

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, JUNE 14, 2016, 6:00 P.M.

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, JUNE 14, 2016, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION: by Lainie Johnson, Pregnancy Resource Center.

PLEDGE OF ALLEGIANCE TO THE FLAG

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. PRESENTATIONS:

2A. Proclamation declaring the week ending on Father's Day 2016 as Men's Health Week. (Mayor White)

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. Construction contract with Jordan Restoration, Inc. for the Kerr Regional History Center renovation phase II project in the amount of \$292,472.00 and authorization for the city manager to execute additional change orders which may not exceed a total contract value of \$365,590.00. (staff)

END OF CONSENT AGENDA

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 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: June 10, 2016 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

4. PUBLIC HEARING AND ORDINANCES FIRST READING:

4A. Ordinance No. 2016-07, amending the city's "Zoning Code" to revise Section 11-1-12(f) "Temporary Construction Trailers and Buildings" to allow for the expanded use of such structures; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (staff)

5. ORDINANCE SECOND AND FINAL READING:

5A. Ordinance No. 2016-08 amending the comprehensive plan for the City of Kerrville, Texas, pursuant to Chapter 213 of the Texas Local Government Code, by revising the future land use plan for an approximate 5.61 acre tract of land located adjacent to State Highway 16 South (Medina Highway) and between its intersection with Southway Drive South and Fairway Drive East; and changing the future land use of this area from low-density residential to mixed use. (staff)

5B. Ordinance No. 2016-09 amending the city's "Zoning Code" by changing the zoning district for an approximate 5.61 acre tract of land located adjacent to State Highway 16 South (Medina Highway) and between its intersection with Southway Drive South and Fairway Drive East, and otherwise known as 1335 State Highway 16 South; by removing the approximate 5.61 acre tract from the "R-3" multifamily residential zoning district and placing it within the 34-S zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. (staff)

5C. Ordinance No. 2016-10, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel. (staff)

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Brenda Craig
City Secretary, City of Kerrville, Texas

5D. Ordinance No. 2016-11 amending the budget for Fiscal Year 2016 to account for the completion of various capital improvement projects within the city's water and sewer fund and reallocating said project balances to other capital improvement projects within the same fund. (staff)

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Funding request from Kerr Economic Development Corporation for its fiscal year 2017 budget in an amount not to exceed \$24,500.00. (Jonas Titas, KEDC)

6B. Discuss extension or renewal of the Interlocal Agreement for the continued Existence of a Joint Airport Board to provide Management of Kerrville/Kerr County Airport. (staff)

6C. Request from Kerr County to waive any and all City building permit, plan check, and inspection fees associated with Kerr County's expansion of the Kerr County Jail. (staff)

6D. Termination of City's application for reuse permit (Application No. 12880) dated May 8, 2012, and submitted by the City of Kerrville to the Texas Commission on Environmental Quality. (staff)

7. INFORMATION AND DISCUSSION:

7A. Review and discuss Rule 4.4. Control of Discussion of the Kerrville City Council's Procedural Rules for Meetings. (Councilmember Andrew)

8. APPOINTMENTS TO CITY BOARDS AND COMMISSIONS:

8A. Appointments to Mayor's Youth Advisory Council. (staff)

9. ITEMS FOR FUTURE AGENDAS

10. ANNOUNCEMENTS OF COMMUNITY INTEREST:

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

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Brenda Craig
City Secretary, City of Kerrville, Texas

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:

11A. 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.

11B. Sections 551.071 and 551.072:

Discuss City of Kerrville, Texas vs. Stadter, 198th District Court of Kerr County, No. 13698B (condemnation).

12. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

13. ADJOURNMENT.

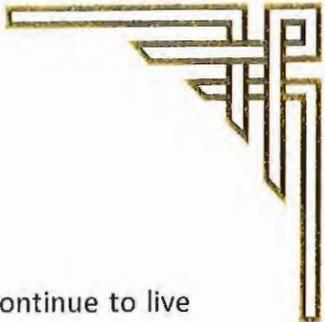
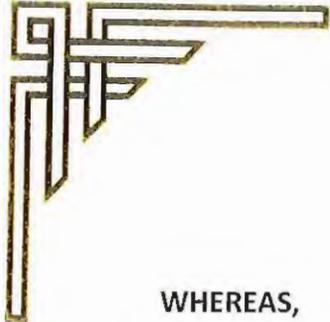
The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.

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Brenda Craig
City Secretary, City of Kerrville, Texas

Agenda Item:

2A. Proclamation declaring the week ending on Father's Day 2016 as Men's Health Week. (Mayor White)



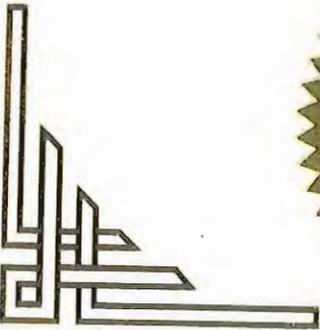
PROCLAMATION

- WHEREAS,** Despite advances in medical technology and research, men continue to live an average of five years less than women with Native American and African-American men having the lowest life expectancy; and
- WHEREAS,** Educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will result in reducing rates of mortality from disease; and
- WHEREAS,** Men who are educated about the value of preventative health will be more likely to participate in health screening; and
- WHEREAS,** Fathers who maintain a healthy lifestyle are role models for their children and have happier, healthier children; and
- WHEREAS,** Men's Health Network worked with Congress to develop Men's Health Week as a special campaign to help educate men, boys, and their families about the importance of positive health attitudes and preventative health practices; and
- WHEREAS,** Men's Health Week will focus on a broad range of men's health issues, including heart disease, diabetes, mental health, prostate, testicular and colon cancer; and
- WHEREAS,** The citizens of this state are encouraged to increase awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups,

NOW, THEREFORE, I, Bonnie White, Mayor of the City of Kerrville, Texas, do hereby proclaim the week ending on Father's Day, 2016 as

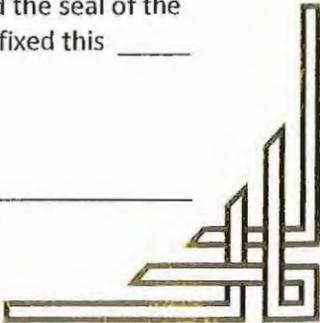
MEN'S HEALTH WEEK

In this city, and encourage all our citizens to pursue preventative health practices and early detection efforts.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Kerrville to be affixed this ____ day of June, 2016.

Bonnie White, Mayor



Agenda Item:

3A. Construction contract with Jordan Restoration, Inc. for the Kerr Regional History Center renovation phase II project in the amount of \$292,472.00 and authorization for the city manager to execute additional change orders which may not exceed a total contract value of \$365,590.00. (staff)

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

SUBJECT: Council authorization for the City Manager to execute a construction contract with Jordan Restoration, Inc. in the amount of \$292,472.00 for the Kerr Regional History Center Renovation Phase II Project in an amount not to exceed a total contract value of \$365,590.00.

FOR AGENDA OF: June 14, 2016

DATE SUBMITTED: June 3, 2016

SUBMITTED BY: Kyle Burow, P.E., CFM
Director of Engineering

CLEARANCES: Malcolm Matthews
Interim Deputy City Manager

EXHIBITS: Bid Tabulation

PAYMENT TO BE MADE TO: Jordan Restoration, Inc.
P.O. Box 871884
Mesquite, Texas 75187

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$365,590.00	\$464,861.91	\$365,590.00	H01

REVIEWED BY THE FINANCE DIRECTOR: 

In March 2016, Peter Lewis Architects were hired to generate bid and construction documents for the Kerr Regional History Center Renovation Phase II Project. The project was preceded by structural renovation for the 1st and 2nd floors in 2014 followed by interior renovations to the 1st floor in 2015. The Phase II Project will consist of renovations including roofing, interior restoration, installation of LULA elevator in existing shaft, electrical, lighting, HVAC, and plumbing to the remainder of the History Center.

On May 10, 2016, two bids were received and opened with Jordan Restoration, Inc. being the apparent low bidder. City staff, in conjunction with Peter Lewis Architects & Associates, evaluated the contractor and recommend award to Jordan Restoration for a construction contract amount of \$292,472.00.

RECOMMENDED ACTION

Authorize the City Manager to execute a construction contract with Jordan Restoration, Inc. in the amount of \$292,472.00 for the Kerr Regional History Center Renovation Phase II Project in an amount not to exceed a total contract value of \$365,590.00.

Agenda Item:

4A. Ordinance No. 2016-07, amending the city's "Zoning Code" to revise Section 11-I-12(f) "Temporary Construction Trailers and Buildings" to allow for the expanded use of such structures; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (staff)

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

SUBJECT: Public hearing, First reading of the Ordinance & Action concerning a zoning text amendment to change Chapter I, "The City of Kerrville Zoning Code" Article 11-1-12 (Manufactured Homes, Mobile Homes, Trailers, and Recreation Vehicles).

FOR AGENDA OF: June 14, 2016

DATE SUBMITTED: June 3, 2016

SUBMITTED BY: Trenton Robertson
City Planner

CLEARANCES: Kristine Day
Deputy City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

This item concerns a text amendment to the City of Kerrville's zoning code to address the requirements of Temporary Construction Trailers and Buildings. City Council at its regular meeting on May 24, 2016, directed staff to review Article 11-1-12 (Manufactured Homes, Mobile Homes, Trailers, and Recreation Vehicles) of the zoning code and make recommendations pertaining to temporary construction trailers and buildings.

A public hearing was conducted by the Planning & Zoning Commission at its regular meeting on June 2, 2016. The Planning & Zoning Commission recommended approval of the amendments presented by staff (5-0). The Planning & Zoning Commission requested at a later meeting to review and possibly make additional changes to Article 11-1-12 (f)(2)(v) "Temporary Building-Trailer Sales Office: Design".

RECOMMENDED ACTION

Staff recommends that the Council hold the required public hearing to receive public comments and take action on the item.



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 4A
Planning File #: 2016-027
Hearing Date: June 2, 2016
Representative: City Staff
Location: City Wide
Legal Description: NA
Total Acreage: NA

Proposal

Zoning text amendment to amend Chapter I, "The City of Kerrville Zoning Code" Article 11-1-12 (Manufactured Homes, Mobile Homes, Trailers, and Recreation Vehicles)

Procedural Requirements

The application was published in The Hill Country Community Journal, a newspaper of general circulation in the City of Kerrville on May 18, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 27, 2016, in accordance with Section 551.043(a) of the Texas Government Code (i.e., at least 72 hours in advance of the scheduled meeting).

Recommended Action

Staff recommends that the Commission hold the required public hearing to receive public comments and make a recommendation to the Council.

Staff Analysis and Recommendation: Approval

1. Current Ordinance:

The current zoning regulations for Chapter I, "The City of Kerrville Zoning Code" Article 11-1-12(e)(f) follows:

- (e) **Temporary Construction Trailers and Buildings:** Temporary construction trailers and buildings used for on-site construction purposes are permitted in accordance with a building permit issued by the City for a period not exceeding the period of construction. Upon completion of construction as determined by the issuance of a certificate of occupancy or the abandonment of construction, the owner shall remove the trailer or building at its expense. Where construction is complete, the owner shall remove the trailer or building within fourteen (14) calendar days.

- (f) **Temporary Residential Sales Offices and Model Homes:** A residential sales office is permitted within a subdivision for which the City has issued building permits and may be located either in a model home or in a temporary building or trailer. The City may issue such permit for no more than one year, but the City may extend the permit if the applicant maintains active and continuous construction within the subdivision and a minimum of ten (10) lots in the subdivision remain unsold. The sales office shall be used only for sales within the subject subdivision and not for sales in any other subdivision. The following regulations shall apply to the use of the temporary residential sales offices or model homes as permitted within any Residential Zoning District:

(1) **Model Home – Sales Office**

- (i) ***Permitting:*** A model home used as a temporary sales office shall require a permit, an inspection, and a certificate of occupancy.
- (ii) ***Lot:*** The model home shall only be constructed on a platted lot.
- (iii) ***Parking:*** A minimum of four (4) off-street parking spaces shall be provided and shall be surfaced with materials that will not be tracked onto the public right-of-way. Access to this parking shall be by means of a standard residential driveway.
- (iv) ***Landscaping:*** Landscaping typically associated with residential development shall be provided and maintained at all times.
- (v) ***Site/Plot Plan:*** A site/plot plan for the lot to be used for the model home sales office shall be included with the building permit application. This plan shall show the location of the off-street parking, driveway, and landscaping.
- (vi) ***Conversion:*** A model home sales office may be converted for residential habitation at any time but only after residential sales have ceased. The converted model home shall be subject to applicable residential parking standards.

(2) **Temporary Building – Trailer Sales Office:**

- (i) ***Permitting:*** A building or trailer used as a temporary sales office shall require a permit, an inspection, and a certificate of occupancy.
- (ii) ***Lot:*** The building or trailer shall only be placed or constructed on a platted lot.
- (iii) ***Parking:*** A minimum of four (4) off-street parking spaces shall be provided and shall be surfaced with materials that will not be tracked onto the public right-of-way. Access to this parking shall be by means of a standard residential driveway.

- (iv) **Site/Plot Plan:** A site/plot plan for the lot to be used for the building or trailer sales office shall be included with the building permit application. This plan shall show the location of the off-street parking, driveway, and landscaping.
- (v) **Design:** The design of the residential sales office shall be residential in character with a non-metallic roof of a hip or gable design, the exterior siding shall be non-metallic and similar to the exteriors of the residential housing constructed in the development. At least one doorway into the building or trailer shall face the street.
- (vi) **Sales Trailers:** If a trailer is to be used as a residential sales office, the following development requirements shall also apply:
 - 1 The tongue and/or towing gear, axles, and wheels shall be removed;
 - 2 The vacant space between the grade of the property on which the trailer is located and the exterior edges of the finished floor shall be skirted with the same material as the exterior of the trailer so that there is no visible gap between the finished floor and the ground; and
 - 3 A porch with steps and/or ramp is located on the street facing side of the trailer that meets all accessibility standards.
- (vii) **Building Compliance:** All buildings or trailers used as residential sales offices shall comply with the Texas Manufactured Housing Standards Act, as amended, regarding construction design and standards and applicable building code requirements.
- (viii) **Conversions:** A temporary residential sales office shall not be used for or converted to residential habitation.
- (ix) **Removal:** Following the expiration of the permit, the owner shall remove the building or trailer from the lot within fourteen (14) calendar days and at the owner's expense."

2. Proposed Amendments to the Ordinance:

The proposed amendments to the zoning regulations for Chapter I, "The City of Kerrville Zoning Code" Article 11-1-12(e) is underlined (added) or (~~deleted~~) as follows:

- (e) Temporary Construction Trailers and Buildings: Temporary construction trailers and buildings used for ~~on-site~~ construction purposes within a platted subdivision for which the City has issued building permits are permitted in accordance with a building permit issued by the City for a period not ~~to exceed~~ ing the period of construction ~~twelve (12) months.~~ The building official may reissue a permit for a

period not to exceed twelve (12) months. The temporary construction trailer and building shall be used only for construction within the subject subdivision and not for construction in any other subdivision. Upon either the completion of construction of all platted lots within the subdivision as determined by the issuance of a certificate of occupancy or the abandonment of construction, or the expiration of the building permit, the owner shall remove the trailer or building at its expense. ~~Where construction is complete, the owner shall remove the trailer or building~~ within fourteen (14) calendar days.

3. Purpose for the Amendment:

To allow for temporary construction trailers and buildings to be located near a site under construction of a smaller lot size, that reasonably cannot accommodate such aforementioned structures.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2016-07**

AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" TO REVISE SECTION 11-I-12(f) "TEMPORARY CONSTRUCTION TRAILERS AND BUILDINGS" TO ALLOW FOR THE EXPANDED USE OF SUCH STRUCTURES; 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 June 14, 2016, 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 Section 11-I-12(f) of the City's Zoning Code, which will make changes to the regulations applicable to the use of temporary construction trailers and buildings; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on June 14, 2016, 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 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 Section 11-I-12(f) as provided herein;

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

SECTION ONE. Section 11-I-12(f) "Temporary Construction Trailers and Buildings", 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-12 MANUFACTURED HOMES, MOBILE HOMES, TRAILERS, AND RECREATION VEHICLES

⋮

- (f) Temporary Construction Trailers and Buildings: Temporary construction trailers and buildings used for ~~[on-site]~~ construction purposes within a platted subdivision for which the City has issued a building permit are permitted in accordance with a building permit issued by the City for a period not to exceed twelve (12) months ~~[exceeding the period of construction]~~. The building official

may reissue such a permit for a period not to exceed twelve (12) months. A temporary construction trailer or building shall only be used for construction within the subject subdivision and not for any construction or activities beyond said subdivision. Upon the completion of construction upon all lots within the subdivision as determined by the issuance of a certificate of occupancy(s), ~~[or]~~ the abandonment of construction, or the expiration of a building permit, the owner shall remove the trailer or building at its expense~~[-Where construction is complete, the owner shall remove the trailer or building]~~ within fourteen (14) calendar days.”

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 ___ day of _____, A.D., 2016.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the day of _____, A.D., 2016.

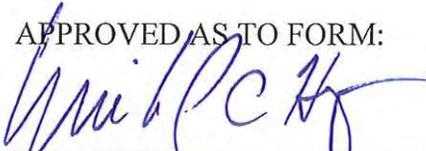
(signatures begin on following page)

Bonnie White, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

5A. Ordinance No. 2016-08 amending the comprehensive plan for the City of Kerrville, Texas, pursuant to Chapter 213 of the Texas Local Government Code, by revising the future land use plan for an approximate 5.61 acre tract of land located adjacent to State Highway 16 South (Medina Highway) and between its intersection with Southway Drive South and Fairway Drive East; and changing the future land use of this area from low-density residential to mixed use. (staff)

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

SUBJECT: Second reading of the Ordinance & Action concerning a proposed Comprehensive Plan Amendment to amend the future land use category from "Low-Density Residential" to "Mixed-Use" for an approximate 5.61 acres tract. Being all of a certain tract or parcel of land out of Wm. C. Francis Survey No. 146, in the City of Kerrville, Kerr County, Texas; part of the land conveyed as 25.62 acres to Villa Saralita. Ltd. from One Kerrville, L.P. by a Warranty Deed with Vendor's Lien executed the 14th day of July, 2006 and recorded in Volume 1545 at Page 265 of the Official Public Records of Kerr County, Texas. Located on the east side of Medina Highway (Highway 16), between Southway Drive South and Fairway drive East. 1335 Medina Highway (Highway 16).

FOR AGENDA OF: June 14, 2016

DATE SUBMITTED: June 3, 2016

SUBMITTED BY: Trenton Robertson
City Planner

CLEARANCES: Kristine Day
Deputy City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

This item is concerning public hearing, first reading of the ordinance & action concerning a proposed Comprehensive Plan Amendment to amend the future land use category from "Low-Density Residential" to "Mixed-Use". The applicant requested the comprehensive plan amendment on March 30, 2016.

A public hearing was conducted by the Planning & Zoning Commission at its regular meeting on May 5, 2016. The Planning & Zoning Commission recommended approval (5-0).

A public hearing and first reading of the ordinance was conducted by City Council at its regular meeting on May 24, 2016. City Council approved the amendment (5-0).

RECOMMENDED ACTION

Staff recommends that the Council conduct the second reading of the ordinance and take action for approval.



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 3A/3B
Planning File #: 2016-020/2016-019
Hearing Date: May 5, 2016
Representative: Blake Rue
Location: 1335 Medina Highway
Legal Description: Being all of a certain tract or parcel of land out of Wm. C. Francis Survey No. 146, in the City of Kerrville, Kerr County, Texas; part of the land conveyed as 25.62 acres to Villa Saralita, Ltd. from One Kerrville, L.P. by a Warranty Deed with Vendor's Lien executed the 14th day of July, 2006 and recorded in Volume 1545 at Page 265 of the Official Public Records of Kerr County, Texas.
Total Acreage: 5.61

Proposal

2016-020: Comprehensive Plan Amendment to amend the future land use category from "Low-Density Residential" to "Mixed-Use".

2016-019: Zoning change from (R-3) Multifamily Residential District to (S-34) South Side 34-District

Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on April 20, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on April 25, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 2, 2016, in accordance with Section 551.043(a) of the Texas Government Code.

Recommended Action

Staff recommends that the Commission hold the required public hearing to receive public comments and make a recommendation to City Council.

Notices Mailed

Owners of Property within 200 feet: 24

Topography

The subject property slopes from the north to the south, and is heavily vegetated with various trees and shrubbery.

Adjacent Zoning and Land Uses

Direction: North, East

Current Base Zoning: "R-3" and "R-1"

Current Land Uses: Single-Family Residential

Direction: South

Current Base Zoning: "S-34"

Current Land Uses: Single-Family Residential

Direction: West

Current Base Zoning: "OCL" Outside of City Limits

Current Land Uses: Manufactured Home Park, Equipment Rental and Sale, Barber Shop, Convenient Store/Gas Station

Transportation

Thoroughfare: Medina Highway (Highway 16)

Existing Character: Two lanes in each direction with no sidewalks

Proposed Changes: None known

Parking Information: A use has not been determined. The most restrictive parking in this zoning district would be for a Restaurant

Minimum vehicle spaces: One (1) space per four (4) seats or One (1) space per 100 sq. feet, whichever is greater.

Staff Analysis and Recommendation: Approval

1. Consistency:

The property's land use designation is Low-Density Residential. The requested "S-34" base zoning district is not consistent with the adopted land use designation. The proposed future land use designation for the subject property is "Mixed-Use" and will allow for the proposed "S-34" zoning district.

2. Adverse Impacts on Neighboring Lands:

Although, staff has found no evidence of likely adverse impacts on neighboring lands in relation to this plan amendment and zoning change request, the potential uses could increase traffic. The proposed plan amendment and zoning change would allow the subject property to utilize more intense uses than what is permitted in the existing "R-3" zoning district. Current planning practices encourage commercial uses to be located along major roadways such as Medina Highway (Highway 16). The permitted uses for the "S-34" zoning district would be consistent with the surrounding land uses and would be appropriate for the area.

3. Suitability as Presently Zoned:

Both the existing and proposed zoning districts are suitable for the subject property and will allow for uses that will be consistent with the existing surrounding land uses. The existing "R-3" multi-family residential zoning district (if developed) would act as a buffer between Medina Highway (Highway 16) and the existing single-family residential neighborhood located to the east of the subject property. In accordance with the City of Kerrville's Zoning Code the "S-34" base zoning district light commercial uses are encouraged, and single-family residential uses are discouraged. The proposed "S-34" zoning district permitted uses are consistent with the existing light commercial uses across Medina Highway. Additionally, the proposed zoning change will not directly abut the established residential neighborhood located to the east, there is vacant land that is zoned "R-3" which will buffer any potential obtrusions caused by the proposed light commercial zoning district.

4. Health, Safety and Welfare:

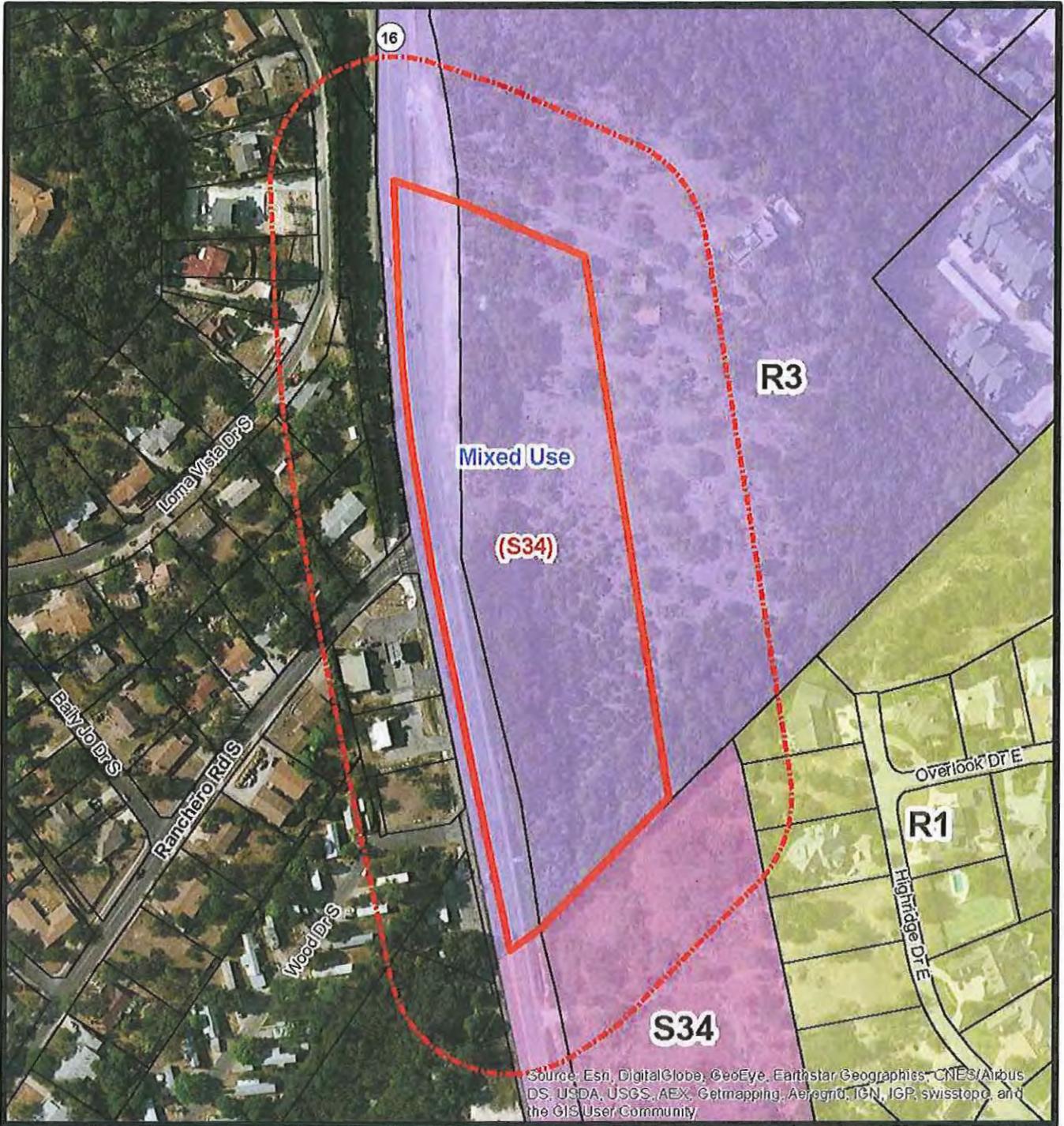
Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

5. Size of Tract:

The subject property is approximately 5.61 acres in size, which should be able to reasonably accommodate the permitted uses in the "S-34" zoning district.

6. Other Factors:

None.



Location Map

Case 2016-019/2016-020

Location:
1335 Medina Highway

Legend

- 200' Notification Area - - - - -
- Subject Properties —————
- Current Zoning TEXT
- Requested Zoning (TEXT)
- Requested Future Land Use TEXT



0 100 200 400

Scale In Feet

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2016-08**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF KERRVILLE, TEXAS, PURSUANT TO CHAPTER 213 OF THE TEXAS LOCAL GOVERNMENT CODE, BY REVISING THE FUTURE LAND USE PLAN FOR AN APPROXIMATE 5.61 ACRE TRACT OF LAND LOCATED ADJACENT TO STATE HIGHWAY 16 SOUTH (MEDINA HIGHWAY) AND BETWEEN ITS INTERSECTION WITH SOUTHWAY DRIVE SOUTH AND FAIRWAY DRIVE EAST; AND CHANGING THE FUTURE LAND USE OF THIS AREA FROM LOW-DENSITY RESIDENTIAL TO MIXED USE

WHEREAS, City Council adopted Ordinance No. 2002-14 on July 9, 2002, which adopted the *Kerrville Comprehensive Plan—A Link To The Future* as the City’s Comprehensive Plan (Plan); and

WHEREAS, the Plan, pursuant to Section 213.002 of the Texas Local Government Code, was adopted as a planning tool for the long-range development of the City; and

WHEREAS, a Future Land Use Plan (“FLUP”) was included as part of the Plan; and

WHEREAS, Section 211.004 of the Texas Local Government Code requires zoning regulations to be adopted in accordance with the Plan; and

WHEREAS, the Plan, specifically the FLUP, as found at figure 3.2 of the Plan, must now be amended in conjunction with a pending application for a zoning change; and

WHEREAS, the City Council finds that a public hearing was held on the proposed revisions to the Plan as required by law and the Council has heard and considered any such comments; and

WHEREAS, the City Council finds it in the public interest to amend the Plan as provided herein;

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

SECTION ONE. The above recitals and findings are found to be true and correct.

SECTION TWO. The *City of Kerrville Comprehensive Plan – A Link To The Future*, and specifically the FLUP, is amended by changing the future land use designation from “Low-Density Residential” to “Mixed Use” for the property, as described and depicted at **Exhibit A**, consisting of an approximate 5.61 acre tract of land, out of the William C. Francis Survey No. 146, Abstract No. 137, within the City of Kerrville, Kerr County, Texas, and more commonly referred to as 1335 State Highway 16 South.

SECTION THREE. The provisions contained herein amend and revise, as appropriate, the provisions of Ordinance No. 2002-14 and specifically the FLUP. Further, that 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 hereby expressly repealed to the extent of any such inconsistency or conflict.

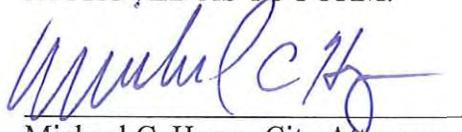
SECTION FOUR. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding will not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, hereby declares that it 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.

PASSED AND APPROVED ON FIRST READING, this the 24th day of May, A.D., 2016.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ___ day of _____, A.D., 2016.

Bonnie White, Mayor

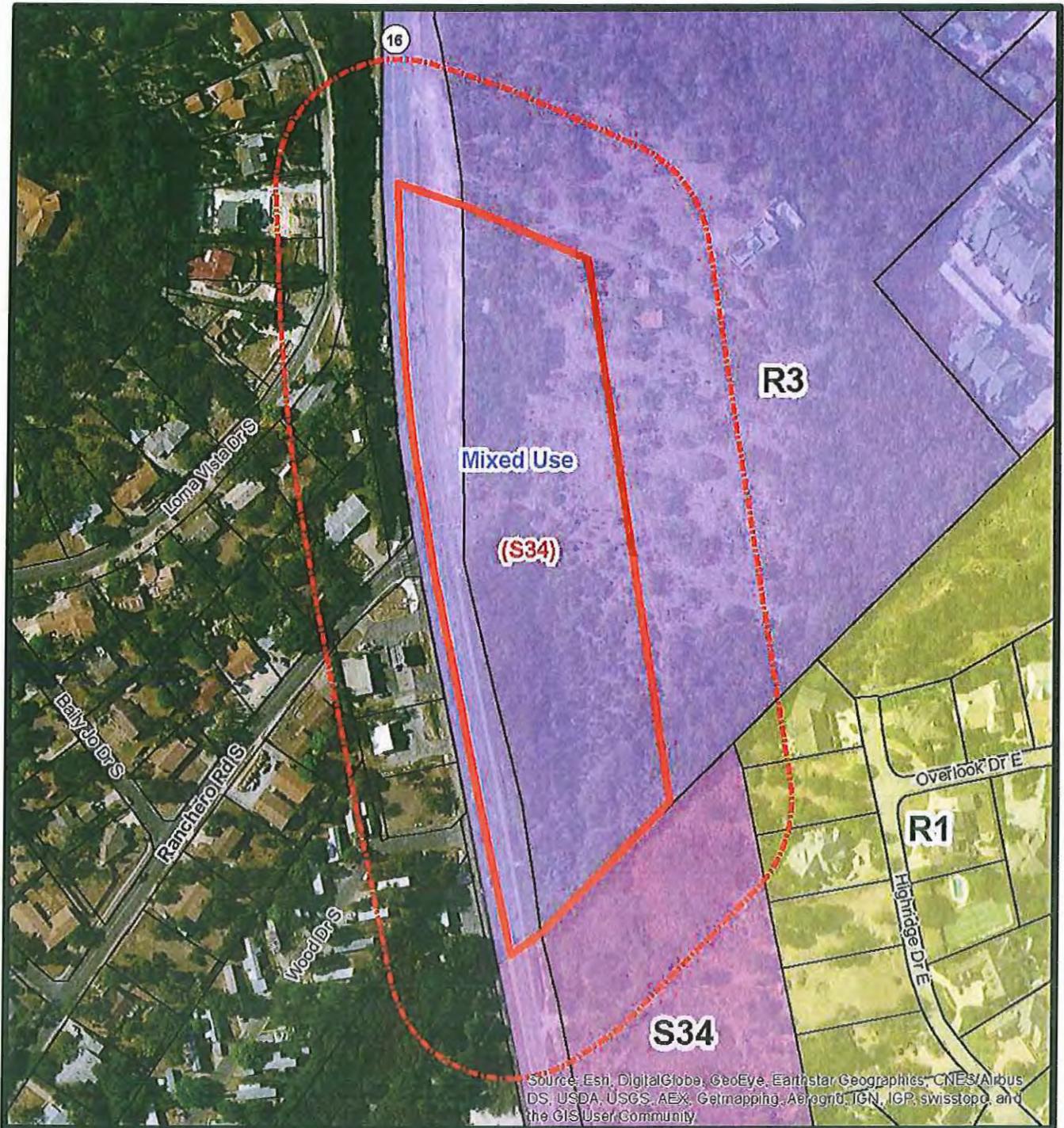
APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community.

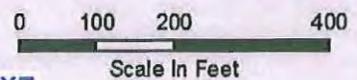
Location Map

Case 2016-019/2016-020

Location:
1335 Medina Highway

Legend

- 200' Notification Area - - - - -
- Subject Properties —————
- Current Zoning TEXT
- Requested Zoning (TEXT)
- Requested Future Land Use TEXT



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:

5B. Ordinance No. 2016-09 amending the city's "Zoning Code" by changing the zoning district for an approximate 5.61 acre tract of land located adjacent to State Highway 16 South (Medina Highway) and between its intersection with Southway Drive South and Fairway Drive East, and otherwise known as 1335 State Highway 16 South; by removing the approximate 5.61 acre tract from the "R-3" multifamily residential zoning district and placing it within the 34-S zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. (staff)

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

SUBJECT: Second reading of the Ordinance & Action concerning a requested zoning change from (R-3) Multifamily Residential District to (S-34) South Side 34-District for an approximate 5.61 acres tract. Being all of a certain tract or parcel of land out of Wm. C. Francis Survey No. 146, in the City of Kerrville, Kerr County, Texas; part of the land conveyed as 25.62 acres to Villa Saralita. Ltd. from One Kerrville, L.P. by a Warranty Deed with Vendor's Lien executed the 14th day of July, 2006 and recorded in Volume 1545 at Page 265 of the Official Public Records of Kerr County, Texas. Located on the east side of Medina Highway (Highway 16), between Southway Drive South and Fairway drive East. 1335 Medina Highway (Highway 16).

FOR AGENDA OF: June 14, 2016

DATE SUBMITTED: June 3, 2016

SUBMITTED BY: Trenton Robertson
City Planner

CLEARANCES: Kristine Day
Deputy City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

This item is concerning second reading of the ordinance & action concerning a requested zoning change from (R-3) Multifamily Residential District to (S-34) South Side 34-District. The applicant requested the zoning change on March 30, 2016.

A public hearing was conducted by the Planning & Zoning Commission at its regular meeting on May 5, 2016. The Planning & Zoning Commission recommended approval (5-0).

A public hearing and first reading of the ordinance was conducted by City Council at its regular meeting on May 24, 2016. City Council approved the change (5-0).

RECOMMENDED ACTION

Staff recommends that the Council conduct the second reading of the ordinance and take action for approval.



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 3A/3B
Planning File #: 2016-020/2016-019
Hearing Date: May 5, 2016
Representative: Blake Rue
Location: 1335 Medina Highway
Legal Description: Being all of a certain tract or parcel of land out of Wm. C. Francis Survey No. 146, in the City of Kerrville, Kerr County, Texas; part of the land conveyed as 25.62 acres to Villa Saralita, Ltd. from One Kerrville, L.P. by a Warranty Deed with Vendor's Lien executed the 14th day of July, 2006 and recorded in Volume 1545 at Page 265 of the Official Public Records of Kerr County, Texas.
Total Acreage: 5.61

Proposal

2016-020: Comprehensive Plan Amendment to amend the future land use category from "Low-Density Residential" to "Mixed-Use".

2016-019: Zoning change from (R-3) Multifamily Residential District to (S-34) South Side 34-District

Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on April 20, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on April 25, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 2, 2016, in accordance with Section 551.043(a) of the Texas Government Code.

Recommended Action

Staff recommends that the Commission hold the required public hearing to receive public comments and make a recommendation to City Council.

Notices Mailed

Owners of Property within 200 feet: 24

Topography

The subject property slopes from the north to the south, and is heavily vegetated with various trees and shrubbery.

Adjacent Zoning and Land Uses

Direction: North, East

Current Base Zoning: "R-3" and "R-1"

Current Land Uses: Single-Family Residential

Direction: South

Current Base Zoning: "S-34"

Current Land Uses: Single-Family Residential

Direction: West

Current Base Zoning: "OCL" Outside of City Limits

Current Land Uses: Manufactured Home Park, Equipment Rental and Sale, Barber Shop, Convenient Store/Gas Station

Transportation

Thoroughfare: Medina Highway (Highway 16)

Existing Character: Two lanes in each direction with no sidewalks

Proposed Changes: None known

Parking Information: A use has not been determined. The most restrictive parking in this zoning district would be for a Restaurant

Minimum vehicle spaces: One (1) space per four (4) seats or One (1) space per 100 sq. feet, whichever is greater.

Staff Analysis and Recommendation: Approval

1. Consistency:

The property's land use designation is Low-Density Residential. The requested "S-34" base zoning district is not consistent with the adopted land use designation. The proposed future land use designation for the subject property is "Mixed-Use" and will allow for the proposed "S-34" zoning district.

2. Adverse Impacts on Neighboring Lands:

Although, staff has found no evidence of likely adverse impacts on neighboring lands in relation to this plan amendment and zoning change request, the potential uses could increase traffic. The proposed plan amendment and zoning change would allow the subject property to utilize more intense uses than what is permitted in the existing "R-3" zoning district. Current planning practices encourage commercial uses to be located along major roadways such as Medina Highway (Highway 16). The permitted uses for the "S-34" zoning district would be consistent with the surrounding land uses and would be appropriate for the area.

3. Suitability as Presently Zoned:

Both the existing and proposed zoning districts are suitable for the subject property and will allow for uses that will be consistent with the existing surrounding land uses. The existing "R-3" multi-family residential zoning district (if developed) would act as a buffer between Medina Highway (Highway 16) and the existing single-family residential neighborhood located to the east of the subject property. In accordance with the City of Kerrville's Zoning Code the "S-34" base zoning district light commercial uses are encouraged, and single-family residential uses are discouraged. The proposed "S-34" zoning district permitted uses are consistent with the existing light commercial uses across Medina Highway. Additionally, the proposed zoning change will not directly abut the established residential neighborhood located to the east, there is vacant land that is zoned "R-3" which will buffer any potential obtrusions caused by the proposed light commercial zoning district.

4. Health, Safety and Welfare:

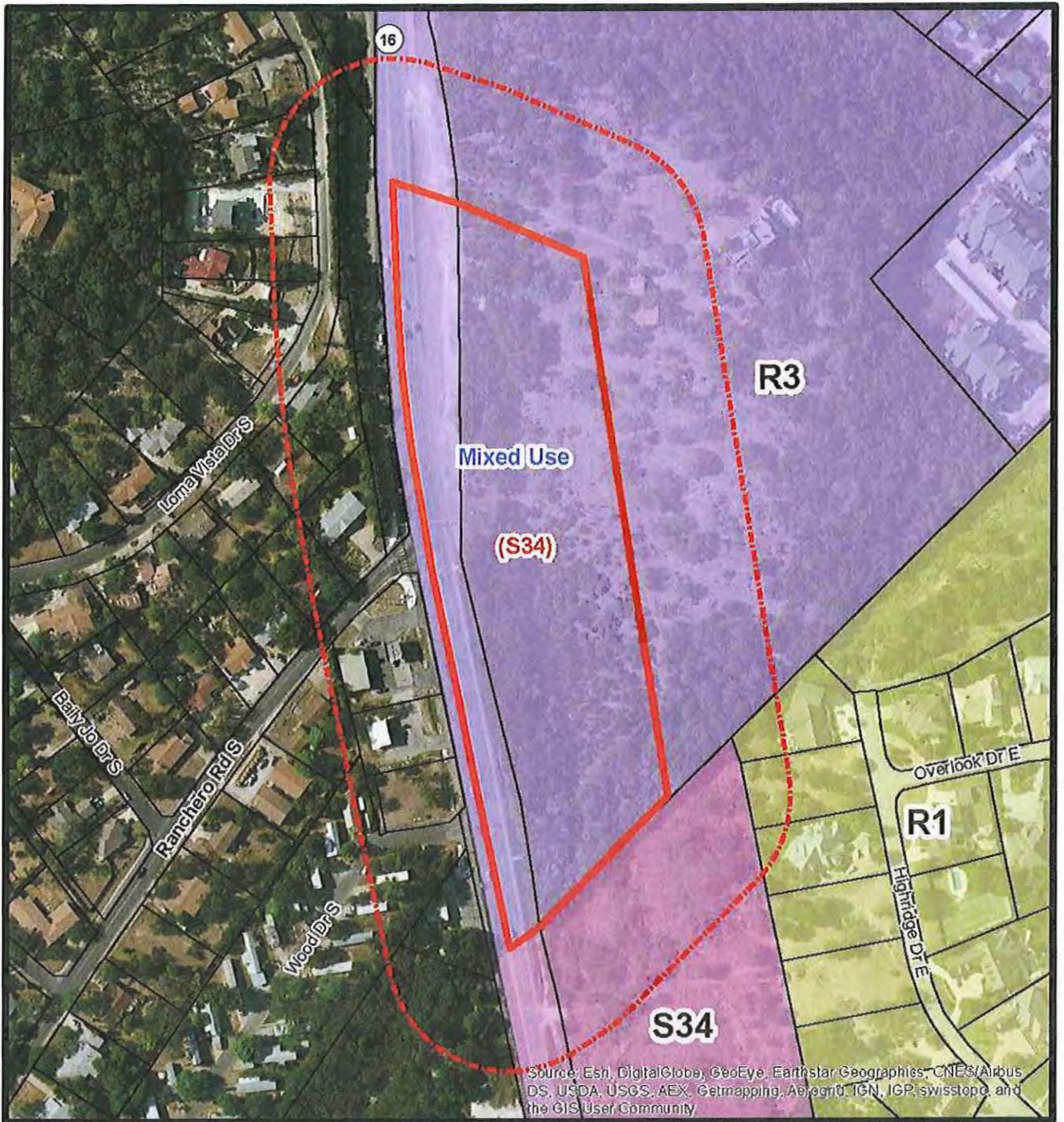
Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

5. Size of Tract:

The subject property is approximately 5.61 acres in size, which should be able to reasonably accommodate the permitted uses in the "S-34" zoning district.

6. Other Factors:

None.



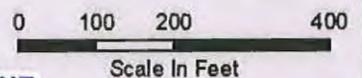
Location Map

Case 2016-019/2016-020

Location:
1335 Medina Highway

Legend

200' Notification Area	
Subject Properties	
Current Zoning	TEXT
Requested Zoning	(TEXT)
Requested Future Land Use	TEXT



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**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2016-09**

AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY CHANGING THE ZONING DISTRICT FOR AN APPROXIMATE 5.61 ACRE TRACT OF LAND LOCATED ADJACENT TO STATE HIGHWAY 16 SOUTH (MEDINA HIGHWAY) AND BETWEEN ITS INTERSECTION WITH SOUTHWAY DRIVE SOUTH AND FAIRWAY DRIVE EAST, AND OTHERWISE KNOWN AS 1335 STATE HIGHWAY 16 SOUTH; BY REMOVING THE APPROXIMATE 5.61 ACRE TRACT FROM THE "R-3" MULTIFAMILY RESIDENTIAL ZONING DISTRICT AND PLACING IT WITHIN THE 34-S ZONING DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing which was held before the City Council on May 24, 2016, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in the change of a zoning district for the property making up approximately 5.61 acres and located adjacent to State Highway 16 South (Medina Highway) and between the its intersections with Southway Drive South and Fairway Drive East, otherwise known as 1335 State Highway 16 South; such change to result in the removal of the property from the "R-3" Multifamily Residential Zoning District to placement of the property within the 34-S Zoning District; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on May 24, 2016, 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 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 change the zoning district for the property described below by placing it within the 34-S Zoning District;

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

SECTION ONE. The zoning district for the following property located adjacent to State Highway 16 South (Medina Highway) and between the its intersections with Southway Drive South and Fairway Drive East, otherwise known as 1335 State Highway 16 South, is changed from the “R-3” Multifamily Residential Zoning District to the 34-S Zoning District:

Being all of a certain tract or parcel of land out of William C. Francis Survey No. 146, Abstract No. 137, within the City of Kerrville, Kerr County, Texas; part of the land conveyed as 25.62 acres to Villa Saralita, Ltd. from One Kerrville, L.P. by a Warranty Deed with Vendor’s Lien executed the 14th day of July, 2006, and recorded in Volume 1545 at Page 265 of the Real Property Records of Kerr County, Texas; and being more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes.

SECTION TWO. The City Manager or designee is authorized and directed to amend the City’s official zoning map to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with Section 11-I-4(c) of the City’s Zoning Code.

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

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

SECTION FIVE. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, Chapter 1 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

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

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

PASSED AND APPROVED ON FIRST READING, this the 24th day of May, A.D., 2016.

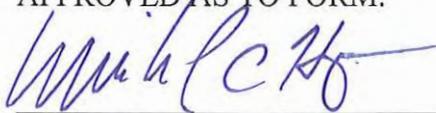
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ of _____, A.D., 2016.

Bonnie White, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

5C. Ordinance No. 2016-10, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel. (staff)

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

SUBJECT: An Ordinance approving settlement with Atmos Energy Corporation, Mid-Tex Division regarding 2016 Rate Review Mechanism filing

FOR AGENDA OF: June 14, 2016 **DATE SUBMITTED:** June 7, 2016

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

EXHIBITS: Ordinance No. 2016-10 (plus attachments)

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JP*

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

PAYMENT TO BE MADE TO: NA

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

The following is a report from the attorneys representing the Atmos Cities Steering Committee:

The City, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). The RRM Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program ("GRIP"), the state statute that allows Atmos to bypass the City's rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been modified several times, most recently in 2013.

The 2016 RRM filing is the fourth RRM filing under the renewed RRM Tariff. On March 1, 2016, Atmos made a filing requesting \$35.4 million additional revenues on a system-wide basis. Because the City of Dallas has a separate rate review process, exclusion of Dallas results in the Company requesting \$28.6 million from other municipalities.

Environs customers (ratepayers outside municipal limits) remain under the Railroad Commission's exclusive original jurisdiction and have their rates set through the GRIP process. If the Company had used the GRIP process rather than the RRM process it would have received a \$41 million increase, or about \$11 million more than will be approved by the Ordinance. ACSC and the Company have reached an agreement, reflected in the Ordinance, to reduce the Company's request by \$5.5 million, such that the Ordinance approving new rates reflects an

increase of \$29.9 million on a system-wide basis, or \$21.9 million for Atmos Mid-Tex cities, exclusive of the City of Dallas.

The tariffs attached to the Ordinance approve rates that will increase the Company's revenues by \$29.9 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2016. The monthly residential customer charge will be \$19.10. The consumption charge will be \$0.11378 per Ccf. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$1.26, or about 2.43%. The typical commercial customer will see an increase of \$3.81, or 1.43%. Attached to this Model Staff Report is a summary of the impact of new rates on the average bills of all customer classes.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Ordinance with its attachments approving the negotiated rate settlement resolving the 2016 RRM filing, and implementing the rate change.

Explanation of "Be It Ordained" Sections:

1. This section approves all findings in the Ordinance.
2. This section finds the settled amount of \$29.9 million to be a comprehensive settlement of gas utility rate issues arising from Atmos Mid-Tex's 2016 RRM filing, and that such settlement is in the public interest and is consistent with the City's statutory authority.
3. This section finds the existing Atmos Mid-Tex rates to be unreasonable, and approves the new tariffed rates providing for additional revenues over currently-billed rates of \$29.9 million and adopts the attached new rate tariffs (**Attachment A**).
4. This section establishes the baseline for pensions and other post-employment benefits for future rate cases (**Attachment C**).
5. This section requires the Company to reimburse Cities for reasonable ratemaking costs associated with reviewing and processing the RRM filing.
6. This section repeals any resolution or ordinance that is inconsistent with this Ordinance.
7. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
8. This section is a savings clause, which provides that if any section(s) is later found to be unconstitutional or invalid, that finding shall not affect, impair or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining provisions of the Ordinance are to be interpreted as if the offending section or clause never existed.
9. This section provides for an effective date upon passage which, according to the Cities' ordinance that adopted the RRM process, is June 1, 2016.

10. This paragraph directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for the Steering Committee.

RECOMMENDED ACTION

Adoption of Ordinance on 2nd reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2016-10**

AN ORDINANCE APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL

WHEREAS, the City of Kerrville, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Texas Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, on March 1, 2016, Atmos Mid-Tex filed its 2016 RRM rate request with ACSC Cities; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2016 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC’s counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$29.9 million on a system-wide basis; and

WHEREAS, the attached tariffs implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

SECTION ONE. The findings set forth in this Ordinance are hereby in all things approved.

SECTION TWO. City Council finds that the settled amount of an increase in revenues of \$29.9 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2016 RRM filing is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

SECTION THREE. The existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as **Attachment A**, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$29.9 million in revenue over the amount allowed under currently approved rates, as shown in the Proof of Revenues attached hereto and incorporated herein as **Attachment B**; such tariffs are hereby adopted.

SECTION FOUR. The ratemaking treatment for pensions and other post-employment benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on **Attachment C**, attached hereto and incorporated herein.

SECTION FIVE. Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2016 RRM filing.

SECTION SIX. To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

SECTION SEVEN. The meetings at which this Ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION EIGHT. If any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

SECTION NINE. Consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after June 1, 2016.

SECTION TEN. A copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED ON FIRST READING, this the 24th day of May,
A.D., 2016.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ___ day
of _____, A.D., 2016.

Bonnie White, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

Attachment A
RRC Tariff No:

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 12

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 19.10 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 19.12 per month
Commodity Charge – All <u>Ccf</u>	\$0.11378 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2015.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

Attachment A
RRC Tariff No:

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 13

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 41.75 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 41.77 per month
Commodity Charge – All Ccf	\$ 0.08494 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2015.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

Attachment A
RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 14

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 738.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3096 per MMBtu
Next 3,500 MMBtu	\$ 0.2267 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0486 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

Attachment A
RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 15

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

Attachment A
RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 16

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 738.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3096 per MMBtu
Next 3,500 MMBtu	\$ 0.2267 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0486 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

Attachment A
RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 17

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2016	PAGE: 41

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_{ij} = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2016	PAGE: 42

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.09	0.1392	98.01	0.6440
Austin	11.21	0.1551	203.36	0.8564
Dallas	13.72	0.2048	189.83	0.9984
Waco	9.89	0.1411	129.75	0.6695
Wichita Falls	11.49	0.1506	122.35	0.5967

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNA's factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

File Date: March 1, 2016

ATMOS ENERGY CORP., MID-TEX DIVISION
PROPOSED TARIFF STRUCTURE (BEFORE RATE CASE EXPENSE RECOVERY)
TEST YEAR ENDING DECEMBER 31, 2015

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
1 Proposed Change In Rates:		\$ 29,603,205		Schedule A						
2 Proposed Change In Rates without Revenue Related Taxes:		\$ 27,447,850		Ln 1 divided by factor on W/P_F-5.1						
3										
4										
5										
6		Revenue Requirements		Allocations						
7 Residential	\$	338,431,486		77.95%		Per GUD 10170 Final Order				
8 Commercial		84,223,622		19.40%		Per GUD 10170 Final Order				
9 Industrial and Transportation		11,490,316		2.65%		Per GUD 10170 Final Order				
10 Net Revenue Requirements GUD No. 10170	\$	<u>434,145,424</u>								

16 With Proportional Increase all classes but Residential and a 40% residential base charge increase:

	Current	Prospective	Revenues
20 Residential Base Charge	\$ 18.56	\$ 0.48	\$ 8,558,622
21 Residential Consumption Charge	\$ 0.09931	\$ 0.01540	12,837,933
22 Commercial Base Charge	\$ 39.87	\$ 1.81	2,662,423
23 Commercial Consumption Charge	\$ 0.08020	\$ 0.00480	2,662,423
24 I&T Base Charge	\$ 697.35	\$ 38.03	363,224
25 I&T Consumption Charge Tier 1 MMBTU	\$ 0.2937	\$ 0.0166	172,167
26 I&T Consumption Charge Tier 2 MMBTU	\$ 0.2151	\$ 0.0121	139,070
27 I&T Consumption Charge Tier 3 MMBTU	\$ 0.0461	\$ 0.0026	51,988
			<u>\$ 27,447,850</u>

17 With Customer Charges Rounded Off and residential base charge increase for 2015 limited to \$0.50 per RRM tariff:

	Proposed Change	Proposed Change In Revenues	Proposed Rates	Proposed Revenues
Residential Base Charge	\$ 0.52	\$ 9,335,278	\$ 19.08	\$ 339,813,673
Residential Consumption Charge	\$ 0.01447	12,061,297	\$ 0.11378	94,839,970
Commercial Base Charge	\$ 1.83	2,697,162	\$ 41.70	61,390,268
Commercial Consumption Charge	\$ 0.00474	2,626,475	\$ 0.08494	47,065,984
I&T Base Charge	\$ 39.65	378,728	\$ 737.00	7,039,815
I&T Consumption Charge Tier 1 MMBTU	\$ 0.0159	165,150	\$ 0.3096	3,215,747
I&T Consumption Charge Tier 2 MMBTU	\$ 0.0116	132,888	\$ 0.2267	2,597,042
I&T Consumption Charge Tier 3 MMBTU	\$ 0.0025	49,955	\$ 0.0486	971,117
		<u>\$ 27,446,933</u>		<u>\$ 556,933,616</u>

File Date: March 1, 2016

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS ADJUSTMENT
TEST YEAR ENDING DECEMBER 31, 2015

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2016 Towers Watson Report as adjusted (1), (3)	\$ 5,101,680	\$ 2,896,450	\$ 7,840,683	\$ 150,433	\$ 4,466,430	
2	O&M Expense Factor (2)	96.41%	96.41%	37.42%	20.77%	37.42%	
3	Fiscal Year 2016 Actuarially Determined O&M Benefits (Ln 1 x Ln 2)	\$ 4,918,540	\$ 2,792,473	\$ 2,933,599	\$ 31,249	\$ 1,671,119	
4	Allocation to Mid-Tex (2)	40.56%	40.56%	71.52%	100.00%	71.52%	
5	Mid-Tex Benefits Expense Included in Rates - Proposed (Ln 3 x Ln 4)	\$ 1,995,016	\$ 1,132,659	\$ 2,098,222	\$ 31,249	\$ 1,195,248	\$ 6,452,393
6							
7	Mid-Tex Benefits Expense per GUD 10359 and RRM Test Year Ending December 31, 2014 Benchmark (4)	\$ 2,831,859	\$ 2,013,260	\$ 2,925,600	\$ 34,809	\$ 2,695,721	\$ 10,501,250
8							
9	Test Year Adjustment (Line 5 minus Line 7)	\$ (836,844)	\$ (880,601)	\$ (827,379)	\$ (3,561)	\$ (1,500,472)	\$ (4,048,856)
10							
11	Adjustment Summary:						
12	Account 922	\$ (836,844)	\$ (880,601)	\$ -	\$ -	\$ -	\$ (1,717,445)
13	Account 926	-	-	(827,379)	(3,561)	(1,500,472)	(2,331,412)
14	Total (Ln 12 plus Ln 13)	\$ (836,844)	\$ (880,601)	\$ (827,379)	\$ (3,561)	\$ (1,500,472)	\$ (4,048,856)

Notes:

1. Studies not applicable to Mid-Tex or Shared Services are omitted.
2. The factors on Lines 2 and 4 are based on the factors in 2016 RRM (Test Year Ending December 31, 2015).
3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.
4. GUD No. 10359 is the benchmark for January-May which is the same benchmark as used in the RRM TYE December 31, 2014 for June-December.

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2015

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2016 Towers Watson Report (excluding Removed Cost Centers)	\$ 5,101,680	\$ 2,896,450	\$ 7,840,683	\$ 150,433	\$ 4,466,430	
2	Allocation to Mid-Tex	40.56%	40.56%	71.52%	100.00%	71.52%	
3	FY16 Towers Watson Benefit Costs (excluding Removed Cost Centers) Allocated to MTX (Ln 1 x Ln 2)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	FY16 Towers Watson Benefit Costs To Approve (excluding Removed Cost Centers) (Ln 3 x Ln 4)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081
6							
7							
8	Summary of Costs to Approve:						
9							
10	Total Pension Account Plan ("PAP")	\$ 2,069,299		\$ 5,607,955			\$ 7,677,254
11	Total Post-Retirement Medical Plan ("FAS 106")		\$ 1,174,833			\$ 3,194,561	4,369,394
12	Total Supplemental Executive Retirement Plan ("SERP")				\$ 150,433		150,433
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081
14							
15							
16	O&M Expense Factor	96.41%	96.41%	37.42%	20.77%	37.42%	
17							
18	Expense Portion (Ln 13 x Ln 16)	\$ 1,995,016	\$ 1,132,659	\$ 2,098,222	\$ 31,249	\$ 1,195,248	\$ 6,452,393
19							
20	Capital Factor	3.59%	3.59%	62.58%	79.23%	62.58%	
21							
22	Capital Portion (Ln 13 x Ln 20)	\$ 74,283	\$ 42,174	\$ 3,509,733	\$ 119,184	\$ 1,999,313	\$ 5,744,687
23							
24	Total (Ln 18 + Ln 22)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081

Agenda Item:

5D. Ordinance No. 2016-11 amending the budget for Fiscal Year 2016 to account for the completion of various capital improvement projects within the city's water and sewer fund and reallocating said project balances to other capital improvement projects within the same fund. (staff)

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

SUBJECT: Second reading of an ordinance amending the FY2016 Budget

FOR AGENDA OF: June 14, 2016

DATE SUBMITTED: June 1, 2015

SUBMITTED BY: Sandra Yarbrough
Director of Finance

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Ordinance Amending FY2016 Budget
Attachment A – detailing changes

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

Various capital projects in the Water and Sewer Capital Project Fund have been completed. The unspent balances of these projects are available for reallocation to other capital projects within the Water and Sewer Capital Projects Fund and are allowable as stated in Authority for Issuance of CO Series 2013.

The attached ordinance provides for the second amendment to the FY2016 budget, and includes budget amendments as per Attachment A.

RECOMMENDED ACTION

It is recommended that the City Council approve the second reading of an ordinance amending the FY2016 budget and authorize city staff to make all necessary entries and adjustments to reflect the attached changes.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2016-11**

AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2016 TO ACCOUNT FOR THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENT PROJECTS WITHIN THE CITY'S WATER AND SEWER FUND AND REALLOCATING SAID PROJECT BALANCES TO OTHER CAPITAL IMPROVEMENT PROJECTS WITHIN THE SAME FUND

WHEREAS, Ordinance No. 2015-20, dated September 22, 2015, adopted the Fiscal Year 2016 Budget; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds that amending the City's Fiscal Year 2016 Budget is in the best interest of the citizens of the City of Kerrville;

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

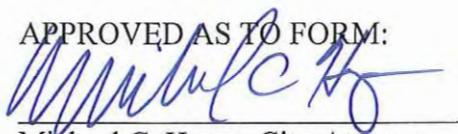
In accordance with Section 8.07 of the City Charter, the Official Budget for Fiscal Year 2016 is amended as set forth in **Attachment A**.

PASSED AND APPROVED ON FIRST READING, this the 24th day of May, A.D., 2016.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2016.

Bonnie White, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

Agenda Item:

6A. Funding request from Kerr Economic Development Corporation for its fiscal year 2017 budget in an amount not to exceed \$24,500.00. (Jonas Titas, KEDC)

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

SUBJECT: Kerr Economic Development Corporation FY2017 funding request in an amount not to exceed \$24,500.00

FOR AGENDA OF: June 14, 2016 **DATE SUBMITTED:** June 8, 2016

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

EXHIBITS: Letter from Jonas Titas, KEDC Executive Director dated June 6, 2016

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$24,500.00	\$24,500.00	\$24,500.00	01-870-306

PAYMENT TO BE MADE TO: KEDC

REVIEWED BY THE DIRECTOR OF FINANCE: 

SUMMARY STATEMENT

This is the annual funding request from the KEDC as approved by the KEDC Board on June 2, 2016. KEDC is requesting \$24,500.00 each from the City, County, and KPUB and \$182,500.00 from the EIC for FY2017. KEDC's FY2017 funding request to EIC is scheduled to be considered by EIC on June 20, 2016. The total income proposed from all stakeholders for FY2017 is \$256,000.00.

The city's contribution for FY2016 was \$20,865.68 and EIC's contribution was \$154,403.84.

Jonas Titas will be available at the meeting to answer any questions.

RECOMMENDED ACTION

Staff recommends approving KEDC's funding request in an amount not to exceed \$24,500.00 and to direct staff to include this allocation in the FY2017 budget.



Kerrville Economic Development Corporation
1700 Sidney Baker, Suite 100
Kerrville, TX 78028

Phone: 830/896-1157
Fax: 830/896-1175
Kerr-edc.com

June 6, 2016

City of Kerrville – Economic Improvement Corporation
701 Main St.
Kerrville, TX 78028

Re: Funding Request for FY 2016/17

Vice President Cochrane:

The Kerrville Economic Development Corporation (KEDC) is beginning our sixth year of operations. KEDC's mission is to retain existing jobs and create new job opportunities in Kerrville and Kerr County. The Board is comprised of representatives of the City, City of Kerrville Economic Improvement Corporation, County, Kerrville Public Utility Board, Kerrville Independent School District, Kerrville Area Chamber of Commerce, the Kerrville Convention & Visitors Bureau and two members of the local business community.

KEDC had a great fiscal year 2015/16. We worked with 3 companies that will create 650 new primary jobs with annual wages of \$20 million and invest \$30 million in new plant and equipment in Kerrville and Kerr County. Over ten years the projects will result in 1,435 new jobs and an economic impact of \$503 million. KEDC was awarded the Community Economic Development Award and the Economic Excellence Award from the Texas Economic Development Council, and I attained Certified Economic Developer status from the International Economic Development Council. We have seen increased prospect activity and visits to the new KEDC website are increasing exponentially.

The KEDC Board of Directors recently approved our budget for FY 2016/17. Our new budget requests funding from our stakeholders in the amount of \$24,500 from the City, County and the Kerrville Public Utility Board and \$182,500 from the Economic Improvement Corporation. Funding allocations are necessary for KEDC to continue operations and prepare for the coming year. Our funding request is increasing from the previous couple of years due to diligent management of tax payer monies. Before I was hired, KEDC had a budget of \$320,000. There was also a period of time between the departure of my predecessor and my hire where KEDC did not utilize the operational budget. For those two reasons, KEDC accumulated a modest reserve. Together with you (our stakeholders) we underfunded KEDC for a period of years to liquidate that reserve. That has been accomplished. We will also ask the City Attorney to draft language in future funding agreements that any unallocated resources in KEDC accounts be returned to our funding stakeholders on a prorata basis should KEDC go dormant for a twelve month period.

KEDC greatly appreciates our stakeholder's continued support and the KEDC Board of Directors looks forward to a bright future and partnership that will be beneficial for all.

Respectfully,

Jonas Titus, CEcD
Executive Director

**Kerrville Economic Development Corporation
2016/2017 Budget**

	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17
Income					
City of Kerrville	14,500.00	17,500.00	16,250.00	20,865.68	24,500.00
EIC	127,000.00	60,000.00	166,250.00	154,403.84	182,500.00
Kerr County	14,500.00	17,500.00	16,250.00	20,865.38	24,500.00
KPUB	14,500.00	17,500.00	16,250.00	20,865.38	24,500.00
Other Income	-	-	-	-	-
Total Income	170,500.00	112,500.00	215,000.00	217,000.28	256,000.00
Expense					
Business Expenses	54,550.00	42,000.00	34,000.00	34,500.00	26,500.00
Contract Services	5,000.00	2,000.00	7,500.00	5,000.00	3,500.00
Operations	32,517.00	20,139.00	18,780.00	19,850.00	19,850.00
Other Types of Expenses	2,000.00	1,100.00	900.00	900.00	900.00
Payroll Expenses	151,723.60	149,794.00	160,420.00	171,281.60	181,840.00
Travel & Meetings	23,500.00	20,000.00	20,500.00	25,000.00	25,000.00
Total Expenses	269,290.60	235,033.00	242,100.00	256,531.60	257,590.00
Net Income:	-98,790.60	-122,533.00	-27,100.00	-39,531.32	-1,590.00

Agenda Item:

6B. Discuss extension or renewal of the Interlocal Agreement for the continued Existence of a Joint Airport Board to provide Management of Kerrville/Kerr County Airport. (staff)

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

SUBJECT: Discuss interlocal agreement between the City of Kerrville and Kerr County for the Kerrville/Kerr County Airport

FOR AGENDA OF: June 14, 2016 **DATE SUBMITTED:** June 9, 2016

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

EXHIBITS: Interlocal Agreement for Kerrville/Kerr County Airport

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

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

SUMMARY STATEMENT

The Kerrville/Kerr County Airport is jointly managed through an interlocal agreement between the City of Kerrville and Kerr County. Both parties entered into this interlocal agreement pursuant to the Texas Transportation Code.

The effective date of the agreement was from October 1, 2011, through September 30, 2012, with four automatic one-year renewals. September 30, 2016, is the termination date of the existing interlocal agreement. Since the interlocal agreement does not provide for an extension past September 30, 2016, the city council and commissioners' court must negotiate either an extension to the agreement or a new agreement.

RECOMMENDED ACTION

City staff recommends that the City Council designate two of its members to negotiate with representatives of Kerr County for the extension of the interlocal agreement or a new interlocal agreement for the Kerrville/Kerr County Airport. Furthermore, it is recommended that a deadline of 5 p.m. on Friday, July 29, 2016, be established for the conclusion of the negotiations and that the negotiated terms are submitted for consideration to the governing bodies of both entities at their first meetings of August 2016.

**INTERLOCAL AGREEMENT FOR THE CONTINUED EXISTENCE OF A
JOINT AIRPORT BOARD TO PROVIDE MANAGEMENT
OF KERRVILLE/KERR COUNTY AIRPORT**

This Joint Action Agreement ("Agreement"), pursuant to Chapter 22 of the Texas Transportation Code, is entered into between Kerr County, Texas ("County") and the City of Kerrville, Texas ("City"), also referred to individually as "Party", or collectively as "Parties", on the 29th day of September, 2011.

WHEREAS, County and City jointly own the real property upon which is located the Kerrville/Kerr County Airport, sometimes referred to as Louis Schreiner Field ("Airport"); and,

WHEREAS, County and City have previously, by their actions, jointly managed said Airport under Tex. Rev. Civ. Stat. Ann. Art. 46d, Municipal Airport Act, the statutory predecessor to Chapter 22 of the Texas Transportation Code ("Code"); and

WHEREAS, County and City find that it is in the best interests of the citizens of County and City for the Airport to continue to be managed by a Joint Airport Board pursuant to the Code; and

WHEREAS, County and City are desirous of the continuous operation of the Airport in an effective manner; and

WHEREAS, County and City now reconstitute and reorganize the Joint Airport Board to reflect the terms of this Agreement;

NOW, THEREFORE, in consideration of these promises, covenants, and agreements, the Parties agree as follows:

1. **Duration of Agreement**: This Agreement shall be effective as of October 1, 2011, and remain in effect through September 30, 2012. However, prior to termination, this Agreement shall automatically renew for an additional one-year term, limited to four such one-year renewals, unless terminated as provided for below.

2. **Proportionate Interest in Airport Property**: Each Party owns an equal, undivided interest in the real property and assets located within the bounds of the Airport, more particularly described in **Exhibit A**, and as that property description may be expanded or developed, and in the buildings, improvements, and other fixtures located on the property. Title to all Airport property shall remain jointly vested in the County and City.

3. **Joint Airport Board**: The Parties affirm the creation and continued existence of the Joint Airport Board ("Board"). The Board shall consist and operate as follows:

(a) **Membership**. The Board shall be comprised of five members. The approval by each Party is required to constitute an appointment to the Board. The current Board

Approved by City Council
Date: Sept. 27, 2011
Volume _____ Page _____

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members as of September 30, 2011, are hereby reappointed by the Parties to serve the remainder of their Term of Office left as of September 30, 2011.

(b) Term of Office. Each Board member shall be appointed for a two year term and shall continue to serve in this capacity until their successor is appointed and is duly qualified. Upon the death of any member or should any member resign or for any reason become unable to serve, a replacement shall be appointed in the same manner as provided below to fill the vacancy for the unexpired term.

(c) Oath and Bond. Following appointment, each Board member shall qualify for office by taking the required oath of office before the County Judge.

(d) Appointment. The process for appointment by action of each Party shall be as designated below:

1) The Board shall recommend persons to the County and City for consideration of appointment. The Board shall submit the names of such persons to each Party at least 60 days prior to the end of the particular place's term. In the event that a candidate recommended by the Board is not appointed by either Party, the Board shall recommend an alternative candidate. In the event that this second candidate is not appointed by either Party, the Board shall select another candidate who will be automatically appointed to the Board without the approval of the Parties.

2) It is deemed desirable that all Board members possess and will contribute a balance of expertise in business, financial, aviation, or management training and experience. Appointments shall be made on or before June 1 of each year.

3) Replacement of members shall be in the same manner and under the same qualification as described above with such replacement being appointed to fulfill only that portion of the remaining term.

4) Any Board member may be removed by a majority vote of each Party, for any reason. In addition, the Board may recommend to the County and City that a Board member be removed.

5) Board members shall be eligible for reappointment, but Board members are prohibited from serving more than 3 consecutive, 2-year terms. Only reappointments made after October 1, 2011, shall count towards this limitation.

(e) Officers: The Board shall appoint a President and Vice President who shall be selected from the Board's membership. If the Board appoints a Treasurer, the Treasurer shall execute a bond in an amount determined by the Board, with a corporate surety authorized to do business in the State of Texas and conditioned upon the faithful performance of the treasurer's duties. In addition, the Board shall appoint a secretary who shall record the minutes of the Board meetings. The term for each position shall be for two years.

(f) Compensation: Service on the Board is without compensation. However, each Board member is entitled to reimbursement for necessary expenses incurred in the performance of his/her duties as a Board member, subject to the Board Budget and a written Board policy regarding the reimbursement of expenses, which has been approved by each Party.

(g) Authority, Powers and Duties: The Board shall have the following authority, powers and duties:

1) The Board may exercise on behalf of the Parties any power possessed by either Party and those specifically provided by the Code, including the power to lease property and facilities, and to buy and sell goods as an incident to the operation of the Airport. However, the Board is not authorized to impose a property tax, sell bonds, or otherwise enter into other debt instruments, dispose of Airport property, or exercise the power of eminent domain without the prior written consent of each Party.

2) The Board, following the prior written consent of each Party, has the authority to apply for and to execute grant funding agreements.

3) The Board may improve, equip, maintain, operate, manage, regulate, protect, and police the Airport.

4) The Board may realign, alter, acquire, abandon, or close a portion of a roadway or alleyway without a showing of paramount importance if the portions to be realigned, altered, abandoned, or closed are in the geographical boundaries of the Airport at the time of or after the realignment, alteration, acquisition, abandonment, or closing.

5) The Board shall have the responsibility and be in charge of the property, improvements; and other assets of the Airport and shall be in charge of the disbursement of Airport funds for Airport purposes, and pursuant to the approved Board Budget. The Board shall also cause records to be kept of any and all revenues and disbursements.

6) The Board shall maintain a fund for the purpose of depositing all revenues of the Airport, including each Party's share of the operating costs. This fund shall be kept and managed by the Board and shall be established at a bank with a branch in Kerr County. Federal, state, or other contributions or loans and the revenue obtained from the operation of the Airport shall be deposited to the credit of the joint fund.

7) The Board shall have an audit of the financial affairs of the Board and its operation of the Airport conducted each year by an independent accountant and shall furnish the audit to each Party no later than February 28 of each year.

8) The Board shall ensure that all records regarding the operation of the Airport are maintained, retained, and made available for public review in accordance with the Texas Public Information Act. All records shall be maintained at the Airport.

9) The Board shall hire and employ an Airport Manager ("Manager") and such other employees as are necessary for the operation of the Airport. The Board shall develop a written job description for the Manager and shall include written performance criteria, goals, and benchmarks that the Manager is required to meet each year. The Board shall include such documents as part of the Board Budget which is subject to yearly approval by each Party.

10) The Board, through its Manager and any other employees, shall be responsible for the day-to-day management of the Airport. Toward that end, the Board is authorized to enter into service contracts with other public or private entities, but where such a contract exceeds \$25,000.00; both Parties must approve the contract.

11) The Board may adopt resolutions, rules, and orders for the operation of the Airport.

12) The Board may lease Airport property and may adopt fees and rental rates with respect to the use of Airport services or use of Airport property. Such fees and rates shall be included within the Board Budget, which may be amended by the approval of both Parties.

13) The Parties acknowledge that the Airport property is within the City's limits and is subject to the City's regulations and that land adjacent to the Airport but outside the City limits is subject to the adoption, administration, and enforcement by either a County or Joint Airport Zoning Board of airport hazard area and compatible land use zoning. However, the Board shall monitor and consider appropriate zoning for the Airport and the immediately surrounding areas whose use may impact Airport operations.

14) The Board shall adopt policies and procedures for the purchase of goods and services and for the accounting of the Airport's finances, each in accordance with state law.

15) The Board may insure itself, its contractors and subcontractors against liability arising from the operation of the Airport for damages to the person or property of others, workers' compensation, and officers' and employees' liability. The insurance may consist of self-insurance and/or purchased insurance.

16) The Board is prohibited from giving, leasing, or otherwise allowing the use of any part of the Airport for no value, without first having received approval from both Parties.

17) The Board shall comply with the Code and other state laws and local laws in all respects.

(h) Meetings: The Board shall meet on dates and times as agreed upon by the Board, which schedule may be changed from time to time; however in no event shall the Board meet less frequently than once per calendar quarter. The President of the Board or any two Board members shall have the authority to call a meeting. All such meetings of the Board shall be held in accordance with the Texas Open Meetings Act and three members of the Board shall constitute a quorum of the Board. The Board shall make its own rules of order, by-laws, set the time and place for regular meetings, and shall keep minutes of its meetings.

(i) Fiscal year. The Board shall observe a fiscal year that begins each October 1 and ends September 30.

(j) Reporting. The Board through its Manager shall provide quarterly written reports to each Party (1) regarding the operations of the Airport and its finances; and (2) encompassing the information required by ¶6(d).

(k) Litigation. The Board shall not enter into litigation of any kind without prior approval from both Parties. However, the Board may provide an appropriate response to a lawsuit or claim filed against it in an effort to protect its rights and defenses prior to any approval from both Parties.

4. Board Budget: The Board is responsible for the operations and needs of the Airport and shall develop a budget for Airport operations ("Board Budget") to be approved by both Parties. The Board Budget shall consist of the following parts: 1) maintenance and operations; and 2) capital improvements. In addition, the Board shall include as an addendum to the Board Budget a description and discussion of, at a minimum, proposed capital improvements looking forward 5 years. For purposes of this Agreement, "capital improvements" are defined as a project that will result in a physical object with a value of \$5,000.00 or more. The Board shall submit and present the Board Budget to the County and the City for approval. Should either Party not approve the Board Budget, the previous year's Board Budget shall be automatically adopted for the upcoming year.

(a) Submission Required. The Board shall submit the Board Budget to both Parties not later than June 1st of each year for Parties' consideration no later than September 30 of each year.

(b) Content and Format. The Board Budget shall substantially conform to the format and line item content as specified and depicted in **Exhibit B**.

(c) Excess Spending. The Board shall not spend nor incur obligations which at any time will exceed the Board Budget approved and adopted by the County and City for that current fiscal year, except for an emergency expenditure, which is declared by the Board President. An "emergency expenditure" is defined as an expenditure necessary for the immediate preservation of the public peace, property, health, or safety. Prior to or immediately following such expenditure, the Board President shall notify the County Judge and Mayor in writing of the declared emergency expenditure.

(d) Movement between Funds. The Board is authorized to move funds between line items concerning maintenance and operating expenses, but in no event shall the funds being moved over a fiscal year period exceed 5% of the Board Budget for that year.

(e) Airport Revenues. The Board shall only use revenues generated by operation of the Airport for Airport purposes.

(f) Board Budget Calculation. The Board shall create a draft Board Budget as follows:

(1) Total of all revenues, not including contributions from the Parties, less total expenses, which shall include all grant matches.

(2) Where a negative sum occurs, the Board shall seek contributions from the Parties as provided below.

(3) In no case shall contingency funds exceed 5% of the amount budgeted for annual maintenance and operating expenses.

5. County and City Funding: To assure the objective of the continuation of efficient Airport operations, each Party is obligated to the other Party to contribute funds as follows:

(a) Maintenance and Operations. The County and City shall each fund one-half (1/2) of all the costs related to the maintenance and operations part of the Board Budget or the County and City shall each fund \$110,000.00, whichever is less.

(b) Capital Improvements. The County and City shall be equally responsible for expenses directly resulting from the part of the Board Budget regarding capital improvements. On an annual basis as part of the draft Board Budget review process, both Parties must review proposed capital improvement projects. Only those projects approved as part of the Board Budget shall be submitted for bidding, where applicable, and construction.

(c) Schedule of Payments. Pursuant to the Board Budget and the amount of each Party's contributions, each Party shall forward 12 equal monthly payments to the Board in the amount of 1/12th of their total contribution on or before the 15th day of each month.

6. Airport Planning Committee. The Parties hereby create an Airport Planning Committee ("Committee") as follows:

(a) Membership. The Committee shall consist of the following persons:

(1) County Appointees. The Commissioners Court shall appoint 3 representatives to the Committee, which shall consist of no more than 2 members of the Commissioners Court.

(2) City Appointees. The City Council shall appoint 3 representatives to the Committee, which shall consist of no more than 2 Councilmembers.

(3) Board Appointee. The Board shall appoint 2 representatives to the Committee.

(b) Meetings. The Committee shall meet no less than once per calendar quarter.

(c) Purpose. The purpose of the Committee is to (1) receive and discuss in detail from the Board information regarding the operations of the Airport and its finances; (2) discuss short and long term planning for the operation, management, and economic development of the Airport; and (3) formulate recommendations to be presented to each Party regarding the short and long term goals for the Airport.

(d) Reports. Following its meetings, the Manager shall provide quarterly written reports to each Party regarding the information presented during the meeting and recommendations of the Committee.

7. Amendment: This Agreement may only be amended by written agreement of the Parties.

8. Termination of Agreement Prior to Expiration: Either party may terminate the Agreement for any reason upon the terminating Party giving the nonterminating Party no less than one-hundred eighty (180) days written notice thereof.

9. Notices: Any notice required or permitted to be given pursuant to this Agreement or under the laws of this state shall be given in writing and may be given via the United States Postal Service, certified mail, or commercial courier service, addressed to the applicable Party at the address set forth below:

City: City of Kerrville
Attention: City Manager
800 Junction Highway
Kerrville, TX 78028

County: Kerr County, Texas
Attention: County Judge
Kerr County Courthouse
700 Main Street
Kerrville, TX 78028

Board: Joint Airport Board
Attention: Airport Manager
Kerrville/Kerr County Airport
1875 Airport Loop Road
Kerrville, TX 78028

10. Governing Law and Venue: This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. Venue for any cause of action shall be in a court of competent jurisdiction in Kerr County, Texas.

11. Severability: If any provision of this Agreement is invalid or unenforceable, this Agreement shall be considered severable as to such provision, and the remainder of this Agreement shall remain valid and binding as though such invalid or unenforceable provision was not included.

12. Captions: Section headings are inserted herein only as a matter of convenience and for reference, and in no way defines, limits, or describes the scope or intent to any provision.

13. Use of Language: Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular shall be held to include the plural, unless the context otherwise requires.

14. Entire Agreement: This Agreement embodies the entire agreement between the Parties, and supersedes all prior agreements and understandings, whether written or oral, and all contemporaneous oral agreements and understandings relating to the subject matter. This Agreement shall not be amended, discharged or extended, except by written instrument executed by the Parties. The Parties agree that no representations or warranties shall be binding upon either Party unless expressed in writing in the Agreement.

15. Multiple Counterparts: This Agreement may be executed in multiple counterparts, each of which constitutes an original.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be legally executed this 29th day of September, 2011.

CITY OF KERRVILLE

By: *David Wampler*
David Wampler, Mayor

COUNTY OF KERR, TEXAS

By: *Pat Tinley*
Pat Tinley, County Judge

ATTEST:

Brenda G. Craig
Brenda G. Craig, City Secretary
APPROVED AS TO FORM:

Michael C. Hayes
Michael C. Hayes, City Attorney

ATTEST:

Jannett Pieper
by Cheryl A. Thompson, Deputy
Jannett Pieper, County Clerk
APPROVED AS TO FORM:

Robert Henneke
Robert Henneke, County Attorney



KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD - EXHIBIT B

09/2 11-1

BUDGET COMPARISON

FOR 2006 - 2012

	2006	2007	2008	2009	2010	2011	2011	2012
						Budget Approved	YTD Actual Thru 5/31/11	Proposed
Revenues								
47-AIRPORT								
INTERGOVERNMENTAL REVENUE								
47-300-602 KERR COUNTY								
47-300-603 KERRVILLE								
47-300-604 GRANTS								
47-300-606 TX DOT REIMBURSEMENT								
TOTAL INTERGOVERNMENTAL REVENUE	0	0	0	0	0	0	0	0
LEASE/RENTAL INCOME								
47-325-301 AIRPORT LAND LEASES								
47-325-602 TERMINAL LEASES								
47-325-603 T-HANGAR LEASES								
47-325-604 VEHICLE RENTAL SURCHARGE								
47-325-605 T-HANGAR STORAGE FACILITY LEASES								
TOTAL LEASE/RENTAL INCOME	0	0	0	0	0	0	0	0
REIMBURSEMENT								
47-350-601 FUEL FLOW FEES								
47-350-602 OTHER								
TOTAL REIMBURSEMENT	0	0	0	0	0	0	0	0
INTEREST INCOME								
47-380-601 INTEREST INCOME								
TOTAL INTEREST INCOME	0	0	0	0	0	0	0	0
TRANSFER IN								
47-390-601								
47-390-610 TRANSFER IN								
TOTAL TRANSFER IN	0	0	0	0	0	0	0	0
*** TOTAL REVENUES ***	0	0	0	0	0	0	0	0

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KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD

09/11-2

BUDGET COMPARISON

FOR 2006 - 2012

Expenses	2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Budget Approved*	2011 YTD Actual Thru 5/31/11	2012 Proposed
SALARIES & BENEFITS								
47-700-101								
47-700-102								
47-700-104								
47-700-205								
800-003								
800-004								
47-700-201								
800-005								
47-700-203								
47-700-202								
47-700-204								
TOTAL SALARIES & BENEFITS	0	0	0	0	0	0	0	0
AIRPORT								
47-800-008								
47-800-009								
47-800-010								
47-800-101								
47-800-102								
47-800-103								
47-800-104								
47-800-105								
47-800-106								
800-107								
47-800-107								
47-800-108								
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47-800-203								
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47-800-206								
47-800-207								
47-800-208								

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KERRVILLE-KERR CO' JOINT AIRPORT BOARD

09/26/2011-4

BUDGET COMPARISON

FOR 2006 - 2012

Expenses			2006	2007	2008	2009	2010	2011	2011	2012
								Budget	YTD Actual	2012
			Actual	Actual	Actual	Actual	Actual	Approved	Thru 5/31/11	Proposed
47-800-209	REPAIRS-GENERAL									
800-214	RAMP GRANT MATCH									
47-800-301	CONTRACT SERVICES									
47-800-302	PROPERTY INSURANCE									
47-800-303	LIABILITY INSURANCE									
47-800-304	SPECIAL SERVICES									
47-800-305	EQUIPMENT RENTAL									
47-800-306	ADVERTISING									
47-800-307	MANAGEMENT CONTRACT									
47-800-308	REIMBURSE COUNTY EMPLOYEE									
47-800-309	OUTSOURCED SERVICES									
47-800-310	CONTINGENCY									
47-800-311	LEGAL SERVICES									
47-800-401	PHONE SERVICE									
47-800-402	CELL PHONE SERVICE									
47-800-406	LIGHT AND POWER									
47-800-403	NATURAL GAS/PROPANE									
47-800-404	WATER & SEWER									
47-800-405	INTERNET PROVIDER									
47-800-501	CERTIFICATES, AWARDS, ETC									
47-800-503	DUES AND SUBSCRIPTIONS									
800-503	MOTOR VEHICLE									
47-800-505	OTHER CHARGES									
47-800-507	CONTINGENCY									
47-800-509	DEPRECIATION EXPENSE									
800-510	WATER SYSTEM IMPROVEMENTS									
47-800-511	OTHER EXPENSE									
47-800-513	RESERVE FOR CAPITAL									
47-800-901	TRANSFER OUT - GENERAL									
47-800-902	TRANSFER OUT - MAINTENANCE									
47-800-903	TRANSFER OUT - ROAD & BR									
TOTAL AIRPORT			0	0	0	0	0	0	0	0

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KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD

BUDGET COMPARISON

FOR 2006 - 2012

09/11 011-5

Expenses	2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011	2011	2012 Proposed
						Budget Approved	YTD Actual Thru 5/31/11	
TERMINAL								
47-801-101								
47-801-300								
47-801-301								
47-801-302								
47-801-303								
TOTAL 01-TERMINAL	0	0	0	0	0	0	0	0
*** TOTAL EXPENSES ***	0	0	0	0	0	0	0	0
REVENUE OVER/(UNDER) EXPENDITURES	-	-	-	-	-	-	-	-
M&O EXPENDITURES	0	0	0	0	0	0	0	0
Note:	Changes approved by Board							

KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD

BUDGET COMPARISON

FOR 2006 - 2012

Revenues	2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011	2011	2012 Proposed
						Budget Approved	YTD Actual Thru 5/31/11	
48 - AIRPORT CAPITAL								
Reimbursement								
48-350-100								
TOTAL Reimbursement	0	0	0	0	0	0	0	0
Intergovernmental								
48-351-100								
48-351-101								
48-351-102								
48-351-103								
TOTAL Intergovernmental	0	0	0	0	0	0	0	0
Transfers In								

12011-57

48-500-100	TRANSFER IN - GENERAL									
48-10	TRANSFER IN - AIRPORT									
08-03-6	TRANSFER IN									
TOTAL Transfers In		0	0	0	0	0	0	0	0	0
TOTAL REVENUES		0	0	0	0	0	0	0	0	0

**KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD
BUDGET COMPARISON
FOR 2006 - 2012**

Expenses		2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011	2011	2012	
							Budget Approved	YTD Actual Thru 5/31/11	Proposed	
CAPITAL OUTLAY										
800-201	LAND MAINTENANCE									
800-202	BUILDING & STRUCTURE MAINT									
800-405	OTHER CHARGES									
48-600-101	LAND									
48-600-102	BUILDINGS AND STRUCTURES									
800-507	STREET IMPROVEMENTS									
48-600-103	WATER SYSTEM IMPROVEMENTS									
800-500	CAPITAL OUTLAY									
48-600-104	GRANT MATCH									
48-600-105	DRAINAGE IMPROVEMENTS									
48-600-106	GRANT MATCH T-HANGAR 2001									
48-600-107	TXDOT REIMBURSE 2000-2001									
48-600-108	RELOCATE 12/30 PARALLEL									
48-600-109	ENGINEERING SVCS/DESIGN									
48-600-110	MASTER PLAN									
48-600-111	SURVEYING									
48-600-112	CONTRACT SERVICES									
48-600-113	INSTRUMENTS AND APPARATUS									
48-600-114	REHAB AIRPORT RUNWAY									
48-600-115	SITE PREP FUTURE HANGAR									
800-517	CITY T-HANGAR 2001									
800-518	KERR COUNTY T-HANGAR 2001									
800-519	GRANT MATCH LIGHTING IMPROVE									
800-520	TXDOT REIMBURSEMENT LIGHTING									
800-948	TRANSFER OUT									
TOTAL CAPITAL OUTLAY		0	0	0	0	0	0	0	0	0
TOTAL EXPENDITURES		0	0	0	0	0	0	0	0	0
REVENUE OVER/(UNDER) EXPENDITURES		-	-	-	-	-	-	-	-	-

08011-57

Agenda Item:

6C. Request from Kerr County to waive any and all City building permit, plan check, and inspection fees associated with Kerr County's expansion of the Kerr County Jail. (staff)

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

SUBJECT: Request from Kerr County to waive any and all building permit, plan check, and inspection fees associated with Kerr County's expansion of the Kerr County Jail

FOR AGENDA OF: June 14, 2016 **DATE SUBMITTED:** June 9, 2016

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

EXHIBITS: County Request to Waive Fees Dated May 31, 2016

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

On June 6, 2016, a written request was received from Kerr County requesting that the fees associated with plan review, building permit, and construction inspections be waived for the planned expansion of the Kerr County Jail. Estimated project value for the construction is \$11,000,000 and fees for the building permit and plan review are calculated to be a total of \$82,537.50 (Permit Fee = \$55,025.00 and Plan Check fee = \$27,512.50).

State jail standards will require that the jail construction meet local building standards in addition to state jail standards. Furthermore, the state will require that a certificate of occupancy be issued by the City of Kerrville before the facility will be put into service. City plan review and construction inspections are necessary in order to issue a certificate of occupancy.

The fees are established to cover the city's expenses with regard to the review of construction/building plans and construction inspections for mechanical, plumbing, and electric installations.

RECOMMENDED ACTION

City staff recommends that this project not be exempted from the plan review and building inspection processes. The decision to waive the fees as requested is a policy decision of the City Council and city staff has no recommendations.



RECEIVED
JUN - 6 2016
BY: _____

**THE COUNTY COURT
OF**

KERR COUNTY, TEXAS

700 Main Street, Ste. 101, Kerrville, Texas 78028

Tel: (830) 792-2211

Fax: (830) 792-2218

Email: commissioners@co.kerr.tx.us

COUNTY JUDGE
TOM POLLARD

COMMISSIONERS COURT
H. A. "BUSTER" BALDWIN, PCT. 1
TOM MOSER, PCT. 2
JONATHAN LETZ, PCT. 3
BOB REEVES, PCT. 4

COURT COORDINATOR
JODY GRINSTEAD

May 31, 2016

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

RE: Permit and Plan Check Fees for Kerr County Jail Expansion Project

Dear Mr. Parton,

As a follow up to the May 25, 2016 meeting between yourself, Sheriff Hierholzer, Comm. Moser and Comm. Reeves, Kerr County respectfully requests that the Kerrville City Council waive any and all building permit fees, plan check fees etc. regarding the expansion of the Kerr County Jail. Per our discussion we understand that this item will be placed on the June 14, 2016 city council agenda.

Enclosed please find the summary of building requirements that the Texas Jail Commission requires us to meet prior to commencing any construction.

As indicated in the meeting, the jail facility is utilized by both Kerr County and the City of Kerrville, so all citizens would benefit from a reduced fee.

Thanks for your consideration on this matter and I look forward to hearing from you.

Sincerely,


Tom Pollard
Kerr County Judge

Enclosures

FACSIMILE TRANSMISSION

410 COTTON OIN LANE
KERRVILLE, TX 78028
Phone: (830) 257-8588 Fax: (830) 257-8589
(830) 997-4976 FREDERICKSBURG

HUSER CONSTRUCTION

To: Sheriff From: Rob Booth
Fax: 830-257-7904 Date: May 6, 2016
Phone: 830-896-1216 Pages: 2
Re: City of Kerrville Building Permit Appl. CC:

- Urgent For Review Please Comment Please Reply Please Recycle

Notes: Commercial & Multi-Family Residential Building Permit Application.

Thank you,

Rob Booth

830.257.50

Office use

Public works _____ Inspections _____ Planning _____ Engineering _____ Fire Marshal _____ Flood Plan _____



COMMERCIAL & MULTI-FAMILY RESIDENTIAL
BUILDING PERMIT APPLICATION
CITY OF KERRVILLE, TEXAS

BUILDING DEPARTMENT # 16-385

Project Address 400 CLEARWATER PASSEO, KERRVILLE, TX 78028

Project Business Name (Commercial Only) KERR COUNTY JAIL

Lot # _____ Block # _____ Subdivision _____

Property Owner KERR COUNTY Phone (Day Time) 896-1240

Mail Address SAME

Email Address SHERIFF@CO.KERR.TX.US FAX NUMBER _____

Contractor HUSER CONSTRUCTION CO. Phone (Day Time) 830/257-8588

Mail Address 410 COTTON PIN LANE KERRVILLE, TX 78028

Email Address R.BROTH@HUSERCO.COM FAX NUMBER 830/257-8589

Description of Work and Use of Property JAIL

Estimated Project Cost (required): \$11,000,000 New Sq Ft: 20,685 Total Sq Ft: 74,176

IF CHANGE OF MAILING ADDRESS OR PHONE NUMBER CHANGE PLEASE CHECK BOX SO WE BOX SO WE UPDATE IT IN OUR SYSTEM

Office Use Only:

TRANS# 835.0

01-6231 Permit Fee: <u>55,025.00</u>	01-6247 Flood Plain Fee: _____
01-6243 Plan Check Fee: <u>27,512.50</u>	01-6437 Water Tap Fee: _____
08-6242 Parkland Fee (East): _____	01-6438 Sewer Tap Fee: _____
08-6243 Parkland Fee (West): _____	02-6915 New Acct. Fee: _____
Book #: _____	02-6446 Install Meter: _____

TRANS# 834.0 (1 TIME GENERAL CONTRACTOR) LICENSE # _____ \$ _____

TOTAL \$ _____

APPROVAL _____ DATE _____

DEPARTMENT

CONSTRUCTION APPROVAL RULES
CHAPTER 257

- .1 Initial Contact. When the construction, renovation, or addition to a facility is being considered, the owner shall notify the executive director of the proposed scope of the project.
- .2 Facility Needs Analysis. Analysis of facility needs shall be submitted to the Commission by the owner prior to submission of any design documents. The owner may request Commission assistance in preparation of the needs analysis. The analysis shall include facility type, capacity, and support area needs.
- .3 Architects and Engineers. Design documents shall bear professional seals and signatures required by the Texas Board of Architectural Examiners and/or the Texas State Board of Regulation for Professional Engineers as required by law. The owner shall notify Commission staff of the designated prime design professional.
- .4 Required Submissions. Information shall be furnished by the owner or the owner's representative to the Commission staff at the following stages of planning and construction:
 - (1) Schematic Design. Documents shall illustrate the scale, relationship of project components, and cost estimates;
 - (2) Design Development. Drawings and specification documents shall illustrate and describe the size and character of the entire project as to structural, mechanical, and electrical systems, life safety and detention locking systems, construction materials, cost estimates, and other essentials as may be appropriate;
 - (3) Construction Documents. Drawings and specification documents shall include detail requirements for the construction of the entire project including necessary bidding information, bidding forms, final cost estimates of construction cost, and operation cost. These documents shall include the conditions of the construction contract or contracts;
 - (4) Addendum, Substitutions and Changes. Copies of all proposed addendum prepared during the bidding phase shall be forwarded to the Executive Director prior to being issued. The Executive Director shall respond in writing, giving approval or disapproval promptly to the architect, not longer than 10 working days after receiving the request. Modifications, changes, and all substitutions of equal material or equipment for those specified in the approved contract documents must receive written approval by the Executive Director prior to the change order or substitution approval being issued. Emergency approval of addendum, modifications, substitutions, or changes may be sought and obtained by telephone or facsimile from the Executive Director who will subsequently issue a confirming answer in writing;
 - (5) Award of Construction Contract. Upon award of the construction contract, the owner or the owner's representative shall notify the Commission staff of the date construction is to commence, estimated time of completion, and the amount of the contract.
- .5 Official Comments. Each time a required submission is made, it shall contain a statement of review and comment from both the owner and sheriff/operator.

- .6 Approval. Within 30 working days of receiving the contract documents as submitted by the owner, the Executive Director or his representative shall respond in writing with approval or disapproval of the building as complying with the minimum standards established by rules and procedures of the Commission. If approval is not given, an explicit description of the items which are not approved shall be given by the Executive Director along with an explicit description of the remedy or remedies necessary. The Executive Director shall send his reply directly to the owner and sheriff/operator.
- .7 Occupancy Inspections. The owner shall notify the Executive Director not less than 30 days prior to completion of construction to schedule an occupancy inspection.
- .8 Letter of Occupancy. Upon determination that the completed facility meets the requirements of minimum jail standards, the Executive Director shall issue a letter of occupancy to the owner and sheriff/operator. The facility shall not be occupied before approval by the Executive Director or designee.
- .9 Laws Applicable. Facilities constructed prior to subsequent amendments to these rules, entailing changes, additions, or deletions to the structure of equipment therein, shall not be required to meet the changes unless the change also establishes a date by which the change shall be effected. The facility shall conform to the building, safety, and health requirements of state and local authority. The facility shall also conform to **the Texas Accessibility Standards in effect at the time of construction** in its entirety regarding the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The commission adopts these rules and **16 TAC §68.20 (relating to Buildings and Facilities Subject to Compliance with the Texas Accessibility Standards) by reference**. State standards for a facility which exceed those of the local authority shall take precedence. Where local building codes do not exist, **the county shall designate a building code currently in effect; otherwise the International Building Code will apply.**
- .10 Accessibility Review. The plans for all facilities shall be submitted to the Texas Department of Licensing and Regulation-Elimination of Architectural Barriers, the Texas Commission on Jail Standards, or a Registered Accessibility Specialist for review and approval of accessibility features.
- .11 Facilities Exempt From New Standard Requirements. Facilities completed, under construction or plans received by the Commission prior to adoption of changes to Construction Standards, Chapter 259 of this title (relating to New Construction Rules) as indicated by the effective date are exempt from new standard requirements.

NEW CONSTRUCTION RULES
GENERAL
CHAPTER 259

- .1 Objectives. Any county contemplating construction, renovation of or addition to a facility shall determine the present and future needs and possible expansion of the existing or proposed facility. A clear definition of the functions and objectives for the proposed new facility, renovation, or addition shall then be provided to the Commission for approval.
- .2 Unfinished Areas. Planning may provide for the construction of space for future expansion to increase the capacity of the facility. These areas may be constructed "shell only" for future installation of interior walls, equipment, and appurtenances. Such areas shall not compromise the security of the total facility.
- .3 Design Concepts. Innovative concepts are encouraged to reduce problems of security and maintenance while creating a safe, sanitary, and secure environment for staff and inmates. The facility shall be structurally sound, fire resistive and not connected to a building that is not fire resistive, and shall provide for adequate security and safety. Facility design shall provide for support functions and equipment to insure safe, secure, and efficient operations.

NEW CONSTRUCTION RULES
NEW MAXIMUM SECURITY DESIGN,
CONSTRUCTION AND FURNISHING
REQUIREMENTS
CHAPTER 259

- .100 Facility Site. The site shall be of sufficient size to provide for the immediate facility and a reasonable projected expansion. A buffer zone around the facility should be provided.
- .101 Facility Operation Concept. The facility shall be planned to receive unclassified persons, hold pretrial and convicted persons, and allow for processing, classifying, and releasing persons at all times.
- .102 Facility Security Requirements. Facility security shall be planned to protect inmates from one another, protect staff and visitors from inmates, and deter or prevent escapes.
- .103 Special Security. A facility shall be constructed and maintained as a special security unit. The integrity of the security perimeter shall not be compromised by other functions.
- .104 Construction Materials. Inmate housing areas and day rooms shall be constructed of metal, masonry, concrete, or other comparable materials. The level of security desired shall determine the selection of appropriate materials.
- .105 Public Areas. Public areas shall be located outside the security perimeter. Public access to the security perimeter shall be controlled. A public lobby or waiting area shall be provided for the convenience of the public, including seating, drinking fountains, and rest rooms and should include lockers or storage for visitors' articles. Provisions shall be made for disabled visitors.
- .106 Vision Into Inmate Areas. Design and construction shall preclude direct vision into inmate occupied areas by the public.
- .107 Administrative Space. The facility shall provide sufficient space for administrative, program and clerical needs. Adequate space for equipment and supplies shall be provided to meet established and projected needs. These spaces shall be located outside the inmate housing areas. Evidence storage shall be provided within the system and located outside the security perimeter.
- .108 Squad Rooms. Locker space, toilets, lavatories, showers, dressing rooms, and classroom space should be provided for staff and shall be located outside the security perimeter. Break and dining space should be provided in the facility.
- .109 Arsenal. An arsenal or secure storage area for weapons, ammunition, and tactical equipment should be provided and shall be located outside the security perimeter.
- .110 Inmate Movement Into and Out of Facility. Construction should provide for movement of an inmate or detainee into and out of the facility without exposing the individual to contact with the public.
- .111 Inmate Movement Inside Facility. The design shall provide for the orderly movement of inmates and services.

- .112 Observation. Inmate occupied areas shall be constructed to facilitate **direct** observation of inmates. **The design shall allow observation into inmate living areas without requiring staff to enter inmate safety vestibules.**
- .113 Emergency Access. Multistory facilities shall have an elevator or other passageway large enough to accommodate the passage of patient evacuation equipment.
- .114 Segregation.
- (a) **Systems** shall provide separate cells and day rooms of varying capacities to provide adequate segregation of different classifications of male and female inmates as required by Chapter 271 of this title (relating to **Classification and Separation of Inmates**).
 - (b) Single occupancy cells shall be provided to house inmates classified in administrative, disciplinary, and medical segregation in a quantity to meet the following requirements:
 - (1) **Systems** having an inmate capacity of 200 or less shall provide separation cells to accommodate not less than 10% of the facility capacity;
 - (2) **Systems** having an inmate capacity of over 200 shall **provide** a minimum of 20 separation cells and a sufficient number of single cells with adjacent day rooms to accommodate a total of at least 10% of the capacity. Day rooms provided for these cells shall be arranged to accommodate **no** more than **24** inmates.
 - (c) The capacity of each cell and day room shall not exceed 20% of the **system's** capacity.
 - (d) **The total capacity of all dormitory space shall not exceed 40% of the system's capacity.**
- .115 Functions. Minimum space allocations shall provide for the following:
- (1) Inmate processing :
 - (A) sally port;
 - (B) reception and holding;
 - (C) shakedown;
 - (D) booking;
 - (E) identification;
 - (F) dressing in and out;
 - (G) video taping and intoxicilizer programs if such are to be performed in the facility.
 - (2) Detention:
 - (A) inmate housing;
 - (B) segregation;
 - (C) visiting;
 - (D) **jailer** stations.
 - (3) Support/Services:
 - (A) public areas;
 - (B) administrative offices;
 - (C) squad rooms;
 - (D) food service;
 - (E) laundry;

- (F) inmate commissary;
 - (G) storage;
 - (H) sanitation;
 - (I) medical examination and treatment;
 - (J) multipurpose rooms;
 - (K) recreation and exercise;
 - (L) inmate programs and activities;
 - (M) counseling;
 - (N) library.
- (4) It is permissible to use the same room or space allocation for more than one of the listed functions where such use will not deny the rights of any individual and will not impair the safety, security, sanitation, or required segregation of the facility.
- .116 Vehicular Sally Port. A facility shall have a vehicular sally port located inside or abutting the building so that inmates may board or disembark from a vehicle. Space shall be sufficient to accommodate anticipated transportation vehicles. The sally port shall be secured with one or more entrance gates or doors capable of being opened, closed, locked, and unlocked from a remote location within the facility. Means shall be provided for the identification of persons approaching the sally port.
- .117 Inmate Entrance. The inmate entrance shall be from the vehicular sally port through a safety vestibule into the processing area. This entrance shall allow for passage of patient evacuation equipment between interlocking doors. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used.
- .118 Weapon Storage. Separate, secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.
- .119 Processing Area. Facilities shall have a processing area located inside the security perimeter, but away from the inmate housing areas. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing of inmates. A telephone shall be available for detainees' use. Processing areas shall be provided with access to drinking fountains and toilets. Panels or partitions may be erected in the booking area to provide privacy and separation of inmates.
- .120 Identification. Space shall be provided for photographing, fingerprinting and identification procedures for inmates.
- .121 Visiting Areas. Visiting areas shall be provided and shall be designed to provide adequate visitation for the capacity of the facility. Visitation areas shall be designed for the degree of security sought to be achieved. Audible communications shall be provided between the inmate and visitor. Visiting areas shall be designed to prevent passage of contraband. Provisions shall be made for disabled visitors and inmates. Seating shall be provided for both inmates and visitors. A secure visiting area should be provided for contact visits from law enforcement officers, attorneys, clergy, and probation and parole officers. Provisions shall be made for a **direct** passage of legal paper between inmates and attorneys at **noncontact visitation**.

- .122 Control Rooms/ **Jailer** Stations. A sufficient number of control rooms/**jailer** stations shall be provided on each floor where inmates are housed. Staff toilets and lavatories shall be located within the security perimeter and in close proximity to control rooms and **jailer** stations. The design shall allow access to control rooms without requiring staff to enter inmate safety vestibules or inmate activity areas.
- .123 Kitchen. A properly equipped kitchen of adequate size shall be provided within the system and shall include the following:
- (1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen shall not be designed as a passageway for nonfood handling persons.
 - (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.
 - (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should reduce the possibility of slipping. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth, washable, light colored surfaces.
 - (4) Light. Adequate lighting shall be provided on all work surfaces.
 - (5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens.
 - (6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.
 - (7) Codes. Kitchens shall comply with state health codes.
- .124 Dining Space. Group dining may be provided and shall avoid concentrations of more than 96 inmates.
- .125 Laundry Facilities. Space for a laundry commensurate to the size of the facility shall be provided within the system. The laundry shall be equipped with a sufficient number of washers and dryers to accommodate the anticipated laundry load. Adequate, separate storage space shall be provided for both clean and soiled laundry and laundry supplies.
- .126 Commissary. Space appropriate to capacity of the facility shall be provided for an inmate commissary.
- .127 Storage Area Capacities. Storage areas based upon facility capacity shall be provided as follows:
- (1) Inmate property: 2 cubic feet per inmate;
 - (2) Inmate uniforms and linens: 3 cubic feet per inmate;
 - (3) Inmate mattresses: raised perforated storage in the amount of 5¼ cubic feet per mattress for 25% of total capacity.
- .128 Janitorial Storage Space. Adequate, secured, well ventilated storage for janitorial supplies and equipment shall be provided within the security perimeter and administrative area. Sufficient broom and mop racks shall be provided.

Effective July 8, 2013

- .129 Medical Space and Equipment. Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment, and convalescent care shall be provided or provisions contained in the health services plan. Adequate, secure storage for medical supplies and drugs shall be provided.
- .130 Infirmary. An infirmary should be provided for **systems** of 200 or more capacity and **shall include the following minimum components:**
- (1) nurses station;
 - (2) locked medication station with storage for individually filled prescriptions;
 - (3) utility room with sink and storage for linens and equipment;
 - (4) refrigerated storage;
 - (5) utility room with double tub sink and clinical service sink with flushing rim;
 - (6) 80 gross square feet of floor space per bed;
 - (7) at least one single occupancy **negative pressure** cell;
 - (8) doors, through which patients and equipment are to be moved, of adequate width to allow turning of wheeled chairs and tables normally used in medical facilities;
 - (9) a lavatory with a gooseneck inlet and wrist controls accessible to each ward;
 - (10) janitor closet;
 - (11) toilet, lavatory, and shower for the use of inmates in the infirmary;
 - (12) additional elements as dictated by the facility health care director.
- .131 Multipurpose Rooms. One or more multipurpose rooms having a minimum of 200 square feet of floor space each shall be provided for each increment of 100 inmates based on design capacity. These multipurpose rooms may be used for group assembly, conferences, contact visitation, counseling, religious services, education, or other special uses.
- .132 Exercise Area. One or more secure exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas shall be provided for exercise during inclement weather. Outdoor exercise areas should be covered with a security enclosure. **Where outdoor exercise areas are not provided, facility design shall provide for access to sunlight.** A toilet and drinking fountain shall be readily available. Exercise areas for facilities of less than 100 inmates based on design capacity shall not be less than 800 square feet. Exercise areas for larger facilities shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 1000 square feet for each exercise area. **Exercise areas serving multiple inmates housed in segregation shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 500 square feet for each exercise area. Individual recreation areas serving a single inmate in segregation shall provide no less than 200 square feet for each exercise area.** Each direct supervision housing area shall have an exercise area within close proximity, which should be adjacent to the housing area.
- .133 Single Cells. Single cells shall contain not less than 40 square feet of clear floor space. Each cell shall have one bunk, toilet, lavatory, table, and seat separate from the bunk.

- .134 Multiple Occupancy Cells. Multiple occupancy cells shall contain 2 to 8 bunks and not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each multiple occupancy cell shall have one toilet and lavatory. Multiple occupancy cells should not be provided in direct supervision facilities.
- .135 Dormitories. Dormitories shall contain 9 to 48 bunks. Dormitories shall contain not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each dormitory shall have adequate toilets, lavatories, and may include showers. Dormitories with contiguous day rooms in direct supervision facilities may exceed 40% of the facility capacity.
- .136 Day Rooms. All single cells, multiple occupancy cells, and dormitories shall be provided with day room space. Separation cells, violent cells, holding cells, detoxification cells, and medical cells are exempt from this requirement. **Day rooms shall accommodate no more than 48 inmates.** Based on the design capacity of the cells served, the day rooms shall contain: not less than 40 square feet of clear floor space for the first inmate plus 18 square feet of clear floor space for each additional inmate; a sufficient number of toilets, lavatories, and showers as approved by the Commission, mirrors, seating, and tables. A utility sink should be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles should be individually controlled outside of the day room.
- .137 Separation Cells. Separation cells shall include the following features and equipment.
- (1) Furnishings. Each cell shall be provided with one bunk, mirror, table, and seat separate from the bunk. A shelf and clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles shall be individually controlled outside of the cell.
 - (2) Plumbing. Cells shall be provided with a toilet, lavatory, and shower.
 - (3) Cell Size. Cells shall contain not less than 40 square feet of clear floor space.
- .138 Holding Cells.
- (a) One or more holding cells shall be provided to hold inmates pending intake, processing, release, or other reason for temporary holding. **Inmates shall not be held for more than 48 hours and the cell shall include the following features.**
 - (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 17" to 19" above the finished floor and not less than 12" wide. Seating shall be sufficient to provide not less than 24 linear inches per inmate at cell capacity.
 - (2) Plumbing. Cells shall be provided with adequate toilets, lavatories, and floor drains. The floor shall be properly pitched to drains.
 - (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from one to 24 inmates and shall contain not less than 40 square feet of floor space for **the first** inmate and 18 square feet of floor space for each additional inmate to be confined.
 - (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
 - (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

- (b) Remote Holding Cells. Holding cells that are separate from the facility and utilized for direct court holding, processing, or for inmates awaiting transportation. Inmates shall not be held for more than 4 hours and the cell shall include the following features.
- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 17" to 19" above the finished floor, and not less than 12" wide. Seating shall be sufficient to provide not less than 18 linear inches per inmate at cell capacity.
 - (2) Plumbing. Cells shall be provided with adequate toilets, lavatories capable of providing drinking water, and floor drains. The floor shall be properly pitched to drains.
 - (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from one to 24 inmates and the capacity shall be determined by the amount of seating provided and posted at the exterior of the cell.
 - (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
 - (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.
 - (6) Smoke Detection. Smoke detection capability shall be provided. The alarm shall announce at a staffed location in close proximity to the cell. Additional life safety items shall be compatible with the remainder of the building.
 - (7) Audible Communication. Audible communications shall be provided.
- (c) Remote Holding Cells. Holding cells that are separate from the facility and utilized for direct court holding, processing, or for inmates awaiting transportation. Inmates shall not be held for more than 8 hours and the cell shall include the following features.
- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 17" to 19" above the finished floor, and not less than 12" wide. Seating shall be sufficient to provide not less than 24 linear inches per inmate at cell capacity.
 - (2) Plumbing. Cells shall be provided with adequate toilets, lavatories capable of providing drinking water, and floor drains. The floor shall be properly pitched to drains.
 - (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from one to 24 inmates and shall contain not less than 40 square feet of floor space for the first inmate and 18 square feet of floor space for each additional inmate to be confined.
 - (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
 - (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

- (6) **Smoke Detection.** Smoke detection capability shall be provided. The alarm shall annunciate at a staffed location in close proximity to the cell. Additional life safety items shall be compatible with the remainder of the building.
 - (7) **Audible Communication.** Audible communications shall be provided.
- .139 **Detoxification Cells.** Any facility that anticipates the housing of intoxicated persons shall provide one or more detoxification cells for detention during the detoxification process. These cells shall include the following features and equipment.
 - (1) **Seating.** A stationary bench or benches abutting the walls shall be provided. Benches shall be not higher than 8" above the finished floor, not less than 2' 0" wide and shall extend the length of the cell.
 - (2) **Plumbing.** Cells shall be provided with one or more vandal resistive flushing floor drains with outside controls, or detention type toilet and lavatory and vandal resistive floor drains. The floor shall be properly pitched to drains. Drinking fountains or lavatories capable of providing drinking water shall be provided.
 - (3) **Cell Size.** The size of the cell shall be determined by the anticipated maximum number of intoxicated inmates to be confined at any one time. Cells shall be constructed to house from one to eight inmates and shall contain not less than 40 square feet of floor space for the first inmate and 18 square feet of floor space for each additional inmate to be confined.
 - (4) **Surfaces.** Floor, wall, and ceiling material shall be durable and easily cleaned.
 - (5) **Supervision.** The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.
- .140 **Violent Cells.** A facility may contain one or more single occupancy cells for the temporary holding of violent persons. Violent cells shall include the following features and equipment.
 - (1) **Furnishings.** **The cell shall be equipped with a minimum 2' 3" wide and 6' 3" long bench not more than 8" above the floor which abuts the wall and extends the length or width of the cell.**
 - (2) **Plumbing.** Flushing type floor drains with outside controls shall be provided.
 - (3) **Cell Size.** Cell shall contain not less than 40 square feet of clear floor space.
 - (4) **Padding.** Walls, floor, door and bench shall be completely covered with a material to protect the inmate from self injury. The type of material used to cover the walls, floor, door and bench shall be fire resistive and nontoxic.
- .141 **Dimensions.** All cells and day rooms shall be not less than 8' 0" from finished floor to ceiling and 5' 6" from wall to wall. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than 4' 0" wide.
- .142 **Safety Vestibules.** Safety vestibules shall be provided for each inmate housing area and day room used for confinement of three or more inmates. **No more than four living areas shall be served by one vestibule. All entrances through the security perimeter from administrative and/or public areas shall be provided with a safety vestibule.**
 - (1) Safety vestibules shall have one or more interior doors and a main entrance door.
 - (2) **Interior doors shall be arranged to be locked and unlocked by control means located outside of the inmate living area and safety vestibule.**

- (3) Where doors have an interlocking security feature, provisions shall be made for an override capability in the event an emergency requires both doors to be opened simultaneously.
- .143 Furnishings for Inmate Housing Areas.
- (a) Bunks. Bunks shall be fire resistive and securely anchored. The mattress surface of the bunk shall measure not less than 2' 3" wide and 6' 3" long.
 - (b) Toilets and Lavatories. Detention type toilets and lavatories shall be provided in cells and day rooms. In direct supervision living areas, they shall be constructed in such manner and of such material so as to resist vandalism. Based on design capacity, each cell and day room shall provide one toilet and lavatory capable of providing drinking water for each group or increment of 8 inmates.
 - (c) Showers. Shower areas shall be not less than 2' 6" square per showerhead and not less than 7' 0" high. Construction shall be of vandal resistive materials and should be of materials which resist the action of soap and water. Drying areas of not less than 2' 6" square sloped to a drain should be provided adjoining the shower entrance. Based on design capacity, each day room, unless otherwise approved by the Commission, shall provide one shower for each group or increment of 12 inmates.
 - (d) Tables and Seating. Tables and seating shall be constructed of materials which will resist vandalism. They shall be fire resistive, securely anchored, and reasonably remote from toilet areas. Tables and seating in direct supervision day rooms are not required to be anchored. Tables and benches shall be not less than 12" wide, and linear seating shall be not less than 18 continuous inches per person. Stools shall be not less than 12" in diameter. Seating height of 17" to 19" shall be provided.
 - (e) Privacy Shields. Inmate toilet and shower areas in dormitories, multiple occupancy cells, single occupancy cells, holding cells, and day rooms shall be **equipped to restrict viewing from persons outside the cell and staff areas in direct supervision designs** Privacy shields shall extend from about 15" above the finished floor to about 5' high and shall be securely anchored.
 - (f) Mirrors. Mirrors shall be constructed of unbreakable material. Mirrors shall be provided above lavatories in day rooms and separation cells.
- .144 Walls. Walls should be constructed to resist vandalism and facilitate ease of maintenance. Exterior and interior walls within inmate housing and activity areas shall be constructed as follows:
- (1) Exterior walls:
 - (A) a minimum 8" concrete block vertically reinforced by #3 bars 8" on center and all cells filled with 2500 psi grout, or
 - (B) a minimum of 4" thick concrete plank reinforced with #4 bars 8" on center each way, or
 - (C) a minimum 3/16" thick steel plate.
 - (2) Interior walls:
 - (A) a minimum 6" concrete block vertically reinforced by #3 bars 8" on center and all cells filled with 2500 psi grout, or
 - (B) a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way, or

(C) a minimum 3/16" thick steel plate.

Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for exterior and interior wall construction.

- .145 Floors. Floors should provide a high resistance to wear and moisture. A nonslip surface shall be provided at the entrance to all shower areas.
- .146 Ceilings. Ceilings within inmate housing areas shall be constructed of a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way or a minimum **10 gauge** steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for ceiling construction.
- .147 Vermin Control. Facility construction shall protect against the entrance and infestation of vermin. Materials and construction design shall contribute to efficient maintenance and housekeeping.
- .148 Windows and Screens. Operable windows shall be equipped with insect screens. The security level of windows in inmate occupied areas shall be commensurate with the security of the walls. Windows or skylights should be provided in inmate living and activity areas.
- .149 Vent Grilles. Vent grilles in walls and ceilings shall be commensurate with the security sought to be achieved. Vent grilles shall be securely anchored.
- .150 Food Passes. Food passes shall be **provided and lockable** shutters should be provided to prevent passage of contraband
- .151 Detention Doors. Hollow metal doors shall be constructed of 12 to 14 gauge steel inside the security perimeter. Eighteen gauge hollow metal doors may be used outside the security perimeter. Plate doors shall be constructed of material not less than 3/16" thick. The security quality of each detention door shall be determined by the level of security sought to be achieved. Detention doors shall be equipped with detention hardware and accessories. All cell doors shall be not less than 28" in clear width and not less than 6' 8" high.
- .152 Door Stops. Door stops shall be provided for all detention doors and shall be placed to maintain a minimum of 6" between the leading edge of the door and the wall. Door closers manufactured with integral door stops may be used.
- .153 Door Closers. Door closers for all detention swinging doors shall be appropriate for the weight of the door.
- .154 Keys and Locks. Keys and locks for detention doors shall be manufactured especially for detention use and keys shall be mogul or paracentric type. An additional set of keys shall be maintained by the operator.
- .155 Key Cabinets. Secured key cabinets should be provided at suitable locations.

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- .156 Power Operated Locks. Power operated locks shall be motor, solenoid, or pneumatic type and provide electrical control unlocking, key unlocking by manual operation, and automatic mechanical deadlocking of doors upon closing. A door position switch and door position indicator shall be provided for all doors equipped with power operated locks. Heavy-duty, detention type door closers should be provided on all swinging doors equipped with power operated locks.
- .157 Remote Controls. Doors to single cells, multiple occupancy cells, dormitories, and day rooms shall be capable of being locked and unlocked individually by control means located remote from the cell area. Single cells with contiguous day room and separation cells which open directly on an exiting corridor are exempt from this requirement. All remote door controls shall be secure.
- .158 Emergency Operation of Doors. All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.
- .159 Access Doors. All plumbing and mechanical access doors and panels shall be constructed and secured with locks or vandal resistive screws commensurate to the security sought to be achieved.
- .160 Temperature Control. Temperature levels shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas.
- .161 Air Flow. Ventilation shall be sufficient to admit fresh air and remove disagreeable odors. A sufficient number of windows capable of being opened, or a mechanical ventilation system provided with emergency electrical power, shall be provided in order to allow for sufficient ventilation in case of breakdown in the normal ventilation system or normal power failure.
- .162 Plumbing. Plumbing work shall meet the requirements of the **International Plumbing Code**, or equivalent. Warm and cold water shall be provided at all lavatories and warm water shall be provided at all showers. Lavatories in court holding cells are not required to provide warm water. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. All plumbing in inmate occupied areas shall have quick shut off capability.
- .163 Sinks. Sufficient mop sinks with hot and cold water shall be provided within the security perimeter and administrative area.
- .164 Faucets. Cold water faucets with standard hose connections shall be provided in plumbing access space or corridors. Distance between hose connections shall not be more than 100' apart.
- .165 Floor Drains. Floor drains shall be located throughout the facility so as to reduce the possibility of flooding. Floor drains shall be provided in every area where toilets, lavatories, or showers are located. **Floor drains may be provided in chases serving single and separation cells.** Drain covers shall be provided and securely anchored with vandal resistive screws.

- .166 Lighting. Adequate illumination shall be provided throughout the cells and day rooms. An illumination level of 20 foot candles shall be provided at mirrors and tables. Master light controls for cells and day rooms and electrical conduit shall be out of reach of inmates. Inmates should be capable of controlling some lighting; override capability shall be provided. Security detention type lighting shall be provided in inmate housing areas and vandal resistive lighting within inmate occupied areas. Night lights sufficient to permit continuous observation shall be provided. Control areas and means of egress shall be continuously illuminated. Exteriors of buildings and all entrances shall be lighted sufficiently to observe approaching persons.
- .167 Audible Communication. Two-way voice communication shall be available at all times between inmates and **jailers, licensed peace officers, bailiffs and staff designated by the sheriff.**
- .168 Television Monitoring. Closed circuit television monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas.
- .169 Electrical Power. Electrical installation shall comply with state and local codes and ordinances. Facilities shall have adequate electrical receptacles in corridors or chases for food carts, janitorial, and maintenance equipment.
- .170 Negative Pressure Cell. A minimum of one negative pressure separation cell shall be provided for systems with a capacity of 100 or more inmates and contain the following features and equipment.
- (1) Furnishings. Each cell shall be provided with one bunk, mirror, table, and seat separate from the bunk. A shelf and clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles shall be individually controlled outside of the cell.
 - (2) Plumbing. Cells shall be provided with a toilet, lavatory, and shower.
 - (3) Cell Size. Cells shall contain not less than 80 gross square feet of floor space.

**EXISTING CONSTRUCTION RULES
EXISTING MAXIMUM SECURITY DESIGN, CONSTRUCTION AND
FURNISHING REQUIREMENTS
CHAPTER 261**

- .100 Design Concepts. The facility shall be structurally sound, fire resistive, and not connected to a building that is not fire resistive and shall provide for adequate security and safety. Facility design shall provide for support functions and equipment to insure safe, secure, and efficient operations.
- .101 Facility Operation Concept. The facility shall be planned to receive unclassified persons, hold pretrial and convicted persons, and allow for processing, classifying, and releasing persons at all times.
- .102 Facility Security Requirements. Facility security shall be planned to protect inmates from one another, protect staff and visitors from inmates, and deter or prevent escapes.
- .103 Special Security. A facility shall be constructed and maintained as a special security unit. The integrity of the security perimeter shall not be compromised by other functions.
- .104 Construction Materials. Inmate housing areas and day rooms shall be constructed of metal, masonry, concrete, or other comparable materials. The level of security desired should determine the selection of appropriate materials.
- .105 Public Areas. Public areas shall be located outside the security perimeter. Public access to the security perimeter shall be controlled. A public lobby or waiting area should be provided for the convenience of the public, including seating, drinking fountains, and rest rooms and should include lockers or storage for visitor's articles. Provisions shall be made for disabled visitors.
- .106 Vision Into Inmate Areas. Design and construction shall preclude direct vision into inmate occupied areas by the public.
- .107 Administrative Space. The facility shall provide sufficient space for administrative, program, and clerical needs. Adequate space for equipment and supplies shall be provided to meet established and projected needs. These spaces should be located outside the inmate housing areas. Evidence storage should not be located within the security perimeter.
- .108 Squad Rooms. Locker space, toilets, lavatories, showers, dressing rooms, and classroom space should be provided for staff and shall be located outside the security perimeter. Break and dining space should be provided in the facility.
- .109 Arsenal. An arsenal or secure storage area for weapons and tactical equipment should be provided outside the security perimeter.
- .110 Inmate Movement Into and Out of Facility. Construction should provide for movement of an inmate or detainee into and out of the facility without exposing the individual to contact with the public.
- .111 Inmate Movement Inside Facility. The design should provide for the orderly movement of inmates and services.

- .112 Observation. Inmate occupied areas should be constructed to facilitate observation of inmates.
- .113 Emergency Access. Multistory facilities shall have an elevator or other passageway large enough to accommodate the passage of patient evacuation equipment.
- .114 Segregation. Facility design shall provide adequate segregation facilities for segregation of different classifications of inmates, as required by Chapter 271 of this title (relating to Classification and Separation of Inmates).
- .115 Functions. Minimum space allocations should provide for, but not be limited to:
 - (1) Inmate processing:
 - (A) sally port;
 - (B) reception and holding;
 - (C) shakedown;
 - (D) booking;
 - (E) identification;
 - (F) dressing in and out;
 - (G) video taping and intoxilizer programs if such are to be performed in the facility.
 - (2) Detention:
 - (A) inmate housing;
 - (B) segregation;
 - (C) visiting;
 - (D) **jailer** stations.
 - (3) Support/Services:
 - (A) public areas;
 - (B) administrative offices;
 - (C) squad rooms;
 - (D) food service;
 - (E) laundry;
 - (F) inmate commissary;
 - (G) storage;
 - (H) sanitation;
 - (I) medical examination and treatment;
 - (J) multipurpose rooms;
 - (K) recreation and exercise;
 - (L) inmate programs and activities;
 - (M) counseling;
 - (N) library.
 - (4) It is permissible to use the same room or space allocation for more than 1 of the listed functions where such use will not deny the rights of any individual and will not impair the safety, security, sanitation, or required segregation of the facility.
- .116 Vehicular Sally Port. A facility should have a vehicular sally port located inside or abutting the building so that inmates may board or disembark from a vehicle. Space should be sufficient to accommodate anticipated transportation vehicles.

- .117 Inmate Entrance. The inmate entrance should be from the vehicular sally port through a safety vestibule into the processing area. This entrance shall allow for passage of patient evacuation equipment between interlocking doors. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used.
- .118 Weapon Storage. Separate, secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.
- .119 Processing Area. Facilities shall have a processing area located inside the security perimeter, but away from the inmate housing areas. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing of inmates. A telephone shall be available for detainees' use. Processing areas should be provided with access to drinking fountains and toilets. Panels or partitions may be erected in the booking area to provide privacy and separation of inmates.
- .120 Identification. Space shall be provided for photographing, fingerprinting and identification procedures for inmates.
- .121 Visiting Areas. Visiting areas shall be provided and shall be designed to provide adequate visitation for the capacity of the facility. Visitation areas shall be designed for the degree of security sought to be achieved. Audible communications shall be provided between the inmate and visitor. Visiting areas for maximum and medium custody inmates shall be designed to prevent passage of contraband. Provisions shall be made for disabled visitors and inmates. Seating should be provided for both inmates and visitors. A secure visiting area should be provided for contact visits from law enforcement officers, attorneys, clergy, and probation and parole officers. Provisions shall be made for passage of legal paper between inmates and attorneys.
- .122 Jailer Stations. A sufficient number of **jailer** stations shall be provided on each floor where inmates are housed. Staff toilets and lavatories should be provided in close proximity to **jailer** stations.
- .123 Kitchen. A kitchen of adequate size and properly equipped shall be provided within the system and shall include the following:
 - (1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen should not be designed as a passageway for nonfood handling persons;
 - (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items;
 - (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should prevent slipping. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth, washable, light colored surfaces;
 - (4) Light. Adequate lighting shall be provided on all work surfaces;

- (5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens;
 - (6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility;
 - (7) Codes. Kitchens shall comply with state health codes.
- .124 Dining Space. Group dining may be provided. Group dining should avoid concentrations of more than 24 inmates (48 for direct supervision).
- .125 Laundry Facilities. A laundry, or an acceptable laundry vendor contract, or both, shall be maintained to provide clean clothing, bedding, and supplies. Adequate, separate storage space, commensurate with facility capacity, shall be provided for both clean and soiled laundry and laundry supplies. Where applicable, space shall be provided for washers, extractors, and dryers. A toilet and lavatory should be provided nearby.
- .126 Commissary. Space appropriate to the capacity of the facility should be provided for an inmate commissary, or a written program shall be established (See Chapter 291, relating to Services and Activities).
- .127 Storage Area Capacities. Storage areas based upon facility capacity should be provided as follows:
- (1) Inmate property: 2 cubic feet per inmate;
 - (2) Inmate uniforms and linens: 3 cubic feet per inmate;
 - (3) Inmate mattresses: raised perforated storage in the amount of 5¼ cubic feet per mattress for 25% of total capacity.
- .128 Janitorial Storage Space. Adequate, secured, well ventilated storage for janitorial supplies and equipment should be provided within the security perimeter and administrative area. Sufficient broom and mop racks should be provided,
- .129 Medical Space and Equipment. Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment, and convalescent care shall be provided or provisions contained in the health services plan. Adequate, secure storage for medical supplies and drugs shall be provided.
- .130 Infirmary. An infirmary should be provided for facilities of 200 or more capacity. When an infirmary is provided, the following minimum components shall be included:
- (1) nurses station;
 - (2) locked medication station with storage for individually filled prescriptions;
 - (3) utility room with sink and storage for linens and equipment;
 - (4) refrigerated storage;
 - (5) utility room with double tub sink and clinical service sink with flushing rim;
 - (6) 80 square feet of floor space per bed;
 - (7) at least one single occupancy room or cell with 80 square feet of floor space;
 - (8) doors, through which patients and equipment are to be moved, of adequate width to allow turning of wheeled chairs and tables normally used in medical facilities;

- (9) a lavatory with a gooseneck inlet and wrist controls accessible to each ward;
 - (10) janitor closet;
 - (11) toilet, lavatory, and shower for use of inmates in the infirmary;
 - (12) additional elements as dictated by the facility health care director.
- .131 Multipurpose Rooms. One or more multipurpose rooms should be provided. These multipurpose rooms may be used for group assembly, conferences, contact visitation, counseling, religious services, education, or other special uses.
- .132 Exercise Area. One or more secure exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas should be provided for exercise during inclement weather. Outdoor exercise areas should be covered with a security enclosure. A toilet and drinking fountain should be readily available. Consideration shall be given to the requirement for inmates to be allowed access to sunlight for 1 hour per week after 10 days confinement.
- .133 Single Cells. Single cells shall not be less than 8' 0" high from finished floor to ceiling and not less than 5' 0" wide from wall to wall. They shall contain not less than 40 square feet of floor space. They shall have 1 bunk, toilet, lavatory, table, and seat. Single cells should comprise at least 50% of the total inmate capacity of the facility, but in no event shall comprise less than 30% of the total capacity of the facility.
- .134 Multiple occupancy Cells. Multiple occupancy cells shall contain 2 to 8 bunks and not less than 40 square feet of floor space for the first bunk plus 18 square feet of floor space for each additional bunk. Each multiple occupancy cell shall have 1 toilet and lavatory. Multiple occupancy cells should not be provided in direct supervision facilities.
- .135 Dormitories. Dormitories shall contain 9 to 24 bunks, except direct supervision dormitories which may contain up to 48 bunks. Dormitories shall contain not less than 40 square feet of floor space for the first bunk plus 18 square feet of floor space for each additional bunk. Each dormitory shall have adequate toilets and lavatories. Not more than 40% of the inmate capacity of the facility shall be designed for dormitories.
- .136 Day Rooms. All single cells, multiple occupancy cells, and dormitories shall be provided with day rooms. Separation cells, violent cells, holding cells, detoxification cells, and medical cells are exempt from this requirement. Day rooms shall be designed for no more than 24 inmates, except direct supervision day rooms may be designed for up to 48 inmates. Based on the design capacity of the cells served, the day rooms shall contain: not less than 40 square feet of floor space for the first inmate plus 18 square feet of floor space for each additional inmate; adequate toilets, lavatories, mirrors, showers, seating, and tables. A utility sink should be provided. Day rooms may be contiguous with inmate living areas provided that space requirements for living areas and day rooms are met. Convenient electrical receptacles circuited with ground fault protection should be provided. Power to receptacles should be individually controlled outside of the cell.
- .137 Separation Cells. A facility shall have 1 or more single occupancy separation cells which shall include the following features and equipment:
- (1) Furnishings. Each cell shall be provided with a table, seat, mirror and bunk. A

shelf and clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection should be provided. Power to receptacles, when provided, shall be individually controlled outside of the cell;

- (2) Plumbing. Cells shall be provided with a toilet, lavatory, shower, and floor drain;
- (3) Cell Size. Cells shall contain not less than 40 square feet of floor space.

.138 Holding Cells.

- (a) One or more holding cells should be provided to hold inmates pending booking, court appearance, identification, housing assignment, discharge, or other reason for temporary housing. **Inmates shall not be held for more than 48 hours and the cell shall include the following features.**

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 14" to 18" above the finished floor and not less than 12" wide. Seating shall be sufficient to provide not less than 24 linear inches per inmate at cell capacity;
- (2) Plumbing. Cells shall be provided with adequate toilets, lavatories, and floor drains. The floor shall be properly pitched to drains;
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from 1 to 24 inmates and shall contain not less than 40 square feet of floor space for 1 inmate and 18 square feet of floor space for each additional inmate to be confined;
- (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned;
- (5) Supervision. The cell should be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

- (b) Remote Court Holding Cells. Holding cells that are separate from the facility and utilized for direct court holding, processing, or for inmates awaiting trial shall include the following features and equipment:

- (1) Seating. Seating shall be sufficient to provide not less than 24 linear inches per inmate at cell capacity;
- (2) Plumbing. Cells shall be provided with adequate toilets, and lavatories capable of providing drinking water. Floor drains should be provided;
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from 1 to 24 inmates and shall contain not less than 40 square feet of floor space for 1 inmate and 18 square feet of floor space for each additional inmate to be confined;
- (4) Surfaces. Floor, wall, and ceiling material should be durable and easily cleaned;
- (5) Supervision. The cell should be located and constructed to facilitate supervision of the cell area and to materially reduce noise;
- (6) Smoke Detection. Smoke detection capability shall be provided. The alarm shall enunciate at a staffed location in close proximity to the cell. Additional life safety items shall be compatible with the remainder of the building;
- (7) Audible Communication. Audible communications shall be provided.

- .139 Detoxification Cells. Any facility that anticipates the housing of intoxicated persons should provide 1 or more detoxification cells for the detention of persons during the detoxification process. These cells shall include the following features and equipment:
- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be not higher than 8" above the finished floor;
 - (2) Plumbing. Cells should be provided with 1 or more vandal resistive flushing floor drains with outside controls, or vandal resistive toilet, lavatory, and standard floor drains. The floor shall be properly pitched to drains. Drinking fountains or lavatories capable of providing drinking water should be provided;
 - (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of intoxicated inmates to be confined at any one time. Cells shall be constructed to house from 1 to 12 inmates and shall contain not less than 40 square feet of floor space for 1 inmate and 18 square feet of floor space for each additional inmate to be confined;
 - (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned;
 - (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.
- .140 Violent Cells. A facility may contain 1 or more single occupancy cells for the temporary holding of violent persons. Violent cells shall include the following features and equipment:
- (1) Furnishings. The cell shall be equipped with a hammock, not less than 2' 3" wide and 6' 3" long, made of an elastic or fibrous fabric. A bench abutting the wall, the length or width of the cell, at least 2' 3" wide and 6' 3" long and not more than 8" above the floor may be provided in lieu of a hammock;
 - (2) Plumbing. Flushing type floor drains with outside controls shall be provided;
 - (3) Cell Size. Cell shall contain not less than 40 square feet of floor space;
 - (4) Padding. Walls, floor, and bench shall be completely covered with a material to protect the inmate from self injury. The type of material used to cover the walls, floor, and bench shall be fire resistive and nontoxic.
- .141 Dimensions. All cells and day rooms shall be not less than 8' 0" from finished floor to ceiling and 5' 0" from wall to wall. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than 4' 0" wide.
- .142 Safety Vestibules. Safety vestibules shall be provided for each inmate living area and day room used for confinement of 3 or more inmates.
- (1) Safety vestibules shall have 1 or more interior doors and a main entrance door.
 - (2) Doors shall be arranged to be locked and unlocked by control means located outside of the inmate living area and safety vestibule.
 - (3) Where doors have an interlocking security feature, provisions should be made for an override capability in the event an emergency requires both doors to be opened simultaneously.
- .143 Furnishings for Inmate Housing Areas.
- (a) Bunks. Bunks shall be fire resistive and securely anchored. The mattress surface of the bunk shall measure not less than 2' 3" wide and 6' 3" long.

- (b) Toilets and Lavatories. Detention type toilets and lavatories shall be provided in cells and day rooms. In direct supervision living areas, they shall be constructed in such manner and of such material so as to resist vandalism. Based on design capacity, each cell and day room shall provide 1 toilet and lavatory capable of providing drinking water for each group or increment of 12 inmates.
 - (c) Showers. Shower areas shall be not less than 2' 6" square per showerhead and not less than 7' 0" high. Construction shall be of vandal resistive materials and should be of materials which resist the action of soap and water. Drying areas of not less than 2' 6" square sloped to a drain should be provided adjoining the shower entrance. Based on design capacity, each separation cell and day room shall provide 1 shower for each group or increment of 12 inmates.
 - (d) Tables and Seating. Tables and seating shall be constructed of materials which will resist vandalism. They shall be fire resistive, securely anchored, and reasonably remote from toilet areas. Tables and seating in direct supervision day rooms are not required to be anchored. Tables and benches shall be not less than 12" wide, and linear seating shall be not less than 18" per person. Stools shall be not less than 12" in diameter. Seating height of 14" to 18" shall be provided.
 - (e) Privacy Shields. Inmate toilet areas in holding cells shall be configured or equipped to provide reasonable privacy from exposure to persons outside the cell. Privacy shields should extend from about 15" above the finished floor to about 4' 6" high and shall be securely anchored.
 - (f) Mirrors. Mirrors shall be constructed of unbreakable material. Mirrors shall be provided above lavatories in separation cells.
- .144 Walls. Walls should be constructed to resist vandalism and facilitate ease of maintenance. Walls shall be constructed with due consideration to the security sought to be achieved.
- .145 Floors. Floors should provide a high resistance to wear and moisture. A nonslip surface should be provided at the entrance to all shower areas.
- .146 Ceilings. Ceilings within the security perimeter shall be constructed of material not easily damaged and shall be commensurate with the security level of the adjacent walls.
- .147 Vermin Control. Facility construction shall protect against the entrance and infestation of vermin. Materials and construction design shall contribute to efficient maintenance and housekeeping.
- .148 Windows and Screens. Operable windows shall be equipped with insect screens. The security level of windows in inmate occupied areas shall be commensurate with the security of the walls. Windows or skylights should be provided in inmate living and activity areas.
- .149 Vent Grilles. Vent grilles in walls and ceilings shall be commensurate with the security sought to be achieved. Vent grilles shall be securely anchored.
- .150 Food Passes. Food passes should not be less than 15" wide and 4½" high. Lockable shutters should be provided to prevent passage of contraband.

- .151 Detention Doors. Hollow metal doors shall be constructed of 12 to 14 gauge steel inside the security perimeter. Eighteen gauge hollow metal doors may be used outside the security perimeter. Plate doors shall be constructed of material not less than 3/16" thick. The security quality of each detention door shall be determined by the level of security sought to be achieved. Detention doors shall be equipped with detention hardware and accessories.
- .152 Door Stops. Door stops shall be provided for all detention doors. Door closers manufactured with integral door stops may be used.
- .153 Door Closers. Where used, door closers for all detention swinging doors shall be appropriate for the weight of the door.
- .154 Keys and Locks. Keys and locks for detention doors shall be manufactured especially for detention use and shall be commensurate with the security sought to be achieved. An additional set of keys shall be maintained by the operator.
- .155 Key Cabinets. Secured key cabinets should be provided at suitable locations.
- .156 Power Operated Locks. Power operated locks, where used, shall be motor, solenoid, or pneumatic type and provide electrical control unlocking, key unlocking by manual operation, and automatic mechanical deadlocking of doors upon closing. A door position switch and door position indicator shall be provided for all doors equipped with power operated locks. Heavy-duty, detention type door closers should be provided on all swinging doors equipped with power operated locks.
- .157 Remote Controls. Doors to single cells, multiple occupancy cells, dormitories, and day rooms shall be capable of being locked and unlocked individually by control means located remote from the cell area. Single cells with contiguous day room and separation cells which open directly on an exiting corridor are exempt from this requirement. All remote door controls should be secure.
- .158 Emergency Operation of Doors. All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.
- .159 Access Doors. All plumbing and mechanical access doors and panels shall be constructed and secured with locks commensurate to the security sought to be achieved.
- .160 Temperature Control. Temperature levels shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas.
- .161 Air Flow. Ventilation shall be sufficient to admit fresh air and remove disagreeable odors. A sufficient number of windows capable of being opened, or a mechanical ventilation system provided with emergency electrical power, shall be provided in order to allow for sufficient ventilation in case of breakdown in the normal ventilation system or normal power failure.

- .162 Plumbing. Plumbing work shall meet the requirements of the Southern Standard Building Code, or equivalent. Warm and cold water should be provided at all lavatories and warm water shall be provided at all showers. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. All plumbing in inmate occupied areas should have quick shut off capability.
- .163 Sinks. Sufficient mop sinks with hot and cold water should be provided within the security perimeter and administrative area.
- .164 Faucets. Cold water faucets with standard hose connections should be provided in plumbing access space or corridors.
- .165 Floor Drains. Floor drains shall be located throughout the facility so as to reduce the possibility of flooding. Floor drains shall be provided in every area where toilets, lavatories, or showers are located. Drain covers should be provided and securely anchored with vandal proof screws.
- .166 Lighting. Adequate illumination shall be provided throughout the cells and day rooms. An illumination level of 20 foot candles shall be provided at mirrors and tables. Master light controls for cells and day rooms and electrical conduit shall be out of reach of inmates. Inmates should be capable of controlling some lighting; override capability shall be provided. All lighting fixtures in cells and day rooms shall be detention type. Night lights sufficient to permit continuous observation shall be provided. Control areas and means of egress shall be continuously illuminated. Exteriors of buildings and all entrances shall be lighted sufficiently to observe approaching persons.
- .167 Audible Communication. Two-way voice communication shall be available at all times between inmates and corrections officers.
- .168 Television Monitoring. Closed circuit television monitoring may be provided to supplement control and security functions. Closed circuit television monitoring of toilet and shower areas shall not be allowed except in medical and special observation areas.
- .169 Electrical Power. Electrical installation shall comply with state and local codes and ordinances. Facilities should have adequate electrical receptacles in corridors or chases for food carts, janitorial, and maintenance equipment.
- .170 Emergency Electrical Power. An emergency electrical power system for quick recovery to maintain essential services, security, and safety should be provided to meet the life safety requirements (See Chapter 263 relating to Life Safety). If installed, such system shall be tested operationally not less than weekly and a record kept of this testing.
- .171 Applicability. The provisions of this Section apply only to facilities existing and being operated as county facilities on December 23, 1976.

Agenda Item:

6D. Termination of City's application for reuse permit (Application No. 12880) dated May 8, 2012, and submitted by the City of Kerrville to the Texas Commission on Environmental Quality. (staff)

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

SUBJECT: Termination of Application for Reuse Permit dated May 8, 2012, and submitted by the City of Kerrville to the Texas Commission on Environmental Quality

FOR AGENDA OF: June 14, 2016

DATE SUBMITTED: June 9, 2016

SUBMITTED BY: Stuart Barron
Director of Public Works

CLEARANCES: Kristine Day
Deputy City Manager

EXHIBITS: Completed Application form TCEQ-10214 dated May 8, 2012
TCEQ Letter dated February 5, 2015

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

On May 8, 2012, the City of Kerrville submitted an application to the Texas Commission on Environmental Quality (TCEQ) for an indirect reuse permit that would allow the city to divert water at Flat Rock Lake in an amount equal to the volume of effluent discharged by the City of Kerrville wastewater treatment plant. The wastewater treatment plant discharges treated effluent into Third Creek which flows into Flat Rock Lake. The permit proposed that this water be used by the city for irrigation and/or municipal purposes. Municipal purposes included the treatment and injection of the water into Kerrville's ASR wells.

Since the time the city's application was submitted, TCEQ has made substantial changes to its policies. In November 2015, TCEQ informed the city that their indirect reuse policies had been amended and that, pursuant to these amendments, the volume of water that Kerrville would be allowed to divert would be subject to a cap tied to that portion of the city's potable water supply that came from ground water. On average, groundwater makes up 15 to 20% of the city's potable water supply. This significantly curtails the volume of water that the city had anticipated.

TCEQ also informed the city that the new permit would be junior to other water permits in the Guadalupe River basin. This means that the city's right to divert water would be one of the first to be curtailed by the State of Texas during drought conditions.

TCEQ has determined that the city's application is administratively complete and is now ready to be processed. The application process will include a basin wide notice to all water right holders in the Guadalupe River Basin. The notice would include a statement of the city's intentions. Those users opposed to the application would have the right to request a contested case hearing. The likelihood of a contested case hearing is very probable, especially considering the recent drought conditions and increasing demands on water within the basin. Contested case hearings are extremely technical and necessitate a significant amount of technical data, expert witnesses, and specialized legal services. The city could expect consulting fees of approximately \$500,000 for this permit.

This application was submitted to TCEQ before the city had contemplated the reuse water project off of Spur 100. This project provides for a much better option than this permit would due to the fact that it will allow the city to capture and use a much larger volume of the effluent, is not subject to curtailment by the State of Texas, and provides the city with greater flexibility with regard to the manner in which the water is used.

RECOMMENDED ACTION

City staff recommends that the City Council terminate this application due to the fact that TCEQ's new rules severely curtail the volume of water available to Kerrville, the permit would be junior and likely subject to curtailment by the State of Texas, the cost to the city to process the permit, and the city's reuse water project provides a better option.

APPLICATION FOR REUSE PERMIT
City of Kerrville, Kerr county, Texas

Prepared for:

City of Kerrville
800 Junction Highway
Kerrville, Texas 78028

By:

Espey Consultants, Inc.
4801 Southwest Parkway
Parkway 2, Suite 150
Austin, Texas 78735

EC Project/Proposal No. 11077.00

May 8, 2012

T (512) 326-5659
F (512) 326-5723

www.espeyconsultants.com

TABLE OF CONTENTS

Completed Application Form TCEQ-10214

Attachment A:	USGS Project Location Maps
Attachment B:	5-yr historical WWTP discharge
Attachment C:	Photos of discharge location
Attachment D:	Photos of proposed diversion location
Attachment E:	Water Management Plan
Attachment F:	Signature Authority

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR PERMIT TO APPROPRIATE STATE WATER
(SECTION 11.121, 11.042, 11.085 OR 11.143, TEXAS WATER CODE)
TAC CHAPTERS 30, 50, 281, 287, 288, 295, 297 AND 299
Water Supply Division, Water Rights Permitting MC-160
P.O. Box 13087
Austin, Texas 78711-3087
Telephone (512) 239-4691, FAX (512) 239-4770
(if including a check, mail directly to P.O. Box 13088, Austin, TX 78711-3088)

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. Applicant Information.

A. Applicant Name(s): City of Kerrville

Mailing Address: 800 Junction Highway
Kerrville, Texas 78028

Telephone Number: (830) -258-1220 Fax Number: _____

Email Address: Charlie.Hastings@Kerrvilletx.gov

B. Customer Reference Number (if issued): CN600522858

Note: If you do not have a Customer Reference Number, complete Section II of the Core Data Form (TCEQ-10400) and submit it with this application.

C. Fees and Penalties

Applicant owes fees or penalties?

Yes No

If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

D. Lienholder Information

Provide this information on the holder of any liens on any land to which the water right would be appurtenant):

2. Dam (structure), Reservoir and Watercourse Data.

A. Type of Storage Reservoir (indicate by checking (✓) all applicable)

on-channel off-channel existing structure proposed structure* exempt structure**

* Applicant shall provide a copy of the notice that was mailed to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located as well as copies of the certified mailing cards.

** TWC Section 11.143 for uses of water for other than domestic, livestock, or fish and wildlife from an existing, exempt reservoir with a capacity of 200 acre-feet or less. Please complete Paragraph 6 below if proceeding under TWC 11.143.

Date of Construction: 1956

B. Location of Structure No. 01

- 1) Watercourse: Guadalupe River
- 2) Location from County Seat: 3.98 miles in a south easterly direction from Kerrville, Kerr County, Texas.
 Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.
- 3) Zip Code: 78028
- 4) The dam is located in the William Watt Original Survey No. 69, Abstract No. 367 in Kerr County, Texas.
- 5) Point on the dam at the centerline of the stream is S 42° W (bearing), 9,460 feet (distance) from the North corner of William Watt Original Survey No. 69, Abstract No. 367, in Kerr County, Texas, also being at Latitude 29.997051 °N, Longitude 99.106651°W.
 Provide the Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.
 Determined using USGS 7.6 Topographic Map and ArcGIS.

C. Reservoir:

- 1) Acre-feet of water impounded by structure at normal maximum operating level: 720
- 2) Surface area in acres of reservoir at normal maximum operating level: 120

D. Drainage Area

The drainage area above the dam is 353,183 acres or 551.8 square miles.

E. Other

- 1) If this is a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure, provide the Site No. _____ and watershed project name _____.
- 2) Do you request authorization to close the "ports" or "windows" in the service spillway?
 Yes No

3. Appropriation/Diversion Request (total amount of water needed, including maximum projected uses and accounting for evaporative losses for off-channel storage, if applicable).

A. Appropriated water will be used as follows:

	Purpose*	Place of Use	Acre-feet per year
1)	Multi-purpose and ASR	Within city limits of Kerrville	5,044
2)			
3)			

*If agricultural use, list crops(s) to be irrigated:

Grasses

B. Lands to be irrigated (if applicable):

- 1) Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, Texas. A copy of the deed(s) describing the overall tract(s) with the recording information from the county records is attached.
- 2) Location of land to be irrigated: In the _____
Original Survey No. _____, Abstract No. _____.

C. Diversion Point No. 01.

- 1) Watercourse: Guadalupe River, on the perimeter of impoundment named in COA 18-2004.
- 2) Location of point of diversion at Latitude 29.997051°N, Longitude 99.106651°W,
Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.
Determined using USGS 7.5 Topographic Map and ArcGIS.

also bearing S 42° W, 9,460feet (distance) from the North corner of the William Watt Original Survey No. 69, Abstract No. 367 Kerr County, Texas.

- 3) Location from County Seat: 3.98 miles in a South easterly direction from Kerrville, Kerr County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.

- 4) Zip Code: 78028

- 5) The diversion will be (check (√) all appropriate boxes and if applicable, indicate whether existing or proposed):

	Existing	Proposed
Directly from stream		
From an on-channel reservoir		√
From stream to an off-channel reservoir		
From a stream to an on-channel reservoir		
From an off-channel reservoir		
Other method (explain fully, use additional sheets if necessary)		

- 6) Rate of Diversion (Check (√) applicable provision):

√ 1. Diversion Facility:

A. 3,000 Maximum gpm (gallons per minute)

B. 2 Number of pumps

C. _____ Type of pump

D. 1,600 gpm, Pump capacity of each pump

E. Portable pump _____ Yes or X No.

___2. If by gravity:

- A. ___ Headgate ___ Diversion Dam ___ Maximum gpm
- B. ___ Other method (explain fully - use additional sheets if necessary)

7) The drainage area above the diversion point is 353,183 acres or 551.8 square miles.

D. Return Water or Return Flow (location and quantity information, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):

Water which is diverted but not consumed as a result of the above stated use, will be returned to

_____, tributary of _____

_____, tributary of _____

_____ Basin, at a point which is at Latitude _____

_____ ° _____ N, Longitude _____ ° W, also, bearing _____ ° _____ (direction), _____ feet (distance) from the _____ corner of the _____ Original Survey

No. _____, Abstract No. _____, in _____ County, Texas.

Zip Code: _____

Estimated annual amount of return flow to said stream will be _____ acre-feet.

E. Surplus Water (provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):

Water which is diverted but not used beneficially will be returned to _____, tributary of _____ Basin at a point which is at Latitude _____ ° N, Longitude _____ ° W, also bearing _____ ° _____ (direction), _____ feet (distance) from the _____ corner of the _____ Original Survey

No. _____, Abstract No. _____, in _____ County, Texas.

Zip Code: _____

4. Discharge Point Information (If applicable, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location).

Discharge Point No. or Name: 01

A. Select the appropriate box for the source of water being discharged:

- Treated effluent
- Groundwater
- Other, _____

B. Location of discharge point will be/is at Latitude 30.025394° N, Longitude 99.110827° W,

also bearing S 23° W, 4693 feet from the North corner of the S. Wallace

Original Survey No. _____, Abstract No. 360, in Kerr County, Texas.

What method was used to determine the Latitude and Longitude for the discharge point? (i.e., GPS Unit, USGS 7.5 Topographic Map, etc.)

USGS 7.5 Topographic Map and ArcGIS

C. Location from County Seat: 2.32 miles in a south easterly direction from Kerrville, Kerr County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.

D. Zip Code: 78028

E. Water will be discharged into Third Creek, tributary of Guadalupe River, Guadalupe River Basin.

F. Water will be discharged at a maximum rate of 10.83 cfs (4,861 gpm).

G. The amount of water that will be discharged is 5,044 acre-feet per year.

H. The purpose of use for the water being discharged will be Indirect reuse.

I. Additional information required:

For groundwater

- 1) Provide water quality analysis and 24 hour pump test for the well if one has been conducted.
- 2) Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map
- 3) Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
- 4) What aquifer the water is being pumped from?

For treated effluent

- 1) What is the TPDES Permit Number? WQ0010576001.
- 2) Provide the monthly discharge data for the past 5 years.
- 3) What % of treated water was groundwater, surface water?
- 4) If any original water is surface water, provide the base water right number.

5. General Information.

A. The proposed diversion works will be (are) located on the land of County of Kerr, Texas, whose mailing address is 700 Main Street, Kerrville, Texas 78028.

B. If an application for the appropriation is granted, either in whole or in part, construction works will begin within five years after such permit is issued. The proposed work will be completed within five years from the date the permit is issued.

C. A Water Conservation Plan is attached? Yes No.

D. Interbasin transfer is not requested.

_____ Applicant requests authorization to transfer _____ acre-feet of water per year from the _____ Basin to the _____ Basin of which _____ acre-feet of water will be used for _____ purposes and _____ acre-feet of water will be used for _____ purposes.

E. Bed and Banks request to transfer 5,044 acre-feet of water per year within the bed and banks of Third Creek, tributary of Guadalupe River, and within the bed and banks of the Guadalupe River, in the Guadalupe River Basin.

F. Is this project located within 200 river miles of the coast? ___ Yes X No ___ Unknown

5. Maps, plots, plans, and drawings accompany this application as required by applicable TAC Sections.

X Yes ___ No. Attach additional sheets.

6. ___ The dam(s) and reservoir(s) shown on the attached application was (were) constructed for domestic and livestock purposes and I/we elect to seek a permit under Section 11.143 of the Texas Water Code.

7. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement.

This application is consistent with state water planning as it provides treated effluent as a water source for industrial or irrigation water and expands the volume of reuse in the region.



Applicant Name (Sign)

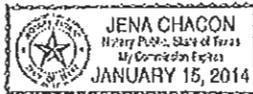
Applicant Name (Sign)

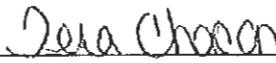
STUART BARRON

Applicant Name (Printed)

Applicant Name (Printed)

SWORN TO AND SUBSCRIBED before me this 8th day of June, 2012.



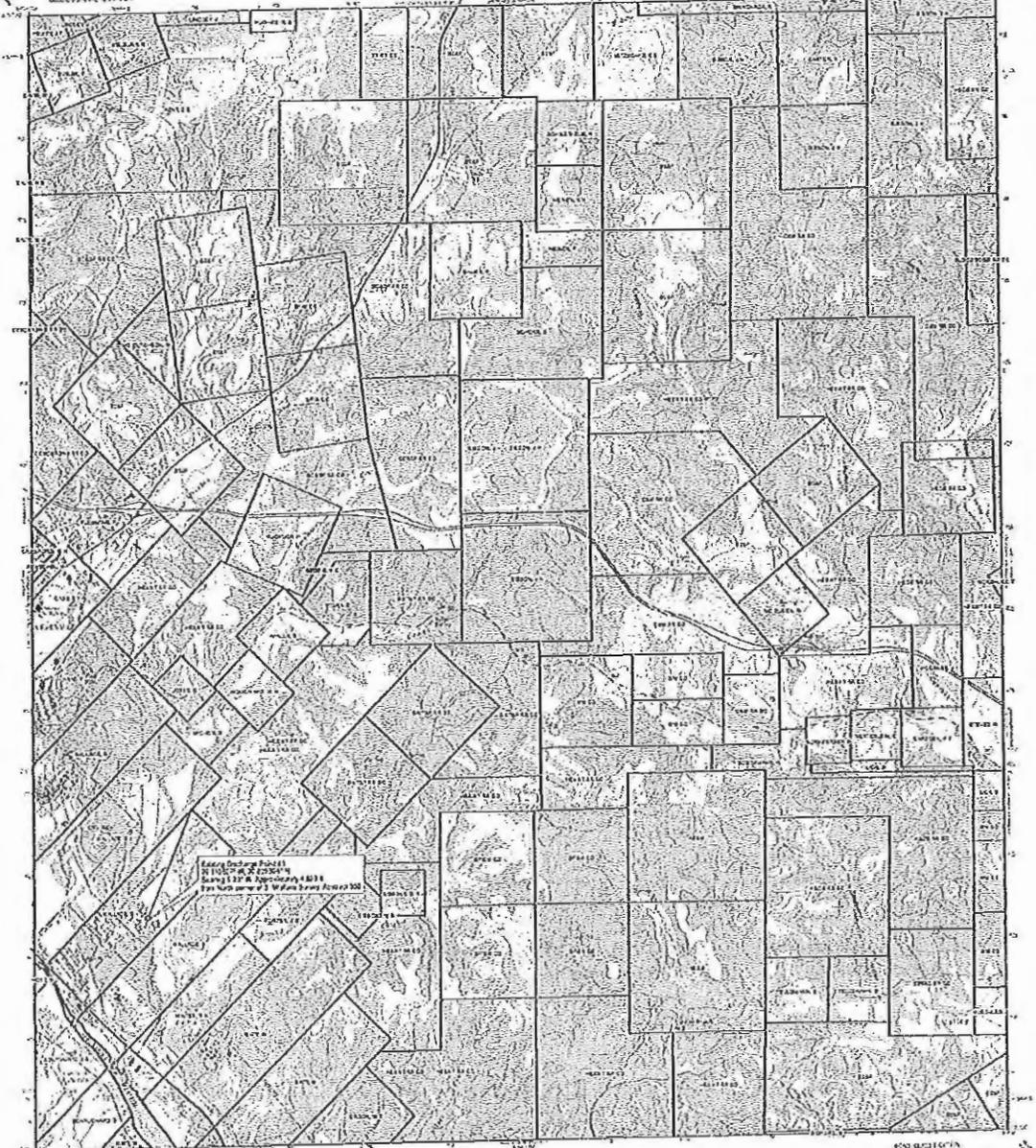


Notary Public for the State of Texas

Attachment **A**
USGS Project Location Maps

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

LEGION GUARANTEE
YEAR 1900
RESERVE LANDS (SECTION 7)



Legion Exchange 1900
10 110000 00 000000
Scale 1:100 000 Approximate 4 18 18
For each square of 3600 Acres 1000000

PROPERTY OWNERS AND INTERESTS IN THE
SECTION 7 RESERVE LANDS
This map is published under authority of the
Act of March 3, 1877, and the Act of
March 3, 1879, and is based on the
original survey of the land. It is
intended to show the location of the
land and the names of the owners and
interests in the land. It is not
intended to show the boundaries of the
land or the names of the owners and
interests in the land.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Scale 1:100 000
Approximate 4 18 18
For each square of 3600 Acres 1000000

LEGION GUARANTEE
YEAR 1900
RESERVE LANDS (SECTION 7)

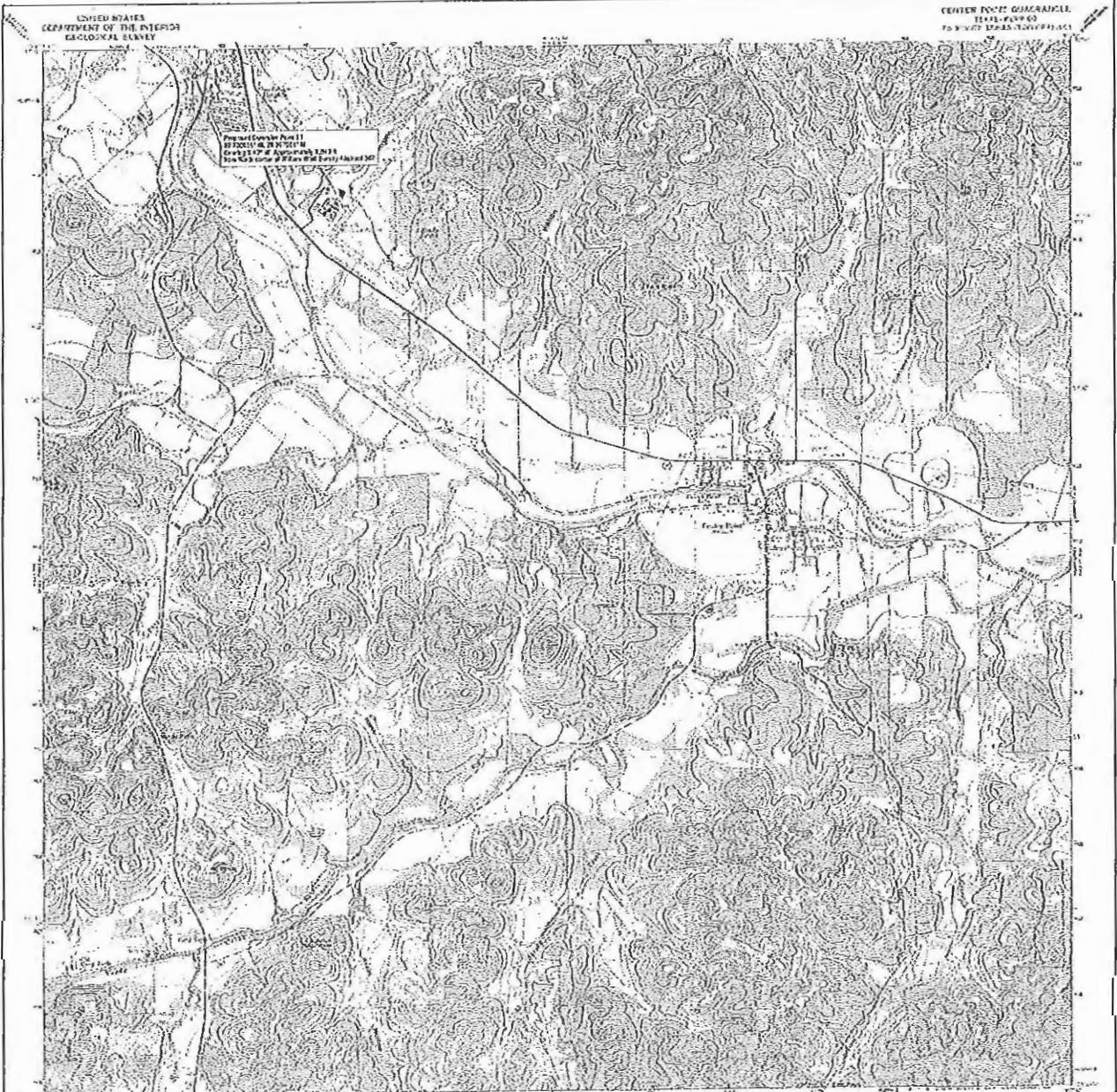


LEGION GUARANTEE
YEAR 1900
RESERVE LANDS (SECTION 7)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

CENTER POINT GUARANTEE
1894-1900
TO 1907 (SEE 1907-1908)

Approved for publication
by the Director of the Geological Survey
June 1, 1907
Scale 1:62,500
No. 1000



Map No. 1000, 1:62,500, and published by the Geological Survey
of the United States
Scale 1:62,500
Approved for publication
by the Director of the Geological Survey
June 1, 1907
Scale 1:62,500
No. 1000



CONTOUR INTERVAL
100 FEET
ELEVATION IN FEET
1000
500
0

CENTER POINT, TEX.
1894-1900
TO 1907 (SEE 1907-1908)

U.S. GEOLOGICAL SURVEY
WASHINGTON, D.C.

Attachment **B**
5-yr historical WWTP discharge

RECLAIMED WATER SOLD VIA DIRECT REUSE

	2007	2008	2009	2010	2011
January	N/A	3.18	10.06	4.46	10.79
February	N/A	3.20	16.77	3.22	10.23
March	N/A	9.50	13.77	9.06	15.46
April	N/A	15.05	25.51	4.94	24.44
May	N/A	20.92	20.97	15.19	27.34
June	N/A	27.20	26.31	23.62	36.06
July	N/A	29.38	39.92	22.08	40.09
August	N/A	19.82	40.70	39.97	41.54
September	N/A	20.69	15.62	16.88	38.35
October	23.10	23.03	13.87	23.25	30.18
November	16.00	19.97	9.41	20.76	21.47
December	5.29	13.52	21.05	15.12	5.23
Totals	44.39	205.44	253.95	198.54	301.17

*All values expressed in MG

EFFLUENT DISCHARGED

	2007	2008	2009	2010	2011
January	0.19	68.42	51.24	59.80	44.05
February	0.17	63.99	41.77	59.15	41.03
March	88.06	70.05	53.88	60.97	49.51
April	91.30	67.51	45.16	67.34	54.36
May	95.63	69.14	48.89	76.09	55.64
June	97.51	65.49	37.03	81.69	45.68
July	128.21	68.13	29.56	75.35	35.39
August	107.93	69.86	25.83	59.44	32.60
September	78.11	65.13	54.71	45.32	16.01
October	53.21	37.91	59.80	50.60	14.84
November	61.87	42.20	59.15	24.97	10.79
December	45.07	46.46	60.97	49.18	10.72
Total	847.26	734.29	567.99	709.91	410.61

*All values expressed in MG

COMBINED RECLAIMED WATER AND EFFLUENT DISCHARGE

2007	2008	2009	2010	2011
891.65	939.73	821.94	908.44	711.78

*All values expressed in MG

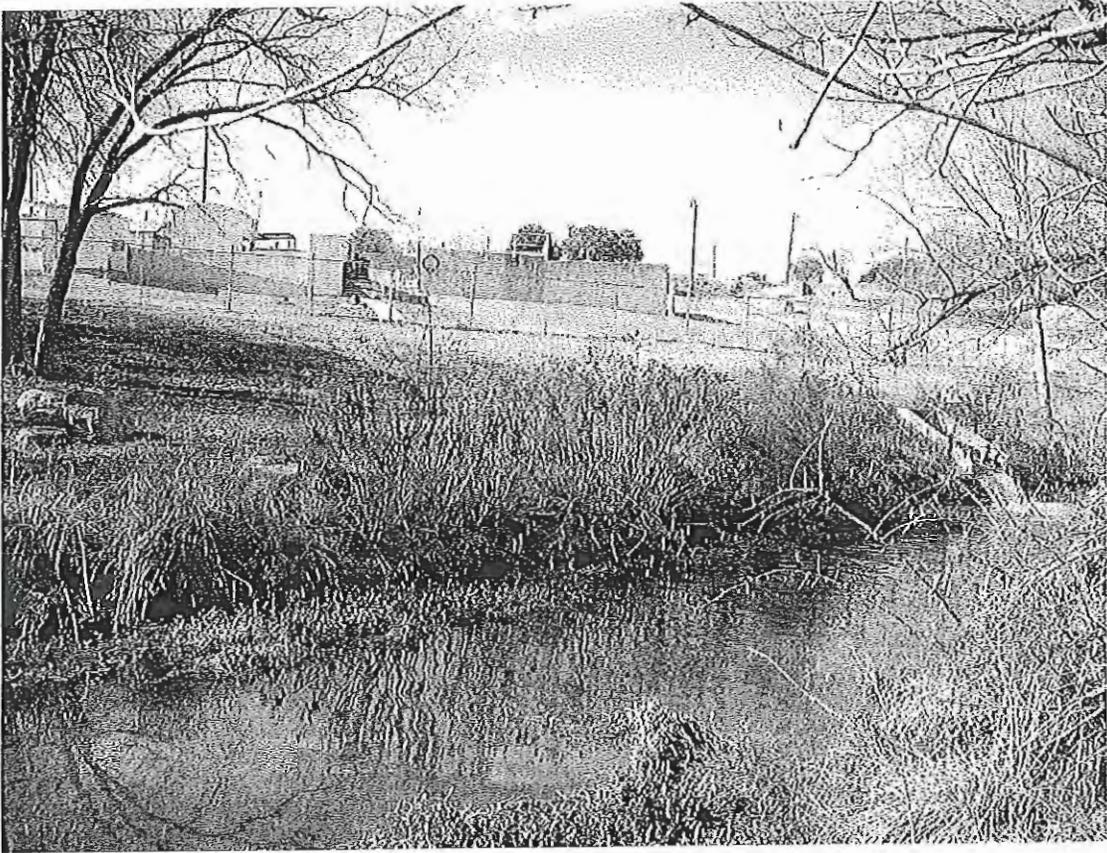
Attachment **C**
Photos of discharge location



1. WWTP Outfall.



2. Upstream of WWTP Outfall looking downstream toward the WWTP outfall.

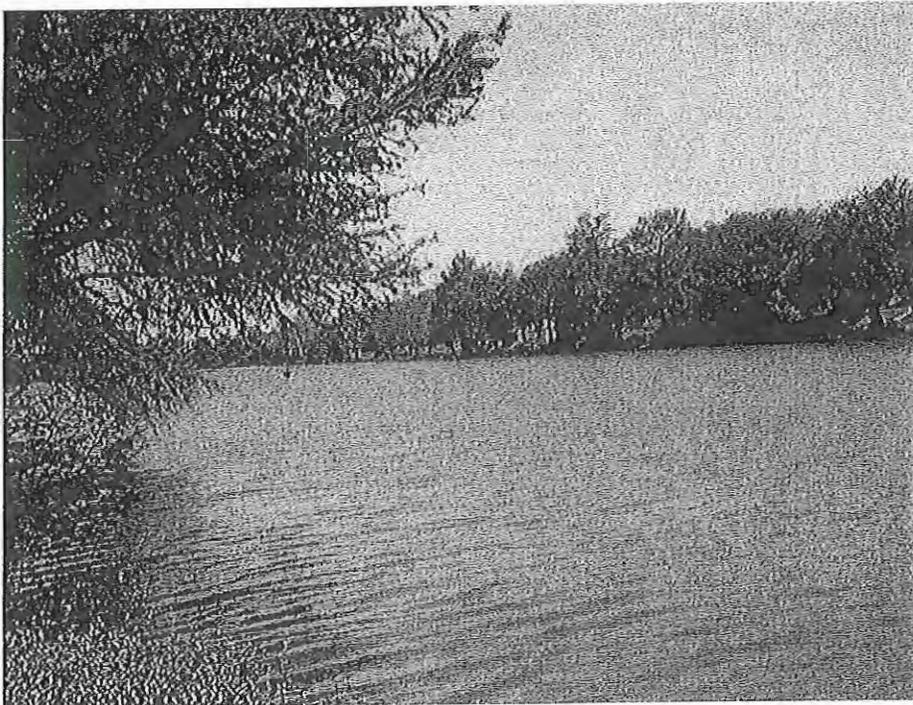


3. Downstream of WWTP outfall looking upstream toward WWTP outfall.

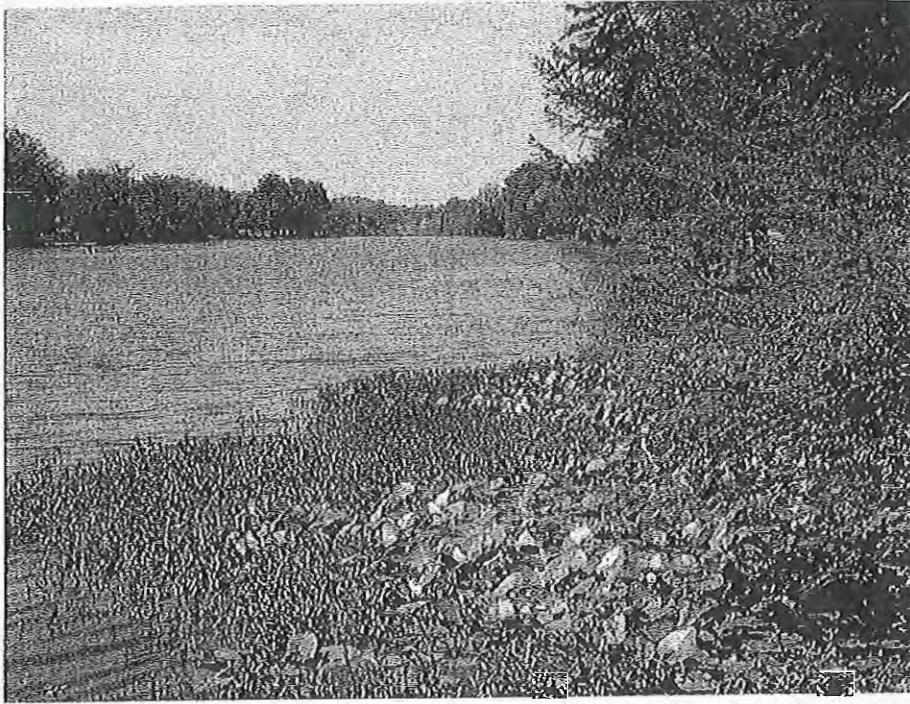
Attachment **D**
Photos of proposed diversion location



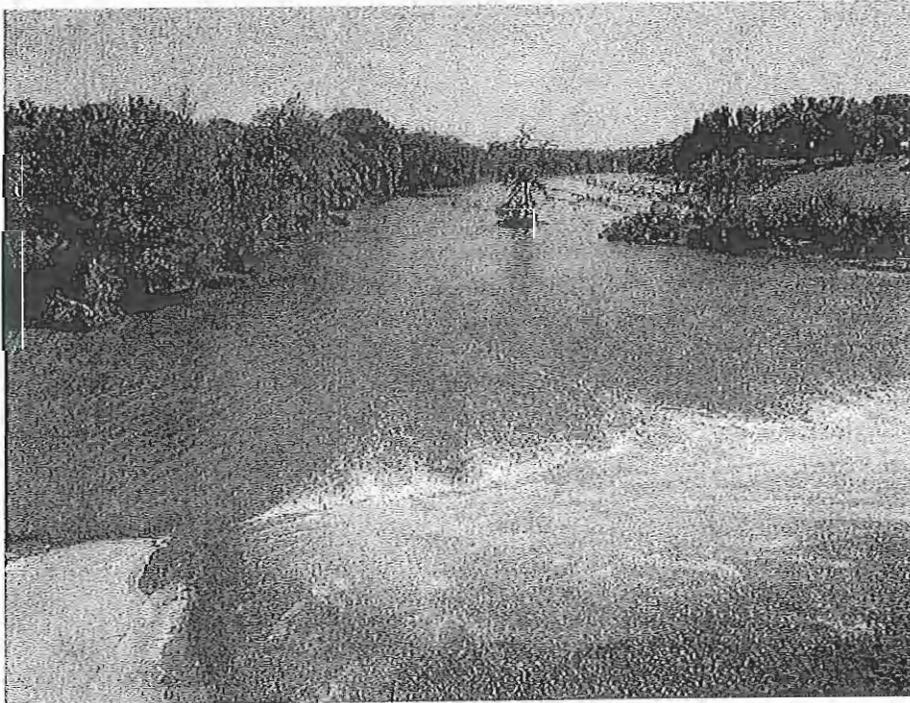
4. Head water of Flat Rock Lake on Guadalupe River, looking downstream.



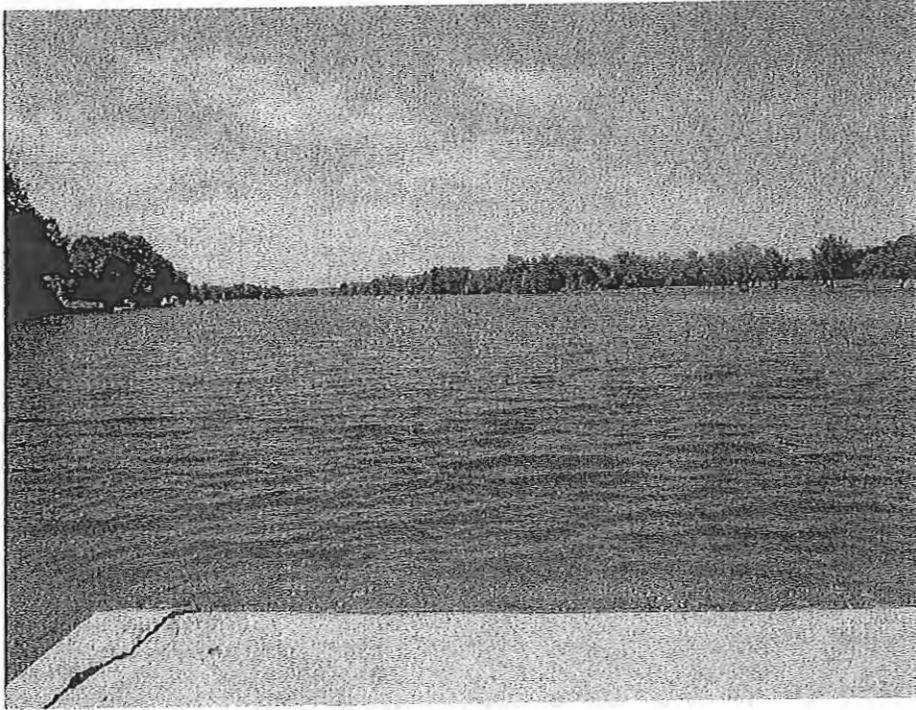
5. Perimeter of Flat Rock Lake looking downstream.



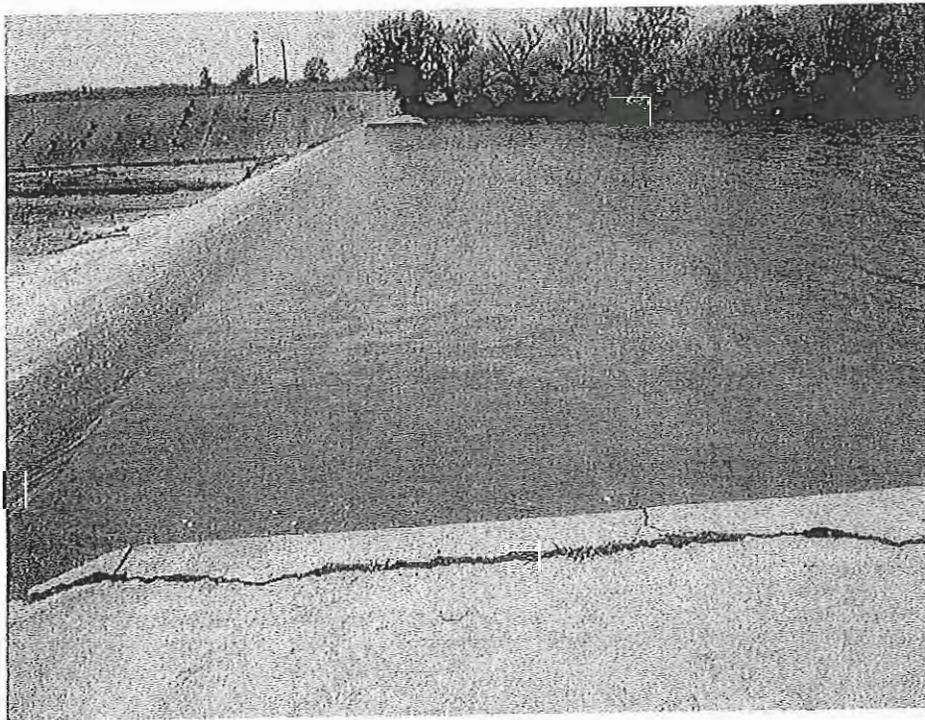
6. Perimeter of Flat Rock Lake looking upstream.



7. Flat Rock Lake Dam looking downstream



8. Flat Rock Lake Dam looking upstream



9. Looking West - southwest at Spillway of Flat Rock Lake Dam

Attachment **E**
Water Management Plan

Kerrville, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 110 - UTILITIES >> ARTICLE III. - WATER MANAGEMENT PLAN >>

ARTICLE III. - WATER MANAGEMENT PLAN 1731

Sec. 110-91. - Application.

Sec. 110-92. - Definitions.

Sec. 110-93. - Year-round water conservation measures.

Sec. 110-94. - Year-round prohibited uses of water.

Sec. 110-95. - Permit for newly planted lawns and landscaping.

Sec. 110-96. - Permit for athletic fields and golf courses.

Sec. 110-97. - Water conservation stages defined.

Sec. 110-98. - Changing and notice of safe operating capacity.

Sec. 110-99. - Declaration of water conservation conditions and stages; public notice.

Sec. 110-100. - Stage 1—Conservation measures.

Sec. 110-101. - Stage 2—Conservation measures.

Sec. 110-102. - Stage 3—Conservation measures.

Sec. 110-103. - Stage 4—Conservation measures.

Sec. 110-104. - Stage 5—Conservation measures.

Sec. 110-105. - Enforcement.

Sec. 110-106. - Variances.

Secs. 110-107—110-130. - Reserved.

Sec. 110-91. - Application.

The provisions of this article shall apply to all persons, customers, and property located within the city and/or using water provided by the city. The terms "person" and "customer" as used in this article shall include individuals, corporations, partnerships, associations, and all other legal entities.

(Ord. No. 2004-04, § 1(part. 3-IV-1), 1-27-2004)

Sec. 110-92. - Definitions.

As used in this chapter, the following phrases shall have the following meanings:

Athletic field means a sports playing field, the essential feature of which is the presence of turf grass, used primarily for organized sporting events for schools, professional sports, or sanctioned league play.

Automatic irrigation system means any system of one or more devices controlled by any means other than a manually operated, momentary action, valve or switch, which emits water into the air more than one inch from the discharge port of the device(s). For the purposes of this article momentary action shall mean a device that permits the flow of water only so long as a person manually holds the valve or switch in the open or on position.

Bulk potable water means water from the city public water supply system delivered to a customer in bulk quantities of 55 gallons or more at the city service center.

City means the City of Kerrville, Kerr County, Texas.

City manager means the chief executive officer and the head of the administrative branch of the city government or his designee.

Commercial water use means water use which is integral to the operations of commercial and non-profit establishments and governmental entities, including, but not limited to, retail establishments, hotels and motels, restaurants, and office buildings.

Conservation means those practices, techniques, and technologies that:

- (1) Reduce the consumption of water;
- (2) Reduce the loss or waste of water;
- (3) Improve the efficiency in the use of water; or
- (4) Increase the recycling and reuse of water so that a supply of water is conserved and made available for future or alternative uses.

Customer means any person, company, or organization using water within the city or using water supplied by the city.

Domestic water use means water use for personal needs or for household or sanitary purposes, including, but not limited to, drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Drip irrigation system means a permanently installed automatic watering system which applies water directly to or under the surface of the soil or, porous (soaker) hoses fitted with both a pressure reducing device set at ten psi maximum and an accurate pressure monitoring gauge. In no case shall any such system emit water more than one inch into the air from any discharge port or orifice.

Industrial water use means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape watering means the application of water to any member of the plant kingdom, including any tree, shrub, vine, herb, flower, succulent, groundcover or grass species, that is growing or has been planted out of doors.

Licensed irrigation contractor means a person holding a license issued by the Texas Commission on Environmental Quality.

Manager means the person who is performing the duties of manager of the city's water and wastewater system or his designee.

MGD means million gallons per day.

Psi means pounds per square inch.

Power washer means a machine that uses water or a water-based product applied at high pressure greater than 499 pounds per square inch while simultaneously reducing the water flow rate to four gallons per minute or less, for the purpose of cleaning impervious surfaces.

Public water supply system (PWS) means any system designed for the purpose of treating, carrying and/or delivering potable water and is regulated by the Texas Commission on Environmental Quality.

Reclaimed water means domestic or municipal wastewater which has been treated to a quality suitable for a beneficial use in accordance with state law.

Safe operating capacity means the maximum amount of potable water which, expressed in millions of gallons per day (mgd), the city is safely capable of delivering to the city's water distribution system at any given time from:

- (1) The total available from the city's water treatment plant(s);
- (2) The total available from the city's aquifer storage and recovery well(s);
- (3) The total available from the city's groundwater wells; and/or
- (4) Total available from other potable water sources that may be added in the future or, due to regulatory changes that increase or decrease water availability, from existing facilities/sources.

Seven-day average demand means the daily average of the amount of water pumped to the city's water distribution system from all available sources for the period beginning at 12:00 a.m. on the seventh calendar day prior to the date the calculation is made and ending at 12:00 a.m. on the date the calculation is made.

South Texas Watermaster means the position designated by the executive director of the TCEQ to manage a water division established under Section 11.325 of the Texas Water Code. Such position has the authority to reduce or suspend water diversion rights under certain conditions.

TCEQ means Texas Commission on Environmental Quality or its successor agency.

Temporary fire hydrant meter means a meter applied for from and issued by the city and intended for a temporary connection to the city's potable water supply via a city-owned fire hydrant.

Vehicle wash facility means a business that washes vehicles with water or a water-based product, including self-service car washes, full-service car washes, roll-over/in-bay style car washes, and fleet maintenance wash facilities.

Waste means causing, suffering, or permitting a flow of water, if derived from any private well, private water company, or from a city water main, to run into any river, creek or other natural watercourse or drain, superficial or underground channel, bayou, or into any sanitary or storm sewer, any street, road or highway, or upon the lands of another person or upon public lands except as necessary for the proper operation of any public water supply system.

Water spray park means a structure onto which water is sprayed, including water that is recycled from fountains or other devices but which no water accumulates.

Water supply emergency means a water supply emergency may be declared by the city manager when one or more of the following conditions occur:

- (1) The occurrence of one or more water line breaks, or pump or system failures, which cause unexpected loss of the city's capability to provide water service;
- (2) A reduction or suspension of the diversion of surface water from the Guadalupe River, which includes complying with provisions of the city's water diversion permits or the directives or orders of the office of the South Texas Watermaster;
- (3) Natural or manmade contamination of the water supply source(s) which prohibits or limits the distribution of water to the city's water distribution system; or
- (4) Any other event, circumstance, or condition that may significantly reduce the amount of water available for delivery to the city's water distribution system and which thus may possibly jeopardize public health and safety.

(Ord. No. 2004-04, § 1(art. 3-IV-2), 1-27-2004; Ord. No. 2010-08, § 1, 5-25-2010)

Sec. 110-93. - Year-round water conservation measures.

The city will utilize the following strategies to encourage, promote and require citizens to conserve and use water wisely at all times.

- (1) *Education and information.* The city will promote water conservation by informing water users of methods to save water inside residences and other buildings. Information will be disseminated by:
 - a. Distributing a fact sheet to all new water customers explaining those provisions of this article relating to water conservation;
 - b. Publishing educational newspaper articles to correspond with peak seasonal demand periods;
 - c. Publishing educational information and fact sheets on the city's website; and
 - d. Providing educational information to the public through other governmental/private agencies including, but not limited to, the Water Education Task Force, UGRA, County of Kerr, and the Headwaters Groundwater Conservation District.
- (2) *Plumbing code.* The city has adopted and shall enforce the requirements of a plumbing code and those provisions of other applicable codes relating to the installation of water conserving plumbing devices to ensure the use of such devices in new construction.
- (3) *Universal metering.* Water from the city water system shall be sold and delivered through its mains only to persons at whose premises water meters are installed in conformance with city regulations.
- (4) *Water conserving landscaping.* The city will further encourage water conservation by:
 - a. Encouraging the use of only those plants listed in the document titled "Recommended Plants for the Kerrville Area" as prepared by the Environmental Education Committee and approved by the city council in all commercial and residential landscaping projects.
 - b. Encouraging licensed irrigation contractors to use drip irrigation systems, where possible, and to design all irrigation systems with water conservation features such as sprinkler heads, which emit large drops of water rather than fine mist and sprinkler layouts that limit the impact of wind.
 - c. Encouraging commercial establishments to use drip irrigation for landscape watering, when practical.
 - d. Requiring that all ornamental fountains, ponds or other ornamental water features must recycle and use minimal quantities of water.
- (5) *Leak detection and repair.* The city shall utilize leak detection techniques in locating and reducing leaks. A monthly accounting of water delivery efficiencies will be made to the city manager. Detected leaks shall be repaired as soon as possible.

- (6) *Recycle and reuse.* The city owns and operates a wastewater treatment facility. Type I reclaimed wastewater generated from this facility may be used to offset water demand for irrigation purposes. The city will continue to examine the possibility of additional uses for this resource including its use in the potable water system.
- (7) *Restaurants.* Restaurants shall not serve water to customers except when specifically requested by a customer.
- (8) *Hotel/motels/lodging.* All lodging facilities within the city or utilizing the city's water shall institute a linen reuse program. This program will require the lodging operator to advertise this program within each room by indicating that customers may elect to reuse their linens and the linens will not be replaced until such time as the customer indicates the desire to have them replaced. In this subsection lodging facilities shall mean a facilities that primarily provide short-term lodging services including rooms for rent with or without board.

(Ord. No. 2004-04, § 1(art. 3-IV-3), 1-27-2004)

Sec. 110-94. - Year-round prohibited uses of water.

- (a) *Irrigation outside restricted hours.* Landscape watering with hose-end sprinklers or automatic irrigation systems shall be prohibited at all times except between the hours of 6:00 p.m. and 10:00 a.m.
- (b) *Defenses.* It shall be a defense to prosecution under subsection (a) if:
 - (1) The person is irrigating a landscaped area by means of:
 - a. A hand-held hose with a manual or automatic shutoff nozzle operated by one person;
 - b. A bucket or watering can with a holding capacity of not greater than five gallons; or
 - c. A properly functioning drip irrigation system;
 - (2) The landscape watering was performed by those commercial enterprises in the business of growing or maintaining plants for sale, including plant nurseries; provided, however, that such landscape watering shall be performed solely for the establishment, growth, and maintenance of such plants;
 - (3) A landscape watering permit has been issued pursuant to section 110-95 to allow for landscape watering on any newly planted or transplanted landscaping so as to accomplish a reasonable establishment and maintenance of growth; or
 - (4) Operation of an automatic irrigation system was performed solely for the purpose of conducting maintenance and testing, and such operation was conducted by a licensed irrigation contractor.
- (c) *Waste of water.* It is unlawful for a person to use water in a manner that constitutes waste. Such waste is found to be contrary to the public health, safety and welfare of the citizens of Kerrville and is therefore declared to be a nuisance.
- (d) *Streets and gutters.* It is unlawful for a person to use water obtained from the city to flush street gutters or to permit water to run off or to accumulate in any street gutter, street, or alley, or to flow into a public drain in a manner that constitutes waste. It shall be a defense to a violation of this paragraph if the person is using the water for the proper operation or maintenance of any public water supply system.
- (e) *Water from hydrants and blow-offs.* It is unlawful for a person to use water from hydrants and blow-offs for any purpose other than firefighting, fire flow testing, flushing of mains, using water pursuant to a temporary fire hydrant meter permit from the city, or other actions necessary for the proper operation of the public water supply system.
- (f) *Leaks.* Upon receiving notice of a leak, a person shall repair or otherwise abate such water leak within 24 hours after having been given written notice from the manager.

(Ord. No. 2004-04, § 1(art. 3-IV-4), 1-27-2004; Ord. No. 2007-12, § 1, 7-10-2007; Ord. No. 2010-08, § 2, 5-25-2010)

Sec. 110-95. - Permit for newly planted lawns and landscaping.

- (a) Newly planted lawns and landscaping shall not be watered at any time other than those hours and days allowed for all other landscaping by this article except where authorized by permit issued by the city in accordance with this article. Any such permit shall only be granted where a plant or seed is planted in or transplanted to an area within a period of time as to accomplish a reasonable establishment and maintenance of growth, which generally occurs over a three week period.
- (b) Permit requirements and conditions:
 - (1) A permit application shall be completed by the owner of the property to be served by the city water service.
 - (2) A permit application shall be accompanied by written documentation indicating the planting date of the new lawn and/or landscaping.
 - (3) The permit shall be valid for a 30-day period from the date of issuance by the manager.
 - (4) The permit shall allow additional watering outside the restricted hours and days of this article; however, in no instance shall landscape irrigation be allowed between the hours 12:00 noon and 6:00 p.m. on any day of the week.

- (5) Upon the effective date of entering into Stages 3, 4, or 5, as defined by this article, the city shall not issue any new permits.
- (6) A permit, once issued, shall remain in full force and effect until the earlier of its expiration date or the effective date of entering into Stage 3, as defined by this article.
- (7) Following the expiration of a permit or upon the effective date of entering into Stage 3, it shall be unlawful to water new lawns and/or landscaping at any time other than those hours and days allowed for all other landscaping by this article.

(Ord. No. 2004-04, § 1(art. 3 IV-5), 1-27-2004; Ord. No. 2010-08, § 3, 5-25-2010)

Sec. 110-96. - Permit for athletic fields and golf courses.

- (a) Unless using reclaimed water in accordance with an agreement with the city, athletic fields and golf courses shall not be watered at any time other than those hours and days allowed for all other landscaping by this article except where authorized by a permit issued by the city in accordance with this article. All landscaped and out-of-play areas shall at all times adhere to the regular landscape irrigation restrictions then in place under this article.
- (b) Permit requirements and conditions:
 - (1) A permit application shall be completed by the owner or operator of the athletic field or golf course served by city water service.
 - (2) A permit application shall be accompanied by an analysis of the irrigation system prepared and sealed by a licensed irrigator which shall include a zone-by-zone analysis of the irrigation system that, at a minimum, includes a review of the design appropriateness for current landscape requirements; irrigation spray heads and valves; precipitation rates expressed in inches per hour; and an annual maintenance plan that includes irrigation system maintenance, landscape maintenance, and a basic summer and winter irrigation scheduling plan. The permit application shall also include a water conservation plan indicating specific measures to reduce consumption and improve efficiency.
 - (3) As part of the application, the applicant shall indicate the expected precipitation rates, schedules, and run times for each applicable zone.
 - (4) The permit shall be valid for six months from the date of issuance.
 - (5) The permit shall allow additional watering outside the restricted hours and days of this article; however, athletic field and golf course irrigation shall not be allowed between the hours 12:00 noon and 6:00 p.m. on any day of the week.
 - (6) A permit, once issued, shall remain in full force and effect until the earlier of its expiration date or the effective date of entering into Stage 3.
 - (7) Following the expiration of a permit or upon the effective date of entering into Stage 3, it shall be unlawful to water athletic fields or golf courses at any time other than those hours and days allowed for all other landscaping by this article, unless using reclaimed water.

(Ord. No. 2010-00, § 4, 5-25-2010)

Sec. 110-97. - Water conservation stages defined.

- (a) *Stage 1—Moderate water conservation conditions.* "Stage 1—Moderate water conservation conditions" shall be deemed to exist when the city manager finds that the seven day average water demand exceeds 65 percent of the safe operating capacity or where a water supply emergency is declared and the city manager determines that this stage is appropriate to address the emergency.
- (b) *Stage 2—Critical water conservation conditions.* "Stage 2—Critical water conservation conditions" shall be deemed to exist when the city manager finds that the seven day average water demand exceeds 75 percent of the safe operating capacity or where a water supply emergency is declared and the city manager determines that this stage is appropriate to address the emergency.
- (c) *Stage 3—Crucial water conservation conditions.* "Stage 3—Crucial water conservation conditions" shall be deemed to exist when the city manager finds that the seven day average water demand exceeds 85 percent of the safe operating capacity or where a water supply emergency is declared and the city manager determines that this stage is appropriate to address the emergency.
- (d) *Stage 4—Severe water conservation conditions.* "Stage 4—Severe water conservation conditions" shall be deemed to exist when the city manager finds that the seven day average water demand exceeds 95 percent of the safe operating capacity or where a water supply emergency is declared and the city manager determines that this stage is appropriate to address the emergency.
- (e) *Stage 5—Water emergency conditions.* "Stage 5—Water emergency conditions" shall be deemed to exist when the city Manager finds that the seven day average water demand exceeds 100 percent of the safe operating capacity or where a water supply emergency is declared and the city manager determines that this stage is appropriate to address the emergency.

(Ord. No. 2010-08, § 5, 5-25-2010)

Sec. 110-98. - Changing and notice of safe operating capacity.

- (a) *General.* The current safe operating capacity shall be posted on the city's official web site.
- (b) *Increase in safe operating capacity.* The safe operating capacity may be increased by the city manager from time to time upon a finding that an event has occurred which has increased the available supply of potable water that can be delivered to the city's water distribution system, which events may include:
- (1) The addition of water treatment capacity at either an existing water treatment plant or a new plant;
 - (2) The addition of groundwater wells;
 - (3) The addition of aquifer storage and recovery wells; or
 - (4) The addition of any other potable water source or due to regulatory changes that increase water availability from existing facilities/sources.
- An increase to the safe operating capacity shall only occur after thorough testing of the new water source is completed to insure safety and reliability of the source.
- (c) *Reduction in safe operating capacity.* The safe operating capacity may be reduced by the city manager from time to time upon a finding by the city manager that an event has occurred which has reduced the available supply of potable water that can be delivered to the city's water distribution system, which events may include:
- (1) A temporary cessation of water treatment operations at the city's water treatment plant caused by mechanical failure, routine maintenance, flooding of the Guadalupe River, or other events which reduce the ability of the city to treat water to required drinking water standards;
 - (2) A reduction in total pumping capacity from the city's groundwater wells because of routine maintenance, pump failure, new or revised regulatory provisions or similar events;
 - (3) Inability to withdraw water from the aquifer storage and recovery wells because of routine maintenance, pump failure, new or revised regulatory provisions or similar events;
 - (4) A reduction in the flow of the Guadalupe River such that further diversion of water pursuant to the city's water diversion permits is limited or prohibited;
 - (5) A reduction in the allowable rate or amount of diversion ordered by the office of the South Texas Watermaster or other regulatory changes;
 - (6) Catastrophic failure of the city's ponding dam; or
 - (7) A water supply emergency is declared by the city manager.

(Ord. No. 2010-08, § 5, 5-25-2010);

Sec. 110-99. - Declaration of water conservation conditions and stages; public notice.

- (a) *City manager declaration.* Upon a finding by the city manager that "Stage 1—Moderate water conservation conditions," "Stage 2—Critical water conservation conditions," "Stage 3—Crucial water conservation conditions," "Stage 4—Severe water conservation conditions," or "Stage 5—Water emergency conditions" exist, the city manager shall issue notice of the commencement and/or termination of the imposition of the mandatory water conservation measures in effect for the respective stage. Said notice shall be:
- (1) Posted on the city's official bulletin board and at all public entrances and exits of city hall and other city facilities where the public has access;
 - (2) Posted on the city's internet website; and
 - (3) Issued in a press release that is hand-delivered or sent by facsimile or electronic mail to:
 - a. The electronic and print media located within the city; and
 - b. The television networks located in Kerrville and San Antonio.
- (b) *Contents of notice.* Each notice issued in accordance with subsection (a) shall contain at least the following information:
- (1) The effective and/or termination date of the applicable water conservation stage;
 - (2) A brief description of the water conservation stage and the measures to be in effect and/or terminated;
 - (3) The telephone number(s) of the office to contact regarding questions about the water conservation stage in effect; and
 - (4) The following sentence printed in bold type: "Failure to comply with the water conservation measures currently in effect is a violation of Chapter 110, Article III of the Kerrville City Code and, upon conviction, may result in a fine of not less than \$50.00 nor more than \$2,000.00 per offense plus court costs. Repeated violations may also result in disconnection of water service."

(Ord. No. 2010-08, § 6, 5-25-2010)

Sec. 110-100. - Stage 1—Conservation measures.

- (a) *Stage 1 conservation measures defined.* The following water conservation measures shall be in effect at 12:01 a.m. on the day following notice of the declaration of Stage 1—Moderate water conservation conditions:
- (1) Landscape watering with hose-end sprinklers or automatic irrigation systems is prohibited at all times except on the following days between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 a.m.:
 - a. On Tuesdays and Saturdays for street addresses whose last digit ends in an odd number; or
 - b. On Wednesdays and Sundays for street addresses whose last digit ends in an even number.
 - (2) Landscape watering is permitted at any time if conducted by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person, a faucet-filled bucket or watering can with a capacity of five gallons or less, or a drip irrigation system.
 - (3) The use of water from a temporary fire hydrant meter shall be limited for construction and irrigation purposes at a rate not to exceed 25,000 gallons per day; in addition, the use of the water for irrigation purposes is restricted to those hours and days allowed for all other landscaping by this section.
 - (4) The following uses of water are prohibited:
 - a. Operation of any fountain, pond, or other ornamental water feature for aesthetic purposes except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
 - b. Washing down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced areas except when the use is required by law for the protection of health and safety or when it is required to perform duties related to construction activity and a power washer is used.
- (b) *Termination of Stage 1.* Stage 1 shall terminate at 12:01 a.m. on the day following notice of the declaration by the city manager that the conditions triggering Stage 1 have ceased to exist for a period of 15 consecutive days. Such declaration may be made prior to the expiration of the 15-day period if, in the discretion of the city manager, extraordinary circumstances exist, such as the occurrence of significant and/or a prolonged period of precipitation.

(Ord. No. 2010-08, § 7, 5-25-2010; Ord. No. 2011-12, § 1, 6-14-2011)

Sec. 110-101. - Stage 2—Conservation measures.

- (a) *Stage 2 conservation measures defined.* The following water conservation measures shall be in effect at 12:01 a.m. on the day following notice of the declaration of Stage 2—Critical water conservation conditions:
- (1) Landscape watering with hose-end sprinklers or automatic irrigation systems is prohibited at all times except on the following days between the hours of 6:00 a.m. and 9:00 a.m. and between the hours of 8:00 p.m. and 10:00 p.m.:
 - a. On Tuesdays and Saturdays for street addresses whose last digit ends in an odd number; or
 - b. On Wednesdays and Sundays for street addresses whose last digit ends in an even number.
 - (2) Landscape watering conducted by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person, a faucet-filled bucket or watering can with a capacity of five gallons or less, or a drip irrigation system is prohibited at all times except between the hours of 7:00 p.m. and 9:00 a.m.
 - (3) The use of water from a temporary fire hydrant meter shall be limited for construction and irrigation purposes at a rate not to exceed 20,000 gallons per day; in addition, the use of the water for irrigation purposes is restricted to those hours and days allowed for all other landscaping by this section.
 - (4) The following uses of water are prohibited:
 - a. Operation of any ornamental fountain, pond, or other ornamental water feature for aesthetic purposes except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
 - b. Washing down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced areas except when the use is required by law for the protection of health and safety or when it is required to perform duties related to construction activity and a power washer is used.
 - c. Use of water for dust control.

- d. Washing down buildings or structures for purposes other than immediate fire protection or when it is required to perform duties related to construction activity and a power washer is used.
 - e. Use of bulk potable water obtained from the city for construction purposes.
- (b) *Termination of Stage 2.* Stage 2 shall terminate at 12:01 a.m. on the day following the notice of the declaration by the city manager that the conditions triggering the Stage 2 have ceased to exist for a period of 15 consecutive days. Such declaration may be made prior to the expiration of the 15-day period if, in the discretion of the city manager, extraordinary circumstances exist, such as the occurrence of significant and/or a prolonged period of precipitation. Upon the termination of Stage 2, the city manager, based upon the existing conditions, has the discretion to determine which appropriate stage, if any, and the water conservation measures set forth in that stage, shall become effective.
- (Ord. No. 2010-08, § 8, 5-25-2010; Ord. No. 2011-12, § 2, 6-14-2011)

Sec. 110-102. - Stage 3—Conservation measures.

- (a) *Stage 3 conservation measures defined.* The following water conservation measures shall be in effect at 12:01 a.m. on the day following notice of the declaration of Stage 3—Crucial water conservation conditions:
- (1) Landscape watering with hose-end sprinklers or automatic irrigation systems is prohibited at all times except on the following days between the hours of 6:00 a.m. and 9:00 a.m.:
 - a. On Tuesdays and Saturdays for street addresses whose last digit ends in an odd number; or
 - b. On Wednesdays and Sundays for street addresses whose last digit ends in an even number.
 - (2) Landscape watering conducted by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person, a faucet-filled bucket or watering can with a capacity of five gallons or less, or a drip irrigation system is prohibited at all times except between the hours of 7:00 p.m. and 11:00 p.m. and between the hours of 6:00 a.m. and 9:00 a.m.
 - (3) The use of water from a temporary fire hydrant meter shall be limited for construction and irrigation purposes at a rate not to exceed 15,000 gallons per day; in addition, the use of the water for irrigation purposes is restricted to those hours and days allowed for all other landscaping by this section.
 - (4) The following uses of water are prohibited:
 - a. Operation of any ornamental fountain, pond, or other ornamental water feature for aesthetic purposes except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
 - b. Washing down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced areas except when such is required by law for the protection of health and safety or when it is required to perform duties related to construction activity and a power washer is used.
 - c. Use of water for dust control.
 - d. Washing down buildings or structures for purposes other than immediate fire protection or when it is required to perform duties related to construction activity and a power washer is used.
 - e. Use of bulk potable water obtained from the city for construction purposes.
- (b) *Termination of Stage 3.* Stage 3 shall terminate at 12:01 a.m. on the day following the notice of the declaration by the City manager that the conditions triggering Stage 3 have ceased to exist for a period of 15 consecutive days. Such declaration may be made prior to the expiration of the 15-day period if, in the discretion of the city manager, extraordinary circumstances exist, such as the occurrence of significant and/or a prolonged period of precipitation. Upon the termination of Stage 3, the city manager, based upon the existing conditions, has the discretion to determine which appropriate stage, if any, and the water conservation measures set forth in that stage, shall become effective.
- (Ord. No. 2010-08, § 9, 5-25-2010; Ord. No. 2011-12, § 3, 6-14-2011)

Sec. 110-103. - Stage 4—Conservation measures.

- (a) *Stage 4 conservation measures defined.* The following water conservation measures shall be in effect at 12:01 a.m. on the day following notice of the declaration of Stage 4—Severe water conservation conditions:
- (1) Landscape watering with hose-end sprinklers or automatic irrigation systems is prohibited at all times;
 - (2) Landscape watering conducted by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person, a faucet-filled bucket or watering can with a capacity of

- five gallons or less, or a drip irrigation system is prohibited at all times except between the hours of 7:00 p.m. and 11:00 p.m. and between the hours of 6:00 a.m. and 9:00 a.m.
- (3) The use of water from a temporary fire hydrant meter shall be limited for construction and irrigation purposes at a rate not to exceed 10,000 gallons per day; in addition, the use of the water for irrigation purposes is restricted to those hours and days allowed for all other landscaping by this section.
- (4) The following uses of water are prohibited:
- a. Operation of any ornamental fountain, pond, or other ornamental water feature for aesthetic purposes except where necessary to support aquatic life.
 - b. Washing down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced areas except when such is required by law for the protection of health and safety or when it is required to perform duties related to construction activity and a power washer is used.
 - c. Use of water for dust control.
 - d. Washing down buildings or structures for purposes other than immediate fire protection or when it is required to perform duties related to construction activity and a power washer is used.
 - e. Use of bulk potable water obtained from the city for construction purposes.
 - f. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle other than at a commercial car wash facility or service station or by a person washing any public safety vehicle on public property.
- (5) No permits for new, additional, or expanded water service connections, meters, or service lines shall be granted. An exception applies where the city has already issued either a final plat for a residential lot or a commercial building permit for the site or the construction project that requires the water service.
- (b) *Termination of Stage 4.* Stage 4 shall terminate at 12:01 a.m. on the day following the notice of the declaration by the city manager that the conditions triggering Stage 4 have ceased to exist for a period of three consecutive days. Such declaration may be made prior to the expiration of the three-day period if, in the discretion of the city manager, extraordinary circumstances exist, such as the occurrence of significant and/or a prolonged period of precipitation. Upon the termination of Stage 4, the city manager, based upon the existing conditions, has the discretion to determine which appropriate stage, if any, and the water conservation measures set forth in that stage, shall become effective.

(Ord. No. 2010-08, § 10, 5-25-2010)

Sec. 110-104. - Stage 5—Conservation measures.

- (a) *Stage 5 conservation measures defined.* The following water conservation measures shall be in effect at 12:01 a.m. on the day following the notice of the declaration of Stage 5—Water emergency conditions:
- (1) Landscape watering, including handheld irrigation, with potable water is prohibited at all times;
 - (2) The following uses of water are prohibited:
 - a. Operation of any ornamental fountain, pond or other ornamental water feature for aesthetic purposes except where necessary to support aquatic life.
 - b. Washing down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced areas except when such is required by law for the protection of health and safety.
 - c. Use of water for dust control.
 - d. Washing down buildings or structures for purposes other than immediate fire protection.
 - e. Use of bulk potable water obtained from the city for construction purposes.
 - f. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle other than by a person washing any public safety vehicle on public property.
 - g. Filling, refilling, or adding water to swimming pools, wading pools, and jacuzzis-type pools, which are located outside.
 - h. Using a fire hydrant pursuant to a temporary fire hydrant permit.
 - i. Use of water for a water spray park, even where such water is recirculated.
 - (3) Vehicle washing at a vehicle wash facility is prohibited at all times except between the hours of 7:00 a.m. and 7:00 p.m. A person owning or operating a vehicle wash facility shall take affirmative action to prevent use of the vehicle wash facility during the prohibited hours specified herein. Such actions shall include posting a sign indicating that the vehicle wash facility is closed and preventing vehicular access onto the property or into the washing bays. In addition, the owner/operator may also choose to disable the washing mechanisms so as to prevent operation.
 - (4) No permits for new, additional, or expanded water service connections, meters, or service lines shall be granted. An exception applies where the city has already issued either a final plat for a

residential lot or a commercial building permit for the site or the construction project that requires the water service.

- (b) *Termination of Stage 5.* Stage 5 shall terminate at 12:01 a.m. on the day following the notice of the declaration by the city manager that the conditions triggering Stage 5—Water emergency conditions have ceased to exist for a period of three consecutive days. Such declaration may be made prior to the expiration of the three-day period if, in the discretion of the city manager, extraordinary circumstances exist, such as the occurrence of significant and/or prolonged periods of precipitation. Upon the termination of Stage 2, the city manager, based upon the existing conditions, has the discretion to determine which appropriate stage, if any, and the water conservation measures set forth in that stage, shall become effective.

(Ord. No. 2010-08, § 11, 5-25-2010)

Sec. 110-105. - Enforcement.

- (a) *Violation of article prohibited.* It shall be unlawful for a person to use water obtained from a private well, public water supply company, or the city in a manner contrary to the provisions of this article. The penalty for violation of this article shall be in accordance with the general penalty provisions contained in chapter 1 of the Code of Ordinances but in no case shall the fine of any violation hereof be less than \$50.00. Proof of a culpable mental state is not required for conviction of an offense under this article.
- (b) *Issuance of citations.* The manager or any other personnel authorized to issue class C misdemeanor citations are authorized to issue citations for violations of this article.
- (c) *Multiple violations.* If a person is convicted of:
- (1) Three or more separate violations of this article within a single calendar year, the city manager shall, upon written notice to the customer, be authorized to install a flow restriction device in the service line(s) of the customer, in which case the city manager may place a service charge equal to the cost of the installation and subsequent removal of such device on the customer's water bill.
 - (2) Four or more separate violations of this article within a single calendar year, the city manager shall, upon written notice to the customer, be authorized to discontinue water service to the premises where such multiple violations have occurred and such discontinuance of service shall continue until such time as all fines or penalties are paid in full and payment by the violator of a re-connection charge as set by the city council within the city fee schedule.
- (d) *Injunction.* In addition to such other civil or criminal penalties that may be available, the city attorney may seek an injunction in accordance with Texas Local Gov. Code Section 54.016 against a person or entity believed to be in violation of this article.
- (e) *Person responsible.* The following presumptions shall be in effect with regard to the person responsible for a violation of this article:
- (1) Any person, including a person classified as a water customer, who is in apparent control of the property where a violation occurs or originates shall be presumed to be the violator.
 - (2) Proof that a violation occurred on a person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation.
 - (3) Parents shall be presumed to be responsible for the violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent directed or assisted in the commission of the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this article and that the parent could not have reasonably known of the violation.
- (f) *Defenses.* It shall be a defense to a violation of this article if:
- (1) The water is being used to irrigate or water the plant inventory of a wholesale or retail landscape nursery or other commercial business selling landscape or house plants;
 - (2) The person is using water, other than that provided by the city, that has been recirculated;
 - (3) The person is using water from a source other than the city's public (potable) water supply system, including:
 - a. Reclaimed water in compliance with applicable TCEQ regulations for landscape watering. Such landscape watering with hose-end sprinklers or an automatic irrigation system shall be prohibited at all times except between the hours of 6:00 p.m. and 10:00 a.m. Landscape watering is permitted at anytime if conducted by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person, a faucet-filled bucket or watering can with a capacity of five gallons or less, or a drip irrigation system; or
 - b. Surface water diversion rights which the person has the legal right to use.
 - (4) The use of the water was necessary to prevent damage or destruction to property other than landscaping plants and ground covers suffering damage from dehydration;
 - (5) The person is:
 - a.

- The owner, or his or her agent, of a commercial car wash or service station with a car wash;
- b. The hours in which use of a commercial car wash is prohibited are posted at a location visible to customers entering or attempting to use the car wash at the time of the alleged offense;
 - c. Said owner or agent did not otherwise authorize the use of the car wash during the prohibited hours of operation;
- (6) The person is washing down sidewalks, walkways, driveways, vehicles used to transport food and perishables, garbage trucks, or aircraft that the manager or the city health officer determines requires frequent cleaning in order to protect the health, safety, and welfare of the public; or
 - (7) Operation of an automatic irrigation system was performed solely for the purpose of conducting maintenance and testing, and such operation was conducted by a licensed irrigation contractor.

(Ord. No. 2010-08, § 12, 5-25-2010)

Sec. 110-106. - Variances.

- (a) *Authority to grant variances.* The city manager is authorized to grant variances pursuant to the provisions of this section.
- (b) *Grounds for granting variances.* A variance may be granted to authorize the use of water otherwise prohibited under this article if the city manager finds:
 - (1) That failure to grant a requested variance would adversely affect public health or sanitation;
 - (2) That failure to grant the requested variance would adversely affect the health or safety of the person requesting such variance;
 - (3) Compliance with this article cannot technically be accomplished during the duration of the water supply shortage or other condition for which water conservation measures are in effect;
 - (4) Alternative methods can be implemented which will achieve the same level of reduction in water use as the water conservation measure from which the variance is sought; or
 - (5) that the person has a disability in accordance with subsection (j) below.
- (c) *Application for variance.* A person requesting a variance from the provisions of this article must file an application with the city manager on forms promulgated by the city. Each application shall include the following information:
 - (1) Name and address of the applicant(s);
 - (2) A full description of the proposed water use, including, but not limited to:
 - a. The daily amount of the proposed use;
 - b. The hours of the proposed use;
 - (3) A reference to the specific provision(s) of this article from which the applicant is requesting relief;
 - (4) A detailed statement as to how the specific provision of the article adversely affects the applicant and/or what damage or harm will occur to the applicant or others if applicant complies with this article;
 - (5) A description of the relief requested;
 - (6) The period of time for which the variance is sought;
 - (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this article and the compliance date; and
 - (8) Any additional information that the city manager deems relevant and necessary in making a determination regarding the request.
- (d) *Filing period.* An application for a variance requested pursuant to this section may not be filed prior to the effective date of the water conservation measure(s) from which relief is being sought.
- (e) *Consideration of variance application.* The city manager shall grant or deny the application for variance not later than 5:00 p.m. on the third city business day following delivery of the application to the city manager. A variance shall be deemed to be approved in the manner requested in the application if the city manager has not denied the application within the time set forth in this section.
- (f) *Contents of variance.* A variance granted by the city manager shall contain the following provisions:
 - (1) A description of the allowable water uses granted by the variance;
 - (2) A description of any conditions imposed which must be satisfied in order to maintain the variance in effect;
 - (3) A timetable for compliance with any conditions set forth in the variance; and
 - (4) Such other provisions as the city manager determines to be reasonable and necessary.
- (g) *Termination of variance.* Variances granted shall expire upon the earlier of:
 - (1) The date the water conservation measure from which the variance was granted is no longer in effect;
 - (2)

- The date the city manager determines that the applicant has failed to comply with any deadline imposed with respect to compliance with the conditions set forth in the variance; or
- (3) The date the city manager specifically sets forth for termination of the variance.
- (h) *Variance not a defense.* The granting of a variance shall not be a defense to a violation of the provisions of this article which occurs prior to the effective date of the variance.
- (i) *Appeal of denial by city manager.* An applicant may appeal the denial by the city manager of an application for a variance to the city council pursuant to the following procedures:
- (1) An appeal must be filed in writing with the city secretary not later than three city business days following the date of the denial;
 - (2) The appeal will be considered by the city council at its first regularly scheduled meeting following the third city business day after the date the appeal is filed with the city secretary;
 - (3) The city council may hear testimony from the city manager and the applicant, but shall not be required to hear such testimony;
 - (4) The city council shall grant or deny the variance in accordance with the criteria set forth in subsection (b); and
 - (5) The city council shall grant or deny the variance at the meeting at which the appeal is considered.
- (j) *Variances for people with disabilities.* The city manager shall grant a variance to a person to use a hose-end sprinkler or an automatic irrigation system to perform landscape watering when the use of hose-end sprinklers or automatic irrigation systems are otherwise prohibited by this article subject to the following findings:
- (1) The property is a single-family residence and constitutes the permanent residence of the applicant;
 - (2) The applicant has provided to the city manager a written statement from a medical doctor licensed to practice medicine in the State of Texas that the applicant is physically incapable of:
 - a. Walking without assistance;
 - b. Standing for periods in excess of 15 minutes;
 - c. Carrying a five-gallon bucket of water; or
 - d. Carrying a standard garden hose; and
 - (3) There is no other person who resides on the property with the applicant who is physically capable of performing landscape watering by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person or, a faucet-filled bucket or watering can with a capacity of five gallons or less.
- (k) The variance granted by the city manager pursuant to this section may not authorize landscape watering at any time outside of the days and hours during which landscape watering is otherwise permitted by this article. Said variance may restrict landscape watering to times and days less than those otherwise allowed by this article and, with respect to automatic irrigation systems, may limit the amount of time each station of the system is allowed to run.

(Ord. No. 2010-08, § 13, 5-25-2010)

Secs. 110-107—110-130. - Reserved.

FOOTNOTE(S):

⁽³⁾ Editor's note— Ord. No. 2010-08, §§ 1—13 adopted May 25, 2010, substantially renumbered the provisions of former Art. III. Renumbered former §§ 110-98—110-104 pertained to similar subject matter and derived from Ord. No. 2004-04, § 1, 1-27-2004; Ord. No. 2006-13, §§ 1, 2, 8-22-2006. [\(Back\)](#)

Attachment **F**
Signature Authority

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 006-2010

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY'S WATER/WASTEWATER MANAGER TO ACT AS THE CITY'S DULY AUTHORIZED OFFICIALS WITH RESPECT TO THE CITY'S WATER PERMITS AND WATER RIGHTS APPLICATIONS BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

WHEREAS, the City of Kerrville ("City") holds a number of different surface water permits which authorizes the City to impound, divert, store, take, and/or use a specific quantity of state water acquired by law; and

WHEREAS, at times, it is necessary for the City to seek amendments to its surface water permits and to file applications requesting such amendments with the Texas Commission on Environmental Quality ("TCEQ"); and

WHEREAS, TCEQ requires the City to appoint a City official(s) who has authority to act for the City with respect to applications filed with the TCEQ; and

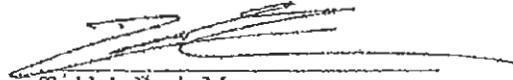
WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to appoint the City Manager and the City's Water/Wastewater Manager as agents of the City with respect to applications before the TCEQ and to act as the City's duly authorized officials with respect to the City's surface water permits and water rights applications before the TCEQ;

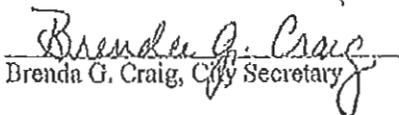
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

The City Council of the City of Kerrville, Texas, appoints the City Manager and the City's Water/Wastewater Manager to act as agents of the City with respect to applications before the TCEQ and to act as the City's duly authorized officials with respect to the City's surface water permits and water rights applications before the TCEQ.

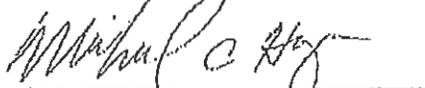
PASSED AND APPROVED ON this the 23rd day of March, A.D., 2010.

ATTEST:


Todd A. Bock, Mayor


Brenda G. Craig, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

Approved by City Council

Volume _____ Page _____

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 5, 2015

Mr. Michael Pinckney
Espey Consultants, Inc.
4801 Southwest Parkway, Suite 150
Austin, Texas 78735

RE: City of Kerrville
WRPERM 12880
CN600522858, RN107949323
Application No. 12880 for a Water Use Permit
Texas Water Code §§ 11.121 and 11.042, Requiring Limited Mailed Notice
Third Creek, Guadalupe River Basin
Kerr County

Dear Mr. Pinckney:

This acknowledges the receipt of the requested additional information on May 27, July 2, and August 15, 2014, and fees in the amount of \$113.74 (Receipt No. R427941, copy enclosed).

The application was declared administratively complete and filed with the Office of the Chief Clerk on February 5, 2015. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning the application, please contact me via e-mail at sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah Henderson".

Sarah Henderson, Project Manager
Water Rights Permits Team
Water Availability Division

Enclosure

Agenda Item:

7A. Review and discuss Rule 4.4. Control of Discussion of the Kerrville City Council's Procedural Rules for Meetings. (Councilmember Andrew)

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

SUBJECT: Review and discuss Rule 4.4. Control of Discussion of the Kerrville City Council's Procedural Rules for Meetings

FOR AGENDA OF: June 14, 2016 **DATE SUBMITTED:** June 8, 2016

SUBMITTED BY: Glenn Andrew **CLEARANCES:** Todd Parton
City Council – Place 2 City Manager

EXHIBITS: None

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

The Kerrville City Council has adopted the Procedural Rules for Meetings, which include **Rule 4.4. Control of Discussion**. This rule reads as follows:

“Rule 4.4. Control of Discussion. The presiding officer shall control discussion of the Council on each Agenda item in order to assure full participation in accordance with these rules, the City Charter and the Code of Ordinances. The presiding officer will preserve order and decorum, preventing the impugning of any member’s motives or other personal comment not relevant to the orderly conduct of business. The presiding officer shall request that all speakers keep comments brief and relevant to the question before the Council. All persons present in the meeting room should eschew abusive, rude or inappropriate conduct. See Chapter 38 of the Texas Penal Code regarding the “hindering” of official proceedings.”

At the most recent City Council meeting I felt that Mayor White was subject to undue personal criticism by a member of the general public. Additionally, as a citizen who has attended numerous meetings of the City Council over the past several months I have observed instances where members of the council have also been subject to undue personal criticism.

It is important that the Kerrville City Council meetings are conducted in a professional manner that are respectful of the elected representatives and the important city business that is to be conducted. Every member of the Kerrville City Council is a volunteer who gives freely of their time and resources for the betterment of the community. In addition,

the manner in which our community conducts its business is a direct reflection of Kerrville to our citizens and the outside world and it is imperative that our entire community treats each other with due consideration and respect.

It is important that each and every Kerrville citizen know that they can address the city council on a matter that they deem to be important and that they may address the council in an atmosphere of personal respect and dignity. It is equally important for them to know that they must also offer dignity and respect to those that they are addressing in equal measure.

RECOMMENDED ACTION

I respectfully recommend that Kerrville City Council review **Rule 4.4. Control of Discussion.** and that the council, as a body, reaffirm its commitment to create and maintain an appropriate air of mutual respect and consideration.

Agenda Item:

8A. Appointments to Mayor's Youth Advisory Council. (staff)

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

SUBJECT: Appointments to the Mayor's Youth Advisory Council

FOR AGENDA OF: June 14, 2016

DATE SUBMITTED: June 3, 2016

SUBMITTED BY: Kaitlin Berry
Special Projects Manager

CLEARANCES: Todd Parton
City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



SUMMARY STATEMENT

Consider appointments to the Mayor's Youth Advisory Council.

RECOMMENDED ACTION

Consider appointments to the Mayor's Youth Advisory Council.