

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY, JANUARY 10, 2017, 6:00 P.M.**

**KERRVILLE CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

**KERRVILLE CITY COUNCIL AGENDA**  
**REGULAR MEETING, TUESDAY, JANUARY 10, 2017, 6:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**INVOCATION OFFERED BY COUNCILMEMBER MARY ELLEN SUMMERLIN**

**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. RECOGNITION:**

2A. Lieutenant Phil Engstrom upon his graduation from the FBI National Academy in Quantico, Virginia. (staff)

**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 the 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. Acceptance of minutes of the regular meetings held November 8 and December 13; workshop held November 15; and special meetings held October 28, November 14, November 15, and December 15; and Kerr County workshop on flood warning system held December 20, 2016. (staff)

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The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 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: January 6, 2017 at 4:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig  
City Secretary, City of Kerrville, Texas

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3B. Resolution No. 01-2017 ordering that a General Election be held on May 6, 2017, for the election of two city councilmembers; appointing election judges; adopting an electronic counting system; establishing a central counting station; appointing a central counting station manager; appointing a tabulation supervisor; appointing the central counting station presiding judge; and authorizing the early processing of ballots. (staff)

3B. Resolución No. 01-2017 que decreta que las elecciones generales se lleven a cabo el 6 de mayo del 2017 para elegir dos concejales municipales; nombrar a los jueces electorales; adoptar un sistema electrónico de conteo de votos; establecer una estación central de conteo; nombrar a un administrador(a) de la estación central de conteo; nombrar a un supervisor(a) de tabulación; designar al juez presidente de la estación central de conteo; y autorizar el procesamiento temprano de los votos electorales.

3C. Response to Texas Department of Transportation letter regarding surplus property on the northwest corner of State Highway 16 and G Street South declining offer to acquire. (staff)

**END OF CONSENT AGENDA**

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

4A. Ordinance No. 2017-01 amending the City's "Zoning Code" by changing the zoning district for an approximate 0.4832 acre tract of land located adjacent to Clay Street, between its intersections with Schreiner Street and Barnett Street, and otherwise known as 601 Clay Street; by removing the property from the 11-C Central City Zoning District and placing it within the Central Business Zoning District (CBD); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. (staff)

4B. Ordinance No. 2017-02 amending the Comprehensive Plan for the City of Kerrville, Texas, pursuant to Chapter 213 of the Texas Local Government Code, by revising the future land use plan for an approximate 3.07 acre tract of land located adjacent to Singing Wind Drive North and between its intersections with Meadowview Lane and Loop 534 (Veterans Highway); and changing the future land use of this area from low-density residential to high-density residential. (staff)

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City Secretary, City of Kerrville, Texas

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4C. Ordinance 2017-03, amending the city's "Zoning Code" by changing the zoning district for tracts of land consisting of an approximate 3.07 acres and located adjacent to Singing Wind Drive North and between its intersections with Meadowview Lane and Loop 534 (Veterans Highway), and otherwise known as the 2500 block of Singing Wind Drive North; by removing the property from the residential cluster zoning district (RC) and placing it within the 28-E zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. (staff)

4D. Ordinance No. 2017-04, abandoning and vacating all right, title, and interest in a public right-of-way, consisting of an unimproved portion of Meeker Street, as located between and intersecting with both Locust Street and Singing Wind Drive; being an approximate 0.19 of one acre tract of land out of the Samuel Wallace Survey No. 113, Abstract No. 347, and the Sendero Ridge Subdivision Unit 1A, a subdivision within the City of Kerrville, Kerr County, Texas, according to the plat thereof recorded in Volume 7, Page 99 of the plat records of Kerr County; finding that said portion is not required for future use as a public street; reserving a public utility easement; making the effective date subject to certain conditions; and ordering recording. (staff)

**5. PUBLIC HEARING AND RESOLUTION:**

5A. Resolution No. 02-2017 granting a conditional use permit for an approximate .2181 acre tract of land located west of and adjacent to Broadway (State Highway 27); being Lot 1, Block 18 of the JA Tivy Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 1217 Broadway; said tract located within the 17-C zoning district; by permitting said property to be used for business services II purposes (Refrigeration/Air Conditioning Service and Repair) as that term is defined within the City's Zoning Code; and making said permit subject to certain conditions and restrictions. (staff)

**6. PUBLIC HEARING AND ORDINANCE FIRST READING:**

6A. Ordinance No. 2017-05 abandoning and vacating all right, title, and interest in a portion of a public right-of-way, consisting of an unimproved portion of "H" Street, as located west of and intersecting with Water Street; being an approximate 0.396 of one acre tract of land out of the Thomas Hand Survey No. 115, Abstract No. 193, as shown

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on the plat of J.A. Tivy's First Addition, a plat recorded in Volume "P", Page 16 of the Real Property Records of Kerr County, Texas, and within the City of Kerrville, Texas; finding that said portion is not required for future use as a public street; making the effective date subject to certain conditions; and ordering recording. (staff)

**7. ORDINANCE, FIRST READING:**

7A. Ordinance No. 2017-06 amending the budget for Fiscal Year 2017 to account for various changes to the city's operational budget, including additional revenues and allocations for capital improvement projects. (staff)

**8. CONSIDERATION AND POSSIBLE ACTION:**

8A. Interlocal agreement between Kerr County, Upper Guadalupe River Authority (UGRA), and the City of Kerrville for submitting an application for a Hazard Mitigation Action Flood Warning System Grant. (John Hewitt, engineer hired by Kerr County)

8B. Response to the letter from Kerr County concerning the floodplain around Third Creek.

**9. INFORMATION AND DISCUSSION:**

9A. Budget and economic update for period ending November 30, 2016. (staff)

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

10A. Recovery Community Coalition. (staff)

**11. ITEMS FOR FUTURE AGENDAS**

**12. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

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

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**13. 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.

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

**15. ADJOURNMENT.**

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City Secretary, City of Kerrville, Texas

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## **Agenda Item:**

2A. Lieutenant Phil Engstrom upon his graduation from the FBI National Academy in Quantico, Virginia. (staff)

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

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**SUBJECT:** Recognition of Lieutenant Phil Engstrom upon his graduation from the FBI National Academy in Quantico, Virginia

**FOR AGENDA OF:** January 10, 2017    **DATE SUBMITTED:** December 20, 2016

**SUBMITTED BY:** Chief David Knight     **CLEARANCES:** Don Davis, City Manager

**EXHIBITS:**

**AGENDA MAILED TO:**



**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

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**SUMMARY STATEMENT**

The Kerrville Police Department was extremely fortunate to have Lieutenant Phil Engstrom attend the FBI National Academy in 2016. The FBI National Academy is designed to provide advanced training to law enforcement executives from both the United States and foreign law enforcement departments. Each session is comprised of approximately 265 law enforcement command officers representing all 50 states and over 22 foreign countries. Internationally recognized for its academic excellence, the National Academy Program, held at the FBI Academy in Quantico, Virginia, offers ten (10) weeks of advanced investigative, leadership, management and fitness training for selected officers having proven records as professionals with their agencies. National Academy students have been able to earn undergraduate and graduate credits from the University of Virginia. The academy allows students the opportunity to create their own class schedule, allowing them to meet their specific developmental needs and providing a free exchange of ideas with other students concerning the best practices of their departments.

**RECOMMENDED ACTION**

I would like to formally recognize Lieutenant Phil Engstrom upon his graduation from Session 266 of the FBI National Academy.

## **Agenda Item:**

3A. Acceptance of minutes of the regular meetings held November 8 and December 13; workshop held November 15; and special meetings held October 28, November 14, November 15, and December 15; and Kerr County workshop on flood warning system held December 20, 2016. (staff)

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
NOVEMBER 8, 2016

On November 8, 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 Bill Blackburn, followed by the Pledge of Allegiance led by Fire Department Division Chief Eric Maloney.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
Gene Allen	Councilmember
Mary Ellen Summerlin	Councilmember

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Mike Hayes	City Attorney
E.A. Hoppe	Deputy City Manager
Brenda Craig	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
Eric Maloney	Fire Department Division Chief
David Barrera	Assistant Director of Public Works

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

**1. VISITORS/CITIZENS FORUM:**

1A. Kerr County Commissioner Tom Moser noted the city and county were in the final phase of a project that would remove 200 properties in Kerrville South from septic systems and place them on city sewer services.

1B. Introduction of Brian O'Connor, Executive Director of the Kerr Economic Development Corporation.

**2. CONSENT AGENDA:**

Mr. Allen moved to approve consent agenda item 2A; Mr. Andrew seconded the motion, and the motion passed 5-0:

2A. Acceptance of minutes of the regular meeting held September 27, 2016.

**3. ORDINANCES, THIRD AND FINAL READING:**

3A. Ordinance No. 2016-18, granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to furnish, transport and supply gas to the general public in the City of Kerrville, Kerr County, Texas, for the transporting, delivery, sale, and distribution of gas in, out of, and through said municipality for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys, and public ways; repealing all predecessor ordinances; providing that it shall be in lieu of other fees and charges, excepting ad valorem taxes; prescribing the terms, conditions, obligations and limitations under which such franchise shall be exercised; providing a savings clause, a most favored nations clause, and a severability clause; and providing an effective date.

Mr. Hayes noted Atmos had accepted the ordinance and he recommended approval.

Mr. Allen moved for approval of Ordinance No. 2016-18 on third and final reading; Ms. Summerlin seconded the motion and it passed 5-0.

#### **4. CONSIDERATION AND POSSIBLE ACTION:**

4A. Resolution No. 27-2016 providing for the city's approval or disapproval of an amendment to the Kerr Central Appraisal District's (KCAD) 2015 fiscal year budget.

Mayor White noted the KCAD surplus totaled \$34,033.00 for FY2015; the City of Kerrville's portion would be \$4,659.12.

P.H. Coates, IV, KCAD Chief Appraiser, and Justin MacDonald, Secretary of the KCAD Board of Directors, provided a letter from KCAD's auditors stating a surplus for FY2015. KCAD requested an amendment to their FY2015 budget to allow KCAD to retain the budget surplus funds for their building reserve fund instead of returning the funds to the taxing entities. The city council previously approved KCAD's purchase of the land, and building design was underway. Mr. Coates noted KCAD would be going out for bids for building construction in December, and KCAD would be making a funding proposal to the taxing entities in February; estimated 10 month completion and move in in early 2018.

Mr. Allen moved for approval of Resolution No. 27-2016 approving the budget amendment; Ms. Summerlin seconded the motion and it passed 5-0.

#### **5. INFORMATION AND DISCUSSION**

5A. Report on Phase I, preliminary engineering report for Kerr County Flood Warning System, by John Hewitt, Hewitt Engineering.

Mr. Hewitt noted the county was evaluating whether to seek a federal FEMA grant, which was due in January 2017. The committee had discussed flood warning systems at low water crossings and the type of warning mechanisms. Currently, there are 20 low water crossings monitored in Kerr County; 11 monitored by Guadalupe Blanco River Authority and 9 monitored by Texas Department of Transportation. The committee looked at 69 crossings in the county and narrowed the scope to 20 for evaluation. Since that report, the city

added 22 crossings in the city. The committee would meet in December to go over recommendations and decide what to put in a proposed grant. Any future flood warning system should be coordinated by all agencies. Mr. Hewitt discussed the possibility of participating with San Antonio/Bexar County to add Kerr County crossings to their web-based monitoring system.

Kerr County Commissioner Tom Moser noted the county's workshop would be on December 20.

4B. Interlocal agreement with Kerr County for household hazardous waste collection event to be held December 10, 2016, at the Hill Country Youth Event Center.

Mr. Barrera noted Kerr County was awarded a \$25,000 grant for this event. Under this agreement the city will provide assistance with the application and provide \$10,000 cash match for the application, and the city will cover expenses above \$35,000; \$30,000 was budgeted in the city's budget.

Mr. Fine moved to approve the agreement; Mr. Andrew seconded the motion and it passed 5-0.

4C. Review of Mardi Gras event and consideration of changing the date of the event.

Rose Bradshaw and Melissa Southern, Main Street Advisory Board (MSAB), requested changing the date of the event to April 22; the name of the event may also change, but they planned to keep the Cajun theme. Approximately 750 people attended the 2016 event held in Louise Hays Park. Moving the event to the park was better because streets did not have to be closed, food vendors had more time to set up, and downtown businesses were not affected. They opined that attendance would increase by moving the event from Tuesday to Saturday.

Mr. Andrew moved that the Mardi Gras event be held on April 22; Ms. Summerlin seconded the motion and it passed 5-0.

4D. Resolution No. 26-2016 creating the recovery community coalition and providing for its purpose, membership, roles, and responsibilities.

Mr. Andrew proposed to accept applications through December 2 and appoint members at the December 10 meeting. The committee would set their own meeting date and follow all city rules for boards. All board members must be residents of the city and represent specific stakeholder groups as stated in the resolution. County residents would be encouraged to attend the meetings.

Council discussed amending: Section Two from "may" to "shall" appoint a secretary to make a record of their minutes; and Section Three remove "A".

Mr. Andrew moved to approve Resolution No. 26-2016 with changes stated, and Mr. Fine and Mr. Andrew interview applicants. Mr. Fine seconded the motion and it passed 5-0.

4E. Approve hiring of an outside attorney.

Mayor White stated she had asked Mr. Hayes to place an item on the agenda for council to discuss and approve the hiring of an outside legal counsel and he did not. Mr. Hayes also did not request this matter be discussed in executive session.

Mayor White noted she requested information from Mr. Hayes in September regarding the July incident with late Councilmember Gary Stork. She cited council's fiduciary responsibility and obligation to protect citizens and their safety and well-being; she opined that council should have been informed. Several other open record requests also were submitted to the city; Mr. Hayes denied those requests and suggested if council wanted information they should place an item on the agenda.

Mayor White stated her issue was that Mr. Hayes hired a San Antonio law firm to represent the city in filing a brief with the Attorney General's Office (AGO) to deny the six public information requests (PIR) related to the incidents. Since the matter in the 198<sup>th</sup> District Court had been dismissed, she opined that the information should be public. Mr. Hayes had told her that because of the number of submittals and time it would take to review records, and his relationship with Mr. Stork, he hired a firm.

Mayor White noted that City Charter Section 7.01 allowed city council to approve special legal counsel. She opined that in accordance with the Charter the city council was to approve whether or not a legal expense was made for outside legal counsel. The council was to engage special counsel, not the city attorney, or the city attorney could do so at the request of the council. She questioned why the city attorney had retained outside counsel for the preparation of the briefs for the AGO since PIRs were rather routine.

She asked council to consider the reasons given by Mr. Hayes and seek clarification to the questions: what was the scope of the work expected; was this just for the specific item of preparing the brief to the AGO; what was the expected budget and length of service; whether such matters as providing a denial of a PIR required expertise above the city's in-house counsel; and did this mean that Mr. Hayes was removing himself from these matters due to his relationship with Mr. Stork.

Ms. Summerlin stated she read the Charter quite differently, Page 16 stated the city attorney had authority to appoint one or more assistants subject to the approval of city council. The city attorney's budget, as approved by council, included \$20,000 set aside to farm out legal matters. She questioned if it was standard practice of the Kerrville City Council to approve expenditures after the budget had been adopted, because that was not typical in her opinion. Ms. Summerlin noted if anyone wanted to withhold anything they had to ask the AGO. This specific situation involved a juvenile. She noted there were 9 information requests. Mr. Hayes noted a 10<sup>th</sup> request had been received. Ms.

Summerlin asked if one of the PIR had been submitted by Ms. White's attorney; Ms. White replied yes. Mayor White opined that assistants were employees.

Councilmembers also noted the following:

- The city attorney was given authority through approval of the budget to spend funds as needed; this was in keeping with past practice.
- If such legal expenditures required council approval, it should be budgeted in council's budget and not the city attorney's budget.
- The council did not micro manage expenditures in other department budgets.
- Gary Stork and Bonnie White were both clients of Mr. Hayes; this was a perfect example of when an outside firm should be hired; Mr. Hayes did the right thing.
- Council performed its fiduciary responsibility when it passed the budget; they did not want to set a precedence of approving expenditures that were in the city attorney's budget; if they did so with the city attorney they should do so with all staff/departments.
- If the Charter needed clarification for the future, this could be discussed during the next charter review.
- Mr. Hayes had the duty and authority to use his budget as he deemed necessary.

The following persons spoke:

1. Lucy Silva spoke for the victim and encouraged council to answer the public information requests; there was no follow up to answer questions about public safety. The city should reply to the PIRs to protect citizens, and there may be other perpetrators. There was no justice for the victim.

Council noted that the privacy of the juvenile was a paramount consideration, and that was why things needed to be sorted through, and it was appropriate to hire outside counsel to do that.

2. James Craft stated that no information had come out about the matter, and he encouraged council to honor the PIRs. If the information was published, there would not be so many PIRs. The Charter stated the city attorney had authority to appoint assistants, but specifically subject to approval of the city council.

## **5. INFORMATION AND DISCUSSION**

5A. Report on Phase I, preliminary engineering report for Kerr County Flood Warning System, by John Hewitt, Hewitt Engineering. Report given earlier in the meeting following Item 4A.

5B. Budget and economic update.

Ms. Yarbrough gave the financial report year to date for the period ending September 30, 2016: general fund revenues totaled \$24,544,625 and expenditures \$23,933,204; water and sewer fund revenues totaled \$11,574,350 and expenditures \$11,096,569; hotel/motel fund revenues totaled \$1,109,233 and expenditures \$960,474; 73 permits for new residential construction and commercial new/remodel construction totaled \$31,132,014. She provided budget information

for six major capital projects: athletic complex, library campus-history center; reuse project design, reuse project construction, river trail, and utility construction building. She noted this was the year end; however, the numbers had not been audited. She discussed year end transfers and encumbrances.

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

6A. Library Advisory Board. Mr. Allen moved to reappoint Marty Lenard with term to expire November 22, 2018. Ms. Summerlin seconded the motion and it passed 5-0.

**7. ITEMS FOR FUTURE AGENDAS:** None.

**8. ANNOUNCEMENTS OF COMMUNITY INTEREST** were discussed.

**ADJOURNMENT.** The meeting adjourned at 7:14 p.m.

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

ATTEST:

\_\_\_\_\_  
Bonnie White, Mayor

\_\_\_\_\_  
Brenda Craig City Secretary

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
DECEMBER 13, 2016

On December 13, 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 Reverend Donna Magee, First United Methodist Church, followed by the Pledge of Allegiance led by Police Chief David Knight.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Glenn Andrew	Councilmember
Mary Ellen Summerlin	Councilmember
Gene Allen	Councilmember

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Mike Hayes	City Attorney
E.A. Hoppe	Deputy City Manager
Brenda Craig	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
Trent Robertson	City Planner

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

**1. VISITORS/CITIZENS FORUM:**

1A. Renee Lofaso spoke regarding continued attacks on former Councilmember Gary Stork and wife Peggy. It was difficult for her, Mr. Stork's children and parents who grieve their deaths when matters continue to be brought up by Mayor White in council meetings which then end up in the Daily Times. Ms. Lofaso noted she continued to live in fear and harm from remarks made by Mayor White about Ms. Lofaso during an on-going investigation.

1B. Charlie McIlvain, President and CEO of the Convention and Visitors Bureau, invited council to the Hill Country District Junior Livestock Show in January and to participate in the cowboy breakfast and cow chip toss contest on January 13, 2017, 6:00 a.m.

1C. George Baroody spoke against using economic improvement corporation (EIC) funds for the distribution lines related to the water reclamation project. He sent an email to council on December 1. He stated the Development Corporation Act allowed for funding of distribution lines; however, he opined that Section 505.304 of the Act required that a Type B Corporation could not use sales tax to fund such a project unless it was authorized by the voters at an election. He opined that his rights were being trampled by improper application of this code.

Mayor White asked Mr. Baroody if he had sent the email to Mr. Hayes. Mr. Baroody stated he did but Mr. Hayes did not respond to his comments.

Ms. Summerlin noted that Mr. Hayes sent a lengthy response to the city council describing exactly why the section that Mr. Baroody referred to did not describe the transmission lines, which were described in Section 505.152 of the Act.

Mayor White asked Mr. Hayes if he had responded to Mr. Baroody. Mr. Hayes stated he did not respond to Mr. Baroody because he responded to council giving legal advice.

Mayor White noted the EIC funding agreement would be considered by council in January and she asked Mr. Hayes to see if there was an attorney general opinion that would answer Mr. Baroody's questions. Mr. Hayes stated there was not a case or attorney general's opinion on Section 505.304.

## **2. PRESENTATIONS:**

2A. Beautification Awards: Commercial-Schreiner University Campus, Residential-John and Doris Doyle residence at 330 Everett, Brandon Douglass, Chair, Kerrville Beautification Advisory Committee.

## **3. CONSENT AGENDA:**

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

3A. Acceptance of minutes of the regular meetings held October 11, and October 25, 2016, and the special meeting held October 20, 2016.

3B. Joint election agreement between City of Kerrville and Kerr County for the May 6, 2017 General Election.

3C. Contract for the collection of delinquent accounts receivable with MVBA, LLC dba McCreary, Veselka, Bragg and Allen, LLC.

3D. Bill of sale from Kerr County for public sewer line which is part of the Kerrville South Phase VI wastewater system improvements.

3E. Agreement between the City of Kerrville, Texas and the Kerrville Convention & Visitors Bureau, Inc. for use of hotel occupancy tax funds for promoting the arts advertising committee.

3F. Regional Rescue Team memorandum of understanding between Southwest Texas Regional Advisory Council (STRAC) and the City of Kerrville for participation on a regional rescue team.

3G. Infection Control Officer memorandum of understanding between Southwest Texas Regional Advisory Council (STRAC) and the City of Kerrville.

3H. Air Medical Providers Advisory Group memorandum of understanding between Southwest Texas Regional Advisory Council (STRAC) and the City of Kerrville.

3I. Texas Emergency Medical Task Force memorandum of understanding between Southwest Texas Regional Advisory Council (STRAC) and the City of Kerrville.

3J. Resolution No. 30-2016 authorizing specific city employees to sign official bank transactions on behalf of the City of Kerrville.

3K. Agreement for assessment and collection services between County of Kerr and the City of Kerrville.

#### **4. PUBLIC HEARING AND POSSIBLE ACTION:**

4A. Resolution No. 28-2016 granting a Conditional Use Permit for an approximate 28.25 acre tract of land located south of and adjacent to State Highway 27 (Junction Highway); being Lot 1, Block 1 of the Guadalupe River RV Resort, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 2605 Junction Highway; said property located within the Guadalupe River Zoning District (GR); by permitting said property to be used for Retail Trade I as that term is defined within the City's Zoning Code; and making said permit subject to certain conditions and restrictions.

Mr. Robertson reported 20 notices were sent to property owners within 200 ft; no responses were received. He reported the CUP would be located within two existing structures that would act as a general store for the recreational vehicle park. The Yogi Bear Guadalupe Park currently had a bar on site and sold alcohol for on-site consumption; the applicant proposed to apply to sell alcohol beverages for off premise consumption in the future. Staff recommended approval of the CUP as the use would be contained within the confines of the property and would not have any effect on neighboring properties.

Mayor White declared the public hearing open at 6:23 p.m.; no one spoke and Mayor White closed the public hearing at 6:23 p.m.

Mr. Fine moved for approval of Resolution No. 28-2016 approving the budget amendment; Ms. Summerlin seconded the motion and it passed 5-0.

#### **5. PUBLIC HEARING AND ORDINANCES, FIRST READING:**

5A. Ordinance No. 2017-01 amending the City's "Zoning Code" by changing the zoning district for an approximate 0.4832 acre tract of land located adjacent to Clay Street, between its intersections with Schreiner Street and Barnett Street, and otherwise known as 601 Clay Street; by removing the property from the 11-C Central City Zoning District and placing it within the Central Business Zoning District (CBD); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. Mayor White read the ordinance by title only.

Mr. Fine filed a conflict of interest affidavit and recused himself from the meeting at 6:24 p.m.

Mr. Robertson reported 23 notices were mailed to property owners within 200 ft.; 4 responded in favor of the zone change; 0 in opposition. In 1997 the city adopted the zoning map. When the central business district zone was created, the subject property was split into two zoning districts. He noted mixed uses throughout the area, including a microbrewery less than two blocks south. The future land use plan designated the subject property as CBD, so the request followed the comprehensive plan. The CBD would allow more flexibility and there was sufficient on-site parking to accommodate current and potential uses. Staff and the planning and zoning commission (PZC) recommend approval.

Mayor White declared the public hearing open at 6:29 p.m., and the following person spoke:

1. Christopher Alvarez, applicant, noted his property was in two zoning districts split down the middle of his building. His wife planned to expand her medical practice in the future and he was concerned that this split zoning might create a problem. He also noted that the 521 Clay Street property contained a warehouse built in 1947 and had 1,000 ft. of deep freeze basement. There were no immediate plans for this property; however, in the future, he may put in a home brewery. He requested the same zoning for the entire property.

No one else spoke and Mayor White closed the public hearing at 6:35 p.m.

Ms. Summerlin moved for approval of Ordinance No. 2017-01 on first reading; Mr. Andrew seconded the motion and it passed 4-0-1 with Councilmembers Summerlin, Andrew, Allen, and White voting in favor of the motion; no one voted against the motion; and Mr. Fine abstained due to conflict.

Mr. Fine returned to the meeting at 6:37 p.m.

5B. Ordinance No. 2017-02 amending the Comprehensive Plan for the City of Kerrville, Texas, pursuant to Chapter 213 of the Texas Local Government Code, by revising the future land use plan for an approximate 3.07 acre tract of land located adjacent to Singing Wind Drive North and between its intersections with Meadowview Lane and Loop 534 (Veterans Highway); and changing the future land use of this area from low-density residential to high-density residential.  
Mayor White read the ordinance by title only.

Mr. Robertson noted the applicant proposed a three-story multi-family residential development. 16 notices were mailed to neighboring property owners; one response was received questioning Atmos and TxDOT plans for area; he responded that the applicant would have to work with Atmos and TxDOT during the development process and meet their standards. He found no evidence that such development would have any adverse impact on the area; the proposed use would be consistent with the neighborhood, and he recommended approval.

Mayor White declared the public hearing open at 6:39 p.m.; no one spoke and Mayor White closed the public hearing at 6:40 p.m.

Mr. Andrew moved for approval of Ordinance No. 2017-02 on first reading; Mr. Fine seconded the motion and it passed 5-0.

5C. Ordinance 2017-03, amending the city's "Zoning Code" by changing the zoning district for tracts of land consisting of an approximate 3.07 acres and located adjacent to Singing Wind Drive North and between its intersections with Meadowview Lane and Loop 534 (Veterans Highway), and otherwise known as the 2500 block of Singing Wind Drive North; by removing the property from the residential cluster zoning district (RC) and placing it within the 28-E zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. Mayor White read the ordinance by title only.

Mr. Robertson noted this was the same property as Item 5B. Half of the property was already zoned for multi-family development; the RC zone would not allow for a multi-family residential development.

Mayor White declared the public hearing open at 6:41 p.m.; no one spoke and Mayor White closed the public hearing at 6:41 p.m.

Mr. Fine moved for approval of Ordinance No. 2017-03 on first reading; Ms. Summerlin seconded the motion and it passed 5-0.

5D. Ordinance No. 2017-04, abandoning and vacating all right, title, and interest in a public right-of-way, consisting of an unimproved portion of Meeker Street, as located between and intersecting with both Locust Street and Singing Wind Drive; being an approximate 0.19 of one acre tract of land out of the Samuel Wallace Survey No. 113, Abstract No. 347, and the Sendero Ridge Subdivision Unit 1A, a subdivision within the City of Kerrville, Kerr County, Texas, according to the plat thereof recorded in Volume 7, Page 99 of the plat records of Kerr County; finding that said portion is not required for future use as a public street; reserving a public utility easement; making the effective date subject to certain conditions; and ordering recording. Mayor White read the ordinance by title only.

Mr. Robertson noted that abandonment of this section of Meeker Road would eliminate potential ingress and egress issues between single family residential property to the south and to the proposed multi-family development. Public utilities were located in the Meeker Road right of way; however, the city would receive an easement in exchange for abandonment. He noted there was no dollar value in the abandonment, and the property would be maintained by the property owner.

Mayor White declared the public hearing open at 6:43 p.m.; no one spoke and Mayor White closed the public hearing at 6:43 p.m.

Mr. Andrew moved for approval of Ordinance No. 2017-04 on first reading; Mr. Fine seconded the motion and it passed 5-0.

**6. CONSIDERATION AND POSSIBLE ACTION:**

6A. Review and approval of the profile to be used by Chris Hartung Consulting for marketing and advertising the vacant city manager position.

Ms. Summerlin moved for approval of the profile; Mr. Fine seconded the motion and it passed 5-0.

6B. Plans and specifications for the reuse water distribution system.

John New, Freese & Nichols Engineering, noted the plans and specs were complete and bids would be advertised December 14. He gave an overview of the project to route reuse water to four areas: Riverhill Golf Course (RH), Schreiner University, a 12" line along Loop 534 to serve RH and Comanche Trace (CT), and a 10" line to the city's sports complex. He estimated the cost for the approximately six miles of pipeline at \$5.9 million.

Mayor White noted the original 2014 project was 8" lines; in 2016 10" and 12" lines were added for CT and the sports complex. Mr. New explained in 2014 there was no distribution line included in the scope; the project was only to take reuse water from a new pump station back to the wastewater treatment plant to the existing reuse pump station.

Mayor White noted that plans changed in January 2016 to add 10" and 12" lines to customers, but cost did not change; however, between January and two weeks ago the cost went from \$21.5 million to \$23.5 million; \$2 million was added to the cost of the project. Mr. New stated he was not involved in previous cost estimates; however, the cost increased with the addition of the 12" lines. It was determined that the existing 8" line to CT could not serve both CT and RH because one was in a higher pressure plain, which would require two pumps, thus a second 12" line was added to go down Loop 534 and across the river to CT, this would allow the pressure to go down and the pumps to be smaller, providing less operational and maintenance cost; this line was on the previous map but was not included in previous cost estimates. The cost estimate also increased because: 1) Moved the scope of work from one phase to the other, i.e. pipeline was moved from the reuse pond and pump station project to the distribution line project; 2) Contingency was increased; 3) Design work for the sports complex was not previously in the scope of work for this project. The changes in the project were to get the best design possible for the city.

Mayor White noted a letter was received from the county regarding issues they have with the floodplain. According to the 2009 map the county was not in the 100 year flood zone; however the 2014 FNI map showed a portion of the county's property to be in a flood zone; therefore, the city should wait for the county to complete their study. If FEMA has a problem with the city putting in the pond, there would be no reason to have distribution lines since the lines would be fed

from the pond. Therefore, she requested the city defer the project until after a response was received from the county. Mr. New stated the pond project was not part of the project under consideration at this time.

Council also noted the following:

- Mr. Andrew stated in 2009 the county was a participant in that flood plain analysis. Mayor White stated the county was not a participant; it was funded by Kerr 9-1-1, KCAD, KPUB, and the City. Mr. Davis stated it was funded by KCAD, the city, and the county. Mayor White stated that according to the March 10, 2009 agenda those were the participants.
- There was no requirement for the city to submit a CLOMR at this point.
- The county was just requesting the city not submit the CLOMR at this time—they did not say do not go on with the project; this is not a valid reason to delay.
- The project was not over budget; the city did not know what the costs were because bids had not been received.
- The bids did not bind the city to anything; it just provided a cost.
- FNI was an engineering firm; not a construction company; cost estimates were just an estimate.
- The members of the water reuse committee were experts in this type of project and they gave an extensive review of the project; that was part of their expertise.
- Delays would add to the cost of construction as escalation increased.
- The council, as a group, had not argued about the details; the discussion had been from citizen input.

The following persons spoke:

1. Robert Naman spoke of continual changes and rising cost for the reuse water project and opined that the city's planning process was flawed. There was no cost benefit analysis and no current water price.

2. Jerry Wolff asked what items were included in the cost projections, and questioned installing two lines to CT and taking out part of an existing 8" line to CT.

Mr. New noted the cost estimate included the distribution system lines. He had not proposed abandoning any existing lines and reviewed his earlier presentation.

3. George Baroody noted the project had increased from \$21.5 million to \$23.5 million and asked where the money would come from. He noted that part of the explanation of the overage was that lines from the pond pump station project had been moved into the distribution line project; however, that would not increase the overall project cost and there was still a \$2 million increase.

Mr. New stated he was not involved in previous staff estimates; he developed the cost estimate based on the distribution lines.

4. James Bruce Craft questioned the bid process and advertising, noting the bid had already been sent to the newspaper and was being published and it had not been approved by city council.

Council noted that publication in the newspaper did not commit the city to do anything, and the bidding process was standard operating procedure. If council voted to not do the project, bids would be rejected. The bidding process would provide hard costs for the project.

5. Michael Sigerman asked if anyone on council was an engineer or had constructed or supervised this type of project; was council making this decision without getting advice from experts in the field. Did staff, who had an engineering background and understood the project, recommend the project or recommended against it? Council hired an engineering company to design this project and make recommendations.

Mayor White noted she had asked for a break down and it had been received. She was not an engineer but had studied the project extensively.

Mayor White moved to defer until a response is received from Kerr County. The motion died for lack of a second.

Mr. Fine moved to approve the plans and specifications and proceed with the bidding process with the data and numbers presented. Ms. Summerlin seconded the motion and it passed 4-1 with Councilmembers Fine, Summerlin, Allen, and Andrew voting in favor of the motion and Mayor White voting against the motion.

## **7. INFORMATION AND DISCUSSION**

### **7A. Acknowledgement of letter from BKD Auditors.**

Mr. Davis read a letter received from the city's auditors, BKD, LLP, CPAs & Advisors, regarding previous comments made by Peggy McKay. The letter stated that BKD did not uncover any written or verbal comments similar to what Ms. McKay attributed to the city auditors. "Inclusion of her comments in the minutes without some sort of clarification or retort by management would inaccurately present what was presented to the City Council."

The following person spoke:

1. Peggy McKay noted that quote covered the time period beginning October 2015 and was a quote from auditor #402 by Government Finance Officers Association as part of the city's distinguished budget presentation award. Auditor #402 suggested areas that could be strengthened. Ms. McKay stated that the city's debt was one of the highest if not the highest for a Texas city our size; most debt was incurred through certificates of obligation a process that bypassed voters.

Ms. Summerlin asked Ms. McKay what her source was regarding the debt. Ms. McKay stated she did not note that, but she would get her that information.

### **7B. Budget and economic update.**

Ms. Yarbrough gave the financial report year to date for the period ending October 31, 2016: general fund revenues totaled \$1,511,121 and expenditures \$1,828,307;

water and sewer fund revenues totaled \$1,047,243 and expenditures \$843,400; hotel/motel fund revenues totaled \$101,597 and expenditures \$0; 6 permits for new residential construction and commercial new/remodel construction totaled \$1,523,000. She provided budget information for six major capital projects.

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

8A. Planning and Zoning Commission. Deferred to executive session.

**9. ANNOUNCEMENTS OF COMMUNITY INTEREST:** were given.

**10. EXECUTIVE SESSION:**

Mr. Andrew moved for the city council to go into executive closed session under Sections 551.074 of the Texas Government Code; motion was seconded by Ms. Summerlin and passed 5-0 to discuss the following:

Sections 551.074:

10A. Appointments to the Planning and Zoning Commission.

At 7:45 p.m. the regular meeting recessed. Council went into executive closed session at 7:54 p.m. At 8:15 p.m. the executive closed session recessed and council returned to open session at 8:16 p.m. No action was taken in executive session.

**11. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION:**

8A. Planning and Zoning Commission. Mr. Andrew moved to appoint the following persons as regular board members: Robert Waller, Garrett Harmon and Rustin Zuber all with terms to expire January 1, 2019; and Michael Sigerman with term to expire January 1, 2018. Further, to appoint the following persons as alternate board members: Thomas David Jones with term to expire January 1, 2018 and Marty Lenard with term to expire January 1, 2019. Ms. Summerlin seconded the motion and it passed 5-0.

**ADJOURNMENT.** The meeting adjourned at 8:18 p.m.

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

ATTEST:

\_\_\_\_\_  
Bonnie White, Mayor

\_\_\_\_\_  
Brenda Craig City Secretary

CITY COUNCIL MINUTES  
WORKSHOP

KERRVILLE, TEXAS  
NOVEMBER 15, 2016

On November 15, 2016, the Kerrville City Council workshop was called to order at 8:15 a.m. by Mayor White in the upstairs conference room at city hall, 701 Main Street.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Gene Allen	Councilmember
Glenn Andrew	Councilmember
Mary Ellen Summerlin	Councilmember

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Mike Hayes	City Attorney
EA Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Kaitlin Berry	Special Projects Manager
Dannie Smith	Fire Chief
Kim Meismer	Director of General Services
Sandra Yarbrough	Director of Finance
David Knight	Police Chief

**2016-2017 Goals and Action Items.**

Council discussed goals and action items for FY2016-17:

- Citizen survey underway by the National Research Center.
- Long range planning:
  - Create an annexation plan and a 10 year capital improvement plan. Need to match any potential annexation to existing city infrastructure and evaluate capacity. Identify areas for annexation and development; Kerr Economic Development Corporation (KEDC) should have input so city will have capacity to serve potential projects. Need to be proactive in annexation to protect river and highway/gateway corridors.
  - Revise the land use plan.
  - Update transportation plan, thoroughfare plan, and comprehensive master plan. Consider TxDOT's schedule and planning; get on TxDOT's radar and look for funding opportunities. Need connection from I-10 to Highway 27 East.
  - Comprehensive plan needs to be rewritten; need commitment to hold up against political environment. Develop scope of work and seek proposals.
- Infrastructure needs:
  - Anticipate updates: infrastructure plan in 2019, wastewater plan in 2018, and water master plan in 2019. Trend is for public/private partnerships.
  - Landfill: Phase 3 in FY 2016 budget; also, \$500,000 in landfill closure and post closure, funds reserved to meet requirements for maintenance and operations for 30-50 years. Landfill permitting is lengthy process; should start

permit now under current rules. Currently hauling waste to San Antonio; if SA discontinues accepting waste, could take several years for City of Kerrville to get permit from state.

- Growth and development:
  - Need convention center.
  - Not always industrial development; capitalize on retirement and tourism.
  - Cannot support heavy industrial due to transportation limitations.
  - Need development rules for extraterritorial area; only control the city has in ETJ is subdivision and sign regulations.

Priorities were established:

1. Comp Plan: \$150,000 in FY2016 budget
  - Phase I: Council approve the draft; Council sell the plan to the community
  - Phase II: Details.
2. Annexation: Consensus of council was that Councilmember Fine would work with staff to develop an annexation plan and bring it to city council.
3. Economic Development Plan:
  - A. Meet with KEDC Board to discuss policies.
  - B. Economic incentives; develop a policy on incentivized development; should city engage in such programs? Quantify payout vs. benefits. If economic project benefits city with added infrastructure, etc., then tax abatement appropriate; if benefits just their development then no. KEDC has policy for retail development. City should coordinate with KEDC.
  - C. Refunding policy for infrastructure improvements.
4. Public Safety Building Plan: Strategy and funding plan for public safety complex with municipal court and fire administration; staff develop a plan and how to finance and when can happen; move up on priority list; city has property on Loop 534. Public safety center could convert to emergency operations center during a disaster.
5. Arcadia: Potential development/management plan; Playhouse 2000 board requested a meeting with the council to discuss potential plan and support.
6. Marketing/Branding/PR. Need to prepare a state of the city address to take to the public. Consider change in city logo.

The consensus of council was for staff to develop an action plan for the above projects and bring it back to council in a future workshop. Staff should also proceed with the following:

- Schedule 380 training for City Council and EIC.
- Develop an inventory of city-owned land.
- Develop a scope for the renovation of the Olympic Pool.

**ADJOURNMENT.** The meeting adjourned at 12:23 p.m.

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

ATTEST:

\_\_\_\_\_  
Bonnie White, Mayor

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

**CITY COUNCIL MINUTES  
SPECIAL MEETING**

**KERRVILLE, TEXAS  
OCTOBER 28, 2016**

On October 28, 2016, the Kerrville City Council met at 9:30 a.m. at city hall for a new councilmember orientation and a tour of city facilities.

**COUNCILMEMBERS PRESENT:**

Bonnie White	Mayor (arrived at 11:20 a.m.)
Mary Ellen Summerlin	Councilmember
Glenn Andrew	Councilmember

**COUNCILMEMBER ABSENT:**

Gene Allen	Councilmember
Stephen P. Fine	Mayor Pro Tem

**CITY CORE STAFF PRESENT:**

Don Davis	Interim City Manager
E.A. Hoppe	Deputy City Manager
Kim Meismer	Director of General Operations
David Knight	Chief of Police

Following council orientation, councilmembers and staff toured the police department, library, history center, 529 Water Street, and the development services department. Council returned to city hall for lunch and the meeting ended at 1:15 p.m.

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

ATTEST:

\_\_\_\_\_  
Bonnie White, Mayor

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

CITY COUNCIL MINUTES  
SPECIAL MEETING

KERRVILLE, TEXAS  
NOVEMBER 14, 2016

On November 14, 2016, the Kerrville City Council special meeting was called to order at 9:00 a.m. by Mayor White in the city hall conference room at 701 Main Street.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Glenn Andrew	Councilmember
Mary Ellen Summerlin	Councilmember

COUNCILMEMBER ABSENT:

Stephen P. Fine	Mayor Pro Tem
Gene Allen	Councilmember

CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Kim Meisner	Director of General Services

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

**DISCUSSION: CONDUCT INTERVIEWS AND REVIEW REQUESTS FOR PROPOSALS FOR A SEARCH FIRM TO BE HIRED FOR THE RECRUITMENT OF A CITY MANAGER**

Council interviewed the following firms:  
9:00 a.m.; Strategic Government Resources  
10:00 a.m.; Waters & Company

Council took a break at 11:06 a.m.; the meeting was called back to order at 2:00 p.m. to interview the following firms:  
2:00 p.m.; Slavin Management Consultants  
3:00 p.m.; Chris Hartung Consulting.

**ADJOURNMENT.** The meeting adjourned at 4:00 p.m.

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

\_\_\_\_\_  
Bonnie White, Mayor

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

CITY COUNCIL MINUTES  
SPECIAL MEETING

KERRVILLE, TEXAS  
NOVEMBER 15, 2016

On November 15, 2016, the Kerrville City Council special meeting was called to order at 8:00 a.m. by Mayor White in the city hall council chambers at 701 Main Street.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Gene Allen	Councilmember
Glenn Andrew	Councilmember
Mary Ellen Summerlin	Councilmember

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
Mike Hayes	City Attorney
EA Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Kaitlin Berry	Special Projects Manager
Dannie Smith	Fire Chief
Kim Meismer	Director of General Services
Sandra Yarbrough	Director of Finance
Mary Reyes	Executive Secretary
David Knight	Police Chief

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

CONSIDERATION AND POSSIBLE ACTION:

Selection of a search firm and finalization of a process for the recruitment of a city manager.

The deadline for submission of requests for proposals was November 9; on November 14 council and staff interviewed the four proposals received: Chris Hartung Consulting, Slavin Management Consultants, Waters & Company, and Strategic Government Resources. Council discussed each firm's qualifications, advantages, pricing, and candidate selection process.

Mr. Andrew moved to hire Chris Hartung in an amount not to exceed \$21,000 including expenses. Ms. Summerlin seconded the motion and it passed 5-0.

The contact person for Mr. Hartung would be Mr. Davis, and any feedback from Mr. Hartung would go to all councilmembers. A draft profile would be presented to city council by December 5, with approval of the profile at the December 13 meeting.

Ms. White moved that each councilmember submit to Mr. Davis the names of two stakeholders between now and November 28 to be interviewed by Mr. Hartung to help develop the profile. Mr. Fine amended the motion that all stakeholders be residents of the city. Mr. Fine seconded the motion and it passed 5-0.

**ADJOURNMENT.** The meeting adjourned at 8:18 a.m.

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

ATTEST:

\_\_\_\_\_  
Bonnie White, Mayor

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

CITY COUNCIL MINUTES  
SPORTS COMPLEX TOUR

KERRVILLE, TEXAS  
DECEMBER 15, 2016

On December 15, 2016, 8:34 a.m. members of the Kerrville City Council, Parks and Recreation Advisory Board, and the Economic Improvement Corporation met for a tour of the Sports Complex under construction on Holdsworth Drive.

COUNCILMEMBERS PRESENT:

Glenn Andrew	Councilmember
Mary Ellen Summerlin	Councilmember

COUNCILMEMBER ABSENT:

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

ECONOMIC IMPROVEMENT CORPORATION MEMBERS PRESENT:

Delayne Sigerman	Kenneth Early
James Wilson	Mary Ellen Summerlin

ECONOMIC IMPROVEMENT CORPORATION MEMBERS ABSENT:

Gary Cochran	Sherri Patillo
Paul Stafford	

PARKS AND RECREATION BOARD MEMBERS PRESENT:

Ed Wallace	Bedford Mitchell
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PARKS AND RECREATION BOARD MEMBERS ABSENT:

James Gardner	Jacklyn Kayne
Diane McMahon	Jay Munson
Bill Muse	Greg Shrader

CITY CORE STAFF PRESENT:

Don Davis	Interim City Manager
EA Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Kaitlin Berry	Special Projects Manager
Malcolm Matthews	Director of Parks and Recreation
Ashlea Boyle	Assistant Director of Parks and Recreation
Kim Meismer	Director of General Services
Mike Pickard	Construction Inspector
Shane Heffernan	Sports Complex Manager

During the tour of the facility the boards discussed the following information as presented by Mr. Matthews:

- The facility was approximately 50% complete; the goal was to be complete by August 2017.
- The project involved ten separate contracts with oversight by Huser Construction Company.

- KISD and Schreiner University could rent the fields for their softball programs. Both local soccer organizations would utilize the soccer fields for their programs.
- The current soccer fields at the landfill were located on 14 irrigated acres; this facility had 20 irrigated acres and additional lighting could be added in the future for night time play.
- Signalized crosswalk is expected to be installed at the Holdsworth Drive intersection.

**ADJOURNMENT.** The meeting adjourned at 9:40 a.m.

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

ATTEST:

\_\_\_\_\_  
Bonnie White, Mayor

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

CITY COUNCIL MINUTES  
KERR COUNTY WORKSHOP

KERRVILLE, TEXAS  
DECEMBER 20, 2016

On December 20, 2016, 1:00 p.m. members of the Kerrville City Council attended a workshop held by Kerr County Commissioners' Court and the Upper Guadalupe River Authority Board, in the UGRA Classroom, 125 Lehmann Drive, Kerrville, Texas.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
Stephen P. Fine	Mayor Pro Tem
Mary Ellen Summerlin	Councilmember

COUNCILMEMBERS ABSENT:

Glenn Andrew	Councilmember
Gene Allen	Councilmember

KERR COUNTY COMMISSIONERS' COURT PRESENT:

Tom Pollard, County Judge	
Tom Moser	Bob Reeves
H.A. Buster Baldwin	Jonathan Letz

CITY CORE STAFF PRESENT:

EA Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Stuart Barron	Director of Public Works

John Hewitt, engineer hired by Kerr County, reviewed the engineering report for the Kerr County Flood Warning System and offered options for inclusion in a 75/25 grant application that was due to be submitted January 20, 2017. He noted that the interlocal agreement funded by the city, county & UGRA in August authorized the engineering study. The subcommittee met with stakeholders and over 69 crossings were identified to be monitored in the county, and 22 in the city, with city priorities on Town Creek, Quinlan Creek, Hill Country Drive. Mr. Hewitt discussed options to implement a warning system at various locations and the type and cost of equipment that could be used at designated crossings.

Nefi Garza, employee with Kimley-Horn, discussed what had been implemented in Bexar and how their website was set up.

County Commissioner Tom Moser proposed the same ratio as stated in the previous interlocal agreement, that is, 40% county, 40% UGRA, and 20% city.

Mike Boyd, TxDOT engineer, noted the current system was managed by TxDOT's San Antonio District; the system was not as reliable as it could be and needed better quality control.

The consensus of the county was that the subcommittee should put together a plan to present to each entity, plan to include locations, type of equipment,

budget break down, annual maintenance cost for several years, extended warranty, \$50,000 contingency, website development, and agreements to be signed by all participants. It was recommended that the website software and information be compatible to Bexar County in order to share regional data.

Mr. Moser noted the application deadline was January 20, 2017; it was agreed that the deadline to submit information and commitments from each entity to GrantWorks would be January 10 in order to give GrantWorks time to prepare the grant application.

**ADJOURNMENT.** The meeting adjourned at 2:35 p.m.

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

ATTEST:

\_\_\_\_\_  
Bonnie White, Mayor

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

## Agenda Item:

3B. Resolution No. 01-2017 ordering that a General Election be held on May 6, 2017, for the election of two city councilmembers; appointing election judges; adopting an electronic counting system; establishing a central counting station; appointing a central counting station manager; appointing a tabulation supervisor; appointing the central counting station presiding judge; and authorizing the early processing of ballots. (staff)

3B. Resolución No. 01-2017 que decreta que las elecciones generales se lleven a cabo el 6 de mayo del 2017 para elegir dos concejales municipales; nombrar a los jueces electorales; adoptar un sistema electrónico de conteo de votos; establecer una estación central de conteo; nombrar a un administrador(a) de la estación central de conteo; nombrar a un supervisor(a) de tabulación; designar al juez presidente de la estación central de conteo; y autorizar el procesamiento temprano de los votos electorales.

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

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**SUBJECT:** Resolution No. 01-2017 ordering City Council General Election on May 6, 2017; appointing election judges; and establishing a central counting station

**FOR AGENDA OF:** January 10, 2017    **DATE SUBMITTED:** January 3, 2017

**SUBMITTED BY:** Brenda Craig, *BC* Secretary    **CLEARANCES:** Don Davis, Interim City Manager  
Mike Hayes, City Attorney

**EXHIBITS:** Resolution No 01-2017 and Election Calendar



**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

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<b>Expenditure</b>	<b>Current Balance</b>	<b>Amount</b>	<b>Account</b>
<b>Required:</b>	<b>in Account:</b>	<b>Budgeted:</b>	<b>Number:</b>
\$7,500.00	\$7,382.50	\$7,500.00	01-802-403

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

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**SUMMARY STATEMENT**

The attached resolution orders a General Election to be held on Saturday May 6, 2017, to elect two councilmembers whose terms will expire as follows:

Councilmember Place One – Stephen Fine  
Councilmember Place Two – Glenn Andrew.

The period for filing an application for a place on the ballot is January 18 through February 17, 2017; write-in candidates may file through February 21, 2017.

Approval of the resolution will approve election judges, establish the period of early voting by personal appearance, establish the central counting station and workers, and establish the date and time for canvassing the election. The city secretary recommends the following:

1. Early voting by personal appearance be held April 24 through May 2 at the Cailloux City Center at 910 Main Street as follows:
  - Monday and Tuesday, April 24 and 25: 7 a.m. to 7 p.m.
  - April 26, April 27, April 28, May 1 and May 2: 8 a.m. to 5 p.m.
2. Appoint Paul Zoehln as Election Judge; Beverly Schuck as Alternate Election Judge; and Cindy Gaurdiola as Early Voting Ballot Board Judge.

3. Applications for ballot by mail be addressed to Diane Bolin, Kerr County Tax Assessor Collector, Kerr County Courthouse, 700 Main Street, Kerrville, Texas 78028, and be received no later than 5:00 p.m., April 25, 2017.
4. Election Day is Saturday, May 6, 2017, from 7:00 a.m. to 7:00 p.m. at the Cailloux City Center at 910 Main Street.
5. Establish the location of the central counting station as the Kerr County Juvenile Facility, 3499 Legion Drive, Kerrville, Texas, and appoint the central counting station workers as follows:
  - Jane Trolinger – Central Counting Station Judge
  - Eva Washburn – Tabulation Supervisor
  - Nadine Alford – Central Counting Station Manager.
6. Official canvass of the election be held on May 16, 2017, at 10:00 a.m.

#### **RECOMMENDED ACTION**

The city secretary recommends approval of Resolution No. 01-2017 calling the General Election on May 6, 2017, adoption of the calendar, and related matters as presented.

## CITY COUNCIL CANDIDATE ELECTION CALENDAR

FROM: Brenda G. Craig, City Secretary  
DATE: December 2016  
SUBJECT: City Council Election to be held May 6, 2017

This memo gives the dates for the various actions connected with the city election to be held on May 6, 2017, and lists the councilmembers whose terms are expiring. Please mark these dates on your calendar.

- Jan. 18-  
Feb. 17 Candidate may file application for place on ballot from 8 a.m. to 5 p.m. Monday-Friday. The name of the candidate and place for which he is filing will be affixed by the city secretary at the time of issuance of a petition form.
- Jan. 18-  
Feb. 21 Write-in candidate may file to declare candidacy at city secretary's office from 8 a.m. to 5 p.m., Monday through Friday.
- Feb. 27 City Secretary conducts drawing for order of names on ballot at 10 a.m.
- Apr. 6 Last day for filing first report of campaign contributions and expenditures in city secretary's office.
- Apr. 6 Last day for submitting voter registration application or for requesting transfer of registration in time to vote in the election.
- Apr. 24-  
May 2 Early voting by personal appearance at Cailloux City Center at 910 Main Street; April 24 through May 2 as follows:  
- Monday and Tuesday, April 24 and 25: 7:00 a.m. to 7:00 p.m.  
- Wednesday through Friday April 26, April 27, and April 28,  
- Monday and Tuesday May 1, and May 2: 8:00 a.m. to 5:00 p.m.
- Apr. 28 Last day for filing second report of campaign contributions and expenditures in city secretary's office.
- May 6 ELECTION DAY, voting from 7 a.m. to 7 p.m. at Cailloux City Center, at 910 Main Street. Early voting results will be available at the Kerr County Juvenile Facility, 3501 Legion Drive after 7 p.m., and the unofficial tabulation results of election day will be available after 7:30 p.m. at the Kerr County Juvenile Facility, 3501 Legion Drive, and on the city's website at [www.kerrvilletx.gov](http://www.kerrvilletx.gov).
- May 16 City council meeting at 10 a.m. to officially canvass election returns by city council, certificates of election issued, oaths of office given, newly elected officers assume duties, and mayor pro tem may be elected by city council.
- May 23 Regular city council meeting at 6:00 p.m. at city hall, 701 Main Street.
- July 17 Last day for filing semiannual report of campaign contributions and expenditures.
- Councilmembers whose terms are expiring are:  
Place One – Stephen Fine  
Place Two – Glenn Andrew

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 01-2017**

**A RESOLUTION ORDERING THAT A GENERAL ELECTION BE HELD ON MAY 6, 2017, FOR THE ELECTION OF TWO CITY COUNCILMEMBERS; APPOINTING ELECTION JUDGES; ADOPTING AN ELECTRONIC COUNTING SYSTEM; ESTABLISHING A CENTRAL COUNTING STATION; APPOINTING A CENTRAL COUNTING STATION MANAGER; APPOINTING A TABULATION SUPERVISOR; APPOINTING THE CENTRAL COUNTING STATION PRESIDING JUDGE; AND AUTHORIZING THE EARLY PROCESSING OF BALLOTS**

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

**WHEREAS**, the term of office for Councilmember Place One and Councilmember Place Two will expire in May 2017; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to call a general election to be held on May 6, 2017, for the election of persons to the offices of Councilmember Place One and Councilmember Place Two; and

**WHEREAS**, in order to more efficiently conduct the counting of ballots for the May 6, 2017, general election for the City of Kerrville, the City Council finds it to be in the public interest to appoint various officials and to adopt certain procedures for conducting said election;

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

**SECTION ONE.** City Council orders that a general election be held in the City of Kerrville, Texas, on Saturday, the 6<sup>th</sup> day of May 2017, for the purpose of electing persons to the offices of Councilmember Place One and Councilmember Place Two for the City of Kerrville, Texas.

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

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

**SECTION FOUR.** On Election Day, May 6, 2017, the polls shall be open from 7:00 AM to 7:00 PM. Early voting shall be conducted at the Kathleen C. Cailloux City Center of the Performing Arts, 910 Main Street, Kerrville, Texas, 78028, April 24 through May 2 as follows:

Monday, April 24, 2017: 7:00 AM to 7:00 PM  
Tuesday, April 25, 2017: 7:00 AM to 7:00 PM

Wednesday through Friday, April 26, April 27, April 28, and May 1, and 2, 2017:  
8:00 AM to 5:00 PM

**SECTION FIVE.** Applications for ballot by mail should be addressed to: Diane Bolin, Kerr County Courthouse, 700 Main Street, Kerrville, Texas, 78028, and must be received no later than 5:00 PM on April 25, 2017.

**SECTION SIX.** In accordance with Texas Election Code §127.001, City Council declares that ballots for the May 6, 2017, City election shall be electronically counted by using the Hart E Scan System owned by Kerr County.

**SECTION SEVEN.** The following persons are appointed as election judges pursuant to Texas Election Code §32.005 for the election to be held on May 6, 2017, inclusive of the early voting period:

Paul Zoehln – Election Judge  
Beverly Schuck – Alternate Election Judge  
Cindy Gaurdiola – Early Voting Ballot Board Judge

**SECTION EIGHT.** In accordance with Texas Election Code §127.001, City Council establishes that the central counting station for the counting of ballots in the May 6, 2017, election will be located in the Kerr County Juvenile Facility, 3499 Legion Drive, Kerrville, Texas.

**SECTION NINE.** In accordance with Texas Election Code §127.005, City Council appoints Jane Trolinger to serve as presiding judge of the central counting station for the May 6, 2017, City election.

**SECTION TEN.** In accordance with Texas Election Code §127.003, City Council appoints Eva Washburn to serve as tabulation supervisor for the May 6, 2017, City election.

**SECTION ELEVEN.** In accordance with Texas Election Code §127.002, City Council appoints Nadene Alford to serve as central counting station manager for the May 6, 2017, City Council election.

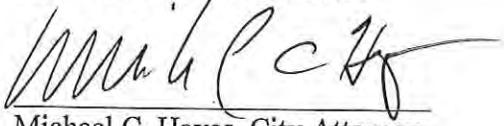
**SECTION TWELVE.** In accordance with Texas Election Code §127.124, City Council authorizes that the ballots cast during the early voting period for the May 6, 2017, City election may be processed on or after 9:00 AM on May 6, 2017.

**SECTION THIRTEEN.** City Council will conduct the official canvass of the election at a special meeting on Tuesday, May 16, 2017, beginning at 10:00 AM in the Council Chambers, City Hall, 701 Main Street, Kerrville, Texas.

**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2017.**

\_\_\_\_\_  
Bonnie White, Mayor

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Michael C. Hayes", written over a horizontal line.

Michael C. Hayes, City Attorney

ATTEST:

A horizontal line representing a signature, with the name "Brenda G. Craig" printed below it.

Brenda G. Craig, City Secretary

**ASUNTO DEL CONCEJO MUNICIPAL  
CIUDAD DE KERRVILLE, TEXAS**

**ASUNTO:** Resolución N° 01-2017 que ordena las Elecciones Generales del Concejo Municipal del 6 de mayo del 2017; una estación central de conteo.

**PARA LA AGENDA DEL:** 10 de enero, 2017

**FECHA DE PRESENTACIÓN:** 30 de diciembre 2017

**PRESENTADO POR:** Brenda Craig  
Secretaria de la ciudad

**AUTORIZACIONES:** Don Davis,  
Provisional Administrador de  
la Ciudad  
Mike Hayes Procurador de la Ciudad

**DOCUMENTOS:** Resolución N° 01-2017 y el Calendario de las Elecciones

**AGENDA ENVIADA POR CORREO A:**

**APROBADA PARA SER PRESENTADA POR EL ADMINISTRADOR DE LA CIUDAD:**

<b>Gastos</b>	<b>Balance de Cuenta</b>	<b>Monto</b>	<b>Número de la</b>
<b>Requeridos:</b>	<b>Corriente:</b>	<b>Presupuestado:</b>	<b>Cuenta:</b>
<b>\$7,500.00</b>	<b>\$7,382.50</b>	<b>\$7,500.00</b>	<b>01-802-403</b>

**EL PAGO DEBE HACERSE A:**

**REVISADO POR EL DIRECTOR DE FINANZAS:**

**DECLARACIÓN RESUMEN**

La resolución adjunta ordena unas Elecciones Generales a celebrarse el sábado 6 de mayo del 2017 para elegir dos concejales, cuyos mandatos vencen como sigue:

Concejal Puesto Uno – Stephen Fine  
Concejal Puesto Dos – Glenn Andrew.

El período para presentar una solicitud pidiendo ser colocado en la boleta de votación es del 18 de enero al 17 de febrero del 2017; los candidatos agregados (write-in) pueden presentar su solicitud hasta el 21 de febrero del 2017.

La aprobación de la Resolución N° 01-2017 establecerá el período de la votación temprana en persona, establecerá la estación central de conteo y establecerá la fecha y la hora para hacer el escrutinio de los votos. La Secretaria de la Ciudad recomienda lo siguiente:

1. La votación temprana en persona ha de llevarse a cabo del 24 de abril al 2 de mayo en el Cailloux City Center, ubicado en la calle Main Street #910 con el siguiente horario:

- lunes 24 de abril y martes 25 de abril: 7 a.m. - 7 p.m.
- A partir del miércoles 26 de abril, 27 de abril 28 de abril, 1 de mayo, y 2 de mayo: 8 a.m. - 5 p.m.

2. Nombrar Paul Zoehln como juez de electio; Beverly Schuck como juez suplente; y Cindy Gaurdiola juez de votación anticipada.
3. Las solicitudes de las boletas de votación por correo se deben enviar a Diane Bolin, Recaudador del tasador del condado de Kerr, Kerr County Courthouse, 700 Main Street, Kerrville, Texas 78028, y se deben recibir no más tardar de las 5:00 p.m. del 25 de abril del 2017.
4. El Día de las Elecciones es el sábado 6 de mayo del 2017 de 7:00 a.m. - 7:00 p.m. en el Cailloux City Center, ubicado en la calle Main Street #910.
5. Establecer la ubicación de la estación central de conteo en Kerr County Juvenile Facility, Legion Drive #3499, Kerrville, Texas y designar a los trabajadores de la estación central de conteo de la siguiente manera:  

Jane Trolinger, juez que preside la estación central de conteo;  
Eva Washburn, supervisora de la tabulación; y  
Nadene Alford, administrador de la estación central de conteo.
6. El escrutinio oficial de los votos se llevará a cabo el 16 de mayo del 2017 a las 10:00 a.m.

#### **ACCIÓN RECOMENDADA**

La secretaria de la ciudad recomienda la aprobación de la resolución N° 01-2017 que ordena las Elecciones Generales del 6 de mayo del 2017, la adopción del calendario y los asuntos relacionados, tal como han sido presentados.

## CALENDARIO DE LA ELECCIÓN DEL AYUNTAMIENTO DE LA CIUDAD

De: Brenda G. Craig, Secretario de la ciudad  
Fecha: Diciembre de 2016  
Tema: Elecciones municipales que se celebrarán el 6 de mayo de 2016

Este memorandum da las fechas para los diferentes acciones relacionadas con la elección de la ciudad que se celebrará el 6 de mayo 2016, y enumera los miembros del consejo cuyos términos están expirando. Marque estas fechas en su calendario.

- Ene 18- Feb 17 El candidato puede presentar una solicitud para ellugar en la bolete de 8 a.m a 5 p.m. El nombre del candidato y el lugar para el cual él está archivando será puesto por el secretario de ciudad en el momento de la emision de un formulario de petición.
- Ene 18- Feb 17 El candidato para inscribirse puede presentarse para declarar su candidature en el oficina de la secretaria de la ciudad de 8 a.m. a 5 p.m. de lunas a viernes.
- Feb 27 El Oficinista de la Ciudad hace un sorteo para la órden de los nombres en la balota a las 10:00 a.m.
- 6 Abr. El ultimo dia para la presentación primer informe de las contribuciones de la campaña y los gastos en la oficina de la secretaria de la ciudad.
- 6 Abr. Ultimo dia para presentar la solicitud de registro de votantes o para solicitar la transferencia de la inscripción a tiempo para votar en la elección.
- 24 Abr.- Mayo Votar temprano por aparecer personalmente al Cailloux City Center en 910 Main 2 Street de la noche y el 24 y de Abil – 2 Mayo:  
- Lunes, 24, Martes 25 Abril: 7:00 a.m. – 7:00 p.m.  
- Miercoles, 26, Jueves, 27 y Viernes, 28 Abril,  
- Lunes, Mayo 1, y Martes 2, 8:00 a.m. – 5:00 p.m.
- 28 Abr. Ultima presentación del Segundo informe de contribuciones y gastos de campaña En la secretaria de la ciudad.
- 6 Mayo DIA DE ELECCIÓN, se puede votar desde las 7:00 a.m. hasta las 7:00 p.m. en Cailloux City Center, en 910 Main Street. Los resultados del voto temprano serán disponibles en la corte del condado de Kerr a las 7:00 p.m., y los resultados del día de la elección serán disponibles a eso de las 7:30 p.m. poco mas tarde en la corte, 3499 Legion Drive, y el sitio web de la ciudad: [www.kerrvilletx.gov](http://www.kerrvilletx.gov)
- 16 Mayo La reunion del Ayuntamiento de la Ciudad a las 10:00 a.m., 701 Main Street para examiner oficialmente los resultados de la elección, dar juarmentos de oficio, los delegados recientemente eligidos asumen el cargo, y escoger el alcalde *pro tem* elegido por el Ayuntamiento.
- 23 Mayo La reunion regular del Ayuntamiento de la Cuidad a las 6:00 p.m. a la oficina del ayuntamiento, 701 Main Street.

Los concejales cuyos periodos se acabarán son:  
Lugar Uno – Stephen Fine  
Lugar Dos – Glen Andrew

**CIUDAD DE KERRVILLE, TEXAS**  
**RESOLUCIÓN N<sup>o</sup> 01-2017**

**RESOLUCIÓN QUE DECRETA QUE LAS ELECCIONES GENERALES SE LLEVEN A CABO EL 6 DE MAYO DEL 2017 PARA ELEGIR DOS CONCEJALES MUNICIPALES; NOMBRAR A LOS JUECES ELECTORALES; ADOPTAR UN SISTEMA ELECTRÓNICO DE CONTEO DE VOTOS; ESTABLECER UNA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN ADMINISTRADOR(A) DE LA ESTACIÓN CENTRAL DE CONTEO; NOMBRAR A UN SUPERVISOR(A) DE TABULACIÓN; DESIGNAR AL JUEZ PRESIDENTE DE LA ESTACIÓN CENTRAL DE CONTEO; Y AUTORIZAR EL PROCESAMIENTO TEMPRANO DE LOS VOTOS ELECTORALES**

**POR CUANTO**, la Sección 2.03 de la Carta Constitucional de la Ciudad establece un término de dos años para cada Concejal y hasta que su sucesor haya sido elegido; y

**POR CUANTO**, el término el Concejal Puesto Uno y el Concejal Puesto Dos se vence en mayo del 2017; y

**POR CUANTO**, el Concejo Municipal de la Ciudad de Kerrville, Texas, considera que es en el interés público convocar unas elecciones generales, a ser celebradas el 6 de mayo del 2017, para la elección de las personas que ocuparán los cargos de Concejal Puesto Uno y Concejal Puesto Dos; y

**POR CUANTO**, con el fin de llevar a cabo de manera más eficiente el conteo de las boletas de votación de las elecciones generales de la Ciudad de Kerrville del 6 de mayo del 2017, el Concejo Municipal considera que es en el interés público designar a varios funcionarios y adoptar ciertos procedimientos para la realización de dichas elecciones;

**POR LO TANTO, RESUÉLVASE POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE KERRVILLE, CONDADO DE KERR, TEXAS:**

**SECCIÓN PRIMERA.** El Concejo Municipal ordena que unas elecciones generales se celebren en la Ciudad de Kerrville, Texas, el sábado, el día 6 de mayo del 2017, con el fin de elegir a las personas que ocuparán los cargos de Concejal Puesto Uno y Concejal Puesto Dos de la Ciudad de Kerrville, Texas.

**SECCIÓN SEGUNDA.** El Concejo Municipal ordena que el Sistema de Votación Hart, que es un sistema de votación electrónico con pantalla táctil, sea el método utilizado en la votación.

**SECCIÓN TERCERA.** El Concejo Municipal ordena que el centro electoral municipal de dichas elecciones sea el Centro de Bellas Artes de la ciudad Kathleen C. Cailloux, ubicado en Main Street #910, Kerrville, Texas, 78028.

**SECCIÓN CUARTA.** El día de las elecciones, el 6 de mayo del 2017, las urnas electorales estarán abiertas de 7:00 AM hasta las 7:00 PM. La votación temprana se deberá llevar a cabo en el Centro de Bellas Artes de la ciudad Kathleen C. Cailloux, ubicado en Main Street #910, Kerrville, Texas, 78028, desde el 24 de abril hasta el 2 de mayo de la siguiente manera:

Lunes 24 de abril del 2017: 7:00 AM a 7:00 PM

Martes 25 de abril del 2017: 7:00 AM a 7:00 PM

A partir del miércoles 26 de abril, 27, y 28 de abril, y los días 1, y 2 de mayo del 2017: 8:00 AM a 5:00 PM

**SECCIÓN QUINTA.** Las solicitudes de las boletas de votación por correo deben ser dirigidas a: Diane Bolin, Kerr County Courthouse, 700 Main Street, Kerrville, Texas, 78028 y deberán ser recibidas no más tardar del 25 de abril del 2017 antes de las 5:00 p.m.

**SECCIÓN SEXTA.** De conformidad con el Código Electoral de Texas §127.001, el Concejo Municipal declara que las boletas de las elecciones de la ciudad del 6 de mayo del 2017 serán contadas electrónicamente utilizando el Sistema de Escaneado Electrónico Hart, propiedad del Condado de Kerr.

**SECCIÓN SÉPTIMA.** Las siguientes personas se han nombrado como jueces electorales de conformidad con el Código Electoral de Texas §32.005 de las elecciones que se celebrarán el 6 de mayo de 2017, incluido el período de votación temprana:

Paul Zoehln – Juez electoral

Beverly Schuck – Juez electoral suplente

Cindy Gaurdiola – Juez de la junta de la votación temprana

**SECCIÓN OCTAVA.** De conformidad con el Código Electoral de Texas §127.001, el Concejo Municipal establece que la estación central de conteo de las boletas de votación de estas elecciones del 6 de mayo del 2017 estará ubicado en Kerr County Juvenile Facility, Legion Drive #3499, Kerrville, Texas.

**SECCIÓN NOVENA.** De conformidad con el Código Electoral de Texas §127.005, el Concejo Municipal nombra a Jane Trolinger para servir como juez presidente de la estación central de conteo de las elecciones de la ciudad del 6 de mayo del 2017.

**SECCIÓN DÉCIMA.** De conformidad con el Código Electoral de Texas §127.003, el Concejo Municipal nombra a Eva Washburn para servir como supervisora de tabulación de las elecciones de la ciudad del 6 de mayo del 2017.

**SECCIÓN UNDÉCIMA.** De conformidad con el Código Electoral de Texas §127.002, el Concejo Municipal nombra a Nadene Alford para servir como administrador de la estación central de conteo de las elecciones de la ciudad del 6 de mayo del 2017.

**SECCIÓN DUODÉCIMA.** De conformidad con el Código Electoral de Texas §127.124, el Concejo Municipal autoriza a que los votos emitidos durante el período de votación temprana de las elecciones de la ciudad del 6 de mayo del 2017 sean procesados el día 6 de mayo del 2017 a partir de las 9:00 a.m.

**SECCIÓN DÉCIMOTERCERA.** El Concejo Municipal realizará el escrutinio oficial de las elecciones en una reunión especial el martes 16 de mayo del 2017 a las 10:00 a.m. en la Cámara del Concejo en el Ayuntamiento, ubicado en la calle Main Street #701, Kerrville, Texas.

**PASADA Y APROBADA en éste el \_\_\_\_\_ día de \_\_\_\_\_, 2017 D.C.**

\_\_\_\_\_  
Bonnie White, Alcalde

APROBADA EN FORMA:

DOY FE:

\_\_\_\_\_  
Michael C. Hayes, Procurador de la Ciudad

\_\_\_\_\_  
Brenda G. Craig, Secretaria de la Ciudad

## **Agenda Item:**

3C. Response to Texas Department of Transportation letter regarding surplus property on the northwest corner of State Highway 16 and G Street South declining offer to acquire. (staff)

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

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**SUBJECT:** Texas Department of Transportation (TxDOT) letter regarding surplus property on the N.W. corner of SH 16 and G Street

**FOR AGENDA OF:** 01/10/17

**DATE SUBMITTED:** 01/04/17

**SUBMITTED BY:** Don Davis

**CLEARANCES:**

**EXHIBITS:** Attached

**AGENDA MAILED TO:**



**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

---

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

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**SUMMARY STATEMENT**

TxDOT has surplus property on the N.W. corner of SH 16 and G Street. James Avery Craftsman, Inc. wants to purchase it. For this to happen, the State must offer the property to the local taxing entities (see attached letter). Staff has reviewed the proposal and feels the City of Kerrville has no use for this property.

**RECOMMENDED ACTION**

Staff recommends that the city manager be authorized to write a letter to the State stating that the City of Kerrville has no interest in this property.



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

December 13, 2016

Don Davis  
Interim City Manager  
City of Kerrville  
701 Main  
Kerrville, Texas 78028

**Re: Possible surplus property located on the northwest corner of SH 16 (Frontage Road) and G Street West intersection in Kerrville, TX.**

Dear Mr. Davis:

The San Antonio District of the Texas Department of Transportation (TxDOT) has received a request to purchase a portion of state owned right of way and has determined that the above described property at the northwest corner of SH 16 (Frontage Road) and G Street West intersection in Kerrville, Texas is no longer needed for a state highway purpose. A copy of an aerial map identifying the approximate property boundaries and location are enclosed.

In accordance with Transportation Code, Section 202.021, the City of Kerrville and other local governmental entities with the authority to condemn real property have a priority right to purchase this property for fair market value. The disposal of surplus right of way is governed by State law which provides that only the Texas Transportation Commission has the authority to determine that State property is surplus to the needs of the Department. After all prerequisites are met and the Commission approves the disposal by Minute Order, the Commission will recommend, subject to the approval by the Attorney General, that the Governor execute the proper instrument for the purpose of disposing the surplus right of way.

If the City of Kerrville is interested in purchasing the property on these terms, please advise TxDOT through written documentation within thirty (30) days of receiving this letter. The mailing address for your response is:

Texas Department of Transportation  
San Antonio District - Right of Way Department  
4615 N.W. Loop 410  
San Antonio, TX 78229

OUR VALUES: *People • Accountability • Trust • Honesty*

OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

An Equal Opportunity Employer

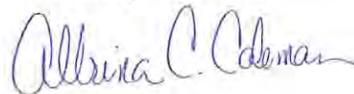
Fees and costs associated with the survey, appraisal, and appraisal review will be considered as associated disposal costs. Prior to the property being conveyed by TxDOT, the City of Kerrville must pay the approved value of the property, TxDOT's service fee of \$300.00 or 2% of the approved value, whichever is greater, to a maximum of \$1,600.00, and any associated disposal costs. If for any reason the transaction is not approved or not completed, by either party, any costs or fees incurred by the State for the processing of the surplus right of way transaction will be reimbursed to the State by the City of Kerrville.

Various utilities and/or common carriers may be located on the surplus right of way. The State's disposal of surplus land would automatically be subject to the continued rights of existing utilities or common carriers as provided under Article 6773a, V.A.C.S. Should any utility adjustments be required, the adjustments will be at no cost to the State.

As mentioned above, the transaction is subject to the approval of TxDOT, the Texas Transportation Commission, the Office of the Attorney General, and the Governor of the State of Texas. Nothing in this letter should be construed as a binding commitment on the State of Texas to approve the transaction.

If you have any questions, or need any further information, please contact Armando Guajardo, Jr. – Right of Way Appraiser at 210-615-6239.

Sincerely,



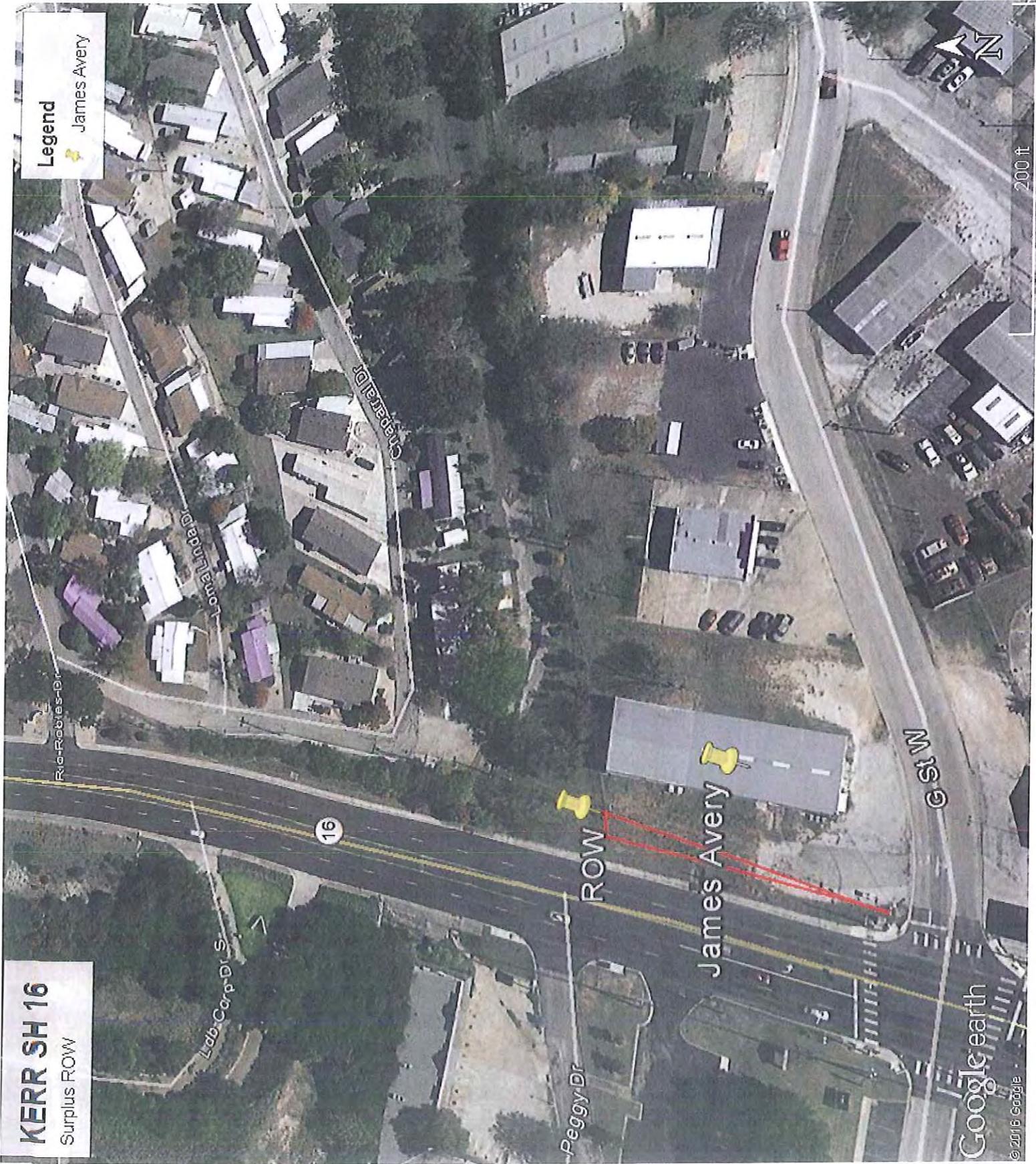
Albrina C. Coleman  
San Antonio District  
Right of Way Supervisor

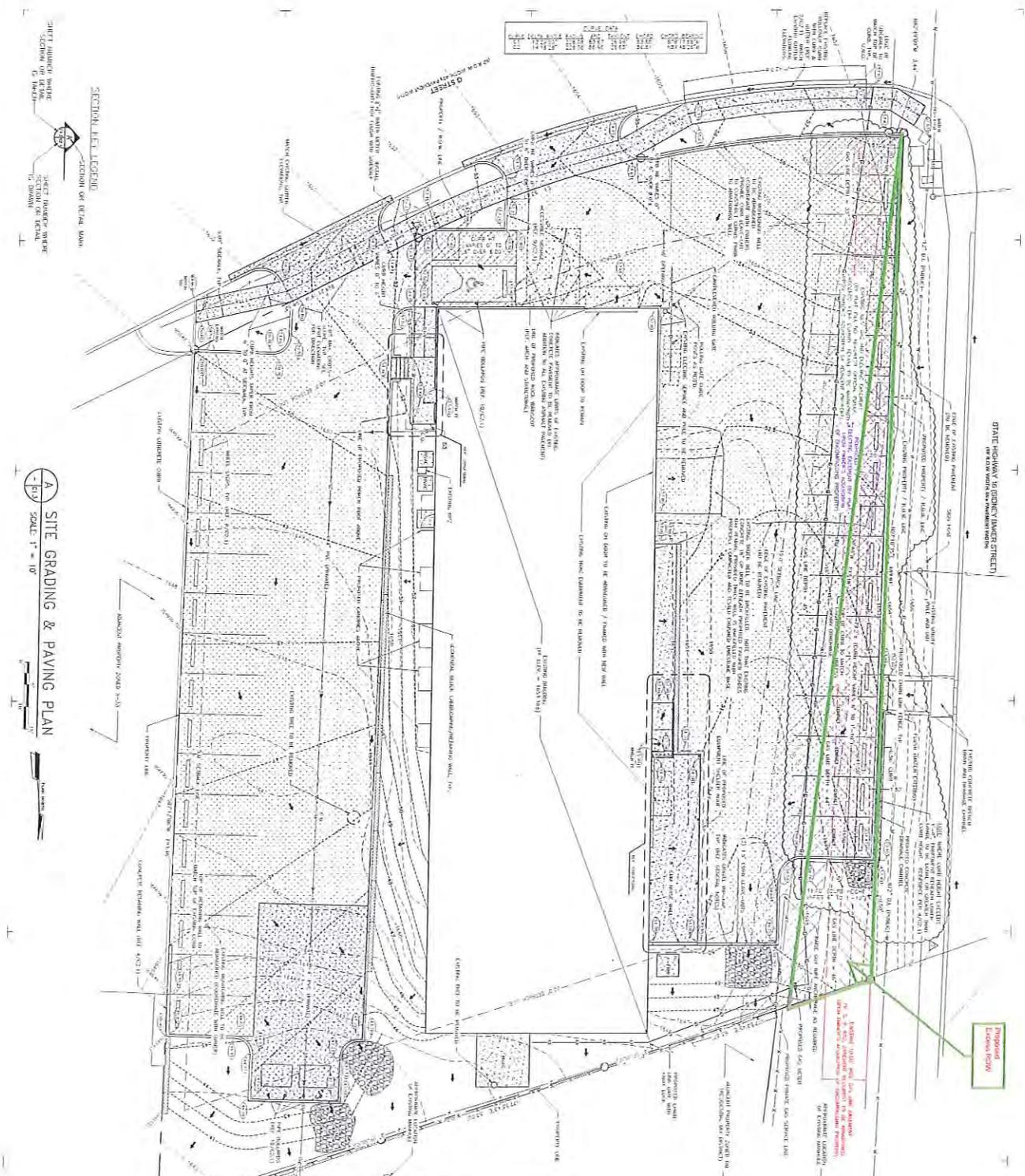
# KERR SH 16

Surplus ROW

# Legend

James Avery





**NOTES:**

1. THE PROJECT HAS BEEN APPROVED BY THE CITY OF SAN JOSE, CALIFORNIA, UNDER THE PROVISIONS OF THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.010, AS AMENDED, AND THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.015, AS AMENDED.
2. THE PROJECT HAS BEEN APPROVED BY THE CITY OF SAN JOSE, CALIFORNIA, UNDER THE PROVISIONS OF THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.010, AS AMENDED, AND THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.015, AS AMENDED.
3. THE PROJECT HAS BEEN APPROVED BY THE CITY OF SAN JOSE, CALIFORNIA, UNDER THE PROVISIONS OF THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.010, AS AMENDED, AND THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.015, AS AMENDED.
4. THE PROJECT HAS BEEN APPROVED BY THE CITY OF SAN JOSE, CALIFORNIA, UNDER THE PROVISIONS OF THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.010, AS AMENDED, AND THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.015, AS AMENDED.
5. THE PROJECT HAS BEEN APPROVED BY THE CITY OF SAN JOSE, CALIFORNIA, UNDER THE PROVISIONS OF THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.010, AS AMENDED, AND THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.015, AS AMENDED.
6. THE PROJECT HAS BEEN APPROVED BY THE CITY OF SAN JOSE, CALIFORNIA, UNDER THE PROVISIONS OF THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.010, AS AMENDED, AND THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.015, AS AMENDED.
7. THE PROJECT HAS BEEN APPROVED BY THE CITY OF SAN JOSE, CALIFORNIA, UNDER THE PROVISIONS OF THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.010, AS AMENDED, AND THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.015, AS AMENDED.
8. THE PROJECT HAS BEEN APPROVED BY THE CITY OF SAN JOSE, CALIFORNIA, UNDER THE PROVISIONS OF THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.010, AS AMENDED, AND THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.015, AS AMENDED.
9. THE PROJECT HAS BEEN APPROVED BY THE CITY OF SAN JOSE, CALIFORNIA, UNDER THE PROVISIONS OF THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.010, AS AMENDED, AND THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.015, AS AMENDED.
10. THE PROJECT HAS BEEN APPROVED BY THE CITY OF SAN JOSE, CALIFORNIA, UNDER THE PROVISIONS OF THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.010, AS AMENDED, AND THE CITY OF SAN JOSE, CALIFORNIA, LOCAL ORDINANCE 17.01.015, AS AMENDED.

**LEGEND:**

- PROPOSED PAVING
- EXISTING PAVING
- PROPOSED GRADING
- EXISTING GRADING
- PROPOSED CONCRETE
- EXISTING CONCRETE
- PROPOSED ASPHALT
- EXISTING ASPHALT
- PROPOSED GRAVEL
- EXISTING GRAVEL
- PROPOSED SAND
- EXISTING SAND
- PROPOSED GRAVEL/SAND
- EXISTING GRAVEL/SAND
- PROPOSED ASPHALT/CONCRETE
- EXISTING ASPHALT/CONCRETE
- PROPOSED ASPHALT/GRAVEL
- EXISTING ASPHALT/GRAVEL
- PROPOSED ASPHALT/SAND
- EXISTING ASPHALT/SAND
- PROPOSED ASPHALT/GRAVEL/SAND
- EXISTING ASPHALT/GRAVEL/SAND
- PROPOSED ASPHALT/CONCRETE/GRAVEL
- EXISTING ASPHALT/CONCRETE/GRAVEL
- PROPOSED ASPHALT/CONCRETE/SAND
- EXISTING ASPHALT/CONCRETE/SAND
- PROPOSED ASPHALT/CONCRETE/GRAVEL/SAND
- EXISTING ASPHALT/CONCRETE/GRAVEL/SAND

**CITY APPROVAL:**

DATE: \_\_\_\_\_

PROJECT NO: \_\_\_\_\_

SCALE: 1" = 10'

**James Avery**  
J E W E L R Y

**Technical Maintenance**

**MAXWELL ENGINEERING, PLLC**  
ENGINEERING, ARCHITECTURE & INTERIOR DESIGN  
1000 W. CALLE DE LOS ALAMOS, SUITE 100  
SAN JOSE, CALIFORNIA 95128  
TEL: (408) 434-1111  
WWW.MAXWELLENR.COM

**PETER LEWIS ARCHITECT + ASSOCIATES**  
1000 W. CALLE DE LOS ALAMOS, SUITE 100  
SAN JOSE, CALIFORNIA 95128  
TEL: (408) 434-1111  
WWW.PETERLEWISARCHITECT.COM

**Site Grading and Paving Plan**

**C1.3**

## Agenda Item:

4A. Ordinance No. 2017-01 amending the City's "Zoning Code" by changing the zoning district for an approximate 0.4832 acre tract of land located adjacent to Clay Street, between its intersections with Schreiner Street and Barnett Street, and otherwise known as 601 Clay Street; by removing the property from the 11-C Central City Zoning District and placing it within the Central Business Zoning District (CBD); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. (staff)

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

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**SUBJECT:** Second and final reading of the ordinance, and action concerning a requested zoning change from (11-C) Central City 11-District to (CBD) Central Business District for an approximate .4832 acres tract. Legal Description Cage Addition Block H, Lot 16; located at 601 Clay Street North. (File No. 2016-070)

**FOR AGENDA OF:** January 10, 2017      **DATE SUBMITTED:** December 30, 2016

**SUBMITTED BY:** Trenton Robertson  
City Planner

**CLEARANCES:** Don Davis  
City Manager

**EXHIBITS:**  
**AGENDA MAILED TO:**



**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

---

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

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**SUMMARY STATEMENT**

This item is concerning the second and final reading of the ordinance & action concerning a requested zoning change from (11-C) Central City 11-District to (CBD) Central Business District.

A public hearing was conducted by the Planning & Zoning Commission at its regular meeting on December 1, 2016. The Planning & Zoning Commission recommended approval (5-0).

A public hearing and 1<sup>st</sup> reading of the ordinance was conducted by the City Council at its regular meeting on December 15, 2016 (5-0 approval).

**RECOMMENDED ACTION**

Staff recommends that the Council hold the required reading of the ordinance and take action.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 4A  
Planning File #: 2016-070  
Hearing Date: December 1, 2016  
Representative: Christopher Alvarez Chedzoy  
Location: 601 Clay Street North  
Legal Description: Cage Addition Block H, Lot 16  
Total Acreage: .4832

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## Proposal

A requested zoning change from (11-C) Central City 11-District to (CBD) Central Business District

## Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on November 16, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on November 18, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on November 23, 2016, in accordance with Section 551.043(a) of the Texas Government Code.

## Recommended Action

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

## Notices Mailed

**Owners of Property within 200 feet: 23**

## Topography

The subject property is primarily flat with little vegetation. There are various types of trees located along the side of the property line acting as a buffer between the subject property and adjacent residential dwelling.

## Adjacent Zoning and Land Uses

**Direction:** North, East

**Current Base Zoning:** "11-C", "19-C", and "CBD"

**Current Land Uses:** Single-Family Residential, Professional Office, Restaurant, and Church

**Direction:** South and West

**Current Base Zoning:** "19-C" and "CBD"

**Current Land Uses:** Single-Family Residential, Professional Office, Restaurant, and Retail

### **Transportation**

**Thoroughfare:** Clay Street North and McFarland Street North

**Existing Character:** One lane in each direction with no sidewalks

**Proposed Changes:** None known

**Parking Information:** A land use for the subject property has not been determined. The most restrictive parking requirement for new construction in this zoning district would be for a Restaurant; Minimum vehicle spaces: One (1) space per four (4) seats or One (1) space per 100 sq. feet, whichever is greater.

The subject property is located within the Central Business District and is exempt from the off-street parking requirements for all existing structures.

### **Staff Analysis and Recommendation: Approval**

#### **1. Consistency:**

The property's land use designation is Central Business District. The requested "CBD" base zoning district is consistent with the adopted land use designation.

#### **2. Adverse Impacts on Neighboring Lands:**

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. Surrounding properties are similarly zoned with a mixture of different land uses, ranging from restaurants to single-family residential.

#### **3. Suitability as Presently Zoned:**

The proposed "CBD" zoning district will allow for the property to be used reasonably without having to request any variances through the Board of Adjustment. Additionally, the requested "CBD" zoning will encourage solidarity and revitalization of the Central Business District through the development regulations and standards associated with the "CBD" zoning District. Additionally, the subject property is split into two platted lots, Lot 16 (601 Clay Street) and Lot 17 (521 Clay Street). Each one of these lots has a different zoning designation. Due to this factor, the subject property is required to meet all development regulations in both zoning districts causing an unnecessary hardship. It is an uncommon practice for a property that is developed to be split zoned when a municipality adopts a new zoning map. The two lots aforementioned were originally zoned "C-2" Community Business Zone in accordance with the 1973 zoning code (Ordinance 73-20). When the 1997 Zoning Code (Ordinance 97-07) was adopted, the two lots zoning classification converted to the "11-C" Central City-11 District. Upon adoption of the Central Business District ordinance and various amendments, Lot 17 zoning designation was changed from "11-C" Central City-11 District to the current "CBD" Central Business District.

#### **4. Health, Safety and Welfare:**

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

#### **5. Size of Tract:**

The subject property is approximately .4832 acres in size, which should be able to reasonably accommodate the permitted uses in the "CBD" zoning district.

#### **6. Other Factors:**

None.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2017-01**

**AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY CHANGING THE ZONING DISTRICT FOR AN APPROXIMATE 0.4832 ACRE TRACT OF LAND LOCATED ADJACENT TO CLAY STREET, BETWEEN ITS INTERSECTIONS WITH SCHREINER STREET AND BARNETT STREET, AND OTHERWISE KNOWN AS 601 CLAY STREET; BY REMOVING THE PROPERTY FROM THE 11-C CENTRAL CITY ZONING DISTRICT AND PLACING IT WITHIN THE CENTRAL BUSINESS ZONING DISTRICT (CBD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT**

**WHEREAS**, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing which was held before the City Council on December 13, 2016, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in the change of a zoning district for the property making up an approximate 0.4832 acre tract of land located adjacent to Clay Street and between its intersections with Schreiner Street and Barnett Street, and otherwise known as 601 Clay Street; such change to result in the removal of the property from the 11-C Central City Zoning District to placement of the property within the Central Business Zoning District (CBD); and

**WHEREAS**, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on December 13, 2016, as advertised; and

**WHEREAS**, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's Zoning Code to change the zoning district for the property described below by placing it within the Central Business Zoning District (CBD);

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

**SECTION ONE.** The zoning district for the following property located adjacent to Clay Street and between its intersection with Schreiner Street and Barnett Street, otherwise known as 601 Clay Street, is changed from the 11-C Central City Zoning District to the Central Business Zoning District (CBD):

**Being Lot 16, Block H of the Cage Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and being more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes.**

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

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

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

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

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

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

PASSED AND APPROVED ON FIRST READING, this the 13<sup>th</sup> day of December, A.D., 2016.

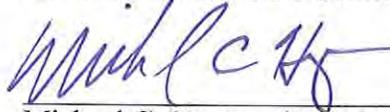
PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_  
of \_\_\_\_\_, A.D., 2017.

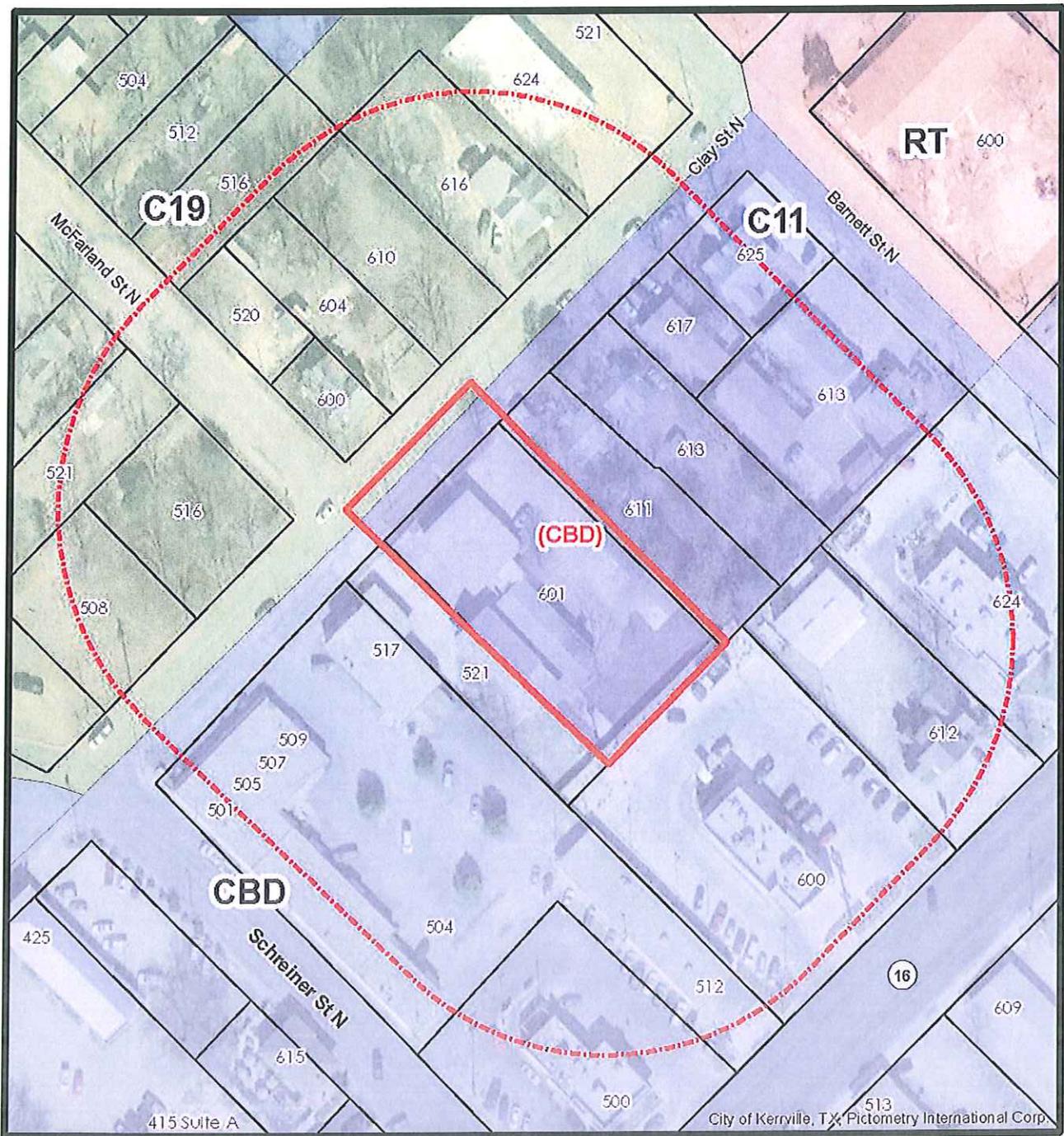
\_\_\_\_\_  
Bonnie White, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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



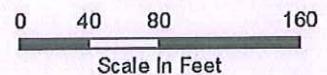
## Location Map

Case 2016-070

Location:  
601 Clay Street

### Legend

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



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

## **Agenda Item:**

4B. Ordinance No. 2017-02 amending the Comprehensive Plan for the City of Kerrville, Texas, pursuant to Chapter 213 of the Texas Local Government Code, by revising the future land use plan for an approximate 3.07 acre tract of land located adjacent to Singing Wind Drive North and between its intersections with Meadowview Lane and Loop 534 (Veterans Highway); and changing the future land use of this area from low-density residential to high-density residential.  
(staff)

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

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**SUBJECT:** Second and final reading of the ordinance, and action concerning a proposed Comprehensive Plan Amendment to amend the future land use category from "Low-Density Residential" to "High Density Residential" for an approximate 3.07 acres tract. The description of the subject property is described in two portions 1) a 2.88 acre tract of land described as Sendero Ridge Subdivision Unit 1 Lot 2, Block 1; and 2) a 0.19 acre tract of land, more or less, out of the Samuel Wallace Survey No. 113, Abstract No. 347 in the City of Kerrville, Kerr County, Texas; part of Meeker Road, a fifty (50) ft. wide public street out of Sendero Ridge Subdivision Unit 1A, a subdivision of Kerr County according to the plat of record in volume 7 at page 99 of the plat records of Kerr County, Texas. The subject property is located on the southeast side of Meadowview Lane North, between Singing Wind Drive North and Amelia Court North. 2500 Block of Singing Wind Drive North. (File No. 2015-069)

**FOR AGENDA OF:** January 10, 2017      **DATE SUBMITTED:** December 30, 2016

**SUBMITTED BY:** Trenton Robertson  
City Planner

**CLEARANCES:** Don Davis  
City Manager

**EXHIBITS:**  
**AGENDA MAILED TO:**



**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

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**SUMMARY STATEMENT**

This item is concerning a second and final reading of the ordinance & action concerning a proposed Comprehensive Plan Amendment to amend the future land use category from "Low-Density Residential" to "High Density Residential"

A public hearing was conducted by the Planning & Zoning Commission at its regular meeting on December 1, 2016. The Planning & Zoning Commission recommended approval (5-0).

A public hearing and 1<sup>st</sup> reading of the ordinance was conducted by the City Council at its regular meeting on December 15, 2016 (5-0 approval).

**RECOMMENDED ACTION**

Staff recommends that the Council hold the required reading of the ordinance and take action.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 4B/4C  
Planning File #: 2016-069/2016-071  
Hearing Date: December 1, 2016  
Representative: Voelkel Land Surveying  
Location: 2500 Block of Singing Wind Drive North  
Legal Description: The description of the subject property is described in two portions  
1) a 2.88 acre tract of land described as Sendero Ridge Subdivision  
Unit 1 Lot 2, Block 1; and 2) a 0.19 acre tract of land, more or less,  
out of the Samuel Wallace Survey No. 113, Abstract No. 347 in the  
City of Kerrville, Kerr County, Texas; part of Meeker Road, a fifty  
(50) ft. wide public street out of Sendero Ridge Subdivision Unit 1A,  
a subdivision of Kerr County according to the plat of record in  
volume 7 at page 99 of the plat records of Kerr County, Texas.  
Total Acreage: 3.07

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## Proposal

2016-069: Comprehensive Plan Amendment to amend the future land use category from "Low-Density Residential" to "High-Density Residential".

2016-071: Zoning change from (RC) Residential Cluster District to (28-E) East Side 28-District

## Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on November 16, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on November 18, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on November 23, 2016, in accordance with Section 551.043(a) of the Texas Government Code.

## Recommended Action

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

## Notices Mailed

**Owners of Property within 200 feet: 60**

## Topography

The subject property slopes gradually from the northwest to the southeast. They property has various types of trees and grasses.

## Adjacent Zoning and Land Uses

**Direction:** North, East

**Current Base Zoning:** "28-E"

**Current Land Uses:** Single-Family Residential and Vacant

**Direction:** South and West

**Current Base Zoning:** "RC" and "RM"

**Current Land Uses:** Single-Family Residential and Vacant

**Transportation**

**Thoroughfare:** Singing Wind Drive North

**Existing Character:** One lane in each direction with partial sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Singing Ivy Lane North, Amelia Court North, and Shaun Street North

**Existing Character:** One lane in each direction with sidewalks

**Proposed Changes:** None known

**Parking Information:** Multi-Family Dwelling

Minimum vehicle spaces: Two (2) spaces per dwelling unit, plus the required spaces for office uses. Total number of parking spaces being provided is 242.

**Staff Analysis and Recommendation: Approval**

**1. Consistency:**

The property's land use designation is Low-Density Residential. The requested "28-E" base zoning district is not consistent with the adopted land use designation. The proposed future land use designation for the subject property is "High-Density residential" and will allow for the proposed "28-E" zoning district.

**2. Adverse Impacts on Neighboring Lands:**

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this plan amendment and zoning change requests. The proposed plan amendment and zoning change would allow for the subject property to utilize more intense uses than what is permitted in the existing "RC" zoning district. The surrounding area abutting Singing Wind Drive has transitioned into a mixed-density residential corridor. A development site plan for a proposed multi-family dwelling development was submitted to the City of Kerrville. The proposed development is consistent with the surrounding area which has been developed with higher density development consisting of townhomes, zero lot line developments, garden homes, and apartments. The proposed requests will have minimal to no impact on surrounding properties. All ingress and egress for the proposed development has been directed to Singing Wind Drive to eliminate any direct impact to the existing single-family residential neighborhood located to the south of the subject property. The applicant has submitted a request to City Council to abandon and vacate the proposed Meeker Road right-of-way which connects the single-family residential neighborhood to the south and Singing Wind Drive to the north, eliminating any potential ingress/egress from the proposed development into the existing neighborhood. Additionally, the proposed development is within close proximity to Loop 534 a major thoroughfare for the City of Kerrville. Current planning practices encourage high density residential developments to be located within close proximity to a primary arterial in order to help mitigate traffic.

**3. Suitability as Presently Zoned:**

The proposed zoning district is suitable for the subject property and will allow for uses that will be consistent with the existing surrounding land uses.

**4. Health, Safety and Welfare:**

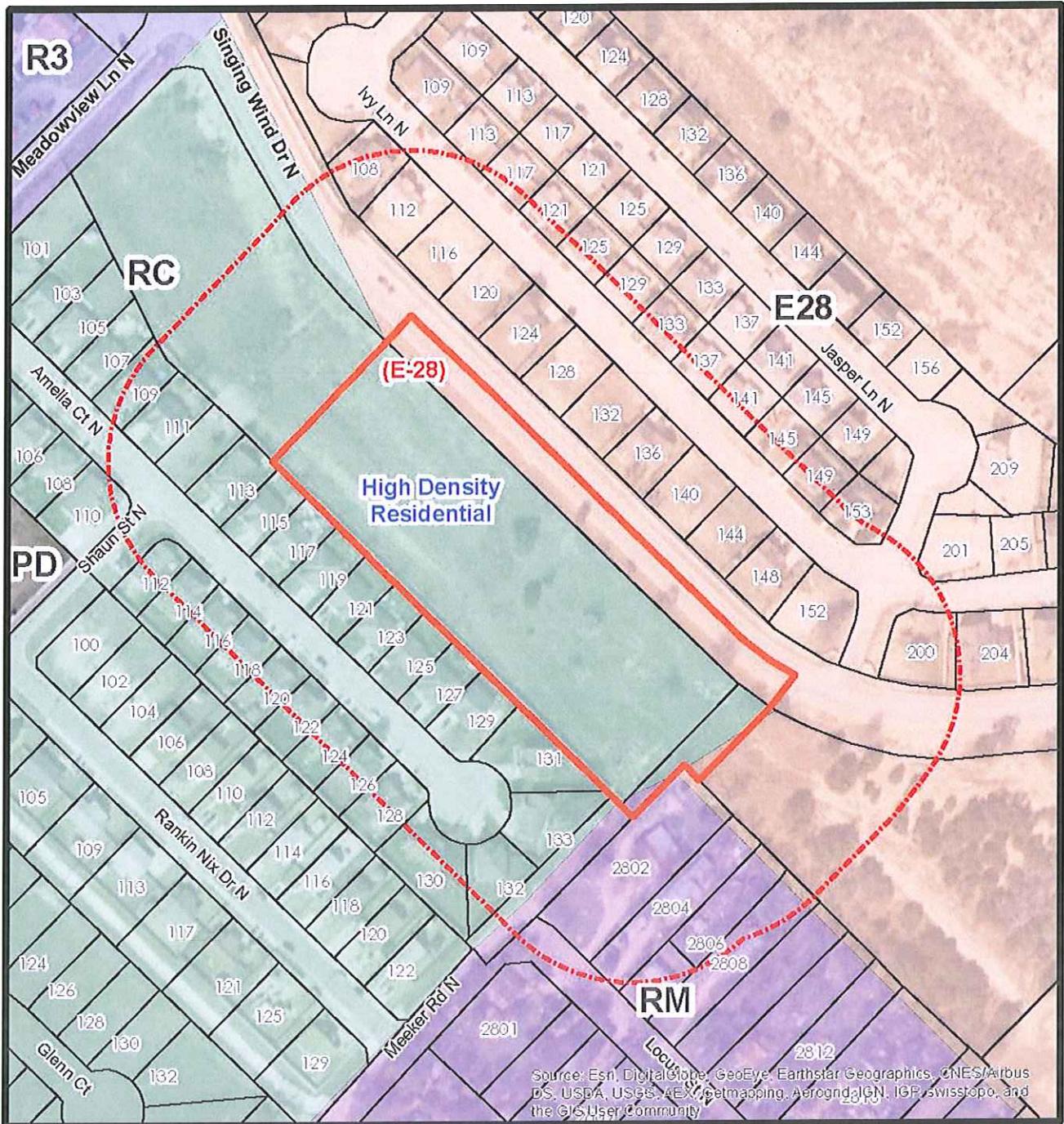
Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

**5. Size of Tract:**

The subject property is approximately 3.07 acres in size, which should be able to reasonably accommodate the permitted uses in the "28-E" zoning district.

**6. Other Factors:**

None.



## Location Map

**Case 2016-069/2016-071**

**Location:**  
2500 Block  
of Singing Wind Drive North

**Legend**

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

0 75 150 300  
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.



**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2017-02**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF KERRVILLE, TEXAS, PURSUANT TO CHAPTER 213 OF THE TEXAS LOCAL GOVERNMENT CODE, BY REVISING THE FUTURE LAND USE PLAN FOR AN APPROXIMATE 3.07 ACRE TRACT OF LAND LOCATED ADJACENT TO SINGING WIND DRIVE NORTH AND BETWEEN ITS INTERSECTIONS WITH MEADOWVIEW LANE AND LOOP 534 (VETERANS HIGHWAY); AND CHANGING THE FUTURE LAND USE OF THIS AREA FROM LOW-DENSITY RESIDENTIAL TO HIGH-DENSITY RESIDENTIAL**

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

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

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

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

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

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

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

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

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

**SECTION TWO.** The *City of Kerrville Comprehensive Plan – A Link To The Future*, and specifically the FLUP, is amended by changing the future land use designation from “Low-Density Residential” to “High-Density Residential” for the property, as described and depicted at **Exhibit A**, consisting of an approximate 3.07 acre tract of land, more commonly referred to as the 2500 Block of Singing Wind Drive North.

**SECTION THREE.** The provisions contained herein amend and revise, as appropriate, the provisions of Ordinance No. 2002-14 and specifically the FLUP. Further, that the provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

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

**PASSED AND APPROVED ON FIRST READING, this the 13<sup>th</sup> day of December**  
A.D., 2016.

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_**  
day of \_\_\_\_\_, A.D., 2017.

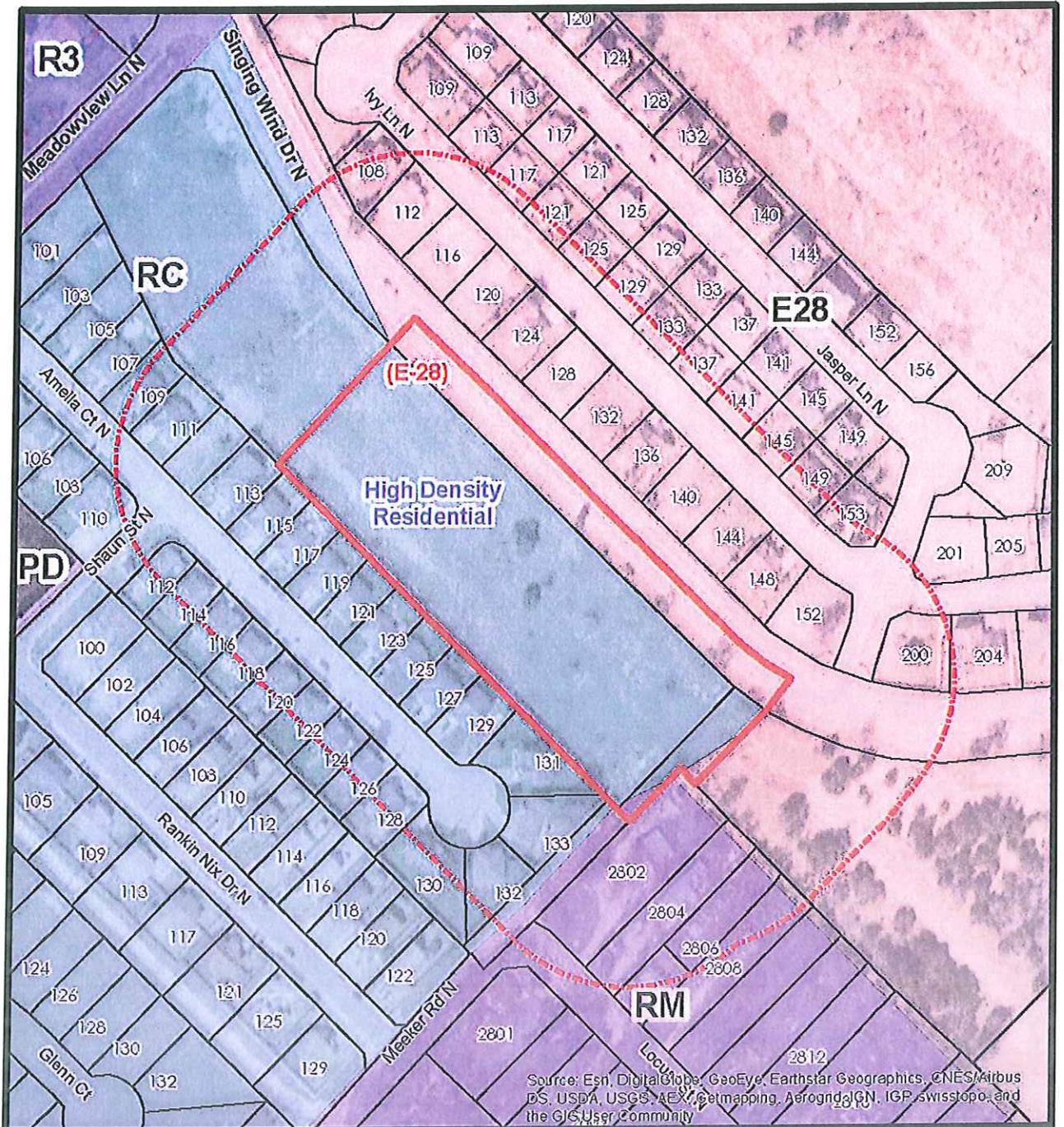
\_\_\_\_\_  
Bonnie White, Mayor

APPROVED AS TO FORM:

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

ATTEST:

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



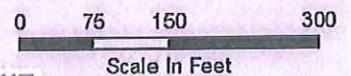
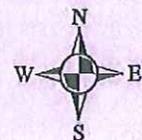
## Location Map

**Case 2016-069/2016-071**

**Location:**  
**2500 Block**  
**of Singing Wind Drive North**

### Legend

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



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

EXHIBIT A

## **Agenda Item:**

4C. Ordinance 2017-03, amending the city's "Zoning Code" by changing the zoning district for tracts of land consisting of an approximate 3.07 acres and located adjacent to Singing Wind Drive North and between its intersections with Meadowview Lane and Loop 534 (Veterans Highway), and otherwise known as the 2500 block of Singing Wind Drive North; by removing the property from the residential cluster zoning district (RC) and placing it within the 28-E zoning district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. (staff)

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

---

**SUBJECT:** Second and final reading of the ordinance, and action concerning a requested zoning change from (RC) Residential Cluster District to (28-E) East Side 28-District for an approximate 3.07 acres tract. The description of the subject property is described in two portions 1) a 2.88 acre tract of land described as Sendero Ridge Subdivision Unit 1 Lot 2, Block 1; and 2) a 0.19 acre tract of land, more or less, out of the Samuel Wallace Survey No. 113, Abstract No. 347 in the City of Kerrville, Kerr County, Texas; part of Meeker Road, a fifty (50) ft. wide public street out of Sendero Ridge Subdivision Unit 1A, a subdivision of Kerr County according to the plat of record in volume 7 at page 99 of the plat records of Kerr County, Texas. The subject property is located on the southeast side of Meadowview Lane North, between Singing Wind Drive North and Amelia Court North. 2500 Block of Singing Wind Drive North. (File No. 2015-071)

**FOR AGENDA OF:** January 10, 2017      **DATE SUBMITTED:** December 30, 2016

**SUBMITTED BY:** Trenton Robertson  
City Planner

**CLEARANCES:** Don Davis  
City Manager



**EXHIBITS:**  
**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

---

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

---

**SUMMARY STATEMENT**

This item is concerning a second and final reading of the ordinance & action concerning a proposed Comprehensive Plan Amendment to amend the future land use category from "Low-Density Residential" to "High Density Residential"

A public hearing was conducted by the Planning & Zoning Commission at its regular meeting on December 1, 2016. The Planning & Zoning Commission recommended approval (5-0).

A public hearing and 1<sup>st</sup> reading of the ordinance was conducted by the City Council at its regular meeting on December 15, 2016 (5-0 approval).

**RECOMMENDED ACTION**

Staff recommends that the Council hold the required reading of the ordinance and take action.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 4B/4C  
Planning File #: 2016-069/2016-071  
Hearing Date: December 1, 2016  
Representative: Voelkel Land Surveying  
Location: 2500 Block of Singing Wind Drive North  
Legal Description: The description of the subject property is described in two portions  
1) a 2.88 acre tract of land described as Sendero Ridge Subdivision  
Unit 1 Lot 2, Block 1; and 2) a 0.19 acre tract of land, more or less,  
out of the Samuel Wallace Survey No. 113, Abstract No. 347 in the  
City of Kerrville, Kerr County, Texas; part of Meeker Road, a fifty  
(50) ft. wide public street out of Sendero Ridge Subdivision Unit 1A,  
a subdivision of Kerr County according to the plat of record in  
volume 7 at page 99 of the plat records of Kerr County, Texas.  
Total Acreage: 3.07

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## **Proposal**

2016-069: Comprehensive Plan Amendment to amend the future land use category from "Low-Density Residential" to "High-Density Residential".

2016-071: Zoning change from (RC) Residential Cluster District to (28-E) East Side 28-District

## **Procedural Requirements**

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on November 16, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on November 18, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on November 23, 2016, in accordance with Section 551.043(a) of the Texas Government Code.

## **Recommended Action**

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

## **Notices Mailed**

**Owners of Property within 200 feet: 60**

## **Topography**

The subject property slopes gradually from the northwest to the southeast. They property has various types of trees and grasses.

## **Adjacent Zoning and Land Uses**

**Direction:** North, East  
**Current Base Zoning:** "28-E"  
**Current Land Uses:** Single-Family Residential and Vacant

**Direction:** South and West  
**Current Base Zoning:** "RC" and "RM"  
**Current Land Uses:** Single-Family Residential and Vacant

**Transportation**

**Thoroughfare:** Singing Wind Drive North  
**Existing Character:** One lane in each direction with partial sidewalks  
**Proposed Changes:** None known

**Thoroughfare:** Singing Ivy Lane North, Amelia Court North, and Shaun Street North  
**Existing Character:** One lane in each direction with sidewalks  
**Proposed Changes:** None known

**Parking Information:** Multi-Family Dwelling

Minimum vehicle spaces: Two (2) spaces per dwelling unit, plus the required spaces for office uses. Total number of parking spaces being provided is 242.

**Staff Analysis and Recommendation: Approval**

**1. Consistency:**

The property's land use designation is Low-Density Residential. The requested "28-E" base zoning district is not consistent with the adopted land use designation. The proposed future land use designation for the subject property is "High-Density residential" and will allow for the proposed "28-E" zoning district.

**2. Adverse Impacts on Neighboring Lands:**

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to this plan amendment and zoning change requests. The proposed plan amendment and zoning change would allow for the subject property to utilize more intense uses than what is permitted in the existing "RC" zoning district. The surrounding area abutting Singing Wind Drive has transitioned into a mixed-density residential corridor. A development site plan for a proposed multi-family dwelling development was submitted to the City of Kerrville. The proposed development is consistent with the surrounding area which has been developed with higher density development consisting of townhomes, zero lot line developments, garden homes, and apartments. The proposed requests will have minimal to no impact on surrounding properties. All ingress and egress for the proposed development has been directed to Singing Wind Drive to eliminate any direct impact to the existing single-family residential neighborhood located to the south of the subject property. The applicant has submitted a request to City Council to abandon and vacate the proposed Meeker Road right-of-way which connects the single-family residential neighborhood to the south and Singing Wind Drive to the north, eliminating any potential ingress/egress from the proposed development into the existing neighborhood. Additionally, the proposed development is within close proximity to Loop 534 a major thoroughfare for the City of Kerrville. Current planning practices encourage high density residential developments to be located within close proximity to a primary arterial in order to help mitigate traffic.

**3. Suitability as Presently Zoned:**

The proposed zoning district is suitable for the subject property and will allow for uses that will be consistent with the existing surrounding land uses.

**4. Health, Safety and Welfare:**

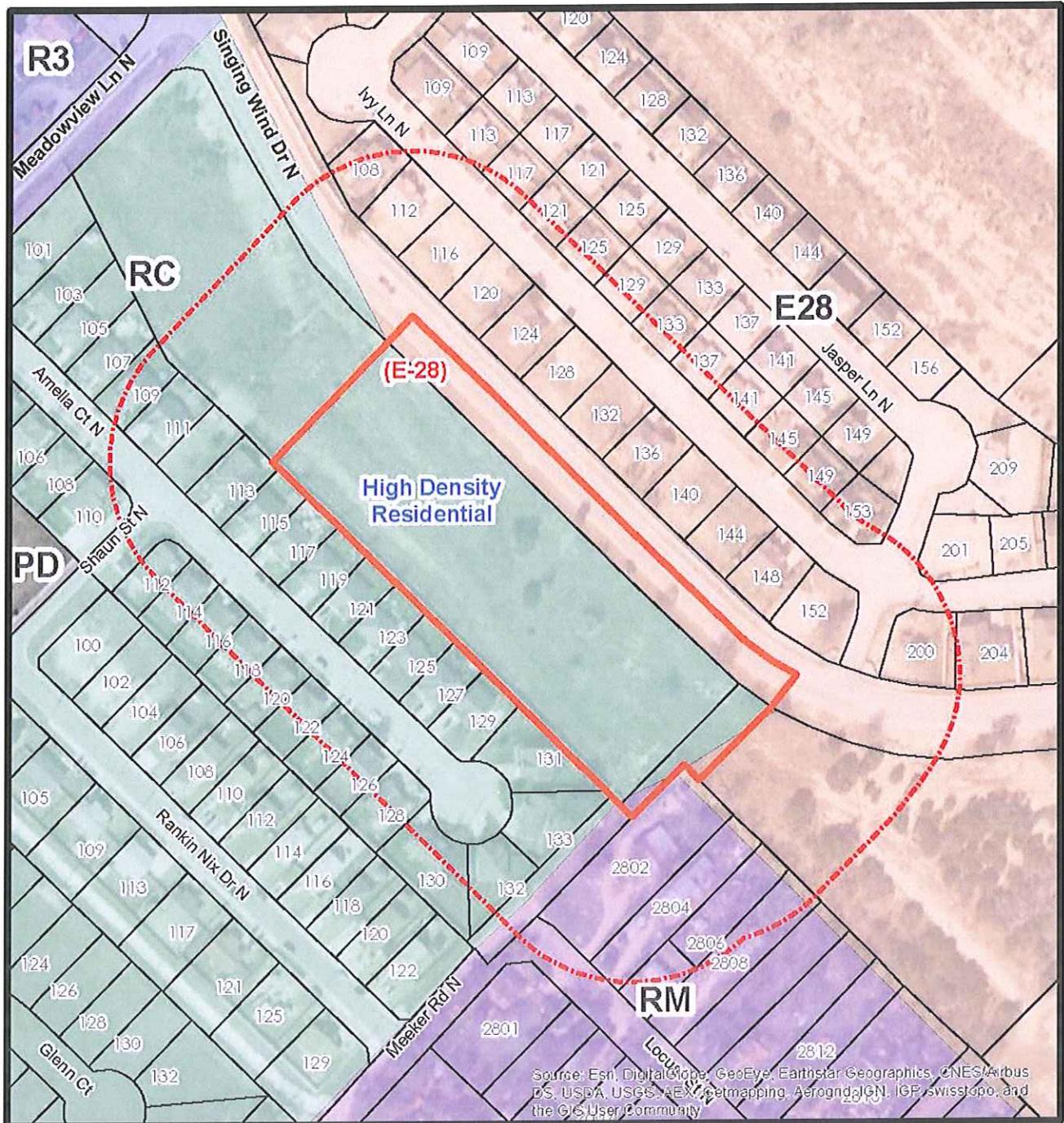
Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

**5. Size of Tract:**

The subject property is approximately 3.07 acres in size, which should be able to reasonably accommodate the permitted uses in the "28-E" zoning district.

**6. Other Factors:**

None.



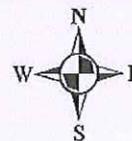
## Location Map

**Case 2016-069/2016-071**

**Location:**  
 2500 Block  
 of Singing Wind Drive North

### Legend

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



0 75 150 300  
 Scale In Feet

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**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2017-03**

**AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY CHANGING THE ZONING DISTRICT FOR TRACTS OF LAND CONSISTING OF AN APPROXIMATE 3.07 ACRES AND LOCATED ADJACENT TO SINGING WIND DRIVE NORTH AND BETWEEN ITS INTERSECTIONS WITH MEADOWVIEW LANE AND LOOP 534 (VETERANS HIGHWAY), AND OTHERWISE KNOWN AS THE 2500 BLOCK OF SINGING WIND DRIVE NORTH; BY REMOVING THE PROPERTY FROM THE RESIDENTIAL CLUSTER ZONING DISTRICT (RC) AND PLACING IT WITHIN THE 28-E ZONING DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT**

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing which was held before the City Council on December 13, 2016, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in the change of a zoning district for two tracts of land plus an intervening and unimproved public right of way, which has been vacated, all of which makes up an approximate 3.07 acres and is located adjacent to Singing Wind Drive North and between its intersections with Meadowview Lane and Loop 534 (Veterans Highway), and is otherwise known as the 2500 Block of Singing Wind Drive North; such change to result in the removal of the property from the Residential Cluster Zoning District (RC) to placement of the property within the 28-E Zoning District; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on December 13, 2016, as advertised; and

WHEREAS, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's Zoning Code to change the zoning district for the property described below by placing it within the 28-E Zoning District;

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

**SECTION ONE.** The zoning district for the following property located adjacent to Singing Wind Drive North and between its intersection with Meadowview Lane and Loop 534 (Veterans Highway), otherwise known as the 2500 Block of Singing Winds Drive North, is changed from the Residential Cluster Zoning District (RC) to the 28-E Zoning District:

**Being Lots 2 and 3, Block 1 of the Sendero Ridge Subdivision Unit 1A, a subdivision within the City of Kerrville, Kerr County, Texas, plus an approximate 0.19 of one acre tract of land previously dedicated as public right-of-way, all of which is more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes.**

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

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

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

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

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

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

PASSED AND APPROVED ON FIRST READING, this the 13<sup>th</sup> day of December, A.D., 2016.

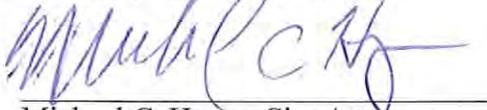
**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_**  
**of \_\_\_\_\_, A.D., 2017.**

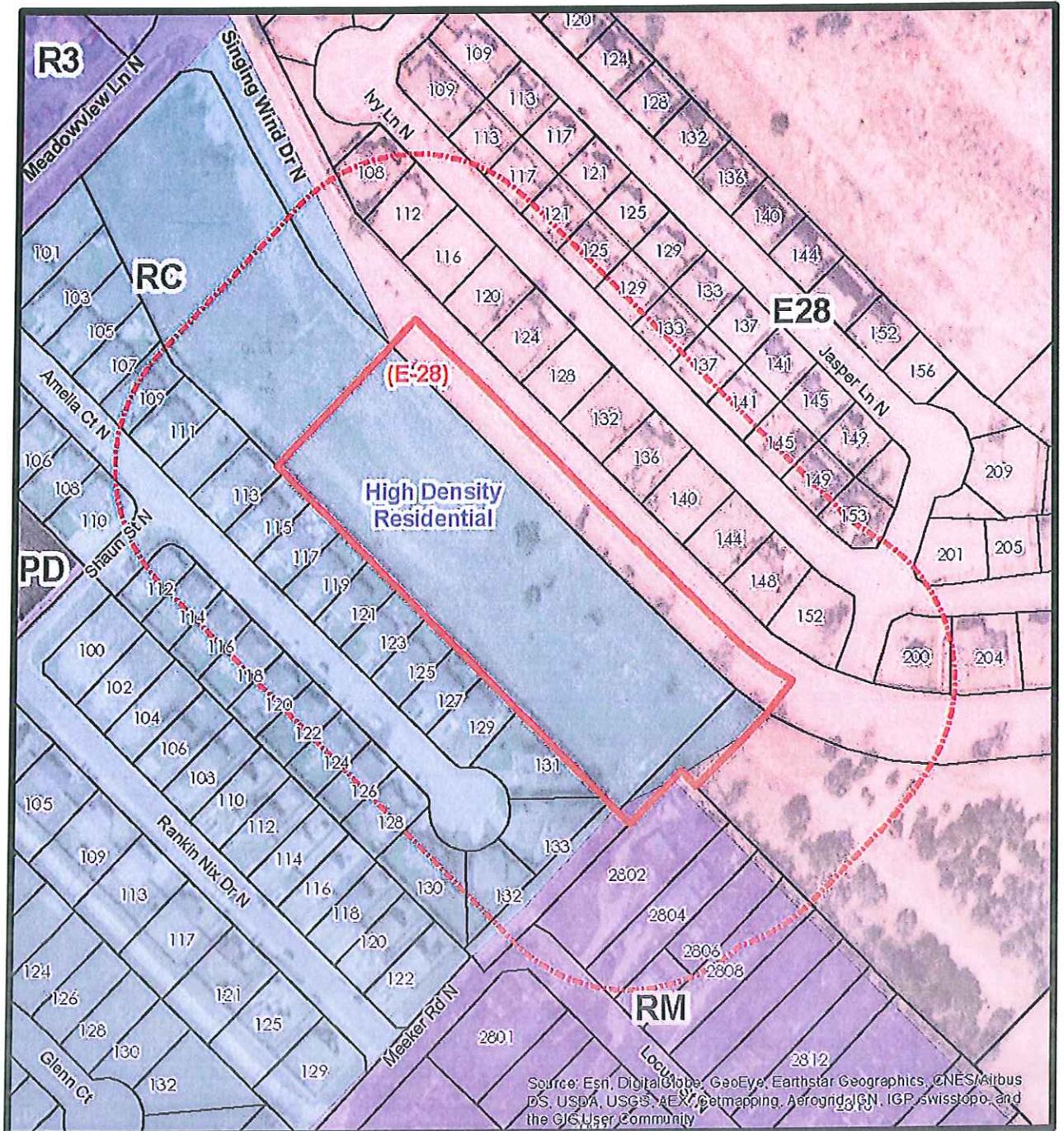
\_\_\_\_\_  
Bonnie White, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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



**Location Map**

**Case 2016-069/2016-071**

**Location:**  
2500 Block  
of Singing Wind Drive North

**Legend**

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

0 75 150 300  
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:**

4D. Ordinance No. 2017-04, abandoning and vacating all right, title, and interest in a public right-of-way, consisting of an unimproved portion of Meeker Street, as located between and intersecting with both Locust Street and Singing Wind Drive; being an approximate 0.19 of one acre tract of land out of the Samuel Wallace Survey No. 113, Abstract No. 347, and the Sendero Ridge Subdivision Unit 1A, a subdivision within the City of Kerrville, Kerr County, Texas, according to the plat thereof recorded in Volume 7, Page 99 of the plat records of Kerr County; finding that said portion is not required for future use as a public street; reserving a public utility easement; making the effective date subject to certain conditions; and ordering recording. (staff)

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

---

**SUBJECT:** Second and final reading of the ordinance, and action concerning a request by RREAF-Blatt, LLC to abandon, vacate and convey a portion of Meeker Road right-of-way located to the southwest of Singing Wind Drive North from the City of Kerrville.

**FOR AGENDA OF:** January 10, 2017    **DATE SUBMITTED:** December 30, 2016

**SUBMITTED BY:** Trenton Robertson  
City Planner

**CLEARANCES:** Don Davis  
City Manager



**EXHIBITS:**

**AGENDA MAILED TO:** Letter and exhibits from the representatives of RREAF-Blatt, LLC (Voelkel Land Surveying) dated October 7, 2016;  
Location Map from City Staff showing approximate location of existing utilities

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

---

**SUMMARY STATEMENT**

Attached is a letter from the representatives of RREAF-Blatt, LLC (Voelkel Land Surveying) proposing that the City of Kerrville abandon, vacate and convey a portion of Meeker Road right-of-way that is located to the southwest of Singing Wind Drive North. This is a non-paved section of right-of-way (ROW) that various public utilities are located. The property is approximately 50-foot wide measured along the Singing Wind Drive frontage and approximately 212 feet deep. In order to convey this property, it must find that it would be in the City's best interests. It is important that if City Council abandons, vacates and conveys the property that easements are dedicated in order to assure future access for the maintenance of public utilities. Staff supports the request to vacate and convey the Meeker Road right-of-way. Vacating this portion of the Meeker Road right-of-way will not have a negative impact on the surrounding neighborhood.

**RECOMMENDED ACTION**

City staff recommends City Council consider and take action on abandoning, vacating and conveying a portion of Meeker Road right-of-way. If City Council determines that it is in their best interest to convey the property, city staff recommends the following:

1. Easements are dedicated to the City of Kerrville for the purpose of maintaining and accessing existing public utilities.

A public hearing and 1<sup>st</sup> reading of the ordinance was conducted by the City Council at its regular meeting on December 15, 2016 (5-0 approval).

October 7, 2016

Mayor / City Council  
City of Kerrville  
701 Main Street  
Kerrville, Texas 78028

Mayor / Council members,

I am writing this letter on behalf of my client, RREAF-Blatt, LLC, owner of Lots 1, 2 and 3 in Block 1 of Sendero Ridge Subdivision Unit 1A (plat of record in Volume 7 at Page 99 of the Plat Records of Kerr County, Texas).

The owner wants to develop and build an apartment complex on Lots 2 and 3 and a section of Meeker Road right-of-way (50 ft. wide public right-of-way dedicated by plat of Sendero Ridge Subdivision Unit 1A) between the two lots.

Please accept this letter as a formal request from my client for the City of Kerrville to abandon, vacate and convey the portion of Meeker Road right-of-way between Lots 2 and 3. If the right-of-way is abandoned, the owner will replat Lots 2, 3 and newly acquired right-of-way into one (1) lot, amend the City of Kerrville Future Land Use Plan and rezone the new lot. The owner is willing to provide utility easements in favor of the City of Kerrville for any existing public utilities within the abandoned right-of-way.

With this letter I am submitting the following to help you with your deliberations:

1. Owners deed.
2. Sendero Ridge Subdivision Unit 1A recorded plat (Meeker Road right-of-way abandonment request highlighted in orange)
3. Development Site Plan

Please call me with any questions, concerns or requests for more information. Thank you for your consideration of this matter.



Lee C. Voelkel  
Agent for RREAF-Blatt, LLC

16-03373

Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.

**GENERAL WARRANTY DEED**  
(with Vendor's Lien)

Date: May 24, 2016

Grantor: BDA Kerrville Properties, LP

Grantor's Mailing Address: 920 E. Dean Keeton  
Austin, Texas 78705

Grantee: RREAF-BLATT LLC, a Texas limited liability company

Grantees' Mailing Address: 4245 N Central Expressway, Suite 420  
Dallas, Texas 75205  
Attn: Jeffery Blatt

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid to Grantor by Grantee and a Note in the principal amount of One Million Four Hundred Twenty Two Thousand Seven Hundred Forty and No/100 Dollars (\$1,422,740.00) executed by Grantee and payable to the order of Bank of the Ozarks ("Lender"). The Note is secured by a vendor's lien retained in favor of Lender in this deed and by a deed of trust from Grantee herein to Dennis James, Trustee.

Property (including any improvements):

The land described in Exhibit A, attached hereto and incorporated herein by reference for all purposes.

Reservations From and Exceptions To Conveyance and Warranty: All easements, rights-of-way, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances and other instruments, other than liens and conveyances, that affect the Property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned county and state, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the Property.

Grantor, for the consideration and subject to the Reservations From and Exceptions To Conveyance and Warranty, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully

claiming or to claim the same or any part thereof, except as to the Reservations From and Exceptions To Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until the Note is fully paid according to its terms, at which time this deed shall become absolute.

When the context requires, singular nouns and pronouns include the plural.

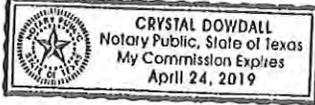
GRANTOR:

BDA Kerrville Properties, LP  
By: BDA Kerrville Management, LLC, General Partner

By: *[Signature]*  
Jeffrey T. Blatt, Manager

STATE OF TEXAS        §  
                                     §  
COUNTY OF TRAVIS   §

This instrument was acknowledged before me on the 21<sup>th</sup> day of May, 2016, by Jeffrey T. Blatt, as Manager of BDA Kerrville Management, LLC, as general partner of BDA Kerrville Properties, LP.



*[Signature]*  
Notary Public, State of Texas

My Commission Expires:  
April 24, 2019

DOCUMENT PREPARED BY:  
C. DANIEL ROBERTS & ASSOCIATES, P.C.  
1602 East Cesar Chavez  
Austin, Texas 78702  
(512) 494-8448

✓ AFTER RECORDING RETURN TO:  
*Gracy Title*  
*Robin M.*  
*1921 Lohmans Crossing Rd, #200*  
*Austin, TX 78734*

TRACT ONE: Lots 1, 2 and 3, Block 1, of the Sendero Ridge Subdivision Unit 1A, a subdivision of Kerr County, Texas, according to the plat of said subdivision recorded in Volume 7, Page 99 of the Plat Records of Kerr County, Texas.

TRACT TWO: All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, comprising of 38.924 acres, more or less, being 37.695 acres out of S. Wallace Survey No. 113, Abstract No. 347 and 1.229 acres out of S. Wallace Survey No. 112, Abstract No. 360 and being more particularly described as follows:

Being a 38.924 acre tract being approximately 37.695 acres out of the S. Wallace Survey No. 113, Abstract No. 347 and 1.229 acres out of the S. Wallace Survey No. 112, Abstract No. 360, Kerr County, Texas and being that certain 51.851 acre tract conveyed to BDA KERRVILLE PROPERTIES, LP, A TEXAS LIMITED PARTNERSHIP by deed recorded in Volume 1401, Pages 563-570, Official Public Records, Kerr County, Texas, save and except that certain 12.928 acre tract known as SENDERO RIDGE SUBDIVISION UNIT 1 recorded in Volume 7, Pages 296-297, Plat Records, Kerr County, Texas, said 38.924 acre tract being more particularly described by metes and bounds as follows:

Beginning at a 1/2" steel rod found in the northwest right-of-way line of State Highway Loop No. 534 for the northeast corner of the herein described tract, the northeast corner of the above referenced 51.851 acre tract, the southeast corner of a 4.319 acre tract recorded in Volume 719, Pages 473-476, Official Records, Kerr County, Texas;

Thence, with the northwest right-of-way line of State Highway Loop No. 534, the following six courses and distances,

South 46 degrees 33 minutes 10 seconds West, a distance of 152.43 feet to a concrete monument found for angle,

South 43 degrees 30 minutes 48 seconds West, a distance of 274.75 feet to a concrete monument found for angle,

South 30 degrees 06 minutes 56 seconds West, a distance of 323.82 feet to a concrete monument found for angle,

South 11 degrees 40 minutes 49 seconds West, a distance of 429.65 feet to a concrete monument found for angle,

South 00 degrees 04 minutes 19 seconds West, a distance of 204.84 feet to a concrete monument found for angle,

and, South 04 degrees 20 minutes 02 seconds West, a distance of 492.63 feet to a 1/2" steel rod found for the southeast corner of the herein described tract, the northeast corner of SENDERO RIDGE SUBDIVISION UNIT 1 recorded in Volume 7, Pages 296-297, Plat Records, Kerr County, Texas, said point bears, North 04 degrees 20 minutes 02 seconds East, a distance of 10.91 feet from a concrete monument found;

Thence, departing the northwest right-of-way line of State Highway Loop No. 534, with the northeasterly line of SENDERO RIDGE SUBDIVISION UNIT 1, the following seven courses and distances,

North 85 degrees 43 minutes 08 seconds West, a distance of 95.00 feet to a 1/2" steel rod set with an orange "RPLS 5207" plastic cap for corner,

North 04 degrees 16 minutes 52 seconds East, a distance of 33.28 feet to a 1/2" steel rod found for corner,

North 85 degrees 43 minutes 08 seconds West, a distance of 120.48 feet to a nail set in concrete for angle,

North 52 degrees 30 minutes 34 seconds West, a distance of 103.94 feet to a 1/2" steel rod found for angle,

North 45 degrees 07 minutes 46 seconds West, a distance of 1106.54 feet to a 1/2" steel rod found for corner,

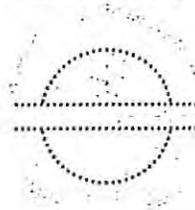
South 44 degrees 52 minutes 14 seconds West, a distance of 60.01 feet to a 1/2" steel rod found for corner,

and, North 45 degrees 07 minutes 46 seconds West, a distance of 95.00 feet to a 1/2" steel rod found for the southwest corner of the herein described tract, the northwest corner of SENDERO RIDGE SUBDIVISION UNIT 1 and being in the northwest line of the aforementioned 51.851 acre tract;

Thence, with the northwest line of said 51.851 acre tract, North 44 degrees 53 minutes 31 seconds East, a distance of 1792.27 feet to a 1/2" steel rod found for the northwest corner of the herein described tract, the northwest corner of said 51.851 acre tract, the southwest corner of the aforementioned 4.319 acre tract;

Thence, with the northeast line of said 51.851 acre tract, the southwest line of said 4.319 acre tract, South 46 degrees 23 minutes 20 seconds East, a distance of 705.19 feet to the Place of Beginning and containing 38.924 acres of land.

Note: A survey plat of the above described tract was prepared. Basis of bearing was established from the State Plane Coordinate System North American datum of 1983, Texas South Central Zone.



  
Donald Dean Boerner  
Registered Professional Land Surveyor No. 5207

FILED BY & RETURNED TO:

GRACY TITLE

ATTN: ROBYN M

1921 LOHMANS CROSSING RD #200

AUSTIN, TX 78734



FILED AND RECORDED  
At 1:42 o'clock P.M  
STATE OF TEXAS  
COUNTY OF KERR

June 9, 2016

I hereby certify that this instrument was filed in the  
numbered sequence on the date and time  
stamped above by me and was duly recorded in  
the Official Public Records of Kerr County Texas.  
Deputy County Clerk

M. O. Sanders Deputy





**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2017-04**

**AN ORDINANCE ABANDONING AND VACATING ALL RIGHT, TITLE, AND INTEREST IN A PUBLIC RIGHT-OF-WAY, CONSISTING OF AN UNIMPROVED PORTION OF MEEKER STREET, AS LOCATED BETWEEN AND INTERSECTING WITH BOTH LOCUST STREET AND SINGING WIND DRIVE; BEING AN APPROXIMATE 0.19 OF ONE ACRE TRACT OF LAND OUT OF THE SAMUEL WALLACE SURVEY NO. 113, ABSTRACT NO. 347, AND THE SENDERO RIDGE SUBDIVISION UNIT 1A, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7, PAGE 99 OF THE PLAT RECORDS OF KERR COUNTY; FINDING THAT SAID PORTION IS NOT REQUIRED FOR FUTURE USE AS A PUBLIC STREET; RESERVING A PUBLIC UTILITY EASEMENT; MAKING THE EFFECTIVE DATE SUBJECT TO CERTAIN CONDITIONS; AND ORDERING RECORDING**

WHEREAS, Meeker Street, generally located between Memorial Boulevard (State Highway 27) and Locust Street, presently contains an unimproved portion of public right-of-way; and

WHEREAS, this right-of-way interest is no longer required for public use as the City has no plans to improve and extend Meeker Street; and

WHEREAS, the property owner who owns the property on both sides of the unimproved right-of-way and has plans for the development of that property, has asked the City to abandon and vacate a portion of the right-of-way; and

WHEREAS, as the right-of-way which is requested to be abandoned and vacated is unimproved and will not be needed as a future public street, City staff recommends that the City formally abandon and vacate this right-of-way property interest, but subject to the reservation of a public utility easement within the same property interest, as the City currently owns and operates both public water and wastewater mains within the property; and

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 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Transportation Code Section 311.007 authorizes any such city to abandon, vacate or close any street or alley; and

WHEREAS, City Council held a public hearing beginning at approximately 6:00 p.m. on December 13, 2016, as advertised, to consider public comments regarding the issue of vacation and abandonment; and

**WHEREAS**, pursuant to the reservation of the public utility easement specified below and in order to avoid any future cost to the public required with respect to the future improvement and maintenance of said right-of-way, the City Council of the City of Kerrville, Texas, acting pursuant to state law and to facilitate the development of property, finds it to be in the public interest and advisable to abandon and vacate the right-of-way interest described herein and subject to the reservations and conditions which follow;

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

**SECTION ONE.** The facts and matters set forth in the preamble to this Ordinance are hereby found to be true and correct.

**SECTION TWO.** Subject to the reservations and conditions which follow in Section Three, the City Council hereby abandons, vacates, and quitclaims in favor of the abutting property owner(s), as appropriate, all of the City's right, title, and interest of the public in and to the following public street right-of-way, constituting an unimproved portion of Meeker Street, as it continues northwest from its intersection with Locust Street to Singing Winds Drive, and being more particularly described and depicted in **Exhibit A**, attached hereto and incorporated herein by reference.

**SECTION THREE.** The abandonment and vacation of the right-of-way described in **Exhibit A** hereto is subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise owned by third-parties. Furthermore, the City, due to the existence of both water and wastewater mains located within the property described and depicted in **Exhibit A**, hereby reserves unto itself the non-exclusive right at any time to continue to or to lay, construct, maintain, repair, and remove the water and wastewater lines and appurtenances in, above, over, and underneath the real property described in **Exhibit A** for the benefit of the City. Future platting of the property impacted by this Ordinance shall account for this reservation of this public utility easement.

**SECTION FOUR.** The City Secretary is authorized and directed to prepare a certified copy of this Ordinance and furnish the same to abutting property owner(s), and in addition, record this abandonment Ordinance in the Official Public Records of Kerr County, Texas, which such recording shall serve as the quitclaim deed of the City of Kerrville, Texas, of all the right, title, or interest of the City in and to said street right-of-way described in **Exhibit A**, but only to that interest that the City Council may lawfully abandon and vacate and subject to the limitations and reservations of this Ordinance.

**SECTION FIVE.** The City Manager is authorized to execute any documents necessary to complete the abandonment and vacation contemplated herein.

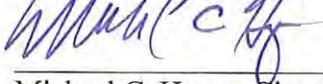
**SECTION SIX.** This Ordinance shall take effect upon its adoption and it is accordingly so ordained.

PASSED AND APPROVED ON FIRST READING, this the 13<sup>th</sup> day of Dec., A.D., 2016.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2017.

\_\_\_\_\_  
Bonnie White, Mayor

APPROVED AS TO FORM:

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

ATTEST:

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

FIELD NOTES DESCRIPTION FOR THE MEEKER ROAD  
RIGHT-OF-WAY OUT OF SENDERO RIDGE SUBDIVISION  
UNIT 1A IN THE CITY OF KERRVILLE, KERR COUNTY,  
TEXAS

Being all of a certain tract or parcel of land containing 0.19 acre, more or less, out of Samuel Wallace Survey No. 113, Abstract No. 347 in the City of Kerrville, Kerr County, Texas; comprising all of Meeker Road, a fifty (50) ft. wide public right-of-way dedicated to the public by the plat of Sendero Ridge Subdivision Unit 1A, a subdivision of Kerr County according to the plat of record in Volume 7 at Page 99 of the Plat Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron stake found in the southwest right-of-way line of Singing Winds Drive, a sixty (60) ft. wide public street at the northeast terminus of said Meeker Road for the north corner of the herein described tract and the east corner of Lot 2, Block 1 of said Sendero Ridge Subdivision Unit 1A;

THENCE, with the southwest right-of-way line of said Singing Wind Drive along the northeast terminus of said Meeker Road 50.67 ft. along the arc of a 13°20' curve to the left subtended by a 06°45'08" central angle and 430.00 ft. radius (long chord: S55°05'35"E, 50.65 ft.) to a ½" iron stake found for the east corner of the herein described tract and the northwest corner of Lot 3, Block 1 of Sendero Ridge Subdivision Unit 1A;

THENCE, with the northwest line of said Lot 3, Block 1 along the southeast right-of-way line of said Meeker Road S44°31'34"W, 140.73 ft. to a ½" iron stake set for the southeast corner of the herein described tract and west the corner of Lot 3, Block 1;

THENCE, with the south terminus of said Meeker Road: N45°07'06"W, 30.07 ft. to a ½" iron stake found for a reentrant corner of the herein described tract and Meeker Road; S44°36'22"W, 80.23 ft. to a ½" iron stake found for the south corner of the herein described tract and Meeker Road; and N45°44'03"W, 19.76 ft. to a ½" iron stake found for the west corner of the herein described tract and the south corner of said Lot 2, Block 1;

THENCE, with the southeast line of said Lot 2, Block 1 along the northwest right-of-way line of said Meeker Road N44°31'34"E, 212.41 ft. to the PLACE OF BEGINNING.

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

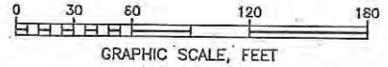
Date Surveyed: September 23, 2016

Dated this 7<sup>th</sup> day of December, 2016

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



SURVEY PLAT FOR 0.19 ACRE OF LAND, MORE OR LESS, OUT OF SAMUEL WALLACE SURVEY NO. 113, ABSTRACT NO. 347 IN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; COMPRISING ALL OF MEEKER ROAD, A FIFTY (50) FT. WIDE PUBLIC RIGHT-OF-WAY DEDICATED TO THE PUBLIC BY THE PLAT OF SENDERO RIDGE SUBDIVISION UNIT 1A, A SUBDIVISION OF KERR COUNTY ACCORDING TO THE PLAT OF RECORD IN VOLUME 7 AT PAGE 99 OF THE PLAT RECORDS OF KERR COUNTY, TEXAS



SCALE: 1" = 60'

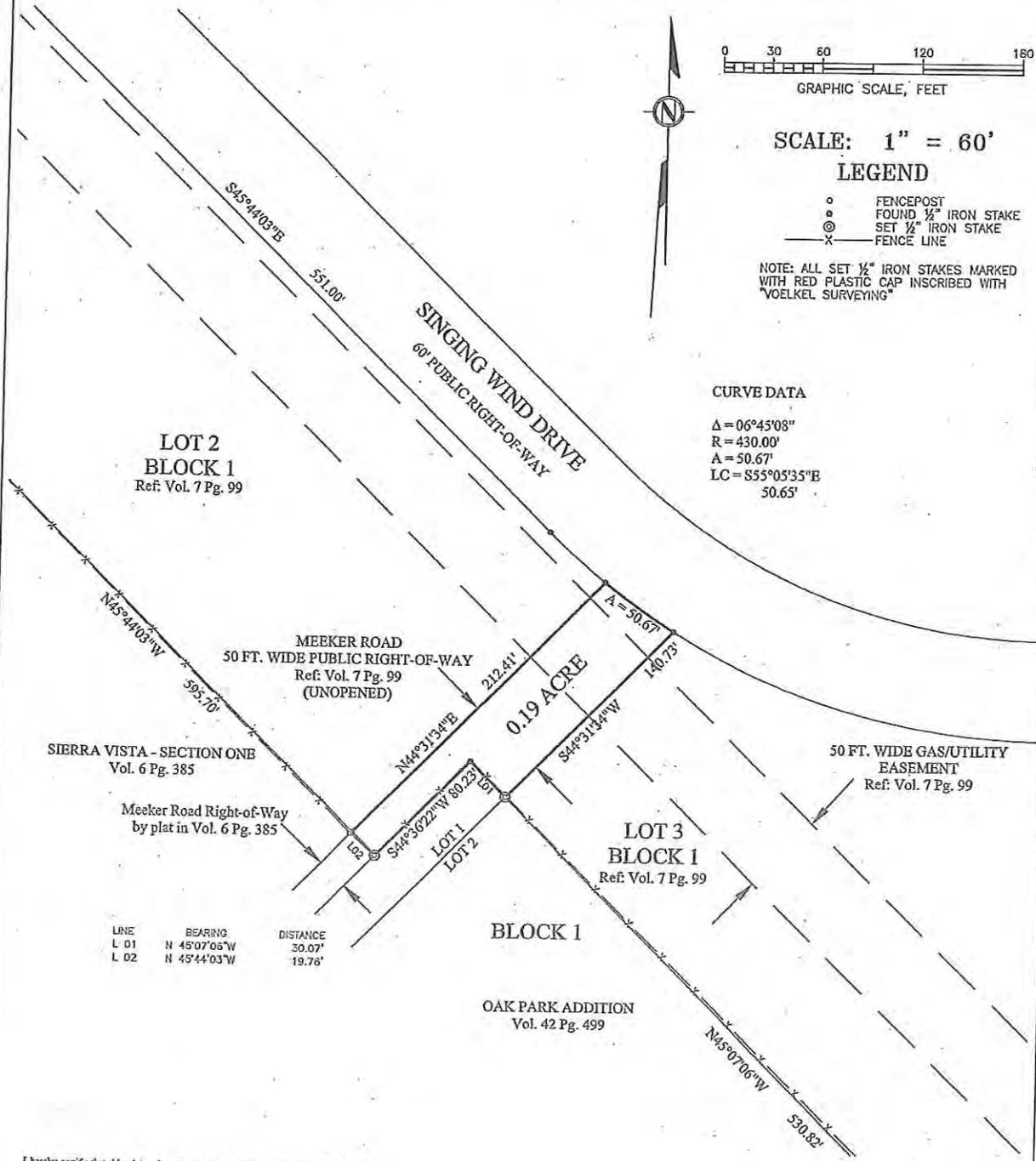
LEGEND

- FENCEPOST
- FOUND 1/2" IRON STAKE
- ⊙ SET 1/2" IRON STAKE
- X- FENCE LINE

NOTE: ALL SET 1/2" IRON STAKES MARKED WITH RED PLASTIC CAP INSCRIBED WITH "VOELKEL SURVEYING"

CURVE DATA

$\Delta = 06^{\circ}45'08''$   
 $R = 430.00'$   
 $A = 50.67'$   
 $LC = S55^{\circ}05'35''E$   
 $30.65'$



LINE	BEARING	DISTANCE
L 01	N 45°07'05\"W	30.07'
L 02	N 45°44'03\"W	19.76'

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

Date Surveyed: September 23, 2016  
 Dated this 7th day of December, 2016

*Lee C. Voelkel*  
 Lee C. Voelkel  
 Registered Professional Land Surveyor No. 5909  
 County Surveyor for Kerr County, Texas



**VOELKEL**  
 LAND SURVEYING, PLLC  
 212 CLAY STREET, KERRVILLE, TEXAS 78023, 830-257-3313  
 FIRM REGISTRATION NO. 100522-03

DATE:	12/07/16
JOB NO.:	V-5455
BY:	VCV
SHEET	1 OF 1

## **Agenda Item:**

5A. Resolution No. 02-2017 granting a conditional use permit for an approximate .2181 acre tract of land located west of and adjacent to Broadway (State Highway 27); being Lot 1, Block 18 of the JA Tivy Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 1217 Broadway; said tract located within the 17-C zoning district; by permitting said property to be used for business services II purposes (Refrigeration/Air Conditioning Service and Repair) as that term is defined within the City's Zoning Code; and making said permit subject to certain conditions and restrictions.  
(staff)

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

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**SUBJECT:** Public hearing and consideration of resolution concerning a requested conditional use permit for "Business Services II- Refrigeration/Air Conditioning Service and Repair" for an approximate .2181 acres tract. Legal Description JA Tivy Addition Block 18 Lot 1. Located at 1217 Broadway (Highway 27); west of Broadway (Highway 27), between B Street East and C Street East. (File No. 2016-077)

**FOR AGENDA OF:** January 10, 2017      **DATE SUBMITTED:** December 30, 2016

**SUBMITTED BY:** Trenton Robertson  
City Planner

**CLEARANCES:** Don Davis  
City Manager

**EXHIBITS:**  
**AGENDA MAILED TO:**



**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

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**SUMMARY STATEMENT**

This item concerns a Public hearing and consideration of resolution concerning a request for a conditional use permit for Business Services II- Refrigeration/Air Conditioning Service and Repair.

A public hearing was conducted by the Planning & Zoning Commission at its regular meeting on December 15, 2016. The Planning & Zoning Commission recommended approval (5-0).

**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

To: Planning & Zoning Commission  
Agenda Item: 3A  
Planning File #: 2016-077  
Hearing Date: December 15, 2016  
Representative: Airtech A/C & Heating  
Location: 1217 Broadway (Highway 27)  
Legal Description: JA Tivy Addition Block 18 Lot 1  
Total Acreage: .2181

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## **Proposal**

A request for a conditional use permits for "Business Services II- Refrigeration/Air Conditioning Service and Repair" for an approximate .2181 acres tract.

## **Procedural Requirements**

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on November 30, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on December 5, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on December 9, 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: 25**

## **Adjacent Zoning and Land Uses**

**Direction:** North, South, East and West

**Current Base Zoning:** "17-C"

**Current Land Uses:** Auto Repair, Taxidermy, Music Store, Restaurant, Church, Single-Family Residential, and Vacant

## **Transportation**

**Thoroughfare:** Broadway

**Existing Character:** Two lanes in each direction with sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Water Street

**Existing Character:** One lane in each direction with no sidewalks

**Proposed Changes:** None known

**Thoroughfare:** C Street

**Existing Character:** One lane in each direction with partial sidewalks

**Proposed Changes:** None known

**Staff Analysis and Recommendation: Approval**

**1. Consistency:**

The property's land use designation is Mixed-Use. The existing base zoning district is not being amended at this time.

**2. Adverse Impacts on Neighboring Lands:**

The proposed conditional use permit (CUP) will be located within an existing structure that they plan to expand (approximately 900 square-feet) on the subject property. The proposed CUP is consistent with the surrounding uses and will have little to no impact on the adjacent properties. The area is comprised of a diverse array of mixed-uses that are low intensity and geared toward personal and business services with limited retail. The proposed CUP is consistent with the surrounding uses.

**3. Suitability as Presently Zoned:**

The existing "17-C" zoning district and proposed CUP is suitable and consistent with the surrounding neighborhood. The surrounding area will be impacted minimally due to the proposed CUP. Any future expansions or major alterations to the submitted site plan beyond what is approved by the City Council (attached to the resolution), will require the property owner to amend the CUP through a public hearing process that will go before the Planning & Zoning Commission and City Council. Additionally, the applicant/ owner of the subject property will be required to meet all regulations for a CUP in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-13.

**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 .2181 acres in size, which should be able to reasonably accommodate the proposed "Business Services II- Refrigeration/Air Conditioning Service and Repair".

**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.

Hours of Operation: Monday-Friday 8:00am to 5:00pm

All required licenses to operate the proposed business have been obtained and are listed in the zoning case file (File No. 2016-077).

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) "Procedures for Obtaining a Conditional Use Permit".

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 02-2017**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATE .2181 ACRE TRACT OF LAND LOCATED WEST OF AND ADJACENT TO BROADWAY (STATE HIGHWAY 27); BEING LOT 1, BLOCK 18 OF THE JA TIVY ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, AND OTHERWISE KNOWN AS 1217 BROADWAY; SAID TRACT LOCATED WITHIN THE 17-C ZONING DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR BUSINESS SERVICES II PURPOSES (REFRIGERATION/AIR CONDITIONING SERVICE AND REPAIR) AS THAT TERM IS DEFINED WITHIN THE CITY'S ZONING CODE; AND MAKING SAID PERMIT 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, the City Council of the City of Kerrville, Texas, finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit 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.** A Conditional Use Permit is granted to permit the property described as follows to be used for Business Services II, limited to refrigeration/air conditioning service and repair, as that term is 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 ordinances and resolutions:

**An approximate .2181 acre of land located west of and adjacent to Broadway (State Highway 27), being Lot 1, Block 1 of the JA Tivy Addition, a subdivision within the City of Kerrville, Kerr County, Texas; and more commonly known as 1217 Broadway;**

hereafter referred to as "the Property."

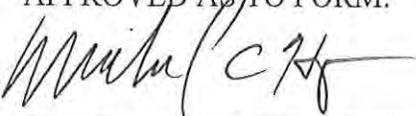
**SECTION TWO.** In addition to the use and development regulations currently applicable to the Property, if the Property is used for Business Services II, such use shall be subject to the following additional use and development conditions and regulations:

- 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. **Business Services II:** Under Business Services II, the only use authorized by this Conditional Use Permit is for the use of the Property for refrigeration and air conditioning repair and service purposes. All other uses specified under the definition of Business 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.
- 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 Permit 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., 2017.**

\_\_\_\_\_  
Bonnie White, Mayor

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

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





## **Agenda Item:**

6A. Ordinance No. 2017-05 abandoning and vacating all right, title, and interest in a portion of a public right-of-way, consisting of an unimproved portion of "H" Street, as located west of and intersecting with Water Street; being an approximate 0.396 of one acre tract of land out of the Thomas Hand Survey No. 115, Abstract No. 193, as shown on the plat of J.A. Tivy's First Addition, a plat recorded in Volume "P", Page 16 of the Real Property Records of Kerr County, Texas, and within the City of Kerrville, Texas; finding that said portion is not required for future use as a public street; making the effective date subject to certain conditions; and ordering recording. (staff)

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

**SUBJECT:** Ordinance abandoning and vacating all right, title, and interest in a portion of a public right-of-way, consisting of an unimproved portion of "H" Street, as located west of and intersecting with Water Street; being an approximate 0.396 of one acre tract of land out of the Thomas Hand Survey No. 115, Abstract No. 193, as shown on the plat of J.A. Tivy's 1<sup>st</sup> Addition, a plat recorded in volume "P", page 16 of the real property records of Kerr county, Texas, and within the City of Kerrville, Texas; finding that said portion is not required for future use as a public street; making the effective date subject to certain conditions; and ordering recording

**FOR AGENDA OF:** January 10, 2017

**DATE SUBMITTED:** Dec. 30, 2016

**SUBMITTED BY:** E.A. Hoppe  
Deputy City Manager

**CLEARANCES:** Don Davis  
Interim City Manager

**EXHIBITS:** Ordinance and survey exhibits

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

**SUMMARY STATEMENT**

The City was recently approached by BKIP, LLC to consider the abandonment and vacation of a portion of H Street right-of-way that is located to the west of Water Street. This is a non-paved section of right-of-way (ROW) where an existing fenced water well site and storm drainage infrastructure is located. As such, the ROW is not considered viable for any future public roadway expansion. The ROW to be abandoned is approximately 60-feet wide measured along the existing water well fence line in parallel with the Water Street frontage and approximately 287 feet deep. It is important that if City Council abandons and vacates the ROW that other utility easements are dedicated via the platting process in order to assure future access for the maintenance of current public infrastructure located in the existing ROW. Staff supports the request to vacate and convey the H Street right-of-way. Vacating this portion of the H Street right-of-way will not have a negative impact on the surrounding properties, which are owned by BKIP, LLC or investors of BKIP, LLC.

**RECOMMENDED ACTION**

City staff recommends City Council consider and take action on abandoning and vacating a portion of H Street right-of-way, subject to the terms of the Ordinance.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2017-05**

**AN ORDINANCE ABANDONING AND VACATING ALL RIGHT, TITLE, AND INTEREST IN A PORTION OF A PUBLIC RIGHT-OF-WAY, CONSISTING OF AN UNIMPROVED PORTION OF “H” STREET, AS LOCATED WEST OF AND INTERSECTING WITH WATER STREET; BEING AN APPROXIMATE 0.396 OF ONE ACRE TRACT OF LAND OUT OF THE THOMAS HAND SURVEY NO. 115, ABSTRACT NO. 193, AS SHOWN ON THE PLAT OF J.A. TIVY’S 1<sup>ST</sup> ADDITION, A PLAT RECORDED IN VOLUME “P”, PAGE 16 OF THE REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS, AND LOCATED WITHIN THE CITY OF KERRVILLE, TEXAS; FINDING THAT SAID PORTION IS NOT REQUIRED FOR FUTURE USE AS A PUBLIC STREET; MAKING THE EFFECTIVE DATE SUBJECT TO CERTAIN CONDITIONS; AND ORDERING RECORDING**

**WHEREAS**, “H” Street, generally located between Water Street and Broadway (State Highway 27), presently contains an unimproved portion of public right-of-way; and

**WHEREAS**, this right-of-way interest is no longer required for public use as the City has no plan to improve and extend “H” Street; and

**WHEREAS**, the City currently owns and operates a water well within this property interest that is fenced and gated; and

**WHEREAS**, the property owner who owns property on both sides of the right-of-way and has plans for the development of that property (“Owner”), has asked the City to abandon and vacate the right-of-way; and

**WHEREAS**, Owner has agreed to grant easements to the City including those that allow the City to continue to operate and maintain the well site, maintain a sanitation easement around such site as required by law, account for existing drainage ways, and for the possible future extension of the river trail across the property; and

**WHEREAS**, as the right-of-way which is requested to be abandoned and vacated is unimproved and will not be needed as a future public street, City staff recommends that the City formally abandon and vacate this right-of-way property interest, but subject to the granting of various easements and the performance of other actions as specified below; and

**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 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, Texas Transportation Code Section 311.007 authorizes any such city to abandon, vacate, or close any street or alley; and

**WHEREAS**, City Council held a public hearing beginning at approximately 6:00 p.m. on January 10, 2017, as advertised, to consider public comments regarding the issue of vacation and abandonment; and

**WHEREAS**, in return for the abandonment and vacation of this unimproved right-of-way, the property owner has agreed to convey various easements to the City as described below and these conveyances along with the City never having to extend or maintain an extension of "H" Street, provides a reasonable amount of value to the City to support its abandonment and vacation; and

**WHEREAS**, pursuant to the actions contemplated to be taken below and in order to avoid any future cost to the public required with respect to the future improvement and maintenance of the unimproved public right-of-way, the City Council of the City of Kerrville, Texas, acting pursuant to state law and to facilitate the development of property, finds it to be in the public interest and advisable to abandon and vacate the right-of-way interest described herein and subject to the limitations and conditions which follow;

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

**SECTION ONE.** The facts and matters set forth in the preamble to this Ordinance are hereby found to be true and correct.

**SECTION TWO.** Subject to the limitations and conditions which follow, the City Council hereby abandons, vacates, and quitclaims in favor of the abutting property owner(s), as appropriate, all of the City's right, title, and interest of the public in and to the following public street right-of-way, constituting an improved portion of "H" Street, as it continues west from Water Street, and being more particularly described and depicted in **Exhibit A**, attached hereto and incorporated herein by reference.

**SECTION THREE.** The abandonment and vacation of the right-of-way described in **Exhibit A** is subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise owned by third-parties.

**SECTION FOUR.** The City Secretary is authorized and directed to prepare a certified copy of this Ordinance and furnish the same to abutting property owner(s), and in addition, record this abandonment Ordinance in the Official Public Records of Kerr County, Texas, which such recording shall serve as the quitclaim deed of the City of Kerrville, Texas, of all the right, title, or interest of the City in and to said street right-of-way described in **Exhibit A**, but only to that interest that the City Council may lawfully abandon and vacate and subject to the limitations and conditions of this Ordinance.

**SECTION FIVE.** The City Manager is authorized to execute any documents necessary to complete the abandonment and vacation contemplated herein and other required actions.

**SECTION SIX.** This Ordinance shall not become effective nor shall the City abandon and vacate the right-of-way interest until the City receives and approves easements for the

following interests, as are generally depicted on **Exhibit A**, and which are then filed in the property records by the grantor, and other actions are taken as specified herein:

- a. Well Easement, to include description, for the City’s continued ownership and operation of a water well, to include fencing and ancillary equipment; said fencing shall be improved to meet security and aesthetic issues;
- b. Sanitary Control Easement, to include description, for the City’s water well in accordance with state law, equal to an approximately One Hundred Fifty Foot radius around the well head;
- c. Two Drainage Easements, to include descriptions, in appropriate sizes and locations to account for the existing drainage ways from the public right of way and which currently allow storm water to traverse the property. Said drainage ways and structures may be combined to create a single drainage feature but in any case, the existing drainage structures shall be improved and repaired to meet City specifications and to the extent that Owner desires to use the surface above said drainage feature(s), Owner shall acknowledge such use; and
- d. Recreation Easement(s) (public river trail), to include descriptions, for the possible extension of the City’s river trail through the property.

**SECTION SEVEN.** This Ordinance shall not become effective nor shall the City abandon and vacate the right-of-way interest until the property, subject to the above described easements, is platted in accordance with the City’s Subdivision Ordinance.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2017.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2017.**

\_\_\_\_\_  
Bonnie White, Mayor

APPROVED AS TO FORM:

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

ATTEST:

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

**NOTES**

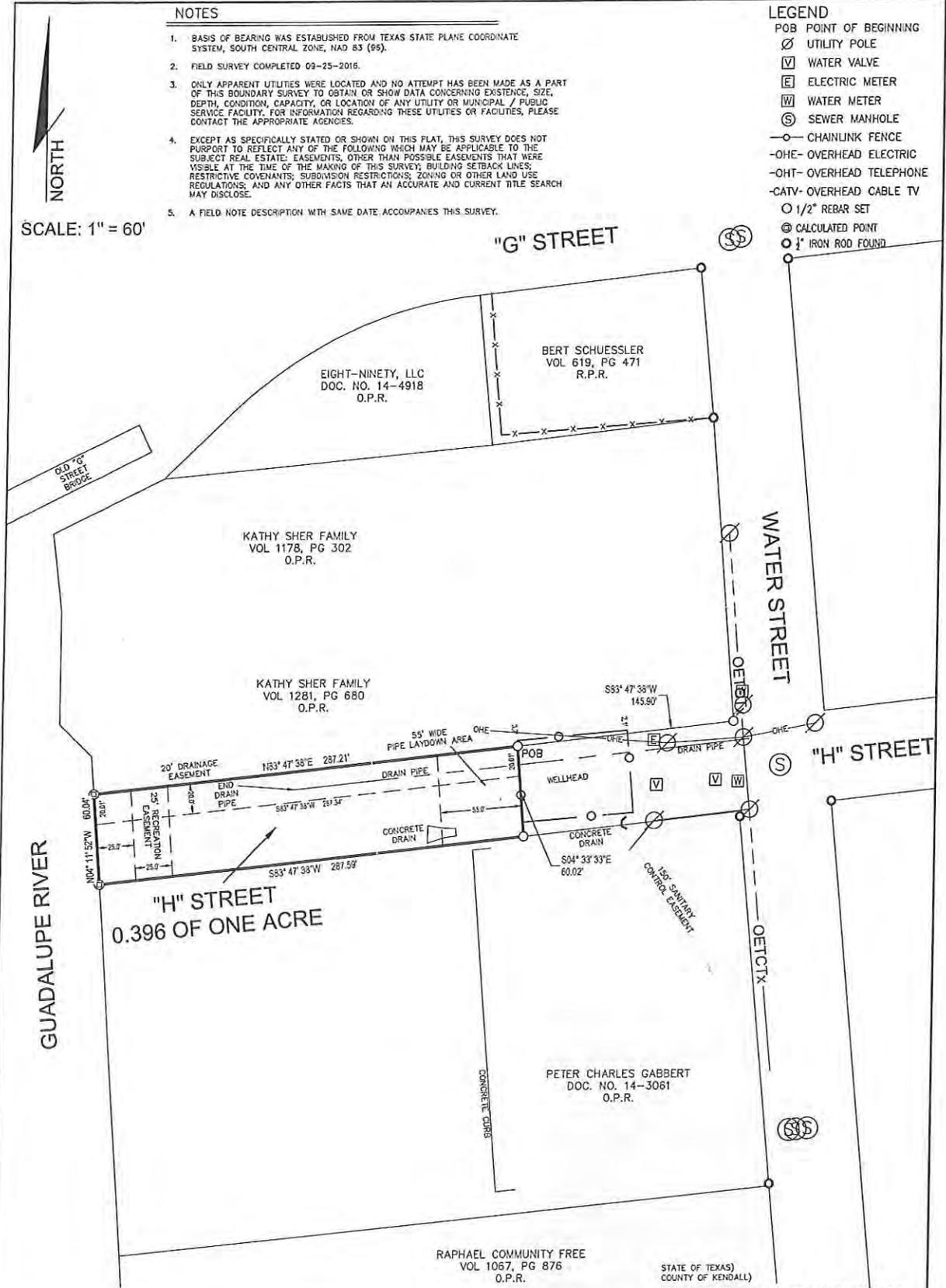
1. BASIS OF BEARING WAS ESTABLISHED FROM TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83 (95).
2. FIELD SURVEY COMPLETED 02-25-2016.
3. ONLY APPARENT UTILITIES WERE LOCATED AND NO ATTEMPT HAS BEEN MADE AS A PART OF THIS BOUNDARY SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL / PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.
4. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF THE MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
5. A FIELD NOTE DESCRIPTION WITH SAME DATE, ACCOMPANIES THIS SURVEY.

**LEGEND**

- POB POINT OF BEGINNING
- Ø UTILITY POLE
- ⊞ WATER VALVE
- ⊞ ELECTRIC METER
- ⊞ WATER METER
- ⊞ SEWER MANHOLE
- CHAINLINK FENCE
- OHE— OVERHEAD ELECTRIC
- OHT— OVERHEAD TELEPHONE
- CATV— OVERHEAD CABLE TV
- 1/2" REBAR SET
- ⊕ CALCULATED POINT
- ⊙ IRON ROD FOUND

NORTH

SCALE: 1" = 60'



PLAT SHOWING: a 0.396 of one acre tract of land out of the Thomas Hand Survey No. 115, Abstract No. 193, and being a portion of "H" Street as shown on plat of J.A. Tivy's Addition to the City of Kerrville, recorded in Volume P, Page 16, Plat Records of Kerrville, Texas.

M.D.S. LAND SURVEYING CO., INC.  
 8 SPENCER ROAD  
 BOERNE, TEXAS 78006  
 PHONE: (830) 816-1818  
 TBPLS FIRM NO. 10019600

RAPHAEL COMMUNITY FREE  
 VOL 1067, PG 876  
 O.P.R.



STATE OF TEXAS)  
 COUNTY OF KENDALL)  
 I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION, THIS 20th DAY OF DECEMBER, 2016, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

*Jeff Boerner*  
 JEFF BOERNER  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 # 4939  
 TEXAS REGISTRATION NO.  
 DATE: 09-25-2016

JOB #: 16-144-00

EXHIBIT A

# MDS

LAND SURVEYING COMPANY, INC.  
Boundary ♦ Topographic ♦ Construction  
8 Spencer Road  
Boerne, TEXAS 78006  
Phone: 830-816-1818  
Email: mdsinc@gvvc.com Firm no. 10019600

## FIELD NOTES FOR A 0.396 OF ONE ACRE TRACT

**BEING** a 0.396 of one acre tract of land out of the Thomas Hand Survey No. 115, Abstract No. 193, and being a portion of "H" Street as shown on plat of J.A. Tivy's Addition to the City of Kerrville, recorded in Volume P, Page 16, Plat Records of Kerrville, Texas, said 0.396 of one acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a ½" iron rod with "MDS" cap set in the north right-of-way line of "H" Street (60' right-of-way), for the northeast corner of the herein described tract, said point being **S 83° 47' 38" W, a distance of 145.90'** from the intersection of the north right-of-way line of "H" Street, with the west right-of-way line of Water Street (60' right-of-way);

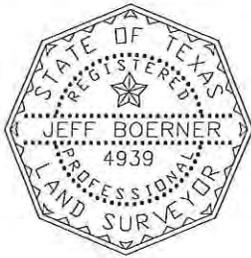
- (1) **Thence, S 04° 33' 33" E**, departing the north right-of-way line of "H" Street, with the east boundary line of the herein described tract, **a distance of 60.02'** to a ½" iron rod with "MDS" cap set for corner in the south right-of-way line of "H" Street, said point being in the north boundary line of the Peter Charles Gabbert tract recorded in Document No. 14-3061, Official Public Records of Kerr County, Texas;
- (2) **Thence, S 83° 47' 38" W**, with the south right-of-way line of "H" Street, the north boundary line of the Peter Charles Gabbert tract, with the south boundary line of the herein described tract, **a distance of 287.59'** to a calculated point for corner in the east bank of the Guadalupe River at the northwest corner of the Peter Charles Gabbert tract;
- (3) **Thence, N 04° 11' 52" W**, with the east bank of the Guadalupe River, the west boundary line of the herein described tract, **a distance of 60.04'** to a calculated point for corner at the southwest corner of the Kathy Sher Family tract recorded in Volume 1281, Page 680, Official Public Records of Kerr County, Texas, the ;
- (4) **Thence, N 83° 47' 38" E**, with the south boundary line of the Kathy Sher Family tract, the north right-of-way line of "H" Street, the north boundary line of the

herein described tract, a distance of **287.21'** to the **PLACE OF BEGINNING** and containing **0.396 of one acre** of land, more or less.

Note: This description is based on an on the ground survey performed in August of 2016. The basis of bearings was derived from the Texas State Plane Coordinate System, South Central Zone. A survey plat with same date accompanies this description.



Jeff Boerner RPLS # 4939  
Date: 09-12-2016 Job # 16-144-00 H St.



## **Agenda Item:**

7A. Ordinance No. 2017-06 amending the budget for Fiscal Year 2017 to account for various changes to the city's operational budget, including additional revenues and allocations for capital improvement projects. (staff)



### **RECOMMENDED ACTION**

It is recommended that the City Council approve the first reading of the ordinance amending the FY2017 budget and authorize city staff to make all necessary entries and adjustments to reflect the attached changes.



Innovative approaches  
Practical results  
Outstanding service

4040 Broadway St, Suite 600 • San Antonio, Texas 78209 • 210-298-3800 • FAX 210-298-3801

[www.freese.com](http://www.freese.com)

December 22, 2016

City of Kerrville  
200 Sidney Baker Street  
Kerrville, Texas 78028

Attn: Kyle Burow, P.E.  
City Engineer

Re: Kerrville Reuse Pond and Pump Station Project  
Basis for Developing the Estimated Construction Cost for Fill Material

Mr. Burow:

This letter is being provided to illustrate how the cost for earthen fill material was determined during the course of the design of the referenced project.

During the preparation of the feasibility report for this project in mid-2014, we developed a footprint for the pond and a typical cross section based on other similar projects we have designed. We then used this data to quantify the amount of excavation and fill that would be required. These quantities were conservative in nature because a detailed design of the berm around the pond had not yet commenced. We also contacted several material suppliers in the Kerrville and San Antonio areas to obtain budget pricing for fill material. These prices were budget level and were somewhat conservative because the specifications for the soil characteristics our engineers needed had not yet been developed.

As the design began, our engineers worked to minimize the total amount of fill needed for the project. As with every large earthwork project, we attempt to balance the excavation and fill quantities in order to eliminate as much excess excavation material as possible and reduce the off-site fill requirements as much as possible. We also began adjusting the size and location of the berm to better fit the site and to avoid causing any increase in the 100 year flood elevation on any neighboring property. During this period we refined the estimated quantities and prices for all portions of the project including the fill material.

As the design was finalized, our engineers were able to reduce the total fill quantity required to 185,000 cubic yards. In discussions with local contractors and suppliers, we received a varying range of costs of up to \$20 per cubic yard for fill material. We understood that the higher unit costs were still somewhat budget in nature and were basically retail rates rather than wholesale rates, and we believed that there would be a "volume discount" that would most likely be offered by suppliers when actual quotes were provided to contractors. Considering these factors along with our experience on projects requiring a similar quality and quantity of fill, and the fact that the material available on City property met the specified fill requirements; we determined that the market value of the fill material was approximately \$11 per cubic yard. Therefore, the total cost for the fill material on this project was estimated at about \$2,000,000.

Please call me at 210-865-5461 if you have any questions.

Sincerely,

Freese and Nichols, Inc.

  
John M. New, P.E., CCM  
Vice President/Construction Services Manager

Ms. Sandra Yarbrough, Director of Finance  
City of Kerrville, Texas  
701 Main Street  
Kerrville, Texas 78028

We have been engaged to report on the appropriate application of the requirements of accounting principles generally accepted in the United States of America to the specific transaction described below. This report is being issued to the City of Kerrville, Texas, for assistance in evaluating accounting principles for the described specific transaction. Our engagement has been conducted in accordance with standards established by the American Institute of Certified Public Accountants.

#### *Description of Transaction*

The facts, circumstances and assumptions relevant to the specific transaction as provided to us by the management of the City of Kerrville (City) are as follows:

The City of Kerrville began work on the Kerrville Reuse Pond and Pump Station Project (Project) during fiscal year ended September 30, 2015. The Project is being accounted for in the City's Water and Sewer Infrastructure Projects Fund 71 (Fund 71). Fund 71 and three other funds, Water and Sewer Fund 2, Water and Sewer Replacement Fund 19 and Water and Sewer Debt Fund 53, are presented together in the City's Comprehensive Annual Report as the Water and Sewer Fund, a major enterprise fund.

During the preparation of the feasibility report, Freese and Nichols, the general contractor for the Project, developed a footprint for the pond and a typical cross section based on their experience with similar projects. The data was used to quantify the amount of excavation and fill that would be required. As the Project design was finalized, Freese and Nichols' engineers determined that approximately 185,000 cubic yards of fill dirt would be required. They received cost information of up to \$20 per cubic yard for material. Their understanding was that this rate was a retail rate rather than a wholesale rate and that volume discounts would likely be available.

Coincidentally, the City's General Government owns a 209 acre tract of land that was purchased in 1929 for \$12,000. The land tract now houses the City's landfill and hosts the water reclamation facility. It is also proximal to the location where the aforementioned reuse pond will be built. This land contains sufficient soil that can be used as fill dirt for the Project. The land is accounted for in General Fixed Assets Fund 17 (Fund 17). The only assets in Fund 17 are capital assets. Cash used to purchase capital assets for the General Government are typically paid for by either the General Fund 1 (Fund 1) or the Capital Projects Fund 70.

Based on these factors and their experience and the fact that the material on City property met the specified fill requirements, Freese and Nichols determined that the market value of fill material available from the City is approximately \$11 per cubic yard. Therefore the total cost for the fill material is estimated at approximately \$2,035,000 ( $\$11 \times 185,000$ ). Although the Water and Sewer Fund could purchase fill dirt from an outside supplier, it would be less expensive to purchase the fill dirt from the General Government that is on the current city site.

The Project is being funded from a variety of sources including bond funding, cash fund, Economic Improvement Corporation funding, and a Kerrville Public Utility Board loan. Cash funding for the project totals \$4.2 million to date.

The City contacted Thomas K. Spurgeon, of McCall Parkhurst & Horton, LLP, the City's bond counsel, regarding this issue in January 2016. Mr. Spurgeon advised the City that although proceeds from certificates of obligations could not be used to purchase the fill dirt from the General Government, he saw no state law or federal tax issue with using available cash on hand to make the purchase.

Therefore, the City's intention is to use cash on hand in Fund 71 to buy 185,000 cubic yards of fill dirt for \$2,035,000 from the General Government.

***Appropriate Accounting Principles***

The transaction described above should be accounted for under the guidance of GASB Statement No. 48, *Sales and Pledges of Receivables and Future Revenues and Intra-Entity Transfers of Assets and Future Revenues*. Specifically see paragraph 15, Intra-Entity Transfer of Assets and Future Revenues, excerpts below.

15. "When accounting for the transfer of capital and financial assets and future revenues within the same financial reporting entity, the transferee should recognize the assets or future revenues received at the carrying value of the transferor. For example, in an intra-entity sale of receivables, the transferee government should recognize the receivables acquired at the carrying value of the transferor government. The difference between the amount paid (exclusive of amounts that may be refundable) and the carrying value of the receivables transferred should be reported as a gain or loss by the transferor and as a revenue or expenditure/expense by the transferee in their separately-issued statement, but reclassified as transfers or subsidies, as appropriate, in the financial statement of the reporting entity."

In this transaction, Fund 17, which holds the soil, is the transferor and Fund 71, which records the project, is the transferee. The soil asset carrying value in Fund 17 is \$0. Therefore, the Fund 71 should recognize the soil at the carrying value of Fund 17, \$0.

However, because the parcel of land itself, which has a carrying value of \$12,000, is not being deeded to Fund 71 and Fund 17 holds no cash, the transfer of Cash will occur from Fund 71 to Fund 1. Note that the City of Kerrville has no separately-issued financial statements; therefore, the transaction should be recorded as a transfer.

Therefore, the appropriate accounting entry at the fund level to record the exchange is:

Fund 71		
Transfer out to Fund 1	\$2,035,000	
Cash		\$2,035,000
Fund 1		
Cash	\$2,035,000	
Transfer in from Fund 71		\$2,035,000

No entry is needed in Fund 17 and no additional entries are needed for government-wide presentation.

*Concluding Comments*

The ultimate responsibility for the decision on the appropriate application of the requirements of accounting principles generally accepted in the United States of America for an actual transaction rests with the preparers of financial statements. Our judgment on the appropriate application of the requirements of accounting principles generally accepted in the United States of America for the described specific transaction is based solely on the facts provided to us as described above; should these facts and circumstances differ, our conclusion may change.

*Restricted Use*

This report is intended solely for the information and use of the City of Kerrville and is not intended to be and should not be used by anyone other than these specified parties

*BKD, LLP*

Dallas, Texas  
January 5, 2017

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2017-06**

**AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2017  
TO ACCOUNT FOR VARIOUS CHANGES TO THE CITY'S  
OPERATIONAL BUDGET, INCLUDING ADDITIONAL REVENUES AND  
ALLOCATIONS FOR CAPITAL IMPROVEMENT PROJECTS**

**WHEREAS**, Ordinance No. 2016-15 dated September 27, 2016 adopted the Fiscal Year 2017 Budget; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds that amending the City's Fiscal Year 2017 Budget is in the best interest of the citizens of the City of Kerrville;

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

In accordance with Section 8.07 of the City Charter, the Official Budget for Fiscal Year 2017 is amended as set forth in **Attachment A**.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2017.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2017.**

\_\_\_\_\_  
Bonnie White, Mayor

APPROVED AS TO FORM:

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

ATTEST:

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



## **Agenda Item:**

8A. Interlocal agreement between Kerr County, Upper Guadalupe River Authority (UGRA), and the City of Kerrville for submitting an application for a Hazard Mitigation Action Flood Warning System Grant. (John Hewitt, engineer hired by Kerr County)

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

---

**SUBJECT:** Consider, discuss, and take appropriate action regarding an Interlocal Agreement (ILA) between Kerr County, Upper Guadalupe River Authority (UGRA), and the City of Kerrville for submitting an application for a Hazard Mitigation Action Flood Warning System Grant

**FOR AGENDA OF:** January 10, 2017      **DATE SUBMITTED:** January 6, 2017

**PRESENTED BY:** John Hewitt      **CLEARANCES:** E.A. Hoppe  
Hewitt Engineering      Deputy City Manager

**EXHIBITS:** FWS Preliminary Engineering Study Executive Summary  
Project Cost Estimate  
Draft Interlocal Agreement from Kerr County  
Scope of Work



**PAYMENT TO BE MADE TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

---

<b>Expenditure Required:</b>	<b>Current Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
<b>\$46,270.88</b>	<b>(Future 2018 Budget)</b>		

**REVIEWED BY THE FINANCE DIRECTOR:**

---

Kerrville, Kerr County, and UGRA are currently eligible for a Hazard Mitigation Flood Warning System Grant. In August 2016 the City, County and UGRA entered into an agreement to fund a Preliminary Engineering Study to evaluate a potential Flood Warning System (FWS) and High Water Detection System. The preliminary engineering study was completed and presented to the stakeholder group in late December. An Executive Summary has been attached that outlines their recommendations for an implemented system. A grant application is being developed and is due to the state by January 20<sup>th</sup>. If the grant is approved, the state would fund 75% of the project and the local contributors would fund the remaining 25% local match. The proposed funding structure within the Interlocal Agreement that has been presented by the County has the City of Kerrville contributing 20%, Kerr County 40%, and UGRA 40%.

The proposed flood warning system consists of 10 High Water Detection System Monitored Sites to be installed and monitored in Kerr County. One (1) system would be located in Precinct 1, and three (3) systems would be located in each of Precincts 2, 3 and 4. These sites would be linked to the internet. Private individuals and emergency services could access a website and determine if the roadway is inundated with water.

The Grant would also pay for 30 fiberglass water level gauges. The gauges would be installed on either side of a low water crossing. They would allow onsite motorist to judge the water depth and determine for themselves if the crossing is safe to cross. The proposal would include two (2) of the water level gauges in Precinct 1, five (5) each in Precinct 2 and 3, and eighteen (18) in Precinct 4.

For cost comparison purposes, the City Street Department recently contracted with a vender to have a similar flashing light warning system installed at Hill Country Drive and HWY 16. The City paid \$7,000 for hardware and installation. This system is expandable to include automatic operating gates. The gates would add an additional \$2,000 per site. The units also have internet capability but mobile phone service and a website would have to be setup for that capability.

### **RECOMMENDED ACTION**

This item is being presented as an information and action item for the Council to consider.

# KERR COUNTY FLOOD WARNING SYSTEM

## PRELIMINARY ENGINEERING STUDY

KERR COUNTY, TEXAS



**DECEMBER 2016**

**Hewitt Engineering, Inc.**

**Firm No. F-10739**

716 Barnett Street

Kerrville, Texas 78208

830-315-8800



**Hewitt Engineering, Inc.**

Consulting Engineering Services

## EXECUTIVE SUMMARY

Kerr County is located within the area known as Flash Flood Alley because of the area's steep terrain, shallow soil and unusually high rainfall rates. Heavy rains can quickly result in high walls of fast-moving water with great destructive potential. In response to the flash flooding and numerous flood related fatalities, several communities in the area have started implementing Flood Warning Systems (FWS) and High Water Detection Systems (HWDS) to help alert and warn residents of dangerous conditions at low water crossings. An Interlocal Agreement regarding a Kerr County Flood Warning System was entered into between the Upper Guadalupe River Authority, Kerr County, and the City of Kerrville in August 2016

Based on the results of the agency coordination meetings, 69 low water crossing sites were identified as potential High Water Detection System installations and requiring further evaluation. There are currently 20 low water crossings in Kerr County with water level monitoring in place. TxDOT monitors and maintains nine (9) of these crossings and GBRA monitors and maintains eleven (11) crossings.

The following recommendations were identified as part of the Preliminary Engineering Study:

1. Coordination between all of the agencies has been identified as key to the success of any countywide Flood Warning System. Real time coordination and access to the same data would be required between the Kerr County Emergency Management Coordinator, the City of Kerrville Fire Department, City of Kerrville Police Department Dispatch, Kerr County Dispatch, Ingram Dispatch, Volunteer Fire Departments, TxDOT, GBRA, UGRA and the Kerr County Sheriff's office.
2. Install ten (10) High Water Detection Systems at low water crossings without flashers at key locations in Kerr County.
3. Install permanent fiberglass markers on either side of thirty (30) key locations in Kerr County. The markers would indicate the depth of water over the pavement surface. Number and location to be determined by committee.
4. Develop software to collect and utilize the sensor data into a comprehensive system. This website would be used for internal use and would provide emergency responders with the status of sensor data installed throughout the County.
5. Develop a regional use website similar to [bexarflood.org](http://bexarflood.org) to receive and show sensor data and provide capability of manually adding additional sensor sites. A regional website would allow all low water crossing in the county to be shown and provide staff the ability to manually change the flood status at each low water crossing.
6. Modify the existing 20 monitored sites by GBRA and TxDOT to be compatible with the Kerr County software and regional use website.
7. Allocate a portion of the Grant project budget for Public Relations. Public information and awareness to residents and tourists is one of the most important aspects of this project. Turn Around Don't Drown, website link advertisements and communication improvements should be included as part of the Grant project.
8. No installation of sirens is recommended in the Grant project.
9. No installation of Dynamic Message Signs (DMS) is recommended in the Grant project.
10. Coordinator of the Flood Warning System is critical. Coordinator will be responsible for implementation and maintenance of equipment, software and hardware. Coordinator will serve as the single point of contact for all agencies and the public. Coordinator will establish and maintain list of key volunteer stream observers. Coordinator will contact each RV Park and camp in Kerr County compile and publish a comprehensive 24-hour emergency contact list.
11. Reliability and maintenance are very important considerations for the water level monitors at low water crossings. Grant project should confirm the estimated maintenance costs for the water level monitors and determine how or who will be responsible for these fees.

**Cost Estimate**

**City of Kerrville Cost**

Item Name	Unit Quantity	Unit Measure	Unit Cost	Cost Estimate	5% of Grant
<b>Pre-Award</b>					
Engineering study	1	Fee	\$49,800	\$49,800	Phase 1 \$5,966.80 Paid in full
<b>Subtotal of Pre-Award</b>				\$49,800	
<b>Phase 1: Engineering Services</b>					
Environmental Impact Assessment	1	LS	\$20,000	\$20,000	\$1,000.00
EO 11988 Demonstrated Compliance for Floodplain	1	LS	\$16,853	\$16,853	\$842.65
Grant Administration/Management Phase 1					
Initial Administrative Procedures, Financial Management, Reporting, Travel	5%	Phase 1 Costs	\$36,853	\$1,843	\$92.13
<b>Subtotal of Phase 1</b>				\$38,696	\$1,934.78
<b>Phase 2: Construction &amp; Engineering</b>					
Install HWDS (High Water Detection Systems) without flashers	10	HWDS	\$33,000	\$330,000	\$16,500.00
Connecting existing GBRA & TXDOT Sites into the software program	20	Each	\$8,200	\$164,000	\$8,200.00
Install permanent water level gauges	30	Each	\$1,200	\$36,000	\$1,800.00
Develop internal software compatible with code red	1	Program	\$44,000	\$44,000	\$2,200.00
Develop Kerr County website	1	Website	\$110,000	\$110,000	\$5,500.00
Public Outreach/Relations	1	Outreach	\$50,000	\$50,000	\$2,500.00
2 year warranty	1	Warranty	\$15,000	\$15,000	\$750.00
Engineering Assistance - Bid preparation, Plans, specification & estimate completion	1	LS	\$95,497	\$95,497	\$4,774.85
<b>Grant Administration/Management Phase 2</b>					
Initial Administrative Procedures, Financial Management, Force Account, Reporting, Scope of Work Monitoring/Changes, Travel, Closeout	5%	Phase 2 Costs	\$844,497	\$42,224.85	\$2,111.24
<b>Subtotal of Phase II</b>				\$886,722	\$44,336.09
			<b>Total Cost</b>	<b>\$975,218</b>	<b>\$46,270.88</b>
			Federal Share	\$731,413	
			Local Match	\$243,804	\$46,270.88

DRAFT 12-30-16

INTERLOCAL AGREEMENT REGARDING THE KERR COUNTY FLOOD  
WARNING SYSTEM

THE STATE OF TEXAS           §  
  §           KNOW ALL BY THESE PRESENTS:  
COUNTY OF KERR           §

THIS INTERLOCAL AGREEMENT REGARDING KERR COUNTY FLOOD WARNING SYSTEM EVALUATION ("*Agreement*") is entered into between the Upper Guadalupe River Authority, a political subdivision of the State of Texas ("*UGRA*"), Kerr County, a political subdivision of the State of Texas ("*County*") and City of Kerrville, a Texas home rule municipality ("*Kerrville*") In this Agreement, UGRA, County, and Kerrville are sometimes individually referred to as a "*Party*" and collectively referred to as the "*Parties*".

Recitals

WHEREAS, the Parties mutually recognize the potential risk to the safety and property of their constituents presented by flash flooding in Kerr County, Texas;

WHEREAS, an effective Flood Warning System would potentially allow property owners to vacate properties where risk to life by floodwaters is imminent, allow motorists to avoid dangerous or impassable road crossings, and would allow public safety officials to respond to flood emergencies and warn the public as promptly as practicable;

WHEREAS, the Parties therefore desire to mutually retain a professional engineering consultant and administration consultant to apply for a FEMA Hazard grant Mitigation Grant To execute the work delineated in the attached Scope of Work for an amount not to exceed \$950,000; and

WHEREAS, this Agreement is intended to set forth the terms and conditions pursuant to which the Parties shall jointly participate in the grant application for the Flood Warning System for Kerr County, Texas.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements of the Parties contained in this Agreement, the Parties agree as follows:

I.  
FLOOD WARNING SYSTEM PROJECT COMMITTEE

1.01 **Composition of Project Committee.** There is hereby created a Flood Warning System Project Committee (the "*Project Committee*") to be composed of not less than one representative appointed by each Party. Each such representative may appoint additional representatives on behalf of its Party. Each representative of a Party shall serve at the will of the

governing body or management of the Party that the person represents. Upon the death, resignation, or revocation of the power of such representative, the appropriate Party shall promptly appoint a new representative (or alternate representative) to the Project Committee, and shall immediately notify the other Party of such appointment.

**1.02 Responsibility of Project Committee.** The Project Committee shall represent the individual and collective interests of the Parties with respect to the following matters:

- (i) Review and comment upon preparation of the grant application regarding the scope of work, schedule, commitment, funding and schedule for the— implementation of a Flood Warning System in Kerr County, Texas.;
- (ii) Review and comment on communications with the potential grantor regarding the grant.;
- (iii) Participate in meetings with the Project Manager regarding the project.;
- (iv) Participate in any other pertinent proceedings and matters relating to the evaluation, financing and possible implementation of the Flood Warning System for the inhabitants and motorists within Kerr County, Texas.

The Project Committee shall meet at regular intervals to review the matters over which it has authority. The Project Committee shall be diligent, prompt and timely in reviewing and acting on matters submitted to it.

## II. GRANT APPLICATION

### 2.01 Project Management.

- (a) Kerr County agrees to lead the project, provide a project manager, contract with a consulting engineer and a grant administrator.;
- (b) Kerr County will prepare the grant application and, after review and approval by each of the other Parties, submit the application. ,
- (c) Kerr County will- lead the project, interface with the potential grantee and will take the necessary action with the approval of the Project Committee..
- (d) If any member of the Project Committee does not agree upon the RI/Q, selection of the Project Engineer or findings and recommendations of the Summary Report, then such Party may withdraw from this Agreement by providing written notice of withdrawal to the other Parties. Upon such withdrawal, that Party will be without further duty or obligation under this Agreement. In such an event, the Party withdrawing from this Agreement shall be free to proceed with implementation of its own Flood Warning System, as determined in its sole discretion and cost, and the other Parties shall have no obligations or liabilities in connection therewith.

**III.  
PROJECT IMPLEMENTATION**

**3.01 Project Implementation.**

(a) The Parties mutually acknowledge and agree that this Agreement is not intended to provide for funding or implementation of the Flood Warning- System project. Instead, this Agreement is intended to allow the Parties to more fully evaluate the grant -and cost of the Flood Warning System. In the event two or more of the Parties elect to mutually proceed with funding and implementation of the Flood Warning System, the terms and conditions of such funding and implementation will be set forth in one or more agreements to be entered into by two or more of the Parties in the future. Nothing in this Agreement shall be construed to prevent any Party from implementing a Flood Warning System independently of the other Parties at the sole discretion and at such Party's sole cost.

(b) It is anticipated- that the costs of implementing the project, if the grant received, will not exceed \$950,000.- The following are the cost allocation percentages the project (the "Cost Allocation Percentages"):

- (i) Kerr County- 40%
- (ii) Kerrville- 20%
- (iii) UGRA- 40%

**IV.  
GENERAL PROVISIONS**

**4.01 Authority.** This Agreement is made in part under the authority conferred in Chapter 791, *Texas Government Code*.

**4.02 Termination.** Any Party may withdraw from this Agreement by providing not less than 30 days prior written of termination to the other Parties at any time. In the event of such withdrawal, the Agreement shall remain in full force and effect with respect to the remaining Parties.

**4.03 Severability.** The provisions of this Agreement are severable and, if any provision of this Agreement is held to be invalid for any reason by a court or agency of competent jurisdiction, the remainder of this Agreement will not be affected and this Agreement will be construed as if the invalid portion had never been contained herein.

**4.04 Payments from Current Revenues.** Any payments required to be made by a Party under this Agreement will be paid from current revenues or other funds lawfully available to the Party for such purpose.

**4.05 Cooperation.** The Parties agree to cooperate at all times in good faith to effectuate the purposes and intent of this Agreement.

**4.06 Entire Agreement.** This Agreement contains the entire agreement of the Parties regarding the subject matter hereof and supersedes all prior or contemporaneous understandings or representations, whether oral or written, regarding the subject matter.

**4.07 Amendments.** Any amendment of this Agreement must be in writing and will be effective if signed by the authorized representatives of the Parties.

**4.08 Applicable Law; Venue.** This Agreement will be construed in accordance with Texas law. Venue for any action arising hereunder will be in Kerr County, Texas.

**4.09 Notices.** Any notices given under this Agreement will be effective if (i) forwarded to a Party by hand-delivery; (ii) transmitted to a Party by confirmed telecopy; or (iii) deposited with the U.S. Postal Service, postage prepaid, certified, to the address of the Party indicated below:

**KERR COUNTY:** 700 Main Street  
Kerrville, Texas 78028  
Attn: County Judge  
Facsimile: \_\_\_\_\_

**UGRA:** 125 Lehmann Drive  
Kerrville, Texas 78028  
Attn: General Manager  
Facsimile:(830) 257-2621

**KERRVILLE:** 701 Main Street  
Kerrville, TX 78028  
Attn: City Manager  
Facsimile: \_\_\_\_\_

**4.10 Counterparts; Effect of Partial Execution.** This Agreement may be executed simultaneously in multiple counterparts, each of which will be deemed an original, but all of which will constitute the same instrument.

**4.11 Authority.** Each Party represents and warrants that it has the full right, power and authority to execute this Agreement.

1

ATTEST:

UPPER GUADALUPE RIVER AUTHORITY:

Formatted: Normal, Widow/Orphan control, Don't keep lines together

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

KERR COUNTY:

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

CITY OF KERRVILLE:

\_\_\_\_\_  
City Secretary

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

CITY OF INGRAM:

\_\_\_\_\_  
City Secretary

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Comment [HS1]: They are not named in the rest of the document. Have they chosen not to participate?

## SCOPE OF WORK

**Purpose:** Kerr County and the Hill Country have a greater risk of flash flooding than most regions of the United States. This region of Texas is located within the area known as Flash Flood Alley because of the area's steep terrain, shallow soil and unusually high rainfall rates. Heavy rains can quickly result in high walls of fast-moving water with great destructive potential. The 2015 Memorial Day flooding in Wimberley and San Marcos were recent examples of the catastrophic results of the flash flooding. In that event, the Blanco River in Wimberley rose 20 feet in less than an hour and 11 fatalities resulted from the flooding in the area. Kerr County has experienced tragedies with the west Kerr County fatality at the North Fork of the Guadalupe River several years ago and the 8 fatalities from the church camp bus flooding in eastern Kerr County in 1987.

In response to the flash flooding and numerous flood related fatalities, several communities in the area have started implementing Flood Warning Systems (FWS) and High Water Detection Systems (HWDS) to help alert and warn residents of dangerous conditions at low water crossings. The purpose of this project is to provide Kerr County with a flood warning system. The System will be utilized for mass notification to citizens about high water levels and flooding conditions throughout Kerr County.

**Outcome:** High Water Detection System (HWDS) that identifies hazardous conditions at low water crossings and notifies the Kerr County population of 49,625.

**Flood Warning System and High Water Detection System Implementation:** Installation of high water detection systems would be installed at ten (10) low water crossings within Kerr County. Each high water detection system would consist of a Master Gauging Station at the site which would transmit a coded signal to an Advance Warning System Remote Station. The signal would then be transmitted to a radio tower that converts the data so that local agencies can collect and process the information. The data collected from each site can be sent to the local emergency management agencies and used to develop a website that provides up to the minute information on road closures and alert motorists of flooded low water crossings.

Each individual high water detection system would include a Master Gauging Station with water level sensors, software and ability to control up to eight (8) remote stations. If there are several low water crossings in the same vicinity, then one Master Gauging Station could control the remote stations at several different locations. Two sensors are recommended at each Master Gauging Station for redundant measuring of the water level. The type of water level sensor at each location can vary based on need or preference. Water level sensors are placed in the creek or stream and as the water rises, the sensors monitor the water level and collect data. Sensor options could include a Pressure Transducer (PT) which converts pressure into an electric signal or a mechanical float can.

Based on the rise of the water level, a signal is transmitted from the sensor to an Advance Warning System remote station. Most sites within Kerr County would use radio-based sensors that transmit radio signals, however some sites could be hard wired. A hard wired site is not recommended in most cases due to extra installation and cost and would only be an option if a radio signal could not be transmitted. A remote station would typically include a microprocessor based controller system housed in a locking aluminum cabinet, an aluminum mounting pole with a Department of Transportation approved breakaway base and anchor, two (2) 12-inch diameter yellow LED beacon signals with mounting brackets, a 20-watt solar panel with mounting brackets, battery, antenna, cable, and hardware with brackets to attach a 48-inch warning sign. When the high water signal is transmitted to the remote station, it could automatically activate the flashing beacons. An automatic gate or crossing arm can also be installed and activated to lower from the same high water signal.

The system typically comes with a solar panel but additionally includes a battery as back up for the beacons to flash after daylight hours. Some master stations also come equipped with a rain gauge or tipping bucket that empties once it is full. These are typically added to measure the amount, as well as, the rate of rainfall.

The remote stations could be installed without flashing beacons, with flashing beacons only or with flashing beacons and an automatic crossing gate. The flashing beacons are typically located on either side of the low water crossing but an approximate installation distance is determined on a case-by-case basis and identified through site analysis of each crossing. The factors used to calculate installation distance are controlled by the expected width of the flood water over the low water crossing, transportation site distance requirements, as well as a level of convenience to allow motorists an adequate turnaround area. Automatic gates are only recommended at very special locations due to the higher cost of future maintenance. In addition, the gates would only cross one lane of the roadway and not the entire road. If used, crossing gates must be installed on each side of the low water crossing. In addition to the flashing beacons, it is common practice for the Emergency Management Coordinator to dispatch crews and place barricades at low water crossing locations.

As previously mentioned, the master stations collect data and transmit coded signals to the remote stations. The signals do not vary based on vendor. Existing radio towers are combined with repeaters to make the tower functional with the radio transmission protocol used. Signals sent to the radio towers are then converted into data received by several local agencies who collect and process the information

Data transmitted from remote stations in Kerr County could be transmitted to local agencies such as the Kerr County EMC, the City of Kerrville Fire Department, City of Kerrville Police Department Dispatch, Kerr County Dispatch, Ingram Dispatch and Volunteer Fire Departments and organized into manageable data by REST in the same manner as the San Antonio Flood

Warning System website. A new Kerr County website could be setup or possibly integrated into the Bexar County website.

**High Water Detection System Locations:**

As a part of the Preliminary Engineering Report, 69 low water crossings were identified to be evaluated based on historical flooding problems, maintenance issues with Kerr County Road and Bridge, anticipated traffic volumes, recommendations from County residents on problem areas, and input from each of the agency meetings. A preliminary prioritization of these 69 crossings resulted in a recommendation of 20 crossings for further analysis. The 20 recommended crossings for HWDS installations included ten (10) locations in western Kerr County in Precinct 4, two (2) locations in Precinct 1, five (5) locations in south central Kerr County in Precinct 2 and three (3) locations in eastern Kerr County in Precinct 3.

The majority of the 10 crossings in western Kerr County are located along SH 39 and FM 1340 at crossings of the South Fork and North Fork of the Guadalupe River. All of these crossings serve the summer camps and experience similar traffic volumes. Additional recommended crossings in this precinct included the Indian Creek, Rio Vista and Waltonia crossings of the Guadalupe River and the FM 1338 crossing of Goat Creek. These three crossings experience low traffic volumes. The final Phase II recommendations of the crossings to be monitored in Precinct 4 included the Lone Star crossing of the North Fork of the Guadalupe River, the Mystic crossing of the South Fork of the Guadalupe River and the Goat Creek crossing at FM 1338. The six (6) lowest traffic volume crossings were eliminated from the Phase I recommendations.

The two crossings in Precinct 1 are located at the Bear Creek crossing of the Guadalupe River near Arcadia Loop and near the Fire Station at the Upper Turtle Creek crossing. These two crossings and were included in the final Phase II recommended sites. The five crossings in Precinct 2 include the two Verde Creek crossings, two Guadalupe River crossings (including the Brinks Crossing) and one Upper Turtle Creek crossing. All five of these crossings were included in the final Phase II recommended sites. Precinct 3 included two Guadalupe River crossings (Lane Valley and Hermann Sons) and the Gattis Bluff crossing of Cypress Creek. The low water crossings at Lane Valley and the Gattis Bluff crossing of Cypress Creek were not included in the final Phase II recommended sites to be monitored.

Additional low water crossings located within the City of Kerrville were evaluated after completion of the Phase I study based on input from City staff. The City staff identified 22 low water crossing locations and classified these locations based on frequency of flooding, hazard level, duration of closure after rains cease, traffic volume and whether or not City crews placed barricades at these crossings. Out of these 22 crossings, 10 crossings had moderate or high frequency of flooding and high hazard level. One of these crossings was located at the Bear Creek crossing of the Guadalupe River and one crossing consisted of the Legion pedestrian bridge crossing of the Guadalupe River. Four of the remaining crossings were located along

Town Creek and four crossings were located along Quinlan Creek. The last crossing was located at Hill County Drive near Sidney Baker (SH 16).

The final recommended HWDS sites to be monitored included 10 sites in the County. The following table lists the location of the 10 recommended HWDS sites.

**RECOMMENDED HIGH WATER DETECTION SYSTEM MONITORED SITES**

No.	Precinct	Crossing Name	Stream/River	Latitude	Longitude
38	4	Indian Creek near Ingram	Guadalupe River	-99.24294	30.07066
39	3	G Street	Guadalupe River	-99.13771	30.03583
42	3	Lane Valley 3	Guadalupe River	-98.96021	29.93697
49	4	Bear Creek near Arcadia Loop	Guadalupe River	-99.19331	30.06775
50	2	Brinks Crossing	Guadalupe River	-99.07878	29.95420
51	4	Waltonia Crossing	Guadalupe River	-99.29252	30.06784
53	3	Hermann Sons	Guadalupe River	-98.92580	29.94889
54	2	Elm Pass at FM 480	Verde Creek	-99.03698	29.92840
55	2	Center Point Estates	Verde Creek	-99.00736	29.93460
66	1	Upper Turtle Creek No. 1 (Fire Station)	Turtle Creek	-99.22401	29.97724

The final recommended low water crossing locations to install permanent fiberglass water level gauges on either side of the crossing included 30 sites in the County. The following table lists the location of the 30 recommended gauged sites.

**RECOMMENDED WATER LEVEL GAUGED SITES**

1	3	Wilson Creek Road	Unnamed Tributary	-98.97699	29.96636
2	4	Elizabeth	West Dry Branch	-99.32075	30.17754
4	4	Ingram Hills	Henderson Branch	-99.25620	30.09913
5	2	Stoneleigh	Steel Creek	-99.03366	29.96502
7	3	Bartel	Cypress Creek	-98.94438	29.99137
8	3	Gaddis Bluff	Cypress Creek	-98.92741	29.98331
9	1	Upper Turtle Creek 3	Turtle Creek	-99.24282	29.98646
10	4	FM 1338	Goat Creek	-99.19806	30.08572
11	4	Tegener	Tegener Creek	-99.32499	30.06269
12	4	Cutbirth	Tegener Creek	-99.32290	30.06512
14	3	Schladoer	Wilson Creek	-98.94073	29.95927
15	2	West Creek	West Creek	-99.17055	29.97539
16	2	Fall Creek	Turtle Creek	-99.17504	29.96145
18	2	Lower Turtle Creek Road near Hwy 173	Turtle Creek	-99.11053	29.95787
19	4	Goat Creek Cut Off	Nichols Creek	-99.21657	30.07607
20	4	Henderson Branch Road	Unnamed Tributary	-99.25959	30.10545
21	4	Dowling	Johnson Creek	-99.26687	30.09868
24	4	Byas Springs Road	Johnson Creek	-99.33827	30.14686
26	4	Friedrich (Quinn)	North Fork Guad	-99.41341	30.06039
28	4	Benson	North Fork Guad	-99.45146	30.05253
29	4	Lone Star (River Bend)	North Fork Guad	-99.37313	30.06462
31	4	Hunt River Road	North Fork Guad	-99.33907	30.07582
32	4	Wagon Wheel	North Fork Guad	-99.44589	30.06203
33	4	Sunshine	North Fork Guad	-99.41940	30.05636
34	4	Mystic	South Fork Guad	-99.37367	30.01212
35	4	Seago Crossing	South Fork Guad	-99.36157	30.02778
36	4	Camp Flaming Arrow	South Fork Guad	-99.35721	30.04239
41	3	Lane Valley 2	Cherry Creek	-98.96184	29.91736
44	2	Center Point Park Crossing	Guadalupe River	-99.03961	29.94643
60	1	Upper Turtle Creek No. 2	Turtle Creek	-99.22404	29.98429

### **Alternatives Considered:**

The intent of the HWDS is to identify hazardous conditions at low water crossings and to notify the community of these hazardous conditions. In each of the agency coordination meetings held as a part of the Preliminary Engineering Report, public awareness and communication was identified as a key component of any Flood Warning System for the County. Once the data is collected at monitored low water crossings, it is critical to share this data with the public. The Preliminary Engineering Report identified the following options for Kerr County to warn its residents in the event of a flooding event and hazardous conditions at low water crossings throughout the County:

- Flood Warning Sirens
- CodeRED Emergency Notification System
- Notification of Key Emergency Management Personnel
- Web-Based Application: These web-based applications such as ATXFLOODS.com provide warning alerts to the public of flooded area along roadways or hazardous conditions
- Volunteer Stream Observers

### **Flood Warning Sirens**

Outdoor flood warning sirens are designed to alert people of flooding conditions. Flood warning sirens are advantageous in tourist areas where visitors cannot be reached through Code Red alerts in the affected area. Officials can activate sirens from their phones and/or the sirens can be automatically activated based on water level.

Comal County has implemented a river gauge and siren system that includes New Braunfels, Guadalupe County and the Water-Oriented Recreation District (WORD) as funding partners. When gauge heights reach a certain level, emergency management personnel are notified and the siren is automatically activated. Emergency personnel can also activate the sirens remotely if they know flood water is headed downstream. The data from each gauge, including river height and rainfall, is available online for anyone, including residents, to access.

Sirens must be far reaching as Comal County had some issues during initial siren installations where the sirens were too small. New Braunfels has four (4) modulator sirens that broadcast explanations of what has occurred and what actions to take. They have four (4) additional sirens that broadcast only a tone. An alert notification system pamphlet describes that when emergency sirens are activated, citizens should tune to 1420 AM on the radio for additional information. Comal County has a second tier of notification called Emergency Notification System (ENS) that is similar to reverse 911. This system will notify impacted residents with land lines (not cellular) of an impending emergency situation. A third tier approach is door-to-door notification in areas of immediate impact.

Public outreach is important to explain what the sirens mean, especially for tourists. Different sounds can be used for extreme weather such as flooding or tornadoes. This information would need to be provided at as many locations as possible in Kerr County including RV Parks, rental cabins, and summer camps. Other considerations would be additional road signage or maps indicating evacuation routes in the event of a flood to avoid submerged low water crossings.

### **CodeRED Emergency Notification System**

There are numerous mass notification vendors but CodeRED, a service provided by Emergency Communications Network (ECN), appears to be widely used across the country as well as in Texas. CodeRED includes an automated system that continuously monitors National Weather Service (NWS) satellites for severe weather bulletins. When a bulletin is issued, CodeRED delivers voice calls, text message and emails to subscribers within the direct path of the storm. It also allows communities to send notifications for other non-weather related emergencies. The system requires that residents and businesses opt-in by adding their contact information and preferred method of communication at the CodeRED website. However, the database can be pre-populated with publically available phone numbers and addresses. For residents with cell phones, unlisted, unpublished or new phone numbers, the information must be entered by the resident. There is a hearing impaired/speaking impaired function on the signup page. For residents without internet access, a contact information form can be provided that can be filled out and returned to County offices or a number established for citizens to call and give their information over the phone.

The signup page allows residents to select the type of notifications they wish to receive, e.g. emergency notifications, general notifications, or severe weather notifications. CodeRED also has a mobile app available that is free and geo-aware so no matter where someone is when an alert is issued, notifications affecting that area are delivered to the mobile phone. The app also delivers information from community officials in areas that are subscribed to the CodeRed Emergency Notification System.

### **Notification of Key Emergency Management Personnel**

High water detection systems installed at low water crossings include software that can notify emergency management personnel of high water via phone calls, text messages, pages and/or emails. The software can also activate lighted maps, flash beacons, gates and/or sirens. Camera videos can be installed at the crossings that can be activated automatically or manually. Data from the software can also be sent to other databases for agency or public websites.

The data sent to emergency management personnel can include elevation data or water depths. This data can also be displayed at the crossing using dynamic message signs. However, a vendor reported having issues with vandalism when using dynamic message signs in rural areas due to their large size. Data from existing NWS rain gauges and stream flow data from the U.S. Geological Survey (USGS) can also be incorporated.

Communication methods between the high water detection systems and a base station can include radio, cell towers, fiber optic systems or satellite; however, VHF/UHF radio frequencies reportedly offer the greatest dependability. Landline telephones and internet connections are subject to outages. Fiber optic systems are subject to damage and service interruption. A vendor reported that for Kerr County, radio should be sufficient. As part of the project, a radio path study would be completed. Repeaters may be necessary. For Comal County, only one repeater was required. This vendor uses cellular data for TxDOT but only in very remote areas, which would not apply to Kerr County.

### **Web-Based Application**

Web-based applications provide warning alerts to the public of flooded areas along roadways or hazardous conditions. The following is a summary of how web-based applications have been incorporated into high water detection systems implemented in Bexar County and the City of Austin.

Bexar County has implemented a high water detection system called HALT (High Water Alert Lifesaving Technology). Their system includes sensors that detect rising water that activate flashing lights or a combination of flashing lights and gates. This information is also transmitted to a website where residents can view real time information about which roads are safe to travel. The website shows markers at each crossing that indicate one of four conditions:

1. Site Under Maintenance – Use Caution
2. Stage 1: Good
3. Stage 2: Caution
4. Stage 3: Danger

Each marker can be clicked on to obtain more information such as a detailed description of the crossing location and the last reporting date. The website allows the option for residents to subscribe in order to receive alerts to specific low water crossing locations.

The City of Austin has implemented a high water detection system called Flood Early Warning System (FEWS). Their system includes 130 rain or creek level gauges, flashing lights or automated barricades at 15 low water crossings, gauge adjusted radar rainfall, cameras at low water crossings and predictive modeling and mapping. ATXfloods.com is a website that is maintained by the City of Austin FEWS team. The website shows low water crossing locations with markers that note whether the crossing is open or closed. A list of closed crossings is also provided.

### **Volunteer Stream Observers**

A final communication strategy would be to build a network of volunteer stream observers throughout the County. Historically, many West Kerr residents have helped relay flooding information and stream levels to neighbors, County sheriffs and emergency personnel. In the

recent Wimberley floods, a volunteer stream observer called the Wimberley fire chief, which helped save many lives. The local volunteers could be recognized as official observers or become a part of an emergency coordination team and report flooding conditions to the Sheriff's office, a dedicated phone number or website.

**Flood Warning System Implementation Recommendations:**

The following recommendations were identified as part of the Preliminary Engineering Study:

- Install High Water Detection System (HWDS) consisting of a Master Gauging Station and Advance Warning System Remote Station at 10 locations within the county.
- Modify the 20 existing GBRA and TxDOT sites to be compatible with the new HWDS
- Include 2 year maintenance warranty for the 10 new HWDS sites
- Install permanent fiberglass water level gauges on either side of low water crossings at 30 locations within the county.
- Develop software to collect and utilize the sensor data into a comprehensive system. This website would be used for internal use and would provide emergency responders with the status of sensor data installed throughout the County.
- Develop a regional use website similar to [bexarflood.org](http://bexarflood.org) to receive and show sensor data and provide capability of manually adding additional sensor sites. A regional website would allow all low water crossing in the county to be shown and provide staff the ability to manually change the flood status at each low water crossing.
- Include public relations component as part of the project to provide public information and awareness such as Turn Around Don't Drown, website link advertisements and communication improvements to residents and tourists.

## **Agenda Item:**

8B. Response to the letter from Kerr County concerning the floodplain around Third Creek.

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

**SUBJECT:** Response to the County's letter regarding the floodplain around Third and Second creeks.

**FOR AGENDA OF:** 01/10/17

**DATE SUBMITTED:** 01/04/17

**SUBMITTED BY:** Don Davis  
Interim City Manager

**CLEARANCES:**



**EXHIBITS:** Attached.

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

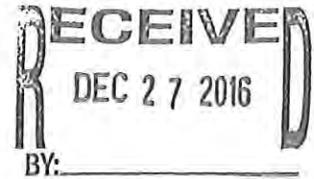
**SUMMARY STATEMENT**

The City received a letter from Judge Pollard dated December 21, 2016, concerning the floodplains around Third and Second creeks.

The Council needs to respond to this letter.

**RECOMMENDED ACTION**

Staff recommends the Council approve a letter to be sent to Judge Pollard in response to his letter dated December 21, 2016.



**THE COUNTY COURT  
OF**

**KERR COUNTY, TEXAS**

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

Tel: (830) 792-2211

Fax: (830) 792-2218

Email: [commissioners@co.kerr.tx.us](mailto:commissioners@co.kerr.tx.us)

COUNTY JUDGE  
TOM POLLARD

COURT COORDINATOR  
JODY GRINSTEAD

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

December 21, 2016

Mayor Bonnie White  
City of Kerrville  
701 Main Street  
Kerrville, TX 78028

Dear Mayor White,

Kerr County Commissioners' Court voted December 20, 2016, (see attached) to request the City of Kerrville to not begin construction of the proposed effluent water re-use pond until Kerr County has an opportunity to complete the survey work outlined in our letter of November 15, 2016, and Kerr County receives clarification or answers to the following questions:

- 1) Show base flood elevations and location of floodway.
- 2) The existing conditions flood studies and resulting floodplain output conducted by LNV (2015) and FNI (2016) have significantly different results, despite reports from the City Engineer that both firms shared data and worked closely with each other. For example, the LNV 2015 existing conditions 100-year stream flow is 8952 cubic feet per second, while the FNI 2016 existing conditions 100-year stream flow is 15,987 cubic feet per second. Historic flood data and high water marks are known and available, calibration of the model is imperative.
- 3) Historic flood data is available, calibration of model is imperative.
- 4) Right overbank upstream and downstream of Spur 100 does not have enough topography to contain the peak flows per FNI 2016 study, therefore, 100-year peak flows will flow past proposed floodplain boundaries and inundate adjacent property. List and quantify the impact to adjacent property.
- 5) Kerr County requests HEC-HMS & HEC-RAS computer models for both the LNV 2016 Landfill CLOMR-F Study and the FNI 2016 CLOMR Study.

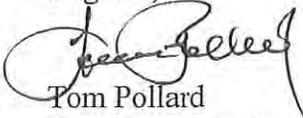
Also Kerr County requests access to the model and information used to set the model parameters that were the basis of the CLOMR and proposed revision to the 100 year floodplain and that a meeting be held with designated technical representatives from the County and City to review engineering analysis.

For clarification purposes, please be advised that at the present time and at the time of construction the Hill Country Youth Event Center (HCYEC), the Kerr County Extension Building, Kerr County Road and Bridge Building, Kerr County outdoor arena, baseball field concession stands and improvements at River Star Park were and are outside the limits of the 100 year floodplain. See attached 2014 finding from the Kerr County Floodplain Administrator. The City of Kerrville proposed CLOMR includes part of the HCYEC within the 100 year floodplain and since the area studied stopped on the south side of Third Creek, it is unclear how the 100 year floodplain may be revised in other areas that could impact other County buildings.

Kerr County believes it is important to verify all of the relevant data related to the floodway and 100 year floodplain along Third Creek. County property may be impacted as a result of the proposed CLOMR and proposed re-use pond. Modifications to the floodplain will have consequences to the future use and development of the County property and to Kerr County taxpayers.

Thank you for your consideration.

Regards,



Tom Pollard  
Kerr County Judge

cc: FEMA Region VI

**ORDER NO. 35921**

**CITY OF KERRVILLE PROPOSED FLOODPLAIN REVISION**

Came to be heard this the 20th day of December, 2016, with a motion made by Commissioner Letz, seconded by Commissioner Moser, the Court unanimously approved by a vote of 4-0-0 to:

Approve Commissioner Letz, Commissioner Moser, the County Attorney and the County Engineer to draft a second letter to the City of Kerrville outlining the Counties questions, concerns, and asking them to delay construction on the pond until issues are resolved and authorizing the County Judge to sign same.



**Kerr County Floodplain Administration**

3766 SH 27  
Kerrville, Texas 78028

John M. Hewitt, P.E., C.F.M.  
Floodplain Administrator

Telephone: 830-257-2993

FAX: 830-896-8481  
Email: [jmhewitt@co.kerr.tx.us](mailto:jmhewitt@co.kerr.tx.us)

Kelly Hoffer  
Assistant Administrator

December 31, 2014

Charlie Hastings, P.E.  
Kerr County Engineer  
Kerr County Road and Bridge  
3766 SH 27  
Kerrville, TX 78028

**RE: R15650 -3700 State Highway 27 - Kerr County, Texas  
Kerr County Event Center Floodplain Determination**

Dear Charlie,

We have reviewed the location of the above referenced property relative to the FEMA designated 100-year floodplain. The property is located within the Flood Insurance Rate Map (FIRM) Number 48265C0490F, dated March 3, 2011.

The subject property is located along the northeast side of the Guadalupe River along State Highway 27 outside the designated 100-year AE Zone floodplain. Based on a review of the Flood Insurance Rate Map, the 100-year base flood elevation (BFE) varies from approximately 1583.5-1583.8 referenced to the North American Vertical Datum of 1988. The Event Center buildings are located entirely out of the 100-year floodplain.

If you have any questions or would like additional information, please call our office at 830-257-2993.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Hewitt".

John M. Hewitt, P.E., CFM  
Kerr County Floodplain Administrator

## **Agenda Item:**

9A. Budget and economic update for period ending November 30, 2016. (staff)



- Reuse project - award of bid contract in October with construction to begin in the near future.
- Library Campus – History Center renovations are near completion
- Utility Construction Building – construction is on going

Permits issued for new residential locations fiscal year-to-date were 10.

Value of commercial permits issued in October was \$1,500,000. Commercial permits issued for new locations and major remodels are an estimated value of \$3,023,000 fiscal year-to-date. Values of these sites will be reflected on the property tax roll in the following tax year of completion.

Real estate transactions remain steady with a moderate inventory available.

Unemployment at national, state, and local levels has remained at a relatively low percentage for several months.

#### **RECOMMENDED ACTION**

Information purposes only, no action required.

**City of Kerrville**  
**Month ending November 30, 2016**  
 (Month 2 of FY2017)

	Current Month	Year To-Date	Budget @ 16.67%	Prior Year To-Date	change from prior year
<b>General Fund</b>					
<b>Total Revenues</b>	<b>\$ 1,712,358</b>	<b>\$ 3,230,531</b>	12.59%	<b>\$ 3,115,247</b>	3.70%
Property tax	\$ 644,356	\$ 993,689	11.05%	\$ 752,641	32.03%
Sales tax	\$ 557,474	\$ 1,087,144	16.88%	\$ 1,010,838	7.55%
<b>Total Expenditures</b>	<b>\$ 1,895,086</b>	<b>\$ 3,811,005</b>	14.85%	<b>\$ 3,664,444</b>	4.00%

<b>Water and Sewer Fund</b>					
<b>Total Revenues</b>	<b>\$ 993,046</b>	<b>\$ 2,040,289</b>	16.87%	<b>\$ 2,108,002</b>	-3.21%
Water Sales	\$ 478,651	\$ 1,013,686	17.62%	\$ 1,075,738	-5.77%
Sewer Service	\$ 457,335	\$ 910,082	16.39%	\$ 893,250	1.88%
<b>Expenditures</b>	<b>\$ 897,122</b>	<b>\$ 1,826,464</b>	15.10%	<b>\$ 1,351,610</b>	35.13%

<b>Hotel/Motel Fund</b>					
<b>Revenues</b>	<b>\$ 111,208</b>	<b>\$ 212,805</b>	19.37%	<b>\$ 189,696</b>	12.18%
<b>Expenditures</b>	<b>\$ 246,450</b>	<b>\$ 246,450</b>	23.03%	<b>\$ 227,850</b>	8.16%

Community Investment Plan	Project Budget	Current Month	P-T-D Expense	Budget Balance
Athletic Complex	\$ 10,500,000	\$ 1,953,231	\$ 3,439,106	\$ 7,060,894
Library Campus - History Center	\$ 693,206	\$ 5,617	\$ 504,277	\$ 188,929
Reuse - Construction	\$ 18,800,000	\$ -	\$ -	\$ 18,800,000
Reuse - Design	\$ 2,800,000	\$ 135,954	\$ 1,736,335	\$ 1,063,665
River Trail	\$ 6,000,000	\$ -	\$ 5,023,643	\$ 976,357
Utility Construction Building	\$ 1,450,000	\$ 107,379	\$ 582,829	\$ 867,171

Development Services:		Housing (November)	
Residential # of permits	Commercial permits value		
Oct 6	\$1,523,000	<i>Local:</i>	
Nov 4	\$1,500,000	480 active residential listings; 51 residential sales Novembre 2016	
		\$15,555,317 total residential sales dollars for October 2016	
		\$1,50,264,326 total residential sales dollars Y-T-D for 2016	
		(Source: Kerrville Board of Realtors)	
		<b>Unemployment: (October)</b>	
		National	4.7%
		Texas	4.4%
		Local	3.6%
		(Source: Texas Workforce Commission)	
YTD	10	\$3,023,000	

## **Agenda Item:**

10A. Recovery Community Coalition. (staff)

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

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**SUBJECT:** Appointments to the Recovery Community Coalition

**FOR AGENDA OF:** January 10, 2017 **DATE SUBMITTED:** December 30, 2016

**SUBMITTED BY:** Brenda Craig  
City Secretary

*BC*

**CLEARANCES:** Don Davis  
Interim City Manager

**EXHIBITS:**

*DD*

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

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**SUMMARY STATEMENT**

Consider appointments to the Recovery Community Coalition

**RECOMMENDED ACTION**

Consider appointments to the Recovery Community Coalition.

## RECOVERY COMMUNITY COALITION

Telephone

Appt.  
Date

Exp.  
Date

Stephen Fine, Place 1  
1210 Virginia Dr. 285-4234 (C)  
E-mail [Place1@kerrvilletx.gov](mailto:Place1@kerrvilletx.gov)

Glenn Andrew, Place 2 370-0362 (C)  
3553 La Cumbre Dr.  
E-mail [Place2@kerrvilletx.gov](mailto:Place2@kerrvilletx.gov)

Purpose: The purpose of the Coalition is to enhance the opportunities for the recovery community to become fully integrated into the fabric of Kerrville. The Coalition shall work toward considering and identifying strategies and techniques for reducing barriers for the recovery community to be fully integrated into the local community as well as to identify and advocate goals and ideas for enhancing positive relationships by and amongst the recovery community.

Qualifications: **At least one member from each of the following, but any of which may include more than one member:**

- owner of a male boarding home facility with a valid permit issued by the City;

- owner of a female boarding home facility with a valid permit issued by the City;
- member of the recovering community;
- citizen of Kerrville with interest in these issues;
- representative of mental health support organizations such as Kerrville State Hospital;
- representative of Peterson Health;
- representative of Hill Country MHDD Centers;
- representative from a residential addiction treatment facility located within Kerr County; and
- two Councilmembers

**Powers and Duties:** On an annual basis, or more frequently as deemed proper by the Coalition or City Council, the Coalition should attend and report its conclusions, achievements, ideas, desires, and plans to the City Council. It is recommended that the initial issue with which the Coalition is charged to review is Ordinance No. 2013-06 (Chapter 30, Article I, Code of Ordinances), which addresses the operation of group homes and boarding home facilities operating within the City.

**Term of Office:** Each member shall be subject to two-year terms; provided, however, that at the Coalition's organizational meeting, the members shall draw lots to establish the duration of the initial terms, with an exact majority of the members serving an initial term of two years and the remaining members serving a one-year term. The expiration date of all terms shall be December 31 of the year corresponding with the results of the drawing of lots.

**Quorum:** Eight members

**Number of Members:** Fifteen

**Absences:** Any member who misses 25% of the regular meetings or three consecutive regular meetings may be replaced by City Council.

**Meeting Time & Place:** Meetings are to be held at least once each calendar quarter.

**Established by:** Resolution No. 26-2016

**Revised Date:** January 10, 2017