

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY MAY 10, 2011, 6:00 P.M.**

**CITY HALL COUNCIL CHAMBERS**

**800 JUNCTION HIGHWAY, KERRVILLE, TEXAS**

**Agenda Item:**  
**(Staff)**

- 2A. Approval of the minutes of the council informational meeting held April 15, special meeting held April 20, and the regular meeting held April 26, 2011.

CITY COUNCIL MINUTES  
INFORMATIONAL EVENT

KERRVILLE, TEXAS  
APRIL 15, 2011

On April 15, 2011, the Kerrville City Council attended an informational event sponsored by the Republican Women of Kerr County at 11:15 a.m. at the Inn of the Hills, Bluebonnet Room, 1001 Junction Highway, Kerrville, Texas.

CITY COUNCIL MEMBERS PRESENT:

David Wampler	Mayor
R. Bruce Motheral	Mayor Pro Tem
Stacie Keeble	Councilmember

CITY COUNCIL MEMBERS ABSENT:

T. Scott Gross	Councilmember
Gene Allen	Councilmember

CITY STAFF PRESENT:

Todd Parton	City Manager
Brenda G. Craig	City Secretary

Mayor Wampler spoke on many issues facing Kerrville's future and the quality of life for its citizens. He also discussed services provided by the city and funding for those services, downtown redevelopment and the relocation of city hall down town, community strengths and the importance of maintaining the tax rate, and the availability of adequate water supply.

ADJOURNMENT. The meeting adjourned at 12:50 p.m.

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

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David Wampler, Mayor

ATTEST:

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

CITY COUNCIL MINUTES  
SPECIAL MEETING

KERRVILLE, TEXAS  
APRIL 20, 2011

On April 20, 2011, the Kerrville City Council meeting was called to order by Mayor Pro Tem, R. Bruce Motheral at 9:00 a.m. in the city hall council chambers, 800 Junction Highway.

CITY COUNCIL MEMBERS PRESENT:

R. Bruce Motheral	Mayor Pro Tem
Stacie Keeble	Councilmember
T. Scott Gross	Councilmember

CITY COUNCIL MEMBERS ABSENT:

David Wampler	Mayor
Gene Allen	Councilmember

CITY STAFF PRESENT:

Todd Parton	City Manager
Kristine Ondrias	Assistant City Manager
Teri Kinsey	Deputy City Secretary

**DISCUSS AND PROVIDE INPUT INTO THE DESIGN OF A NEW CITY HALL**

Todd Parton presented a design update for the proposed downtown city hall located in the 700 block of Water Street, outlining the project timeline and a general overview of the floor plan. Mr. Parton stated that advertisement for bids would be published August 5 and 6, 2011, bid opening would be September 6, 2011, and award the contract on September 28, 2011. Peter Lewis addressed council and reviewed the floor plans in greater detail, pointing out individual departmental office spacing. Kristine Ondrias stated that design of the building would allow for expansion for a future population of approximately 29,000. Mr. Parton also stated that a Justice Center could be considered in the future but Municipal Court and the Police Department would remain at their current locations.

**ADJOURNMENT.** The meeting adjourned at 9:46 a.m.

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

\_\_\_\_\_  
R. Bruce Motheral, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Teri Kinsey, Deputy City Secretary

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
APRIL 26, 2011

On April 26, 2011, the Kerrville City Council meeting was called to order by Mayor Wampler at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Reverend Patty Edwards of the Unity Church of the Hill Country, followed by the Pledge of Allegiance led by Matthew C. Garces, Jr., awarded Eagle Scout on April 2, with Boy Scout Troop 60.

MEMBERS PRESENT:

David Wampler	Mayor
R. Bruce Motheral	Mayor Pro Tem
Gene Allen	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

MEMBER ABSENT: None

STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Travis Cochrane	Director of Information Technology
Mike Erwin	Director of Finance
Kevin Coleman	Director of Development Services
Charlie Hastings	Director of Public Works
Robert Ojeda	Fire Chief
Kim Meismer	Director of General Operations
Mindy Wendele	Director of Business Programs
Daniel Schwartz	Library Director
Mary Pierce	Payroll Specialist
John Young	Police Chief

VISITORS PRESENT: List is on file in city secretary's office.

1. **VISITORS/CITIZENS FORUM:** The following person spoke:
  - 1A. David Hanavan asked council to consider installing solar panels at the library and other city-owned buildings; he estimated 10-20% savings in the long term.
  
2. **PRESENTATIONS:**
  - 2A. Recognition of Mary Pierce for receiving payroll professional certification from the American Payroll Association.

### **3. CONSENT AGENDA:**

Mr. Motheral requested item 3E be removed from the consent agenda.

Mr. Gross moved for approval of items 3A through 3D; Mr. Motheral seconded the motion and it passed 5-0:

3A. Approval of the minutes of the special council informational meeting held March 25, and the regular city council meeting held April 12, 2011.

3B. Authorize the city manager to execute a construction contract with Central Texas Water Maintenance in the amount of \$250,871.00 for the construction of the high service pumps at Riverhill Booster Station and contingency change orders in an amount not to exceed \$51,810.67.

3C. Authorize the city manager to execute an agreement with James Avery Craftsman for the pretreatment of wastewater prior to connection to the city's wastewater system.

3D. Authorize the city manager to execute a contract with Blue Source to provide brokerage services to market carbon credits for the harvesting and use of gas produced at the city landfill.

#### **END OF CONSENT AGENDA**

3E. Authorize the city manager to enter into an agreement for the disposal of the building at 433 Water Street.

Mr. Motheral noted the building had to be removed to begin renovation of the library, and he favored giving the building away; however, he was concerned about paying a private individual \$40,000 to relocate the building. The city also had an additional \$19,500 for site work after the building was removed, for a total of almost \$60,000. He opined that the building had been remodeled so many times that it was of little architectural or historical significance.

Mark Stone stated he was interested in the historical aspect of the building, having documented its history back to 1904; the building was in generally good structural condition; he offered to remove the building and relocate it to his property on Clay Street at a reimbursement cost of \$40,000. He opined that the cost of demolition of the building would exceed \$40,000 and if demolished, the city would have the added cost of asbestos abatement and disposal. The city had previously authorized the building to be relocated to the River Star Park and offered \$35,000 to pay for that relocation. He noted that in addition to the \$40,000 house moving expense, he also would be responsible for the cost of renovation of the building to bring it up to current standards and codes. The building would be placed on the tax roll thereby generating revenue for the city, and he was prepared to act immediately to remove the building.

Ms. Ondrias noted that proposals had been accepted through a public process, and the Texas Arts and Crafts Foundation had proposed to relocate the building to River Star Park for \$35,000; they were unable to complete the project, so staff contacted Mr. Stone, who also had made a proposal. She noted the cost of demolition of the building was about \$40,000, or the city could reimburse Mr.

Stone \$40,000 for relocating the building. In addition to the cost of removal or demolition, the city had the additional cost of \$19,500 for the site work after removal or demolition to fill in and level the site. Payment for the removal was in the budget: \$35,000 in Fund 67, and \$5,000 in the library fund.

Mr. Hayes noted that payment for the removal of the building was an appropriate use of tax funds if the council found a public purpose.

The following points were also discussed by council:

- Preferred to save older buildings, but not at taxpayers' expense; funds could be used toward the library renovation project.
- Moving the building had been a city project for several years.
- Mr. Stone did quality restoration work; the building would increase the tax base.

Mr. Gross moved to accept 3E as presented; Mr. Allen seconded the motion and it passed 4-1 with Councilmembers Gross, Allen, Keeble, and Wampler voting in favor of the motion, and Mr. Motheral voting against the motion.

#### **7. ORDINANCE, FIRST AND ONLY READING:**

7A. Ordinance No. 2011-06 authorizing the issuance, sale and delivery of approximately \$6,305,000 in aggregate principal amount of "City of Kerrville, Texas Combination Tax and Revenue Certificates of Obligation, Series 2011"; securing the payment thereof by authorizing the levy of an annual ad valorem tax and a pledge of certain surplus revenues of the city's waterworks and sewer system; and approving and authorizing the execution of a paying agent/registrar agreement, a purchase contract, an official statement and all other instruments and procedures related thereto. Mayor Wampler read the ordinance by title only.

Anne Burger Entrekin, First Southwest, noted the city had a bond rating of AA- by Standard and Poor's. The bond issue was proposed at \$6.1 million for 20 years, interest rate was 3.616, and the average annual debt service was \$494,692. It was noted that Ms. Entrekin had been the city's financial advisor since the late 1980s.

The following person spoke:

1. Ruth Spradling questioned why the city was issuing debt when two weeks ago, in preparation for the FY12 budget, the finance director stated no more debt would be issued.

Mr. Erwin noted that the projects proposed to be funded through this debt were needed to keep the water and wastewater system operating at a good standard. The ordinance was written to ensure payment through ad valorem tax levy and revenues from the water and sewer system; however, the bond would be paid solely from water/sewer revenues, and not from ad valorem taxes.

Mayor Wampler noted the city received a much better rate if the bond was backed by the full faith and credit of the city; however, the debt would be paid from water and sewer revenue. This bond issue had been planned for several years, and the city was trying to catch up on infrastructure that had been put off in the 1990s when the city was spending a total of only \$150,000 annually on infrastructure. He stated that the city was not interested in issuing debt in FY12 that would be paid out of the general fund based on ad valorem tax or sales tax.

Mr. Allen moved for approval of Ordinance No. 2011-06 on first and only reading as presented; Mr. Motheral seconded the motion and it passed 5-0.

**8B. Presentation and acceptance of the FY10 Comprehensive Annual Financial Report (CAFR).**

Mr. Erwin noted the audit was performed by the firm of Rutledge Crain & Company and Mr. Rutledge was available to answer any questions. The audit reported total net assets of \$106,691,945 and total fund balance of all funds at \$11,549,207, including the general fund balance at \$4,509,833 which provided a 13% reserve or two months of operating expenses. Mr. Erwin noted the city's goal was to achieve a 15% reserve. The auditors noted two areas for improvement: 1) Staff to complete basic financial statements without the auditor; 2) Adjustment in the way the city handled accounting for fixed assets.

Mr. Allen and Ms. Keeble served on the audit committee and were satisfied with the audit.

Mr. Allen moved to accept the audit as presented; Ms. Keeble seconded the motion and it passed 5-0.

**4. PUBLIC HEARINGS AND RESOLUTIONS:**

**4A. Resolution No. 015-2011 granting a conditional use permit (CUP) for a portion of an approximate 0.70 acre parcel of land out of the J.A. Tivy Addition, a subdivision within the city of Kerrville, Texas, otherwise known as 1612 Water Street; said property is located within zoning district C-17; by permitting said property to expand the area in which it has a non-conforming use pursuant to the addition of new building; and making said permit subject to certain conditions and restrictions contained herein.**

Mr. Coleman noted that Culligan Water wished to expand at their current location, 1612 Water Street; however, as a non-conforming use, expansion required approval of a CUP. The Planning and Zoning Commission (PZC) held a public hearing on April 7, no objection had been received, one person spoke in favor of the CUP, and PZC recommended approval.

Bob Woerner and Bill London noted that Culligan had been in operation at the same location since 1946 and needed to expand their business.

Councilmembers noted the Culligan business was a quality operation and the proposed expansion would be an improvement to the area.

Mayor Wampler declared the public hearing open at 6:52p.m.; no one spoke and Mayor Wampler closed the public hearing at 6:53 p.m.

Mr. Motheral moved for approval of Resolution No. 015-2011; Mr. Allen seconded the motion and it passed 5-0.

4B. Resolution No. 014-2011 granting a conditional use permit for an approximate .35 acre parcel of land, making up parts of lots 10, 11, and 12, block 16, and out of the J.A. Tivy Addition, a subdivision within the city of Kerrville, Kerr County, Texas, otherwise known as 1421 Broadway, and located within the C-17 zoning district; by permitting said property to be used for business services II purposes (refrigeration/air conditioning service and repair); and making said permit subject to certain conditions and restrictions.

Mr. Coleman noted the applicant planned to occupy the existing structure, and any outdoor storage would be screened. PZC held a public hearing and no objections were received; PZC recommended approval.

Mayor Wampler declared the public hearing open at 6:55 p.m.; the following person spoke:

1. Ruth Spradling noted the applicant in 4A provided a plan and drawings for their request, and this applicant did not provide such documents. The resolution stated the building would be redeveloped by the applicant, but Exhibit A was a drawing of the building as it currently existed, and no additional structures were planned on the site. If the applicant constructed a new building later, he would have to go through a site development procedure. She noted the property had a "sale pending" sign; was the sale pending the approval of the CUP?

Douglas Morris, applicant, stated he intended to use the house as an office for his business. He understood that if he were to construct a new building he would have to come before the city.

Mayor Wampler closed the public hearing at 7:01p.m.

Mr. Coleman noted the existing building was residential, and the applicant intended to bring it up to code for commercial use. Mr. Coleman noted the CUP was compatible with the remaining area. Signage would be allowed as per the sign ordinance. The storage area would be properly screened with a six foot wooden fence.

Council also noted the following points:

- The neighborhood was transitioning from residential to commercial.
- The use was permissible under the zoning code if described screening and other requirements were met.

Mr. Motheral moved for approval of Resolution No. 014-2011; Ms. Keeble seconded the motion and it passed 5-0.

4C. Resolution No. 016-2011 granting a conditional use permit for an approximate twelve thousand square feet of retail space, part of lot 1A, block 1, and out of the Country Club Plaza-Unit 1 subdivision, within the city of Kerrville, Kerr County, Texas, otherwise known as 1305 Sidney Baker Street (State Highway 16), and located within the Gateway (GTW) zoning district; by permitting said property to be used for retail trade I purposes (alcoholic beverage sales for off-premise consumption); and making said permit subject to certain conditions and restrictions.

Mr. Coleman noted a change in the zoning code in 2001 required businesses selling alcoholic beverages for off-premise consumption in the gateway district to have a CUP from the city and a state permit. In addition, the city required a license for retail sale of alcoholic beverages, hours of operation, and a distance of 300 feet from churches (measured from front door to front door) and schools (measured from property line to property line). He noted that Spec's Wine, Sprints & Fine Foods proposed to open a store on Sidney Baker across from the Hill Country High School and KISD Stadium. He noted 340 ft. from front door to the KISD property line, including the parking area, but only 80 ft. from property line to property line. Upon approval of the CUP, the property owner proposed to replat and reconfigure the property in order to meet the 300 ft. separation requirement, and that condition was stated in the CUP. PZC held the public hearing on April 7; no one from the public spoke; PZC recommended approval, with the condition of separation as stated in the zoning code.

Mayor Wampler declared the public hearing open at 7:13 p.m.; and the following persons spoke:

1. David Jackson, attorney for Spec's, noted the proposed store was compatible with the neighborhood and the sale of alcohol was consistent with other businesses in the gateway district along Sidney Baker, including the city's golf course. He noted that neighboring properties would likely develop as mixed use commercial that will include alcohol sales; also, Wal-Mart used to sell alcohol at the same shopping center proposed by Spec's. Mr. Jackson stated there would not be any sale of alcohol in the parking lot; therefore the measurement should be considered from the door where the actual sales would occur. The city ordinance was consistent with state law, and the measurement complied with the law.

2. Pat Wilt, owner of Grape Juice, a downtown restaurant, noted he held a TABC permit and did not have any problem with competition; allowing another liquor store would be a positive economic benefit to the community; however, he felt the means of acquiring the permit were false and any permit should be properly obtained without having to skirt the law to get it. He did not support the way Specs was manipulating the interpretation of the measurement line, and felt that

rules were made to be followed, and allowing manipulation of the rules taught students that if you cannot get what you want, change the rules. He noted there were other areas in town where alcohol could be sold that were not next to the school, and he offered Spec's the area next door to his business free for one year.

Mr. Hayes noted the city was not changing any rule and had been consistent with how the measurement was applied. He noted that the property management for the large tract would likely change the property lines through replatting, thereby meeting the 300 ft. measurement from property line to property line. He noted the city's language was consistent with the state law, and the state would defer to the city on how the measurement was done. The state was prepared to issue the TABC permit.

3. J.B. Oswalt appreciated the council studying the issue and making decisions based on information; however, he was sorry to ever see any permit that allowed the sale of the worst drug in the United States; people should live without putting drugs in their body.

Mayor Wampler closed the public hearing at 7:20 p.m.

Mr. Motheral moved for approval of Resolution No. 016-2011 with the conditions as stated therein; Mr. Gross seconded the motion and it passed 5-0.

**5. PUBLIC HEARING AND ORDINANCE, FIRST READING:**

5A. An ordinance amending the city's "zoning code" to revise article 11-I-6 "zoning districts-central city" by creating a new zoning district, the central business district, which will include and rezone parts of current zoning districts C-11, C-12, residential transition, and all of zoning district C-18; providing for use regulations within the new district; and making other amendments to the zoning code to account for the new district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. Mayor Wampler read the ordinance by title only.

Mr. Coleman noted when the ordinance was first presented to council on March 22, the property owner at 600 Earl Garrett Street requested his property be included in the CBD. The ordinance was modified to include this lot; PZC held another public hearing and recommended approval of the ordinance with the addition of 600 Earl Garrett Street.

Mayor Wampler declared the public hearing open at 7:29 p.m.; no one spoke and Mayor Wampler closed the public hearing at 7:29 p.m.

Mr. Motheral moved for approval of the ordinance on first reading; Mr. Allen seconded the motion and it passed 5-0.

**6. ORDINANCES, FIRST READING:**

6A. An ordinance annexing multiple tracts of land along with and including adjacent and intervening public right-of-way; said area totaling approximately 278.4 acres and located adjacent to the corporate limits of the city of Kerrville, Texas, when considered as a whole; and being generally located beginning northeast of the intersection of Morris Road and Town Creek Road, continuing in a northerly direction across and including Interstate 10 as it passes between the existing city limits, then continuing north and terminating at the James Avery Craftsman Campus, located on the corner of Harper Road (RR 783) and Avery Road; specifically describing the area to be annexed; adopting a service plan for the area annexed; and establishing the zoning for the area annexed. Mayor Wampler read the ordinance by title only.

Mr. Coleman reviewed the timeline of annexation items 6A and 6B, and stated that all property owners had submitted voluntary annexation petitions except for the Higgins tract; the only conversation he had with Mrs. Higgins since the March 22 council meeting had been about utility construction and not the annexation.

Ms. Keeble moved for approval of the ordinance on first reading; Mr. Gross seconded the motion and it passed 5-0.

6B. An ordinance annexing an approximate 43.72 acre tract of land, being all of a revision of Hartshorn Country Sites, a subdivision of record found at volume 7, page 148, plat records of Kerr County, Texas, and all of the James Avery Craftsman subdivision, a subdivision of record found at volume 7, page 149, plat records of Kerr County, Texas, and those portions of Avery Road North and Lessie Lane, public roads located within and between the two subdivisions; and said property lying adjacent to the corporate limits of the city of Kerrville, Texas, within the city's extraterritorial jurisdiction, and generally located at and east of the intersection of Harper Road (RR 783) and Avery Road North; providing a legal description of the tract to be annexed; adopting a service plan for the tract annexed; establishing the zoning for the area annexed by creating a "planned development district" for said area; making said district subject to certain conditions and restrictions; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed two thousand dollars (\$2,000.00); ordering publication; and providing other matters relating to the subject. Mayor Wampler read the ordinance by title only.

Mr. Coleman noted that all notices had been properly posted and the public hearings held. He recommended approval of the ordinance annexing the property as requested.

Mr. Gross moved for approval of the ordinance on first reading; Mr. Allen seconded the motion and it passed 5-0.

**7. ORDINANCE, FIRST AND ONLY READING:**

7A. Ordinance No. 2011-06 authorizing the issuance, sale and delivery of approximately \$6,305,000 in aggregate principal amount of "City of Kerrville, Texas Combination Tax and Revenue Certificates of Obligation, Series 2011"; securing the payment thereof by authorizing the levy of an annual ad valorem tax and a pledge of certain surplus revenues of the city's waterworks and sewer system; and approving and authorizing the execution of a paying agent/registrar agreement, a purchase contract, an official statement and all other instruments and procedures related thereto.

Matter was discussed following the consent agenda above.

**8. CONSIDERATION AND POSSIBLE ACTION:**

8A. Waiver to subdivision ordinance requirement for sidewalks on access streets serving Hill Country Home Opportunity (HCHO) subdivision on Pinto Trail. Mr. Coleman noted HCHO requested waiver of the sidewalk requirement for the single family residential development along the three access streets on Pinto Trail. The preliminary plat previously approval by PZC, designated each access road as a private drive; however, since plat approval, HCHO requested the roads be dedicated as public roadways to be publicly maintained, which added the requirement for sidewalks.

The following persons spoke:

1. Ruth Spradling questioned where homeowners would park?
2. Jimmie Spradling noted the sidewalks being built throughout Kerrville really enhanced the neighborhoods. The city had tried for many years to get sidewalks built; the city had rules, but everyone wanted a waiver.

Parker Harrison, manager of the HCHO, noted Pinto Trail had 120 ft. of sidewalks on each side. Each access road would be designated as a fire lane on both sides and would serve only four lots; each lot had a 22 ft. driveway and would accommodate three vehicles; no on-street parking would be allowed; additional parking would be at the end of the access road; and the streets would dead end into the development behind Bow Lane.

Mr. Gross moved to authorize the waiver of sidewalks as requested; Ms. Keeble seconded the motion and it passed 5-0.

8B. Presentation and acceptance of the FY10 Comprehensive Annual Financial Report (CAFR).

Matter was discussed following the consent agenda above.

8C. Request to change hours of operation at the library during renovation.

Ms. Meismer noted the library services would temporarily relocate and operate out of the history center with hours reduced from 54 to 40 hours per week and closed on Sundays and Mondays. Books and other library materials would be

moved to the library basement; patrons would go online with their request and staff would locate the book in the basement and hold it for pick up the next day. Library staff would have to be temporarily reassigned to other departments. The library advisory board and staff recommended approval of the proposed reduction in operations and staff changes to become effective mid-May. She planned to present this information to the county on May 9.

Mr. Gross reported on the success of the basket of books program, noting 3,125 books had been checked out and were not due back until January 2012; also, the book sale on April 23 netted \$701 for the library.

Mr. Gross moved to approve the temporary operation schedule and staff changes as presented; the motion was seconded by Mr. Motheral and passed 5-0.

8D. Interlocal agreements between Kerr County and the City of Kerrville for joint operations.

Mr. Parton reported he and Mayor Wampler had met with County Commissioner Letz and Judge Tinley to review the packet sent to the county on April 14 and noted the following:

- Had an understanding about range of funding and types and levels of services.
- Identified commonalities and consistencies in some of the agreement points.
- Agreed to hold another meeting at the end of the week.
- Desired to move forward with environmental services and sealcoat overlay.
- Discussed FY11 county budget line item of \$50,000 from the city to pay for road work; the county did not intend to charge the city for labor for the road work; the city would purchase the materiel and county personnel would do the road work.

Mr. Parton requested the council consider designating a councilmember to work with Mayor Wampler on the negotiating team to meet with the county to try to work out the interlocal agreements.

Mayor Wampler noted he was disappointed that the county had been unwilling to fund emergency services as proposed. He noted in FY11 the county contributed only \$400,000 for fire/EMS; no change in the level of service or alternatives had been discussed by the county. Further, the past methodology whereby the county shared in the cost of the shortfall in EMS did not reflect the cost of the service received; city citizens were paying the cost of the service the county was receiving. Mayor Wampler noted the Cailloux Foundation had offered the county a grant of \$200,000 to help fund fire/EMS contingent upon the county's contribution of \$200,000 toward the library operation. He reiterated to the county that the city's budget process would begin May 4 and the council was firm in receiving adequate compensation for the services received. The negotiating team would meet Friday.

Mr. Parton noted the key issue with the county on funding library services was that the commissioners felt they did not have any input into the library operation. The Cailloux Foundation gift to the county was \$200,000 per year for three years.

This would allow the city and county to work through the issue of how to fund the library operation in the future; he noted that 42% of the library usage was county residents outside the city.

The following points were also discussed by council:

- City should look at the level of service; was the county paying for the level of service being received?
- Should base cost of services on a per capita basis.
- If the county follows through and provides street sealcoating, the city should pass a resolution acknowledging such.

By consensus, the council appointed Bruce Motheral to the negotiating team with Mayor Wampler regarding negotiations with the county on interlocal agreements.

8E. Renaming of the Kerrville water impoundment to Sunset Lake.

Mr. Gross moved to rename the water impoundment lake on Guadalupe Street to Sunset Lake. The motion died for lack of a second.

8F. Approve prioritized list of roadway projects in Kerr County for final submission to the Alamo Regional Rural Planning Organization.

Mr. Hastings noted at the last meeting the council prioritized a list of the top five projects to be submitted to ARRPO; the county also put together a list. At a recent meeting with two commissioners, two city councilmembers, and city staff those two lists were combined and prioritized. He recommended approval of the final ARRPO list:

1. SH27 expand from 2 to 4 lanes from Kerrville to the Kerr County line, including intersection improvements at Airport Loop Road.
2. SH16 from Gillespie County line to SH27 widen to provide passing lanes.
3. FM1341 from Loop 534 to I-10 rehab and widen narrow roadway.
4. I-10 from FM783 to SH 16, reconstruct ramp, new frontage roads, and intersection.
5. Loop 534 bridge from SH173 to SH27 expand from 2 to 4 lanes.

Mr. Parton noted the county had approved the final list as stated above for submission to ARRPO.

Ms. Keeble noted she had recused herself from voting on the ARRPO list at the April 12 meeting because she was a property owner on one of the projects being considered; that project was no longer on the list, so she would not have to recuse herself from voting at this time.

Mr. Motheral moved to adopt the proposed list of roadway projects 1-5 as stated above and authorize the city manager to forward the list to the county judge for final submittal to TxDOT and ARRPO. Mr. Allen seconded the motion and it passed 5-0.

8G. Update regarding Lower Colorado River Authority Transmission Services Corporation (LCRA-TSC) application for the proposed McCamey D to Kendall to Gillespie CREZ project PUC Docket No. 38354; City of Kerrville, Kerrville Public Utility Board, and City of Junction v. PUC, Cause No. D-1-GV-000324, in the 98<sup>th</sup> District Court of Travis County.

Mr. Hayes noted the appeal was in district court, and the hearing date had been set for August 2. He reported on the process of getting a hearing for injunctive relief and noted the parties, i.e. city of Kerrville, city of Junction, KPUB, LCRA, and PUC had entered into a Rule 11 agreement whereby LCRA agreed to cease with construction activities and condemnation proceedings pending the hearing.

The council noted that LCRA was continuing to get voluntary easements, and there was concern that the more ROW LCRA required, the less likely it would be to stop the project.

Mr. Hayes noted that was the risk LCRA was taking if LCRA acquired easements and the line was moved. He noted the judge would be considering only that section of the line between Junction and Kerrville and whether PUC was arbitrary and capricious or unreasonable in considering the city's arguments. He opined that LCRA would not agree to stand down for the entire length of the line as LCRA was under a state mandate to have the line in operation by Dec 2013. The city's attorneys in Austin felt that the Rule 11 agreement was a reasonable outcome, and it was not likely that the city could completely shut down LCRA's procurement for the remainder of the line.

9. **INFORMATION AND DISCUSSION:**

9A. Economic update.

Mr. Erwin reported local unemployment at 6.3%, city sales tax at \$315,508, EIC sales tax at \$157,729, and HOT at \$49,664. Revenue was slightly higher than projected in the water/sewer fund due to the drought, but expenditures were on target with the budget. General fund revenue and expenditures were on target.

10. **ITEMS FOR FUTURE AGENDA:** None proposed.

11. **ANNOUNCEMENTS OF COMMUNITY INTEREST:**

- League of Women Voters candidate forum was scheduled for Thursday, April 28, 7:00 p.m. at the KPUB building.
- Chamber of Commerce and Homebuilders Association candidate forum was scheduled for May 2 at 5:30 p.m. at the Cailloux Center at Schreiner University.
- The city budget workshop was scheduled for Wednesday, May 4, 8:30 a.m. at city hall.

12. **EXECUTIVE SESSION:** None.

**ADJOURNMENT.** The meeting adjourned at 8:31 p.m.

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

\_\_\_\_\_  
David Wampler, Mayor

ATTEST:

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

## **Agenda Item:**

(Staff)

- 2B. Authorize the city manager to execute the third option year of the initial contract with City-County Benefits Service for the period June 1, 2011-May 31, 2012, for employee benefits.

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

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**SUBJECT:** Approval of the third option year of the initial contract with the employee benefit-consulting firm of City-County Benefits Service (C-CBS) for the period June 1, 2011 – May 31, 2012

**FOR AGENDA OF:** May 10, 2011      **DATE SUBMITTED:** April 27, 2011

**SUBMITTED BY:** Kimberly Meisner, *KM* **CLEARANCES:** Todd Parton, City Manager  
Director of General Operations

**EXHIBITS:** FY12 Contract Extension Letter  
FY12 Contract Extension Document with Extra Signature Page  
Exhibit A – C-CBS Proposed Professional Fees  
Exhibit B – Proposed Scope of Work

**AGENDA MAILED TO:**

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

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<b>Expenditure</b>	<b>Current Balance</b>	<b>Amount</b>	<b>Account</b>
<b>Required:</b>	<b>in Account:</b>	<b>Budgeted:</b>	<b>Number:</b>
<b>\$30,000</b>	<b>\$</b>	<b>\$</b>	

*(Fees are a part of the Group Insurance line item and are spread among all departments.)*

**PAYMENT TO BE MADE TO:** City-County Benefits Service

**REVIEWED BY THE FINANCE DIRECTOR:**

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**SUMMARY STATEMENT**

City-County Benefits Services (C-CBS) has been the benefit consultant for the City of Kerrville since June 1, 2007. Coordinated efforts between city staff and C-CBS have saved the city over \$500,000 since that time. The annual fee paid to C-CBS had remained constant since 2007. Being sensitive to the economic situation, C-CBS provided the City with a 10% reduction in the annual fee for FY11 along with a two year rate guarantee. They are honoring the two year rate guarantee for FY12 by offering their service to the City for \$30,000 for the period June 1, 2011 – May 31, 2012.

There is extensive on-going work that is currently being performed by C-CBS including a formal Invitation to Bid process for the City's FY12 benefits package.

**RECOMMENDED ACTION**

Staff recommends Council approve the third option year of the initial contract with the employee benefit-consulting firm of City-County Benefits Service for the period June 1, 2011 – May 31, 2012 in the amount of \$30,000.



## CITY-COUNTY BENEFITS SERVICES

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245 Commerce Green Blvd., Suite 290  
2896/Direct: (281) 295-3000  
Sugar Land, Texas 77478  
3020/Bob.Treacy@c-cbs.org

Phone: (800) 308-

Fax: (281) 295-

May 10, 2011

Kimberly Meisner  
Director of General Operations  
City of Kerrville  
800 Junction Hwy  
Kerrville, TX 78028-5069

Kim,

City-County Benefits Services (C-CBS) is pleased to present a contract extension to continue providing The City of Kerrville group employee benefit consulting services. It has been a pleasure to serve the City in this capacity. This partnership allows C-CBS to work closely with full time City staff, in a team environment, to manage the group welfare benefits program which is approaching a total annual expenditure of \$2,500,000.00.

I am proud of the work that we have "collectively" been able to accomplish in such a short period of time. The following talking points exhibit a tremendous amount of production;

### 2007/2008 Plan Year

1. A complete restructuring of the Group Medical Plan with Cigna after successful renewal negotiations. The total replacement high deductible HRA plan was replaced with a dual choice PPO/HRA plan.
2. Comprehensive group ancillary ITB process was completed for Dental, Life/STD, and Vision plan coverages. This ITB process resulted in benefit increases/lower premiums across the board while securing two (2) year rate guarantees.
3. All plans moved to an October 1 anniversary date to coincide with the budget year.
4. Reduced the SPA Minimum Premium termination liability from \$598,425 to \$385,742 allowing the City to redirect the (\$212,683) savings to general operating funds.
5. Collected a CIGNA performance guarantee penalty of \$25,000 along with reducing the "Deficit Recovery" expenses by an additional \$40,425 as a resettlement of administrative expenses.
6. Transitioned \$50,164 from Cigna control J. P. Morgan Chase bank account to the City of Kerrville control bank account.

### 2008/2009 Plan Year

1. Engaged a comprehensive group medical and Long Term Disability (LTD) ITB. The inaugural Group LTD coverage had been budgeted for the 08/09 plan year. The City secured a three (3) year rate guarantee for the LTD contract.
2. Humana was awarded the group medical/LTD contract. The contracted group medical premiums resulted in an overall premium reduction of (-1%) PPO/HRA plan year costs. The City attained three straight years of level or decreasing medical premiums.
3. Employee payroll contributions remained level for the third year in a row.
4. Implemented a Chapter 222 Tax Exempt Employee Benefit Trust to shield all premiums from State Premium Tax, reducing annual rates by approximately \$70,000.

### 2009/2010 Plan Year

1. Engaged a comprehensive ITB process for group medical, dental, and vision coverages.
2. Final medical premium rates with Humana finalized at three (3%) percent above the 2008/2009 plan year. Initial renewal premiums were eight (8%) percent above current levels. Final annual negotiated savings (-5% reduction) were approximately (\$130,665).
3. Dental/Vision contract awarded to Humana.
4. Employee payroll contributions remained level for the fourth year in a row.

### 2010/2011 Plan Year

1. The renewal process was quite challenging. Pressure on the City budget put the emphasis of our renewal process on aggressive negotiations and creative restructuring of the medical and dental plan, which are the two (2) most significant cost platforms.
2. The initial MEDICAL plan renewal from Humana was delivered at an 8% increase, a very competitive renewal under most circumstances considering the additional impact of the mental Health Parity Act and PPACA healthcare reform. Negotiations lowered the renewal to 4.8% at in force plan designs. Various plan design detriments were evaluated and six (6) line item plan changes were agreed to, lowering the final renewal increase to an aggregated (minus 4%) for the two medical plans from the previous 2009/2010 plan year.
3. The group Life and voluntary Short Term Disability plans were awarded to Humana/Kanawha Insurance Company which secured packaged savings discounts for the City.

4. The Dental plan was restructured, resulting in a (minus 10%) premium renewal from Plan Year 2009/2010.
5. The initial compliance requirements of the PPACA Law were implemented.
6. In summary, the 2010/2011 group benefit plan went through a restructuring that hasn't been seen since Plan Year 2007/2008. Overall, the quality of the group plan package remains at a very high benchmark in comparability surveys of the competitive marketplace. The current 2010/2011 Plan Year premiums are less that the City was paying back in Plan Year 2005/2006, indexed with plan changes.

### 2011/2012 Plan Year

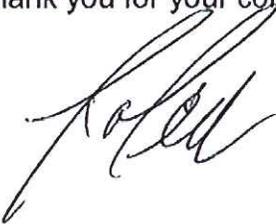
The upcoming plan year will provide substantial challenges to the staff. The 2011/2012 City premium contribution budget will be tested in light of the continuing pressures in the Carrier marketplace to drive premiums to higher levels than the marketplace has experienced. National and State compliance guidelines will only add complexities to managing escalating marketplace healthcare costs and increased utilization on the part of our plan members.

The City has engaged an exploratory process to develop an Interlocal Cooperative with Kerr County and will engage a full comprehensive ITB process for the total group package in late May 2011. We will begin work on the 2011/2012 plan year during the second quarter of the current 2011 calendar year. It appears that we have a very full agenda which will include renegotiations with all current vendors and engaging comprehensive ITBs, if warranted.

As per Article 2, "Period of Service Provision", C-CBS is forwarding notice of our intent to enter the first (3rd) option year of our initial contract. All terms and conditions set forth in the contract are in tact and agreed to by C-CBS.

Please find two (2) signature pages for authorization to extend the original contract (attached).

Thank you for your consideration.



Robert J. Treacy, LHIC

# CITY OF KERRVILLE, TEXAS

## Group Benefits Consulting Services Contract Extension

Presented by



**Robert J. Treacy**  
**City-County Benefit Services**  
245 Commerce Green Blvd., Suite 290  
Sugar Land, Texas 77478  
Phone: (281) 295-3000  
Fax: (281) 295-3020

[bob.treacy@c-cbs.org](mailto:bob.treacy@c-cbs.org)

[www.c-cbs.org](http://www.c-cbs.org)

THE STATE OF TEXAS  
COUNTY OF KERR

§  
§  
§

KNOW BY ALL MEN PRESENTS

THIS CONTRACT is made and executed in duplicate and effective as of the 1st day of June, 2007 by and between **CITY OF KERRVILLE, TEXAS**, 800 Junction Highway, Kerrville, TX, 78028-5069 acting through its duly authorized representatives, and **CITY-COUNTY BENEFITS SERVICES**, 245 Commerce Green Blvd., Suite 290, Sugar Land, Texas 77478, (CONSULTANT).

## AGREEMENT

### Article 1. Responsibilities of the Parties

CONSULTANT shall undertake and complete the tasks as stated in this Contract, including the attached Exhibit "A" and Exhibit "B", (together referred to hereinafter as the "Contract") and in accordance with all terms and conditions stated therein.

CITY shall designate in writing a person(s) to act as CITY's representative with respect to the services to be rendered under this Contract. Such person(s) shall have complete authority to transmit instructions, receive information, and interpret and define CITY's policies and decisions with respect to CONSULTANT's services for the Project.

CITY shall assist CONSULTANT by placing at CONSULTANT's disposal all available information pertinent to the Project including reports and any other data relative to the Project.

### Article 2. Period of Service

The services to be provided under this Contract shall commence within seven (7) days after the date of final execution of this Contract by all parties as said date is so written above.

The term of this Contract shall be for two (2) years from the date of execution written above. The Contract may be renewed for three (3) additional one (1) year terms by mutual written agreement of the parties. However, each year beyond the initial one (1) year period shall be subject to the CITY appropriating funding to compensate CONSULTANT for services to be performed. Where such funding is not appropriated by CITY, this Contract shall automatically terminate.

The services called for by this Contract will be completed and all reports, documentation and other tangible materials submitted within the stipulated period indicated in the attached Exhibit "A" (the "Contract Period").

If CITY requests significant modifications or changes in the general scope, extent, or character of the Project, the time of performance of CONSULTANT's services may be adjusted equitably to reflect the additional time and expenses, if any, incurred by CONSULTANT to respond to the CITY's request.

### **Article 3. Compensation**

For all services to be rendered by CONSULTANT under this Contract, CITY shall pay to CONSULTANT an amount based on the schedule set forth in the attached Exhibit "A" not to exceed \$ 33,000.00 per annum.

CONSULTANT shall submit monthly statements for the services rendered. All monthly statements shall be in a form as specified by and acceptable to CITY. CITY shall make payment upon said statements within thirty (30) days following approval thereof.

### **Article 4. Contract Amendments**

Changes in the terms and conditions of this Contract can be made only by written amendment executed by the parties hereto prior to the changes being made.

### **Article 5. Additional Work**

If the CONSULTANT is of the opinion that any work it has been directed to perform is beyond the scope of this Contract and constitutes additional work, the CONSULTANT shall promptly notify the CITY in writing. In the event that the CITY finds that such work constitutes additional work, the CITY shall do one of the following: (a) advise the CONSULTANT of the CITY's decision and provide compensation for doing the additional work on the same basis as the original work; or (b) advise the CONSULTANT not to perform the work. If the compensation for the additional work will cause the maximum amount payable to be exceeded, a written amendment will be executed.

### **Article 6. Noncollusion**

The CONSULTANT warrants that the CONSULTANT has not employed or retained any company or person, other than a bona fide employee working for the CONSULTANT, to solicit or secure this Contract, and that the CONSULTANT has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this Contract. If the CONSULTANT breaches or violates this warranty, the CITY shall have the right to annul this Contract without liability or, at its discretion, to deduct from the Contract price or consideration, or otherwise recover the full amount of such fee, commission, brokerage fee, gift, or contingent fee.

## **Article 7. Termination**

The CITY may terminate this Contract, with or without cause, in part or in whole, at any time before the date of completion of the work covered by this Contract. The CITY shall give written notice to the CONSULTANT at least seven (7) days prior to the effective date of termination specifying the effective date of termination.

If both parties to this Contract agree that the continuation of the Contract in whole or in part would not produce beneficial results commensurate with the further expenditure of funds, the parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated.

Upon termination of this Contract, whether with or without cause, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc., prepared by the CONSULTANT shall, at the option of the CITY, be delivered to the CITY with no restriction on future use.

If this Contract is terminated by the CITY, the CITY shall compensate the CONSULTANT for services performed in accordance with the terms provided in Exhibit "A", "Professional Service Fees

## **Article 8. Insurance**

CONSULTANT shall maintain, at no expense to CITY, a professional liability (errors and omissions) insurance policy placed with a company authorized to do business in Texas, in an amount not less than one million dollars (\$1 million) for each occurrence, three million dollars (\$3 million) in the aggregate.

## **Article 9. Controlling Law**

Without regard to any rules on conflicts of law, this Contract shall be subject to and interpreted in conformance with the laws of the State of Texas, unless expressly provided otherwise by federal law or regulations.

## **Article 10. Compliance with Laws**

The CONSULTANT shall comply with all Federal, State, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Contract, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the CONSULTANT shall furnish the CITY with satisfactory proof of its compliance therewith.

#### **Article 11. Successors and Assigns**

CITY and CONSULTANT each is hereby bound and the partners, successors, executors, administrators and legal representatives of CITY and CONSULTANT (and to the extent permitted by this Article, the assigns of CITY and CONSULTANT) are hereby bound to the other party to this Contract and to the partners, successors, executors, administrators and legal representatives (and said assigns) of such other party, in respect of all covenants, Contracts and obligations of this Contract.

Neither CITY nor CONSULTANT shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Contract without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Contract. Nothing contained in this paragraph shall prevent CONSULTANT from employing such independent professional associates and consultants as CONSULTANT may deem appropriate to assist in the performance of services hereunder, provided such independent associates or consultants are approved in writing in advance by CITY and are paid by CONSULTANT.

#### **Article 12. No Third-party Beneficiaries**

Nothing under this Contract shall be construed to give any rights or benefits in this Contract to anyone other than CITY and CONSULTANT, and all duties and responsibilities undertaken pursuant to this Contract will be for the sole and exclusive benefit of CITY and CONSULTANT and not for the benefit of any other party.

#### **Article 13. Special Provisions**

Any other provisions of this Contract or other documents included by reference herein to the contrary notwithstanding, the following provisions shall apply to this Contract and the respective duties and responsibilities of CITY and CONSULTANT affected thereby:

As to the contractual relationship between CONSULTANT and CITY, CONSULTANT is and shall be considered in all things an independent contractor.

This Contract shall not be subject to binding arbitration.

**Article 14. Exhibits**

The following exhibits are attached to and made a part of this Contract:

Exhibit "A" CONSULTANT's proposed Professional Fees

Exhibit "B" CONSULTANT's proposed Scope of Services

**Article 16. Entire Contract**

This Contract, together with the exhibit(s) identified in Article 14, constitute the entire Contract between CITY and CONSULTANT and supersede all prior or oral understandings.

**Article 17. Signatory Warranty**

The signatories to this Contract warrant that each has the authority to enter into this Contract on behalf of the party he or she represents.

**Article 18. Contract Extension**

Pursuant to Article 2 of the original contract, The City can renew the contract for three (3) additional one (1) year terms by mutual written agreement by both parties. This contract extension is the third (3rd) additional one (1) year term.

The original contract is amended to allow for annual renewal of this Contract beginning June 1, 2012.

IN WITNESS WHEREOF, the parties hereto have made and executed this Contract as of the day and year first above written.

For City of Kerrville:

For City-County Benefits Services:

\_\_\_\_\_

\_\_\_\_\_

Todd Parton  
(Printed name)

Robert J. Treacy, LHIC  
(Printed name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

*(one of two originals)*

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For City of Kerrville:

For City-County Benefits Services:

\_\_\_\_\_

\_\_\_\_\_

Todd Parton  
(Printed name)

Robert J. Treacy, LHIC  
(Printed name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

*(one of two originals)*

**C-CBS PROPOSED PROFESSIONAL FEES**

C-CBS will provide City of Kerrville with the services set forth in sections (A-H) of the initial year of the proposed Scope of Work for an annual fee of \$30,000 payable as follows:

1. \$11,000 annual retainer to be billed and paid within 30 days of being awarded the contact.
2. One (1) monthly payments of \$1,730.00 and ten (10) monthly payments of \$1,727.00 to be billed and paid monthly.
3. If this Agreement is terminated by the Client after completion of the competitive bid or proposal process and implementation process the full annual Professional Fee is due to C-CBS for the period covered by benefits placed.
4. Professional Service Fees include all expenses related to carrying out the scope of services set forth in this Agreement.
5. All insurance and related services will be placed through C-CBS/SAI as agent of record net of commissions.
6. The initial professional fees are guaranteed for two (2) years. This Agreement may be renewed for three additional one year terms by mutual agreement of the parties.

The original contract is amended to allow for annual renewal of this Contract beginning June 1, 2012.

IN WITNESS WHEREOF, the parties hereto have made and executed this Contract as of the day and year first above written.

For City of Kerrville:

For City-County Benefits Services:

\_\_\_\_\_

\_\_\_\_\_

Todd Parton  
(Printed name)

Robert J. Treacy, LHIC  
(Printed name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

**CITY OF KERRVILLE, TEXAS**  
**PROPOSED SCOPE OF WORK**

**C-CBS Proposed Scope of Services for Client**

- A. C-CBS will evaluate and provide a written assessment of the following benefit Plan(s) components.
  1. Employee vs. dependent utilization and cost;
  2. Plan administration;
  3. Benefit design(s) and Plan Document(s);
  4. Group Insurance Policies ;
  5. Provider networks; discounts and network service area; and
  6. Cost control programs.
  
- B. C-CBS will provide a financial analysis of current and projected group plan costs;
  1. Review historical claims data to evaluate current plan costs;
  2. Provide suggested benefit modifications and estimated cost impact;
  3. Assist in preparing upcoming plan year budget;
  4. Develop premium contribution strategies;
  5. Develop overall cost and risk management strategies; and
  6. As necessary develop transition strategies for the city's consideration.
  
- C. C-CBS will evaluate available enrollment and experience information to determine if the quality of the data is sufficient to provide an estimate of fully insured versus partially self-funded program costs. If the available data will not initially permit making this comparison C-CBS will assist the City in implementing the procedures necessary to secure the required information. Once the information is obtained it will require requesting both fully insured and partially self-funded proposals in order to make a final comparison. The reason for this will be it is impossible to "estimate" the reinsurance costs for the partially self-funded program(s).
  
- D. C-CBS will develop as necessary:
  1. Proposal specifications for:
    - a. Fully insured and Self funded group employee benefits;
      - Medical;
      - Dental;
      - Life/AD&D;
      - LTD;
    - b. Group Voluntary benefits;
    - c. Section 125 Flexible Spending Account Administration;
    - d. COBRA Continuation of Coverage Administration; and
    - e. Any other benefit requested by the City.

- D. C-CBS will manage the competitive proposal and when necessary the competitive bid process by providing the following:
1. Provide a sample letter to current carriers/administrators to release data to C-CBS.
  2. Prepare HIPAA Business Associate Agreement(s) and other documents necessary under the HIPAA Privacy Rule to allow access by the Client and their designees to access, use, and disclose (PHI).
  3. Provide sample initial and second postings for designated paper.
  4. Collect and organize the data into a format conducive to receiving responses for inclusion in the competitive bids and/or competitive proposals.
  5. C-CBS understands and treats all personal medical information in compliance with the requirements of HIPAA. All employees are assigned a unique identifier so that information used in the Request for Proposal and in presentation is de-identified to insure complete confidentiality.
  6. Work with the Purchasing Agent to distribute the specifications to:
    - a. Vendors that have requested to be on the client's vendor list for employee benefits or benefit administration services;
    - b. A list of known qualified potential offerors for the employee benefits or services being requested; and
  7. Make the specifications available in an electronic format.
  8. Respond to all questions and clarifications of the bid specifications;
  9. Respond to requests for additional information;
  10. Prepare and distribute any addendum that may be required;
  11. Secure from all proposers confirmation of their proposal; and
  12. Where permissible negotiate the most favorable terms and conditions for our clients.

F. C-CBS will:

1. Prepare a spreadsheet analysis of bids/proposals/offers received so that a direct comparison can be made;
2. Where permissible enter into negotiations with qualified vendors to secure the most advantageous contract for our client;
3. Prepare a narrative, with recommendations, discussing the bids/proposals/offers and various options under consideration;
4. Assist staff and governing body in conducting finalist interviews; and
5. Make presentations and answer staff and governing body questions on the recommendations.

G. Upon completion of the procurement process C-CBS will:

1. Notify all proposers of the client's decision;
2. If necessary, develop and monitor a transition plan to a new carrier or administrator so that there is no disruption of employee benefits;
3. Review insurance policies and/or administrative service agreements to verify that they are consistent with bid/proposal responses;
4. Review employee benefits administration procedures and if necessary make recommendations to provide for efficient administration with current or new carriers or administrators;
5. Coordinate between new carriers and/or administrators and the client, enrollment of employee benefit programs;

6. Assist in the development of materials to communicate to employees any benefit changes;
7. Assist with employee education and enrollment meetings;
8. Monitor the performance of such insurance carrier, third party administrator, and other professional vendors and any other pertinent vendors;
9. Review with client quarterly reports, including claims management and financial reporting, Plan performance and provide the client an accurate and timely assessment of such reports;
10. Assist in resolving claims and or services issues with various client departments and or insurance carrier, third party administrator, managed care providers, and other related professional vendors;
11. Monitor state and federal regulatory changes that might impact the client and as necessary provide the client with recommendations for regulatory compliance; and
12. Maintain a vision to the future for cost effective products and or services as may be necessary or appropriate

H. In subsequent years if the client does not wish to enter a comprehensive bid or proposal process, C-CBS will perform the before mentioned services and negotiate the most favorable renewals possible with current vendor(s).

I. During the term of the engagement C-CBS will maintain \$3,000,000 Errors and Omissions coverage.

**Agenda Item:**  
**(Staff)**

- 2C. Authorize the city manager to execute a change order to increase the construction contract with Nelson Lewis, Inc. for the construction of the Harper Road utility extension project from \$2,520,564.40 to \$2,703,592.40 for extending water and sewer mains to the west side of Harper Road.



As part of the September 2010 Budget Amendment, Council authorized an additional \$202,395.72 from previous year bond sales to be added into this project to cover unanticipated project changes as well as provide for a scope change to stub water and sewer to the west side of Harper Road (RM 783) for the purpose of additional economic development opportunities.

The proposed alignment for the extension of water & sewer mains to the west side of RM 783 would be from the intersection of Town Creek Road and Old Harper Road; thence, along Old Harper Road to its intersection with RM 783; thence, across RM 783 via bores to the west side of the RM 783 R.O.W.

Staff received an \$178,387.00 change order from the Contractor for this proposed work; however, the proposed extensions were for 8" water & wastewater mains. Staff requested the contractor to submit a price to upgrade the water main to 12". The Contractor has revised their change order on this item to include the 12" water main at an additional cost of approximately \$5,000.00 bringing the total change order cost to \$183,028.00. Staff has run preliminary fire flow models on the water main upgrade and has determined that the fire flow could be increased by as much as 900-gpm (from 1,800-gpm to 2,700-gpm) by upgrading the water main from an 8" to a 12" main.

#### **RECOMMENDED ACTION**

The Director of Engineering recommends that Council authorize the City Manager to increase the City's construction contract with Nelson Lewis, Inc. for the construction of the Harper Road Utility Extension Project from \$2,520,564.40 to \$2,703,592.40 for the purpose of extending water and wastewater mains to the west side of RM 783.

HARPER ROAD UTILITY EXTENSION  
 CHANGE ORDER NO 7 - OLD HARPER ROAD EXTENSION

5/5/2011

ITEM #	DESCRIPTION	QTY.	UNIT	UNIT PRICE	TOTAL PRICE
<b>PART 1-WATER SYSTEMS</b>					
1	12" pvc c900 cl200 sdr14 w/ 24" steel casing by b	66	LF	\$ 100.00	\$ 6,600.00
2	24" Bore with City-Supplied Steel Casing	66	LF	\$ 300.00	\$ 19,800.00
3	12" pvc c900 l200 sdr14 w/ open cut	430	LF	\$ 34.00	\$ 14,620.00
4	6" dip fire hydrant lead, open cut	15	LF	\$ 50.00	\$ 750.00
5	Automatic air/vacuum release valve in mh	1	EA	\$ 1,500.00	\$ 1,500.00
6	12" gate valve & box	7	EA	\$ 2,200.00	\$ 15,400.00
7	6" gate valve & box	1	EA	\$ 1,100.00	\$ 1,100.00
8	Fire Hydrant incl. 4'x4'x6' concrete pad, etc	1	EA	\$ 4,000.00	\$ 4,000.00
9	1" Water Service	1	EA	\$ 1,100.00	\$ 1,100.00
10	Misc. fittings	0.5	TON	\$ 5,000.00	\$ 2,500.00
11	Trench safety system	416	LF	\$ 1.00	\$ 416.00
	<b>TOTAL WATER SYSTEMS</b>				<b>\$ 67,786.00</b>
<b>PART 2-WASTEWATER SYSTEMS</b>					
1	8" pvc astm d-3034 dr26 wwl in 24" casing	133	LF	\$ 120.00	\$ 15,960.00
2	24" Bore with City-Supplied Steel Casing	133	LF	\$ 300.00	\$ 39,900.00
3	8" pvc astm d3034 dr26 wwl 6'-10'	405	LF	\$ 40.00	\$ 16,200.00
4	6" wastewater services	120	LF	\$ 55.00	\$ 6,600.00
5	Two way cleanouts	2	EA	\$ 950.00	\$ 1,900.00
6	48" ww manhole up to 6' depths	4	EA	\$ 3,500.00	\$ 14,000.00
7	Extra depth manhole (>6') per vertical foot	31	VF	\$ 200.00	\$ 6,200.00
8	Trench safety system	405	LF	\$ 12.00	\$ 4,860.00
	<b>TOTAL WASTEWATER</b>				<b>\$ 105,620.00</b>
<b>PART 3-MISC ITEMS</b>					
1	Type I pavement trench repair	56	LF	\$ 37.00	\$ 2,072.00
2	Filter fabric fence	300	LF	\$ 3.00	\$ 900.00
3	Traffic control & regulation	1	LS	\$ 5,500.00	\$ 5,500.00
4	Seeding for erosion control	850	SY	\$ 0.40	\$ 340.00
5	Sewer main television inspection (all sizes)	405	LF	\$ 2.00	\$ 810.00
	<b>TOTAL MISC. ITEMS</b>				<b>\$ 9,622.00</b>
	<b>TOTAL</b>				<b>\$ 183,028.00</b>

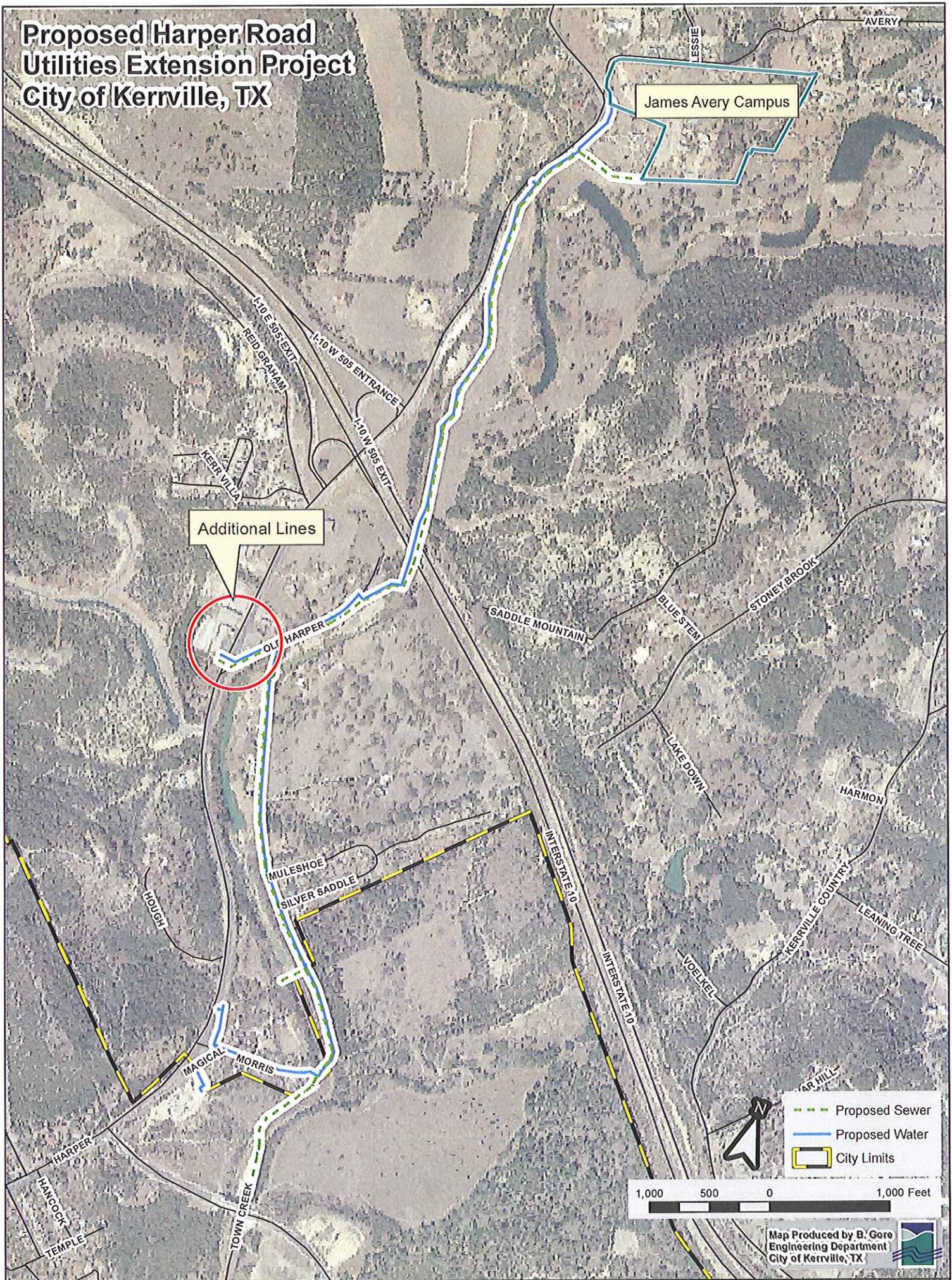
NOTE: THESE PRICES DO NOT INCLUDE CASING PIPE - ASSUME CASING SUPPLIED BY CITY OF KERRVILLE

PREVIOUS CHANGE ORDERS	\$101,119.80
AMOUNT OF THIS CHANGE ORDER	\$183,028.00
TOTAL CHANGE ORDERS	\$284,147.80

APPROVED:  
 CITY OF KERRVILLE  
 BY \_\_\_\_\_  
 TITLE \_\_\_\_\_  
 DATE \_\_\_\_\_

APPROVED  
 NELSON LEWIS INC  
 BY *Nelson Lewis*  
 TITLE *Project Manager*  
 DATE *5.5.11*

# Proposed Harper Road Utilities Extension Project City of Kerrville, TX



- Proposed Sewer
- Proposed Water
- City Limits

1,000 500 0 1,000 Feet

Map Produced by B. Gore  
Engineering Department  
City of Kerrville, TX

**Agenda Item:**  
**(Staff)**

- 2D. Resolution authorizing the submission of a grant application to the United States Department of Justice Office of Community Oriented Policing Services – COPS hiring program.

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

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**SUBJECT:** Approval of a grant application to U.S. Department of Justice Office of  
Community Oriented Policing Services- COPS Hiring Program  
**FOR AGENDA OF:** May 10, 2011                      **DATE SUBMITTED:** May 4, 2011

**SUBMITTED BY:** Chief John Young                      **CLEARANCES:** Todd Parton, City  
Manager

**EXHIBITS:** Resolution

**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>\$</b>	<b>\$</b>	<b>\$</b>	

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

---

**SUMMARY STATEMENT**

The Kerrville Police Department is submitting a grant application to the U.S. Department of Justice Office of Community Oriented Policing Services – COPS Hiring Program (CHP) requesting funding to hire two (2) law enforcement officers to fill our existing unfunded vacancies. Just over \$200 million in grant funding is available for the hiring or rehiring of career law enforcement officers.

FY 2011 CHP grants will provide 100 percent funding for approved entry-level salaries and benefits for three years (36 months) for newly-hired, full-time sworn officer positions (including filling existing unfunded vacancies) or for rehired officers who have been laid off, or are scheduled to be laid off on a specific future date, as a result of local budget cuts. There is no local match requirement or cap on the amount of funding that can be requested per officer position, but CHP grant funding will be based on your agency's current entry-level salary and fringe benefits packages. Any additional costs for higher than entry-level salaries and fringe benefits will be the responsibility of the grantee agency. All agencies' requests will be capped at no more than 5% of their actual sworn force strength reported at the time of application, up to a maximum of 50 officers. The request of any agency with a sworn force strength less than or equal to 20 will be capped at one officer.

Grantees must retain all sworn officer positions awarded under the CHP grant for a period of one year (12 months) following the conclusion of the 3 years (36 month) grant funding. The retained CHP-funded position(s) will be added to the grantee's law enforcement budget with local funds, over and above the number of locally-funded positions that would

have existed in the absence of the grant. Applications must be submitted online no later than 8:59PM EDT May 25, 2011.

**RECOMMENDED ACTION**

The Police Chief recommends council approve the grant application to U.S. Department of Justice Office of Community Oriented Policing Services – COPS Hiring Program for the funding to hire two (2) new law enforcement officers.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. \_\_\_\_\_-2011**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT  
APPLICATION TO THE UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES – COPS  
HIRING PROGRAM**

**WHEREAS**, the Kerrville Police Department (“KPD”) seeks authorization to submit a grant application to the United State Department of Justice Office of Community Oriented Policing Services – COPS Hiring Project (“CHP”) for funding to hire two (2) new law enforcement officers; and

**WHEREAS**, the City Council of the City of Kerrville, Texas finds it to be in the public interest to authorize KPD to submit a grant application to the CHP, for the purposes expressed above;

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

**SECTION ONE.** The City Council of the City of Kerrville, Texas, authorizes the submission to the United State Department of Justice Office of Community Oriented Policing Services – COPS Hiring Project, for funding to hire two (2) new law enforcement officers.

**SECTION TWO.** Pursuant to the grant application, the City agrees to return grant funds to the CHP in the event of loss or misuse of any grant funds.

**SECTION THREE.** The City designates the City’s Chief of Police as the City’s authorized official who is given the authority to apply, reject, alter, or terminate the grant on behalf of the City.

**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2011.**

\_\_\_\_\_  
David Wampler, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

## **Agenda Item:**

(Staff)

- 3A. An ordinance annexing multiple tracts of land along with and including adjacent and intervening public right-of-way; said area totaling approximately 278.4 acres and located adjacent to the corporate limits of the city of Kerrville, Texas, when considered as a whole; and being generally located beginning northeast of the intersection of Morris Road and Town Creek Road, continuing in a northerly direction across and including Interstate 10 as it passes between the existing city limits, then continuing north and terminating at the James Avery Craftsman Campus, located on the corner of Harper Road (RR 783) and Avery Road; specifically describing the area to be annexed; adopting a service plan for the area annexed; and establishing the zoning for the area annexed.

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

**SUBJECT:** Annexation and Zoning Ordinance, Second Reading – Consider a proposed annexation into the Kerrville City Limits of 278.4 acres of various properties, such properties being generally located near the Town Creek Road and Morris Road intersection, north along Town Creek Road, across and including Interstate 10, continuing north through undeveloped property and terminating at the south property line of the James Avery Craftsman Headquarters. (File No. 2011-06)

**FOR AGENDA OF:** May 10, 2011

**DATE SUBMITTED:** April 29, 2011

**SUBMITTED BY:** Gordon Browning

**CLEARANCES:** Kevin Coleman

**EXHIBITS:** Ordinance

**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 FINANCE DIRECTOR:**

**SUMMARY STATEMENT**

Annexation-Zoning Timeline:

- January 25, 2011 – City Council accepts annexation petitions from five (5) property owners as part of the Harper Road Utility Extension Project (116.55 acres) and instructs staff, in the public interest, to begin the annexation process on an additional 161.85 acres. (Resolution Nos. 004-2011 & 006-2011)
- February 18, 2011 – Written notice to affected property owners of the City initiated annexation and zoning mailed.
- February 23, 2011 – Notice of the required public hearing published in The Kerrville Daily Times.
- March 3, 2011 – Planning and Zoning Commission (P&Z) public hearing on proposed annexation and a recommendation of zoning designation to City Council.

- March 8, 2011 – City Council conducts the first required public hearing on the proposed annexation.
- March 10, 2011 – Notice of second required public hearing published in The Kerrville Daily Times and written notification to property owners, franchise utilities, Texas Department of Transportation (TxDOT) and the Kerrville Independent School District (KISD).
- March 22, 2011 – City Council conducts the second required public hearing on the proposed annexation.
- April 26, 2011 – City Council approves an ordinance on first reading annexing and zoning the subject property.
- May 10, 2011 – **City Council considers an ordinance on second and final reading annexing and zoning the subject property.**

#### Summary:

- City Council adopts Resolution No. 006-2011, granting the petition for annexation of 116.55 acres and Resolution 004-2011 initiating annexation of an additional 161.85 acres.
- The properties shown and described in the attachments are adjacent to the water and/or sewer extension currently under construction along Harper and Town Creek Roads. In exchange for utility connection the owners of the five (5) properties are requesting annexation and zoning of their respective properties. The additional 161.85 acres are being annexed and zoned to complete the project and to maintain connectivity to the City Limits. Utility connections to those properties will also be available where applicable.
- Staff recommends a zoning designation of R-1 (Single Family Residential) for the properties being annexed.
- The Planning and Zoning Commission at their March 3, 2011 meeting, following a public hearing, recommended annexing the subject tract with a zoning designation of R-1. The owner of 701 Town Creek asked the Commission to defer action for 60 days or until ownership of property was settled. No one else from the public appeared at the public hearing.
- All required public hearings have been held per state and local codes.

**RECOMMENDED ACTION**

Approve ordinance on second and final reading.

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2011-\_\_\_\_\_**

**AN ORDINANCE ANNEXING MULTIPLE TRACTS OF LAND ALONG WITH AND INCLUDING ADJACENT AND INTERVENING PUBLIC RIGHTS-OF-WAY; SAID AREA TOTALING APPROXIMATELY 278.4 ACRES AND LOCATED ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, WHEN CONSIDERED AS A WHOLE; AND BEING GENERALLY LOCATED BEGINNING NORTHEAST OF THE INTERSECTION OF MORRIS ROAD AND TOWN CREEK ROAD, CONTINUING IN A NORTHERLY DIRECTION ACROSS AND INCLUDING INTERSTATE 10 AS IT PASSES BETWEEN THE EXISTING CITY LIMITS, THEN CONTINUING NORTH AND TERMINATING AT THE JAMES AVERY CRAFTSMAN CAMPUS, LOCATED ON THE CORNER OF HARPER ROAD (RR 783) AND AVERY ROAD; SPECIFICALLY DESCRIBING THE AREA TO BE ANNEXED; ADOPTING A SERVICE PLAN FOR THE AREA ANNEXED; AND ESTABLISHING THE ZONING FOR THE AREA ANNEXED**

**WHEREAS**, Section 1.06 of the Charter for the City of Kerrville, Texas, and state law authorizes the City to annex territory subject to the procedures required by and limitations of state law; and

**WHEREAS**, pursuant to Texas Local Government Code Sections 43.028 and 43.052(h)(2), the owners of the properties indicated below have petitioned the City to annex their properties into the corporate limits of the City of Kerrville, Texas; and

**WHEREAS**, the City staff, pursuant to the authority granted by Resolution No. 004-2011, provided written notice of the City's intent to annex several properties in accordance with Section 43.062(b) of the Texas Local Government Code; and

**WHEREAS**, City staff, based upon generally accepted municipal planning principles and practices, recommends annexing the paved public roadways which lie adjacent to the properties which are the subject of the annexation petitions, to include the annexation of the entire width of the public roadways and the adjacent public rights-of-way in accordance with Section 43.106 of the Texas Local Government Code; and

**WHEREAS**, the proposed annexation will cause several areas to be entirely surrounded by the City's new boundaries, and thus, pursuant to Section 43.057 of the Texas Local Government Code, the City Council must make a finding that surrounding these areas is in the public interest; and

**WHEREAS**, in appropriate cases, the City made offers for a development agreement pursuant to Section 43.035 of the Texas Local Government Code; and

**WHEREAS**, having provided all required public notices, held all required public hearings at which people with an interest in the matter were provided an opportunity to be heard, and following all other procedures required by state law, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve an ordinance annexing the subject properties and public rights-of-way, adopt a service plan as required by state law, and establish zoning regulations for the areas;

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

**SECTION ONE.** The property which is the subject of a petition for annexation and including the adjacent right-of-way, all of which is more specifically described in **Exhibit A** and depicted in **Exhibit B**, is hereby annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes. The petition for annexation concerning this property is attached as **Exhibit C**.

**SECTION TWO.** The properties which are the subject of petitions for annexation and including the adjacent rights-of-way, all of which are more specifically described in **Exhibit D** and depicted in **Exhibit E**, are hereby annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes. The petitions for annexation concerning these properties are attached as **Exhibit F**.

**SECTION THREE.** The property and including the adjacent right-of-way, all of which is more specifically described in **Exhibit G** and depicted in **Exhibit H**, is hereby annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

**SECTION FOUR.** The property, consisting of Interstate 10 and its adjacent public right-of-way from and between the City's existing boundaries, which is more specifically described in **Exhibit I** and depicted in **Exhibit J**, is hereby annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

**SECTION FIVE.** The property subject of a petition for annexation, which is more specifically described in **Exhibit K** and depicted in **Exhibit L**, is hereby annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes. The petition for annexation concerning this property is attached as **Exhibit M**.

**SECTION SIX.** The City Council hereby finds that the annexations effectuated by adoption of this Ordinance will cause several areas to be entirely surrounded by the new boundaries of the City and that surrounding these areas is in the public interest.

**SECTION SEVEN.** The service plan regarding the provision of public services is attached as **Exhibit N** and is hereby adopted for the properties described above, as required by Section 43.056 of the Texas Local Government Code.

**SECTION EIGHT.** Upon the adoption of this Ordinance, the properties described above shall be subject to a zoning designation of "R-1", Single Family Residential District.

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

**SECTION ELEVEN.** The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-1-9 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 TWELVE.** In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), 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 THIRTEEN.** In accordance with Section 43.028(f) of the Texas Local Government Code, the City Secretary is directed to file a certified copy of this Ordinance together with a copy of the petitions requesting annexation with the Kerr County Clerk.

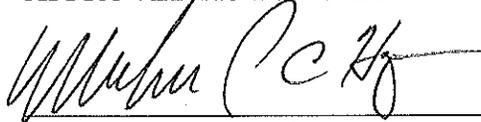
PASSED AND APPROVED ON FIRST READING, this the 26<sup>th</sup> day of April, A.D., 2011.

PASSED AND APPROVED ON SECOND READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2011.

\_\_\_\_\_  
David Wampler, Mayor

(signatures continue on next page)

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

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

FIELD NOTES DESCRIPTION FOR 11.52 ACRES OF THE  
LLOYD E. LEIFESTE LAND IN KERR COUNTY, TEXAS

Being all of a certain tract or parcel of land out of J. D. Leavell Survey No. 1862, Abstract No. 1435, in Kerr County, Texas; comprising parts of 0.62 acre conveyed as Tract No. One and 11.55 acres conveyed as Tract No. Two to Lloyd E. Leifeste, et ux, from Dorothy L. Warren by a Warranty Deed with Vendor's Lien executed the 16<sup>th</sup> day of December, 1980 and recorded in Volume 242 at Page 510 of the Deed Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses, adjoiner calls shown in brackets):

BEGINNING at a ½" iron stake found in the occupied northeast right-of-way line of Town Creek Road, a public road, for the most easterly corner of the herein described tract and said 11.55 acres, in the northwest line of 279.027 acres conveyed as Tract I to Town Creek Companies, LLC from THR Corporation by a Warranty Deed with Vendor's Lien executed the 15<sup>th</sup> day of December, 1998 and recorded in Volume 986 at Page 778 of the Real Property Records of Kerr County, Texas;

THENCE, with the common line between said 11.55 acres and said 279.027 acres, S.45°19'40"W. (S.46°W.) 100.46 ft. to a ½" iron stake found at the north corner of 3.70 acres conveyed to Harvey Ray Youngblood from Harvey Ray Youngblood, Successor Trustee by a Distribution Deed of Trustee executed the 22<sup>nd</sup> day of August, 2001 and recorded in Volume 1163 at Page 832 of the Real Property Records of Kerr County, Texas;

THENCE, with the northwest line of said 3.70 acres, S.45°34'45"W. (S.46°W.), with the southeast line of said 11.55 acres, at 50.30 ft. passing a fence endpost, then generally along a fence, at 500.4 ft. passing the easterly common corner of said 11.55 acres and said 0.62 acre, then with the southeast line of said 0.62 acre for a total distance of 682.20 ft. to a cornerpost for the south corner of the herein described tract and said 0.62 acre, the west corner of said 3.70 acres, in the northeast right-of-way line of State F. M. Highway No. 783, also known as Harper Road;

THENCE, with the southwest line of said 0.62 acre, the northeast right-of-way line of said State F. M. Highway No. 783, N.10°05'43"W. (N.10°15'W.) 14.41 ft. to a "P-K" nail set at the beginning of a 03°36'29" curve concave to the west having a radius of 1588.16 ft. (1588.16 ft.), at the south corner of 0.519 acre conveyed to the State of Texas from Hilary D. Mahin by a Deed executed the 17<sup>th</sup> day of November, 1966 and recorded in Volume 126 at Page 405 of the Deed Records of Kerr County, Texas;

THENCE, generally along a fence, upon, over and across said 0.62 acre and said 11.55 acres, with the northeast line of said 0.519 acre, continuing with the northeast right-of-way line of said State F. M. Highway No. 783: 250.79 ft. (252.8 ft.) with an arc of said 03°36'29" curve subtended by a central angle of 09°02'52" [long chord = N.06°04'07"W. 250.53 ft.] to a concrete right-of-way marker at its end; N.10°35'33"W. 282.80 ft. (N.10°28'W. 285.7 ft.) to a concrete right-of-way marker found at the beginning of a 03°50'09" curve concave to the west having a radius of 1493.82 ft. (1492.69 ft.); 656.71 ft. (656.4 ft.) with an arc of said 03°50'09" curve subtended by a central angle of 25°11'17" [long chord = N.23°11'12"W. 651.43 ft.] to its end, from which a found concrete right-of-way marker bears 2.10 ft. S.35°46'51"E.; and N.35°46'51"W. 78.72 ft. (N.35°40'W. 78.8 ft.) to the west corner of the herein described tract and said 11.55 acres, the south corner of 6.96 acres conveyed to Thomas R. Taylor, et al, from Cynthia Page Bristol by a Warranty Deed with Vendor's Lien executed the 12<sup>th</sup> day of November, 2004 and recorded in Volume 1396 at Page 218 of the Real Property Records of Kerr County, Texas;

THENCE, generally along a fence with the common line between said 11.55 acres and said 6.96 acres, N.55°58'33"E. 273.63 ft. [N.55°53'04"E. 274.63 ft.] to a three-way cornerpost marked with a found ½" iron stake at the east corner of said 6.96 acres in the southwest right-of-way line of said Town Creek Road;

THENCE, with the northwest line of said 11.55 acres, N.56°58'33"E. (N.56°35'E.), at approximately 26.4 ft. passing the southwest line of 2.00 acres conveyed to Elizabeth Nottingham from Clayson H. Lambert by a Warranty Deed executed the 18<sup>th</sup> day of October, 2005 and recorded in Volume 1476 at Page 665 of the Real Property Records of Kerr County, Texas, then upon, over and across said 2.00 acres for a total distance of 43.37 ft. to the north corner of the herein described tract and said 11.55 acres;

THENCE, with the northeast line of said 11.55 acres, continuing upon, over and across said 2.00 acres, S.26°48'04"E., at 25.2 ft. passing a fence anglepost in the occupied northeast right-of-way line of said Town Creek Road, then along a fence with the occupied northeast right-of-way line of said Town Creek Road for a total distance of 65.85 ft. to a ½" iron stake found in the southwest line of said 2.00 acres;

THENCE, along a fence with the common line between said 11.55 acres and said 2.00 acres, the occupied northeast right-of-way line of said Town Creek Road, S.26°48'04"E. 43.65 ft. [S.26°25'12"E. 43.68 ft.] to a ½" iron stake found at a cornerpost at the south corner of said 2.00 acres, the west corner of Lot No. 1 in Block No. 3 of Horseshoe Oaks, a subdivision of record in Volume 4 at Page 152 of the Plat Records of Kerr County, Texas;

THENCE, with the common line between said 11.55 acres and said Horseshoe Oaks, the northeast right-of-way line of said Town Creek Road: with the southwest line of said Lot No. 1 in Block No. 3, S.28°37'33"E. 95.22 ft. [S.28°16'E. 95.21 ft.] to an unmarked point; and S.39°56'41"E., at 12.19 ft. [12.19 ft.] passing a ½" iron stake found for reference at the south corner of said Lot No. 1 in Block No. 3, then continuing for a total distance of 456.07 ft. [S.39°52'E. 456.37 ft.] to a ½" iron stake found at the south corner of Lot No. 1, Block No. 1;

THENCE, with the northeast line of said 11.55 acres, the occupied northeast right-of-way line of said Town Creek Road, S.26°58'28"E. 3.32 ft. to a ½" iron stake found at the west corner of 21.00 acres conveyed to Town Creek Companies, LLC from Durwood A. Merritt by a Warranty Deed executed the 15<sup>th</sup> day of April, 2004 and recorded in Volume 1348 at Page 552 of the Real Property Records of Kerr County, Texas;

THENCE, with the common line between said 11.55 acres and said 21.00 acres, the northeast right-of-way line of said Town Creek Road: S.40°29'18"E. 44.79 ft. [S.40°48'37"E. 44.54 ft.] to a ½" iron stake found at the base of a tree; and generally along a fence, S.44°32'47"E. 372.17 ft. [S.44°31'03"E. 372.67 ft.] to the PLACE OF BEGINNING containing 11.52 acres of land, more or less, within these metes and bounds.

I hereby certify that these field notes and accompanying plat are accurate descriptions of the property contained therein as determined by a survey made on the ground under my direction and supervision, and that all property corners are marked as stated. (Bearing basis = True north based on GPS observations)

Date surveyed: May 14, 2007 – July 28, 2008  
June 2, 2009; December 7, 2010

Dated this 15<sup>th</sup> day of December, 2010



Don W. Voelkel  
Registered Professional Land Surveyor No. 3990





PETITION REQUESTING ANNEXATION INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, OF 11.52 ACRES OUT OF THE J.D. Leavell Survey, Abstract Number 1435, KERR COUNTY TEXAS

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF KERRVILLE, TEXAS:

Lloyd Leifeste is the sole owner of an approximately 11.52 acre tract of land located adjacent to the incorporated limits of the City of Kerrville which is out of the Survey No. 1862, Abstract No. 1435 Kerr County, Texas, and is more particularly described as follows:

SEE EXHIBITS "A" and "B" attached hereto.

The above-described property is (a) less than one-mile in width, (b) contiguous to the incorporate limits of the City of Kerrville, Texas, and (c) presently vacant and without residents or on which fewer than three qualified voters reside.

In accordance with Texas Local Government Code §43.028, Lloyd Leifeste hereby requests and petitions that the above-described property be annexed into the incorporated limits of the City of Kerrville, Texas.

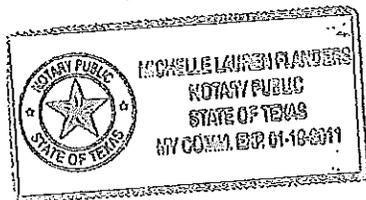
SUBMITTED THIS 5<sup>th</sup> day of January 2011.

By: Lloyd Leifeste  
Name: Lloyd Leifeste  
Title: Owner

ACKNOWLEDGEMENTS

THE STATE OF TEXAS       §  
  §  
COUNTY OF KERR         §

This instrument was acknowledged before me on the 5<sup>th</sup> day of January, 2011, by Lloyd Leifeste.



Michelle Flanders  
NOTARY PUBLIC, STATE OF TEXAS  
Printed Name: Michelle Flanders  
My Commission Expires: 1-18-2011

PARCEL NO. 8:

FIELD NOTES DESCRIPTION FOR A VARIABLE WIDTH  
UTILITY EASEMENT ACROSS PART OF THE HORACE  
LAMBERT LAND (IN KERR COUNTY, TEXAS)

Being all of a certain strip, tract or parcel of land out of Jesus Hernandez Survey No. 548, Abstract No. 189, in Kerr County, Texas; part of 20 acres conveyed to Horace C. Lambert, et ux, from George D. Messimer, et ux, by a Warranty Deed with Vendor's Lien executed the 7<sup>th</sup> day of August, 1972 and recorded in Volume 157 at Page 594 of the Deed Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses):

BEGINNING at a "P-K" nail set in the approximate center of Town Creek Road in the southwest line of said 20 acres for the northwest corner of the herein described tract, the westerly southwest corner of 3.542 acres platted as The Elms Subdivision, of record in Volume 6 at Page 103 of the Plat Records of Kerr County, Texas; from which a nail found at the northwest corner of said 20 acres bears 32.30 ft. N.21°06'40"W.;

THENCE, upon, over and across said 20 acres with the south line of said 3.542 acres, N.52°51'45"E. (N.51°00'E.) 21.70 ft. to a "P-K" nail set for the northeast corner of the herein described tract, from which a fence endpost bears 4.0 ft. N.11°38'47"W.;

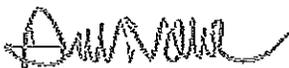
THENCE, continuing upon, over and across said 20 acres, northeast of and generally parallel with a fence: S.19°32'09"E. 31.48 ft. to a set 1/2" iron stake; S.21°56'17"E. 163.52 ft. to a set 1/2" iron stake; and S.26°53'15"E. 68.32 ft. to a 1/2" iron stake set for the southeast corner of the herein described tract, in the north line of 2.00 acres conveyed to Elizabeth Nottingham from Clayton H. Lambert by a Warranty Deed executed the 18<sup>th</sup> day of October, 2005 and recorded in Volume 1476 at Page 665 of the Real Property Records of Kerr County, Texas;

THENCE, continuing upon, over and across said 20 acres with the north line of said 2.00 acres, S.53°09'02"W. (S.53°25'25"W.), at approximately 5 ft., crossing a fence, then continuing for a total distance of 20.31 ft. to a "P-K" nail found in the approximate center of Town Creek Road for the southwest corner of the herein described tract, the northwest corner of said 2.00 acres, in the southwest line of said 20 acres;

THENCE, along the approximate centerline of said Town Creek Road with the southwest line of said 2.00 acres; N.26°53'15"W. (N.26°37'W.) 72.73 ft. to a set "P-K" nail; N.21°56'15"W. 164.50 ft. (N.21°40'W. 164.5') to a set "P-K" nail; and N.21°06'40"W. (N.15°18'W.) 25.32 ft. to the PLACE OF BEGINNING containing 0.12 acre of land, more or less, within these metes and bounds.

I hereby certify that these field notes and accompanying plat are accurate descriptions of the property contained therein as determined by a survey made on the ground under my direction and supervision, and that all property corners are marked as stated. (Bearing basis = True north based on GPS observations)

Date surveyed: May 14, 2007 - July 28, 2008

Dated this 30<sup>th</sup> day of September, 2008


Don W. Voelkel  
Registered Professional Land Surveyor No. 3990



PARCEL NO. 7:

FIELD NOTES DESCRIPTION FOR A VARIABLE WIDTH  
UTILITY EASEMENT ACROSS PART OF THE ELIZABETH  
NOTTINGHAM LAND IN KERR COUNTY, TEXAS

Being all of a certain strip, tract or parcel of land out of Jesus Hernandez Survey No. 548, Abstract No. 189, in Kerr County, Texas; part of 2.00 acres conveyed to Elizabeth Nottingham from Clayson H. Lambert by a Warranty Deed executed the 18<sup>th</sup> day of October, 2005 and recorded in Volume 1476 at Page 665 of the Real Property Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses):

BEGINNING at a 1/2" iron stake found in a fence along the northeast right-of-way line of Town Creek Road for the southeast corner of the herein described tract in the southwest line of said 2.00 acres, which point bears 43.65 ft. N.26°48'04"W. (43.68 ft. N.26°25'12"W.) from a 1/2" iron stake found at the southwest corner of said 2.00 acres;

THENCE, with the southwest line of said 2.00 acres: N.45°32'02"W. 52.30 ft. (N.45°15'25"W. 52.41 ft.) to a "P-K" nail found in the approximate centerline of said Town Creek Road; and along the approximate centerline of said Town Creek Road, N.26°53'15"W. 157.27 ft. (N.26°36'52"W. 157.20 ft.) to a "P-K" nail found at the northwest corner of said 2.00 acres, a southerly corner of the remainder of 20 acres conveyed to Horace C. Lambert, et ux, from George D. Messimer, et ux, by a Warranty Deed with Vendor's Lien executed the 7<sup>th</sup> day of August, 1972 and recorded in Volume 157 at Page 594 of the Deed Records of Kerr County, Texas;

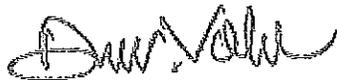
THENCE, with the common line between said 2.00 acres and the remainder of said 20 acres, N.53°09'02"E. (N.53°25'25"E.), at approximately 15 ft. crossing a fence, then continuing for a total distance of 20.31 ft. to a 1/2" iron stake set for the northeast corner of the herein described tract;

THENCE, upon, over and across said 2.00 acres: S.26°53'15"E., northeast of and generally parallel with said fence, at approximately 100 ft. crossing said fence, then southwest of and generally parallel with said fence, at approximately 150 ft. crossing said fence, then northeast of and diverging from said fence for a total distance of 160.79 ft. to a set 1/2" iron stake; and northeast of and converging with said fence, S.23°06'05"E. 49.66 ft. to the PLACE OF BEGINNING containing 0.08 acre of land, more or less, within these metes and bounds.

I hereby certify that these field notes and accompanying plat are accurate descriptions of the property contained therein as determined by a survey made on the ground under my direction and supervision, and that all property corners are marked as stated. (Bearing basis = True north based on GPS observations)

Date surveyed: May 14, 2007 – July 28, 2008

Dated this 30<sup>th</sup> day of September, 2008



Don W. Voelkel  
Registered Professional Land Surveyor No. 3990



PARCEL NO. 28;

FIELD NOTES DESCRIPTION FOR A VARIABLE WIDTH  
UTILITY EASEMENT ACROSS PART OF THE ELMS  
SUBDIVISION IN KERR COUNTY, TEXAS

Being all of a certain strip, tract or parcel of land out of Jesus Hernandez Survey No. 548, Abstract No. 189, in Kerr County, Texas; part of 3.542 acres platted as The Elms Subdivision, of record in Volume 6 at Page 103 of the Plat Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses):

BEGINNING at a nail found in the approximate center of Town Creek Road for the west corner of the herein described tract and said 3.542 acres, the southwest corner of 49.97 acres conveyed to Edwin D. Higgins, et al, from Lee Roy Kleypas by a Warranty Deed with Vendor's Lien executed the 28<sup>th</sup> day of June, 1996 and recorded in Volume 857 at Page 33 of the Real Property Records of Kerr County, Texas;

THENCE, with the common line between said 3.542 acres and said 49.97 acres, N.52°51'45" E. (N.53°00' E.) 22.63 ft. to a 1/2" iron stake set for the north corner of the herein described tract;

THENCE, upon, over and across said 3.542 acres, S. 19°32'09" E. 32.57 ft. to a "P-K" nail set for the east corner of the herein described tract in the southeast line of said 3.542 acres, the northwest line of the remainder of 20 acres conveyed to Horace C. Lambert, et ux, from George D. Messimer, et ux, by a Warranty Deed with Vendor's Lien executed the 7<sup>th</sup> day of August, 1972 and recorded in Volume 157 at Page 594 of the Deed Records of Kerr County, Texas;

THENCE, with the southeast line of said 3.542 acres, the northwest line of the remainder of said 20 acres, S.52°33'45" W. (S.53°00' W.) 21.70 ft. to a "P-K" nail set in the approximate center of said Town Creek Road for the south corner of the herein described tract, the westerly south corner of said 3.542 acres;

THENCE, along the approximate centerline of said Town Creek Road with the southwest line of said 3.542 acres, N.21°06'40" W. (N.15°16' W.) 32.30 ft. to the PLACE OF BEGINNING containing 0.02 acre of land, more or less, within these metes and bounds.

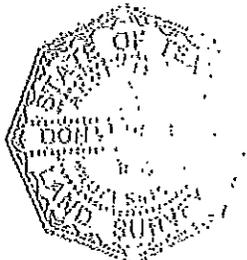
I hereby certify that these field notes and accompanying plat are accurate descriptions of the property contained therein as determined by a survey made on the ground under my direction and supervision, and that all property corners are marked as stated. (Bearing basis = True north based on GPS observations)

Date surveyed: May 14, 2007 - July 28, 2008

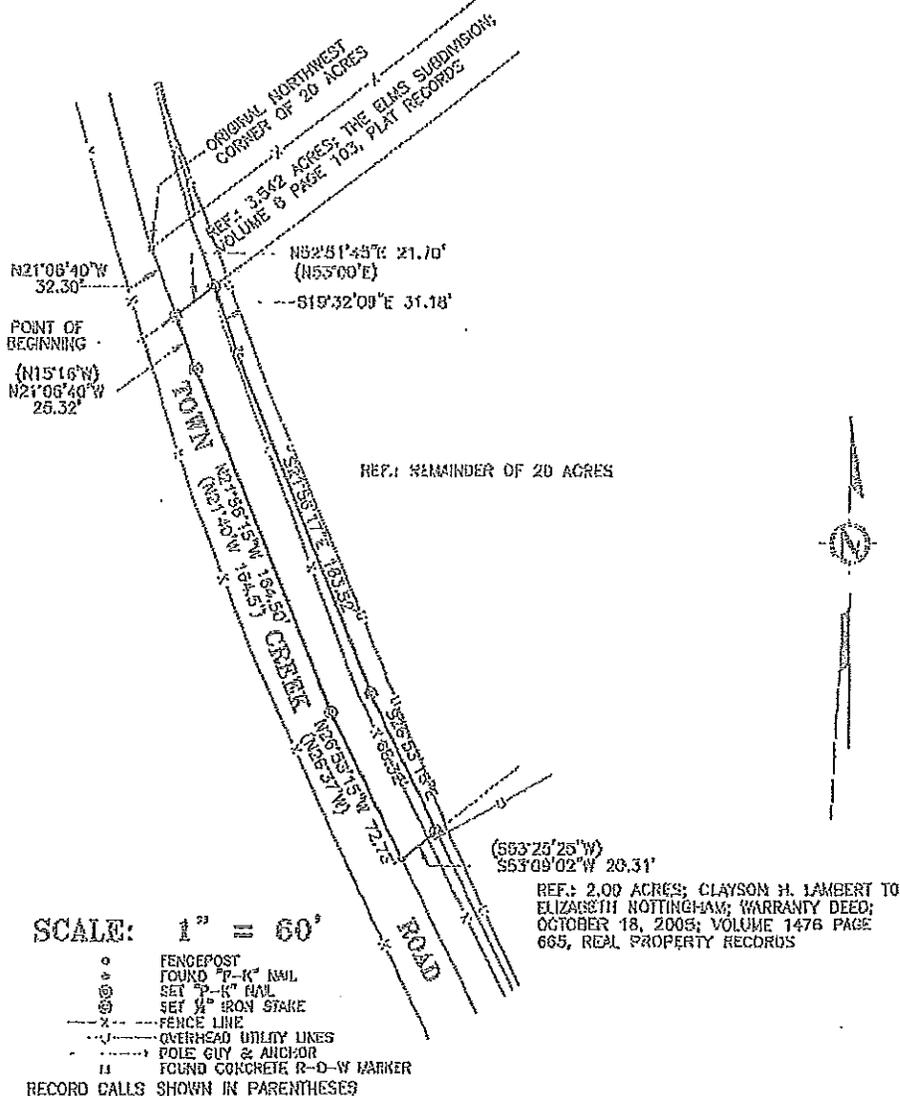
Dated this 30<sup>th</sup> day of September, 2008

*Don W. Voelkel*

Don W. Voelkel  
Registered Professional Land Surveyor No. 3990



SURVEY PLAT FOR 0.12 ACRE OF LAND, MORE OR LESS, OUT OF JESUS HERNANDEZ SURVEY NO. 548, ABSTRACT NO. 189, IN KERR COUNTY, TEXAS; BEING A VARIABLE WIDTH STRIP OF LAND OUT OF 20 ACRES CONVEYED TO HORACE C. LAMBERT, ET UX, FROM GEORGE D. MESSIMER, ET UX, BY A WARRANTY DEED WITH VENDOR'S LIEN EXECUTED THE 7TH DAY OF AUGUST, 1972 AND RECORDED IN VOLUME 157 AT PAGE 594 OF THE DEED RECORDS OF KERR COUNTY, TEXAS



SCALE: 1" = 60'

I hereby certify that this plat and accompanying field notes description are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, and that all property corners are marked as shown.  
(bearing basis = True north based on GPS observations)

Date surveyed: May 14, 2007 - July 28, 2008

Dated this 30th day of September, 2008

*Don W. Voelkel*

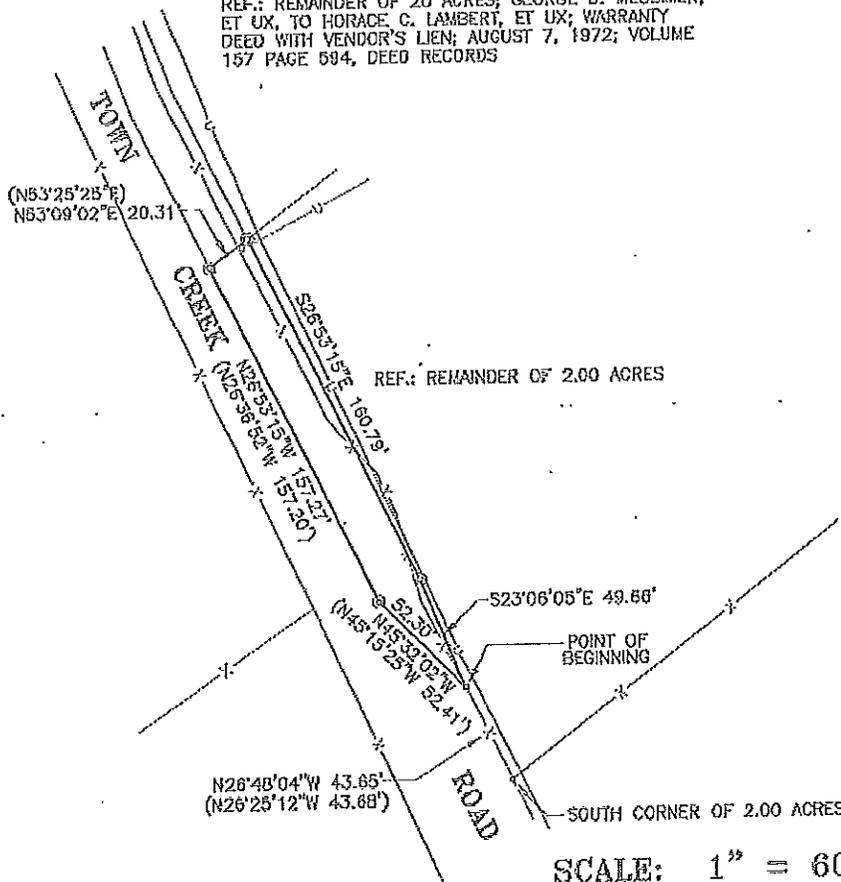
Don W. Voelkel  
Registered Professional Land Surveyor No. 3990  
Co/K.HarperRd.Utilities.Parcel\_B.dwg



SURVEY PLAT FOR 0.08 ACRE OF LAND, MORE OR LESS, OUT OF JESUS HERNANDEZ SURVEY NO. 548, ABSTRACT NO. 189, IN KERR COUNTY, TEXAS; BEING A VARIABLE WIDTH STRIP OF LAND OUT OF 2.00 ACRES CONVEYED TO ELIZABETH NOTTINGHAM FROM CLAYSON H. LAMBERT BY A WARRANTY DEED EXECUTED THE 18TH DAY OF OCTOBER, 2005 AND RECORDED IN VOLUME 1476 AT PAGE 665 OF THE REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS

EXHIBIT "B"

REF.: REMAINDER OF 20 ACRES; GEORGE D. MESSIMER, ET UX, TO HORACE C. LAMBERT, ET UX; WARRANTY DEED WITH VENDOR'S LIEN; AUGUST 7, 1972; VOLUME 157 PAGE 694, DEED RECORDS



REF.: REMAINDER OF 2.00 ACRES

SCALE: 1" = 60'

- FENCEPOST
  - ⊕ FOUND 1/2" IRON STAKE
  - ⊙ FOUND "P-X" NAIL
  - ⊗ SET 1/2" IRON STAKE
  - X--- FENCE LINE
  - U--- OVERHEAD UTILITY LINES
  - POLE GUY & ANCHOR
  - FOUND CONCRETE R-O-W MARKER
- RECORD CALLS SHOWN IN PARENTHESES

I hereby certify that this plat and accompanying field notes description are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, and that all property corners are marked as shown.  
(Bearing basis = True north based on GPS observations)

Date surveyed: May 14, 2007 - July 28, 2008

Dated this 30th day of September, 2008

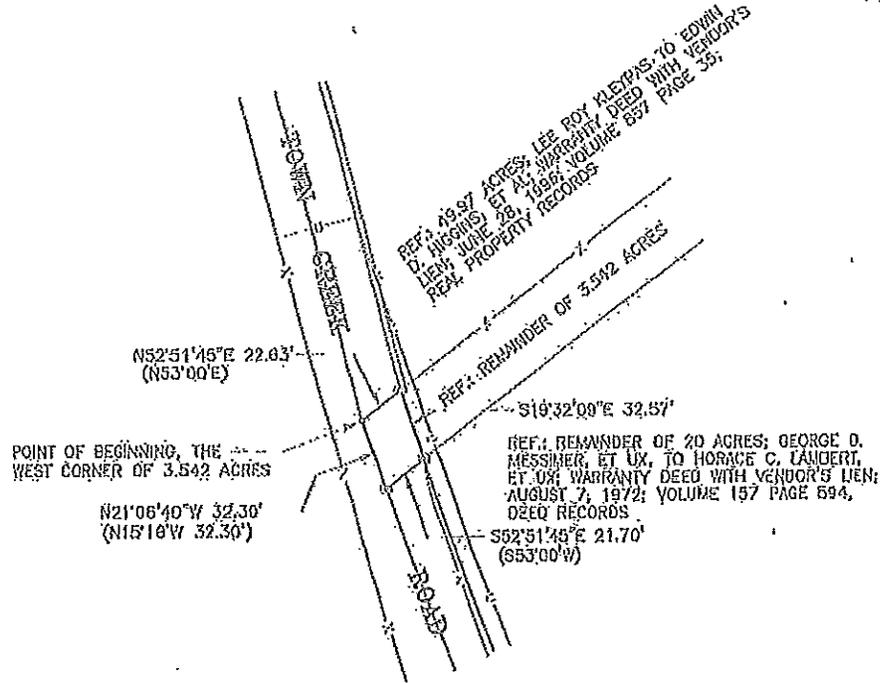
*Don W. Voelkel*

Don W. Voelkel  
Registered Professional Land Surveyor No. 3990  
CofK.HarperRd.Utilties.Parcel\_7.dwg



SURVEY PLAT FOR 0.02 ACRE OF LAND, MORE OR LESS, OUT OF JESUS HERNANDEZ SURVEY NO. 648, ABSTRACT NO. 189, IN KERR COUNTY, TEXAS; BEING A VARIABLE WIDTH STRIP OF LAND OUT OF 3.542 ACRES PLATTED AS THE ELMS SUBDIVISION, THE PLAT OF WHICH IS RECORDED IN VOLUME 6 AT PAGE 103 OF THE PLAT RECORDS OF KERR COUNTY, TEXAS

RECORDED 2008 SEP 28 10 52 AM



SCALE: 1" = 60'

- ⊙ FENCEPOST
  - ⊙ FOUND NAIL
  - ⊙ SET "P" & "M" NAIL
  - ⊙ SET "I" IRON STAKE
  - FENCE LINE
  - - - OVERHEAD UTILITY LINES
  - POLE GUY & ANCHOR
  - ⊙ FOUND CONCRETE R-O-W MARKER
- RECORD CALLS SHOWN IN PARENTHESES



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, and that all property corners are marked as shown.  
(bearing basis = True north based on GPS observations)

Date surveyed: May 14, 2007 - July 28, 2008

Dated this 30th day of September, 2008

*Don W. Volkel*

Don W. Volkel  
Registered Professional Land Surveyor No. 3990  
CoffK.HarperRd, Utilities, Parcel\_28.dwg



PETITION REQUESTING ANNEXATION INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, OF 0.12 ACRES OUT OF THE Jesus Hernandez Survey, Abstract Number 189, KERR COUNTY TEXAS

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF KERRVILLE, TEXAS:

, is the sole owner of an approximately 0.12 acre tract of land located adjacent to the incorporated limits of the City of Kerrville which is out of the Survey No. 548, Abstract No. 189 Kerr County, Texas, and is more particularly described as follows:

SEE EXHIBITS "A" and "B" attached hereto.

The above-described property is (a) less than one-mile in width, (b) contiguous to the incorporate limits of the City of Kerrville, Texas, and (c) presently vacant and without residents or on which fewer than three qualified voters reside.

In accordance with Texas Local Government Code §43.028, Suzanne Newell Dalton, Trustee of the Horace C. and Lavanaia Lambert Revocable Trust, hereby requests and petitions that the above-described property be annexed into the incorporated limits of the City of Kerrville, Texas.

SUBMITTED THIS 7<sup>th</sup> day of January, 2011.

By: Suzanne Newell Dalton  
Suzanne Newell Dalton,  
Trustee of the Horace C. and Lavanaia  
Lambert Revocable Trust

ACKNOWLEDGEMENTS

THE STATE OF NEBRASKA §  
§  
COUNTY OF DOUGLAS §

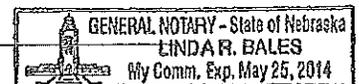
This instrument was acknowledged before me on the 7<sup>th</sup> day of January, 2011, by Suzanne Newell Dalton, Trustee of the Horace C. and Lavanaia Lambert Revocable Trust.

Linda R. Bales  
Notary Public, State of Nebraska

Printed Name: Linda R. Bales

My Commission Expires:

T:\Legal\DEVELOPMENT SERVICES (planning)\Annexation\Harper HWY WW Project\Lambert, Horace\Petition for Annexation\_031210.doc







THE STATE OF TEXAS

§  
§  
§

COUNTY OF KERR

This instrument was acknowledged before me on the 20<sup>th</sup> day of  
Jan., 2011, by Gabriella A. Badillo.



*Teri Reena Kinsey*  
NOTARY PUBLIC, STATE OF TEXAS

Printed Name: Teri Reena Kinsey

My Commission Expires: 9-24-13

FIELD NOTES DESCRIPTION FOR 53.89 ACRES OF LAND  
BETWEEN INTERSTATE HIGHWAY NO. 10 AND F. M.  
HIGHWAY NO. 783 IN KERR COUNTY, TEXAS

EXHIBIT " G "

Being all of a certain tract or parcel of land out of Jesus Hernandez Survey No. 548, Abstract No. 189, in Kerr County, Texas; comprising 1) all of 49.97 acres conveyed to Edwin D. Higgins, et al, from Lee Roy Kleypas by a Warranty Deed with Vendor's Lien executed the 28<sup>th</sup> day of June, 1996 and recorded in Volume 857 at Page 35, 2) all of 0.66 acre conveyed to Edwin D. Higgins, et al, from HLO Partners I, Ltd. by a Warranty Deed executed the 25<sup>th</sup> day of February, 1997 and recorded in Volume 888 at Page 582, 3) part of 1.15 acres conveyed to Kerrville Pentecostals, Inc. from HLO Partners I, Ltd. by a Warranty Deed with Vendor's Lien executed the 1<sup>st</sup> day of September, 2005 and recorded in Volume 1465 at Page 464, all three deeds recorded in the Real Property Records of Kerr County, Texas, 4) part of 7.87 acres conveyed to H. H. Hilburn, Jr., et ux, from E. O. Loudon, et ux, by a Warranty Deed with Vendor's Lien executed the 15<sup>th</sup> day of May, 1954 and recorded in Volume 96 at Page 286, 5) part of 9.645 acres conveyed to Clarence Hunter McShan from Robert Louis McShan by a Warranty Deed executed the 19<sup>th</sup> day of August, 1974 and recorded in Volume 174 at Page 718, both deeds recorded in the Deed Records of Kerr County, Texas, 6) part of the right-of-way of Town Creek Road, and 7) part of the right-of-way of "Old" Harper Road, in Kerr County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses):

BEGINNING at a nail found in the approximate centerline of said Town Creek Road for the south corner of said 49.97 acres, the northwest corner of a 3.542 acre lot of The Elms Subdivision, the plat of which is recorded in Volume 6 at Page 103 of the Plat Records of Kerr County, Texas;

THENCE, crossing said Town Creek Road, S.52°42'06"W. 15.99 ft. to the south corner of the herein described tract in a fence along the southwest right-of-way line of said Town Creek Road, the northeast line of 6.96 acres conveyed to Thomas R. Taylor, et al, from Cynthia Page Bristol by a Warranty Deed with Vendor's Lien executed the 12<sup>th</sup> day of November, 2004 and recorded in Volume 1396 at Page 218 of the Real Property Records of Kerr County, Texas;

THENCE, generally along a fence with the southwest right-of-way line of said Town Creek Road, the northeast line of 6.96 acres: N.17°00'43"W. (N.17°08'11"W.) 31.41 ft. to an anglepost; N.15°57'00"W. 120.17 ft. (N.16°00'06"W. 120.29 ft.) to a cornerpost at a gate opening; and N.15°31'08"W. 221.06 ft. (N.15°38'05"W. 221.11 ft.) to a 1/2" iron stake found at the northeast corner of said 6.96 acres, the southeast corner of 5.63 acres conveyed to John Maples from Bierschwale Credit and Lending Co. by a Special Warranty Deed executed the 20<sup>th</sup> day of July, 2005 and recorded in Volume 1452 at Page 864 of the Real Property Records of Kerr County, Texas;

THENCE, generally along a fence with the southwest right-of-way line of said Town Creek Road, the northeast line of said 5.63 acres: N.15°50'05"W. 271.46 ft. (N.15°35'52"W. 271.51 ft.); N.14°32'30"W. 378.06 ft. (N.14°18'18"W. 378.13 ft.); and N.03°54'11"W. 193.57 ft. (N.03°39'59"W. 193.61 ft.) to a 1/2" iron stake found for a reentrant corner of the herein described tract, the northeast corner of said 5.63 acres, at the intersection with the southeast right-of-way line of said "Old" Harper Road;

THENCE, generally along a fence with the southeast right-of-way line of said "Old" Harper Road, the northwest line of said 5.63 acres: S.52°55'06"W. 94.75 ft. (S.53°07'00"W. 94.62 ft.) to an anglepost; S.41°32'12"W. 124.30 ft. (S.41°41'45"W. 124.56 ft.) to an anglepost; S.30°31'16"W. 82.60 ft. (S.30°56'38"W. 82.41 ft.) to a found 1/2" iron stake; and S.24°05'58"W. 74.46 ft. (S.24°21'09"W. 74.39 ft.) to a 1/2" iron stake found at the northwest corner of said 5.63 acres, a northeast corner of said 9.645 acres;

THENCE, generally along a fence continuing with the southeast right-of-way line of said "Old" Harper Road, upon, over and across said 9.645 acres: S.20°02'58"W. 120.50 ft. to an anglepost; and S.16°19'26"W. 31.98 ft. to the intersection with the east right-of-way line of F. M. Highway No. 783, in a 03°05'49" curve concave to the east having a radius of 1850.21 ft. (1850.08 ft.);

VOELKEL

LAND SURVEYING, PLLC ♦ PHONE: 830-257-3313 ♦ 212 CLAY STREET, KERRVILLE, TEXAS 78028

R. 004-2011

THENCE, with the east right-of-way line of said F. M. Highway No. 783: 170.21 ft. with an arc of said  $03^{\circ}05'49''$  curve subtended by a central angle of  $05^{\circ}16'15''$  [long chord =  $N.02^{\circ}39'28''E.$  170.15 ft.] to its end; and  $N.05^{\circ}08'01''E.$  ( $N.05^{\circ}23'E.$ ) 72.70 ft. to a  $\frac{1}{2}''$  iron stake set at the intersection of the northwest right-of-way line of said "Old" Harper Road at the southwest corner of 0.34 acre conveyed to Wildman Ranch, Inc. from Art World Security, Inc. by a Warranty Deed executed the 10<sup>th</sup> day of January, 2000 and recorded in Volume 1046 at Page 647 of the Real Property Records of Kerr County, Texas;

THENCE, with the northwest right-of-way line of said "Old" Harper Road, the southeast line of said 0.34 acre:  $N.33^{\circ}32'50''E.$  98.71 ft. ( $N.33^{\circ}50'E.$  98.8 ft.); and  $N.43^{\circ}29'49''E.$  151.57 ft. ( $N.43^{\circ}47'E.$  151.7 ft.) to the northeast corner of said 0.34 acre, the southeast corner of 0.81 acre conveyed to Albert L. Grudzinski, et al, from Christopher Marc Sherron by a Warranty Deed with Vendor's Lien executed the 1<sup>st</sup> day of December, 2010 and recorded in Volume 1817 at Page 582 of the Official Public Records of Kerr County, Texas;

THENCE, continuing with the northwest right-of-way line of said "Old" Harper Road,  $N.47^{\circ}36'21''E.$ , with the southeast line of said 0.81 acre, at approximately 185.6 ft. passing a northwest corner of said 1.15 acres, then with the common line between said 0.81 acre and said 1.15 acres for a total distance of 220.98 ft. ( $N.47^{\circ}35'05''E.$  220.84 ft.) to a fence post at the northeast corner of said 0.81 acre, a reentrant corner of said 1.15 acres;

THENCE, continuing with the northwest right-of-way line of said "Old" Harper Road, upon, over and across said 1.15 acres,  $N.48^{\circ}16'16''E.$  95.71 ft. to a  $\frac{5}{8}''$  iron stake found in the northeast line of said 1.15 acres, the south corner of 2.917 acres conveyed to Rosa Lea Meek from Hubert W. Shaw, et ux, by a Warranty Deed with Vendor's Lien executed the 1<sup>st</sup> day of August, 1973 and recorded in Volume 165 at Page 763 of the Deed Records of Kerr County, Texas;

THENCE, continuing with the northwest right-of-way line of said "Old" Harper Road, the southeast line of said 2.917 acres,  $N.50^{\circ}04'30''E.$  167.71 ft. ( $N.48^{\circ}37'E.$  168.00 ft.) to a  $\frac{5}{8}''$  iron stake found at a fence cornerpost at the east corner of said 2.917 acres, the south corner of 3.73 acres conveyed as Tract No. Two to Rosa Lea Meek from R. Clay McBryde, et ux, by a Warranty Deed executed the 18<sup>th</sup> day of May, 1966 and recorded in Volume 124 at Page 87 of the Deed Records of Kerr County, Texas;

THENCE, along a fence, continuing with the northwest right-of-way line of said "Old" Harper Road, the southeast line of said 3.73 acres:  $N.51^{\circ}01'47''E.$  110.23 ft. ( $N.51^{\circ}32'06''E.$  110.53 ft.) to an anglepost;  $N.42^{\circ}47'42''E.$  50.61 ft. ( $N.43^{\circ}10'54''E.$  50.13 ft.) to an anglepost; and  $N.36^{\circ}10'35''E.$  113.79 ft. ( $N.35^{\circ}49'13''E.$  114.12 ft.) to a  $\frac{1}{2}''$  iron stake found at the east corner of said 3.73 acres, the southeast corner of 0.34 acre conveyed to Wesley Dewayne Skains from Stacey Lynn Skains by a Special Warranty Deed executed the 18<sup>th</sup> day of March, 2003 and recorded in Volume 1255 at Page 363 of the Real Property Records of Kerr County, Texas, in the south line of said 7.87 acres;

THENCE, continuing with the northwest right-of-way line of said "Old" Harper Road, the southeast line of said 0.34 acre, upon, over and across said 7.87 acres:  $N.25^{\circ}45'56''E.$  110.58 ft. ( $N.26^{\circ}45'E.$  110.7 ft.) to a set  $\frac{1}{2}''$  iron stake; and  $N.21^{\circ}00'56''E.$  24.97 ft. ( $N.22^{\circ}E.$  25 ft.) to a  $\frac{1}{2}''$  iron stake set at the northeast corner of said 0.34 acre;

THENCE, continuing with the northwest right-of-way line of said "Old" Harper Road, over and across said 7.87 acres:  $N.25^{\circ}05'53''E.$  43.90 ft. to a set  $\frac{1}{2}''$  iron stake;  $N.12^{\circ}49'12''E.$  138.31 ft. to a set  $\frac{1}{2}''$  iron stake; and  $N.03^{\circ}12'44''E.$  6.58 ft. to a fence post;

THENCE, continuing over and across said 7.87 acres:  $S.47^{\circ}29'20''E.$  120.19 ft. to a  $\frac{1}{2}''$  iron stake set for a reentrant corner of the herein described tract;  $N.42^{\circ}30'40''E.$  154.78 ft. to a set  $\frac{1}{2}''$  iron stake; and  $N.77^{\circ}24'54''E.$  68.15 ft. to a  $\frac{1}{2}''$  iron stake set in the common line between said 7.87 acres and said 49.97 acres;

THENCE, with the common line between said 49.97 acres and said 7.87 acres, N.00°44'22"E. (N.0°40'01"E.) 26.14 ft. to the north corner of said 49.97 acres, the southwest corner of 18.858 acres conveyed to the State of Texas from Woodrow W. Anderson, et ux, by a Deed executed the 21<sup>st</sup> day of March, 1968 and recorded in Volume 132 at Page 732 of the Deed Records of Kerr County, Texas, in the southwest right-of-way line of said Interstate Highway No. 10; which point bears 0.86 ft. S.00°44'22"W. from a found 1/2" iron stake;

THENCE, with the common line between said 49.97 acres and said 18.858 acres with the southwest right-of-way line of said Interstate Highway No. 10: S.48°36'43"E. 180.97 ft. (S.48°36'24"E. 181.50 ft.) to a found concrete right-of-way marker; S.57°01'18"E., at 99.2 ft. passing a fence cornerpost, then along a fence for a total distance of 505.58 ft. (S.57°07'15"E. 505.57 ft.) to a found concrete right-of-way marker; and along a fence, S.48°33'55"E. 761.03 ft. (S.48°36'24"E. 761.43 ft.) to a found concrete right-of-way marker and S.44°09'59"E. 329.46 ft. (S.44°12'28"E. 327.91 ft.) to a three-way cornerpost for the east corner of the herein described tract and said 49.97 acres, the north corner of 7.49 acres conveyed to David Badillo, et ux, from Horace C. Lambert, et ux, by a Warranty Deed executed the 8<sup>th</sup> day of October, 2004 and recorded in Volume 1389 at Page 843 of the Real Property Records of Kerr County, Texas;

THENCE, along a fence with the southeast line of said 49.97 acres: S.67°50'38"W., with the northwest line of said 7.49 acres, at 712.46 ft. passing the northerly common corner of said 7.49 acres and said 3.542 acre lot of The Elms Subdivision, then with the northwest line of said 3.542 acre lot for a total distance of 1507.08 ft. (S.67°44'14"W. 1507.51 ft.) to an anglepost; and continuing with the northwest line of said 3.542 acre lot, S.52°42'06"W. 600.64 ft. (S.52°39'03"W. 600.53 ft.) to the PLACE OF BEGINNING containing 53.89 acres of land, more or less, within these metes and bounds.

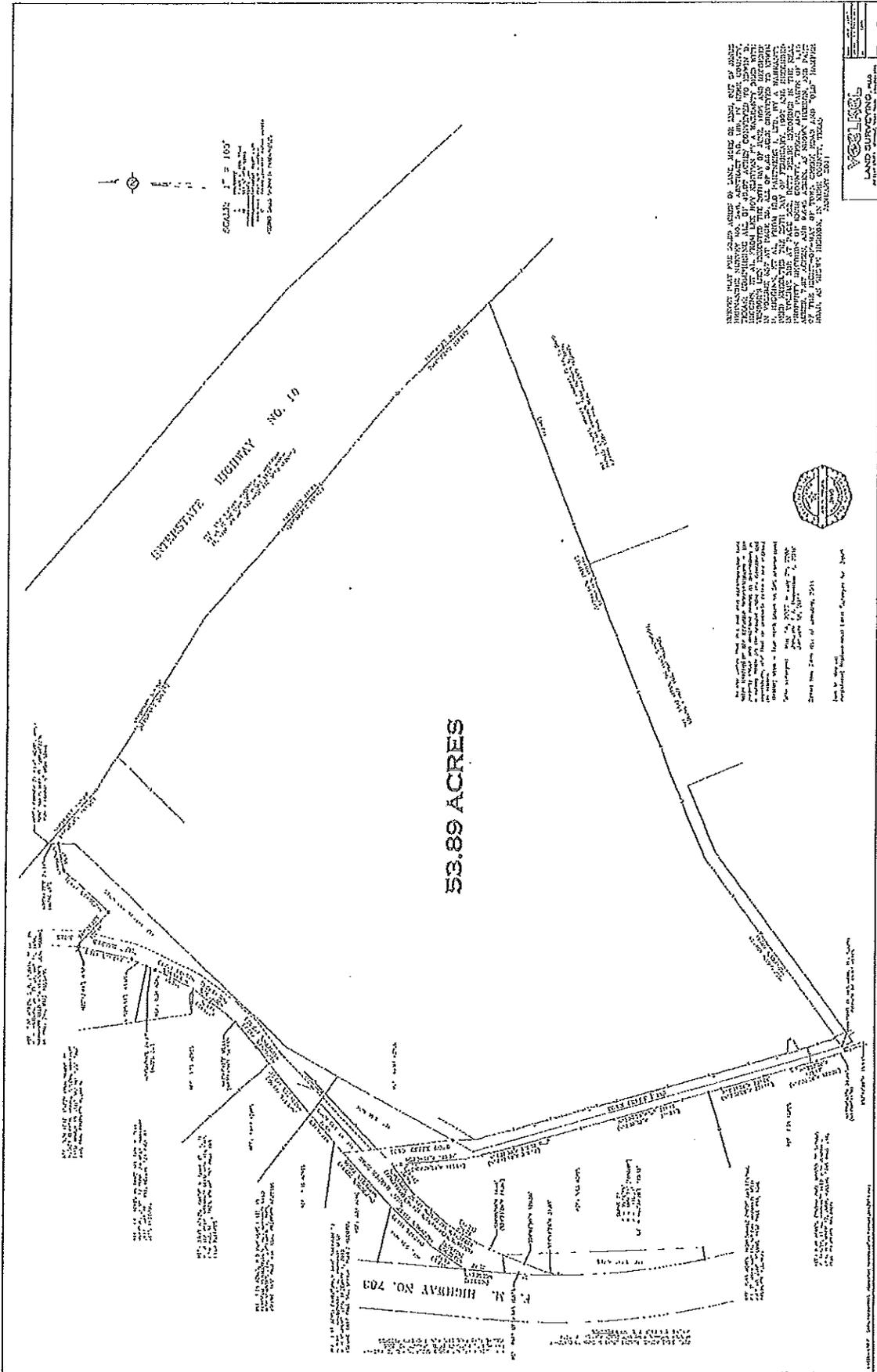
I hereby certify that these field notes and accompanying plat are accurate descriptions of the property contained therein as determined by a survey made on the ground under my direction and supervision, and that all property corners are marked as stated. (Bearing basis -- True north based on GPS observations)

Date surveyed: May 14, 2007 -- July 28, 2008  
January 7 & December 7, 2010  
January 18, 2011

Dated this 24<sup>th</sup> day of January, 2011

Don W. Voelkel  
Registered Professional Land Surveyor No. 3990





SCALE: 1" = 100'  
 1" = 100'  
 1" = 100'

BEFORE ME, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires \_\_\_\_\_.

**WILLIAM**  
 LAND SURVEYORS  
 11111 FIVE STAR DRIVE, SUITE 100, DALLAS, TEXAS 75243  
 (214) 343-1111



THE STATE OF TEXAS, COUNTY OF \_\_\_\_\_, BEFORE ME, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires \_\_\_\_\_.

53.89 ACRES

R. 004-2011

FIELD NOTES DESCRIPTION FOR 107.96 ACRES OF  
LAND OUT OF THE INTERSTATE HIGHWAY NO. 10  
RIGHT-OF-WAY IN KERR COUNTY, TEXAS

EXHIBIT " I "

Being all of a certain tract or parcel of land comprising, approximately, 42.64 acres out of Walter Fosgate Survey No. 120, Abstract No. 138, 25.32 acres out of Jesus Hernandez Survey No. 548, Abstract No. 189, 0.06 acre out of H. W. Johnson Survey No. 627, Abstract No. 779, 0.12 acre out of H. W. Crawford Survey No. 653, Abstract No. 123, 1.20 acres out of Patrick Flemming Survey No. 666, Abstract No. 145, 37.77 acres out of C.C.S.D. & R.G.N.G. R.R. Co. Survey No. 1330, Abstract No. 1113, and 0.85 acre out of J. D. Leavell Survey No. 1862, Abstract No. 1435, in Kerr County, Texas; being 1) part of 2.658 acres conveyed to the State of Texas from Alice M. Blakely by a Deed executed the 20<sup>th</sup> day of July, 1967 and recorded in Volume 130 at Page 117, 2) all of 3.018 acres conveyed to the State of Texas from Joe C. Burrier, et ux, by a Deed executed the 26<sup>th</sup> day of August, 1967 and recorded in Volume 130 at Page 244, 3) all of 0.425 acre conveyed to the State of Texas from Eugene J. Burney, et al, by a Deed executed the 6<sup>th</sup> day of December, 1967 and recorded in Volume 132 at Page 475, 4) all of 9.964 acres conveyed to the State of Texas from Charles A. Timm, et ux, by a Deed executed the 5<sup>th</sup> day of September, 1967 and recorded in Volume 130 at Page 566, 5) all of 33.204 acres conveyed to the State of Texas from Tilford E. Clark, et ux, by a Deed executed the 18<sup>th</sup> day of April, 1968 and recorded in Volume 133 at Page 123, 6) all of 0.279 acre conveyed to the State of Texas from Charles E. Miller by a Deed executed the 7<sup>th</sup> day of August, 1967 and recorded in Volume 131 at Page 56, 7) part of 10.2 acres conveyed to Lower Colorado River Authority from Charles E. Miller by a General Warranty Deed executed the 6<sup>th</sup> day of December, 1965 and recorded in Volume 122 at Page 536, 8) all of 28.096 acres conveyed to the State of Texas from Stanley R. Frank, et al, by a Deed executed the 29<sup>th</sup> day of March, 1968 and recorded in Volume 133 at Page 154, 9) all of 6.499 acres conveyed to the State of Texas from Ralph B. Fawcett, et ux, by a Deed executed the 17<sup>th</sup> day of August, 1967 and recorded in Volume 130 at Page 248, 10) all of 18.858 acres conveyed to the State of Texas from Woodrow W. Anderson, et ux, by a Deed executed the 21<sup>st</sup> day of March, 1968 and recorded in Volume 132 at Page 732, 11) all of 0.906 acre conveyed to the State of Texas from Berry Miller, Jr., et ux, by a Deed executed the 1<sup>st</sup> day of December, 1967 and recorded in Volume 131 at Page 584, 12) all of 0.327 acre conveyed to the State of Texas from Horace E. Goodrich, et al, by a Deed executed the 8<sup>th</sup> day of January, 1968 and recorded in Volume 131 at Page 620, 13) part of 4.010 acres conveyed to the State of Texas from Sidney S. Skinner, et ux, by a Deed executed the 8<sup>th</sup> day of February, 1967 and recorded in Volume 127 at Page 589, and 14) parts of various "County Roads", all deeds recorded in the Deed Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses):

BEGINNING at a ½" iron stake found in the northeast right-of-way line of Interstate Highway No. 10 for the northwest corner of the herein described tract and said 0.906 acre, a southwest corner of 326.49 acres conveyed to American Bank of Texas from Town Creek Investments, LP by a Warranty Deed executed the 5<sup>th</sup> day of December, 2008 and recorded in Volume 1712 at Page 347 of the Official Public Records of Kerr County, Texas; which point bears, approximately, 438 ft. S.87°46'W. from the north corner of said Survey No. 548;

THENCE, with the common line between said 0.906 acre and said 326.49 acres, the northeast right-of-way line of said Interstate Highway No. 10, S.48°31'14"E. 296.45 ft. (S.48°38'14"E. 296.51 ft.) to a ½" iron stake found at the south corner of said 326.49 acres, the east corner of said 0.906 acre, the north corner of said 18.858 acres, the west corner of Lot No. 13 of Kerrville Country Estates Section Two, a subdivision of record in Volume 4 at Page 131 of the Plat Records of Kerr County, Texas;

THENCE, continuing with the northeast right-of-way line of said Interstate Highway No. 10, the northeast line of said 18.858 acres: S.48°33'57"E., with the southwest line of said Lot No. 13, at approximately 677.44 ft. passing the westerly common corner of Lots No. 13 and No. 14, then with the southwest line of said Lot No. 14 for a total distance of 1584.39 ft. (S.48°36'24"E. 1586.43 ft.) to a concrete right-of-way marker found at the southwesterly common corner of Lots No. 14 and No. 16; and with the southwest line of said Lot No. 16, S.42°18'43"E. 512.26 ft. (S.42°21'37"E. 512.26 ft.) to a ½" iron stake found at the southwesterly common corner of said Lot No. 16 and 3.83 acres conveyed to John G. Bishop from Barry K. Fawcett, et ux, by a Cash Warranty Deed executed the 11<sup>th</sup> day of May, 2007 and recorded in Volume 1603 at Page 658 of the Official Public Records of Kerr County, Texas, at the northeasterly common corner of said 18.858 acres and said 6.499 acres;

THENCE, continuing with the northeast right-of-way line of said Interstate Highway No. 10, the common line between said 6.499 acres and said 3.83 acres: S.42°18'43"E. 106.50 ft. (S.42°21'37"E. 106.24 ft.) to a found concrete right-of-way marker; and S.39°45'04"E. (S.39°48'32"E.) 568.09 ft. to a ½" iron stake found at the southwesterly common corner of said 3.83 acres and Lot No. 17 of said Kerrville Country Estates Section Two, the northeasterly common corner of said 6.499 acres and said 28.096 acres;

THENCE, continuing with the northeast right-of-way line of said Interstate Highway No. 10, the northeast line of said 28.096 acres: with the southwest line of said Lot No. 17, S.39°45'04"E. (S.39°48'32"E.) 483.74 ft. to a found concrete right-of-way marker and S.44°03'22"E., at 352.01 ft. passing the southwesterly common corner of said Lot No. 17 and Lot No. 34-B as established by the replat of Kerrville Country Estates Section Two of record in Volume 6 at Page 109 of the Plat Records of Kerr County, Texas, then with the southwest line of said Lot No. 34-B for a total distance of 601.67 ft. (S.44°05'53"E. 601.69 ft.) to a found ½" iron stake; with the southwest line of said Lot No. 34-B, S.39°46'01"E. 299.99 ft. (S.39°48'32"E. 300.00 ft.) and S.35°00'12"E., at 91.84 ft. passing the southwesterly common corner of said Lot No. 34-B and Lot No. 34-A, then with the southwest line of said Lot No. 34-A for a total distance of 301.03 ft. (S.35°02'43"E. 301.04 ft.) to a found ½" iron stake; and with the southwest line of said Lot No. 34-A, S.39°46'01"E. 299.99 ft. (S.39°48'32"E. 300.00 ft.), S.51°04'32"E. 305.93 ft. (S.51°07'08"E. 305.94 ft.) to a found concrete right-of-way marker, S.39°46'00"E. 299.93 ft. (S.39°48'32"E. 300.00 ft.), and S.31°38'22"E. (S.31°40'54"E.) 92.37 ft. to the south corner of said Lot No. 34-A, the west corner of 30.36 acres conveyed to Allen J. Polzin, et al, Trustees from Allen J. Polzin, et al, by a General Warranty Deed executed the 30<sup>th</sup> day of August, 2010 and recorded in Volume 1805 at Page 411 of the Official Public Records of Kerr County, Texas, at the northeasterly common corner of said 28.096 acres and said 33.204 acres;

THENCE, continuing with the northeast right-of-way line of said Interstate Highway No. 10, the common line between said 33.204 acres and said 30.36 acres: S.31°38'22"E. (S.31°40'54"E.), at 112.89 ft. passing a found concrete right-of-way marker, then continuing for a total distance of 489.24 ft., S.50°57'07"E. 276.20 ft. (S.50°59'39"E. 276.26 ft.) to a found ½" iron stake, S.62°36'12"E. 275.62 ft. (S.62°38'44"E. 275.68 ft.) to a found concrete right-of-way marker, S.65°56'40"E. 273.56 ft. (S.65°59'39"E. 273.65 ft.) to a found ½" iron stake, and S.74°51'26"E. 533.33 ft. (S.74°53'42"E. 533.29 ft.) to a concrete right-of-way marker found at the southwest corner of 4.94 acres conveyed to Jimmy D. McGehee, et ux, from Allen J. Polzin, et ux, by a Warranty Deed with Vendor's Lien executed the 21<sup>st</sup> day of January, 2000 and recorded in Volume 1047 at Page 567 of the Real Property Records of Kerr County, Texas;

THENCE, continuing with the northeast right-of-way line of said Interstate Highway No. 10, the common line between said 33.204 acres and said 4.94 acres: S.84°18'22"E. 417.17 ft. (S.84°18'34"E. 417.39 ft.) to a found concrete right-of-way marker; and N.86°35'03"E., at 359.94 ft. passing the southeast corner of said 4.94 acres, the southwest corner of 5.00 acres conveyed to Foster Charitable Foundation, Inc. from Paris Towers, Inc. by a Special Warranty Deed executed the 6<sup>th</sup> day of February, 2009 and recorded in Volume 1726 at Page 291 of the Official Public Records of Kerr County, Texas, then with the south line of said 5.00 acres for a total distance of 1045.00 ft. (N.86°26'44"E. 1045.15 ft.) to a concrete right-of-way marker found at the southeast corner of said 5.00 acres, the southwest corner of 3.06 acres conveyed to Larry H. Kohn from Anne L. Thomas, et al, by a Warranty Deed executed the 21<sup>st</sup> day of December, 2001 and recorded in Volume 1162 at Page 730 of the Real Property Records of Kerr County, Texas;

THENCE, continuing with the northeast right-of-way line of said Interstate Highway No. 10: S.69°58'09"E., with the common line between said 33.204 acres and said 3.06 acres, at approximately 156 ft. passing the northeasterly common corner of said 33.204 acres and said 9.964 acres, then with the common line between said 9.964 acres and said 3.06 acres, at approximately 734 ft. passing the southeast corner of said 3.06 acres, the southwest corner of 4.22 acres conveyed to James A. Rosser, et ux, from Jose Lopez, et ux, by a Warranty Deed executed the 18<sup>th</sup> day of April, 1994 and recorded in Volume 741 at Page 437 of the Real Property Records of Kerr County, Texas, then with the common line between said 9.964 acres and said 4.22 acres, at approximately 796.7 ft. passing the southeast corner of said 4.22 acres, the southwest corner of 11.223 acres conveyed to HK Interests, LLC from Jody J. Horton, et al, by a

General Warranty Deed executed the 28<sup>th</sup> day of August, 2006 and recorded in Volume 1548 at Page 459 of the Official Public Records of Kerr County, Texas, the northwesterly common corner of said 9.964 acres and said 0.425 acre, then with the common line between said 0.425 acre and said 11.223 acres for a total distance of 921.92 ft. (S.69°55'17"E. 923.20 ft.) to a found 1" iron stake; S.69°48'10"E., with the common line between said 0.425 acre and said 11.223 acres, at approximately 154 ft. passing the south corner of said 11.223 acres, the west corner of 1.072 acres conveyed to Jose L. Ramos from Brenda Megan Horton by a Special Warranty Deed with Vendor's Lien executed the 28<sup>th</sup> day of May, 2002 and recorded in Volume 1192 at Page 454 of the Real Property Records of Kerr County, Texas, the northeasterly common corner of said 0.425 acre and said 2.658 acres, then with the common line between said 2.658 acres and said 1.072 acres for a total distance of 497.55 ft. (S.69°42'20"E. 497.25 ft.) to a found concrete right-of-way marker; and continuing with the common line between said 2.658 acres and said 1.072 acres, N.54°12'29"E. 110.26 ft. (N.54°03'23"E. 110.66 ft.) to a concrete right-of-way marker found for the northeast corner of the herein described tract at the intersection with the northwest right-of-way line of Leslie Drive and the current City Limits line of the City of Kerrville, Texas, as established by Ordinance No. 72-20, at the beginning of a 20°24'13" curve concave to the west having a radius of 280.83 ft.;

THENCE, upon, over and across said Interstate Highway No. 10 with the northwest right-of-way line of Leslie Drive and the current City Limits line of the City of Kerrville, Texas: 274.76 ft. with an arc of said 20°24'13" curve subtended by a central angle of 56°03'26" [long chord = S.07°45'50"E. 263.93 ft.] to its end; S.20°15'53"W. 265.89 ft. to the beginning of a 23°08'31" curve concave to the east having a radius of 247.60 ft.; 239.25 ft. with an arc of said 23°08'31" curve subtended by a central angle of 55°21'45" [long chord = S.07°24'59"E. 230.05 ft.] to its end; and S.35°05'52"E. 223.37 ft. to the east corner of said 0.327 acre, the north corner of Lot No. 1 of Mathison Place, a subdivision of record in Volume 7 at Page 276 of the Plat Records of Kerr County, Texas at the intersection of the southwest right-of-way line of said Interstate Highway No. 10;

THENCE, with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 0.327 acre and said Lot No. 1 of Mathison Place, the current City Limits line of the City of Kerrville, Texas, as established by Ordinance No. 86-05, S.55°06'42"W. 75.00 ft. (S.54°59'21"W. 75.00 ft.) to a concrete right-of-way marker found at the south corner of said 0.327 acre, the east corner of 1.12 acres conveyed to Huntley Barry Hayes from Melba Rene Hayes by a Special Warranty Deed executed the 23<sup>rd</sup> day of March, 2004 and recorded in Volume 1346 at Page 266 of the Real Property Records of Kerr County, Texas;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 0.327 acre and said 1.12 acres, the current City Limits line of the City of Kerrville, Texas, as established by Ordinance No. 86-05, N.35°05'52"W. 193.37 ft. (N.35°13'13"W. 189.86 ft.) to a ½" iron stake found at the west corner of said 0.327 acre, the north corner of said 1.12 acres, at the intersection with the southeast right-of-way line of Morrow Street;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, crossing said Morrow Street, with the current City Limits line of the City of Kerrville, Texas, as established by Ordinance No. 86-05, N.35°07'54"W. 29.97 ft. to a 60 "d" nail found in the northwest right-of-way line of Morrow Street at the south corner of said 1.062 acres, the east corner of the remainder of 6 acres conveyed to A. C. Morris, et ux, from Nora G. Baldwin by a General Warranty Deed executed the 3<sup>rd</sup> day of October, 1961 and recorded in Volume 111 at Page 41 of the Deed Records of Kerr County, Texas;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 1.062 acres and the remainder of said 6 acres, the current City Limits line of the City of Kerrville, Texas, as established by Ordinance No. 2004-11: N.35°03'37"W. 223.23 ft. (N.35°07'29"W. 228.34 ft.) to a found concrete right-of-way marker; and N.73°59'03"W. (N.73°47'28"W.), at approximately 245.62 ft. passing the west corner of said 1.062 acres in the northwest line of the remainder of said 6 acres, the southeast right-of-way line of Crider Street, then crossing said Crider Street for a total distance of 287.50 ft. to a concrete right-of-way marker found

at the south corner of said 3.018 acres, the east corner of 0.982 acre conveyed to Joe Ray Herring, et al, from Joe R. Herring by a Cash Warranty Deed executed the 15<sup>th</sup> day of August, 2000 and recorded in Volume 1079 at Page 703 of the Real Property Records of Kerr County, Texas;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 3.018 acres and said 0.982 acre: N.46°48'55"W. 300.89 ft. (N.46°49'33"W. 300.93 ft.); and N.84°29'26"W. (N.84°30'03"W.) 128.00 ft. to the southerly common corner of said 3.018 acres and said 9.964 acres, the northerly common corner of said 0.982 acre and 18.9 acres conveyed to Les Newberry, et ux, from Richard Earl Gingrich, et ux, by a Warranty Deed with Vendor's Lien executed the 13<sup>th</sup> day of June, 1996 and recorded in Volume 854 at Page 121 of the Real Property Records of Kerr County, Texas;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 9.964 acres and said 18.9 acres, N.84°29'26"W. (N.84°30'03"W.) 775.38 ft. to the southwesterly common corner of said 9.964 acres and said 33.204 acres, the northeasterly common corner of said 18.9 acres and 162.55 acres conveyed to Phicof, L.L.C. from Phoenix Summit, Ltd. by a Warranty Deed executed the 1<sup>st</sup> day of April, 2008 and recorded in Volume 1669 at Page 264 of the Official Public Records of Kerr County, Texas;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 33.204 acres and said 162.55 acres: N.84°29'26"W. 9.17 ft. (N.84°30'03"W. 9.27 ft.) to a found concrete right-of-way marker; N.68°36'15"W. 518.61 ft. (N.68°39'27"W. 518.91 ft.) to a found concrete right-of-way marker; N.84°16'57"W. 817.24 ft. (N.84°18'34"W. 817.39 ft.) to a found concrete right-of-way marker; and N.78°50'44"W. 310.58 ft. (N.78°51'38"W. 310.63 ft.) to a ½" iron stake found at the southerly common corner of said 33.204 acres and said 0.279 acre;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 0.279 acre and said 162.55 acres, N.78°42'12"W. 175.91 ft. (N.78°35'04"W. 174.26 ft.) to a ½" iron stake found at the west corner of said 0.279 acre, the most northerly corner of said 162.55 acres, in the southeast line of 10.2 acres conveyed to Lower Colorado River Authority from Charles E. Miller by a General Warranty Deed executed the 6<sup>th</sup> day of December, 1965 and recorded in Volume 122 at Page 536 of the Deed Records of Kerr County, Texas;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, upon, over and across said 10.2 acres, N.78°05'32"W. 120.04 ft. (N.78°35'04"W. 119.23 ft.) to a ½" iron stake found at the easterly common corner of said 33.204 acres and 351.130 acres conveyed to Town Creek Companies, LLC from THR Corporation by a Warranty Deed with Vendor's Lien executed the 15<sup>th</sup> day of December, 1998 and recorded in Volume 986 at Page 778 of the Real Property Records of Kerr County, Texas;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 33.204 acres and said 351.130 acres: N.71°07'10"W. 350.59 ft. (N.71°08'11"W. 353.60 ft.) to a found ½" iron stake; N.59°42'03"W., at 110.45 ft. passing a found concrete right-of-way marker, then continuing for a total distance of 219.76 ft. (N.59°44'40"W. 219.58 ft.) to a found ½" iron stake; N.53°28'29"W. 329.27 ft. (N.53°29'39"W. 329.24 ft.) to a found ½" iron stake; N.44°04'47"W. 435.42 ft. (N.44°07'16"W. 435.51 ft.) to a found concrete right-of-way marker; and N.39°46'00"W. (N.39°48'32"W.) 174.05 ft. to the southwesterly common corner of said 33.204 acres and said 28.096 acres;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 28.096 acres and said 351.130 acres: N.39°46'00"W. (N.39°48'32"W.) 528.81 ft. to a found concrete right-of-way marker; N.42°36'27"W. 801.19 ft. (N.42°40'17"W. 801.00 ft.) to a found ½" iron stake; N.39°47'40"W. 499.86 ft. (N.39°48'32"W. 500.00 ft.) to a found concrete right-of-way marker; N.23°55'58"W. 311.63 ft. (N.23°59'23"W. 311.81 ft.) to a found concrete right-of-way marker; and N.39°45'33"W. (N.39°48'32"W.) 550.38 ft.

to a 5/8" iron stake found at the southwesterly common corner of said 28.096 acres and said 6.499 acres, the northeasterly common corner of said 351.130 acres and 21.00 acres conveyed to Town Creek Companies, LLC from Durwood A. Merritt by a Warranty Deed executed the 15<sup>th</sup> day of April, 2004 and recorded in Volume 1348 at Page 552 of the Real Property Records of Kerr County, Texas;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 6.499 acres and said 21.00 acres, N.39°45'33"W. (N.39°48'32"W.) 420.00 ft. to a 5/8" iron stake found at the north corner of said 21.00 acres, the east corner of Lot No. 16 in Block One of Horseshoe Oaks, a subdivision of record in Volume 4 at Page 152 of the Plat Records of Kerr County, Texas;

THENCE, continuing with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 6.499 acres and said Lot No. 16: N.39°45'33"W. (N.39°48'32"W.), at 129.52 ft. passing a found concrete right-of-way marker, then continuing for a total distance of 181.66 ft.; and N.44°08'47"W. (N.44°12'28"W.) 68.15 ft. to a fence cornerpost at the northeasterly common corner of said Lot No. 16 and 7.49 acres conveyed to David Badillo, et ux, from Horace C. Lambert, et ux, by a Warranty Deed executed the 8<sup>th</sup> day of October, 2004 and recorded in Volume 1389 at Page 843 of the Real Property Records of Kerr County, Texas;

THENCE, along a fence, continuing with the southwest right-of-way line of said Interstate Highway No. 10, the common line between said 6.499 acres and said 7.49 acres, N.44°08'47"W. (N.44°12'28"W.) 161.50 ft. to the southwesterly common corner of said 6.499 acres and said 18.858 acres, the northeasterly common corner of said 7.49 acres and 49.97 acres conveyed to Edwin D. Higgins, et al, from Lee Roy Kleypas by a Warranty Deed with Vendor's Lien executed the 28<sup>th</sup> day of June, 1996 and recorded in Volume 857 at Page 35 of the Real Property Records of Kerr County, Texas;

THENCE, with the common line between said 18.858 acres and said 49.97 acres, along a fence unless specified otherwise, with the southwest right-of-way line of said Interstate Highway No. 10, each point marked with a found concrete right-of-way marker: N.44°09'59"W. 329.46 ft. (N.44°12'28"W. 327.91 ft.); N.48°33'55"W. 761.03 ft. (N.48°36'24"W. 761.43 ft.); N.57°01'18"W., at 406.4 ft. passing a fence cornerpost, then not along a fence for a total distance of 505.58 ft. (N.57°07'15"W. 505.57 ft.); and continuing not along a fence, N.48°36'43"W. 180.97 ft. (N.48°36'24"W. 181.50 ft.) to the southwest corner of the herein described tract and said 18.858 acres, the north corner of said 49.97 acres, the southeast corner of 2.094 acres conveyed to the State of Texas from H. H. Hilburn, Jr., et ux, by a Deed executed the 6<sup>th</sup> day of October, 1967 and recorded in Volume 131 at Page 88 of the Deed Records of Kerr County, Texas; which point bears 0.86 ft. S.00°44'22"W. from a found 1/2" iron stake;

THENCE, with the common line between said 18.858 acres and said 2.094 acres, crossing said Interstate Highway No. 10: N.04°31'24"E. 57.50 ft. (N.04°31'24"E. 57.50 ft.); N.02°29'40"E. 149.69 ft. (N.02°29'40"E. 149.69 ft.); and N.03°09'44"W. 46.09 ft. (N.03°09'45"W. 45.61 ft.) to the south corner of said 0.906 acre;

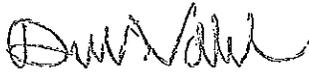
THENCE, with the west line of said 0.906 acre, still crossing said Interstate Highway No. 10: with the east line of said 2.094 acres, N.02°53'20"W. 303.87 ft. (N.02°52'29"W. 304.43 ft.) and N.07°32'00"W., at approximately 17.24 ft. passing the northeast corner of said 2.094 acres, the southeast corner of 0.231 acre conveyed to the State of Texas from B. G. Creamer, et ux, by a Deed executed the 3<sup>rd</sup> day of October, 1967 and recorded in Volume 131 at Page 60 of the Deed Records of Kerr County, Texas, then with the east line of said 0.231 acre for a total distance of 86.75 ft. (N.07°32'00"W. 86.75 ft.) to the PLACE OF BEGINNING containing 107.96 acres of land, more or less, within these metes and bounds.

Page 6 – 107.96 Acres out of the Interstate Highway  
No. 10 Right-of-Way in Kerr County, Texas

I hereby certify that these field notes and accompanying plat are accurate descriptions of the property contained therein as determined by a survey made on the ground under my direction and supervision, and that all property corners are marked as stated. (Bearing basis = True north based on GPS observations)

Date surveyed: May 14, 2007 – July 28, 2008  
January 7 & December 7, 2010

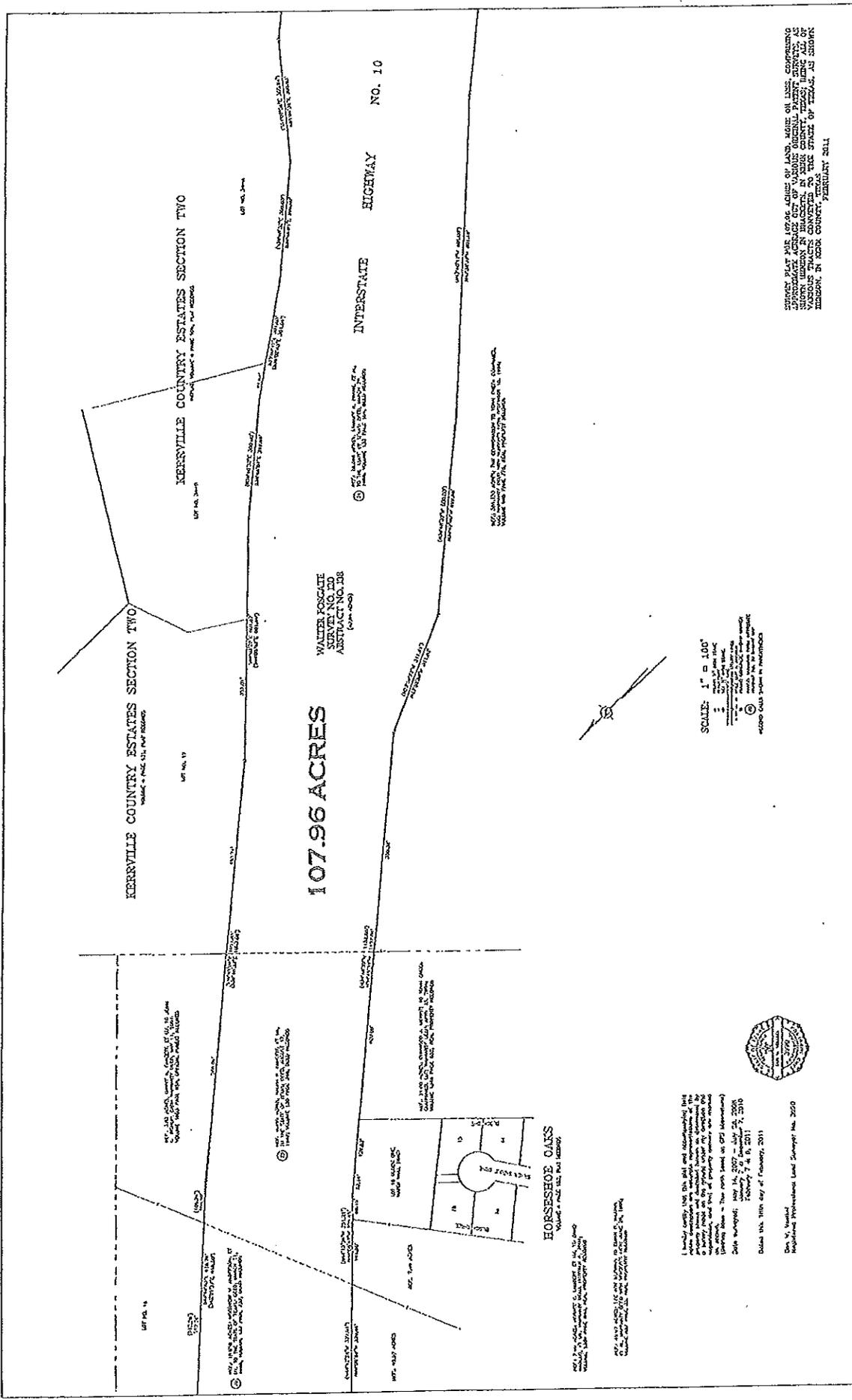
Dated this 18<sup>th</sup> day of February, 2011



Don W. Voelkel  
Registered Professional Land Surveyor No. 3990







SURVEY PLAT FOR 107.96 ACRES OF LAND, MORE OR LESS, COMPRISING  
 SECTION TWO OF RANGE 10 NORTH, COUNTY OF BROWN, TEXAS, AS  
 SHOWN ON A CERTAIN MAP OF SAID COUNTY, TEXAS, AND AS  
 VARIOUS TRACTS CONTAINED IN THE STATE OF TEXAS, AS SHOWN  
 HEREON IN THIS COUNTY, FEBRUARY 2011.

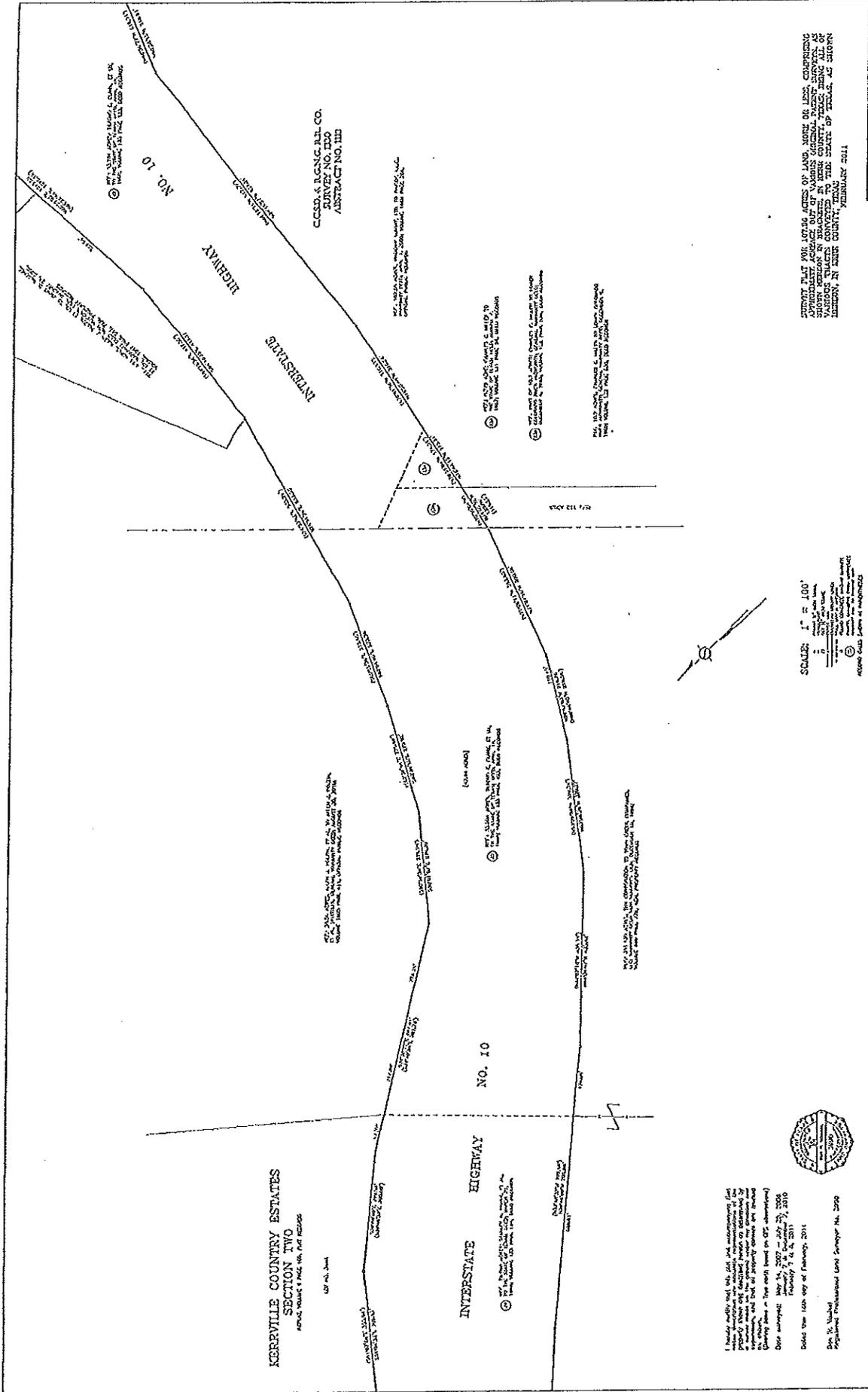
**VOELKEL**  
 LAND SURVEYING, INC.  
 1000 WEST 10TH STREET, SUITE 100  
 AUSTIN, TEXAS 78703  
 TEL: 512.476.1111  
 FAX: 512.476.1112  
 WWW.VOELKELSURVEYING.COM

SCALE: 1" = 100'  
 1. ALL DISTANCES ARE IN FEET.  
 2. ALL BEARINGS ARE TRUE.  
 3. ALL ANGLES ARE IN DEGREES.  
 4. ALL CURVES ARE CIRCULAR UNLESS OTHERWISE NOTED.  
 5. ALL DISTANCES ARE TO THE CENTER OF THE LINE UNLESS OTHERWISE NOTED.  
 6. ALL DISTANCES ARE TO THE CENTER OF THE ROAD UNLESS OTHERWISE NOTED.  
 7. ALL DISTANCES ARE TO THE CENTER OF THE RIVER UNLESS OTHERWISE NOTED.  
 8. ALL DISTANCES ARE TO THE CENTER OF THE CHANNEL UNLESS OTHERWISE NOTED.  
 9. ALL DISTANCES ARE TO THE CENTER OF THE TOWER UNLESS OTHERWISE NOTED.  
 10. ALL DISTANCES ARE TO THE CENTER OF THE MARK UNLESS OTHERWISE NOTED.

DATE: 10/10/10  
 DRAWN BY: J. VOELKEL  
 CHECKED BY: J. VOELKEL  
 DATE: 10/10/10

DATE: 10/10/10  
 DRAWN BY: J. VOELKEL  
 CHECKED BY: J. VOELKEL  
 DATE: 10/10/10

107.96 ACRES  
 2011



SCALE: 1" = 100'  
 1" = 100'  
 1" = 100'  
 1" = 100'  
 1" = 100'

STATE OF TEXAS, COUNTY OF BROWN, SURVEY NO. 110, ABSTRACT NO. 110, FEBRUARY 2011

VOELKEL  
 LAND SURVEYING, INC.  
 304

I hereby certify that this and accompanying plat properly show the location of the corners of the parcels of land described herein as determined by the survey, and that all property owners and parties claiming an interest in the same are duly notified in accordance with the laws of the State of Texas. This survey was made on or about February 1, 2011. Date surveyed: May 14, 2007 - July 21, 2008. February 1, 2011. Signed the 14th day of February, 2011. Don D. Voelkel, Registered Professional Land Surveyor No. 2999





**FIELD NOTES DESCRIPTION FOR 104.58 ACRES OF LAND OUT OF THE AMERICAN BANK OF TEXAS LAND ALONG FM HIGHWAY NO. 783 (HARPER ROAD) IN KERR COUNTY, TEXAS**

Being all of a certain tract or parcel of land containing 104.58 acres, more or less, out of various Original Patent Surveys in Kerr County, Texas as follows:

Survey No.	Survey	Abstract No.	Acres
627	H.W. Johnson	779	14.16
628	G.P. Phillips	610	89.78
1862	J.D. Leavell	1435	0.64

part of a certain 326.49 acre tract conveyed from Town Creek Investments, LP to American Bank of Texas by a Warranty Deed dated December 5, 2008 and recorded in Volume 1712 at Page 347 of the Official Public Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a ¾" iron pipe found in the northeast right-of-way line of Interstate Highway No. 10 for the southwest corner of the herein described tract and said 326.49 acre tract, and the northwest corner of Kerrville Country Estates Section Two, a subdivision of Kerr County according to the plat of record in Volume 4 at Page 131 of the Plat Records of Kerr County, Texas; which point bears approximately 307 ft. S.45°W. from the north corner of Survey No. 548;

THENCE, with the west line of said 326.49 acre tract and northeast right-of-way line of Interstate Highway No. 10, N.48°31'14"W., 296.45 ft. to a ½" iron stake found for a westerly corner of the herein described tract and 326.49 acre tract;

THENCE, near a game-proof fence with the west line of said 326.49 acre tract: N.07°06'14"W., 609.85 ft. to a found ½" iron stake; N.22°54'20"W., 73.48 ft. to a found ½" iron stake; N.04°25'09"W., 228.63 ft. to a found ½" iron stake; N.15°59'51"E., up a bluff and along the top of said bluff 555.56 ft. to a found ½" iron stake; N.17°24'34"W., continuing along the top of said bluff 194.18 ft. to a found ½" iron stake; and N.42°06'13"W., down said bluff 174.62 ft. to a ½" iron stake found in the east right-of-way line of F.M. Highway No. 783 (Harper Road) for a westerly corner of the herein described tract and 326.49 acre tract;

THENCE, continuing with the said west line of 326.49 acre tract along the said east right-of-way line of F.M. Highway No. 783, all calls to ½" iron stakes found at road angles: N.02°33'27"W., 743.80 ft.; N.18°22'51"E., 464.00 ft.; N.29°34'56"E., 78.26 ft.; N.39°05'18"E., 169.33 ft.; N.37°12'56"E., 104.38 ft. to a ½" iron stake found for the northwest corner of the herein described tract, the westerly northwest corner of said 326.49 acre tract and the southwest corner of a certain 5.66 acre tract conveyed from Mary Helen Miller to Bibiano Ortega by a General Warranty Deed executed the 5th day of April, 2007 and recorded in Volume 1595 at Page 157 of the Official Public Records of Kerr County, Texas;

THENCE, with the common line between said 326.49 and 5.66 acre tracts: S.79°52'40"E., at 0.7 ft. passing a steel fence cornerpost, then continuing along a game-proof fence for a total distance of 121.44 ft. to a found ½" iron stake; S.71°02'32"E., along said game-proof fence 247.41 ft. to a steel fence cornerpost for a reentrant corner of the herein described tract and 326.49 acre tract and a southerly corner of 5.66 acre tract; N.20°25'20"E., along said game-proof fence 130.63 ft. to a steel fence cornerpost for a reentrant corner of 5.66 acre tract; and S.71°28'41"E., along said game-proof fence 198.02 ft. to a steel fence cornerpost for the southeast corner of 5.66 acre tract and the southwest corner of TRACT ONE of James Avery Craftsman Subdivision, a subdivision of Kerr County according to the plat of record in Volume 7 at Page 149 of the Plat Records of Kerr County, Texas;

THENCE, along a game-proof fence with the common line between said 326.49 acre tract and TRACT ONE N.72°42'35"E., 799.06 ft. to a steel fence cornerpost for the southeast corner of TRACT ONE;

Page 2 – 104.58 acres of land out of the American Bank of Texas land along FM Highway No. 783 in Kerr County, Texas

THENCE, with the north line of said 326.49 acre tract, all calls to set 1/2" iron stakes: S.78°17'04"E., 254.99 ft.; S.11°01'03"E., 489.10 ft.; S.35°44'25"E., 514.98 ft. to a reentrant corner of the herein described tract and 326.49 acre tract; and N.63°30'44"E., 408.44 ft. to an unmarked point for the northeast corner of the herein described tract;

THENCE, upon, over and across said 326.49 acre tract S.13°00'00"E., 626.22 ft. to an unmarked point in a fence, the south line of 326.49 acre tract and north line of said Kerrville Country Estates Section Two for the southeast corner of the herein described tract;

THENCE, along a game-proof fence with the common line between said 326.49 acre tract and Kerrville Country Estates Section Two: S.77°16'53"W., 175.00 ft. to a steel fence anglepost for a reentrant corner of the herein described tract and 326.49 acre tract; and S.19°52'39"W., 170.00 ft. to an unmarked point for an easterly corner of the herein described tract;

THENCE, upon, over and across said 326.49 acre tract: S.77°00'00"W., 2365.41 ft. to an unmarked point for a reentrant corner of the herein described tract; and S.13°00'00"E., 1316.64 ft. to an unmarked point in a fence, the south line of 326.49 acre tract and north line of Kerrville Country Estates Section Two for the southerly southeast corner of the herein described tract;

THENCE, along a game proof fence with the common line between said 326.49 acre tract and Kerrville Country Estates Section Two S.45°22'42"W., 307.61 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)

Dates Surveyed: October 20, 2008  
February 12, 2009

Dated this 10<sup>th</sup> day of December, 2010

*Lee C. Voelkel*



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





## EXHIBIT N

### ANNEXATION SERVICE PLAN

<b>SERVICE</b>	<b>DETAILS OF SERVICE PROVIDED</b>	<b>TIMETABLE</b>
Animal Control	The provisions of animal control services shall be in effect following annexation of the property. At present, Kerr County provides such services within the City.	Immediately following annexation
Code Enforcement	The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related codes adopted by the City shall be made immediately to the area upon annexation. The preparation of a zoning plan shall serve as a basis for the zoning of land following annexation. The adoption of the zoning plan shall be in accordance with the procedures of the City's Zoning Ordinance.	Immediately following annexation, zoning to be concurrent with annexation
Fire Protection and Suppression	Fire protection and suppression personnel and equipment from the Fire Department will be provided to the area as needed.	Immediately following annexation
Fire Prevention	The services of the Fire Marshall shall be provided to the area as needed.	Immediately following annexation.
Library	Residents of the area will continue to be entitled to utilize the City's Library.	Immediately following annexation.
Parks and Recreation	Parks and Recreation services will continue to be available to area residents.	Immediately following annexation
Police Protection	Police Department personnel and equipment shall be provided to the area immediately upon annexation. Police	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
	enforcement and protection services shall be provided through regular patrol activities.	
Public Services - Street Department	Public streets not maintained by the Texas Department of Transportation within the annexed area shall be maintained by the City.	Immediately following annexation
Sanitation (Refuse Collection)	Refuse collection shall be available to residents of the annexed area at the same costs and procedures as required of City residents and businesses.	Immediately following annexation
Traffic Engineering	Traffic control devices and street markers shall be installed where deemed necessary by the City, except as provided by the Texas Department of Transportation.	Immediately following annexation
Utilities (Water Distribution and Wastewater Collection)	Extension of utilities to or within the property shall be in accordance with City policy and regulations.	Where applicable, pursuant to Development Agreements with individual property owners; or alternatively, as the property develops

T:\Legal\DEVELOPMENT SERVICES (planning)\Annexation\Harper HWY WW Project\Annexation Ordinance-area between City limits and JAC\_042011.docx

Ordinance No. 2011-\_\_\_; Annexation of Property between Town Creek and JAC

**Agenda Item:**  
**(Staff)**

- 3B. An ordinance annexing an approximate 43.72 acre tract of land, being all of a revision of Hartshorn Country Sites, a subdivision of record found at volume 7, page 148, plat records of Kerr County, Texas, and all of the James Avery Craftsman subdivision, a subdivision of record found at volume 7, page 149, plat records of Kerr County, Texas, and those portions of Avery Road North and Lessie Lane, public roads located within and between the two subdivisions; and said property lying adjacent to the corporate limits of the city of Kerrville, Texas, within the city's extraterritorial jurisdiction, and generally located at and east of the intersection of Harper Road (RR 783) and Avery Road North; providing a legal description of the tract to be annexed; adopting a service plan for the tract annexed; establishing the zoning for the area annexed by creating a "planned development district" for said area; making said district subject to certain conditions and restrictions; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed two thousand dollars (\$2,000.00); ordering publication; and providing other matters relating to the subject.

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

**SUBJECT:** Annexation and Zoning Ordinance, Second Reading – Consider a proposed annexation into the Kerrville City Limits of a 43.72 acre tract generally located at and along the intersection of Harper Road (RM 783) and Avery Road and adjacent to the north property line of the American Bank of Texas property. (File No. 2011-07)

**FOR AGENDA OF:** May 10, 2011

**DATE SUBMITTED:** April 29, 2011

**SUBMITTED BY:** Gordon Browning

**CLEARANCES:** Kevin Coleman

*KC*  
*Ordinance*

**EXHIBITS:** Ordinance

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

*[Signature]*

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

**SUMMARY STATEMENT**

Annexation-Zoning Timeline:

- January 25, 2011 – City Council accepts the annexation petition from James Avery Craftsman, Inc. for a 43.72 acre tract. (Resolution No. 006-2011)
- February 23, 2011 – Notice of the required public hearing is published in The Kerrville Daily Times.
- March 3, 2011 – Planning and Zoning Commission (P&Z) public hearing on the proposed annexation and recommendation of zoning designation to the City Council.
- March 8, 2011 – City Council conducts the first required public hearing on the proposed annexation.
- March 10, 2011 – Notice of the second required public hearing published in The Kerrville Daily Times and written notification to property owners, franchise utilities, Texas Department of Transportation (TxDOT) and Kerrville Independent School District (KISD).

- March 22, 2011 – City Council conducts the second required public hearing on the proposed annexation.
- April 26, 2011 – City Council approves an ordinance on first reading annexing and zoning the subject property.
- May 10, 2011 – **City Council considers an ordinance on second and final reading annexing and zoning the subject property.**

Summary:

- City Council adopts Resolution No. 006-2011, granting the petition for annexation of the subject 43.72 acre tract.
- Staff recommends a zoning designation of PDD (Planned Development District for Jewelry Manufacturing) for the property. This designation will accommodate the existing operation as well as provide for any future expansion that may take place within the boundaries of the current facility.
- The James Avery Craftsman property is a developed manufacturing operation. Once annexed the property will have the ability to be fully connected to City utilities
- The Planning and Zoning Commission at their March 3, 2011 meeting, following a public hearing, recommended annexing the subject tract with a zoning designation of PDD. No one from the public appeared at the public hearing.
- All required public hearings have been held per state and local codes.

**RECOMMENDED ACTION**

Approve ordinance on second and final reading.

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2011-\_\_\_**

**AN ORDINANCE ANNEXING AN APPROXIMATE 43.72 ACRE TRACT OF LAND, BEING ALL OF A REVISION OF HARTSHORN COUNTRY SITES, A SUBDIVISION OF RECORD FOUND AT VOLUME 7, PAGE 148, PLAT RECORDS OF KERR COUNTY, TEXAS, AND ALL OF THE JAMES AVERY CRAFTSMAN SUBDIVISION, A SUBDIVISION OF RECORD FOUND AT VOLUME 7, PAGE 149, PLAT RECORDS OF KERR COUNTY, TEXAS, AND THOSE PORTIONS OF AVERY ROAD NORTH AND LESSIE LANE, PUBLIC ROADS LOCATED WITHIN AND BETWEEN THE TWO SUBDIVISIONS; SAID PROPERTY LYING ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION, AND GENERALLY LOCATED AT AND EAST OF THE INTERSECTION OF HARPER ROAD (RR 783) AND AVERY ROAD NORTH; PROVIDING A LEGAL DESCRIPTION OF THE TRACT TO BE ANNEXED; ADOPTING A SERVICE PLAN FOR THE TRACT ANNEXED; ESTABLISHING THE ZONING FOR THE AREA ANNEXED BY CREATING A "PLANNED DEVELOPMENT DISTRICT" FOR SAID AREA; MAKING SAID DISTRICT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING A PENALTY OR FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT**

**WHEREAS**, Section 1.06 of the Charter for the City of Kerrville, Texas, as well as state law, authorizes the City to annex territory, subject to the procedure and limitations of state law; and

**WHEREAS**, pursuant to Texas Local Government Code Sections 43.028 and 43.052(h)(2), the owner of the property described in Section One, below, has petitioned the City to annex its property into the corporate limits of the City of Kerrville, Texas; and

**WHEREAS**, City staff, based upon generally accepted municipal planning principles and practices, recommends annexing those public roadways which lie adjacent to the property which is the subject of the annexation petition, to include the annexation of the entire width of the roadway and the adjacent right-of-way in accordance with Section 43.106 of the Texas Local Government Code; and

**WHEREAS**, the procedures prescribed by the Charter of the City of Kerrville, Texas, and the laws of this state have been duly followed with respect to the property described for annexation; and

**WHEREAS**, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of hearings to be held before the City Council on April 26, 2011, and May 10, 2011, to consider said annexation and the establishment of the initial zoning

of the property described in Section One through the creation of a "Planned Development District"; and

**WHEREAS**, such public hearings were held in the Council Chambers beginning on or after 6:00 p.m. on April 26, 2011, and May 10, 2011, as advertised; and

**WHEREAS**, having provided all required public notices, held all required public hearings at which people with an interest in the matter were provided an opportunity to be heard, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve an ordinance annexing the subject property, adopting a service plan as required by state law, and establishing zoning regulations for the annexed property;

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

**SECTION ONE.** The property described in **Exhibit A** and depicted in **Exhibit B**, which is attached hereto and incorporated herein for all purposes (the "Property"), is annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

**SECTION TWO.** The service plan regarding the provision of public services set forth in **Exhibit C**, attached hereto and incorporated herein by reference, is adopted for the Property, as required by Texas Local Government Code §43.056.

**SECTION THREE.** Upon the adoption of this Ordinance, the Property shall be placed in and constitute a newly described Planned Development District for "Jewelry Manufacturing and Sales". For purposes of this Ordinance, "Jewelry Manufacturing and Sales" is defined as follows:

*Jewelry Manufacturing and Sales* means an establishment primarily engaged in the manufacturing of jewelry and includes the operational components necessary to conduct said operation such as the design, product development, production, repair, engraving, distribution, administration, marketing, and sales.

**SECTION FOUR.** The Property may be used and developed for Jewelry Manufacturing and Sales as defined in Section Three, above. All existing buildings, structures, facilities, parking lots, and signage, as depicted on the survey layout attached as **Exhibit D**, shall be considered in compliance with this Planned Development District.

**SECTION FIVE.** Any future development to the Property to include additional or expanded buildings, structures, facilities, parking lots, and signage shall be subject to the following development standards:

- a. Development Site Plan: Prior to the issuance of any building permit, a Development Site Plan shall be submitted to the City for review and approval pursuant to the City's regulations.

- b. Parking: The design, number of parking spaces, and aisle dimensions shall be in accordance with the regulations in effect at the time building permit applications are submitted to the City.
- c. Sidewalks: The construction of sidewalks shall be required in accordance with the regulations in effect at the time building permit applications are submitted to the City.
- d. Setback Requirements: The Property shall be developed with minimum setbacks from property lines as follows:
  - i. Front and Rear – 25.0 feet;
  - ii. Interior Side Yards – 5.0 feet; and
  - iii. Exterior Side Yards – 15.0 feet.
- e. Signs: The design, installation, location, and maintenance of signs shall be in accordance with the City’s sign regulations in effect at the time that permits are submitted to the City.
- f. Trash and Other Solid Waste: Solid waste collection bins and dumpsters shall be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the closest adjacent building on the remaining three (3) sides.
- g. Outdoor Parking Lot Lighting: All parking lot pole lights shall be of a “shoe box” design and shall be located, shielded, and aimed in such a manner so as not to allow light to fall directly on adjacent public roadways and/or properties.

**SECTION SIX.** The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, including the City’s Zoning, Subdivision, and Sign Ordinances; 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 SEVEN.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

**SECTION EIGHT.** The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-I-9 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 NINE.** In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), 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.

*April* PASSED AND APPROVED ON FIRST READING, this the 20<sup>th</sup> day of \_\_\_\_\_, A.D., 2011.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the day of \_\_\_\_\_, A.D., 2011.

\_\_\_\_\_  
David Wampler, Mayor

ATTEST:

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

APPROVED AS TO FORM

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

FIELD NOTE DESCRIPTION  
43.72 ACRES

Being a tract of land containing 43.72 acres situated all in Kerr County, Texas and being all of A Revision of Hartshorn Country Sites, a subdivision of record in Volume 7, Page 148, Plat Records of Kerr County, and all of the James Avery Craftsman Subdivision, a subdivision of record in Volume 7, Page 149, Plat Records of Kerr County, and the portions of Avery Road N and Lessie Lane within and between the two subdivisions and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found for the southeast corner of a 3.03 acre tract of record in Volume 267, Page 434, Deed Records of Kerr County and being a north corner of a 483.44 acre tract of record in Volume 910, Page 577, Real Property Records of Kerr County and being the northeast corner of Tract One of said James Avery Craftsman Subdivision and being a northeast corner of the subject tract;

THENCE with the common lines of said 483.44 acre tract and the subject tract, the following calls:

S 09° 28' 50" W for 731.98 feet to an 8" steel fence corner post found for an angle point;  
S 77° 05' 21" W for 160.19 feet to a ½" iron rod found at a fence corner post for an angle point;  
S 20° 47' 31" W for 36.80 feet to a ½" iron rod found at an 8" fence corner post for an angle point;  
S 86° 47' 11" W for 21.38 feet to a ½" iron rod found at an 8" fence corner post for an angle point;  
S 00° 16' 52" E for 273.80 feet to an 8" steel fence corner post for a southeast corner of the subject tract;  
S 72° 27' 38" W for 798.79 feet to a ½" iron rod found in concrete at a fence corner post for a southeast corner of a 5.66 acre tract of record in Volume 261, Page 504, Deed Records of Kerr County and being a southwest corner of the subject tract;

THENCE with the common lines of said 5.66 acre tract and the subject tract, the following calls:

N 07° 28' 58" E for 391.87 feet to a 3/8" iron rod found at a 2" fence angle post for an angle point;  
N 01° 20' 36" W for 94.16 feet to a 2" steel fence corner post found for the northeast corner of said 5.66 acre tract;  
S 87° 16' 08" W for 110.49 feet to a ½" iron rod found at a 2" fence angle post for an angle point;  
N 87° 40' 13" W for 403.70 feet to a ½" iron rod found in the easterly right of way line of Texas F.M. Highway No. 783 (A.K.A. Harper Road) and being the northwest corner of said 5.66 acre tract;

THENCE with the easterly right of way line of said F.M. Highway No. 783, the following calls:

N 19° 08' 52" W for 90.90 feet to a ½" iron rod found for an angle point;  
N 59° 34' 40" W for 58.41 feet to a ½" iron rod found at the intersection of the east right of way line of the aforementioned Avery Road N and said easterly right of way line of F.M. Highway No. 783;  
N 59° 34' 40" W for 188.68 feet to a ½" iron rod found at the intersection of the north right of way line of said Avery Road N and the easterly right of way line of said F.M. Highway No. 783 and being a south corner of a 0.51 acre Green Area of the aforementioned James Avery Craftsman Subdivision;

N 58° 47' 55" W for 162.28 feet to a ½" iron rod found for the northwest corner of said 0.51 acre Green Area and being a southerly corner of Tract One of said A Revision of Hartshorn Country Sites;

N 60° 14' 00" W for 241.98 feet to a ½" iron rod found for an angle point;

N 47° 57' 00" W for 39.85 feet to a ½" iron rod found for an angle point;

N 32° 25' 00" W for 41.24 feet to a ½" iron rod found for an angle point;

N 20° 37' 00" W for 62.62 feet to a ½" iron rod found for an angle point;

N 09° 39' 00" W for 74.35 feet to a ½" iron rod found for an angle point;

N 03° 55' 00" W for 36.69 feet to a ½" iron rod found for an angle point;

N 00° 58' 14" E for 15.79 feet to a ½" iron rod found for an angle point;

N 04° 01' 00" E for 96.57 feet to a ½" iron rod found for an angle point;

N 06° 58' 00" E for 178.50 feet to a ½" iron rod found at the intersection of the south right of way line of Hartshorn Drive and the easterly right of way line of said F.M. Highway No. 783;

THENCE with the south right of way lines of said Hartshorn Drive, the following calls:

N 53° 05' 00" E for 213.65 feet to a ½" iron rod found for an angle point;

N 62° 44' 00" E for 67.98 feet to a ½" iron rod found for an angle point;

N 66° 46' 00" E for 40.17 feet to a ½" iron rod found for an angle point;

N 76° 37' 00" E for 9.84 feet to a ½" iron rod found for an angle point;

N 76° 53' 00" E for 261.34 feet to a ½" iron rod found for the northwest corner of Site 10 of Hartshorn Country Sites, a subdivision of record in Volume 1, Page 68-69 Plat Records of Kerr County and being the northeast corner of said Tract One of said A Revision of Hartshorn Country Sites;

THENCE with the common line of said Site 10 and the subject tract, S 16° 47' 00" E for 359.80 feet to a ½" iron rod found for the northwest corner of a tract of land conveyed to Edward A Schoening of record in Volume 432, Page 588, Real Property Records of Kerr County;

THENCE with the common line of said Schoening's tract and the subject tract, S 16° 36' 55" E for 206.50 feet to a ½" iron rod found for the northwest corner of Tract Two of said A Revision of Hartshorn Sites;

THENCE with a south line of said Schoening's tract and subsequently another tract conveyed to Edward A Schoening of record in Volume 703, Page 588, Real Property Records of Kerr County and being the north line of said Tract Two, N 69° 40' 00" E for 451.37 feet to a ½" iron rod found in the west right of way line of the aforementioned Lessie Lane and being the north east corner of said Tract Two;

THENCE crossing said Lessie Lane, N 42° 48' 37" E for 46.64 feet to a ½" iron rod found for the southwest corner of a 0.08 acre tract of record in Volume 163, Page 728, Deed Records of Kerr County and being the northwest corner of Tract Three of said A Revision of Hartshorn Sites;

THENCE with the common line of said 0.08 acre tract and said Tract Three, N 73° 06' 00" E for 208.62 feet to a ½" iron rod found in the west line of Site 9 of the aforementioned Hartshorn Country Sites and being the northeast corner of said Tract Three;

THENCE with the common line of said Site 9 and said Tract Three, S 16° 50' 40" E for 240.84 feet to a ½" iron rod found in the north right of way line of the aforementioned Avery Road N and being the southeast corner of said Tract Three;

THENCE crossing said Avery Road N, S 16° 43' 33" E for 43.53 feet to a ½" iron rod found in the south right of way line of said Avery Road N and the north line of the aforementioned Tract One of James Avery Craftsman Subdivision and being the southwest corner of a 0.94 acre Green Area of said A Revision of Hartshorn Country Sites;

THENCE with the southerly right of way lines of said Avery Road N, the following calls:

N 65° 00' 27" E for 86.78 feet to a ½" iron rod found for an angle point;  
N 54° 54' 00" E for 37.50 feet to a ½" iron rod found for an angle point;  
N 46° 17' 28" E for 37.55 feet to a ½" iron rod found for an angle point;  
N 40° 22' 14" E for 40.92 feet to a ½" iron rod found for an angle point;  
N 35° 18' 00" E for 130.10 feet to a 20" Live Oak tree found for an angle point;  
N 18° 31' 00" E for 47.80 feet to a ½" iron rod found for an angle point;  
N 08° 41' 00" E for 82.33 feet to a ½" iron rod found for an angle point;  
N 22° 48' 58" E for 25.67 feet to a ½" iron rod found for an angle point;  
N 38° 10' 07" E for 42.69 feet to a ½" iron rod found for an angle point;  
N 65° 11' 56" E for 62.84 feet to a ½" iron rod found in the approximate centerline of a creek and being the northwest corner the aforementioned 3.03 acre tract and the north corner of said 0.94 acre Green Area;

THENCE with the common lines of said 3.03 acre tract and the subject tract, with the approximate centerline of said creek the following calls:

S 16° 47' 56" W for 147.80 feet to a ½" iron rod set for an angle point;  
S 13° 52' 04" E for 133.10 feet to a ½" iron rod set for an angle point;  
S 26° 12' 04" E for 65.29 feet to a ½" iron rod set in the north line of said Tract One of James Avery Craftsman Subdivision and being the southeast corner of said 0.94 acre Green Area;

THENCE with the common line of said 3.03 acre tract and the subject tract, N 74° 47' 31" E for 392.64 feet to the POINT OF BEGINNING and containing 43.72 acres within these metes and bounds.

This description is a companion to a Plat of Survey dated December 8, 2010 and was prepared this 15<sup>th</sup> day of December 2010.



Charles Digges RPLS  
Texas Registration No. 4061  
File #10121401 msword DP

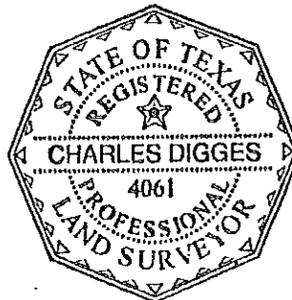


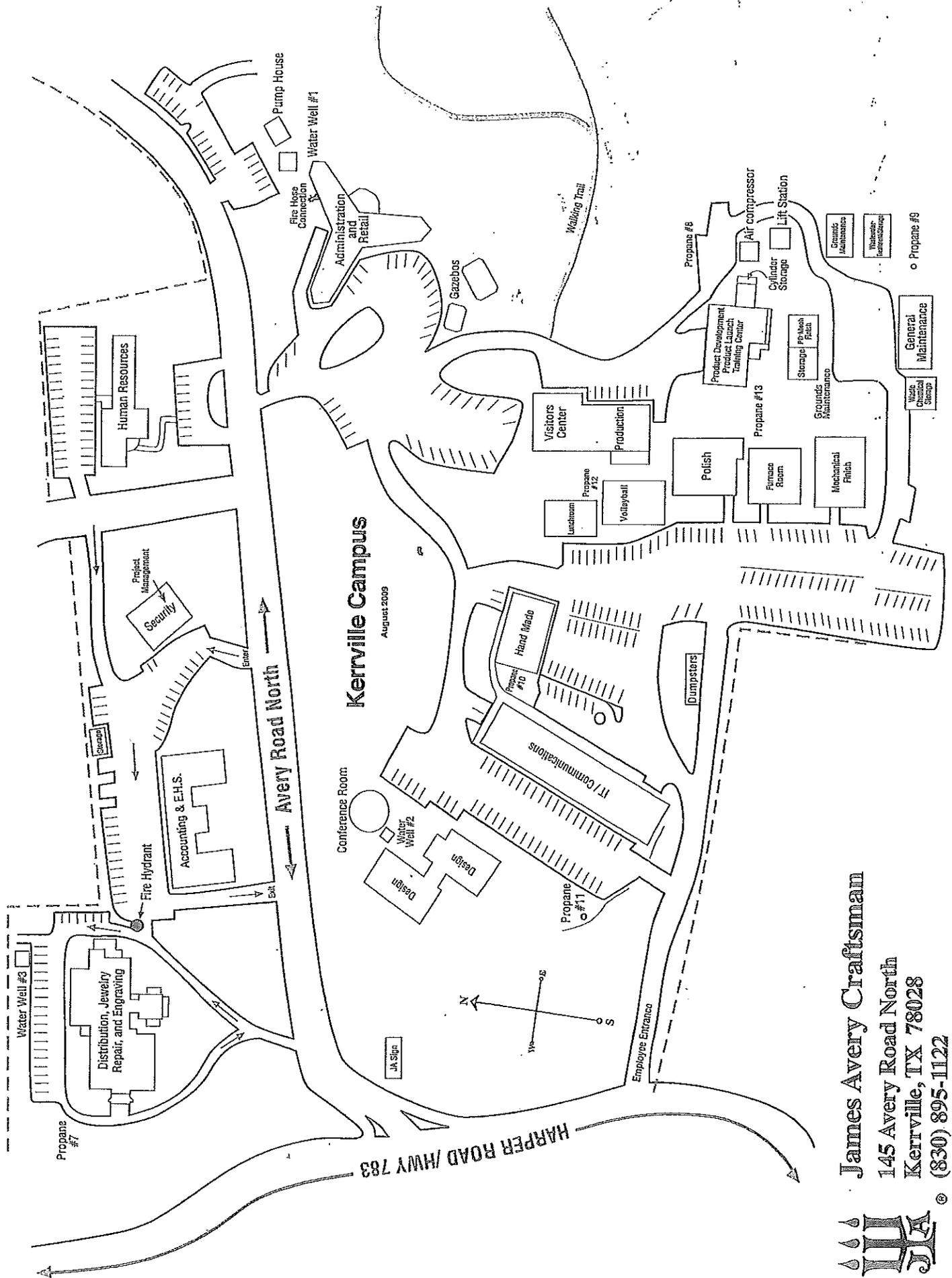


EXHIBIT C

ANNEXATION SERVICE PLAN

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Animal Control	The provisions of animal control services shall be in effect following annexation of the property.	Immediately following annexation
Code Enforcement	The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related code requirements adopted by the City of Kerrville shall be made immediately to the area upon annexation. The preparation of a zoning plan shall serve as a basis for the zoning of land following annexation. The adoption of the zoning plan shall be in accordance with the procedures of the City of Kerrville's Zoning Ordinance.	Immediately following annexation, zoning to be concurrent with annexation
Fire Protection and Suppression	Fire protection and suppression personnel and equipment from the Kerrville Fire Department will be provided to the area as needed.	Immediately following annexation
Fire Prevention	The services of the City of Kerrville Fire Marshall shall be provided to the area.	Immediately following annexation.
Library	Residents of the area, if any, will continue to be entitled to utilize all City of Kerrville Library facilities.	Immediately following annexation.
Parks and Recreation	City of Kerrville Parks and Recreation services will continue to be available to the area residents, if any.	Immediately following annexation
Police Protection	Police protection personnel and equipment shall be provided to the area immediately upon annexation. Police enforcement and protection services shall be provided through regular patrol activities.	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Public Services - Street Department	Public streets not maintained by the Texas Department of Transportation within the area shall be maintained by the City of Kerrville.	Immediately following annexation
Sanitation (Refuse Collection)	Refuse collection shall be available to residents of the annexed area at the same costs and procedures as required of City residents and businesses.	Immediately following annexation
Traffic Engineering	Traffic control devices and street markers shall be installed where deemed necessary by the city street department, except as provided by the Texas Department of Transportation.	Immediately following annexation
Utilities (Water Distribution and Wastewater Collection)	Extension of utilities within the property shall be in accordance with the City of Kerrville's Subdivision Ordinance.	As the property develops



**James Avery Craftsman**  
 145 Avery Road North  
 Kerrville, TX 78028  
 (830) 895-1122



## **Agenda Item:** **(Staff)**

- 3C. An ordinance amending the city's "zoning code" to revise article 11-l-6 "zoning districts-central city" by creating a new zoning district, the central business district, which will include and rezone parts of current zoning districts C-11, C-12, residential transition, and all of zoning district C-18; providing for use regulations within the new district; and making other amendments to the zoning code to account for the new district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars(\$2,000.00); and ordering publication.

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

**SUBJECT:** Zoning Code Amendment, Second Ordinance Reading – Consider amending the proposed Central Business District (CBD) by adding Lot 12, Block I, B.F. Cage Addition (600 Earl Garrett Street) to the boundaries of the district.

**FOR AGENDA OF:** May 10, 2011

**DATE SUBMITTED:** April 28, 2011

**SUBMITTED BY:** Gordon Browning

**CLEARANCES:** Kevin Coleman

**EXHIBITS:** Location Map, Ordinance

**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 FINANCE DIRECTOR:**

**SUMMARY STATEMENT**

At their March 22, 2011 meeting, City Council held a public hearing regarding the creation of the Central Business District (CBD) as recommended by the Zoning Ordinance Input Committee (ZOIC). During the City Council's public hearing the owner of property located at 600 Earl Garrett Street requested that his property be included within the proposed district.

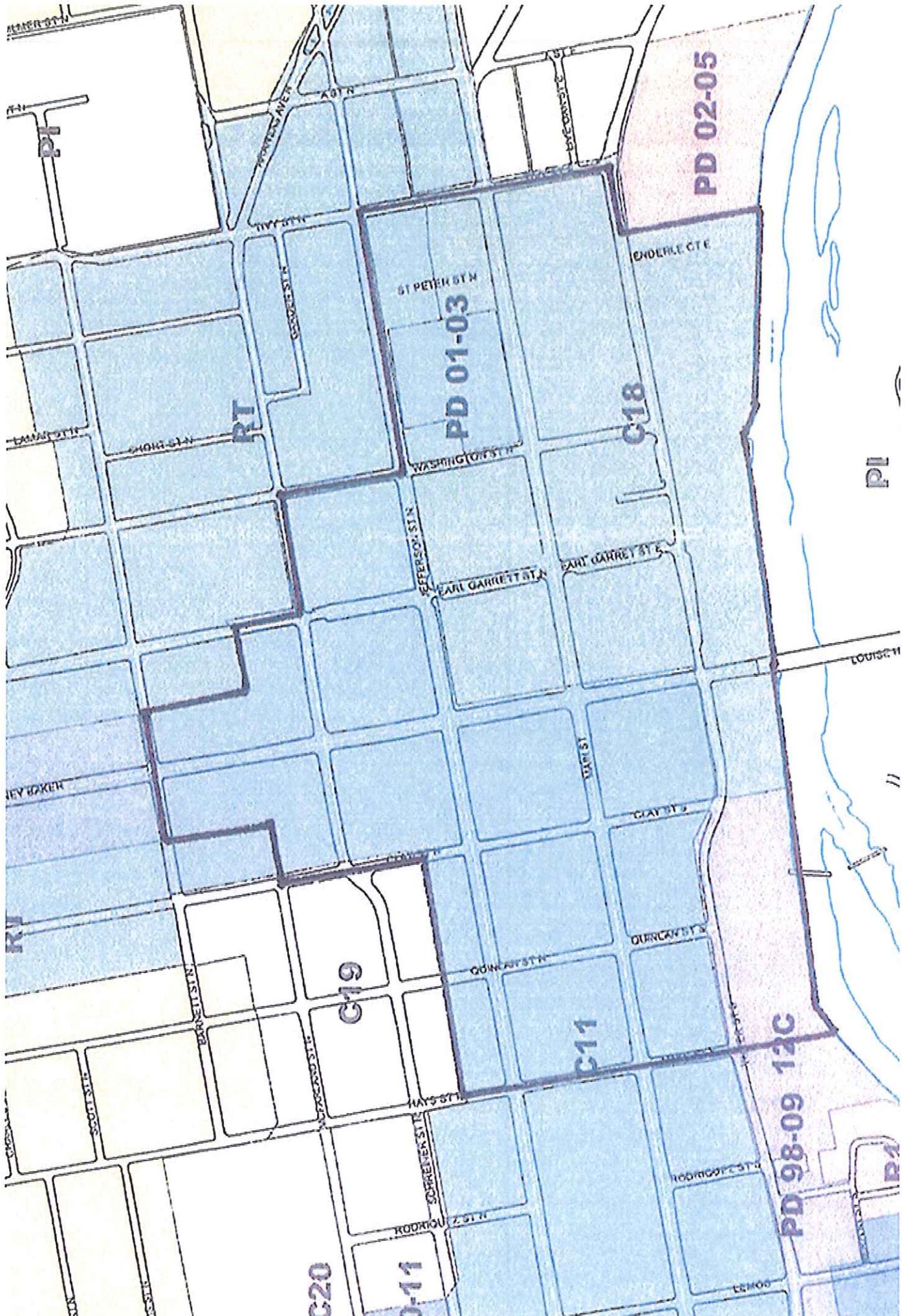
Following notice of the effected property owners, the Planning and Zoning Commission, held a public hearing regarding this request at their April 21, 2011 meeting and recommended the approval of the ordinance with the inclusion of the lot at 600 Earl Garrett.

Following a public hearing at its April 26 meeting, the City Council approved this ordinance on first reading with the inclusion of the lot at 600 Earl Garrett.

That ordinance is presented for second reading with only minor technical and typo edits.

**RECOMMENDED ACTION**

Approve ordinance amending the Zoning Code on second and final reading.



PD 02-05

PD 01-03

C18

C19

C11

PD 98-09 12C

ST PETER ST

WASHINGTON ST

EARL GARRETT ST

GOIN AVE ST

HAYS ST

RODRIGUEZ ST

CHORLE CTE

EARL GARRETT ST

CLAY ST

DURNEY ST

RODRIGUEZ ST

LEMOO

PI

LOUISIANA

11

PI

ROBERT ST

PI

PAYTON AVE

AORN

BYEWAY

HIV ST

OSWEGO ST

LAMAR ST

CHICK ST

PT

KEY BAKER

R

BARNETT ST

SCOTT ST

C20

D-11

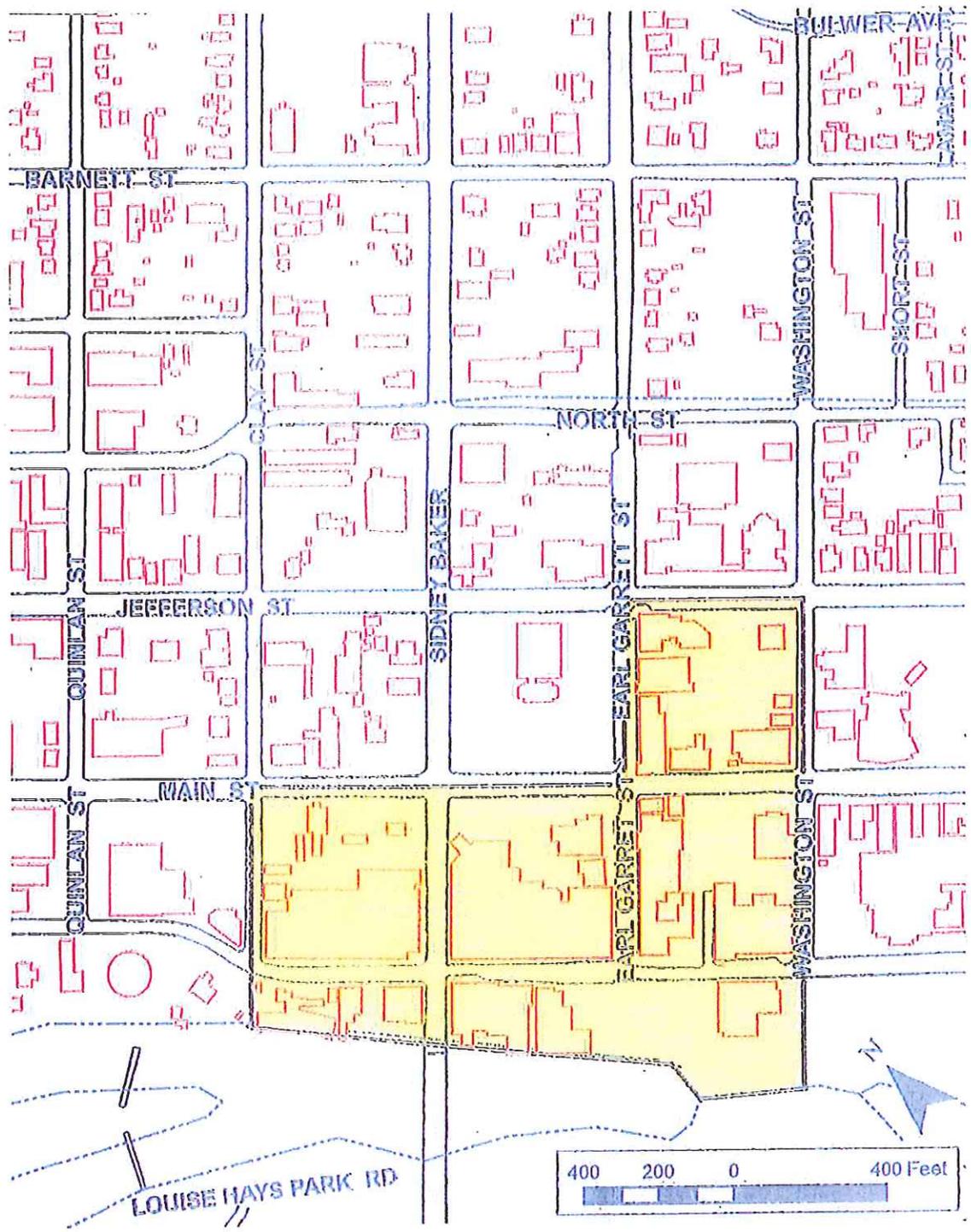


FIGURE 1  
 "Downtown Core"

SCHEDULE OF PERMITTED USES

NAICS Code	USE DESCRIPTION	HC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
11	Agriculture, Forestry, Fishing and Hunting										
111	Crop Production									22	
112	Animal Production									22	
113	Forestry and Logging									22	
114	Fishing, Hunting and Trapping									22	
115	Support Activities for Agriculture and Forestry									22	
21	Mining, Quarrying, and Oil and Gas Extraction									22	
211	Oil and Gas Extraction									22	
212	Mining (except Oil and Gas)									22	
213	Support Activities for Mining									22	
22	Utilities									22	
221	Utilities									22	
22112	Electric Power Transmission, Control, and Distribution									22	
221320	Sewage Treatment Facilities									22	
23	Construction										
236	Construction of Buildings									4	
237	Heavy and Civil Engineering Construction									4	
238	Specialty Trade Contractors									4	
2382	Building Equipment Contractors									4	
2383	Building Finishing Contractors									4	
31-33	Manufacturing										
311	Food Manufacturing									11	
312	Beverage and Tobacco Product Manufacturing									11	
313	Textile Mills									11	
314	Textile Product Mills									11	
316	Apparel Manufacturing									11	
318	Leather and Allied Product Manufacturing									11	
321	Wood Product Manufacturing									11	
322	Paper Manufacturing									11	
323	Printing and Related Support Activities									11	
32311	Printing									11	
323114	Quick Printing									20	
324	Petroleum and Coal Products Manufacturing									11	
325	Chemical Manufacturing									11	
326	Plastics and Rubber Products Manufacturing									11	
327	Nonmetallic Mineral Product Manufacturing									11	
331	Primary Metal Manufacturing									11	
332	Fabricated Metal Product Manufacturing									11	
333	Machinery Manufacturing									11	
334	Computer and Electronic Product Manufacturing									11	
335	Electrical Equipment, Appliance, and Component Manufacturing									11	
336	Transportation Equipment Manufacturing									11	
337	Furniture and Related Product Manufacturing									11	
339	Miscellaneous Manufacturing									11	
33991	Jewelry and Silverware Manufacturing									11	
42	Wholesale Trade										
423	Merchant Wholesalers, Durable Goods									13	
424	Merchant Wholesalers, Nondurable Goods									13	

SCHEDULE OF PERMITTED USES

NAICS Code	USE DESCRIPTION	NC	LC	RC	GBD	LI	I	AD	PI	PKMG. STHD.	SPECIAL CONDITIONS
426	Wholesale Electronic Markets and Agents and Brokers									13	
44-45	Retail Trade										
441	Motor Vehicle and Parts Dealers									20	Permit without Conditional Use Permit if all sales, display and storage is within an enclosed building.
44111	New Car Dealers				C					15	
44112	Used Car Dealers				C					15	
44121	Recreational Vehicle Dealers									15	
44122	Motorcycle, Boat, and Other Motor Vehicle Dealers									15	
4413	Automotive Parts, Accessories, and Tire Stores (Retail Only)				P					20	
442	Furniture and Home Furnishings Stores				P					20	
443	Electronics and Appliance Stores				P					20	
444	Building Material and Garden Equipment and Supplies Dealers									15	
444130	Nursery, Garden Stores				P					15	
444220	Hardware Stores				P					20	
445	Food and Beverage Stores				P					20	
446	Health and Personal Care Stores				P					20	
447	Gasoline Stations (w/Dev. Stnds.)				C					9	Requires Compliance with Art 11-I-19
44711	Gasoline Stations with Convenience Stores (w/Dev. Stnds.)				C					9	Requires Compliance with Art 11-I-19
448	Clothing and Clothing Accessories Stores				P					20	
4483	Jewelry, Luggage and Leather Goods Stores				P					20	
451	Sporting Goods, Hobby, Book, and Music Stores				P					20	
452	General Merchandise Stores				P					20	
45291	Warehouse Clubs and Supercenters									20	
453	Miscellaneous Store Retailers				P					20	
4533	Used Merchandise Stores (w/o Drop-off)				P					20	
45331	Used Merchandise Stores									20	Drop-off area may not encroach into any required setback or parking area and must be screened from street view by a solid fence at least 6-feet in height.
45393	Manufactured (Mobile) Home Dealers									15	
454	Nonsale Retailers				C					22	
45431	Fuel Dealers									9	
48-49	Transportation and Warehousing										
481	Air Transportation									21	
482	Rail Transportation									21	
483	Water Transportation									21	
484	Truck Transportation									21	
485	Transit and Ground Passenger Transportation									21	
486	Pipeline Transportation									21	
487	Scenic and Sightseeing Transportation				P					21	
488	Support Activities for Transportation									21	
491	Postal Services				P					21	
4911	Postal Services (Retail and Drop-off Only)									21	
492	Couriers and Messengers									21	
4921	Couriers and Messengers (Retail and Drop-off Only)				P					21	
493	Warehousing and Storage									21	
51	Information										
511	Publishing Industries (except Internet)				C					22	
512	Motion Picture and Sound Recording Industries				P					15	
512131	Motion Picture Theaters (except Drive-Ins)				P					17	

SCHEDULE OF PERMITTED USES

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
612132	Drive-In Motion Picture Theaters									22	
616	Broadcasting (except Internet) - (w/o towers)				P					22	
617	Telecommunications (w/o towers)				P					18	
618	Data Processing, Hosting and Related Services				P					14	
619	Other Information Services				P					14	
62	Finance and Insurance										
621	Monetary Authorities-Central Bank				P					14	
622	Credit Intermediation and Related Activities				P					14	
622299	All Other Nondepository Credit Intermediation (Pawnshops)				P					14	
623	Securities, Commodity Contracts, and Other Financial Investments and Related Activities				P					14	
624	Insurance Carriers and Related Activities				P					14	
6242	Agencies, Brokerages, and Other Insurance Related Activities				P					14	
624281	Claims Adjusting									14	
625	Funds, Trusts, and Other Financial Vehicles				P					14	
63	Real Estate and Rental and Leasing										
631	Real Estate				P					14	
63112	Lessors of Nonresidential Buildings (except Min Warehouses)				P					14	
63113	Lessors of Min Warehouses and Self-Storage Units (w/Dev. Stnds.)									13	Requires Compliance with Article 11-1-19
632	Rental and Leasing Services									22	
63211	Passenger Car Rental and Leasing				C					15	
63212	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing									16	
63221	Consumer Electronics and Appliances Rental				P					20	
63222	Formal Wear and Costume Rental				P					20	
63223	Video Tape and Disc Rental				P					20	
63229	Other Consumer Goods Rental				P					20	
63231	General Rental Centers				C					20	
63241	Construction, Transportation, Mining, and Forestry Machinery and Equipment Rental and Leasing									22	
63242	Office Machinery and Equipment Rental and Leasing				P					20	
63249	Other Commercial and Industrial Machinery and Equipment Rental and Leasing									22	
64	Professional, Scientific, and Technical Services										
641	Professional, Scientific, and Technical Services				P					14	
641490	Other Specialized Design Services				P					14	
64104	Veterinary Services (w/o kennels)				C					10	
641940	Veterinary Services									10	Requires the location of outdoor kennels to be at least 100 feet from any property line. Requires outdoor kennels, runs, enclosures, etc., to be enclosed by a solid fence at least 6 feet in height.
65	Management of Companies and Enterprises										
651	Management of Companies and Enterprises				P					14	
66	Administrative and Support and Waste Management and Remediation Services										
661	Administrative and Support Services				P					14	
66143	Business Service Center				P					14	
661613	Armored Car Services									15	
661622	Locksmiths									16	
66171	Exterminating and Pest Control Services									16	
66174	Carpet and Upholstery Cleaning Services									16	
662	Waste Management and Remediation Services									22	

SCHEDULE OF PERMITTED USES

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PXNO. STHD.	SPECIAL CONDITIONS
61	Educational Services										
6111	Elementary and Secondary Schools				P					8	
6112	Junior Colleges				P					8	
6113	Colleges, Universities and Professional Schools				P					8	
6114	Business Schools and Computer and Management Training				P					8	
6115	Technical and Trade Schools (Classroom Only)				P					8	
6116	Other Schools and Instruction (Classroom Only)				P					8	
6117	Educational Support Services				P					8	
62	Health Care and Social Assistance										
621	Ambulatory Health Care Services				P					10	
6211	Offices of Physicians				P					10	
6212	Offices of Dentists				P					10	
6213	Offices of Other Health Practitioners				P					10	
6214	Outpatient Care Centers				P					10	
62149	Other Outpatient Care Centers				P					10	
6216	Medical and Diagnostic Laboratories				P					10	
6218	Home Health Care Services				P					10	
6219	Other Ambulatory Health Care Services (except air ambulance)				P					10	
62191	Ambulance Services									10	
62199	All Other Ambulatory Health Care Services				P					10	
622	Hospitals				C					10	
6221	General Medical and Surgical Hospitals				C					10	
6222	Psychiatric and Substance Abuse Hospitals				C					10	Prohibits Buildings Housing Psychiatric Patients within 250 feet of any Residential District.
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals				C					10	
6231	Nursing Care Facilities				P					10	
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities				C					10	
6233	Community Care Facilities for the Elderly (w/o Nursing Care)				P					10	
6239	Other Residential Care Facilities				P					10	
624	Social Assistance (Office only)				P					14	
6241	Individual and Family Services				P					14	
6242	Community Food and Housing, and Emergency and Other Relief Services				P					21	
6243	Vocational Rehabilitation Services				P					10	
6244	Child Day Care Services (includes Adult)				P					8	
71	Arts, Entertainment, and Recreation										
711	Performing Arts, Spectator Sports, and Related Industries (except spectator sports)				P					18	
7111	Performing Arts Companies				P					18	
7112	Spectator Sports				C					18	
7113	Promoters of Performing Arts, Sports, and Similar Events				P					14	
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures				P					14	
7115	Independent Artists, Writers, and Performers				P					14	
712	Museums, Historical Sites, and Similar Institutions (w/o Zoos)				P					5	
7121	Museums, Historical Sites, and Similar Institutions (w/o Zoos)									6	
713	Amusement, Gambling, and Recreation Industries				C					18	
7132	Gambling Industries									22	
72	Accommodation and Food Services										
721	Accommodation									12	
7211	Traveler Accommodation									12	
72111	Hotel/Motel				P					12	

SCHEDULE OF PERMITTED USES

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
721101	Bed-and-Breakfast Inns				P					2	Facility must comply with all city and state building, fire and health codes and must have a valid Certificate of Occupancy.
7212	RV (Recreational Vehicle) Parks and Recreational Camps									22	
7213	Rooming and Boarding Houses									12	
722	Food Services and Drinking Places				P					19	
72221	Limited - Services Eating Places (w/Dev. Strds.)				P					19	
72233	Mobile Food Services				P					22	
81	Other Services (except Public Admins/trallon)										
811	Repair and Maintenance									1	
8111	Automotive Repair and Maintenance				C					1	
811101	Automotive Oil Change and Lubrication Shops				C					1	Requires compliance w/Art 11-I-19
811192	Car Washes				C					22	Requires compliance w/Art 11-I-19
8112	Electronic and Precision Equipment Repair and Maintenance (Minor)				P					20	
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic)									1	
8114	Personal and Household Goods - Repair and Maintenance				P					20	
812	Personal and Laundry Services									16	
8121	Personal Care Services				P					16	
8122	Death Care Services				C					7	
8123	Drycleaning and Laundry Services									16	
81231	Coin-Operated Laundries and Drycleaners				P					16	
81233	Linen and Uniform Supply									16	
8129	Other Personal Services				P					16	
81291	Pet Care Services (except veterinary/kenels)				P					16	
81293	Parking Lots and Garages (by fee)				P					22	
813	Religious, Grantmaking, Civic, Professional, and Similar Organizations				P					14	
8131	Religious Organizations				P					3	
8132	Grantmaking and Giving Services				P					14	
8133	Social Advocacy Organizations				P					14	
8134	Civic and Social Organizations				P					14	
8139	Business, Professional, Labor, Political, and Similar Organizations				P					14	
814	Private Households				P					23	
92	Public Administration										
921	Executive, Legislative, and Other General Government Support				P					14	
922	Justice, Public Order, and Safety Activities				P					14	
92214	Correctional Institutions									14	
923	Administration of Human Resource Programs				P					14	
924	Administration of Environmental Quality Programs				P					14	
926	Administration of Housing Programs, Urban Planning, and Community Development				P					14	
928	Administration of Economic Programs				P					14	
927	Space Research and Technology				C					14	
928	National Security and International Affairs				C					14	
A.	Residential Uses									23	
	Single Family				P						

**SCHEDULE OF PERMITTED USES**

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
	Duplex				P						
	Multi-Family				P						
	Upper Story Residential (Loft Apartments)				P						
B.	Accessory Uses & Structures				P						

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2011-\_\_**

**AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" TO REVISE ARTICLE 11-I-6 "ZONING DISTRICTS-CENTRAL CITY" BY CREATING A NEW ZONING DISTRICT, THE CENTRAL BUSINESS DISTRICT, WHICH WILL INCLUDE AND REZONE PARTS OF CURRENT ZONING DISTRICTS C-11, C-12, RESIDENTIAL TRANSITION, AND ALL OF ZONING DISTRICT C-18; PROVIDING FOR USE REGULATIONS WITHIN THE NEW DISTRICT; AND MAKING OTHER AMENDMENTS TO THE ZONING CODE TO ACCOUNT FOR THE NEW DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); AND ORDERING PUBLICATION**

**WHEREAS**, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of a hearing which was held before the City Council on April 26, 2011, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in revisions to Article 11-I-6 of the City's Zoning Code which will create a new zoning district, the Central Business District; and

**WHEREAS**, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on April 26, 2011, as advertised; and

**WHEREAS**, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and the City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's Zoning Code to revise Article 11-I-6 by creating a new zoning district, the Central Business District;

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

**SECTION ONE.** Article 11-I-3 "Definitions and Interpretations of Words and Phrases" of the City's Zoning Code is amended by deleting the definition of "Central Business District" and replacing it with a new definition as follows:

**"(23) Central Business District (CBD):** Lots 3-11, Block H and Lots 1-7, 12-16, Block I, B.F. Cage Addition; all of Blocks 1, 2, 3, 4, 5, 6, 7, 8, the Courthouse Block, 17, 18, 19, 20, 22, 23, 24, 25, and 26, J.D. Brown Addition; Lots 598-601, Block 10, Lots 377-

380, Block 51, Lots 369-376, Block 52, all of Blocks 9, 22, 29, 30, 31, 43, 44, 45 and 50, Schreiners 2<sup>nd</sup> Addition, City of Kerrville, Kerr County, Texas; and being generally described as Barnett Street on the north, the Guadalupe River on the south, Hays Street on the west and Tivy Street on the east.

- (35) **Downtown Core**: An area within the Central Business District generally bounded by the Guadalupe River on the south, extending north on Clay Street, east on Main Street, north on Earl Garrett Street, east on Jefferson Street, and south on Washington Street.”

**SECTION TWO.** Article 11-I-6 “Zoning Districts-Central City” of the City’s Zoning Code is amended by deleting Section 11-I-6(a)(8).

**SECTION THREE.** Article 11-I-6 “Zoning Districts-Central City” of the City’s Zoning Code is amended by adding a new Section 11-I-6(a)(11) as follows:

- “(11) **Central Business District (CBD)**: The Central Business District is the City’s original downtown area. The district is established to promote a variety of uses and services commonly found in a downtown, pedestrian-friendly environment. Any development and/or redevelopment within this district should be conducted with goal of complimenting the culture, heritage, and history associated with the City’s downtown area. Within the CBD is an area defined as the “Downtown Core”. The Downtown Core is a 5 ½ block area consisting of small specialty shops, restaurants, offices, and tourist, visitor and public uses unique to the City. This area, defined by the boundaries shown on Figure 1, shall be exempt from the following development standards of the CBD:

- a. **Setbacks**: Setbacks are not required in the Downtown Core.
- b. **Parking**: If an existing structure in the Downtown Core changes uses and the new use does not expand the existing area encompassed by the exterior walls, the new use may be established without adding off-street parking which may otherwise be required by Article 11-1-20.
- c. **Use of Public Sidewalks**: Any retailer occupying a ground floor establishment within the Downtown Core may display merchandise on the public sidewalk during normal business hours, in an area directly in front or to the side of the business provided that there remains sufficient space allowing for a thirty-six inch (36”) wide path, which is required to meet accessibility standards. A site plan reviewed and approved by the City Planner is required.”

**SECTION FOUR.** Article 11-I-6 “Zoning Districts-Central City” of the City’s Zoning Code is amended by amending Section 11-I-6(b) as follows:

“(b) Permitted and Conditional Uses-Central City: The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the enumerated Central City zoning districts described in Section (a.), above, and shown on the Official Zoning Map, are indicated by the letters “P” and “C”, respectively, in the following table:

**SEE FOLLOWING PAGE FOR TABLE**

**SECTION FIVE.** Article 11-I-17 "Regulations Regarding Building Height, Lot Width, Area, and Setbacks" of the City's Zoning Code is amended by deleting Section 11-I-17(c)(1).

**SECTION SIX.** The Director of Development Services is authorized to amend the City's Zoning Code to reflect the amendments adopted herein and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code, as appropriate.

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

**SECTION TEN.** 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 ELEVEN.** 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 26<sup>th</sup> day of April A.D., 2011.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the day of \_\_\_\_\_, A.D., 2011.

\_\_\_\_\_  
David Wampler, Mayor

ATTEST:

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

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

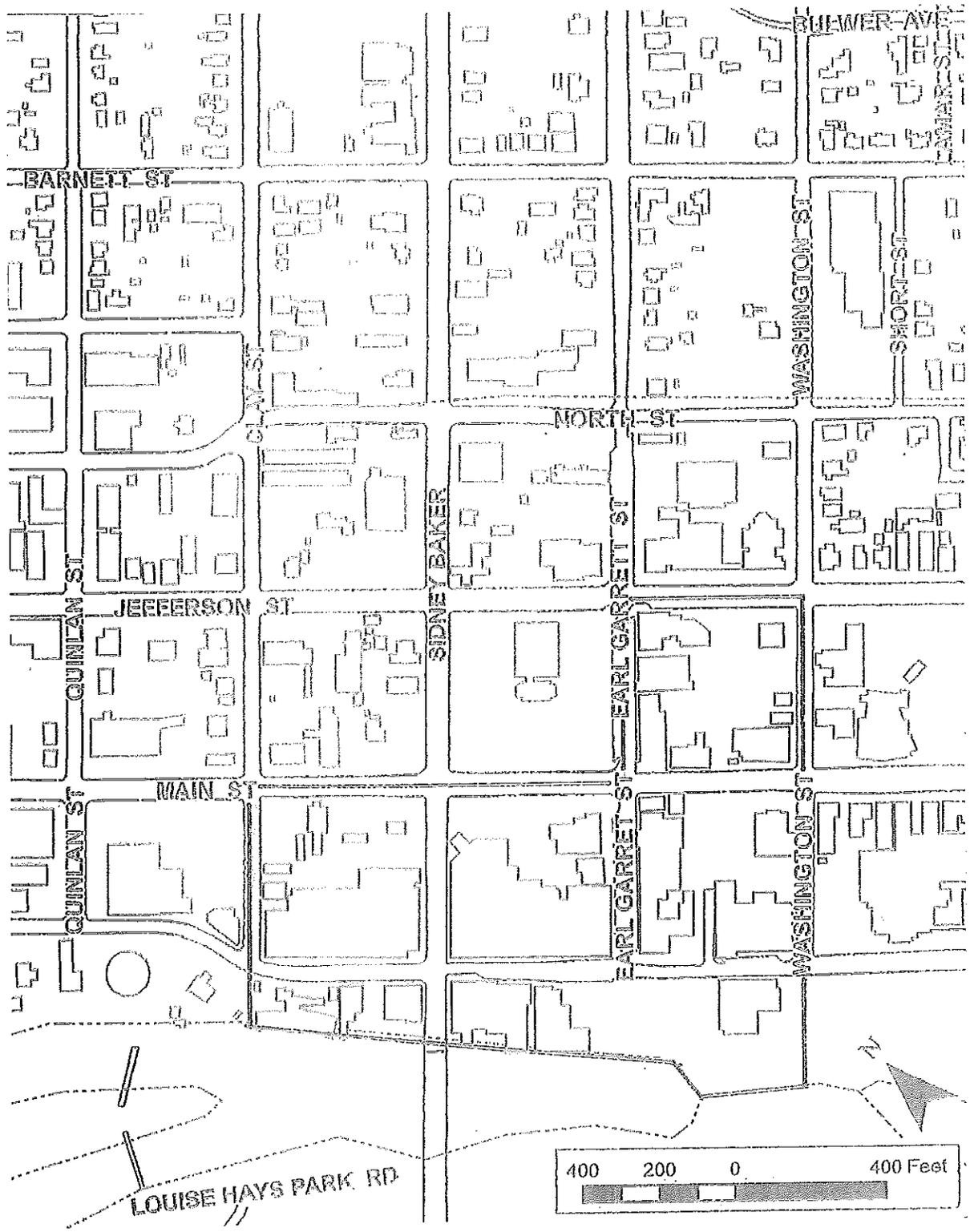


FIGURE 1  
"Downtown Core"

SCHEDULE OF PERMITTED USES

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
11	Agriculture, Forestry, Fishing and Hunting										
111	Crop Production									22	
112	Animal Production									22	
113	Forestry and Logging									22	
114	Fishing, Hunting and Trapping									22	
115	Support Activities for Agriculture and Forestry									22	
21	Mining, Quarrying, and Oil and Gas Extraction									22	
211	Oil and Gas Extraction									22	
212	Mining (except Oil and Gas)									22	
213	Support Activities for Mining									22	
22	Utilities									22	
221	Utilities									22	
22112	Electric Power Transmission, Control, and Distribution									22	
221320	Sewage Treatment Facilities									22	
23	Construction										
236	Construction of Buildings									4	
237	Heavy and Civil Engineering Construction									4	
238	Specialty Trade Contractors									4	
2382	Building Equipment Contractors									4	
2383	Building Finishing Contractors									4	
31-33	Manufacturing										
311	Food Manufacturing									11	
312	Beverage and Tobacco Product Manufacturing									11	
313	Textile Mills									11	
314	Textile Product Mills									11	
315	Apparel Manufacturing									11	
316	Leather and Allied Product Manufacturing									11	
321	Wood Product Manufacturing									11	
322	Paper Manufacturing									11	
323	Printing and Related Support Activities									11	
32311	Printing									11	
323114	Quick Printing				C					11	
324	Petroleum and Coal Products Manufacturing				P					20	
325	Chemical Manufacturing									11	
326	Plastics and Rubber Products Manufacturing									11	
327	Nonmetallic Mineral Product Manufacturing									11	
331	Primary Metal Manufacturing									11	
332	Fabricated Metal Product Manufacturing									11	
333	Machinery Manufacturing									11	
334	Computer and Electronic Product Manufacturing									11	
335	Electrical Equipment, Appliance, and Component Manufacturing									11	
336	Transportation Equipment Manufacturing									11	
337	Furniture and Related Product Manufacturing									11	
339	Miscellaneous Manufacturing									11	
33991	Jewelry and Silverware Manufacturing									11	
42	Wholesale Trade										
423	Merchant Wholesalers, Durable Goods									13	
424	Merchant Wholesalers, Nondurable Goods									13	

SCHEDULE OF PERMITTED USES

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
425	Wholesale Electronic Markets and Agents and Brokers									13	
44-45	Retail Trade										
441	Motor Vehicle and Parts Dealers									20	Permit without Conditional Use Permit if all sales, display and storage is within an enclosed building.
44111	New Car Dealers				C					15	
44112	Used Car Dealers				C					15	
44121	Recreational Vehicle Dealers									15	
44122	Motorcycle, Boat, and Other Motor Vehicle Dealers									15	
4413	Automotive Parts, Accessories, and Tire Stores (Retail Only)				P					20	
442	Furniture and Home Furnishings Stores				P					20	
443	Electronics and Appliance Stores				P					20	
444	Building Material and Garden Equipment and Supplies Dealers									15	
444130	Nursery, Garden Stores				P					15	
444220	Hardware Stores				P					20	
445	Food and Beverage Stores				P					20	
446	Health and Personal Care Stores				P					20	
447	Gasoline Stations (w/Dev. Stnds.)				C					9	Requires Compliance with Art 11-I-19
44711	Gasoline Stations with Convenience Stores (w/Dev. Stnds.)				C					9	Requires Compliance with Art 11-I-19
448	Clothing and Clothing Accessories Stores				P					20	
4483	Jewelry, Luggage and Leather Goods Store				P					20	
451	Sporting Goods, Hobby, Book, and Music Stores				P					20	
452	General Merchandise Stores				P					20	
45291	Warehouse Clubs and Supercenters									20	
453	Miscellaneous Store Retailers				P					20	
4533	Used Merchandise Stores (w/o Drop-off)				P					20	
45331	Used Merchandise Stores									20	Drop-off area may not encroach into any required setback or parking area and must be screened from street view by a solid fence at least 6-feet in height.
45393	Manufactured (Mobile) Home Dealers									15	
454	Nonstore Retailers				C					22	
45431	Fuel Dealers									9	
48-49	Transportation and Warehousing										
481	Air Transportation									21	
482	Rail Transportation									21	
483	Water Transportation									21	
484	Truck Transportation									21	
485	Transit and Ground Passenger Transportation									21	
486	Pipeline Transportation									21	
487	Scenic and Sightseeing Transportation				P					21	
488	Support Activities for Transportation									21	
491	Postal Service				P					21	
4911	Postal Services (Retail and Drop-off Only)									21	
492	Couriers and Messengers									21	
4921	Couriers and Messengers (Retail and Drop-off Only)				P					21	
493	Warehousing and Storage									21	
51	Information										
511	Publishing Industries (except Internet)				C					22	
512	Motion Picture and Sound Recording Industries				P					15	
512131	Motion Picture Theaters (except Drive-Ins)				P					17	

SCHEDULE OF PERMITTED USES

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
512132	Drive-In Motion Picture Theaters									22	
515	Broadcasting (except Internet) - (w/o towers)				P					22	
517	Telecommunications (w/o towers)				P					16	
518	Data Processing, Hosting and Related Services				P					14	
519	Other Information Services				P					14	
52	Finance and Insurance										
521	Monetary Authorities-Central Bank				P					14	
522	Credit Intermediation and Related Activities				P					14	
522288	All Other Nondepository Credit Intermediation (Pawnshops)				P					14	
523	Securities, Commodity Contracts, and Other Financial Investments and Related Activities				P					14	
524	Insurance Carriers and Related Activities				P					14	
5242	Agencies, Brokerages, and Other Insurance Related Activities				P					14	
524291	Claims Adjusting									14	
525	Funds, Trusts, and Other Financial Vehicles				P					14	
53	Real Estate and Rental and Leasing										
531	Real Estate				P					14	
53112	Lessors of Nonresidential Buildings (except Min Warehouses)				P					14	
53113	Lessors of Min Warehouses and Self-Storage Units (w/Dev. Stnds.)									13	Requires Compliance with Article 11-1-19
532	Rental and Leasing Services									22	
53211	Passenger Car Rental and Leasing				C					15	
53212	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing									16	
53221	Consumer Electronics and Appliances Rental				P					20	
53222	Formal Wear and Costume Rental				P					20	
53223	Video Tape and Disc Rental				P					20	
53229	Other Consumer Goods Rental				P					20	
53231	General Rental Centers				C					20	
53241	Construction, Transportation, Mining, and Forestry Machinery and Equipment Rental and Leasing									22	
53242	Office Machinery and Equipment Rental and Leasing				P					20	
53249	Other Commercial and Industrial Machinery and Equipment Rental and Leasing									22	
54	Professional, Scientific, and Technical Services										
541	Professional, Scientific, and Technical Services				P					14	
541490	Other Specialized Design Services				P					14	
54194	Veterinary Services (w/o kennels)				C					10	
541940	Veterinary Services									10	Requires the location of outdoor kennels to be at least 100-feet from any property line. Requires outdoor kennels, runs, enclosures, etc., to be enclosed by a solid fence at least 6-feet in height.
55	Management of Companies and Enterprises										
551	Management of Companies and Enterprises				P					14	
56	Administrative and Support and Waste Management and Remediation Services										
561	Administrative and Support Services				P					14	
56143	Business Service Center				P					14	
561613	Armored Car Services									15	
561622	Locksmiths									16	
56171	Exterminating and Pest Control Services									16	
56174	Carpet and Upholstery Cleaning Services									16	
562	Waste Management and Remediation Services									22	

SCHEDULE OF PERMITTED USES

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
61	<b>Educational Services</b>										
6111	Elementary and Secondary Schools				P					8	
6112	Junior Colleges				P					8	
6113	Colleges, Universities and Professional Schools				P					8	
6114	Business Schools and Computer and Management Training				P					8	
6115	Technical and Trade Schools (Classroom Only)				P					8	
6116	Other Schools and Instruction (Classroom Only)				P					8	
6117	Educational Support Services				P					8	
62	<b>Health Care and Social Assistance</b>										
621	<b>Ambulatory Health Care Services</b>										
6211	Ambulatory Health Care Services				P					10	
6212	Offices of Physicians				P					10	
6213	Offices of Dentists				P					10	
6214	Offices of Other Health Practitioners				P					10	
6214	Outpatient Care Centers				P					10	
62149	Other Outpatient Care Centers				P					10	
6215	Medical and Diagnostic Laboratories				P					10	
6216	Home Health Care Services				P					10	
6219	Other Ambulatory Health Care Services (except air ambulance)				P					10	
62191	Ambulance Services				P					10	
62199	All Other Ambulatory Health Care Services				P					10	
622	<b>Hospitals</b>										
6221	General Medical and Surgical Hospitals				C					10	
6222	Psychiatric and Substance Abuse Hospitals				C					10	Prohibits Buildings Housing Psychiatric Patients within 250 feet of any Residential District.
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals				C					10	
6231	Nursing Care Facilities				P					10	
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities				C					10	
6233	Community Care Facilities for the Elderly (w/o Nursing Care)				P					10	
6239	Other Residential Care Facilities				P					10	
624	<b>Social Assistance (Office only)</b>										
6241	Individual and Family Services				P					14	
6242	Community Food and Housing, and Emergency and Other Relief Services				P					21	
6243	Vocational Rehabilitation Services				P					10	
6244	Child Day Care Services (Includes Adult)				P					6	
71	<b>Arts, Entertainment, and Recreation</b>										
711	<b>Performing Arts, Spectator Sports, and Related Industries (except spectator sports)</b>										
7111	Performing Arts Companies				P					18	
7112	Spectator Sports				P					18	
7113	Promoters of Performing Arts, Sports, and Similar Events				C					18	
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures				P					14	
7115	Independent Artists, Writers, and Performers				P					14	
712	<b>Museums, Historical Sites, and Similar Institutions (w/o Zoos)</b>										
7121	Museums, Historical Sites, and Similar Institutions (w/o Zoos)				P					5	
713	<b>Amusement, Gambling, and Recreation Industries</b>										
7132	Gambling Industries				C					18	
72	<b>Accommodation and Food Services</b>										
721	<b>Accommodation</b>										
7211	Traveler Accommodation									12	
72111	Hotel/Motel				P					12	

SCHEDULE OF PERMITTED USES

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
721191	Bed-and-Breakfast Inns				P						Facility must comply with all city and state building, fire and health codes and must have a valid Certificate of Occupancy.
7212	RV (Recreational Vehicle) Parks and Recreational Camps									22	
7213	Rooming and Boarding Houses									12	
722	Food Services and Drinking Places				P					19	
72221	Limited - Services Eating Places (w/Dev. Stnds.)				P					19	
72233	Mobile Food Services				P					22	
81	Other Services (except Public Administration)										
811	Repair and Maintenance									1	
8111	Automotive Repair and Maintenance				C					1	
811191	Automotive Oil Change and Lubrication Shops				C					1	Requires compliance w/Art 11-1-19
811192	Car Washes				C					22	Requires compliance w/Art 11-1-19
8112	Electronic and Precision Equipment Repair and Maintenance (Minor)				P					20	
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic)									1	
8114	Personal and Household Goods - Repair and Maintenance				P					20	
812	Personal and Laundry Services									16	
8121	Personal Care Services				P					16	
8122	Death Care Services				C					7	
8123	Drycleaning and Laundry Services									16	
81231	Coin-Operated Laundries and Drycleaners				P					16	
81233	Linen and Uniform Supply									16	
8129	Other Personal Services				P					16	
81291	Pet Care Services (except veterinary/kennels)				P					16	
81293	Parking Lots and Garages (by fee)				P					22	
813	Religious, Grantmaking, Civic, Professional, and Similar Organizations				P					14	
8131	Religious Organizations				P					3	
8132	Grantmaking and Giving Services				P					14	
8133	Social Advocacy Organizations				P					14	
8134	Civic and Social Organizations				P					14	
8139	Business, Professional, Labor, Political, and Similar Organizations				P					14	
814	Private Households				P					23	
92	Public Administration										
921	Executive, Legislative, and Other General Government Support				P					14	
922	Justice, Public Order, and Safety Activities				P					14	
92214	Correctional Institutions									14	
923	Administration of Human Resource Programs				P					14	
924	Administration of Environmental Quality Programs				P					14	
925	Administration of Housing Programs, Urban Planning, and Community Development				P					14	
926	Administration of Economic Programs				P					14	
927	Space Research and Technology				C					14	
928	National Security and International Affairs				C					14	
A.	Residential Uses									23	
	Single Family				P						

SCHEDULE OF PERMITTED USES

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
	Duplex				P						
	Multi-Family				P						
	Upper Story Residential (Loft Apartments)				P						
B.	Accessory Uses & Structures				P						

**Agenda Item:**  
**(Staff)**

- 3D. An ordinance amending the city's "Zoning Code" to revise Article 11-I-19 "Special Development Regulations for Specific Uses" in its entirety to include changing the title of the article to "Supplementary Development Requirements" and adding development requirements to specific land uses within any 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); and ordering publication.

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

**SUBJECT:** Zoning Code Amendment, Second Ordinance Reading – Consider a recommendation to amend Article 11-I-19, Special Development Regulations for Specific Uses, of the Zoning Code of the City of Kerrville, by deleting the existing Article 1-I-19, Special Development Regulations for Specific Uses, and adding a new Article 11-I-19, Supplementary Development Requirements, to the Zoning Code.

**FOR AGENDA OF:** May 10, 2011      **DATE SUBMITTED:** April 29, 2011

**SUBMITTED BY:** Gordon Browning      **CLEARANCES:** Kevin Coleman *KC*

**EXHIBITS:** Existing Article 11-I-19, Ordinance Amending Article 11-I-19 *KD Indian*

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

**SUMMARY STATEMENT**

This recommended amendment represents a total rewrite of the existing Article 11-I-19, Special Development Regulations for Specific Uses, of the Zoning Code. The proposed update changes the title of the Article to "Supplementary Development Requirements" and adds development requirements to specific land uses in any zoning district. Significant changes proposed in this amendment include;

- Use name changes, i.e., Fuel Sales Businesses become Gasoline Sales, etc.
- Adding car washes and auto repair facilities to the list of uses requiring supplemental development requirements.
- Requiring specific separation distances from the 100-year flood plain and the City Impoundment Area for certain uses.
- Increasing the height of required screening fences when adjacent to residential districts from 6-feet to 8-feet.

In addition, this amendment also lists the four (4) use categories regulated by separate adopted ordinances.

The Zoning Ordinance Input Committee and staff are proposing that the current Article 11-I-19, Special Development Regulations for Specific Uses, be deleted in preference to the new Article 11-I-19, Supplementary Development Requirements as presented.

The Planning and Zoning Commission at their March 3, 2011 meeting, following a public hearing recommended approval of the Zoning Code amendment with the addition of "wood siding" to the list of prohibited façade materials (section (b)2(d) Mini-warehouses and Self-Storage Units – Design Criteria). No one from the public spoke at the public hearing.

The City Council approved this ordinance, with that addition, on first reading at its March 22 meeting.

Subsequent to that meeting, and at request of Councilmember Motheral, ZOIC reviewed the impact of fire lane and loading area requirements on density allowed in self-storage units (section (b)1(g) Mini-warehouses and Self-Storage Units – Use, Parking and Access). ZOIC recommended slight changes to the language, but no change in the requirements of this section.

Therefore the ordinance presented for second reading contains only minor technical and typo edits from that approved at first reading.

#### **RECOMMENDED ACTION**

Approve ordinance amending the Zoning Code on second and final reading.

Art. 11-I-19 SPECIAL DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (a) **Fuel Sales Businesses:** Property used for the purpose of the sale of fuels shall be developed in accordance with the following regulations:
- (1) **Distance from Right-of-Way:** Service stations may locate fuel pumps and pump islands beyond the setback, but in no case closer than fifteen (15) feet from any street right-of-way;
  - (2) **Canopy Requirements:** Any canopy placed over the pump island may not extend closer than five feet (5.0') to the right-of-way;
  - (3) **Pumps Near Residential Zones:** Fuel pumps and pump islands may not be located closer than one hundred feet (100.0') to an "R-1", "R-1A", "RC", "RM", or "RT" zoning district;
  - (4) **Pumps Near Existing Residence:** Fuel pumps and pump islands may not be located closer than one hundred feet (100.0') to a property currently being developed and used for residential purposes within a zoning district that permits fuel sales.
- (b) **Mini-Storage Businesses:** The use of property for operating a self-service storage facility shall comply with the following development regulations:
- (1) **Screening Required:** No building shall be located so that the door of the self-storage unit faces the street unless screening is constructed along the entire length of the building, said screening to be in the form of:
    - (i) a fence constructed in the manner required for Type "A" Screening,
    - (ii) a solid landscape hedge;
    - (iii) another building located between the self-storage units and the street; or
    - (iv) such other screening that may be approved by the Commission upon application of the developer or owner.
  - (2) **Required Facade Materials:** The sides of all self-storage unit buildings that face a street shall have exteriors that are composed of wood, rock, brick, or stucco unless screened from view from all streets as required in Subsection (1), above;
  - (3) **Driveways:** All driveways within the complex must be designed to accommodate appropriate fire fighting vehicles and be approved by the City Fire Marshal;
  - (4) **Setback Requirements:** Notwithstanding Article 11-1-17, no building used as a self-storage unit may be located closer than twenty-five feet from any existing developed residential property or the boundary of any "R-1", "R-1A", "RC", "RM", "RT" or "R-3" zoning district;

- (5) **Recreational Vehicle Storage Units:** No building constructed for, or open areas reserved for, the storage of recreational vehicles or travel trailers may be located closer than fifty feet (50.0') from any existing residential property or the boundary of any "R-1", "R-1A", "RC", "RM", "RT" or "R-3" zoning district.
- (c) **Public Assembly Parking In or Abutting Certain Zones:** Parking associated with a public assembly use located in or abutting an "R-1", "R-1A", "RC", "RM" or "RT" zoning district shall be screened as follows:
- (1) Type "A" screening shall be installed along the property line of any other property abutting the parking area, with the actual area used for parking set back not less than five feet from the property line;
  - (2) When the parking area abuts a public right-of-way, the minimum height of the Type "A" screening may be reduced to three feet.
- (d) **Child Care Centers:** Property used for the purpose of a child care center shall be developed in accordance with the following regulations:
- (1) **Approval of Site Plan:** Prior to the commencement of operation of any child care center, the owner and/or operator of the proposed center shall submit for review a site plan which indicates the design, location, and operation of the proposed child care center will be in compliance with this Section (d.) and all other applicable provisions of this Chapter. Said site plan shall be approved as follows:
    - (i) if use of the property as a child care center does not require the approval of a conditional use permit or an ordinance changing the zoning regulations of the property, the site plan must be approved by the Commission prior to commencement of operation of the center; or
    - (ii) if use of the property as a child care center requires the approval of a conditional use permit or an ordinance changing the zoning regulations of the property, the site plan shall be approved by the City Council in accordance with the applicable procedures related to the adoption of a conditional use permit or ordinance changing the zoning of the property.
  - (2) **Platting of Certain Child Care Center Locations:** Child care centers located in an "RT" Residential Transition District must be located on property platted in multiples of the minimum lot width of the district classification requirements. The lot depth must comply with the minimum requirements for the applicable zoning district and shall never be approved in a shape that could not reasonably be converted into standard lots for single-family residential development.
  - (3) **Child Care Centers Located in Non-Residential Zoning Districts:** Child care centers to be located in the "RT" Residential Transition District or any zoning district not described in Article 11-1-10 must:
    - (i) Be located in an enclosed shopping mall exceeding 300,000 square feet of gross leaseable area; provided, however, the center must be within the interior of the mall with no direct access to the exterior of the building except through exits located and designed to be used solely for emergency exits; or

- (ii) Be located in an office structure or similar single-user structure; provided, however, the center may not have direct access to the exterior of the building other than through doorways connecting to outdoor play space or through exits located and designed to be used solely for emergency exits; or
  - (iii) Be located on a single platted lot; or
  - (iv) Be an accessory use that provides a service solely to employees, customers, or patrons of the principal business(es) located in the building where the center is located; or
  - (v) Be located in an accessory building on the same lot as the main building that provides a service to employees, customers, or patrons of the main building.
- (4) **General Development Requirements:** All child care centers must be developed as follows:
- (i) All passenger loading and unloading areas and outdoor play space shall be located so as to avoid conflict with vehicular traffic.
  - (ii) Access from public streets and/or sidewalks to the facility must comply with the Texas Accessibility Standards adopted by the Texas Department of Licensing and Regulations pursuant to the Architectural Barriers Act, Tex. Rev. Civ. Stat. art. 9102, as amended.
  - (iii) Except for child care centers which provide care for not more than four hours per day, outdoor play space must be provided at a rate of eighty (80) square feet per child, or the minimum established by federal or state law or regulation based on the maximum design capacity of the child care center.
  - (iv) If the child care center is located in a residential zoning district, no more than one-half of the required play space may be provided off-site in a public or private park, but only if:
    - a* the park is located no more than 100 feet of the child care center; and
    - b* access to the park from the center does not require crossing at-grade any street classified as a thoroughfare, regardless of whether or not access can be obtained across a controlled intersection with crosswalk lights and street markings.
  - (v) No child care center may be located in whole or in part in a one-family or two-family dwelling except to the extent that the center qualifies as a home occupation pursuant to Art. 11-1-3(a.)(49).
  - (vi) Ingress and egress from the center must be from a street with a pavement width of 30 feet or greater which is not classified as a dead-end street.

- (vii) No portion of a child care center site may be within 300 feet of gasoline pumps, above ground or underground gasoline storage tanks, or any other storage area for explosive materials.
  - (viii) No child care center located in a residential zoning district may be located any closer than 1,500 lineal feet from a community home defined in Chapter 123 of the Texas Human Resources Code, as amended, adult group home, personal care facility, assisted living center, or another child care center.
  - (ix) Any child care center authorized to be located in a residential zoning district must be designed and constructed in such a manner as to look like a residence of similar character and design to residential structures located on the adjacent properties and shall include pitched roofs and windows which constitute not less than 40% of the front facade.
- (e) **Adult Group Homes:** Property used for the purpose of an adult group home shall be developed in accordance with the following regulations:
- (1) **"Adult Group Home" Defined:** An Adult Group Home is a dwelling unit for sixteen (16) or fewer people in which food, shelter, and minor medical treatment under the direction and supervision of a physician, or services which meet some need beyond boarding or lodging are provided to residents of that dwelling unit, but not including care provided to any family member residing with his family in a one-family dwelling. Residents of an Adult Group Home depend on staff to provide various degrees of assistance in everyday living, but are not considered dangerous to themselves or others and require only occasional or temporary services by professional medical or nursing personnel which are provided through individual arrangement with each resident. Adult Group Home includes any facility which requires a license issued by the Texas Department of Health or its successor agency as a Personal Care Facility, but does not include a facility which requires a license as a Special Care Facility.
  - (2) **Approval of Site Plan:** Prior to the commencement of operation of any Adult Group Home, the owner and/or operator of the proposed center shall submit for review a site plan which indicates the design, location, and operation of the proposed Adult Group Home will be in compliance with this Section (e.) and all other applicable provisions of this Chapter. Said site plan shall be approved as follows:
    - (i) if use of the property as an Adult Group Home does not require the approval of a conditional use permit or an ordinance changing the zoning regulations of the property, the site plan must be approved by the Commission prior to commencement of operation of the center; or
    - (ii) if use of the property as an Adult Group Home requires the approval of a conditional use permit or an ordinance changing the zoning regulations of the property, the site plan shall be approved by the City Council in accordance with the applicable procedures related to the adoption of a conditional use permit or ordinance changing the zoning of the property.

(3) **General Development Requirements:** All Adult Group Homes must be developed as follows:

- (i) All passenger loading and unloading areas and outdoor recreation areas shall be located so as to avoid conflict with vehicular traffic.
- (ii) Access from public streets and/or sidewalks to the facility must comply with the Texas Accessibility Standards adopted by the Texas Department of Licensing and Regulations pursuant to the Architectural Barriers Act, Tex. Rev. Civ. Stat. art. 9102, as amended.
- (iii) Ingress and egress from the Adult Group Home must be from a street with a pavement width of 30 feet or greater which is not classified as a dead-end street.
- (iv) No Adult Group Home located in a residential zoning district may be located any closer than 1,500 lineal feet from a community home defined in Chapter 123 of the Texas Human Resources Code, as amended, personal care facility, assisted living center, or a child care center.
- (v) Any Adult Group Home authorized to be located in a residential zoning district must be designed and constructed in such a manner as to look like a residence of similar character and design to residential structures located on the adjacent properties and shall include pitched roofs and windows which constitute not less than 40% of the front facade.

(4) **Application to Community Homes:** The provisions of this Section (e.) shall be applicable to the use and development of property as a community home, as defined in Chapter 123 of the Texas Human Resources Code, to the extent that the development of said community home is not exempt from municipal zoning regulations. In the event applicable provisions of state and federal law or regulation establish more restrictive regulations of community homes than this Chapter, including, but not limited to, spacing and occupancy regulations, the more restrictive state or federal law or regulation shall apply.

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2011-\_\_**

**AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" TO REVISE ARTICLE 11-I-19 "SPECIAL DEVELOPMENT REGULATIONS FOR SPECIFIC USES" IN ITS ENTIRETY TO INCLUDE CHANGING THE TITLE OF THE ARTICLE TO "SUPPLEMENTARY DEVELOPMENT REQUIREMENTS" AND ADDING DEVELOPMENT REQUIREMENTS TO SPECIFIC LAND USES WITHIN ANY 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); AND ORDERING PUBLICATION**

**WHEREAS**, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of a hearing which was held before the City Council on March 22, 2011, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in revisions to Article 11-I-19 of the City's Zoning Code which will make changes to regulations applicable to various uses; and

**WHEREAS**, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on March 22, 2011, as advertised; and

**WHEREAS**, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and the City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's Zoning Code to revise Article 11-I-19 in its entirety by adopting supplementary development requirements for various specified uses;

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

**SECTION ONE.** Article 11-I-19 "Special Development Regulations for Specific Uses" of the City's Zoning Code is amended in its entirety, which includes changing the title, to read as follows:

**"Art. 11-I-19 SUPPLEMENTARY DEVELOPMENT REQUIREMENTS**

The following supplementary development requirements are use-specific development requirements that are in addition to development standards required for specified uses within specified

zoning districts. These development requirements were established to assure compatibility with the adjacent zoning district and land uses as well as the public need and the City's orderly development.

(a) **Gasoline Sales:** Automobile services stations and other gasoline sales uses, except the sale of aviation fuel at an airport, shall comply with the following requirements:

1. A minimum street frontage of one-hundred twenty feet (120.0') is required.
2. The primary use of a gasoline sales establishment in any district in which it is permitted shall be the sale of gasoline with incidental sales of sundries. The operation of a convenience store shall be permitted in conjunction with gasoline sales. Vehicle sales and repair shall not be considered an accessory use. Automated car washes, as an accessory use, may be permitted.
3. No outdoor sales or storage shall be permitted in conjunction with gasoline sales facilities.
4. Pump islands shall be located a minimum of twenty-five feet (25.0') from any street right-of-way.
5. Pump islands shall be located a minimum of one-hundred feet (100.0') from any residential district.
6. The location of the refueling area shall be located a minimum of one-hundred feet (100.0') from any residential district and twenty-five feet (25.0') from any street right-of-way. In addition, an area shall be provided for the refueling truck outside the required drive aisles, fire lanes, and required parking.
7. Any canopy placed over the pump island may not extend closer than fifteen feet (15.0') to any street right-of-way.
8. An eight foot (8.0') solid fence shall be constructed and maintained along any property line adjoining a residential district.
9. All lighting shall be designed and installed to prevent glare or light from being emitted onto adjacent properties.
10. Signage shall comply with the City's Sign Regulations existing at the time of permitting and installation, except canopy signage. Canopy signs shall not exceed 25% of the canopy face and shall be limited to two (2) sides.
11. All self-service facilities shall provide an emergency shut-off switch to completely eliminate the flow of gasoline from all pumps upon activation in an emergency situation.

12. This use is prohibited within one-hundred feet (100.0') of the 100-year flood plain. In addition, where such use is within five-hundred feet (500.0') of the 100-year flood plain or within one-thousand feet (1000.0') of the UGRA Lake/City Impoundment Area, such use will require the adoption of a Conditional Use Permit pursuant to this code. These distances are based on the Federal Emergency Management Agency (FEMA) map at the time of development and are to be measured to the property line.

(b) **Miniwarehouses and Self-Storage Units:** miniwarehouses and self-storage units are those facilities designed for self-storage by patrons in individual, compartmentalized, controlled access stalls or lockers, and shall comply with the following requirements;

1. Use, Parking, and Access:

- a. Miniwarehousing shall be used for storage purposes only and not for any other use, processing, services, or activities. Outdoor storage is prohibited in conjunction with this use.
- b. The use may include the storage of recreational vehicles, boats, and automobiles, provided that the storage area is screened from public view and paved. The site plan or concept plan shall show the designed parking and storage areas at the time of project submittal. No parking or storage of recreational vehicles or boats shall be allowed within fifty feet (50.0) of any residential district.
- c. One apartment is authorized for use by an on-site manager or security guard.
- d. All driveways, parking, loading, and vehicle circulation areas shall be paved in accordance with City specifications.
- e. One parking space shall be required in the office and apartment area for each 10,000 square feet of floor area in the miniwarehouse development. These spaces are in addition to the required loading areas.
- f. A continuous marked fire lane is required throughout the project per City Fire Code.
- g. In addition to the fire lane required by City Fire Code, a continuous loading area consisting of a minimum of eight feet (8.0') in width shall be provided for parking and loading along any building face which provides access to the storage units.

## 2. Design Criteria:

- a. The minimum separation distance between buildings shall be twenty feet (20.0'), provided that additional separation will be necessary where loading areas and fire lanes are required.
- b. Public access doors to the storage units shall not face the public right-of-way.
- c. The leasing office and/or manager's apartment shall not exceed one-story in height.
- d. Building facades facing public right-of-ways shall not have metal, vinyl, or wood siding, but shall be a minimum eight feet (8.0') in height and shall include design features to break up long facades.
- e. The maximum height adjacent to a residential district shall be one-story, generally limited to a maximum of fifteen feet (15.0').
- f. Lighting shall be installed with no fixtures extending above the rooflines and/or emitting light toward a residential district.

(c) **Day Care Services (Includes Adult)**: a property used for day care services is a facility providing care, supervision, and guidance to an unaccompanied person for a period less than twenty-four (24) hours per day. The term includes nursery schools, preschools, day care centers for both children and adults, and similar uses. Facilities used for day care services shall comply with the following requirements:

1. Compliance with the minimum state requirements for such facilities.
2. Requires a circular or similar drive, covered at the entrance with loading/unloading space for at least two (2) vehicles. This requirement is not required for multitenant buildings.
3. No portion of any play or instruction area shall be located within the required front yard setback and/or exterior side yard setback.
4. An eight foot (8.0') solid fence shall be constructed and maintained along any property line adjoining a residential district.

(d) **Automotive Repair and Maintenance and Automotive Oil Change and Lubrication Shops**: Properties primarily engaged in providing a wide range of mechanical and electrical repair; maintenance services; diagnostic services; changing motor oil and lubricating automotive vehicles, such as passenger vehicles and vans shall comply with the following requirements:

1. All maintenance shall be performed entirely within the bays of the maintenance facility.
  2. No outdoor storage of vehicle parts or supplies, including tires and petroleum products shall be permitted.
  3. Maintenance facilities shall be located a minimum of one-hundred feet (100.0') from any residential district.
  4. Unless placed within the primary structure, incidental equipment, such as air compressors, pumps, or waste material storage, shall be placed within a designated area which is located a minimum of twenty-five feet (25.0') from any street right-of-way, a minimum of fifty feet (50.0') from any side or rear property line, and one-hundred feet (100.0') from any residential district.
  5. An eight foot (8.0') solid fence shall be constructed and maintained along any property line adjoining a residential district.
  6. Vehicles waiting for repair shall be located in a secure area on the site; no off-site or on street parking or storage shall be permitted.
  7. Signage shall comply with the City's Sign Regulations existing at the time of permitting and installation.
  8. This use is prohibited within one-hundred feet (100.0') of the 100-year flood plain. In addition, where such use is within five-hundred feet (500.0') of the 100-year flood plain or within one-thousand feet (1000.0') of the UGRA Lake/City Impoundment Area, such use will require the adoption of a Conditional Use Permit pursuant to this code. These distances are based on the Federal Emergency Management Agency (FEMA) map at the time of development and are to be measured to the property line.
- (e) **Car Washes (Self-Service and Unattended)**: A property primarily used for washing, drying, polishing, or vacuuming passenger vehicles, recreational vehicles, or other light duty equipment shall comply with the following requirements, except when operating as an accessory use, such as in conjunction with gasoline sales:
1. Car wash facilities shall be designed with and utilize water recirculation systems.
  2. Incidental equipment, such as vacuums and air compressors, shall be located a minimum of twenty-five feet (25.0') from any street right-of-way, a minimum of fifty feet (50.0') from any side or rear property line, and one-hundred feet (100.0') from any residential district.
  3. An eight foot (8.0') solid fence shall be construed and maintained along any property line adjoining a residential district.

4. All lighting, including lighting for wash bays and canopies, shall be designed and installed to prevent glare or light from emitting onto adjacent properties.
5. Signage shall comply with the City's Sign Regulations existing at the time of permitting and installation, except canopy signage. Canopy signage shall not be greater than 25% of the canopy face and shall be limited to two (2) sides.
6. This use is prohibited within one-hundred feet (100.0') of the 100-year flood plain. In addition, where such use is within five-hundred feet (500.0') of the 100-year flood plain or within one-thousand feet (1000.0') of the UGRA Lake/City Impoundment Area, such use will require the adoption of a Conditional Use Permit pursuant to this code. These distances are based on the Federal Emergency Management Agency (FEMA) map at the time of development and are to be measured to the property line.

(f) **Adult Group Homes**: a property used for the purpose of an adult group home shall be developed in accordance with the following requirements:

1. The regulations contained within this section shall be applicable to the use and development of property as a community home, as defined in Chapter 123 of the Texas Human Resources Code, to the extent that the development of a community home is not exempt from the City's zoning regulations. Where applicable provisions of state or federal law establish more restrictive regulations of community homes than this section, including, spacing and occupancy regulations, the more restrictive state or federal law shall apply.
2. An adult group home is a dwelling unit for sixteen (16) or fewer people in which food, shelter, and minor medical treatment are provided under the direction and supervision of a physician; or where services which meet some need beyond boarding or lodging are provided to any family member residing with his family in a one-family dwelling. Residents of an adult group home depend on staff to provide various degrees of assistance in everyday living, but are not considered dangerous to themselves or others and require only occasional or temporary services by professional medical or nursing personnel which are provided through individual arrangement with each resident. An adult group home includes any facility which requires a license issued by the Texas Department of Health or its successor agency as a Personal Care Facility but does not include a facility which requires a license as a Special Care facility.
3. Prior to operating any adult group home, the owner and/or operator shall submit a site plan to the City for review, which indicates that the design, location, and operation of the proposed adult group home will be in compliance with this section and all other applicable provisions of this code. Said site plan shall be considered as follows:
  - a. If use of the property as an adult group home does not require the approval of a Conditional Use Permit or an ordinance changing the zoning regulations of the

property, the site plan must be approved by the Commission prior to commencement of operation of the home; or

- b. If use of the property as an adult group home requires the approval of a Conditional Use Permit or an ordinance changing the zoning regulations of the property, the site plan shall be approved by the City Council in accordance with the applicable procedures related to the adoption of a Conditional Use Permit or ordinance changing the zoning of the property.

4. An adult group home shall be developed as follows:

- a. All passenger loading and unloading areas and outdoor recreation areas shall be located as to avoid conflict with vehicular traffic.
- b. Access from public streets and/or sidewalks to the facility must comply with the Texas Accessibility Standards adopted by the Texas Department of Licensing and Regulations pursuant to the Architectural Barriers Act, Tex. Rev. Civ. Stat. Art. 9102, as amended.
- c. Ingress and egress from the adult group home shall be from a street with a pavement width of thirty feet (30.0') or greater which is not classified as a dead-end street.
- d. No adult group home located in a residential zoning district may be located any closer than 1,500 lineal feet from a community home defined in Charter 123 of the Texas Human Resources Code, as amended; personal care facility; assisted living center; or child care center.
- e. Any adult group home authorized to be located in a residential zoning district shall be designed and constructed in such a manner as to look like a residence of similar character and designed to tie in with residential structures located on the adjacent properties and shall include pitched roofs and windows which constitute not less than 40% of the front façade.

(g) **Other Uses:** The following uses and development requirements were adopted by separate ordinance which regulates such uses:

- 1. **Small Wind Energy Systems:** A small wind energy system is a mechanical system, whether connected to an electrical utility grid or not, consisting primarily of a tower or roof-mounted anchoring system, rotor, blades, and a generator that is designed for the purpose of converting and then storing or transferring energy from the wind into useable forms of energy. Small wind energy systems shall be regulated in accordance with Chapter 26 of the City's Code of Ordinances.

2. Sexually Oriented Businesses: Sexually oriented businesses refers to adult entertainment that includes an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center, or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Sexually oriented businesses shall be regulated in accordance with Chapter 30 of the City's Code of Ordinances.
3. Wireless Telecommunication Facilities: Wireless telecommunication facility (WTF) refers to a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication or broadcasting facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), or lattice or monopole construction. This definition includes satellite dishes, microwave-transmitting towers, and WTF's attached to or supported by buildings. Wireless telecommunication facilities (Cellular Antennas) shall be regulated in accordance with Ordinance No. 2003-35.
4. Amateur Radio Antennas: An amateur radio antenna (ARA) is defined as an antenna used for transmitting and/or receiving by a licensed or unlicensed amateur radio operator and includes the actual tower, support structure, and related equipment. Amateur radio antennas (ARA's) shall be regulated in accordance with Ordinance No. 2005-11."

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

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

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

**SECTION FIVE.** Pursuant to Texas Local Government Code §52.013(a) and Section 3.07

of the City's Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

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

**PASSED AND APPROVED ON FIRST READING, this the \_\_ day of \_\_\_\_\_, A.D., 2011.**

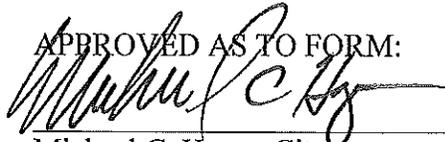
**PASSED AND APPROVED ON SECOND AND FINAL READING, this the day of \_\_\_\_\_, A.D., 2011.**

\_\_\_\_\_  
David Wampler, Mayor

ATTEST:

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

APPROVED AS TO FORM:



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

**Agenda Item:**  
**(Staff)**

- 3E. An ordinance amending the city's "Zoning Code" to revise Article 11-I-20 "Off-Street Parking and Loading Requirements" in its entirety to make amendments which include increasing the parking requirements for various uses, requiring specific types of paving for parking lots, requiring stacking areas for uses utilizing drive-through services, requiring lights for parking lots used at night, and establishing an appeal process; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication.

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

**SUBJECT:** Zoning Code Amendment, Second Ordinance Reading – Consider a recommendation to amend Article 11-I-20, Off-Street Parking and Loading Regulations, of the Zoning Code of the City of Kerrville, by deleting the existing Article 11-I-20, Off-Street Parking and Loading Regulations, and adding a new Article 11-I-20, Off-Street Parking and Loading Regulations, to the Zoning Code.

**FOR AGENDA OF:** May 10, 2011      **DATE SUBMITTED:** April 29, 2011

**SUBMITTED BY:** Gordon Browning      **CLEARANCES:** Kevin Coleman

*KC*  
*W. Anderson*

**EXHIBITS:** Existing Article 11-I-20, Ordinance Amending Article 11-I-20

**AGENDA MAILED TO:**

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

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

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

**SUMMARY STATEMENT**

This recommended amendment represents a total rewrite of an existing article in the Zoning Code. Though the rewrite is largely a clarification and re-formatting of the existing article, a few major changes and additions have been proposed. The significant changes in the amendment include:

- An increase in required parking for multi-family, restaurant and retail developments.
- A requirement for all parking spaces and access drives are to be paved with either asphalt, concrete or approved alternate surfaces.
- A requirement for drive through facilities to provide stacking lanes.
- A requirement for parking lots used after dark to be lighted.
- A process for approving parking reductions.

ZOIC and staff are proposing that the current Article 11-I-20 be deleted in preference to the new Article 11-I-20 as presented.

The Planning and Zoning Commission at their March 3, 2011 meeting, following a

public hearing recommended approval of the Zoning Code amendment as presented. No one from the public spoke at the public hearing.

Following a public hearing at its March 22 meeting, the City Council approved this ordinance on first reading. That ordinance is presented for second reading with only minor technical and typo edits.

**RECOMMENDED ACTION**

Approve ordinance amending the Zoning Code on second and final reading.

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

- (a) **Off-Street Parking and/or Loading Required:** Except as otherwise permitted by ordinance or resolution of the City Council, no building or structure shall be erected, or its use changed, without the construction of permanent off-street parking and loading spaces in accordance with the provisions of this Article.
- (b) **Encroachment on Right-of-Way:** No portion of any private parking space, lot or facility may encroach on any public easement or right-of-way, unless authorized by law, ordinance, regulations or written agreement of the governmental entity which owns or otherwise has jurisdiction over the easement or right-of-way.
- (c) **Application to Existing Buildings:** The regulations regarding off-street parking and loading in effect prior to June 16, 1997, shall remain in effect for buildings existing on June 16, 1997; provided, however, the provisions of this Article shall be applicable to an existing building as follows:
- (1) **Change in Use:** If the use of the building on June 16 1997, is changed to a different use which pursuant to this Article requires more off-street parking than currently exists for the building, then:
- (i) if the building is not located in the Central Business District, the new use may not commence until the required additional off-street parking is provided; or
- (ii) if the building is located in the Central Business District, and the new use does not require an enlargement of the area encompassed by the exterior walls of the building, the new use can occur without adding the off-street parking which would otherwise be required by this Article.
- (2) **Modifications or Additions to Building:** When modifications or additions are made to an existing building which result in an increase in the number of dwelling units, usable floor area, allowable seating capacity, or allowable occupancy:
- (i) if such increase is less than fifty percent (50%) of the number of dwelling units, floor area, allowable seating capacity or allowable occupancy existing prior to June 16, 1997, the number of additional required off-street parking spaces will be calculated based only on the increase in the number of dwelling units, floor area, allowable seating capacity or allowable occupancy; provided, however, the required number of parking spaces shall not exceed that required for the entire building; or
- (ii) if such increase is fifty percent (50%) or greater of the number of dwelling units, floor area, allowable seating capacity or allowable occupancy existing prior to June 16, 1997, the number of additional required off-street parking spaces will be calculated based on the entire building, including all increases in the number of dwelling units, floor area, allowable seating capacity or allowable occupancy; or
- (iii) if the building is located in the Central Business District, and the modifications do not require an enlargement of the area encompassed by

the exterior walls of the building, then no additional off-street parking spaces will be required.

- (1) **Reduction of Parking Spaces:** The amount of off-street parking spaces and loading area available for an existing building may not be reduced below the amount required by this Article even if the regulations in effect prior to June 16, 1997, required less off-street parking or loading areas.
- (d) **Parking Plan Required:** All applications for building permits or change of use must include a site plan indicating all required off-site parking spaces and loading areas. No certificate of occupancy may be issued until all required off-street parking and/or loading areas have been constructed or otherwise made available.
- (e) **Minimum Design Standards for Off-Street Parking:** In addition to such other standards as may be adopted from time to time by the City, the design of off-street parking facilities must comply with the following minimum standards:
  - (1) **Parking Stall Dimensions:** Parking stalls must be not less than:
    - (i) nineteen feet (19.0') deep, measured along the shortest stripe mark for the stall, for all stalls except parallel parking stalls;
    - (ii) twenty-three feet (23.0') in length for parallel parking stalls, inclusive of any areas on either end of the stall marked as a prohibited parking area; provided, however, the space where parking is permitted is not less than nineteen feet (19.0') long;
    - (iii) nine feet (9.0') wide, regardless of the stall angle, measured from the center lines of the side stripe markings for the stall.
  - (2) **Aisle Dimensions:** The dimensions of the aisles within a parking lot located between rows of parking spaces or between a row of spaces and a curb or the edge of pavement shall be as follows for the various types of parking spaces described:
    - (i) if the angle of the parking stalls is less than or equal to 45° in relation to the head-in line of the row, the aisle shall be:
      - a* not less than thirteen feet (13.0') wide, if the aisle is for one way traffic;
      - b* not less than twenty-four feet (24.0') wide, if the aisle is for two way traffic;
    - (ii) if the angle of the parking stalls is greater than 45°, but less than or equal to 60° in relation to the head-in line of the row, the aisle shall be:
      - a* not less than sixteen feet (16.0') wide, if the aisle is for one way traffic;
      - b* not less than twenty-four feet (24.0') wide, if the aisle is for two way traffic;

- (iii) if the angle of the parking stalls is greater than 60° in relation to the head-in line of the row, the aisle shall be not less than twenty-four feet (24.0') wide, regardless of whether the aisle is for one way or two way traffic.
  - (3) **Access:** Except as permitted in the "R-1", "R-1A", "RM" and "RC" zoning districts, parking stalls may not be designed to be directly accessed from any street. All parking stalls must be accessible by means of a driveway, aisle, or other maneuvering space.
  - (4) **Alleys:** If an off-street parking stall is located such that it is accessed directly from a public alley, the width of the required aisle may be measured to the centerline of the adjacent alley.
  - (5) **Paving Required:** All required parking and loading areas shall be surfaced with materials sufficient to prevent mud, dust, loose material and other nuisances from being removed from the property and tracked onto the public rights-of-way by vehicles traveling from the parking or loading areas.
  - (6) **Markings:** Parking stalls must at all times be clearly marked by paint, buttons or other methods approved by the City Building official.
  - (7) **Wheel Blocks:** All parking stalls which are adjacent to public right-of-way must be constructed with wheel blocks or other suitable devices installed in a manner and at a distance away from the right-of-way line which prevents any part of a parked vehicle from extending into the public right-of-way.
- (f) **Location of Off-Premise Parking Spaces:** All required off-street parking spaces to be used in conjunction with the use and occupancy of a building must be located on the same building lot as that building, except as follows:
- (1) **Off Premise Parking Lot:** The owner of a building may use off-street parking located on property on a different building lot as the building for which the parking is required if:
    - (i) the owner or occupant of the building for which the parking is required provides written proof establishing ownership or other legal right to the exclusive use of the off-site off-street parking;
    - (ii) measured in a straight line from the nearest point of the building lot to the nearest point of the parking lot, the off-premise parking is located not more than:
      - a* 400 feet from the building for which the parking is required, if the building is not located in the Central Business District; or
      - b* 600 feet from the building for which the parking is required, if the building is located in the Central Business District
    - (iii) The operation of a private parking lot is not otherwise prohibited in the zoning district where the off-premise parking spaces are located.

- (2) **Dual Off-Hour Use:** Not more than fifty percent (50.0%) of the off-street parking required for theaters, bowling alleys, dance halls, night clubs, restaurants open only for dinner, and similar businesses that operate primarily after 5:00 p.m., and one hundred percent (100%) of the off-street parking required for a church or school auditorium, may be satisfied by the use of off-street parking regularly used by banks, offices, retail stores, service establishments and similar uses not generally open, used or operated after 5:00 p.m. or on Saturday or Sunday, provided:
- (i) the off-premise parking is located not more than 400 feet from the building lot for which the parking is required, measured in a straight line from the nearest point of the building lot to the nearest point of the parking lot; and
  - (ii) the property owner seeking to use the off-premise site provides to the City:
    - a* a copy of a written agreement between the owners or authorized representatives of the parking lot and the business, church, or school for which the parking is required which indicates the authority of the business, church, or school to use the parking for the foreseeable future; or
    - b* if the owner of the off-premises parking lot is a governmental entity, a resolution from the governmental entity authorizing the owner or developer to use the parking lot; or
    - c* such other documentation which indicates to the satisfaction of the Commission the use of the off-premises parking lot will be available during the primary operation hours of the property owner seeking to use the off-premises parking lot.

(g) Schedule of Off-Street Parking Requirements. The following land uses shall be constructed with the following minimum number of off-street parking stalls:

Land Use	Minimum Number of Parking Spaces
Bed and Breakfast	one space per bed room plus the parking requirement for the owner's residence as required for dwellings
Building Construction, General and Specialist	one space per each 500 square feet of floor space, or one space for each two employees, whichever is greater.
Business Services	one space per each 300 square feet of floor space.
Day Care	one space per each employee, plus one space for visitors
Dwellings, single family detached	two spaces per dwelling
Dwellings, single family attached, including duplexes, townhouses, and condominiums	one and one-half spaces per dwelling
Dwellings, apartments	a. one space for each efficiency apartment, plus b. one and one-half spaces for each one-bedroom apartment, plus c. two spaces for each apartment with two or more bedrooms
Education, secondary/college	four spaces per classroom plus one space per each employee
Education, primary/middle	two spaces per classroom, plus one space per every eight fixed seats in an auditorium if applicable
Fuel Sales	one space per each 300 square feet of floor space, excluding the space available for parking vehicles at the pumps
Funeral Services	one space per each 100 square feet of chapel floor area, or one space per each four person seating capacity, whichever is greater

Land Use	Minimum Number of Parking Spaces
Hotel/Motel	<ul style="list-style-type: none"> <li>a. one space per room for rooms 1 through 50, inclusive; plus</li> <li>b. .75 space for each additional room between 51 and 100, inclusive; plus</li> <li>c. .5 space per room for each additional room after 100; plus</li> <li>d. 50% of the spaces normally required for secondary uses located on the hotel property including, but not limited to restaurants, bars, and retail stores.</li> </ul>
Life Care Developments	<ul style="list-style-type: none"> <li>a. two spaces per each three convalescent care beds; plus</li> <li>b. required parking for each other type of use, including, but not limited to, parking for independent living in separate apartments, etc..</li> </ul> <p>Total parking required may be reduced cumulatively as follows:</p> <ul style="list-style-type: none"> <li>a. if the development is restricted for occupancy primarily by people older than sixty-five years of age or who have a mental or physical disability, regardless of age, the number of spaces may be reduced to one space per dwelling unit, if such requirement is not already applicable;</li> <li>b. 20% if development contains personal care facility;</li> <li>c. 10% if development provides private van or bus transportation for residents; and</li> <li>d. 10% if development is located within 400 feet of property on which is located a grocery store and a pharmacy, measuring in a straight line between the two closest lot lines.</li> </ul>
Manufacturing, Custom	<ul style="list-style-type: none"> <li>a. one space per each 500 square feet of floor area of manufacturing floor space; plus</li> <li>b. one space per each 300 square feet of retail sales floor area.</li> </ul>
Manufacturing, Heavy and Limited	one space per each 500 square feet of floor area

Land Use	Minimum Number of Parking Spaces
Mini-Storage	<ul style="list-style-type: none"> <li>a. If a two lane driveway is constructed adjacent to the storage buildings, the only parking requirements will that required for whatever office space there is within the complex.</li> <li>b. If the driveways are not adequate for two lanes of traffic, then one parking space located in a manner which does not interfere with traffic flow is required for each five storage bays</li> </ul>
Personal Services (all categories, except day care and mini-storage)	one space per each 300 square feet of floor area.
Professional Offices	one space per each 300 square feet of floor area.
Public Assembly, including auditoriums	one space per each four seats in the main assembly room, auditorium or arena, based on the maximum possible seating configuration
Recreation, Commercial	<ul style="list-style-type: none"> <li>a. Indoor theaters must have one space per each four seats.</li> <li>b. Other indoor entertainment centers, including, but not limited to, video game rooms and pool rooms, must have one space for each 100 square feet of floor area.</li> <li>c. Indoor sports facilities, including, but not limited to, bowling alleys, swimming pools, or weight training rooms must have one space per each lane or court, and one space per each 600 square feet of floor area whichever is applicable.</li> <li>d. Outdoor sports and recreation (such as golf ranges, swimming pools, and tennis courts) must have two spaces per each lane or court, two spaces per each hole, whichever is applicable. When the facility is constructed with spectator seating, one space per each four seats.</li> </ul>
Restaurants	<ul style="list-style-type: none"> <li>a. Businesses specializing in fast order service and typically provides for take out food must have fifteen spaces per each 1000 square feet of floor area including dining, waiting, serving, and cooking areas.</li> <li>b. Businesses specializing in sit down dinners must have one parking space per each 100 square feet of dining area and bar area.</li> </ul>

Land Use	Minimum Number of Parking Spaces
Retail Trade	one parking space per each 300 square feet of floor area
Transportation Terminals	one parking space per each 100 square feet of floor area.
Vehicle Repair	a. one parking space per each repair stall (the repair stall cannot count as a parking space); plus b. the number of parking spaces required for whatever office floor area there may be.
Vehicle, Equipment, and Manufactured Home Sales	a. one parking space for each 200 square feet of office and showroom space; plus b. the number of required spaces for vehicle repair, if also part of the sales business
Warehouse and Distribution	a. one space for each 1000 square feet of warehouse space; plus b. the number of required spaces for whatever office space there may be

(h) **Calculations of Spaces Required:** When calculating the number of required off-street parking spaces required for a particular use, the following rules of construction shall be applied:

(1) **Net Floor Area Calculated for Non-Residential Uses:** Unless specified elsewhere in the Code of Ordinances, the computation for non-residential parking requirements shall be based on "net floor area". Net floor area shall include all occupiable building space excluding areas used for support space (elevators, stairwells, atriums, mechanical spaces and similar areas). Storage areas shall be counted for those businesses which have as a primary part of their business the storage and distribution of goods.

(2) **Fractional Calculations:** When the application of the calculations for determining the required number of parking spaces results in a fraction of a space:

(i) the number of spaces shall be rounded to the next higher number if the fraction is 0.5 or greater; and

(ii) the fraction shall be dropped if it is less than 0.5.

- (3) **Employee Calculations:** When calculations are based on number of employees, the calculation should be based on the shift in which the largest number of employees is expected to be working at one time.
- (4) **Use Most Similar Use:** If the use for which application is made is not specifically listed in Subsection (h), above, the number of off-street spaces required shall be based on the most similar use listed in Subsection (h).

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2011-\_\_**

**AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" TO REVISE ARTICLE 11-I-20 "OFF-STREET PARKING AND LOADING REQUIREMENTS" IN ITS ENTIRETY TO MAKE AMENDMENTS WHICH INCLUDE INCREASING THE PARKING REQUIREMENTS FOR VARIOUS USES, REQUIRING SPECIFIC TYPES OF PAVING FOR PARKING LOTS, REQUIRING STACKING AREAS FOR USES UTILIZING DRIVE-THROUGH SERVICES, REQUIRING LIGHTS FOR PARKING LOTS USED AT NIGHT, AND ESTABLISHING AN APPEAL PROCESS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); AND ORDERING PUBLICATION**

**WHEREAS**, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of a hearing which was held before the City Council on March 22, 2011, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in revisions to Article 11-I-20 of the City's Zoning Code which will make changes to the regulations applicable to parking and loading; and

**WHEREAS**, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on March 22, 2011, as advertised; and

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

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

**SECTION ONE.** Article 11-I-20 "Off-Street Parking and Loading Requirements" of the City's Zoning Code is amended in its entirety to read as follows:

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

### (a) General parking:

1. Off-Street Parking Required: Off-street parking spaces shall be provided in conformance with these regulations whenever a use is established or enlarged. Required spaces shall be on the building site of the use for which parking is required unless otherwise permitted and may be provided in either surface parking areas or garages. Whenever there is a change in use or an increase in floor area or in any other unit measurement used to determine the requirements for off-street parking spaces, additional spaces shall be provided on the basis of the increased requirement.
2. Use of Required Spaces: Required off-street parking and loading spaces shall be used only for their respective purposes and shall not be used for the storage or display of vehicles or trailers for sale or rent; the storage or display of other goods, materials or products; or the location of refuse storage containers. No required parking space may be placed in front of an overhead door or other point used for vehicular access.
3. Submission of Plans: Applications for building permits and Certificates of Occupancy shall include parking plans showing the design of off-street parking areas, including the layout of spaces, aisles, and the location of ingress and egress points. Parking plans must be reviewed and approved by the Development Review Committee. Submission of a parking plan may be waived when it is not necessary to determine compliance with these requirements.
4. Encroachment on Easements and Rights-of-Way: No portion of any private parking space, lot, or facility may encroach on any easement or right-of-way, unless authorized by law, ordinance, regulation, or written agreement of the governmental or private entity which owns or otherwise has jurisdiction over the easement or right-of-way.
5. Calculations: The following rules shall apply in computing the parking requirements:
  - a. Combination Uses: When a building site is used for a combination of uses, the parking requirement shall be the sum of the requirements for each type of use.
  - b. Floor Area: Floor area shall mean gross square footage, except in the case of office and retail type uses where areas used for nonpublic purposes, such as storage, incidental repair, processing or packaging, show windows, offices incidental to management or maintenance,

restrooms, or utility rooms may be discounted, but shall require one space per 750 square feet for such uses.

- c. Continuous Seating: When seating is provided on benches or pews, each eighteen inches (18.0") of seating shall be counted as one (1) seat for the purpose of calculating the parking requirement.
- d. Fractions: When a calculation results in the requirement of a fractional space, a fraction of less than one-half (1/2) shall be disregarded and a fraction of one-half (1/2) or greater shall require one parking space.

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

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

(b) Parking Layout and Construction Standards: every parcel of land hereafter used as a public or private parking area, including commercial parking lots used for the parking of business-owned vehicles and vehicular display or storage areas, shall be developed and maintained in accordance with the following requirements.

- 1. Minimum Size and Setbacks: Each parking space shall be a minimum of nine feet (9.0') by nineteen feet (19.0'), exclusive of access drives and aisles. The nineteen foot (19.0') depth may include a two foot (2.0') overhang over a paved, stoned, mulched, or grassy area which is free of obstructions or over a sidewalk, provided that at least three feet (3.0') of sidewalk remains unobstructed for pedestrian movement. No space shall overhang a property line, right-of-way line, or a landscape area which is included as part of a minimum landscape requirement. Every space shall be at least eleven feet (11.0') from the curb line of a public or private street.
- 2. Wheel Stops: In any parking space which faces toward a property line or a building, a wheel stop and/or curb shall be installed which prevents a vehicle from extending across the property line or making contact with the building.

3. Parallel Parking: The minimum paved dimension for a parallel parking space shall be nine feet (9.0') by twenty-three feet (23.0').
4. Access: There shall be adequate provision for safe, efficient ingress and egress to all off-street parking spaces and parking stalls may not be designed to be directly accessed from any street. All parking stalls must be accessible by means of a driveway, aisle, or other maneuvering space and no parking space may require the use of a public right-of-way or a private street for the maneuvering of a vehicle in entering or leaving the space.
5. Aisle Width: The standard parking aisle width shall be a minimum of twenty-four feet (24.0'), provided that a reduced width may be approved by the Development Review Committee when the parking layout includes angled parking, one-way aisles, or other special features which comply with other applicable City standards and generally accepted practices for parking lot layout.
6. Fire Lanes: Where a parking aisle also serves as a fire lane, the aisle shall meet the minimum width, radius, and construction standards for a fire lane if these specifications are greater than the requirements for a parking aisle.
7. Residential Alleys: No access from a nonresidential use shall be permitted to or from an alley serving a residential district.
8. Drive-Through Services: Any use or building offering drive-through service shall provide stacking lanes which are a minimum nine feet (9.0') in width and which provide direct forward access to each service window, station, or other point of service. The stacking lane shall be marked and shall be separate from any other driveway, parking space, or aisle and shall not interfere with any required parking or ingress and egress. Stacking lanes shall be measured from point of service and shall provide twenty feet (20.0') per vehicle. Common stacking lanes for several service points may be used for financial and restaurants uses, provided that separate stacking for a least three (3) vehicles is provided for each point of service before stacking is merged into a common lane.
  - a. Number of Vehicles:
    - i. *General*: Unless otherwise specified below, each service point shall be provided with a stacking lane for a minimum of three (3) vehicles.

ii. *Financial or bill-paying*: Each teller station at a drive-through financial institution or a business offering drive-through bill paying shall provide a stacking lane for a minimum of five (5) vehicles.

iii. *Restaurant*: Each remote ordering station and each service window at a restaurant with drive-through service shall be provided with a stacking lane for a minimum of five (5) vehicles.

9. Surfacing: All parking surfaces and access drives shall be surfaced with asphalt or concrete pavements. All pavement shall be of sufficient strength to support the vehicular loads imposed on it, graded and drained to dispose of all surface water in accordance with City regulations, and marked to provide for orderly and safe loading, unloading, parking, and the storage of vehicles. All surfaces shall be maintained in good condition, generally free of potholes, cracks or broken pavement and allow for uninhibited access to all parking and loading spaces and drives. As an alternative to asphalt or concrete pavement, permeable pavers may be used as a permanent parking surface if such material complies with applicable City standards and the generally accepted practices of parking lot design.

10. Lighting: All parking areas located in a nonresidential zoning district and which are used by the public after dark, shall be illuminated beginning one-half (1/2) hour after sunset and continuing throughout the hours of use. If only a portion of the parking area is used after dark and is clearly marked, then only that part is required to be illuminated in accordance with these standards. Lighting shall meet the following minimum standards:

a. Intensity: Upon initial measurement, lighting shall equate to an average of at least one foot candle and at least one-half (1/2) foot candle on a maintained basis on the parking lot surface.

b. Fixtures: Light sources shall be indirect, diffused, or shielded type fixtures to deflect the light from adjoining properties in residential districts and from adjacent streets. Fixtures shall be mounted to buildings or on poles. The use of bare bulbs and strings of lights for use as permanent and required lighting is prohibited.

(c) **PARKING REDUCTIONS AND SPECIFIC EXCEPTIONS**: The Zoning Board of Adjustment may authorize exceptions to the requirements of this article where it finds that the peculiar nature of a use, the shape or size of the property, or other exceptional conditions would justify such action and any such reduction or exception could be accommodated without adverse impacts on adjacent properties or the surrounding area. The following are examples of uses or conditions which may justify a reduction or exception:

1. Manufacturing and Warehouse Uses: a reduction in parking spaces may be considered for manufacturing and/or warehousing uses; any such reduction may be justified based upon the amount of floor area per employee; the proportion of floor area occupied by machinery, equipment, and storage; and/or the maximum number of employees or invitees using the building. The potential for future increases in the number of employees or invitees may be considered.
2. Longer Term Parking: Off-site parking may be considered for institutional type uses such as hospitals, churches, or similar uses where longer term parking is common. Where an easement is used to both authorize and reserve such parking, the easement shall be permanent and irrevocable and shall be recorded in the property records of the county.
3. Joint Use Parking: joint use or collective parking may be allowed to account for parking space requirements. Joint use parking shall mean that required spaces provided for one use may also be credited as required spaces for a complementary use. Where an easement is used to both authorize and reserve such parking, the easement shall be permanent and irrevocable and shall be recorded in the property records of the county. The following definitions and examples shall be used as guidelines in considering requests for joint use parking;
  - a. Complementary: Complementary uses are uses which generally operate at different time periods, so that one use is inactive when the other is active.
  - b. Joint Use: The percentage or number of spaces which is allowed to be shared and used jointly should be related to the proportion or number of spaces which will be available during the period of relative inactivity.
  - c. Examples: If an office parking lot is generally 90% vacant in the evenings and on weekends, then 90% of the spaces might be credited as also providing the parking for a church which operates primarily in the evenings and on weekends. Or, if a church parking lot is generally 50% vacant on weekdays, then 50% of the spaces might be credited as also providing the parking for an office which operates only on weekdays. Theaters and other evening/weekend entertainment uses may be another example of a use that might share parking with an office, bank, church or other complementary use.

- (d) Number of Parking Spaces Required: The following regulations shall apply in determining the number of parking spaces required for a specific use or combination of uses:

1. Listed Uses: For nonresidential uses, each category is assigned a “Parking Standard”. The number of off-street parking spaces required for a specific nonresidential use shall be determined by reference to the schedule of permitted uses and the “Table of Parking Standards”, below.
2. Uses Not Listed: For any use not listed, or where the listed standard is not applicable in the judgment of the Development Review Committee, the parking requirements shall be established using the requirement of a similar use which is listed or an applicable standard from another source. Such determination by the Development Review Committee may be appealed to the Planning and Zoning Commission.
3. Handicapped Parking: Parking for the handicapped and disabled shall be provided as part of the required parking in accordance with the requirements of the Americans with Disabilities Act.
4. Table of Parking Standards - Nonresidential Uses:

**[TABLE TO BE INSERTED UPON ADOPTION]**

- (e) **Off-street Loading Requirements:** in any nonresidential zoning district, in connection with any building or part thereof hereafter erected or altered which is to be occupied for uses requiring the receipt or distribution by truck, van, or other type of delivery vehicle which is delivering materials or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading spaces, said spaces to comply with the following specifications:
1. **Dimensions:** Each loading space shall be not less than ten feet (10.0') in width, twenty-five feet (25.0') in length with a height clearance of not less than fourteen feet (14.0').
  2. **Location:** Such space may occupy all or part of any required side or rear yard except the side yard along a side street in the case of corner lots. In no event shall any part of a required front yard be occupied by such loading spaces.
  3. **Distance:** No such space shall be closer than fifty feet (50.0') to any lot located in any residential district, unless wholly within a completely enclosed building or unless enclosed on all sides by a masonry wall not less than six feet (6.0') in height."

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

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

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

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

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

**PASSED AND APPROVED ON FIRST READING, this the 29<sup>th</sup> day of March, A.D., 2011.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the day of \_\_\_\_\_, A.D., 2011.**

\_\_\_\_\_  
David Wampler, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

**Agenda Item:**  
**(Staff)**

- 4A. Interlocal agreements between Kerr County and the City of Kerrville for joint operations.

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

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**SUBJECT:** Discussion and consideration of interlocal agreements between the City of Kerrville and Kerr County for joint operations.

**FOR AGENDA OF:** May 10, 2011      **DATE SUBMITTED:** May 6, 2011

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

**EXHIBITS:** None

**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>
<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

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**SUMMARY STATEMENT**

The Kerr County Commissioners Court is scheduled to discuss interlocal agreements between the City and the County at its next meeting of May 9, 2011. This item is being placed on this agenda to provide the opportunity for the City Council to consider and act as needed pursuant to any County action resulting from the May 9, 2011, meeting.

**RECOMMENDED ACTION**

Staff has no recommendation at this time.

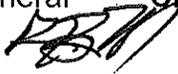
**Agenda Item:**  
**(Staff)**

- 4B. Possible amendment to Chapter 110 Utilities, Article III, water management plan, to change the days watering is allowed for water conservation stages 1, 2 and 3.

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

**SUBJECT:** Discussion and consideration for direction to City staff to amend the City of Kerrville Code of Ordinances, Chapter 110 Utilities, Article III. Water Management Plan to change the days watering is allowed for water conservation stages 1, 2 and 3.

**FOR AGENDA OF:** May 10, 2011      **DATE SUBMITTED:** May 6, 2011

**SUBMITTED BY:** Bruce Motheral      **CLEARANCES:** NA  
Place 1 

**EXHIBITS:** Chapter 110 Utilities, Article III. Water Management Plan

**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 DIRECTOR:**

**SUMMARY STATEMENT**

City Council adopted Ordinance No. 2010-08 in late 2010. This ordinance amended the City's water management plan with some significant changes to Kerrville's water management stages. The ordinance provided some major amendments to the City's water conservation stages to provide for a more gradual reduction on lawn watering. Amendments included a limitation on lawn watering with irrigation systems, hose end sprinklers, or soaker hoses to Monday and Saturday for odd addresses and Tuesday and Sunday for even addresses.

I propose that the City Council consider revising the watering days. The current schedule limits the ability to water landscape features on a more evenly spaced schedule. Amending the ordinance to allow for Tuesday/Saturday and Wednesday/Sunday watering days will allow residents to have more flexibility and ensure the survivability of living landscaped features.

Options for amending the ordinance are to change the specific days or to provide a means by which the City Council could establish watering schedules for these stages by resolution. The resolution option would allow the City Council to more efficiently change allowed watering days periodically by resolution as conditions warrant.

**RECOMMENDED ACTION**

I recommend that the City Council provide direction to City staff to amend the Water Management Plan to allow for Tuesday/Saturday and Wednesday/Sunday watering days.

such water and maintain appropriate records in accordance with 30 TAC ch. 210 and all other applicable regulations.

(d) *Termination of water supply.* The city may without notice terminate the provision of Type I reclaimed water to a purchaser in the event that it is determined that:

- (1) The continued use of the water is not in compliance with 30 TAC ch. 210; and
- (2) Failure to terminate the provision of the water will likely result in the discharge of Type I reclaimed water directly or into a pipeline, gutter, ditch, channel, or other drainage facility leading into a stream, creek, river, or other body of water other than a storage pond where storage of Type I reclaimed water is authorized.

(e) *Termination of contracts.* The city may terminate any reclaimed water supply contracts or service agreements if the purchaser is not using the Type I reclaimed water in compliance with 30 TAC ch. 210 or the provisions of the contract with the city. All contracts executed pursuant to this section shall contain a provision to that effect.

(f) *No resale.* No customer using Type I reclaimed water pursuant to a contract with the city may resell such water for any purpose. (Ord. No. 99-25, § 1(3-II-31), 12-14-1999)

#### Sec. 110-58. Type I reclaimed water rates.

(a) *Standard rates.* Each purchaser of Type I reclaimed water shall pay a monthly rate of \$0.75 per 1,000 gallons of Type I reclaimed water delivered through the meter.

(b) *Contract rates.* The city council may from time to time enter into contracts with wherein the rates for use of Type I reclaimed water are established by such contracts. Any rates established by contract with the city pursuant to this subsection shall control over the rates established pursuant to subsection (a) of this section. (Ord. No. 99-25, § 1(3-II-32), 12-14-1999; Ord. No. 2001-22, § 1, 11-13-2001)

#### Secs. 110-59—110-90. Reserved.

### ARTICLE III. WATER MANAGEMENT PLAN\*

#### Sec. 110-91. Application.

The provisions of this article shall apply to all persons, customers, and property located within the city and/or using water provided by the city. The terms "person" and "customer" as used in this article shall include individuals, corporations, partnerships, associations, and all other legal entities. (Ord. No. 2004-04, § 1(art. 3-IV-1), 1-27-2004)

#### Sec. 110-92. Definitions.

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

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

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

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

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

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

*Commercial water use* means water use which is integral to the operations of commercial and

\*Editor's note—Ord. No. 2010-08, §§ 1—13 adopted May 25, 2010, substantially renumbered the provisions of former Art. III. Renumbered former §§ 110-98—110-104 pertained to similar subject matter and derived from Ord. No. 2004-04, § 1, 1-27-2004; Ord. No. 2006-18, §§ 1, 2, 8-22-2006.

non-profit establishments and governmental entities, including, but not limited to, retail establishments, hotels and motels, restaurants, and office buildings.

*Conservation* means those practices, techniques, and technologies that:

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

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

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

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

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

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

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

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

*MGD* means million gallons per day.

*Psi* means pounds per square inch.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The occurrence of one or more water line breaks, or pump or system failures, which cause unexpected loss of the city's capability to provide water service;
- (2) A reduction or suspension of the diversion of surface water from the Guadalupe River, which includes complying with provisions of the city's water diversion permits or the directives or orders of the office of the South Texas Watermaster;

- (3) Natural or manmade contamination of the water supply source(s) which prohibits or limits the distribution of water to the city's water distribution system; or
- (4) Any other event, circumstance, or condition that may significantly reduce the amount of water available for delivery to the city's water distribution system and which thus may possibly jeopardize public health and safety.

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

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

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

- (1) *Education and information.* The city will promote water conservation by informing water users of methods to save water inside residences and other buildings. Information will be disseminated by:
  - a. Distributing a fact sheet to all new water customers explaining those provisions of this article relating to water conservation;
  - b. Publishing educational newspaper articles to correspond with peak seasonal demand periods;
  - c. Publishing educational information and fact sheets on the city's website; and
  - d. Providing educational information to the public through other governmental/private agencies including, but not limited to, the Water Education Task Force, UGRA, County of Kerr, and the Headwaters Groundwater Conservation District.
- (2) *Plumbing code.* The city has adopted and shall enforce the requirements of a plumbing code and those provisions of other applicable codes relating to the installation of water conserving plumbing devices to ensure the use of such devices in new construction.

- (3) *Universal metering.* Water from the city water system shall be sold and delivered through its mains only to persons at whose premises water meters are installed in conformance with city regulations.
- (4) *Water conserving landscaping.* The city will further encourage water conservation by:
  - a. Encouraging the use of only those plants listed in the document titled "Recommended Plants for the Kerrville Area" as prepared by the Environmental Education Committee and approved by the city council in all commercial and residential landscaping projects.
  - b. Encouraging licensed irrigation contractors to use drip irrigation systems, where possible, and to design all irrigation systems with water conservation features such as sprinkler heads, which emit large drops of water rather than fine mist and sprinkler layouts that limit the impact of wind.
  - c. Encouraging commercial establishments to use drip irrigation for landscape watering, when practical.
  - d. Requiring that all ornamental fountains, ponds or other ornamental water features must recycle and use minimal quantities of water.
- (5) *Leak detection and repair.* The city shall utilize leak detection techniques in locating and reducing leaks. A monthly accounting of water delivery efficiencies will be made to the city manager. Detected leaks shall be repaired as soon as possible.
- (6) *Recycle and reuse.* The city owns and operates a wastewater treatment facility. Type I reclaimed wastewater generated from this facility may be used to offset water demand for irrigation purposes. The city will continue to examine the possibility of additional uses for this resource including its use in the potable water system.

- (7) *Restaurants.* Restaurants shall not serve water to customers except when specifically requested by a customer.
- (8) *Hotel/motels/lodging.* All lodging facilities within the city or utilizing the city's water shall institute a linen reuse program. This program will require the lodging operator to advertise this program within each room by indicating that customers may elect to reuse their linens and the linens will not be replaced until such time as the customer indicates the desire to have them replaced. In this subsection lodging facilities shall mean a facilities that primarily provide short-term lodging services including rooms for rent with or without board.

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

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

(a) *Irrigation outside restricted hours.* Landscape watering with hose-end sprinklers or automatic irrigation systems shall be prohibited at all times except between the hours of 6:00 p.m. and 10:00 a.m.

(b) *Defenses.* It shall be a defense to prosecution under subsection (a) if:

- (1) The person is irrigating a landscaped area by means of:
  - a. A hand-held hose with a manual or automatic shutoff nozzle operated by one person;
  - b. A bucket or watering can with a holding capacity of not greater than five gallons; or
  - c. A properly functioning drip irrigation system;
- (2) The landscape watering was performed by those commercial enterprises in the business of growing or maintaining plants for sale, including plant nurseries; provided, however, that such landscape watering shall be performed solely for the establishment, growth, and maintenance of such plants;

- (3) A landscape watering permit has been issued pursuant to section 110-95 to allow for landscape watering on any newly planted or transplanted landscaping so as to accomplish a reasonable establishment and maintenance of growth; or
- (4) Operation of an automatic irrigation system was performed solely for the purpose of conducting maintenance and testing, and such operation was conducted by a licensed irrigation contractor.

(c) *Waste of water.* It is unlawful for a person to use water in a manner that constitutes waste. Such waste is found to be contrary to the public health, safety and welfare of the citizens of Knoxville and is therefore declared to be a nuisance.

(d) *Streets and gutters.* It is unlawful for a person to use water obtained from the city to flush street gutters or to permit water to run off or to accumulate in any street gutter, street, or alley, or to flow into a public drain in a manner that constitutes waste. It shall be a defense to a violation of this paragraph if the person is using the water for the proper operation or maintenance of any public water supply system.

(e) *Water from hydrants and blow-offs.* It is unlawful for a person to use water from hydrants and blow-offs for any purpose other than firefighting, fire flow testing, flushing of mains, using water pursuant to a temporary fire hydrant meter permit from the city, or other actions necessary for the proper operation of the public water supply system.

(f) *Leaks.* Upon receiving notice of a leak, a person shall repair or otherwise abate such water leak within 24 hours after having been given written notice from the manager.  
(Ord. No. 2004-04, § 1(art. 3-IV-4), 1-27-2004; Ord. No. 2007-12, § 1, 7-10-2007; Ord. No. 2010-08, § 2, 5-25-2010)

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

(a) Newly planted lawns and landscaping shall not be watered at any time other than those hours and days allowed for all other landscaping by this article except where authorized by permit issued

by the city in accordance with this article. Any such permit shall only be granted where a plant or seed is planted in or transplanted to an area within a period of time as to accomplish a reasonable establishment and maintenance of growth, which generally occurs over a three week period.

(b) Permit requirements and conditions:

- (1) A permit application shall be completed by the owner of the property to be served by the city water service.
- (2) A permit application shall be accompanied by written documentation indicating the planting date of the new lawn and/or landscaping.
- (3) The permit shall be valid for a 30-day period from the date of issuance by the manager.
- (4) The permit shall allow additional watering outside the restricted hours and days of this article; however, in no instance shall landscape irrigation be allowed between the hours 12:00 noon and 6:00 p.m. on any day of the week.
- (5) Upon the effective date of entering into Stages 3, 4, or 5, as defined by this article, the city shall not issue any new permits.
- (6) A permit, once issued, shall remain in full force and effect until the earlier of its expiration date or the effective date of entering into Stage 3, as defined by this article.
- (7) Following the expiration of a permit or upon the effective date of entering into Stage 3, it shall be unlawful to water new lawns and/or landscaping at any time other than those hours and days allowed for all other landscaping by this article.  
(Ord. No. 2004-04, § 1(art. 3-IV-5), 1-27-2004; Ord. No. 2010-08, § 3, 5-25-2010)

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

(a) Unless using reclaimed water in accordance with an agreement with the city, athletic fields and golf courses shall not be watered at any time other than those hours and days allowed for

all other landscaping by this article except where authorized by a permit issued by the city in accordance with this article. All landscaped and out-of-play areas shall at all times adhere to the regular landscape irrigation restrictions then in place under this article.

(b) Permit requirements and conditions:

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

Stage 3, it shall be unlawful to water athletic fields or golf courses at any time other than those hours and days allowed for all other landscaping by this article, unless using reclaimed water.

(Ord. No. 2010-08, § 4, 5-25-2010)

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

(a) *Stage 1—Moderate water conservation conditions.* "Stage 1—Moderate water conservation conditions" shall be deemed to exist when the city manager finds that the seven day average water demand exceeds 65 percent of the safe operating capacity or where a water supply emergency is declared and the city manager determines that this stage is appropriate to address the emergency.

(b) *Stage 2—Critical water conservation conditions.* "Stage 2—Critical water conservation conditions" shall be deemed to exist when the city manager finds that the seven day average water demand exceeds 75 percent of the safe operating capacity or where a water supply emergency is declared and the city manager determines that this stage is appropriate to address the emergency.

(c) *Stage 3—Crucial water conservation conditions.* "Stage 3—Crucial water conservation conditions" shall be deemed to exist when the city manager finds that the seven day average water demand exceeds 85 percent of the safe operating capacity or where a water supply emergency is declared and the city manager determines that this stage is appropriate to address the emergency.

(d) *Stage 4—Severe water conservation conditions.* "Stage 4—Severe water conservation conditions" shall be deemed to exist when the city manager finds that the seven day average water demand exceeds 95 percent of the safe operating capacity or where a water supply emergency is declared and the city manager determines that this stage is appropriate to address the emergency.

(e) *Stage 5—Water emergency conditions.* "Stage 5—Water emergency conditions" shall be deemed to exist when the city Manager finds that the seven day average water demand exceeds 100 percent of the safe operating capacity or where a water supply emergency is declared and the city manager determines that this stage is appropriate to address the emergency.  
(Ord. No. 2010-08, § 5, 5-25-2010)

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

(a) *General.* The current safe operating capacity shall be posted on the city's official web site.

(b) *Increase in safe operating capacity.* The safe operating capacity may be increased by the city manager from time to time upon a finding that an event has occurred which has increased the available supply of potable water that can be delivered to the city's water distribution system, which events may include:

- (1) The addition of water treatment capacity at either an existing water treatment plant or a new plant;
- (2) The addition of groundwater wells;
- (3) The addition of aquifer storage and recovery wells; or
- (4) The addition of any other potable water source or due to regulatory changes that increase water availability from existing facilities/sources.

An increase to the safe operating capacity shall only occur after thorough testing of the new water source is completed to insure safety and reliability of the source.

(c) *Reduction in safe operating capacity.* The safe operating capacity may be reduced by the city manager from time to time upon a finding by the city manager that an event has occurred which has reduced the available supply of potable water that can be delivered to the city's water distribution system, which events may include:

- (1) A temporary cessation of water treatment operations at the city's water treatment plant caused by mechanical failure, routine maintenance, flooding of the

Guadalupe River, or other events which reduce the ability of the city to treat water to required drinking water standards;

- (2) A reduction in total pumping capacity from the city's groundwater wells because of routine maintenance, pump failure, new or revised regulatory provisions or similar events;
- (3) Inability to withdraw water from the aquifer storage and recovery wells because of routine maintenance, pump failure, new or revised regulatory provisions or similar events;
- (4) A reduction in the flow of the Guadalupe River such that further diversion of water pursuant to the city's water diversion permits is limited or prohibited;
- (5) A reduction in the allowable rate or amount of diversion ordered by the office of the South Texas Watermaster or other regulatory changes;
- (6) Catastrophic failure of the city's ponding dam; or
- (7) A water supply emergency is declared by the city manager.

(Ord. No. 2010-08, § 5, 5-25-2010);

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

(a) *City manager declaration.* Upon a finding by the city manager that "Stage 1—Moderate water conservation conditions," "Stage 2—Critical water conservation conditions," "Stage 3—Crucial water conservation conditions," "Stage 4—Severe water conservation conditions," or "Stage 5—Water emergency conditions" exist, the city manager shall issue notice of the commencement and/or termination of the imposition of the mandatory water conservation measures in effect for the respective stage. Said notice shall be:

- (1) Posted on the city's official bulletin board and at all public entrances and exits of city hall and other city facilities where the public has access;
- (2) Posted on the city's internet website; and

(3) Issued in a press release that is hand-delivered or sent by facsimile or electronic mail to:

- a. The electronic and print media located within the city; and
- b. The television networks located in Kerrville and San Antonio.

(b) *Contents of notice.* Each notice issued in accordance with subsection (a) shall contain at least the following information:

- (1) The effective and/or termination date of the applicable water conservation stage;
- (2) A brief description of the water conservation stage and the measures to be in effect and/or terminated;
- (3) The telephone number(s) of the office to contact regarding questions about the water conservation stage in effect; and
- (4) The following sentence printed in bold type: "Failure to comply with the water conservation measures currently in effect is a violation of Chapter 110, Article III of the Kerrville City Code and, upon conviction, may result in a fine of not less than \$50.00 nor more than \$2,000.00 per offense plus court costs. Repeated violations may also result in disconnection of water service."

(Ord. No. 2010-08, § 6, 5-25-2010)

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

(a) *Stage 1 conservation measures defined.* The following water conservation measures shall be in effect at 12:01 a.m. on the day following notice of the declaration of Stage 1—Moderate water conservation conditions:

- (1) Landscape watering with hose-end sprinklers or automatic irrigation systems is prohibited at all times except on the following days between the hours of 6:00 a.m. and 10:00 a.m. and between the hours of 8:00 p.m. and 12:00 a.m.:
  - a. On Mondays and Saturdays for street addresses whose last digit ends in an odd number; or

- b. On Tuesdays and Sundays for street addresses whose last digit ends in an even number.

(2) Landscape watering is permitted at any time if conducted by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person, a faucet-filled bucket or watering can with a capacity of five gallons or less, or a drip irrigation system.

(3) The use of water from a temporary fire hydrant meter shall be limited for construction and irrigation purposes at a rate not to exceed 25,000 gallons per day; in addition, the use of the water for irrigation purposes is restricted to those hours and days allowed for all other landscaping by this section.

(4) The following uses of water are prohibited:

- a. Operation of any fountain, pond, or other ornamental water feature for aesthetic purposes except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
- b. Washing down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced areas except when the use is required by law for the protection of health and safety or when it is required to perform duties related to construction activity and a power washer is used.

(b) *Termination of Stage 1.* Stage 1 shall terminate at 12:01 a.m. on the day following notice of the declaration by the city manager that the conditions triggering Stage 1 have ceased to exist for a period of 15 consecutive days. Such declaration may be made prior to the expiration of the 15-day period if, in the discretion of the city manager, extraordinary circumstances exist, such as the occurrence of significant and/or a prolonged period of precipitation.

(Ord. No. 2010-08, § 7, 5-25-2010)

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

(a) *Stage 2 conservation measures defined.* The following water conservation measures shall be in effect at 12:01 a.m. on the day following notice of the declaration of Stage 2—Critical water conservation conditions:

- (1) Landscape watering with hose-end sprinklers or automatic irrigation systems is prohibited at all times except on the following days between the hours of 6:00 a.m. and 9:00 a.m. and between the hours of 8:00 p.m. and 10:00 p.m.:
  - a. On Mondays and Saturdays for street addresses whose last digit ends in an odd number; or
  - b. On Tuesdays and Sundays for street addresses whose last digit ends in an even number.
- (2) Landscape watering conducted by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person, a faucet-filled bucket or watering can with a capacity of five gallons or less, or a drip irrigation system is prohibited at all times except between the hours of 7:00 p.m. and 9:00 a.m.
- (3) The use of water from a temporary fire hydrant meter shall be limited for construction and irrigation purposes at a rate not to exceed 20,000 gallons per day; in addition, the use of the water for irrigation purposes is restricted to those hours and days allowed for all other landscaping by this section.
- (4) The following uses of water are prohibited:
  - a. Operation of any ornamental fountain, pond, or other ornamental water feature for aesthetic purposes except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
  - b. Washing down any sidewalk, walkway, driveway, parking lot, tennis

court, or other hard-surfaced areas except when the use is required by law for the protection of health and safety or when it is required to perform duties related to construction activity and a power washer is used.

- c. Use of water for dust control.
- d. Washing down buildings or structures for purposes other than immediate fire protection or when it is required to perform duties related to construction activity and a power washer is used.
- e. Use of bulk potable water obtained from the city for construction purposes.

(b) *Termination of Stage 2.* Stage 2 shall terminate at 12:01 a.m. on the day following the notice of the declaration by the city manager that the conditions triggering the Stage 2 have ceased to exist for a period of 15 consecutive days. Such declaration may be made prior to the expiration of the 15-day period if, in the discretion of the city manager, extraordinary circumstances exist, such as the occurrence of significant and/or a prolonged period of precipitation. Upon the termination of Stage 2, the city manager, based upon the existing conditions, has the discretion to determine which appropriate stage, if any, and the water conservation measures set forth in that stage, shall become effective.

(Ord. No. 2010-08, § 8, 5-25-2010)

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

(a) *Stage 3 conservation measures defined.* The following water conservation measures shall be in effect at 12:01 a.m. on the day following notice of the declaration of Stage 3—Crucial water conservation conditions:

- (1) Landscape watering with hose-end sprinklers or automatic irrigation systems is prohibited at all times except on the following day between the hours of 6:00 a.m. and 9:00 a.m.:
  - a. On Mondays and Saturdays for street addresses whose last digit ends in odd number; or

- b. On Tuesdays and Sundays for street addresses whose last digit ends in an even number.
- (2) Landscape watering conducted by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person, a faucet-filled bucket or watering can with a capacity of five gallons or less, or a drip irrigation system is prohibited at all times except between the hours of 7:00 p.m. and 11:00 p.m. and between the hours of 6:00 a.m. and 9:00 a.m.
- (3) The use of water from a temporary fire hydrant meter shall be limited for construction and irrigation purposes at a rate not to exceed 15,000 gallons per day; in addition, the use of the water for irrigation purposes is restricted to those hours and days allowed for all other landscaping by this section.
- (4) The following uses of water are prohibited:
  - a. Operation of any ornamental fountain, pond, or other ornamental water feature for aesthetic purposes except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
  - b. Washing down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced areas except when such is required by law for the protection of health and safety or when it is required to perform duties related to construction activity and a power washer is used.
  - c. Use of water for dust control.
  - d. Washing down buildings or structures for purposes other than immediate fire protection or when it is required to perform duties related to construction activity and a power washer is used.
  - e. Use of bulk potable water obtained from the city for construction purposes.

(b) *Termination of Stage 3.* Stage 3 shall terminate at 12:01 a.m. on the day following the notice of the declaration by the City manager that the conditions triggering Stage 3 have ceased to exist for a period of 15 consecutive days. Such declaration may be made prior to the expiration of the 15-day period if, in the discretion of the city manager, extraordinary circumstances exist, such as the occurrence of significant and/or a prolonged period of precipitation. Upon the termination of Stage 3, the city manager, based upon the existing conditions, has the discretion to determine which appropriate stage, if any, and the water conservation measures set forth in that stage, shall become effective.

(Ord. No. 2010-08, § 9, 5-25-2010)

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

(a) *Stage 4 conservation measures defined.* The following water conservation measures shall be in effect at 12:01 a.m. on the day following notice of the declaration of Stage 4—Severe water conservation conditions:

- (1) Landscape watering with hose-end sprinklers or automatic irrigation systems is prohibited at all times;
- (2) Landscape watering conducted by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person, a faucet-filled bucket or watering can with a capacity of five gallons or less, or a drip irrigation system is prohibited at all times except between the hours of 7:00 p.m. and 11:00 p.m. and between the hours of 6:00 a.m. and 9:00 a.m.
- (3) The use of water from a temporary fire hydrant meter shall be limited for construction and irrigation purposes at a rate not to exceed 10,000 gallons per day; in addition, the use of the water for irrigation purposes is restricted to those hours and days allowed for all other landscaping by this section.
- (4) The following uses of water are prohibited:
  - a. Operation of any ornamental fountain, pond, or other ornamental water feature for aesthetic purposes except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

ter feature for aesthetic purposes except where necessary to support aquatic life.

- b. Washing down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced areas except when such is required by law for the protection of health and safety or when it is required to perform duties related to construction activity and a power washer is used.
- c. Use of water for dust control.
- d. Washing down buildings or structures for purposes other than immediate fire protection or when it is required to perform duties related to construction activity and a power washer is used.
- e. Use of bulk potable water obtained from the city for construction purposes.
- f. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle other than at a commercial car wash facility or service station or by a person washing any public safety vehicle on public property.

- (5) No permits for new, additional, or expanded water service connections, meters, or service lines shall be granted. An exception applies where the city has already issued either a final plat for a residential lot or a commercial building permit for the site or the construction project that requires the water service.

(b) *Termination of Stage 4.* Stage 4 shall terminate at 12:01 a.m. on the day following the notice of the declaration by the city manager that the conditions triggering Stage 4 have ceased to exist for a period of three consecutive days. Such declaration may be made prior to the expiration of the three-day period if, in the discretion of the city manager, extraordinary circumstances exist, such as the occurrence of significant and/or a prolonged period of precipitation. Upon the termination of Stage 4, the city manager, based upon the existing

conditions, has the discretion to determine which appropriate stage, if any, and the water conservation measures set forth in that stage, shall become effective.

(Ord. No. 2010-08, § 10, 5-25-2010)

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

(a) *Stage 5 conservation measures defined.* The following water conservation measures shall be in effect at 12:01 a.m. on the day following the notice of the declaration of Stage 5—Water emergency conditions:

- (1) Landscape watering, including handheld irrigation, with potable water is prohibited at all times;
- (2) The following uses of water are prohibited:
  - a. Operation of any ornamental fountain, pond or other ornamental water feature for aesthetic purposes except where necessary to support aquatic life.
  - b. Washing down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced areas except when such is required by law for the protection of health and safety.
  - c. Use of water for dust control.
  - d. Washing down buildings or structures for purposes other than immediate fire protection.
  - e. Use of bulk potable water obtained from the city for construction purposes.
  - f. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle other than by a person washing any public safety vehicle on public property.
  - g. Filling, refilling, or adding water to swimming pools, wading pools, and jacuzzis-type pools, which are located outside.
  - h. Using a fire hydrant pursuant to a temporary fire hydrant permit.

i. Use of water for a water spray park, even where such water is recirculated.

(3) Vehicle washing at a vehicle wash facility is prohibited at all times except between the hours of 7:00 a.m. and 7:00 p.m. A person owning or operating a vehicle wash facility shall take affirmative action to prevent use of the vehicle wash facility during the prohibited hours specified herein. Such actions shall include posting a sign indicating that the vehicle wash facility is closed and preventing vehicular access onto the property or into the washing bays. In addition, the owner/operator may also choose to disable the washing mechanisms so as to prevent operation.

(4) No permits for new, additional, or expanded water service connections, meters, or service lines shall be granted. An exception applies where the city has already issued either a final plat for a residential lot or a commercial building permit for the site or the construction project that requires the water service.

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

(Ord. No. 2010-08, § 11, 5-25-2010)

**Sec. 110-105. Enforcement.**

(a) *Violation of article prohibited.* It shall be unlawful for a person to use water obtained from a private well, public water supply company, or the city in a manner contrary to the provisions of

this article. The penalty for violation of this article shall be in accordance with the general penalty provisions contained in chapter 1 of the Code of Ordinances but in no case shall the fine of any violation hereof be less than \$50.00. Proof of a culpable mental state is not required for conviction of an offense under this article.

(b) *Issuance of citations.* The manager or any other personnel authorized to issue class C misdemeanor citations are authorized to issue citations for violations of this article.

(c) *Multiple violations.* If a person is convicted of:

(1) Three or more separate violations of this article within a single calendar year, the city manager shall, upon written notice to the customer, be authorized to install a flow restriction device in the service line(s) of the customer, in which case the city manager may place a service charge equal to the cost of the installation and subsequent removal of such device on the customer's water bill.

(2) Four or more separate violations of this article within a single calendar year, the city manager shall, upon written notice to the customer, be authorized to discontinue water service to the premises where such multiple violations have occurred and such discontinuance of service shall continue until such time as all fines or penalties are paid in full and payment by the violator of a re-connection charge as set by the city council within the city fee schedule.

(d) *Injunction.* In addition to such other civil or criminal penalties that may be available, the city attorney may seek an injunction in accordance with Texas Local Gov. Code Section 54.016 against a person or entity believed to be in violation of this article.

(e) *Person responsible.* The following presumptions shall be in effect with regard to the person responsible for a violation of this article:

(1) Any person, including a person classified as a water customer, who is in apparent

control of the property where a violation occurs or originates shall be presumed to be the violator.

- (2) Proof that a violation occurred on a person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation.
  - (3) Parents shall be presumed to be responsible for the violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent directed or assisted in the commission of the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this article and that the parent could not have reasonably known of the violation.
- (f) *Defenses.* It shall be a defense to a violation of this article if:
- (1) The water is being used to irrigate or water the plant inventory of a wholesale or retail landscape nursery or other commercial business selling landscape or house plants;
  - (2) The person is using water, other than that provided by the city, that has been recirculated;
  - (3) The person is using water from a source other than the city's public (potable) water supply system, including:
    - a. Reclaimed water in compliance with applicable TOEQ regulations for landscape watering. Such landscape watering with hose-end sprinklers or an automatic irrigation system shall be prohibited at all times except between the hours of 6:00 p.m. and 10:00 a.m. Landscape watering is permitted at anytime if conducted by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person, a faucet-filled bucket or watering can with a capacity of five gallons or less, or a drip irrigation system; or
    - b. Surface water diversion rights which the person has the legal right to use.
  - (4) The use of the water was necessary to prevent damage or destruction to property other than landscaping plants and ground covers suffering damage from dehydration;
  - (5) The person is:
    - a. The owner, or his or her agent, of a commercial car wash or service station with a car wash;
    - b. The hours in which use of a commercial car wash is prohibited are posted at a location visible to customers entering or attempting to use the car wash at the time of the alleged offense;
    - c. Said owner or agent did not otherwise authorize the use of the car wash during the prohibited hours of operation;
  - (6) The person is washing down sidewalks, walkways, driveways, vehicles used to transport food and perishables, garbage trucks, or aircraft that the manager or the city health officer determines requires frequent cleaning in order to protect the health, safety, and welfare of the public; or
  - (7) Operation of an automatic irrigation system was performed solely for the purpose of conducting maintenance and testing, and such operation was conducted by a licensed irrigation contractor.

(Ord. No. 2010-08, § 12, 5-25-2010)

#### Sec. 110-106. Variances.

(a) *Authority to grant variances.* The city manager is authorized to grant variances pursuant to the provisions of this section.

(b) *Grounds for granting variances.* A variance may be granted to authorize the use of water otherwise prohibited under this article if the city manager finds:

- (1) That failure to grant a requested variance would adversely affect public health or sanitation;
- (2) That failure to grant the requested variance would adversely affect the health or safety of the person requesting such variance;
- (3) Compliance with this article cannot technically be accomplished during the duration of the water supply shortage or other condition for which water conservation measures are in effect;
- (4) Alternative methods can be implemented which will achieve the same level of reduction in water use as the water conservation measure from which the variance is sought; or
- (5) that the person has a disability in accordance with subsection (j) below.

(c) *Application for variance.* A person requesting a variance from the provisions of this article must file an application with the city manager on forms promulgated by the city. Each application shall include the following information:

- (1) Name and address of the applicant(s);
- (2) A full description of the proposed water use, including, but not limited to:
  - a. The daily amount of the proposed use;
  - b. The hours of the proposed use;
- (3) A reference to the specific provision(s) of this article from which the applicant is requesting relief;
- (4) A detailed statement as to how the specific provision of the article adversely affects the applicant and/or what damage or harm will occur to the applicant or others if applicant complies with this article;
- (5) A description of the relief requested;

- (6) The period of time for which the variance is sought;
- (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this article and the compliance date; and
- (8) Any additional information that the city manager deems relevant and necessary in making a determination regarding the request.

(d) *Filing period.* An application for a variance requested pursuant to this section may not be filed prior to the effective date of the water conservation measure(s) from which relief is being sought.

(e) *Consideration of variance application.* The city manager shall grant or deny the application for variance not later than 5:00 p.m. on the third city business day following delivery of the application to the city manager. A variance shall be deemed to be approved in the manner requested in the application if the city manager has not denied the application within the time set forth in this section.

(f) *Contents of variance.* A variance granted by the city manager shall contain the following provisions:

- (1) A description of the allowable water uses granted by the variance;
- (2) A description of any conditions imposed which must be satisfied in order to maintain the variance in effect;
- (3) A timetable for compliance with any conditions set forth in the variance; and
- (4) Such other provisions as the city manager determines to be reasonable and necessary.

(g) *Termination of variance.* Variances granted shall expire upon the earlier of:

- (1) The date the water conservation measure from which the variance was granted is no longer in effect;
- (2) The date the city manager determines that the applicant has failed to comply

with any deadline imposed with respect to compliance with the conditions set forth in the variance; or

- (3) The date the city manager specifically sets forth for termination of the variance.

(h) *Variance not a defense.* The granting of a variance shall not be a defense to a violation of the provisions of this article which occurs prior to the effective date of the variance.

(i) *Appeal of denial by city manager.* An applicant may appeal the denial by the city manager of an application for a variance to the city council pursuant to the following procedures:

- (1) An appeal must be filed in writing with the city secretary not later than three city business days following the date of the denial;
- (2) The appeal will be considered by the city council at its first regularly scheduled meeting following the third city business day after the date the appeal is filed with the city secretary;
- (3) The city council may hear testimony from the city manager and the applicant, but shall not be required to hear such testimony;
- (4) The city council shall grant or deny the variance in accordance with the criteria set forth in subsection (b); and
- (5) The city council shall grant or deny the variance at the meeting at which the appeal is considered.

(j) *Variances for people with disabilities.* The city manager shall grant a variance to a person to use a hose-end sprinkler or an automatic irrigation system to perform landscape watering when the use of hose-end sprinklers or automatic irrigation systems are otherwise prohibited by this article subject to the following findings:

- (1) The property is a single-family residence and constitutes the permanent residence of the applicant;
- (2) The applicant has provided to the city manager a written statement from a med-

ical doctor licensed to practice medicine in the State of Texas that the applicant is physically incapable of:

- a. Walking without assistance;
- b. Standing for periods in excess of 15 minutes;
- c. Carrying a five-gallon bucket of water; or
- d. Carrying a standard garden hose; and

- (3) There is no other person who resides on the property with the applicant who is physically capable of performing landscape watering by means of a hand-held hose with a manual or automatic shutoff nozzle operated by one person or; a faucet-filled bucket or watering can with a capacity of five gallons or less.

(k) The variance granted by the city manager pursuant to this section may not authorize landscape watering at any time outside of the days and hours during which landscape watering is otherwise permitted by this article. Said variance may restrict landscape watering to times and days less than those otherwise allowed by this article and, with respect to automatic irrigation systems, may limit the amount of time each station of the system is allowed to run.

(Ord. No. 2010-08, § 13, 5-25-2010)

Secs. 110-107—110-130. Reserved.

#### ARTICLE IV. WASTE DISCHARGES\*

##### Sec. 110-131. Definitions and abbreviations.

(a) *Definitions.* Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings designated in this section:

*Act and the act* mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

*Biochemical oxygen demand and BOD* mean the quantity of oxygen utilized in the biochemical

\*Cross reference—Unauthorized discharge, § 46-72.

## **Agenda Item:**

(Staff)

- 4C. Update regarding Lower Colorado River Authority Transmission Services Corporation (LCRA-TSC) application for the proposed McCamey D to Kendall to Gillespie CREZ project PUC Docket No. 38354; City of Kerrville, Kerrville Public Utility Board, and City of Junction v. PUC, Cause No. D-1-GV-000324, in the 98<sup>th</sup> District Court of Travis County.



**Agenda Item:**  
**(Staff)**

5A. Library update.

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

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**SUBJECT:** Update on Butt Holdsworth Memorial Library Statistics

**FOR AGENDA OF:** May 10, 2011

**DATE SUBMITTED:** April 27, 2011

**SUBMITTED BY:** Daniel C. Schwartz  
Library Director

**CLEARANCES:** Kimberly Meisner  
Director of General Operations 

**EXHIBITS:** Circulation Statistics, Patron Statistics, Statistics By Fiscal Year,  
Basket of Books

**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 DEPARTMENT:**

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**SUMMARY STATEMENT**

Staff will provide an update on the following:

- Circulation Statistics
- Patron Statistics
- Statistics By Fiscal Year
- Basket of Books Program (began April 17, 2011)

The information provided is for the period ending April 30, 2011.

**RECOMMENDED ACTION**

This item is presented for information only, no action is required.

**Butt-Holdsworth Memorial Library  
Patron Count Report as of 04/30/2011**

Location	Juvenile 0-12 years	Young Adult 13-17 years	Adult 18-64 years	Seniors 65+ years	Totals
Kerrville (within City limits)	140	56	956	567	1719
Kerr County	78	45	748	466	1337
Kerrville - Kerr County	46	27	434	305	812
Bandera - Kerr County	0	0	2	0	2
Camp Verde - Kerr County	0	0	1	1	2
Center Point - Kerr County	6	5	70	38	119
Comfort - Kerr County	0	0	3	4	7
Harper - Kerr County	1	2	7	2	12
Hunt - Kerr County	3	2	47	28	80
Ingram - Kerr County	18	4	143	74	239
Mountain Home - Kerr County	4	5	41	14	64
Bandera County	0	0	9	5	14
Edwards County	0	0	0	1	1
Gillespie County	0	0	25	8	33
Kendall County	0	0	6	2	8
Kimball County	0	0	3	0	3
Real County	0	0	1	2	3
Bexar County	0	0	1	0	1
State of Texas	0	0	9	3	12
Out of State	0	0	5	6	11
<b>Total:</b>	<b>218</b>	<b>101</b>	<b>1763</b>	<b>1060</b>	<b>3142</b>
	<b>% of Card Holders</b>			<b>% of Card Holders</b>	
Kerrville %	54.71%		Juvenile %	6.94%	
Kerr County %	42.55%		Young Adult %	3.21%	
Adjacent Co. %	1.97%		Adult %	56.11%	
State of Texas %	0.73%		Seniors %	33.74%	
Out of State %	0.35%		<b>Total:</b>	100.00%	

**Butt-Holdsworth Memorial Library  
Circulation Count Report as of 4/30/2011**

<b>Location</b>	<b>Current Checkouts</b>	<b>Total Checkouts</b>
Kerrville (within City limits)	6075	24091
Kerr County	5012	19846
<i>Kerrville - Kerr County</i>	3500	13740
<i>Bandera - Kerr County</i>	32	41
<i>Camp Verde - Kerr County</i>	3	4
<i>Center Point - Kerr County</i>	289	1308
<i>Comfort - Kerr County</i>	7	39
<i>Harper - Kerr County</i>	38	65
<i>Hunt - Kerr County</i>	271	1095
<i>Ingram - Kerr County</i>	746	2925
<i>Mountain Home - Kerr County</i>	126	629
Bandera County	11	85
Edwards County	5	16
Gillespie County	81	549
Kendall County	11	65
Kimball County	2	49
Real County	4	48
Bexar County	0	39
State of Texas	24	106
Out of State	5	102
<b>Total:</b>	<b>11230</b>	<b>44996</b>
Kerrville %	54.10%	53.54%
Kerr County %	44.63%	44.11%
Adjacent Counties %	1.02%	1.80%
State of Texas %	0.21%	0.32%
Out of State %	0.04%	0.23%

NOTE: "Total Checkouts" column includes only circulation statistics since the implementation of Millennium on 1/24/11.

**Butt-Holdsworth Memorial Library  
Fiscal Year Statistics as of 4/30/2011**

Statistics	FY05	FY06	FY07	FY08	FY09	FY10	FY11 to date
Circulation of Library Materials	186,131	183,232	175,520	176,866	183,606	168,816	106,098
Reference Transactions	24,105	27,680	25,912	31,721	28,052	24,564	12,700
Gate Count	169,104	170,566	165,167	167,548	161,458	160,401	88,310
Internet/Electronic Resource Use	47,209	48,025	48,951	53,913	51,972	49,316	26,515
Born to Read Program <i>Started FY09</i>	0	0	0	0	65	390	195
Summer Program Participants	1,837	1,987	1,380	1,664	3,187	3,249	N/A

NOTE: "FY11 to date" column includes circulation statistics from Galaxy from the time period 10/01/2010 – 1/23/2011.

**Butt-Holdsworth Memorial Library  
Basket of Books Program as of 4/30/2011**

<b>Location</b>	<b>Participants - April 17-23, 2011</b>	<b>Participants - April 24-30, 2011</b>	<b>Total Current Participants</b>
Kerrville (within City limits)	67	63	130
Kerr County	50	53	103
<i>Kerrville - Kerr County</i>	35	44	79
<i>Bandera -Kerr County</i>	0	1	1
<i>Camp Verde - Kerr County</i>	0	0	0
<i>Center Point - Kerr County</i>	4	2	6
<i>Comfort - Kerr County</i>	0	0	0
<i>Harper - Kerr County</i>	1	0	1
<i>Hunt - Kerr County</i>	3	2	5
<i>Ingram - Kerr County</i>	6	4	10
<i>Mountain Home - Kerr County</i>	1	0	1
Bandera County	0	0	0
Edwards County	0	1	1
Gillespie County	2	0	2
Kendall County	0	0	0
Kimball County	0	0	0
Real County	0	0	0
Bexar County	0	0	0
State of Texas	0	0	0
Out of State	0	0	0
<b>Total:</b>	<b>119</b>	<b>117</b>	<b>236</b>
<b>Week</b>	<b># Checked Out</b>		
April 17-23, 2011			3130
April 24-30, 2011			3273
<b>Total:</b>			<b>6403</b>

**Agenda Item:**  
**(Staff)**

5B. Economic update.



CITY OF KERRVILLE  
ECONOMIC UPDATE AS OF May 4, 2011

	Current Month	Previous Month	1 Year Ago	Trend	Current Month
<b>National</b>					
Unemployment	8.80%	8.90%	9.70%	↓	March
Consumer Confidence	65.4	63.8	57.7	↔	April
1 year T-Bills	0.19%	0.20%	0.43%	↔	5/4/11

<b>State</b>					
Monthly Unemployment	8.10%	8.20%	8.30%	↓	March
Monthly Sales Tax	\$1,603.8m	\$1,749.5m	\$1,458.9m	↑	March

<b>Local</b>					
Monthly Unemployment (Kerr Co.)	6.30%	6.40%	6.20%	↓	March
Median Listing Price	\$210,000	\$199,000	\$210,000	↑	4/1/11
Monthly Sales Tax	\$315,508	\$339,554	\$320,921	↓	April
Monthly EIC Tax	\$157,729	\$169,754	\$160,461	↓	April
Monthly HOT	\$75,004	\$49,696	\$81,214	↓	April

	FY11 Budget	FY11 as of 04/30/2011	FY11 % Received	FY10 as of 04/30/2010	FY10 % Received
<b>General Fund</b>					
Tax Revenue	\$14,647,100	\$11,481,745	78.39%	\$11,164,389	74.16%
Property Tax	\$8,240,000	\$7,899,121	95.86%	\$7,818,331	92.32%
Sales Tax	\$4,500,000	\$2,650,203	58.89%	\$2,541,347	54.96%
Permits & Fees	\$402,450	\$197,547	49.09%	\$194,458	52.45%
Intergovernmental	\$707,013	\$474,168	67.07%	\$416,832	59.96%
Service Revenues	\$2,578,260	\$1,133,817	43.98%	\$1,725,268	52.10%
Grant Revenue	\$10,000	\$17,515	175.15%	\$10,525	105.25%
Fines & Forfeitures	\$477,710	\$341,256	71.44%	\$293,806	58.24%
Interest & Misc.	\$235,372	\$206,670	87.81%	\$339,230	73.71%
Transfers In	\$1,000,000	\$500,000	50.00%	\$783,943	62.18%
<b>Total General Fund</b>	<b>\$20,057,905</b>	<b>\$14,352,718</b>	<b>71.56%</b>	<b>\$14,928,451</b>	<b>68.90%</b>
<b>Total General Fund Expenditures</b>	<b>\$20,057,905</b>	<b>\$10,720,229</b>	<b>53.45%</b>	<b>\$12,171,879</b>	<b>54.21%</b>
<b>Water/Sewer Fund</b>					
Water Sales	\$4,400,000	\$2,708,790	61.56%	\$2,223,092	6.29%
Sewer Sales	\$3,760,000	\$2,056,645	54.70%	\$2,154,183	7.17%
Other Revenue	\$782,124	\$561,013	71.73%	\$483,281	72.19%
<b>Total Water &amp; Sewer Fund</b>	<b>\$8,942,124</b>	<b>\$5,326,447</b>	<b>59.57%</b>	<b>\$4,860,555</b>	<b>50.48%</b>
<b>Total W&amp;S Fund Expenditures</b>	<b>\$9,242,124</b>	<b>\$4,905,877</b>	<b>53.08%</b>	<b>\$4,742,586</b>	<b>50.05%</b>