

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, MAY 22, 2014, 6:00 P.M.

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, MAY 27, 2014, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION offered by Pastor Allen Noah, with the Methodist Church Barnett Chapel.

PLEDGE OF ALLEGIANCE TO THE FLAG

Those in attendance may stand if they wish.

1. VISITORS/CITIZENS FORUM:

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

2. RECOGNITIONS AND PRESENTATIONS:

2A. Resolution of Commendation to members of the Charter Review Commission: Glenn C. Andrew; Harvey Brinkman; Joe R. Herring, Jr.; John Mosty; Bruce Motheral; Thomas M. Myers; and Eugene C. Smith. (Mayor Pratt)

2B. Presentation of the Texas Department of Transportation Impaired Driving Mobilization (IDM) grant. (TXDOT)

3. CONSENT AGENDA:

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

3A. Construction contract with C&M Precast Concrete Company for the structural renovation to the Kerr Regional History Center in the amount of \$167,641.40 and additional change orders as necessary not to exceed a total contract amount of \$184,405.00. (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, May 23, 2014 at 3:30 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

3B. License agreement with Kerrville's 4th on the River for the 2014 July 4th celebration. (staff)

END OF CONSENT AGENDA

4. PUBLIC HEARINGS:

4A. Voluntary annexation and recommendation for a zoning classification of R-1 (single family residential district) for 308.841 acres tract of land out of the Florentine Lara Survey No. 123, Abstract No. 225, M.K. and T.E.R.R. Survey No. 1861, Abstract 1242, and the J.D. Leavell Survey No. 1862, Abstract No. 1435 within Kerr County, Texas, and consisting of a residential subdivision to be known as The Heights of Kerrville and located west of Harper Road (FM 783) and between its intersection with Holdsworth Drive and Interstate 10; and ordering the preparation of an annexation ordinance. (staff)

4B. Resolution No. 14-2014 repealing Resolution No. 104-2008; granting a Conditional Use Permit for an approximate 0.43 acres tract of land, being Lot 1-R of Block 17, J.A Tivy Addition, within the City of Kerrville, Kerr County, Texas, otherwise known as 1321 Broadway, and located within the C-17 (Central City) district; by permitting said property to be used for a Vehicle Maintenance and Repair Facility; and making said permit subject to certain conditions and restrictions. (staff)

5. ORDINANCE, SECOND AND FINAL READING:

5A. Ordinance No. 2014-09 amending Article 10-IV-1 of the City of Kerrville Subdivision Ordinance, known as the city's "Subdivision Regulations," by amending Section 10-IV-1(B)(2) of the Ordinance to exempt land owned, controlled, administered, or under the jurisdiction of a federal agency from plat requirements; containing a cumulative clause; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters related thereto. (staff)

6. ORDINANCE, FIRST READING:

6A. An Ordinance declaring the adoption of voter-approved amendments to the City of Kerrville, Texas, Charter in accordance with the adoption of Propositions Nos. 1 through 8 at the Special Election held on May 10, 2014; adopting the Charter, as amended; providing a cumulative clause; containing a savings and severability clause; providing an effective date; and providing other matters related to this subject. (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, May 23, 2014 at 3:30 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

7. CONSIDERATION AND POSSIBLE ACTION:

7A. Receive a staff update on the status of repairs to City and County owned buildings at the Kerrville/Kerr County Municipal Airport that currently houses the Mooney International, Corporation and provide direction to City staff as necessary. (staff)

7B. Resolution No. 12-2014 repealing Resolution No. 94-133 and reconstituting the City of Kerrville Main Street Advisory Board; providing for its membership, terms of office, organization and structure. (staff)

7C. Resolution No. 13-2014 adopting the City of Kerrville Chapter 380 economic development program. (staff)

7D. Appointment of mayor pro tem. (staff)

8. INFORMATION AND DISCUSSION:

8A. Budget update. (staff)

9. BOARD APPOINTMENTS:

9A. Appointments to the Kerrville-Kerr County Joint Airport Board. (staff)

9B. Appointment of councilmembers to city boards and commissions. (staff)

10. ITEMS FOR FUTURE AGENDAS

11. 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.

- Appointments to the Kerrville-Kerr County Joint Airport Board.
- Appointment of councilmembers to city boards and commissions.

13. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

14. 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, May 23, 2014 at 3:30 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

12. EXECUTIVE SESSION:

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

Sections 551.071 and 551.072:

Discuss the purchase, exchange, lease, sale, or value of real property, the public discussion of which would not be in the best interests of the City's bargaining position with third parties, regarding property interests related to the following:

- Jefferson lift station
- River Trail.

Sections 551.074:

Appointment of mayor pro tem.

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, May 23, 2014 at 3:30 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

Agenda Item:

2A. Resolutions of Commendation to members of the Charter Review
Commission: Glenn C. Andrew; Harvey Brinkman; Joe R. Herring, Jr.; John
Mosty; Bruce Motheral; Thomas M. Myers; and Eugene C. Smith. (Mayor Pratt)



City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

RESOLUTION OF COMMENDATION

WHEREAS, GLENN ANDREW has served as a member of the Charter Review Commission with the date of service beginning January 8, 2013; and

WHEREAS, GLENN ANDREW has served faithfully and dutifully on said board;

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

That **GLENN ANDREW** be recognized for outstanding service as a member of the Charter Review Commission, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

PASSED AND APPROVED, this the ____ day of _____, 2014.

ATTEST:


Brenda G. Craig
Brenda G. Craig, City Secretary

Jack Pratt, Jr.
Jack Pratt, Jr., Mayor

Carson Conklin
Carson Conklin, Councilmember

Stacie Keeble
Stacie Keeble, Councilmember

Gary Stork
Gary Stork, Councilmember

E. Gene Allen
E. Gene Allen, Councilmember



City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

RESOLUTION OF COMMENDATION

WHEREAS, HARVEY BRINKMAN has served as a member of the Charter Review Commission with the date of service beginning December 11, 2012; and

WHEREAS, HARVEY BRINKMAN has served faithfully and dutifully on said board;

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

That **HARVEY BRINKMAN** be recognized for outstanding service as a member of the Charter Review Commission, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

PASSED AND APPROVED, this the ____ day of _____, 2014.

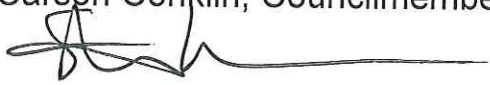
ATTEST:

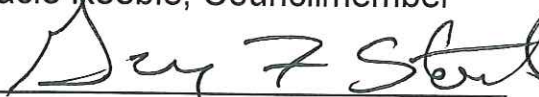

Brenda G. Craig, City Secretary




Jack Pratt, Jr., Mayor


Carson Conklin, Councilmember


Stacie Keeble, Councilmember


Gary Stork, Councilmember


E. Gene Allen, Councilmember



City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

RESOLUTION OF COMMENDATION

WHEREAS, **JOE R. HERRING, JR.** has served as a member of the Charter Review Commission with the date of service beginning December 11, 2012; and

WHEREAS, **JOE R. HERRING, JR.** has served faithfully and dutifully on said board;

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

That **JOE R. HERRING, JR.** be recognized for outstanding service as a member of the Charter Review Commission, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

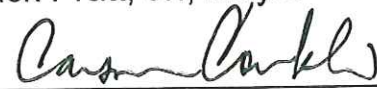
PASSED AND APPROVED, this the ____ day of _____, 2014.

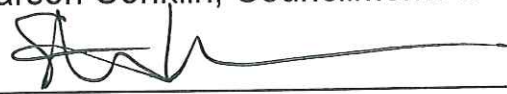
ATTEST:


Brenda G. Craig, City Secretary




Jack Pratt, Jr., Mayor


Carson Conklin, Councilmember


Stacie Keeble, Councilmember


Gary Stork, Councilmember


E. Gene Allen, Councilmember



City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

RESOLUTION OF COMMENDATION

WHEREAS, **JOHN MOSTY** has served as a member of the Charter Review Commission with the date of service beginning December 11, 2012; and

WHEREAS, **JOHN MOSTY** has served faithfully and dutifully on said board;

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

That **JOHN MOSTY** be recognized for outstanding service as a member of the Charter Review Commission, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

PASSED AND APPROVED, this the ____ day of _____, 2014.

ATTEST:


Brenda G. Craig
Brenda G. Craig, City Secretary

Jack Pratt, Jr.
Jack Pratt, Jr., Mayor

Carson Conklin
Carson Conklin, Councilmember

Stacie Keeble
Stacie Keeble, Councilmember

Gary Stork
Gary Stork, Councilmember

E. Gene Allen
E. Gene Allen, Councilmember



City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

RESOLUTION OF COMMENDATION

WHEREAS, R. BRUCE MOTHERAL has served as a member of the Charter Review Commission with the date of service beginning December 11, 2012; and

WHEREAS, R. BRUCE MOTHERAL has served faithfully and dutifully on said board;

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

That **R. BRUCE MOTHERAL** be recognized for outstanding service as a member of the Charter Review Commission, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

PASSED AND APPROVED, this the ____ day of _____, 2014.

ATTEST:


Brenda G. Craig, City Secretary




Jack Pratt, Jr., Mayor


Carson Conklin, Councilmember


Stacie Keeble, Councilmember


Gary Stork, Councilmember


E. Gene Allen, Councilmember



City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

RESOLUTION OF COMMENDATION

WHEREAS, **THOMAS M. MYERS** has served as a member of the Charter Review Commission with the date of service beginning December 11, 2012; and

WHEREAS, **THOMAS M. MYERS** has served faithfully and dutifully on said board;

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

That **THOMAS M. MYERS** be recognized for outstanding service as a member of the Charter Review Commission, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

PASSED AND APPROVED, this the ____ day of _____, 2014.

ATTEST:


Brenda G. Craig
Brenda G. Craig, City Secretary



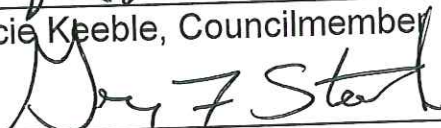
Jack Pratt, Jr., Mayor



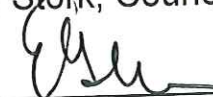
Carson Conklin, Councilmember



Stacie Keeble, Councilmember



Gary Stork, Councilmember



E. Gene Allen, Councilmember



City of Kerrville

701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

RESOLUTION OF COMMENDATION

WHEREAS, EUGENE "GENE" C. SMITH has served as a member of the Charter Review Commission with the date of service beginning December 11, 2012; and

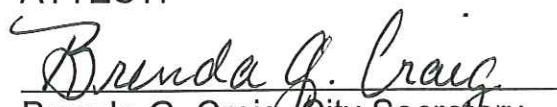
WHEREAS, EUGENE "GENE" C. SMITH has served faithfully and dutifully on said board;

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

That **EUGENE "GENE" C. SMITH** be recognized for outstanding service as a member of the Charter Review Commission, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

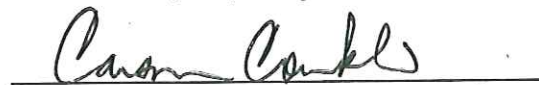
PASSED AND APPROVED, this the ____ day of _____, 2014.

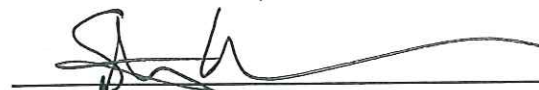
ATTEST:


Brenda G. Craig, City Secretary




Jack Pratt, Jr., Mayor


Carson Conklin, Councilmember


Stacie Keeble, Councilmember


Gary Stork, Councilmember


E. Gene Allen, Councilmember

Agenda Item:

2B. Presentation of the Texas Department of Transportation Impaired Driving Mobilization (IDM) grant. (TXDOT)

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

SUBJECT: Presentation of Texas Department of Transportation Impaired Driving Mobilization (IDM) grant

FOR AGENDA OF: May 27, 2014

DATE SUBMITTED: May 14, 2014

SUBMITTED BY: Chief John Young

CLEARANCES: Todd Parton, 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 FINANCE DIRECTOR:

SUMMARY STATEMENT

The Impaired Driving Mobilization (IDM) incentive is a State of Texas Department of Transportation traffic safety program. Impaired Driving Mobilization (IDM) provides grant money for local law enforcement agencies to conduct driving while intoxicated (DWI) enforcement and increase DWI arrests as part of the statewide "Drink. Drive. Go to Jail" program held in conjunction with the national Impaired Driving Mobilization (IDM) campaign.

As a result of our participation, the Police Department was awarded \$3,000.00 grant. The funding will be used to purchase traffic safety and enforcement equipment.

RECOMMENDED ACTION

The Kerrville Police Department will accept a \$3,000.00 grant award from Ms. Mona Lisa Zertuche of TXDOT.

Agenda Item:

3A. Construction contract with C&M Precast Concrete Company for the structural renovation to the Kerr Regional History Center in the amount of \$167,641.40 and additional change orders as necessary not to exceed a total contract amount of \$184,405.00. (staff)

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

SUBJECT: Council authorization for the City Manager to execute a construction contract with C&M Precast Concrete Company for the structural renovation to the Kerr Regional History Center in the amount of \$167,641.40 and authorize the City Manager to execute additional change orders as necessary not to exceed a total contact amount of \$184,405.00.

FOR AGENDA OF: May 27, 2014

DATE SUBMITTED: May 9, 2014

SUBMITTED BY: Dieter Werner, P.E.
Director of Engineering

CLEARANCES: Kristine Ondrias
Deputy City Manager

EXHIBITS:

PAYMENT TO BE MADE TO: C&M Precast
P.O. Box 2144
Kerrville, Texas 78029-2144

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$184,405.00	\$364,631.04	\$387,012.92	H01

PAYMENT TO BE MADE TO: C&M Precast Concrete Company
REVIEWED BY THE FINANCE DIRECTOR: Sandra Yarbrough

SUMMARY STATEMENT

On October 17, 2013 Maxwell Engineering was hired to generate bid and construction documents for work to restore the Kerr Regional History Center to a structurally sound state. The structural renovation has a completion date of 90 days from the date of written notice to proceed. This phase of the renovation is in preparation for architectural and finish out improvements that will be performed at later date. Bids for this project were received May 6, 2014 with C&M Precast Concrete Company submitting the sole bid in the amount of \$167,641.40.

RECOMMENDED ACTION

Authorize the City Manager to execute a construction contract with C&M Precast Concrete Company for the structural renovation of the Kerr Regional History Center in the amount of \$167,641.40 and authorize the City Manager to execute additional change orders as necessary not to exceed a total contact amount of \$184,405.00.

Agenda Item:

3B. License agreement between the City of Kerrville and Kerrville's 4th on the River for the 2014 July 4th celebration. (staff)

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

SUBJECT: License agreement between the City of Kerrville and Kerrville's 4th on the River for the 2014 July 4th celebration

FOR AGENDA OF: May 27, 2014

DATE SUBMITTED: May 16, 2014

SUBMITTED BY: Ashlea Boyle *AB* **CLEARANCES:** Todd Parton
Special Projects Manager City Manager

EXHIBITS:
License Agreement

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 OF FINANCE:

SUMMARY STATEMENT

Beginning in 2011, the City of Kerrville has had an annual license agreement with Kerrville's 4th on the River (KFOR), a 501C3 organization, to produce a July 4th celebration for the citizens and visitors of Kerrville. KFOR's mission is to help the Kerrville Community in its revitalization efforts to attract and create a more vibrant downtown focusing on the Guadalupe River.

It is now time to renew the agreement for 2014. The event will be held on Friday, July 4, 2014 and will again consist of children's activities, food / beverage vendors, and live music in conjunction with the annual City fireworks display sponsored by Mamacita's. There is no admission fee associated with this event. Approximately 5,000 – 7,000 attended the 2013 event.

KFOR has hosted the event in Louise Hays Park for the past three years. Due to multiple projects, the park will be unavailable to host the event thus relocating to the adjacent Lehmann-Monroe Park. Upon completion of these projects, the event will move back to Louise Hays Park in 2015.

Attached is the final draft of the license agreement that has been agreed upon by both parties. There are no major changes from prior agreements other than the location.

RECOMMENDED ACTION

Staff recommends approval of the license agreement as presented.

LICENSE AGREEMENT FOR SPECIAL EVENT
(Kerrville's 4th on the River)

THIS LICENSE AGREEMENT ("Agreement") is entered into and effective as of the _____ day of _____, 2014, by and between City of Kerrville, Texas ("City"), a Texas home-rule municipal corporation, acting through its City Manager; and Kerrville's 4th on the River ("KFOR"), a Texas nonprofit corporation, acting by and through its duly authorized officer. Collectively the City and KFOR may be referred to as the "Parties" and individually as the "Party".

BACKGROUND

WHEREAS, City and KFOR are working together to produce a July 4th celebration for the citizens of Kerrville and others; and

WHEREAS, this Agreement is intended to formalize the relationship and further illustrate the collaboration between the Parties by setting forth understandings regarding this production and to help ensure the establishment of appropriate safeguards for a safe and successful event; and

WHEREAS, the July 4th celebration to be held primarily within the City's Lehmann and Monroe Park, as indicated on the map found at **Exhibit A**, will benefit the public through the offering of entertainment, and will encourage tourism and the promotion of the downtown area;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and conditions contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Parties have agreed as follows:

I. APPOINTMENT OF KFOR AS COORDINATOR; LICENSE FOR USE OF CITY PROPERTY

- 1.1 City appoints KFOR and KFOR accepts the appointment of the official coordinator of the event known as the Kerrville's 4th on the River (the "Event").
- 1.2 City grants KFOR the right to temporarily use and occupy the City's Lehmann and Monroe Park ("Licensed Premises"); a smaller, area within the Licensed Premises for musical performances ("Performance Area"); for the Event, subject to the terms and conditions of this Agreement. The term "Licensed Premises" includes and means "Performance Area". The Licensed Premises, and Performance Area, shall be located as indicated on the map, which is attached as **Exhibit A**. KFOR shall use the Licensed Premises solely for the operation of this Event and for no other purpose.
- 1.3 KFOR, at all times, shall control its contractors, agents, representatives, vendors, concessionaires, and volunteers. City may remove any and all such persons from the Licensed Premises who engage in disorderly or unsafe conduct. In the event of the exercise of this authority, KFOR waives any and all claims for damages against the City and its officers, employees, and agents on account thereof.

II. TERM

- 2.1 The term of this Agreement is from the date that this Agreement is signed by both Parties through July 5, 2014.

III. IMPROVEMENTS

- 3.1 KFOR shall not construct, or allow to be constructed, any permanent improvements or structures on the Licensed Premises nor shall KFOR make, or allow to be made, any alterations to the Licensed Premises unless approved by the City Manager or designee ("City Manager").

IV. RULES, REGULATIONS, AND RESPONSIBILITIES

- 4.1 KFOR shall comply with any request of the City's Police Department and its officers and the City's Fire Marshal.
- 4.2 City, through its City Manager, Parks and Recreation Department, Police, Fire, EMS, and/or other representatives, shall have the right at any time to enter any portion of the Licensed Premises for any purpose. The Licensed Premises will at all times remain under the sole charge and control of the City Manager. The entrances and exits of the Licensed Premises and the Performance Area will be open or closed under the direction of KFOR in accordance with the terms of this Agreement and the normal constraints for public safety as determined by the City Manager.
- 4.3 KFOR shall ensure that all pathways, entrances, and points of ingress and egress remain unobstructed and that such is not used for any other purposes other than public ingress or egress.
- 4.4 KFOR is responsible for providing and installing fencing around the Performance Area, if deemed necessary by KFOR. If fencing is installed, fencing must include easily removed sections for safety and crowd management purposes. Fencing installation and removal should include a visual inspection of the grounds to remove wire clippings and product(s) that may have become dislodged or dropped during installation.
- 4.5 KFOR shall ensure that any entrance and exit gates to the Performance Area do not impede or depend solely on the adjacent public right of way and will accommodate a smooth flow of persons without causing undue wait times and that create necessary crowd assembly and public movement areas without sole use of public areas.
- 4.6 KFOR shall not bring or permit anyone to bring or keep anything into the Licensed Premises or Performance Area that will or may increase the fire hazard or adversely affect the Licensed Premises. KFOR shall not bring any personal property onto the Licensed Premises or place or put up any decorations that may damage Licensed Premises without the consent of the City Manager.

- 4.7 KFOR shall not admit into the Performance Area more persons than is determined by the City Manager and/or Fire Marshal can safely or freely move about within the Performance Area and the decision of the City in this respect will be final. This capacity does not include KFOR or its contractors, agents, representatives, vendors, concessionaires, and volunteers. Contingency plans for security and public services necessary for a larger crowd than anticipated will be agreed to with the City prior to the Event.
- 4.8 KFOR shall ensure that all beer sales occur only within the Performance Area.
- 4.9 KFOR may permit persons to enter the Performance Area with lounge chairs, blankets, towels, or similar products. KFOR shall not permit anyone to bring in alcohol or glass containers into the Performance Area.
- 4.10 KFOR shall allow attendees to enter the Performance Area with factory sealed water bottles in clear plastic containers. KFOR shall ensure that this policy is clearly expressed to the public in its marketing and promotion materials prior to the Event and at the entrance to the Performance Area.
- 4.11 KFOR and its contractors, agents, representatives, vendors, concessionaires, and volunteers shall conduct the Event in accordance with federal, state, and local laws, including applicable noise regulations.
- 4.12 KFOR shall pay all applicable federal, state, and local taxes in connection with the Event and Event performances, exhibitions, or entertainment, and shall furnish City all necessary information in order that City may report the transactions to the proper authorities. KFOR is responsible for the collection and reporting of all taxes due any governmental entity for the sale of tickets or sale of other taxable items, including vending and concessions. **KFOR AGREES TO INDEMNIFY AND HOLD THE CITY HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS ARISING OUT OF THE COLLECTION, REPORTING, AND/OR PAYMENT OF TAXABLE SALES OCCURRING IN CONNECTION WITH THE EVENT.**
- 4.13 KFOR may use and place only temporary advertisements, signs, decorations, posters, banners, inflatable balloons, and displays ("signage") in, on, or about the Licensed Premises. All signage shall be subject to the prior written approval of City. KFOR agrees to remove and properly dispose of all signage from the Licensed Premises when KFOR vacates the Licensed Premises.
- 4.14 KFOR shall establish a first aid/comfort station.
- 4.15 KFOR should ensure that its vendors have ample water supplies for sale and/or distribution to the public. In addition, KFOR is encouraged to ensure that an ample amount of free public water sources are available.
- 4.16 KFOR is prohibited from selling, distributing, promoting, and/or advertising tobacco or adult-oriented companies, products, or organizations in any manner.

- 4.17 KFOR shall take steps to discourage profanity and obscenity.
- 4.18 KFOR shall take all appropriate steps to ensure that no activity or method of operation is allowed in, on, or about the Licensed Premises which exposes patrons to nudity or to partial nudity. "Nudity" means total absence of clothing or covering for the human body. "Partial nudity" means exposure of the female breast or the exposure of the male or female pubic area or buttocks.
- 4.19 KFOR shall take all appropriate steps to ensure that the operation of a massage business, tanning salon, gambling casino, or gambling of any nature does not occur in, on, or about the Licensed Premises.
- 4.20 Discrimination on account of race, color, sex, age, disability, or national origin, directly or indirectly, in employment or in the use of or admission to the Licensed Premises is prohibited.
- 4.21 City shall obtain any required parking permits or street closure permits from the Texas Department of Transportation at least ten (10) days prior to the Event.
- 4.22 KFOR shall secure and provide information to the public regarding parking and designated ADA parking accommodations.
- 4.23 City shall have final approval for KFOR's placement of all equipment, stages, portable amenities, and signage ("Event Structures") within the Licensed Premises. KFOR shall remove all Event Structures from the Licensed Premises on or before the time specified in the Event Plan, as defined in Section V below.
- 4.24 KFOR shall secure all local and state permits associated with the Event or require its authorized concessionaires and vendors to obtain such permits.
- 4.25 KFOR shall assign an event coordinator to ensure compliance with this Agreement and provide City with a single point of contact. KFOR shall provide City with all contact information for the event coordinator, such information to include cell, business, and home telephone numbers and an email address.
- 4.26 KFOR assumes all liabilities and costs arising from the use of patented, trademarked, or copyrighted materials, equipment, devices, processes or dramatic and performance rights used on or incorporated in conducting the Event. KFOR shall ensure that all applicable licensing fees are paid, such as the American Society of Composers, Authors, and publishers (ASCAP) fee. **KFOR SHALL INDEMNIFY AND HOLD CITY HARMLESS FROM ALL DAMAGES, COSTS, AND EXPENSES IN LAW OR EQUITY FOR OR ON ACCOUNT OF ALL CLAIMS ARISING OUT OF THE USE OF ANY PATENTED, TRADEMARKED, OR COPYRIGHTED MATERIALS, EQUIPMENT, DEVICES, PROCESSES OR DRAMATIC AND PERFORMANCE RIGHTS FURNISHED OR USED BY KFOR, AND ALL CLAIMS ARISING INCIDENT TO THIS AGREEMENT.**

- 4.27 KFOR shall be responsible for the marketing of the Event and all production costs associated with marketing.
- 4.28 City grants to KFOR the sole and exclusive right to sell drinks, food, souvenirs, or other merchandise of any sort on the Licensed Premises. KFOR shall be responsible for recruiting and contracting directly with food, beverage, and merchandise vendors and entertainment and KFOR shall be responsible for ensuring all associated permits and licenses have been obtained and are current and available for inspection. KFOR may lease all concession or vending rights to any person or persons, subject to prior, written approval by City. KFOR shall provide City with a list or copy of permits of all permitted food and beverage vendors for the Event.
- 4.29 KFOR shall take all appropriate steps to prevent and pick-up litter including efforts to prevent and remove litter from the Licensed Premises and Guadalupe River.
- 4.30 KFOR is prohibited from selling or using glass containers with respect to the serving of food or beverages or where used on any product, merchandise, and/or novelty item. All cardboard boxes and packaging brought on site shall be broken down and collected for recycling provided by City. Samples, merchandise, and other items for sale should be removed from plastic and/or paper packaging and recycled or disposed of accordingly.
- 4.31 KFOR, its contractors, agents, representatives, vendors, concessionaires, and volunteers or the patrons attending the Event are prohibited from giving away free samples or merchandise without the prior, written consent of the City Manager.
- 4.32 KFOR shall be responsible for the creation and distribution of credentials for the Licensed Premises and Performance Area, including the issuance of any parking passes.
- 4.33 City is not responsible for providing, installing, and removing temporary fences for the Event.
- 4.34 City shall allow KFOR to make electrical connections to existing electrical service for use by KFOR during events, including the provision of electricity for the vendors and the entertainment stage. KFOR should coordinate electrical service directly with KPUB and licensed electricians. Any electrical or water service required for the Event beyond that which is currently available will be the responsibility of KFOR.
- 4.35 KFOR shall be responsible for removing trash during the Event and is responsible for providing, placing, maintaining, and removing trash containers, portable toilets, and grease traps.
- 4.36 KFOR shall provide portable toilets in an amount not less than 1 per 100 attendees, to be calculated based upon the estimated peak attendance period. In addition, KFOR shall ensure that at least 10% of portable toilets comply with the ADA. The location of the portable toilets shall be identified in the Event Plan, per Section 5.1. KFOR shall remove the portable toilets before the termination of this Agreement. KFOR shall provide separate portable toilets for both entertainer and food vendor areas. KFOR shall ensure

that hand sanitation stations are provided. City reserves the right to request and approve adjustments to portable toilet services depending on Event size, scope, and details.

- 4.37 City shall be responsible for street closures and traffic control outside of the Licensed Premises and in accordance with the TxDOT approved traffic control plan.
- 4.38 City shall reserve the Licensed Premises for use in conjunction with the Event.
- 4.39 City shall provide police, fire, and EMS personnel at the event, and shall place at least one (1) ambulance within the Licensed Premises.
- 4.40 KFOR shall monitor crowd activities, the operation of ticket booths, and the placement, use, and security of any ATM machines.
- 4.41 At least thirty (30) days prior to the Event, KFOR shall provide notice to the owner and/or manager of Park Lane Apartments, La Casa Apartments, and the Rio Robles residential park regarding the Event, its date and hours.

V. EVENT PLAN

- 5.1 KFOR and City shall develop an event plan ("Event Plan") outlining specific responsibilities of KFOR and City based upon duties and responsibilities found within this Agreement. The Event Plan must include: a) security; b) location of structures and equipment; c) Event date/times; d) staging date/times; e) breakdown dates/times; f) advertising and signage; g) street and/or lane closures; h) electrical requirements; i) coordination with local businesses; j) press releases; and k) any other logistical or operational requirements. KFOR shall clearly diagram the location of all vendors and concessionaires on a site plan in a "booth-by-booth" manner.
- 5.2 The Event Plan must be in writing, finalized, and agreed to by KFOR and City not later than ten (10) days prior to the Event. Modifications after that date must be in writing and agreed to by the City.

VI. DEFAULT AND REMEDIES

- 6.1 Where a default occurs during the Event that is of a nature that threatens public safety or property damage or is a material breach in the operation of the Event by KFOR, KFOR shall cure such default or breach within one hour of the City's verbal notice to KFOR through KFOR's event coordinator. If a breach cannot be cured within one hour, KFOR shall attempt the cure within one hour and thereafter diligently pursue a remedy.
- 6.2 Upon the occurrence of an event of default as provided, City may, at its option, declare this Agreement, and all rights and interests created by it, terminated. Upon City electing to terminate, this Agreement will cease and come to an end as if that were the day originally fixed for the expiration of the term hereof; or City may, at its option, resume possession of the Licensed Premises.

- 6.3 Any termination of this Agreement does not relieve KFOR from any claim for damages then or theretofore accruing against KFOR, and any such sum or sums or claim for damages by any remedy provided for by law, or from recovering damages from KFOR for any default. All rights, options, and remedies of City contained in this Agreement shall be cumulative of the other and City shall have the right to pursue any one or all of such remedies or any other remedy or relief available at law or in equity, whether or not stated in this Agreement. No waiver by City of a breach of any of the covenants, conditions, or restrictions of this Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other covenant, condition, or restriction.

VII. INDEMNIFICATION

- 7.1 **KFOR COVENANTS AND AGREES TO FULLY INDEMNIFY, DEFEND, AND HOLD HARMLESS CITY AND ITS ELECTED OFFICIALS, EMPLOYEES, OFFICERS, AGENTS, REPRESENTATIVES, AND VOLUNTEERS, INDIVIDUALLY OR COLLECTIVELY, FROM AND AGAINST ANY AND ALL DEFENSE COSTS, CLAIMS, LIENS, DAMAGES, JUDGMENTS, LOSSES, EXPENSES, FEES, FINES, PENALTIES, PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITY, AND SUITS OF ANY KIND IN LAW OR IN EQUITY AND NATURE ARISING OUT OF OR IN CONNECTION WITH KFOR'S USE AND/OR OCCUPANCY OF THE LICENSED PREMISES TO THE EXTENT IT ARISES OUT OF ANY ACT OR OMISSION OF KFOR OR ANY OF KFOR'S CONSULTANTS, CONTRACTORS, AGENTS, REPRESENTATIVES, VENDORS, CONCESSIONAIRES, VOLUNTEERS, PATRONS, GUESTS, OR INVITEES AND THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS AND REPRESENTATIVES, INCLUDING ANY DAMAGE TO OR LOSS OF ANY PROPERTY BELONGING TO: (A) KFOR OR KFOR'S CONSULTANTS, CONTRACTORS, AGENTS, REPRESENTATIVES, VENDORS, CONCESSIONAIRES, VOLUNTEERS, PATRONS, GUESTS, OR INVITEES AND THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS, AND REPRESENTATIVES; OR (B) CITY AND ITS ELECTED OFFICIALS, EMPLOYEES, OFFICERS, AGENTS, REPRESENTATIVES, AND VOLUNTEERS. THIS INDEMNITY SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM A NEGLIGENT ACT OR OMISSION OR WILLFUL MISCONDUCT OF CITY, ITS ELECTED OFFICIALS, EMPLOYEES, OFFICERS, AGENTS, REPRESENTATIVES, AND VOLUNTEERS IN INSTANCES WHERE SUCH NEGLIGENCE CAUSES PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE, EXCEPT TO THE EXTENT PROVIDED BELOW. IN THE EVENT KFOR AND CITY ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH TEXAS STATE LAW, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO CITY, ITS ELECTED OFFICIALS, OFFICERS, AND EMPLOYEES UNDER TEXAS LAW AND WITHOUT WAIVING ANY OTHER LAWFUL DEFENSES AVAILABLE TO OTHERS.**

- 7.2 KFOR shall promptly advise City in writing of any claim or demand against City or KFOR known to KFOR related to or arising out of KFOR's or City's activities under this Agreement. Further, KFOR shall see to the investigation and defense of any such claim or demand against KFOR or City at KFOR's sole cost until such time as City is found to be negligent by a court of competent jurisdiction. City shall have the right, at its option and at its own expense, to participate in such defense without relieving KFOR of any of its obligations under this paragraph.
- 7.3 The provisions of this section (and indemnification) are solely for the benefit of the Parties and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.
- 7.4 KFOR and its contractors, agents, representatives, vendors, concessionaires, and volunteers while engaged in the performance of any work required by the City or any work related to this Agreement shall be considered representatives, agents, or volunteers of KFOR only and not of City. Any and all claims that may result from any obligation for which KFOR may be held liable under any Workers' Compensation, Unemployment Compensation, or Disability Benefits law or under any similar law on behalf of said representatives, agents, or volunteers shall be the sole obligation and responsibility of KFOR.
- 7.5 KFOR assumes the sole risk for all personal property placed within the Licensed Premises. City is not be liable and KFOR waives all claims for any damage either to the person or property of KFOR and to all others due to the Licensed Premises or appurtenances becoming out of repair or arising from bursting or leaking of water, gas, waste pipes, drainage, flooding, or defective wiring or excessive or deficient electrical current; or from any act or omission of or other occupants of the Licensed Premises, or any other persons; due to the happening of any accident in or about said Licensed Premises. **KFOR SHALL SAVE AND HOLD HARMLESS CITY FROM ANY CLAIMS ARISING OUT OF DAMAGE TO KFOR'S OR OTHER'S PROPERTY OR DAMAGE TO KFOR'S OPERATIONS, SERVICES, AND/OR BUSINESS.**

VIII. INSURANCE REQUIREMENTS

- 8.1 Prior to the commencement of the Event, KFOR shall furnish copies of all required endorsements and an original completed Certificate(s) of Insurance to the City, which shall clearly indicate the Event in the Description of Operations block of the Certificate. The original Certificate(s) shall be completed by an agent and signed by a person authorized by that insurer to bind coverage on its behalf. City will not accept Memorandum of Insurance or Binders as proof of insurance. The original certificate(s) or form(s) must have the agent's original signature, including the signer's company affiliation, title, and phone number, and be mailed, with copies of all applicable endorsements, directly from the insurer's authorized representative to the City. City shall have no duty to perform under this Agreement until such certificate and endorsements have been received and approved by the City. No officer or employee, other than the City's Risk Manager, shall have authority to waive this requirement.

- 8.2 The City reserves the right to review the insurance requirements of this section and to modify insurance coverages and their limits when deemed necessary and prudent by the City's Risk Manager based upon changes in statutory law, court decisions, or circumstances surrounding the Agreement, but in no instance will the City allow modification whereupon the City may incur increased risk.
- 8.3 As the KFOR's financial integrity is of interest to City, therefore, subject to KFOR's right to maintain reasonable deductibles in such amounts as are approved by City, KFOR shall obtain and maintain in full force and effect for the duration of the Agreement, at KFOR's sole expense, insurance coverage written, on an occurrence basis, by companies authorized and admitted to do business in the State of Texas and rated A.M. Best's rating of no less than A-(VII), in the following types and for an amount not less than the amount listed.

TYPE	AMOUNT
1. Commercial General (Public) Liability a) Premises/Operations b) Independent Contractors umbrella or excess liability c) road Form Contractual Liability coverage d) Products/completed operations e) Broad form property damage, to include fire legal liability f) Personal Injury g) Host Liquor Liability h) Liquor Legal Liability	Statutory \$1,000,000/\$1,000,000/\$1,000,000 For Bodily Injury and Property Damage of \$1,000,000 per occurrence, \$2,000,000 general aggregate or its equivalent in
2. Comprehensive Automobile Liability a) Owned/Leased Vehicles b) Non-owned Vehicles c) Hired Vehicles	Combined Single Limit for Bodily Injury and Property Damage of \$1,000,000 per occurrence or its equivalent
3. Property Insurance: For physical damage to the property of KFOR, including improvements and betterment to the Licensed Premises	Coverage for a minimum of eighty percent (80%) of the replacement cost of the KFOR's property

- 8.4 KFOR shall provide Host Liquor and Liquor Liability insurance coverage in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate, or its equivalent in umbrella or excess liability coverage or require any person or entity that KFOR has conveyed concession rights for the sale and disbursement of alcoholic beverages, to purchase Liquor Liability insurance and provide a Certificate of Insurance and Endorsement that names the KFOR and the City as an additional insured.
- 8.5 KFOR shall obtain General Liability insurance with minimum limits of not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate from each vendor or

concessionaire sublicensed by KFOR, and provide a Certificate of Insurance and Endorsement that names KFOR and City as an additional insured.

- 8.6 City is entitled, upon request and without expense, to receive copies of the policies and all endorsements as they apply to the limits required by City and may make a reasonable request for deletion, revision, or modification of particular policy terms, conditions, limitations, or exclusions, except where policy provisions are established by law or regulation and are binding upon either party or the underwriter of any such policies.
- 8.7 KFOR agrees that with respect to the above-required insurance, all insurance policies are to contain or be endorsed to contain the following required provisions:
- A. Name City and its elected officials, employees, officers, agents, representatives, and volunteers as additional insureds by endorsement as respects operations and activities of, or on behalf of, the named insured performed under contract with City, with the exception of: the workers' compensation and professional liability policies;
 - B. Provide for an endorsement that the "other insurance" clause shall-not apply to the City where the City is an additional insured shown on the policy;
 - C. Workers' compensation, employers' liability, and property insurance policies will provide a waiver of subrogation in favor of the City; and
 - D. Provide immediate written notice directly to the City of any suspension cancellation, or material change in coverage.
- 8.8 City shall have the option to suspend KFOR's performance should the required insurance be cancelled or modified during this Agreement. KFOR's failure to provide and to maintain the required insurance shall constitute a material breach of this Agreement. All notices, replacement certificates of insurance and endorsements shall be delivered to the City to the address indicated below or as may be directed by City.
- 8.9 In addition to any other remedies the City may have upon KFOR's failure to provide and maintain any insurance or policy endorsements to the extent and within the time required, City shall have the right to order KFOR to stop work and vacate the Licensed Premises until KFOR demonstrates compliance with the requirements hereof.
- 8.10 Nothing herein contained shall be construed as limiting in any way the extent to which KFOR may be held responsible for payments of damages to persons or property resulting from the performance of work covered under this Agreement by KFOR or its contractors, agents, representatives, vendors, concessionaires, and volunteers.
- 8.11 KFOR agrees that its insurance shall be deemed primary and noncontributory with respect to any insurance or self-insurance carried by City for liability arising out of operations under this Agreement.

- 8.12 It is understood and agreed that the insurance required is in addition to and separate from any other obligation contained in this Agreement.

IX. SEPARABILITY

- 9.1 If any clause or provision of this Agreement is illegal, invalid, or unenforceable under present or future laws effective during the term of this Agreement, then and in that event it is the intention of the Parties that the remainder of this Agreement will not be affected; and, it is also the intention of the Parties to this Agreement that in lieu of each clause or provision of this Agreement that is illegal, invalid, or unenforceable, there be added as a part of this Agreement a clause or provision as similar in terms to such illegal, invalid, or unenforceable clause or provision may be possible and be legal, valid, and enforceable.

X. NOTICES

- 10.1 Notices to City required or appropriate under this Agreement shall be deemed sufficient if in writing and hand delivered; mailed, Registered or Certified mail, Postage Prepaid; or faxed to the addresses and telephone number as follows:

City Manager
City of Kerrville
701 Main Street
Kerrville, Texas 78028
FAX (830) 792-5804

Or to such other address as may have been designated in writing by City.

Notices to KFOR required or appropriate under this Agreement shall be deemed sufficient if in writing and hand delivered; mailed, Registered or Certified mail, Postage Prepaid; or faxed to the addresses and telephone number as follows:

Kerrville's 4th on the River
PO Box 295081
Kerrville, Texas 78029-5081

With a copy to:
John Carlson
Attorney for Kerrville's 4th on the River
260 Thompson Drive, Suite 7
Kerrville, Texas 78028

Or to such other address as may have been designated in writing by City.

XI. PARTIES BOUND

- 11.1 This Agreement insures to the benefit of and is binding upon the Parties; their respective heirs, legal representatives, successors, and such assigns as have been approved by City.

XII. TEXAS LAW TO APPLY

- 12.1 This Agreement will be construed under and in accordance with the laws of the state of Texas and all obligations of the Parties are performable in Kerr County, Texas.

XIII. RELATIONSHIPS OF PARTIES

- 13.1 Nothing contained herein shall be deemed or construed by the Parties hereto or by any third party as creating the relationship of employer and employee, principal and agent, partners, joint ventures, or any other similar relationship between the Parties.

XIV. GENDER

- 14.1 Any words of gender used in this Agreement shall be held and construed to include any other gender and words in the singular number shall be held to include the plural, unless the context otherwise requires.

XV. CAPTIONS

- 15.1 The captions contained in this Agreement are for convenience of reference only and in no way limit or enlarge the terms and conditions of this Agreement.

XVI. ENTIRE AGREEMENT AND AMENDMENT

- 16.1 This Agreement constitutes the entire agreement between the Parties and any other written or oral agreements with City being expressly waived by KFOR.
- 16.2 No amendment, modification, or alteration of the terms of this Agreement shall be binding unless the same is in writing, dated subsequent to the date hereof and duly executed by the Parties hereto.

XVII. AUTHORITY

- 17.1 The signer of this Agreement for KFOR represents and warrants that he or she has full authority to execute this Agreement on behalf of KFOR.

SIGNED ON THIS _____ DAY OF _____, 2014.

City of Kerrville, Texas:

Kerrville 4th on the River:

By: _____
Todd Parton, City Manager

By: _____
Ben Modisett, _____

APPROVED AS TO FORM: _____

Michael C. Hayes, City Attorney

T:\Legal\PARISH & RECREATION\Contract 4th of July 2013 July 4th License Agreement for Special Event_670213.docx

Agenda Item:

4A. Voluntary annexation and recommendation for a zoning classification of R-1 (single family residential district) for 308.841 acres tract of land out of the Florentine Lara Survey No. 123, Abstract No. 225, M.K. and T.E.R.R. Survey No. 1861, Abstract 1242, and the J.D. Leavell Survey No. 1862, Abstract No. 1435 within Kerr County, Texas, and consisting of a residential subdivision to be known as The Heights of Kerrville and located west of Harper Road (FM 783) and between its intersection with Holdsworth Drive and Interstate 10; and ordering the preparation of an annexation ordinance. (staff)

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

SUBJECT: Public Hearing & Action, Annexation & Zoning Request: - Public hearing, consideration, and action concerning a proposed voluntary annexation and a recommendation for a zoning classification of (R-1) Single-Family Residential District, of The Heights of Kerrville Subdivision, consisting of a 308.841 acre tract of land out of the Florentine Lara Survey No. 123, Abstract No. 225, M.K. & T.E. R.R. Survey No. 1861, Abstract No. 1242 and the J.D. Leavell Survey No. 1862, Abstract No. 1435, Kerr County, Texas.

FOR AGENDA OF: May 27, 2014 **DATE SUBMITTED:** May 16, 2014

SUBMITTED BY: Jason Lutz  **CLEARANCES:** Dieter Werner 

EXHIBITS: Location Map

AGENDA MAILED TO: Kerrville Heights, LLC, 2100 Ross Ave., Suite 2900, Dallas, Texas 75201

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The Heights of Kerrville is a 57 lot rural residential subdivision platted in 2009. All lots in the subdivision are greater than 5 acres and are approved for private septic systems. The subdivision is currently connected to and served by municipal water. All streets located in the subdivision are private streets with access easements for utilities and access for emergency services. The subdivision has been developed in accordance with the City of Kerrville's Subdivision Ordinance as a Rural Residential Subdivision.

This property is governed via a development agreement enacted in 2007(ordinance # 2007-23). The property is to be developed and zoned as an R1 district upon annexation. The development agreement requires that the property begin the annexation process upon the submittal for the first building permit located in the subdivision. The owner has submitted 2 permits for the construction of single family homes.

The development agreement states that the agreement itself should be considered the petition for annexation. Once the annexation process is complete, the development agreement establishes that the effective date of annexation be 180 days after the 2nd and final ordinance reading.

The Local Government Code requires Council to hold two public hearings prior to the initiation of the annexation proceedings.

The following timeline will be followed to complete the annexation process:

May 27, 2014

**First public hearing on the requested annexation by the City Council.
(40 days after petition for annexation approved)**

June 10, 2014

Second public hearing on the requested annexation by the City Council.
(20 days prior to 1st ordinance reading)

July 8, 2014

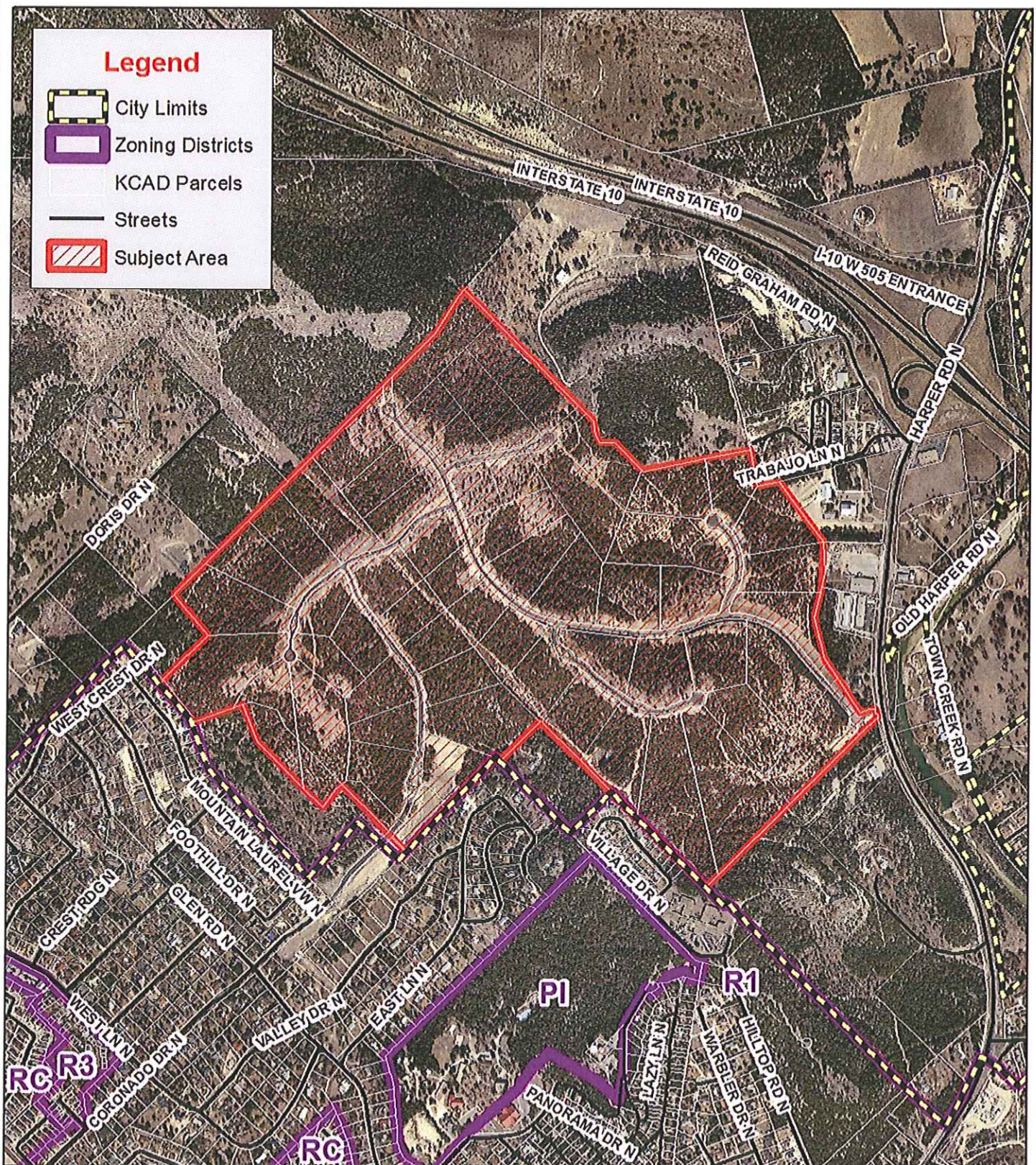
First ordinance reading by the City Council.

July 22, 2014

Second and final ordinance reading by the City Council.

RECOMMENDED ACTION

1. Open the public hearing and receive comments.
2. Approve the annexation & zoning recommendation.



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

0 500 1,000 2,000 Feet

1 inch = 1,000 feet





Date: Apr 17, 2009, 2:48p

Date: Apr 17, 2009.

FILE # 3881 VOL. 8/16-130

CURVE	CHORD	DELTA	CHORD	DIRECTION
C1	124.11	40.00	124.11	122.82
C2	124.11	40.00	124.11	122.82
C3	124.11	40.00	124.11	122.82
C4	124.11	40.00	124.11	122.82
C5	124.11	40.00	124.11	122.82
C6	124.11	40.00	124.11	122.82
C7	124.11	40.00	124.11	122.82
C8	124.11	40.00	124.11	122.82
C9	124.11	40.00	124.11	122.82
C10	124.11	40.00	124.11	122.82
C11	124.11	40.00	124.11	122.82
C12	124.11	40.00	124.11	122.82
C13	124.11	40.00	124.11	122.82
C14	124.11	40.00	124.11	122.82
C15	124.11	40.00	124.11	122.82
C16	124.11	40.00	124.11	122.82
C17	124.11	40.00	124.11	122.82
C18	124.11	40.00	124.11	122.82
C19	124.11	40.00	124.11	122.82
C20	124.11	40.00	124.11	122.82

CURVE	CHORD	DELTA	CHORD	DIRECTION
C1	124.11	40.00	124.11	122.82
C2	124.11	40.00	124.11	122.82
C3	124.11	40.00	124.11	122.82
C4	124.11	40.00	124.11	122.82
C5	124.11	40.00	124.11	122.82
C6	124.11	40.00	124.11	122.82
C7	124.11	40.00	124.11	122.82
C8	124.11	40.00	124.11	122.82
C9	124.11	40.00	124.11	122.82
C10	124.11	40.00	124.11	122.82
C11	124.11	40.00	124.11	122.82
C12	124.11	40.00	124.11	122.82
C13	124.11	40.00	124.11	122.82
C14	124.11	40.00	124.11	122.82
C15	124.11	40.00	124.11	122.82
C16	124.11	40.00	124.11	122.82
C17	124.11	40.00	124.11	122.82
C18	124.11	40.00	124.11	122.82
C19	124.11	40.00	124.11	122.82
C20	124.11	40.00	124.11	122.82

LINE	LENGTH	BEARING
135	212.38	S84°47'02"E
136	104.47	S84°47'02"E
137	334.34	S84°47'02"E
138	372.40	S84°47'02"E
139	372.40	S84°47'02"E
140	372.40	S84°47'02"E
141	372.40	S84°47'02"E
142	372.40	S84°47'02"E
143	372.40	S84°47'02"E
144	372.40	S84°47'02"E
145	372.40	S84°47'02"E
146	372.40	S84°47'02"E
147	372.40	S84°47'02"E
148	372.40	S84°47'02"E
149	372.40	S84°47'02"E
150	372.40	S84°47'02"E
151	372.40	S84°47'02"E
152	372.40	S84°47'02"E
153	372.40	S84°47'02"E
154	372.40	S84°47'02"E
155	372.40	S84°47'02"E
156	372.40	S84°47'02"E
157	372.40	S84°47'02"E
158	372.40	S84°47'02"E
159	372.40	S84°47'02"E
160	372.40	S84°47'02"E

LINE	LENGTH	BEARING
155	212.38	S84°47'02"E
156	104.47	S84°47'02"E
157	334.34	S84°47'02"E
158	372.40	S84°47'02"E
159	372.40	S84°47'02"E
160	372.40	S84°47'02"E
161	372.40	S84°47'02"E
162	372.40	S84°47'02"E
163	372.40	S84°47'02"E
164	372.40	S84°47'02"E
165	372.40	S84°47'02"E
166	372.40	S84°47'02"E
167	372.40	S84°47'02"E
168	372.40	S84°47'02"E
169	372.40	S84°47'02"E
170	372.40	S84°47'02"E
171	372.40	S84°47'02"E
172	372.40	S84°47'02"E
173	372.40	S84°47'02"E
174	372.40	S84°47'02"E
175	372.40	S84°47'02"E
176	372.40	S84°47'02"E
177	372.40	S84°47'02"E
178	372.40	S84°47'02"E
179	372.40	S84°47'02"E
180	372.40	S84°47'02"E

NOTES:
1. ALL CURVE DATA IS BASED ON THE FOLLOWING ASSUMPTIONS:
a. ALL CURVES ARE CIRCULAR.
b. ALL CURVES ARE IN THE HORIZONTAL PLANE.
c. ALL CURVES ARE IN THE PLANE OF THE GROUND.
d. ALL CURVES ARE IN THE PLANE OF THE SURFACE.
e. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
f. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
g. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
h. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
i. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
j. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
k. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
l. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
m. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
n. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
o. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
p. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
q. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
r. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
s. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
t. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
u. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
v. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
w. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
x. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
y. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.
z. ALL CURVES ARE IN THE PLANE OF THE CENTERLINE.

THE HEIGHTS OF KERRVILLE



SHEET 6 OF 6

Agenda Item:

4B. Resolution No. 14-2014 repealing Resolution No. 104-2008; granting a Conditional Use Permit for an approximate 0.43 acres tract of land, being Lot 1-R of Block 17, J.A Tivy Addition, within the City of Kerrville, Kerr County, Texas, otherwise known as 1321 Broadway, and located within the C-17 (Central City) district; by permitting said property to be used for a Vehicle Maintenance and Repair Facility; and making said permit subject to certain conditions and restrictions. (staff)

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

SUBJECT: Public Hearing & Action, Conditional Use Permit Resolution: – Public hearing, consideration, and action concerning a proposed Conditional Use Permit to allow the expansion of a facility with the land use of “Vehicle Maintenance and Repair” for Lot 1-R, Block 17 of the J. A. Tivy Addition, located at 1321 Broadway Street.

FOR AGENDA OF: May 27, 2014 **DATE SUBMITTED:** May 16, 2014

SUBMITTED BY: Jason Lutz  **CLEARANCES:** Dieter Werner 

EXHIBITS: Resolution & Exhibits

AGENDA MAILED TO: Peggy Shen, 1030 Creek Run, Kerrville, Texas 78028
Bruce Motheral, 812A Sidney Baker, Kerrville, Texas 78028

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The property was granted a conditional use permit in 2008 for the construction of a facility to be used for “Vehicle Maintenance and Repair”. The applicant is seeking to repeal the existing resolution and replace with a new resolution in order to enlarge the facility. The facility is currently an L-shaped building in which the applicant would like to add additional square feet and square off the building.

During the permitting process it was discovered that the structure was built 10' from the interior side yard, in violation of the resolution requiring a 15' interior side setback. The proposed addition, which would match the existing wall, would violate the required side setback that was granted in the original C.U.P.

A building permit for the initial construction was approved based on the provided site plan, which called for a 15' interior side yard setback. During construction the building was built 10' from the side property line encroaching 5' into the setback. The City of Kerrville's adopted zoning code currently requires a 12.5' side setback. A new resolution and exhibit must be approved before any permits can be issued.

Based on the fact that the building permit was issued based on a site plan showing a 15' interior side yard setback and the setback violation should have been identified by city staff and that the facility was allowed to be constructed in its current location, staff recommends approval of the C.U.P. as presented.

The Planning & Zoning Commission approved the CUP, by a vote of 5-0 at their regularly scheduled meeting on May 15, 2014.

RECOMMENDED ACTION

1. Open the public hearing and receive comments.
2. Render a decision on the Conditional Use Permit.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 14-2014**

A RESOLUTION REPEALING RESOLUTION NO. 104-2008; GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATE 0.43 ACRE TRACT OF LAND, BEING LOT 1-R OF BLOCK 17, J. A. TIVY ADDITION, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, OTHERWISE KNOWN AS 1321 BROADWAY, AND LOCATED WITHIN THE C-17 (CENTRAL CITY) DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR A VEHICLE MAINTENANCE AND REPAIR FACILITY; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS

WHEREAS, the City Council of the City of Kerrville ("City Council"), Texas, adopted Resolution No. 104-2008, at its October 28, 2008, meeting; and

WHEREAS, the owner of the property seeks to add-on to an existing building and by doing so, needs a new conditional use permit in order to authorize the presence of a building that encroaches into the setback; and

WHEREAS, City staff recommends that City Council repeal Resolution No. 104-2008, hold a public hearing, and adopt a new resolution granting a conditional use permit on the same property; and

WHEREAS, the City Planning and Zoning Commission and the City Council, in compliance with the City Charter and state law with reference to the granting of conditional use permits under Title 11, Chapter I of the Zoning Code of the City of Kerrville, Texas, and the official zoning map; having given the requisite notices by United States mail, publication, and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the City Council finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit, subject to the special conditions and restrictions set out hereinafter on the property described in Section Two, below;

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

SECTION ONE. Resolution No. 104-2008 is repealed.

SECTION TWO. A Conditional Use Permit is granted to permit the property described below to be used for a Vehicle Maintenance and Repair Facility, as currently defined in Article 11-I-3 of the Zoning Code of the City of Kerrville, Texas, subject to the provisions of this Resolution and other applicable City ordinances and regulations:

Lot 1-R, Block 17, J. A. Tivy Addition, which is approximately 0.43 acres, located within the City of Kerrville, Kerr County, Texas, as recorded in Volume 8, Page 120 of the Real Property Records of Kerr County, Texas, and more commonly known as 1321 Broadway ("the Property").

SECTION THREE. In addition to the development and use regulations currently applicable to the Property, the Property may be developed and used for a Vehicle Maintenance and Repair Facility and is subject to the following additional regulations:

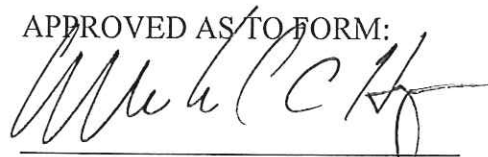
- A. **Site Plan:** The development and use of the Property must conform substantially with the site plan, found at **Exhibit A**, and any additional development requirements as outlined herein.
- B. **Signs:** All signs on the Property must conform to the applicable regulations of the City, to include the City's Sign Code.
- C. **Exterior Lighting:** Any exterior lighting shall be located, shielded and aimed in such a manner so as not to allow light to directly fall onto adjacent properties or streets.
- D. **Outside Storage:** The outside storage of any materials, equipment, or vehicles waiting for repair must be behind the security fencing shown on the site plan.
- E. **Building Location and Orientation:** The location of the building must be as depicted on **Exhibit A**.
- F. **Parking:** The design and number of parking spaces must be in accordance with the City's regulations in effect at the time building permits are submitted to the City. All required parking spaces must be constructed of asphalt or concrete and must be marked and kept available for customers and employees.
- G. **Visibility Triangles:** Visibility triangles must be established and maintained pursuant to existing City regulations for the entrance to the Property from Broadway and D Street.
- H. **Trash and Other Solid Waste:** Solid waste collection bins and dumpsters must be located behind the security fencing and at no time may be located closer to the street than the face of the building.
- I. **Replatting:** The development of the Property shall be subject to the City's subdivision regulations, which includes submittal and approval of a replat of the Property.
- J. **Sidewalks:** A five foot (5.0') wide sidewalk, constructed in conformance with City specifications, is required across the entire length of the Property adjacent to Broadway and D Street, save and except driveway areas.
- K. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in Title 11, Chapter I of the Zoning Code, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

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

PASSED AND APPROVED ON this the ____ day of _____ A.D., 2014.

Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:



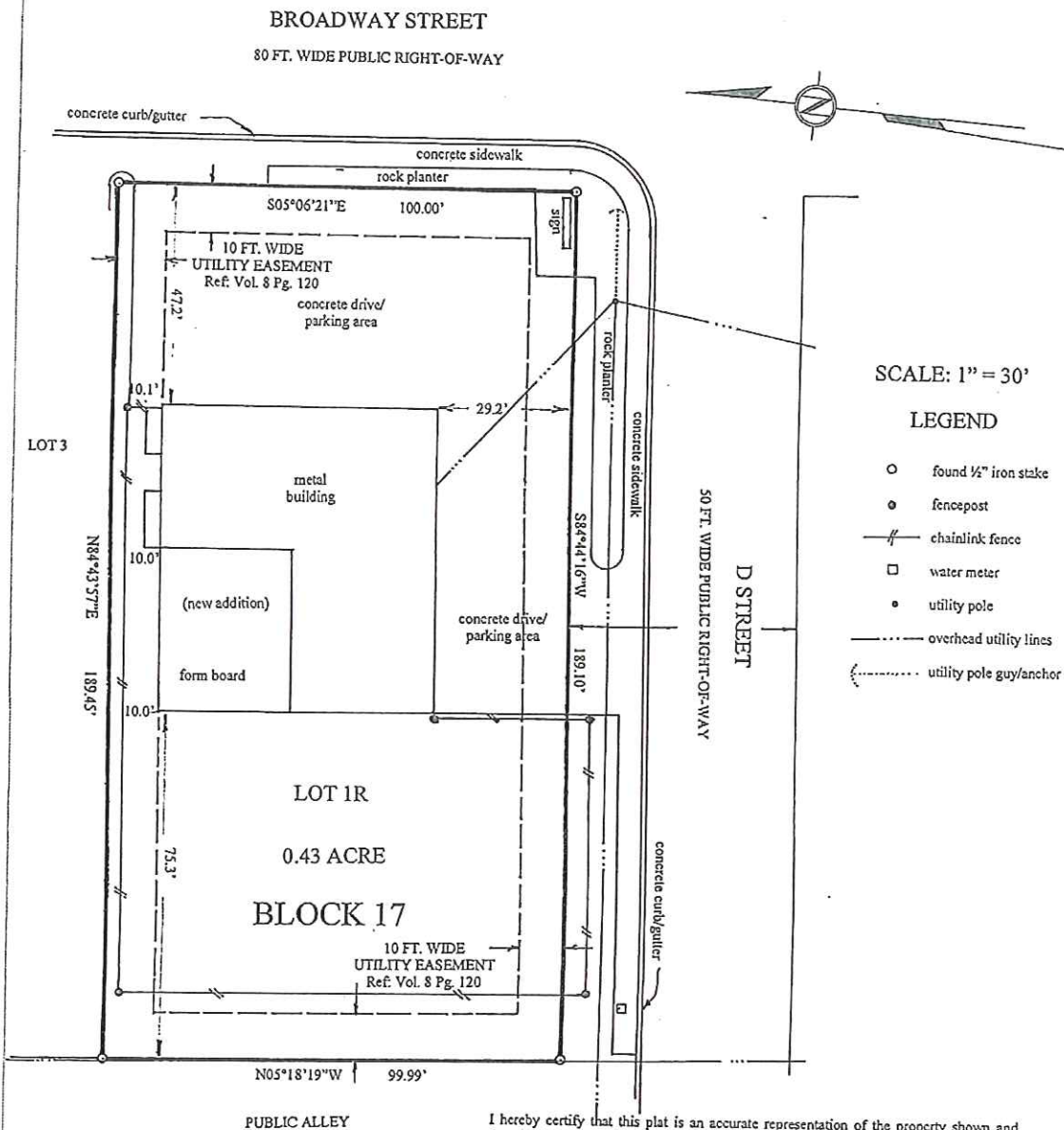
Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

Exhibit A

AS-BUILT AND FORM BOARD SURVEY FOR LOT 1R IN BLOCK 17 OF THE J. A. TIVY ADDITION, A SUBDIVISION OF KERR COUNTY ACCORDING TO THE REPLAT OF RECORD IN VOLUME 8 AT PAGE 120 OF THE PLAT RECORDS OF KERR COUNTY, TEXAS



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

Date Surveyed: April 16, 2014

Dated this 21st day of April, 2014

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



Agenda Item:

5A. Ordinance No. 2014-09 amending Article 10-IV-1 of the City of Kerrville Subdivision Ordinance, known as the city's "Subdivision Regulations," by amending Section 10-IV-1(B)(2) of the Ordinance to exempt land owned, controlled, administered, or under the jurisdiction of a federal agency from plat requirements; containing a cumulative clause; containing a savings and severability clause; providing for an effective date; ordering publication; and providing other matters related thereto. (staff)

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

SUBJECT: Second reading of an ordinance amending the City of Kerrville's Subdivision Ordinance: 2nd ordinance reading concerning an ordinance amending article 10-IV-1 of the City of Kerrville's Subdivision Ordinance, known as the City's "Subdivision Regulations", by amending Section 10-IV-1(B)(2) of the ordinance to exempt land controlled, administered, or under the jurisdiction of a federal agency from plat requirements. (File No. 2014-010)

FOR AGENDA OF: May 27, 2014 **DATE SUBMITTED:** May 16, 2014

SUBMITTED BY: Jason Lutz  **CLEARANCES:** Dieter Werner 

EXHIBITS: Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

Summary:

The City of Kerrville is proposing an exemption to the platting requirements found in the City of Kerrville's adopted Subdivision Ordinance. This amendment will allow federally held lands to be exempt from the platting process.

The City of Kerrville's Subdivision currently exempts properties from the platting requirement under the following conditions:

1. A conveyance of land by dedication, lease of sale to a public agency for a roadway, utility lines or drainage facility, provided that said conveyance is accepted and approved by the public agency.
2. The conveyance of parcels of land between owners of adjoining property and contiguous land, provide that no additional building lot or substandard lot is created.
3. Any lease of public property at the Kerrville Airport.

4. Any property subdivided prior to February 12, 2012, provided that each part of the subdivided property was adequately served by the following after the subdivision:
 - a. Streets constructed and previously accepted for maintenance by the City or County, whichever is applicable;
 - b. Water improvements as currently required by this or other applicable ordinances;
 - c. Sanitary sewer or individual on-site sewage disposal system as currently required by this or other ordinances;
 - d. Storm drainage facilities as currently required by this or other applicable ordinances, and;
 - e. Easements or rights-of-way as may be currently required by this or other applicable ordinance for the installation of any of the above stated improvements;
5. In accordance with Texas Local Government Code §212.004(a), the division of land into two or more parts provided:
 - a. all parts after the division of land are larger than five acres;
 - b. no public improvement is required by the Chapter to be dedicated, and;
 - c. after the division, each part has access.

The Planning and Zoning Commission may grant an exception to the plat requirement if it finds that the use of the land after subdividing will be strictly agricultural and will create no need for new public streets, water, sewer or storm drainage and will not interfere with the extension of such public facilities. Agricultural use does not include the processing of agricultural products or livestock feeding, exhibition or sales facilities.

While this amendment will allow federal property to subdivide land without platting, it will not exempt these lands from other requirements found in the Subdivision Ordinance (i.e. utility extensions and sidewalks).

The Planning & Zoning Commission considered the requested amendments on Thursday May 1, 2014 and recommended, by a vote of 5-0, to deny the proposed amendments on the following grounds:

1. That the language was too vague and could exempt all properties that have FEMA floodplains on the property from the plat requirement.
2. That keeping track of boundaries, setbacks, and ownership would become problematic in the future for subsequent owners.
3. That this exemption would create a regulatory loophole for these properties that would otherwise apply to the citizens of Kerrville.

The Kerrville City Council approved the amendments after a public hearing on Tuesday May 13, 2014.

RECOMMENDED ACTION

1. Approve the ordinance on its second and final reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-09**

AN ORDINANCE AMENDING ARTICLE 10-IV-1 OF THE CITY OF KERRVILLE SUBDIVISION ORDINANCE, KNOWN AS THE CITY'S "SUBDIVISION REGULATIONS", BY AMENDING SECTION 10-IV-1(B)(2) OF THE ORDINANCE TO EXEMPT LAND OWNED, CONTROLLED, ADMINISTERED, OR UNDER THE JURISDICTION OF A FEDERAL AGENCY FROM PLAT REQUIREMENTS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATED THERETO

WHEREAS, the City Council of the City of Kerrville, Texas, pursuant to its authority as a home-rule municipality and Chapter 212 of the Texas Local Government Code, previously adopted regulations applicable to the subdivision of land and establishing the platting process ("Subdivision Regulations") in order to promote the health, safety, and general welfare of the City and its safe, orderly, and healthful development; and

WHEREAS, City staff recommends amending the Subdivision Regulations to exempt property owned, controlled, administered, or under the jurisdiction of a federal agency from the plat requirements found within the Subdivision Regulations; and

WHEREAS, this amendment will not remove all requirements under the Subdivision Regulations that may be triggered during the development process, such as public improvement requirements; and

WHEREAS, the Kerrville Planning and Zoning Commission considered this amendment to the Subdivision Regulations after a public hearing on the matter held on May 1, 2014, at which time all persons had an opportunity to be heard; and

WHEREAS, pursuant to Texas Local Government Code §212.002, notice has been given to all persons by publication in the official newspaper and otherwise, of a hearing to be held before the City Council on May 13, 2014, to consider amendments to Article 10-IV-1, known as the City's subdivision regulations; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on May 13, 2014, as advertised;

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

SECTION ONE. Article 10-IV-1, Section (B), subsection (2) of the City's Subdivision Ordinance ("Subdivision Regulations") is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~(deleted)~~) as follows:

"Art. 10-IV-1[SECTION](B) PLATS

.
.
.

(2) The Following are exempted from the above stated plat requirement:

.
.
.

d. Any land under the ownership, control, administration, or jurisdiction of a federal agency."

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

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

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

SECTION FIVE. The City Manager, or designee, is authorized and directed to amend the Subdivision Regulations to reflect the amendment adopted by this Ordinance, to correct any typographical errors, and to index, format, number, and letter the paragraphs of said regulations, as appropriate.

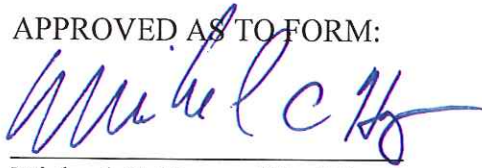
PASSED AND APPROVED ON FIRST READING, this 13th day of May, 2014.

PASSED AND APPROVED ON SECOND AND FINAL READING, this ____ day of _____, 2014.

Jack Pratt, Jr., Mayor

(signatures continue on following page)

APPROVED AS TO FORM:

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

Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

Agenda Item:

6A. An Ordinance declaring the adoption of voter-approved amendments to the City of Kerrville, Texas, Charter in accordance with the adoption of Propositions Nos. 1 through 8 at the Special Election held on May 10, 2014; adopting the Charter, as amended; providing a cumulative clause; containing a savings and severability clause; providing an effective date; and providing other matters related to this subject. (staff)

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

SUBJECT: An Ordinance declaring the adoption of amendments to the City of Kerrville, Texas, Charter in accordance with the adoption of Propositions Nos. 1 through 8 at the Special Election held on May 10, 2014; adopting the Charter, as amended; providing a cumulative clause; containing a savings and severability clause; providing an effective date; and providing other matters related to this subject

FOR AGENDA OF: May 27, 2014 **DATE SUBMITTED:** May 23, 2014

SUBMITTED BY: Mike Hayes, *met*
City Attorney **CLEARANCES:**

EXHIBITS: Ordinance; Charter

AGENDA MAILED TO:

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

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

PAYMENT TO BE MADE TO: NA

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

Pursuant to Section 14.07 of the City Charter, the Charter must undergo a review every five years. To conduct that review, the Council must appoint a Charter Review Commission ("CRC"), which it did in December 2012. The CRC completed its review of the Charter and submitted its *Report of the 2013 Kerrville Charter Review Commission* at Council's September 24, 2013, meeting. After the CRC's presentation, Council voted to accept the Report. Council considered the CRC's recommended amendments, approved amendments to eight different Charter sections, and voted to hold a Special Election in conjunction with the City's regular May election. At the May 10, 2014 election, voters approved all eight propositions, which contained the amendments. At a special meeting held on May 20, 2014, Council canvassed the results of this election and the adoption of the amendments, and voted to accept the results. Under state law, Council must now officially adopt the newly amended Charter.

RECOMMENDED ACTION

Adoption of Ordinance on 1st Reading to declare the adoption of various amendments to the City Charter and to adopt a newly revised Charter.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-10**

AN ORDINANCE DECLARING THE ADOPTION OF AMENDMENTS TO THE CITY OF KERRVILLE, TEXAS, CHARTER IN ACCORDANCE WITH THE ADOPTION OF PROPOSITIONS NUMBERS 1 THROUGH 8 AT THE SPECIAL ELECTION HELD ON MAY 10, 2014; ADOPTING THE CHARTER, AS AMENDED; PROVIDING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THIS SUBJECT

WHEREAS, on February 25, 1942, a home-rule Charter was adopted for the City of Kerrville, Texas; and

WHEREAS, the City Charter is a document prepared by the citizens of the City providing direction to the City government on how to operate; and

WHEREAS, since this time, the Charter has been amended eight times, with the last comprehensive review occurring in 2008; and

WHEREAS, Section 14.07 of the Charter requires a periodic review to help ensure that the document is current and that it properly reflects the overall directions of this community; and

WHEREAS, in December 2012, the City Council appointed persons to a Charter Review Commission ("CRC") and charged the CRC with reviewing and proposing amendments to the Kerrville City Charter; and

WHEREAS, following a series of meetings, the CRC presented its Report of proposed Charter amendments to City Council in September 2013 at a public meeting; and

WHEREAS, the Council reviewed the Report and after considering the CRC's proposed amendments, the Council called a Special Election for May 10, 2014, for a vote of the electors to consider the approval or rejection of various amendments to the Charter, the amendments being in the form of Propositions Nos. 1 through 8; and

WHEREAS, at the Special Election on May 10, 2014, voters approved by majority vote Propositions Nos. 1 through 8, thereby amending the Charter; and

WHEREAS, at a special meeting held on May 20, 2014, which was open to the public, City Council canvassed the results of this Special Election and adopted Resolution No. 15-2014, which approved and declared the results of this election; and

WHEREAS, City Council finds it to be in the public interest to declare the adoption of the amendments to the City's Charter, and to adopt the amended Charter, in accordance with Chapter 9, Texas Local Government Code, and Section 14.06 of the Charter;

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

SECTION ONE. Proposition Nos. 1 through 8, as passed during the Special Election held on May 10, 2014, and which contained amendments to the City's Charter, are declared adopted. This declaration serves as an order, which the City Secretary shall record in the City's official records, in accordance with Section 9.005(b) of the Texas Local Government Code.

SECTION TWO. In accordance with Section 14.08 of the Charter, and based upon the amendments, the Charter has been renumbered and rearranged as appropriate, and the City Council authorizes such changes.

SECTION THREE. The newly revised Charter, including the amendments resulting from the passage of Proposition Nos. 1 through 8, is attached as **Exhibit A** and made a part hereof for all purposes, and is adopted in this form by City Council.

SECTION FOUR. In accordance with Section 9.007(a) of the Texas Local Government Code and following final passage of this Ordinance, the Mayor shall certify to the Texas Secretary of State an authenticated copy of the Charter, as amended, under the City's seal and showing the approval by the voters of the City.

SECTION FIVE. The City Secretary shall record in the City Secretary's records the Charter, as amended, as adopted by the voters of the City pursuant to Section 9.008(a) of the Texas Local Government Code.

SECTION SIX. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered therein and does not repeal any of the provision of said ordinances.

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

SECTION EIGHT. Following final passage of this Ordinance upon second reading, the amendments and the newly revised Charter shall become effective immediately.

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2014.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, 2014.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



**CHARTER
OF THE CITY OF
KERRVILLE, TEXAS**

CITY OF KERRVILLE CHARTER

MEMBERS OF THE CITY COUNCIL

**JACK PRATT, JR.
MAYOR**

**CARSON CONKLIN
COUNCILMEMBER, PLACE 1**

**STACIE KEEBLE
COUNCILMEMBER, PLACE 2**

**GARY STORK
COUNCILMEMBER, PLACE 3**

**GENE ALLEN
COUNCILMEMBER, PLACE 4**

BRENDA G. CRAIG, CITY SECRETARY

JUNE 9, 2014

PART I
CHARTER

Article I. Incorporation, Powers, and Territory

Sec. 1.01.	Establishment and Purpose of the Charter	1
Sec. 1.02.	Enumerated Powers not Exclusive	1
Sec. 1.03.	Provisions Relating to Assignment, Execution, and Garnishment.....	1
Sec. 1.04.	Boundaries.....	1
Sec. 1.05.	Annexation of Territory.....	1
Sec. 1.06.	Deannexation.....	2

Article II. Governing Body

Sec. 2.01.	The City Council	2
Sec. 2.02.	Qualifications for Councilmembers	2
Sec. 2.03.	Term of Office.....	3
Sec. 2.04.	Vacancies.....	3
Sec. 2.05.	Compensation for Councilmembers.....	3

Article III. Procedures of the Council; Legislation

Sec. 3.01.	Canvass of Election; Meetings of the Council, Boards, and Commissions; Compliance with Open/Meetings Act	3
Sec. 3.02.	Mayor and Mayor Pro Tem	4
Sec. 3.03.	City Secretary	4
Sec. 3.04.	Council Rules	4
Sec. 3.05.	Quorum.....	4
Sec. 3.06.	Introduction and Passage of Ordinances and Resolutions.....	5
Sec. 3.07.	Publication of Penal Ordinances	5

Article IV. Nominations and Elections

Sec. 4.01.	Municipal Elections.....	6
Sec. 4.02.	Elections	6
Sec. 4.03.	Application for Candidacy	6
Sec. 4.04.	Places.....	6
Sec. 4.05.	Ballots.....	6
Sec. 4.06.	Election of Councilmembers by plurality	6
Sec. 4.07.	Laws Governing City Elections	7
Sec. 4.08.	Canvassing Elections.....	7

Article V. Recall, Initiative, and Referendum

Sec. 5.01.	General Authority	7
Sec. 5.02.	Commencement of Petition; Petitioner's Committee; Affidavit.....	7
Sec. 5.03.	Scope of Recall.....	8
Sec. 5.04.	Petitions for Recall	8
Sec. 5.05.	Form and Content of Recall Petition.....	8
Sec. 5.06.	Recall; Petition; Procedure	9
Sec. 5.07.	Public Hearing for Recall	9
Sec. 5.08.	Calling of Recall Election	9
Sec. 5.09.	Ballots in Recall Election	10
Sec. 5.10.	Result of Recall Election.....	10
Sec. 5.11.	Initiative; Petition; Procedure.....	10
Sec. 5.12.	Referendum; Petition; Procedure; Effect Prior to Election	11
Sec. 5.13.	Form of Ballots.....	12
Sec. 5.14.	Ordinances Passed by Popular Vote, Repeal or Amendment	12
Sec. 5.15.	Voluntary Submission of Legislation by the City Council	12
Sec. 5.16.	Publicity for Ordinances Submitted to Voters	12

Article VI. Administrative Service

Sec. 6.01.	City Manager	13
Sec. 6.02.	Qualifications	13
Sec. 6.03.	Term and Removal	13
Sec. 6.04.	General Powers and Duties of the Manager	13
Sec. 6.05.	Council not to Interfere in Appointments or Removals	14
Sec. 6.06.	Right of Manager and Other Officers in Council.....	15
Sec. 6.07.	Administrative Departments.....	15
Sec. 6.08.	Investigations by Council or Manager	15

Article VII. City Attorney

Sec. 7.01.	City Attorney-Qualifications.....	15
------------	-----------------------------------	----

Article VIII. Financial Management

Sec. 8.01.	Development and Submission of City Budget and Budget Message	16
Sec. 8.02.	Fiscal year.....	16
Sec. 8.03.	Budget Message	17
Sec. 8.04.	City Council Action on Budget	17
Sec. 8.05.	Budget	17
Sec. 8.06.	Appropriation and Revenue Ordinances	18
Sec. 8.07.	Amendments after Adoption	18
Sec. 8.08.	Independent Audit	19

Article IX. Municipal Court

Sec. 9.01.	Creation and Jurisdiction.....	19
Sec. 9.02.	Municipal Court Judge	20
Sec. 9.03.	Municipal Court Clerk.....	20

Article X. Boards, Commissions, and Committees

Sec. 10.01.	Creation of Boards, Commissions, and Committees.....	20
-------------	--	----

Article XI. Taxation

Sec. 11.01.	Power to Tax	20
Sec. 11.02.	Property Subject to Tax.....	20

Article XII. Condemnation and Special Assessments

Sec. 12.01.	Power of Condemnation and Special Assessments	21
Sec. 12.02.	Procedures for Condemnation and Assessing	21

Article XIII. Public Utilities

Sec. 13.01.	Powers of the City	21
Sec. 13.02.	Franchises-Powers of the City Council	21
Sec. 13.03.	Term and Plan of Purchase.....	22
Sec. 13.04.	Right of Regulation	22
Sec. 13.05.	Consent of Property Owners	22
Sec. 13.06.	Revocable Permits.....	22
Sec. 13.07.	Extensions	23
Sec. 13.08.	Other Conditions	23
Sec. 13.09.	Franchise Records	23
Sec. 13.10.	Accounts of Municipally Owned Utilities.....	23

Article XIV. Miscellaneous Provisions

Sec. 14.01.	Publicity of Records	23
Sec. 14.02.	Personal Financial Interest	24
Sec. 14.03.	Official Bonds	24
Sec. 14.04.	Oath of Office.....	24
Sec. 14.05.	Power of the City to Enforce Ordinances.....	24
Sec. 14.06.	Amending the Charter	24
Sec. 14.07.	Review of Charter; Charter Review Commission.....	24
Sec. 14.08.	Rearrangement and Renumbering	25
Sec. 14.09.	Meaning of Words and Designations	25
Sec. 14.10.	Savings Clause	25

ARTICLE I. INCORPORATION, POWERS, AND TERRITORY

Section 1.01. Establishment and Purpose of the Charter.

We the people of the City of Kerrville, Texas, under the constitution and laws of the State of Texas, in order to secure the benefits of local self-government and to provide for an honest and accountable council-manager government do hereby adopt this Charter and confer upon the City the following powers, subject to the following limitations, and prescribed by the following procedures and government structure. By this action, we secure the benefits of home-rule and affirm the values of representative democracy, professional management, strong leadership, citizen participation, and regional cooperation.

Section 1.02. Enumerated Powers not Exclusive.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition, to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Kerrville shall have, and may exercise, all powers of local self-government, provided by the Constitution and laws of the State of Texas, as it is competent for this Charter to specifically enumerate. All powers of the City, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or if not prescribed therein, then in the manner provided by ordinance or resolution of the Council.

Section 1.03. Provisions Relating to Assignment, Execution, and Garnishment.

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors.

Section 1.04. Boundaries.

The boundaries of the City of Kerrville are hereby established by the official map which is on file in the City Secretary's Office at City Hall.

Section 1.05. Annexation of Territory.

The City Council may by ordinance annex territory lying adjacent to the City, with or without the consent of the inhabitants in such territory, or owners thereof, not inconsistent with the Constitution and Statutes of the State of Texas or the United States of America.

Section 1.06. Deannexation.

Whenever there exists within the corporate limits of the City of Kerrville any territory not suitable or necessary for City purposes, the Council may, upon a petition signed by a majority of the qualified voters residing in such territory, if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed by a majority vote of all the Councilmembers, discontinue said territory as a part of said City; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed, the same shall be entered upon the minutes and records of said City, and from and after the entry of such ordinance, said territory shall cease to be a part of said City, but said territory shall still be liable for its pro rata share of any debts incurred while said area was a part of said City.

ARTICLE II. GOVERNING BODY

Section 2.01. The City Council.

Except as otherwise provided in this Charter, all powers of the City shall be vested in a Council of five (5) members, to be known as the Kerrville City Council. The members of the Council shall be elected from the City of Kerrville at large in a manner prescribed elsewhere in this Charter. The Mayor is a member of the Council and may be referred to in this Charter as a "Councilmember."

Section 2.02. Qualifications for Councilmembers.

Each member of the City Council, in addition to having other qualifications required by law:

- a. Shall be a qualified voter of the State of Texas;
- b. Shall be at least eighteen (18) years of age;
- c. Shall be a resident of the City for at least twelve (12) consecutive months preceding the election; provided, however, that any person who shall have been a resident for a period of not less than twelve (12) consecutive months immediately preceding the election of any territory not formerly within the corporate limits of the City, but which is annexed under the provision of this charter, shall be eligible for said office;
- d. Shall not hold any other elected office or employment under the City government while a member of the Council, except a member of the City Council may be appointed by the City Council to represent the Council on any board, commission, committee, organization or entity in the Council's sole discretion so long as that person's service does not extend beyond the person's term of office.

Section 2.03. Term of Office.

The members of the City Council shall hold their offices for a term of two years and until their successors have been elected and duly qualified in accordance with this Charter. Five Councilmembers will be elected, two in one year for Places One and Two, and the following year, three will be elected for Places Three; Four and Mayor, respectively.

Section 2.04. Vacancies.

Vacancies in the City Council, including a vacancy resulting from a recall election, shall be filled by the Council for the remainder of the unexpired term. The Council shall appoint a qualified elector to fill a vacancy within thirty (30) days after such vacancy occurs. For purposes of this section and the Charter, a "qualified elector" or "qualified voter" means a "registered voter" in accordance with state law.

Section 2.05. Compensation for Councilmembers.

Councilmembers shall serve without an established salary; however, they will be authorized to receive the sum of \$25.00 for each Council meeting in which they attend to off set the "out-of-pocket" expenses incurred. The expense fees are not to be construed as being a salary, but an authorized allowance for each regular meeting. Councilmembers may be reimbursed for other reasonable expenses directly associated with their service to the City, subject to controls established by the Council.

ARTICLE III. PROCEDURES OF THE COUNCIL; LEGISLATION

Section 3.01. Canvass of Election; Meetings of the Council, Boards, and Commissions; Compliance with Open Meetings Act.

Following each municipal election, the Council shall meet at the usual place for holding its meetings, canvass the election in accordance with state law, and the newly elected members shall assume the duties of office without party or partisan mark or designation. Council shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the City Secretary upon request of the Mayor, the City Manager, or a majority of the members of the Council. Any such notice shall state the subject or subjects that shall be considered. All meetings of the Council shall be open to the public, and the rules of the Council shall provide that the citizens of the City shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered; but the Council may by a majority vote of all the members authorize a closed meeting. Council and its boards, commissions, and committees shall comply fully with the provisions of the Texas Open Meeting Law as amended.

Section 3.02. Mayor and Mayor Pro Tem.

Following the canvass of a regular election, the Council shall choose one of its members (other than the Mayor) as Mayor Pro Tem. The Mayor shall preside at meetings of the Council and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by this Charter and the ordinances of the City. He shall be recognized as the head of the City government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency, the Mayor is authorized to act in accordance with federal and state law and City policy. If a vacancy occurs in the Office of Mayor, the Council shall appoint a successor Mayor for the remaining term, in accordance with Section 2.04. If the Mayor is absent or disabled, the Mayor Pro Tem shall act as Mayor for the duration of the period of such absence or disability. If the Mayor Pro Tem is also absent or disabled, then the Council shall elect a Presiding Officer to act in the place of the Mayor Pro Tem.

Section 3.03. City Secretary.

The City Manager shall appoint a City Secretary who shall perform such administrative duties as may be delegated by the City Manager.

Section 3.04. Council Rules.

The Council shall be the judge of the election and qualifications of its members, and in such cases, shall have the power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the Council in any such case shall be subject to review by the courts. The Council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior, and by vote of not less than a majority of all its members, expel from a meeting a member for disorderly conduct for the violation of its rules; but no member shall be expelled from a meeting unless notified of the charge against him and given an opportunity to be heard in his own defense.

Section 3.05. Quorum.

Except as otherwise allowed by state law, a majority of all the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of all the members of the Council shall be necessary to adopt any ordinance, resolution, or order; except that a vote to adjourn, or an action regarding the attendance of absent members, may be adopted by a majority of the members present. No member may be excused from voting except when such member has a conflict of interest as defined by law.

Section 3.06. Introduction and Passage of Ordinances and Resolutions.

- a. Ordinances and resolutions shall be introduced only in written form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read and voted upon in at least two regular meetings, except an emergency measure. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Council prior to such reading. The "yeas" and "nays" shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. The enacting clause of all ordinances shall be, "Be it ordained by the City Council of the City of Kerrville, Kerr County, Texas."
- b. An ordinance shall take effect upon final passage unless indicated otherwise in the ordinance.
- c. Upon its final passage, each ordinance and resolution shall be authenticated by the signatures of the Mayor or Presiding Officer and of the City Secretary, and shall be systematically recorded as provided by Ordinance.
- d. An "emergency measure" is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health, or safety, in which the emergency claimed is set forth and defined in the preamble thereto. The affirmative vote of at least a majority of all members of the Council shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege, shall ever be passed as an "emergency measure."

Section 3.07. Publication of Penal Ordinances.

- a. A penal ordinance is one wherein certain acts or omissions are defined as a crime, and a punishment provided therefor. A general ordinance, the violation of which is a misdemeanor as under any other ordinance, is not a penal ordinance.
- b. Each adopted penal ordinance, or its caption and penalty, shall be published one time in a newspaper of general circulation which is published in the City. The City shall also provide notice of the adoption of the ordinance at the City's website. Such ordinance so published in the newspaper shall take effect and be in force, from and after ten (10) days after publication thereof, unless a later time is expressly provided.

ARTICLE IV. NOMINATIONS AND ELECTIONS

Section 4.01. Municipal Elections.

The regular election for members of City Council shall be held as provided by state law, or as provided by ordinance adopted in accordance with state law. The Council may, in accordance with state law, order special elections.

Section 4.02. Elections.

The City shall conduct all elections in accordance with state law.

Section 4.03. Application for Candidacy.

Any person who lawfully qualifies and is a registered voter, may file an application for election for a Place on the City Council. The name of such candidate and Place for which he is filing will be affixed by the City Secretary at the time of issuance of an application form. Such application shall include a petition signed by not less than 100 qualified and registered voters of the City. The application and the signatures thereon as well as the affidavits of the circulators shall meet the requirements of state law. All papers comprising an application shall be assembled and filed with the City Secretary in accordance with state law. Signatures are not required where the application includes a filing fee of \$100.00. The City Secretary shall review the petition as required by state law and if the petition is found to be insufficient, the City Secretary shall return it immediately to the person who filed it, with a written statement certifying why the petition is found to be "insufficient." Within the time authorized by state law such a petition may be amended and filed again as a new petition, or a different petition may be filed for the same candidate. If the application complies with this section and state law, the City Secretary shall place such name on the ballot. Application forms shall be obtained from the City Secretary, as they are promulgated by the Texas Secretary of State.

Section 4.04. Places.

There shall be five places: One, Two, Three, Four, and Mayor.

Section 4.05. Ballots.

The names of candidates shall be placed on the ballot in accordance with state law.

Section 4.06. Election of Councilmembers by Plurality.

At the regular municipal election, the voters shall vote for one candidate for each place listed on the ballot. The candidate for each place listed on the ballot who shall have received the greatest number of votes for that place cast in such election shall be declared elected; and in case of a tie vote, by lot.

Section 4.07. Laws Governing City Elections.

All City elections shall be governed, except as otherwise provided by the Charter, by the laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto; and in event there should be any failure of the general laws of this Charter to provide for some feature of the City elections, then the City Council shall have the power to provide for such deficiency, and no informalities in conducting a City election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws, where applicable, and the Charter and ordinances of the City.

Section 4.08. Canvassing Elections.

The City shall conduct an election canvass following a general or special election in accordance with state law.

ARTICLE V. RECALL, INITIATIVE, AND REFERENDUM

Section 5.01. General Authority.

- a. **Recall.** The qualified voters of the City shall have the power to petition for recall of the Mayor or any member of the City Council
- b. **Initiative.** The qualified voters of the City shall have power to propose ordinances to the City Council. Such power shall not extend to the budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to initiative as provided by state statute or case law.
- c. **Referendum.** The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance. Such power shall not extend to the budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state statute or case law.

Section 5.02. Commencement of Petition; Petitioners' Committee; Affidavit.

Any three (3) qualified voters may commence recall, initiative, or referendum proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent and naming the Councilmember(s) to be recalled or setting out in full the proposed initiative ordinance or citing the ordinances sought to be reconsidered.

Section 5.03. Scope of Recall.

Each Councilmember shall be subject to recall and removal from office by the qualified voters of the City.

Section 5.04. Petitions for Recall.

Before the question of recall of a Councilmember shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the City Secretary. The petition must contain the number of valid signatures of qualified voters totaling the greater of (a) five percent (5%) of the registered voters entitled to vote at the last City election, (b) thirty-five percent (35%) of the number of persons who voted in the most recent City election, but in no case fewer than the signatures from three-hundred (300) qualified voters registered to vote in the City. Each signer of such recall petition shall personally sign their name thereto and shall write after their name their place of residence, giving the name of the street and the number, and shall also write thereon the day, the month, and the year their signature was affixed.

Section 5.05. Form and Content of Recall Petition.

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall comply with Chapter 277 of the Texas Election Code as it may be amended. The petition shall be addressed to the City Council and the content shall distinctly and specifically point to the ground(s) upon which such petition for removal is predicated. Further, said petition shall state distinctly and specifically the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the Councilmember that warrant the charge as to give the Councilmember sought to be removed notice of the matter(s) and thing(s) with which the officer is charged. The signatures shall be verified by oath in the following form:

STATE OF TEXAS COUNTY OF KERR

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature _____

Sworn and subscribed before me this _____ day of _____ 20__.

NOTARY PUBLIC, STATE OF TEXAS

My commission expires: _____

Section 5.06. Recall; Petition; Procedure.

- a. **Certificate of City Secretary.** Within thirty (30) days after the petition is filed, the City Secretary shall complete a certificate as to its sufficiency or insufficiency as mandated herein, specifying, if it is insufficient, the particulars wherein it is defective and shall within that thirty (30) day period send a copy of the certificate to the petitioners committee by certified mail or by hand delivery to a committee member.
- b. **Amendment.** A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners committee files a notice of intention to amend it with the City Secretary within five (5) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Section 4.05, and within five (5) days after it is filed, the Secretary shall complete a certificate as to the sufficiency of the petition as amended and send a copy of such certificate to the petitioners committee by certified mail or by hand delivery to a committee member as in the case of an original petition.
- c. **Presentation to Council.** When a recall petition has been fully determined sufficient, the City Secretary shall present the petition to City Council at its next regular meeting. If a petition or amended petition is certified insufficient and the petitioners committee does not elect to amend within the time required, the City Secretary shall at the next regular Council meeting present such certificate to the Council who shall then make the final determination as to whether or not the petition is insufficient.

Section 5.07. Public Hearing for Recall.

The Councilmember whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit the Councilmember to present the facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

Section 5.08. Calling of Recall Election.

If the Councilmember whose removal is sought does not resign, then the City Council shall for the next available election date, order an election for holding such recall election. If, after the recall election date is established, the Councilmember vacates the office, the election shall be cancelled, in accordance with state law.

Section 5.09. Ballots in Recall Election.

Ballots used at recall elections shall conform to the following requirements:

- a. With respect to the Councilmember whose removal is sought, the question shall be submitted:
 - “Shall _____ be removed from the office of _____ by recall?”
- b. Immediately below each such question, there shall be printed the following words, one above the other, in the order indicated:

“Yes”

“No”

Section 5.10. Result of Recall Election.

- a. If a majority of the votes cast at a recall election shall be “No”, that is against the recall of the Councilmember named on the ballot, the Councilmember shall continue in office for the remainder of his/her unexpired term, subject to recall as provided herein. If a majority of the votes cast at such election be “Yes”, that is for the recall of the Councilmember named on the ballot, the Councilmember shall, regardless of any technical defects in the recall petition, be deemed removed from office upon passing of the resolution canvassing the election, and the vacancy shall be filled in accordance with Section 2.04 above.
- b. Where a vacancy(s) occurs due to a recall election, the remaining Councilmembers, including where the remaining Councilmembers number two or less, shall appoint a qualified elector(s) for the recalled place(s), which such person(s) may serve only through the canvassing of the next municipal election. The appointed person(s) may choose to become a candidate at such election but in any case, the person elected at the election will only serve through the remainder term, if applicable.
- c. A Councilmember who is recalled is not eligible for appointment to Council in the period between the recall vote and the next election or, qualified for placement on the ballot for the immediately ensuing election.

Section 5.11. Initiative; Petition; Procedure.

- a. Qualified voters of the City may initiate legislation by ordinance by submitting a petition addressed to the City Council, which requests the submission of the proposed ordinance to a vote of the qualified voters of the City. The City Attorney shall review the petition for enforceability and legality. Said petition must contain the number of valid signatures totaling the greater of (a) five percent (5%) of the registered voters entitled to vote at the last City election, (b) thirty-five percent (35%) of the number of persons who voted in the

most recent City election, but in no case fewer than the signatures from three-hundred (300) qualified voters registered to vote in the City. Each copy of the petition shall have attached to it a copy of the full text of the proposed ordinance. The petition, its form and content, shall be the same as for recalls as provided in Section 5.05 above. The certification of the City Secretary, and any amendment to the petition and its presentation to City Council shall be the same as for recalls as provided in Section 5.06 above.

- b. When an initiative petition has been fully determined sufficient, City Council shall at its next regular meeting consider the proposed initiative ordinance. Upon presentation to the Council, Council shall, within sixty (60) days after the date the petition was finally determined sufficient and in accordance with the procedure required in Section 5.06 above, either pass and adopt such ordinance without alteration as to meaning or effect, or call for an election, to be held on a date allowed under the Texas Election Code, at which the qualified voters of the City shall vote on the question of adopting or rejecting the proposed ordinance. Unless otherwise provided by law, any election for an initiative under this Charter shall be held on the first authorized uniform election date that occurs after the seventieth (70th) calendar day after the City Council's decision to submit the ordinance to the voters.
- c. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 5.12. Referendum; Petition; Procedure; Effect Prior to Election.

- a. Qualified voters of the City may require that any ordinance, with the exception of ordinances dealing with any budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state statute or case law, passed by the City Council be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within ten (10) days after the date the ordinance sought to be reconsidered was adopted. Said petition must contain the number of valid signatures totaling the greater of (a) five percent (5%) of the registered voters entitled to vote at the last City election, (b) thirty-five percent (35%) of the number of persons who voted in the most recent City election, but in no case fewer than the signatures from three-hundred (300) qualified voters registered to vote in the City. The petition, its form and content, shall be the same as for recalls as provided in Section 5.05 above. The certification of the City Secretary, any amendment to the petition and its presentation to City Council shall be the same as for recalls as provided in Section 5.06 above. Council shall either repeal the referred ordinance or submit the referred ordinance to the qualified voters of the City within thirty (30) days after the date the petition was finally determined sufficient.

- b. Pending the holding of such election, the ordinance shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof. Unless otherwise provided by law, any election for a referendum under this Charter shall be held on the first authorized uniform election date that occurs after the seventieth (70th) day after the decision by the City Council.
- c. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

Section 5.13. Form of Ballots.

The ballots used when voting upon initiative or referendum shall set forth their nature sufficiently to identify them and shall also set forth, upon separate lines, the words:

“For the Ordinance”

“Against the Ordinance”

Section 5.14. Ordinances Passed by Popular Vote, Repeal or Amendment.

No ordinance which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article may be repealed or amended by the City Council for a period of six (6) months from the date said ordinance became effective. An ordinance which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article may be repealed or amended at any time in response to a referendum petition or by submission as provided by Section 5.16 below.

Section 5.15. Voluntary Submission of Legislation by the City Council.

The City Council, upon its own motion and by the affirmative vote of a majority of the full membership of the Council, may submit to popular vote at an election for adoption or rejection any proposed ordinance or resolution or measure, or may submit for repeal any existing ordinance, or resolution, or measure, in the same manner and with the same force and effect as provided in this Article for submission of initiative and referendum petitions, and may, at its discretion, call for an election for this purpose on an authorized uniform election date as provided by state law.

Section 5.16. Publicity for Ordinances Submitted to Voters.

The City Secretary, at least fifteen (15) days before any election at which any ordinance is to be submitted to the voters, shall have printed in a newspaper of general circulation published in the City the caption of all ordinances submitted. The full text of all ordinances shall be made available for public review in the office of the City Secretary, at the City’s library, and linked on the City’s website. The text of every ordinance shall also be displayed at the polling place in such election; but the validity of an ordinance approved by the electors shall not be questioned because of errors or irregularities in publication or display.

ARTICLE VI. ADMINISTRATIVE SERVICE

Section 6.01. City Manager.

The Council shall appoint an officer whose title shall be City Manager and who shall be chief executive and the head of the administrative branch of the City government. By letter filed with the City Secretary, the Manager shall designate, subject to approval of the Council, a qualified City administrative officer to exercise the powers and perform the duties of manager during periods of his temporary absence or disability. The Council may annul such designation at any time and appoint another officer for the City to serve until the Manager shall return from his absence or until his disability shall cease. The Manager shall receive such compensation as may be fixed by the City Council.

Section 6.02. Qualifications.

The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter outlined. At the time of his appointment, he need not be a resident of the City or state, but during his tenure of office he shall reside within the City. No person elected to membership on the Council shall, subsequent to such election, be eligible for appointment as City Manager until one year has elapsed following the expiration of the term for which he was elected.

Section 6.03. Term and Removal.

The City Manager shall hold his office subject to the provisions set forth below, at the will and pleasure of the City Council. A majority of the members of the City Council may remove the City Manager, except that no City Manager who has been in the service of the City for more than one year prior to a regular City election shall be removed within sixty (60) days subsequent to such election except by a four-fifths vote of the members of the City Council. If removed at any time after he has served six months, the City Manager may demand a hearing at a public meeting of the City Council prior to the date on which his final removal shall take effect, but pending and during such hearing the City Council may suspend him from office. The action of the City Council in suspending or removing the City Manager shall be final, since it is the intention of this Charter to vest all authority and fix all responsibility for any such suspension or removal wholly in the City Council.

Section 6.04. General Powers and Duties of the Manager.

The City Manager shall be the chief executive officer of the City, responsible to the Council for the management of all City affairs placed in the manager's charge by or under this Charter. The City Manager shall:

- a. Appoint and suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law or this

Charter. The City Manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

- b. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;
- c. Attend all City Council meetings. The City Manager shall have the right to take part in discussion but shall not vote;
- d. See that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- e. Prepare and submit the annual budget and capital program to the City Council, and implement the final budget approved by Council to achieve the goals of the City;
- f. Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- g. Make such other reports as the City Council may require concerning operations;
- h. Keep the City Council fully advised as to the financial condition and future needs of the City;
- i. Make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy;
- j. Provide staff support services for the Mayor and Councilmembers;
- k. Assist the Council to develop long-term goals for the City and strategies to implement these goals;
- l. Encourage and provide staff support for regional and intergovernmental cooperation;
- m. Promote partnerships among Council, staff, and citizens in developing public policy and building a sense of community; and
- n. Perform such other duties as are specified in this Charter or may be required by the City Council.

Section 6.05. Council not to Interfere in Appointments or Removals.

Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or any of his subordinates; or,

except as is or may be otherwise provided under the terms of this Charter, in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager either publicly or privately. Any violation of the provisions of this section by a member of the Council shall subject him to whatever discipline the remaining members of the Council may under the terms of Section 3.04 see fit to impose upon him.

Section 6.06. Right of Manager and Other Officers in Council.

The City Manager, and such department heads and other officers of the City may be designated by vote of the Council, shall be entitled to seats in the Council except at executive meetings, but shall have no vote therein. The Manager shall have the right to take part in the discussion of all matters coming before the Council, and such department heads and other officers who by designation of the Council are entitled to seats in the Council, shall be entitled to take part in all discussions of the Council relating to their respective departments and offices.

Section 6.07. Administrative Departments.

The City Manager shall have the responsibility to organize the various departments within the City as may be needed to fulfill the requirements and needs of the City, subject to the approval of the City Council.

Section 6.08. Investigations by Council or Manager.

The Council or the Manager shall have power to inquire into the conduct of any department, office or officer of the City, and to make investigations as to municipal affairs, and for that purpose only, the Council or the Manager may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence, and it shall be the duty of the City Manager to designate a police officer to serve such subpoena.

ARTICLE VII. CITY ATTORNEY

Section 7.01. City Attorney-Qualifications.

The City Council shall appoint a City Attorney from recommendations of the City Manager, or by any member of the City Council. The City Attorney shall receive for his services such compensation as may be determined by the City Council. The City Attorney shall be in charge of all legal questions as may arise within the City, or by members of the City Council. The City Attorney shall be a qualified attorney who is duly licensed to practice law in the State of Texas. The City Attorney shall be the chief legal advisor of and attorney for the City and all departments and officers thereof in matters relating to their official powers and duties. It shall be the City Attorney's duty either personally or by such assistants as the City Attorney may delegate, to perform all services incident to the legal matters of the City. The City Attorney will

attend such City Council meetings as needed when requested; to give advice in writing when so requested by the Council or City Manager, or by a department head when needed to clarify positions or actions. The City Attorney will act as legal counsel, or defend or prosecute as the case may be, all offenses against the law as defined by ordinances, or other laws of the City or state, as may be required. The City Attorney will review all contracts, bonds and other instruments in writing in which the City is concerned, and endorse on each his approval of the form and correctness thereof, and perform such other duties of a legal nature as maybe determined by the City Council. In addition to the duties imposed upon the City Attorney by this Charter or required of the City Attorney by ordinance or resolution of the City Council, the City Attorney shall perform any duties imposed upon the legal officers of the Municipal Court when or if needed. The City Attorney shall have authority to appoint one or more assistants, subject to approval of the City Council. The performance of the City Attorney and assistants shall be reviewed annually by the City Council, and their reappointment or dismissal shall be made at that time. The City Attorney and his assistants, may be removed at any time by majority vote of the City Council. Notwithstanding the above provisions, the City Council may engage special legal counsel to represent the City of Kerrville in any specific matter or for the performance of any specifically delineated duties otherwise to be performed by the City Attorney.

ARTICLE VIII. FINANCIAL MANAGEMENT

Section 8.01. Development and Submission of City Budget and Budget Message.

The City Manager shall prepare each year a budget to cover all proposed expenditures of the government of the City for the succeeding year. Such budget shall be carefully itemized so as to make as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget shall also show as definitely as possible each of the various projects for which appropriations are set up in the budget, and the estimated amount of money carried in the budget for each of these projects. The budget shall also contain a complete financial statement of the City showing all outstanding obligations of the City, the cash on hand to the credit of each and every fund, the funds received from all sources during the previous year, the funds available from all sources during the ensuing year, the estimated revenue available to cover the proposed budget, and the estimated rate of tax which will be required.

On or before the 31st day of July of each year, the City Manager shall submit to the City Council and City Secretary a budget for the ensuing fiscal year and an accompanying budget message. The full text of the proposed budget and message shall be made available for public review in the office of the City Secretary, at the City's library, and prominently linked on the City's website.

Section 8.02. Fiscal Year.

The fiscal year of the City government shall begin on the first day of October each year and shall end on the last day of September the following year. Such year shall constitute the budget year of the City government.

Section 8.03. Budget Message.

The City Manager's budget message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the City for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the City Manager deems desirable.

Section 8.04. City Council Action on Budget.

- a. **Notice and Hearing.** The City Council shall publish the general summary of the budget and a notice stating:
 1. The times and places where copies of the message and budget are available for inspection by the public, and
 2. The time and place, not less than two weeks after such publication, for a public hearing(s) on the budget.
- b. **Amendment Before Adoption.** After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.
- c. **Adoption.** The City Council shall adopt the budget on or before the 30th day of September of the fiscal year currently ending. If it fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect.
- d. **"Publish" defined.** As used in this section, the term "publish" means to print in the contemporary means of information sharing, which includes, a newspaper of general circulation which is published in the City, and on the City's website. In addition, the budget shall be made available in the office of the City Secretary and in the City's library.

Section 8.05. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require for effective management and an understanding of the relationship between the budget and the City's strategic goals. The budget

shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy; and all proposed expenditures, including the amount of salary or compensation of officers and employees and debt service for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- a. The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;
- b. Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practicable, the proposed method of financing each such capital expenditure, and methods to measure outcomes and performance related to the goals; and
- c. The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the City, and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance exclusive of reserves.

Section 8.06. Appropriation and Revenue Ordinances.

To implement the adopted budget, the City Council shall adopt, prior to the beginning of the fiscal year.

- a. an appropriation ordinance making appropriations by department, fund, or other organizational unit and authorizing an allocation for each program or activity; and
- b. a tax levy ordinance authorizing the property tax levy or levies and setting the tax rate or rates.

Section 8.07. Amendments after Adoption.

- a. **Supplemental Appropriations.** If during or before the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- b. **Emergency Appropriations.** To address a public emergency affecting life, health, property, or the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 3.06 above. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the

Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

- c. **Reduction of Appropriations.** If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the manager and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce or eliminate one or more appropriations.
- d. **Transfer of Appropriations.** At any time during the fiscal year, the City Council may by ordinance transfer part or all of the unencumbered appropriation balance from one department, fund, or organizational unit to the appropriation for other departments or organizational units or a new appropriation. The manager may transfer funds among programs within a department, fund, or organizational unit and shall report such transfers to the Council in writing in a timely manner.
- e. **Limitation; Effective Date.** No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 8.08. Independent Audit.

As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the City government by certified public accountants, to be selected by the Council, who have no personal interest directly or indirectly in the financial affairs of the City government. The results of this audit shall be published immediately upon its completion.

ARTICLE IX. MUNICIPAL COURT

Section 9.01. Creation and Jurisdiction.

There is hereby established a Municipal Court of the City of Kerrville, Texas, which shall have such jurisdiction and powers as are given and prescribed by the laws of Texas.

Section 9.02. Municipal Court Judge.

The Municipal Judge shall preside over the Municipal Court. He shall be appointed by the City Council. The Judge shall be appointed for a term not to exceed two (2) years, and shall hold office at the pleasure of the City Council. If for any reason the Judge shall temporarily fail to act, the Mayor or Mayor Pro Tem of the City is hereby authorized to appoint a replacement who shall act in the place of the Judge and who shall have all of the powers and discharge all of the duties of said office. During either twelve (12) month period beginning at the date of appointment, more than two (2) consecutive or six (6) total absences over and above prior approved vacation and sick leave, shall be cause for automatic removal from office by the City Council. The Judge, or anyone acting in his place, shall receive such compensation as may be determined by the City Council.

Section 9.03. Municipal Court Clerk.

There shall be a clerk or clerks of said Court who shall be appointed and who may be removed by the City Manager. The said Clerk shall have authority to administer oaths and affirmations.

ARTICLE X. BOARDS, COMMISSIONS, AND COMMITTEES

Section 10.01. Creation of Boards, Commissions, and Committees.

The City Council may create and provide for such Boards, Commissions, and/or Committees as the City Council may deem appropriate or necessary to accomplish and further any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the City or its inhabitants. In establishing any such Board, Commission, or Committee, the Council shall determine the qualifications as necessary.

ARTICLE XI. TAXATION

Section 11.01. Power to Tax.

The City Council shall have the power, not inconsistent with state laws, as amended from time to time, to levy, assess and collect taxes upon taxable properties, real, personal tangible, and intangible; and to levy, assess and collect occupation, sales, and other taxes.

Section 11.02. Property Subject to Tax.

The City Council through the passing of such ordinances as may be required, formulate the procedures for assessing and collecting all authorized taxes.

ARTICLE XII. CONDEMNATION AND SPECIAL ASSESSMENTS

Section 12.01. Power of Condemnation and Special Assessments.

The City Council shall have the power, not inconsistent with state laws, as amended from time to time, to acquire property by condemnation and to provide payment of all or part of the costs of public improvements by levying and collecting of special assessments upon properties specially benefited.

Section 12.02. Procedures for Condemnation and Assessing.

The City Council, through the passing of ordinances as may be required, shall formulate the procedures for condemnation and for assessing and collecting special assessments.

ARTICLE XIII. PUBLIC UTILITIES

Section 13.01. Powers of the City.

In addition to the City's power to buy, own, construct, maintain, and operate utilities and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public (see powers made part of this Charter in Section 1.02), the City shall have such further powers as may now or hereafter be granted under the Constitution and of the State of Texas.

Section 13.02. Franchises-Powers of the City Council.

The City Council shall have power by ordinance to grant, amend, renew, and extend all franchises, and to regulate all public utilities of every character within the City of Kerrville, and for such purposes is granted full power. All ordinances granting, amending, renewing, or extending franchises for public utilities, shall be read at three (3) separate regular meetings of the City Council, and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until sixty (60) days after final passage, unless otherwise provided by state law; and pending such time, the ordinance shall be published by caption (not full text) as prescribed by state law once each week for four (4) consecutive weeks in the official newspaper published in the City of Kerrville, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferred except upon the approval of the City Council expressed by ordinance; and copies of all transfers and mortgages or other documents affecting the title or use of public utilities shall be filed with the City Manager within ten (10) days after the execution thereof. Such franchise shall not be transferred indirectly through the acquisition of the capital stock of the grantee company by another corporation, except through the approval by City Council and the filing of all documents relating to the purchase of such stock, including the corporation affiliations of the purchasing company.

Section 13.03. Term and Plan of Purchase.

Any public utility franchise may be terminated by ordinance at specified intervals of not more than five (5) years after the beginning of operation, whenever the City shall determine to acquire by condemnation or otherwise the property of such utility necessarily used in or conveniently useful for the operation thereof within the City limits. The method of determining the price to be paid for the public utility property shall be fixed in the ordinance granting the franchise.

Section 13.04. Right of Regulation.

All grants, renewals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City:

- a. To repeal the same by ordinance at any time for misuse or nonuse, or for failure to begin construction within the time prescribed or otherwise to comply with the terms prescribed.
- b. To require proper and adequate extension of plan and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency.
- c. To establish reasonable standards of service and quality of service and quality of products and prevent unjust discrimination in service or rates.
- d. To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility and to require annual and other reports by each such public utility provided, that if a public service commission or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the state or throughout any district of which the City is a part, the forms so prescribed shall be controlling so far as they go, but the Council may prescribe other and more detailed forms for the utilities within its jurisdiction.
- e. To impose such other regulations as may be conducive to the safety, welfare, and accommodation of the public.

Section 13.05. Consent of Property Owners.

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, but any property owner shall be entitled to recover from the owner of such public utility the actual amount of damages to such property on account thereof less any benefits received therefrom, provided suit is commenced within two (2) years after the project is completed.

Section 13.06. Revocable Permits.

Permits revocable at the will of the Council for such minor or temporary public utility privileges as may be specified by general ordinance may be granted and revoked by the Council from time

to time in accordance with the terms and conditions to be prescribed thereby; and such permits shall not be deemed to be franchises as the term is used in this Charter. Such general ordinance, however, shall be subject to the same procedure as an ordinance granting a franchise and shall not be passed as an emergency measure.

Section 13.07. Extensions.

All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 16.04. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

Section 13.08. Other Conditions.

Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article, whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way, except as specifically stated, the discretion of the Council or the electors of the City in imposing terms and conditions in connection with any franchise grant.

Section 13.09. Franchise Records.

Every public utility and every owner of a public utility franchise shall file with the City, as maybe prescribed by ordinance, certified copies of all franchises owned or claimed, or under which such utility is operated. The City shall compile and maintain a public record of utility franchises and of all public utility fixtures in the streets of the City.

Section 13.10. Accounts of Municipally Owned Utilities.

Accounts shall be kept for each public utility owned or operated by the City and the City Council shall publish annually notice of the availability of reports and independent audits concerning such accounts, and shall display the entirety of such reports and audits on the City's website, at its library, and in the office of the City Secretary.

ARTICLE XIV. MISCELLANEOUS PROVISIONS

Section 14.01. Publicity of Records.

All records of the City, except those protected by executive sessions, or state and federal statutes, shall be open to inspection by any person during the regular posted office hours of the City Hall.

Section 14.02. Personal Financial Interest.

The City Council as well as officers and employees of the City, shall comply with state law regarding personal, financial, or conflicting interests, including Chapter 171 of the Texas Local Government Code.

Section 14.03. Official Bonds.

The Director of Finance, and such other officers or employees as the Council may by general ordinance require so to do, shall give bond in such amount and with such surety as may be approved by the Council. The premiums on such bonds may be paid by the City.

Section 14.04. Oath of Office.

Every officer of the City shall, before entering upon the duties of his office, take and subscribe to an oath or affirmation, as provided by state law, to be filed and kept in the office of the City Secretary.

Section 14.05. Power of the City to Enforce Ordinances.

The City may enforce its ordinances by fines not exceeding limits established by state statutes, and may also provide by ordinance for the commutation of such fines by labor in a work house or on any public work or place in the City, but no ordinance shall provide a lesser penalty than is prescribed for a like offense by the laws of the state. Provisions may also be made by ordinance for the collections of fines imposed and executions issued in civil cases.

Section 14.06. Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the City in any manner provided by state law.

Section 14.07. Review of Charter; Charter Review Commission.

- a. The Charter shall be reviewed at five (5) year intervals, or sooner where the City Council believes it necessary. For each five-year review, the City Council shall appoint a Charter Review Commission of seven (7) residents of the City. The Commission shall have the following duties:
 1. Consider the operation of the City government under the Charter and determine whether any Charter sections require revision. To this end, at least one public hearing shall be held and the Commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing.
 2. Propose recommendations, if any, it deems desirable to ensure compliance with the Charter by the City government.

3. Propose amendments, if any, to the Charter to improve the effective application of the Charter to current conditions and operations.
 4. Report its finding and present its proposed amendments, if any, to the City Council.
- b. The term of office of the Charter Review Commission shall be six months but may be extended as necessary by City Council.

Section 14.08. Rearrangement and Renumbering.

The City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections and paragraphs of this Charter or any amendments thereto, as it deems appropriate, and upon the passage of such ordinance, a copy thereof certified by the City Secretary shall be forwarded to the Secretary of State for filing.

Section 14.09. Meaning of Words and Designations.

All words and designations used in this Charter are to be taken and construed in the sense in which they are understood in common language, taking into consideration the context and subject matter relative to which they are employed.

Section 14.10. Savings Clause.

If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith, insofar as the City of Kerrville is affected thereby.

ADOPTED: February 25, 1942
AMENDED: January 10, 1973
AMENDED: April 3, 1975
AMENDED: April 10, 1984
AMENDED: April 7, 1987
AMENDED: May 9, 1989
AMENDED: May 5, 1992
AMENDED: May 4, 1999
AMENDED: May 20, 2008
AMENDED: June 10, 2014

CERTIFICATE OF SECRETARY OF STATE DATED:

March 3, 1942
April 25, 1973
February 13, 1976
May 14, 1984
April 28, 1987

January 10, 1990
October 16, 1992
May 27, 1999
June 17, 2008
_____, 2014

Agenda Item:

7A. Receive a staff update on the status of repairs to city and county owned buildings at the Kerrville/Kerr County Municipal Airport that currently houses the Mooney International, Corporation and provide direction to city staff as necessary. (staff)

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

SUBJECT: Receive a staff update on the status of repairs to city and county owned buildings at the Kerrville/Kerr County Municipal Airport that currently house the Mooney International, Corp. and provide direction to city staff as necessary

FOR AGENDA OF: May 27, 2014

DATE SUBMITTED: May 23, 2013

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

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

City staff will provide an update to the City Council regarding the status of the roof repairs contemplated for the buildings at the Kerrville/Kerr County Municipal Airport that currently house the Mooney International, Corp. Staff's report will include the status of the Joint Airport Board's engineering services contract to evaluate the buildings and develop bid specifications.

RECOMMENDED ACTION

This item is intended as informational only and city staff has no recommendation at this time.

Agenda Item:

7B. Resolution No. 12-2014 repealing Resolution No. 94-133 and reconstituting the City of Kerrville Main Street Advisory Board; providing for its membership, terms of office, organization and structure. (staff)

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

SUBJECT: Resolution No. 12-2014 amending the resolution for the Main Street Advisory Board

FOR AGENDA OF: May 27, 2014

DATE SUBMITTED: May 6, 2014

SUBMITTED BY: Ashlea Boyle 
Special Projects Manager

CLEARANCES: Todd Parton
City Manager

EXHIBITS:

Resolution No. 94-133

Proposed Resolution No. 12-2014

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

Resolution No. 12-2014 is being proposed to amend Resolution No. 94-133 that established the Main Street Advisory Committee. The amendments include changing the official name to the Main Street Advisory Board; updating the board purpose to match the existing program; reducing the members of the board from nine to seven; and removing staff as ex-officios to be consistent with existing boards and commissions. Staff will continue to serve as liaison to the Main Street Advisory Board.

RECOMMENDED ACTION

Staff recommends approving Resolution No. 12-2014 as presented.

RESOLUTION NO. 94-133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERRVILLE, TEXAS, CREATING A MAIN STREET ADVISORY COMMITTEE; PROVIDING FOR ITS MEMBERSHIP AND TERMS OF OFFICE; ALLOWING ITS ORGANIZATION AND STRUCTURE; AND APPOINTING THE INITIAL MEMBERS OF THE COMMITTEE.

WHEREAS, the City Council of the City of Kerrville, Texas, desires to create a Main Street Advisory Committee to encourage participation in the Main Street revitalization program, to establish goals and priorities for the Main Street Program, to review design appropriateness for the purpose of participation in the Main Street low-interest loan program and incentive grant projects, and to advise and support the Main Street Program Manager.

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

SECTION 1. That there is hereby created the Main Street Advisory Committee of the City of Kerrville, Texas, which shall consist of nine (9) members at-large in addition to the City Manager, the Director of Human Resources and Economic Development and a member of the City Council, each of whom shall serve ex-officio. Each at-large member shall be a voting member. Each at-large member shall be subject to two year terms; provided, however, that at the Committee's organizational meeting, the at-large members shall draw lots to establish the duration of the initial terms, with four at-large members serving an initial term of one year. The expiration date of all at-large terms shall be January 31 of the year corresponding with the results of the drawing of lots. The initial one year terms would therefore expire January 31, 1996.

SECTION 2. That the Committee shall elect its own officers, may establish its own procedural rules, and may adopt by-laws for the conduct of its business, to the extent that such by-laws do not conflict with the Charter and Code of Ordinances of the City of Kerrville.

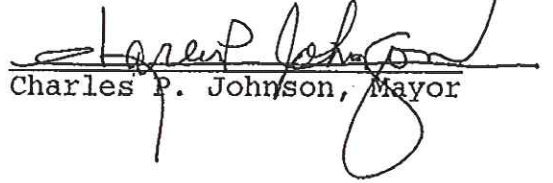
SECTION 3. That the initial slate of at-large members of the Committee is hereby appointed, to-wit:

Sherry Cunningham, Chamber/EDF
Dian Dixon, Water St. Antiques
Charles Goodale, Sid Peterson Hospital
Joe Herring, Jr., Herring Printing
Donna Jackson, Citizen
Glenn McGinnis, Dove's Nest
Jimmy Middleton, Nations Bank
Lyndia Rector, Cricket's
Robert Shipp, Retired Physician

Approved by City Council
Date: Dec 13/1994
Volume 33 Page 142

SECTION 4. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

PASSED AND APPROVED this 13 day of December, 1994.


Charles P. Johnson, Mayor

ATTEST:


Sheila L. Brand, City Clerk

APPROVED AS TO FORM:
WALLACE, MOSTY, MACHANN,
JACKSON & WILLIAMS


City Attorney

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 12-2014**

**A RESOLUTION REPEALING RESOLUTION NO. 94-133 AND
RECONSTITUTING THE CITY OF KERRVILLE MAIN STREET
ADVISORY BOARD; PROVIDING FOR ITS MEMBERSHIP, TERMS OF
OFFICE, ORGANIZATION AND STRUCTURE**

WHEREAS, since 1994 when the City Council created a Main Street Advisory Committee, this Committee has been instrumental in addressing issues that impact the Main Street district; and

WHEREAS, City Council desires to reconstitute the Main Street Advisory Committee as the Main Street Advisory Board, which will continue to encourage participation in the Main Street revitalization program; establish goals and priorities for the Main Street Program; assist with business retention, expansion, and recruitment in the Main Street District; assist with implementation, participation, and fulfillment of the Main Street Program criteria under the Texas Main Street Program; and advise and support the Main Street Manager; and

WHEREAS, City Council finds it to be in the public interest to reconstitute the Main Street Advisory Committee as provided here;

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

SECTION ONE. The previously created Main Street Advisory Committee is reconstituted as the Main Street Advisory Board ("Board"), which will consist of seven (7) members at-large. A City Council member will serve as ex-officio. Each at-large member will be a voting member and meetings are subject to the City's policies, including the City's *Procedural Rules for Boards*, which requires compliance with the Texas Open Meetings Act. Each at-large member shall be subject to two-year terms; provided, however, that at the Board's first meeting following the adoption of this Resolution, the at-large members shall draw lots to establish the duration of the initial terms, with four at-large members serving an initial term of one year and the remaining three at-large members serving a two-year term. The expiration date of all at-large terms shall be May 31 of the year corresponding with the results of the drawing of lots. The initial one year terms will therefore expire May 31, 2015.

SECTION TWO. The Board shall elect its own officers, may establish its own procedural rules, and may adopt by-laws for the conduct of its business, to the extent that any such rules and by-laws do not conflict with the City Charter, City Code of Ordinances, or the City's *Procedural Rules for Boards*.

PASSED AND APPROVED ON this the _____ day of _____ A.D., 2014.

Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:

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

Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

Agenda Item:

7C. Resolution No. 13-2014 adopting the City of Kerrville Chapter 380 economic development program. (staff)

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

SUBJECT: Resolution No. 13-2014 Adopting the City of Kerrville Chapter 380 Economic Development Program

FOR AGENDA OF: May 27, 2014

DATE SUBMITTED: May 22, 2014

SUBMITTED BY: Ashlea Boyle *AB* **CLEARANCES:** Todd Parton, City Manager
Special Projects Manager Mike Hayes, City Attorney

EXHIBITS:

Resolution No. 13-2014

City of Kerrville Chapter 380 Economic Development Program Policies and Procedures

AGENDA MAILED TO:

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

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The City of Kerrville is committed to the promotion and retention of high quality development in the City and to ongoing and continuous improvements to the quality of life for its citizens. In 2011, the City developed an economic development policy designed to encourage high quality business, commercial, and manufacturing concerns to remain, expand, and locate within the City. The City seeks to enhance its economic development efforts to attract and retain high quality development and jobs by establishing a Chapter 380 Economic Development Program Policies and Procedures, in accordance with Chapter 380, Texas Local Government Code.

City staff and the Kerr Economic Development Corporation have developed this program to use as an economic tool and as means for promoting economic development. Attached with the policy is a resolution adopting the Chapter 380 Economic Development Program.

RECOMMENDED ACTION

Staff recommends approval of Resolution No. 13-2014 adopting the City of Kerrville Chapter 380 Economic Development Program.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 13-2014**

**A RESOLUTION ADOPTING THE CITY OF KERRVILLE
CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM**

WHEREAS, the City Council recognizes that fostering a vibrant, thriving local economy is critical to the future of this City; and

WHEREAS, toward that end, the City continues working on and prioritizing the nurturing of local businesses, encouraging entrepreneurship, advancing commerce, and creating jobs; and

WHEREAS, Texas law offers many options for local leaders seeking to generate economic development and opportunity; and

WHEREAS, some of those options include the Section 4B Economic Development Sales Tax and the Hotel Occupancy Tax, both of which the City has adopted to generate funding to be used for economic development activities and to increase tourism, respectively; and

WHEREAS, Chapter 380 of the Texas Local Government Code ("Chapter 380") provides significant legislative authority for Texas municipalities in the area of economic development; and

WHEREAS, Chapter 380 authorizes Texas cities to provide grants or loans of city funds or services in order to promote economic development; and

WHEREAS, Chapter 380 requires that in order for a city to provide a grant or a loan, it must "establish a program" to implement the incentive; and

WHEREAS, such a program should be outlined in a written document that includes, at a minimum, safeguards to help ensure that a public purpose is served by any incentive; and

WHEREAS, City staff recommends that the City adopt a Chapter 380 program to use as an economic tool and as a means promoting economic development; and

WHEREAS, City staff has developed the *City of Kerrville Chapter 380 Economic Development Program* and recommends its adoption by the City Council; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds that it is in the public interest to adopt the *City of Kerrville Chapter 380 Economic Development Program*;

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

The *City of Kerrville Chapter 380 Economic Development Program*, the provisions of which are set forth in **Exhibit A** attached hereto and incorporated herein by reference, is approved and adopted.

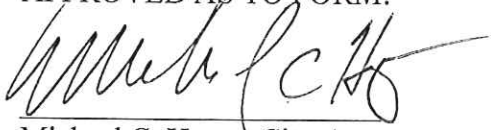
PASSED AND APPROVED ON this the ____ day of _____, 2014, A.D.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

CITY OF KERRVILLE CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM

I. General Statement of Purpose and Policy.

A. The City of Kerrville ("City") is committed to the promotion and retention of high quality development in the City and to ongoing and continuous improvements to the quality of life for its citizens. The City has previously developed an economic development policy¹ designed to encourage high quality business, commercial, and manufacturing concerns to remain, expand, and locate within the City. The City seeks to enhance its economic development efforts to attract and retain high quality development and jobs by establishing this, its *Chapter 380 Economic Development Program Policies and Procedures* ("Program"), in accordance with Chapter 380, Texas Local Government Code.

B. The City establishes this Program in an effort to develop and expand its local economy by promoting and encouraging development and redevelopment that enhance the City's economic base and a higher quality of life, diversifying and expanding job opportunities, or by promoting and encouraging projects that create additional revenue for the City without substantially increasing demand on City services or infrastructure. The ultimate goal and public purpose of this Program is to protect and enhance the City's fiscal ability to provide high quality municipal services for the safety, comfort, and enjoyment of City residents.

C. In furtherance of these objectives, the City will, on a case-by-case basis, consider providing economic incentives to applicants in accordance with this Program as authorized by Chapter 380 of the Texas Local Government Code.

D. Nothing in this Program is intended to imply or suggest that the City is obligated to provide economic incentives to an applicant. The City will consider each applicant on a case-by-case basis. The City's decision to approve or deny economic incentives is at the sole discretion of the City Council. Each applicant granted economic incentives pursuant to this Program must enter into an agreement with the City containing all terms required by this Program, other applicable City policies, and by state law to protect the public interest of receiving a public benefit in exchange for public funds, assets, and services invested to stimulate economic development in the City.

II. Program Requirements.

A. To be considered for incentives under this Program, a project must at least meet the following minimum requirements:

1. Either the project:

¹ See *Economic Development Strategy*, as adopted on or about March 18, 2011.

- a. will result in a minimum increase taxable value for the City of \$200,000.00 in real and business personal property, excluding inventory and supplies;
- b. will provide employment opportunities where a majority of the positions are offered at an average hourly rate that is greater than the median income for wage-earners within Kerr County, as determined by the most recent report of a state or federal agency; and/or
- c. is specifically determined by resolution of the City Council to bring benefit to the City consistent with the General Statement of Purpose and Policy as stated in Section I, above; and

2. In addition, the project

- a. is a “target industry” according to the City’s economic development policy or the targeted industry strategy as determined by the Kerrville Economic Development Corporation (“KEDC”);
- b. will make a unique or unequalled contribution to development or redevelopment efforts in the City due to its magnitude, significance to the community, or aesthetic quality; and/or
- c. will enhance the City’s fiscal ability to provide high quality municipal services for the safety, comfort, and enjoyment of City residents.

B. A project is not eligible for incentives under this Program if a building permit has been issued for the project prior to making application under this Program.

C. The City may provide incentives in accordance with this Program but only to the extent that the revenue realized by the City and attributable to a project exceeds a minimum amount established by an agreement. The public benefit or amount of revenue realized by the City and attributable to a project must be commensurate with the value of any incentives granted under this Program.

III. Additional Considerations.

City Council may consider the following additional factors in determining whether to authorize an agreement for incentives for a project:

- A.** the number and types of jobs to be retained or created;
- B.** the financial capacity of the applicant to undertake and complete the proposed project;
- C.** other incentive programs for which the applicant has applied or is qualified;

D. the market conditions and growth potential for the business activity; and/or

E. any other factors that the City Council finds helpful or relevant to accomplishing the City's economic objectives.

IV. Application Process.

A. An application for consideration as a project must be made on a form(s) supplied by KEDC. KEDC and/or the City may require an applicant to provide additional information to show compliance with the requirements of this Program and the terms of an agreement. If KEDC determines that an applicant has met the Program requirements, the Executive Director will prepare proposed terms of an agreement and make a presentation to the City Council.

B. The City Council may consider a proposed agreement and may take action on a proposal as it deems appropriate in its sole discretion. Nothing in this Program and nothing in the application form and process creates any property, contract, or other legal right in any person to have the City Council consider or grant incentives.

V. Agreement Terms.

An agreement for any project must include:

A. a timetable and list of the kind of improvements or development that the project will include and conditions to assure that the project meets or exceeds the City's requirements pertaining to property values and revenues, which may not be less than the minimum requirements established in II above;

B. a complete description of the location of the proposed project;

C. a timetable and list of the kind and amount of property values, revenues, incomes or other public benefits that the proposed project will provide;

D. the duration the agreement;

E. a provision identifying the method for calculating and source of funding for any grant, loan, or other incentives provided in the Agreement;

F. a provision providing a tangible means for measuring whether the applicant and other responsible parties have met their obligations under the agreement;

G. a provision providing for access to and authorizing inspection of the property and applicant's pertinent business records by a City representative in order to determine compliance with the agreement;

H. a provision for cancellation of the agreement and/or nonpayment of incentives if a Program is determined not to be in compliance with an agreement;

I. a provision for recapturing City funds granted or loaned, or for recapturing the value of other public assets granted or loaned, if the applicant does not meet its duties and obligations under the terms of the Agreement;

J. a provision that allows assignment of the agreement with prior written approval of the City Council or without the prior written approval of the City Council provided that:

1. all rights, duties, obligations and liabilities under the Agreement are assigned from the assignor to the assignee; and
2. the assignment is made subject and subordinate to the agreement and the Chapter Policies and Procedures; and
3. the assignment document is in a form and contains content acceptable to the City;

K. provisions relating to administration, delinquent taxes, reporting requirements, and indemnification;

L. a provision that the agreement may be amended by the parties by using the same procedure for approval as is required for entering into the agreement; and

M. such other provisions as the City Council deems appropriate.

Agenda Item:

7D. Appointment of mayor pro tem. (staff)

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

SUBJECT: Appointment of Mayor Pro Tem

FOR AGENDA OF: May 27, 2014

DATE SUBMITTED: May 9, 2014

SUBMITTED BY: Brenda Craig
City Secretary

BC

CLEARANCES: Todd Parton
City Manager

EXHIBITS: None

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

In accordance with the City Charter, Section 3.02, following the canvass of the regular election, the city council shall choose one of its members (other than the mayor) to serve as mayor pro tem.

RECOMMENDED ACTION

Select mayor pro tem.

Agenda Item:

8A. Budget/Economic update. (staff)

City of Kerrville
Month ending April 30 , 2014
 (Month 7 of FY14 Budget)

	Current Month	Year To-Date	% (58.33) to Budget	Prior Year To-Date
General Fund				
Total Revenues	\$1,355,890	\$15,938,845	72.51%	\$15,602,209
Property tax	\$98,692	\$8,031,803	95.90%	\$7,998,878
Sales tax	\$436,113	\$3,283,904	59.71%	\$3,129,970
Total Expenditures	\$1,928,850	\$12,523,404	57.95%	\$12,037,571

Water and Sewer Fund				
Total Revenues	\$777,860	\$5,559,894	53.02%	\$5,103,833
Water Sales	\$341,761	\$2,440,646	47.96%	\$2,691,853
Sewer Service	\$305,126	\$2,207,361	57.79%	\$2,011,004
Expenditures	\$685,034	\$4,897,300	49.11%	\$4,908,504

Hotel/Motel:				
Revenues	\$88,123	\$486,033	56.51%	\$474,024
Expenditures	\$1,500	\$453,043	52.74%	\$414,000

Unemployment: April 2014		Consumer confidence:		
National	6.3%	National	82.3%	up 19.3% over 2013
Texas	5.2%	Texas	114.4%	up 9.8% over 2013
Local	4.3%	(Sources: State Comptroller/WorkforceAlamo)		

Housing:				
<i>Statewide:</i>				
Building permits issued single family housing (increased 12% compared to 2013)				
Sales of existing single family house (increased .03% compared 2013)				
Median sale price for existing single family (increased 8.1% compared to 2013)				
(Source: State Comptroller)				
<i>Local:</i>				
<i>Permits Issued for New Residence</i>				
Oct - April 2013 - 19				
Oct - April 2014 - 33				

Agenda Item:

9A. Appointments to the Kerrville-Kerr County Joint Airport Board. (staff)

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

SUBJECT: Appointments to the Kerrville-Kerr County Joint Airport Board

FOR AGENDA OF: May 27, 2014 **DATE SUBMITTED:** May 22, 2014

SUBMITTED BY: Brenda Craig
City Secretary  **CLEARANCES:** Todd Parton
City Manager

EXHIBITS: Board List
Letter from Bruce McKenzie, Airport Manager, dated May 19, 2014

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

SUMMARY STATEMENT

The city council may consider three appointments to the Kerrville-Kerr County Joint Airport Board.

The attached letter from Bruce McKenzie, airport manager, states the airport board's recommendation for the reappointment of Corey Walters, Kirk Griffin, and Bill Wood.

In accordance with the interlocal agreement, the airport board recommends persons to the county and city for consideration of appointment. In the event a candidate(s) recommended by the board is not appointed by either party, the board shall recommend an alternative candidate. In the event the second candidate is not appointed by either party, the board shall select another candidate who will be automatically appointed to the board without the approval of the parties.

Candidate applications are attached separately for council's review and consideration.

RECOMMENDED ACTION

Consider appointments to the Kerrville-Kerr County Joint Airport Board, with terms to expire June 1, 2016.

KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
KING, STEVE (PL 2) President 242 Creekwood Rd. E-mail swking242@windstream.net	257-3063 (O) 285-3063 (C)	04-25-06	06-11-13	06-01-15
WALTERS, ROGER "COREY" Vice President (PL 1) 222 Sidney Baker South, Ste. 305 E-mail cw717@ktx.com	257-6300 (O) 257-1314 (H)	10-27-09	08-28-12	06-01-14
GRIFFIN, KIRK (PL 5) 109 Canyon Dr. W. P.O. Box 741 Hunt, TX 78024 E-mail agbq81@yahoo.com	830-459-3431 (C)	11-13-12		06-01-14
LIVERMORE, ED (PL 4) 3004 Pinnacle Club Ct. #2 E-mail elivermo@ktc.com	895-2820 (H)	08-23-11	06-11-13	06-01-15
WOOD, WILLIAM "BILL" (PL 3) 3004 Pinnacle Club Dr. #4 E-mail bill@satx.rr.com	896-7742 (H) 329-2891 (C)	08-28-12		06/01/14

Airport Board Staff:

Bruce McKenzie 896-9399 (O)
Airport Manager 329-3764 (C)
E-mail bruce.mckenzie@kerrvilleairport.com

Qualifications: It is deemed desirable that all board members possess and will contribute a balance of expertise in business, financial, aviation, or management training and experience.

Powers and Duties: The board may exercise on behalf of the city and county any power possessed by either and those specifically provided by the code, including the power to lease property and facilities, and to buy and sell goods as an incident to the operation of the airport. However, the board is not authorized to impose a property tax, sell bonds, or otherwise enter into other debt instruments, dispose of airport property, or exercise the power of eminent domain without the prior written consent of the city and county. The board, following the prior written consent of the city and county, has the authority to apply for and to execute grant funding agreements. The board may improve, equip, maintain, operate, manage, regulate, protect, and police the airport. The board may realign, alter, acquire, abandon, or close a portion of a roadway or alleyway without a showing of paramount importance if the portions to be realigned, altered, acquired, abandoned, or closed are in the geographical boundaries of the airport at the time of or after the realignment, alteration,

acquisition, abandonment, or closing. The board shall have the responsibility and be in charge of the property, improvements, and other assets of the airport and shall be in charge of the disbursement of airport funds for airport purposes. The board shall also cause records to be kept of any and all revenues and disbursements. The board shall establish a fund to be maintained for the purpose of depositing all revenues of the airport. This fund shall be kept and managed by the board and shall be established at a bank with a branch in Kerr County. Federal, state, or other contributions or loans and the revenue obtained from the operation of the airport shall be deposited to the credit of the joint fund. The board shall have an audit of the financial affairs of the board and its operation of the airport conducted each year by an independent accountant and shall furnish the audit to the city and county no later than December 1 of each year. The board shall ensure that all records regarding the operation of the airport are maintained, retained, and made available for public review in accordance with the Texas Public Information Act. All records shall be maintained at the airport. The board shall hire and employ an airport manager ("manager") and such other employees as are necessary for the operation of the airport. The board, through its manager and any other employees, shall be responsible for the day-to-day management of the airport. Toward that end, the board is authorized to enter into service contracts with other public or private entities. The board may adopt resolutions, rules, and orders for the operation of the airport. The board may lease airport property and may adopt fees and rental rates with respect to the use of airport services or use of airport property. Such fees and rates should be, to the extent possible, included within the board budget. The city and county acknowledge that the airport property is within the city's limits and is subject to the city's regulations. However, the board shall monitor and consider appropriate zoning for the airport and the immediately surrounding areas whose use may impact airport operations. The board shall adopt policies and procedures for the purchase of goods and services and for the accounting of the airport's finances, each in accordance with state law.

The board may insure itself, its contractors and subcontractors against liability arising from the operation of the airport for damages to the person or property of others, workers' compensation, and officers' and employees' liability. The board shall comply with the code and other state laws and local laws in all respects.

Number of Members:

Five members: 1) The Board shall recommend persons to the County and City for consideration of appointment. The Board shall submit the names of such persons to each Party at least 60 days prior to the end of the particular place's term. In the event that a candidate recommended by the Board is not appointed by either Party, the Board shall recommend an alternative candidate. In the event that this second candidate is not appointed by either Party, the Board shall select another candidate who will be automatically appointed to the Board without the approval of the parties. 2) It is deemed desirable that all Board members possess and will contribute a balance of expertise in business, financial, aviation, or management training and experience. Appointments shall be made on or before June 1 of each year. 3) Replacement of members shall be made on or before June 1 of each year. 3) Replacement of members shall be in the same manner and under the same qualification as described above with such replacement being appointed to fulfill only that portion of the remaining term. 4) Any Board member may be removed by a majority vote of each Party, for any reason. In addition, the Board may recommend to the County and City that a Board member be removed. 5) Board members shall be eligible for reappointment, but Board members are prohibited from serving more than 3 consecutive, 2-year terms. Only reappointments made after October 1, 2011 shall count toward this limitation.

Term of Office: Each board member shall be appointed for a two year term and shall continue to Serve in this capacity until their successor is appointed and is duly qualified. Upon the death of any member or should any member resign or for any reason become unable to serve, a replacement shall be appointed in the same manner as provided to fill the vacancy for the unexpired term. The terms of those board members who are serving in Place 1, 3 or 5 shall expire on June 1, 2010. The terms for those board members appointed to Places 2 and 4 shall expire on June 1, 2011. Board members shall be eligible for reappointment.

Meeting Time & Place: Third Monday of each month, 8:30 a.m. at Airport Terminal Building, Louis Schreiner Field Airport, 1877 Airport Loop Road, Kerrville, Texas. All such meetings of the board shall be held in accordance with the Texas Open Meetings Act.

Established by: Interlocal Agreement between the City of Kerrville, Texas and Kerr County, Texas. Ordinance No. 2004-21 (replaced in its entirety); amended by Resolution No. 069-2008 (joint management)
Code of Ordinances: Chapter 22 - Article II - Section 22-31 through 22-33

Revised: May 29, 2013



Kerrville/Kerr County Airport
Bruce McKenzie, Airport Manager
1877 Airport Loop
Kerrville, TX 78028
bruce.mckenzie@kerrvilleairport.com

May 19, 2014

Kerrville City Council
City of Kerrville
701 Main Street
Kerrville, TX 78028

Dear Council,

The terms of three Airport Board members (Corey Walters, Bill Wood, and Kirk Griffin) will expire June 1, 2014. At the May 19, 2014, Airport Board meeting Mr. Walters, Mr. Wood, and Mr. Griffin agreed to serve another term. It is the recommendation of the Airport Board that the Kerrville City Council accepts and approves their reappointment.

Pursuant to the Interlocal Agreement, which became effective September 29, 2011, this letter is to inform the City of Kerrville of the intentions of the Board members. The City Council has previously approved these members to serve on the Airport Board.

Thank you,

A handwritten signature in blue ink, appearing to read "Bruce McKenzie", with a stylized flourish at the end.

Bruce McKenzie
Airport Manager
Kerrville/Kerr County Airport

Agenda Item:

9B. Appointment of councilmembers to city boards and commissions. (staff)

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

SUBJECT: City Council Appointments to Various Boards and Commissions

FOR AGENDA OF: May 27, 2014

DATE SUBMITTED: May 13, 2014

SUBMITTED BY: Brenda Craig 
City Secretary

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Board Lists

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

SUMMARY STATEMENT

Consider councilmember appointments to the following boards:

CITY BOARD	EXISTING COUNCIL REPRESENTATIVE	PROPOSED COUNCIL REPRESENTATIVE
Airport Planning Committee	Jack Pratt Carson Conklin	
Audit Committee	Gene Allen Justin MacDonald	
Beautification Advisory Committee	Jack Pratt	
Economic Improvement Corporation	Stacie Keeble	
Food Service Advisory Board	Stacie Keeble	
Golf Course Advisory Board	Carson Conklin	
Kerrville Economic Development Corporation	Carson Conklin	
Kerrville Public Utility Board	Jack Pratt	
Library Advisory Board	Justin MacDonald	
Main Street Advisory Board	Gene Allen	
Municipal Court Review Committee	Jack Pratt Stacie Keeble	
Parks and Recreation Advisory Board	Gene Allen	
Planning and Zoning Commission	Justin MacDonald	
Playhouse 2000	Stacie Keeble	
Zoning Ordinance Input Committee (ZOIC)	Justin MacDonald	

RECOMMENDED ACTION

Consider appointments.

KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
KING, STEVE (PL 2) President 242 Creekwood Rd. E-mail swking242@windstream.net	257-3063 (O) 285-3063 (C)	04-25-06	06-11-13	06-01-15
WALTERS, ROGER "COREY" Vice President (PL 1) 222 Sidney Baker South, Ste. 305 E-mail cw717@ktx.com	257-6300 (O) 257-1314 (H)	10-27-09	08-28-12	06-01-14
GRIFFIN, KIRK (PL 5) 109 Canyon Dr. W. P.O. Box 741 Hunt, TX 78024 E-mail agbq81@yahoo.com	830-459-3431 (C)	11-13-12		06-01-14
LIVERMORE, ED (PL 4) 3004 Pinnacle Club Ct. #2 E-mail elivermo@ktc.com	895-2820 (H)	08-23-11	06-11-13	06-01-15
WOOD, WILLIAM "BILL" (PL 3) 3004 Pinnacle Club Dr. #4 E-mail bill@satx.rr.com	896-7742 (H) 329-2891 (C)	08-28-12		06/01/14

Airport Board Staff:

Bruce McKenzie 896-9399 (O)
Airport Manager 329-3764 (C)
E-mail bruce.mckenzie@kerrvilleairport.com

Qualifications: It is deemed desirable that all board members possess and will contribute a balance of expertise in business, financial, aviation, or management training and experience.

Powers and Duties: The board may exercise on behalf of the city and county any power possessed by either and those specifically provided by the code, including the power to lease property and facilities, and to buy and sell goods as an incident to the operation of the airport. However, the board is not authorized to impose a property tax, sell bonds, or otherwise enter into other debt instruments, dispose of airport property, or exercise the power of eminent domain without the prior written consent of the city and county. The board, following the prior written consent of the city and county, has the authority to apply for and to execute grant funding agreements. The board may improve, equip, maintain, operate, manage, regulate, protect, and police the airport. The board may realign, alter, acquire, abandon, or close a portion of a roadway or alleyway without a showing of paramount importance if the portions to be realigned, altered, acquired, abandoned, or closed are in the geographical boundaries of the airport at the time of or after the realignment, alteration,

acquisition, abandonment, or closing. The board shall have the responsibility and be in charge of the property, improvements, and other assets of the airport and shall be in charge of the disbursement of airport funds for airport purposes. The board shall also cause records to be kept of any and all revenues and disbursements. The board shall establish a fund to be maintained for the purpose of depositing all revenues of the airport. This fund shall be kept and managed by the board and shall be established at a bank with a branch in Kerr County. Federal, state, or other contributions or loans and the revenue obtained from the operation of the airport shall be deposited to the credit of the joint fund. The board shall have an audit of the financial affairs of the board and its operation of the airport conducted each year by an independent accountant and shall furnish the audit to the city and county no later than December 1 of each year. The board shall ensure that all records regarding the operation of the airport are maintained, retained, and made available for public review in accordance with the Texas Public Information Act. All records shall be maintained at the airport. The board shall hire and employ an airport manager ("manager") and such other employees as are necessary for the operation of the airport. The board, through its manager and any other employees, shall be responsible for the day-to-day management of the airport. Toward that end, the board is authorized to enter into service contracts with other public or private entities. The board may adopt resolutions, rules, and orders for the operation of the airport. The board may lease airport property and may adopt fees and rental rates with respect to the use of airport services or use of airport property. Such fees and rates should be, to the extent possible, included within the board budget. The city and county acknowledge that the airport property is within the city's limits and is subject to the city's regulations. However, the board shall monitor and consider appropriate zoning for the airport and the immediately surrounding areas whose use may impact airport operations. The board shall adopt policies and procedures for the purchase of goods and services and for the accounting of the airport's finances, each in accordance with state law.

The board may insure itself, its contractors and subcontractors against liability arising from the operation of the airport for damages to the person or property of others, workers' compensation, and officers' and employees' liability. The board shall comply with the code and other state laws and local laws in all respects.

Number of Members: Five members: 1) The Board shall recommend persons to the County and City for consideration of appointment. The Board shall submit the names of such persons to each Party at least 60 days prior to the end of the particular place's term. In the event that a candidate recommended by the Board is not appointed by either Party, the Board shall recommend an alternative candidate. In the event that this second candidate is not appointed by either Party, the Board shall select another candidate who will be automatically appointed to the Board without the approval of the parties. 2) It is deemed desirable that all Board members possess and will contribute a balance of expertise in business, financial, aviation, or management training and experience. Appointments shall be made on or before June 1 of each year. 3) Replacement of members shall be made on or before June 1 of each year. 3) Replacement of members shall be in the same manner and under the same qualification as described above with such replacement being appointed to fulfill only that portion of the remaining term. 4) Any Board member may be removed by a majority vote of each Party, for any reason. In addition, the Board may recommend to the County and City that a Board member be removed. 5) Board members shall be eligible for reappointment, but Board members are prohibited from serving more than 3 consecutive, 2-year terms. Only reappointments made after October 1, 2011 shall count toward this limitation.

Term of Office: Each board member shall be appointed for a two year term and shall continue to Serve in this capacity until their successor is appointed and is duly qualified. Upon the death of any member or should any member resign or for any reason become unable to serve, a replacement shall be appointed in the same manner as provided to fill the vacancy for the unexpired term. The terms of those board members who are serving in Place 1, 3 or 5 shall expire on June 1, 2010. The terms for those board members appointed to Places 2 and 4 shall expire on June 1, 2011. Board members shall be eligible for reappointment.

Meeting Time & Place: Third Monday of each month, 8:30 a.m. at Airport Terminal Building, Louis Schreiner Field Airport, 1877 Airport Loop Road, Kerrville, Texas. All such meetings of the board shall be held in accordance with the Texas Open Meetings Act.

Established by: Interlocal Agreement between the City of Kerrville, Texas and Kerr County, Texas. Ordinance No. 2004-21 (replaced in its entirety); amended by Resolution No. 069-2008 (joint management)
Code of Ordinances: Chapter 22 - Article II - Section 22-31 through 22-33

Revised: May 29, 2013

CITY OF KERRVILLE BEAUTIFICATION ADVISORY COMMITTEE

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
DOUGLASS, BRANDON Chair 909 Tanglewood Lane	739-9882 (O)	12-11-12		12-11-13
WILLIAMSON, JAMES Vice-Chair Secretary 432 Fitch Street	257-2860 (H) 257-9673 (W)	08-13-13		12-11-14
RISHER, JOHN 114 Crestwood Dr.	459-3336 (H)	05-28-13		12-11-13
SPRADLING, JIMMY 1725 Foothills Dr.	792-5082 (H)	05-28-13		12-11-14
TRITENBACH, DAVID 216 Riverhill Blvd.	895-1953 (H)	12-11-12		12-11-14

COUNCIL EX-OFFICIO: Jack Pratt

Qualifications: Resident of the city.

Purpose:

- Evaluate the community on issues and matters pertaining to beautification of the community and to provide a report to the City Council;
- Educate the public and increase awareness regarding beautification of the community;
- Prepare and implement a beautification recognition program as approved by the City Council;
- Coordinate community beautification efforts;
- Prepare and present to the City Council for its consideration and approval a set of goals and objectives for a community beautification program; and
- Provide a report to the City Council at least twice a year on Kerrville Beautification Advisory Committee matters.

Term of Office: Two years; maximum of two consecutive terms

Quorum: Majority

Number of Members: Minimum of three, no more than five.

Meeting Time & Place: First Thursday of each month.

Established by: Resolution 40-2012, November 13, 2012

Revised: October 9, 2013

ECONOMIC IMPROVEMENT CORPORATION

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
WAMPLER, DAVID President 411 Bobwhite	895-3600 (O) 896-7832 (H)	05-22-12		06-01-14
EARLY, KENNETH Vice-President 2756 Indian Wells Dr. E	792-1966 (O) 928-3264 (C)	05-24-11	05-28-13	06-01-15
BOYLAND, REX Secretary P.O. Box 29004 1343 Bandera Hwy. #112	895-8028 (O) 257-0042 (H)	05-25-10	05-22-12	06-01-14
COCHRANE, GARY 2305 Birkdale Ln.	896-8808 (O) 459-8808 (H)	12-13-11	05-28-13	06-01-15
HOWARD, LARRY 650 Oakland Hill Ln.	895-4400 (O) 895-1988 (H)	05-24-11	05-28-13	06-01-15
KEEBLE, STACIE 3533 La Cumbre Drive	895-7725 (H) 377-7103 (C)	05-24-11	05-28-13	06-01-15
RICKERT, POLLY 2768 Indian Wells	830-997-5855 (O) 210-264-1305 (H)	09-13-11	05-22-12	06-01-14
CITY STAFF:				
Ashlea Boyle Special Projects Manager	258-1153 (O)			

Qualifications: Resident of the city and at least three directors must be persons who are not employees, officers or members of the governing body of the city.

Purpose: Benefiting and accomplishing public purposes of the city permitted by Section 4B of the Act including, but not limited to, the promotion and development of industrial and manufacturing enterprises to promote and encourage employment and the public welfare, and financing the acquisition, construction and/or equipping, and/or the maintenance and operating costs of any "Project" (as defined in Section 4B of the Act).

Term of Office: Two years; maximum of two consecutive terms

Quorum: Majority

Number of Members: Seven

Meeting Time & Place: Third Monday, 4:00 p.m., City Hall Council Chambers

Established by: Resolution No. 1995-112, amended by Resolution Nos. 1999-184; 032-2009

Revised: May 29, 2013

FOOD SERVICE ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
HUGHES, BRENDA Chairperson 709 Galbraith Ave.	257-4540 (O) 370-3614 (H)	12-13-11	11-12-13	12-01-15
ARCHER, TYLER Vice-Chairperson 240 Valley View	210-372-2812 (O) 257-7000 (H)	12-13-11	11-12-13	12-01-15
DITTMAR, REBECCA 155 Aqua Vista	353-1305 (O) 896-9037 (H)	12-11-12		12-01-14
GONZALES, DAVID C. 209 Orange Frdrcksbrg, TX 78624	830-315-2750 (O) 940-452-5486 (H)	08-27-13		12-01-14
DAINELLE LOGAN 406 Ave. B	257-2215 (C) 936-239-8224 (H)	11-12-13		12-01-15
VAZQUEZ, ABEL 158 Valley View	257-0606 (O) 896-9899 (H)	01-11-11	12-11-12	12-01-14
YOUNG, DARRELL 1326 Ranchero Rd.	257-0800 (O) 896-1852 (H)	12-11-12		12-01-14
COUNCIL LIAISON: STACIE KEEBLE 3533 La Cumbre Dr.	895-7725 (H)			
CITY STAFF: Danny Batts Director of Bldg. Svcs.	258-1178 (O) 896-0517 (F)			

Qualifications: Shall be composed of local certified food managers from the food service or food processing industry, any member of the local restaurant association who owns or conducts business in the city of Kerrville or any citizen of Kerr County qualified by training and/or experience to advise on the application of the food code.

Powers and Duties: To hear appeals and make recommendations to the health official for variances from provisions of the code; to provide assistance to the health official concerning interpretations of the code; to advise the city manager, at his request, regarding the suspension or revocation of food permits; and to consider and make recommendations to city council regarding any matters relating to the food service program.

Term of Office: Two Years; no member shall serve more than two consecutive terms.

Quorum: Four

Number of Members: Seven

Meeting Time & Place: Quarterly (Mar, Jun, Sep & Dec), Third Tuesday, 3:00 p.m., Council Chambers

Absences: Any member who misses three consecutive regular meetings shall thus cause his/her seat on the board to become vacant. The council shall then appoint a new member to fill the vacancy.

Established by: Ordinance 1989-30; amended by Ordinance 1994-11
Code of Ordinances: Chapter 58 - Article II - Section 58-34

Revised: December 11, 2013

GOLF COURSE ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
BIRDSALL, GRAHAM 721 Riverhill Blvd.	896-8022 (H)	09-11-12		07-01-14
BOWYER, ROD 2955 Dry Hollow	739-0099 (C)	07-23-13		07-01-15
HOWARD, JAMES 1312 Water St.	903-399-3011 (H) 890-5464 (O)	08-24-10	07-23-13	07-01-15
MAXWELL, GREG 253 HighRidge	377-2903 (H) 315-5555 (O)	07-09-13		07-01-15
McCARTER, CHARLES 937 Myrta	210-286-4646 (C) 895-1112 (H)	09-11-12		07-01-14
MITCHEL, JEFFREY 115- Cypress Creek Rd.	210-218-2164 (C)	07-09-13		07-01-15
STERN, ALLEN 2565 Bandera Hwy.	895-2892 (H) 739-5353 (O)	09-11-12		07-01-14
COUNCIL LIAISON: Carson Conklin 720 Earl Garrett	895-5202 (O)			
CITY STAFF: Kristine Ondrias Assistant City Manager	258-1106 (O)			
Scott McDonough General Manager of Golf & Tennis	258-1400 (O)			

Qualifications: Of the seven (7) regular voting members appointed by the City Council, six (6) shall be residents of the City of Kerrville, Texas, and one (1) member may reside outside the City but within Kerr County.

Purpose and Duties: The purpose of the Board is to advise the City Council and city staff on matters relating to the operation of the Scott Schreiner Municipal Golf Course.

Term of Office: Two Years. No member shall serve more than two consecutive full terms without having at least one full year off of the Board between terms.

Vacancies: Upon the vacancy, removal, or expiration of the term of office of any member, the city council shall appoint a successor who shall hold that position for the unexpired term or for the period of two years when the appointment is made as the result of the expiration of a board member's term.

Quorum: Four members of the board, excluding liaison members.

Number of Members: Seven

Meeting Time & Place: Fourth Wednesday, every other month, at 4:30 p.m.; City Council Chambers

Absences: The name of any member having three consecutive absences from regularly called meetings of the board, or who in any consecutive twelve-month period is absent from more than 25 percent of the regularly called meetings, shall be forwarded to the city council for consideration for removal and replacement on the board.

Established by: Resolution No. 037-2009, which repealed Resolution Nos. 99-230, 99-307, 080-2000, and 136-2004

Revised: July 24, 2013

Kerrville Economic Development Corporation
Board of Directors

Carson Conklin
President
830-258-1110

David Wampler
830-895-3600

Don Barnett
830-257-2191

Tracy McCuan
Treasurer
Board Member
830-792-8230

Kyle Bond
Board Member
830-257-8233

Charlie McIlvain
Board Member
830-792-3535

Dan Troxell
Board Member
830-257-2200

Judge Tom Pollard
830-792-2211

Thomas Houdeshell
Vice President
830-792-1156

Jonas Titas
Executive Director
830-896-1157

Leah Dixon
Executive Assistant
830-896-1157
leahdixon@kerr-edc.com

KEDC Mailing Address:
1700 Sidney Baker #100
Kerrville, TX 78028

KERRVILLE PUBLIC UTILITY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
SAMPLE, JOHN Chairman P.O. Box 291341 355 W. Main	257-6625 (H)	04-22-09	03-11-14	04-21-19
GAMBLE, FRED Vice Chairman 715 Travis	257-5135 (H)	04-22-10		04-21-15
FINE, STEPHEN Secretary 1210 Virginia Dr.	257-6020 (O) 896-2934 (H)	03-28-06	04-22-11	04-21-16
STACY, PHILIP Treasurer P.O. Box 222 Hunt, TX 78024	792-1990 (O) 830-367-7007 (H)	02-28-12		04-21-17
PRATT, JACK Mayor P.O. Box 294000	895-2214 (O)	05-22-12		05-22-14
Staff McCUAN, TRACY General Manager P.O. Box 294999	257-3050 (O)			

Qualifications: Citizen of the United States of America who reside or conduct business on a full-time basis in Kerr County, Texas and who use the system for personal, residential, business and/or company use. No person who is related within the second degree of consanguinity or affinity to any member of the board of trustees shall be eligible for election as a member of the board.

Vacancies: All vacancies shall be filled by the city council from nominations of at least three persons for each position to be filled by the majority vote of the remaining members of the board of trustees. If the city council does not act upon such nominations within 30 days after submission in writing to the city council, the board of trustees by majority vote of the remaining members shall nominate three additional persons for each position to be filled. If the city council does not act upon such additional nominations within 30 days after submission of such additional nominations, the board shall be empowered to fill such vacancies by the majority vote of the remaining members of the board of trustees.

Powers: To take, have and exercise exclusive possession and control of the system, and all additions thereto, and to collect, and enforce the collection of all funds and revenues that may be or become owing or that may arise out of the operation of the system, and to disburse the same. To fix all rates for all services to be

furnished by the system, with the power to alter the same at any time or times, subject to approval of the city council of the city of Kerville. To employ and pay the compensation of a general manager of the system, and attorneys, engineers and other professional or technical aids as may be necessary. To do any and all things necessary in reference to the installing and maintaining of a complete system of records and accounts pertaining to the system and to make monies available for the payment of revenue bonds.

Term of Office: Five years; a person who has served as a member of the Board for an initial term shall be eligible to be re-appointed for one additional consecutive term of five years, and one only, but may serve for any number of non-consecutive terms so long as such member has not served as a member of the board for at least two years next preceding the term for which such member is appointed. A member who is appointed to the board to serve out an unexpired portion of a retired member's term shall not be considered to have served a "term" unless the unexpired portion of the term so served is two years or more. Permanent removal of residence from, or the failure to conduct business on a full-time basis in Kerr County by any member of the board shall vacate his office as a member of the board.

Quorum: Three

Number of Members: Five

Meeting Time & Place: Third Thursday, 8:30 a.m., 2250 Memorial Blvd.

Absences: Any member of the board, other than the Mayor, who shall be continuously absent from all meetings held by the board for a period of four consecutive months shall, unless he shall have been granted leave of absence by the unanimous vote of the remaining members of the board, be considered to have vacated his office as a member of the board.

Established by: Ordinance No. 1987-45 (purchase); Resolution 1987-106 (Board);

Revised: March 12, 2014

LIBRARY ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
JONES, THOMAS 207 Lakewood Dr.	210-289-5483 (O) 257-5635 (H)	07-05-12	12-10-13	11-22-15
KENWORTHY, JEANINE 115 Erin Drive	370-3613 (H)	06-11-13	12-10-13	11-22-15
BROWN, GAIL 423 Fitch St.	895-9720 (H)	12-10-13		11-22-15
* SMITH, JANE 2009 Crown View Dr.	792-9144 (H)	04-22-13		11-22-14
WARD, JUDY CARR 103 Creekside Dr.	895-3740 (H)	11-23-10	11-13-12	11-22-14
<u>EX OFFICIO MEMBER:</u>				
Justin MacDonald (H) 524 Oakland Hills (O) 2951 Fall Creek Rd.	257-5323 (O) 896-4821 (H)	05-22-12		
<u>CITY STAFF:</u>				
Laura Bechtel Library Director 505 Water Street	258-1260 (O)			
Kim Meisner Director of General Operations 701 Main Street	258-1140 (O) 377-7691 (C)			

Qualifications: Members must maintain a library card in good standing.

Powers and Duties: The Board is an advisory board to the city council; shall have the authority to hold meetings within the city and to consider and make recommendations to the Council from time to time on any and all matters pertaining to the Library. Upon a majority vote of the total membership.

Term of Office: All Board appointments shall serve two (2) year terms. No Board member shall serve more than two (2) consecutive two (2) year term on the Board without having at least one (1) full year off of the Board between terms. A majority of the members' terms shall expire in even-number years with the remaining members' terms expiring in odd-numbered years.

Quorum: Three members

Number of Members: Five members

Meeting Time & Place: Third Tuesday of Every Month; 3:00 pm; Butt-Holdsworth Memorial Library

Absences: Any member who is absent from twenty-five percent (25%) of the board's regular meetings during any twelve (12) month period, or who is absent from any three (3) consecutive regular meetings, shall be considered for removal by the City Council. The staff member has the responsibility of reporting a member's non-attendance to the City Council in writing, and the City Secretary shall notify the board member in writing that their non-attendance has been reported to the City Council. However, a member whose absences are directly related to a medical or family emergency may seek consideration from the board upon which they serve to qualify such absences as excused.

Established by: Ordinance No. 1967-17; amended by Ordinance Nos. 80-5, 84-14, 84-58, 85-01, 87-24, 87-60, 87-61, and 2005-19 (in its entirety); Resolution Nos. 045-2006, 107-2006, 076-2007, and 122-2007 did not change this board. Code of Ordinances: Chapter 66 - Article II – Sections 66-31 through 66-34; Amended by Ordinance No. 2010-05; Amended by Ordinance No. 2011-16.

Revised: December 16, 2013

* Appointed by Friends of the Butt-Holdsworth Memorial Library

MAIN STREET ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
FRANKLIN, MINDI Chairperson 521B Wigwam Lane	830-928-9357 (H) 792-6200 (W)	07-23-13		01-31-15
BOLTON, SCOTT Vice-Chairperson 1207 Virginia Dr.	792-7089 (H) 896-0098 (W) 832-978-3949 (C)	07-23-13		01-31-15
COBBS, STAN 521 Guadalupe St. #1202	895-8771 (O) 257-4236 (H) 459-5831 (C)	01-24-12	01-28-14	01-31-16
EDWARDS, TAMI 134 Kodiak Trail	367-2012 (H) 210-827-9938 (C)	01-28-14		01-31-16
MARTIN, DAVID 1717 Foothills Dr.	895-1313 (O) 895-1857 (H) 830-459-9747 (C)	05-08-12	01-28-14	01-31-16
RECTOR, WILLIAM 705 Water Street	257-3348 (H) 896-6622 (W) 739-2519 (C)	08-13-13	01-28-14	01-31-16
VACANT				01-31-15
VACANT				01-31-15
VACANT				01-31-15
COUNCIL LIAISON:				
Gene Allen	895-5111 (O)			
2106 Vista Ridge Dr.	792-4651 (H)			
1221 Junction Hwy				
CITY STAFF:				
Ashlea Boyle	258-1153			
Special Projects Manager				

Powers and Duties: To encourage participation in the Main Street Revitalization Program; to establish goals and priorities for the Main Street Program; to review design appropriateness for the purpose of participation in the main street low-interest loan program and incentive grant projects; and to advise and support the main street program manager.

Term of Office: Two years with a maximum of two full successive terms (Bylaws)

Quorum: Five members

Number of Members: Nine

PARKS AND RECREATION ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
ALFORD, NANCY E. 2213 Singing Wind	214-663-9903 (C)	03-27-12	04-09-13	03-31-15
KAYNE, JACKLYN 3564 Fredericksburg Rd.	895-7524 (W) 895-7962 (H)	03-11-14		03-31-16
LENARD, CAROL 70 Apache Dr.	928-8499 (C)	04-09-13		03-31-15
LIPSCOMB, DAVID 909 Lake Drive	895-4232 (H)	04-12-11	04-09-13	03-31-15
MUNSON, JAY 808 Lloyd Drive	257-2212 (W) 792-4394 (H) 370-8344 (C)	03-11-14		03-31-16
MUSE, BILL 2956 Oak Park Dr.	928-7028 (C) 792-7355 (W)	4-09-13		03-31-15
SCOTT-JOHNSON, MEG 438 Timber Ridge Dr.	713-724-4168 (C) 257-0022 (H)	03-27-12	03-11-14	03-31-16
WALLACE, ED 131 Royal Oaks	257-5272 (H) 377-0455 (C)	11-30-11	04-09-13	03-31-15
COUNCIL LIAISON:				
Gene Allen 2106 Vista Ridge Dr. 1221 Junction Highway	895-5111 (O)			
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.

PLANNING AND ZONING COMMISSION

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
WATTERSON, DAVID Chair 177 Phoenix Dr.	634-3300 (O) 377-6400 (C)	01-12-10	12-10-13	01-01-16
WALLER, ROBERT 33 Antelope Trail Vice-Chair	792-6088 (H) 896-2950 (O)	07-09-13		01-01-15
HARMON, GARRETT 701 Lee Street	895-4510 (O) 285-2151 (C)	06-25-13		01-01-15
MORGAN, WILLIAM 1744 Glen Road	739-9655 (O) 257-6263 (H)	01-22-13		01-01-15
MOTHERAL, R. BRUCE 710 Overhill Drive	257-2087 (H) 257-6360 (W)	01-14-14		01-01-16

ALTERNATES:

MALONE, DOYLE 208 Spring Mill Dr.	257-8755 (H)	07-23-13	12-10-13	01-01-16
ZUBER, RUSTIN 112 Harmon Way	895-2829 (O) 895-4913 (H)	12-10-13		01-01-15

COUNCIL LIAISON:
Justin MacDonald
2951 Fall Creek Road
257-5323 (O)

CITY STAFF:
Jason Lutz
Senior Planner
258-1184 (O)

Qualifications: At least four of the regular members shall be residents and eligible voters of the city; one regular member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County. At least one alternate member shall be a resident and eligible voter of the city; one alternate member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County.

Powers and Duties: 1. Shall formulate and recommend to the city council for adoption a Comprehensive Plan for the orderly growth and development of the city and its environs. On a yearly basis the commission shall review and if necessary recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the city.

2. Shall formulate a zoning plan (ordinance) as may be deemed best to carry out the goals of the Comprehensive Plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in state law.
3. Shall exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as set out by state law and the city's subdivision regulations.
4. Shall initiate for consideration at public hearings, proposals for the original zoning of annexed areas or for the change of zoning district boundaries on an area wide basis.
5. Shall consider and take appropriate action, upon written request, variances as prescribed to the city's subdivision and sign regulations.
6. Shall from time to time recommend such changes to the subdivision regulations, sign regulations, and any other ordinance the city council assigns to their review that will facilitate the general health, safety and welfare of the citizens of the city.

Term of Office: Two years. No regular member shall serve more than three consecutive full terms on the Commission without having at least one full year off the Commission between terms.

Quorum: Three (may include an alternate member but only where substitution for and acting as a regular member)

Number of Members: Five regular members and two alternates.

Meeting Time & Place: First and third Thursdays, 4:30 p.m., City Hall

Absences: Any member who is absent from twenty-five percent (25%) of the board's regular meetings during any twelve (12) month period, or who is absent from any three (3) consecutive regular meetings, shall be considered for removal by the city council. The staff member has the responsibility of reporting a member's non-attendance to the city council in writing, and the city secretary shall notify the board member in writing that their non-attendance has been reported to the city council. However, a member whose absences are directly related to a medical or family emergency may seek consideration from the board upon which they serve to qualify such absences as excused.

Established by: Minutes of 12-18-44 Council meeting; amended by Ordinance Nos. 1979-37, 1987-24, and 2008-24 (which deleted from Code of Ordinances book Chapter 82 – Article II – Sections 82-31 through 82-36 and rolled into Zoning Code which is not codified)

Revised: March 7, 2014

Playhouse 2000
Board of Directors
As of January 1, 2014

Officers

Kit Werlein , President 110 Loma Vuelta Kerrville, TX 78028	Attorney, JD, CTFA 700 Jefferson St Kerrville TX 78028	(830) 792-3048
--	--	----------------

Tom Terrell , Vice-President (Nominating Committee Chair) 111 Loma Vuelta Kerrville, TX 78028	Attorney at Law 413 Sidney Baker Kerrville TX 78028	(830) 896-5677
---	---	----------------

Christopher Distel , Secretary/Treasurer 632 Galbraith Kerrville, TX 78028	Assist. Professor of Biology Schreiner University	(830) 792-7470
---	--	----------------

Stacie Keeble , City of Kerrville Representative 3533 LaCumbra Kerrville, TX 78028		(830) 377-7103
---	--	----------------

Directors

Susan Neely Balentine 330 Valley Drive Kerrville, TX 78028	Co-Founder, Playhouse 2000	(830) 285-5419
---	----------------------------	----------------

Arthur Bell (Nominating Committee) P.O. Box 706 Ingram TX 78025		(281) 799-4517
---	--	----------------

Roxie Orms 858 Harper Road Kerrville, TX 78028		(830) 824-5125
---	--	----------------

Gene Smith One Antelope Trail Kerrville, TX 78028		(830) 257-2428
--	--	----------------

Paul Stafford 38 Antelope Trail Kerrville, TX 78029		(830) 895-3079
--	--	----------------

Nancy Watts 522 Fairway Dr Kerrville, TX 78028	Nancy Watts Interiors, Inc.	(830) 370-1699 (830) 257- 0100
---	-----------------------------	-----------------------------------

James Wilson (Nominating Committee) 410 Spring Mill Drive Kerrville, TX 78028	James E. Wilson & Co., Inc. P.O. Box 294749 Kerrville, TX 78029	(713) 249-2634
---	---	----------------

Staff

Jeffrey Brown, Executive Director
285 Katie Court
Boerne, TX 78006
(Spouse: Jane)

Playhouse 2000, Inc.
305 Washington St.
Kerrville, TX 78028

(830) 896-9393 x303
(830) 708-9410 (c)

ZONING ORDINANCE INPUT COMMITTEE (ZOIC)

	<u>Telephone</u>	<u>Appt. Date</u>
MOSTY, JOHN Chair 2313 Trails End	257-2134 (H)	01-27-2009
BUFFINGTON, BEVERLY 608 Overhill Drive	257-7100 (O) 257-3440 (H)	01-27-2009
SPRADLING, RUTH 1725 Foothills Dr.	792-5082 (H)	06-14-2011
STARKEY, III, A.L. "CURG" 1006 A Junction Highway	895-4040 (O) 895-4686 (H)	01-27-2009
ZUBER, RUSTIN 616 Clay Street	895-2829 (H) 377-0329 (C)	01-25-2011
COUNCIL LIAISONS: Justin MacDonald 2951 Fall Creek Rd.	257-5323 (O) 896-4821 (H)	
STAFF MEMBER: Jason Lutz Senior Planner	258-1184 (O)	

Qualifications: Residents of the City of Kerrville

Powers and Duties: 1) Organize committee; 2) Arrange meeting schedule and location, with the fundamental goal that meeting times and locations be as accessible as possible to encourage public input; 3) Educate itself on the City's existing Zoning Ordinance (Ordinance No. 97-07); 4) Review the Zoning Ordinance and map for conformance with the City's land use plan and comprehensive plan updates; 5) Review the Zoning Ordinance for any deficiencies, voids, inconsistencies, inefficiencies, and technical errors; 6) Upon completion of the draft ordinance by staff and reviewed by the planning and zoning commission, ZOIC will be asked to review and comment on the document.

Term of Office: Completion of review of draft ordinance

Quorum: Three

Number of Members: Five

Meeting Time & Place: First and Third Thursday of each month.

Established by: Resolution No. 008-2009

Revised: May 29, 2013