

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, SEPTEMBER 13, 2016, 6:00 P.M.

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, SEPTEMBER 13, 2016, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION OFFERED BY COUNCILMEMBER GLENN ANDREW

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. Certificate of Recognition to Dr. Dan Troxell, former Superintendent, Kerrville Independent School District.

2B. Proclamation proclaiming the month of September 2016 as Kerrville Recovery Month. (Mayor White)

2C. Acknowledgement of City's contribution to the 13th annual river cleanup (Tara Bushnoe, Upper Guadalupe River Authority)

3. CONSENT AGENDA:

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

3A. Minutes of regular meetings held July 12 and July 26, 2016; and the special meetings held July 19 (Convention and Visitors Bureau), July 19 (Young People in Recovery), and July 26 (Employee Benefits Trust). (staff)

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 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: September 9, 2016 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

3B. Resolution No. 20-2016 amending the City of Kerrville Fee Schedule by revising fees charged for various services and uses provided or offered by the city. (staff)

3C. Resolution No. 21-2016, approving the budget for fiscal year 2017 for the Kerr Emergency 9-1-1 Network. (staff)

3D. Administrative services contract between City of Kerrville, Texas and City of Kerrville, Texas Economic Improvement Corporation. (staff)

3E. Construction contract with Intermountain Slurry Seal, Inc. for the 2016 slurry seal project in the amount of \$181,940.00 and authorize the city manager to execute additional change orders which will not exceed a total contract value of \$225,000.00. (staff)

END OF CONSENT AGENDA

4. PUBLIC HEARINGS:

4A. Resolution No. 19-2016 granting two conditional use permits for an approximate 2.51 acre tract of land located south of and adjacent to State Highway 27 (Junction Highway) and its intersection with Knapp Road; being Lot 1, Block 1 of the Evans Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 1201 and 1205 Junction Highway; said tract located within the 6-W zoning district; by permitting said property to be developed and used for both Personal Services II (Urgent Care Facilities with Emergency Room Services) and Retail Trade I Purposes; and making said permits subject to certain conditions and restrictions. (staff)

4B. Second public hearing to set the 2016 ad valorem tax rate. (staff)

5. ORDINANCES, FIRST READING:

5A. Ordinance No. 2016-15, adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2017; providing appropriations for each city department and fund; containing a cumulative clause; and containing a savings and severability clause. (staff)

5B. Ordinance No. 2016-16, levying an ad valorem tax for the use and the support of the municipal government for the City of Kerrville, Texas, for the Fiscal Year 2017; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. (staff)

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: September 9, 2016 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

5C. Ordinance No. 2016-17, amending Chapter 26 “Buildings and Building Regulations”, Article VI “Energy Conservation Code”, of the Code of Ordinances of the City of Kerrville, Texas, by adopting the 2015 edition of the International Energy Conservation Code; adopting local amendments to said code; providing for a penalty for violation of any provision hereof; containing a cumulative clause; containing a savings and severability clause; ordering publication; providing for an effective date; and providing other matters related to the subject. (staff)

6. ORDINANCE, SECOND AND FINAL READING:

6A. Ordinance No. 2016-13 altering the prima facie speed limit on State Highway 534 (Veterans Highway) from approximately thirty-one hundred feet north of its intersection with Vista Ridge Drive and continuing in a mostly southerly direction to approximately seven hundred feet south of its intersection with Beech Street, such distance equal to 2.879 miles; reducing said speed limit to 55 miles per hour; establishing a school zone for a portion of the distance; authorizing installation of appropriate signs and markings; containing a savings and severability clause; providing for a maximum penalty or fine of Two Hundred Dollars (\$200.00); and ordering publication. (TXDOT)

7. CONSIDERATION AND POSSIBLE ACTION:

7A. Report regarding a meeting between three members of the City Council and Young People in Recovery; and authorize the creation of a task force to review the city’s regulations concerning Group Homes and Boarding Home Facilities (Ch. 30, Art. I, City’s Code of Ordinances; Ordinance No. 2013-06) and make recommendations for amendments. (Councilmember Andrew)

7B. Re-engage the Reuse Water Ad-Hoc Advisory Committee to review and provide recommendations to the City Council on the engineering design of the water reclamation improvements and the recommendations for implementing a direct potable reuse system. (Councilmember Andrew)

7C. Commercial real estate listing agreement between the City of Kerrville and Commercial Realty Services, Inc. for the exclusive right to sell city owned property located at 800 Junction Highway (former City Hall site). (staff)

7D. Professional services agreement with Peter Lewis Architect and Associates for preliminary design work for 529 Water Street in an amount not to exceed \$15,000. (staff)

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary’s Office at 830-257-8000 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: September 9, 2016 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

8. INFORMATION AND DISCUSSION:

8A. Saving Our Night Skies initiative. (Jim Wills)

8B. Receive an update and provide direction to staff regarding the planned indoor athletic facility at the Kerrville Sports Complex. (staff)

9. ITEMS FOR FUTURE AGENDAS

10. ANNOUNCEMENTS OF COMMUNITY INTEREST:

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

11. EXECUTIVE SESSION:

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

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.

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.

I do hereby certify that this notice of meeting was posted on the bulletin board at the City hall of the City of Kerrville, Texas, and said notice was posted on the following date and time: September 9, 2016 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

Agenda Item:

2A. Certificate of Recognition to Dr. Dan Troxell, former Superintendent, Kerrville Independent School District.

Certificate of Recognition

Is hereby presented to

Dr. Dan Troxell

This certificate is being presented to Dr. Dan Troxell by the City of Kerrville in recognition of his 13 years of exemplary service to the students of the KISD, and to the citizens of the City of Kerrville. Due to his exemplary leadership, our district now enjoys significant enhancements in the areas of technology and academic programs. Dr. Troxell's sound fiscal management has ensured that KISD blossomed during tough economic times and met much needed capital projects. During Dr. Troxell's tenure at KISD the district achieved academic excellence within the Texas school system garnering distinction for postsecondary readiness making it one of only 10 districts that have earned the postsecondary designation for two consecutive years. Additionally Tivy High School was one of 153 campuses out of more than 4,300 secondary schools to earn all seven distinction designations available. All other eligible campuses in Kerrville ISD earned two or more distinction designations. In 2008 Dr. Troxell was recognized as the Texas Association of School Boards Superintendent of the Year, and was the 2013-14 chairman of the UJL Legislative Council. Dr. Troxell has been a member of the Alamo Colleges Greater Kerrville Center Advisory Board, and a member of the Kerrville Economic Development Corporation helping to bring job and economic growth to the City of Kerrville. The City of Kerrville congratulates Dr. Troxell on his new position and wishes him a successful future.

Hereunto set my hand and caused the Seal of the City Kerrville to be affixed hereto, the 13th day of September, 2014.

Bonnie White, Mayor

Stephen Fine, Mayor Pro Tem

Glenn Andrew, Place 2

Gary Stork, Place 3

Gene Allen, Place 4

Agenda Item:

2B. Proclamation proclaiming the month of September 2016 as Kerrville Recovery Month. (Mayor White)

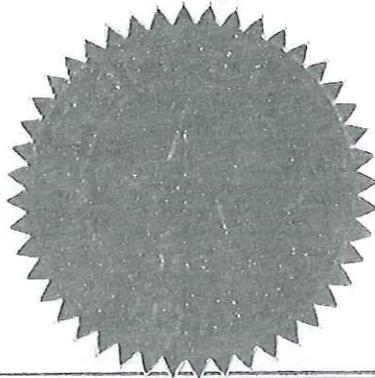
PROCLAMATION

- WHEREAS,** Behavioral health is an essential part of health and one's overall wellness; and
- WHEREAS,** Prevention of mental and/or substance use disorders works, treatment is effective, and people recover in our area and around the nation; and
- WHEREAS,** Preventing and overcoming mental and/or substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally; and
- WHEREAS,** We must encourage relatives and friends of people with mental and/or substance use disorders to implement preventative measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and
- WHEREAS,** In 2013, 2.5 million people aged 12 or older received substance use treatment at a specialty facility and 34.6 million adults aged 18 or older received mental health services according to the 2013 National Survey on Drug Use and Health. Given the serious nature of this public health problem, we must continue to reach the millions more who need help; and
- WHEREAS,** An estimated 2,000 people in our local community are affected by these conditions; and
- WHEREAS,** To help more people achieve and sustain long term recovery, the U.S. Department of Health and Human Services (HHS), the Substance Abuse and Mental Health Services Administration (SAMHSA), the White House Office of National Drug Control Policy (ONDCP), and the Kerrville Chapter of Young People in Recovery (YPR) invite all local residents to participate in National Recovery Month as well as the Kerrville Recovery Month 5K Freedom Run in Louise Hays Park on September 17, 2016,

NOW, THEREFORE, I, Bonnie White, Mayor of the City of Kerrville, Texas, do hereby proclaim the month of September 2016 as

KERRVILLE RECOVERY MONTH

In the City of Kerrville, and encourage all our citizens to observe this month with appropriate programs, activities and ceremonies in support of this year's Recovery Month.



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

Bonnie White, Mayor

Agenda Item:

2C. Acknowledgement of City's contribution to the 13th annual river cleanup
(Tara Bushnoe, Upper Guadalupe River Authority)

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

SUBJECT OF REQUEST: Acknowledgement of the City of Kerrville contribution to the success of the 13th Annual River Clean Up.

AGENDA DATE: 9/13/16

DATE SUBMITTED: 8/30/16

REQUESTED/SUBMITTED BY: Tara Bushnoe

PHONE: 830-896-5445

ORGANIZATION REPRESENTING: Upper Guadalupe River Authority

MAILING ADDRESS: 125 Lehmann Drive, Suite 100, Kerrville, Texas 78028

EMAIL ADDRESS: tbushnoe@ugra.org

EXHIBITS/INFORMATION:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

**WILL THIS ITEM REQUIRE CITY COUNCIL TO AUTHORIZE THE
EXPENDITURE OF CITY FUNDS?**

YES: _____

NO: X _____

IF YES, STATE AMOUNT REQUESTED: \$ _____

DESCRIPTION OF REQUEST

Tara Bushnoe, Natural Resources Coordinator, would like to thank the City Council for the contributions that the City of Kerrville made towards the success of the 13th Annual River Clean Up held on July 23, 2016.

RECOMMENDED COUNCIL ACTION

Agenda Item:

3A. Minutes of regular meetings held July 12 and July 26, 2016; and the special meetings held July 19 (Convention and Visitors Bureau), July 19 (Young People in Recovery), and July 26 (Employee Benefits Trust). (staff)

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JULY 12, 2016

On July 12, 2016, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor White in the city hall council chambers at 701 Main Street. The invocation was offered by Allen Noah, Pastor of Barnett Chapel United Methodist Church, followed by the Pledge of Allegiance led by Fire Chief Dannie Smith.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
Gary F. Stork	Councilmember
Gene Allen	Councilmember

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Malcolm Matthews	Interim Deputy City Manager
Cheryl Brown	Deputy City Secretary
Sandra Yarbrough	Director of Finance
Kim Meismer	Director of General Operations
David Knight	Chief of Police
Dannie Smith	Fire Chief
Kaitlin Berry	Special Projects Manager

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

1. VISITORS/CITIZENS FORUM:

1A. Robert Naman spoke in opposition to the effluent water project and the athletic complex.

2. CONSENT AGENDA:

Mr. Allen moved to approve consent agenda items 3A through 3D; Mr. Fine seconded, and the motion passed 5-0.

2A. Funding Agreement with the City of Kerrville and the Kerr Economic Development Corporation for its fiscal year 2017 budget in an amount not to exceed \$24,500.00.

2B. Second Amendment to Lease Agreement for 218 Sidney Baker Street (Kerrville Cancer Center and subtenants) to clarify the parties, extend term, provide for the reduction of space, and other amendments.

2C. Resolution No. 12-2016 authorizing the use of internal combustion engines on Nimitz Lake upstream of the City's impoundment dam for the Kerrville Triathlon and the safety of competitors.

2D. Resolution No. 15-2016 authorizing the City's continued participation with the Atmos Cities Steering Committee; and authorizing the City's payment of Two and One-Half Cents Per Capita (\$573.65) to the Atmos Energy Corporation.

END OF CONSENT AGENDA

3. CONSIDERATION AND POSSIBLE ACTION:

3A. Proposed amendment to the Procedural Rules for Meetings-City Council by adding Rule 7.5 Individual City Council Member Requests for Information or Assistance.

Ms. White opined that Article 6.05 of the City Charter and the proposed rule were in conflict with and in violation of the Public Information Act and the Open Meetings Act. She stated she was offended by the introductory language of the amendment, and by the last portion of item #5. Ms. White stated she wanted the verbiage removed that required a request to come before Council prior to a response being made available to the Councilmember who made the request.

Mr. Fine stated he requested this item be on the agenda. He noted that only three positions within the city staff answered directly to the Council: City Manager, City Attorney and Municipal Court Judges; therefore, all of council's requests should be made only through these staff members. The amendment was not intended to infringe upon the rights of citizens or councilmembers. Council could direct staff to make revisions to the proposed amendment and bring it back to a future meeting.

The following persons spoke:

1. Fred Speck stated he was against the amendment and opined it was a roadblock to transparency.
2. James Craft spoke against the amendment and opined it gave the City Manager and City Attorney too much power.
3. Peggy McKay opined that the choice of language in the amendment was poor and she was against it.

The consensus of the Council was to table the amendment until Mr. Fine, Mr. Parton and Mr. Hayes could work on changes.

4. APPOINTMENTS TO CITY BOARDS AND COMMISSIONS:

4A. Appointments to the Beautification Advisory Committee.

Ms. White moved to appoint Brandon Douglass, Sherry Egloff and David Tritenbach. Mr. Andrew seconded and the motion passed 5-0.

4B. Appointments to the Golf Course Advisory Board.

At Ms. White's request, this item was tabled until the July meeting.

5. ITEMS FOR FUTURE AGENDAS

- Appoint an ad hoc committee for community relations, and a public relations person. (Mayor White)

6. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Free wristbands in support of the local law enforcement agencies and fire departments were available at the Hill Country Community Journal.
- On August 1, Mr. E.A. Hoppe would start as Kerrville's Deputy City Manager.
- Thanked the people responsible for the 4th on the River event.
- July 13, 2016, The Healthy Living Fair will be held at the library.

7. EXECUTIVE SESSION:

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

7A. Sections 551.071 and 551.072:

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

At 7:26 p.m. the regular meeting recessed. Council went into executive closed session at 7:26 p.m. At 7:45 p.m. the executive closed session recessed and council returned to open session at 7:45 p.m. Mayor White announced no action was taken in executive session.

8. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION: None.

ADJOURNMENT. The meeting adjourned at 7:46 p.m.

APPROVED: _____

ATTEST:

Bonnie White, Mayor

Cheryl Brown, Deputy City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JULY 26, 2016

On July 26, 2016, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor White in the city hall council chambers at 701 Main Street. The invocation was offered by Ms. White, followed by the Pledge of Allegiance led by Ward Jones.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Gary F. Stork	Councilmember
Gene Allen	Councilmember

COUNCILMEMBER ABSENT:

Glenn Andrew	Councilmember
--------------	---------------

CITY CORE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Malcolm Matthews	Interim Deputy City Manager
Cheryl Brown	Deputy City Secretary
Sandra Yarbrough	Director of Finance
Kim Meismer	Director of General Operations
David Knight	Chief of Police
Dannie Smith	Fire Chief
Kaitlin Berry	Special Projects Manager

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

1. VISITORS/CITIZENS FORUM: No one spoke.

2. CONSENT AGENDA:

Mr. Allen moved to approve consent agenda items 3A through 3D; Mr. Fine seconded, and the motion passed 4-0.

2A. Minutes of regular City Council meeting held May 24, 2016.

2B. Professional Agreement for Tennis Professional by and between the City of Kerrville, Texas, and Jess Asper.

2C. Small Enterprise License Agreement with Environmental Systems Research Institute, Inc. for geographic information system (GIS) for the City's mapping use, in the amount of \$25,000.00 annually for three years for the total amount of \$75,000.00.

END OF CONSENT AGENDA

3. CITY COUNCIL RECESS:

The Kerrville City Council recessed the regular city council meeting to convene a meeting of the City of Kerrville Employee Benefits Trust at 6:07 p.m. Following the City of Kerrville Employee Benefits Trust meeting, the Kerrville City Council reconvened into regular session at 6:14 p.m.

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Resolution No. 16-2016, authorizing the transfer of the ownership of funds from the City of Kerrville to the City of Kerrville Employee Benefits Trust to pay for employee related benefits for Fiscal Year 2017.

Mr. Allen moved to approve Resolution No. 16-2016 as presented. Mr. Stork seconded, and the motion passed 4-0.

4B. Request for City to abandon and/or convey a portion of H Street as it continues south of its intersection with Water Street.

Mr. Parton presented a letter from Larry Howard requesting the abandonment or conveyance of a portion of H Street. He discussed the details of the right-of-way and utilities and recommended the following: 1) City retain ownership of the portion of the property that contained the well site and drainage infrastructure; 2) City retain ownership of that portion of the property located within 45 feet of the rear section of the existing security fence for the water well; 3) City maintain a drainage easement to accommodate the conveyance of stormwater to the river; and 4) City allow for private improvements to be located across the easement, provided that such improvements would not interfere with the City's use of the property for the dedicated purpose(s). It appeared that the City owned the property in fee simple; however, more title research was needed to confirm. The City would be required to do a finding of public interest for the property.

Mr. Howard stated he had a contract on the adjoining properties and ownership of the subject property was necessary for completion of his project. He agreed to pay for the title search and survey of the property.

The consensus of the Council was to direct the City Manager to complete the research as to the City's ownership of the property, and determine the best way to proceed to sell, and/or abandon, and/or convey the property to Mr. Howard.

4C. Interlocal Agreement pursuant to Interlocal Cooperation Act providing for City's funding participation with Kerr County in the creation of a Hazard Mitigation Action Plan.

Chief Smith reported that state law required jurisdictions to develop emergency operations plans, of which the hazard mitigation plan was an annex. The Texas Division of Emergency Management designated July 7, 2017, as the deadline by which jurisdictions must develop new comprehensive hazard mitigation plans in order to be eligible for state hazard mitigation grants. Kerr County solicited GrantWorks to develop a plan at a cost of \$152,000, and sought city's participation. The federal government would share in the cost at \$114,000, leaving a balance of \$38,000 to be split between Kerr County and other participating agencies; the city's share would be \$3,800. Participation would not obligate the City to Kerr County's projects, and would allow the City to pursue its own grants; however, lack of participation would cost the City about \$60,000 for the development of such a plan.

Mr. Allen moved to approve the agreement as presented. Mr. Fine seconded, and the motion passed 4-0.

4D. Confirm amount of funding from Kerrville Public Utility Board pursuant to Loan Agreement, with proceeds to be used for construction of reuse water pond. Mr. Parton stated that city council passed Resolution No. 09-2016 on March 22, which detailed the specifics of a loan agreement between the City and KPUB whereby funds would be applied toward construction of the City's reuse water reclamation project. That agreement specified that the City would borrow up to \$8.5 million, with a ten year maturity and a fixed 2.4% interest rate; the city should provide the actual loan amount to KPUB by August 1. KPUB received unexpected funds through a settlement agreement with LCRA. KPUB planned to use those funds for KPUB capital projects in 10-15 years; in the interim, KPUB could make a loan to the city and earn interest.

Mr. Parton identified the ten year capital projects at about \$38.8 million, which included major water and sewer projects and construction of a direct potable reuse plant and system. Regarding the water reuse plant, the city sold \$10 million in bonds in 2016, there was \$1.3 million cash in the project budget.; if the KPUB loan was approved at \$7.5 million, the city would have a total of \$18.8 million available for this project. The KPUB loan would be in lieu of borrowing additional funds for this project. City Council previously authorized staff to apply to EIC for an amount not to exceed \$3 million to fund the distribution portion of the water reclamation project. The capital plan also included \$8-9 million for major lift station projects scheduled for FY2019. In reviewing the debt capacity, the city could potentially borrow \$10 million in 2023 and \$5 million in 2026. Mr. Parton noted that project needs outweighed the dollars available, and he was working on a plan to accomplish those projects over time. He recommended council authorize staff to notify KPUB of the city's request to borrow \$7.5 million.

Ms. White asked if Freese and Nichols had delivered the design. Mr. Parton stated that the design plans would be ready end of July or early August 2016, anticipated bidding in November 2016, and under contract for construction early January 2017. The design for the distribution portion of the system would be about two or three months after the initial plans. He anticipated the distribution system and the reclamation plant would be operational March 2018. He noted this funding was included in EIC's budget, with the allocation of funds to be over two fiscal years.

The following persons spoke:

1. Brent Bates spoke against the loan agreement and was concerned that the money was being recouped for future improvements to the City. He only saw debt, not how operations were contributing to operating revenues. He opined that the City should not be in a hurry to borrow funds, and asked if KPUB customers were going to get any refund in the future if the City accepted the loan.
2. George Baroody spoke against the loan; he asked questions about how the interest was calculated and the origin of the funds that enabled KPUB to make the loan.

3. Fred Speck spoke against the loan and opined that the City was borrowing too much money, and that the EIC would provide the funding as proposed.

4. Richard Ellison spoke against the loan and stated that KPUB was a utility service, not a bank or capital investment company; KPUB was supposed to provide utility service to its customers at the lowest responsible price.

Ms. White asked Mr. Hayes to address Mr. Ellison's concerns. Mr. Hayes stated that KPUB had its own legal counsel, who reviewed and approved the loan agreement. Ms. White cautioned that the City might be looking at some kind of a class action, if people decided that the agreement was not legal.

5. Jerry Wolff spoke against the loan and opined that the City did not need to borrow the funds, because they were going to get the money from EIC. He also stated that a 25% contingency was too high and should be no more than 10%.

Council explained that the engineers determined the contingency based on the scope of the project.

6. Robert Naman opined that the citizens should have been asked to vote on selling the general obligation bonds, and that this loan denied citizens the right to vote on the issue.

Ms. White questioned whether the Council believed this loan was legitimate, and if the City needed to go through with the loan. She opined there was no hurry to borrow the funds and asked if the City had received a final cost, or if there would be an adjustment when Freese and Nichols finished the design.

Mr. Parton stated that there may be an adjustment, it was unknown at this time. KPUB was financially prepared to deliver up to \$8.5 million; however staff recommended borrowing \$7.5 million.

Councilmembers noted the loan would save the City money in the long term and it secured the long-term water needs for the citizens of Kerrville. It was a good move for KPUB and the City.

Mr. Stork moved to approve a \$7.5 million loan from KPUB. Mr. Fine seconded, and the motion passed 3 to 1 with Councilmembers Fine, Stork and Allen voting in favor, and Mayor White voting against the motion.

4E. Amendment to Council rules with respect to Councilmember requests for information or assistance. This item was tabled to a future meeting.

4F. Confirmation of the Joint Resolution of the City of Kerrville (Resolution No. 05-2016), Texas; Kerr County, Texas; Kerrville Independent School District; and Kerrville Public Utility Board supporting the adoption of the Rural Project Plan

under consideration by Texas Department of Transportation.

Mayor White reviewed possible TxDOT projects. Council consensus was to have a joint meeting with KPUB, Kerr County, and KISD.

4G. Review of Code of Ordinances for Rabies Vaccinations in Animals.

Lezlee White, citizen, requested changing the required time period between rabies vaccinations from 1 year to 3 years. Council directed staff to review the State legal requirements and bring a recommendation back to Council.

4H. Consideration of Letters of Intent for the provision of reclaimed water between Schreiner University and the City of Kerrville and between Southern Golf Properties and the City of Kerrville.

Council discussed the specifics in the letters of intent between the City and both Riverhill Golf Course and Schreiner University, including the pricing for effluent water to be used for irrigation.

The following persons spoke:

1. Robert Naman asked how much Schreiner University was currently paying. Mr. Parton responded that he would provide him a copy of the study with that information.

2. Jerry Wolff spoke about the new water meters.

3. Russell Nemky, spoke in favor of the effluent water project, opining that it would ensure water for future generations.

5. INFORMATION AND DISCUSSION:

5A. Receive update from City staff and provide direction on the Fiscal Year 2017 budget.

Mr. Parton reviewed the proposed Fiscal Year 2017 Budget and discussed specific items: TMRS rate would go up January 2017; and the budget included an additional code enforcement officer. The certified tax roll was .5% higher than last year. Intergovernmental revenue was increased due to an CPI adjustment to the County.

5B. Budget and economic update.

Ms. Yarbrough gave the financial report year to date for the period ending June 30, 2016: general fund revenues totaled \$20,361,820 and expenditures \$16,357,682; water and sewer fund revenues totaled \$8,274,978 and expenditures \$7,505,837; hotel/motel fund revenues totaled \$778,579 and expenditures \$707,850; 61 permits for new residential construction and commercial new/remodel construction totaled \$30,610,014. Major permits were issued for Kerr County jail expansion and Schreiner University campus improvements. She provided budget information for four major capital projects: River Trail, Louise Hays and Lehmann/Monroe Park, athletic complex, and reuse pond/distribution.

6. APPOINTMENTS TO CITY BOARDS AND COMMISSIONS:

6A. Appointments to the Golf Course Advisory Board.
Mr. Fine moved to appoint Marion Giesecke, Matthew Hayes and Nicholas Villanueva to the Golf Course Advisory Board, all with terms to expire July 1, 2018. Mr. Allen seconded, and the motion passed 4-0.

7. ITEMS FOR FUTURE AGENDAS:

- Transcript of the Mayor's interview on July 15, 2016 on Rev FM Radio.
- Section of the City Charter that specifies the manner in which a councilmember may or may not give direction to City staff and contracted organizations such as CVB or KEDC.
- Chapter 18 animal control regulations.
- Review of the Freese & Nichols, Inc. design for the effluent pond.
- Review of the amendments to the BTP contract.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- July 29, Movies in the Park, Louise Hays Park.
- Butt-Holdsworth Memorial Library summer programs in progress.
- Caution should be used when playing the virtual "Pokemon Go" game
- Heart of the Hills Golf Tournament underway.
- Performances on-going at the Cailloux Theater.

9. EXECUTIVE SESSION: None

10. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION: None

ADJOURNMENT. The meeting adjourned at 8:20 p.m.

APPROVED: _____

ATTEST:

Bonnie White, Mayor

Cheryl Brown, Deputy City Secretary

CITY COUNCIL MINUTES
OF A SPECIAL MEETING

KERRVILLE, TEXAS
JULY 19, 2016

Thursday July 19, 2016, a meeting of the Kerrville City Council and the Kerrville Convention and Visitors Bureau was called to order by Mayor White at 7:15 a.m. at the YO Ranch Hotel, Spanish Oak Room, 2033 Sidney Baker, Kerrville, Texas. Invocation was offered by Charlie McIlvain, President/CEO of the CVB.

CITY COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
Gary Stork	Councilmember
Gene Allen	Councilmember

CITY COUNCILMEMBERS ABSENT: None

CITY CORE STAFF PRESENT:

Todd Parton	City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Kaitlin Berry	Special Projects Manager

CVB BOARD MEMBERS PRESENT:

John Grimes, Chairman	
Greg Maxwell, Vice-Chairman	
Jan Lynch	Karol Schreiner
John Helm	Mike Lemmons
Laura Russell	Stephanie Turnham
Tom Myers	

**PRESENTATION OF THE KERRVILLE CONVENTION & VISITORS BUREAU (CVB)
2015 ANNUAL REPORT AND MARKETING PLAN FOR 2016-2017:**

Mr. McIlvain, President and Chief Executive Officer of CVB, presented the CVB 2015 annual report and the CVB 2016-2017 Marketing Plan. He noted that advertising and marketing dollars were shifting away from print and more toward digital and social media: 39% print; 37% television, and 24% digital. HOT revenue continued to increase; in 2015 the direct travel spending generated \$61 million dollars into the Kerrville economy and created 1,020 jobs. Visitors also generated approximately \$2 million (one-third) of the local sales tax revenue. He reviewed target markets and noted the community's strengths and benefits.

Mr. McIlvain noted community weaknesses and major challenges that would enhance tourism:

-Lack of conference center with large meeting space; need 50,000-65,000 sq. ft. center with adjoining hotel, preferably in downtown area.

- Aging hotel inventory, newest hotel was 12 years old; no affluent accommodations, which limits conventions that can be attracted.
- Signage and lighting at major entry points; TxDOT removed signs that were on I-10 a few years ago.
- Promotional campaign targeting wineries, distilleries, and brew pubs.
- The new sports center will be a major impact on the local economy. He commended the city for moving forward on sports complex; this will open a whole new market. Should look into a hotel near the new sports complex.
- A water park would do well in Kerrville.

Mr. McIlvain also discussed having something indoors for children to do, and creating a major Christmas lighting project in Louise Hays Park.

The meeting adjourned at 8:37 a.m.

APPROVED: _____

ATTEST:

Bonnie White, Mayor

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
SPECIAL MEETING

KERRVILLE, TEXAS
JULY 19, 2016

On July 19, the Kerrville City Council special meeting was called to order at 1:05 p.m. by Mayor Pro Tem Stephen Fine at the BCFS Resources Center, 1127 Main Street, Kerrville, Texas First Floor Training Room.

COUNCILMEMBERS PRESENT:

Stephen P. Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
Gary F. Stork	Councilmember

COUNCILMEMBER ABSENT: None

Bonnie White	Mayor
Gene Allen	Councilmember

CITY CORE STAFF PRESENT:

Brenda Craig	City Secretary
--------------	----------------

Discuss Further Support for the Recovery Community in Kerrville:

Jason Howell, Executive Director of RecoveryPeople.org and Soberhood.org;
Kimber Falkinburg, National Program Manager, Young People in Recovery (YPR)
Tony Farmer, Local YPR representative
met with councilmembers to discuss the requirements of Ordinance 2013-06.

Mr. Howell noted that persons in recovery met the definition of disabled under the civil rights definition. He questioned whether the city's ordinance met the federal fair housing guidelines for housing for the disabled. He opined that the city's ordinance raised barriers for disabled persons, restricted fair housing choice, and placed additional requirements above what was required of other classes, for example, a family group should have the same health and safety issues as disabled persons in a group home. He opined that the ordinance was discriminatory and eventually would be repealed.

Ms. Faulkner noted that the ordinance required substantial licensing and inspection and exempted 15 groups, i.e. nursing homes, hotels, churches, retirement communities, universities, etc. thereby protecting some classes of people. She proposed the city provide the same regulations for all group homes equally by removing all exemptions. She also opined that the ordinance had caused several homes to close and hindered new homes from opening and asked that the city look at the unintended consequences. She questioned the legality of the ordinance and opined it was illegal under the Fair Housing Act and established discriminatory policies.

Mr. Farmer noted the ordinance had caused some group homes to move outside the city limits; this caused difficulty in getting people connected to the services and transportation they needed in order to maintain recovery. He requested a

coalition to work together to solve housing and other issues; YPR had been left out of previous conversations.

Councilmembers also discussed the following:

- Not the intent of the ordinance to set barriers, rather, to provide adequate services, particularly in emergency situations.
- Recovery homes were not comparable to businesses as businesses provided sales tax, used less city services, and provided jobs. (It was stated that the city should look at recovery homes like businesses.)
- The ordinance as written is legal.
- Will look at ordinances from other cities.

YPR representatives requested the council consider amendments to Ordinance No. 2013-06 regarding the following:

1. ½ mile distance requirement, proximity to another licensed group home.
2. Reasonable accommodations.
3. Adjust fees.
4. Delete exceptions to make all homes equal.

ADJOURNMENT. The meeting adjourned at 2:32 p.m.

APPROVED: _____

ATTEST:

Stephen Fine, Mayor Pro Tem

Brenda Craig City Secretary

On July 26, 2016, the City of Kerrville Employee Benefits Trust met at 6:07 p.m. in the city hall council chambers, 701 Main Street, Kerrville, Texas.

COUNCILMEMBERS PRESENT:

Bonnie White	Chairman
Stephen Fine	Vice-Chairman
Gary Stork	Member
Gene Allen	Member

COUNCILMEMBER ABSENT:

Glenn Andrew	Member
--------------	--------

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Cheryl Brown	Deputy City Secretary
Kim Meismer	Director of General Operations

CONSIDERATION AND POSSIBLE ACTION:

Ms. Meismer reported that, although claims increased by 11%, Blue Cross Blue Shield of Texas (BCBSTX) offered to renew the medical plan with no change in premiums or plans. The rate was guaranteed for one year, from October 2016 – September 2017. BCBSTX provided quality coverage for the past three years. Employee experience with BCBSTX was historically very good. The City currently contributed \$6,655 per employee per year.

Approval of the renewals and rates for the Fiscal Year 2017 employee benefit plans.

- Medical: Blue Cross Blue Shield of Texas
- Dental: MetLife
- Vision: MetLife
- Group Life & AD&D, Voluntary Life & AD&D, and Short Term Disability: Lincoln Financial Group

Ms. Meismer recommended council approve the following plans:

-Medical: Blue Cross Blue Shield of Texas: no increase in premium for FY2017; same plan; and one year rate guarantee.

-Dental: MetLife: same plan, 3% increase in city's contribution (\$287 PEPY) toward dependent coverage, and one year rate guarantee.

-Vision: MetLife: voluntary plan, no change in rate or benefits, one year guarantee.

-Life and AD&D: Lincoln: no change in life and AD&D (accidental death and dismemberment), voluntary short term; and one year rate guarantee.

Ms. Meismer recommended the city's contribution for employee benefits be budgeted at \$6,500 per employee for FY2017, using funds from the Employee Benefit Reserve account; with approval of the contracts to provide the group benefits as presented.

Mr. Allen moved to award the employee group benefits and to authorize the city manager to execute contracts as presented. Mr. Stork seconded the motion and it passed 4-0.

Adjournment.

The City of Kerrville Employee Benefits Trust meeting adjourned at 6:14 p.m.

APPROVED: _____

ATTEST:

Bonnie White, Chairman

Cheryl Brown, Deputy City Secretary

Agenda Item:

3B. Resolution No. 20-2016 amending the City of Kerrville Fee Schedule by revising fees charged for various services and uses provided or offered by the city. (staff)

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

SUBJECT: Resolution Approving FY17 Fee Schedule

FOR AGENDA OF: September 13, 2016 *df* **DATE SUBMITTED:** August 25, 2016

SUBMITTED BY: Sandra Yarbrough
Director of Finance

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Resolution, FY17 Fee Schedule

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

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

SUMMARY STATEMENT

The attached draft Fee Schedule shows the approved FY16 fee schedule effective October 1, 2015 and the proposed Fee Schedule for FY17 effective October 1, 2016. Proposed additions to fee schedule and/or changes of current fees is highlighted.

RECOMMENDED ACTION

Approve resolution to accept the FY17 Fee Schedule effective October 1, 2016.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 20-2016**

**A RESOLUTION AMENDING THE CITY OF KERRVILLE FEE
SCHEDULE BY REVISING FEES CHARGED FOR VARIOUS SERVICES
AND USES PROVIDED OR OFFERED BY THE CITY**

WHEREAS, the City Council of the City of Kerrville adopted a Fee Schedule by Resolution No. 91-138 on September 24, 1991, and has amended said document on a number of occasions; and

WHEREAS, City staff recommends fees charged for various services and uses provided or offered by the City be changed, and the City Council has determined it is in the public interest of the citizens of Kerrville to revise such fees;

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

The Fee Schedule of the City of Kerrville, Texas, is amended as set forth in **Exhibit A**, attached hereto and incorporated herein by reference, such changes to be effective October 1, 2016.

PASSED AND APPROVED ON 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

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

ADMINISTRATION DEPARTMENT

COPIES OF PUBLIC INFORMATION:

- Standard size paper copy
- Non-standard size copy:
 - Computer diskettes
 - Computer magnetic tape
 - Audio cassette
 - Oversized paper copy
 - Other
 - Labor charge (per hour and if applicable under state law)
 - Overhead charge (if applicable under state law)
- Microfiche or microfilm charge:
 - Paper copy
 - Fiche or film copy
- Remote document retrieval

Effective October 1, 2015		Proposed October 1, 2016	
per page	\$0.10	per page	\$0.10
each	\$1.00	each	\$1.00
each	\$10.00	each	\$10.00
each	\$1.00	each	\$1.00
per page	\$0.50	per page	\$0.50
Actual Cost		Actual Cost	
per hour	\$15.00	per hour	\$15.00
20% of Personnel Charge		20% of Personnel Charge	
per page	\$0.10	per page	\$0.10
Actual Cost		Actual Cost	
Actual Cost		Actual Cost	

FAX TRANSMISSIONS:

- Local
- Long distance, same area code
- Long distance, different area code
- Other costs

per page	\$0.10	per page	\$0.10
per page	\$0.50	per page	\$0.50
per page	\$1.00	per page	\$1.00
Actual Cost		Actual Cost	

NATURAL GAS TRANSPORTED THROUGH PIPELINE:

NOTE: Fee is equal to 3% of purchase price of gas transported or delivered within the City during the preceding month for consumption or use within the city.

see note	see note
----------	----------

VEHICLE FOR HIRE PERMIT:

each	\$25.00	each	\$25.00
------	---------	------	---------

CODE COMPLIANCE

GROUP AND BOARDING HOMES

- Permit
- Permit Renewal (renewed annually)
- Re-inspection fees
- Variance Fee for distance

initial issue	\$1,000.00	initial issue	\$1,000.00
		annual renewal	\$350.00
per inspection	\$75.00	per inspection	\$75.00
per variance	\$150.00	per variance	\$150.00

JUNK YARD OPERATION LICENSE:

per site	\$5.00	per site	\$5.00
----------	--------	----------	--------

PEDDLERS AND SOLICITORS FEES:

- Base Charge
- For Each Additional Person
- For Each Additional Person
- Deposit (refundable)

per year	\$600.00	per year	\$600.00
30 days	\$10.00	30 days	\$10.00
one year	\$100.00	one year	\$100.00
deposit	\$750.00	deposit	\$750.00

Exemptions

- * Temporary special events, sales and festivals sponsored by charitable organizations (recognized by Internal Revenue Service), governmental subdivisions, school districts, Chamber of Commerce or Convention and Visitor's Bureau and other special events, approved by Council, provided the organizer/operator of said events provides the information required for an open air market.
- * Traveling salesman or solicitor calling only upon commercial businesses.
- * Garage sales.
- * A business with a separate business location in the City that furnishes proof of payment to the City of all ad valorem and personal property taxes then due.
- * Six or more businesses that are organized in a sales show, convention, or similar sale by an indoor shopping mall, hotel, or similar sponsor.
- * Businesses conducted in an open air market in compliance with all laws and applicable zoning regulations
- * Sale of fresh produce (fruit, nuts, and vegetables)
- * Sale of firewood

SEXUALLY ORIENTED BUSINESSES:

- Annual License
- Annual Fee per Employee

per business	\$500.00	per business	\$500.00
per employee	\$50.00	per employee	\$50.00

TRAVELING SHOW AND EXHIBITION LICENSE:

30 days	\$100.00	30 days	\$100.00
---------	----------	---------	----------

Exemptions

- Carnivals, circuses, travel shows, tent shows, exhibits, menagerie which are actually operated by volunteers of a public school, bona fide charity, or a service organization located in Kerr County.

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

DOWNTOWN AND MAIN STREET

DOWNTOWN RESTROOM AFTER HOURS USE (Between 5:30 PM and 9:30 AM):

User Fee Per Day

More than 4 hours (deposit required)

Less than 4 hours (deposit required)

Deposit

+ 4 hrs/Day	\$50.00	+ 4 hrs/Day	\$50.00
- 4hrs/Day	\$25.00	- 4hrs/Day	\$25.00
per event	\$100.00	per event	\$100.00

HOLIDAY PARADE

per entry	\$20.00	per entry	\$20.00
-----------	---------	-----------	---------

PERSONALIZED BRICKS

per brick	\$50.00	per brick	\$50.00
-----------	---------	-----------	---------

SIDEWALK CAFÉ:

per table	\$50.00	per table	\$50.00
-----------	---------	-----------	---------

EMERGENCY MEDICAL SERVICES

NON EMERGENCY AMBULANCE LICENSE:

Annual License

Annual Ambulance Permit

Re-issue for Lost Permit

Inspection Reschedule Fee

per year	\$400.00	per year	\$400.00
per unit	\$150.00	per unit	\$150.00
per unit	\$50.00	per unit	\$50.00
per unit	\$50.00	per unit	\$50.00

NON EMERGENCY TRANSFER AGREEMENT:

Local Transport

Local Mileage

per person	\$163.83	per person	\$163.83
per loaded mile	\$8.42	per loaded mile	\$8.42

RESPONSE/TRANSPORTATION:

Basic Life Support - Non Emergency

Basic Life Support - Emergency

Advanced Life Support 1 - Non Emergency

Advanced Life Support 1 - Emergency

Advanced Life Support 2 - Emergency

Specialty Care Transport

Aid Only - No Transport

Dedicated Standby

Response Fee

Local Transport - No Supplies Used

Mileage

per person	\$417.92	per person	\$417.92
per person	\$668.66	per person	\$668.66
per person	\$521.50	per person	\$521.50
per person	\$814.04	per person	\$814.04
per person	\$1,149.28	per person	\$1,149.28
per person	\$1,149.28	per person	\$1,149.28
per person	\$150.00	per person	\$150.00
per hour	\$100.00	per hour	\$100.00
per person	\$75.00	per person	\$75.00
no supplies	\$150.00	no supplies	\$150.00
per loaded mile	\$21.48	per loaded mile	\$21.48

SUPPLY/PROCEDURE CHARGES:

IV Administration

Medication Administration

Bandaging and Splinting

per procedure	\$20.00	per procedure	\$20.00
per procedure	\$30.00	per procedure	\$30.00
per procedure	\$20.00	per procedure	\$20.00

ENGINEERING DEPARTMENT

CAPACITY ANALYSIS:

Existing Water Capacity Analysis

Existing Sewer Capacity Analysis

Additional Capacity Analysis

		per analysis	\$500.00
		per analysis	\$500.00
		per analysis	To be Determined

CONSTRUCTION INSPECTION OVERTIME:

per hour	\$35.00	per hour	\$35.00
----------	---------	----------	---------

FLOODPLAIN DEVELOPMENT PERMIT:

each	\$25.00	each	\$25.00
------	---------	------	---------

LAND RECORD FILING FEES:*

First page

Second page and each additional

Names in excess of 5 names to be indexed

each	\$5.00	each	\$5.00
each	\$4.00	each	\$4.00
each	\$0.25	each	\$0.25

Records Management Fees per document

Courthouse Security Fee per document

Records Archive Fee per document

each	\$5.00	each	\$5.00
each	\$1.00	each	\$1.00
each	\$5.00	each	\$5.00

* Fees are subject to change based on the County's fee schedule and will be charged accordingly.

MAPPING INFORMATION:

Subdivision Specifications

City Survey Coordinate System Book

B & W

Color

each	\$25.00	each	\$25.00
each	\$30.00	each	\$30.00
each	\$3.00	each	\$3.00
each	\$5.00	each	\$5.00

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

B & W
 Color
 B & W
 Color
 36" x 54" ETJ Maps
 Digital Map on Disk

each	\$5.00	each	\$5.00
each	\$7.00	each	\$7.00
each	\$10.00	each	\$10.00
each	\$25.00	each	\$25.00
each	\$25.00	each	\$25.00
each	\$30.00	each	\$30.00

FIRE DEPARTMENT

ACCESS-CONTROLLED EGRESS DOORS, ETC.:

per device	\$20.00	per device	\$20.00
------------	---------	------------	---------

ALL OTHER FIRE PROTECTION/DETECTION SYSTEMS:
 (electric controlled security gates, delay egress locks, security grills)

per system	\$50.00	per system	\$50.00
------------	---------	------------	---------

AMUSEMENT BUILDING PERMIT:

per site	\$50.00	per site	\$50.00
----------	---------	----------	---------

APPEAL TO BUILDING BOARD OF ADJUSTMENTS AND APPEALS:

per appeal	\$150.00	per appeal	\$150.00
------------	----------	------------	----------

BLASTING PERMIT:

per site	\$150.00	per site	\$150.00
----------	----------	----------	----------

BULK STORAGE AND DISPENSING OF LP GAS:

Annual	\$100.00	Annual	\$100.00
--------	----------	--------	----------

CHANGE OF OCCUPANCY INSPECTION:

per site	\$20.00	per site	\$20.00
----------	---------	----------	---------

COMMERCIAL BAR-B-QUE PIT:

per site	\$20.00	per site	\$20.00
----------	---------	----------	---------

COOKING HOOD FIRE SUPPRESSION SYSTEM:

per system	\$50.00	per system	\$50.00
------------	---------	------------	---------

EVENT PERMIT (carnivals and fairs):

per event	\$75.00	per event	\$75.00
-----------	---------	-----------	---------

EXHIBIT OR TRADE SHOW PERMIT:

per site	\$50.00	per site	\$50.00
----------	---------	----------	---------

FALSE FIRE ALARM FEE:

More than 3 times but less than 6 in preceding 12 months
 More than 5 times but less than 8 in preceding 12 months
 Eight (8) or more times in preceding 12 months

per offense	\$50.00	per offense	\$50.00
per offense	\$75.00	per offense	\$75.00
per offense	\$100.00	per offense	\$100.00

FIRE ALARM INSTALLATION (new, repair, remodel, or addition):

per system/floor	\$50.00	per system/floor	\$50.00
------------------	---------	------------------	---------

FIRE INSPECTIONS REQUESTED/SCHEDULED - NON BUSINESS HOURS:

Non-Holiday (2 hour minimum, paid in advance)
 City recognized holiday (2 hour minimum, paid in advance)

per hour	\$60.00	per hour	\$60.00
per hour	\$80.00	per hour	\$80.00

FIRE PUMP ACCEPTANCE TEST:

per test	\$100.00	per test	\$100.00
----------	----------	----------	----------

FIRE PUMP/EQUIPMENT INSTALLATION/ MODIFICATION:

per system	\$50.00	per system	\$50.00
------------	---------	------------	---------

FIRE SPRINKLER:

Above ground - new installation, repair, remodel, or addition
 Underground - new installation, repair, remodel, or addition
 Standpipe system - new installation, repair, remodel, or addition

per system/floor	\$50.00	per system/floor	\$50.00
per system	\$50.00	per system	\$50.00
per system	\$50.00	per system	\$50.00

FLAMABLE/COMBUSTIBLE LIQUIDS - STORAGE/HANDLING/DISPENSING:

per incident	\$75.00	per incident	\$75.00
--------------	---------	--------------	---------

HAZARDOUS MATERIALS PERMIT:

per incident	\$50.00	per incident	\$50.00
--------------	---------	--------------	---------

HIGH PILE STORAGE PERMIT:

per site	\$50.00	per site	\$50.00
----------	---------	----------	---------

HOT WORK PERMIT:

per site	\$20.00	per site	\$20.00
----------	---------	----------	---------

INDUSTRIAL OVEN PERMIT:

per unit	\$25.00	per unit	\$25.00
----------	---------	----------	---------

INVESTIGATION FEE:

If Permit is issued after constructions is started without an approved permit

per site	Permit Fee Amt	per site	Permit Fee Amt
----------	----------------	----------	----------------

LIQUID PROPANE TANK INSTALLATION:

per tank	\$75.00	per tank	\$75.00
----------	---------	----------	---------

MISCELLANEOUS COMBUSTIBLE STORAGE:

per site	\$75.00	per site	\$75.00
----------	---------	----------	---------

OUTDOOR BURN PERMITS:

Cermonial Fire Permits (Bonfires)

per site	\$250.00	per site	\$250.00
----------	----------	----------	----------

City of Kerrville PROPOSED Fee Schedule

Effective October 1, 2016

Controlled burns
Recreational fire (less than 3 feet diameter and 2 feet in height)

per site	\$150.00	per site	\$150.00
N/C for permit		N/C for permit	

OTHER PERMIT:

Any other permit designated by the *International Fire Code*

per incident	\$20.00	per incident	\$20.00
--------------	---------	--------------	---------

PLAN REVIEW FEE: (credited toward permit when permit is approved)

per review	50% of Permit Fee	per review	50% of Permit Fee
------------	-------------------	------------	-------------------

PROFESSIONAL PYROTECHNICAL DISPLAY:

per event	\$250.00	per event	\$250.00
-----------	----------	-----------	----------

PUBLIC SAFETY STAFFING:

Dedicated Ambulance Standby (include 2 personnel and 1 ambulance - minimum 2 hours)
Personnel (minimum 2 hours per fire department staff)
Vehicle (minimum 2 hours per vehicle)

per hour	\$105.00	per hour	\$105.00
		per hour	\$40.00
		per hour	\$25.00

RE-INSPECTION FEE REQUESTED/SCHEDULED (excludes annual fire inspection):

First inspection list(s) is/are not completed on first and subsequently thereafter
Not ready for inspection on arrival
Contractor fails to keep appointment
No access to site or building

per scheduled	\$50.00	per scheduled	\$50.00
per scheduled	\$50.00	per scheduled	\$50.00
per scheduled	\$50.00	per scheduled	\$50.00
per scheduled	\$50.00	per scheduled	\$50.00

REQUEST FOR PUBLIC INFORMATION:

Hard Copy (Paper) Format or Electronic Format - See Administrative Fee Schedule

SPRAY ROOM, DIP TANK OR BOOTH:

(used for flammable or combustible finishes)

per space	\$50.00	per space	\$50.00
-----------	---------	-----------	---------

STATE MANDATED OCCUPANCY INSPECTION - OUTSIDE CITY LIMITS:

Daycare, Foster Care, Adoption
Daycare, Halfway Houses, Group Care, MHMR
Youth Camps and Day Camps
Schools and Instructional Facilities
Hospital, Nursing Home, Assisted Living Facility Inspection
All Other

7 or fewer children	\$50.00	7 or fewer children	\$50.00
7 or more children	\$75.00	7 or more children	\$75.00
per site	\$150.00	per site	\$150.00
per site	\$150.00	per site	\$150.00
per site	\$150.00	per site	\$150.00
per site	\$100.00	per site	\$100.00

STORAGE OF PORTABLE LP GAS CONTAINERS:

(awaiting use or resale)

per site	\$20.00	per site	\$20.00
----------	---------	----------	---------

STORAGE OR HANDLING OF COMPRESSED GASES:

(in excess of amounts listed in Table 105.6.9 of the e2006 *International Fire Code*)

per site	\$50.00	per site	\$50.00
----------	---------	----------	---------

TENT, CANOPY, MEMBRANE STRUCTURE PERMIT:

per item	\$20.00	per item	\$20.00
----------	---------	----------	---------

UNDERGROUND FUEL STORAGE TANK REMOVAL:

per site	\$75.00	per site	\$75.00
----------	---------	----------	---------

UNDER/ABOVE GROUND FUEL STORAGE TANK:

New installation
Repair/replace existing tank
Repair/replace existing product line

per tank	\$75.00	per tank	\$75.00
per tank	\$40.00	per tank	\$40.00
per site	\$40.00	per site	\$40.00

WATER FLOW TEST:

per test	\$75.00	per test	\$75.00
----------	---------	----------	---------

GOLF: SCOTT SCHREINER MUNICIPAL GOLF COURSE

CART RENTAL:

Full Cart
Half Cart

9 Hole / 18 Hole	\$12.00/\$24.00	9 Hole / 18 Hole	\$14.00/\$28.00
9 Hole / 18 Hole	\$6.00/\$12.00	9 Hole / 18 Hole	\$7.00/\$14.00

CART STORAGE:

Annual
Quarterly

per year	\$420.00	per year	\$420.00
per quarter	\$140.00	per quarter	\$140.00

NOTE: The City can only accept payments up to ONE period (quarter or annual) in advance.

GREEN FEES:

Regular

Weekday
Weekend and holidays*

9 Hole / 18 Hole	\$12.00/\$20.00	9 Hole / 18 Hole	\$12.00/\$21.00
9 Hole / 18 Hole	\$18.00/\$27.00	9 Hole / 18 Hole	\$18.00/\$28.00

Member

Weekday
Weekend and holidays*

9 Hole / 18 Hole	\$5.00/\$6.00	9 Hole / 18 Hole	\$5.00/\$6.00
9 Hole / 18 Hole	\$6.00/\$7.00	9 Hole / 18 Hole	\$6.00/\$7.00

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

Junior
 Weekday
 Weekend and holidays*

9 Hole / 18 Hole	\$2.75/\$4.00	9 Hole / 18 Hole	\$2.75/\$4.00
9 Hole / 18 Hole	\$5.50 / \$6.75	9 Hole / 18 Hole	\$5.50 / \$6.75

MEMBER DUES:

Annual Golf - First family member
 Annual Golf - Second family member
 Quarter Golf - First family member
 Annual Private Cart

per year	\$550.00	per year	\$550.00
per year	\$450.00	per year	\$450.00
per quarter	\$200.00	per quarter	\$200.00
per year	\$220.00	per year	\$220.00

NOTE: All annual fees shall expire on the same date. Should a second annual fee be required, it shall be prorated to expire on the same date as the first annual fee will at subsequent payments due and payable at the same time.

SPECIAL GOLF FEES:

Senior rate (65 or older) - green fees only

per player	\$14.00	per player	\$14.00
------------	---------	------------	---------

Twilight Fees

Starts at 2:00 PM (green fees only)

Member - Weekday
 Member - Weekend *
 Non-Member - Weekday
 Non-Member - Weekend *

weekday only	\$3.00	weekday only	\$3.00
weekend only	\$4.00	weekend only	\$4.00
weekday only	\$11.00	weekday only	\$11.00
weekend only	\$14.75	weekend only	\$14.75

Tournament/Promotion Fees (minimum - 25 individual players)

Standard group rate for 25+ players Weekday/ Weekend afternoons
 Standard group rate for 25+ players Weekend mornings

per player	\$25.00	per player	\$30.00
per player	\$35.00	per player	\$40.00

Driving Range Fees

Small Bucket
 Large Bucket

per bucket	\$3.00	per bucket	\$4.00
per bucket	\$6.00	per bucket	\$8.00

Driving Range Membership - Annual
 Driving Range Membership - Quarterly

per year	\$300.00	per year	\$300.00
per quarter	\$100.00	per quarter	\$100.00

Rental Clubs
 Pull Carts

9 Hole / 18 Hole	\$15.00/\$25.00	9 Hole / 18 Hole	\$15.00/\$25.00
9 Hole / 18 Hole	\$3.00/\$6.00	9 Hole / 18 Hole	\$3.00/\$6.00

* WEEKEND RATES APPLY FRIDAY THROUGH SUNDAY.

TRAIL FEE:

Member Private Cart w/annual Private Cart Fee
 Non-member Private Cart
 Private Cart Passenger w/annual Private Cart Fee
 Private Cart Passenger w/o annual Private Cart Fee

9 Hole / 18 Hole	\$4.00/\$7.00	9 Hole / 18 Hole	\$4.00/\$7.00
9 Hole / 18 Hole	\$6.00/\$11.00	9 Hole / 18 Hole	\$6.00/\$11.00
9 Hole / 18 Hole	\$4.00/\$7.00	9 Hole / 18 Hole	\$4.00/\$7.00
9 Hole / 18 Hole	\$5.50/\$12.00	9 Hole / 18 Hole	\$5.50/\$12.00

HEALTH DEPARTMENT

ADDITIONAL SEMI PUBLIC POOLS/SPAS (single pool facilities):

per unit	\$25.00	per unit	\$25.00
----------	---------	----------	---------

AFTER HOURS INSPECTION - EMERGENCY (4 hr minimum):

per hour	\$50.00	per hour	\$50.00
----------	---------	----------	---------

BARS AND LOUNGES - FREE STANDING

0 < 1,000
 1,000 - 1,999
 2,000 - 2,999
 3,000 - 3,999
 4,000 - 4,999
 5,000 - 10,000
 >10,000

Exemptions: Taxing authorities, non-profit organizations

square footage	\$70.00	square footage	\$70.00
square footage	\$85.00	square footage	\$85.00
square footage	\$100.00	square footage	\$100.00
square footage	\$125.00	square footage	\$125.00
square footage	\$150.00	square footage	\$150.00
square footage	\$200.00	square footage	\$200.00
square footage	\$350.00	square footage	\$350.00

CATERING ESTABLISHMENT PERMITS:

0 < 1,000
 1,000 - 1,900
 2,000 - 2,900
 3,000 - 3,999
 4,000 - 4,999
 5,000 - 10,000
 > 10,000

square footage	\$70.00	square footage	\$70.00
square footage	\$85.00	square footage	\$85.00
square footage	\$100.00	square footage	\$100.00
square footage	\$125.00	square footage	\$125.00
square footage	\$150.00	square footage	\$150.00
square footage	\$200.00	square footage	\$200.00
square footage	\$350.00	square footage	\$350.00

CATERING LICENSE:

annual	\$70.00	annual	\$70.00
--------	---------	--------	---------

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

CERTIFICATE OF OCCUPANCY INSPECTION:	per site	\$50.00	per site	\$50.00
FOOD ESTABLISHMENT PLAN REVIEW:	per site	\$25.00	per site	\$25.00
GENERAL SERVICE CATERING VEHICLE:	each	\$75.00	each	\$75.00
HEALTH PERMITS (by total floor area - square footage):				
0 < 1,000	square footage	\$70.00	square footage	\$70.00
1,000 - 1,900	square footage	\$85.00	square footage	\$85.00
2,000 - 2,900	square footage	\$100.00	square footage	\$100.00
3,000 - 3,999	square footage	\$125.00	square footage	\$125.00
4,000 - 4,999	square footage	\$150.00	square footage	\$150.00
5,000 - 10,000	square footage	\$200.00	square footage	\$200.00
> 10,000	square footage	\$350.00	square footage	\$350.00
HEALTH PERMIT - LATE FEE (after October 15 in addition to original permit):	per permit	\$50.00	per permit	\$50.00
HOTEL PERMIT: (Tourist Courts, Hotels, Inns, and Rooming Houses)	annual permit	\$50.00	annual permit	\$50.00
First complaint inspection fee	per inspection	\$100.00	per inspection	\$100.00
Subsequent complaint inspection fee	per inspection	\$150.00	per inspection	\$150.00
MOBILE FOOD ESTABLISHMENT PERMITS:				
UNRESTRICTED Mobile Food Establishment (peddlers permit required also):	per unit	\$150.00	per unit	\$150.00
RESTRICTED Mobile Food Establishment (peddlers permit required also):	per unit	\$50.00	per unit	\$50.00
NON-PROFIT ORGANIZATION:	per event	\$10.00	per event	\$10.00
PEDDLERS PERMIT:	See Code Compliance Fee Schedule		See Code Compliance Fee Schedule	
REINSPECTION FEES:				
First Reinspection	No charge		No charge	
Second Reinspection	same violation	\$100.00	same violation	\$100.00
Subsequent Reinspection	same violation	\$150.00	same violation	\$150.00
REPLACE LOST, STOLEN, DAMAGED PERMIT OR CERTIFICATE:	each	\$5.00	each	\$5.00
SANITATION AND ENVIRONMENTAL INSPECTIONS (foster homes, day care, pools):	per site	\$40.00	per site	\$40.00
SEMI PUBLIC POOLS/SPAS (single pool facilities):	single	\$75.00	single	\$75.00
SEASONAL PERMITS:				
SEASONAL (non-hazardous foods)	10 month	\$50.00	10 month	\$50.00
SEASONAL (non-hazardous foods)	per event	\$10.00	per event	\$10.00
SEASONAL (potentially hazardous foods)	10 months	\$100.00	10 months	\$100.00
SEASONAL (potentially hazardous foods)	per event	\$15.00	per event	\$15.00
SEMI PUBLIC POOLS/SPAS (single pool facilities):	single	\$75.00	single	\$75.00
TEMPORARY FOOD SERVICE ESTABLISHMENT - SPECIAL EVENT:	14 day	\$35.00	14 day	\$35.00

INSPECTION DEPARTMENT

PROFESSIONAL AND OCCUPATIONAL LICENSES:				
General Contractor License	initial issue	\$500.00	initial issue	\$500.00
General Contractor License Renewal	annual renewal	\$100.00	annual renewal	\$100.00
General Contractor License / Single Project (currently charged at GC rate)	per project	\$100.00	per project	\$100.00
BUILDING, CONSTRUCTION, DEMOLITION PERMITS (single family by value):				
Basic Permit (value up to \$1,000) plus	per permit	\$25.00	per permit	\$25.00
\$1,001 - \$50,000	per/\$1,000	\$5.00	per/\$1,000	\$5.00
\$50,001 - \$100,000	per/\$1,000	\$4.00	per/\$1,000	\$4.00
\$100,001 - \$500,000	per/\$1,000	\$3.00	per/\$1,000	\$3.00
\$500,001 and up	per/\$1,000	\$2.00	per/\$1,000	\$2.00
NOTE: Value of construction is the greater of value quoted by contractor or calculated value using the ICC project valuation tables				
DEMOLITION AND MOVING DEPOSIT:	per structure	\$500.00	per structure	\$500.00
BUILDING, CONSTRUCTION, DEMOLITION PERMITS (commercial by value):				
Basic Permit (value up to \$1,000) plus	per permit	\$25.00	per permit	\$25.00
\$ 1,001 and greater	per/\$1,000	\$5.00	per/\$1,000	\$5.00
\$500,000 and greater (approval of City Manager, fees may be determined by actual cost)	per permit	TBD	per permit	TBD

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

DEMOLITION AND MOVING DEPOSIT:

per structure	\$500.00	per structure	\$500.00
---------------	----------	---------------	----------

BUILDING, CONSTRUCTION, DEMOLITION PLAN REVIEW:

Plan review fee is due at permit application

50% of Building Permit Fee		50% of Building Permit Fee	
----------------------------	--	----------------------------	--

ELECTRICAL PERMITS:

- Circuits
- Fixtures
- Motors (1 hp or smaller)
- Motors (over 1 to 10 hp)
- Motors (over 10 to 25 hp)
- Motors (over 25 hp)
- Services
- Services (per additional meter)
- Appliances (range, water heater, dishwasher, disposal, dryer)
- Equipment (welder)
- Equipment (transformers)
- Equipment (other)
- Signs
- Neon signs for transformer

per permit	\$40.00	per permit	\$40.00
per unit	\$2.00	per unit	\$2.00
per unit	\$0.50	per unit	\$0.50
per unit	\$2.00	per unit	\$2.00
per unit	\$2.50	per unit	\$2.50
per unit	\$3.00	per unit	\$3.00
per unit	\$5.00	per unit	\$5.00
per unit	\$7.50	per unit	\$7.50
per unit	\$7.50	per unit	\$7.50
per unit	\$2.00	per unit	\$2.00
per unit	\$3.00	per unit	\$3.00
per unit	\$5.00	per unit	\$5.00
per unit	\$3.00	per unit	\$3.00
per unit	\$5.75	per unit	\$5.75
per unit	\$1.00	per unit	\$1.00

PLAN REVIEW FEE:

- First Review (due at permit application, includes review of minor changes)
- Subsequent Review (due to substantial submittal or project changes)

per review	50% of permit fee	per review	50% of permit fee
per hour	\$60.00	per hour	\$60.00

REINSPECTION FEE:

- First reinspection fee
- Second reinspection fee
- Subsequent reinspection

same permit	\$0.00	same permit	\$0.00
same permit	\$100.00	same permit	\$100.00
same permit	\$150.00	same permit	\$150.00

CHANGE OF CONTRACTOR ON ACTIVE PERMIT:

- Administrative fee
- NOTE:** Regular permit fees and requirements apply to new contractor for changes to original plans

same permit	\$100.00	same permit	\$100.00
-------------	----------	-------------	----------

SPECIAL INSPECTION FEE:

- During business hours
- After business hours - scheduled
- After business hours - emergency

per permit	\$50.00	per permit	\$50.00
per hour/2 min	\$50.00	per hour/2 min	\$50.00
per hour/4 min	\$50.00	per hour/4 min	\$50.00

IRRIGATION SYSTEM PERMITS (landscape systems):

- City water customer
 - Permit - \$30.00 plus
 - Plan review
- Non-city water customer
 - Permit - \$45.00, plus minimum of 2 inspections
 - Plan review

per/\$1,000	\$3.00	per/\$1,000	\$3.00
50% of permit fee		50% of permit fee	

per inspection	\$100.00	per inspection	\$100.00
50% permit fee		50% permit fee	

PLUMBING AND GAS PERMITS:

- Permit
- Fixtures
- Building drain
- Water heater and/or Vent
- Gas Piping (1 - 5 outlets)
- Piping for water treatment
- Replace sewer yard line

per permit	\$30.00	per permit	\$30.00
per unit	\$2.20	per unit	\$2.20
per unit	\$7.50	per unit	\$7.50
per unit	\$10.00	per unit	\$10.00
per unit	\$10.00	per unit	\$10.00
per unit	\$7.50	per unit	\$7.50
per unit	\$10.00	per unit	\$10.00

MECHANICAL PERMITS:

- Permit
- First \$1,000.00 value, or part thereof
- Each additional \$1,000.00 value over first \$1,000.00

per permit	\$30.00	per permit	\$30.00
up to \$1,000	\$15.00	up to \$1,000	\$15.00
per /\$1,000	\$3.00	per /\$1,000	\$3.00

INSPECTION FEE:

- Add or replace electrical wiring or panel
- Replacement equipment
- New equipment
- Alter existing equipment

per unit	\$15.00	per unit	\$15.00
per unit	\$15.00	per unit	\$15.00
per unit	\$15.00	per unit	\$15.00
per unit	\$10.00	per unit	\$10.00

CHANGE OF OCCUPANCY (existing structure):

per structure	\$20.00	per structure	\$20.00
---------------	---------	---------------	---------

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

BUILDING REPORTS (not for resale):

per report	\$5.00	per report	\$5.00
------------	--------	------------	--------

ISSUANCE OF PERMIT (building, electrical, mechanical, plumbing, irrigation, etc.)
 After construction project is started, first occurrence by contractor

Greater of double the original permit fee or \$75	Greater of double the original permit fee or \$75
---	---

ISSUANCE OF PERMIT (building, electrical, mechanical, plumbing, irrigation, etc.)
 After construction project is started, subsequent occurrences by contractor

Greater of double the original permit fee or \$250	Greater of double the original permit fee or \$250
--	--

APPEAL TO BUILDING BOARD OF ADJUSTMENTS AND APPEALS FEE:
 Mechanics Board of Adjustments and Appeals; Plumbing Board of Adjustments and Appeals; Electrical Board of Adjustments and Appeals

per appeal	\$150.00	per appeal	\$150.00
------------	----------	------------	----------

LIBRARY: BUTT-HOLDSWORTH LIBRARY

RENTALS:

- Meeting Room
- Gazebo
- Repairs of damages to furniture, equipment or facility

per day	\$20.00	per day	\$20.00
per day	\$30.00	per day	\$30.00
Actual Cost		Actual Cost	

COPIES/PRINTING (Library and History Center)

- Photocopier - black and white
- Photocopier - color
- Computer/internet - black and white
- Computer/internet - color

per page	\$0.10	per page	\$0.10
per page	\$0.25	per page	\$0.25
per page	\$0.10	per page	\$0.10
per page	\$0.25	per page	\$0.25

CIRCULATION CHARGES:

- City resident card
- Non-city resident materials checkout only
- Non-city resident computer use only
- Non-city resident temporary use
- Non-city resident full use
- Library card replacement

No charge		No charge	
per year	\$35.00	per year	\$35.00
per year	\$35.00	per year	\$35.00
per month	\$8.00	per month	\$8.00
per year	\$65.00	per year	\$65.00
per card	\$1.00	per card	\$1.00

OVERDUE FINES:

- Fines/fees between \$1.00 - \$4.99 - Patron must pay \$1.00 each time they use library
- Fines/fees between \$5.00-\$9.99 - Patron must pay \$2.00 each time they use library
- Fines/fees \$10.00 and above - Borrowing privileges suspended
- Books - Adult patrons (\$15.00 maximum)
- Books - Children patrons (\$5.00 maximum)
- Audiobooks and CDs (\$15.00 maximum)
- DVDs and BluRay (\$15.00 maximum)
- Story Time Kits (\$15.00 maximum)
- Other Kits (\$15.00 Maximum)
- Overdue Electronic Device (up to cost of item)

item per day	\$0.10	item per day	\$0.10
item per day	\$0.10	item per day	\$0.10
item per day	\$0.10	item per day	\$0.10
item per day	\$1.00	item per day	\$1.00
item per day	\$5.00	item per day	\$5.00
item per day	\$1.00	item per day	\$1.00
item per day	\$10.00	item per day	\$10.00

PROCESS FEE:

- Lost or damaged items - non electric device (plus replacement cost)
- Lost or damaged electronic device (plus replacement cost)
- Collection agency submission for non-payment of fine

per item	\$5.00	per item	\$5.00
per item	\$25.00	per item	\$25.00
per fine	\$10.00	per fine	\$10.00

ELECTRONIC DEVICE FEES:

- Any patron wishing to borrow an electronic device must sign a credit card authorization form listing a valid credit card to kept on file.
- Electronic device not returned according to policy
- Programs/applications charged to library account (actual cost plus)
- Personal Earbuds

per item	\$25.00	per item	\$25.00
per item	\$5.00	per item	\$5.00
per set	\$2.00	per set	\$2.00

LOST/DAMAGED ITEMS:

- Patrons who have failed to return library material with a total value over \$50.00 may receive a citation for violation of City of Kerrville, Code of Ordinance, Section 66-39(g) for failure to return property to the library.
- Books (BHML - all ages - actual cost plus)
- Books (History Center - rare, out of print - lesser of appraised value plus)
- CDs (Book, music, MP3 - actual cost plus)
- Individual CD in a set when available (book, music, MP3 - \$10.00 per disc plus)

per item	\$5.00	per item	\$5.00
per item	\$100.00	per item	\$100.00
per item	\$5.00	per item	\$5.00
per item	\$5.00	per item	\$5.00

- DVD (all ages - includes set - actual cost plus)
- Kits (all ages - actual cost)

per item	\$5.00	per item	\$5.00
per item	\$5.00	per item	\$5.00

Actual cost of items below or next available generation of item if original is no longer on the market plus:

Apple iPad 2 (includes accessories)	\$25.00	per item	\$25.00
-------------------------------------	---------	----------	---------

City of Kerrville

PROPOSED Fee Schedule

Effective October 1, 2016

Amazon Kindle Fire (includes accessories)
 Dell Latitude E5410 laptop (includes accessories)
 Dell Latitude 2120 mini laptop (includes accessories)
 Samsung Galaxy Tablet (includes accessories)
 Electronic device accessories - actual cost plus

per item	\$25.00	per item	\$25.00
per item	\$25.00	per item	\$25.00
per item	\$25.00	per item	\$25.00
per item	\$25.00	per item	\$25.00
per item	\$5.00	per item	\$5.00

INTERLIBRARY LOAN:

Any additional fees or charges to be determined by the lending library are the patron's responsibility.
 Any overdue item (\$15.00 maximum)
 Lost or damaged item - cost assessed by lending library plus
 Return postage

per item/per day	\$1.00	per item/per day	\$1.00
per item	\$5.00	per item	\$5.00
per item	\$3.00	per item	\$3.00

REPLACEMENT OF MISCELLANEOUS PARTS:

CD/DVD case (single)
 DVD case (multiple)
 Book on CD case (multiple up to 12 CDs)
 Book on CD case (multiple up to 24 CDs)
 CD Jewel case (multiple, 2 disc)
 AV storage bags

per item	\$1.00	per item	\$1.00
per item	\$4.00	per item	\$4.00
per item	\$10.00	per item	\$10.00
per item	\$15.00	per item	\$15.00
per item	\$3.00	per item	\$3.00
per item	\$1.00	per item	\$1.00

RESEARCH FEES (requested from outside of service area):

Handling fee/postage
 Photocopy

per request	\$3.00	per request	\$3.00
per page	\$0.10	per page	\$0.10

MUNICIPAL COURT FEES

ONLINE TRANSACTION FEE:

per transaction	\$1.50	per transaction	\$1.50
-----------------	--------	-----------------	--------

MUNICIPAL COURT TECHNOLOGY FEE:

per conviction	\$4.00	per conviction	\$4.00
----------------	--------	----------------	--------

BUILDING SECURITY FEE:

per conviction	\$3.00	per conviction	\$3.00
----------------	--------	----------------	--------

PARKS AND RECREATION

Kerrville-Schreiner Park

DAILY ENTRANCE FEES:

Adult (13 and over), not to exceed \$10.00 per vehicle
 Child (12 and under)
 Senior (over 65)
 Commercial vehicles
 Group/school sponsored trip (ages 13 - 18 - not overnight)

per person	\$4.00	per person	\$4.00
per person	\$1.00	per person	\$1.00
per person	\$2.00	per person	\$2.00
per vehicle	\$20.00	per vehicle	\$20.00
per person	\$0.50	per person	\$0.50

ANNUAL DAY USE PASS:

Valid ONLY at Kerrville-Schreiner Park (excludes commercial vehicles)
 Second vehicle registered at the same address

per vehicle	\$25.00	per vehicle	\$25.00
per vehicle	\$15.00	per vehicle	\$15.00

FACILITY USE FEES:

Camping fees cover entrance for up to 4 persons per site. Camp sites accommodate up to 8 people. Guests 5 - 8 must pay daily entrance fee.
 Tent site w/ water
 General campsites ONLY - year round

per night	\$15.00	per night	\$15.00
per month	\$297.00	per month	\$297.00

RV sites 221-235 and 317-323 (30 amp w/water, no sewer)
 Above RV sites - September 15 - May 15 - all utilities

per night	\$23.00	per night	\$23.00
per month	\$413.00	per month	\$413.00

RV sites 211-220 Riverside only (30 amp w/water and sewer)
 Above RV sites - September 15 - May 15 - all utilities

per night	\$26.00	per night	\$26.00
per month	\$490.00	per month	\$490.00

RV sites 111-130 Deerfield Loop only (30 amp water and sewer)
 Above RV sites - September 15 - May 15 - all utilities

per night	\$26.00	per night	\$26.00
per month	\$528.00	per month	\$528.00

RV sites 201-210 Riverside only (50 amp w/water and sewer)
 Above RV sites - September 15 - May 15 - all utilities

per night	\$28.00	per night	\$28.00
per month	\$561.00	per month	\$561.00

Mini-Cabin - beds for 4 persons (NO PETS); hotel/motel tax additional
 Cabins are air-conditioned, heated, table and chairs, campfire rings (pit/grill) and picnic table.
 No linens provided. Security deposit required.

per night	\$50.00	per night	\$50.00
deposit	\$25.00	deposit	\$25.00

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

Park Cabin - beds for 6 persons (NO PETS); hotel/motel tax additional
 Cabins are air-conditioned, heated, table and chairs, picnic table with combination campfire (pit/grill). Linens provided. Covers entrance up to 6 persons.
 Excess of 6 persons subject to daily entrance. Security deposit required.

per night	\$110.00	per night	\$110.00
deposit	\$50.00	deposit	\$50.00

Ranch House - beds for 8 persons (NO PETS); hotel/motel tax additional
 House is air-conditioned, heated, table and chairs, picnic table with combination campfire (pit/grill). Linens provided. Covers entrance up to 8 persons.
 Excess of 8 persons subject to daily entrance fee. Security deposit required.

per night	\$190.00	per night	\$190.00
deposit	\$150.00	deposit	\$150.00

Bunk House (only rented w/Ranch House) Security deposit required.

per night	\$50.00	per night	\$50.00
deposit	\$50.00	deposit	\$50.00

Group Dining Hall - capacity 100 persons (NO PETS)
 Screened building is **NOT AIR-CONDITIONED**, equipped with full kitchen including deep sinks, hot water, two microwave ovens, and refrigerator/freezer. Full width serving bar and table with seating for approximately 100 persons. Outside has large charcoal grill. Includes entrance fee up to 100 persons. Security deposit required.

per day	\$145.00	per day	\$145.00
deposit	\$50.00	deposit	\$50.00

Group Recreation Hall - day capacity 100 persons (NO PETS)
 overnight capacity 50 persons, no beds provided, requires 2 day rental
 Air-conditioned, heated, restrooms inside. Full kitchen with 2 microwave ovens, and refrigerator/freezer, 8 folding tables with 50 chairs. Large charcoal grill outside.
 Includes entrance fee up to 100 persons. Security deposit required.

per day	\$300.00	per day	\$300.00
deposit	\$100.00	deposit	\$100.00

Group Picnic Area - capacity 100 persons - specific location not guaranteed
 Includes entrance fee up to 10 persons.

per day	\$50.00	per day	\$50.00
---------	---------	---------	---------

Amphitheater only - capacity 220 persons

per day	\$100.00	per day	\$100.00
---------	----------	---------	----------

Amphitheater rented in conjunction with Group Recreation Hall

per day	\$25.00	per day	\$25.00
---------	---------	---------	---------

CANCELLATION FEE: (applies to each site or facility reservation)

per site/facility	\$20.00	per site/facility	\$20.00
-------------------	---------	-------------------	---------

RV/TRAILER DUMP FEE (if not camping in park - no entrance fee):

per vehicle	\$25.00	per vehicle	\$25.00
-------------	---------	-------------	---------

EXCESS VEHICLE PARKING (all vehicles over 2 vehicles per site):

per vehicle	\$5.00	per vehicle	\$5.00
-------------	--------	-------------	--------

BUTTERFLY GARDEN (private events only - does not include entrance fee):

per event	\$50.00	per event	\$50.00
-----------	---------	-----------	---------

EXTRA PERSON OCCUPANCY FEE (applies to each site and facility)

per person	\$3.00	per person	\$3.00
------------	--------	------------	--------

Other Parks and Recreation

SPECIAL EVENTS PERMITS: (by application only)

per event	\$30.00	per event	\$30.00
-----------	---------	-----------	---------

BOARDWALK PAVILION (4 hr maximum - deposit required):

per hour	\$100.00	per hour	\$100.00
deposit	\$200.00	deposit	\$200.00

LOUISE HAYS LARGE PAVILION AND PLAZA AREA (deposit required)

Table rental

Chair rental

per day	\$200.00	per day	\$200.00
per table	\$5.00	per table	\$5.00
per chair	\$2.00	per chair	\$2.00
deposit	\$200.00	deposit	\$200.00

FAMILY PAVILION (deposit required)

per day	\$100.00	per day	\$100.00
deposit	\$100.00	deposit	\$100.00

FOUNTAIN AND PLAZA (limit of one rental per weekend)

per 1/2 day	\$500.00	per 1/2 day	\$500.00
deposit	\$300.00	deposit	\$300.00

TRANQUILITY ISLAND (security deposit required)

per day	\$150.00	per day	\$200.00
deposit	\$150.00	deposit	\$200.00

CARVER PARK PAVILION AND BBQ AREA:

10 tables and restrooms - all day - security deposit required

per day	\$100.00	per day	\$100.00
deposit	\$100.00	deposit	\$100.00

SMALL PARK PAVILIONS (various locations - security deposit required):

per day	\$40.00	per day	\$40.00
deposit	\$25.00	deposit	\$25.00

RIVER TRAIL (trailheads) - security deposit required

KSP Trailhead

per day	\$200.00	per day	\$200.00
---------	----------	---------	----------

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

G Street Trailhead	per day	\$200.00	per day	\$200.00
LHP West Trailhead	per day	\$100.00	per day	\$200.00
All Trailheads	per day	\$500.00	per day	\$500.00
	deposit	equal total rental	deposit	equal total rental
ATHLETIC FIELD/COURT (without lights):	per hour	\$15.00	per hour	\$15.00
ATHLETIC FIELD/COURT (with lights):	per hour	\$20.00	per hour	\$20.00
CENTENNIAL STAGE (with electricity - security deposit required):	per day	\$200.00	per day	\$200.00
CENTENNIAL STAGE (without electricity-security deposit required):	per day	\$100.00	per day	\$100.00
	deposit	\$200.00	deposit	\$200.00
SOFTBALL FEES (security deposit requirements below):				
Field - without lights	per day	\$150.00	per day	\$150.00
Field - with lights	per day	\$170.00	per day	\$170.00
Tournament - Deposit	per event	\$150.00	per event	\$150.00
Scoreboard Equipment - Deposit	per event	\$100.00	per event	\$100.00
TENNIS COURT FEES:				
All ages - 1 1/2 hour - single reservation	per person	\$3.00	per person	\$3.00
All ages - 2 hours per doubles reservation	per person	\$3.00	per person	\$3.00
TENNIS TOURNAMENT FEES:				
<i>Exemptions: KISD tournaments and practice; Schreiner University tournaments</i>		Negotiated in contract		Negotiated in contract
TENNIS ANNUAL FEES:				
Juniors (under 21 years)	per person	\$90.00	per person	\$90.00
Adults (21 and over)	per person	\$150.00	per person	\$150.00
Family	per family	\$225.00	per family	\$225.00
KISD Joint Use		per agreement		per agreement
SWIMMING POOL ADMISSION FEES:				
Olympic Pool - Adult (13 and older)	per person	\$1.00	per person	\$1.00
Olympic Pool - Children (4 - 12 years)	per person	\$1.00	per person	\$1.00
Olympic Pool - Children (3 year and under with adult)	per person	No charge	per person	No charge
Olympic Pool - Non swimmers - all ages	per person	\$1.00	per person	\$1.00
SWIMMING POOL RENTAL FEES				
Private party - includes lifeguards	2 hours	\$200.00	2 hours	\$200.00
SWIMMING POOL PAVILION FEES (does not include pool admission):	2 hours	\$20.00	2 hours	\$20.00
SWIMMING POOL/PAVILION CANCELLATION FEE:	per site	\$20.00	per site	\$20.00
SWIMMING POOL PICNIC AREA FEES (during operating hours only, rental time is 12pm - 6pm; does not include pool admission)			per area/per day	\$20.00
SWIMMING LESSONS:	per person	\$35.00	per person	\$35.00

PLANNING DEPARTMENT

CONCEPT PLANS:	each	\$500.00	each	\$500.00
PRELIMINARY PLANS:	\$300.00 plus the greater of	\$20.00 per lot or \$10.00 per acre	\$300.00 plus the greater of	\$20.00 per lot or \$10.00 per acre
WATER/WASTEWATER MODELING FEE		To be determined		To be determined
FINAL, MINOR, VACATING, DEVELOPMENT, AMENDING PLATS, REPLATS:	\$150.00 plus the greater of	\$10.00 per lot	\$150.00 plus the greater of	\$10.00 per lot
ZONING MAP AMENDMENT (Planned development, special use permit):	per amendment	\$300.00	per amendment	\$300.00
TEXT AMENDMENT:	per amendment	\$300.00	per amendment	\$300.00
ZONING VARIANCE:	each	\$150.00	each	\$150.00
APPEAL TO CITY COUNCIL OR PLANNING & ZONING COMMISSION:	each	\$15.00	each	\$15.00
ADMINISTRATIVE APPEAL:	each	\$150.00	each	\$150.00
LAND USE PERMIT	each permit	\$25.00	each permit	\$25.00

In case, where legal notice of public hearing is required and applicant defers schedule action,

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

reapplication is required based on fee on original application.

POLICE DEPARTMENT

ACCIDENT REPORTS:	per report	\$6.00	per report	\$6.00
ALARM SERVICE (Police):	each service	\$25.00	each service	\$25.00
FALSE ALARM FEE: More than 3 times but fewer than 6 in preceding 12 month period More than 6 times but fewer than 8 in preceding 12 month period More than 8 or more times in preceding 12 month period	per violation	\$50.00	per violation	\$50.00
	per violation	\$75.00	per violation	\$75.00
	per violation	\$100.00	per violation	\$100.00
FINGERPRINTING:	per person	\$10.00	per person	\$10.00
FUNERAL ESCORT SERVICE: (minimum of 2 officers with 2 hours per officer)	per event	\$160.00	per event	\$160.00
HOUSE MOVING & OTHER ESCORT:	per event	\$30.00	per event	\$30.00
LETTERS OF CLEARANCE:	per person	\$10.00	per person	\$10.00
OFFENSE/INCIDENT REPORTS:	per page	\$0.10	per page	\$0.10
PARADE DEPOSITS: Deposit - Class A (Less than 50 entries) Deposit - Class B (More than 50 entries) Deposit - Class C (motorcades, marches, etc.)	per event	\$250.00	per event	\$250.00
	per event	\$750.00	per event	\$750.00
	per event	\$100.00	per event	\$100.00
PARADE FEES: Class A Class B Class C	per event	\$50.00	per event	\$50.00
	per event	\$100.00	per event	\$100.00
	per event	\$25.00	per event	\$25.00

PUBLIC SAFETY STAFFING: Personnel (minimum 2 hours per police department staff) Vehicle (minimum 2 hours per vehicle)			per hour	\$40.00
			per hour	\$5.00
STOCK DRIVER PERMIT:	per event	\$5.00	per event	\$5.00
ALARM SERVICE PERMIT FEE: Residential Commercial	per location	\$50.00	per location	\$50.00
	per location	\$100.00	per location	\$100.00

PUBLIC WORKS

TRAFFIC CONTROL FEE: Labor Materials/equipment	per hour/person	\$27.50	per hour/person	\$27.50
	To be determined by job		To be determined by job	
BANNER PERMIT:	per banner	\$60.00	per banner	\$60.00
BANNER PERMIT ADMINISTRATION FEE:	per banner	\$25.00	per banner	\$25.00
STREET SIGNS:	per sign	\$250.00	per sign	\$250.00
SIDEWALK CAFÉ:	per table	\$50.00	per table	\$50.00

SOLID WASTE

SOLID WASTE COLLECTION SERVICE LICENSE: Application Fee: Small Waste Collector Small Waste Collector Waste Collector Collection Vehicle	per permit	\$150.00	per permit	\$150.00
	each vehicle	\$5.00	each vehicle	\$5.00
	each	\$250.00	each	\$250.00
	each	\$5.00	each	\$5.00
Application Renewal: Small Waste Collector Collection Vehicle Waste Collector Collection Vehicle	each	\$75.00	each	\$75.00
	each	\$5.00	each	\$5.00
	each	\$100.00	each	\$100.00
	each	\$5.00	each	\$5.00

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

SOLID WASTE DISPOSAL SERVICE:

Municipal Solid Waste - Compacted (plus surcharge)	per ton	\$55.26	per ton	\$56.21
Municipal Solid Waste - Compacted minimal	less than 360lbs	\$20.00	less than 360lbs	\$20.34
Municipal Solid Waste - Loose (plus surcharge)	per ton	\$55.26	per ton	\$56.21
Municipal Solid Waste - Loose minimal	less than 360lbs	\$20.00	less than 360lbs	\$20.34
Surcharge	per ton	\$11.00	per ton	\$11.00
Special waste - Liquids	per gallon	\$0.26	per gallon	\$0.26
Small Animal	each	\$8.70	each	\$8.85
Large Animal	each	\$33.48	each	\$34.05
Weight/Scale	each	\$1.20	each	\$1.22
Ticket/Copy	each	\$2.39	each	\$2.43
Loads not covered with tarp or net	per occurrence	\$5.00	per occurrence	\$5.00
Residential Garbage Collection	per month	\$7.82	per month	\$7.95
Disposal Pass Through	per month	\$4.69	per month	\$4.77
Mobile Home Service	per month	\$6.37	per month	\$6.48
Disposal Pass Through	per month	\$4.69	per month	\$4.77
Composting	per month	\$2.12	per month	\$2.16
Recycling	per month	\$3.49	per month	\$3.55
Environment Fee	per month	\$0.40	per month	\$0.40
Toter Exchange (after grace period)	per tote	\$25.00	per tote	\$25.00
Replacement Toter (damaged or lost by customer)	per tote	\$50.00	per tote	\$50.00
Extra Tote	per month	\$5.00	per month	\$5.00
Out of Cycle Brush or Bulk Trash Pickup	first 2 cubic yards	\$50.00	first 2 cubic yards	\$50.00
Additional Out of Cycle Brush or Bulk Trash Pickup	subsequent yard	\$25.00	subsequent yard	\$25.00
Animal pickup (greater than 10 pounds)	per animal	\$50.00	per animal	\$50.00

WATER, WATER RECLAMATION AND LABORATORY

WATER TAPS:

- 3/4" tap - Material, labor and equipment
- 1" tap - Material, labor and equipment
- 1 1/2" tap - Material, labor and equipment
- 1" Water Service Split
- 2" Water Service Commercial and Domestic
- 2" Water Service Irrigation
- Above 12" in size will be quoted using current pricing for meter/materials
- Water tap in TXDOT Right of Way

per tap	\$1,494.00	per tap	\$1,494.00
per tap	\$1,583.00	per tap	\$1,583.00
per tap	\$2,978.80	per tap	\$2,978.80
per split	\$268.45	per split	\$268.45
per tap	\$4,445.00	per tap	\$4,445.00
per tap	\$3,445.00	per tap	\$3,445.00
To be determined by job		To be determined by job	
To be determined by project		To be determined by project	

WATER METER SET/INSTALL, IF THE WATER TAP EXISTS:

- 5/8" meter - Material, labor and equipment
- 3/4" meter - Material, labor and equipment
- 1" meter - Material, labor and equipment
- 1 1/2" meter - Material, labor, and equipment
- 2" and above in size will be quoted using current pricing for meter/materials

per meter	\$200.00	per meter	\$200.00
per meter	\$200.00	per meter	\$200.00
per meter	\$300.00	per meter	\$300.00
per meter	\$525.00	per meter	\$525.00
To be determined by job		To be determined by job	

SEWER TAPS:

- 4" tap - Material, labor and equipment - Out of manhole
- 4" tap - Material, labor and equipment - Internal manhole drop
- 6" tap - Material, labor and equipment - Out of manhole
- 6" tap - Material, labor and equipment - With manhole
- Additional charge per foot of depth for manholes over 8 feet deep
- Sewer tap in TXDOT Right of Way

per tap	\$1,527.50	per tap	\$1,527.50
per tap	\$1,253.80	per tap	\$1,253.80
per tap	\$1,646.10	per tap	\$1,646.10
per tap	\$3,835.00	per tap	\$3,835.00
per foot	\$200.00	per foot	\$200.00
To be determined by project		To be determined by project	

SEPTAGE:

- Septage/chemical toilet waste received at treatment plant (inside Kerr County)
- Septage/chemical toilet waste received at treatment plant (outside Kerr County)
- Septage/chemical toilet waste spill surcharge (@ Treatment Facility only)

per gallon	\$0.08	per gallon	\$0.08
per gallon	\$0.16	per gallon	\$0.16
per incident	\$75.00	per incident	\$75.00

MANIFEST BOOKS:

per book	\$5.00	per book	\$5.00
----------	--------	----------	--------

LABOR AND EQUIPMENT FOR REQUESTED SERVICES:

- Labor - Business Hours
- Labor - After Business Hours/Holidays/Weekends (4 hour minimum)
- Backhoe/Loader
- Dump Truck
- Crane Truck
- Vac-con Hydro-jet Cleaner/Vacuum Truck
- Air Compressor
- Televising Wastewater Mains (per hour - includes crew and equipment)
- Service Truck with tools
- Backflow Prevention Test - Reduced Pressure Zone Device

per hour/person	\$27.50	per hour/person	\$27.50
per hour/person	\$41.25	per hour/person	\$41.25
per hour	\$45.00	per hour	\$45.00
per truck	\$30.00	per truck	\$30.00
per hour	\$40.00	per hour	\$40.00
per hour	\$95.00	per hour	\$95.00
per hour	\$12.50	per hour	\$12.50
per hour	\$150.00	per hour	\$150.00
per hour	\$25.00	per hour	\$25.00
per test	\$100.00	per test	\$100.00

City of Kerrville PROPOSED Fee Schedule

Effective October 1, 2016

Backflow Prevention Test - Double Check Device
Scale Fee
Water Violation Reconnect Fee
Sewer Only Customers
Inspection Fee For Privately installed water + wastewater tap

per test	\$70.00	per test	\$70.00
each	\$1.00	each	\$1.00
each account	\$25.00	each account	\$25.00
each account	\$50.00	each account	\$50.00
each account	\$50.00	each account	\$50.00

WATER WELL LICENSE APPLICATION:

each license	\$50.00	each license	\$50.00
--------------	---------	--------------	---------

LABORATORY SERVICES (by parameter, per each test):

Alkalinity (as CaCO3)
Ammonia Nitrogen
Total BOD5
Carbonaceous BOD5
Chloride
Conductivity
Iron
Hardness, Total
Nitrogen, Nitrate
Nitrogen, Nitrite
Oil and Grease
Phosphorus, Total
Solids, Total Dissolved (TDS)
Solids, Total Suspended (TSS)
Solids, Volatile Suspended (VSS)
Sulfate
Total Organic Carbon

per test	\$20.00	per test	\$20.00
per test	\$30.00	per test	\$30.00
per test	\$33.00	per test	\$33.00
per test	\$40.00	per test	\$40.00
per test	\$10.00	per test	\$10.00
per test	\$5.00	per test	\$5.00
per test	\$15.00	per test	\$15.00
per test	\$15.00	per test	\$15.00
per test	\$18.00	per test	\$18.00
per test	\$18.00	per test	\$18.00
per test	\$45.00	per test	\$45.00
per test	\$20.00	per test	\$20.00
per test	\$35.00	per test	\$35.00
per test	\$15.00	per test	\$15.00
per test	\$15.00	per test	\$15.00
per test	\$15.00	per test	\$15.00
per test	\$50.00	per test	\$50.00

BACTEROLOGICAL TEST:

Total Coliform/E. Coli (presence/absence)
Total Coliform/E. Coli Enumeration (Quanti-Tray)

per test	\$18.00	per test	\$18.00
per test	\$20.00	per test	\$20.00

SAMPLE COLLECTION FEE

Water Sample Collection Fees (inside of city limits only)

per test	\$25.00	per test	\$25.00
----------	---------	----------	---------

STANDARD ANALYSIS PACKAGE (DRINKING WATER)

Included: alkalinity, chloride, conductivity, total hardness, iron, nitrate, sulfate, total dissolved solids, total coliform/E. coli

per test	\$100.00	per test	\$100.00
----------	----------	----------	----------

WATER RECORDS/FINANCE DEPARTMENT (continued)

RETURNED ITEM HANDLING:

(Checks, bank drafts, credit or debit cards)

per item	\$25.00	per item	\$25.00
----------	---------	----------	---------

LIEN FILING FEE

ACTUAL COST		ACTUAL COST	
-------------	--	-------------	--

NEW ACCOUNT FEE (water, sewer, garbage):

NEW ACCOUNT FEE (water, sewer, garbage - with auto payment option):

per account	\$25.00	per account	\$25.00
per account	\$15.00	per account	\$15.00

UTILITY CUSTOMER DEPOSIT:

Residential
Commercial

per account	\$75.00	per account	\$75.00
per account	\$75 or 2x Avg Usage	per account	\$75 or 2x Avg Usage

SERVICE CHARGE:

(new account turn-on, pull or lock meter, additional trips to meter locations, and accounts not paid in full by 5:00 p.m. on due date)

During regular business hours
After regular business hours, weekends, holidays

per account	\$25.00	per account	\$25.00
per account	\$50.00	per account	\$50.00

LATE FEE OR PENALTY:

Accounts not paid in full by due date

current bill	10%	current bill	10%
--------------	-----	--------------	-----

WATER RATES - INSIDE CITY LIMITS:

Residential

Monthly Account Maintenance Fee plus

0 - 6000 gallons
6,001 - 15,000 gallons
15,001 - 25,000 gallons
25,001 - 50,000 gallons
50,001 and up gallons

per account	\$11.43	per account	\$12.00
per 1,000	\$3.06	per 1,000	\$3.06
per 1,000	\$3.46	per 1,000	\$3.46
per 1,000	\$4.38	per 1,000	\$4.38
per 1,000	\$5.57	per 1,000	\$5.57
per 1,000	\$7.12	per 1,000	\$7.12

Commercial

Monthly Account Maintenance Fee plus

0 - 25,000 gallons

per account	\$11.43	per account	\$12.00
per 1,000	\$3.43	per 1,000	\$3.43

City of Kerrville
PROPOSED Fee Schedule

Effective October 1, 2016

25,001 - 50,000 gallons	per 1,000	\$3.88	per 1,000	\$3.88
50,001 and up gallons	per 1,000	\$4.41	per 1,000	\$4.41
Irrigation				
Monthly Account Maintenance Fee plus	per account	\$11.43	per account	\$12.00
0 -15,000 gallons	per 1,000	\$4.38	per 1,000	\$4.38
15,001 - 25,000 gallons	per 1,000	\$5.38	per 1,000	\$5.38
25,001 and up gallons	per 1,000	\$6.87	per 1,000	\$6.87
Fire Hydrant				
Monthly Account Maintenance Fee plus	per account	\$62.40	per account	\$62.40
Deposit (refundable)	per account	\$2,750.00	per account	\$2,750.00
Meter Set-up or Move	per account	\$200.00	per account	\$200.00
New Account Fee	per account	\$25.00	per account	\$25.00
0 -15,000 gallons	per 1,000	\$4.38	per 1,000	\$4.38
15,001 - 25,000 gallons	per 1,000	\$5.38	per 1,000	\$5.38
25,001 and up gallons	per 1,000	\$6.87	per 1,000	\$6.87
WATER RATES - OUTSIDE CITY LIMITS				
Residential				
Monthly Account Maintenance Fee plus	per account	\$17.15	per account	\$18.00
0 - 6000 gallons	per 1,000	\$4.59	per 1,000	\$4.59
6,001 - 15,000 gallons	per 1,000	\$5.19	per 1,000	\$5.19
15,001 - 25,000 gallons	per 1,000	\$6.57	per 1,000	\$6.57
25,001 - 50,000 gallons	per 1,000	\$8.36	per 1,000	\$8.36
50,001 and up gallons	per 1,000	\$10.68	per 1,000	\$10.68
Commercial				
Monthly Account Maintenance Fee plus	per account	\$17.15	per account	\$18.00
0 - 25,000 gallons	per 1,000	\$5.15	per 1,000	\$5.15
25,001 - 50,000 gallons	per 1,000	\$5.82	per 1,000	\$5.82
50,001 and up gallons	per 1,000	\$6.62	per 1,000	\$6.62
Irrigation				
Monthly Account Maintenance Fee plus	per account	\$17.15	per account	\$18.00
0 -15,000 gallons	per 1,000	\$6.57	per 1,000	\$6.57
15,001 - 25,000 gallons	per 1,000	\$8.07	per 1,000	\$8.07
25,001 and up gallons	per 1,000	\$10.31	per 1,000	\$10.31
Fire Hydrant				
Monthly Account Maintenance Fee plus	per account	\$93.60	per account	\$93.60
Deposit	per account	\$2,750.00	per account	\$2,750.00
Meter Set-up or Move	per account	\$200.00	per account	\$200.00
New Account Fee	per account	\$25.00	per account	\$25.00
0 -15,000 gallons	per 1,000	\$6.57	per 1,000	\$6.57
15,001 - 25,000 gallons	per 1,000	\$8.07	per 1,000	\$8.07
25,001 and up gallons	per 1,000	\$10.31	per 1,000	\$10.31
EFFLUENT OR RE-USE WATER (pumped):				
Monthly Account Maintenance Fee plus	per account	\$11.43	per account	\$12.00
(unless otherwise agreed to in separate contract)	per/1,000 gallons	\$0.38	per/1,000 gallons	\$0.38
WATER BY THE TRUCK LOAD:				
Re-Use Water				
0 - 3,000 gallons	per load	\$10.00	per load	\$10.00
3,000 - 8,000 gallons	per load	\$17.50	per load	\$17.50
Potable Water				
0 - 3,000 gallons	per load	\$12.50	per load	\$12.50
3,000 - 8,000 gallons	per load	\$20.00	per load	\$20.00
SEWER RATES - INSIDE CITY LIMITS:				
Residential				
Monthly Account Maintenance Fee plus	per account	\$8.55	per account	\$9.00
New account with no consumption history	4,000 gallon min.	\$20.68	4,000 gallon min.	\$20.68
Per 1,000 gallons (winter average of Dec-Jan-Feb consumption)	per/1,000 gallons	\$5.17	per/1,000 gallons	\$5.17
Commercial				
Monthly Account Maintenance Fee plus	per account	\$8.55	per account	\$9.00
Per 1,000 gallons	per/1,000 gallons	\$5.50	per/1,000 gallons	\$5.50
Wholesale				
Monthly Account Maintenance Fee plus	per account	\$8.55	per account	\$9.00
Wholesale Sewer rate	per/1,000 gallons	\$5.10	per/1,000 gallons	\$5.10
Wholesale sewer rate excess capacity	per day	\$1,000.00	per day	\$1,000.00
SEWER RATES - OUTSIDE CITY LIMITS:				
Residential				
Monthly Account Maintenance Fee plus	per account	\$12.83	per account	\$13.50

City of Kerrville
PROPOSED Fee Schedule
 Effective October 1, 2016

Per 1,000 gallons	per/1,000 gallons	\$7.76	per/1,000 gallons	\$7.76
Commercial				
Monthly Account Maintenance Fee plus	per account	\$12.83	per account	\$13.50
Per 1,000 gallons	per/1,000 gallons	\$8.25	per/1,000 gallons	\$8.25
Wholesale				
Monthly Account Maintenance Fee plus	per account	\$12.83	per account	\$13.50
Wholesale Sewer rate	per/1,000 gallons	\$5.10	per/1,000 gallons	\$5.10
Wholesale sewer rate excess capacity	per day	\$1,000.00	per day	\$1,000.00

NOTE: Outside city limits - water and sewer rates are 1 1/2 times inside city limits rates.

Agenda Item:

3C. Resolution No. 21-2016, approving the budget for fiscal year 2017 for the Kerr Emergency 9-1-1 Network. (staff)

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

SUBJECT: Kerr Emergency 9-1-1 Network Budget for Fiscal 2017

FOR AGENDA OF: September 13, 2016 **DATE SUBMITTED:** September 1, 2016

SUBMITTED BY: Chief David J. Knight  **CLEARANCES:** Mike Hayes, City Attorney

EXHIBITS: Resolution, Proposed Budget Fiscal 2017

AGENDA MAILED TO: Mark Del Toro, Kerr Emergency 9-1-1 Network, 819 Water Street, Suite 270, Kerrville, Texas 78028

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The city has received the proposed 2017 budget for the Kerr Emergency 9-1-1 Network. The FY 2017 proposed operating budget totals \$416,000.00 as compared to \$408,500.00 in FY 2016, for an overall increase of 1.84%. The change in operational costs can be attributed to increases in payroll overhead and health insurance costs and PSAP maintenance.

The Texas Health and Safety Code, Subchapter D, The Emergency Telephone Number Act requires the 9-1-1 Board to present to the governing body of the participating jurisdictions (cities) and to the county commissioners court no later than 45 days prior to the date the budget is adopted. The participating jurisdictions shall review the proposed budget and submit any comments regarding the budget to the 9-1-1 board. The budget must be approved by a majority of the participating jurisdictions. If no action is taken on the proposed budget before the 61st day after the proposed budget is received, the budget is approved by operation of law. The city received the proposed 9-1-1 budget on August 9, 2016.

RECOMMENDED ACTION

Recommend approval of the proposed budget for the Kerr Emergency 9-1-1 District for FY 2017.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 21-2016**

**A RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2017
FOR THE KERR EMERGENCY 9-1-1 NETWORK**

WHEREAS, in accordance with Section 772.309 of the Texas Health and Safety Code, the Executive Director of the Kerr Emergency 9-1-1 Network has prepared and presented to the City Council a budget for the Network's fiscal year commencing January 1, 2017; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve said budget;

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, approves the 2017 Fiscal Year Budget for the Kerr Emergency 9-1-1 Network as presented and set forth in **Exhibit A**.

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

Bonnie White, Mayor

APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Brenda G. Craig, City Secretary



Subject: Proposed 2017 Budget Summary

08-09-2016

1. 100 Revenue. Estimated Net Income: \$416,000.00 based on an overall increase of 1.84% from 2016's income. The change in revenue can be attributed to increases in wireless, VoIP and interest income.
2. 200 Payroll. Payroll expenses include a 3.57% salary increase for current staff members, and a 6.58% increase in health care insurance costs. Payroll overhead includes staff salaries, payroll taxes, retirement account contributions, employee life insurance and Texas Workforce Commission unemployment insurance costs. There is a \$6,944.00, or 4.42% increase in costs compared to last year.
3. 300 Operations (PSAP/Call Centers). This expense category includes all operation and maintenance expenses for the Public Safety Answering Point (911 backroom server / telephony equipment / software) and the two call centers (KPD & KCSO). Our expenses will increase \$1,000.00 or .97% due to the addition of data circuits for ALI and Text to 9-1-1.
4. 400 Direct Services. Direct Services will see a \$1,156.00 annual increase or 2.00%. Direct services includes office supplies, office equipment repair/replacement, district liability insurance, staff professional training, office space lease, attorney, CPA and auditor expenses and banking fees.
5. 500 Miscellaneous. Misc expenses are projected to decrease by \$1,600.00 or 3.89% in 2017. Misc expenses include GIS costs, dues and subscriptions, public education / advertising, Texas 911 Alliance meetings and NENA/APCO conferences.
6. 700: PSAP Equipment Replacement Fund: This category will remain at \$50,000 per year to fund the PSAP capital replacement account. The capital replacement fund was utilized for the PSAP upgrade in 2015.
7. 800: Miscellaneous PSAP Upgrades: This category is established to cover expenses for software and or equipment upgrades to the PSAP that are not covered in the operating budget.

Capital Considerations: The capital cash accounts will have a balance in excess of \$670,000.00 at the end of 2017 from nominal interest and scheduled PSAP Equipment Replacement transfers. We expect our end-of-2017 capital balance to be in the neighborhood of \$720,000.00.

This final figure includes all capital expenses and revenue of \$51,800.00. The primary source of revenue is from “planned” operating funds transfers and 9-1-1 sign sales cost-recovery.

9-1-1 Emergency Service Fee: The Texas Health and Safety Code – Chapter 772.314 (d): *The board shall set the amount of the fee each year as part of the annual budget.*

For the 2017 budget, Kerr 9-1-1 will leave the service fee rates unchanged. Residential, Business, Trunk, VOIP, will remain at \$.050 per month.

Vision for 2017:

1. Continued 9-1-1 sign sales.
2. Continued 9-1-1 public education.

Conclusions & Recommendations:

1. The 2017 proposal is balanced budget.
2. This budget more than adequately addresses the expected operating needs of our district in providing state-of-the-art 9-1-1 workstations/software and continue our efforts to enhance Geographic Information Systems (GIS).
3. Our district’s vision and public-funds stewardship is based firmly in the state and local government codes, guided by conservative spending and liberal savings policies.
4. Kerr 9-1-1 Board of Managers Budget approval date: 7-21-2016



Mark Del Toro
Executive Director
Kerr Emergency 9-1-1 Network

**Kerr Emergency 911 Network
2017 Opr. Budget - Proposed**

	Proposed	2017 Proposed	Delta	% Change
100 - Revenue				
101 - Local 911 Service	130,000.00	126,000.00	-4,000.00	-3.08%
105 - Wireless Emergency Income	258,000.00	262,000.00	4,000.00	1.55%
110 - VoIP Service Fees	19,000.00	25,000.00	6,000.00	31.58%
120 - Interest Income	1,500.00	3,000.00	1,500.00	100.00%
Total 100 - Revenue	408,500.00	416,000.00	7,500.00	1.84%
200 - Payroll Expense				
210 - Salary	108,000.00	112,000.00	4,000.00	3.70%
212 - Payroll Taxes	8,640.00	8,960.00	320.00	3.70%
213 - Medical Insurance Expense	35,500.00	38,000.00	2,500.00	7.04%
214 - TCDRS Expense Company	4,300.00	4,424.00	124.00	2.88%
215 - TCDRS OTLI	450.00	450.00	0.00	0.00%
225 - Texas Workforce Commission	100.00	100.00	0.00	0.00%
Total 200 - Payroll Expense	156,990.00	163,934.00	6,944.00	4.42%
300 - Operations (PSAP)				
310 - PSAP Floor Space Lease	6,000.00	6,000.00	0.00	0.00%
315 - 911 Call Taker Training	10,000.00	10,000.00	0.00	0.00%
320 - Wireless Phase I Contracts	16,500.00	16,000.00	-500.00	-3.03%
321 - AT&T Wireless Tariff	1,910.00	1,910.00	0.00	0.00%
332 - ALI Service Charge	18,000.00	18,000.00	0.00	0.00%
331 - Text to 9-1-1 Charges	8,000.00	6,500.00	-1,500.00	-18.75%
335 - ALI MPLS	5,000.00	8,500.00	3,500.00	70.00%
336 - ALI AT&T DATA COMM	500.00	0.00	-500.00	-100.00%
337 - AT&T SR Fees	4,500.00	4,500.00	0.00	0.00%
350 - PSAP Trunk Charges	20,000.00	20,000.00	0.00	0.00%
355 - Language Translation Services	500.00	500.00	0.00	0.00%
357 - PSAP Fiber KPD/KCSO	2,000.00	2,000.00	0.00	0.00%
366 - Wireless Redundancy MRC	750.00	750.00	0.00	0.00%
370 - PSAP Repairs & Maintenance	9,000.00	9,000.00	0.00	0.00%
Total 300 - Operations (PSAP)	102,660.00	103,660.00	1,000.00	0.97%
400 - Direct Services				
410 - Office Supplies	3,000.00	3,000.00	0.00	0.00%
412 - Office Equipment & Repairs	4,000.00	4,000.00	0.00	0.00%
420 - Liability Insurance	2,750.00	2,825.00	75.00	2.73%
430 - Professional Development	6,000.00	5,000.00	-1,000.00	-16.67%
440 - Rent	26,500.00	27,581.00	1,081.00	4.08%
450 - Professional Fees	15,000.00	16,000.00	1,000.00	6.67%
460 - Postage & Delivery	400.00	400.00	0.00	0.00%
490 - Bank Service Charges	100.00	100.00	0.00	0.00%
Total 400 - Direct Services	57,750.00	58,906.00	1,156.00	2.00%
500 - Miscellaneous				
502 - Pictometry Annual Payment	8,000.00	8,000.00	0.00	0.00%
510 - Awards & Honorariums	500.00	500.00	0.00	0.00%
520 - Dues & Subscriptions	1,000.00	1,000.00	0.00	0.00%
530 - Public Education & Advertising	6,600.00	5,000.00	-1,600.00	-24.24%
550 - Telecommunications	9,000.00	9,000.00	0.00	0.00%
560 - Sundry	2,000.00	2,000.00	0.00	0.00%
570 - Texas 911 Alliance Meetings	7,000.00	7,000.00	0.00	0.00%
575 - Nena/APCO Conferences	7,000.00	7,000.00	0.00	0.00%
Total 500 - Miscellaneous	41,100.00	39,500.00	-1,600.00	-3.89%
700 - PSAP Equipment Replacement Account				
710 - Operating to Capital Fund Transfer	50,000.00	50,000.00	0.00	0.00%

Kerr Emergency 911 Network
2017 Opr. Budget - Proposed

Total 700 - PSAP Equipment Replacement Account	50,000.00	50,000.00	0.00	0.00%
Annual Budget Totals	408,500.00	416,000.00	7,500.00	1.84%
Net Income	408,500.00	416,000.00	7,500.00	1.84%
Projected Budget Surplus/Deficit	0.00	0.00	0.00	#DIV/0!

Kerr Emergency 911 Network
2017 Cap. Budget Proposed

2017 Budget Capital Cash	Proposed	Comments
Capital Expenses - 800		
804 - Sign Materials	\$2,000.00	Sign Blanks and Vinyl
888 - Misc PSAP Upgrades	\$25,000.00	
Total - 800	\$27,000.00	
Capital Income - 900		
901 - Sign Sales (Recovery)	\$1,800.00	90% Recovery
902 - Equipment Replacement Fund Transfers	\$50,000.00	It is likely we'll transfer additional surplus operating funds before EOY.
Total - 900	\$51,800.00	
2017 Starting Capital Balance (Est.)	\$226,977.95	
2017 Net Capital Expenses	\$27,000.00	
2017 Net Capital Income	\$51,800.00	
Projected End-of-2017 Capital Balance	\$251,777.95	

Agenda Item:

3D. Administrative services contract between City of Kerrville, Texas and City of Kerrville, Texas Economic Improvement Corporation. (staff)

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

THIS CONTRACT is entered into and effective as of the 1st day of October 2016, by and between the City of Kerrville, Texas, ("City") and the City of Kerrville, Texas Economic Improvement Corporation ("EIC") for and in consideration of the following promises and conditions:

ARTICLE I
SERVICES PROVIDED BY CITY

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

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

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

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

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

ARTICLE II COMPENSATION

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

ARTICLE III TERM

The Term of this Contract commences on October 1, 2016, and ends on September 30, 2017, subject to earlier termination as provided herein and extension by agreement of the parties hereto.

ARTICLE IV TERMINATION

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

ARTICLE V GOVERNING LAW

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

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

(signatures begin on following page)

CITY OF KERRVILLE, TEXAS

CITY OF KERRVILLE, TEXAS ECONOMIC
IMPROVEMENT CORPORATION

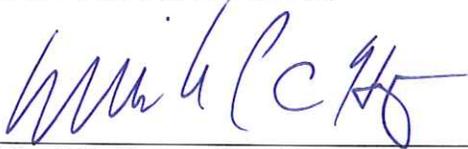
By: _____
Todd Parton, City Manager

By: _____
Gary Cochrane, President

ATTEST:

Cheryl Brown, Deputy City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

T:\Legal\EIC\Contract\City Admin Services\EIC Services 2016-17 FINAL_090616.docx

Agenda Item:

3E. Construction contract with Intermountain Slurry Seal, Inc. for the 2016 slurry seal project in the amount of \$181,940.00 and authorize the city manager to execute additional change orders which will not exceed a total contract value of \$225,000.00. (staff)

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

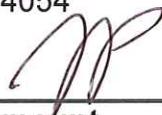
SUBJECT: Council authorization for the City Manager to execute a construction contract with Intermountain Slurry Seal, Inc. for the 2016 Slurry Seal Project in the amount of \$181,940.00 and authorize the City Manager to execute additional change orders which will not exceed a total contract value of \$225,000.00.

FOR AGENDA OF: September 13, 2016 **DATE SUBMITTED:** September 1, 2016

SUBMITTED BY: Kyle Burow, P.E., CFM **CLEARANCES:** EA Hoppe
Director of Engineering Deputy City Manager

EXHIBITS: Bid Tabulation
Recommendation of Award
List of Year 1 Street Segments

PAYMENT TO BE MADE TO: Intermountain Slurry Seal, Inc.
520 North 400 West
North Salt Lake, UT 84054

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$225,000	\$741,910	\$1,106,216	01-861-207-01

REVIEWED BY THE FINANCE DIRECTOR:

The City hired Fugro Roadware, Inc. to develop a pavement condition survey and prioritized maintenance plan for roadways maintained by the City then later adopted the Pavement Management Program. As part of the adopted plan, funding would amount to \$1.1 million for the first year (2016) which included a slurry seal overlay for select portions of streets. The City consulted IDS Engineering Group to develop specifications for the Pavement Management Program Year 1 slurry seal overlay project. The work was completed and the project was placed for bid in July with the bid opening being held August 16, 2016. One bid was received from Intermountain Slurry Seal, Inc.

Staff along with IDS Engineering, Inc. evaluated the contractor and recommends awarding the slurry seal overlay project to Intermountain Slurry Seal, Inc. for a total project cost of \$181,940.00. Additionally, staff recommends authorizing the City

Manager to execute additional change orders which will not exceed a total contract value of \$225,000.00.

RECOMMENDED ACTION

Authorize the City Manager to execute a construction contract with Intermountain Slurry Seal, Inc. for the 2016 Slurry Seal Project in the amount of \$181,940.00 and authorize the City Manager to execute additional change orders which will not exceed a total contract value of \$225,000.00.



August 25, 2016

Mr. Kyle Burow, P.E., CFM
City of Kerrville
701 Main Street
Kerrville, TX 78028

Reference: 2016 Slurry Seal Projects- Bid Recommendation

Dear Mr. Burow:

IDS Engineering Group has reviewed the bid proposal for the above referenced project. Intermountain Slurry Seal, Inc. was the only bidder for the project. Intermountain has performed slurry seal work for the City of Kerrville previously and was noted to have met the project requirements by the City. It is recommended that Intermountain Slurry Seal, Inc. be awarded the contract for the Base Bid amount of \$181,940.00. If there are any questions or concerns, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Jess W. Swaim".

Jess Swaim, P.E.
Vice President

Plan Year 1 – Slurry Seal Overlay Street Segments

- 4th St. N (END to Lytle)
- Amelia Ct. N (END to Shaun St. N)
- Bluebonnet Dr. N (END to Redbud Ln. N)
- Bow Ln. N (Danielle Dr. N to Sky Blue Dr. N)
- Boyington Ln. E (END to Riverhill Blvd. E)
- Burleson Blvd. N (END to Barker St. N)
- Canyon Creek Ln. E (Terrance Ln E to END)
- Dena Dr. E (END to Box Elder Dr. E)
- E Main St. N (A St. N to END)
- East Ln. N (Hillside Dr. N to Valley Dr. N)
- Glen View Dr. N (Foothills Dr. N to Mountain Laurel Vw. N)
- Lane Dr. N (Fawn Dr. N to Marion Dr. N)
- Lime Creek Rd. W (Homestead Dr. W to END)
- Marion Dr. N (END to Lane Dr. N)
- Peterson Farm Rd. N (END to Al Mooney Rd. N)
- Robinson Ave. N (Myrta St. N to Bulwer Ave. N)
- Robinson Ave. N (Bulwer Ave. N to Barnett St. N)
- Rolling Green Dr. E (Birkdale Ln. E to Birkdale Ln. E)
- Ross St. N (1st St. N to North St. N)
- S Knapp Rd. S (End to James Rd. S)
- Schreiner St. N (North St. N to Clay St. N)
- Stoneledge Dr. N (END to Ridgerock Cv. N)
- Terrace Ln. E (END to Canyon Creek Ln. E)
- Toscano Way E (Toscano Crt to END)
- Tucker Rd. E (Riverside Dr. E to END)
- W Crest Dr. N (Foothills Dr. N to Mountain Laurel Vw. N)
- W Water St. N (N Lewis Ave. N to Cox Ave. N)
- Washington St. N (Myrta St. N to Bulwer Ave. N)

Agenda Item:

4A. Resolution No.19 -2016 granting two conditional use permits for an approximate 2.51 acre tract of land located south of and adjacent to State Highway 27 (Junction Highway) and its intersection with Knapp Road; being Lot 1, Block 1 of the Evans Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 1201 and 1205 Junction Highway; said tract located within the 6-W zoning district; by permitting said property to be developed and used for both Personal Services II (Urgent Care Facilities with Emergency Room Services) and Retail Trade I Purposes; and making said permits subject to certain conditions and restrictions. (staff)

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

SUBJECT: Public hearing and consideration of resolution concerning a requested conditional use permits for "Personal Services II- Urgent Care Facilities with Emergency Room Services (patient care less than 24 hours)" and for "Retail Trade I" for an approximate 2.51 acres tract. Legal Description Evans Addition, Lot 1, Block 1. Located at 1201 and 1205 Junction Highway; west of North Knapp Road South, between Junction Highway and Nimitz Lake/Guadalupe River. (File No. 2016-036)

FOR AGENDA OF: September 13, 2016

DATE SUBMITTED: September 2, 2016

SUBMITTED BY: Trenton Robertson
City Planner

CLEARANCES: EA Hoppe
Deputy City Manager

EXHIBITS:

AGENDA MAILED TO: Location Map, Site Plan

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 OR FINANCE:

SUMMARY STATEMENT

This item concerns a Public hearing and consideration of resolution concerning a request for two conditional use permits to allow for Personal Services II- Urgent Care Facilities with Emergency Room Services (patient care less than 24 hours)" and for "Retail Trade I" uses for an approximate 2.51 acres tract.

RECOMMENDED ACTION

Staff recommends that the Council conduct the public hearing and consideration of the resolution and take action.



City of Kerrville Planning Department Report

Planning & Zoning Commission

Agenda Item: 3A
Planning File #: 2016-036
Hearing Date: August 18, 2016
Representative: Hewitt Engineering
Location: 1201 and 1205 Junction Highway; west of North Knapp Road South,
between Junction Highway and Nimitz Lake/Guadalupe River
Legal Description: Evans Addition, Lot 1, Block 1
Total Acreage: 2.51

Proposal

A request for a conditional use permits for "Personal Services II- Urgent Care Facilities with Emergency Room Services (patient care less than 24 hours)" and for "Retail Trade I" uses for an approximate 2.51 acres tract.

Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on August 3, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on August 1, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on August 5, 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 the City Council.

Notices Mailed

Owners of Property within 200 feet: 8

Topography

The subject property slopes from the north to the south. Portions of the property are within both the floodplain and floodway. There are relatively few trees, but the ground is covered in various types of grasses.

Adjacent Zoning and Land Uses

Direction: North

Current Base Zoning: "6-W"

Current Land Uses: Tire Sales/Repair, Large Retail Center, and Cemetery

Direction: East and West

Current Base Zoning: "GR"

Current Land Uses: Restaurant, Professional Office and Funeral Home

Transportation

Thoroughfare: Junction Highway (Highway 27)

Existing Character: Two lanes in each direction with partial sidewalks

Proposed Changes: None known

Thoroughfare: North Knapp Road South

Existing Character: One lane in each direction with no sidewalks

Proposed Changes: Applicant will request the realignment of Knapp Road to coincide with the existing traffic signal.

Parking Information: Minimum vehicle spaces:

"Personal Services" One (1) space per 250 sq. feet.

"Health Care Facilities Hospitals – Ambulatory": One (1) space per patient bed.

"Retail Trade": One (1) space per 250 sq. feet.

Staff Analysis and Recommendation: Approval with conditions

1. Consistency:

The property's land use designation is General Commercial. The existing base zoning district is not being amended at this time.

2. Adverse Impacts on Neighboring Lands:

The requested conditional use permit will have little impact on the surrounding properties. The majority of the surrounding properties have similar uses that generate a considerable amount of traffic. Staff's only concerns are 1) the current alignment of Knapp Road is not conducive to the ingress/egress of the property and 2) portions of the property are located in the floodplain and floodway. The applicant has proposed the realignment of Knapp Road to ensure safety and better traffic mitigation for the existing intersection. Additionally, the applicant is engineering the property in order to comply with all FEMA, State and Local regulations pertaining to the development of a lot in the floodplain and floodway. Through proper planning and mitigation staff does feel that the existing concerns can be resolved resulting in minimal impact to the surrounding area.

3. Suitability as Presently Zoned:

The existing "GR" zoning district and proposed conditional use is consistent with the surrounding area. The area has been established as a commercial mixed use corridor. The uses in the area range in intensity from small professional offices to Large Retail Center. The proposed conditional could have a potential of increasing traffic. However, the applicant is proposing the realignment of Knapp road that will increase safety at the intersection and mitigate traffic congestion in the area. The surrounding area will be impacted minimally due to the proposed uses. Future growth or alterations on the site beyond the submitted site plan, will require the property owner to amend the Conditional Use Permit through a public hearing process before the Planning & Zoning Commission and City Council.

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 2.51 acres in size, which should be able to reasonably accommodate the proposed "Personal Services II- Urgent Care Facilities with Emergency Room Services (patient care less than 24 hours)" and for "Retail Trade I" uses.

6. Other Factors:

Meets and abides to all requirements in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-13 Conditional Use Permits.

As part of the Conditional Use Permit process, a site plan has been submitted and will be included with the ordinance. The site plan is in accordance with Article 11-1-13(f)(1)(xiv) "Procedures for Obtaining a Conditional Use Permit".

Staff recommends approval with the following conditions:

- All lighting shall be designed and installed to prevent glare or light from being emitted onto adjacent properties.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 19-2016**

A RESOLUTION GRANTING TWO CONDITIONAL USE PERMITS FOR AN APPROXIMATE 2.51 ACRE TRACT OF LAND LOCATED SOUTH OF AND ADJACENT TO STATE HIGHWAY 27 (JUNCTION HIGHWAY) AT ITS INTERSECTION WITH KNAPP ROAD; BEING LOT 1, BLOCK 1 OF THE EVANS ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, AND OTHERWISE KNOWN AS 1201 AND 1205 JUNCTION HIGHWAY; SAID TRACT LOCATED WITHIN THE 6-W ZONING DISTRICT; BY PERMITTING SAID PROPERTY TO BE DEVELOPED AND USED FOR BOTH PERSONAL SERVICES II (URGENT CARE FACILITIES WITH EMERGENCY ROOM SERVICES) AND RETAIL TRADE I PURPOSES; AND MAKING SAID PERMITS SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS

WHEREAS, the Planning and Zoning Commission and City Council of the City of Kerrville, Texas, in compliance with the City Charter and state law with reference to the granting of Conditional Use Permits under Title 11, Chapter I of the Zoning Code of the City of Kerrville, Texas, and the official zoning map adopted thereby, have given the requisite notices by United States mail, publication, and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area, City Council finds that the health, safety, and general welfare will be best served by the granting of two Conditional Use Permits for the property described in Section One hereof, and subject to the special conditions and restrictions as provided herein;

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

SECTION ONE. Two Conditional Use Permits are granted to permit the property described as follows to be developed and used for both Personal Services II (urgent care facilities and emergency room services) and Retail Trade I purposes, as those terms are defined in Article 11-I-3 of the Zoning Code of the City of Kerrville, Texas ("Zoning Code"), and subject to the provisions of this Resolution and other applicable City Code, ordinances, and resolutions:

An approximate 2.51 acre of land located south of and adjacent to State Highway 27 (Junction Highway) at its intersection with Knapp Road, being Lot 1, Block 1 of the Evans Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and more commonly known as 1201 and 1205 Junction Highway;

hereafter referred to as "the Property."

SECTION TWO. In addition to the use and development regulations currently applicable to the Property, if the Property is developed and used for Personal Services II (urgent

care facilities and emergency room services) and Retail Trade I, such development and use is subject to the following additional development and use conditions and regulations:

- A. **Site Plan:** The development of the Property shall conform substantially to the site plan, which may be found in **Exhibit A**, as attached.
- B. **Personal Services II:** Under Personal Services II, the only use authorized by this Resolution is for the use of the Property for urgent care facilities and emergency room services. All other uses specified under the definition of Personal Services II, as that term is defined in Article 11-I-3 of the Zoning Code, are prohibited.
- C. **Signs:** The design, installation, location, operation, and maintenance of signs shall comply with the City's ordinances regulating signs at the time of installation, to include the City's Sign Code (Chapter 6, Art. II, Code of Ordinances).
- D. **Exterior Lighting:** Any exterior lighting shall be located, shielded, and aimed in such a manner so as not to allow light to fall directly onto adjacent properties or streets.
- E. **Parking:** The design and number of parking spaces shall be in accordance with the City's regulations in effect at the time building permits are submitted to the City. All required parking spaces shall be constructed of asphalt or concrete and shall be marked and kept available for customers and employees.
- F. **Other Zoning regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, as amended or superseded, the provisions of this Resolution shall prevail.

SECTION THREE. This Resolution and the Conditional Use Permits granted herein is subject to termination in accordance with Article 11-I-13 of the Zoning Code of the City of Kerrville, Texas.

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

Bonnie White, Mayor

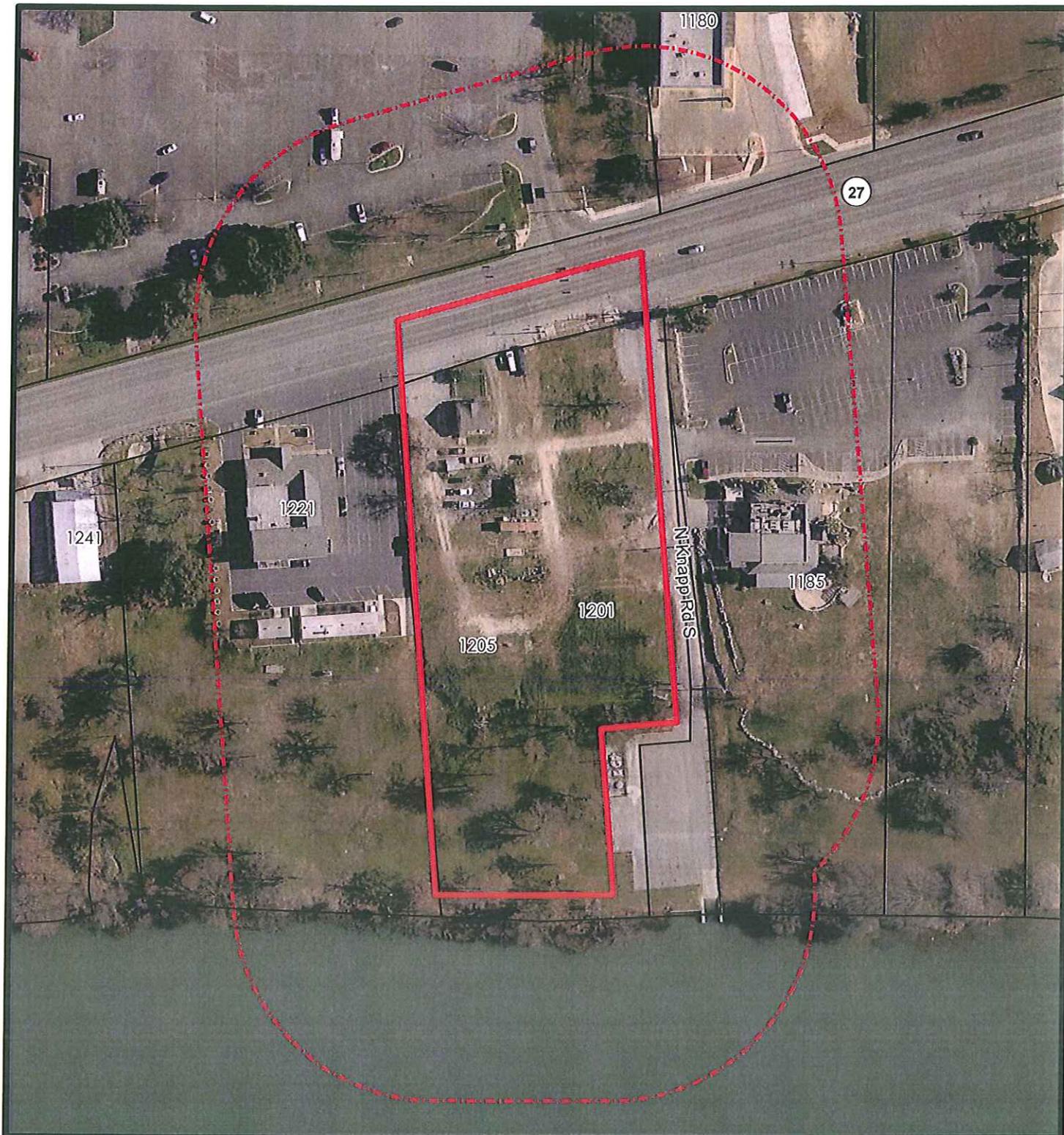
ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



Case 2016-036

Location:
1209 Junction Hwy

Legend

Subject Properties
200-ft Notification Area



0 50 100 200
Scale In Feet

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:

4B. Second public hearing to set the 2016 ad valorem tax rate. (staff)

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

SUBJECT: Second Public Hearing – Ad Valorem Tax Rate for Tax Year
2016/Fiscal Year 2017

FOR AGENDA OF: September 13, 2016 **DATE SUBMITTED:** August 25, 2016

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

EXHIBITS: Notice of 2016 Tax Year
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 OR FINANCE:

SUMMARY STATEMENT

At the August 12, 2016 Council meeting, council voted to hold a public hearing to establish the proposed ad valorem tax rate ceiling for tax year 2016 for FY2017 budget at \$0.5625/\$100 value. This rate exceeds the effective rate as calculated by the Tax Assessor-Collector of \$.5437 by 3.46%. The City is required by state law to hold two public hearings since the proposed tax rate exceeds the effective tax rate as calculated. The proposed tax rate will raise more taxes for maintenance and operations than last years' tax rate and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$0.00. The City of Kerrville proposes to use revenues attributable to the tax rate increase for the purpose of increased street maintenance, replacement of ambulance, additional municipal court and code compliance personnel.

Proposed tax rate	\$ 0.5625 per \$100
Preceding years' tax rate	\$ 0.5625 per \$100
Effective tax rate	\$ 0.5437 per \$100
Rollback tax rate	\$ 0.6189 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for the City of Kerrville from the same properties in both the 2015 tax year and the 2016 tax year. The rollback rate is the highest tax rate that the City of Kerrville may adopt before voters are entitled to petition for an election to limit the rate that may

be approved to the rollback rate. Property taxes may be calculated as follows:
(rate) times (taxable value of your property) divided by 100 equals property tax amount

Publication of Notice of 2016 Tax Year Proposed Property Tax Rate was in Kerrville Daily Times, Tuesday, August 16, 2016 and Hill Country Community Journal, Wednesday, August 17, 2016 in the general sections and on the city's website.

This is the second public hearing on the proposed tax rate of \$0.5625/\$100. This proposed tax rate is the same tax rate as last year.

RECOMMENDED ACTION

Hold second public hearing on the tax rate as required.

NOTICE OF 2016 TAX YEAR PROPOSED PROPERTY TAX RATE FOR

A tax rate of \$.5625 per \$100 valuation has been proposed for adoption by the governing body of the City of Kerrville. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of the City of Kerrville proposes to use revenues attributable to the tax rate increase for the purpose of increased street maintenance, replacement of ambulance, additional municipal court and code compliance personnel.

PROPOSED TAX RATE	\$.5625 PER \$100
PRECEDING YEARS' TAX RATE	\$.5625 PER \$100
EFFECTIVE TAX RATE	\$.5437 PER \$100
ROLLBACK TAX RATE	\$.6189 PER \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for the City of Kerrville from the same properties in both the 2015 tax year and the 2016 tax year.

The rollback tax rate is the highest tax rate that the City of Kerrville may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculation, please contact:

Jessica Graham
City of Kerrville Tax Assessor-Collector
329 Earl Garrett Street
Kerrville, Texas 78028
830-257-2217
jessica.graham@kerrvilleisd.net
www.Kerrvilleisd.net

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 23, 2016 at 6:00 p.m. at City Hall, 701 Main Street, Kerrville, Texas

Second Hearing: September 13, 2016 at 6:00 p.m. at City Hall, 701 Main Street, Kerrville, Texas

Agenda Item:

5A. Ordinance No. 2016-15, adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2017; providing appropriations for each city department and fund; containing a cumulative clause; and containing a savings and severability clause. (staff)

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

SUBJECT: First Reading of Ordinance 2016-15 to Adopt Budget for FY17

FOR AGENDA OF: September 13, 2016 **DATE SUBMITTED:** August 25, 2016

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

EXHIBITS: Ordinance 2016-15

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

This is the first reading of ordinance 2016-15 to adopt budget for FY2017 and record vote. The second reading of ordinance 2016-15 to adopt budget for FY2017 and record vote will be held at Council meeting on September 27, 2016.

The FY2017 proposed budget was presented to the City Council in a series of budget workshops and presentations beginning on February 11, 2016 and ending August 12, 2016. The FY2017 proposed budget totals \$51,563,085 in revenues and \$50,822,850 in expenditures.

The proposed FY 2017 budget is on file in the city secretary's office, public library, as well as via the City's Website. Notice of Public Hearing on Proposed Budget was published in Kerrville Daily Times, Tuesday, August 16, 2016, in Hill Country Community Journal, Wednesday, August 17, 2016, and on city's website. Public hearing was conducted at City Council meeting, Tuesday, August 23, 2016 on proposed FY2017 budget.

RECOMMENDED ACTIONS

Staff recommends approval of ordinance 2016-15 by record vote on first reading to adopt the proposed budget for FY2017. Should council approve the first reading of ordinance 2016-15 to adopt the proposed budget by record vote for FY2017 the following motions are also required.

1st motion: " **Motion to approve Ordinance 2016-15 to adopt the City's budget for fiscal year 2017 on 1st reading**".

2nd motion: "**Motion ratifying vote to adopt the budget that will require raising more revenue from property taxes than the previous fiscal year**".

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2016-15**

**AN ORDINANCE ADOPTING THE ANNUAL BUDGET
FOR THE CITY OF KERRVILLE, TEXAS, FISCAL YEAR
2017; PROVIDING APPROPRIATIONS FOR EACH CITY
DEPARTMENT AND FUND; CONTAINING A
CUMULATIVE CLAUSE; AND CONTAINING A SAVINGS
AND SEVERABILITY CLAUSE**

WHEREAS, in accordance with Section 8.01 of the City Charter and Section 102.005 of the Texas Local Government Code, the City Manager of the City of Kerrville prepared and filed with the City Secretary on July 31, 2016, a proposed budget for the City of Kerrville, Texas, for the fiscal year beginning October 1, 2016, and ending September 30, 2017; and

WHEREAS, in accordance with Section 8.04 of the City Charter and Sections 102.006 and 102.065 of the Texas Local Government Code, and after providing the required public notice in the City's official newspaper not less than two weeks prior to the date of the public hearing, a public hearing was duly held on August 23, 2016, at the time and place set forth in the public notice, said date being more than fifteen days subsequent to the filing of the proposed budget by the City Manager, at which all interested persons were given an opportunity to be heard for or against any item within the proposed budget; and

WHEREAS, after due deliberation, study, and consideration of the proposed budget, and after making such amendments to the budget proposed by the City Manager that the City Council has determined are (1) warranted by law or (2) in the best interest of the taxpayers of the City, the City Council is of the opinion that the Official Budget for the Fiscal Year 2017, with the amendments described and discussed, should be approved and adopted, in accordance with Section 8.06 of the City Charter and Section 102.007 of the Texas Local Government Code;

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

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

SECTION TWO. The budgets for each department of the City are hereby deemed to provide a complete financial plan of City funds and activities for the Fiscal Year 2017, in accordance with Section 8.05 of the City Charter and Chapter 102 of the Texas Local Government Code.

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

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

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

FIRST READING:

- **1ST MOTION TO READ AS FOLLOWS:** *Motion to approve Ordinance 2016-15 to adopt the City's budget for fiscal year 2017 on 1st reading* [City Secretary to take record vote as follows]:

	YES	NO
Bonnie White, Mayor	_____	_____
Stephen P. Fine, Place 1	_____	_____
Glenn Andrew, Place 2	_____	_____
Gary Stork, Place 3	_____	_____
Gene Allen, Place 4	_____	_____

- **2ND MOTION TO READ AS FOLLOWS:** *Motion ratifying vote to adopt the budget that will require raising more revenue from property taxes than the previous fiscal year.*

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

SECOND READING:

- **1ST MOTION TO READ AS FOLLOWS:** *Motion to approve Ordinance 2016-15 to adopt the City's budget for fiscal year 2017 on 2nd reading [City Secretary to take record vote as follows]:*

	YES	NO
Bonnie White, Mayor	_____	_____
Stephen P. Fine, Place 1	_____	_____
Glenn Andrew, Place 2	_____	_____
Gary Stork, Place 3	_____	_____
Gene Allen, Place 4	_____	_____

- **2ND MOTION TO READ AS FOLLOWS:** *Motion ratifying vote to adopt the budget that will require raising more revenue from property taxes than the previous fiscal year:*

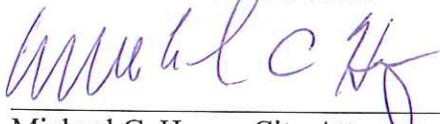
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2016.

Bonnie White, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

5B. Ordinance No. 2016-16, levying an ad valorem tax for the use and the support of the municipal government for the City of Kerrville, Texas, for the Fiscal Year 2017; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid. (staff)

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

SUBJECT: First Reading of Ordinance 2016-16 - Ad Valorem Tax Rate for 2016 tax year

FOR AGENDA OF: September 13, 2016

DATE SUBMITTED: August 25, 2016

SUBMITTED BY: Sandra Yarbrough
Director of Finance 

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Ordinance 2016-16

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 is the first reading of ordinance 2016-16 to adopt ad valorem tax rate for 2016 tax year and fiscal year FY2017 by record vote. The second reading of ordinance to adopt ad valorem tax rate for 2016 tax year and fiscal year FY2017 by record vote will be held at Council meeting on September 27, 2016.

At the August 12, 2016 Council meeting, council voted to hold two public hearings to establish the proposed ad valorem tax rate for 2016 at \$0.5625/\$100 value for the FY2017 budget. This rate exceeds the effective rate as calculated by the Tax Assessor-Collector of \$0.5437 by 3.46%. The City held two public hearings as the proposed tax rate exceeds the effective tax rate. The public hearings were held August 23, 2016 and September 13, 2016.

The tax rate has two components. The maintenance and operations (M&O) rate for the general operations of the City is proposed at \$0.4890 and the interest and sinking (I&S) rate for the General Fund's debt service is proposed at \$0.0735. This proposed tax rate is the same tax rate as last year.

RECOMMENDED ACTION

Staff recommends approval of first reading of ordinance 2016-16 to adopt the tax rate of \$0.5625 for the 2016 tax year by record vote.

Should council approve the proposed tax rate the following motion is required **“Motion that Ordinance 2016-16 be adopted and that the property tax rate be increased by the adoption of a tax rate of .5625, which is effectively a 3.46% percent increase in the tax rate”**.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2016-16**

AN ORDINANCE LEVYING AN AD VALOREM TAX FOR THE USE AND THE SUPPORT OF THE MUNICIPAL GOVERNMENT FOR THE CITY OF KERRVILLE, TEXAS, FOR THE FISCAL YEAR 2017; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID

WHEREAS, the City Council finds that an ad valorem tax must be levied to provide for current expenses and improvements for the City of Kerrville, Texas, during the fiscal year 2017; and

WHEREAS, the City Council further finds that an ad valorem tax must be levied to provide for the payment of principal and interest on outstanding debt maturing in the fiscal year 2017; and

WHEREAS, after due deliberation, study, and consideration of the proposed tax rate for the fiscal year 2017, the City Council has determined that adoption of the rate is in the best interest of the taxpayers of the City and it should be adopted in accordance with law;

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

SECTION ONE. There is hereby levied and there shall be collected for the use and support of the municipal government of the City of Kerrville, Texas, and to provide interest and sinking funds for the fiscal year 2017, a tax of **\$0.5625** on each one hundred dollars (\$100.00) valuation of all property, real, personal, and mixed, within the corporate limits of the City subject to taxation, for the specific purposes herein set forth:

- (A) For the current expenditures of the City of Kerrville and for the general improvement, use and support of the City and its property, there is hereby levied and ordered to be assessed and collected for the fiscal year 2017 on all property situated within the corporate limits of the City, and not exempt from taxation by a valid law, an ad valorem tax rate of \$0.489 on each one hundred dollars (\$100.00) valuation of such property. **THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.46% PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$0.00.**

- (B) For the purpose of paying principal and interest and providing payments into various debt service funds for each issue of tax supported debt, there is hereby levied and ordered to be assessed and collected for the fiscal year 2017 on all property situated

within the corporate limits of the City and not exempt from taxation by a valid law, an ad valorem tax for each issue of debt described in this Section, the sum of such levies being \$0.0735 on each one hundred dollars (\$100.00) valuation of such property.

SECTION TWO. The ad valorem taxes levied are due on October 1, 2016, and may be paid up to and including January 31, 2017, without penalty, but if not paid, such taxes are delinquent on February 1, 2017, provided, however, in accordance with Section 31.03(a) of the Texas Tax Code, the ad valorem taxes due hereunder may, at the option of the taxpayer, be paid in two payments without penalty or interest so long as the first payment of one-half of the taxes levied is paid before December 1, 2016, and the remaining one-half is paid before July 1, 2017.

SECTION THREE. No discounts are authorized on property tax payments made prior to January 31, 2017.

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

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

FIRST READING:

MOTION TO READ AS FOLLOWS: *Motion that Ordinance 2016-16 be adopted and that the property tax rate be increased by the adoption of a tax rate of .5625, which is effectively a 3.46% percent increase in the tax rate.* [City Secretary to take record vote as follows]:

	YES	NO
Bonnie White, Mayor	_____	_____
Stephen P. Fine, Place 1	_____	_____
Glenn Andrew, Place 2	_____	_____
Gary Stork, Place 3	_____	_____
Gene Allen, Place 4	_____	_____

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

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

SECOND READING:

MOTION TO READ AS FOLLOWS: *Motion that Ordinance 2016-16 be adopted and that the property tax rate be increased by the adoption of a tax rate of .5625, which is effectively a 3.46% percent increase in the tax rate.* [City Secretary to take record vote as follows]:

	YES	NO
Bonnie White, Mayor	_____	_____
Stephen P. Fine, Place 1	_____	_____
Glenn Andrew, Place 2	_____	_____
Gary Stork, Place 3	_____	_____
Gene Allen, Place 4	_____	_____

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

Agenda Item:

5C. Ordinance No. 2016-17, amending Chapter 26 "Buildings and Building Regulations", Article VI "Energy Conservation Code", of the Code of Ordinances of the City of Kerrville, Texas, by adopting the 2015 edition of the International Energy Conservation Code; adopting local amendments to said code; providing for a penalty for violation of any provision hereof; containing a cumulative clause; containing a savings and severability clause; ordering publication; providing for an effective date; and providing other matters related to the subject. (staff)

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

SUBJECT: Adoption of the 2015 International Energy Conservation Code

FOR AGENDA OF: September 13, 2016

DATE SUBMITTED: September 2, 2016

SUBMITTED BY: Danny Batts 
Director of Building Services

CLEARANCES: E.A. Hoppe
Deputy City Manager

EXHIBITS: Amendments to the 2015 International Energy Conservation Code.

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 16, 2015, Governor Abbott signed House Bill 1736 into law, adopting a new statewide energy code for all of Texas. The law moves Texas's energy code requirements for single family construction to the 2015 International Energy Conservation Code (IECC). All local jurisdictions have been mandated to comply with the new code by September 1, 2016. Texas law, in conjunction with state administrative action, also requires the 2015 IECC as the energy code for all other residential, commercial, and industrial construction. Municipalities are required to establish procedures for administration and enforcement of these codes but may also adopt local amendments.

The proposed change to City Code Chapter 26-201, adopts an updated Energy Code consistent with the state's requirements. The International Energy Conservation Code (IECC) provides reduced energy use in both residential and commercial buildings. The locally proposed amendments are similar to the amendments adopted by other municipalities in our area, and are consistent with what the building community has become familiar with for our region.

Highlights of the draft ordinance are as follows:

Commercial Amendments – energy efficiency inspections (third party), roof solar reflectance and thermal emittance, minimum skylight fenestration area, circulation systems, electrical energy consumption, historic buildings, and roof replacement.

Residential – Installation, radiant barrier, insulation, circulation systems, energy rating index table 406.4, duct testing, energy efficiency inspections, testing, and historic buildings

RECOMMENDED ACTION

Adopt the state-mandated 2015 International Energy Conservation Code with locally recommended amendments.

Sec. 26-201. 2015 International Energy Conservation Code-Testing. (Amended Adding Text)

- (6) *Duct test for one- and two-family dwellings and townhomes.* All ducts for one- and two-family dwellings as well as townhomes, in unconditioned spaces, shall be duct tested prior to covering or concealment to disclose leaks and defects. Tests shall be made by an independent certified RESNET energy rater or an alternative approved by the building official using objective, verifiable testing criteria and results provided to the building official. Apparatus, material and labor required for testing a mechanical system shall be furnished by the independent certified RESNET energy rater or building official approved alternate. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made to achieve compliance with this chapter. The work or installation shall then be re-submitted to the building official for inspection and testing. See also section 403.3.3 of the 2015 IECC, as amended.
- (10) *Energy efficiency inspections.* Inspections shall be made to determine compliance with chapter 4(RE) of the 2015 IECC for detached one- and two-family dwellings and multiple single-family dwellings (townhomes) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, and chapter 4(CE) of the 2015 IECC for all other occupancies, as amended, and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency. For detached one and two-family dwellings and multiple single-family dwellings (townhomes) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, an independent certified RESNET energy rater or an alternative approved by the building official using objective, verifiable testing criteria, shall test and inspect the air barrier as per section R402.4 Air leakage, of the 2015 IECC. The results must be submitted on a form approved by the building official. The form shall show that construction is in compliance with the 2015 IECC.

Section R402.4.1.2, Testing, is amended by amending the first paragraph to read as follows. All other language in Section C402.4.1.2 remains:

The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zone 1 and 2 and five ~~three~~ air changes per hour in Climate Zone 3 through 8. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). ~~Where required by the code official,~~ Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the third party conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed but not sealed, beyond the intended weather-stripping or other infiltration control measures.
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.
3. Interior doors, if installed at the time of the test, shall be open.
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.
5. Heating and cooling systems, if installed at the time of test, shall be turned off.
6. Supply and return registers, if installed at the time of the test, shall be fully open.

Sec. 26-201. - Amendments to the adopted chapters of the International Energy Conservation Code (2015).

Additions to the International Energy Conservation Code (IECC) are shown as underlined text. Deletions of the IECC are shown as bracketed [~~strikethroughs~~].

Section C402.3, Roof solar reflectance and thermal emittance, is amended to read as follows (exceptions are unchanged):

C402.3 Roof solar reflectance and thermal emittance. Low-sloped roofs, with a slope less than or equal to 2 units vertical per 12 units horizontal, directly above cooled conditioned spaces in *Climate Zones* 1, 2 and 3 shall comply with one or more of the options in Table C402.3. Roof surfaces with a slope greater than 2 units vertical per 12 units horizontal, directly above cooled conditioned spaces shall have a minimum reflectance of 0.35 or a minimum Solar Reflective Index of 29.

Section C402.4.2, Minimum skylight fenestration area, Exception is amended by adding a sixth exception as follows. All other language in Section C402.4.2 remains:

Exception: Skylights above *daylight zones* of enclosed spaces are not required in:

1. Buildings in *Climate Zones* 6 through 8.
2. Spaces where the designed *general lighting* power densities are less than 0.5 W/ft² (5.4 W/m²).
3. Areas where it is documented that existing structures or natural objects block direct beam sunlight on at least half of the roof over the enclosed area for more than 1,500 daytime hours per year between 8 a.m. and 4 p.m.
4. Spaces where the *daylight zone* under rooftop monitors is greater than 50 percent of the enclosed space floor area.
5. Spaces where the total area minus the area of *daylight zones* adjacent to vertical fenestration is less than 2,500 square feet (232 m²), and where the lighting is controlled according to Section C405.2.5.
6. In warehouses protected by Early Suppression Fast Response (ESFR) fire sprinklers where vertical wall fenestration is provided with a minimum areas equal to that determined by Section C402.4.2.

Section C404.6.1, Circulation systems, is amended to read as follows:

C404.6.1 Circulation systems. Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and thermo-syphon circulation systems shall be prohibited. Controls for circulating hot water system pumps shall comply with one of the following:

1. Controls for circulating hot water system pumps shall start the pump based on the identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water.
2. Controls for circulating hot water system pumps shall include a timer clock switch operating pumps based on time of day/night. Controls shall also include a return water temperature sensor switch to pause the re-circulating pump whenever the return water is hot.

Section C405.6 Electrical energy consumption (Mandatory), is modified to read as follows:

C405.6 Electrical energy consumption (Mandatory). Each dwelling unit located in a Group R-2 multi-family building shall have a separate electrical meter.

Section C501.6, Historic buildings, is amended to read as follows:

C501.6 Historic buildings. No provisions of this code relating to the construction, *repair, alteration, restoration* and movement of structures, and *change of occupancy* shall be mandatory for *historic buildings* ~~[provided a report has been submitted to the code official and signed by a registered design professional or a representative of the State Historic Preservation Office or the historic preservation authority having jurisdiction, demonstrating that compliance with that provision would threaten, degrade or destroy the historic form, fabric or function of the building.]~~

Section C503.3.1, Roof replacement, is amended to read as follows:

C503.3.1 Roof replacement. *Roof replacements* shall comply with Table C402.1.3 or C402.1.4 where the existing roof assembly is part of the *building thermal envelope* and contains insulation entirely above the roof deck. New skylights are not required to be provided as part of a roof replacement where the existing building did not have skylights. Where new skylights are installed at the option of the owner as part of the roof replacement, they shall meet Section C503.3.3.

Section R402.4.1.1, Installation, is amended to read as follows:

R402.4.1.1 Installation. The components of the *building thermal envelope* as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. ~~[Where required by the code official, an]~~ An approved third party shall inspect all components and verify compliance. Insulation letters shall not be submitted to the Building Official prior to the inspection being performed and shall be submitted on a form approved by the Building Official.

Section R402.6, Radiant Barrier, is added to read as follows:

R402.6 Radiant Barrier. In new dwellings, a roof radiant barrier with an emittance of 0.10 or less as tested in accordance with ASTM C-1371 or ASTM E-408 is required above conditioned spaces. The radiant barrier shall be installed according to the manufacturer's instructions.

Exceptions:

1. Roofs covered with materials that have a solar reflectance of 0.4 or greater.
2. Residential buildings with sealed attics such as foam type insulation or similar.
3. Residential buildings with all mechanical equipment and all ductwork located wholly within the conditioned space.

R403.3.1 Insulation (Prescriptive), is amended by adding a second exception as follows.

R403.3.1 Insulation (Prescriptive). Supply and return ducts in attics shall be insulated to a minimum of R-8 where 3 inches (76 mm) in diameter and greater and R-6 where less than 3 inches (76 mm) in diameter. Supply and return ducts in other portions of the building shall be insulated to a minimum of R-6 where 3 inches (76 mm) in diameter or greater and R-4.2 where less than 3 inches (76 mm) in diameter.

Exceptions:

1. Ducts or portions thereof located completely inside the *building thermal envelope*.
2. Supply and return ducts in attics shall be insulated to a minimum of R-6 where 3 inches (76 mm) in diameter and greater, where the seasonal energy efficiency ratio (SEER) of the installed cooling equipment is higher than the minimum required by federal law for climate zone 2.

Section R403.5.1.1, Circulation systems, is amended to read as follows:

R403.5.1.1 Circulation systems. Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply

pipe. Gravity and thermo-syphon circulation systems shall be prohibited. Controls for circulating hot water system pumps shall comply with one of the following:

1. Controls for circulating hot water system pumps shall start the pump based on the identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water.
2. Controls for circulating hot water system pumps shall include a timer clock switch operating pumps based on time of day/night. Controls shall also include a return water temperature sensor switch to pause the re-circulating pump whenever the return water is hot.

Table R406.4, Maximum energy Rating Index, is amended as follows:

TABLE R406.4
MAXIMUM ENERGY RATING INDEX

CLIMATE ZONE	ENERGY RATING INDEX
1	52
2	<u>59</u> [-52-]
3	51 65 or lower from September 1, 2016, to August 31, 2019 63 or lower from September 1, 2019, to August 31, 2022 59 or lower on or after September 1, 2022
4	54
5	55
6	54
7	53
8	53

Sections R501.6, Historic buildings, is amended to read as follows:

R501.6 Historic buildings. No provisions of this code relating to the construction, *repair, alteration, restoration and movement of structures, and change of occupancy* shall be mandatory for *historic buildings* ~~[_provided a report has been submitted to the code official and signed by a registered design professional or a representative of the State Historic Preservation Office or the historic preservation authority having jurisdiction, demonstrating that compliance with that provision would threaten, degrade or destroy the historic form, fabric or function of the building.]~~

(Ord. No. 2011-12-01-0984, § 1, 12-1-11; Ord. No. [2015-01-29-0066](#), § 35, 1-29-15)

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2016-17**

AN ORDINANCE AMENDING CHAPTER 26 “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE VI “ENERGY CONSERVATION CODE”, OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING LOCAL AMENDMENTS TO SAID CODE; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

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

WHEREAS, cities may, under their police powers, enact reasonable regulations to promote the health, safety, and general welfare of citizens; and

WHEREAS, it is the intent of the City Council to protect the public health, safety, and welfare; and

WHEREAS, during its 2015 legislative session, the Texas Legislature adopted House Bill 1736 to address energy efficiency standards in Texas, which the governor then signed into law; and

WHEREAS, House Bill 1736 adopted a new energy code in Texas, which in general, moved Texas’s energy code requirements for single family construction to the 2015 International Energy Conservation Code (“IECC”); and

WHEREAS, all local jurisdictions must comply with the new code by September 1, 2016, and this Texas law, in conjunction with state administrative action through the Texas State Energy Conservation Office (“SECO”), also requires the IECC as the energy code for all other residential, commercial, and industrial construction; and

WHEREAS, under the law, cities are required to establish procedures for the administration and enforcement of these codes and may adopt local amendments that do not result in less stringent energy efficiency requirements than those required by the IECC; and

WHEREAS, the City Council, has previously adopted previous editions of the IECC, including the 2006 IECC; and

WHEREAS, City staff has reviewed the IECC and recommends the local amendments specified below; and

WHEREAS, the City Council finds it to be in the public interest to adopt the 2015 International Energy Conservation Code and recommended local amendments;

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

SECTION ONE. Chapter 26 “Building and Building Regulations”, Article VI “Energy Conservation Code”, of the Code of Ordinances of the City of Kerrville, Texas, is amended and replaced in its entirety as follows:

“ARTICLE VI. ENERGY CONSERVATION CODE

Sec. 26-201. 2015 International Energy Conservation Code.

(a) Adoption. The International Energy Conservation Code, 2015 Edition (“IECC”), with local amendments as set out in Section 26-201(b), is adopted by the City. Copies of the IECC and amendments shall be available in the Department of Development Services and the City Secretary’s Office.

(b) Amendments. The IECC is amended as follows:

- (1) Subsection C104.2 is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken ([deleted]) as follows, and thereafter renumbering the subsections to account for these additions:

‘**C104.2 Required inspections.** The *code official* or his or her designated agent, upon notification, shall make the inspections set forth in Sections C104.2.1 through C104.2.~~[6]~~8.

⋮

C104.2.6 Duct test for one- and two-family dwellings and townhomes. All ducts for one- and two-family dwellings as well as townhomes, in unconditioned spaces, shall be duct tested prior to covering or concealment to disclose leaks and defects. Tests shall be made by an independent certified RESNET energy rater or an alternative approved by the *code official* using objective, verifiable testing criteria and results provided to the *code official*. Apparatus, material, and labor required for testing a mechanical system shall be furnished by the independent certified RESNET energy rater or *code official* approved alternate. Where any work or installation does not

pass an initial test or inspection, the necessary corrections shall be made to achieve compliance with this chapter. The work or installation shall then be re-submitted to the code official for inspection and testing. See also section 403.3.3 of the IECC.

C104.2.7 Energy efficiency inspections. Inspections shall be made to determine compliance with 4(CE) of the IECC for all occupancies, as amended, and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency. For detached one and two-family dwellings and multiple single-family dwellings (townhomes) as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, an independent certified RESNET energy rater or an alternative approved by the code official using objective, verifiable testing criteria, shall test and inspect the air barrier as per section R402.4 Air leakage, of the IECC. The results must be submitted on a form approved by the code official. The form shall show that construction is in compliance with the IECC.'

- (2) Subsection C402.3 is amended by revising its first paragraph and adding the language that is underlined (added), with the exceptions to remain unchanged, as follows:

'C402.3 Roof solar reflectance and thermal emittance. Low-sloped roofs, with a slope less than or equal to 2 units vertical per 12 units horizontal, directly above cooled conditioned spaces in Climate Zones 1, 2, and 3 shall comply with one or more of the options in Table C402.3. Roof surfaces with a slope greater than 2 units vertical per 12 units horizontal, directly above cooled conditioned spaces shall have a minimum reflectance of 0.35 or a minimum Solar Reflective Index of 29.

∴

- (3) Subsection C402.4.2 is amended by adding a sixth exception as follows:

'6. In warehouses protected by Early Suppression Fast Response (ESFR) fire sprinklers where vertical wall fenestration is provided with a minimum area.'

- (4) Subsection C404.6.1. is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~[deleted]~~) as follows:

‘C404.6.1 Circulation systems. Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and thermo-siphon circulation systems shall be prohibited. Controls for circulating hot water system pumps shall comply with one of the following:

1. start the pump based on the identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water[-];
or
2. include a timer clock switch operating pumps based on time of day/night. Controls shall also include a return water temperature sensor switch to pause the re-circulating pump whenever the return water is hot.’

- (5) Subsection C405.6 is amended by adding the language that is underlined (added) as follows:

‘C405.6 Electrical energy consumption (Mandatory). Each dwelling unit located in a Group R-2 multi-family building shall have a separate electrical meter.’

- (6) Subsection C501.6 is amended by deleting the language that is bracketed and stricken (~~[deleted]~~) as follows:

‘C501.6 Historic buildings. No provisions of this code relating to the construction, *repair, alteration*, restoration and movement of structures, and *change of occupancy* shall be mandatory for *historic buildings* ~~[provided a report has been submitted to the code official and signed by a registered design professional or a representative of the State Historic Preservation Office or the historic preservation authority having jurisdiction, demonstrating that compliance with that provision would threaten, degrade or destroy the historic form, fabric or function of the building].’~~

- (7) Subsection C503.3.1 is amended by adding the language that is underlined (added) as follows:

C503.3.1 Roof replacement. *Roof replacements* shall comply with Table C402.1.3 or C402.1.4 where the existing roof assembly is part of the *building thermal envelope* and contains insulation entirely above the roof deck. New skylights are not required to be provided as part of a roof replacement where the existing building did not have skylights. Where new skylights are installed at the option of the owner as part of the roof replacement, they shall meet Section C503.3.3.

- (8) Subsection R104.2 is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows, and thereafter renumbering the subsections to account for these additions:

R104.2 Required inspections. The code official or his or her designated agent, upon notification, shall make the inspections set forth in Sections R104.2.1 through C104.2.~~[5]~~7.

R104.2.5 Duct test for one- and two-family dwellings and townhomes. All ducts for one- and two-family dwellings as well as townhomes, in unconditioned spaces, shall be duct tested prior to covering or concealment to disclose leaks and defects. Tests shall be made by an independent certified RESNET energy rater or an alternative approved by the *code official* using objective, verifiable testing criteria and results provided to the *code official*. Apparatus, material, and labor required for testing a mechanical system shall be furnished by the independent certified RESNET energy rater or *code official* approved alternate. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made to achieve compliance with this chapter. The work or installation shall then be re-submitted to the *code official* for inspection and testing. See also section 403.3.3 of the IECC.

R104.2.6 Energy efficiency inspections. Inspections shall be made to determine compliance with 4(CE) of the IECC for all occupancies, as amended, and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency. For detached one and two-family dwellings and multiple single-family dwellings (townhomes) as well as Group

R-2, R-3 and R-4 buildings three stories or less in height above grade plane, an independent certified RESNET energy rater or an alternative approved by the code official using objective, verifiable testing criteria, shall test and inspect the air barrier as per section R402.4 Air leakage, of the 2015 IECC. The results must be submitted on a form approved by the code official. The form shall show that construction is in compliance with the 2015 IECC.'

- (9) Subsection R402.4.1.1 is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

'R402.4.1.1 Installation. The components of the *building thermal envelope* as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. ~~[Where required by the code official, an]~~ An approved third party shall inspect all components and verify compliance. Insulation letters shall not be submitted to the code official prior to the inspection being performed and shall be submitted on a form approved by the code official.'

- (10) Section R402 is amended by adding a new Subsection R402.6 to read as follows:

'R402.6 Radiant Barrier. In new dwellings, a roof radiant barrier with an emittance of 0.10 or less as tested in accordance with ASTM C-1371 or ASTM E-408 is required above conditioned spaces. The radiant barrier shall be installed according to the manufacturer's instructions.

Exceptions:

- 1.Roofs covered with materials that have a solar reflectance of 0.4 or greater.
- 2.Residential buildings with sealed attics such as foam type insulation or similar.
- 3.Residential buildings with all mechanical equipment and all ductwork located wholly within the conditioned space.'

- (11) Subsection R403.3.1 is amended by adding a new exception, as indicated by the language that is underlined (added) as follows:

Exceptions:

1. Ducts or portions thereof located completely inside the *building thermal envelope*.

2. Supply and return ducts in attics shall be insulated to a minimum of R-6 where 3 inches (76 mm) in diameter and greater, where the seasonal energy efficiency ratio (SEER) of the installed cooling equipment is higher than the minimum required by federal law for climate zone 2.'

- (12) Subsection R403.5.1.1 is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

R403.5.1.1 Circulation systems. Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and thermo-syphon circulation systems shall be prohibited. Controls for circulating hot water system pumps shall comply with one of the following:

1. start the pump based on the identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water~~[-]~~;
or

2. include a timer clock switch operating pumps based on time of day/night. Controls shall also include a return water temperature sensor switch to pause the re-circulating pump whenever the return water is hot.'

- (13) Table R406.4 is amended by deleting energy rating index "51" from "Climate Zone" 3.

- (14) Subsection R402.4.1.2 is amended by amending its first paragraph and adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per

hour in Climate Zone 1 and 2 and ~~five~~ ~~[three]~~ air changes per hour in Climate Zone 3 through 8. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). ~~[Where required by the code official,] [t]~~ Testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the third party conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

- ;
- (15) Subsection R501.6 is amended by deleting the language that is bracketed and stricken (~~[deleted]~~) as follows:

‘R501.6 Historic buildings. No provisions of this code relating to the construction, *repair*, *alteration*, restoration and movement of structures, and *change of occupancy* shall be mandatory for *historic buildings* ~~[provided a report has been submitted to the code official and signed by a registered design professional or a representative of the State Historic Preservation Office or the historic preservation authority having jurisdiction, demonstrating that compliance with that provision would threaten, degrade or destroy the historic form, fabric or function of the building].’”~~

SECTION TWO. Future amendments, not including clarifications or technical notices of any type, of the IECC must be subsequently approved and adopted by the City Council.

SECTION THREE. The City Secretary is authorized and directed to submit this amendment to the publisher of the City’s Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendment adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code, as appropriate.

SECTION FOUR. The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00). Each continuing day’s violation under this Ordinance shall constitute a separate offense.

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

the extent of any such inconsistency or conflict. Ordinance Nos. 2003-34 and 2008-14 are repealed.

SECTION SIX. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Kerrville, Texas, 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 SEVEN. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Clerk is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION EIGHT. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07.b. of the City Charter; provided, however, the provisions of this Ordinance shall be applicable only to work performed in accordance with a building permit issued pursuant to an application filed with the City on or after the effective date of this Ordinance.

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.

Bonnie White, Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

6A. Ordinance No. 2016-13 altering the prima facie speed limit on State Highway 534 (Veterans Highway) from approximately thirty-one hundred feet north of its intersection with Vista Ridge Drive and continuing in a mostly southerly direction to approximately seven hundred feet south of its intersection with Beech Street, such distance equal to 2.879 miles; reducing said speed limit to 55 miles per hour; establishing a school zone for a portion of the distance; authorizing installation of appropriate signs and markings; containing a savings and severability clause; providing for a maximum penalty or fine of Two Hundred Dollars (\$200.00); and ordering publication. (TXDOT)

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

SUBJECT: Ordinance 2016-13 second reading, modification to speed limit on State Highway 534 between Beech Street and Vista Ridge.

FOR AGENDA OF: September 13, 2016

DATE SUBMITTED: August 31, 2016

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

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Ordinance 2016-13

PAYMENT TO BE MADE TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



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

REVIEWED BY THE FINANCE DIRECTOR:

The Texas Department of Transportation (TxDOT) has conducted an engineering and traffic investigation for State Loop 534 (SL 534) east of Kerrville. The study area included 2.879 miles of SL 534 inside the city limits of Kerrville, and was in compliance with Transportation Code Sec. 545.353, *Authority of Texas Transportation Commission to Alter Speed Limits*. After evaluating the study, TxDOT has recommended decreasing the speed limit on SL 534 from the existing 60 mph to 55 mph in addition to the implementation of 0.397 miles near Tivy High School designated and signed as "School Zone" with a reduced speed limit of 35 mph during designated hours.

RECOMMENDED ACTION

City staff recommends that Council take action for approval.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2016-13**

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMIT ON STATE HIGHWAY 534 (VETERANS HIGHWAY) FROM APPROXIMATELY THIRTY-ONE HUNDRED FEET NORTH OF ITS INTERSECTION WITH VISTA RIDGE DRIVE AND CONTINUING IN A MOSTLY SOUTHERLY DIRECTION TO APPROXIMATELY SEVEN HUNDRED FEET SOUTH OF ITS INTERSECTION WITH BEECH STREET, SUCH DISTANCE EQUAL TO 2.879 MILES; REDUCING SAID SPEED LIMIT TO 55 MILES PER HOUR; ESTABLISHING A SCHOOL ZONE FOR A PORTION OF THE DISTANCE; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

WHEREAS, Section 545.353 of the Texas Transportation Code authorizes the Texas Transportation Commission to make certain findings based upon engineering and traffic investigations and to alter prima facie speed limits on state roads located in whole or in part within the limits of an incorporated municipality; and

WHEREAS, the Texas Department of Transportation (“TxDOT”) has made studies and surveys of the traffic flowing along a state road within the City limits of Kerrville, Texas; and

WHEREAS, TxDOT has found and determined from the above-mentioned studies that State Highway 534, also known as Veterans Highway, from approximately thirty-one hundred feet (3100’) north of its intersection with Vista Ridge Drive and as it continues in mostly a southerly direction to approximately seven hundred feet (700’) south of its intersection with Beech Street, as more specifically described below, should be speed zoned to rates set out in this Ordinance; and

WHEREAS, City Council finds it to be in the public interest to comply with the request from TxDOT to adopt an ordinance altering the prima facie speed limit along a portion of State Highway 534;

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

SECTION ONE. No person shall drive a vehicle on that certain portion of State Highway 534 from three thousand and eighty-nine feet (3089’) north of its intersection with Vista Ridge Drive and as it continues in a mostly southerly direction until six hundred and eighty-one feet (681’) of its intersection with Beech Drive, as set out and described below, at a speed greater than is reasonable or prudent under the circumstances then existing. The location of the relevant area is depicted in the attachment found at **Exhibit A**. The speed limits specified in this Section are lawful, but any speed in excess of the limit specified in this Section will be prima facie evidence that the speed is not reasonable or prudent and is unlawful. The speed of

motor vehicles on those streets as set out below is hereby established at the rate or rates shown opposite the affected roadway, to wit:

<i>Beginning Point</i>	<i>Ending Point</i>	<i>Total Distance</i>	<i>Speed Limit</i>
3089' North of intersection of SH 534 and Vista Ridge Drive	681' South of intersection of SH 534 and Beech Street	2.879 miles	55 mph, except that the speed limit on a portion of the roadway designated here shall be reduced to 35 miles per hour during the hours indicated on the installed signs and roadway markings on days the adjacent school is in session.

SECTION TWO. The above speed zoning is based upon findings and determinations of the City Council made as a result of certain traffic surveys and studies made by the Area Engineer for TxDOT, a summary of which is attached as **Exhibit B**.

SECTION THREE. TxDOT is hereby authorized and directed to install appropriate speed zone signs and roadway markings commensurate with the provisions of this Ordinance.

SECTION FOUR. Any person violating the prima facie speed limits established by this Ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00), as fully prescribed by Texas Transportation Code §542.401, or as may be amended.

SECTION FIVE. All existing ordinances, or any part thereof, in conflict with this Ordinance are hereby expressly repealed. Not repealed, amended, or in any way affected by this Ordinance are those ordinances establishing speed zones or school crossings.

SECTION SIX. The repeal of ordinances, or parts of ordinances, effectuated by the enactment of this Ordinance shall not be construed as abating any actions pending under or by virtue of such ordinances; or as discontinuing, abating, modifying or altering any penalty accruing or to accrue; or as affecting the liability of any person, firm or corporation; or as waiving any right of the municipality under any section or provision existing at the time of the passage of this Ordinance.

SECTION SEVEN. 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 hereby declares that it would have passed this Ordinance and each section, subsection, sentence,

clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION EIGHT. 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.

PASSED AND APPROVED ON FIRST READING, this the 23 day of August, 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

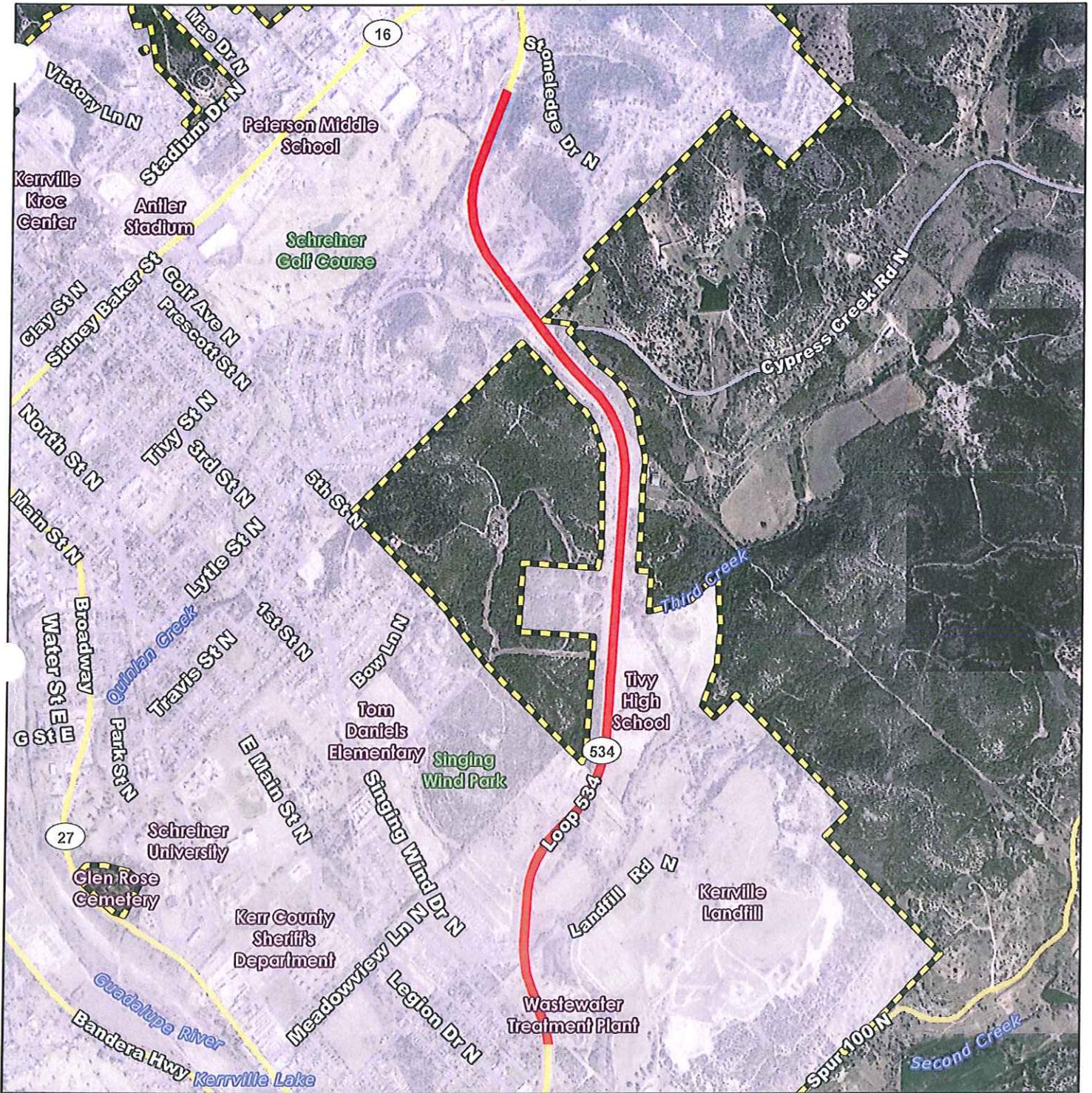
Michael C. Hayes, City Attorney



Exhibit A



Recommended Loop 534 Speed Limit Reduction



Legend

-  TxDOT Speed Limit Change
-  City Limits



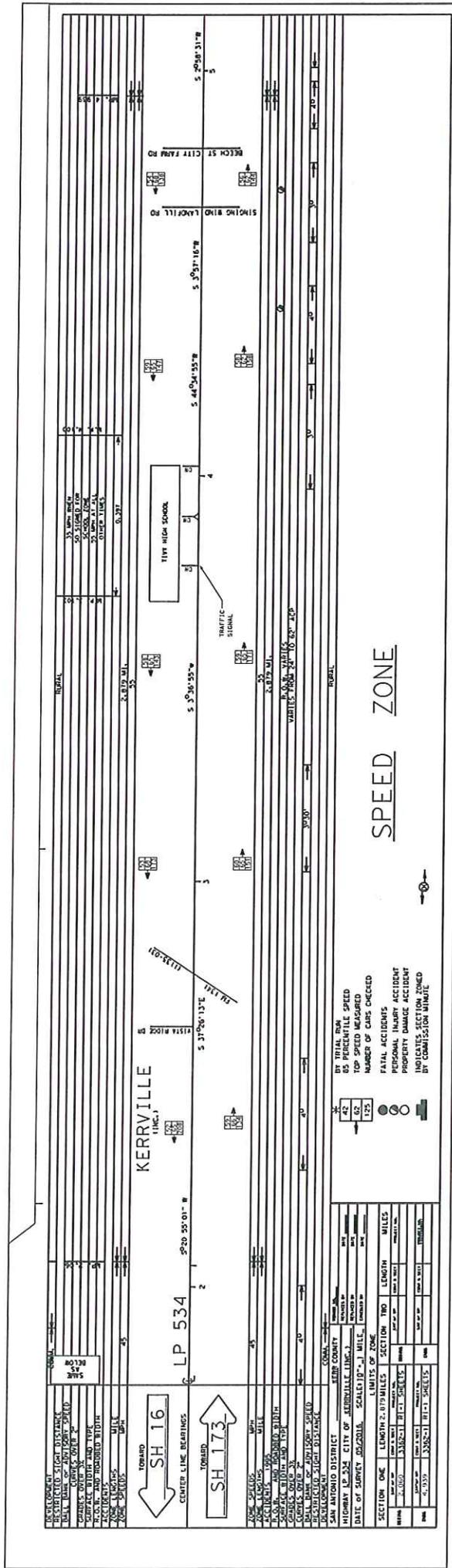
Exported By: joyoung
 Exported On: 8/18/2016 11:34 AM



0 1,000 2,000 4,000
 Scale In Feet

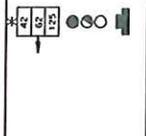
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

EXHIBIT "B"



SPEED ZONE

- BY INITIALS, DATE, SPEED
- TOP SPEED MEASURED
- NUMBER OF CARS CHECKED
- FATAL ACCIDENTS
- PROPERTY DAMAGE ACCIDENT
- PERSONAL INJURY ACCIDENT
- INDICATES SECTION ZONED BY COMMISSION MINUTE



SECTION ONE	LENGTH	2-DIGIT LIMITS OF ZONE	SECTION TWO	LENGTH	MILES
1-1050	1.3882-1	BT-1	1050-1	1.3882-1	1.3882-1
1-1051	1.3882-1	BT-1	1051-1	1.3882-1	1.3882-1
1-1052	1.3882-1	BT-1	1052-1	1.3882-1	1.3882-1
1-1053	1.3882-1	BT-1	1053-1	1.3882-1	1.3882-1
1-1054	1.3882-1	BT-1	1054-1	1.3882-1	1.3882-1
1-1055	1.3882-1	BT-1	1055-1	1.3882-1	1.3882-1

DATE OF SURVEY: 08/20/08. SCALE: 1" = 100'.

Agenda Item:

7A. Report regarding a meeting between three members of the City Council and Young People in Recovery; and authorize the creation of a task force to review the city's regulations concerning Group Homes and Boarding Home Facilities (Ch. 30, Art. I, City's Code of Ordinances; Ordinance No. 2013-06) and make recommendations for amendments. (Councilmember Andrew)

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

SUBJECT: Provide a report to the City Council regarding a meeting between three members of the Kerrville City Council and Young People in Recovery

FOR AGENDA OF: Sep. 13, 2016 **DATE SUBMITTED:** Sep. 27, 2016

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

EXHIBITS: City of Kerrville Ordinance No. 2013-06

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 July 19, 2016, three members of the City Council accepted an invitation from Young People in Recovery to meet and discuss the city's code requirements for group homes adopted by City of Kerrville via Ordinance No. 2013-06. The meeting was legally posted for a quorum of council members and was attended by Mayor Pro-Tem Stephen Fine, Councilmember Place 3 Gary Stork, and me.

Attendance also included three individuals who represented the recovery community in Kerrville. They were Mr. Jason Howell, Executive Director of RecoveryPeople.org and Soberhood.org; Ms. Kimber Falkinburg, National Program Manager of Young People in Recovery; and Mr. Tony Farmer, a local representative of Young People in Recovery.

The recovery community representatives expressed their concerns and issues with the city's group homes ordinance. They requested that the city consider reviewing the ordinance and making amendments. Additionally, they requested that the city establish a coalition to work together to review the ordinance and recommend changes.

RECOMMENDED ACTION

It is recommended that the City Council authorize the creation of a task force to review the city's group homes ordinance and provide recommendations for its amendment. This task force should include representatives from Young People in Recovery, group homes operators, interested citizens, and city council.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2013-06

AN ORDINANCE AMENDING CHAPTER 30 "BUSINESSES" OF THE CITY'S CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE I "GROUP HOMES AND BOARDING HOME FACILITIES"; ESTABLISHING THE REGISTRATION OF GROUP HOMES AND THE PERMITTING AND INSPECTION OF BOARDING HOME FACILITIES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, in response to a study concerning unregulated boarding home facilities in Texas, the State Legislature enacted H.B. 216 in 2009, which is now codified in Chapter 260 of the Texas Health and Safety Code; and

WHEREAS, Chapter 260 authorizes, but does not require, municipalities to require boarding home facilities to obtain a permit and comply with model standards; and

WHEREAS, neither Chapter 260 nor any other state law requires boarding home facilities to comply with any uniform state standards; and

WHEREAS, Section 215.075 of the Texas Local Government Code grants home-rule municipalities the authority to license any lawful business or occupation that is subject to the police power of the municipality; and

WHEREAS, the Texas Health and Human Services Commission published model standards for the municipal regulation of boarding home facilities in the August 27, 2010 edition of the Texas Register; and

WHEREAS, City Council has considered the issue of the regulation of group homes and boarding home facilities in several public meetings, including a workshop meeting which was dedicated to this issue and where citizens and operators of such homes were given an opportunity to directly address Council; and

WHEREAS, City Council believes that the provisions in this Ordinance will provide adequate and appropriate standards to protect the health and safety of the residents of group home and boarding home facilities, including ensuring that adequate life-safety measures are present; and

WHEREAS, City Council has determined that the regulation of boarding home facilities through this Ordinance, which includes the adoption of standards, the issuing of permits, the inspection of boarding home facilities, and the ability to enforce the provisions of the Ordinance

is in the best interest of the public and will promote the public health, safety, and welfare of the City;

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

SECTION ONE. Chapter 30 “Businesses” of the Code of Ordinance of the City of Kerrville, Texas, is amended by adding a new Article I “Group Homes and Boarding Homes Facilities” to add the language that is underlined (added) and deleting the language that is bracketed and stricken (~~deleted~~) as follows:

“Chapter 30 - BUSINESSES

ARTICLE I. GROUP HOMES AND BOARDING HOME FACILITIES

DIVISION I. GENERAL

Sec. 30-1. Purpose of Article.

- (a) The purpose of this article is for the City to maintain a record of group homes, which generally provide personal care services and are licensed by the State of Texas, and boarding home facilities. These records will enable the City to try to ensure adequate fire, police, or emergency response vehicles or patrols are available, to identify and facilitate appropriate emergency responses for residents who may require special assistance during an emergency, and to enable enforcement of the spacing requirement between boarding home facilities. These standards are implemented pursuant to the City’s home-rule authority under Article XI, Section 5 of the Texas Constitution and the authority to license or permit lawful businesses subject to the City’s police power granted by Sections 54.005 and 215.075 of the Texas Local Government Code.
- (b) The City seeks and intends that this article is legally compliant with the Federal Fair Housing Amendments Act of 1988 (“FHAA”), the Americans with Disabilities Act of 1990 (“ADA”), and the Americans with Disabilities Amendments Act of 2008, and all other applicable state and federal legislation. It is the express intent of the City that this article is applied and enforced in a manner consistent with the FHAA, the ADA, and other applicable federal and state legislation.

Sec. 30-2. Definitions. The following definitions apply:

- (a) Boarding home facility means an establishment, including a residence or dwelling, that furnishes, in one or more buildings, to persons under separate rental agreements, whether oral or written, lodging to three or more persons unrelated to the owner of the establishment by blood or marriage, and is not listed in Sec. 30-12.
- (b) Department means the department designated by the City Manager to enforce and administer this article.

- (c) Disability means a disability as defined in 42 U.S.C. §12102.
- (d) Director means the director of the department designated by the City Manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.
- (e) Habitable space means space in a residence or dwelling used for living, sleeping, eating, or cooking and includes bathrooms, closets, and hallways but does not include garages, attics, or porches.
- (f) Operator means the person in control of a boarding home facility.
- (g) Owner means an individual who has an ownership interest in a corporation or other legal entity operating a boarding home facility or the owner of the real property where a boarding home facility is located.
- (h) Resident means a person who is residing in a boarding home facility.
- (i) Sleeping room means a room intended and used for sleeping purposes but does not include a kitchen, dining room, living room, bathroom, hallway, or garage.

DIVISION 2. GROUP HOMES LICENSED BY THE STATE

Sec. 30-6. Registration. A person commits an offense if he owns or operates the following types of group homes without registering with the Department and providing proof of a valid state license, where applicable:

- (a) Home and community support services licensed under Chapter 142 of the Texas Health and Safety Code;
- (b) Convalescent and nursing homes and related institutions licensed under Chapter 242 of the Texas Health and Safety Code;
- (c) Continuing care facilities licensed under Chapter 246 of the Texas Health and Safety Code;
- (d) Assisted living facilities licensed under Chapter 247 of the Texas Health and Safety Code;
- (e) Intermediate care facilities for the mentally retarded licensed under Chapter 252 of the Texas Health and Safety Code;
- (f) A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by the Texas Department of Mental Health and Mental Retardation or its successor ("TDMHMR") and monitored by

TDMHMR or its designated local authority in accordance with standards set by TDMHMR;

(g) A child-care facility as defined by Section 42.002 of the Texas Human Resources Code;
and

(h) A family violence shelter as defined by Section 51.002 of the Texas Human Resources Code.

DIVISION 3. BOARDING HOME FACILITIES.

Sec. 30-11. Permit Required.

(a) A person commits an offense if he owns or operates a boarding home facility within the City without a valid permit under this division.

(b) It is a defense to prosecution under this division if a person operates a boarding home facility while an application under Sec. 30-13 is pending.

(c) It is a defense to prosecution under this division if a person operates a facility listed in Sec. 30-12.

Sec. 30-12. Exemptions. This division does not apply to:

(a) Home and community support services licensed under Chapter 142 of the Texas Health and Safety Code;

(b) Convalescent and nursing homes and related institutions licensed under Chapter 242 of the Texas Health and Safety Code;

(c) Continuing care facilities licensed under Chapter 246 of the Texas Health and Safety Code;

(d) Assisted living facilities licensed under Chapter 247 of the Texas Health and Safety Code;

(e) Intermediate care facilities for the mentally retarded licensed under Chapter 252 of the Texas Health and Safety Code;

(f) A person that provides home health, hospice, or personal assistance services only to persons enrolled in a program funded wholly or partly by the Texas Department of Mental Health and Mental Retardation or its successor ("TDMHMR") and monitored by TDMHMR or its designated local authority in accordance with standards set by TDMHMR;

- (g) An establishment conducted by or for adherents of a well-recognized church or religious denomination for the purpose of providing facilities to care and treat the sick who depend exclusively on prayer and spiritual means for healing, without the use of any drug or material remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules including Sec. 30-28;
- (h) A hotel as defined by Section 156.001 of the Texas Tax Code;
- (i) A retirement community as defined by Section 11.18 of the Texas Tax Code;
- (j) A monastery or convent;
- (k) A child-care facility as defined by Section 42.002 of the Texas Human Resources Code
- (l) A family violence shelter as defined by Section 51.002 of the Texas Resources Code; and
- (m) A sorority, fraternity house, or dormitory located on the property of an institution of higher education.

Sec. 30-13 Permit Application. To obtain an annual permit to operate a boarding home facility, a person must submit an application to the director on a form provided for that purpose and pay the permit fee. The applicant must be the owner or operator of the boarding home facility. If the owner or operator is not an individual, an authorized officer or agent of the owner or operator must submit the form. The application must contain the following information before it is considered complete and subject to review:

- (a) The name, mailing address, email address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and the date of birth of the applicant. The mailing address may not be the address of the boarding home facility unless the applicant actually resides full-time at the boarding home facility.
- (b) The name, form of business, mailing address, email address, telephone number, a legible copy of the driver's license or other official state or federal identification card, and position of the authorized officer or agent filing the form on behalf of the applicant, if the applicant is not an individual. The mailing address may not be the address of the boarding home facility unless the authorized officer or agent actually resides full-time at the boarding home facility.
- (c) The names, mailing addresses, email addresses, telephone numbers, legible copies of the drivers' licenses or other official state or federal identification cards, and dates of birth of any owners, operators, or employees of the boarding home facility other than the applicant. The mailing address may not be the address of the boarding home facility, unless the owner, operator, or employee actually resides full-time at the boarding home facility.

- (d) If the operator of the boarding home facility is renting or leasing the home or facility, then the operator must present a letter from the owner of the real property authorizing the use of the rental property to operate a boarding home facility and acknowledging the requirements for the property to be used as a boarding home facility set out within this article.
- (e) The street address and telephone number of the boarding home facility.
- (f) The name, mailing address, email address, and telephone number of a person(s) to contact in an emergency.
- (g) Documentary evidence of the payment of ad valorem taxes, fees, fines, and penalties owed to the City in connection with real property used to operate the boarding home facility.
- (h) The maximum number of residents that will reside at the boarding home facility pursuant to Sec. 30-26.
- (i) The services to be offered or provided to the residents of the boarding home facility.
- (j) A zoning verification letter from the City stating that the proposed use of the property complies with the City's zoning regulations.
- (k) If the boarding home facility has one or more residents with a disability, a list of the general disabilities of the resident(s).
- (l) A statement that, by filing this application, the applicant swears or affirms under penalty of perjury that, to the best of the applicant's knowledge, all information contained in the application is true and correct and that the application is complete and includes all information required to be disclosed under this section.
- (m) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested permit should be granted.

Sec. 30-14 Notification of Change of Information. The permit holder shall notify the director within 10 days after any material change in the information contained in the application for a permit to operate a boarding home facility, including any change in ownership.

Sec. 30-15 Permit Fees.

- (a) The annual fee for a permit to operate a boarding home facility is as determined from time to time by City Council.
- (b) The City will not refund a permit fee.

Sec. 30-16 Issuance or Denial of Permit.

- (a) Upon payment of the fee and the submission of a complete application, the director shall issue an annual permit to operate a boarding home facility to the applicant, to include the number of authorized residents, if the director determines that:
- 1) The applicant has complied with all requirements within this article for issuance of the permit;
 - 2) The applicant, owner(s), operator(s), or employee(s) of the boarding home facility do not own or operate another permitted boarding home facility in the City for which the permit is currently suspended or has been revoked;
 - 3) The applicant has not made a false statement as to a material matter in the application for a permit; and
 - 4) The proposed boarding home facility is not within one-half (1/2) mile of an existing boarding home facility. For purposes of this section, the measurement consists of a straight line without regard to intervening structures or objects, from the nearest property line of the lot or tract on which the proposed boarding home facility is located to the nearest property line of the existing registered or permitted boarding home facility, which requires separation. An exception exists where two or more boarding home facilities exist within one-half (1/2) mile of each other as of the adoption date of this Ordinance, such boarding home facilities are exempt from this distance requirement and may remain in operation, but only where they are issued a permit by the City and comply with the remaining requirements of this article. Following the issuance of a permit, should the permit be revoked or a boarding home facility cease operations for a period of time greater than 90 days, then the distance requirement will apply.
- (b) If the director determines that the requirements of (a) have not been met and, if applicable, a variance under the article has been denied, the director shall deny the permit and notify the applicant in writing that the application is denied, the reason for denial, and a statement informing the applicant of the right to appeal.

Sec. 3-17.Variance from Distance Requirement.

- (a) City Council may grant a variance to a proposed boarding home facility authorizing its location within one-half (1/2) mile of another boarding home facility.
- (b) The variance procedure is as follows:
- 1) Application. When requesting a variance from the distance requirement found within Sec. 30-18, the applicant must submit the following information to the director:
 - A. Completed variance request form with the following information:

- i. The name and address of the applicant for the boarding home facility;
- ii. The name and address of the boarding home facility subject to the request, if applicable;
- iii. The name of the property owner for the property where the boarding home facility is proposed to be located;
- iv. The name and address of the boarding home facility currently in existence which triggered the request for variance;
- v. Notarized authorization of the property owner consenting to the variance request; and
- vi. The payment of the applicable fee for the variance, which is nonrefundable.

B. Statement of justification as to how the variance meets the criteria in this section;

C. A site and floor plan showing the following information:

- i. North arrow and scale;
- ii. Boundaries of the property;
- iii. Location and dimensions of all buildings and structures; and
- iv. All fences, parking area, and landscape area.

(2) Hearing. The director shall set a date for a public hearing on the first available City Council agenda after the passage of 30 days from the date a complete variance application is received;

(3) Notices. No later than 10 days prior to the date of the hearing, the director shall send written notice of the variance request, to include the date and time of the scheduled public hearing, to:

- A. The property owner of the boarding home facility currently in existence which triggered the request for variance;
- B. The applicant requesting the variance; and
- C. Each owner, as indicated by the most recently approved municipal tax roll, of real property, within 200 feet of the property.

(4) Council Decision; Criteria.

- A. In determining whether to grant a variance, City Council must find that the enforcement of the distance requirement is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a permit, does not serve its intended purpose, and/or is not effective or necessary.
- B. If at the conclusion of the public hearing the City Council grants the applicant's request for a variance, the City Council may impose additional conditions on the granting of the variance where such conditions are intended to mitigate the impacts caused by the boarding home facility and are in the public interest.

(5) Renewal and Transfer. A variance granted pursuant to this subsection is valid for subsequent renewals of the permit for which a variance was sought.

(6) Variance Violation. The director may request the City Attorney to seek any and all remedies available at law and or equity to assure the conditions imposed on the granting of the variance are enforced.

(7) Denial. If a variance is denied, no new application for the same location will be accepted within 12 months from date of the denial.

Sec. 30-18. Suspension of Permit; Prohibition of New Residents.

- (a) The director may suspend a permit for a boarding home facility for a period not to exceed 90 days if the director finds that the permit holder or an employee of the boarding home facility has:
 - (1) Failed to comply with any provision of this article, any other ordinance, or any state or federal law applicable to the operation of a boarding home facility; or
 - (2) Intentionally or knowingly impeded or refused to allow an inspection by the director authorized under this article.
- (b) A boarding home facility for which the permit has been suspended may not admit any new residents during the time the permit is suspended.
- (c) In lieu of suspending a permit for a boarding home facility, the director, at his sole discretion, may enter into a compliance agreement with a permit holder if the director determines that the compliance agreement would eliminate the noncompliance that would otherwise justify a suspension, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to the standards of this article.

- (d) The director shall send a written statement of the reasons for the suspension, the date the suspension is to begin, the duration of the suspension, and the permit holder's right to appeal by certified mail, return receipt requested.
- (e) A permit holder whose permit is suspended may not be granted a permit to operate any additional boarding home facility during the suspension period.
- (f) A permit holder commits an offense if he operates or owns a boarding home facility that admits new residents during the time that the suspension of the permit is in effect.

Sec. 30-19. Revocation of Permit.

- (a) Except as provided in Subsection (b), the director shall revoke any permit issued to operate a boarding home facility if the director determines that:
 - (1) The permit holder intentionally made a false statement as to a material matter in the application or in a hearing concerning the permit;
 - (2) The permit holder failed to pay a fee required by this article at the time it was due; or
 - (3) A cause for suspension has occurred and the permit has already been suspended at least once within the preceding 12 months.
- (b) In lieu of revoking a permit for a boarding home facility, the director, at his sole discretion, may enter into a compliance agreement with a permit holder if the director determines that the compliance agreement would eliminate the noncompliance that would otherwise justify a revocation, result in prompt future inspections, and elevate one or more conditions at the boarding home facility to the standards of this article.
- (c) Before revoking a permit under Subsection (a), the director shall notify the permit holder in writing by certified mail, return receipt requested, that the permit is being considered for revocation. The notice must include the reason for the proposed revocation, action the permit holder must take to prevent the revocation, and a statement that the permit holder has 10 days to comply with the notice.
- (d) If after 10 days from the date of the notice required in Subsection (c) was sent or delivered, whichever is later, the permit holder has not complied with required actions listed in the notice, the director shall revoke the permit and notify the permit holder in writing of the revocation. The notice must include the reason for the revocation and a statement informing the permit holder of the right of appeal.
- (e) If a permit has been revoked, the permit holder has 10 days from the date the notice was sent or delivered, whichever is later, to relocate the residents of the facility and cease operations. An appeal of the revocation does not suspend or toll this deadline.

Sec. 30-20. Appeals. If the director denies the issuance or renewal of a permit or suspends or revokes a permit issued under this article, the action is final unless the permit holder files a written appeal within 10 days of the director's action with City Council.

Sec. 30-21. Expiration and Renewal of Permit.

- (a) The annual permit to operate a boarding home facility expires one year after the date of issuance.
- (b) A permit holder must apply for renewal at least 30 days before the expiration of the annual permit on a form provided by the director. The permit holder must update the information contained in the original permit application required under this article if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications or that any information that has been updated is accurate and complete and pay the annual fee.
- (c) The director shall follow the procedures set forth in this article when determining whether to renew a permit.

Sec. 30-22. Non-transferability. A permit to operate a boarding home facility is not transferable to another location.

Sec. 30-23. Posting Requirements. The permit holder shall prominently and conspicuously post for display in a public area inside the boarding home facility that is readily available to residents, the operator, employees, and visitors the following:

- (a) The permit issued under this article to operate the boarding home facility. The permit must be presented upon request to the director for examination; and
- (b) A sign provided by the director specifying how complaints may be registered with the City and a copy of the most recent inspection report conducted by the director.

Sec. 30-24. Reasonable Accommodations.

- (a) The City intends to ensure that all persons with a disability have equal opportunity to use and enjoy a dwelling by providing such persons with reasonable accommodations in rules, policies, practices, and procedures promulgated under this article consistent with the FHAA and the ADA, as amended.
- (b) The method of submitting a request for reasonable accommodation is as follows:
 - (1) A request for a reasonable accommodation may be submitted at any time that the accommodation may be necessary to ensure equal access to housing.

- (2) A request for a reasonable accommodation may be submitted by an individual with a disability, the person's representative, or a permit holder providing housing for one or more individuals with disabilities.
 - (3) A request for a reasonable accommodation must be submitted in writing to the director on the form provided by the department or in the form of a letter.
 - (4) There is no fee for an application requesting a reasonable accommodation.
 - (5) If an individual needs assistance in making a request for a reasonable accommodation, the City will provide assistance to ensure that the application process is accessible to the individual.
- (c) An applicant shall submit the following information before an application for a reasonable accommodation is considered to be complete:
- (1) The applicant's name, mailing address, street address, telephone number, and email address;
 - (2) The applicant's relation to the individual(s) with a disability, if applicable;
 - (3) The address of the property to which the requested reasonable accommodation would apply;
 - (4) A disability determination by the Social Security Administration or the Department of Veteran's Affairs, or other substantially equivalent medical determination, that substantiates that the individual who would obtain the benefit of the reasonable accommodation is:
 - A. An individual with a physical or mental impairment that substantially limits one or more major life activities;
 - B. An individual who is regarded as having such an impairment; or
 - C. An individual with a record of such impairment.
 - (5) The section(s) of this article from which a reasonable accommodation is being requested; and
 - (6) A brief explanation of why the requested accommodation is necessary for the individual or individuals with disabilities to have equal access to housing.
- (d) Upon receipt of a complete application for a reasonable accommodation, the director shall review the application and issue a written ruling that grants, grants with conditions, or denies the application.

- (e) Before making a decision, the director may request an inspection of the boarding home facility and the property on which it is located. If the director makes such a request, the applicant must make the property, the facility, and its records available for the inspection within 20 days after the date of the request or the application is automatically denied.
- (f) If the director deems it necessary to request additional information from the applicant consistent with federal and state law, the director shall contact the applicant in writing and specify the additional information that is required. If the director makes such a request, the applicant must provide the additional information to the director within 20 days after the date of the request or the application is automatically denied.
- (g) All proposed decisions of the director must be submitted to the City Attorney for legal review to determine compliance with local, state, and federal laws and regulations.
- (h) The director may impose reasonable conditions on any accommodation granted consistent with the purpose of this article.
- (i) The written decision must be consistent with the FHAA and based on a consideration of the following factors:
 - (1) Whether the housing that is the subject of the request will be used by one or more individuals with a disability;
 - (2) Whether the requested accommodation is necessary to make specific housing available to one or more individuals with a disability;
 - (3) Whether the requested accommodation would impose an undue financial or administrative burden on the City;
 - (4) Whether the requested accommodation would require a fundamental alteration in the nature of City regulations;
 - (5) The potential impacts of the requested accommodation on the applicant, the other residents of the boarding home facility, and the surrounding neighborhood;
 - (6) Whether a failure to grant an accommodation would result in the property having no economically viable use; and
 - (7) Whether there are alternative accommodations that are reasonable and have an equal, or less of an impact on the City, applicant, other residents of the boarding home facility, and the surrounding neighborhood.
- (j) The director shall issue a written decision within 20 days of:
 - (1) Receipt of a completed application, provided that the director is able to issue a decision based on the information provided in the original request; or

- (2) The completed inspection of the property, facility, and its records, as requested by the director; or
- (3) The director's receipt of all additional requested information.
- (k) The director's written decision must explain in detail the basis of the decision and notify the applicant of the right to appeal the director's decision to the City Council.

Sec. 30-25. Inspection; Fees.

(a) Required inspections.

(1) A boarding home facility must pass all required inspections.

(2) The permit holder shall keep a current file of reports and other documentation on site that is needed to demonstrate compliance with applicable City ordinances and federal and state laws. Inspection records must be signed and dated by the appropriate authority and there may not be any pending corrective actions.

• (3) The following inspections are required:

(A) Permitting inspection.

(B) Annual permitting inspection.

(C) Annual inspection for compliance with the City's building codes, to include the fire code.

(b) Other inspections. The director may inspect any boarding home facility for the purpose of ascertaining whether violations of this article or any other City ordinances exist. The director is authorized at a reasonable time to inspect:

(1) The exterior of a structure and the surrounding premises; and

(2) The interior of a structure if the permission of the owner, occupant, or person in control is given or a search warrant is obtained.

(c) Consequences of refusal to inspect. If the owner, occupant, or person in control denies permission to search any part of the interior or exterior of the structure or the surrounding premises, the director may suspend or revoke the permit to operate a boarding home facility.

(d) Re-inspections. Whenever a boarding home facility is inspected by the director and a violation of this code is found, the building or premises will, after the expiration of any

time limit for compliance given in the notice or order issued because of the violation, be re-inspected by the director to determine that the violation has been eliminated.

- (e) Re-inspection fee. The permit holder shall pay the director a fee for each re-inspection after the first inspection that the violation is determined to be eliminated, including any other applicable fees from other departments.

Sec. 30-26 Residents. A boarding home facility operating within one of the following zoning districts, is subject to residency limitations as follows:

- (a) *“R1” Single Family Zoning District, “R1-A” Residential Zoning District, “RC” Residential Cluster District.* The number of residents, including owners, operators, managers, and caregivers for a boarding home facility located within an “R1” Single Family Zoning District, “R1-A” Residential Zoning District, and “RC” Residential Cluster District may not exceed the lowest number of residents derived from the following, with any resulting fraction for the number of residents being rounded down:

- (1) 50% of the total gross square footage of the habitable space divided by 150 square feet;
- (2) Number of sleeping rooms, meeting the requirements found within Sec. 30-28, multiplied by 2 residents;
- (3) Number of bathrooms multiplied by 6 residents; or
- (4) Maximum of 8 residents.

- (b) *“RT” Residential Transition Zoning District.* The number of residents, including owners, operators, managers, and caregivers for a boarding home facility located within an “RT” Residential Transition Zoning District may not exceed the lowest number of residents derived from the following, with any resulting fraction for the number of residents being rounded down:

- (1) 50% of the total gross square footage of the habitable space divided by 150 square feet;
- (2) Number of sleeping rooms, meeting the requirements found within Sec. 30-28, multiplied by 2 residents;
- (3) Number of bathrooms multiplied by 6 residents; or
- (4) Maximum of 10 residents.

- (c) *“R-3”, “RM” Residential Mix, Commercial, and Industrial Zoning Districts.* The number of residents, including owners, operators, managers, and caregivers for a boarding home facility located within an R3, RM, Commercial, or Industrial Zoning District may not

exceed the lowest number of residents derived from the following, with any resulting fraction for the number of residents being rounded down:

- (1) 50% of the total gross square footage of the habitable space divided by 150 square feet;
- (2) Number of sleeping rooms, meeting the requirements found within Sec. 30-28, multiplied by 2 residents; or
- (3) Number of bathrooms in the single family residence multiplied by 6 residents.

Sec. 30-27 Parking. Off-street parking spaces must be provided for all vehicles required to be registered with the state as part of the use and operation of a boarding home facility. Required spaces must be located on the lot or tract for which the boarding home facility is located and must be provided as either improved surface parking areas or within garages, in accordance with the City's Zoning Code. In addition, the number of spaces are based upon the zoning district in which the boarding home facility is located as follows, with any resulting fraction for the number of spaces being rounded up:

- (a) *"R1" Single Family Zoning District, "R1-A" Residential Zoning District, "RC" Residential Cluster District.* The number of required off-street parking spaces for a boarding home facility located within an "R1" Single Family Zoning District, "R1-A" Residential Zoning District, or "RC" Residential Cluster District is derived by multiplying the number of residents authorized by Sec. 30-26 by 75%.
- (b) *"RT" Residential Transition Zoning District.* The number of required off-street parking spaces for a boarding home facility located within a "RT" Residential Transition Zoning District is the greater number from either the regulations applied to this use within an such a district or the amount derived by multiplying the maximum number of residents authorized by Sec. 30-26 by 75%.
- (c) *"R-3", "RM" Residential Mix, Commercial, and Industrial Zoning Districts.* The number of required off-street parking spaces for a boarding home facility located within an "R-3", "RM" Residential Mix, Commercial, or Industrial Zoning Districts is the greater amount from either the regulations applied to this use within the applicable zoning district or the amount derived by multiplying the maximum number of residents authorized by Sec. 30-26 by 75%.

Sec. 30-28. Operational Standards. Each permit holder shall ensure the residents' health, safety, comfort, and protection from hazards and shall comply with the following:

- (a) City zoning and building codes; federal, state, and City adopted fire codes and applicable standards; federal, state, and City health and safety codes; and federal and state accessibility regulations;
- (b) Mobile homes may not be used as a boarding home facility;

- (c) Each sleeping room must contain at least 70 square feet of floor space for each occupant; at least one wall of not less than 10 feet in length; a built-in closet; and access must not be solely through another sleeping room;
- (d) A kitchen must be accessible to each resident without the need to travel through a sleeping room of another resident, contain a sink with at least two compartments for manual dishwashing, and contain an operational cooking stove with at least two working burners;
- (e) Smoke alarms must be installed in compliance with the City's fire code to include installation within each sleeping room, immediately outside of each sleeping area, and on each story of the building, including any basement or attic;
- (f) Maintain the residence or dwelling and its premises in a clean and sanitary condition;
- (g) Pathways and stairways must remain unobstructed; and
- (h) Operation of a boarding home facility may not result in illegal or nuisance activities, including disturbance of the peace, illegal drug activity, harassment of passers-by, public urination, theft, assault, vandalism, littering, illegal parking, loud noise, disorderly conduct, lewd conduct, or police detention and/or arrests.

Sec. 30-29 Emergency Precautions. The permit holder shall provide fire escapes and exits that are kept in good repair and accessible at all times in accordance with applicable fire codes, as amended.

Sec. 30-30 Violations; Penalty.

- (a) A permit holder, employee, or other person who violates any provision of this article, or who fails to perform a duty required by this article, commits an offense.
- (b) An offense under this article is punishable by a fine not to exceed \$2,000.00.
- (c) A separate offense occurs each day or part of a day that the violation is committed, continued, or permitted.
- (d) If the director finds a boarding home facility operating in violation of the standards prescribed by this article and the violations create an immediate threat to the health and safety of a resident in the facility, the director may order immediate closing of all or part of the facility. An order of immediate closure is effective immediately on providing written notice of the order to the owner or operator by facsimile, email, or hand-delivery. The order of closure of all or part of a boarding home facility is valid for 10 days after its effective date.

- (e) The City Attorney may petition the appropriate court for civil penalties and for injunctive relief to restrain a continuing violation of the standards or permit requirements for a boarding home facility under this article if the violations create an immediate threat to the health or safety of the residents. In addition, the City Attorney may petition a court for civil penalties and for injunctive relief to restrain the continuing operation of a facility that is providing services inconsistent with those prescribed by this article and state law until such time as said facility becomes appropriately licensed by the State of Texas or meets the requirements to obtain a permit under this article.
- (f) The remedies and procedures in this section and in other laws are cumulative law, and the use of any particular remedy or procedure does not prevent the enforcement of any other law.”

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

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

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

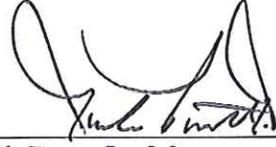
SECTION FIVE. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, or its successor section, of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

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

SECTION SEVEN. Following passage and approval upon second reading, this Ordinance shall become effective on June 3, 2013.

PASSED AND APPROVED ON FIRST READING, this the 9th day of April,
A.D., 2013.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 23rd
of April, A.D., 2013.



Jack Pratt, Jr., Mayor

ATTEST:



Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

7B. Re-engage the Reuse Water Ad-Hoc Advisory Committee to review and provide recommendations to the City Council on the engineering design of the water reclamation improvements and the recommendations for implementing a direct potable reuse system. (Councilmember Andrew)

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

SUBJECT: Re-engage the Reuse Water Ad-Hoc Advisory Committee to review and provide recommendations to the City Council on the engineering design of the water reclamation improvements and the recommendations for implementing a direct potable use system

FOR AGENDA OF: Sep. 13, 2016 **DATE SUBMITTED:** Sep. 7, 2016

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

EXHIBITS: None

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

In December 2015, the city council appointed 10 members to an ad-hoc committee to review the city's planned reuse water project and provide its recommendations. On February 9, 2016, the committee provided its official recommendation to the City Council. The recommendation was to support the project with the provision that the ultimate objective was to implement a direct potable reuse project as soon as possible.

Construction for phase 1 of the project is scheduled to commence by November/December of this year. Also, the one-year sampling program for the city's effluent is nearing conclusion and engineering recommendations regarding the strategies to implement a direct potable reuse system are expected in the near future.

It is timely that the city council consider re-engaging the committee to provide its input and recommendations on the first phase and on the strategies for direct potable reuse.

RECOMMENDED ACTION

It is recommended that the City Council re-engage the Reuse Water Ad-Hoc Advisory Committee to meet on an as-needed basis to review and provide recommendations regarding the first phase of the project and strategies for direct potable reuse.

Agenda Item:

7C. Commercial real estate listing agreement between the City of Kerrville and Commercial Realty Services, Inc. for the exclusive right to sell city owned property located at 800 Junction Highway (former City Hall site). (staff)

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

SUBJECT: Commercial real estate listing agreement between the City of Kerrville and Commercial Realty Services, Inc. for the exclusive right to sell city owned property located at 800 Junction Highway

FOR AGENDA OF: Sep. 13, 2016 **DATE SUBMITTED:** Sep. 9, 2016

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

EXHIBITS: Commercial Real Estate Listing Agreement

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

Attached is a commercial real estate listing agreement with Commercial Realty Services, Inc. to appoint Sue Tiemann as the city's broker to sell the city's property located at 800 Junction Highway (the former city hall site).

After contracting with a licensed broker to list the property for at least 30 days with a multiple listing service the City Council may sell the property without complying with the public auction requirements prescribed by state law. This contract satisfies the requirements of Section 253.014 of the Texas Local Government Code and, upon execution of this agreement, will initiate the 30-day listing requirement.

RECOMMENDED ACTION

City staff recommends that the City Council direct the City Attorney to finalize the terms of the listing agreement with Commercial Realty Services and authorize the city manager to execute the final agreement.



**TEXAS ASSOCIATION OF REALTORS®
COMMERCIAL REAL ESTATE LISTING AGREEMENT
EXCLUSIVE RIGHT TO SELL**

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS® IS NOT AUTHORIZED.
©Texas Association of REALTORS®, Inc. 2014

1. PARTIES: The parties to this agreement (this Listing) are:

Seller: City of Kerrville

Address: 701 Main Street

City, State, Zip: Kerrville, TX 78028

Phone: (830) 257-8000

Fax: _____

E-Mail: todd.parton@kerrvilletx.gov

Broker: Commercial Realty Services, Inc.

Sue Tiemann/Broker Associate

Address: 324 Clay St

City, State, Zip: Kerrville, TX 78028-4502

Phone: (830) 792-5775

Fax: (830) 792-5959

E-Mail: sue.tiemann@crshillcountry.com

Seller appoints Broker as Seller's sole and exclusive real estate agent and grants to Broker the exclusive right to sell the Property.

2. PROPERTY:

A. "Property" means the following real property in Texas:

Address: 800 Junction Hwy

City: Kerrville

County: Kerr

Zip: 78028-2215

Legal Description (Identify exhibit if described on attachment): ABS A0138 Fosgate, SUR 120, Tract (City Hall), Acres .97 and ABS A0138 Fosgate, SUR 120, Tract (City Hall Parking lot), Acres 1.3

B. Except as otherwise provided in this Listing, Broker is to market the Property together with:

- (1) all buildings, improvements, and fixtures;
- (2) all rights, privileges, and appurtenances pertaining to the Property, including Seller's right, title, and interest in any minerals, utilities, adjacent streets, alleys, strips, gores, easements and rights-of-way;
- (3) Seller's interest in all leases, rents, and security deposits for all or part of the Property;
- (4) Seller's interest in all licenses and permits related to the Property;
- (5) Seller's interest in all third party warranties or guaranties, if transferable, relating to the Property or any fixtures;
- (6) Seller's interest in any trade names, if transferable, used in connection with the Property; and
- (7) all Seller's tangible personal property located on the Property that is used in connection with the Property's operations except: n/a

(Describe any exceptions, reservations, or restrictions in Special Provisions or an addendum. If the Property is a condominium, attach Condominium Addendum to Listing (TAR-1401).)

(TAR-1301) 4-1-14

Initialed for Identification by Seller _____, _____ and Broker/Associate [Signature]

Page 1 of 9

Commercial Realty Services, 324 Clay St Kerrville, TX 78028

Phone: 830-792-5775

Fax: 830-792-5959

Sue Tiemann

City of Kerrville

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.ziplogix.com

3. LISTING PRICE:

- A. Seller instructs Broker to market the Property at the following gross sales price: \$ 785,000.00
Seven Hundred Eighty-Five Thousand
(Listing Price).
- B. Seller agrees to sell the Property for the Listing Price or any other price acceptable to Seller. Seller will pay all typical closing costs charged to sellers of commercial real estate in Texas (seller's typical closing costs are those set forth in the commercial contract forms published by the Texas Association of REALTORS®) except n/a

4. TERM:

- A. This Listing begins on September 13, 2016 and ends at 11:59 p.m. on September 30, 2017. Seller may terminate this Listing on notice to Broker any time after _____.
- B. If Seller enters into a binding written contract to sell the Property before the date this Listing begins and the contract is binding on the date this Listing begins, this Listing will not commence and will be void.

5. BROKER'S FEE:

A. Fee: When earned and payable, Seller will pay Broker a fee of:

(1) 6.000 % of the sales price.

(2) n/a

B. Earned: Broker's fee is earned when any one of the following occurs during this Listing:

- (1) Seller sells, exchanges, agrees to sell, or agrees to exchange all or part of the Property to anyone at any price on any terms;
- (2) Broker individually or in cooperation with another broker procures a buyer ready, willing, and able to buy all or part of the Property at the Listing Price or at any other price acceptable to Seller;
- (3) Seller grants or agrees to grant to another person an option to purchase all or part of the Property;
- (4) Seller transfers or agrees to transfer all or part of Seller's interest (stock or shares) in any entity that holds title to all or part of the Property for the purpose of conveying all or part of the Property to another person; or
- (5) Seller breaches this Listing.

C. Payable: Once earned, Broker's fee is payable either during this Listing or after it ends at the earlier of:

- (1) the closing and funding of any sale or exchange of all or part of the Property;
- (2) Seller's refusal to sell the Property after Broker's Fee has been earned;
- (3) Seller's breach of this Listing; or
- (4) at such time as otherwise set forth in this Listing.

Broker's fee is not payable if a sale of the Property does not close or fund as a result of: (i) Seller's failure, without fault of Seller, to deliver to a buyer a deed or a title policy as required by the contract to sell; (ii) loss of ownership due to foreclosure or other legal proceeding; or (iii) Seller's failure to restore the Property, as a result of a casualty loss, to its previous condition by the closing date set forth in a contract for the sale of the Property.



D. Other Fees:

(1) Lease of Property: If, during this Listing, Broker procures a tenant to lease all or part of the Property and Seller agrees to lease all or part of the Property to the tenant, Seller will pay Broker at the time the lease is executed the fee described below. If, during the term of the lease, the tenant agrees to purchase all or part of the Property, Seller will pay Broker the fee specified in Paragraph 5A in addition to the amount described below.

(a) n/a % of all base rents to be paid over the term of the lease and the same percentage of the following items to be paid over the term of the lease: expense reimbursements; and n/a

(b) n/a

(2) Renewals, Extensions, or Expansions of Property: If, during this Listing or after it ends, Seller renews, extends, or expands the lease, Seller will pay Broker, at the time the renewal, extension, or expansion becomes effective, a fee of:

(a) n/a % of all base rents to be paid over the term of the renewal or extension and the same percentage of the following items to be paid over the same term: expense reimbursements based on initial amounts n/a ;

(b) n/a % of all base rents to be paid over the term of the expansion and the same percentage of the following items to be paid over the same term: expense reimbursements based on initial amounts n/a ; or

(c) n/a

In addition to their ordinary meanings, "extensions", "renewals," and "expansions" include new leases for more, less, or different space in the building or complex in which the property is located.

(3) Breach by Buyer Under Contract: If Seller collects earnest money, the sales price, or damages by suit, compromise, settlement or otherwise from a buyer who breaches a contract for the sale of all or part of the Property entered into during this Listing, Seller will pay Broker, after deducting attorney's fees and collection expenses, an amount equal to the lesser of one-half of the amount collected after deductions or the amount of the Broker's Fee stated in Paragraph 5A. Any amount paid under this Paragraph 5D(3) is in addition to any amount that Broker may be entitled to receive for subsequently selling the Property.

(4) Service Providers: If Broker refers Seller or a prospective buyer or tenant to a service provider (e.g., mover, cable company, telecommunications provider, utility, or contractor) Broker may receive a fee from the service provider for the referral. Any referral fee Broker receives under this Paragraph 5D(4) is in addition to any other compensation Broker may receive under this Listing.

(5) Other Fees and/or Reimbursable Expenses: n/a

E. Protection Period:

(1) "Protection period" means that time starting the day after this Listing ends and continuing for 90 days.

(2) Not later than 10 days after this Listing ends Broker may send Seller written notice specifying the names of persons whose attention Broker has called to the Property during this Listing. If Seller agrees to sell or lease all or part of the Property during the protection period to a person named in the notice or to a relative or business associate of a person named in the notice, Seller will pay Broker, upon the closing of the sale or upon execution of the lease, the amount Broker would have been entitled to receive if this Listing were still in effect.

(3) "Person" means any person in any capacity whether an individual or entity. "Sell" means any transfer of any interest in the Property whether by agreement or option.

(4) This Paragraph 5E survives termination of this Listing.

F. County: All amounts payable to Broker are to be paid in cash in Kerr County, Texas.

G. Escrow Authorization: Seller authorizes, and Broker may so instruct, any escrow or closing agent authorized to close a transaction for the purchase or acquisition of the Property to collect and disburse to Broker all amounts payable to Broker under this Listing.

NOTICE: Under Chapter 62, Texas Property Code, Broker is entitled to claim a lien against the Property to secure payment of an earned commission.

6. EXCLUSIONS:

A. Under a prior listing agreement Seller is obligated to pay another Texas licensed broker a fee if Seller sells or leases all or part of the Property before _____ to any of the following persons: n/a _____ (named exclusions).

B. If Seller enters into a contract to sell or lease all or part of the Property to a named exclusion before the date specified in Paragraph 6A, Seller will not be obligated to pay Broker the fees under Paragraph 5 of this Listing, but Seller will pay Broker, upon the closing of the sale or upon execution of the lease, a fee equal to:

- (1) n/a % of the sales price if Seller sells the Property;
- (2) n/a % of all base rents to be paid over the term of the lease if Seller leases the Property and the same percentage of the following items to be paid over the term of the lease: expense reimbursements; n/a ; and
- (3) n/a

C. If Seller enters into a contract to sell or lease all or part of the Property to a named exclusion, Broker will will not assist Seller in negotiating and closing the sale or lease to the named exclusion.

7. ACCESS TO THE PROPERTY: Authorizing access to the Property means giving permission to another person to enter the Property, disclosing security codes necessary to enter the Property to such person, and lending a key to the Property to such person. To facilitate the showing and sale of the Property, Seller instructs Broker and Broker's associates to: (i) access the Property at reasonable times; (ii) authorize other brokers, inspectors, appraisers, lenders, engineers, surveyors, and repair persons to enter the Property at reasonable times; and (iii) duplicate keys to facilitate convenient and efficient showings.

8. COOPERATION WITH OTHER BROKERS: Broker will allow other brokers to show the Property to prospective buyers. If the other broker procures a buyer who purchases the Property, Broker will offer to pay the other broker a portion of Broker's fee under Paragraph 5.

9. INTERMEDIARY: (Check A or B only.)

A. Intermediary Status: Broker may show the Property to interested prospective buyers or tenants who Broker represents. If a prospect who Broker represents offers to buy or lease the Property, Seller authorizes Broker to act as an intermediary and Broker will notify Seller that Broker will service the parties in accordance with one of the following alternatives.

- (1) If a prospect who Broker represents is serviced by an associate other than the associate servicing Seller under this Listing, Broker may notify Seller that Broker will: (a) appoint the associate then servicing Seller to communicate with, carry out instructions of, and provide opinions and advice during negotiations to Seller; and (b) appoint the associate then servicing the prospect to the prospect for the same purpose.
- (2) If a prospect who Broker represents is serviced by the same associate who is servicing Seller, Broker may notify Seller that Broker will: (a) appoint another associate to communicate with, carry out instructions of, and provide opinions and advice during negotiations to the prospect; and (b) appoint the associate servicing the Seller under this Listing to the Seller for the same purpose.
- (3) Broker may notify Seller that Broker will make no appointments as described under this Paragraph 9A and, in such an event, the associate servicing the parties will act solely as Broker's intermediary representative, who may facilitate the transaction but will not render opinions or advice during negotiations to either party.

B. No Intermediary Status: Seller agrees that Broker will not show the Property to prospects who Broker represents.

Notice: If Broker acts as an intermediary under Paragraph 9A, Broker and Broker's associates:

- ◆ may not disclose to the prospect that Seller will accept a price less than the asking price unless otherwise instructed in a separate writing by Seller;
- ◆ may not disclose to Seller that the prospect will pay a price greater than the price submitted in a written offer to Seller unless otherwise instructed in a separate writing by the prospect;
- ◆ may not disclose any confidential information or any information Seller or the prospect specifically instructs Broker in writing not to disclose unless otherwise instructed in a separate writing by the respective party or required to disclose the information by the Real Estate License Act or a court order or if the information materially relates to the condition of the property;
- ◆ may not treat a party to the transaction dishonestly; and
- ◆ may not violate the Real Estate License Act.

10. CONFIDENTIAL INFORMATION: During this Listing or after it ends, Broker may not knowingly disclose information obtained in confidence from Seller except as authorized by Seller or required by law. Broker may not disclose to Seller any information obtained in confidence regarding any other person Broker represents or may have represented except as required by law.

11. BROKER'S AUTHORITY:

- A. Broker will use reasonable efforts and act diligently to market the Property for sale, procure a buyer, and negotiate the sale of the Property.
- B. In addition to other authority granted by this Listing, Broker may:
 - (1) advertise the Property by means and methods as Broker determines is appropriate in any media, including but not limited to:
 - (a) placing a "For Sale" sign or similar marketing sign on the Property; and
 - (b) creating and placing information about the Property (including interior and exterior photographs or videos):

- (i) on the Internet on Broker's website and on other websites as Broker determines;
 - (ii) in any advertisements whether in print or electronic media; and
 - (iii) into listing services that may publicize the information on the Internet or by other means;
- (2) reproduce, display, and distribute information about the Property, including the information described under Paragraph 11B(1), for the purposes of marketing the Property;
 - (3) furnish comparative marketing and sales information about other properties to prospects;
 - (4) disseminate information about the Property to other brokers and prospects, including applicable disclosures, notices, or other information that Seller is required to make under law or a contract;
 - (5) obtain information from any holder of any note secured by a lien on the Property;
 - (6) accept, in trust, any earnest money, option fee, security deposit, or other money related to the purchase or lease of the Property and deliver such money for deposit in accordance with a contract for the sale or lease of the Property;
 - (7) disclose the sales price and terms of a sale or a lease to other brokers, appraisers, other real estate professionals, and any listing services into which information about the Property is placed;
 - (8) place information about this Listing and a transaction for the Property on an electronic platform (an electronic platform is typically an Internet-based system where professionals related to the transaction, such as title companies and lenders, may receive, view, and input information); and
 - (9) advertise that Broker "sold" or "leased" the Property after the closing of a sale or execution of a lease of the Property in which Broker was involved.

NOTICE: Any submission of information to a listing service must be made in accordance with listing service's rules.

- C. Broker is not authorized to execute any document in the name of or on behalf of Seller concerning the Property.
- D. Photographs, videos, and compilations of information submitted to a listing service are the property of the listing service for all purposes.

12. REPRESENTATIONS:

- A. Except as provided otherwise in this Listing, Seller represents that:
 - (1) Seller has fee simple title to and peaceable possession of the Property and all its improvements and fixtures thereon, unless rented, and the legal capacity to convey the Property;
 - (2) Seller is not bound by a listing agreement with another broker for the sale, exchange, or lease of the Property that is or will be in effect during this Listing;
 - (3) no person or entity has any right to purchase, lease, or acquire the Property by an option, right of refusal, or other agreement;
 - (4) there are no delinquencies or defaults under any deed of trust, mortgage, or other encumbrance on the Property;
 - (5) the Property is not subject to the jurisdiction of any court;
 - (6) Seller owns sufficient intellectual property rights in any materials which Seller provides to Broker related to the Property (for example, brochures, photographs, drawings, or articles) to permit Broker to reproduce and distribute such materials for the purposes of marketing the Property or for other purposes related to this agreement; and
 - (7) all information relating to the Property Seller provides to Broker is true and correct to the best of Seller's knowledge.
- B. Seller and Broker must disclose any known material defect in the Property to a prospective buyer. *(Check only one box.)*
 - (1) Seller is not aware of any material defects to the Property except as stated in the attached Commercial Property Condition Statement (TAR-1408). Seller authorizes Broker to furnish prospective buyers and other brokers with a copy of the Commercial Property Condition Statement (TAR-1408).

- (2) Except as otherwise provided in this Listing, Seller is not aware of:
- (a) any subsurface: structures, pits, wastes, springs, or improvements;
 - (b) any pending or threatened litigation, condemnation, or assessment affecting the Property;
 - (c) any environmental hazards or conditions that materially affect the Property;
 - (d) whether the Property is or has ever been used for the storage or disposal of hazardous materials or toxic waste, a dump site or landfill, or any underground tanks or containers;
 - (e) whether radon, asbestos containing materials, urea-formaldehyde foam insulation, lead-based paint, toxic mold (to the extent that it adversely affects the health of ordinary occupants) or other pollutants or contaminants of any nature now exist or have ever existed on the Property;
 - (f) any wetlands, as defined by federal or state law or regulation, on the Property;
 - (g) any threatened or endangered species or their habitat on the Property;
 - (h) any present or past infestation of wood-destroying insects in the Property's improvements;
 - (i) any contemplated material changes to the Property or surrounding area that would materially and detrimentally affect the ordinary use of the Property;
 - (j) any material physical defects in the improvements on the Property; or
 - (k) any condition on the Property that violates any law or ordinance.

(List any exceptions to (a)-(k) in Special Provisions or an addendum.)

13. SELLER'S ADDITIONAL PROMISES: Seller agrees to:

- A. cooperate with Broker to facilitate the showing and marketing of the Property;
- B. not negotiate with any prospective buyer who may contact Seller directly, but refer all prospective buyers to Broker;
- C. not enter into a listing agreement with another Broker for the sale or exchange of the Property to become effective during this Listing;
- D. not enter into a listing agreement for the lease of all or part of the Property with another broker to become effective during this Listing without Broker's written permission;
- E. provide Broker with copies of the following, if any, relating to the Property: a current rent roll, all leases including any amendments, architectural plans and drawings, renderings, survey, a current operating statement, environmental inspection reports, engineering reports, and other relevant information that Broker may request during this Listing;
- F. advise Broker of any tenants moving in or out of the Property;
- G. complete any disclosures or notices required by law or a contract to sell the Property;
- H. amend any applicable notices and disclosures if any material change occurs during this Listing; and
- I. at Seller's expense, remove from the Property all:
 - (1) "For Sale" (or similarly worded) signs other than Broker's signs;
 - (2) "For Lease" (or similarly worded) signs from the Property unless the Property is listed for lease with another broker; and
 - (3) "For Information" (or similarly worded) signs other than Broker's signs.

14. LIMITATION OF LIABILITY:

- A. If the Property is or becomes vacant during this Listing, Seller must notify Seller's casualty insurance company and request a "vacancy clause" to cover the Property. Broker is not responsible for the security of the Property nor for inspecting the Property on any periodic basis.
- B. Broker is not responsible or liable in any manner for personal injury to any person or for loss or damage to any person's real or personal property resulting from any act or omission not caused by Broker, including but not limited to injuries or losses caused by:
 - (1) other brokers, inspectors, appraisers, lenders, contractors, surveyors, engineers, and other persons who are authorized to access the Property;
 - (2) acts of third parties (for example, vandalism or theft);
 - (3) freezing or broken water pipes;
 - (4) a dangerous condition on the Property; and
 - (5) the Property's non-compliance with any law or ordinance.

- C. Seller agrees to indemnify and hold Broker and Broker's associates harmless from any damages, costs, attorney's fees, and expenses:
(1) that arise from Seller's failure to disclose any material information about the Property;
(2) that are caused by Seller giving incorrect information to Broker, other brokers, or prospects;
(3) that arise from any claim for misuse of intellectual property in any materials or information that Seller provided to Broker related to the Property or this agreement; or
(4) that are otherwise caused by Seller or Seller's negligence.

15. SPECIAL PROVISIONS: n/a

16. DEFAULT: If Seller breaches this Listing, Seller is in default and will be liable to Broker for the amount of Broker's fee specified in Paragraph 5A and any other fees Broker is entitled to receive under this Listing. If a sales price is not determinable in the event of any exchange or breach of this Listing, the Listing Price will be the sales price for the purpose of calculating Broker's fee. If Broker breaches this Listing, Broker is in default and Seller may exercise any remedy at law.

17. MEDIATION: The parties agree to negotiate in good faith in an effort to resolve any dispute that may arise between the parties. If the dispute cannot be resolved by negotiation, the parties will submit the dispute to mediation. The parties to the dispute will choose a mutually acceptable mediator and will share the costs of mediation equally.

18. ATTORNEY'S FEES: If Seller or Broker is a prevailing party in any legal proceeding brought as a result of a dispute under this Listing or any transaction related to or contemplated by this Listing, such party may recover from the non-prevailing party all costs of such proceeding and reasonable attorney's fees.

19. ADDENDA: Addenda or information that are part of this Listing are:

- A. Information About Brokerage Services (TAR-2501)
 B. Property Description Exhibit identified in Paragraph 2
 C. Condominium Addendum to Listing (TAR-1401)
 D. Commercial Property Condition Statement (TAR-1408)
 E. Information About On-Site Sewer Facility(TAR-1407)
 F. Information about Special Flood Hazard Areas (TAR-1414)
 G. n/a

20. AGREEMENT OF THE PARTIES:

- A. Entire Agreement: This Listing is the entire agreement of the parties and may not be changed except by written agreement.
- B. Assignability: Neither party may assign this Listing without the written consent of the other party.
- C. Binding Effect: Seller's obligations to pay Broker an earned fee is binding upon Seller and Seller's heirs, administrators, executors, successors, and permitted assigns.
- D. Joint and Several: All Sellers executing this Listing are jointly and severally liable for the performance of all its terms.
- E. Governing Law: Texas law governs the interpretation, validity, performance, and enforcement of this Listing.

- F. Severability: If a court finds any clause in this Listing invalid or unenforceable, the remainder of this Listing will not be affected and all other provisions of this Listing will remain valid and enforceable.
- G. Partial Sales or Leases: If Seller sells or leases part of the Property before the date this Listing ends, this Listing will continue for the remaining part of the Property through the term of this Listing.
- H. Notices: Notices between the parties must be in writing and are effective when sent to the receiving party's address, fax, or e-mail specified in Paragraph 1.

21. ADDITIONAL NOTICES:

- A. **Broker's fees or the sharing of fees between brokers are not fixed, controlled, recommended, suggested, or maintained by the Texas Association of REALTORS®, its local affiliates, or any listing service. Broker's fees are negotiable.**
- B. **The Property must be shown and made available to all persons without regard to race, color, religion, national origin, sex, disability, or familial status. Local ordinances and the National Association of REALTORS® Code of Ethics may provide for additional protected classes (e.g., creed, status as a student, marital status, sexual orientation, or age).**
- C. **If the Property contains a residential dwelling built before 1978, federal law requires the Seller to: (1) provide the buyer with the promulgated lead hazard information pamphlet (TAR-2511); and (2) disclose the presence of any known lead-based paint or lead-based paint hazards.**
- D. **Broker cannot give legal advice. This is a legally binding agreement. READ IT CAREFULLY. If you do not understand the effect of this Listing, consult your attorney BEFORE signing.**

Seller: City of Kerrville

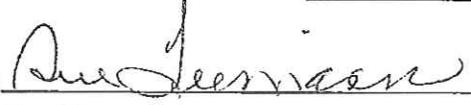
Broker:

Broker / Company Name: Commercial Realty Services, Inc.

Sue Tiemann/Broker Associate

License No. 0491015

By: Todd Parton

By (signature): 

By (signature): _____

Printed Name: Sue Tiemann

Printed Name: Todd Parton

Title: Broker Assoc. License No. 0294949

Title: City Manager Date: _____

Date: 8/29/16

By: _____

By (signature): _____

Printed Name: _____

Title: _____ Date: _____

EXHIBIT 'A'

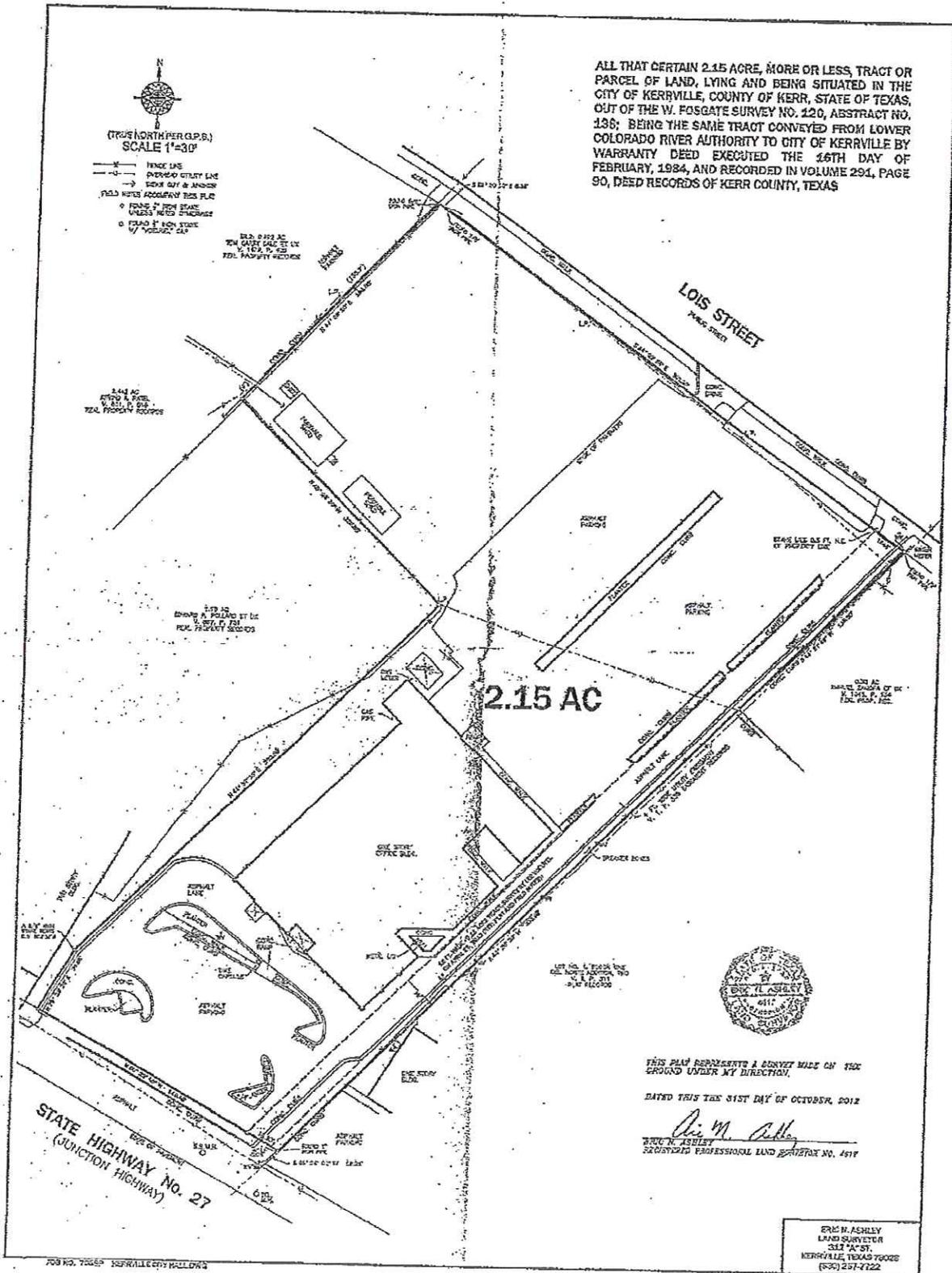


EXHIBIT 'B'

FIELD NOTES DESCRIPTION OF A 2.15 ACRE TRACT OF LAND
SITUATED IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS

BEING ALL OF A CERTAIN TRACT OR PARCEL OF LAND CONTAINING 2.15 ACRES, MORE OR LESS, OUT OF THE WALTER FOSGATE SURVEY NO. 120, ABSTRACT NO. 138, IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; THE SAME PROPERTY CONVEYED FROM LOWER COLORADO RIVER AUTHORITY TO CITY OF KERRVILLE BY WARRANTY DEED EXECUTED THE 16TH DAY OF FEBRUARY, 1984, AND RECORDED IN VOLUME 291, PAGE 90, DEED RECORDS OF KERR COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" Iron pipe found in the southwest right-of-way line of Lois Street, a public street, for the east corner hereof, the north corner of that 0.30 acre tract conveyed to Manuel Zamora et ux by deed recorded in Volume 1345, Page 154, Real Property Records of Kerr County, Texas;

THENCE along the southeast line hereof: 1) S 44° 57' 49" W 119.30 ft. to a ½" Iron stake found at the west corner of said 0.30 acre tract, the north corner of Lot No. 1, Block One, of Del Norte Addition, Two, a subdivision of record in Volumes 6, Page 311, Plat Records of Kerr County, Texas; and 2) S 44° 36' 20" W 335.98 ft. to a 1" Iron pipe found in the northeast right-of-way line of State Highway No. 27 (Junction Highway), for the south corner hereof, from which a ½" Iron stake found at the west corner of said Lot No. 1 bears 10.21 ft. S 46° 24' 02" W;

THENCE with said right-of-way line of Highway No. 27, N 60° 29' 45" W 146.46 ft. to a ½" Iron stake found at the south corner of that 1.10 acre tract conveyed to Edward R. Pollard et ux by deed recorded in Volume 857, Page 751, Real Property Records of Kerr County, Texas, for the southerly west corner hereof;

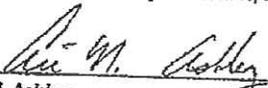
THENCE with the common line of said 1.10 acre tract: 1) N 29° 28' 26" E 36.88 ft. to a found ½" Iron stake, from which a 5/8" Iron stake bears 0.5 ft. S 03° 36' W; 2) N 44° 37' 15" E 262.88 ft. to a found ½" Iron stake, the east corner of said 1.10 acre tract; and 3) N 45° 23' 30" W 150.65 ft. to a ½" Iron stake found in the southeast line of that 2.442 acre tract conveyed to Arvind A. Pafel by deed recorded in Volume 601, Page 816, Real Property Records of Kerr County, Texas, the north corner of said 1.10 acre tract, the northerly west corner hereof;

THENCE along the northerly northwest line hereof, N 44° 08' 10" E at 9 ft. passing the east corner of said 2.442 acre tract, the south corner of that 0.492 acre tract described as "Tract 2" in a deed to Tom Gary Cale et ux, recorded in Volume 1479, Page 429, Real Property Records of Kerr County, Texas, continuing for a total distance of 144.88 ft. to a 5/8" Iron pipe found in the southwest right-of-way line of Lois Street, for the north corner hereof, the east corner of said 0.492 acre tract;

THENCE along the northeast line hereof, the southwest right-of-way line of Lois Street: 1) S 59° 20' 10" E 6.36 ft. to a found 3/8" Iron pipe; and 2) S 54° 39' 54" E 301.30 ft. to the PLACE OF **BEGINNING**, containing 2.15 acres of land, more or less, within these metes and bounds. A plat of this survey has been prepared.

The foregoing field notes represent a survey
made on the ground under my direction.

Dated this the 31st day of October, 2012


Eric N. Ashley
Registered Professional Land Surveyor No. 4617
(Kerrville City Hall)nd)



ERIC N. ASHLEY LAND SURVEYOR • 317 'A' STREET • KERRVILLE, TEXAS 78028 • (830) 257-7722

Agenda Item:

7D. Professional services agreement with Peter Lewis Architect and Associates for preliminary design work for 529 Water Street in an amount not to exceed \$15,000. (staff)



PETER LEWIS
ARCHITECT + ASSOCIATES

August 31, 2016

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

RE: A.C. Schreiner Mansion
Campus Master Plan

Dear Todd:

Thank you for the continuing opportunity to be of service to the City of Kerrville! This is a very exciting project for Kerrville and the BHML campus and we are pleased to be a part of the Team. Based upon all discussions to date, we have prepared the following Schedule of Services and Fees designed to provide you with materials you will need to effectively communicate with other individuals and potential funding sources about the Scope and Costs of the Campus Master Plan Development.

A. Fact Gathering/Existing Facilities Survey Phase

- Using Engineering Property Survey(ies) locating boundaries, improvements, utilities and significant trees, Record Drawings of existing facilities (as available) and other pertinent documents, provided by Client, create an Overall Campus Site Plan which locates existing buildings, drives, walks and other improvements sufficient in detail and accuracy for Concept Planning work.
- Meet with City of Kerrville Development Services staff to determine viable development options and strategies to address the unique nature of this Campus
- Review City of Kerrville Building Code and Ordinances, including: 2006 International Code series, Texas Accessibility Standards, and Zoning Ordinance for applicable regulations which might affect existing or proposed facilities.
- Review other pertinent Programming documents and reports provided by City of Kerrville

B. Questioning/Programming Phase

- Provide Programming Questionnaire to be completed by appropriate City Staff and other stakeholders
- Meet w/ appropriate Staff and other stakeholders to discuss physical and functional needs and to listen to expectations

C. Campus Master Planning Services

- Conceptual Building Plan study, based on Program of Space Needs, for use in Campus Master Planning
- Site Plan:
 - Building: Hospitality Pavilion and Water Garden
 - Site Amenities
 - Vehicle access, circulation and parking
 - Pedestrian circulation and walkways
 - Overall Site Drainage
- Prepare preliminary budget for construction of the Master Plan

D. Presentation Drawings

- Campus Master Plan: Existing and Proposed Construction in B&W and color
- Schematic Plans & Images: Hospitality Pavilion and Water Garden
- Flexible format sizes (24x36; 11x17)
- Executive Summary

E. Fixed Fee

We propose to provide the Services listed in Items A-D for a Fixed Fee of Fifteen Thousand and no/100 dollars (\$15,000.00)

F. Reimbursable Expenses

Reimbursable expenses are defined as follows and will be billed at a multiple of 1.15 times cost (invoice): Consultants, reproduction of documents, shipping and mailing expenses, long distance telephone and fax, and out-of-town Project related mileage will be billed at current Standard Rate

G. Billings/Payments

Invoices for the Architect's services shall be submitted monthly and are due within twenty-one (21) days after the invoice date.

If the terms of this Proposal are acceptable to you, please indicate so by signing and returning one copy of this Proposal.

Again, thank you. We look forward to getting started!

Very truly yours,

Peter W. Lewis, Architect
Principal



Accepted

8.31.16

Date

Agenda Item:

8A. Saving Our Night Skies initiative. (Jim Wills)

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

SUBJECT OF REQUEST: Information About Light Pollution (Saving Our Night Skies)

AGENDA DATE: Sept. 13, 2016

DATE SUBMITTED: Sept. 6, 2016

REQUESTED/SUBMITTED BY: Jim Wills

PHONE: 830-556-6929

ORGANIZATION REPRESENTING: Self

MAILING ADDRESS: 1407 Vesper Drive, Kerrville, Texas 78028

EMAIL ADDRESS:

EXHIBITS/INFORMATION: Sample resolution and ordinance

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

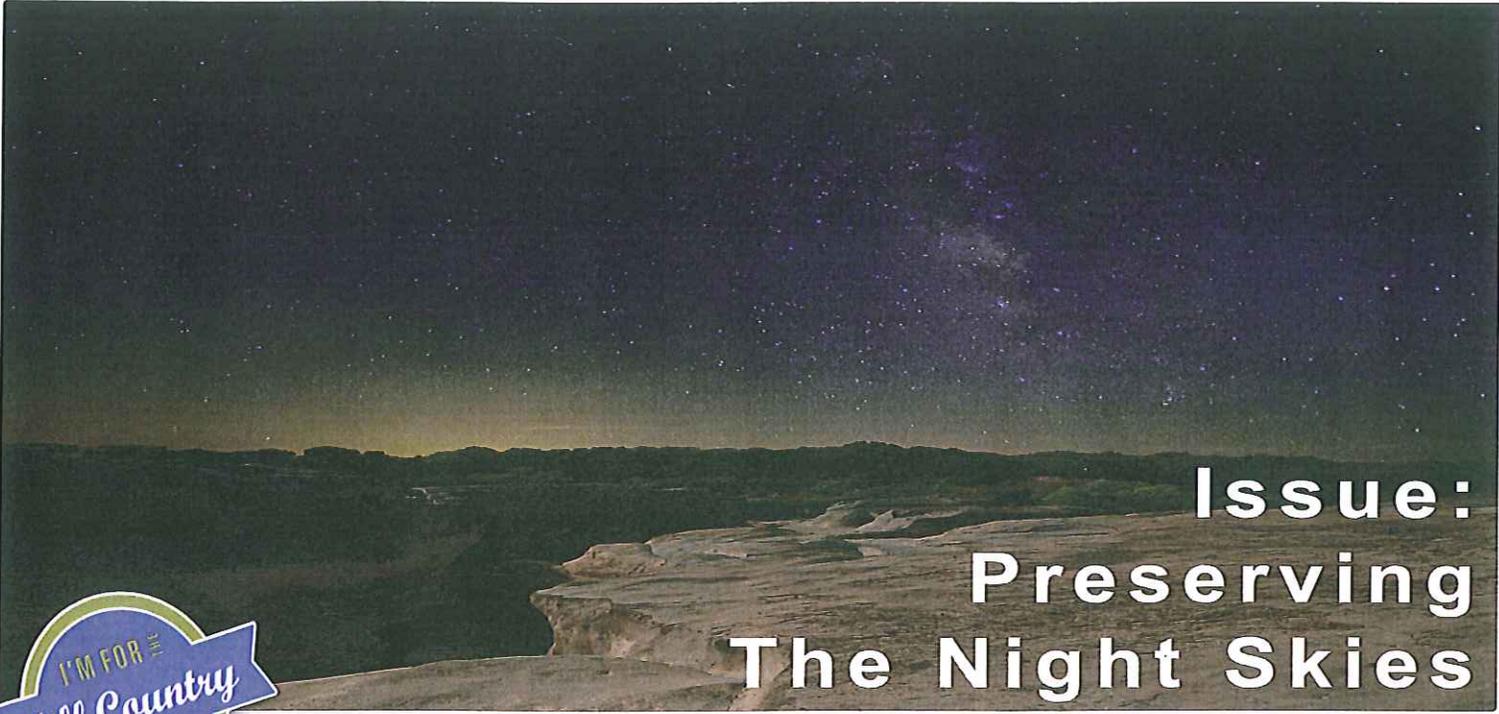
IF YES, STATE AMOUNT REQUESTED: \$ _____

DESCRIPTION OF REQUEST

Request that the Kerrville City Council adopt similar resolution to the one attached that shows City of Kerrville supporting efforts to preserve our night skies.

RECOMMENDED COUNCIL ACTION

Adopt an outdoor lighting ordinance similar to the one attached from the City of Dripping Springs, Texas.



Issue: Preserving The Night Skies

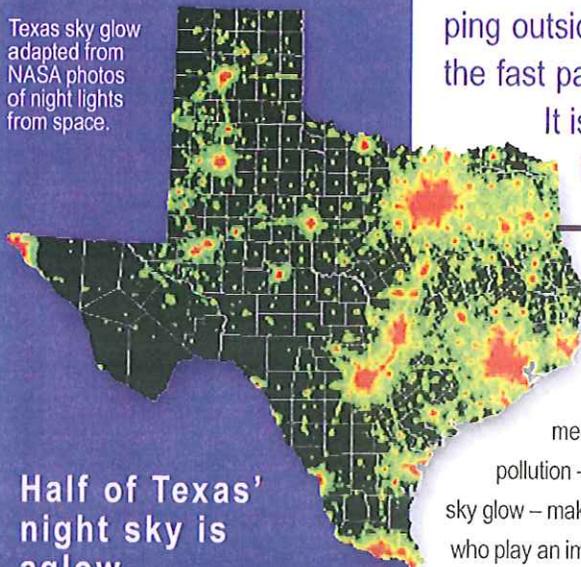
HCA is a passionate community caring for the unique features, spring-fed streams, heritage ranch lands, spectacular beauty and culture of the Texas Hill Country for the benefit of future generations.



There is something magical about the starry night sky in the Hill Country. Stepping outside on a crisp clear night to gaze at the stars helps us escape from the fast pace of our daily lives and connect with the natural world around us.

It is essential to ensure that our lovely night sky is not lost due to ever increasing light pollution.

Texas sky glow adapted from NASA photos of night lights from space.



Half of Texas' night sky is aglow

Population growth in Texas Cities, towns and transportation corridors has greatly increased light pollution to the extent that most Texans can no longer see the Milky Way at night.

The darkest skies in North America belong to the McDonald Observatory, located in the Davis Mountains of West Texas. As responsible neighbors, the Hill Country is obliged to help protect this unique scientific and cultural resource.

Outdoor lighting has carelessly, and often unintentionally, increased light pollution. The trend goes hand in hand with population growth and land fragmentation. The undesirable effects of light pollution – glare, light trespass, light clutter and sky glow – make our region less attractive to visitors who play an important role in many local economies.

There is good news, however, this problem is relatively easy to control and easy to “fix.” Unlike other forms of pollution that seem so insurmountable to cure, once we learn how to use proper lighting, the starry night can easily be restored.

“The stars are the jewels of the night, and perchance surpass anything which day has to show.”

– Henry David Thoreau

Modern and appropriately directed fixtures can keep light on the property and eliminate energy waste. This simple approach exemplifies energy conservation, respect for private property rights and makes for good business and good neighbors.

The HCA Night Sky Team has helped launch community partnerships and a series of educational programs to address light pollution. Many Hill Country cities have already passed lighting ordinances advancing the momentum to protect our starry nights. Our Hill Country region is on its way to being known as a place where the stars shine at night and you can be part of this movement. The benefits go far beyond health, beauty and tourism appeal – reducing light pollution reduces electric bills and saves money!



hill country alliance

How to Preserve Night Skies

- **Aim lights down** – light should project below and out to the sides of the fixture, not letting any light escape above the horizon. Install lights so the fixture is above the area to be illuminated. Light an area from below only when all of the light will be blocked from shining above the horizontal plane.
- **Shield every light** – all lights should be installed and shielded to hide the source of light from any normal viewing point. Eliminate glare and protect eyes from directly viewing the light source. Light trespass is usually solved when outdoor lights are shielded so the source of light cannot be seen from neighboring properties. Shielded, concentrated light requires less wattage than an unshielded fixture to achieve the same amount of illumination to light the area of interest. Thus, it saves money.
- **Reduce the amount of light** – select the light's wattage, or more accurately, the number of lumens, for the desired application. Consider that very bright light can make nearby areas dangerously dark, actually degrading security.
- **Use lighting only when needed** – leaving lights on when no one is there to use them wastes energy and money. Use a switch, timer, or motion detector to conserve valuable resources. Lighting unoccupied areas has not been shown to keep criminals away and may even attract them. But all lights, even those on timers or switches, still need to be shielded.
- **Work with electric power suppliers and local governments** – encourage utilities and local governments to start taking steps now to reduce light pollution and implement smarter night lighting policy as a standard business practice. Help educate citizens, consumers, institutions and businesses on the importance of preserving the quality of the Hill Country's night sky.

Communities Working to Preserve Night Skies

The Kimble County Example

Kimble County passed a resolution in 2011 supporting the preservation of the night sky, and shortly after, the City of Junction followed suit. These resolutions support voluntary efforts to reduce light pollution by encouraging the use of non-intrusive, cost effective light fixtures. The county is committed to educating and encouraging land-owners, businesses, residential communities and public entities to join in this commitment to reduce energy consumption, save money and reduce light trespass. As County Judge Andrew Murr stated, "The night sky is part of the region's scenic beauty that brings significant economic benefits to the community." HCA secured funding in 2012 to retrofit public lighting in the city of Junction and surrounding rural area. Educational programs are continuing in the county and community efforts are now focused on encouraging commercial property owners to join this volunteer movement.

Electric Providers Stepping Up to Help

The Pedernales Electric Cooperative (PEC) adopted a board policy in 2011 to minimize light pollution and its adverse effect on the viewing of night skies. The PEC now has lighting shields available on request for PEC Co-op members. American Electric Power (AEP) is also doing their part. They have made themselves available to do assessments and light retrofits in their service area. They are knowledgeable about proper lighting and have been helpful with the HCA/ Kimble County partnership.

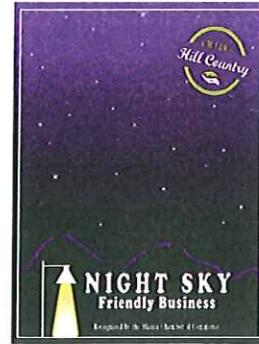
State Parks

Texas State Parks are taking a hard look at their fixtures and making adjustments to provide adequate lighting for security while preserving the night sky. State Parks are great places to escape the city lights and truly discover what the night sky has to offer. Enchanted Rock State Natural Area recently retrofitted existing light fixtures to reduce light pollution. Other parks are following suit.

Lighting Ordinance Trends

Many Hill Country towns have passed outdoor lighting ordinances including Blanco, Dripping Springs and Boerne. Sample ordinances are available on the HCA website. Unfortunately, most counties in Texas (with the exception of those surrounding the McDonald Observatory) do not have legislative authority to enact rules for outdoor lighting.

Blanco Chamber Recognizes Businesses

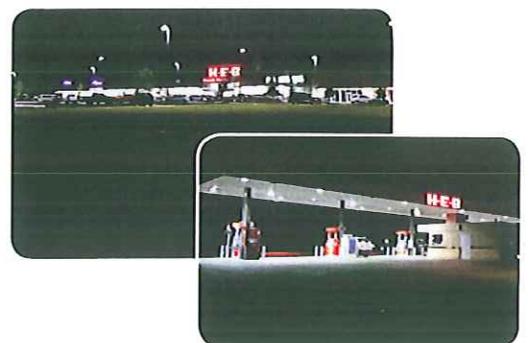


The Blanco Chamber of Commerce created a Business Recognition Program to acknowledge local businesses committed to night sky friendly lighting. This voluntary program endorsed by HCA,

recognizes businesses who strive to eliminate light trespass from their property. Look for the Night Sky Friendly Business sticker when visiting Hill Country businesses. Other communities such as Junction and Johnson City are adopting similar programs. A "Program in a Box" which includes all of the resources necessary to replicate this simple program is available to help your town jump on board.

Dripping Springs' Commercial Properties Taking Care of the Night Sky

The Hill Country town of Dripping Springs recently created a development agreement for several large commercial additions built within the community. The lighting portion of the agreement called for shielded lighting to reduce glare and light trespass. Reducing glare not only increases safety on the development property, but also enhances traffic safety on nearby roadways. At the HEB's fuel service station, the flush mounted, under canopy lights in the fuel pump area use about 1120 watts, compared to the 2538 watts in the original conventional lighting plan, saving over 50% in energy costs. The pumps and under canopy area are attractive and safely lit. Home Depot reduced their outdoor lighting installation from about 47,700 watts in the original lighting plan to about 37,400 watts after implementing requirements of the development agreement. Besides realizing significant cost savings, control of glare and light trespass onto neighboring properties is virtually eliminated.

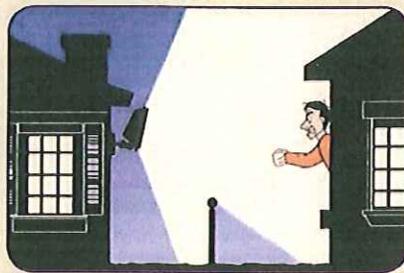


Friendly Outdoor Lighting Saves Money

FACT: Approximately 30% of the energy cost powering unshielded bulbs is uselessly illuminating the night sky. This wasted energy costs \$2.2 billion annually in the United States alone. Locally, the immense volume of wasted light contributes to light pollution and the steady loss of a treasured Hill Country resource, our brilliant starry skies.



PROBLEM: Consider the popular outdoor halogen floodlight. We commonly see these everywhere, aimed willy nilly, often illuminating areas that neither need nor want the light ...such as a neighbor's bedroom window or the night sky.



Floodlights can be a big problem, even if you live out in the country.

Typical floodlighting with two 90-watt halogen bulbs

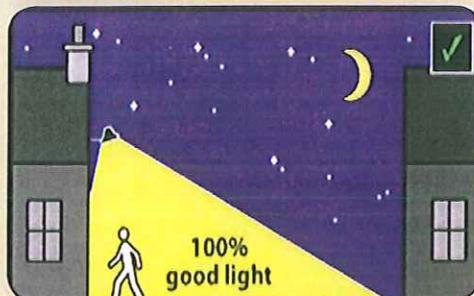
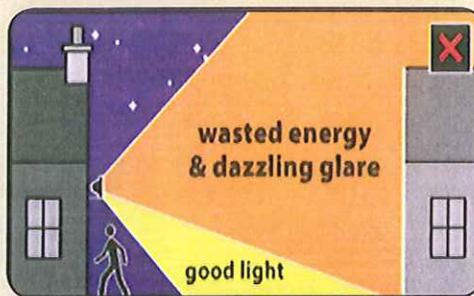


SOLUTION: By taking a couple of simple steps, this homeowner could do his neighbors and the night sky a big favor...and save money in the process! The homeowner could shield the light, redirect it to shine downward inside his own yard, reduce the wattage of the light bulbs and still have the same amount of usable light within the desired area.

In this example, the homeowner could replace the two 90 watt halogen floodlights with two 50 watt halogen bulbs, put on a couple of Parshield Glare Visors and aim fixtures downward. These simple steps would concentrate light where it is needed and save energy.

So not only would glaring light trespassing onto the neighbor's property and up into our night sky be eliminated, he would also save a large amount on his electric bill.

Be considerate to your neighbors- turn off or shield your lights. It's easy!



Learn how to make your outdoor lighting night sky-friendly while saving yourself money, visit <http://www.hillcountryskies.com/>

DOLLARS AND SENSE:

If the homeowner in our example is a customer of the Pedernales Electric Power Co-operative (PEC), he is paying 7 cents per kilowatt-hour for his electricity. Every hour the two 90W lights are on costs him 1.3 cents (180 watts/1000 watts times 7 cents). Assuming the light is on dusk-to-dawn all year, it would be on some 4100 hours and he would pay PEC almost \$52 a year to run it. Wow! Those cents add up quickly. Now how many of these lights does he have around his house? You do the math for multiple lights.

But this homeowner is smart. He shielded and redirected the light and was able to replace the two 90 watt halogen bulbs with two 50 watt bulbs. Now every hour it shines only costs him 7/10th of a cent. Big difference. If he still runs it all night all year, his electric bill will be \$28.70 – almost half of what he was paying before just by having the light properly sized, aimed and shielded. He stopped wasting energy by not shining it into the sky or onto his neighbor's property. If he used 15 watt LED bulbs instead of the halogens, his annual cost would tumble to just \$8.61.

The homeowner saves even more energy and money if he puts the light on a timer or, better yet, a motion detector. Shining a light all night might make you feel safer, but studies show that it does not stop crime. Studies also show that artificial night-lights stop almost all living creatures including humans from producing melatonin needed for health. Why light all night when it's so easy to save money, make better neighbors, protect wildlife and preserve the night sky? Anyway you cut it, it's a 'win-win' situation.

SAVE ENERGY, SAVE MONEY, SAVE WATER:

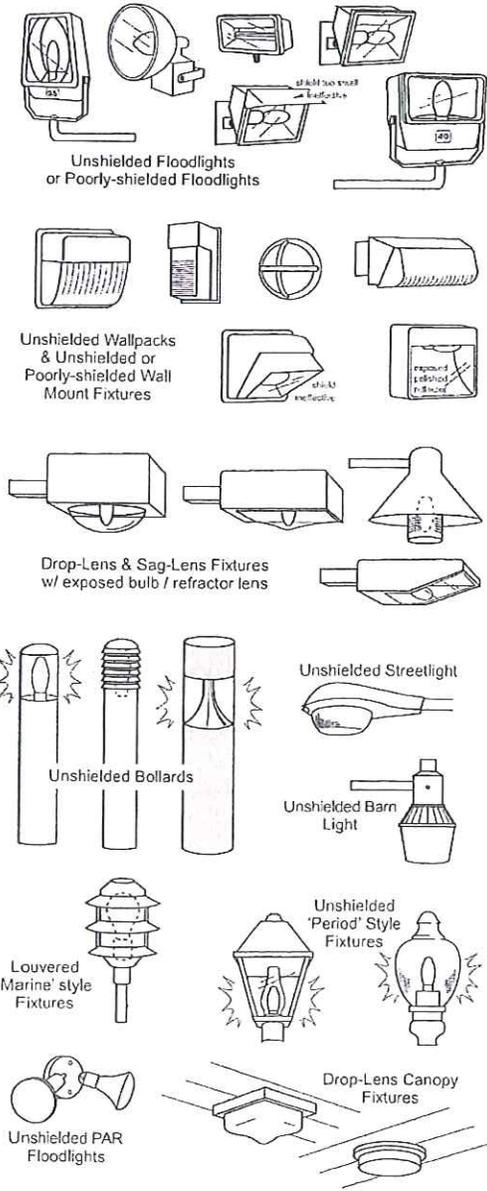
Homeowners might also be happy to learn that in the big scheme of things, having proper outdoor lighting also saves water. Forty percent of all surface water in Texas, at some point along the way, is used for cooling or for generating steam for electricity provided on the state's grid. Every watt saved actually translates to water conservation. So, by curbing light pollution, we're also helping preserve another precious Hill Country resource, our water.

Better Lights for Better Nights

Help eliminate light pollution. Select the best fixture for your application using this guide. Use the lowest wattage bulb appropriate for the task and turn off the light when it's not being used. If you are considering LEDs, select one that emits light with a color temperature at or below 3200K. See the column to the right for more information.

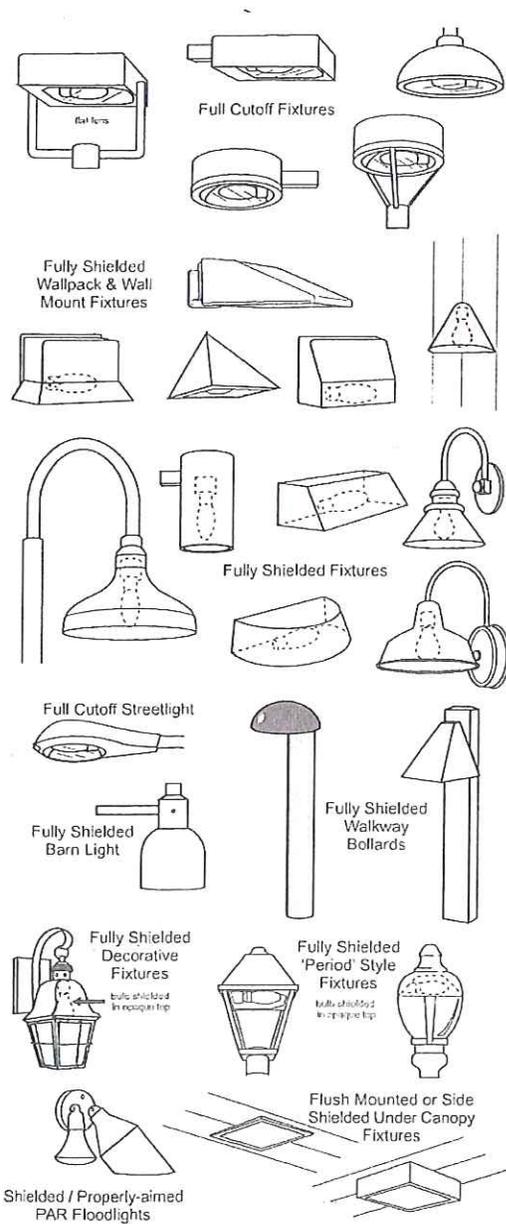
Unacceptable/Discouraged

Fixtures that produce glare and light trespass.



Acceptable

Fixtures that shield the light source to minimize glare and trespass.



Are LEDs good for Night Sky Preservation?

Many LEDs on the market are labeled "Dark Sky Compliant." Unfortunately, that label is applied far too broadly and often neglects a very important characteristic of the light: the correlated color temperature (CCT), or more simply, the light's color.

CCT is a measure of how amber or blue the light appears. Light that is more amber (warmer) is significantly better than light that is more blue (cooler). Although it appears brighter, bluer light actually decreases visibility because it produces more glare. It is more disruptive of starry nights, of melatonin production in humans and wildlife, and of a relaxed nighttime streetscape.

CCT is measured in degrees kelvin (K). Lower numbers correspond to warmer—that is, less intrusive—light. LEDs that emit light at or below 3200K are significantly better than those that emit light above 3200K. LEDs that emit light at 4000K or higher really should be avoided.

The good news is that amber LEDs are on the market and are just as efficient as the bluer LEDs. The Hill Country Alliance is here to work with electric utility providers to make sure that Night Sky-friendly LEDs are used wherever LEDs are installed.

Helpful Resources

You can find more information about preserving the Night Sky in the Hill Country at www.hillcountrynightskies.org. For more information about preserving the Night Sky generally, including a list of recommended lighting fixtures, visit our partners in Night Sky protection, the International Dark-Sky Association, at www.darksky.org.

HCA's Night Sky Team is full of knowledgeable volunteer leaders ready to help you do your part at home, on your land, at your business and in your community. For assistance contact info@hillcountryalliance.org.

15315 Hwy 71 West
Bee Cave, TX 78738
512-263-9147
info@hillcountryalliance.org
www.hillcountryalliance.org



hill country alliance

**UVALDE COUNTY RESOLUTION 2016-date xxx
SUPPORTING EFFORTS TO PRESERVE NIGHT SKIES**

WHEREAS, Uvalde County residents recognize the Texas Hill Country for its diverse ecosystems, ethics for land stewardship, rich cultural heritage, and breathtaking scenic beauty; and

WHEREAS, the increased use of land for recreational and non-traditional agricultural uses in recent years has placed greater focus on the community economic and financial benefits of the region's scenic beauty, wildlife and open space, making activities such as tourism, outdoor recreation, hunting and fishing important to many community members; and

WHEREAS, due to the above-described increased use of land, accompanying light trespass from night lighting fixtures has been steadily on the rise, negatively impacting the natural environment and the quality of life of the people and wildlife in this region by, among other things, reducing night sky visibility and enjoyment for landowners and visitors alike; and

WHEREAS, Uvalde County is committed to supporting practices that limit or minimize light trespass from night lighting fixtures in order to protect the beauty of the night skies and allow others the full benefit and use of their private property.

NOW, THEREFORE, by action of the Uvalde County Commissioner's Court at a duly noticed and held public meeting and as reflected in the minutes of the Court, be it resolved that Uvalde County will encourage outdoor lighting fixtures and practices that follow up-to-date suggested guidelines and use available technologies for efficient, cost-effective, non-intrusive lighting and will work with its partners to educate and encourage landowners, businesses, resident communities and public entities to join this commitment to reduce energy consumption, save money, reduce light trespass and protect the health and well-being of wildlife and people.

Adopted this xx day of xx, 2016

William R. Mitchell, County Judge

Randy Scheide, Commissioner Precinct 1

Mariano Pargas, Jr., Commissioner Precinct 2

Jerry W. Bates, Commissioner Precinct 3

Raul T. Flores, Commissioner Precinct 4

ATTEST:

Donna M. Williams, County Clerk

CHAPTER 24 BUILDING REGULATIONS

ARTICLE 24.06 OUTDOOR LIGHTING

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.001 Title

This article shall be known as the "lighting ordinance."

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.002 Definitions

Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in the code. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

Applicant. A person or entity who submits to the city an application for an approval required by this code. To be qualified as an applicant under this article, the person or entity must have sufficiently documented legal authority or proprietary interests in the land to commence and maintain proceedings under this code. To avoid confusion, the term will not include anyone other than the property owner(s), tenant(s), or a duly authorized agent and representative of the property owner. As to enforcement between tenant(s) and property owner(s) of a particular piece of property, the property owner(s) shall have ultimate liability for violations of this article.

City. The City of Dripping Springs, an incorporated municipality located in Hays County, Texas.

City limits. The incorporated municipal boundary of the city, as may be expanded by annexation.

ETJ. The extraterritorial jurisdiction of the city.

Full cut-off fixtures. Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Holiday lighting. Lighting used for a specific celebration which may be one of the following types:

- (1) Festoon type low-output lamps, limited to small individual bulbs on a string.
- (2) Low-output lamps used to internally illuminate yard art.

- (3) Flood or spot lights producing less than 2,000 lumens each, whose light source is not visible from any other property, and which are used only as temporary lighting.

Light trespass. Light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky.

Lighting. Any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on- or off-premises advertising signs, and area-type lighting. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

Logo. A representation or symbol adopted by a business, organization, or an individual used to promote instant public recognition.

Lumen. The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). For the purposes of this Article, the lumen output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer. (Abbreviated lm)

Lumens per acre. The total number of initial lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

Luminous elements (of a light fixture). The lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the luminous elements of a light fixture (luminaire).

Major addition. Enlargement of twenty-five percent (25%) or more of the building's gross floor area, seating capacity, or parking spaces, either with a single construction project or cumulative series of construction projects, after the enactment of this article. The term also includes replacement of twenty-five percent (25%) or more of installed outdoor lighting.

Nonresidential. Property designated as nonresidential under the city's zoning ordinance.

Outdoor lighting. Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting for the intent of this article. (See figure A), residential fixtures installed indoors generating more than 6,200 lumens (approximately equal to a 300 watt incandescent bulb) that cause light to shine outside are also considered outdoor lighting for the intent of this article.

Figure A

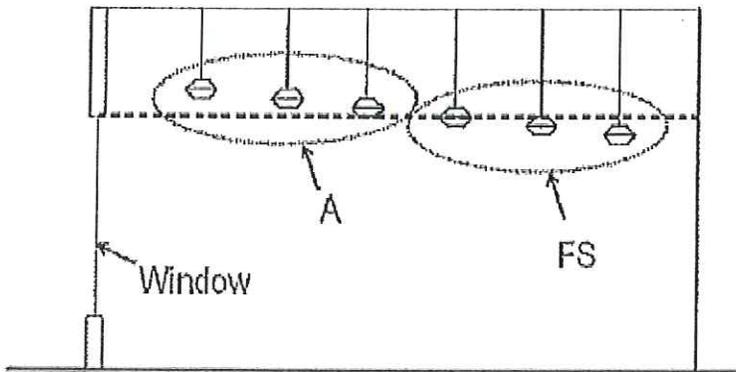


Figure A: Elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship.

Residential. Property designated as residential under the city's zoning ordinance.

Temporary lighting. Lighting intended for uses which by their nature are of limited duration; for example holiday decorations, civic events, or construction projects.

Total outdoor light output. The total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The lumen value to be used in the calculation is the initial output, as defined by the manufacturer. To get the total, add the initial lumen output attributed to each light fixture.

Uplighting. Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.003 General

(a) **Scope.**

- (1) This article applies within the city limits.
- (2) Nothing herein shall be construed as preventing or limiting the city from applying this article to the ETJ through agreements with property owners, or as a term affixed to a conditional approval (such as a variance).

(b) **Exemption.** The following are exempt from the application of the regulations of this article:

- (1) Lighting equipment required by law to be installed on motor vehicles; or
- (2) Lighting required for the safe take-off and landing of aircrafts.

(c) Prohibition. It shall be unlawful and an offense for any person to do the following:

- (1) Install lighting contrary to this article;
- (2) Fail to comply with any terms or conditions set forth in a permit issued under this article.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.004 New lighting

- (a) General. All outdoor lighting shall be installed in conformance with the provisions of this article, applicable electrical codes, energy codes, and building codes, except as provided herein.
- (b) Prohibition. It is an offense to install outdoor lighting that does not comply with the standards established by this article.
- (c) Nonresidential. All outdoor lighting installed on nonresidential properties shall conform to the standards by this article, except as provided herein.
- (d) Residential. All outdoor lighting installed on residential properties that is affixed to a construction project for which a building permit is required under this code shall conform to the standards established by this article.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.005 Nonconforming existing lighting

- (a) All existing outdoor lighting that was legally installed before the enactment of this article, that does not conform with the standards specified imposed by this article shall be considered nonconforming. Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this article.
- (b) If more than fifty percent (50%) of the total appraised value of a structure (as determined from the records of the county's appraisal district), has been destroyed, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.
- (c) Nonconforming outdoor lighting shall be brought into conformance with this article as follows:
- (1) Nonresidential-major addition. All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, when applicable. For the following permits issued by the city, the applicant shall have a maximum of 90 days from date of permit issuance to bring the lighting into conformance: site development

permit, sign permit for an externally or internally-illuminated outdoor sign, initial alcoholic beverage permit, initial food establishment permit, and on-site sewage facility permit.

(2) Residential addition or remodel. Nothing herein shall be construed to terminate a residential property's nonconforming status as a result of an addition or remodel.

(3) Abandonment of nonconforming. A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six (6) months. In that instance, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.

(d) It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.006 Shielding and total outdoor light output standards

(a) All outdoor lighting, except governmental owned streetlights, shall be shielded so that the luminous elements of the fixture are not visible from any other property. (See figures B and C).

Figure B

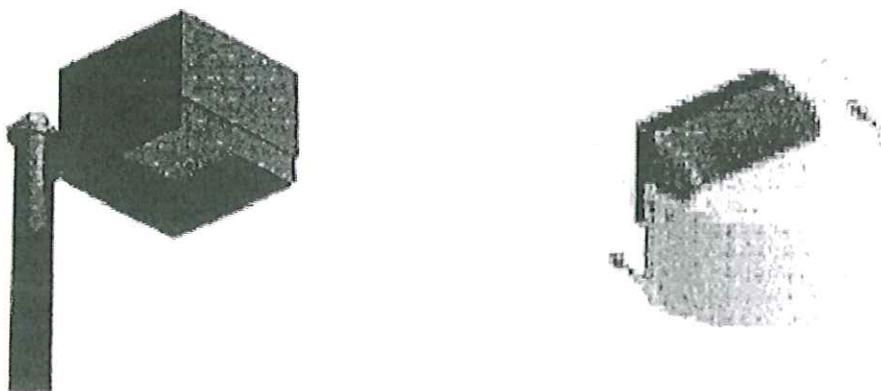


Figure B: Mounting height or proximity to property lines may cause the luminous elements of a light fixture to need additional shielding. Above are two examples of shielding.

Figure C

DO NOT USE

MAY BE USED IN MOST CASES

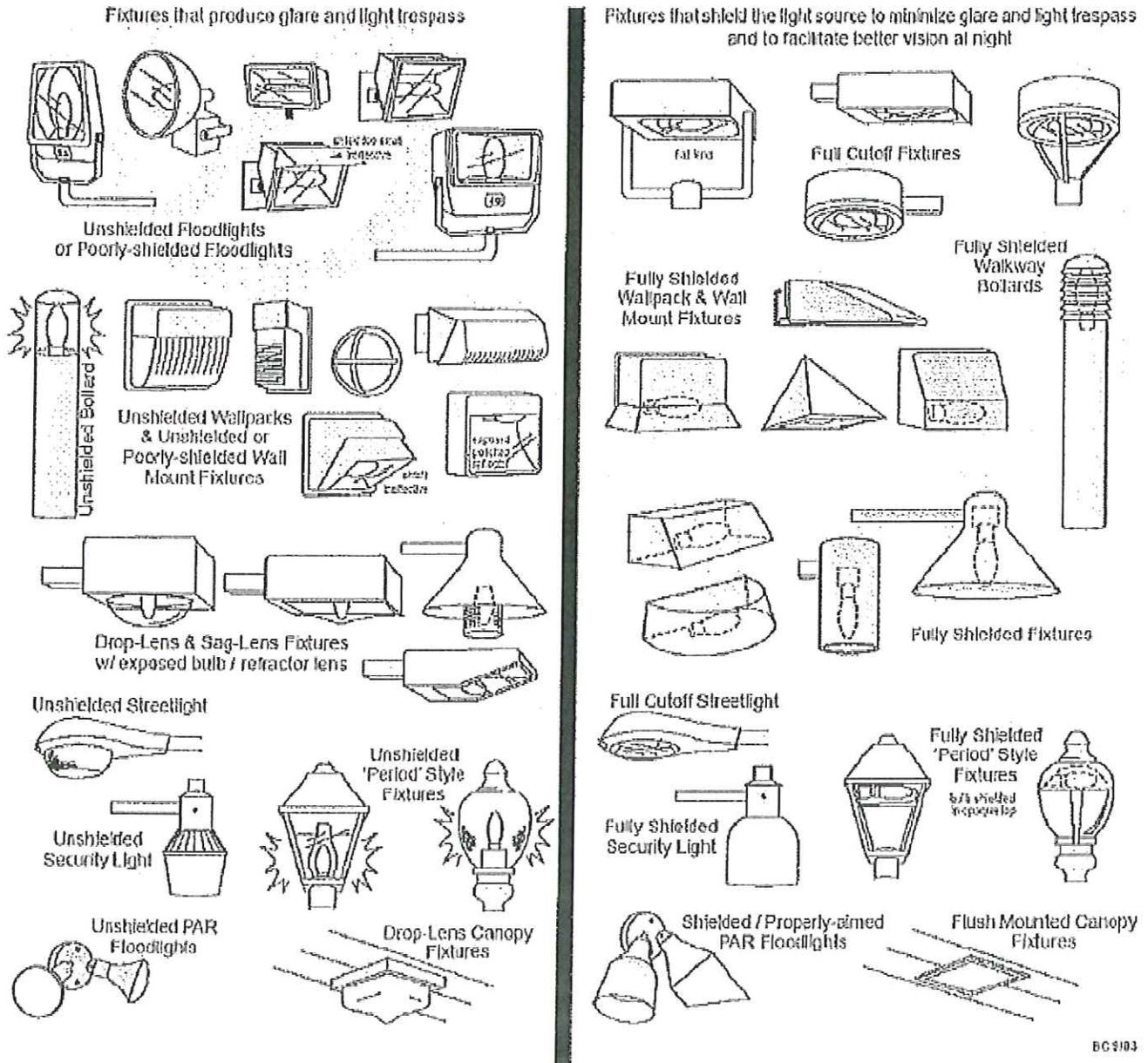


Figure C: The lights on the left are nonconforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

(b) Governmental owned streetlights shall meet the qualifications to be full cut-off fixtures in order to limit light trespass. (See figure D).

Figure D

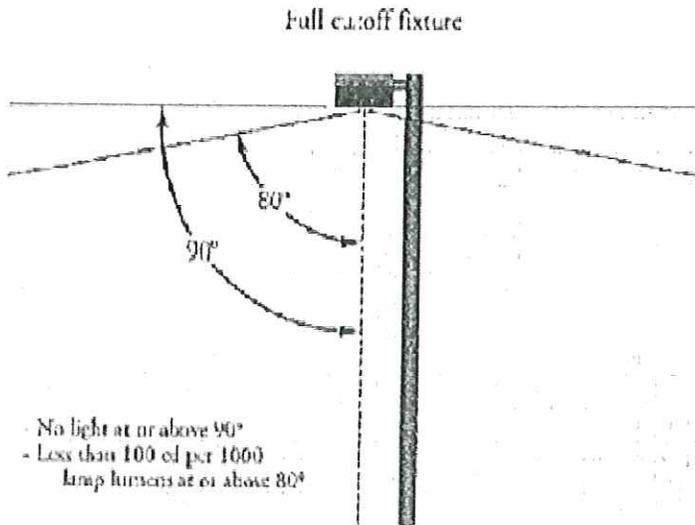


Figure D: Full cutoff fixtures do not allow any light to be emitted above the fixture. The fixture controls glare by limiting the light output at 10 degrees below the horizontal, to less than 10% of the light output in lumens.

(c) Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this article.

(d) Outdoor lighting fixtures, except uplighting covered in subsection (c) above, are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements. (See figures E and F).

Figure E

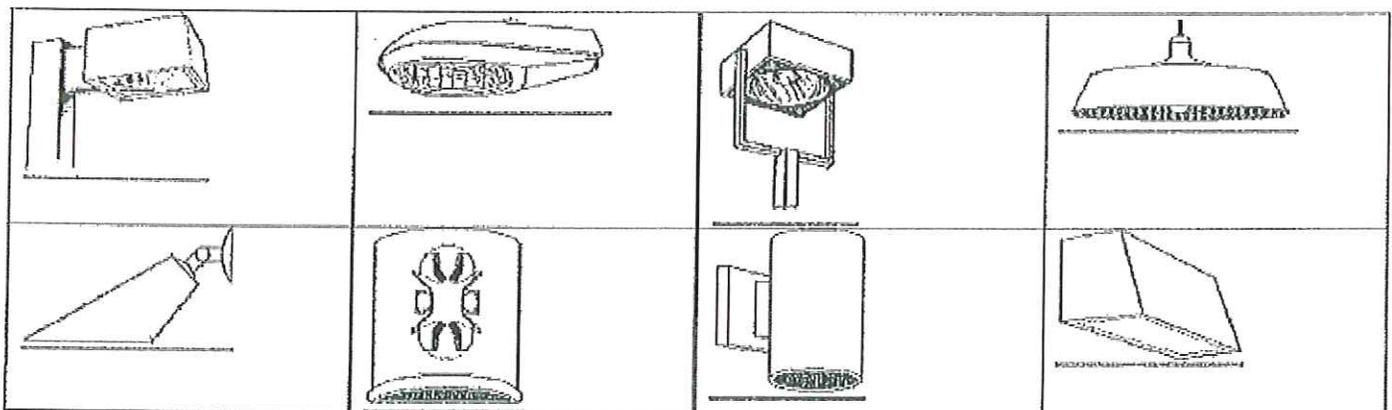


Figure E: This figure shows examples of fixtures that will conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements if they are closed on top and mounted such that the bottom opening is horizontal. Note that the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

A practical way to determine if a light fixture will conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements: the lamp or tube, any reflective surface or lens cover (clear or prismatic) must not be visible when viewed from above or the side.

Figure F

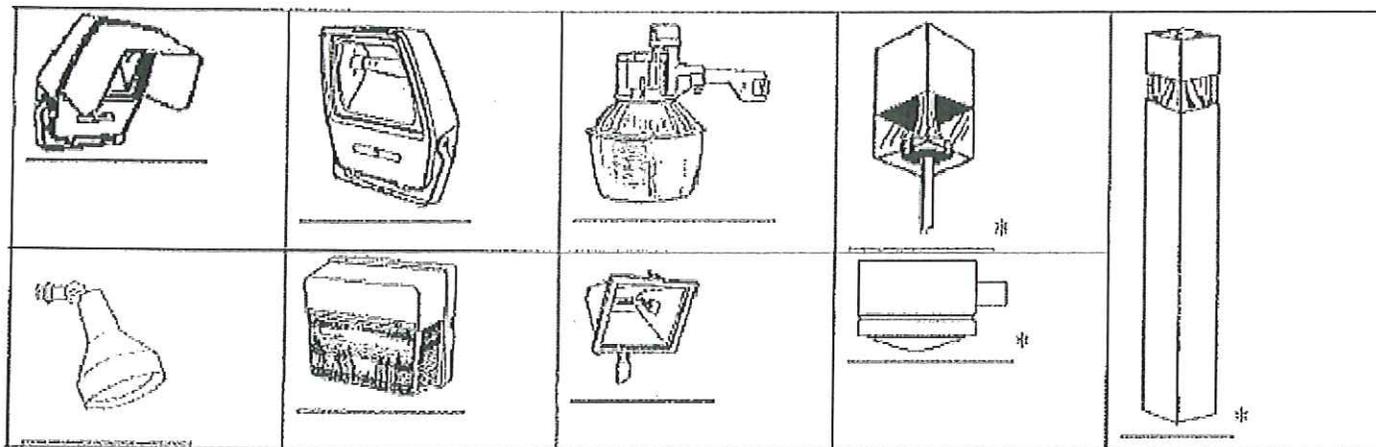


Figure F: This figure illustrates examples of fixtures that do not conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements.

*Note: Even though the lamps in these fixtures are shielded from direct view when viewed from the side or above, reflective surfaces within the fixtures and/or lens covers are directly visible from the side.

(e) Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any nonresidential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area. This lumen per net acre value is an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task.

(f) Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.

(g) Outdoor recreational facilities are not subject to the lumens per net acre limit. However, outdoor recreational facilities are subject to the shielding requirement (subsection (a) above). Where fully shielded fixtures are not available, lighting fixtures using external louvers or shields that, in the final installed configuration, extend to within 3 inches on the lowest portion of the light fixture opening are required. (See [figure G](#)). The fixtures shall be installed and maintained with aiming angles that permit no greater than 1% of the light emitted by each fixture to project above the horizontal. It is recommended that the lumens per net acre for multi-directional aerial sports (e.g., baseball, basketball, football, soccer) not exceed 1,000,000 lumens per net acre. It is recommended that the lumens per net acre for uni-directional aerial sports (e.g., golf at a driving range, skeet shooting) and all ground level sports (e.g., field hockey, swimming, archery, target shooting) not exceed 800,000 lumens per net acre.

Figure G

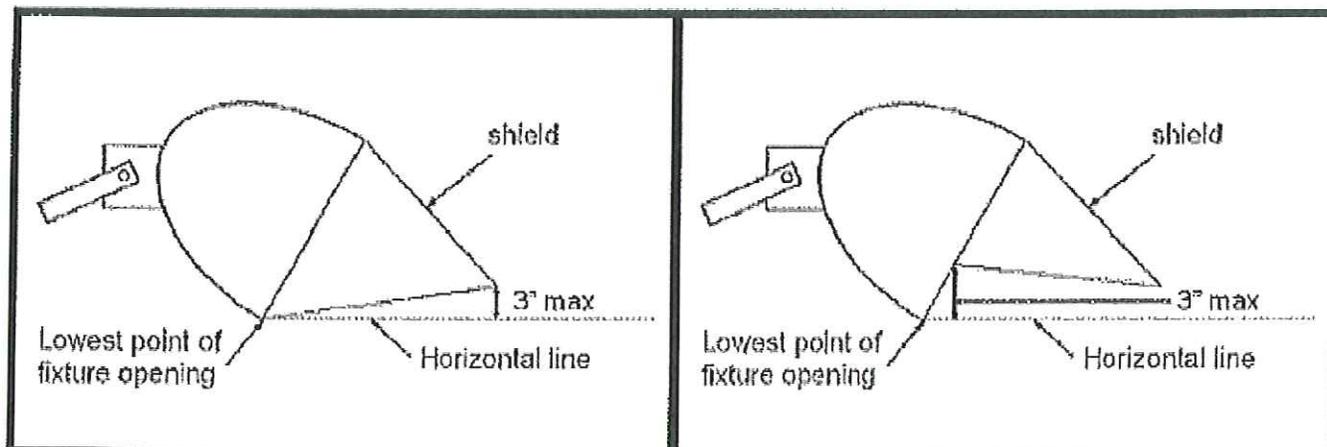


Figure G: Sports lighting where fully shielded fixtures are not available.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.007 Lighting for outdoor signs and panels

(a) Outdoor internally-illuminated signs (whether freestanding or building mounted) shall be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols. (See [figure H](#)). The internally-illuminated portion of the sign cannot be white, cream, off-white, or yellow unless it is part of a logo. White, cream, off-white or yellow are permitted in the logo only, provided that such colors in the logo shall represent not more than 33% of the total sign area permitted. Lamps used for internal illumination shall not be included in the total outdoor light output calculation.

Figure H

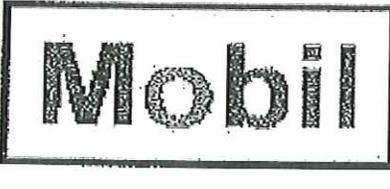
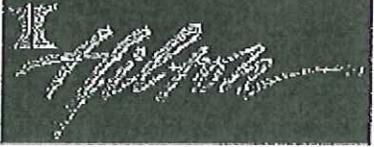
Light Background <input checked="" type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

Figure H: Internally-illuminated signs.

- (b) Outdoor internally-illuminated panels (such as illuminated canopy margins or building faces), shall be included in the total outdoor light output calculation.
- (c) Outdoor externally-illuminated signs shall conform to all provisions of this article and the sign ordinance, chapter 26 of this code.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.008 Lighting under canopies, building overhangs, or roof eaves

- (a) All outdoor light fixtures located under canopies, under building overhangs, or under roof eaves must conform to all provisions of this article.
- (b) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output. (See figures I and J).

Figure I

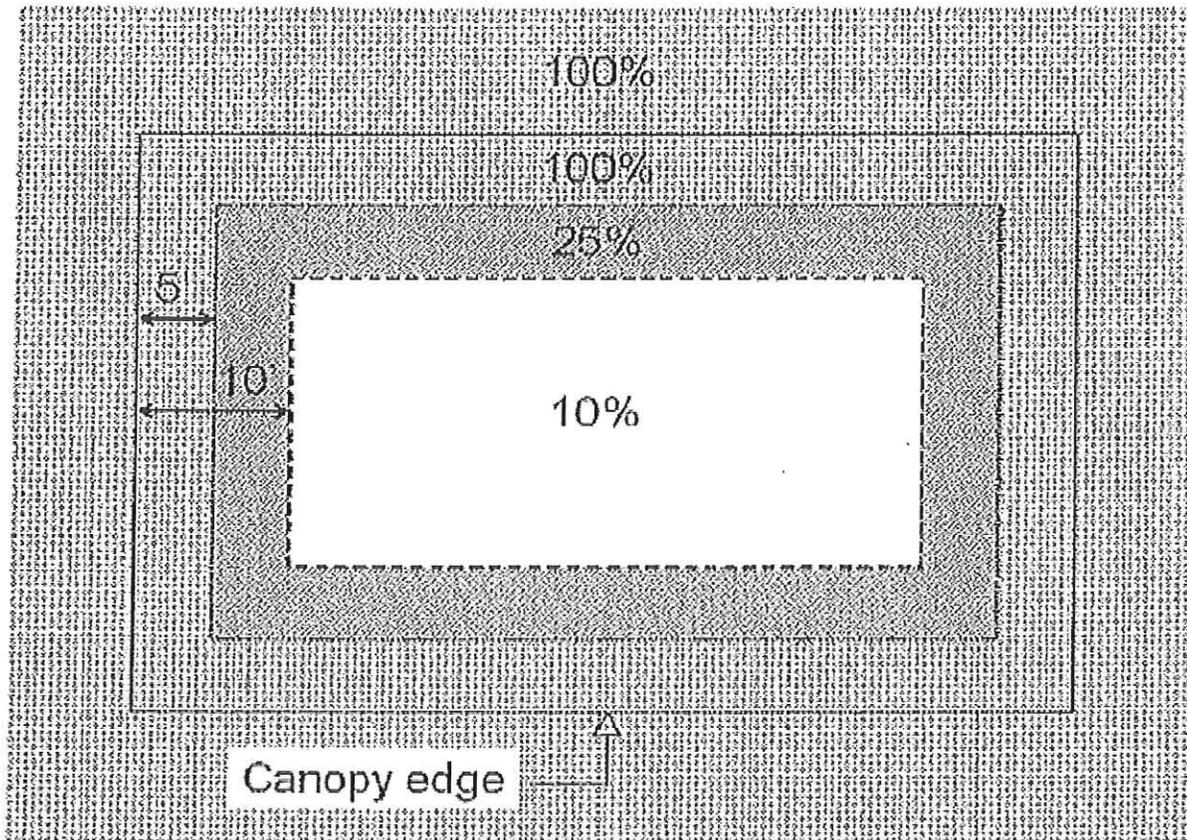


Figure I: Plan view of a canopy, showing fixture location and initial lamp output percentage counted toward total lumens.

Figure J

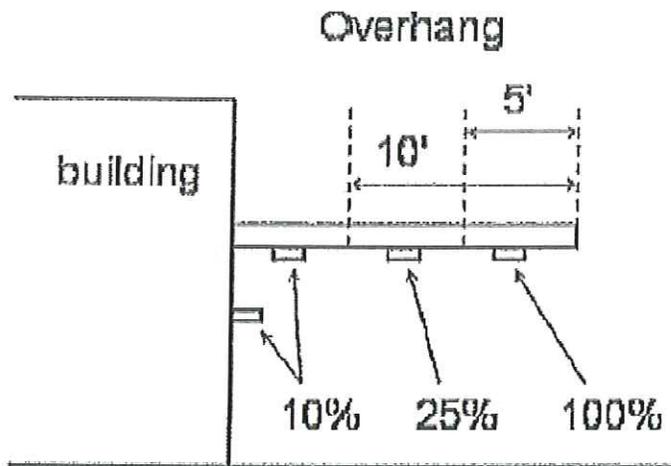


Figure J: Elevation view of a canopy or overhang attached to a building, showing location of shielded fixtures and initial lamp output percentage counted toward total lumens.

(c) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output. (See figures I and J)

(d) The total light output used for illuminating under canopies or building overhangs, defined as the sum of all under canopy initial lamp outputs in lumens, shall not exceed 20 lumens per square foot under the canopy area. All lighting mounted under the canopy, including but not limited to light fixtures mounted on the lower surface of the canopy and auxiliary lighting within signage or illuminated panels under the canopy, is to be included in the total.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.009 Neon Lighting

Neon lighting is permitted, so long as lumen calculations from such lighting are included in the total outdoor light output calculations for the site. Lumens are calculated on a per foot basis, rather than per "fixture." Such lighting shall also be subject to the shielding requirements of this section, unless exempted under section 24.06.014.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.010 Flagpoles

Nothing herein shall be construed to limit or apply to the flagpoles in existence at the Veterans Memorial Park, which are expressly grandfathered. Lighting of up to 2 governmental flags per property is permitted with the following restrictions:

- (1) Flagpoles illuminated from below are limited to a height of 25 feet aboveground level. They are to be illuminated with a single spot type fixture whose maximum initial output is 75 lumens per foot, measured from the light fixture to the top of the flagpole. The fixture is to be mounted so that the lens is perpendicular to the flagpole.
- (2) Flagpoles illuminated from above may utilize a light fixture attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within 15 feet of the flagpole and must comply with section 24.06.006(a) and (b) of this article except for lights such as the ones in figure K. The total number of lumens initially output from any light fixture mounted on top of a flagpole is limited to 800.

Figure K

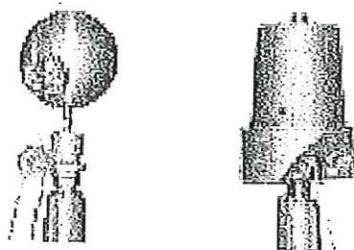


Figure K: Options for flagpole lighting.

- (3) Lamps used for flagpole illumination shall be included in the total outdoor light output calculation.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.011 Lighting curfews

- (a) Nonresidential outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities, must be reduced to 25% or less of the normal lumen output. Motion sensor activation may be allowed to cause the light to resume normal lumen output only when activated and to be reduced back to 25% or less of normal lumen output within 5 minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- (b) Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 10:00 p.m., provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.
- (c) Street lighting, other than at the intersection of roadways, shall utilize half night photocells or timers to turn off the lights halfway between dusk and dawn.
- (d) Lighting for outdoor recreational facilities is allowed between one hour prior to sunset and 10:30 p.m., unless it is needed to complete a specific organized activity or event already in progress at 10:30 p.m.
- (e) All outdoor lighting is encouraged to be turned off when no one is present to use the light.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.012 Prohibitions

- (a) The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
- (b) The installation of any wall pack style fixture for use as outdoor lighting is prohibited unless the fixture is rated by the manufacturer as full cutoff.

Examples of acceptable wall packs, when mounted with light directed downward only are shown in figure L.

Figure L



Figure L: Samples of acceptable wall packs.

(c) The installation of any barn-light style fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens. An example of barn-light style with and without the required opaque reflector is shown in figure M.

Figure M

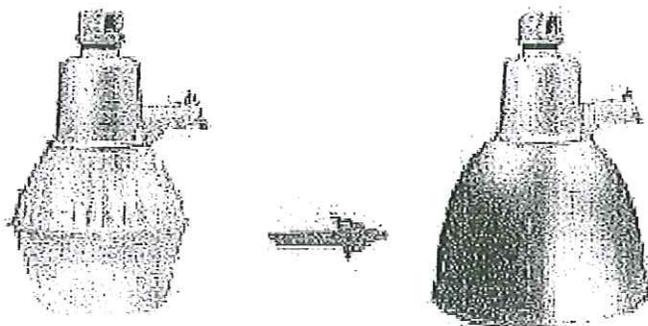


Figure M: Acceptable shielding of barn-style light fixtures.

(d) The operation of searchlights for advertising purposes is prohibited.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.013 Submission of plans and evidence of compliance

(a) All commercial building permit applications must include an outdoor lighting plan which includes the following information:

- (1) The location of all existing and proposed light fixtures (may be included on-site plan).

(2) A lumen calculation sheet to determine lumens per net acre. It must include the total area to be illuminated, the fixture descriptions, lamp types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), wattages, number of lamps, lamp initial lumens and mounting height of all existing and proposed lamps.

(3) Specification sheets for all existing and proposed light fixtures.

(4) Acknowledgement that the applicant has received notification of the provisions of this article.

(b) Upon receipt of residential building permit applications, city staff shall provide the homebuilder and/or applicant with educational materials about this article. The city's submission of educational materials shall be prima facie evidence that the applicant has received notification of the provisions of this article.

(c) Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this article shall occur during the final electrical inspection by the city building inspector.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.014 Exemptions

The following lighting instances are exempt from this article:

(1) Outdoor light fixtures with a maximum output of 300 lumens per fixture, regardless of the number of bulbs, (equals approximately one 25 watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up. The output from these fixtures shall not exceed 5% of the allowable lumens per net acre.

(2) Outdoor light fixtures with a maximum output of 600 lumens per fixture, regardless of the number of bulbs, (equals approximately one 45 watt incandescent light), which are shielded with a colored lens provided said lens reduces the lumen output approximately in half and the fixture has an opaque top to keep light from shining directly up. The output from these fixtures shall not exceed 20% of the allowable lumens per net acre.

(3) Outdoor lighting for which light is produced directly by the combustion of fossil fuels.

(4) Holiday lights as defined in this article are exempt from the requirements of this article from November 15th to January 15th during the hours from 6:00 a.m. to midnight each day, except that flashing holiday lights are prohibited on nonresidential properties. Flashing holiday lights on residential properties are discouraged. Holiday lights may be illuminated one additional seven (7) day period per calendar year.

(5) Lighting required by law to be installed on motor vehicles.

(6) Lighting needed during activities of law enforcement, fire and other emergency services.

- (7) Lighting employed during emergency repairs of roads and utilities may be unshielded provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (8) Lighting required for the safe operation of aircraft.
- (9) Temporary lighting required to save life or property from imminent peril provided the lights are positioned so they do not shine in the eyes of passing drivers.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.015 Materials and methods of installation

This article is not intended to prohibit the use of any design, material or method of prescribed installation not specifically proscribed by this article, provided such alternative meets the legislative intent of this article.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.016 Compliance with building code

All lighting installations commenced in accordance with this article must be in compliance with the International Building Code, as adopted by the city council.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.017 Civil and criminal penalties

The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.018 Criminal prosecution

Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a class A misdemeanor. The culpable mental state to incur criminal liability under this article is recklessness.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.019 Civil remedies

Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief;
- (2) Monetary damages; and
- (3) Other relief as directed by a court with jurisdiction over the matter.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.020 Alternative relief

To prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article; and

- (1) In lieu of criminal prosecution, a civil penalty up to five hundred dollars (\$500.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this article and committed acts in violation of this article or failed to take action necessary for compliance with this article; and other available relief.
- (2) In the event work is not being performed in accordance with this article, the city shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.021 Public nuisance

(a) Any violation of this article that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance, which is prohibited by this article.

(b) It is an offense under this article for a person to emit light onto the property of another unreasonably interfering with the neighboring property owner's use and enjoyment of their property.

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.022 Administrative guidance

The city is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this article. Such interpretive documents shall be educational only and shall not constitute regulations, amendments, or exceptions.

(Ordinance 1260.20 adopted 1/13/11)

Agenda Item:

8B. Receive an update and provide direction to staff regarding the planned indoor athletic facility at the Kerrville Sports Complex. (staff)

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

SUBJECT: Receive an update and provide direction to city staff regarding the planned indoor athletic facility at the Kerrville Sports Complex

FOR AGENDA OF: Sep. 13, 2016 **DATE SUBMITTED:** Sep. 8, 2016

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

EXHIBITS: Indoor Athletic Facility Site Plan and Perspective

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

Pursuant to City Council action in February 2016, Peter Lewis Architect + Associates was contracted to provide architectural services for the design and construction of the proposed indoor athletic facility at the Kerrville Sports Complex. The original scope of the design was to provide for an approximately 30,000 square foot building to include up to 14,000 square feet of heated and air-conditioned space for baseball/softball training areas, meeting space, offices, and restrooms. The balance of the space was to be for indoor flex space and designed to accommodate t-ball games and practices. These building specifications were outlined in a commercial lease agreement between the City of Kerrville and BTP Baseball Ventures LLC.

Estimates to construct the original 30,000 square foot building were approximately \$2.7 million, significantly higher than the \$2.0 million project budget. City staff and representatives of BTP Baseball Ventures LLC worked with the architect to develop an alternative scope to reduce costs. Attached is a site plan for a building that is estimated to cost approximately \$2.0 million to construct.

The modified building scope includes the following:

1. Pre-engineered metal structure;
2. Single story consisting of a 17,714 square foot building footprint;
3. Indoor area contains – an area for the pro shop, administrative offices (2), parent observation/meeting room, storage room, concession area; and
4. Outdoor multi-use space consisting of 11,736 square feet – an area to accommodate t-ball games and practices, used for other purposes, constructed with

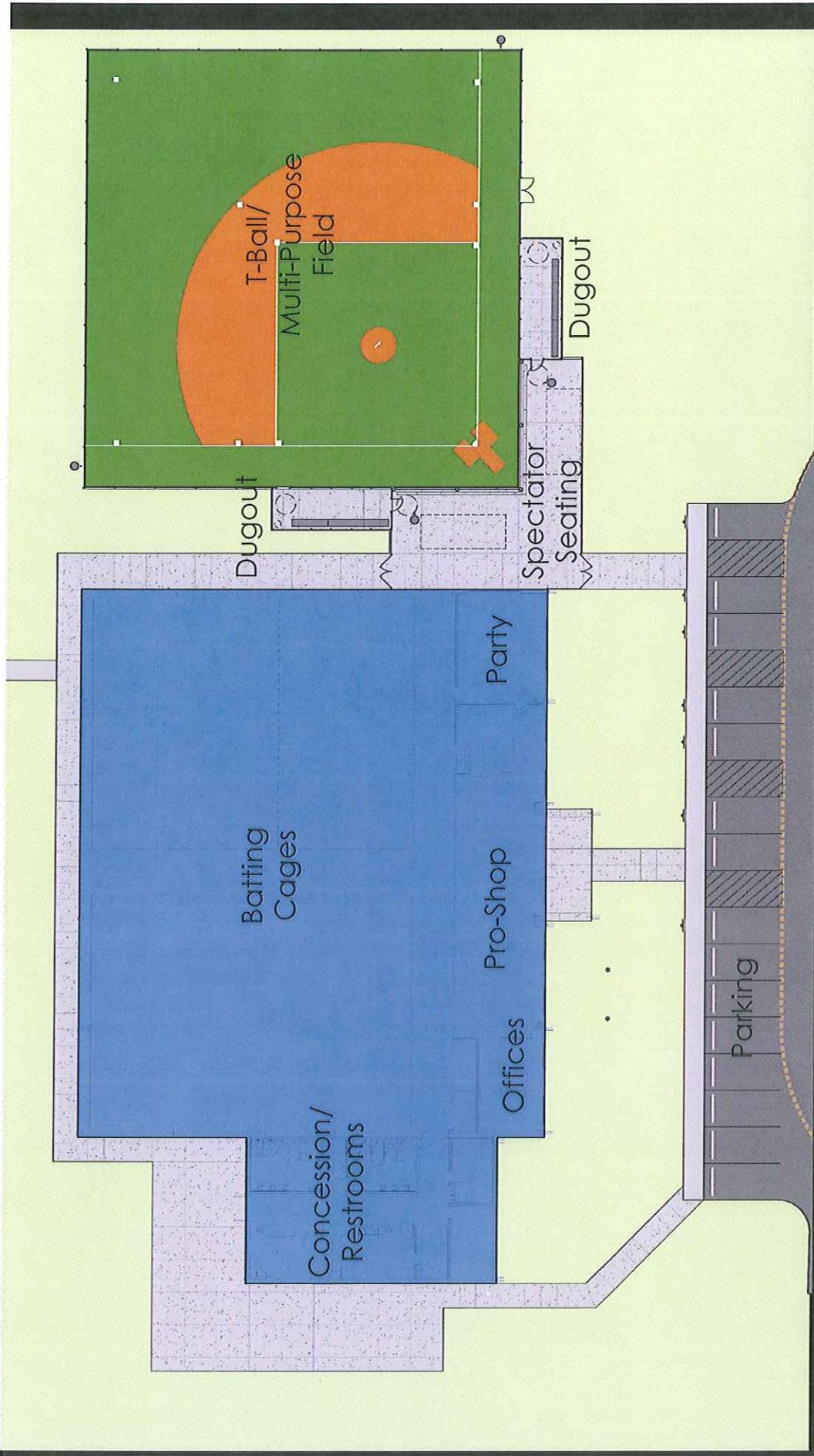
artificial turf. This area will be connected to the indoor facility via sidewalks and includes covered spectator seating. Specifications for this area would also allow it to be enclosed at a future date.

BTP Baseball Ventures LLC has approved the attached site plan.

With the changed scope of the structure, Peter Lewis Architect + Associates have amended their design contract. The revised contract reduces the fees from \$161,000 to \$140,380 to reflect the reduction in scope.

RECOMMENDED ACTION

It is recommended that the City Council accept the attached site plan and direct staff to proceed with the design of the indoor athletic facility.



Site Plan

August 9, 2016

PETER LEWIS
ARCHITECT + ASSOCIATES





Perspective

August 9, 2016

PETER LEWIS
ARCHITECT + ASSOCIATES

