

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, MARCH 27, 2012, 6:00 P.M.

KERRVILLE CITY HALL COUNCIL CHAMBERS

800 JUNCTION HIGHWAY, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, MARCH 27, 2012, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
800 JUNCTION HIGHWAY, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION offered by Beck Marlar, Area Director, Young Life.

PLEDGE OF ALLEGIANCE TO THE FLAG led by Cadet Second Lieutenant Margaret Sklar, of the Junior Reserve Officer Training Corps of Tivy High School.

1. VISITORS/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers will be limited to the first ten speakers and each speaker is limited to four minutes.

2. PRESENTATION:

2A. Parks and Recreation Department Aquatics staff as recipient of the 2011 Gold International Aquatic Safety Award.

3. CONSENT AGENDA:

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

3A. Minutes of the regular city council meeting held January 24, 2012, and the special meeting held at 8:30 a.m. on January 31, 2012, and the special meeting held at 10:00 a.m. on January 31, 2012. (staff)

3B. Lease agreement between the City of Kerrville and the Friends of the Library for use of the basement in the Butt-Holdsworth Memorial Library AT 505 Water Street beginning April 1, 2012. (staff)

3C. A resolution authorizing the submission of a grant application to the Office of the Governor, Criminal Justice Division, by the Kerrville Police Department, for an automatic license plate reader, accessories, and maintenance costs. (staff)

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: March 23, 2012 at 10:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

3D. Grant contract with the Cailloux Foundation in the amount of \$163,000, and the purchase, when combined with \$20,000 in street division funds, of a double drum Cat CB-434D asphalt roller in the amount of \$99,452 and a Volvo SD70F soil compactor in the amount of \$83,546. (staff)

3E. Electronic Devices Policy for the Butt-Holdsworth Memorial Library concerning patrons' use of such devices. (staff)

3F. A resolution amending the City of Kerrville fee schedule by revising fees charged for various services and uses provided or offered by the city's Butt-Holdsworth Memorial Library. (staff)

4. CONSIDERATION AND POSSIBLE ACTION:

4A. Request by Schreiner University via Leadership Kerr County to use up to \$20,000 of hotel occupancy tax funds for improvements to the Schreiner Mansion Museum at 226 Earl Garrett Street. (staff)

4B. Request for proposals (RFP) process and timeline for the sale of the Kerrville City Hall located at 800 Junction Highway, Kerrville, Texas. (staff)

4C. Request by T. Scott Gross to abandon an existing drainage easement or other relief to allow the continued existence of a wooden deck at 709 Riverhill Boulevard. (Councilmember Gross)

5. INFORMATION AND DISCUSSION:

5A. Update on wayfinding signage. (Councilmember Gross)

5B. Report on Kerrville Economic Development Corporation activities. (Mayor Wampler)

5C. Budget and economic update. (staff)

6. BOARD APPOINTMENTS:

6A. Appointments to the parks and recreation advisory board. (staff)

7. ITEMS FOR FUTURE AGENDAS

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

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Brenda Craig

City Secretary, City of Kerrville, Texas

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

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

9. EXECUTIVE SESSION:

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

10. ADJOURNMENT.

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: March 23, 2012 at 10:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig

City Secretary, City of Kerrville, Texas

Agenda Item:

2A. Parks and Recreation Department Aquatics staff as recipient of the 2011 Gold International Aquatic Safety Award.

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

SUBJECT: Gold International Aquatic Safety Award

FOR AGENDA OF: March 27, 2012

DATE SUBMITTED: March 16, 2012

SUBMITTED BY: Malcolm Matthews,
Director of Parks & Recreation

CLEARANCES: Kristine Ondrias, Asst. City
Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The Parks and Recreation Department was recently recognized by Jeff Ellis & Associates as a recipient of the "Gold International Aquatic Safety Award" for the 2011 season. Jeff Ellis and Associates, the risk management company the City uses for lifeguard training and performance review, made the award based upon pool operations, aquatic safety procedures, and maintenance of high safety standards. Unannounced field inspection audits are conducted by Ellis during the swim season to evaluate pool safety based upon performance criteria. This award is given to operations that consistently exceed the criteria for aquatic safety certification. Only clients scoring in the top 30% of the audit criteria received this award.

RECOMMENDED ACTION

It is recommended that the Parks and Recreation Department's Aquatics Staff be recognized by the City Council for receipt of the "Gold International Aquatic Safety Award" for consistently providing the highest degree of swimmer protection currently available in the aquatic industry and for making the City of Kerrville's Olympic Pool a model for citizen safety.

March 1, 2012

Ashlea Boyle
Kerrville, City of
800 Junction Highway
Kerrville, TX 78028

Re: **"2011 Gold International Aquatic Safety Award"**

Dear Ashlea Boyle:

We are pleased to notify you that your lifeguard staff has been awarded our firm's prestigious **"Gold International Aquatic Safety Award"** pursuant to consistently "exceeding" our criteria for aquatic safety certification this year.

While we are sure that the swimmers who frequent your aquatic facilities already recognize the professionalism exhibited by your lifeguard staff, it is important to inform them that only those clients scoring in the top 30% of the audit criteria received this award. Accordingly, they are consistently being afforded with the highest degree of swimmer protection currently available for the aquatic industry.

Please extend our profound congratulations to every member of your aquatic safety staff for their commitment to *"professional excellence"* and desire to *"make a difference"* for those who frequent your aquatic facilities.

Sincerely yours,

Jeff Ellis & Associates, Inc.



Richard A. Carroll
Senior VP/COO



ELLIS & ASSOCIATES
INTERNATIONAL AQUATIC SAFETY & RISK MANAGEMENT CONSULTANTS

508 Goldenmoss Loop. Ocoee, Florida. 34761

Agenda Item:

3A. Minutes of the regular city council meeting held January 24, 2012 and the special meeting held at 8:30 a.m. on January 31, 2012, and the special meeting held at 10:00 a.m. on January 31, 2012. (staff)

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JANUARY 24, 2012

On January 24, 2012, 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 Heather Mitchell, Minister of Music, First Baptist Church, followed by the Pledge of Allegiance led by Jack Cremin, of the Military Officers Association of America.

COUNCILMEMBERS PRESENT:

David Wampler	Mayor
Gene Allen	Mayor Pro Tem
Carson Conklin	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Brenda G. Craig	City Secretary
Kristine Ondrias	Assistant City Manager
Travis Cochrane	Director of Information Technology
Mike Erwin	Director of Finance
Charlie Hastings	Director of Public Works
Kim Meisner	Director of General Operations
Mindy Wendele	Director of Business Programs
Mark Beavers	Assistant Fire Chief
John Young	Police Chief
Jeff Finley	Director of Building Services

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

1. VISITORS/CITIZENS FORUM: No one spoke.

2. CONSENT AGENDA:

Mr. Allen moved for approval of item 2A and 2B; Mr. Conklin seconded the motion and it passed 5-0:

2A. Approval of the minutes of the special council meeting held January 6, 2012.

2B. Resolution No. 02-2012 ordering that a general election be held on May 12, 2012, for the election of one mayor and two councilmembers; appointing election judges; adopting an electronic counting system; establishing a central counting station; appointing a central counting station manager; appointing a tabulation supervisor; appointing the central counting station presiding judge; and authorizing early processing of ballots.

2B. UNA RESOLUCIÓN 02-2012 QUE PIDE QUE UNA ELECCIÓN GENERAL SE LLEVE A CABO EL 12 DE MAYO DE 2012, PARA LA ELECCIÓN DE ALCALDE Y DOS MIEMBROS DEL AYUNTAMIENTO DE LA CIUDAD: NOMBRAR UN GERENTE PÚBLICO PARA LA ESTACIÓN DE CUENTAS CENTRAL: NOMBRAR UN SUPERVISOR DE LA TABULACIÓN: ESTABLECER LA ESTACIÓN DE CUENTAS CENTRAL: NOMBRAR UN SUPERVISOR DE TABULACIÓN: ESTABLECER LA ESTACIÓN CENTRAL DE CUENTAS: NOMBRANDO SU JUEZ: AUTORIZANDO EL PROCESO TEMPRANO DE LAS BALOTAS DE LA ELECCIÓN GENERAL, QUE SE LLEVARÁ A CABO EL 12 DE MAYO DE 2012.

END OF CONSENT AGENDA

3. ORDINANCE, FIRST READING:

3A. An ordinance enacting a moratorium on the acceptance of applications and the issuance of permits for the installation of electronic and traveling lighted message signs within the City and its extraterritorial jurisdiction for a period of ninety (90) days; providing an effective date; containing a savings and severability clause; and providing other matters relating to the subject.

Mayor Wampler read the ordinance by title.

Pursuant to council's request on January 10, Mr. Finley proposed the council enact a moratorium on permitting any new electronic and traveling message signs for 90 days or until adoption of a new sign ordinance, whichever came first, in order to prohibit such new signs from being built that could possibly be non-conforming under the new ordinance. He noted that the existing ordinance was outdated, did not address current technology, certain sections were in conflict, and that such moratoriums were upheld by the US Supreme Court.

The following persons spoke:

1. Traci Carlson, president of the chamber of commerce, stated the chamber's willingness to continue to work with the city to adopt a new sign ordinance that would take into consideration technological changes in sign construction, and urged simplicity in the new ordinance.

2. Billy Tye, noted he recently purchased a carwash and had intended to replace an existing sign with a new sign with a theme logo advertising three businesses at his location. He proposed a train sign that looked like a water tower with a full color message board on both sides and LED lights. He did not currently have a sign application pending with the city, but he planned to open his business in 30-60 days and felt it was unfair that he was not able to advertise in an efficient and effective way.

Mayor Wampler noted the existing sign ordinance did not adequately address the proliferation of message board and LED signs, and it was outdated, cumbersome, confusing, and some sections were contradictory to state law. The purpose of the moratorium was to allow the city time to review and update the sign ordinance in order to address modern technology. The council was concerned that in the interim signs might be installed that would then be nonconforming under the new ordinance, and the purpose of the moratorium was to avoid the scenario of people putting money into new signs that in 90 days could be nonconforming.

Mr. Tye questioned putting a moratorium on all sign permits, and agreed that he could get by with a static sign for now; however, under the current sign ordinance, he was strictly limited by size and he wanted to advertise all three businesses.

Council discussed allowing permits to be issued for static signs only, with the possibility of allowing message boards to be added later if they met the requirements of the new sign ordinance.

Mr. Hayes noted the proposal from the sign committee was to restrict the size of signs and electronic message boards.

3. Cory Traub, Pro Tech Signs, supported the city's goal of modernizing the sign ordinance, but he asked that it be done in 30-60 days rather than 90 days as it was restricting business for companies in the sign industry. He offered assistance to help speed up the process.

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

4. CONSIDERATION AND POSSIBLE ACTION

4A. Request for city water service at 2110 Medina Highway.

Mr. Hastings noted the city received a request to provide water service without annexation at 2110 Medina Highway, one of a very few lots in Kerrville Hills Ranch Estates that was not receiving city water. The well had been rehabilitated by lowering the pump, but the water was unsuitable for consumption. He reviewed the city's policy under Resolution 91-144 for water extensions outside the city limits and noted an exception to the requirement of annexation, i.e. a contaminated water system existed and the council found that annexation was not in the best interest of the city at that time, however, the owner agreed to annexation when the city was in position to annex the property. Mr. Hastings noted the cost of connection would be the responsibility of the owner.

Mr. Hayes recommended a written agreement signed by the city manager and the property owner regarding future annexation, if the council granted the request.

In order to accommodate the resident, council instructed staff to expedite the process. Mr. Hastings noted a main could be tapped and a meter set in a matter of days; however, the owner would have to get an easement from a neighbor.

Mr. Conklin moved to approve the request for city water service at 2110 Medina Highway without annexation. The motion was seconded by Mr. Allen and passed 5-0.

4D. Receive a presentation by Oryx Development, P.O. Box 302663, Austin, Texas, regarding its proposal for a multi-family project on a site located at the northeast corner of Doris Road and Goat Creek Road and provide direction to city staff. Kirby Lane, Oryx Development, described the proposed project as quality affordable housing, and noted he met with city staff and neighbors earlier in the day. He stated that generally all of Oryx's projects received support from the communities, neighbors, and cities where they were located. They liked the Kerrville area, but at this time they would withdraw their request and look at other sites in the area.

4B. Appointment of member to the Kerrville Citizen Police Academy Alumni Association (KCPAAA) Board of Directors.

Ms. Meismer noted on December 13, 2011, council approved adding the KCPAAA to the city's liability insurance coverage and the board of directors to the city's errors and omissions coverage provided by Texas Municipal League. KCPAAA would reimburse the city the cost associated with providing the coverage. In order to provide the insurance, TML required the city to appoint a member to the KCPAAA board; KCPAAA bylaws required that all board members be graduates of the Citizen Police Academy (CPA). Ms. Meismer noted that since none of the current city councilmembers had graduated from CPA, Board President Bill Cafferty recommended four persons, all whom agreed to serve as the city's appointed board member, for council's consideration.

Mr. Gross moved to appoint Chuck Coleman as a member of the Kerrville Citizen Police Academy Alumni Association Board of Directors. Ms. Keeble seconded the motion and it passed 5-0.

4C. Report from Kerrville's 4th on the River.

Mr. Conklin reported the 2011 4th on the River event was successful and he estimated 2,500-3,000 attended. The group was planning additional acts and well-known bands for the 2012 event, and in order to increase attendance they proposed holding the event on the weekend prior to July 4, and proposed the city consider moving the fireworks and providing emergency services to coincide with the event.

4D. Receive a presentation by Oryx Development, P.O. Box 302663, Austin, Texas, regarding its proposal for a multi-family project on a site located at the northeast corner of Doris Road and Goat Creek Road and provide direction to city staff. (Held earlier in the meeting after 4A.)

4E. Receive a presentation by Kerrville Senior Veterans Residences L.P., 2206 Jo An Drive, Sarasota, FL, regarding its proposal for a multi-family project located at the Kerrville Veterans Administration Hospital, 3600 Memorial Boulevard, Kerrville, Texas, and provide direction to city staff. (KSVR)

Ken Bowron, noted that Communities for Veterans was a collaboration of the Department of Veterans Affairs; Beneficial Communities, a tax credit developer;

Core Construction Company; and Affordable Housing Solutions. He described "Freedoms Path" as a three-story, 80-unit facility with on site management. He described the development's amenities and noted all services would be at no cost to veterans outside the \$400-\$700 monthly rent. Residents could also take advantage of VA services. He requested the city's support for an application to the Texas Department of Housing and Community Affairs, and stated if this \$14-15 million development was not built in Kerrville, it would go somewhere else.

Mayor Wampler questioned whether it was a requirement that only veterans would occupy the facility. Mr. Bowon stated they would like to keep it for veterans age 55 and older.

Craig Taylor, president of Communities for Veterans, responded no, being a veteran was not a requirement and he explained that restricting a community to veterans only that was funded as a public resource was contentious because it would segregate people, and veterans were not a protected class under the Federal Fair Housing Act. He discussed a recent attempt to establish a veteran's only facility on a VA campus in California and felt there may be movement in that direction. He understood opposition to serving nonveterans, but he was concerned about the possibility of being sued under Section 504 of the Federal Housing Act, but if so, his argument would be that they were not discriminating because of any protected class. He also stated he had a directive from the Secretary of the Department of Veteran Affairs and the Secretary of US Department of Housing and Urban Development stating they could have such a development, but it had not been vetted through the courts. For this reason, he could not say they would not lease to a non-veteran, because they could not discriminate against persons in other protected categories. The idea was that it would be a place for senior veterans, and they proposed a national marketing campaign.

Mr. Taylor noted the Secretary of the Department of Veterans Affairs committed to end homelessness among veterans by 2015. The VA inventoried 326 sites in the US and selected vacant properties that could be used to house homeless veterans. The VA let requests for proposals for those sites and 18 were selected, including Kerrville. There were about 30 residential projects operating on other VA campuses as transitional housing for homeless veterans. At sites where there was community opposition, such as Kerrville in 2011, they converted the project from housing for homeless veterans to housing for senior veterans. Kerrville was the only site in Texas selected by the Department of Veterans Affairs for the senior veterans housing program. Mr. Taylor stated that the project presented was in response to the VA's proposal. The VA was highly sensitive to local input, thus he requested support of the local community as part of his proposal. Mr. Taylor stated that if the city did not want such a facility, then the city should notify the VA. He stated that at his Augusta, Georgia project he committed to serve a population of 75% veterans as a requirement of that local municipality during the platting process.

Mr. Taylor confirmed that they would pay \$1/year to the Department of Veterans Affairs for lease of five acres of property at the VA; however, the land would still belong to the VA, but it would become somewhat of a joint venture, intermingling several jurisdictions, and agreements would have to be worked out. There were limited facilities in the US where veterans could come and live with other veterans, and he proposed that the Kerrville project would be a veteran's campus with veteran services available at the VA.

Mr. Taylor noted the facility would be located on tax exempt federal property, and there would be additional obligations and demands placed on the city so they intended to negotiate for services and participate accordingly. He stated they would pay their fair share of taxes; however, he proposed to negotiate payment in lieu of taxes because the development was located on the VA property, thus residents' services would be the responsibility of the VA unlike services required of the city by a private development. How much they would be required to pay would be basically up to the city. The development would provide private services for their residents and not be a drag on community services. He clarified that he was not asking for tax abatement, only that consideration be given because they would not be putting the full burden on local government as would another private development because of their location. He noted that rent paid by the residents would stay in the project to fund residents' services and to operate the property; any revenue generated that was not used to pay taxes could go back into resident services. The developer made their fee upfront.

Mr. Taylor opined that the project would be an economic generator for local economy by creating 80-100 temporary construction jobs and 10-14 permanent staff support positions. Core Construction Company would hire local people, purchase materiel locally, and use local vendors. Rent would be low, thus veterans would have more spendable income.

Mayor Wampler questioned specifically what was requested from the city. Mr. Taylor requested a statement of support from the city to submit to the Texas Department of Housing and Community Affairs for tax credit financing through low income housing tax credits, and a local match of \$1,000 per unit for 80 units, \$80,000. This match was a requirement by TDHCA to ensure local involvement, and the city could apply for a Southwest Texas Community Development Home Fund loan or other funding that might be available to the city. Their financing did not include federal home dollars, rather it was low income tax credit dollars which were private investment with tax credit allocation, and Federal Home Loan Bank Affordable Housing Program direct subsidy with a small conventional loan, and some of their equity. As part of their preliminary application, the Hill Country Veterans Council and other veteran service organizations provided letters of support, and he felt he had support for the project from at least two county commissioners. He stated if there was no local support and funding, the project would not be competitive.

Ray Watson, Executive Director for Kerr Economic Development Corporation, agreed there was economic benefit of having affordable housing; however, he opined the problem was in giving full tax abatement with little or no value of jobs being created. The benefit of temporary construction jobs was very minor, as the money would go to the Core Construction Company in Dallas and would leave this community almost immediately. He opined that the project should be taxed at full value and noted it was competing with other housing projects that were paying full taxes. In comparison, economic incentive packages created a job factor, e.g. sustainable jobs created for a period of time, and that was not in this project. He suggested looking at the project at full tax and full value of property, and urged council to not give such benefits on the basis of economic development to a developer who did not bring in jobs.

Mr. Taylor noted his group was taking a risk that other developers did not have to take, that is, giving priority to veterans, and they were developing on a specific site, for a specific population, for a specific purpose.

The council also discussed the following:

- There was no question that veterans deserved to be served, but this project as presented was not mandated for veterans. The developer stated that the project was for veterans, but there was no guarantee that the project would be a housing project for veterans.
- The council certainly supported veterans, but the city was being asked to contribute to a private development that was not going to pay its fair share in taxes.
- The federal government wanted to assist veterans, but the local community was being asked to provide financing.
- The Kerrville VA was not a full scale staffed medical facility.
- The city council had to consider what was in the best interest of all taxpayers and citizens of Kerrville.
- The city could participate in tax sharing or tax abatement for economic development where the payback accrued over a period of time, but that did not exist in this project.
- Regarding ad valorem tax, other projects were not allowed to negotiate how much they would pay for taxes based on their projected need for city services.
- The financing scheme presented was not competitive with other developers who serve the same market, and other projects paid full value for land and taxes.
- Available senior housing in Kerrville now had vacancies.
- There was value in permanent jobs created, but a similar project would have the same value with full taxes.
- In 2011 when a similar project was being considered the council received tremendous input from the veterans and the community; the council had not received any community support for this project.

Mr. Allen moved that under the current template presented by Mr. Taylor and requesting the city's support, he moved to deny the request. Mr. Gross seconded the motion and it passed 5-0.

9. EXECUTIVE SESSION:

Mr. Gross moved for the city council to go into executive closed session under Sections 551.071 (consultation with attorney), and 551.087 (deliberation regarding economic development negotiations) of the Texas Government Code; the motion was seconded by Ms. Keeble and passed 5-0 to discuss the following matters:

- Section 551.071 and 551.087:

Discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the Council seeks to have locate, stay, or expand in the City and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to such business prospect.

- Section 551.071:

Cause No. SA11CA0116 - FB; Louis V. Doss and Carolyn Doss, individually and d/b/a Mulligan's Pub v. Chief John M. Young, et al.; in the United States District Court for the Western District of Texas, San Antonio Division.

- Section 551.071:

Contemplated litigation involving a claim against C&C Groundwater Services regarding aquifer storage recovery well 3 (ASR3).

At 7:37 p.m. the regular meeting recessed and council went into executive closed session at 7:41 p.m. At 8:29 p.m. the executive closed session recessed and council returned to open session at 8:30 p.m. Mayor Wampler announced that no action had been taken in executive session.

4F. Receive a report regarding the creation of an events coordination program for the City of Kerrville and provide direction to city staff.

Mr. Parton noted that recently the council created an event coordination program through the Convention and Visitors Bureau (CVB) to identify and recruit additional events and expand tourism. After further review, city and CVB staff opined that adequate inventory of hotel services did not exist to support additional tourism business; further, events and activities already scheduled left only 15 weeks available during bad weather months that were not conducive to outdoor events. Mr. Parton recommended council reevaluate implementation of the program and focus on growing amenities and expanding hotels to accommodate additional tourism. He proposed instead to focus discussions with CVB on the type of events to be targeted and to prepare a hotel incentive package to recruit additional hoteliers to Kerrville.

Sudie Burditt, CVB Executive Director, noted Kerrville's annual hotel occupancy rate was 65% and existing hotels were at capacity during peak times. She agreed with Mr. Parton and noted limitations and sponsorships were limited with existing facilities at capacity on weekends when outdoor events were generally scheduled; however, there was capacity for events such as conferences on weekdays, but existing facilities limited the size of events that could be marketed.

The council agreed with the recommendation.

4G. Discussion and possible action for Kerrville Wayfinding Sign Program.

The council previously directed staff to look into a sign program that would direct the public to major points of interest. Mr. Hastings noted the majority points of interest were located within one mile of Highway 16 and Highway 27; therefore, such signs would need to be installed in TxDOT right of way. The existing maintenance agreement between the city and TxDOT was dated 1969. He was concerned that in order to install signs in the right of way, TxDOT would require the city to enter into a current municipal maintenance agreement that would impose greater responsibilities on the city, e.g. sidewalk maintenance, driveway permitting, parking restriction, pedestrian crosswalk installation and maintenance, mowing, litter disposal, pavement cleaning, and snow and ice control. He estimated the impact to the city would be \$50,000 annually. He opined that the city was not in a position to assume these additional responsibilities, and he recommended the program be deferred until the city street department could sustain the additional cost and responsibilities. He felt that TxDOT's San Antonio District Office was looking at cost savings and trying to put more responsibilities on local governments, and if the city wanted extra amenities outside of the 1969 agreement, TxDOT may force the city into the current standard agreement as used in other cities. He reviewed the type of signs that could be made in-house and estimated the cost of each sign at \$500.

Mr. Gross suggested the city try to negotiate with TxDOT. The city had great amenities and assets, and was investing substantial funds in the river trail and library, and he felt signage would be vital in directing tourists to these locations.

5. INFORMATION AND DISCUSSION:

5A. Budget and economic update.

Mr. Erwin noted current unemployment at 5.9% and sales tax and hotel occupancy tax continued to rise; he anticipated a 5% increase in FY12 sales tax over FY11 by year end. Revenues and expenditures in the general fund and water and sewer fund continued to be on target with expenditures less than revenues.

6. BOARD APPOINTMENTS:

6A. Appointments to the main street advisory board.

Mr. Conklin moved to reappoint Kacy Smith and to appoint Tammi Clanton, Stan Cobbs, and Janet Mize-Jugert all with terms to expire January 31, 2014; Mr. Gross seconded the motion and it passed 5-0.

7. ITEMS FOR FUTURE AGENDAS

- Fox Tank funding agreement and tax abatement.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Congratulations to David and Carolyn Lipscomb on their 50th Wedding Anniversary.

9. **EXECUTIVE SESSION:** (Held earlier in the meeting, following item 4E.)

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

Contemplated litigation involving a claim against C&C Groundwater Services regarding aquifer storage recovery well 3 (ASR3).

Mr. Allen moved to authorize staff to pursue any and all legal action against C&C including litigation against C&C and other parties. Mr. Conklin seconded the motion and it passed 5-0.

11. **ADJOURNMENT.** The meeting adjourned at 9:15 p.m.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
INFORMAL SOCIAL EVENT

KERRVILLE, TEXAS
JANUARY 31, 2012

On Tuesday January 31, 2012, the Kerrville City Council met at 8:30 a.m. at the southeast corner of the intersection of Sidney Baker (SH16) and Main Street (SH27) for the groundbreaking ceremony for the new city hall.

MEMBERS PRESENT:

David Wampler	Mayor
Gene Allen	Mayor Pro Tem
Carson Conklin	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
Mindy Wendele	Director of Business Programs
Mike Erwin	Director of Finance
Kim Meisner	Director of General Operations
Charlie Hastings	Director of Public Works
Robert Ojeda	Fire Chief
John Young	Police Chief

WELCOME AND SPECIAL RECOGNITIONS.

Mayor Wampler recognized special guests in attendance.

On behalf of the city, Mayor Wampler recognized Kenneth and Sandy Cailloux for their most generous gift of property for the new city hall building.

The groundbreaking ceremony ended and a reception was held at 715 Water Street.

APPROVED: _____

ATTEST:

David Wampler, Mayor

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
SPECIAL MEETING

KERRVILLE, TEXAS
JANUARY 31, 2012

On Tuesday January 31, 2012, a special meeting of the Kerrville City Council was called to order at 10:05 a.m. at the Salvation Army Ray & Joan Kroc Community Center at 201 Holdsworth Drive, Kerrville, Texas.

COUNCILMEMBERS PRESENT:

David Wampler	Mayor
Gene Allen	Mayor Pro Tem
Carson Conklin	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

COUNCILMEMBERS ABSENT: None

CORE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Mindy Wendele	Director of Business Programs
Mike Erwin	Director of Finance
Kim Meisner	Director of General Services
Charlie Hastings	Director of Public Works
John Young	Police Chief
Robert Ojeda	Fire Chief
Stuart Barron	Water/Wastewater Utilities Manager

PROVIDE DIRECTION TO STAFF FOR THE FY 2013 BUDGET:

REVIEW CITY COUNCIL GOALS:

The consensus of the council was to change Goal 7 to:

“Engage in beneficial relations with other governmental agencies that are beneficial for the citizens of Kerrville.”

FISCAL CONDITIONS:

Staff noted the following:

- To date the county collected \$6,184,000 in ad valorem tax for the city; effective February 1, 2012, the Kerrville Independent School District would begin collecting the taxes for the city.
- The FY12 budget was at the FY06-07 spending level; a 4.75% increase in revenue in the next five years was necessary to continue to provide the same level of service.
- Goal was to maintain a balanced budget and a 15% fund balance.
- The FY12 budget was based on the following assumptions:

Revenue: 1.5% growth in assessed value; 0.5625 property tax rate; 1.5% growth

in sales tax; 1% growth in other revenues; and utility rates and operations remain the same and an increase for debt service.

Expenses: Projects in the five year capital improvement plan; and growth in recurring expenses: 1-1.5% basics, 3-5% in volatile expenses, and 3% employee compensation.

Debt: General fund debt was 10-15% of the tax rate. The water and sewer fund debt should not exceed 35% of revenue.

- General fund balance should be between 15-25%; in the event of economic downturn, drawdown should not exceed 15%; the current general fund balance was at 16%.
- Water and sewer fund was budgeted conservatively based on sales during a drought period and estimated a 1% annual growth. Staff recommended a reserve fund balance equal to 25% of operating expenses and one year of debt service payments.
- Goal was for the utility fund to operate on a pay-as-you-go basis; city currently could sustain this if no additional debt was issued.
- Library fund: Need to maintain state accreditation as a county free library in order to receive discounts on resources and data bases that the city currently accessed for free (\$250,000 value); look at additional fees and charges to make up the loss in county participation.
- Completion of the river trail and Louise Hays Park improvements may add four persons and equipment in the parks department, and may increase personnel and equipment in the fire and police departments. Security monitoring was built into the project.
- Pavement management system (PMS): Staff was asked what it would take to achieve a PMS rating of 85; current score was 79. The PMS program called for rehabilitation of every road every 15 years; some city roads were currently at 30 years; a 15 year rehabilitation plan required 10 miles per year and the city was currently doing only about 3-4 miles per year. Mr. Parton suggested council consider issuing debt and contracting out major rehabilitation in order to accomplish more paving.
- Street department: Mr. Hastings reported: the cost of deferring street maintenance was \$250,000 and it compounded every year because the city was not keeping up with maintenance; the city received a grant from the Cailloux Foundation to purchase paving machinery; he opined that it would be more efficient to use local vendors for chip seal rather than working with the county.
- Water and sewer fund: fiscal sustainability revenue above expenditures with capacity to do small projects on pay as go basis.
- UGRA water permit: Discussed viability and usability of the permit. Mr. Parton noted some interest from Ingram, Center Point and Kerrville South for the city of Kerrville to become a regional water provider. Mr. Barron noted the city already owned half of the permit; he discussed the limits of the permit and noted when water was available the state would not allow the city to take it out of the river. He opined that the way the permit would benefit the city would be for the city to treat the water and then allow UGRA to sell the water. The city was limited by the size of the treatment plant and the city's ability to treat additional water.

- Reuse water: The wastewater treatment plant produced 2 mg of treated effluent daily, and several entities request reuse water, particularly during water conservation periods when potable water was not available for outdoor watering. Storage tanks and infrastructure would be costly to build and maintain for effluent storage; therefore, staff suggested the possibility of treating effluent to a higher standard and storing it in ASR to be used as potable water. Council also suggested capturing commercial air conditioning condensate as a water source.
- The inflow and infiltration (I&I) capital project had been successful in keeping rainwater out of the sewer system.

DEBT SERVICE AND CAPITAL PROJECT PLANNING:

Mr. Erwin reviewed current tax-supported and revenue-supported debt service obligations and stated the city to assume additional debt before 2023 would need an increase in revenue to cover the debt, such as: raise taxes, increase rates, a significant annexation, or growth in ad valorem value.

Mr. Parton noted the city had been deferring water and sewer capital projects for many years and the 2011 water and sewer rate increase was to fund projects that would address some system capacity and maintenance issues. He proposed the city determine the debt service capacity and then build a five year CIP based on financial resources. Staff discussed various projects in the CIP: drainage issues, parks equipment replacements, sewer mechanical system, central fire station, purchase of an aerial platform ladder truck to replace a 22 year old ladder truck, relocation of fire administration offices, Olympic Pool renovation, and a list of other capital projects.

The city's debt service ratio of 13% was comparatively low based on the state average; the objective would be to remain under 15%; utility rates were on target with state averages. Mayor Wampler suggested council consider additional debt while rates were at an all-time low and fund street and infrastructure projects that had been neglected for years.

MUNICIPAL WATER SUPPLY (GROWTH CAPACITY):

Staff noted the following:

Existing Conditions: maximum demand was 9.07 mgd; average was 4.53 mgd; maximum production capacity was 14.4 mgd; average was 9.28 mgd; safe operating capacity was 10.8 mgd; existing connections were 9,500; excess capacity was 3,500 connections.

Growth Capacities: Projected out water supply that would be necessary to sustain a population up to 35,000, estimated in year 2060.

Water Supply to Service New Certificate of Convenience and Necessity (CCN)

Area: Develop a plan to locate potential future well sites, tank sites, and acquisition.

Water Supply Sustainability: Staff reviewed a long term strategy using three water supply sources: river water, groundwater, and reclaimed water. Staff proposed treating effluent to a higher standard and storing it in ASR to be used

as potable water; also discussed capturing and treating commercial air conditioning condensate. Staff noted the city had contracted with a consultant to provide scenarios and costs for the possible future relocation of the city's wastewater treatment plant.

PROGRAM PRIORITIES: Mr. Parton reviewed the priority survey from 2011 and discussed differences between council's and staff's responses.

COUNTY INTERLOCAL AGREEMENTS:

Staff reviewed existing agreements that would expire in 2015 and discussed a process on how to proceed beyond the terms of the existing agreements; he proposed to prepare options and costs for service levels for council's review prior to contacting the county.

The meeting adjourned at 3:17 p.m.

APPROVED: _____

ATTEST:

David Wampler, Mayor

Brenda G. Craig, City Secretary

Agenda Item:
(Staff)

3B. Lease agreement between the City of Kerrville and the Friends of the Library for use of the basement in the Butt-Holdsworth Memorial Library at 505 Water Street beginning April 1, 2012. (staff)

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

SUBJECT: Request approval of lease agreement between City of Kerrville and the Friends of the Library for use of the basement in the Butt-Holdsworth Memorial Library beginning April 1, 2012.

FOR AGENDA OF: March 27, 2012

DATE SUBMITTED: February 13, 2012

SUBMITTED BY: Kimberly Meisner 
Director of General Operations

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Lease Agreement

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

In June 2011, Council approved a ten (10) year lease agreement between the City of Kerrville and the Friends of the Library for use of the basement in the Butt-Holdsworth Memorial Library for Friends activities including book sales, storage of books, etc. with the option for multi-year renewals to begin February 1, 2012. Since the completion of the renovation was delayed, the Friends were unable to begin utilizing the basement in February. With the grand re-opening of the Library scheduled for March 31, 2012, we would like to amend the effective date of the ten (10) year lease agreement with the Friends of the Library to begin on April 1, 2012.

RECOMMENDED ACTION

Staff recommends approval of the ten (10) year lease agreement between the City of Kerrville and the Friends of the Library for use of the basement in the Butt-Holdsworth Memorial Library for Friends activities including book sales, storage of books, etc. with the option for multi-year renewals as designated in the agreement to begin on April 1, 2012.

OFFICE LEASE
Basement of 505 Water Street

Date: April 1, 2012

Landlord: City of Kerrville, Texas

Landlord's Address: 800 Junction Highway
Kerrville, Texas 78028

Tenant: Friends of the Butt Holdsworth Memorial Library, a Texas nonprofit corporation

Tenant's Address: 505 Water St.
Kerrville, Texas 78028

Approximate square feet: 2,000

Term: The initial term of this Lease shall commence on April 1, 2012, and terminate on March 31, 2022, subject to the terms, covenants, and conditions herein set forth, unless earlier terminated or extended as set forth herein. Prior to when the initial term of this Lease expires, the Tenant shall have an option to renew for additional terms of one year and shall give notice of the intent to exercise such option in writing to the Landlord no less than thirty (30) days prior to the termination of the initial term.

Base Rent (yearly): \$1.00

Security Deposit: None

Permitted Use: Office, meeting facility along with book sales

Tenant's Rebuilding Obligations: None, unless Tenant is responsible for damage by fire.

Definitions

"Building" means the main library building at 505 Water Street, Kerrville, Texas 78028.

"Building Operating Hours" means the regularly scheduled operating hours for the Butt Holdsworth Memorial Library as established by the City of Kerrville.

"Common Areas" means all facilities and areas of the Building and Parking Facilities and the related land that are intended and designated by Landlord from time to time for the common, general, and nonexclusive use of all tenants of the Building.

“Essential Services” means the following services: (a) air-conditioning and heating to the Building reasonable for the Permitted Use (exclusive of air-conditioning or heating for electronic data-processing or other specialized equipment) during Building Operating Hours and at such other times at such additional cost as Landlord and Tenant may agree on; (b) hot and cold water for lavatory and drinking purposes; (c) electric current for normal office machines and the Building’s standard lighting reasonable for the Permitted Use; and (d) lighting in Common Areas and fluorescent lights in the Building’s standard light fixtures on the Premises.

“Injury” means (a) harm to or impairment or loss of property or its use, (b) harm to or death of a person, or (c) “personal and advertising injury” as defined in the form of liability insurance Tenant is required to maintain.

“Landlord” means Landlord and its agents, employees, invitees, licensees, or visitors.

“Parking Facility” means the parking area located immediately adjacent to the Building and consisting of first-come, first-serve parking spaces, except for handicapped parking spaces.

“Premises” means the basement of the Building located at 505 Water Street and the Parking Facility, immediately adjacent to the Building.

“Rent” means Base Rent plus any other amounts of money payable by Tenant to Landlord.

“Tenant” means Tenant and its agents, contractors, employees, invitees, licensees, or visitors.

Clauses and Covenants

A. Tenant agrees to—

1. Lease the Premises on a yearly basis beginning on the Commencement Date and ending on the Termination Date.

2. Accept the Premises in their present condition “AS IS,” the Premises being currently suitable for the Permitted Use. Landlord shall remove all of the City-owned bookshelves and miscellaneous property currently located on the premises prior to the commencement date.

3. Obey (a) all applicable laws relating to the use, condition, and occupancy of the Premises and Building; (b) any requirements imposed by utility companies serving or insurance companies covering the Premises or Building; and (c) any rules and regulations for the Building and Common Areas adopted by Landlord.

4. Pay annually, the Base Rent to Landlord at Landlord’s Address or prepay ten (10) years’ rent totaling \$10 at the commencement of the Lease.

5. Allow Landlord to enter the Premises to perform Landlord’s obligations, inspect the Premises, and show the Premises to prospective purchasers or tenants.

6. Repair, replace, and maintain any part of the Premises that Landlord is not obligated to repair, replace, or maintain, normal wear excepted.

7. Vacate the Premises and return all keys to the Premises on the last day of the lease or upon the designated date following thirty (30) days prior written notice of termination from the Landlord.

8. Provide Landlord with proof of business owner's insurance policy.

9. **INDEMNIFY, DEFEND, AND HOLD LANDLORD, ITS OFFICERS, EMPLOYEES, AND AGENTS HARMLESS FROM ANY INJURY (AND ANY RESULTING OR RELATED CLAIM, ACTION, LOSS, LIABILITY, OR REASONABLE EXPENSE, INCLUDING ATTORNEY'S FEES AND OTHER FEES AND COURT AND OTHER COSTS) OCCURRING IN ANY PORTION OF THE PREMISES. THE INDEMNITY CONTAINED IN THIS PARAGRAPH (a) IS INDEPENDENT OF TENANT'S INSURANCE, (b) WILL NOT BE LIMITED BY COMPARATIVE NEGLIGENCE STATUTES OR DAMAGES PAID UNDER THE WORKERS' COMPENSATION ACT OR SIMILAR EMPLOYEE BENEFIT ACTS, (c) WILL SURVIVE THE END OF THE LEASE, AND (d) WILL APPLY EVEN IF AN INJURY IS CAUSED IN WHOLE OR IN PART BY THE ORDINARY NEGLIGENCE OR STRICT LIABILITY OF LANDLORD BUT WILL NOT APPLY TO THE EXTENT AN INJURY IS CAUSED BY THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF LANDLORD.**

B. Tenant agrees not to—

1. Use the Premises for any purpose other than the Permitted Use.
2. Create a nuisance.
3. Interfere with normal business operations.
4. Change Landlord's lock system.
5. Alter the Premises.
6. Assign this lease or sublease to any portion of the Premises without Landlord's prior written consent.

C. Landlord agrees to—

1. Lease to Tenant the Premises for the Term.
2. Obey all applicable laws with respect to Landlord's operation of the Building and Common Areas.

3. Provide the Essential Services.

D. Landlord agrees not to—

1. Interfere with Tenant's possession of the Premises as long as Tenant is not in default.
2. Unreasonably withhold consent to a proposed assignment or sublease.

E. Landlord and Tenant agree to the following:

1. *Alterations.* Any physical additions or improvements to the Premises made by Tenant will become the property of Landlord. Landlord may require that Tenant, at the end of the lease and at Tenant's expense, remove any physical additions and improvements, repair any alterations, and restore the Premises to the condition existing at the Commencement Date, normal wear excepted.

2. *Casualty/Total or Partial Destruction.* If the Premises are damaged by casualty, Landlord shall have no obligation to restore the Premises or to find Tenant an alternative space to lease. In addition, this Lease shall immediately terminate.

3. *Landlord's Decision to Close Premises, or Tear Down Premises.* Tenant hereby acknowledges and affirms that this Lease is on a yearly basis and Landlord may terminate at any time following thirty (30) days written notice of such date delivered to Tenant.

4. *Default by Landlord/Events.* Defaults by Landlord are failing to comply with any provision of this lease within thirty days after written notice and failing to provide Essential Services to Tenant within ten days after written notice.

5. *Default by Landlord/Tenant's Remedies.* Tenant's remedies for Landlord's default is to terminate this lease.

6. *Default by Tenant/Events.* Defaults by Tenant are (a) abandoning or vacating a substantial portion of the Premises, and (b) failing to comply within ten days after written notice with any provision of this lease.

7. *Default by Tenant/Landlord's Remedies.* Landlord's remedies for Tenant's default are to (a) enter and take possession of the Premises; (b) enter the Premises and perform Tenant's obligations; and (c) terminate this lease by written notice and sue for damages. Landlord may enter and take possession of the Premises by self-help, by picking or changing locks if necessary, and may lock out Tenant or any other person who may be occupying the Premises, until the default is cured, without being liable for damages.

8. *Default/Waiver/Mitigation.* It is not a waiver of default if the nondefaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this lease does not preclude pursuit of other remedies in this lease or provided by applicable law. Landlord and Tenant have a duty to mitigate damages.

9. *Venue.* Exclusive venue is in Kerr County, Texas.

10. *Entire Agreement.* This lease, together with the attached exhibits and riders, is the entire agreement of the parties, and there are no oral representations, warranties, agreements, or promises pertaining to this lease or to any expressly mentioned exhibits and riders not incorporated in writing in this lease.

11. *Amendment of Lease.* This lease may be amended only by an instrument in writing signed by Landlord and Tenant.

12. *Notices.* Any notice required or permitted under this lease must be in writing. Any notice required by this lease will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this lease. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

13. *Use of Common Areas.* Tenant will have the nonexclusive right to use the Common Areas subject to any reasonable rules and regulations that Landlord may prescribe. Landlord has the exclusive control over and right to manage the Common Areas.

14. *Abandoned Property.* Landlord may retain, destroy, or dispose of any property left on the Premises upon the termination of the lease.

CITY OF KERRVILLE

By: _____
Todd Parton, City Manager

**FRIENDS OF THE BUTT HOLDSWORTH
MEMORIAL LIBRARY, A TEXAS NONPROFIT
CORPORATION**

By: _____

Agenda Item:
(Staff)

3C. A resolution authorizing the submission of a grant application to the Office of the Governor, Criminal Justice Division, by the Kerrville Police Department, for an automatic license plate reader, accessories and maintenance costs. (staff)

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

SUBJECT: Approval of a grant application to Criminal Justice Division, Office of the Governor.

FOR AGENDA OF: March 27, 2012

DATE SUBMITTED: March 16, 2012

SUBMITTED BY: Chief John Young

CLEARANCES: Mike Hayes – City Attorney

EXHIBITS: Resolution

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The City of Kerrville has completed a grant application to the Criminal Justice Division Office of the Governor in the amount of \$49,160 for State Funding to purchase one (1) automatic license plate reader, maintenance and accessories. The grant application is available for review in the office of the police chief. The resolution designates the Chief of Police as the grantee's authorized official given the authority to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

RECOMMENDED ACTION

The Police Chief recommends that council approve the resolution and grant application for the purchase of one (1) automatic license plate reader, maintenance and accessories.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. _____-2012**

A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, BY THE KERRVILLE POLICE DEPARTMENT, FOR AN AUTOMATIC LICENSE PLATE READER, ACCESSORIES, AND MAINTENANCE COSTS

WHEREAS, the Kerrville Police Department ("KPD") seeks authorization to submit a grant application to the Office of the Governor, Criminal Justice Division ("CJD") for the purchase of one (1) automatic license plate reader plus accessories and maintenance costs in an amount not to exceed \$49,160.00; 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 CJD, for the purpose 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 KPD to submit a grant application to the Office of the Governor, Criminal Justice Division, for the purpose of acquiring funding to be used to purchase one (1) automatic license plate reader plus accessories and maintenance costs in an amount not to exceed \$49,160.00.

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

SECTION THREE. The City designates the KPD'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., 2012.

David Wampler, Mayor

APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Brenda G. Craig, City Secretary

Agenda Item:
(Staff)

3D. Grant contract with the Cailloux Foundation in the amount of \$163,000, and the purchase, when combined with \$20,000 in street division funds, of a double drum Cat CB-434D asphalt roller in the amount of \$99,452 and a Volvo SD70F soil compactor in the amount of \$83,546. (staff)

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

SUBJECT: Authorize the Mayor and City Manager to execute a grant contract in the amount of \$163,000, combine \$20,000 of Street Division budgeted rental funds with the grant, and purchase a Double Drum Cat CB-434D Asphalt Roller for \$99,452 and a Padfoot Volvo SD 70F Soil Compactor for \$83,546.

FOR AGENDA OF: 3/27/12

DATE SUBMITTED: 3/16/12

SUBMITTED BY: Charlie Hastings ^{CAH}
Public Works Director

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Grant Contract, Equipment Specifications

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
\$163,000	*\$0.00	\$163,000	Grant
\$20,000	\$28,912	\$60,990	01-861-313

*Once the grant amount of \$163,000 has been received, it will be combined with the city's grant match of \$20,000 into account number 01-861-504 (Machinery/Tools/Equipment) for a total funding amount of \$183,000. These changes will also be reflected in the upcoming April 2012 budget amendment.

PAYMENT TO BE MADE TO: Holt Cat, San Antonio (Cat CB-434D Roller)
Romco, San Antonio (SD 70F Soil Compactor)

REVIEWED BY THE FINANCE DIRECTOR: 

SUMMARY STATEMENT

In the Fall of 2011, council authorized submission of a grant application to the Cailloux Foundation for the purchase of street equipment. The grant application included a grant match of \$20,000 from the Street Division budget (money budgeted for rental of the same equipment that is proposed to be purchased in this agenda bill) for a total expenditure of approximately \$183,000. The grant has been authorized by the Cailloux Foundation Board and the contract is attached to this agenda bill.

Prices for equipment were obtained through BuyBoard and the specifications are attached.

RECOMMENDED ACTION

The Director of Public Works recommends that Council authorize the Mayor and City Manager to execute a grant with the Cailloux Foundation in the amount of \$163,000, combine the grant money with \$20,000 of Street Division budgeted rental funds, and purchase a Double Drum Cat CB-434D Asphalt Roller for \$99,452 from Holt Cat, San Antonio and a Padfoot Volvo SD 70F Soil Compactor for \$83,546 from Romco, San Antonio.

**THE CAILLOUX FOUNDATION
GRANT CONTRACT**

GRANTEE: City of Kerrville
TAX ID NUMBER: 746001490
GRANT NUMBER: 2012013

DATE: March 12, 2012
AMOUNT: \$163,000.00

PURPOSE: Capital support for asphalt-paving equipment for municipality; Kerrville, TX.

TERMS AND CONDITIONS:

The Board of Directors of the Floyd A. and Kathleen C. Cailloux Foundation (The Cailloux Foundation) has authorized a grant to the City of Kerrville for \$163,000.00, subject to the Grantee's acceptance of the terms and conditions set forth below.

Grantee agrees that this grant is for the specific purpose(s) of capital support for new asphalt-paving equipment including a drum asphalt roller and a pad foot vibratory soil compactor exclusively for the municipal Public Works Department in Kerrville, Texas as described in the grant proposal. Monies received under this agreement should be expended for no other purpose(s) without the express, written approval of The Cailloux Foundation. If for any reason the organization is unable to expend any portion of the grant funds as agreed upon in the contract, contact The Cailloux Foundation immediately.

Grantee agrees that any earnings accruing from these grant funds should be credited to the support of the activity being funded and added to the balance of that account.

Grantee specifically agrees that no part of the funds received from this grant will be used to carry on propaganda, influence legislation, influence the outcome of any specific public election, or carry on, directly or indirectly, any voter registration drive.

Grantee agrees to immediately notify The Cailloux Foundation, in writing, if (i) the Grantee's federal tax exempt status is revoked or altered; (ii) Grantee has reasonable grounds to believe that its tax exempt status may be revoked or altered; or, (iii) Grantee has reason to believe that these grant monies cannot be or continue to be expended for the specified purpose(s). In the event that Grantee loses its tax-exempt status before all funds under this grant are dispensed, this grant contract will be considered null and void and all obligations of The Cailloux Foundation hereunder will terminate.

Grantee will cooperate with The Cailloux Foundation in supplying additional information or in complying with any procedures which might be required by any governmental agency in order for The Cailloux Foundation to establish the fact that it has observed all requirements of the law with respect to this grant.

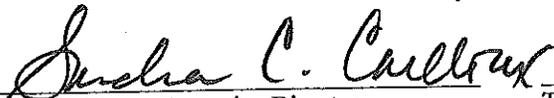
Grantee agrees to provide a self-designed written evaluation of this grant in order to measure the success in attaining grant objectives within thirty (30) days after completion of the project. The evaluation shall provide information that is accurate and ultimately useful to the grantee. Not all grants require the same type or intensity of monitoring and evaluation. For a capital contribution, the proper measure might be a complete list of expenditures that document how the funds were expended in addition to projections regarding the long-term effects on the grantee's ability to perform. Failure to supply an evaluation will seriously affect any future grants from the Foundation. Any written evaluation pertaining to an active grant must be submitted prior to a new letter of inquiry to the Foundation. Each Cailloux Foundation grant is considered individually and no grant should be construed as a precedent for subsequent gifts.

This grant is conditional upon Grantee's acceptance of the terms and conditions set forth herein and in the accompanying letter of notification of award. The signature on this document of the person(s) authorized to make legal contracts for Grantee will represent Grantee's acceptance of this award and agreement to comply with the stated terms and conditions of this grant.

The undersigned officials of the City of Kerrville have carefully read this contract and agree to the terms and conditions stated herein.

The Cailloux Foundation

City of Kerrville


Sandra Cailloux, Executive Director

Todd Parton, Kerrville City Manager

Date

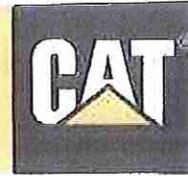
3-12-12

Date

David Wampler, Mayor of Kerrville

Date

HOLT[®]



Austin • Corpus Christi • Dallas • Fort Worth • Irving • Laredo • Longview • San Antonio • Nash •
Tyler • Victoria • Waco • Weslaco

10/21/2011

CITY OF KERRVILLE 0265550
800 JUNCTION HWY
KERRVILLE 78028-2215

(1) CATERPILLAR INC CB-434D CPPI PAVING/ASPHALT PRODUCTS

STANDARD MACHINE 2012 "BUY BOARD"

DRUM

Smooth drum - 59" (1500 mm) wide x
43" (1100 mm) diameter
Five amplitudes with single vibrate
frequency
Front and Rear self adjusting scraper
blades
Pod-style eccentric weight housing
Automatic vibration start-up and
shut-off

50/50 Articulation

ELECTRICAL

12-volt electric starting
80-ampere alternator
Maintenance free battery - 950 CCA
Halogen working lights - bumper mounted
(2 front-facing and 2 rear-facing)
Backup alarm and forward warning horn
Product Link wire-ready

OPERATOR ENVIRONMENT

Isolated ROPS/FOPS structure
Platform handrails / guardrails
Four heavy-duty isolation mounts
Power steering
Adjustable, suspension, vinyl seat
3" (76 mm) wide retractable seat belt
Adjustable, padded arm rest for propel
lever operation
Indicator light package with audible
warning alarm for: hydraulic oil
pressure, hydraulic oil temperature,
engine oil pressure, engine coolant
temperature and glow plugs
Alternator charge indicator light

ment panel

Sliding, rotating seat
Automatic speed control
Vibe tachometer
Speedometer
POWERTRAIN
CAT 3054C diesel engine with glow plug
start aid (83 HP / 62 kW, four
cylinder)
Dual element air cleaner
Fuel filter / water separator
Two-speed throttle switch
Dual braking systems (service & parking)
Hydrostatic transmission

OTHER STANDARD EQUIPMENT

Locking fiberglass engine enclosure
Sealed for life hitch bearing
Sight gauges: coolant level, hydraulic
tank level, and air restriction
indicator
Hydraulic tank cap lock
Articulated frame with safety lock
Transport tie-down and lift points
35 gal (132 L) fuel tank capacity
211 gal (800 L) water tank capacity
Water spray system - single tank and
triple water filtration system,
7 nozzles per drum, constant and
intermittent spray settings
Quick connect hydraulic pressure test
ports
SOS ports: engine, hydraulic and coolant
Reflector Group
ANTIFREEZE

Your Caterpillar dealer from the Red River to the Rio Grande
Call 1-800-275-4658 for the HOLT CAT store nearest you, or visit our website
WWW.HOLTCAT.COM

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Austin • Corpus Christi • Dallas • Fort Worth • Irving • Laredo • Longview • San Antonio • Nash •
Tyler • Victoria • Waco • Weslaco

Fuel level and water level gauge
Service hour meter
Lockable, vandalism guard for instrument panel
Adjustable, tilt-steering column/instru-

Premixed 50% concentration of Extended Life Coolant with freeze protection to -37C (-35F)

MACHINE SPECIFICATIONS

Machine ID: CB434D NEW 2012 YR MODEL

Description	Ref. No.
CB-434D VIBRATORY COMPACTOR	3184329
LIGHTS, WORKING	2361796
PLATFORM, ROPS/FOPS	1904193
HITCH	1976199
SYSTEM, 5 AMPLITUDE	2708587
INSTRUCTIONS, NORTH AMERICAN	2083546
MATS, WATER DISTRIBUTION	2002997
ENGINE, TIER 3 CERTIFIED	3310141
HOOD	1906066
NOZZLES, STANDARD	2762528
DRUM, STANDARD WIDTH 59"	2718526
DOMESTIC TRUCK	0P0210
INLAND FREIGHT	0P4594

BUY BOARD PRICE FOB KERRVILLE, TX

→ **\$99,452.00** ←

WARRANTY : ONE YEAR TOTAL MACHINE / UNLIMITED HOURS

** MACHINE EQUIPPED AS ABOVE

WITH 67" DRUM WIDTH

ADD \$7,173 TO ABOVE PRICE

TOTAL WITH 67" DRUM = **\$106,625.00**

SINCERELY ,

KEN POWELL
HOLT CAT SALES
(210) 508 5063

Your Caterpillar dealer from the Red River to the Rio Grande
Call 1-800-275-4658 for the HOLT CAT store nearest you, or visit our website
WWW.HOLTCAT.COM

CB-434D

CB-434D XW

**Vibratory Asphalt
Compactors**

CAT



Cat® 3054C Diesel Engine

Gross power 62 kW (83 hp)

Drum width

CB-434D 1.50 m (59")

CB-434D XW 1.70 m (67")

Operating weight (w/ROPS)

CB-434D 7500 kg (16,538 lb)

CB-434D XW 7700 kg (16,970 lb)

Reliability and Serviceability

The CB-400 D-Series Asphalt Compactors provide exceptional reliability and serviceability that you've come to expect from Caterpillar.



Vertical-Lift Hood Arrangement

The vertical-lift hood allows routine service when parked close to other machines and structures, providing easy ground level access to routine maintenance points.

Easy Access and Removal

The water filters and spray nozzles are easily removed by hand without the need for special tools.

Sealed Hitch Design

The sealed hitch design simplifies overall machine maintenance.

Product Link Ready

The Product Link System ensures maximum uptime and minimum repair costs by simplifying tracking of equipment fleets. The system provides automatic machine location and hour updates.

Quick-Connect Hydraulic Test Ports

Quick-connect sampling ports simplify system diagnosis.

Oil-bath Lubrication

Oil-bath lubrication reduces routine maintenance of eccentric weights to 3 year/3000 hour intervals.

Padfoot Soil Compactor



1042 SE Loop 410 / San Antonio TX 78220 / 210-648-4600 / Fax: 210-648-1282

Quote No. ES03001916-250
Date: 11/21/2011

CITY OF KERRVILLE
Kim Greenman
800 Junction Hwy
Kerrville TX 78028

Mr. Greenman,

ROMCO Equipment Co. is pleased to present the following equipment for your consideration:

1 New VOLVO SD70F PADFOOT VIBRATORY SOIL COMPACTOR and equipped as follows:

- Cummins B4.5T 4-Cylinder Engine @ 99 Hp
- Tier III COMPLIANT
- Drum Width: 66"
- Hydrostatic Drive
- Frequency: 1850/2025 VPM
- Centrifugal Force: 32,100-23,300 Lbs
- Open ROPS
- All Standard Equipment

TXMAS Price w/fees F.O.B. Kerrville, TX..... \$83,546.75

Price does not include any taxes. The above price is valid for 30 days unless specifically extended by ROMCO Equipment Co.

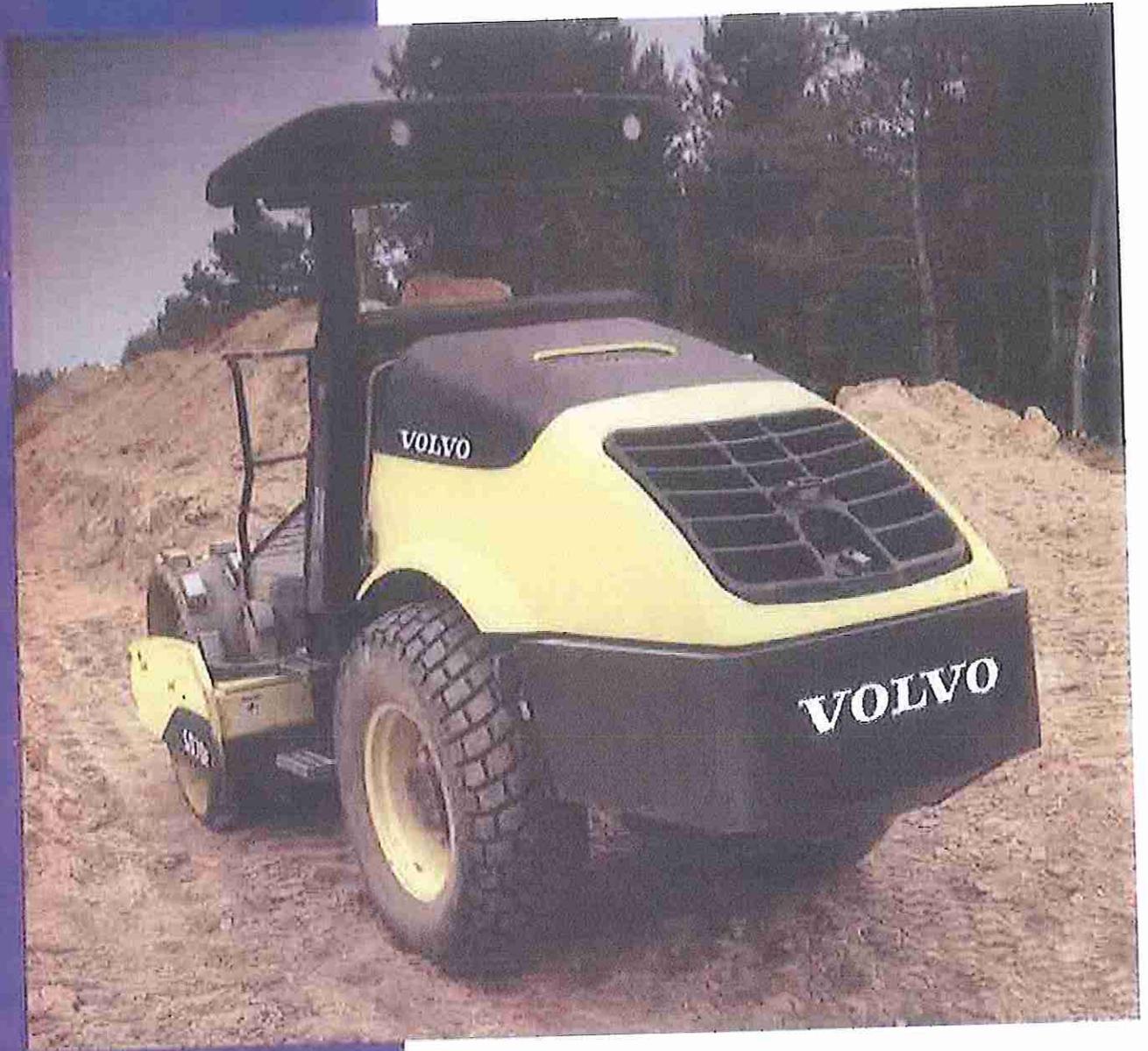
Notice is hereby given that ROMCO Equipment Co. LLC has assigned its rights under this sales contract to ROMCO Exchange Co. LLC to sell the equipment described herein and, if applicable, to purchase trade-in property described herein.

Quoted By:

Bradley Rihn
ROMCO Equipment Co. Sales

VOLVO SINGLE DRUM COMPACTORS

SD70D, SD70F



MORE CARE. BUILT IN.



HIGH PERFORMANCE SINGLE DRUM COMPACTOR

The Volvo SD77 single drum compactors with 1 676 mm (**66 in**) vibratory drums offer many innovative features that provide excellent drum performance, serviceability, reliability, and a comfortable and safe environment for the operator. The SD77DX smooth drum and SD77F padfoot drum are engineered to efficiently and effectively compact all types of soils ranging from granular to cohesive.

Features

- Visual warning light for engine oil pressure, coolant temperature, hydraulic oil temperature, and air cleaner restriction
- Centrally located remote-mounted hydraulic oil filters and hydraulic test points
- Easily accessible battery protected behind hinged steps
- Gauges for coolant temperature, fuel, hour meter, and tachometer
- Heavy-duty axle with No-Spin® differential
- Hydraulic and eccentric oil level sight gauges
- Inside drum scraper bar
- Lockable control panel, engine cover, and fill caps
- ONE METER BY ONE METER visibility
- Powerful eccentric system with dual amplitude
- Premium 6-way adjustable suspension seat, including swivel feature and arm rest
- Premium shock mounts for operator platform
- Rear-mounted cooling system, easy access for cleaning
- ROPS/FOPS with seat belts
- Safety features include skid-resistant deck with foot rest, dual deck rails, hand rails, seat switch, back-up alarm, seat belt, horn, and emergency stop
- Single control for direction and speed with on/off vibration switch
- Battery master switch
- Tilt steering column with console
- Tilling operator platform for easy access to major components, reducing downtime and repair costs

- Ultra-Grade® Traction Control System provides excellent climbing and traction when operating in difficult applications
- Universal front scraper, reducing time required to install or remove optional padfoot shell kit
- To better match the natural resonance of different soils, Volvo equips its SD77DX and SD77F vibratory compactors with five different frequency settings in low amplitude (for compacting thinner layers) and five frequencies in high amplitude (for compacting thicker layers)
- Vibration-isolated, anti-slip, roto-molded plastic operator platform reduces fatigue

Available Options

- Air pre-cleaner
- Audible alarm
- Beacon light
- Cab with heat
- Cab with HVAC
- Inside drum scraper
- Leveling blade (padfoot drums)
- Patented 2-piece clamp-on padfoot shell kit
- Strike-off blade (padfoot drums only)
- Speedometer/VPM meter
- Work lights

Optional Padfoot Shell Kit

A two-piece, clamp-on padfoot shell kit easily and quickly converts the SD77 smooth drum into a padfoot drum without changing the hydraulic system. Drum conversion is completed by bolting together the two half-shells and replacing the smooth scraper bar with padfoot teeth.



Agenda Item: **(Staff)**

3E. Electronic Devices Policy for the Butt-Holdsworth Memorial Library concerning patrons' use of such devices. (staff)

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

SUBJECT: Approval of an Electronic Devices Policy for the Butt-Holdsworth Memorial Library (BHML)

FOR AGENDA OF: March 27, 2012

DATE SUBMITTED: March 16, 2012

SUBMITTED BY: Daniel C. Schwartz
Library Director

CLEARANCES: Kim Meismer 
Director of General Operations

EXHIBITS: Electronic Devices Policy

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

The library started renovations in July 2011. At that time staff discussed the possibility of checking out electronic devices (iPads, Kindles, Andriod Tablets, laptops, et al) when the library re-opened. The Friends of the Butt-Holdsworth Library provided funds for technology in October 2011. With those funds the staff moved forward with reviewing and deciding what electronic devices the library would purchase.

Due to the value, staff reviewed other libraries' policies regarding checking out electronic devices and came up with a policy that would be best for our needs.

RECOMMENDED ACTION

Staff recommends City Council approve the Electronic Devices Policy for the Butt-Holdsworth Memorial Library.

Butt-Holdsworth Memorial Library Electronic Devices Policy

This Electronic Devices Policy applies to all electronic technology (eReaders, Tablets, Laptops) that the Butt-Holdsworth Memorial Library ("BHML") offers for use to patrons. The electronic technology is referred to as the Electronic Device(s) or Device(s) within this policy.

- Electronic Devices will be checked out only to a BHML card holder 18 years of age or older and in good standing. Good standing means the patron must not have any pending fines, billed items, and all contact information is up-to-date. Patrons must show a valid photo ID that matches the name on the Library card at the time of check-out.
- Electronic Devices are available on a first come, first served basis. Reservations are not accepted.
- Electronic Devices may be checked out for a maximum of one (1) week with no renewals. Overdue fines will be assessed at \$10.00 per day to the maximum replacement cost of the Electronic Device. The Device will be considered lost and a full replacement cost will be charged if not returned within four (4) weeks of check-out. Devices returned that still function will be assessed the \$10.00 per day fee from the original check-out date, not to exceed the replacement cost of the item.
- No more than one (1) Electronic Device per cardholder/family will be checked out.
- Electronic Devices must be checked out and returned in person.
- Electronic Devices must be handed to a staff member at the Circulation Desk. The Device may not be left at the Circulation Desk unattended or left at any other place within the Library. A \$25.00 fine will be assessed for Devices found in the book drop or placed anywhere in the Library other than given to a staff member at the Circulation Desk.
- Upon return, each Electronic Device will be checked for functionality and damage. The patron will be notified if there are any issues. The Patron assumes full responsibility for the cost of repair or replacement in the event that the Electronic Device is damaged, lost, or stolen. Please ask a staff member for the full replacement cost.
- The Library is not responsible for applications, programs, or files left on an Electronic Device returned to the Library. All Devices will be reset upon check-in and prior to being offered for check-out, effectively erasing all data on the item.
- The Library is not responsible for refunding the patron any cost for applications/programs on the Electronic Device. The Library is not responsible for any lost or corrupted files for any reason, such as hardware failure.
- Electronic Devices are not available through Interlibrary Loan.
- Limited technical support is available from BHML staff during the Library's open hours. Users attest that they have basic familiarity and comfort with the Electronic Device they will be using.
- Patrons must sign an Agreement of Replacement Policy each time an Electronic Device is checked out.

Agenda Item:

- 3F. A resolution amending the City of Kerrville fee schedule by revising fees charged for various services and uses provided or offered by the city's Butt-Holdsworth Memorial Library. (staff)

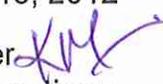
**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Approval of a resolution authorizing the revision of the FY12 Fines & Fees Schedule for the Butt-Holdsworth Memorial Library (BHML)

FOR AGENDA OF: March 27, 2012

DATE SUBMITTED: March 16, 2012

SUBMITTED BY: Daniel C. Schwartz
Library Director

CLEARANCES: Kim Meismer 
Director of General Operations

EXHIBITS: Revised Fines and Fees Schedule for BHML

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

The library started renovations in July 2011. The budget schedule required the FY12 Fines and Fees Schedule be submitted before the Friends of the Butt-Holdsworth Memorial Library donated the money for technology in October 2011. Staff anticipated electronic devices would be available. The FY12 Fines and Fees Schedule was submitted with "To Be Determined (TBD)" listed for the electronic devices' fines.

Staff reviewed the fines and fees charged by other libraries offering similar services. One common fee was a charge to patrons for not returning the device to a staff member. The \$10/day fines as well as charges for lost components were also common among public libraries. Current practice at the Butt-Holdsworth is an item is considered "Lost" when it reaches four weeks overdue. At that time the patron is charged the full amount of the item. Combining the Butt-Holdsworth Memorial Library's current practices and the standard practices of other public libraries checking out electronic devices, the staff came up with the attached FY12 Revised Fines and Fees Schedule.

RECOMMENDED ACTION

Staff recommends City Council approve the resolution authorizing the revision of the FY12 Fines and Fees Schedule for the Butt-Holdsworth Memorial Library.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. ____-2012

A RESOLUTION AMENDING THE CITY OF KERRVILLE FEE SCHEDULE BY REVISING FEES CHARGED FOR VARIOUS SERVICES AND USES PROVIDED OR OFFERED BY THE CITY'S BUTT-HOLDSWORTH MEMORIAL LIBRARY

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

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

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

The Fee Schedule of the City of Kerrville, Texas, shall be amended as set forth in **Exhibit A**, attached hereto and incorporated herein by reference, such changes to be effective immediately upon adoption.

PASSED AND APPROVED ON this the ____ day of _____ A.D., 2012.

David Wampler, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

EXHIBIT "A"

Butt-Holdsworth Memorial Library (BHML)		
Proposed FY 12 Fee Schedule		
LIBRARY DEPARTMENT:	FY 12 Proposed	
Circulation Charges:	Library Card (Kerr County Resident)	No Charge
	Non-resident Card (renewed each year)	\$25.00
	Temporary Visitor Card (per month)	\$3.00
	Library Card Replacement (first one free)	\$1.00
Overdue Fines:	Books - Adults (per day/per item; \$12.00 maximum)	\$0.10
	Books - Children (per day/per item; \$5.00 maximum)	\$0.10
	CDs (per day/per item; \$12.00 maximum)	\$0.10
	DVDs (per day/per item; \$12.00 maximum)	\$1.00
	Story Time Kits (per day/per kit; \$12.00 maximum)	\$1.00
	Other Kits (per day/per kit; \$12.00 maximum)	\$1.00
	Electronic Equipment (per day/per device; device cost maximum fee)	\$10.00
Replacement of Miscellaneous Parts:	CD/DVD case (Single)	\$2.00
	Book on CD case (Multiple, up to 12 CDs)	\$12.00
	Book on CD case (Multiple, up to 24 CDs)	\$16.00
	CD Jewel Case (Multiple, 2 disk)	\$3.00
	DVD case (Multiple)	\$4.00
	AV storage bags	\$1.00
Lost/Damaged:	Books (BHML - all ages)	Actual Cost plus \$6.00 processing fee
	Books (History Center - rare, out of print)	The lesser of the appraised value of the item or \$100.00
	CDs (Books on CD, music CD)	Actual Cost plus \$6.00 processing fee
	Replacement of an individual CD in a set - music or Book on CD (when available)	\$10.00 per disc plus \$6.00 processing fee
	DVDs (all ages - including sets)	Actual Cost plus \$6.00 processing fee
	Kits (all Kits)	Actual Cost plus \$6.00 processing fee
	Replacement MP3 CD	Actual replacement cost plus \$6.00 processing fee
	Replacement Play-a-ways	Actual cost plus \$6.00 processing fee
Processing Fee:	Any lost or damaged materials (per item plus actual replacement cost)	\$6.00
	Electronic Equipment - one time fee if device returned in manner not stated in policy	\$25.00

Interlibrary Loan:	Any overdue item (per day/per item; \$15.00 maximum)	\$1.00
	Lost/Damage Item	Lending Library determines charge
	ILL Processing Fee on Lost/Damage	\$6.00
	Return Postage	Library Rate per pound
Electronic Equipment:	Damaged equipment and accessories	Actual replacement cost of item or next available generation of item if original is no longer on the market plus \$25.00 processing fee
	Accessories Only	Actual replacement cost plus \$6.00 processing fee
Programs/applications installed on Electronic Devices and charged to Library Account		The cost of the program/application plus \$6.00 processing fee.
Meeting Room:	Meeting Room (per day)	\$20.00
	Repair of damaged furniture, equipment or facility	Actual Cost
Gazebo:	Gazebo (per day)	\$30.00
Duplicating Services:	Photocopiers (per page) - Black & White	\$0.10
	Photocopiers (per page) - Color	\$0.25
	Microform Reader/Printers (per page)	\$0.10
	Computer/Internet Printing (per page) - Black & White	\$0.10
	Computer/Internet Printing (per page) - Color	\$0.25
Fax Transmissions:	United States (per page)	\$1.00
	International (first page)	\$5.00
	Each additional international page	\$1.00
	Any provider fees or surcharges	Actual Cost
Research Fees (requested from outside of service area)	Handling Fee/Postage	\$3.00
	Photocopy/page	\$0.10
	Fax (United States)/page	\$1.00
	Fax (International)/1st page	\$5.00
	Fax (International)/2nd page plus each additional page	\$1.00

Agenda Item:

4A. Request by Schreiner University via Leadership Kerr County to use up to \$20,000 of hotel occupancy tax funds for improvements to the Schreiner Mansion Museum at 226 Earl Garrett Street. (staff)

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

SUBJECT: Request by Leadership Kerr County to use up to \$20,000 of Hotel Occupancy Tax (HOT) funds for improvements to the Schreiner Mansion Museum, 226 Earl Garrett Street, Kerrville, Texas.

FOR AGENDA OF: March 27, 2012 **DATE SUBMITTED:** March 22, 2012

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

EXHIBITS: Leadership Kerr County Letter – Dated March 7, 2012
Schreiner University Letter – Dated March 9, 2012

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

Each class of Leadership Kerr County (LKC) undertakes a community service project. LKC's current class would like to make improvements to the Schreiner Mansion Museum as its project. Attached is a letter from LKC outlining their project.

The mansion is owned by Schreiner University. Also attached to this report is a letter from the university supporting the project and requesting the funds.

LKC has requested up to \$20,000 for the project. City staff has confirmed that this project would qualify for HOT funds. There is currently \$626,641.99 in HOT reserve funds. This is the reserve fund created by the 1% HOT levy originally established for Arcadia Theatre renovations.

RECOMMENDED ACTION

City staff recommends that the City Council support this project and direct staff to start the process to allocate HOT reserve revenues as requested. This project contributes significantly to the ongoing effort to enhance downtown, creates an additional venue for tourists, and is consistent with the original intention for these HOT revenues.

March 7, 2012

Todd Parton
City Manager
City of Kerrville
800 Junction Hwy
Kerrville, TX 78028

Re: Hotel Occupancy Tax Fund

Dear Mr. Parton:

Leadership Kerr County was created in 1985 when Si Ragsdale, Camp Stewart, and Leonard Holloway, all former chamber executives, approached Dr. Sam Junkin of Schreiner University about an educational program for future community leaders. A program of lasting value that helps create long term friendships, business associations, and more knowledgeable community leaders.

Each year not more than 24 men and women are selected to participate in a Leadership Kerr County class. An extensive 9 month program that immerses students in the community by teaching about topics all leaders should know: economic development, social services, education, government, health care, environment, travel and leisure to name a few. In years past, the students have helped organize and teach the class, but this year, the class of 2012 was asked to take on a project that would benefit and improve the community. The class has chosen the Schreiner Mansion.

A National Registered Historic Landmark, the Charles Schreiner Mansion is one of Kerrville's most historic buildings. Designed by a San Antonio architect, original construction began in 1879, with a second phase in 1895, and an addition along with porches and archways in 1897. The home of Captain Charles Schreiner, a leader in the community as well as a banker, rancher and small business owner in Kerr County, the mansion is a permanent fixture in both Kerrville and Kerr County's history. Until 2010, the mansion was owned and operated by the Hill Country Preservation Society which over the years made extensive repairs faithful to the original home. But in the spring of 2010, the HCPS donated the mansion to Schreiner University. Our mission is to help restore life to the mansion. In teaming with Schreiner University we hope to restore a landmark in downtown Kerrville that is family friendly, historically accurate, educational, and fun. This facility is being operated as a museum by Schreiner University for all to enjoy.

Our request to the City of Kerrville is for \$14,000-\$20,000 to work on this project and bring this facility to life. The funds would be utilized to paint, clean both exterior and interior, special museum signage, street signage, as well as improvements to the existing garden located between the Mansion and Peterson Plaza (New City Hall). The funds would be accounted for through a receipt process and a detailed report would be delivered to the city outlining fund usage as well as overall accomplishment. All of the work will be accomplished through sweat equity of the LKC team.

We hope that you are able to see the benefit of this project to our community and will help us achieve this lofty goal.

Sincerely,
2012 Leadership Kerr County

Schreiner University

LEARNING BY HEARTSM

March 9, 2012

OFFICE OF
ADVANCEMENT
AND PUBLIC AFFAIRS
2100 MEMORIAL BLVD.
KERRVILLE, TEXAS 78028-5697
830.792.7201

Todd Parton
City Manager
City of Kerrville
800 Junction Hwy
Kerrville, TX 78028

Re: Hotel Occupancy Tax Fund

Dear Mr. Parton:

In the spring of 2010 the Hill Country Preservation Society donated Charles Schreiner's Mansion and its contents to Schreiner University. As the downtown of Kerrville is revitalized, we hope that the Mansion will attract people to our community and be a hub of activity. With the same hope, the 2012 class of Leadership Kerr County (LKC) has adopted the Mansion. I write in support of Leadership Kerr County's request to the City of Kerrville for \$14,000-\$20,000 to work on this project and bring this facility to life.

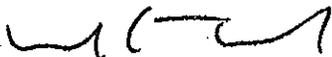
The LKC class will help Schreiner reach its dream for the Mansion by freshening up the building, making the landscaping attractive and complimentary with the new plaza and help to develop rich programming that highlights the house museum located in the Mansion and ties into the academic mission of the university. At the same time we want to make the building available to groups who wish to meet or have events downtown. Leadership Kerr County will help Schreiner design a self-guided tour; is the catalyst for new signage; will provide the sweat equity to paint, landscape and rid the building of pigeons; and most importantly will help us establish a friends group to advise Schreiner on programming, provide volunteer labor and seek on-going support.

The bottom-line benefit is that more people will be attracted to downtown and an important part of Kerrville's history will be preserved and used to its fullest.

The funds would be utilized to paint, clean both exterior and interior, special museum signage, street signage, as well as improvements to the existing garden located between the Mansion and Peterson Plaza (New City Hall). The funds would be accounted for through a receipt process and a detailed report would be delivered to the city outlining fund usage as well as overall accomplishment. All of the work will be accomplished through sweat equity of the LKC team.

We hope that you are able to see the benefit of this project to our community and will help us achieve this lofty goal.

Sincerely,



Mark C. Tuschak
Vice President

Agenda Item:

4B. Request for proposal (RFP) process and timeline for the sale of the Kerrville City Hall located at 800 Junction Highway, Kerrville, Texas. (staff)

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

SUBJECT: Request for Proposals (RFP) process for the sale of the Kerrville City Hall located at 800 Junction Highway, Kerrville, Texas.

FOR AGENDA OF: March 27, 2012 **DATE SUBMITTED:** March 8, 2012

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

EXHIBITS: None

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

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

SUMMARY STATEMENT

Staff has prepared an RFP process and timeline for the sale of the current city hall property located at 800 Junction Highway, Kerrville, Texas. The RFP process would solicit sealed proposals with the objective to complete the property transaction by the end of the 2012 calendar year.

The process must include two legal notices and the passage of an ordinance authorizing the sale. The ordinance will take two readings.

A 60-day timeline is proposed in order to allow prospective bidders adequate time to evaluate the property. The process is also scheduled to commence after city operations have been moved to the new facility. Staff has also provided for an optional pre-bid meeting in which staff will provide clarifying information about the property, provide for a tour of the land and building, disclose any items of importance, and answer questions.

Staff proposes the following procedure and timeline:

- RFP Document for City Council Consideration – August 14, 2012
- RFP Process Initiated – September 1, 2012
- Newspaper Notices (2):
 - September 3, 2012
 - September 10, 2012
- Optional Pre-Proposal Meeting – September 14, 2012
- Proposals Due – October 31, 2012

City Council Action:

Proposals Considered – November 13, 2012

First Reading of Ordinance – November 13, 2012

Second Reading of Ordinance – November 27, 2012

Property Closing – December 2012

RECOMMENDED ACTION

Staff recommends proceeding with the RFP process and timeline outlined within this report.

Agenda Item:

4C. Request by T. Scott Gross to abandon an existing drainage easement or other relief to allow the continued existence of a wooden deck at 709 Riverhill Boulevard. (Councilmember Gross)

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

SUBJECT OF REQUEST: *Drainage Easement*

AGENDA DATE: *3/27/12* DATE SUBMITTED: *3/22/12*

REQUESTED/SUBMITTED BY: *T. Scott & Melanie Gross* PHONE: *792-5555*

ORGANIZATION REPRESENTING: *Self*

MAILING ADDRESS: *PO Box 291277, Kerrville TX 78029*

EMAIL ADDRESS: *scott@tsottgross.com*

EXHIBITS/INFORMATION: *Power point to be provided*

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

WILL THIS ITEM REQUIRE CITY COUNCIL TO AUTHORIZE THE
EXPENDITURE OF CITY FUNDS? YES: _____ NO:

IF YES, STATE AMOUNT REQUESTED: \$ _____

DESCRIPTION OF REQUEST

Citizens request abandonment of easement or other relief to allow continued enjoyment of private property.

RECOMMENDED COUNCIL ACTION

Agenda Item:

5A. Update on wayfinding signage. (Councilmember Gross)

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

SUBJECT: Wayfinding signage update

FOR AGENDA OF: March 27, 2012 **DATE SUBMITTED:** March 15, 2012

SUBMITTED BY: Mindy N. Wendele **CLEARANCES:** Todd Parton
Director of Business Programs City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Staff was directed to research and develop a plan to erect wayfinding signs along our major corridors. Work has begun with discussions with TxDot officials and National Sign Plazas representatives. During preliminary staff discussions buildings and/or venues were identified.

The plan would consist of three phases. Phase I would concentrate on larger signs erected at IH10 at SH16 and IH10 at FM783. Phase II would be the kiosk type signs with directional arrows and the third phase would be for City Hall/Peterson Plaza signage.

National Sign Plazas is developing a proposal, a master plan, for our wayfinding project. Additional information will be forwarded in advance of the council meeting.

RECOMMENDED ACTION

For discussion.

Agenda Item:

5B. Report on Kerrville Economic Development Corporation activities. (Mayor Wampler)

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

SUBJECT: Update on Kerrville Economic Development Corporation (KEDC) activities.

FOR AGENDA OF: March 27, 2012 **DATE SUBMITTED:** March 21, 2012

SUBMITTED BY: David Wampler **CLEARANCES:** Todd Parton
Mayor City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Mayor Wampler is the City Council representative to the Kerrville Economic Development Corporation (KEDC) Board of Directors. One of the functions of each board member is to provide an update on KEDC activities, programs and initiatives. In accordance with his board duties and responsibilities, Mayor Wampler will brief the City Council regarding KEDC matters.

RECOMMENDED ACTION

This is a routine report and no action will be required.

Agenda Item:

5C. Budget and economic update. (staff)

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

SUBJECT: Kerrville Budget/Economic Update

FOR AGENDA OF: March 27, 2012 **DATE SUBMITTED:** March 16, 2012

SUBMITTED BY: Mike Erwin *ME*
Director of Finance

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Economic Update
AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JP*

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

The City of Kerrville staff will present and update Council on a biweekly basis as to the status of the City's budget and current economic trends affecting the City.

RECOMMENDED ACTION

No action required information purposes only.

Budget Details Information

CATEGORY	SUB CATEGORY	DESCRIPTION	CJD	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Equipment	Backup Drive System and Accessories	Data storage system for (12) twelve mobile digital audio/video systems. \$18,000. Annual support and maintenance for the systems \$3,200. Installation of the systems into the existing fleet vehicles. \$5,800	\$27,000.00	\$0.00	\$0.00	\$0.00	\$27,000.00	12
Equipment	Live Scan Unit and Accessories	Twelve (12) Mobile Digital Audio/Video Systems. Fully integrated all digital solid-state video system, Camera and Audio and Video Recorder. \$53,388. Two (2) Consoles for Covert Investigative Vehicles \$1,242. Twelve (12) Adapters for Siren \$432. Twelve (12) Rear Infrared Cameras \$1,938.	\$57,000.00	\$0.00	\$0.00	\$0.00	\$57,000.00	12

Agenda Item:

6A. Appointments to the parks and recreation advisory board. (staff)

PARKS AND RECREATION ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
ZUBER, RUSTIN Chairperson 514 East Lane	895-2829 (O) 895-4913 (H) 895-1673 (F)	04-08-08	04-13-10	03-31-12
MCMAHON, DIANE Vice-Chairperson 1904 Danielle Drive	896-3195 (H)	04-14-09	04-12-11	03-31-13
CARDWELL, DANA 1225 Virginia	285-5095 (C)	09-28-10	04-12-11	03-31-13
GARDNER, JIM 200 Fairway Dr.	285-2129 (C)	04-14-09	04-12-11	03-31-13
LIPSCOMB, DAVID 909 Lake Drive	895-4232 (H)	04-12-11		03-31-13
NYE-SALLADIN, LISA 1015 Morningside Dr.	377-7198 (C) 896-3834 (H)	04-13-10		03-31-12
SANDER, SUSAN 500 Josephine	329-6923 (C) 896-7936 (H)	04-13-10		03-31-12
WALLACE, ED 131 Royal Oaks	257-5272 (H) 377-0455 (C)	11-30-11		03-31-13
COUNCIL LIAISON: Stacie Keeble 3533 La Cumbre Drive	895-7725 (H)			
CITY STAFF: Kristine Ondrias, Assistant City Manager	258-1106 (O)			
Malcolm Matthews Director of Parks & Recreation	258-1150 (O)			

Qualifications: A majority shall be residents of the city of Kerrville, and all shall be residents of Kerr County.

Powers and Duties: Shall constitute an advisory board to the city council and shall periodically assist city staff in procedural matters. The board shall have authority to hold hearings in the city and to consider and make recommendations to the city council in writing on any and all matters pertaining to the city's parks and recreation system.

Term of Office: Two years with a maximum of two terms. No member shall serve more than two terms without having at least one full year off between terms.

Quorum: Five

Members: Eight

Meeting Time & Place: Third Thursday, 8:30 a.m., City Council Chambers

Absences: Any member having three consecutive unexcused absences shall have his membership reviewed by the board. By majority vote, the board may recommend to the council that such member be removed from office. The council may then act upon such recommendation and either remove or retain such member.

Established by: Ordinance No. 1984-37, amended by Ordinance No. 1987-24

Code of Ordinances: Chapter 74 - Article II – Sections 74-31 through 74-38

Revised: April 14, 2011