur no costs in connection with this designation. The project associated with this nomination would be the recent manufacturing expansion project that is currently in progress and outlined below.

JAC will be expanding its facilities by building a new, larger manufacturing plant on property located south of the Kerrville-Kerr County Airport. The expansion will consolidate and expand facilities currently located in multiple buildings and running at maximum capacity off of Avery Road. This expansion will create a total of 359 new jobs over a six year time frame with average wages of \$11.20 per hour.

The project will include a new production facility, necessary drainage work and site landscaping, and a deceleration lane into the entrance to the 29-acre tract to comply with Texas Department of Transportation regulations. The total expansion cost is estimated to be \$14.95 million including land development and site improvements, additional equipment, and a 53,000+ square foot building for manufacturing, engraving, product care, wastewater treatment, break room, restrooms, and offices. Fixed equipment associated with the project is estimated at \$4 million.

### **RECOMMENDED ACTION**

City staff recommends holding a public hearing and adopting resolution 09-2015 nominating James Avery Craftsman as a State of Texas Enterprise Zone project as presented.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 09-2015**

**A RESOLUTION NOMINATING JAMES AVERY  
CRAFTSMAN, INC. FOR AWARD BY THE STATE OF  
TEXAS OF ITS MANUFACTURING CONSTRUCTION  
PROJECT AND ACTIVITIES AS AN ENTERPRISE ZONE  
PROJECT DESIGNATION AND EXPRESSING INTENT TO  
OFFER OTHER LOCAL ECONOMIC DEVELOPMENT  
INCENTIVES**

**WHEREAS**, James Avery Craftsmen, Inc. (“JAC”), whose headquarters is within Kerrville, designs, manufactures, and sells through its website, catalogue, retail outlets, and local call center, a line of fine jewelry; and

**WHEREAS**, JAC recently purchased land, which is now located within the corporate limits of Kerrville, where it intends to build a new facility for its manufacturing operations (the “Project”); and

**WHEREAS**, JAC is expected to initially invest over Fourteen Million Dollars (\$14,000,000.00) in the Project; and

**WHEREAS**, JAC intends to initially relocate or create, fill and maintain, on an annual basis, at least one hundred thirty-four (134) full time employment positions with the objective of later increasing the number of full time employment positions to more than three hundred fifty (350) employees, all to be located within Kerrville; and

**WHEREAS**, the Office of the Governor Economic Development and Tourism through the Economic Development Bank (“Agency”) will consider JAC’s Project as an enterprise project pursuant to this nomination and an application to be submitted by the City of Kerrville, Texas (“City”); and

**WHEREAS**, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located within the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

**WHEREAS**, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the “Act”), JAC has applied to the City for designation as an enterprise project; and

**WHEREAS**, the City finds that the JAC Project meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

A. JAC is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body’s jurisdiction located within an enterprise zone and at least twenty-five percent (35.0%) of the business’ new employees will be residents of an enterprise zone or economically disadvantaged individuals; and

B. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and

C. The designation of the JAC Project as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

**WHEREAS**, the City finds that the JAC Project meets the criteria for tax relief and other incentives adopted by the City and nominates the Project for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

**WHEREAS**, the City Council finds that the designation of JAC’s Project as an Enterprise Zone project is a critical incentive to ensure JAC’s expansion; and

**WHEREAS**, local support for the Project includes grant funding from the City of Kerrville, Economic Improvement Corporation, a Texas nonprofit corporation established pursuant to the Development Corporation Act of 1979 and codified in Chapters 501, 502, and 505 of the Texas Local Government Code, and tax abatement pursuant to an agreement with the City under the authority of Chapter 380 of the Texas Local Government Code, to be executed at a later date;

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

**SECTION ONE.** The findings of the City Council and its actions approving this Resolution taken at the City Council meeting, which included published notice and the holding of a public hearing, are hereby approved and adopted. Further, this Resolution is intended and should be considered as complying with the Act in all respects and specifically as to being considered the order required by the Act.

**SECTION TWO.** The City Manager is hereby designated the City’s liaison with the Agency under the Act. In addition, the City Manager or designee is hereby authorized and directed to take all steps required and necessary under the Act, to include submission of a certified copy of this Resolution to the Agency.

**SECTION THREE.** This Resolution will become effective upon its passage and approval.

**PASSED AND APPROVED ON this the \_\_\_\_ day of \_\_\_\_\_ A.D., 2015**

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

APPROVED AS TO FORM:

ATTEST:

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

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

## **Agenda Item:**

6A. Ordinance No. 2015-03 amending the City's "Zoning Code" to revise Article 11-I-20 "Off-Street Parking and Loading Requirements" by exempting existing buildings within the Central Business District from requiring off-street parking in specific circumstances; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication. (staff)

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

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**SUBJECT:** Second and final ordinance reading concerning proposed text amendments to the City of Kerrville's adopted zoning code regarding parking restrictions within the Central Business District

**FOR AGENDA OF:** March 24, 2015

**DATE SUBMITTED:** March 13, 2015

**SUBMITTED BY:** Dieter Werner, P.E.  
Dir. of Engineering and Planning

**CLEARANCES:** Kristine Day  
Deputy City Manager

**EXHIBITS:**

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

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**SUMMARY STATEMENT**

Staff initially presented a potential amendment to the Downtown Core district boundary, in response to concerns over off-street parking requirements and redevelopment of adjacent areas to complement the Downtown Core.

Recently, a set of inquiries about the redevelopment of the area around Clay St. and Jefferson St. has brought to light some of the challenges associated with redevelopment of the area. As this area is at the current periphery of the Downtown Core – but within the Central Business District – developed through the mid-20<sup>th</sup> century, it reflects a mix of older, architecturally relevant buildings with utilitarian metal buildings. The original lot form did not contemplate much on-site parking, and many lots have been consolidated to provide larger lot areas for development.

As demand for commercial and mixed use property increases in the central business district, the challenge remains to be able to provide parking. In recognition of this, the City of Kerrville has done two things: first, it has designated a public parking garage at the corner of Sidney Baker St. and Water St. Secondly, it has recognized that a vibrant downtown core – such as had been originally developed along Main St. and Water St. – is successful and retains the old character of the city not because of the provision of parking, but for the provision of sidewalks and allowing a better pedestrian experience. In creating the downtown core designation in the zoning ordinance, the code does not require the provision of additional parking in order to accommodate a redevelopment.

With these two facts of precedent in mind, Staff believes that it may be in the city's best interest to consider expanding the parking restrictions designated for the Downtown Core designation to include all of the Central Business District.

The Downtown Core is currently defined as "a 5-1/2 block area consisting of small specialty shops, restaurants, offices, and tourist, visitor and public uses unique to the city. This area...shall be exempt from the following development standards of the CBD." The standards for DC are differentiated from the CBD as follows:

- Setbacks (no setbacks)
- Parking (if the use changes and new use does not expand, there is no requirement to add off-street parking)

The Planning and Zoning Commission held a public hearing for this item at their regular meeting on March 12, 2015. Specific concerns from the Commission included the potential for neighboring properties to be encroached upon for available parking, as well as the need for the City to be more flexible in allowing on-street parking. The Commission failed to introduce a motion to recommend or deny the proposal as presented. City Council held a public hearing and 1<sup>st</sup> ordinance reading at its regular meeting on March 17, 2015.

It is Staff's position that parking does already occur on the streets, but it is not good policy to encourage and specifically provide marked on-street parking as a means of meeting the required parking as stated in the zoning code. City public sanitary sewer and water infrastructure is typically installed within the pavement section of public right of way, and encouraging parking on top of the existing mains could pose maintenance and safety issues in the event of main breakage or the need for maintenance.

### **RECOMMENDED ACTION**

Staff recommends that the Council conduct the second reading and render a decision on the requested zoning code text amendment.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2015-03**

**AN ORDINANCE AMENDING THE CITY’S “ZONING CODE” TO REVISE ARTICLE 11-I-20 “OFF-STREET PARKING AND LOADING REQUIREMENTS” BY EXEMPTING EXISTING BUILDINGS WITHIN THE CENTRAL BUSINESS DISTRICT FROM REQUIRING OFF-STREET PARKING IN SPECIFIC CIRCUMSTANCES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); AND ORDERING PUBLICATION**

**WHEREAS**, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of a hearing which was held before the City Council on March 17, 2015, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in revisions to Article 11-I-20 of the City’s Zoning Code which will make changes to the regulations applicable to parking and loading; and

**WHEREAS**, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on March 17, 2015, as advertised; and

**WHEREAS**, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and the City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City’s Zoning Code to revise Article 11-I-20 as provided herein;

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

**SECTION ONE.** Article 11-I-20 “Off-Street Parking and Loading Requirements”, subsection A.6., of the City’s Zoning Code is amended by adding the language that is underlined (added) and deleting the language that is stricken and bracketed (~~deleted~~) as follows:

**“Art. 11-I-20 OFF-STREET PARKING AND LOADING REQUIREMENTS**

·  
·

6. Application to Existing Buildings: If the use of a building is changed to a different use which pursuant to this article requires more off-street parking than currently exists, then the following applies:

- a. New Use: The new use may not commence until the required additional off-street parking is provided, if the building is not located in the Downtown Core or Central Business District as said terms ~~(is)~~ are defined in this code; or
- b. Downtown Core and Central Business District Property: If the building is located in the Downtown Core or the Central Business District, as said terms ~~(is)~~ are defined within Article 11-I-3, and the new use does not require an enlargement of that encompassed by the exterior walls of the building, the new use may commence without adding the off-street parking which would otherwise be required by this section.”

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

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

**SECTION FIVE.** Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City’s Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

**SECTION SIX.** This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

**PASSED AND APPROVED ON FIRST READING, this the 17<sup>th</sup> day of March, A.D., 2015.**

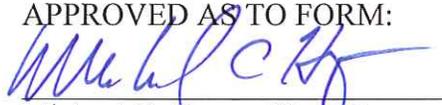
**PASSED AND APPROVED ON SECOND AND FINAL READING, this the day of \_\_\_\_\_, A.D., 2015.**

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

ATTEST:

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

APPROVED AS TO FORM:

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

## **Agenda Item:**

6B. Ordinance No. 2015-04 amending the City's "Zoning Code" by adding a definition of "Community Gardens" to Article 11-I-3 "Definitions and Interpretation of Words and Phrases"; revising Article 11-I-4 to add Community Garden as a use that is permitted within any zoning district; revising Article 11-I-19 to adopt regulations applicable to the use of property as a community garden; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of Two Thousand Dollars (\$2000.00); and ordering publication. (staff)

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

---

**SUBJECT:** Second and final reading of an ordinance concerning a proposed Zoning Code Text Amendment to amend Article 11-I-3 and Article 11-I-4 of the Zoning Regulations, related to Community Garden land use, associated accessory use and site development standards.

**FOR AGENDA OF:** March 24, 2015

**DATE SUBMITTED:** March 13, 2015

**SUBMITTED BY:** Dieter Werner, P.E.,  
Dir. of Engineering and Planning

**CLEARANCES:** Kristine Day  
Deputy City Manager

**EXHIBITS:**

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

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**SUMMARY STATEMENT**

This item is concerning the second ordinance reading for a staff-initiated text amendment to the City's adopted zoning code Ordinance

Based upon recent inquiries about the feasibility of community garden use, with respect to the zoning regulations, Staff has initiated this text amendment to be able to address accessory structures. Currently under the Zoning Code, to use an accessory building on a property, there must be a primary structure. Community gardens are allowed now and there is at least one community garden that exists; however, this code amendment is intended to specifically allow community gardens and authorize them to use accessory structures under site development standards.

As proposed, the amendment to the regulations would define a "community garden", permit this use within all districts, and apply a set of site development standards. Specifically, the amendments are as follows:

**Art. 11-1-3**                      **DEFINITIONS AND INTERPRETATION OF WORDS AND PHRASES**

**Add the following definition.**

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

**Community Gardens:** a single piece of land gardened collectively by a group of people for the

growing and harvesting of food crops and/or non-food, ornamental crops, such as flowers. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

**Art. 11-1-4                    ZONING DISTRICTS-GENERALLY**

**Add the following land use to be permitted in any zone.**

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

“Community Gardens”.

**Art. 11-1-19                    SUPPLEMENTARY DEVELOPMENT REQUIREMENTS**

**Add the following site development regulations.**

**H. Community Gardens:** a single piece of land gardened collectively by a group of people for the growing and harvesting of food crops and/or non-food, ornamental crops, such as flowers. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members and shall be subject to the following site development regulations:

1. can be publicly or privately held;
2. shall be permitted in any zoning district of the city;
3. may be placed on a roof structure provided that all applicable building and fire codes are in compliance;
4. lighting shall be shielded so that substantially all directly emitted light falls within the property.
5. shall only be utilized for gardening purposes and not utilized as a storage lot for equipment or materials not associated with the garden;
6. compost piles abutting adjacent properties shall not be visible from adjacent property (shielded from view by shrubbery or an enclosure);
7. shall be managed to prevent the harborage of rodents and pests.
8. shall be maintained to prevent odors.
9. the site shall be designed and maintained to prevent water from irrigation and/or other activities and/or fertilizer from draining onto adjacent property.
10. trash areas shall be provided and screened on at least three (3) sides from public view;
11. an accessory structures such as greenhouses, sheds, farmstands, or other similar structures may be placed on the property without the presence of an associated primary structure;
12. an accessory structure must adhere to the accessory structure setback requirements for the zoning district or land use;
13. may only be utilized for the storage of equipment and materials required for the operation of a community garden;
14. must adhere to the accessory structure setback requirements.

The Planning and Zoning Commission held a public hearing and discussion for this item at their regular meeting on March 12, 2015. Recommendation by the Commission was 5-0 to reject the amendment as proposed, and require a case by case review of a Conditional Use Permit for similar community garden projects with respect to placement of accessory structures. City Council held a public hearing and 1<sup>st</sup> ordinance reading at its regular meeting on March 17, 2015.

### **RECOMMENDED ACTION**

Staff recommends that the Council conduct the second reading and render a decision on the requested zoning code text amendment.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2015-04**

**AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY ADDING A DEFINITION OF "COMMUNITY GARDENS" TO ARTICLE 11-I-3 "DEFINITIONS AND INTERPRETATION OF WORDS AND PHRASES"; REVISING ARTICLE 11-I-4 TO ADD COMMUNITY GARDEN AS A USE THAT IS PERMITTED WITHIN ANY ZONING DISTRICT; REVISING ARTICLE 11-I-19 TO ADOPT REGULATIONS APPLICABLE TO THE USE OF PROPERTY AS A COMMUNITY GARDEN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); AND ORDERING PUBLICATION**

**WHEREAS**, pursuant to Texas Local Government Code Sections 211.006 and 211.007, legal notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of a hearing which was held before the City Council on March 17, 2015, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in revisions to Articles 11-I-3, 11-I-4, and 11-I-19 of the City's Zoning Code which will add regulations with respect to the use of a "community garden" as defined; and

**WHEREAS**, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on March 17, 2015, as advertised; and

**WHEREAS**, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of properties and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's Zoning Code to revise Articles 11-I-3, 11-I-4, and 11-I-19 to allow for and regulate the use of a "community garden";

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

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

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

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

⋮

(28) Community Garden: A single piece of land gardened collectively by a group of people for the growing and harvesting of food crops and/or nonfood, ornamental crops, such as flowers. A community garden may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.”

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

- “(f) **Uses Permitted in Any Zone:** The following uses are permitted in any zoning district of the City:

⋮

(1) Community garden, but subject to the application of regulations found within Art. 11-I-19, below.”

**SECTION THREE.** Article 11-I-19 “Special Development Regulations for Specific Uses” of the City’s Zoning Code is amended by adding the language that is underlined (added), which will apply regulations to community gardens as follows:

“(h) Community Gardens: Property used for the purpose of a community garden must comply with the following:

- (1) may be publically or privately owned;
- (2) may be placed and maintained on a roof structure provided that it meets all applicable building and fire code requirements;
- (3) any lighting must be shielded so that substantially all directly emitted light falls within the property;
- (4) the property may not be used for the storage of items, to include vehicles, equipment, or materials, which are not directly associated with the operation of the community garden;

- (5) compost or and other organic material must not be visible from an adjacent property, to include being shielded by shrubbery, an enclosure, or fence;
- (6) must be routinely managed to control for and prevent the harborage of rodents and other pests;
- (7) must be routinely managed to control for and prevent odors;
- (8) must be designed, maintained, and operated to prevent water from irrigation, fertilizer, and other substances from traveling onto adjacent property;
- (9) trash receptacles must be provided and which must be screened on at least 3 sides so as to prevent public view;
- (10) an accessory structure, to include a greenhouse, shed, farmstand, or a similar structure:
  - a. may be placed and used on the property without the presence of a primary structure;
  - b. must comply with the setbacks that would be applicable to an accessory structure for the zoning district;
  - c. may only be used for the storage of equipment and materials directly required for the operation of the community garden; and
  - d. must be removed from the property upon the cessation of the community garden unless its use is allowed pursuant to another provision within the City's Zoning Code."

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

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

**SECTION SEVEN.** Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City’s Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

**SECTION EIGHT.** This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

**PASSED AND APPROVED ON FIRST READING, this the 17<sup>th</sup> day of March, A.D., 2015.**

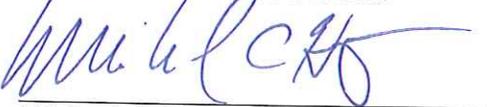
**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_ day of \_\_\_\_\_, A.D., 2015.**

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

ATTEST:

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

APPROVED AS TO FORM:



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

## Agenda Item:

6C. Ordinance No. 2015-05, creating a Planned Development District as zoning for an approximate 6.920 acre tract consisting of several parcels located in the Walter Fosgate Survey No. 120, Abstract No. 138, within the City of Kerrville, Kerr County, Texas, addressed as 1107 Junction Highway (State Highway 27), and generally located on the southwest corner of Junction Highway and its intersection with Guadalupe Street; adopting a concept plan and conditions related to the development of said district; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed \$2,000.00 for each day of violation of any provision hereon; and ordering publication. (staff)

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

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**SUBJECT:** Second and final ordinance reading concerning a requested rezoning of 6.920 acres from (GR) Guadalupe River District to (PDD) Planned Development District, located at 1107 Junction Highway (Planning File No. 2014-041)

**FOR AGENDA OF:** March 24, 2015

**DATE SUBMITTED:** March 13, 2015

**SUBMITTED BY:** Dieter Werner, P.E.  
Dir. of Engineering and Planning

**CLEARANCES:** Kristine Day  
Deputy City Manager

**EXHIBITS:** PD Concept Plan and Application.

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

---

**SUMMARY STATEMENT**

This item concerns a request for Planned Development District zoning for the property located at 1107 Junction Highway, at the corner of SH 27 west and Harper Rd and is bounded to the south by the Guadalupe River. The site contains the "family sports center" facility and is being redeveloped for a mix of uses to include retail, personal services, restaurant, and high density residential.

The adjacent property to the west is zoned GR "Guadalupe River", as is the subject property. The property across Junction Highway and Harper Rd. is zoned W6. The GR district is intended "to allow the development of business-type uses compatible with the riverside in areas contiguous or in close proximity to the Guadalupe River, which are not otherwise included in other zoning districts.". The W6 district is intended as a broad commercial use district, and not intended for single family or two-family uses.

The Planned Development district is intended as a district to allow for the integration of uses and the development of a site in which the building and use layout, access, circulation, open space, and parking are coordinated. The PD district allows some flexibility with respect to the standards applicable in other districts, but offers advantages to the end users and community which exceed what would otherwise be provided.

As proposed, the PD designation would permit a very broad mix of uses, to include business and personal services, life care development, custom manufacturing, professional offices, veterinary services (non-livestock), condominium, and multifamily development. The uses are more completely enumerated in the application (attached).

The concept plan (attached) shows the relationship between proposed buildings/uses, the site circulation, the adjacent River Trail, and parking. City Staff and TxDOT have been working with the applicant to ensure that the driveway locations along both Junction Highway and Guadalupe Street are adequate.

The parking for the site is analyzed as follows, based on the concept plan:

<b>Building/Use</b>	<b>Area (sf)</b>	<b>Ratio</b>	<b>Required</b>
Lot 1 – Comm/Retail	7,500	1:250	30
Lot 2 – Bank	7,000	1:250	28
Lot 3 – Comm/Retail	12,500	1:250	50
Lot 4 – Restaurant	3,000	1:100	30
Lot 5 – Condo	96,000	2:1 (dwelling units)	
Lot 6 – Restaurant	2,500	1:100	25
Lot 7 - Restaurant	3,700	1:100	37
<b>TOTAL</b>	<b>36200 (excl. condo)</b>		<b>200</b>

The total parking provided, exclusive of the multifamily requirement, is 206. Therefore, assuming that the condominium structured parking can meet all of the requirement, and assuming that parking may be shared among all tenants, the site has adequate parking. Issues could arise in particular at the restaurant sites, if shared parking is not available.

The PD application also proposes additional standards for screening, lighting, solid waste areas, and overall signage. It should be noted that the proposal for signage would not comply with the sign regulations, as it presents multiple freestanding signs along SH 27. On the other hand, the applicant contends that this is being done to provide signage for lots which do not have visible frontage, and that overall the plan provides a cohesive sign plan, irrespective of fitting on lot boundaries.

In order to utilize the portions of the property adjacent to the river, fill must be placed in accordance with an engineering study which demonstrates how this can be done without impacting the floodplain.

The Planning and Zoning Commission held a public hearing at the January 15, 2015 regular meeting. There was considerable discussion about the parking, specifically adjacent to the restaurants. Some comparisons were made to developments in the San Antonio and Austin areas and a trend towards more pedestrian access to restaurants, in lieu of large parking lots directly in front.

There was also discussion of the sign proposal. The applicant explained that the total number of allowable signs would not change, but that one lot will have both a monument sign and a freestanding sign, thus in violation of the sign regulations.

Due to a public noticing error related to the January 15, 2015 hearing, the Planning and Zoning Commission held a second public hearing at the March 12, 2015 regular meeting.

Staff's recommendation following the Planning and Zoning Commission meeting is for approval of the concept plan and PD zoning, provided the following conditions can be met:

1. Sufficient parking to meet the full requirement (less six spaces) for the condominium must be provided within the structured parking for that site development.
2. With the exception of the structured parking, parking must remain shared across the

development.

3. Signage is included in this PD.

City Council held a public hearing and 1<sup>st</sup> ordinance reading at its regular meeting March 17, 2015.

### **RECOMMENDED ACTION**

Staff recommends that the Council conduct the second reading and render a decision on the requested zoning change.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2015-05**

**AN ORDINANCE CREATING A PLANNED DEVELOPMENT DISTRICT AS ZONING FOR AN APPROXIMATE 6.920 ACRE TRACT CONSISTING OF SEVERAL PARCELS LOCATED IN THE WALTER FOSGATE SURVEY NO. 120, ABSTRACT NO. 138, WITHIN THE CITY OF KERRVILLE, KERR COUNTY TEXAS, ADDRESSED AS 1107 JUNCTION HIGHWAY (STATE HIGHWAY 27), AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF JUNCTION HIGHWAY AND ITS INTERSECTION WITH GUADALUPE STREET; ADOPTING A CONCEPT PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT OF SAID DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING A PENALTY OR FINE NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND ORDERING PUBLICATION**

WHEREAS, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with the City Charter and the State law with reference to the creation of Planned Development Districts under Article 11-I-15 of the Zoning Code of the City of Kerrville, Texas, and amending the official zoning map adopted thereby, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the City Council finds that the health, safety, and general welfare will be best served by the creation of a Planned Development District as the zoning for the approval of various uses, subject to the special conditions and restrictions set out hereinafter on the property described in Section Two, below;

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

**SECTION ONE.** The property described in **Exhibit A** (the "Property"), attached and incorporated herein by reference, is removed from the Guadalupe River (GR) Zoning District and placed in a newly created "Planned Development District" which will allow the following land uses as these terms are defined by Article 11-I-3 of the Zoning Code and to the extent not defined therein, any additional terms will have their general meaning and definition when used in the context of real estate development and use:

- A. Business Services I and II;
- B. Bed and Breakfast;
- C. Cocktail Lounge;
- D. Day Care Services (General);
- E. Education, Primary;

- F. Education, Secondary and College;
- G. Food Sales with or without sale of alcoholic beverages;
- H. Institutional and Public Use Assemblies;
- I. Public Assembly;
- J. Life Care Development;
- K. Manufacturing, Custom;
- L. Personal Care Facility;
- M. Personal Services I and II;
- N. Personal Services-Limited;
- O. Professional Office;
- P. Tourist/Visitor and Recreation Services;
- Q. Restaurant, General;
- R. Restaurant, Limited;
- S. Retail Trade-I;
- T. Retail Trade-II;
- U. Retail Trade – Limited;
- V. Alcoholic beverage sales for on premises consumption, including without limitation wine sales and tasting.
- W. Condominium;
- X. Medical Offices;
- Y. Parks and Recreation Services;
- Z. Dwelling, Multiple Family;
- AA. Apartments;

**BB.** Public Assembly including without limitation Music Venue;

**CC.** Life Care Development; and

**DD.** Recreational Commercial and Recreation Community.

**SECTION TWO.** The development and use of the Property is subject to the following:

**A. Concept Plan:** The development of the property must be in accordance with the Concept Plan found at **Exhibit B**, which is attached hereto and incorporated herein by reference. None of the improvements shown on the Concept Plan must be done but if done, such must occur in compliance with the Concept Plan. The Concept Plan will be used for the purposes of setting forth the boundaries of the various land use areas described in this Ordinance and of approving the signs, lot coverage, location and number of parking spaces, building setbacks, the improvements shown, and the Conditional Letter of Map Revision (CLOMR) dated August 17, 2011, as previously submitted to the City.

**B. Screening of Outdoor Display and Storage Areas:** Outdoor display and storage areas must be screened in accordance with the following:

1. The screening shall be one of the following constructions:

a. masonry materials similar in design to the main building;

b. chain link or ornamental fencing in combination with a landscape screen or other masonry treatment; or

c. a solid, evergreen shrub landscape screen without a fence or wall.

2. Evergreen shrubs used for a landscaped screen must be placed to create at least a six foot (6.0') tall solid screen at its installation and maintained in a healthy, growing condition.

3. Screening fences must be constructed of wood or masonry.

4. No screening fence shall be less than six feet (6.0') in height.

5. Screening must be not less than three feet (3.0') taller than the materials, supplies, inventory, or equipment being stored within the screened area, but may in no case be taller than the closest adjacent wall of the building excluding parapets and gables.

**C. Exterior Lighting:** All exterior lighting fixtures shall:

1. be no greater than forty feet (40.0') in height; and
2. be installed and maintained with hooding or shielding so as to not allow direct light on adjacent residential (including multi-family) areas.

**D. Trash and Other Solid Waste:** Screening devices or other equipment designed to prevent trash and other solid waste from leaving the Property during rain events must be installed in all drainage channels and around dumpsters and other solid waste collection areas located on the Property. Such devices and equipment must be cleaned and maintained regularly in order that surface water may drain from the Property as required by the drainage plan approved by the City as part of the platting process. Solid waste collection bins and dumpsters must be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the principal building to which it is adjacent on the remaining three sides.

**E. Signs:**

1. Signs are subject to the existing Sign Code and are approved as follows with respect to the lots, and as located, on the Concept Plan:

- a. Lot 1 - one monument sign, but may not be an electronic sign;
- b. Lots 3, 4, 6, and 7 - one free-standing sign, which may be electronic;
- c. Lots 3, 4, 6, and 7 - one monument sign, but may not be an electronic sign, to be located adjacent to and along the frontage to State Highway 27;
- d. Lot 2 - one monument sign, which may include an electronic sign;
- e. Lots 3 and 4 - one monument sign, but may not be an electronic sign;
- f. Lot 4 - one monument sign, but may not be an electronic sign;
- g. Lots 6 and 7 - one monument sign, but may not be an electronic sign; and
- h. Lots 7 and 8 - no sign allowed.

2. In the event of a conflict between this section and the City's current Sign Code, this section will prevail.

**F. Compliance with Subdivision Regulations:** The City will not issue any building permit with respect to the Property until developer has submitted and City has approved the appropriate plat(s) in accordance with the City's Subdivision Code related to subdivision development in effect at the time of said development.

**G. Certificate of Occupancy:** An appropriate Certificate of Occupancy must be obtained from the City prior to use of the Property or alternate actions taken in compliance with City law, to include its fire code.

**H. Parking:** The Property must provide a minimum number of parking spaces as required by the City's regulations and the location and design must be in accordance with that shown on the Concept Plan found at **Exhibit B**. All required parking must be constructed of asphalt or concrete and marked and sized in accordance with the City's regulations.

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

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

**SECTION SIX.** The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Chapter 1, Sec. 1-8, of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

**SECTION SEVEN.** In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Clerk is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2015.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2015.**

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

ATTEST:

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Brenda G. Craig, City Secretary

APPROVED AS TO FORM

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Michael C. Hayes, City Attorney

**EXHIBIT "A"**

**MATKIN HOOVER**

**ENGINEERING & SURVEYING**

8 Spangler Road, Suite 100, Boerne, Texas 78006  
Phone: 830-249-0600 FAX: 830-249-0099

Field Notes for an approximate 6.920 Acre Tract of Land

BEING AN APPROXIMATE 6.920 ACRE TRACT OF LAND, LOCATED IN THE WALTER FOSGATE SURVEY NO. 120, ABSTRACT NO. 138, KERR COUNTY, TEXAS, SAID APPROXIMATE 6.920 ACRE TRACT BEING ALL OF A CALLED 0.97 ACRE TRACT OF LAND, RECORDED IN VOLUME 1776, PAGES 319-324, OFFICIAL PUBLIC RECORDS, KERR COUNTY, TEXAS, ALL OF LOT 1 AND LOT 2, BLOCK 1, GUADALUPE CENTER SUBDIVISION, RECORDED VOLUME 4, PAGE 266, PLAT RECORDS, KERR COUNTY, TEXAS, AND ALL OF A CALLED 0.75 ACRE TRACT OF LAND, RECORDED IN VOLUME 1441, PAGES 29-33, OFFICIAL PUBLIC RECORDS, KERR COUNTY, TEXAS. SAID APPROXIMATE 6.920 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a the north corner of the above mentioned 0.97 acre tract, and for the north corner of the herein described tract;

Thence, South  $60^{\circ}30'19''$  East, with the northeast boundary line of the called 0.97 acre tract, a distance of 178.70 feet to the north corner of Lot 1, Guadalupe Center Subdivision, the east corner of the called 0.97 acre tract, and for an angle point of the herein described tract;

Thence, South  $60^{\circ}19'11''$  East, with the northeast boundary line of Lot 1, Guadalupe Center Subdivision, a distance of 231.83 feet to the east corner of Lot 1, and for the east corner of the herein described tract;

Thence, South  $43^{\circ}11'03''$  West, with the southeast boundary line of Lot 1, Guadalupe Center Subdivision, a distance of 430.66 feet to the east corner of Lot 2, Guadalupe Center Subdivision, the south corner of Lot 1, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

Thence, with multiple boundary lines of Lot 2, Guadalupe Center Subdivision the following eleven courses and distances:

South  $45^{\circ}25'20''$  West, a distance of 202.81 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

South  $02^{\circ}42'10''$  East, a distance of 21.95 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

South  $86^{\circ}49'39''$  West, a distance of 159.76 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 43°57'22" West, a distance of 53.09 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 52°34'01" West, a distance of 72.04 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

South 87°43'39" West, a distance of 170.97 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 50°40'21" West, a distance of 59.78 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 00°37'22" East, a distance of 30.35 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 42°24'50" East, a distance of 40.20 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 45°01'26" East, a distance of 130.76 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 45°00'00" East, a distance of 190.89 feet to the west corner of the above mentioned 0.75 acre tract, an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

Thence, North 45°06'00" East, with the northwest boundary line of the called 0.75 acre tract, a distance of 194.60 feet to the west corner of the called 0.97 acre tract, the north corner of the called 0.75 acre tract, and for an angle point of the herein described tract;

Thence, North 44°29'37" East, with the northwest boundary line of the called 0.97 acre tract, a distance of 220.80 feet to the POINT OF BEGINNING and containing approximately 6.920 acres of land.

Note: This metes and bounds description is based on preamble referenced field notes and plat descriptions, and does not close per the recorded documents. This metes and bounds description is not based on a boundary survey and may not be used for transfer of title or any recording purposes.



EXHIBIT "B"



PLANNED DEVELOPMENT DISTRICT  
CONCEPT PLAN CHECKLIST

An application for a PDD shall include a concept plan to be considered administratively complete.

Name of Development: Kerrville Mixed-Use Development

Property Location/Address: 1107 Junction Hwy, Kerrville

Proposed Use(s): Commercial, Retail, Restaurant, Condominium

Existing Zoning Classification: GR

Date of Fire Flow Test (Attach Water Flow Report): \_\_\_\_\_  
(Contact the Fire Marshal to schedule test)

Submission of this completed form is part of the Planned Development District (PDD) Application. All items must be "checked off" and included prior to submittal. AN INCOMPLETE CHECKLIST CONSTITUTES AN INCOMPLETE APPLICATION.

GENERAL INFORMATION:

- Pre-Application Conference Date: 6/6/14 (Required prior to submittal)
- Filing Fee (\$300) 840. (01-6236)
- Twenty (20) copies of the Concept Plan
- Sheet Size 24" x 36", 1 @ 11" x 17", 1 @ 8 1/2" x 11"
- Vicinity Map
- North Arrow
- Date
- Scale, drawn to a standard engineering scale not less than 1" = 100'
- Project name and Address in title block

PLAN INFORMATION:

- Site, indicating boundaries (property lines), and project phase lines if any
- Location and width of existing and/or proposed public and/or private rights-of-way and easements located on, abutting or intersecting the site
- Adjacent properties with zoning and existing uses identified
- Proposed general land uses and the acreage of each use, including open space; for residential developments, the total number of units and units per acre

- ✓ Existing and proposed structures showing approximate outline and dimensions of perimeter walls, including distances to property lines and other structures
- ✓ Front, side and rear building setback lines
- ✓ Proposed category of use(s) of structures
- ✓ Number of stories in height and feet for each structure
- ✓ Gross floor area for each structure
- ✓ Approximate location of entrances and exits for each structure
- ✓ Proposed development standards for the PDD, if different from the base zoning district for each proposed land use
- ✓ Parking for each use(s)
- ✓ Topographic contours of ten feet (10') or less of the proposed site
- ✓ Show the 100-year floodplain, floodway and any major drainage way(s)
- ✓ Existing and proposed utilities to include water, wastewater, gas, electric, telecommunications and fire hydrants

CONTACT INFORMATION:

Property Owner: Paythe, LLC c/o Pete Moore  
 Address: 3890 West Northwest Hwy, Suite 100, Dallas, TX 75220  
 Phone: (214) 650-1210 Fax: \_\_\_\_\_  
 Email: pmoore@windridge realestate.com

Applicant: Matkin Hoover Engineering & Surveying c/o Ken Kolacny, P.E.  
 (If different from Owner)  
 Address: 8 Spencer Rd., Suite 100, Boerne, TX 78006  
 Phone: (830) 249-0600 Fax: (830) 249-0099  
 Email: kkolacny@matkinhoover.com

**CITY OF KERRVILLE DEVELOPMENT SERVICES DEPARTMENT  
MASTER APPLICATION \***

**PROPERTY INFORMATION: (Please PRINT or TYPE for all permits)**

Project Address 1107 Junction Highway Nearest Intersection Junction Hwy @ Guadalupe St.  
 Minor Plat/Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_  
 Zoning Districts GR Comprehensive Plan Designation \_\_\_\_\_

**OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE: For all permits)**

Applicant/Authorized Agent Matkin Hoover Engineering & Surveying Phone 830-249-0600 FAX 830-249-0099  
 Email Address: kkolacny@matkinhoover.com  
 Mailing Address 8 Spencer Road, Suite 100 City Boerne State TX Zip 78006  
 Property Owner Paythe, LLC c/o Pete Moore Phone 214-550-1210 FAX \_\_\_\_\_  
 Email Address: pmoore@windridgerealestate.com  
 Mailing Address 3890 West Northwest Hwy. #100 City Dallas State TX Zip 75220

Transaction Code: **840.01-6236**

Attach completed checklists for all projects

- |   |               |   |       |
|---|---------------|---|-------|
| <input type="checkbox"/> Annexation (2 copies /2 petitions) | <u>No Fee</u> | <input type="checkbox"/> Preliminary Plat (15 copies)       | _____ |
| <input type="checkbox"/> Administrative Appeal              | \$150         | <input type="checkbox"/> Final Plat (20 copies)             | _____ |
| <input type="checkbox"/> Preliminary Site Plan (20 copies)  | <u>No Fee</u> | <input type="checkbox"/> Preliminary Minor Plat (20 copies) | _____ |
| <input type="checkbox"/> Final Site Plan (20 copies)        | <u>No Fee</u> | <input type="checkbox"/> Final Minor Plat (20 copies)       | _____ |
| <input type="checkbox"/> Concept Plan (20 copies)           | \$500         | <input type="checkbox"/> Replat (20 copies)                 | _____ |
- (\$300 + \$20/lot or \$10/acre (which ever is greater))*  
*(\$150 + \$10/lot)*  
*(\$150 + 10/lot)*  
*(\$150 + 10/lot)*  
*(\$150 + 10/lot)*

**For plats in the ETJ:  
(Payment due at the time of final plat, \$200.00 per lot)**

- Parkland Fee (East) \_\_\_\_\_  
 08-6242  
 Parkland Fee (West) \_\_\_\_\_  
 08-6243

**Owner's Affidavit Required for: (Must attach to this Master Application Form)**

- |  |              |  |       |
|--|--------------|--|-------|
| <input type="checkbox"/> Conditional Use Permit (CUP) Request            | _____        | <input type="checkbox"/> Zoning Change Request             | _____ |
| 840. 01-6236 \$300   |              | 840. 01-6236 \$300   |       |
| <input type="checkbox"/> Variance Request                                | _____        | <input type="checkbox"/> Comp. Plan Amendment Request      | _____ |
| 840. 01-6236 \$150   |              | 840. 01-6236 \$300   |       |
| <input checked="" type="checkbox"/> Planned Development District Request | <u>\$300</u> | <input type="checkbox"/> Specific Use Permit (SUP) Request | _____ |
| 840 .01-6236 \$300   |              | 840. 01-6236 \$300   |       |

Please provide a basic description of the proposed project: \_\_\_\_\_  
±7 Acre Mixed-Use Development with commercial retail, restaurant, condominiums and river trail

I hereby certify that I am the owner or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Owners Signature: [Signature] Date: 9/29/14

## **Agenda Item:**

7A. Proposed 2015 Street Rehabilitation List. (staff)

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

---

**SUBJECT:** Proposed 2015 Street Rehabilitation List

**FOR AGENDA OF:** 03/24/15

**DATE SUBMITTED:** 03/17/15

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

**CLEARANCES:** Kristine Day  
Deputy City Manager

**EXHIBITS:** 2015 Proposed Street Rehabilitation Map

**AGENDA MAILED TO:**

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

---

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

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**REVIEWED BY THE FINANCE DIRECTOR:**

---

**SUMMARY STATEMENT**

In 2004 the City adopted the Asphalt Institute Pavement Rating System (AIPRS) to standardize the evaluation of city streets. For the FY 2015 paving season this process was utilized again, but also included new pavement management practices introduced to the city by Fugro Roadware Inc.

On January 13, 2015 Fugro was hired to fully evaluate city streets. During preliminary discussions they recommended the city implement a full course of pavement repair and revitalization practices such as full depth reconstruction, edge mill and overlay, micro surfacing, slurry seal, crack seal, and chip seal. After evaluating all of the proposed pavement repair and revitalization practices the staff recommends using the slurry seal process as the best option for city streets. After crack seal and point repairs are made, this process should give streets five to 10 more years of life. Fugro has completed their video evaluation and are currently reviewing the data. A final report will be available July 2015.

The FY 2015 schedule includes 8.31 miles of repair or 5.9 percent of the city street repair. The street department has already begun the paving season by sending notices to franchise utility companies and reconstruction of the streets in Louise Hays Park, which are scheduled for completion mid-April. The street department will start their pre-pavement work which includes vegetation and dirt removal, crack sealing, asphalt point repairs, existing drainage issues, edge milling, sweeping, and tree trimming. Work is scheduled to continue until mid-October.

The FY 2015 street repair schedule was developed based on construction logistics, budgetary constraints and coordination with other planned construction projects. The

following streets are targeted for rehabilitation in the spring and summer of 2015, and are shown on the attached map:

Park Projects:

- Louis Hays Park
- Kerrville-Schreiner Park
- G Street Parking lot

Reconstruction:

- Paschal Avenue
- Park Lane
- Country Club Lane

Overlay:

- Paschal Avenue
- Peterson Farm Road
- Riverside Drive
- Everett Street
- Birkdale Lane
- Riverhill Club Lane
- A Street
- B Street
- C Street
- D Street
- E Street.
- F Street
- G Street
- H Street
- Cartuck Street
- Carmichael Street
- Yorktown Boulevard
- Upper Street

Crack Seal then Slurry Seal:

- Al Mooney Road
- Sand Bend Drive
- Prescott Street
- Tivy Street
- Washington Street
- Clay Street
- Quinlan Street
- Hays Street
- Stephen Street
- Warbler Drive

- Mockingbird Lane
- Manor Drive
- Crest Ridge Drive
- Creekside Drive
- Summer Loop
- Fallow Drive
- Caribou Lane
- North Street

The streets are listed categorically from highest level of need to lowest level of need. Streets may be removed from the list or an alternate street may be added later in the season to allow for utility conflicts, fluctuations in the price of materials, and to ensure allocated street rehabilitation funds are completely expended.

#### **RECOMMENDED ACTION**

The Director of Public Works recommends that council approve the streets targeted for rehabilitation in 2015 as listed.

# Street Rehab 2015 Targeted Areas Map



## Legend

- Reconstruction
- Overlay
- Slurry Seal
- New Construction

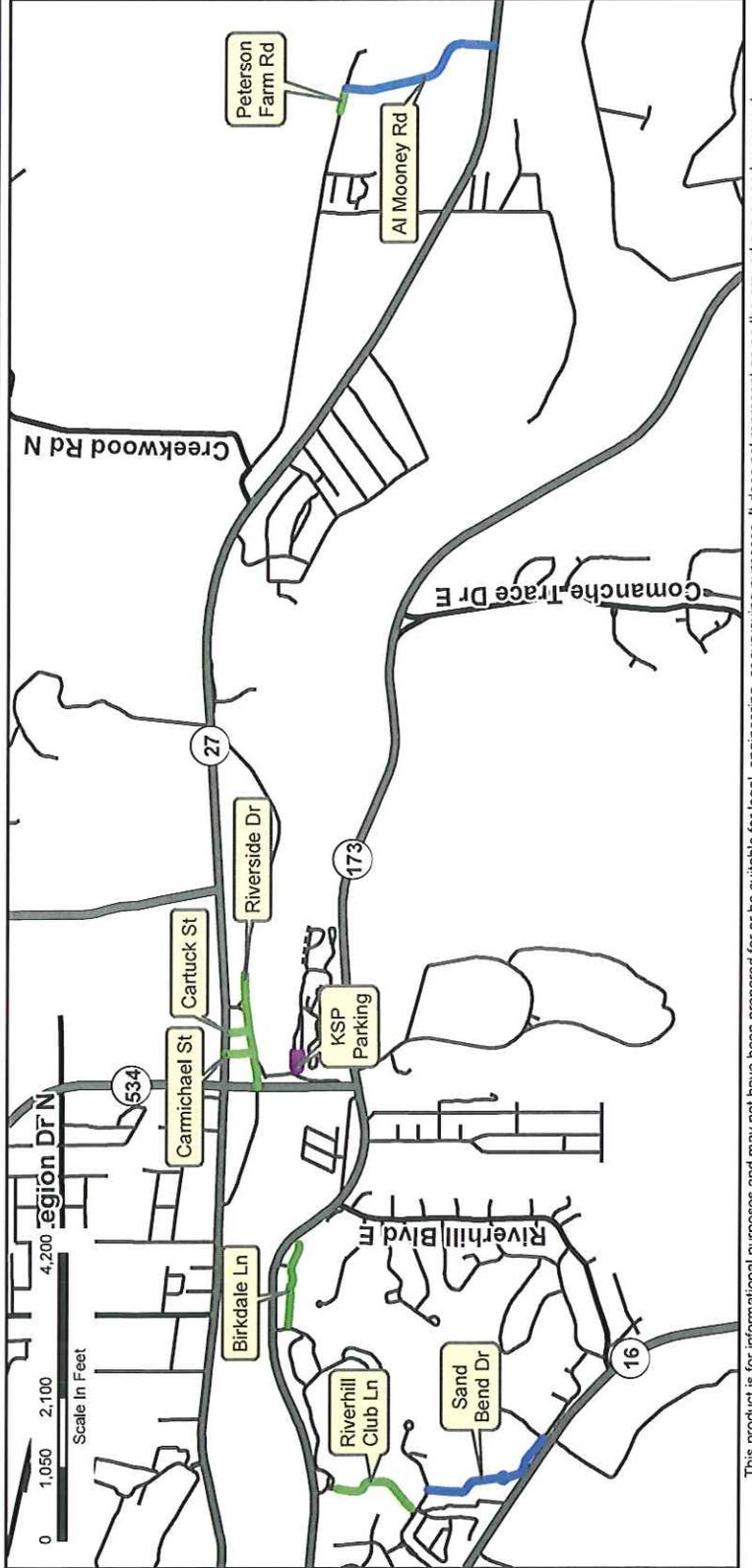
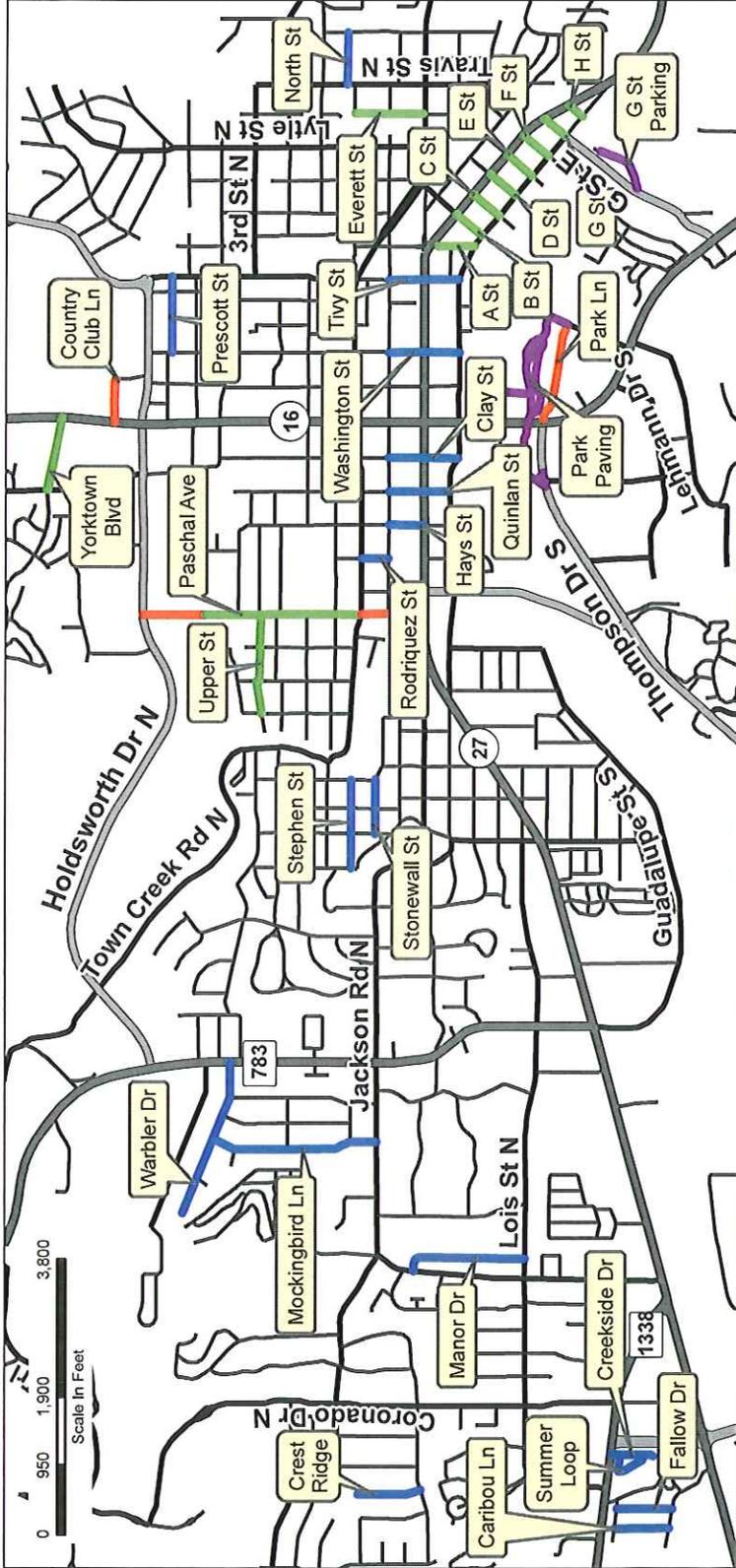
## Streets

- |                       |                         |
|-----------------------|-------------------------|
| <b>Reconstruction</b> | <b>Slurry Seal</b>      |
| Country Club Ln       | Al Mooney Rd            |
| Park Ln               | Caribou Ln              |
| Paschal Ave           | Clay St                 |
|                       | Creekside Dr            |
|                       | Crest Ridge             |
|                       | Fallow Dr               |
|                       | Hays St                 |
|                       | Manor Dr                |
|                       | Mockingbird Ln          |
|                       | North St                |
|                       | Prescott St             |
|                       | Quinlan St              |
|                       | Rodriguez St            |
|                       | Sand Bend Dr            |
|                       | Stephen St              |
|                       | Stonewall St            |
|                       | Summer Loop             |
|                       | Tivy St                 |
|                       | Washington St           |
|                       | <b>New Construction</b> |
|                       | Louise Hays Park        |
|                       | G St Parking            |
|                       | KSP Parking             |

Total Miles: 8.31



Exported By: joyoung  
Exported On: 3/19/2015 9:10 AM



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

## **Agenda Item:**

8A. Kerr Economic Development Corporation quarterly report. (staff)

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

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**SUBJECT:** Quarterly Report by the Kerr Economic Development Corporation

**FOR AGENDA OF:** March 24, 2015      **DATE SUBMITTED:** March 5, 2015

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

**EXHIBITS:**

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

---

**SUMMARY STATEMENT**

The Executive Director of the Kerr Economic Development Corporation (KEDC) will provide a report regarding KEDC activity.

**RECOMMENDED ACTION**

This report is provided for informational purposes only and no action is required.

## **Agenda Item:**

8B. Mardi Gras on Main post event report. (staff)



## **Agenda Item:**

8C. Budget update. (staff))



**City of Kerrville**  
**Month ending February 28, 2015**  
 (Month 5 of FY15 Budget)

	Current Month	Year To-Date	Budget @ 41.66%	Prior Year To-Date
<b>General Fund</b>				
<b>Total Revenues</b>	<b>\$3,679,622</b>	<b>\$14,413,892</b>	59.41%	<b>\$13,532,321</b>
Property tax	\$2,145,199	\$8,021,482	91.90%	\$7,798,627
Sales tax	\$670,189	\$2,666,514	45.09%	\$2,431,999
<b>Total Expenditures</b>	<b>\$1,582,934</b>	<b>\$9,082,671</b>	37.43%	<b>\$8,752,125</b>

<b>Water and Sewer Fund</b>				
<b>Total Revenues</b>	<b>\$681,858</b>	<b>\$3,653,671</b>	37.03%	<b>\$4,013,355</b>
Water Sales	\$321,813	\$1,807,091	34.81%	\$1,797,668
Sewer Service	\$305,211	\$1,546,788	39.66%	\$1,594,653
<b>Expenditures</b>	<b>\$527,118</b>	<b>\$4,267,084</b>	43.25%	<b>\$3,437,049</b>

<b>Hotel/Motel:</b>				
<b>Revenues</b>	<b>\$61,135</b>	<b>\$370,372</b>	36.70%	<b>\$333,791</b>
<b>Expenditures</b>	<b>\$225,250</b>	<b>\$454,474</b>	48.82%	<b>\$451,543</b>

<b>Unemployment:</b>		<b>Consumer confidence:</b>		
National	5.6%	National	96.4%	up 23.1% over 2014
Texas	4.6%	Texas	117.0%	up 4.7% over 2014
Local	3.3%	(Sources: State Comptroller/Workforce Alamo)		

<b>Housing:</b>				
<i>Local:</i>				
630 active residential listings; 54 residential sales February 2015				
\$10,751,169 total residential sales dollars for February 2015				
\$24,240,544 total residential sales dollars Y-T-D for 2015				
(Source: Kerrville Board of Realtors)				
<b>Building Permits Issued February 2015</b>				
New Residential - 4				
New Commercial - 1				

## **Agenda Item:**

9A. Appointment to the Main Street Advisory Board. (staff)

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

---

**SUBJECT:** Appointment to the Main Street Advisory Board

**FOR AGENDA OF:** March 24, 2015    **DATE SUBMITTED:** March 11, 2015

**SUBMITTED BY:** Brenda Craig    **CLEARANCES:**  
City Secretary *bl*

**EXHIBITS:** Board List

**AGENDA MAILED TO:**

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

---

**SUMMARY STATEMENT**

Consider appointment to the following board:

**Main Street Advisory Board:** Due to a resignation, one term due to expire June 30, 2016.

**RECOMMENDED ACTION**

Consider appointment.

**MAIN STREET ADVISORY BOARD**

	<u>Telephone</u>	<u>Orig. Appt. Date</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
FRANKLIN, MINDI Chairperson 118 Methodist Encampment	830-928-9357 (H) 792-6200 (W)	07-23-13		06-30-16
BOLTON, SCOTT Vice-Chairperson 1207 Virginia Dr.	792-7089 (H) 896-0098 (W) 832-978-3949 (C)	07-23-13		06-30-17
COBBS, STAN 521 Guadalupe St. #1202	895-8771 (O) 257-4236 (H) 459-5831 (C)	01-24-12	01-28-14	06-30-16
EDWARDS, TAMI 134 Kodiak Trail	367-2012 (H) 210-827-9938 (C)	01-28-14		06-30-17
MARTIN, DAVID 1717 Foothills Dr.	895-1313 (O) 895-1857 (H) 830-459-9747 (C)	05-08-12	01-28-14	06-30-17
RECTOR, WILLIAM 705 Water Street	257-3348 (H) 896-6622 (W) 739-2519 (C)	08-13-13	01-28-14	06-30-17
SOUTHERN, MELISSA 1606 Quinlan Creek Drive	257-3877 (W) 257-2015 (C) 257-1923 (H)	07-08-14		06-30-16
<b>COUNCIL LIAISON:</b>				
Gene Allen 2106 Vista Ridge Dr. 1221 Junction Hwy	895-5111 (O) 792-4651 (H)			
<b>CITY STAFF:</b>				
Ashlea Boyle Special Projects Manager	258-1153			

**Powers and Duties:** To encourage participation in the Main Street Revitalization Program; to establish goals and priorities for the Main Street Program; to review design appropriateness for the purpose of participation in the main street low-interest loan program and incentive grant projects; and to advise and support the main street program manager.

**Term of Office:** Two years with a maximum of two full successive terms (Bylaws)

Quorum: Four members  
Number of Members: Seven  
Absences: Any member who misses 25% of the regular meetings or three consecutive regular meetings may be replaced by City Council.  
Meeting Time & Place: Fourth Thursday at 3:30 p.m., City Hall, 701 Main Street  
\*Established by: Resolution No. 12-2014  
Resolution No. 1994-133(Repealed 5-27-14)  
Revised: July 9, 2014

\*Expiration of member terms were drawn at the June, 2014 meeting.

## **Agenda Item:**

9B. Appointment to the Kerr Emergency 9-1-1Network Board. (staff)

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

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**SUBJECT:** Appointment to the Kerr Emergency 9-1-1 Network Board

**FOR AGENDA OF:** March 24, 2015

**DATE SUBMITTED:** March 18, 2015

**SUBMITTED BY:** Brenda Craig  
City Secretary

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:** Board List

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

---

**SUMMARY STATEMENT**

Consider appointment to the following board:

**Kerr Emergency 9-1-1 Network Board:** One regular member position that expired January 1, 2015: Paul Huchton.

Mr. Huchton is the public safety communications manager for the Kerrville Police Department. Interim Police Chief David Knight recommends that Mr. Huchton be reappointed.

**RECOMMENDED ACTION**

Consider appointment.

# Kerr Emergency 9-1-1 Network Board of Managers And Staff as of June 2014

**Mr. Ronald Vick**  
**Board Chairman**  
*Member Representing Kerr County*  
1845 Foothills Dr.  
Kerrville, Texas 78028  
830-792-4111  
830-257-7080 (Fax)  
rvick@ft.newyorklife.com  
Original Appointment: 10/2004  
Current Term Expires: 04/2015

**Mr. Gerald "Jerry" Vincent,**  
**Board-Vice Chairman**  
*Member Representing the Volunteer Fire Departments*  
728 Elm Pass II Rd  
Center Point, TX 78010  
830-634-7814  
gcv1@hctc.net  
Original Appointment: 07/2008  
Current Term Expires: 09/2012

**Mr. Hugh R. Jons, Jr.**  
*Member Representing Kerr County*  
829 Main Street, Ste. B  
Kerrville, Texas 78028  
830-896-8383  
830-896-3535 (Fax)  
hugh@jonslaw.com  
Original Appointment: 10/2005  
Current Term Expires: 04/2015

**Mr. Stephen B. Schulte, Attorney at Law**  
*Representing the Board of Managers*  
One Main Plaza, 820 Main Street, Ste. 100  
Kerrville, Texas 78028  
830-896-3811  
830-257-6119 (Fax)  
sshulte@kctc.com

**Mrs. Dene' Huffaker**  
*Member Representing the City of Ingram*  
158 Ranchland Dr (Po Box 204)  
Mountain, Home, Texas 78052  
830-739-1956  
dhuffaker@hctc.net  
Original Appointment: 04/2009  
Current Term Expires: 03/2015

**Mr. William E. Amerine**  
*Executive Director & Ex-Officio Secretary  
For Kerr Emergency 9-1-1 Network Board  
of Managers*  
819 Water Street, Ste. 270  
Kerrville, Texas 78028  
830-792-5911  
830-792-5923 (Fax)  
wea@kerr911.org

**Mr. Paul Huchton**  
*Member Representing the City of Kerrville*  
205 Sparkman Dr  
Kerrville, Texas 78028  
830-377-6662  
830-257-2711 (Fax)  
paul.huchton@kerrvilletx.gov  
Original Appointment: 01/2013  
Current Term Expires: 01/2015

**Mr. Mark W. Del Toro**  
*Associate Director*  
819 Water Street, Ste. 270  
Kerrville, Texas 78028  
830-792-5911  
830-792-5923 (Fax)  
mdeltoro@kerr911.org

**Mr. William Russell Henderson,**  
**Non Voting Member**  
*Representing Windstream Communications*  
P.O. Box 290130  
Kerrville, Texas 78029  
830-257-9133  
830-896-8029 (Fax)  
whenderson@windstream.net

## **Agenda Item:**

9C. Appointment to the Kerrville Public Utility Board. (staff)



**KERRVILLE PUBLIC UTILITY BOARD**

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
SAMPLE, JOHN Chairman P.O. Box 291341 355 W. Main	257-6625 (H)	04-22-09	03-11-14	04-21-19
GAMBLE, FRED Vice Chairman 715 Travis	257-5135 (H)	04-22-10		04-21-15
FINE, STEPHEN Secretary 1210 Virginia Dr.	257-6020 (O) 896-2934 (H)	03-28-06	04-22-11	04-21-16
STACY, PHILIP Treasurer P.O. Box 222 Hunt, TX 78024	792-1990 (O) 830-367-7007 (H)	02-28-12		04-21-17
PRATT, JACK Mayor P.O. Box 294000	895-2214 (O)	05-22-12	06-10-14	04-21-15
Staff McCUAN, TRACY General Manager P.O. Box 294999	257-3050 (O)			

Qualifications: Citizen of the United States of America who reside or conduct business on a full-time basis in Kerr County, Texas and who use the system for personal, residential, business and/or company use. No person who is related within the second degree of consanguinity or affinity to any member of the board of trustees shall be eligible for election as a member of the board.

Vacancies: All vacancies shall be filled by the city council from nominations of at least three persons for each position to be filled by the majority vote of the remaining members of the board of trustees. If the city council does not act upon such nominations within 30 days after submission in writing to the city council, the board of trustees by majority vote of the remaining members shall nominate three additional persons for each position to be filled. If the city council does not act upon such additional nominations within 30 days after submission of such additional nominations, the board shall be empowered to fill such vacancies by the majority vote of the remaining members of the board of trustees.

Powers: To take, have and exercise exclusive possession and control of the system, and all additions thereto, and to collect, and enforce the collection of all funds and revenues that may be or become owing or that may arise out of the operation of the system, and to disburse the same. To fix all rates for all services to be

furnished by the system, with the power to alter the same at any time or times, subject to approval of the city council of the city of Kerrville. To employ and pay the compensation of a general manager of the system, and attorneys, engineers and other professional or technical aids as may be necessary. To do any and all things necessary in reference to the installing and maintaining of a complete system of records and accounts pertaining to the system and to make monies available for the payment of revenue bonds.

- Term of Office: Five years; a person who has served as a member of the Board for an initial term shall be eligible to be re-appointed for one additional consecutive term of five years, and one only, but may serve for any number of non-consecutive terms so long as such member has not served as a member of the board for at least two years next preceding the term for which such member is appointed. A member who is appointed to the board to serve out an unexpired portion of a retired member's term shall not be considered to have served a "term" unless the unexpired portion of the term so served is two years or more. Permanent removal of residence from, or the failure to conduct business on a full-time basis in Kerr County by any member of the board shall vacate his office as a member of the board.
- Quorum: Three
- Number of Members: Five
- Meeting Time & Place: Third Thursday, 8:30 a.m., 2250 Memorial Blvd.
- Absences: Any member of the board, other than the Mayor, who shall be continuously absent from all meetings held by the board for a period of four consecutive months shall, unless he shall have been granted leave of absence by the unanimous vote of the remaining members of the board, be considered to have vacated his office as a member of the board.
- Established by: Ordinance No. 1987-45 (purchase); Resolution 1987-106 (Board);
- Revised: March 12, 2014



**KERRVILLE  
PUBLIC  
UTILITY  
BOARD**

2250 Memorial Blvd. • P.O. Box 294999 • Kerrville, Texas 78029-4999 • 830-257-3050 • FAX 830-257-8078

**RECEIVED**  
FEB 18 2015

BY: \_\_\_\_\_  
*COPY: City Secretary*

February 18, 2015

Mr. Todd Parton  
City Manager  
City of Kerrville  
701 Main Street  
Kerrville, Texas 78028

Dear Todd,

At its Regular Monthly Meeting held today, the Kerrville Public Utility Board nominated the following individuals for consideration by the Kerrville City Council for appointment to the Kerrville Public Utility Board of Trustees Position No. Two:

Name	Address	In City Limits	KPUB Customer	Employment
Fred Gamble	1128 Jefferson St. Kerrville, TX	Yes	Yes	Mo-Ranch
David Rittenhouse	4031 Comanche Trace Kerrville, TX	Yes	Yes	David Rittenhouse & Associates
John Sheehan	104 Homestead Dr. Kerrville TX	Yes	Yes	Sheehan & Early Hypnosis Center

Enclosed are copies of the applications completed by each of these individuals. I have verified that each of these individuals reside in or conduct business on a full-time basis in Kerr County and use the System for personal, residential, business, and/or company use. Position No. Two is currently held by Fred Gamble, whose term is set to expire on April 21, 2015. Mr. Gamble is currently completing his first five-year term and is eligible to serve again at this time.

I respectfully request these nominations be placed on a City Council Agenda for consideration in the near future. Please let me know if you have any questions or need additional information.

Yours truly,

Tracy L. McCuan  
General Manager and CEO

TLM/lsg

Enclosures – (3) Applications