

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

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

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, JULY 22, 2014, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION by Reverend Patty Edwards, Unity Church of the Hill Country.

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. PRESENTATIONS AND RECOGNITIONS:

2A. Beautification Advisory Committee's beautification program award.

6:05 P.M. APPROXIMATELY

3. CITY COUNCIL RECESS:

THE CITY COUNCIL WILL RECESS THE REGULAR MEETING TO CONVENE A MEETING OF THE CITY OF KERRVILLE EMPLOYEE BENEFITS TRUST (see separate posted agenda).

THE KERRVILLE CITY COUNCIL WILL RECONVENE INTO REGULAR SESSION FOLLOWING THE MEETING OF THE CITY OF KERRVILLE EMPLOYEE BENEFITS TRUST.

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, July 17, 2014 at 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

4. 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:

4A. Minutes of the budget workshop held on June 24, 2014, and the regular city council meeting held on July 8, 2014. (staff)

4B. Resolution No. 22-2014, authorizing the city's continued participation with the Atmos Cities Steering Committee; and authorizing the city's payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation. (staff)

4C. Authorization to apply to the Cailloux Foundation for a grant for street improvement program. (staff)

4D. Reject the sole bid submitted by Top Side Contracting in the amount of \$375,756.00 for re-roofing the police station. (staff)

END OF CONSENT AGENDA

5. PUBLIC HEARING AND RESOLUTION:

5A. Resolution No. 19-2014, granting a conditional use permit for an approximate 1.108 acres tract of land, being Tracts I and II, out of the Walter Fosgate Survey No. 120, Abstract 138, within the City of Kerrville, Kerr County, Texas, otherwise known as 611 Harper Road (FM 783), and located within a Residential Cluster (RC) zoning district; by permitting said property to be used for education, primary; and making said permit subject to certain conditions and restrictions. (staff)

6. ORDINANCES, SECOND AND FINAL READING:

6A. Ordinance No. 2014-11 annexing an approximate 305.073 acre tract of land out of the Florentine Lara Survey No. 123, Abstract No. 225, and the J.D. Leavell Survey No. 1862, Abstract No. 1435, such annexation to be effective on January 18, 2015; said property being adjacent to the corporate limits of the City of Kerrville, Texas, and consisting of a residential subdivision known as The Heights of Kerrville and located west of Harper Road (FM 783) and between its intersection with Holdsworth Drive and Interstate 10; describing the property, adopting a service plan, and establishing the zoning for the property to be annexed. (staff)

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City Secretary, City of Kerrville, Texas

6B Ordinance No. 2014-14, amending the Comprehensive Plan for the City of Kerrville, Texas, pursuant to Chapter 213 of the Texas Local Government Code, by revising the future land use plan for a tract adjacent to Meadowview Lane and between its intersection with Burleson Boulevard N. and Legion Drive N. and addressed as 411 Meadowview Lane. (staff)

7. CONSIDERATION:

7A Resolution No. 20-2014 authorizing the transfer of the ownership of funds from the City of Kerrville to the City of Kerrville Employee Benefits Trust to pay for employee related benefits for fiscal year 2015. (staff)

7B. Presentation of the City of Kerrville fiscal year 2015 budget. (staff)

8. INFORMATION AND DISCUSSION:

8A. Quarterly report by Playhouse 2000. (Jeffery Brown)

8B. Budget update. (staff)

9. ITEMS FOR FUTURE AGENDAS

10. ANNOUNCEMENTS OF COMMUNITY INTEREST:

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

11. EXECUTIVE SESSION:

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

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City Secretary, City of Kerrville, Texas

development negotiations) of Chapter 551 of the Texas Government Code, including the following matters:

Section 551.071:

- Discussion with the City Attorney pursuant to §551.071 of the Texas Government Code regarding Kerr Central Appraisal District.

12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

13. ADJOURNMENT.

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Brenda Craig
City Secretary, City of Kerrville, Texas

Agenda Item:

2A. Beautification Advisory Committee's beautification program award.

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

SUBJECT: Presentation of the Kerrville Beautification Advisory Committee's
Beautification Recognition Program Awards

FOR AGENDA OF: July 22, 2014 **DATE SUBMITTED:** July 17, 2014

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

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The Kerrville Beautification Advisory Committee will present two awards for their Beautification Recognition Program.

RECOMMENDED ACTION

Presentation of awards by the Kerrville Beautification Advisory Committee.

Agenda Item:

4A. Minutes of the budget workshop held on June 24, 2014, and the regular city council meeting held on July 8, 2014. (staff)

CITY COUNCIL MINUTES
BUDGET WORKSHOP

KERRVILLE, TEXAS
JUNE 24, 2014

On June 24, 2014, the Kerrville City Council meeting was called to order by Mayor Pratt at 9:06 a.m. in the city hall upstairs conference room, 701 Main Street.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Carson Conklin	Councilmember
Stacie Keeble	Councilmember
Gary Stork	Councilmember

COUNCILMEMBERS ABSENT:

Gene Allen	Mayor Pro Tem
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CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Assistant City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Kim Meisner	Director of General Operations
Ashley Boyle	Special Projects Manager
John Young	Police Chief

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

DISCUSSION AND DIRECTION TO STAFF REGARDING PROPOSED FISCAL YEAR 2015 BUDGET

Mr. Parton reviewed the process with Kerr Central Appraisal District (KCAD); the preliminary roll indicated about 8% increase in tax base over 2013; however, 2% was under contest. An increase in ad valorem tax base would affect the effective tax rate calculation and could result in lowering the effective tax rate.

Mr. Parton reviewed the particulars of the proposed FY2015 budget:

- Sustainable, balanced budget, expenditures did not exceed revenues; revenue forecast was conservative; sustained positive growth and diversification in the tax base; 1% growth in utility connections annually; sales tax continued to rise with a significant increase in manufacturing.
- Maintained current property tax rate, \$0.5625.
- Total 2015 budgeted revenue estimated at \$46,224,833, which was 0.1% less than 2014; general fund revenue was \$23,568,181, or 51% of total city revenue.
- Total 2015 budgeted expenditures estimated at \$45,093,152, an increase of 0.7% over the 2014 budget; general fund expenditures totaled \$23,568,181, 52.3% of the city's overall expenditures.

- Water and sewer fund generated 21.4% of the general fund revenue and 22% of the general fund expenditures. The \$1.5 million transferred from the water and sewer fund was to reimburse the general fund for expenditures for utility fund issues, e.g. administration, finance, information technology, legal, etc.
- Maintained current water and sewer rates; five year fiscal forecast did not anticipate any change in rates; 1% annual growth in utility connections.
- Water and sewer fund revenue was \$9,898,998; anticipate 47% reserve fund balance at the end of FY2015.
- Transferred \$1.4 million from the water and sewer fund to the CIP fund to pay for capital projects. Based on the existing rate structure, \$11.3 million would be available through FY2020 to fund capital projects on a pay as you go plan.
- Water/Wastewater and general fund revenues were not co-mingled; no sales tax or property tax revenues were used to fund utility operations.
- Adequate fund balance reserve, greater than 25% of annual operational expenditures for general fund and water and sewer fund; no use of fund balance for recurring expenditures.
- Maintained or enhanced current level of service.
- Full implementation of step plans for public safety (frozen for four years), and merit increases for general government employees from compensation study, phase II.
- Two patrol positions in the police department unfrozen.
- The city entered into a contract with the county whereby the city would provide fire/EMS county-wide, effective October 1, 2014. The proposed budget allocated \$600,000 in the fire reserve fund for major capital equipment replacement. Under National Fire Protection Standards, front line equipment should not be older than 15-20 years; the city had several trucks that were at or exceeded this standard.
- The proposed budget included a five year interest free loan from the Cailloux Foundation for the purchase of a platform aerial fire truck.
- Increased street maintenance and repair; the city paved 5-6 miles per year for the past several years; goal for 2015 was 7-9 miles; increased \$700,000 for materiel.
- Growth in parks, public safety, and street departments due to increased service levels and general maintenance in these departments.
- Added a maintenance crew to help with: routine maintenance and clearing of right of ways, utility easements, and drainage easements; street construction; and parks maintenance. The net impact of the additional crew was \$170,000 including the cost of a vehicle; equipment was purchased in 2014.
- Debt service fund maintained a one-year bond payment reserve as established in the city's financial policy.
- FY2015 debt service was at 28% of water and sewer fund revenue; the city adopted a self-imposed policy setting a 35% cap; the city could issue debt for capital projects, up to 7% of revenue. Based on the utility rate model and the debt cap; the city could issue debt annually for the next four years and stay within the debt cap and existing rate structure. Staff anticipated a debt issuance in 2015-16 to fund capital projects in the water/wastewater master plan, such as the effluent project. Also, the city was nowhere near debt limit standards, just the self-imposed 35% cap. A debt issuance was not currently in the proposed budget.

- The need for the effluent project continues to escalate as the state tightens the city's water diversion permits; staff was currently in negotiations with the state on managing the water level in the lake.
- Suggested conducting a needs survey and appointing a citizens committee to evaluate and recommend capital projects and finance plan in the future.
- Tax supported debt would not begin to fall off until 2019.

Council also discussed the following:

- Street sweeper: Mr. Parton noted sales tax had come in higher than budgeted in FY2014 and staff proposed a budget amendment in July to purchase a new street sweeper.
- Garage fund: Mr. Parton noted that garage fund revenue was an inter-department transfer of funds for vehicles and equipment repaired through the city garage.
- Utility rate comparison with other cities: Mr. Parton noted Kerrville was high-middle, but competitive; utility rates increased in the past to build up reserves to fund capital projects on a pay as you go plan.
- Should coordinate potential debt issuance with KPUB. KPUB was owned by the city and even though KPUB's debt would be completely funded by electric rates, KPUB's debt would affect the city's ability to issue bank qualified debt, which kept the interest rate and issuance costs lower. Bank qualified debt was limited to \$10 million a year; the city could issue more debt, but the interest rate would be higher.
- EMS revenue: Budgeted at \$2,820,000; bad debt write-off budgeted at \$610,000.
- Assistant city attorney position was not in the budget: Mr. Hayes stated he was evaluating the need before filling this position; a prosecutor had been hired to handle municipal court issues.
- Constant changes in information technology but budget showed only a small increase.

Mr. Parton reviewed the budget schedule: anticipate receiving certified tax roll from chief appraiser by July 25 and city manager files the budget July 31, followed by two hearings on the tax rate and two readings to adopt the budget and tax rate ordinances. Budget discussions would be scheduled during regular council meetings, no additional workshops were anticipated.

ADJOURNMENT. The meeting adjourned at 11:58 a.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
JULY 8, 2014

On July 8, 2014, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor Pratt in the City Hall Council Chambers at 701 Main Street. The invocation was offered by Max Dunks, Celebrate Recovery Program, First Baptist Church, followed by the Pledge of Allegiance led by Fire Chief Robert Ojeda.

COUNCILMEMBERS PRESENT:

Jack Pratt	Mayor
Carson Conklin	Mayor Pro Tem
Gene Allen	Councilmember
Stacie Keeble	Councilmember
Gary F. Stork	Councilmember

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Ondrias	Deputy City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Ashlea Boyle	Special Projects Manager
Jason Lutz	City Planner
John Young	Police Chief
Kim Meismer	Director of General Operations
Robert Ojeda	Fire Chief
Stuart Barron	Director of Public Works

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

1. VISITORS/CITIZENS FORUM: No one spoke.

2. CONSENT AGENDA:

Mr. Stork moved to approve consent agenda items 2A and 2B; Mr. Allen seconded the motion, and it passed 5-0:

2A. Minutes of the special and regular city council meetings held on June 10, 2014; the joint meeting with EIC held June 24, 2014; and the regular city council meeting held June 24, 2014.

2B. Construction contract with BRB Contractors, Inc. for the construction of the wastewater treatment plant clarifier and motor control center improvements project in the amount of \$2,100,000.00 and execution of additional change orders which may exceed \$50,000.00 but not to exceed the total amount of \$2,310,000.00.

END OF CONSENT AGENDA

3. PUBLIC HEARING AND ORDINANCE, FIRST READING:

3A. Ordinance No. 2014-14, amending the Comprehensive Plan for the City of Kerrville, Texas, pursuant to Chapter 213 of the Texas Local Government Code, by revising the future land use plan for a tract adjacent to Meadowview Lane and between its intersection with Burleson Boulevard N. and Legion Drive N. and addressed as 411 Meadowview Lane. Mayor Pratt read the ordinance by title.

Mr. Lutz noted the council recently approved a planned development district for this property to allow the land use "public assembly"; the comprehensive plan identified the land as residential; therefore, the comp plan should be amended to reflect the change in land use. The planning and zoning commission approved the amendment on June 26, 2014; no one spoke at that meeting.

Mayor Pratt opened the public hearing at 6:04 p.m.; no one spoke; the public hearing was closed at 6:04 p.m.

Ms. Keeble moved to approve Ordinance No. 2014-14 on first reading; Mr. Stork seconded the motion and it passed 5-0.

4. ORDINANCE, SECOND AND FINAL READING:

4A. Ordinance No. 2014-13, amending the budget for fiscal year 2014 allocating funds for capital improvement projects involving city facility improvement and building projects, for the purchase of a vehicle to be used for utilities, and for costs associated with seeking permits for the landfill. Mayor Pratt read the ordinance by title.

Mr. Parton noted no changes since first reading and recommended approval.

Mr. Allen moved to approve Ordinance No. 2014-13 on second and final reading; Mr. Conklin seconded the motion and it passed 5-0.

5. ORDINANCE, FIRST READING:

5A. Ordinance No. 2014-11 annexing an approximate 308 acre 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 No. 1242, and the J.D. Leavell Survey No. 1862, Abstract No. 1435, such annexation to occur on January 18, 2015; said property being adjacent to the corporate limits of the City of Kerrville, 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; describing the property, adopting a service plan, and establishing the zoning for the property to be annexed. Mayor Pratt read the ordinance by title.

Mr. Lutz noted the ordinance would annex the subject property and establish zoning as single family residential. He noted a conflict in the acreage stated in the development agreement between the two exhibits: Exhibit A was the preliminary plat; and Exhibit B was the metes and bounds for the entire 315

acres. The final subdivision plat was 308 acres, of which three acres was already in the city; therefore, the city would be officially annexing 305 acres and the ordinance would be amended prior to second reading.

Mr. Stork moved to approve Ordinance No. 2014-11 on first reading; Mr. Conklin seconded the motion and it passed 5-0.

6. INFORMATION AND DISCUSSION:

6A. Discussion regarding Appraisal Review Board (ARB) hearing and the impact of the results on the taxpayers.

The Kerr County Commissioner's Court requested the opportunity to address the City Council regarding the city's challenge on recent commercial appraisals by Kerr Central Appraisal District (KCAD); the following members spoke:

1. Robert Reeves, Precinct 4, thanked the city for representing commercial property owners. He noted he had acted as a consultant on property taxes in the past and a challenge such as the city was undertaking was virtually unheard of in the state. He understood the city's concern and taking care of taxpayers, but he urged the city and KCAD to seek a settlement before the issue went to the ARB.
2. Tom Moser, Precinct 2, noted the city's challenge may have an impact on the county's budget, as well as all local taxing entities as a budget could not be set without a certified tax roll. He asked that the city recognize the ramifications of its challenge and that without a budget, taxing entities may have to go into their reserve funds. When questioned why the county did not take a position on the issue, Mr. Moser stated KCCC did not know what was being proposed in the tax rate or appraised values and they had not heard from property owners.
3. Tom Pollard, County Judge, encouraged City Council and KCAD to resolve the issue so it did not go to district court. If the certified tax roll was delayed, the county had reserves that could carry to early December, but if the challenge went beyond that, the county may have to borrow money or make budget cuts. He appreciated the city taking the lead to protect taxpayers' interests.

The following citizens spoke:

- Keri Wilt stated she was proud that the city was standing behind businesses and challenging the appraisals. The county talked about borrowing money; the small business owners also worried about borrowing money to keep their business operating so they could pay taxes. They were not protesting that taxes should not go up, but that appraisals are fair across the board to all businesses.
- Jimmie Spradling stated that for the past 20 years that he lived in Kerrville the business community had been complaining about having to pay taxes. If he went to protest appraisals, he had to go before the review board personally; the businesses got the city to do their protest. Business owners always wanted something free; council should look after the citizens and not just business owners.

The council noted the city would go through the same process, if necessary, to protect residential property owners; the action being taken by the council would benefit all citizens.

7. CONSIDERATION:

7A. Purchase of a closed circuit television pipeline inspection unit through the Houston-Galveston Area County Purchasing Cooperative in the amount of \$174,870.00.

Mr. Barron noted the purchase of this equipment would allow staff to locate any problem areas in sewer lines and manholes and help keep the city in compliance with TCEQ by locating and identifying blockages, overflows, and other problems.

Mr. Conklin moved to approve the purchase of a closed circuit television pipeline inspection unit as presented; Mr. Allen seconded the motion and it passed 5-0.

8. BOARD APPOINTMENTS:

8A. Appointment to the main street advisory board.

Mr. Conklin moved to appoint Melissa Southern with term to expire June 30, 2016; Mr. Allen seconded the motion and it passed 5-0.

9. ITEMS FOR FUTURE AGENDA: None.

10. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- July 8, 8:00 p.m., the Motor Maids, Inc. and Wounded Warriors Parade would start at 1001 Junction Highway and end at the VA Hospital.

11. EXECUTIVE SESSION: None.

ADJOURNMENT. The meeting adjourned at 6:26 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

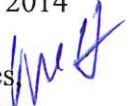
Agenda Item:

4B. Resolution No. 22-2014, authorizing the city's continued participation with the Atmos Cities Steering Committee; and authorizing the city's payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation. (staff)

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

SUBJECT: A RESOLUTION AUTHORIZING THE CITY'S CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE CITY'S PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

FOR AGENDA OF: July 22, 2014 **DATE SUBMITTED:** July 14, 2014

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

EXHIBITS: Resolution, ACSC "Year in Review", List of ACSC cities, Invoice, Contact Info Form

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	in Account:	Budgeted:	Number:
\$1,147.30	\$	\$	01-870-306

PAYMENT TO BE MADE TO: Atmos Cities Steering Committee, c/o Arlington City Attorney's Office, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

December, 2013 the Atmos Cities Steering Committee ("ACSC") held a quarterly meeting with representatives from Atmos Energy. During the meeting, ACSC discussed upcoming natural gas issues and approved an assessment for ACSC membership. Using the population-based assessment protocol previously adopted, the assessment for 2014 is a per capita fee of \$0.05.

ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of the residential and small commercial customers within the cities. Cities are the only consumer advocates that work to keep natural gas rates reasonable. The work undertaken by ACSC has saved ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice at the Railroad Commission, at the Legislature, and in the courts, ACSC needs financial support in the form of the membership assessment. Payment of the membership assessment fee is deemed to be in agreement with the terms of the ACSC participation agreement.

Purpose of the Resolution:

Most municipalities have retained original jurisdiction over gas utility rates and services within

municipal limits. ACSC is composed of municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division regardless of whether original jurisdiction has been retained. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 168 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

The ACSC Membership Assessment Supports Important Activities:

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of Resolution Paragraphs:

- I. This paragraph authorizes the continuation of the City's membership in ACSC.
- II. This paragraph authorizes payment of the City's assessment to the ACSC in the amount of five cents (\$0.05) per capita.
- III. This paragraph requires notification that the City has adopted the Resolution.

RECOMMENDED ACTION

Adoption of Resolution denying proposed rate increase.

T:\Legal Utilities\ATMOS (TXU)\AB_2014 ACSC Assessment_071414.docx

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 22-2014**

A RESOLUTION AUTHORIZING THE CITY'S CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE CITY'S PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

WHEREAS, the City of Kerrville, Texas ("City") is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division ("Atmos") within the municipal boundaries of the City; and

WHEREAS, the Atmos Cities Steering Committee ("ACSC") has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and

WHEREAS, the City is a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs;

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

SECTION ONE. The City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

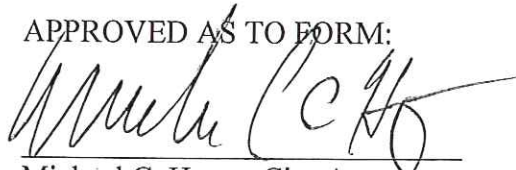
SECTION TWO. The City is further authorized to pay its 2014 assessment to the ACSC in the amount of five cents (\$0.05) per capita, which based upon a population estimate of 22,946, comes to \$1,147.30.

SECTION THREE. A copy of this Resolution and approved assessment fee payment to "Atmos Cities Steering Committee" shall be sent to Jay Doegey, Co-Chair, Atmos Cities Steering Committee, c/o Arlington City Attorney's Office, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231.

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



2013 Year In Review

Atmos Cities Steering Committee Has Another Active Year In 2013

This year in review of the Atmos Cities Steering Committee ("ACSC") highlights a few of the notable proceedings in which ACSC participated throughout 2013. ACSC maintained its presence before the Texas Legislature concerning gas utility matters, including the Sunset Review of the Railroad Commission ("RRC"). Additionally, ACSC settled Atmos Mid-Tex's first RRM filing under the newly renegotiated RRM tariff. ACSC expects to be equally busy in 2014, with another annual RRM filing and gearing up for the 2015 legislative session.

Sincerely,

Jay Doegey and Odis Dalton, Chairmen of the Steering Committee

ACSC Representatives Make Legislative Visits to Legislators in Local Offices

In the fall of 2013, ACSC representatives continued ACSC's ongoing efforts to promote consumer interests at the Legislature. Specifically, ACSC representatives conducted meetings with over 31 legislators and staffers at their local district offices. The purpose of these meetings was to introduce ACSC's membership and agenda, as well as to offer ACSC as a resource on gas utility matters. ACSC representatives also sought input regarding concerns of the legislators. ACSC representatives have thus far met with legislators in the Metroplex, Central Texas, West Texas, the Houston area, and North/Northeast Texas. The reception and impact that the interim legislative activities have achieved has overall been very good.

These interim efforts will continue in the new year to prepare for the 2015 legislative session. In 2014, ACSC intends to follow up with staffers for the members ACSC representatives have already visited with and to make additional visits. Additionally, in the spring, ACSC will be developing its agenda for the 2015 legislative session.



ACSC Settles 2013 RRM With Atmos Mid-Tex

In July of 2013, Atmos Energy Corporation Mid-Tex Division ("Atmos Mid-Tex" or "Company") filed a Rate Review Mechanism ("RRM") application with each of the ACSC members. You will recall that earlier in 2013, ACSC and Atmos Mid-Tex renewed the RRM mechanism for an additional period of five years.

In the filing, Atmos Mid-Tex alleged a test year revenue deficiency of \$25.7 million on a total company basis. Pursuant to the RRM renewal ordinances passed by the ACSC cities, the Company was required in its filing to make an automatic downward adjustment of \$3 million to its alleged cost of service revenue deficiency. Including this adjustment, Atmos requested \$22.7 million in additional revenues.

ACSC hired consultants, who performed discovery upon the Company's rate request. The consultants produced a report to ACSC counsel in late August 2013. The report concluded that the Company was entitled to additional revenues but significantly less than it had requested. After several rounds of negotiations with Atmos Mid-Tex, the Company agreed to accept additional revenues of \$16.6 million, rather than the initially requested \$22.7 million. The Executive Committee recommended adoption of the settlement and ACSC cities passed ordinances adopting the settlement in fall of 2013. Due to ACSC's advocacy in both the renegotiation of the RRM tariff, as well as in the 2013 RRM filing, Atmos Mid-Tex ratepayers will pay rates designed to collect over \$9 million less than originally requested by the Company.

Appeal of Atmos Pipeline Rate Case Heard at Third Court of Appeals

In GUD No. 10000, Atmos Pipeline—Texas' ("APT") last rate case, the Railroad Commission of Texas ("Commission") introduced a trial run of a new rate mechanism that has proven harmful to consumers. In that case, the Commission allocated all of APT's revenue requirement to its rate-regulated customers, despite the fact that APT also serves unregulated customers who contract with APT for gas service. The Commission determined that APT and the rate-regulated customers would "share" in the alleged volatility of Other Revenues, due to changes in the amount of these revenues from year to year. The Commission thus approved the Rider REV tariff, which requires an annual filing by APT to report the amount of revenues received from unregulated customers in the preceding year. To the extent the amount exceeds \$83.7 million in any one year, APT provides an additional credit to the Rate CGS and PT customers in the amount of 75% of the additional revenues, keeping 25% for itself. To the extent the amount of unregulated revenues is less than \$83.7 million, APT raises the rates to CGS and PT customers by 75% of the "shortfall."



ACSC strongly opposed the creation of the Rider REV tariff in GUD No. 10000. ACSC has pursued an appeal to the courts in an effort to overturn the Commission's decision to implement the Rider REV tariff. In December of 2012, a Travis County District Court judge affirmed the Railroad Commission order creating the Rider REV tariff. ACSC appealed the district court's decision to the Third Court of Appeals in Austin. In October of 2013, the Third Court of Appeals heard oral argument regarding the Rider REV tariff.

ACSC argued that the Rider REV tariff is unlawful piecemeal ratemaking and that it is detrimental to customers. The Railroad Commission and APT argued mainly that the Commission's authority under the law is virtually unfettered when it comes to ratemaking. The Third Court has taken the matter under advisement and has not yet issued a ruling in the appeal of GUD No. 10000.

ACSC Sets Budget and Elects Officers for 2014

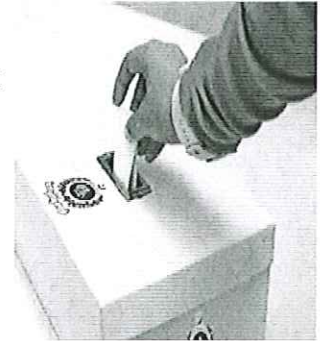
At the December 19, 2013 membership meeting, ACSC approved its budget for 2014. Additionally, ACSC members elected the following officers for 2014:

Co-Chairs—Jay Doegey, Arlington & Odis Dolton, Abilene

Co-Vice Chairs—Tim Kelty, Red Oak & Carla Robinson, College Station

Secretary—Joel Welch, Haltom City

Congratulations to the 2014 ACSC officers!



Commission Extends Rider REV Tariff

In late 2013, APT filed an application to renew the Rider REV tariff. APT sought renewal of the tariff for an additional term of three years. ACSC intervened and argued that the Rider REV should not be renewed. ACSC's main objection to the renewal of the Rider REV is that over the life of its three-year trial period, the Rider REV has proven to be detrimental to customers. While customers saw a credit of \$3.8 million in the first year of its application, over the next two years, customers experienced an \$8.6 million *increase* in rates. Over the life of the trial run of the Rider REV, customers had to pay \$4.8 million in additional rates simply due to the Rider REV. ACSC presented this evidence as proof that the Rider REV harms customers. The evidence conclusively showed that APT is in fact overearning, above its authorized rate of return, due to a combination of both the Rider REV tariff and annual GRIP filings.

Rider REV was originally approved on the alleged grounds that revenues from non-regulated customers are unpredictable. ACSC's testimony, however, showed that this was not the case—unregulated revenues are stable and predictable. APT also claimed that the Rider REV reduces the need for general rate cases. ACSC was also able to refute that claim, as the GRIP statute requires APT to file a rate case periodically.

The Commission's Hearings Examiners held a hearing in late October 2013. The Examiners issued a proposal for decision in December 2013, recommending the renewal of the Rider REV tariff, despite the overwhelming evidence presented by ACSC that Rider REV is not in the public interest. In December, the Commission adopted the Examiners' recommendation without any discussion whatsoever. The Commission issued an order renewing the Rider REV for an additional period. Additionally, the Commission restricted whom may intervene and participate in Rider REV proceedings. ACSC will file its Motion for Rehearing on the Commission's Order on January 10, 2014.

Questions?

If you have questions about any Steering Committee matter or communication, please feel free to contact:

Geoffrey Gay at
(512) 322-5875 or ggay@lglawfirm.com or

Thomas Brocato at
(512) 322-5857 or tbrocato@lglawfirm.com.

They will be happy to answer your question or assist you.



Lloyd Gosselink Rochelle and Townsend, P.C.
816 Congress Avenue Suite 1900
Austin, Texas 78701

ACSC Cities (168 Total)

Abilene	Farmers Branch	Oak Leaf
Addison	Farmersville	Ovilla
Allen	Fate	Palestine
Alvarado	Flower Mound	Pantego
Angus	Forest Hill	Paris
Anna	Fort Worth	Parker
Argyle	Frisco	Pecan Hill
Arlington	Frost	Petrolia
Aubrey	Gainesville	Plano
Bedford	Garland	Ponder
Bellmead	Garrett	Pottsboro
Benbrook	Grand Prairie	Prosper
Beverly Hills	Grapevine	Putnam
Blossom	Groesbeck	Quitman
Blue Ridge	Gunter	Red Oak
Bowie	Haltom City	Reno (Parker County)
Boyd	Harker Heights	Richardson
Bridgeport	Haskell	Richland
Brownwood	Haslet	Richland Hills
Buffalo	Hewitt	River Oaks
Burkburnett	Highland Park	Roanoke
Burleson	Highland Village	Robinson
Caddo Mills	Honey Grove	Rockwall
Canton	Hurst	Roscoe
Carrollton	Hutto	Rowlett
Cedar Hill	Iowa Park	Royse City
Celeste	Irving	Sachse
Celina	Justin	Saginaw
Centerville	Kaufman	Seagoville
Cisco	Keene	Sherman
Clarksville	Keller	Snyder
Cleburne	Kemp	Southlake
Clyde	Kennedale	Springtown
College Station	Kerens	Stamford
Colleyville	Kerrville	Stephenville
Colorado City	Killeen	Sulphur Springs
Comanche	Krum	Sweetwater
Commerce	Lakeside	Temple
Coolidge	Lake Worth	Terrell
Coppell	Lancaster	The Colony
Copperas Cove	Lewisville	Throckmorton
Corinth	Lincoln Park	Trophy Club
Corral City	Little Elm	Tyler
Crandall	Lorena	University Park
Crowley	Madisonville	Venus
Dalworthington Gardens	Malakoff	Vernon
Denison	Mansfield	Waco
DeSoto	McKinney	Watauga
Duncanville	Melissa	Waxahachie
Eastland	Mesquite	Westlake
Edgecliff Village	Midlothian	Westworth Village
Emory	Murphy	Whitesboro
Ennis	Newark	White Settlement
Eules	Nocona	Wichita Falls
Everman	North Richland Hills	Woodway
Fairview	Northlake	Wylie

Atmos Cities Steering Committee
c/o Jay Doegey, City Attorney
101 S. Mesquite, 3rd Floor
Arlington, TX 76010

Invoice

Date	Invoice #
3/21/2014	14-90

Bill To
City of Kerrville

Item	Rate	Population	Amount
2014 Assessment Expense	0.05	22,946	1,147.30
Total			\$1,147.30

Please make check payable to: Atmos Cities Steering Committee. Mail to ACSC, c/o Jay Doegey, City Attorney, 101 S. Mesquite, 3rd Floor
Arlington, TX 76010

REQUEST FOR CONTACT INFORMATION
APRIL 2014

CONTACTS

Please provide contact information for the following coalitions:

- ☐ OCSC (Oncor Cities Steering Committee)
- ☐ ACSC (Atmos Cities Steering Committee)
- ☐ TCCFUI (Texas Coalition of Cities for Utility Issues)

Please type or print clearly

MAIN CONTACT

Name:	
Title:	
City of:	
Address:	
Phone:	
Fax:	
Email:	

ADDITIONAL CONTACT

Name:	
Title:	
City of:	
Address:	
Phone:	
Fax:	
Email:	

CONTACT TO SEND INVOICES OR CHECKS

Name:	
Title:	
City of:	
Address:	
Phone:	
Fax:	
Email:	

Please duplicate if more room needed.

(Please complete and return to: Gretchen Cobb @ Gretchen.Cobb@arlingtontx.gov or 817-459-6897 fax).

Agenda Item:

4C. Authorization to apply to the Cailloux Foundation for a grant for street improvement program. (staff)

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

SUBJECT: Authorize the City Manager to submit a grant application to the Cailloux Foundation for the street improvement program

FOR AGENDA OF: July 22, 2014

DATE SUBMITTED: July 18, 2014

SUBMITTED BY: Stuart Barron
Director of Public Works

CLEARANCES: Kristine Day
Deputy City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:



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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

Over the past year, staff has had conversation with the Cailloux Foundation regarding submitting a grant application for the street improvement program. These grant funds could be used for capital equipment and materials to help with the efficiency of the operation and potentially additional streets to be completed. At this time, staff does not anticipate using the grant funds for any personnel. Below is a list of potential equipment, which would increase the operational efficiency of the street division.

14 yard Tandem Dump Truck - \$175,000.00

This larger dump truck would enhance paving operations by hauling more hot mix than current bobtail trucks as well as feeding more material to the paver which would lessen the frequency of truck changes. This would result in an improved mat quality and provide a faster, more efficient process.

Bobcat Skid Loader and 40" Planer Attachment - \$100,000.00

This planer is to angle mill existing asphalt at the curb and gutter to eliminate the overlay being higher than the gutter grade which causes poor drainage and potential trip hazards. Currently staff is using a 14" planer, which is the only size our existing bobcat can handle. Street crews are required to make multiple passes, significantly slowing the milling process.

930 Cat Wheel Loader - \$200,000.00

The current loader is also utilized to run the milling machine (Asphalt Zipper) which is mounted on the front bucket of the loader. This is a cumbersome piece of equipment to mount and dismount. During reconstruction, the dual use of this loader to load/work dirt as well as milling, hinders productivity.

RECOMMENDED ACTION

Authorize the City Manager to submit a grant application to the Cailloux Foundation for the street improvement program in an amount to be determined with the Foundation staff.

Agenda Item:

4D. Reject the sole bid submitted by Top Side Contracting in the amount of \$375,756.00 for re-roofing the police station. (staff)

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

SUBJECT: Authorize the City Manager to reject the sole bid submitted by Top Side Contracting in the amount of \$375,756.00 for re-roofing the police station. The budgeted amount for re-roofing and replacing the mechanical components for this project is \$200,000.

FOR AGENDA OF: July 22, 2014

DATE SUBMITTED: July 15, 2014

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

CLEARANCES: Kristine Day
Deputy City Manager

EXHIBITS: Bid Tab

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

Expenditure	Current Balance	Amount	Account
Required:	In Account:	Budgeted:	Number:
\$	\$182,385.41	\$200,000.00	B12

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

SUMMARY STATEMENT

On July 1, 2014 the City of Kerrville received a sole bid in the amount of \$375,756.00 from Top Side Contracting. The budgeted amount for the re-roofing project is \$200,000.00. Due to the bid amount, alternative options and repairs will be evaluated.

RECOMMENDED ACTION

Authorize the City Manager to reject the sole bid submitted by Top Side Contracting.

July 1, 2014

[illegible]

Agenda Item:

5A. Resolution No. 19-2014, granting a conditional use permit for an approximate 1.108 acres tract of land, being Tracts I and II, out of the Walter Fosgate Survey No. 120, Abstract 138, within the City of Kerrville, Kerr County, Texas, otherwise known as 611 Harper Road (FM 783), and located within a Residential Cluster (RC) zoning district; by permitting said property to be used for education, primary; 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 land use of “Education, Primary” for an approximate 1.108 acre tract of land out of the Walter Fosgate Survey No. 120, Abstract No. 138, located at 611 Harper Road.

FOR AGENDA OF: July 22, 2014

DATE SUBMITTED: July 11, 2014

SUBMITTED BY: Jason Lutz 

CLEARANCES: Dieter Werner 

EXHIBITS: Resolution & Exhibits

AGENDA MAILED TO: Mark Hickman, 3094 County Rd. 1024, Farmersville, Texas 75442

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 applicant is seeking a Conditional Use Permit to allow the land use of “Education, Primary” for the property located at 611 Harper Rd. “Education, Primary” is defined as “Elementary schools, including kindergarten, either public or private, but not including day care facilities or private home schools”.

The facility located at this location is home to the Seventh Day Adventist Church. For nineteen years the Seventh-Day Adventist Church has operated an accredited church school in the City of Kerrville. It is also known as the Hill Country Seventh-Day Adventist School. Grades K through 8 are available at the school. The church is proposing to demolish 785 square feet of an existing building and reconstruct a 2,232 square foot addition. The school has 6 children currently enrolled with the max enrollment of roughly 15 students after the expansion has been completed.

The property is currently located in an (RC) Residential Cluster zoning district. This district allows the land use of “Education, Primary” with the approval of a conditional use permit. No prior CUP has been issued for the property as the land use was in effect at the time the City of Kerrville’s current zoning code was adopted (1997). The educational land use is a non-conforming use and is currently grandfathered; however the proposed addition/expansion of the facility has also triggered the requirement to obtain a CUP. The zoning code allows the expansion of a non-conforming use with the approval of a CUP.

A site plan has been provided and will be incorporated into the resolution to govern the development of the property. The proposed land use has triggered the requirement for Type B screening along all property lines that abut a residential land use. Type B screening consists of a 6’ tall privacy fence and a 50’ buffer area that prohibits the placement of buildings, storage areas, or parking spaces. The property is bounded by residential land uses located to the south and east of the property and the proposed addition does not encroach into this buffer area.

The facility currently has 25 existing parking spaces which satisfy the parking requirements of the current zoning code. These spaces are located in the 50' buffer area, but the location of these spaces are grandfathered as the regulations requiring the buffer area were not in effect at the time of permitting. The expansion has triggered the requirement for an additional 4 spaces and the applicant has provided 8 additional spaces outside the required 50' buffer area.

In addition to the parking spaces the applicant will improve the driveway surface located to the north of the facility and widen the existing driveway around the church in order to satisfy the Fire Departments requirement for a fire lane/access around the facility. As part of the fire lane expansion to the south, the southern driveway that accesses Harper Road will be widened. TxDOT has approved the driveway configuration and does not foresee any major negative traffic impacts based on the expansion of the facility.

At the time the packet was distributed 23 land owners within 200' of the property were notified with 2 land owners supporting the requested CUP and no official protests were received.

Based on the facts that the requested land use is permitted by the zoning code, the land use has been ongoing for 19 years, and no major negative traffic impacts are contemplated the Planning & Zoning Commission approved the requested CUP by a vote of 5-0, at their regularly scheduled meeting held on July 3, 2014.

At the public hearing several adjacent land owners discussed some of the concerns they had with the development of the property.

The first concern was that of noise based on the fact the facility has playground areas adjacent to the property line. The P&Z Commission recommendation added a time limit for the use of the playground and to limit the hours of operation for those playground areas to only operate between 8:00 a.m. and 6:00 p.m. The church representative said that they had no objections to the time restriction for the playgrounds and that those times are currently in effect based on their student handbooks.

The second concern was that of water runoff due to an increase in impervious cover. Staff has looked at the site plan and as of this time have no concerns with additional runoff negatively affecting the property. In addition, drainage flows and runoff will be more thoroughly evaluated during the building permit process.

The final concern was the precedent being set with the approving of the facility expansion and the concern of the site growing too large and negatively affect adjacent landowners. The CUP only permits the additions as depicted in the site plan and any additional construction or enlargement of the site will require an amendment to the CUP. Should the school continue to expand there would come a point that the site would hit a maximum threshold based on the limited size of the property and the required parking that further development would reach its maximum limits.

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. 19-2014**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATE 1.108 ACRES TRACT OF LAND, BEING TRACTS I AND II, OUT OF THE WALTER FOSGATE SURVEY NO. 120, ABSTRACT 138, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, OTHERWISE KNOWN AS 611 HARPER ROAD (FM 783), AND LOCATED WITHIN A RESIDENTIAL CLUSTER (RC) ZONING DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR EDUCATION, PRIMARY; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS

WHEREAS, the owner of the property located at 611 Harper Road (FM 783), currently being used for religious assembly, seeks to add-on to an existing building for the purpose of adding classroom space; and

WHEREAS, by taking this action, the owner needs a conditional use permit from the City to authorize the use of the building for education; 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. A Conditional Use Permit is granted to permit the property described below to be used for Education, Primary, 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:

A 1.108 acres, more or less, being Tracts I and II, out of the Walter Fosgate Survey No. 120, Abstract No. 138 within the City of Kerrville, Kerr County, Texas, as recorded in Volume 261, Page 396 of the Real Property Records of Kerr County, Texas, more commonly known as 611 Harper Road (FM 783) ("the Property"), and as more specifically described in Exhibit A.

SECTION TWO. In addition to the development and use regulations currently applicable to the Property, the Property may be developed and used for Education, Primary and is subject to the following additional regulations:

- A. **Site Plan:** The development and use of the Property must conform substantially with the development site plan, found at **Exhibit B**, 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 must be located, shielded and aimed in such a manner so as not to allow light to directly fall onto adjacent properties or streets.
- D. **Building Location and Orientation:** The location of the building must be as depicted on **Exhibit B**.
- E. **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.
- F. **Screening:** Screening is required in accordance with the City's regulations for boundary lines of the Property which are adjacent to residential land uses, as indicated on **Exhibit B**.
- G. **Visibility Triangles:** Visibility triangles must be established and maintained pursuant to existing City regulations for the entrance to the Property from Harper Road.
- H. **Trash and Other Solid Waste:** Solid waste collection bins and dumpsters must be located in the area designated on **Exhibit B** and at no time may be located closer to the street than the face of any building.
- I. **Playground Areas:** any use of those areas of the Property used as a playground or for outdoor recreation is restricted to the time between 8:00 AM and 6:00 PM.
- J. **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 THREE. 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.

(signatures begin on following page)

Exhibit A - Pg. 1

TRACT ONE:

VOL 261 PAGE 396

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas and being out of the middle one-third (1/3) of original Survey No. 120, in the name of Walter Fosgate, and more particularly described by metes and bounds as follows:

BEGINNING at a fence corner which marks the North corner of that tract of 10 acres of land conveyed by G.R. Starkey to W. Scott Schreiner, by deed recorded in Volume 45, at Page 504, of the Deed Records of Kerr County;

THENCE S. 45° E. 250.5 feet with said Schreiner line to a stake for corner of this parcel;

THENCE N. 45° E. 180 feet to a stake set for the East corner of this tract;

THENCE N. 45° W. 250.5 feet to a stake for North corner of this tract;

THENCE S. 45° W. with line of Harper Road, 180 feet to the place of BEGINNING, containing 1-1/32 acre of land; more or less;

being the same and identical property conveyed by E.H. Nichols and wife, Xie E. Nichols, to Glenn C. Bradley and wife, Doris N. Bradley, by deed dated April 17, 1961, of record in Volume 109, Page 366, Deed Records of Kerr County, Texas, SAVE AND EXCEPT, HOWEVER, that certain 0.114 acre of land, more or less, conveyed to the State of Texas by Glenn C. Bradley and wife, Doris N. Bradley, by Right-Of-Way Deed dated October 9, 1967, of record in Volume 130, Page 651, Deed Records of Kerr County, Texas; to which instruments and their records reference is here made for all purposes.

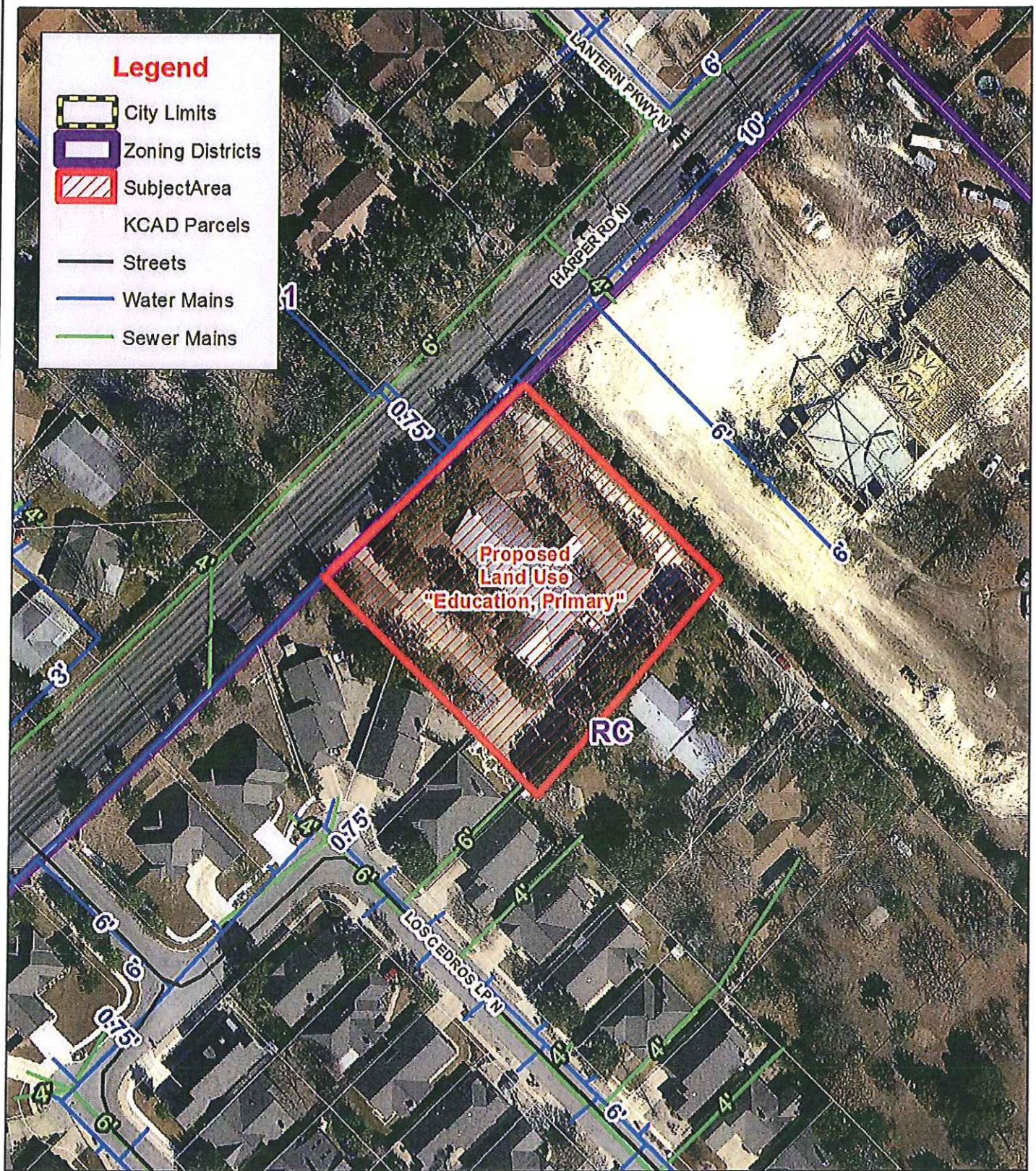
TRACT TWO:

All that certain tract or parcel of land, lying and being situated in Kerr County, Texas, out of the middle 1/3 of Survey No. 120, Walter Fosgate, and being a strip of land facing 30 feet Northwestwardly on Harper Road, and running back 220.5 feet more or less, along the Northeast side adjacent to and parallel to that certain tract of land conveyed by Grantors herein to Grantees herein by deed dated April 17, 1961 and recorded in Volume 109, at Page 366 of the Deed Records of Kerr County, Texas; being the same and identical property conveyed to Glenn C. Bradley and wife, Doris N. Bradley, by E.H. Nichols and wife, Xie Nichols, by Deed dated August 28, 1969, of record in Volume 144, Page 579, Deed Records of Kerr County, Texas, to which instrument and its record reference is here made for all purposes.

This conveyance is made and accepted SUBJECT TO the following to the extent, and only to the extent, that the same are valid and affect the subject property:

1. That certain Roadway Easement dated August 29, 1968, executed by E.H. Nichols and wife, Xie E. Nichols, and George C. Chapman and wife, Carolyn Chapman, of record in Volume 5, Page 373 of the Easement Records of Kerr County, Texas;
2. That certain Roadway Easement dated November 11, 1970,

Exhibit A - Pg. 2



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 50 100 200 Feet

1 inch = 100 feet





NOTES:
1. BOUNDARY/PROPOSED PROJECT

NOTES:
1. ALL EXISTING AND PROPOSED LINES SHOWN ARE PER THE RECORDS PLAT FILED UNDER OTHER NOTATION.
2. THIS TRACT, DEED NO. 111, WITH THE 1989 YEAR, IS A COMBINATION OF TRACTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 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2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2

Agenda Item:

6A. Ordinance No. 2014-11 annexing an approximate 305.073 acre tract of land out of the Florentine Lara Survey No. 123, Abstract No. 225, and the J.D. Leavell Survey No. 1862, Abstract No. 1435, such annexation to be effective on January 18, 2015; said property being adjacent to the corporate limits of the City of Kerrville, Texas, and consisting of a residential subdivision known as The Heights of Kerrville and located west of Harper Road (FM 783) and between its intersection with Holdsworth Drive and Interstate 10; describing the property, adopting a service plan, and establishing the zoning for the property to be annexed. (staff)

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

SUBJECT: Annexation & Zoning Ordinance, 2nd Ordinance Reading: - 2nd ordinance reading concerning a voluntary annexation & zoning establishment of The Heights of Kerrville Subdivision, consisting of a 305.073 acre tract of land out of the Florentine Lara Survey No. 123, Abstract No. 225, and the J.D. Leavell Survey No. 1862, Abstract No. 1435, Kerr County, Texas.

FOR AGENDA OF: July 22, 2014

DATE SUBMITTED: July 10 2014

SUBMITTED BY: Jason Lutz 

CLEARANCES: Dieter Werner 

EXHIBITS: Ordinance

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

This is the 2nd ordinance reading for the annexation and establishment of an R1 zoning district for The Heights of Kerrville subdivision. The only change has been the modification of the actual acreage that is being annexed. The acreage is less than what was originally described and no additional readings will be required.

The Heights of Kerrville is a 59 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 (resolution # 034-2007). 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. 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:

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.

The Kerrville City Council held a public hearing on May 27, 2014 and several citizens had questions concerning the proposed development. The first issue raised by the public was concerning run-off. Two detention ponds were constructed and provided for the subdivision.

The second issue raised by the public was that of subdividing of property. While state law mandates that any subdivision of land be approved if it meets all requirements found in a municipality's subdivision ordinance, it should be noted that this would be highly unlikely. The existing water infrastructure was designed for a maximum of 60 connections in the subdivision. If a land owner would seek to subdivide their property it would be likely that substantial and costly improvements to the existing infrastructure would need to be completed and additional septic permits would be required, after a study is performed to determine if an additional building site would be permitted to install additional septic systems. These type of infrastructure upgrades tend to be cost-prohibitive, but it could be possible to subdivide property in this subdivision.

The Kerrville City Council held the 2nd required public hearing on June 10, 2014 and no citizens spoke on the issue.

The Kerrville City Council held the 1st required reading of the ordinance on July 8, 2014.

RECOMMENDED ACTION

1. Approve the annexation and zoning of the subject area as outlined in the attached ordinance on the 2nd and final reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-11**

AN ORDINANCE ANNEXING AN APPROXIMATE 305.073 ACRE TRACT OF LAND OUT OF THE FLORENTINE LARA SURVEY NO. 123, ABSTRACT NO. 225 AND THE J.D. LEAVELL SURVEY NO. 1862, ABSTRACT NO. 1435, SUCH ANNEXATION TO BE EFFECTIVE ON JANUARY 18, 2015; SAID PROPERTY BEING ADJACENT TO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, AND CONSISTING OF A RESIDENTIAL SUBDIVISION KNOWN AS THE HEIGHTS OF KERRVILLE AND LOCATED WEST OF HARPER ROAD (FM 783) AND BETWEEN ITS INTERSECTION WITH HOLDSWORTH DRIVE AND INTERSTATE 10; DESCRIBING THE PROPERTY, ADOPTING A SERVICE PLAN, AND ESTABLISHING THE ZONING FOR THE PROPERTY TO BE ANNEXED

WHEREAS, pursuant to the provisions of the *Annexation and Development Agreement by and between the City of Kerrville, Texas, and Phoenix Summit, Ltd.*, as adopted by Resolution No. 34-2007, and effective on or before March 7, 2007, and specifically, Section III of said agreement regarding annexation, the owner of the property described in Section One, below, has previously petitioned that the property be annexed into the corporate limits of the City of Kerrville, Texas; and

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

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

SECTION ONE. The property described and depicted in **Exhibits A and B**, respectively, which is attached hereto and incorporated herein by reference (the "Property"), is authorized to be annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes, said annexation and incorporation to be effective on January 18, 2015.

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

SECTION THREE. Upon the adoption of this Ordinance and the expiration of 180 days, said date being January 18, 2015, the Property described in Section One, above, shall be subject to the use and development regulations of an "R-1" Single Family Residential District.

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

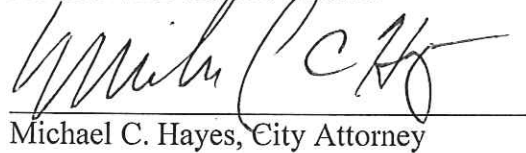
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2007.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

EXHIBIT A

A 305.073 acre tract of land out of the Florentine Lara Survey No. 123, Abstract No. 225 and the J.D. Leavell Survey No. 1862, Abstract No. 1435, Kerr County, Texas, said 305.073 acre tract also being a portion of that certain 301.4 acre tract conveyed to the Heights of Kerrville, LP., a Delaware Limited Partnership by deed recorded in Volume 1591, Pages 247 – 261, Official Public Records, Kerr County, Texas, a portion of that certain 25.08 acre tract conveyed to Phoenix Summit, Ltd. by deed recorded in Volume 1593, Pages 95 – 98, Official Public Records, Kerr County, Texas and a portion of that certain 13.64 acre tract conveyed to the Heights of Kerrville, LP., a Delaware Limited Partnership by deed recorded in Volume 1591, Pages 238 – 246, Official Public Records, Kerr County, Texas.

BEGINNING at the north corner of Lot No. 1, Block 6, of Village Glen, Section Two also being in the southeast corner of the 8.0 acre tract conveyed to Robin L. Jones ;

THENCE a direction of N44°46'59"E for a distance of 963.61 feet;

THENCE a direction of N44°55'29"E for a distance of 729.50 feet;

THENCE a direction of S59°33'04"E for a distance of 8.00 feet;

THENCE a direction of N44°52'37"E for a distance of 1,958.75 feet;

THENCE a direction of S44°47'43"E for a distance of 1,326.70 feet

THENCE a direction of S20°49'20"E for a distance of 34.08 feet;

THENCE a direction of S10°29'31"E for a distance of 94.55 feet;

THENCE a direction of S29°21'48"E for a distance of 64.19 feet;

THENCE a direction of N88°34'03"E for a distance of 103.76 feet;

THENCE a direction of S59°46'57"E for a distance of 34.59 feet;

THENCE a direction of S44°36'31"E for a distance of 242.57 feet;

THENCE a direction of N78°58'06"E for a distance of 838.50 feet;

THENCE a direction of S13°32'41"E for a distance of 274.42 feet;

THENCE a direction of N75°20'32"E for a distance of 156.42 feet;

THENCE a direction of S36°00'03"E for a distance of 562.82 feet;

THENCE a direction of S09°04'53"E for a distance of 115.34 feet;

THENCE a direction of S05°44'00"E for a distance of 72.86 feet;

THENCE a direction of S01°24'49"E for a distance of 63.30 feet;

THENCE a direction of S13°45'58"W for a distance of 84.18 feet;

THENCE a direction of S13°06'01"W for a distance of 258.07 feet;

THENCE a direction of S14°45'06"E for a distance of 317.78 feet;

THENCE a direction of S32°25'03"E for a distance of 106.22 feet;

THENCE a direction of S33°08'59"E for a distance of 180.64 feet;

THENCE a direction of S35°16'59"E for a distance of 199.60 feet;

THENCE a direction of N71°14'24"E for a distance of 74.63 feet;

THENCE a direction of S89°47'19"E for a distance of 37.80 feet;

THENCE along the arc of said circular curve to the left (counter-clockwise), having a radius of 1,970.08 feet, the long chord bears a direction of S11°38'31"E, a distance of 44.81 feet, for a distance along said curve of 44.82 feet to the end of curve;

THENCE a direction of S45°00'34"W for a distance of 968.11 feet;

THENCE a direction of S45°14'37"W for a distance of 847.15 feet;

THENCE a direction of N45°21'10"W for a distance of 1,002.55 feet;

THENCE a direction of N45°59'02"W for a distance of 739.93 feet;

THENCE a direction of S45°20'27"W for a distance of 421.05 feet;

THENCE a direction of N46°16'52"W for a distance of 38.76 feet;

THENCE a direction of S45°04'58"W for a distance of 353.71 feet;

THENCE a direction of S45°14'18"W for a distance of 629.05 feet;

THENCE a direction of S45°12'45"W for a distance of 14.05 feet;

THENCE a direction of N45°12'45"W for a distance of 212.25 feet;

THENCE a direction of N45°10'12"E for a distance of 20.29 feet;

THENCE along the arc of said circular curve to the left (counter-clockwise), having a radius of 570.00 feet, the long chord bears a direction of N39°34'58"E, a distance of 110.99 feet, for a distance along said curve of 111.17 feet to the end of curve;

THENCE a direction of N45°07'13"W for a distance of 384.73 feet;

THENCE a direction of N84°30'34"W for a distance of 114.27 feet;

THENCE a direction of S49°56'55"W for a distance of 109.81 feet;

THENCE a direction of S35°48'21"W for a distance of 165.17 feet;

THENCE a direction of N45°07'13"W for a distance of 700.23 feet;

THENCE a direction of N22°18'44"W for a distance of 304.39 feet;

THENCE a direction of S70°13'41"W for a distance of 390.41 feet;

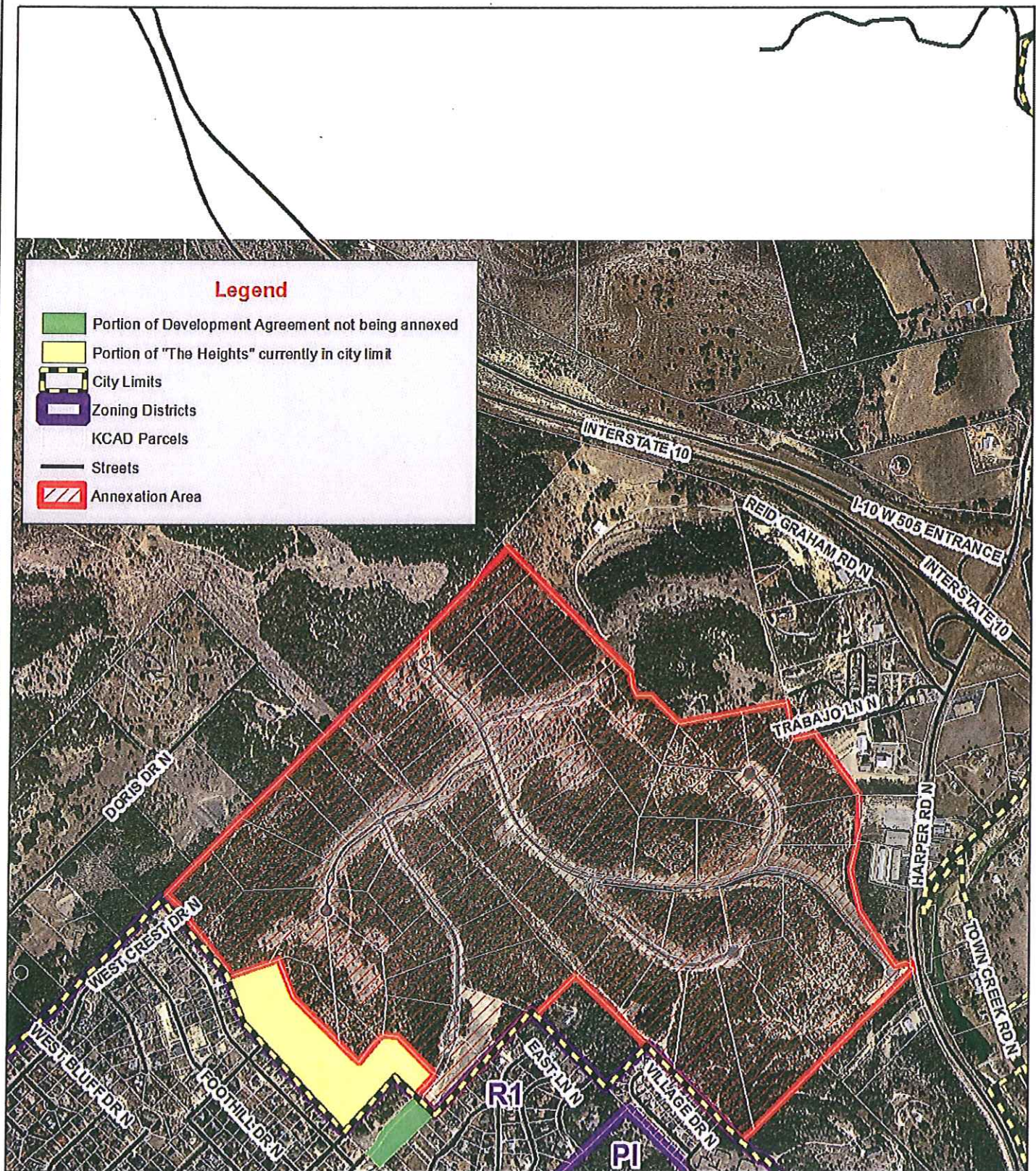
THENCE a direction of N19°41'21"W for a distance of 60.11 feet;

THENCE a direction of N39°21'46"W for a distance of 548.56 feet;

THENCE a direction of N45°54'43"W for a distance of 61.19 feet;

THENCE a direction of N45°34'57"W for a distance of 127.50 feet to the place of beginning.

Exhibit B - Annexation - Location Map



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



EXHIBIT C

ANNEXATION SERVICE PLAN

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

ANNEXATION SERVICE PLAN (CONTINUED)

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

Agenda Item:

6B. Ordinance No. 2014-14, amending the Comprehensive Plan for the City of Kerrville, Texas, pursuant to Chapter 213 of the Texas Local Government Code, by revising the future land use plan for a tract adjacent to Meadowview Lane and between its intersection with Burleson Boulevard N. and Legion Drive N. and addressed as 411 Meadowview Lane. (staff)

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

SUBJECT: 2nd Ordinance Reading: Comprehensive Plan Amendment – 2nd ordinance reading concerning a proposed Comprehensive Plan Amendment to amend the future land use category from “Low-Density Residential” to the future land use category of “Public and Institutional”, for an approximate 4.241 acres consisting of Tracts I and II, Texas National Guard Armory Board in the Samuel Wallace Survey No. 113, Abstract No. 761, located at 411 Meadowview Lane.

FOR AGENDA OF: July 22, 2014 **DATE SUBMITTED:** July 11, 2014

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

EXHIBITS: Location Map & Ordinance

AGENDA MAILED TO: William Brown, 411 Meadowview Lane, Kerrville, Texas
78028

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

This is the 2nd ordinance reading to amend the Future Land Use Plan from “Low-Density Residential” to “Public & Institutional” for the property located at 611 Meadowview Lane. No changes have been made to the ordinance since Council approved the amendment, after a public hearing on July 8, 2014.

This item is being submitted to the Kerrville City Council for consideration in order to bring the City of Kerrville’s adopted Comprehensive Plan and Zoning Code into alignment.

While Comprehensive Plans are not regulatory in nature and do not constitute zoning regulations or establish zoning district boundaries, State Law requires that Zoning Codes and Comprehensive Plans align themselves in order to provide guidance in determining actions based on requested zoning code changes or modifications.

The Kerrville Planning & Zoning Commission approved a Planned Development District for the property located at 411 Meadowview Lane on May 29, 2014 to allow the land use of “Public Assembly”. The Kerrville City Council also approved the proposed PDD on June 10, 2014 after a public hearing. The second ordinance reading was held on June 24,

2014.

The Future Land Use Plan (FLUP), a component of the City's adopted Comprehensive Plan, identifies this property to be developed with "Low-Density Residential" and defines this as "An area intended to provide and identify areas of conventional detached single family residential dwellings at a density of 1 to 5 units per acre". In order to correctly represent the current land use and long term future land use of the property, staff recommends amending the (FLUP) by modifying the future land use for this property from "Low-Density Residential" to "Public & Institutional".

"Public & Institutional" is defined as "Public, quasi-public and non-profit uses such as schools, recreational facilities, infrastructure, churches, hospitals, and personal care facilities, governmental, etc."

The facility currently located at this location (Hill Country Veterans Center) falls within this definition. Based on the current land use and the approved PDD for the property staff recommends approval of the Comprehensive Plan Amendment as outlined in the attached ordinance.

21 land owners within 200' were notified by mail and no official protests were received.

The Planning & Zoning Commission approved the (FLUP) amendment on Thursday June 26, 2014 by a vote of 5-0.

The City Council approved the (FLUP) amendment on Tuesday July 8, 2014 by a vote of 5-0.

RECOMMENDED ACTION

1. Approve the requested Comprehensive Plan Amendment as outlined in the attached ordinance on the 2nd and final reading.

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

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE CITY OF KERRVILLE, TEXAS, PURSUANT TO CHAPTER 213 OF THE TEXAS LOCAL GOVERNMENT CODE, BY REVISING THE FUTURE LAND USE PLAN FOR A TRACT ADJACENT TO MEADOWVIEW LANE AND BETWEEN ITS INTERSECTION WITH BURLESON BOULEVARD N. AND LEGION DRIVE N. AND ADDRESSED AS 411 MEADOWVIEW LANE

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

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

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

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

WHEREAS, the Plan, specifically the FLUP, must now be amended in conjunction with a pending application for a zoning change; and

WHEREAS, both City staff and the City's Planning and Zoning Commission have reviewed the proposed changes and recommend adoption of the amendment; and

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

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

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

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

SECTION TWO. The *City of Kerrville Comprehensive Plan – A Link To The Future*, is hereby amended by changing the future land use designation from "Low-Density Residential" to "Public and Institutional" for an approximate 4.241 acres, consisting of Tracts I and II, Texas National Guard Armory Board in the Samuel Wallace Survey No. 113, Abstract No. 761, and

located at 411 Meadowview Lane, which shall be as set forth in **Exhibit A**, attached hereto and incorporated herein for all purposes.

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

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

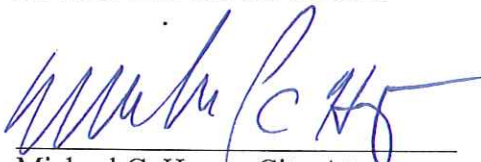
PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2014.

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

Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Brenda G. Craig, City Secretary

Exhibit A - Comprehensive Plan Amendment Location Map



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.

0 100 200 400 Feet

1 inch = 200 feet



Agenda Item:

7A. Resolution No. 20-2014 authorizing the transfer of the ownership of funds from the City of Kerrville to the City of Kerrville Employee Benefits Trust to pay for employee related benefits for fiscal year 2015. (staff)

TO BE CONSIDERED BY THE CITY COUNCIL

CITY OF KERRVILLE, TEXAS

SUBJECT: Approve the resolution authorizing the transfer of funds from the City of Kerrville to the City of Kerrville Employee Benefit Trust to pay for employee related benefits for FY 2015.

FOR AGENDA OF: July 22, 2014

DATE SUBMITTED: July 10, 2014

SUBMITTED BY: Kimberly Meisner 
Director of General Operations

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Resolution

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Due to the action taken by the Trustees of the Employee Benefit Trust to authorize the City Manager to sign contracts for FY 2015 employee benefits, Council will now need to consider approval of the resolution authorizing the transfer of funds from the City of Kerrville to the City of Kerrville Employee Benefits Trust to pay for the employee benefits for FY 2015.

RECOMMENDATION

Staff recommends City Council authorize the transfer of funds in the amount not to exceed \$7,500 per employee from the City of Kerrville and Benefit Trust Reserve (if needed) to the City of Kerrville Employee Benefit Trust to pay for employee benefits for FY 2015.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 20-2014**

**A RESOLUTION AUTHORIZING THE TRANSFER OF THE
OWNERSHIP OF FUNDS FROM THE CITY OF KERRVILLE TO THE
CITY OF KERRVILLE EMPLOYEE BENEFITS TRUST TO PAY FOR
EMPLOYEE RELATED BENEFITS FOR FISCAL YEAR 2015**

WHEREAS, in 2008, the City Council created an Employee Benefits Trust (the "Trust") for the administration of employee benefits pursuant to Chapter 222, Texas Insurance Code; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it in the public interest to transfer the ownership of the City's fund where gross premiums and revenue are maintained for the City's various life, disability, sick, accident, and other health benefits to the Trust;

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

The City Council of the City of Kerrville, Texas, authorizes the transfer of the ownership of the City of Kerrville Internal Service Fund to the City of Kerrville Employee Benefits Trust for fiscal year 2015.

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

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

_____
Michael C. Hayes, City Attorney

MetLife Renewal Accepted. Effective October 1, 2014.

Authorized Representative for City of Kerrville

Printed Name of Authorized Representative

Title

Date



Lincoln Financial Group is the marketing name for Lincoln National Corporation and its affiliates.

July 07, 2014

The Lincoln National Life
Insurance Company
8801 Indian Hills Drive
Omaha, NE 68114-4086
toll free (800) 423-2765
www.LFG.com

City of Kerrville
701 Main Street
Kerrville, TX 78028

RE: Renewal for Policy Number(s): 01-0145199, 01-0145200

We are proud to provide your company with quality group products and services at a cost that delivers sound value.

Each renewal period, we analyze current benefit and rate structures to determine the appropriate rates for continued group insurance protection for your valued employees. This process includes recalculation of the premium rates to reflect factors like:

- plan features
- demographics
- nature of business
- experience
- any adjustments to our underlying rate structure

Based upon our review, your renewal rates, effective 10/1/2014, are as follows:

Coverage	Rate Basis	Current Rate	Current Monthly Premium	Renewal Rate	Renewal Monthly Premium	Renewal Monthly Premium Change	Rate Guarantee Until
Life	per \$1,000	0.110	\$1,279.60	0.130	\$1,512.26	\$232.66	10/1/2015
AD&D	per \$1,000	0.020	\$230.74	0.020	\$230.74	\$0.00	10/1/2015
Short Term Disability	\$10 of weekly benefit	0.390	\$1,253.85	0.450	\$1,446.75	\$192.90	10/1/2015
Premium Totals:			\$2,764.19		\$3,189.75	\$425.56	

The monthly premium shown is based upon current billed lives and volume.

We appreciate your business and look forward to the continued opportunity to meet your group insurance needs. If you have any questions or if we can be of further assistance, please contact your local group representative at 1-800-523-2144.

Sincerely,

Lisa Ray
Group Underwriting

cc: GALLAGHER BENEFIT SERVICES INC
246 COMMERCE GREEN BLVD #290
SUGAR LAND, TX 77478

cc: Sarah Vannatter

This letter serves as a policy amendment and should be kept with your policy.

Lincoln Financial Group focuses on making life easier for you by doing business the way you want to do business - via the Web, telephone, IVR, e-mail and fax.

We are committed to being there when you need us!

Visit us on the web at www.lincoln4benefits.com or contact us at 1 (800) 423-2765.

Lincoln Renewal Accepted. Effective October 1, 2014.

Authorized Representative for City of Kerrville

Printed Name of Authorized Representative

Title

Date

Agenda Item:

7B. Presentation of the City of Kerrville fiscal year 2015 budget. (staff)

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

SUBJECT: Presentation of the City of Kerrville FY2015 budget

FOR AGENDA OF: July 17, 2014

DATE SUBMITTED: July 22, 2014

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS: Budget Summary
Funding Strategy (Reuse Water Project – Phase 1)

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

City staff will provide a formal presentation on the FY2015 budget. The proposed budget estimates total revenues of \$45,960,084 and allocates total expenditures of \$44,987,120 for all funds. General Fund allocations are \$23,994,334 and Water and Sewer Fund allocations are \$9,866,973. These funds combine for total allocations of \$33,861,307 or 75% of the total budget.

The budget has been prepared in accordance with the city's established policies for fiscal sustainability. The budget does not anticipate the need to raise the property tax rate or the water or sewer utility rates.

Attached to this report is a summary of the FY2015 budget.

City staff is also finalizing a funding plan and a modified 5-Year Capital Improvements Plan for the implementation of the first phase of the reuse water project. Staff's presentation will include a funding strategy and capital plan to complete the reuse project within the next 3 years. Also included with this report is a debt model with options for the issuance of certificates of obligation to fund the construction. Each of the options shows that the project could be funded in full compliance with the financial policies established for the Water and Sewer Fund.

Provided that there are no additional changes requested by the City Council, the draft budget will be filed with the City Secretary's office by July 31.

RECOMMENDED ACTION

City staff recommends that the City Council accept the budget report and direct city staff to amend the 5-Year Capital Improvements Plan to incorporate the first phase of the reuse water project.

INTRODUCTION

The Budget Summary section provides a general overview to the entire City of Kerrville FY2015 budget. It highlights significant revenue and expense items at a city wide level as well as for our two largest funds, the General Fund and Water and Sewer Fund. In depth explanations are included in the graphs, charts, and narratives included within individual fund tabs.

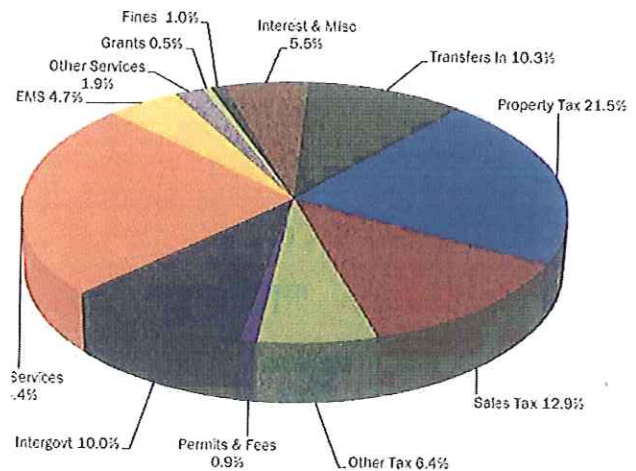
TOTAL CITY FUNDS

The FY2015 budget for all funds totals \$45,960,084 in revenues and \$44,987,120 in expenditures, including transfers between funds. According to the City Council, the budget should be fiscally sustainable. That is, current core services should be supported with current operational revenue without the need to use fund balance or put additional burden on our citizens. The City maintains fund balance reserves in its major operating funds. Fund balance can be used, when appropriate, to fund capital or one-time expenditures.

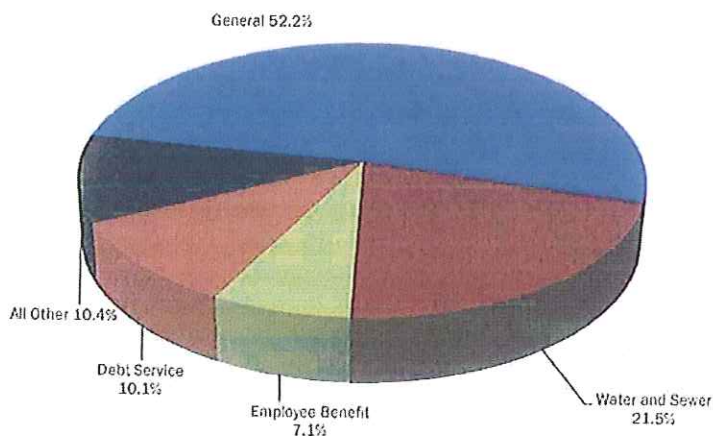
TOTAL CITY REVENUE

FY2015 budgeted revenues total \$45,960,084 which is \$301,619 or 0.7% less than the 2014 budget. Revenue comes primarily from 3 sources: property tax (21.5%), utility services (24.4%) and sales tax (12.9%).

Citywide - Revenue Sources



Citywide - Revenue Sources by Fund



From a fund perspective, the General Fund accounts for 52.2% of citywide revenue primarily from property and sales tax. The Water and Sewer's Fund's utility billing adds 21.5% of the total revenue and other smaller funds account for the remaining.

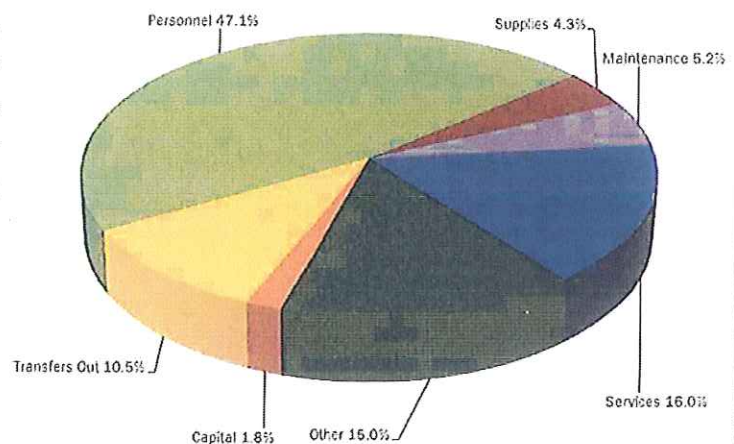
TOTAL CITY EXPENSE

Total city wide expenditures for FY2015 are budgeted at \$44,987,120, including internal transfers. This is an increase of \$202,793 or 0.5% from the 2014 budget. It is helpful to view expense both by category and by fund.

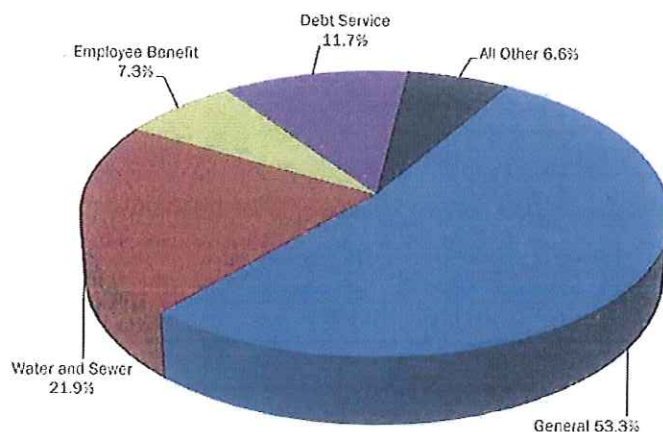
BY CATEGORY

Personnel is the largest category of expense, representing 47.1% of the total. In FY2015, all employees are budgeted to receive pay increases. Public safety employees are receiving raises in accordance with their step salary plans, while general government employees will receive merit based increases. In addition, we have increased the budget for street maintenance and repair and allocated \$600,000 toward a reserve fund for Fire Department operations.

Citywide - Expenditure Sources



Citywide - Expenditure by Fund



BY FUND

From a fund perspective, the General Fund accounts for 53.3% of the City's expenditures. Police, Fire, Parks, and Streets are major departments funded by the General Fund. Next, the Water and Sewer Fund, with its Water Production, Water Reclamation, Utility Construction and Water Records departments represents 21.9% of the expense. Smaller funds make up the remaining amounts.

GENERAL FUND

The General Fund is the general operating fund and the largest fund of the City. It includes government services such as Police, Fire, Parks and Recreation, and Streets. In addition, administrative services such as Information Technology, Human Resources, Finance, and Engineering are a part of the General Fund. These services are funded primarily by property tax and sales tax. For accounting and financial reporting purposes, this is considered a governmental fund that uses the modified accrual basis of accounting.

The FY2015 budget for the General Fund includes \$23,994,334 in revenues and expenses, resulting in a balanced budget. This budget allows us to exceed our fund balance reserve target.

GENERAL FUND - BUDGET SUMMARY

	FY13 Actual	FY14 Adopted	FY14 Estimated	FY15 Proposed
BEGINNING FUND BALANCE	\$ 5,701,228	\$ 6,294,046	\$ 6,294,046	\$ 7,042,745
REVENUES				
Operating Revenues	20,425,369	20,638,994	21,046,418	22,190,669
Operating Transfers In	1,256,185	1,419,500	1,399,500	1,803,665
TOTAL REVENUES	21,681,554	22,058,494	22,445,918	23,994,334
EXPENDITURES				
Operating Expenditures	20,206,601	21,360,420	21,360,420	23,525,445
Operating Transfers Out	882,135	750,000	750,000	468,889
TOTAL EXPENDITURES	21,088,736	22,110,420	22,110,420	23,994,334
CHANGE IN NET POSITION	592,818	(51,926)	335,498	-
ENDING FUND BALANCE	\$ 6,294,046	\$ 6,242,120	\$ 6,629,544	\$ 7,042,745
Reserve Target (25%)	5,272,184	5,527,605	5,527,605	5,998,584
Over (Under) Reserve	1,021,862	714,516	1,101,939	1,044,162

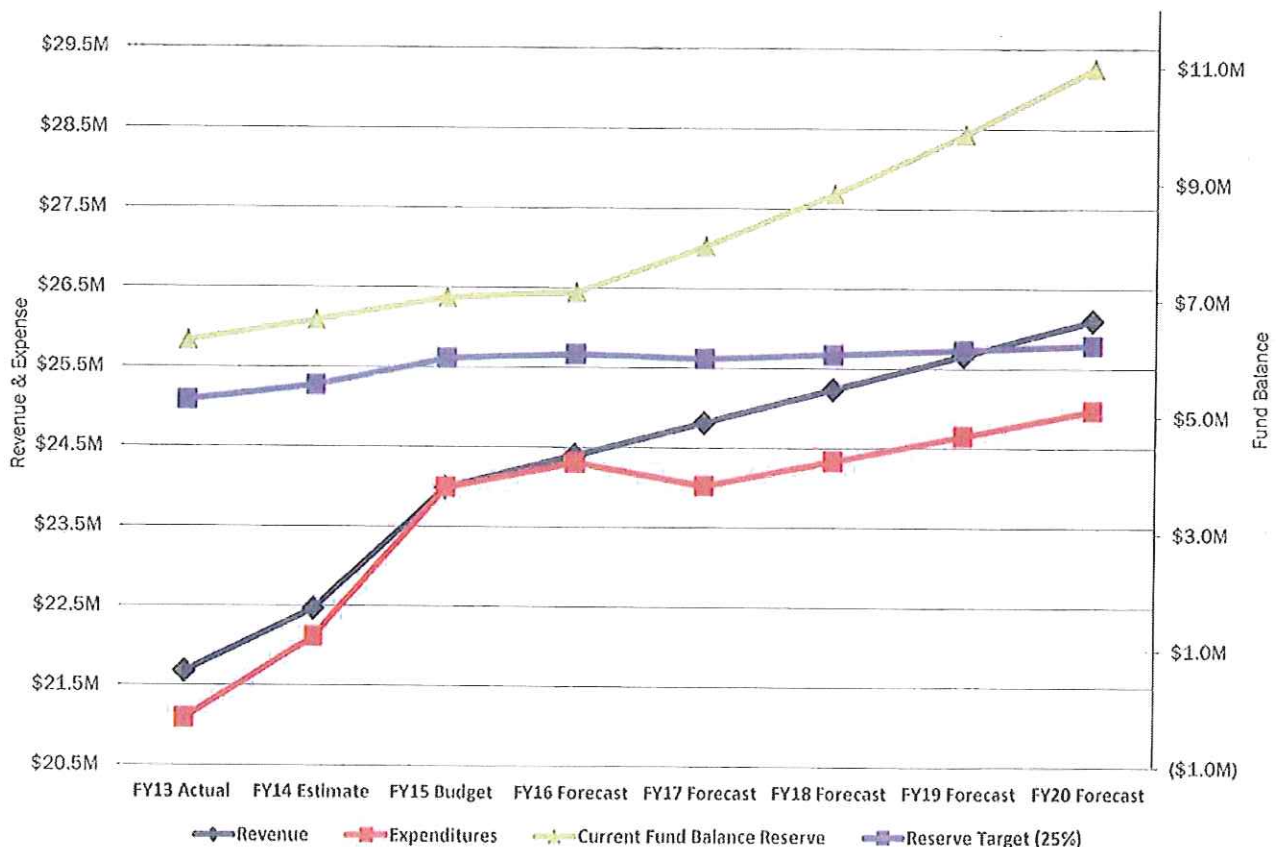
FY2015 Beginning Fund Balance includes Landfill Recycling Fund which was merged into General Fund on 10/1/14.

FISCAL SUSTAINABILITY

At a basic level, fiscal sustainability is maintaining or enhancing core services with current operational revenue. One time revenues are not used to fund regular operational expenditures. In addition, our fiscal sustainability goals include building a fund balance reserve equal to at least 25% of annual expenditures. Excess fund balance reserve can be used to pay for one time expenses or capital projects. Fiscal sustainability also involves planning for at least five years in the future and anticipating capital needs for City infrastructure.

The chart below graphically illustrates healthy and sustainable trends. With modest economic growth estimates for revenue and expense growth, we anticipate that revenues will meet or exceed expenditures in the years FY2015 to FY2020. Our current projections show the City ending FY2014 with a 30% fund balance reserve in the General Fund, which exceeds our 25% goal. If not used to fund capital projects, the fund balance reserve will continue to grow to 44% by FY2020.

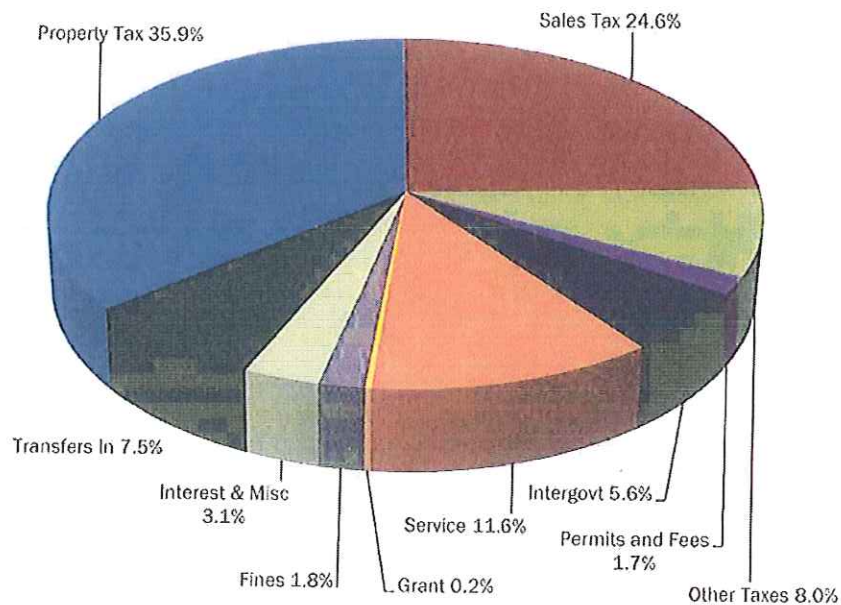
General Fund Fiscal Sustainability Model



GENERAL FUND REVENUE

Total FY2015 budgeted revenues total \$23,994,334 which is \$1,548,416 or 6.9% more than estimated FY2014 revenue. The graph below illustrates the revenue sources for the General Fund.

General Fund - Revenue Sources



PROPERTY TAX REVENUE

The largest source of revenue for the General Fund is property taxes which are budgeted at \$8,608,750 or 36.5% of revenues. Since FY2010, the tax rate has remained at \$0.5625 per \$100 of assessed value. The FY2015 budget estimates a 1.3% increase in property tax revenue due primarily to increased values.

SALES TAX REVENUE

The second largest source of revenue for the General Fund is sales tax. In FY2015, sales tax is projected to increase by 2.4% over projected FY2014 revenue to \$5,913,975. This represents 25.1% of revenues. Sales tax increases are due to new businesses as well as increased sales at existing businesses.

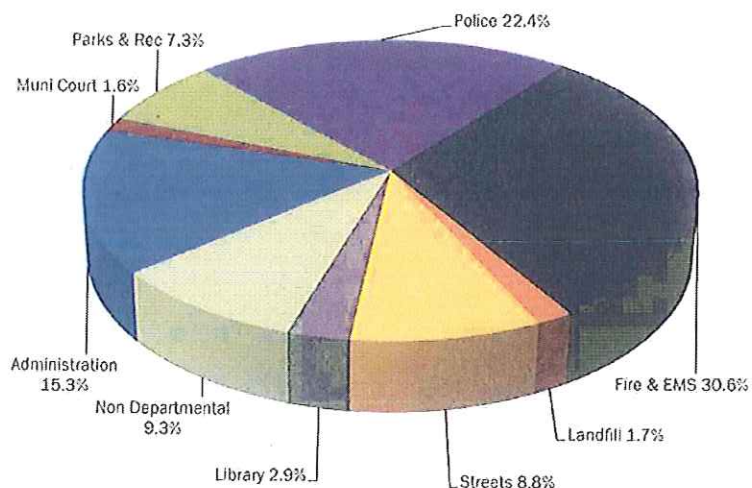
GENERAL FUND EXPENDITURE

FY2015 total General Fund expense is budgeted at \$23,994,334, which is a 8.5% increase from estimated FY2014 expense. It is helpful to view expense both by department and by category.

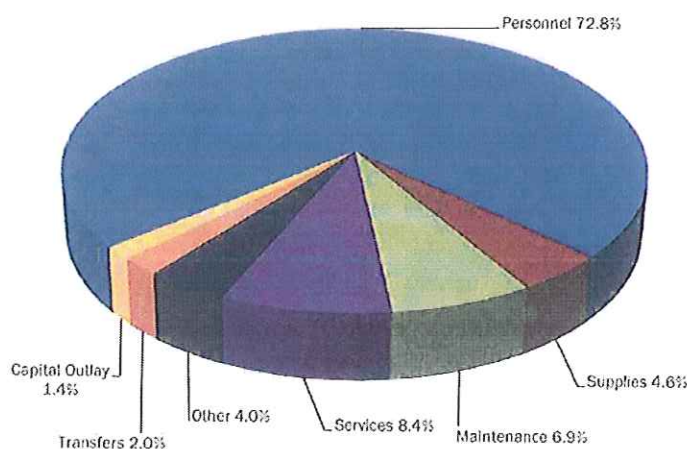
BY DEPARTMENT

Public safety including Police, Fire and EMS make up 53.0% of the expense. Personnel in these departments will receive raises in accordance with public safety step plans in FY2015. The next largest department is Streets, which is expanding its programs to include repaving more miles of road and an extensive street cleaning program with a new street sweeper purchased in FY2014.

General Fund - Expenditure by Department



General Fund - Expenditure by Category



BY CATEGORY

At 72.8%, personnel is the largest spending category in the General Fund. All general government employees as well as public safety employees are scheduled to receive raises in FY2015 after several previous years of salary freezes. Personnel expense also includes medical and retirement benefits. City employees participate in a retirement plan through Texas Municipal Retirement System. The City provides a 2 to 1 match for the employee's contribution.

WATER AND SEWER FUND

The Water and Sewer Fund accounts for the provision of water and sewer services to the residents of the City. All activities necessary to provide those services are accounted for in this fund, including Water Production, Water Reclamation, Utility Construction and Water Records. For accounting and financial reporting purposes, the Water and Sewer Fund is considered an enterprise fund that uses the full accrual basis of accounting.

The FY2015 budget for the Water and Sewer Fund includes \$9,866,973 in revenues and expenditures, resulting a balanced budget. This budget allows us to maintain a reserve above target in this fund.

WATER AND SEWER FUND - BUDGET SUMMARY

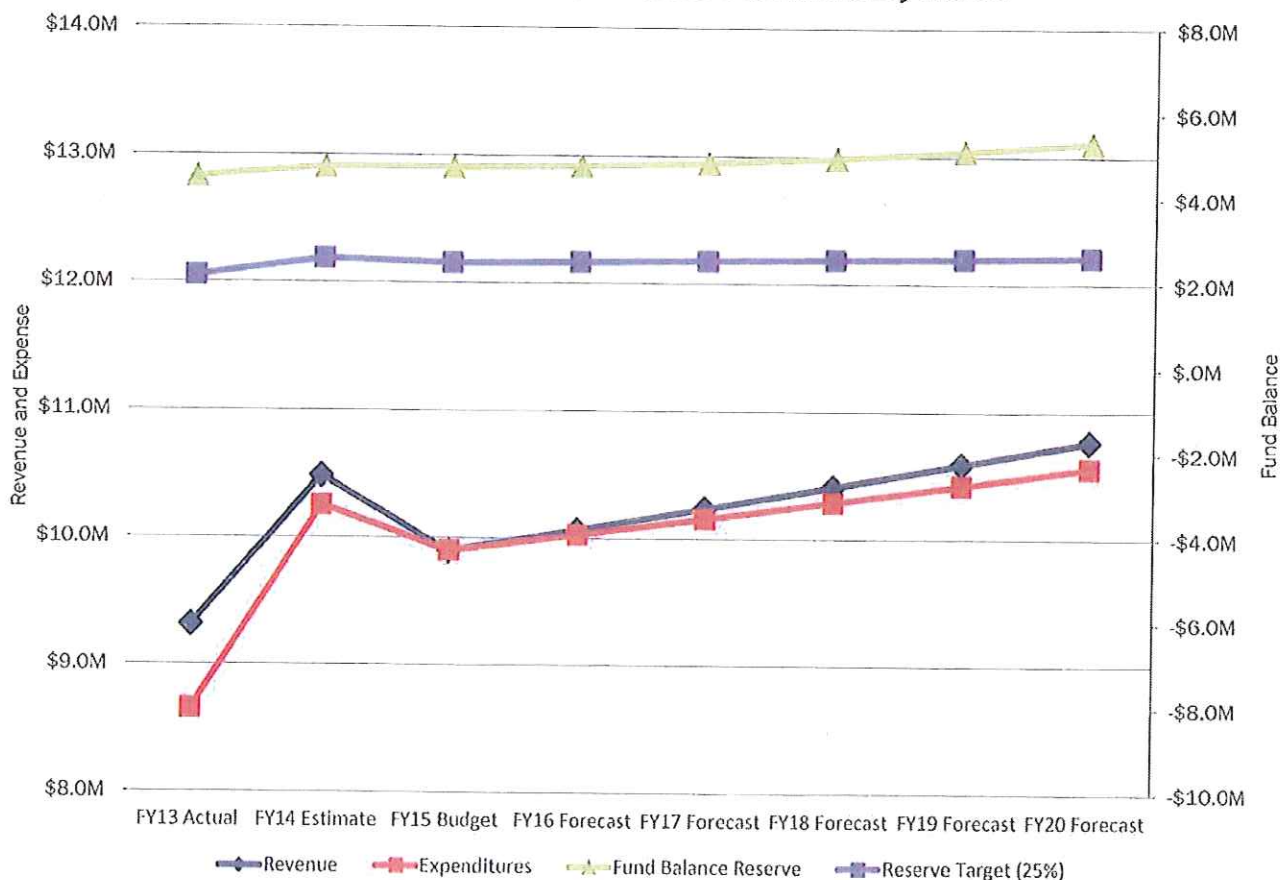
	FY13 Actual	FY14 Adopted	FY14 Estimated	FY15 Proposed
BEGINNING FUND BALANCE	\$ 3,825,572	\$ 4,491,101	\$ 4,491,101	\$ 4,707,474
REVENUES				
Operating Revenues	9,316,640	9,681,469	9,681,469	9,866,973
Operating Transfers In	-	805,000	805,000	-
TOTAL REVENUES	9,316,640	10,486,469	10,486,469	9,866,973
EXPENDITURES				
Operating Expenditures	5,351,111	6,105,600	6,120,096	5,660,052
Operating Transfers Out	3,300,000	4,150,000	4,150,000	4,206,920
TOTAL EXPENDITURES	8,651,111	10,255,600	10,270,096	9,866,973
CHANGE IN NET POSITION	665,529	230,869	216,373	-
ENDING FUND BALANCE	\$ 4,491,101	\$ 4,721,970	\$ 4,707,474	\$ 4,707,474
Reserve Target (25%)	2,162,778	2,563,900	2,567,524	2,466,743
Over (Under) Reserve	2,328,323	2,158,070	2,139,950	2,240,731

FISCAL SUSTAINABILITY

At a basic level, fiscal sustainability is maintaining or enhancing core services with current operational revenue. One time revenues are not used to fund regular operational expenditures. In addition, our fiscal sustainability goals include building a fund balance reserve equal to at least 25% of annual expenditures. Excess fund balance reserve can be used to pay for one time expenses or capital projects. Fiscal sustainability also involves planning for at least five years in the future and anticipating capital needs for City infrastructure, while limiting our annual debt service to no more than 35% of Water and Sewer Fund revenues.

The chart below graphically illustrates healthy and sustainable trends. With modest economic growth estimates for revenue and expense growth, we anticipate that revenues will meet or exceed expenditures in the years FY2015 to FY2020. Our current projections show the City ending FY2014 with a 46% fund balance reserve in the Water and Sewer Fund, which well exceeds our 25% goal. If not used to fund capital projects, the fund balance reserve will continue to grow to 51% by FY2020.

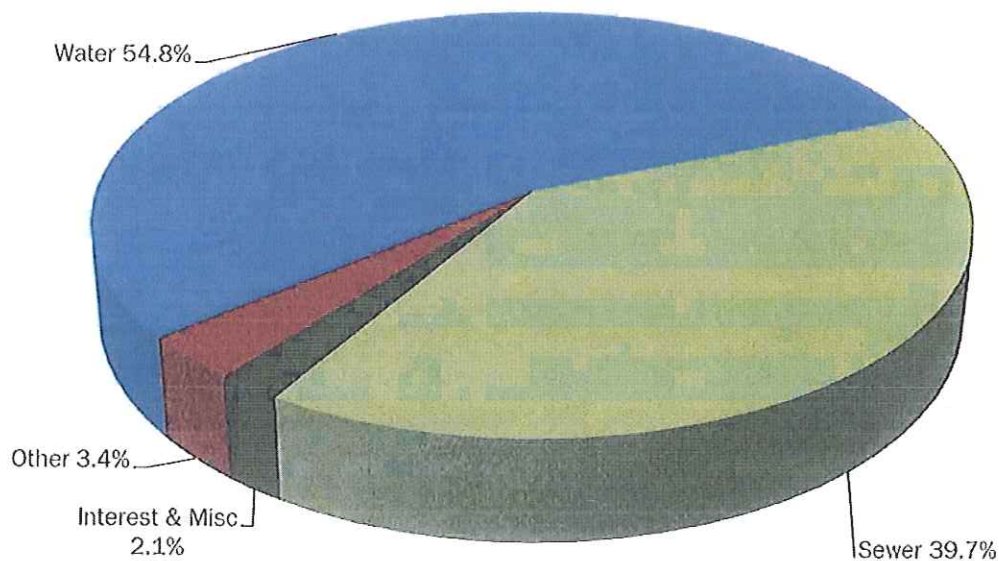
Water and Sewer Fund Fiscal Sustainability Model



WATER AND SEWER FUND REVENUE

Total FY2015 budgeted revenues total \$9,866,973 which is \$619,496 or 5.9% less than estimated FY2014. The graph below illustrates the revenue sources for the Water and Sewer Fund.

Water and Sewer Fund - Revenue Sources



WATER REVENUE

Water revenue represents the amount billed to customers for metered water used. Also included in this number are charges for re-use water, water taps and meters. Our water rates have not changed since FY2012. The City uses a tiered rate structure with higher rates for higher water use plus a flat monthly maintenance fee for all accounts. There are differing rate structures for residential, commercial and irrigation accounts. Water accounts have grown at approximately 1% per year, however water usage varies widely between years based on rainfall and drought restrictions.

SEWER REVENUE

Sewer revenue represents the amount billed to customers for their sewer service. We are not able to meter actual residential sewer usage, so instead we bill a flat rate for sewer service. The residential rate is calculated annually for each account and is based on an average of actual water consumption during winter months.

Budget Summary - Water and Sewer Fund

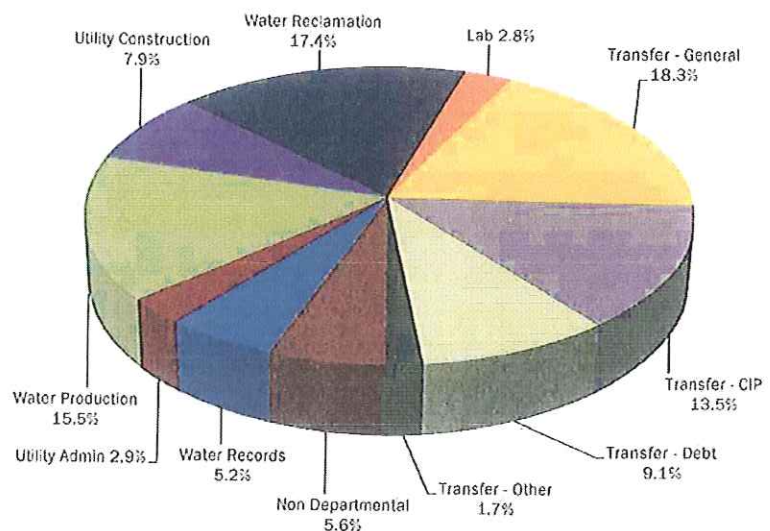
WATER AND SEWER FUND EXPENDITURES

Total FY2015 budgeted expense totals \$9,866,973 which is \$403,123 or 3.9% less than estimated FY2014 expenditures. It is helpful to view expense both by department and by category.

BY DEPARTMENT

Water Reclamation, Water Production and Utility Construction are the largest operating departments in the Water and Sewer Fund. Other large expenses are transfers out of the fund for administrative services provided by the General Fund, in addition to funding for capital projects and debt service.

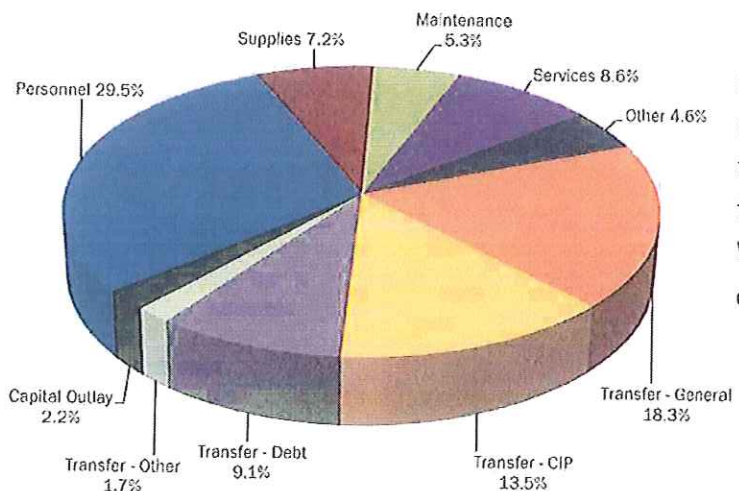
Water and Sewer Fund - Expenditure by Department



Water and Sewer Fund - Expenditure by Category

BY CATEGORY

From this view, transfers out of the Water and Sewer Fund for General Fund services, capital projects and debt service make up the largest expense categories. Personnel is the next largest expense. Employees in the Water and Sewer Fund are budgeted to receive merit based raises in FY2015.



City of Kerrville

Funding Strategies (Reuse Water Project - Phase 1)

June 2014

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
W&S Revenue - Fund 02	9,898,998	10,067,281	10,238,425	10,412,478	10,589,490	10,769,511
W&S Revenue - Fund 53	1,842,000	1,873,314	1,905,160	1,937,548	1,970,486	2,003,985
TOTAL REVENUE	11,740,998	11,940,595	12,143,585	12,350,026	12,559,976	12,773,496
x 35%	35%	35%	35%	35%	35%	35%
Available debt service	4,109,349	4,179,208	4,250,255	4,322,509	4,395,992	4,470,724
Current debt service	3,235,731	3,239,194	3,238,849	3,247,817	3,199,001	3,160,666
Additional debt service available	873,618	940,014	1,011,406	1,074,692	1,196,991	1,310,058

Scenario G:

issue \$10M w/ debt service starting in 2017
issue \$5M w/ debt service starting in 2019
rates extrapolated from First Southwest

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$10M debt service			200,000	748,333	747,667	746,500
\$5.0M debt service					120,000	398,333
Total additional debt service	-	-	200,000	748,333	867,667	1,144,833
Debt service %	27.56%	27.13%	28.32%	32.36%	32.38%	33.71%
Remaining debt service available	873,618	940,014	811,406	326,359	329,324	165,224

Scenario H:

issue \$7.5M w/ debt service starting in 2017
issue \$7.5M w/ debt service starting in 2018
rates extrapolated from First Southwest

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$7.5M debt service			150,000	561,250	560,750	559,875
\$7.5M debt service				180,000	597,500	595,800
Total additional debt service	-	-	150,000	741,250	1,158,250	1,155,675
Debt service %	27.56%	27.13%	27.91%	32.30%	34.69%	33.79%
Remaining debt service available	873,618	940,014	861,406	333,442	38,741	154,383

Scenario I:

issue \$5M w/ debt service starting in 2017
issue \$10M w/ debt service starting in 2018
rates extrapolated from First Southwest

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
\$5M debt service			100,000	374,167	373,833	373,250
\$10M debt service				240,000	796,667	794,400
Total additional debt service	-	-	100,000	614,167	1,170,500	1,167,650
Debt service %	27.56%	27.13%	27.49%	31.27%	34.79%	33.89%
Remaining debt service available	873,618	940,014	911,406	460,525	26,491	142,408

Agenda Item:

8A. Quarterly report by Playhouse 2000. (Jeffery Brown)

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

SUBJECT: Quarterly Report by Playhouse, 2000 Inc.

FOR AGENDA OF: July 22, 2014

DATE SUBMITTED: July 15, 2014

SUBMITTED BY: Ashlea Boyle *AB*
Special Projects Manager

CLEARANCES: Todd Parton
City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The Executive Director of Playhouse 2000, Inc. will provide a report regarding activities, programming, and operations at the Kathleen C. Cailloux Theater. This report is now provided on a quarterly basis.

RECOMMENDED ACTION

This report is provided for informational purposes only and no action is required.

Agenda Item:

8B. Budget update. (staff)

City of Kerrville

Month ending June 30, 2014

(Month 9 of FY14 Budget)

	Current Month	Year To-Date	75 % of Budget	Prior Year To-Date	% change prior year
General Fund					
Total Revenues	\$1,306,930	\$18,454,943	83.95%	\$17,974,463	2.60%
Property tax	\$105,497	\$8,212,140	98.06%	\$8,111,697	1.22%
Sales tax	\$535,116	\$4,356,439	79.21%	\$4,104,082	5.79%
Total Expenditures	\$1,710,455	\$15,788,188	73.06%	\$15,383,686	2.56%

Water and Sewer Fund					
Total Revenues	\$927,356	\$7,316,524	69.77%	\$6,659,291	8.98%
Water Sales	\$464,479	\$3,301,685	64.87%	\$3,514,193	-6.44%
Sewer Service	\$323,832	\$2,838,177	74.30%	\$2,609,394	8.06%
Expenditures	\$655,850	\$6,192,713	62.10%	\$6,263,235	-1.14%

Hotel/Motel:					
Revenues	\$117,792	\$715,575	83.20%	\$656,518	8.25%
Expenditures	\$0	\$673,231	78.37%	\$620,250	7.87%

Unemployment: May 2014		Consumer confidence: May 2014	
National	6.1%	National	83.0% up 11.7% over 2013
Texas	5.1%	Texas	128.5% up 35.5% over 2013
Local	4.3%	(Sources: State Comptroller/Workforce Alamo)	

Housing:					
<i>Local:</i>					
685 active residential listings; 57 residential sales June 2014					
\$13,408,300 total residential sales dollars for June 2014					
\$63,058,290 total residential sales dollars for Jan 1 through June 30, 2014					
(Source: Kerrville Board of Realtors)					
 <i>Permits Issued for New Residence</i>					
Oct - June 2013 - 25					
Oct - June 2014 - 46					