

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, DECEMBER 9, 2014, 6:00 P.M.

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, DECEMBER 9, 2014, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION: by Jimmy Sportsman, Senior Minister for Kerrville Church of Christ.

PLEDGE OF ALLEGIANCE TO THE FLAG

Those in attendance may stand if they wish.

A SPECIAL CHRISTMAS PRESENTATION

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:

2A. Kerrville Beautification Advisory Committee's Beautification Recognition Awards. (Mayor Pratt)

2B. Texas Police Chiefs Association's Certificate of Re-recognition. (Max Westbrook Jr., Texas Police Chiefs Association)

2C. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting. (Mayor Pratt)

3. CONSENT AGENDA:

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

3A. Minutes of the regular City Council meeting held November 11, 2014. (staff)

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

I do hereby certify that this notice of meeting was posted on the bulletin board at the City hall of the City of Kerrville, Texas, and said notice was posted on the following date and time, December 5, 2014 at 2:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

3B. Resolution No. 38-2014 granting a petition requesting the annexation of an approximate 23.38 acre tract out of the F. Rodriguez Survey No. 72, Abstract No. 280, within Kerr County, Texas, and consisting of the property addressed as 5235 State Highway 27; and ordering the preparation of an annexation ordinance. (staff)

3C. Request to abandon land deeded to the City of Kerrville for a "Kerrville River Walk Trail" recorded in Volume 0793, Page 853, Kerr County Records and being generally located within the 700 block of Water Street. (staff)

END OF CONSENT AGENDA

4. PUBLIC HEARING:

4A. Proposed voluntary annexation and an initial zoning classification of (RM) "Residential Mix" District, for an approximately 3.05 acre tract of land out of the W. H. Crawford Survey No. 653, Abstract No. 123, Kerr County, Texas, located at 421 Roy Street. (staff)

5. ORDINANCES, SECOND AND FINAL READING:

5A. Ordinance No. 2014-23, 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 certain properties located along West Main Street and between its intersection with Powell Ave N. and Cox Avenue N.; and specifically, changing the future land use of this area to Neighborhood Commercial. (staff)

5B. Ordinance No. 2014-22, amending the City's "Zoning Code" by changing the zoning district of certain properties located along West Main Street and between its intersection with Powell Avenue N. and Cox Avenue N.; such change will result in the placement of the properties within a Residential Transition (RT) district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. (staff)

5C. Ordinance No. 2014-25 altering the prima facie speed limit on State Highway 173 (Bandera Highway) from approximately two hundred feet south of the intersection of the highway with Comanche Trace Drive and continuing south to the City's limits, such distance equal to 0.179 mile; reducing said speed limit to 55 miles per hour; authorizing installation of appropriate signs and markings; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00) and ordering publication. (staff)

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Cheryl Brown
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5D. Ordinance No. 2014-26, amending Chapter 58, Article III of the City's Code of Ordinances titled "Smoking in enclosed public places and places of employment"; to prohibit the sale, purchase, and possession of electronic vaping devices to minors; containing a cumulative clause; containing a savings and severability clause; ordering publication; and providing other matters related to the subject. (staff)

5E. Ordinance No. 2014-27, amending Chapter 110 "Traffic and Vehicles" of the City's Code of Ordinances by adopting a new Article XII "Golf Carts"; authorizing the use of golf carts on public streets for parcel delivery during the fall and winter holiday season; establishing regulations under which golf carts are allowed to use public streets; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$500.00; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Increasing downtown parking time limit in public spaces from two hours to three hours. (Councilmember Stork)

6B. Amendments to the composition of Kerrville City Boards and Commissions and the procedural rules for Kerrville City Boards. (staff)

6C. Entrance lighting project for Comanche Trace. (staff)

6D. Set date for budget workshop. (staff)

7. INFORMATION AND DISCUSSION:

7A. Report on Code Red emergency notification system. (staff)

7B. Update on City of Kerrville Fiscal Year 2015 road improvement program. (Councilmember Stork)

8. APPOINTMENTS TO BOARDS AND COMMISSIONS:

8A. Appointments to the Beautification Advisory Committee. (staff)

8B. Appointment to the Economic Improvement Corporation. (staff)

8C. Appointments to the Food Service Advisory Board. (staff)

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

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Deputy City Secretary, City of Kerrville, Texas

8D. Appointment to the Library Advisory Board. (staff)

8E. Appointments to the Zoning Board of Adjustment. (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 development negotiations) of Chapter 551 of the Texas Government Code, including the following matters:

Sections 551.071 and 551.072:

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

- River trail
- 800 Junction Highway, former City Hall property

Sections 551.074:

- Appointment to the economic improvement corporation.
- Appointments to the zoning board of adjustment.

12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

13. ADJOURNMENT.

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

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Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

Agenda Item:

2A. Kerrville Beautification Advisory Committee's Beautification Recognition Awards. (Mayor Pratt)

**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: December 9, 2014 **DATE SUBMITTED:** November 25, 2014

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

EXHIBITS:

AGENDA MAILED TO:

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

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

2B. Texas Police Chiefs Association's Certificate of Re-recognition. (Max Westbrook Jr., Texas Police Chiefs Association)

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

SUBJECT: Presentation of the Texas Police Chiefs Association's Certificate of Re-recognition.

FOR AGENDA OF: December 9, 2014 **DATE SUBMITTED:** November 26, 2014

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

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The Law Enforcement Recognition Program is a voluntary process where police agencies in Texas prove their compliance with 168 Texas Law Enforcement Best Practices. These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service, the reduction of risk and the protection of individual's rights.

Being "Re-recognized" means that the agency has proven that it continues to meet or exceed all of the identified Best Practices for Texas Law Enforcement. These Best Practices cover aspects of law enforcement operations such as use of force, protection of citizen rights, pursuits, property and evidence management, and patrol and investigative operations.

Recognition Program Standards address these areas in an attempt to minimize risk and increase officer safety and training. While being "Re-recognized" does not guarantee an agency will not make a mistake, it does ensure that the agency has studied these critical issues, has developed policy and procedures to address them and has systems in place to identify and correct problems.

RECOMMENDED ACTION

Certificate of Re-recognition will be presented by Mr. Max Westbrook Jr. Program Director, Texas Police Chiefs Association Best Practices Recognition Program.

Agenda Item:

2C. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting. (Mayor Pratt)

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

SUBJECT: Presentation of Certificate of Achievement for Excellence in Financial Reporting.

FOR AGENDA OF: December 9, 2014 **DATE SUBMITTED:** November 18, 2014

SUBMITTED BY: Sandra Yarbrough *DY* **CLEARANCES:** Todd Parton
Director of Finance City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *TP*

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The City of Kerrville is pleased to announce that the Department of Finance has received the Government Finance Officers Association of the United States and Canada's (GFOA) Certificate of Achievement for Excellence in Financial Reporting for its 2013 comprehensive annual financial report. The City has received this award for thirty (30) years in a row beginning in 1984.

Our organization has an outstanding track record with this award. Credit for this accomplishment is due directly to Amy Dozier, Vanessa Silva, Randi VanWinkle, Trina Rodriguez, and Sureena Cripps.

RECOMMENDED ACTION

The Mayor will present the award and a special recognition to the City's Finance Department.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

09/25/2014

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **City of Kerrville** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Finance Department, City of Kerrville

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.

Certificate of Achievement For Excellence in Financial Reporting

Summary of Grading

Name of Unit: City of Kerrville
Fiscal Year of Report FY2013

Report # 2,893.30

The Certificate of Achievement Program Special Review Committee (SRC) has completed its review of your comprehensive annual financial report (CAFR). Listed below are the grading categories used and a summary of the SRC's evaluation of your CAFR. The detailed comments and suggestions for reporting improvements on the attached listing are grouped under similar grading categories. Any category which received a grade of "Needs Significant Improvement" indicates an area of particular concern to the SRC and the related comments and suggestions for improvement in this category should be given special attention. An indication is provided on the list by the specific comments(s) or category(ies) that were the cause of receiving this grade. For each item, the notation also states whether it is 1) the basis or part of the basis for the CAFR not receiving the Certificate of Achievement, 2) a serious deficiency which will almost certainly preclude the awarding of the Certificate of Achievement if it is not corrected in your next CAFR, or 3) a deficiency, that if not corrected in future CAFRs, could result in the Certificate of Achievement not being awarded.

Grading Category

Grade

Cover, table of contents, and formatting	Proficient
Introductory section	Proficient
Report of the independent auditor	Proficient
Management's discussion and analysis (MD&A)	Proficient
Basic financial statements (preliminary considerations)	Proficient
Government-wide financial statements	Proficient
Fund financial statements (general considerations)	Proficient
Governmental fund financial statements	Proficient
Proprietary fund financial statements	Proficient
Fiduciary fund financial statements	Not Applicable
Summary of significant accounting policies (SSAP)	Proficient
Note disclosure (other than the SSAP and pension-related disclosures)	Proficient
Pension-related note disclosures	Proficient
Required supplementary information (RSI)	Proficient
Combining and individual fund information and other supplementary information	Proficient
Statistical section	Proficient
Other considerations	Proficient



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**City of Kerrville
Texas**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

September 30, 2013

Executive Director/CEO

Agenda Item:

3A. Minutes of the regular City Council meeting held November 11, 2014. (staff)

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
NOVEMBER 11, 2014

On November 11, 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 Justin Carpenter, Impact Cross Kingdom Ministries, followed by the Pledge of Allegiance led by Interim Fire Chief Danny Smith.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT: None

CITY CORE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Day	Deputy City Manager
Brenda G. Craig	City Secretary
Sandra Yarbrough	Director of Finance
Ashlea Boyle	Special Projects Manager
David Knight	Assistant Police Chief
Danny Batts	Chief Building Official
Dannie Smith	Interim Fire Chief
Stuart Barron	Director of Public Works
Chris Stewart	Senior Planner

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

1. VISITORS/CITIZENS FORUM:

1A. Ward Jones, Government Affairs Committee of the Chamber of Commerce, introduced chamber board members and noted that someone from the chamber would be attending all council meetings to maintain better communications with the city and gain information for their members.

2. PROCLAMATION:

2A. Resolution of commendation to Carol Lenard for service on the Parks and Recreation Advisory Board was presented by Mayor Pratt.

3. CONSENT AGENDA: Item 3D was removed from the consent agenda. Mr. Stork moved to approve consent agenda items 3A, 3B, 3C, and 3E; Mr. Conklin seconded the motion, and it passed 5-0:

3A. Banking services Agreement with Wells Fargo for depository services.

3B. Submission of a funding application to the City of Kerrville Economic Improvement Corp. for 2015 Mardi Gras on Main event in the amount of \$10,000.00.

3C. Memorandum of Agreement with the Veterans Administration for emergency services for Freedom's Path development at the South Texas Veterans Health Care System.

3E. Resolution No. 37-2014 amending the City of Kerrville fee schedule by adding fees charged for the issuance of a hotel permit and related inspections.

END OF CONSENT AGENDA

3D. Development Agreement between Kerrville Senior Apartments Limited Partnership and the City of Kerrville, Texas, pursuant to the development and Construction of Freedom's Path Senior Veterans Residences Housing Project.

Mr. Parton noted the agreement between the city and Freedom's Path as originally designed would provide adequate fire flow and pressure to serve the project; however, when the city reviewed the water master plan, the city took the Spur 100 tank off line for health and water quality issues, which reduced fire flow and pressure to the project. The city will provide 1,200 ft. of water line to connect the project to the line that serves the VA from Memorial Blvd. The developer also had changes to incorporate into the agreement. Mr. Parton reviewed the changes:

- Second paragraph revised to match the city's resolution of support.
- #3: Added statement "subject to approval by the city engineer" to ensure that construction was in accordance with plans approved by the city engineer.
- #7: Reduced completion time of public improvements from 30 days to 20 days.
- #8: Added section 8 to provide guarantee of improvements to the lender that the city's utility would be completed timely. The timeline can be extended for acts of God, i.e. rain.

Mr. Parton noted that city crews would install the water line; estimated cost of \$30,000 for materiel and staff time estimated at five days for a total of \$50,000; this included the 1,200 ft. for looping. He recommended approval of the amendment to the development agreement with the changes stated.

Council noted when the project was first approved, combat disabled veterans were to be given first preference, and then veterans with service connected disabilities.

Mr. Stork moved to approve the agreement with the changes presented by staff; he withdrew the motion.

Mr. Stork moved to approve the agreement with the changes presented by staff, and to direct the city attorney to add a statement that combat disabled veterans be given priority. Mr. Allen seconded the motion and it passed 5-0.

4. PUBLIC HEARING:

4A. Annexation of property located at 421 Roy Street. Mr. Stewart noted the city received a petition for voluntary annexation in August, and council passed a resolution to proceed. The property owner requested the zoning classification of RM (residential mix) which was consistent with adjacent property uses.

Mayor Pratt opened the public hearing at 6:23; no one spoke and the public hearing was closed at 6:23.

5. PUBLIC HEARINGS AND ORDINANCES, FIRST READING:

5A. Ordinance No. 2014-23, 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 certain properties located along West Main Street and between its intersection with Powell Ave N. and Cox Avenue N.; and specifically, changing the future land use of this area to Neighborhood Commercial. Mayor Pratt read the ordinance by title only.

Mr. Stewart noted the property owner in Item 5B requested rezoning of the property along West Main between Powell and Cox avenues from R-1, single family residential, to RT, residential transition, to allow neighborhood commercial uses. In order to accommodate that request, the city must first amend the comprehensive plan by revising the future land use plan (FLUP) to allow neighborhood commercial uses in this area. Notices were mailed to all property owners within 200 ft. The planning and zoning commission held a public hearing and no comments were received; P&Z voted to amend the FLUP map.

Mayor Pratt opened the public hearing at 6:27; no one spoke and the public hearing was closed at 6:27.

Mr. Allen moved for approval of Ordinance No. 2014-23 on first reading; Mr. Conklin seconded the motion and it passed 5-0.

5B. Ordinance No. 2014-22, amending the City's "Zoning Code" by changing the zoning district of certain properties located along West Main Street and between its intersection with Powell Avenue N. and Cox Avenue N.; such change will result in the placement of the properties within a Residential Transition (RT) district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. Mayor Pratt read the ordinance by title only.

Mr. Stewart noted the ordinance would change the zoning district from R-1, single family residential, to RT, residential transition. The RT zone limited the size of buildings to 3,000 sq. ft., and required buildings to be designed to match the appearance of a single family neighborhood in order to protect residential uses. Notices were mailed to all property owners within 200 ft.; one person called requesting information and opined that it would be an improvement to the neighborhood. The planning and zoning commission held a public hearing; no comments were received; PZC recommended approval of the ordinance.

Mayor Pratt opened the public hearing at 6:30; no one spoke and the public hearing was closed at 6:31.

Mr. Conklin moved for approval of Ordinance No. 2014-22 on first reading as presented; Ms. Keeble seconded the motion and it passed 5-0.

6. ORDINANCES, FIRST READING:

6A. Ordinance No. 2014-25 altering the prima facie speed limit on State Highway 173 (Bandera Highway) from approximately two hundred feet south of the intersection of the highway with Comanche Trace Drive and continuing south to the City's limits, such distance equal to 0.179 mile; reducing said speed limit to 55 miles per hour; authorizing installation of appropriate signs and markings; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00) and ordering publication. Mayor Pratt read the ordinance by title only.

Mr. Barron noted the state recommended the city adopt an ordinance lowering the speed limit for an approximate 200 feet on Hwy. 173 between Comanche Trace and the city limits to 55 MPH.

Mr. Conklin moved for approval of Ordinance No. 2014-25 on first reading; Mr. Allen seconded the motion and it passed 5-0.

6B. Ordinance No. 2014-26, amending Chapter 58, Article III of the City's Code of Ordinances titled "Smoking in enclosed public places and places of employment"; to prohibit the sale, purchase, and possession of electronic vaping devices; containing a cumulative clause; containing a savings and severability clause; ordering publication; and providing other matters related to the subject. Mayor Pratt read the ordinance by title only.

Mr. Parton noted the ordinance would establish the minimum age of 18 to purchase or possess electronic cigarettes or products.

Mr. Allen moved for approval of Ordinance No. 2014-26 on first reading; Ms. Keeble seconded the motion and it passed 5-0.

7. ORDINANCES, SECOND AND FINAL READING:

7A. Ordinance No. 2014-21 amending Chapter 30 "Businesses" of the City's Code of Ordinances by adopting a new Article V "Tourist Courts, Hotels, Inns, and Rooming Houses"; enacting minimum health and sanitation standards for tourist courts, hotels, inns, and rooming houses; requiring a hotel permit for all hotels operated within the City; establishing standards for the issuance of said permit; establishing rules and regulations under which such permit will remain in force; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject. Mayor Pratt read the ordinance by title only.

Mr. Allen moved for approval of Ordinance No. 2014-21 on second reading; Mr. Conklin seconded the motion and it passed 5-0.

9. INFORMATION AND DISCUSSION:

9A. Quarterly report by Playhouse 2000 (P2K). Jeffery Brown, Executive Director of P2K, noted there had been only three productions with 16 nights at

the Cailloux Theater before it was closed for repairs July through September. He reported third quarter total operating income at \$104,000; total operating expenses at \$113,000; net operating income at (\$8,000); and contributions of \$26,542 for construction of the new support facility. P2K established a committee for facility construction, and a fundraising campaign was scheduled to begin in January 2015. He reviewed highlights of upcoming events.

Mr. Brown reviewed construction activity at the Cailloux Theater:

Projects funded by the Economic Improvement Corporation (EIC):

- Overhead lighting project to repair/upgrade dimming equipment was completed.
- Upgrade to LED lighting should be completed within the month.
- Outdoor lighting upgrade—researching options for final design.

Cailloux Campus Support Facility:

- Design was 50% complete.
- Preliminary cost estimates due within the week but believe construction will cost more than funds on hand; city staff directed the architect to wait until P2K can confirm funds for completion before going to bid; waiting for final potential cost before proceed.
- Report on cost estimate and timeline for additional fundraising to be presented to EIC in November.
- May require extension of time on current EIC funding agreement.

Mr. Brown noted the board also planned to assess the five year plan (2012-2016) and create a next five year plan (2015-2019), evaluate the sustainability of the current business plan to determine if operations were fiscally sustainable, and evaluate all policy documents.

8. CONSIDERATION AND POSSIBLE ACTION:

8A. Tax abatement for James Avery Craftsman (JAC) expansion.

Paul Zipp, JAC Chief Financial Officer, and George Lee, Senior Vice President of Supply for JAC, noted this year was the 60th anniversary of JAC, which began in Kerrville in 1954, and JAC had made many contributions to the community over the years. JAC products were sold through 70 Avery stores in 10 states and all products were shipped from the Kerrville distribution center. The current payroll in Kerrville was \$5.3 million per month. JAC recently expanded the Kerrville retail and visitors' center at an estimated cost of \$2.2 million, and the human resource building estimated at \$775,000. Production had almost doubled in the past four years and capacity would be reached within 18-24 months. JAC must expand to support growth.

JAC planned an expansion project on a 29 acre site on the south side of Hwy. 27 across from the airport and next to Fox Tank Company; the estimated cost was \$14.3 million including site development, building construction, and equipment purchases. The proposed new complex would be 53,600 sq. ft. JAC also planned to relocate the Comfort operations to Kerrville and repurpose the existing 15,000 sq. ft. facility on Harper Road. The jobs incentive report indicated

that JAC would add an estimated 359 full time positions over six years, a total incentive of \$1,219,000. JAC requested tax abatement on capital additions over a five year period after construction (estimated 24 month construction period), which was estimated to net JAC about \$380,000.

(NOTE: Action taken following executive session.)

10. ITEMS FOR FUTURE AGENDAS: None.

11. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Mr. Parton recognized Trina Sanchez, Code Enforcement Manager, for efforts in handling a code enforcement issue at 516 West Water due to a recent fire; she worked with the landowner and organized volunteer labor force.
- The Holiday Lighted Parade was scheduled for November 22, 6:00 p.m., State Representative Andrew Murr would be the Parade Grand Marshal.
- Deadline for submission of art work for the 2015 Mardi Gras on Main event was November 24, selected art will be used on advertisements and signature wine bottles; entry fee was \$35.
- An exhibit honoring people who served in the military would be open to the public 10 a.m. to 4 p.m. through November 25 at the Kerr Regional History Center.

12. EXECUTIVE SESSION:

Mr. Conklin moved for the city council to go into executive closed session under Section 551.087 of the Texas Government Code; motion was seconded by Ms. Keeble and passed 5-0 to discuss the following:
Sections 551.087:

- Tax abatement for James Avery Craftsman.

At 7:26 p.m. the regular meeting recessed and council went into executive closed session at 7:29 p.m. At 7:35 p.m. the executive closed session recessed and council returned to open session at 7:36 p.m. The mayor announced that no action had been taken in executive session.

13. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

8A. Tax abatement for James Avery Craftsman (JAC) expansion.

Mr. Allen directed staff to proceed forward to develop a 380 agreement for James Avery Craftsman. Mr. Stork seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 7:37 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

Agenda Item:

3B. Resolution No. 38-2014 granting a petition requesting the annexation of an approximate 23.38 acre tract out of the F. Rodriguez Survey No. 72, Abstract No. 280, within Kerr County, Texas, and consisting of the property addressed as 5235 State Highway 27; and ordering the preparation of an annexation ordinance. (staff)

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

SUBJECT: Consideration and action on Resolution 38-2014 concerning a petition for annexation of an approximately 23.38 acre tract of land out of the F. Rodriguez Survey No. 72, Abstract No. 280, Kerr County, Texas, and located at 5235 State Highway 27 East.
Applicant: AP29, LLC (File No.2014-047)

FOR AGENDA OF: December 9, 2014 **DATE SUBMITTED:** December 1, 2014

SUBMITTED BY: Chris Stewart **CLEARANCES:** Dieter Werner

EXHIBITS: Resolution
Petition for Annexation
Exhibit A – Metes & Bounds Description and Survey
Exhibit B – Location Map
Exhibit C – Annexation Service Plan

AGENDA MAILED TO: Harvey Brinkmann C/O Lee Voelkel
212 Clay Street
Kerrville, Texas 75201

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The applicant is seeking annexation in order to connect to the City of Kerrville's utility systems for water and sanitary sewer and receive other city services. The subject property is a currently undeveloped and consists of 23.38 acres located at 5235 State Highway 27. The site is across the highway from the airport and is bounded on the other side by the Guadalupe River. The Future Land Use plan shows the area as "Industrial".

If the petition is accepted, the following timeline will be followed to complete the annexation process:

December 4, 2014

Public hearing and recommendation of a zoning classification from the Planning and Zoning Commission.

January 13, 2015

First public hearing on the requested annexation by the City Council.

January 27, 2015

Second public hearing on the requested annexation by the City Council.

February 10, 2015

First ordinance reading by the City Council.

February 24, 2015

Second and final ordinance reading by the City Council.

RECOMMENDED ACTION

Render a decision concerning the annexation request, approve the resolution, and direct staff to initiate the annexation process as outlined above.

PETITION REQUESTING ANNEXATION TO THE CORPORATE LIMITS OF THE CITY
OF KERRVILLE, TEXAS, OF TEXAS ACRES OUT OF THE F. Rodriguez
Survey, Abstract Number 280, KERR COUNTY TEXAS

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

AP29, LLC is the sole owner of an approximately 23.38 acre tract of
land located adjacent to the incorporated limits of the City of Kerrville which is out of the
Survey No. 72 Abstract No. 280 Kerr County, Texas, and is more particularly
described as follows:

SEE EXHIBIT "A". (Paste in legal description here & provide two copies of
the survey with the legal description to Development Services Department)

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

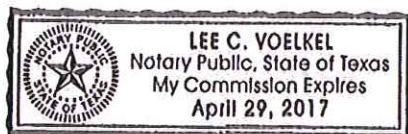
In accordance with Texas Local Government Code §43.028,
AP29, LLC hereby respectfully requests and petitions that the above-
described property be annexed into the incorporated limits of the City of Kerrville, Texas.
SUBMITTED THIS 3rd day of November, 2014

By: [Signature]
Legally authorized signature

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF KERR §

This instrument was acknowledged before me on the 3rd day of November, 2014
by Harvey Brinkman for and on behalf of
AP29, LLC



[Signature]
NOTARY PUBLIC, STATE OF TEXAS

Printed Name: Lee C. Voelkel

My Commission Expires: April 29, 2017

EXHIBIT A

FIELD NOTES DESCRIPTION FOR 23.38 ACRES OF LAND OUT OF
THE AP 29, LLC LAND ALONG STATE HIGHWAY NO. 27 IN KERR
COUNTY, TEXAS

Being all of a certain tract or parcel of land containing 23.38 acres, more or less, out of F. Rodriguez Survey No. 72, Abstract No. 280 in Kerr County, Texas; part of a certain 29.15 acre tract conveyed from Amegy Bank National Association to AP 29, LLC by a Special Warranty Deed executed the 29th day of March, 2013 and recorded in File No. 13-02298 of the Official Public Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at an unmarked point in a fence, the northwest line of said 29.15 acre tract for the north corner of the herein described tract; which point bears: 349.42 ft. S27°31'37"W from ½" iron stake found for the north corner of 29.15 acre tract; and approximately, 5285 ft. North and 1536 ft. West from the southeast corner of said Survey No. 72:

THENCE, upon, over and across said 29.15 acre tract S52°11'40"E, 982.25 ft. to an unmarked point in its east line for the east corner of the herein described tract;

THENCE, with the east line of said 29.15 acre tract: 74.50 ft. along the arc of a 23°45' curve to the right subtended by a 17°41'47" central angle and 241.21 ft. radius (long chord: S10°57'51"W, 74.21 ft.) to a ½" iron stake found at its end; S19°48'48"W, 295.07 ft. to a fence angle post; S20°19'58"W, 15.74 ft. to a fence angle post; S52°47'18"W, 795.55 ft. to a fence angle post; and S55°38'25"W, 209.17 ft. to a ½" iron stake found on the east bank of the Guadalupe River for the south corner of the herein described tract and 29.15 acre tract;

THENCE, along the east bank of the said Guadalupe River with the southwest line of the said 29.15 acre tract: N17°53'04"W, 86.02 ft. to an unmarked point; N17°20'46"W, 438.90 ft. to a ½" iron stake found at the base of a 34" diameter Cypress tree; N09°14'47"W, 204.76 ft. to a found ½" iron stake; and N08°58'14"W, 164.18 ft. to a ½" iron stake found for the west corner of the herein described tract and 29.15 acre tract;

THENCE, with the northwest line of said 29.15 tract N27°31'37"E, 790.95 ft. to the PLACE OF BEGINNING.

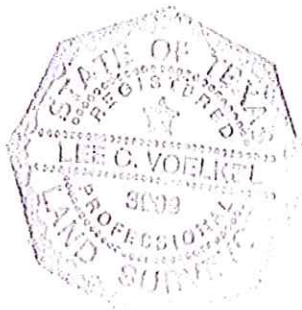
I hereby certify that this field notes description and accompanying plat are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown.

(Bearing basis = True north based on GPS observations)

Dated this 3rd day of November, 2014



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



FIELD NOTES DESCRIPTION FOR 23.38 ACRES OF LAND OUT OF
THE AP 29, LLC LAND ALONG STATE HIGHWAY NO. 27 IN KERR
COUNTY, TEXAS

Being all of a certain tract or parcel of land containing 23.38 acres, more or less, out of F. Rodriguez Survey No. 72, Abstract No. 280 in Kerr County, Texas; part of a certain 29.15 acre tract conveyed from Amegy Bank National Association to AP 29, LLC by a Special Warranty Deed executed the 29th day of March, 2013 and recorded in File No. 13-02298 of the Official Public Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at an unmarked point in a fence, the northwest line of said 29.15 acre tract for the north corner of the herein described tract; which point bears: 349.42 ft. S27°31'37"W from ½" iron stake found for the north corner of 29.15 acre tract; and approximately, 5285 ft. North and 1536 ft. West from the southeast corner of said Survey No. 72:

THENCE, upon, over and across said 29.15 acre tract S52°11'40"E, 982.25 ft. to an unmarked point in its east line for the east corner of the herein described tract;

THENCE, with the east line of said 29.15 acre tract: 74.50 ft. along the arc of a 23°45' curve to the right subtended by a 17°41'47" central angle and 241.21 ft. radius (long chord: S10°57'51"W, 74.21 ft.) to a ½" iron stake found at its end; S19°48'48"W, 295.07 ft. to a fence angle post; S20°19'58"W, 15.74 ft. to a fence angle post; S52°47'18"W, 795.55 ft. to a fence angle post; and S55°38'25"W, 209.17 ft. to a ½" iron stake found on the east bank of the Guadalupe River for the south corner of the herein described tract and 29.15 acre tract;

THENCE, along the east bank of the said Guadalupe River with the southwest line of the said 29.15 acre tract: N17°53'04"W, 86.02 ft. to an unmarked point; N17°20'46"W, 438.90 ft. to a ½" iron stake found at the base of a 34" diameter Cypress tree; N09°14'47"W, 204.76 ft. to a found ½" iron stake; and N08°58'14"W, 164.18 ft. to a ½" iron stake found for the west corner of the herein described tract and 29.15 acre tract;

THENCE, with the northwest line of said 29.15 tract N27°31'37"E., 790.95 ft. to the PLACE OF BEGINNING.

I hereby certify that this field notes description and accompanying plat are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown.

(Bearing basis = True north based on GPS observations)

Dated this 3rd day of November, 2014


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



VOELKEL

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

SURVEY PLAT FOR 23.38 ACRES OF LAND, MORE OR LESS, OUT OF F. RODRIGUEZ SURVEY NO. 72, ABSTRACT NO. 280 IN KERR COUNTY, TEXAS; PART OF A CERTAIN 29.15 ACRE TRACT CONVEYED FROM AMEGY BANK NATIONAL ASSOCIATION TO AP 29, LLC BY A SPECIAL WARRANTY DEED EXECUTED THE 29TH DAY OF MARCH, 2013 AND RECORDED IN FILE NO. 13-02298 OF THE OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS

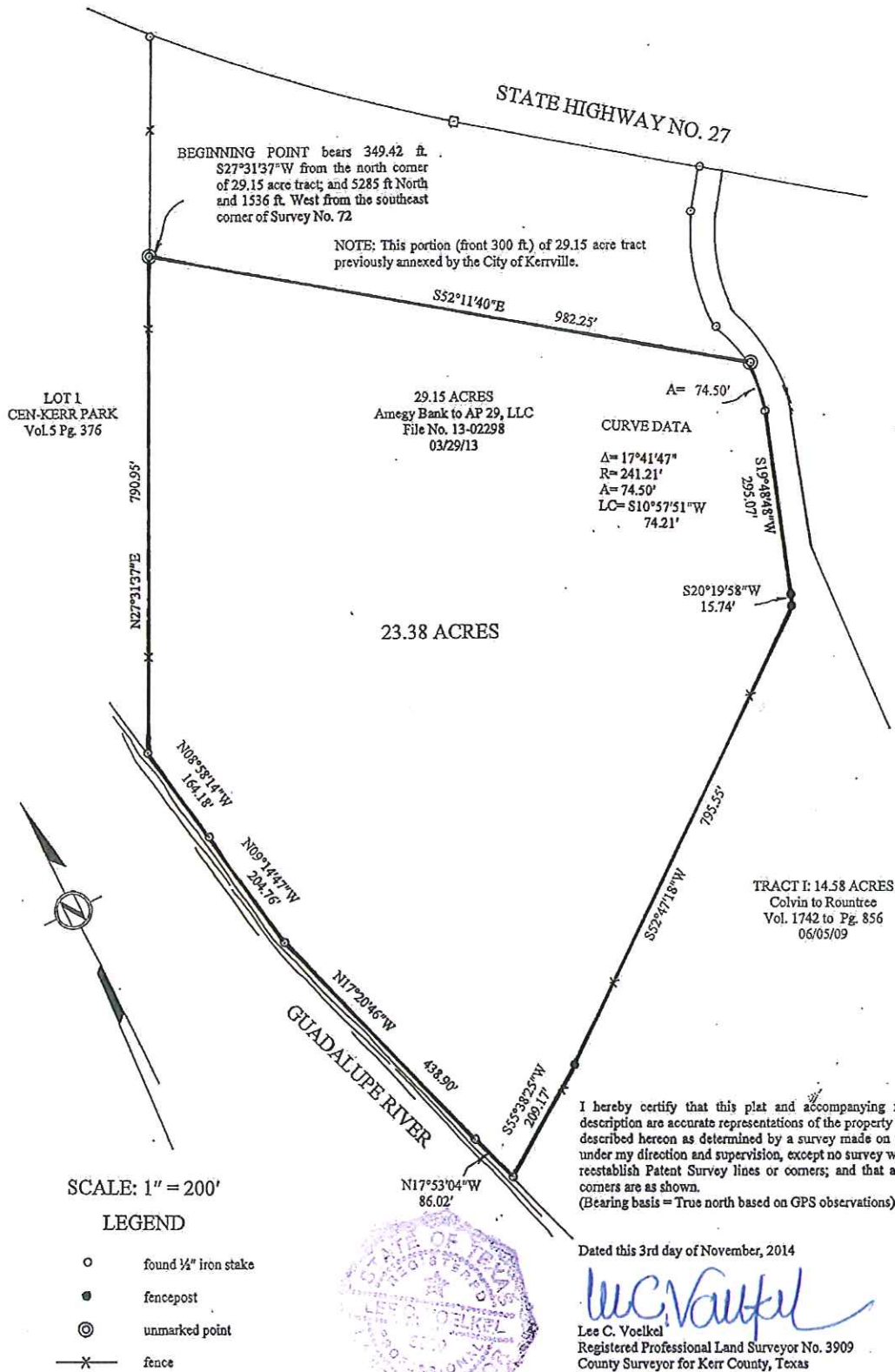


EXHIBIT C

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

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 38-2014**

**A RESOLUTION GRANTING A PETITION REQUESTING THE ANNEXATION
OF AN APPROXIMATE 23.38 ACRE TRACT OUT OF THE F. RODRIGUEZ
SURVEY NO. 72, ABSTRACT NO. 280, WITHIN KERR COUNTY, TEXAS, AND
CONSISTING OF THE PROPERTY ADDRESSED AS 5235 STATE HIGHWAY
27; AND ORDERING THE PREPARATION OF AN ANNEXATION
ORDINANCE**

WHEREAS, on November 3, 2014, the owner of an approximate 23.38 acre tract out of the F. Rodriguez Survey No. 72, Abstract No. 280, within Kerr County, Texas, and more commonly known as 5235 State Highway 27, filed a petition with the City and requested annexation of this property; and

WHEREAS, having considered the petition and hearing the recommendation from City staff, City Council finds it to be in the public interest to grant said petition and to initiate the annexation process, which includes the preparation of an ordinance annexing the subject property;

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

SECTION ONE. The petition requesting annexation of an approximate 23.38 acre tract out of the F. Rodriguez Survey No. 72, Abstract No. 280, within Kerr County, Texas, consisting of the property addressed as 5235 State Highway 27, and more fully described in said petition, a copy of which is attached as **Exhibit A**, is granted.

SECTION TWO. City staff is directed to initiate the annexation process under the authority of the City's Charter and Section 43.021 of the Texas Local Government Code and to prepare an ordinance annexing the subject property described in the above-referenced petition.

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

EXHIBIT A
RESOLUTION 38-2014

PETITION REQUESTING ANNEXATION TO THE CORPORATE LIMITS OF THE CITY
OF KERRVILLE, TEXAS, OF TEXAS ACRES OUT OF THE F. Rodriguez
Survey, Abstract Number 280, KERR COUNTY TEXAS

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

AP29, LLC is the sole owner of an approximately 23.38 acre tract of
land located adjacent to the incorporated limits of the City of Kerrville which is out of the
Survey No. 72 Abstract No. 280 Kerr County, Texas, and is more particularly
described as follows:

SEE EXHIBIT "A". (Paste in legal description here & provide two copies of
the survey with the legal description to Development Services Department)

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

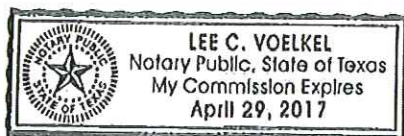
In accordance with Texas Local Government Code §43.028,
AP29, LLC hereby respectfully requests and petitions that the above-
described property be annexed into the incorporated limits of the City of Kerrville, Texas.
SUBMITTED THIS 3rd day of November, 2014

By: [Signature]
Legally authorized signature

ACKNOWLEDGEMENT

THE STATE OF TEXAS §
 §
COUNTY OF KERR §

This instrument was acknowledged before me on the 3rd day of November, 2014
by Harvey Brinkman for and on behalf of
AP29, LLC.



[Signature]
NOTARY PUBLIC, STATE OF TEXAS

Printed Name: Lee C. Voelkel

My Commission Expires: April 29, 2017

Agenda Item:

3C. Request to abandon land deeded to the City of Kerrville for a "Kerrville River Walk Trail" recorded in Volume 0793, Page 853, Kerr County Records and being generally located within the 700 block of Water Street. (staff)

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

SUBJECT: Request by Lyndia and Bill Rector to abandon land deeded to the City of Kerrville for a "Kerrville River Walk Trail" recorded in Volume 0793, Page 853, Kerr County Records and being generally located within the 700 block of Water Street

FOR AGENDA OF: Dec. 9, 2014

DATE SUBMITTED: Dec. 5, 2014

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS: Gift Deed – Volume 0793, Page 853 Kerr County Records
Quitclaim Deed from Lyndia and William Rector, LTD.

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

The city has received a request from Lyndia and William Rector to quitclaim land deeded to the City of Kerrville on August 29, 1994, for a project titled the "Kerrville River Walk Trail." A 15-foot wide strip of land was originally deeded for the construction and public use of the trail. With the actual trail construction on the south side of the river, on the opposite side of the river from this property, the Rectors have requested that it be quitclaimed back to them in accordance with a reversion provision within the original deed which stated that the property be abandoned should trail improvements fail to be constructed by January 1, 1996.

RECOMMENDED ACTION

City staff recommends that the City Council direct the city manager to execute the quitclaim deed as requested by the property owners.

2874

GIFT DEED

STATE OF TEXAS §

COUNTY OF KERR § KNOW ALL MEN BY THESE PRESENTS:

THAT WILLIAM R. RECTOR, joined herein by his wife, LYNDIA RECTOR (herein called "GRANTOR", whether one or more) has GIVEN, GRANTED and CONVEYED, and does hereby GIVE, GRANT and CONVEY unto THE CITY OF KERRVILLE (herein called "GRANTEE") all the following described real property, situated in Kerr County, Texas, described as follows: to-wit

All that 180 square foot tract of land out of original Survey No. 116, in the name of B. F. Cage, along the Northeasterly bank of the Guadalupe River in the City of Kerrville, Kerr County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes (herein, the "Property").

This conveyance is made and accepted subject to all restrictive covenants, easements and outstanding oil, gas, mineral and/or royalty interests and reservations shown of record in the office of the County Clerk, Kerr County, Texas, to the extent the same are valid and enforceable, and to any visible and/or apparent utility easements.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, subject as aforesaid, unto the said GRANTEE, its successors and assigns, forever; and GRANTOR does hereby bind GRANTOR, and GRANTOR'S heirs and executors, to WARRANT and FOREVER DEFEND all and singular the Property, subject as aforesaid, unto GRANTEE, and GRANTEE'S successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

This Gift Deed is executed and delivered by GRANTOR to GRANTEE in connection with GRANTEE'S proposed use of the Property as part of the "Kerrville River Walk Trail" (as hereinafter defined). In the event that (A) GRANTEE fails to open the Property to the public, as part of the Kerrville River Walk Trail, on or before January 1, 1996, or (B) once opened to the public, the Property is thereafter abandoned by the City of Kerrville, as part of the Kerrville River Walk Trail, then title to the Property shall revert to and revest in GRANTOR, his heirs, executors or successors-in-title to the remainder of GRANTOR'S adjacent property described in Warranty Deed recorded in Volume 580, Page 257 of the Real Property Records of Kerr County, Texas.

As used herein, the phrase "Kerrville River Walk Trail" shall mean and shall include the following: a recreational river walk

trail to be constructed and maintained along or in relative proximity to the northerly or northeasterly bank of the Guadalupe River for the use, benefit and enjoyment of the general public, and such other and further improvements, structures and facilities (if any) as may be desired by GRANTEE, its successors and/or assigns, in connection with recreational use or uses by the general public.

EXECUTED and DELIVERED as of the 29 day of August, 1994.

William R. Rector
WILLIAM R. RECTOR

Lyndia Rector
LYNDIA RECTOR

Return to:

Grantee's Name and Address:

✓ City of Kerrville
800 Junction Highway
Kerrville, Texas 78028

THE STATE OF TEXAS §

COUNTY OF KERR §

This instrument was acknowledged before me on this the 29th day of August, 1994, by WILLIAM R. RECTOR and wife, LYNDIA RECTOR.



C215\47D1

Terry Compton
Notary Public, State of Texas
(2) Kerr Co., TX

FILED FOR RECORD
at 4:40 o'clock PM

APR 12 1995

PATRICIA DYE
Clerk County Court, Kerr County, Texas
Dea Hudson Deputy

1300
4541

✓ INDEXED
✓ COMPARED

PARTIAL RELEASE OF LIEN

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF KERR §

THAT the undersigned, the present legal and equitable owner and holder of that one certain promissory note in the original principal sum of TWO HUNDRED SEVENTY-SIX THOUSAND AND NO/100 DOLLARS (\$276,000.00), dated July 15, 1992, executed by WILLIAM R. RECTOR and wife, LYNDIA RECTOR, payable to the order of FIRST NATIONAL BANK OF KERRVILLE, secured by Deed of Trust of even date therewith, duly recorded in Volume 648, Page 32, Real Property Records of Kerr County, Texas; said note being secured by the lien and provisions of said Deed of Trust against, AMONG OTHER PROPERTY, the following described property, to-wit:

All that certain 180 square foot tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes;

for a sufficient consideration received, hereby RELEASES and DISCHARGES the above described property from said lien or liens.

BUT it is expressly agreed and understood that this is a PARTIAL RELEASE and that the same shall in no wise release, affect or impair said lien or liens against any other property in said instrument mentioned.

EXECUTED this ____ day of _____, 1993.

FIRST NATIONAL BANK OF KERRVILLE

RECORDER'S NOTE

AT TIME OF RECORDATION INSTRUMENT FOUND
TO BE INADEQUATE FOR BEST PHOTOGRAPHIC
REPRODUCTION DUE TO DEPTH & DARKNESS OF
PRINT, COLOR OF PRINT OR INK, BACKGROUND OF
PAPER, ILLEGIBILITY, CARBON OR PHOTO COPY, ETC.

By: _____
Name: _____
Title: _____

There is no longer a lien on this property.

THE STATE OF TEXAS §

VOL 0793 PAGE 856

COUNTY OF KERR §

This instrument was acknowledged before me on this the _____ day of _____, 1993, by _____ of FIRST NATIONAL BANK OF KERRVILLE, a national banking association, on behalf of said association.

Notary Public, State of Texas

C215\47R5

RECORD Real Property
VOL 793 PG 853

RECORDING DATE

APR 12 1995



Patricia Dye

COUNTY CLERK, KERR COUNTY

Provisions herein which restrict the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal Law.
THE STATE OF TEXAS)
COUNTY OF KERR)
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Real Property of Kerr County, Texas on

APR 12 1995



Patricia Dye
COUNTY CLERK, KERR COUNTY, TEXAS

Being 180 square feet of land out of Original Survey No. 116, Abstract No. 106 in the name of B.F. Cage, situated on the lower bank of the Guadalupe River in the City of Kerrville, County of Kerr, State of Texas, also being a portion of that 0.069 acre TRACT I conveyed to William R. Rector by deed recorded in volume 580 on page 257 of The Real Property Records of Kerr County, Texas. And being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2" rebar found on the lower bank of said Guadalupe river, found to represent the Southern most corner of said TRACT I, and also the Southern most corner of This parcel.

THENCE with Southern most line of said TRACT I along the lower bank of said river N.45-01'W. 12.28 feet to a 1/2" rebar found to represent the Southwest Corner of said TRACT I.

THENCE with the Northwest line of said TRACT I N.44-19'E. 15.00 feet.

THENCE S.45-01'E. 12.28 feet to a point in the East line of said TRACT I.

THENCE with said line S.44-19'W. 15.00 feet to THE POINT OF BEGINNING.

containing 180 square feet of land more or less.

Being 180 square feet of land out of Original Survey No.116, Abstract No.106 in the name of B.F. Cage, situated on the lower bank of the Guadalupe River in the City of Kerrville, County of Kerr, State of Texas, also being a portion of that 0.069 acre TRACT I conveyed to William R. Rector by deed recorded in volume 580 on page 257 of The Real Property Records of Kerr County, Texas. And being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at a 1/2" rebar found on the lower bank of said Guadalupe river, found to represent the Southern most corner of said TRACT I, and also the Southern most corner of This parcel.

THENCE with Southern most line of said TRACT I along the lower bank of said river N.45-01'W. 12.28 feet to a 1/2" rebar found to represent the Southwest Corner of said TRACT I.

THENCE with the Northwest line of said TRACT I N.44-19'E. 15.00 feet.

THENCE S.45-01'E. 12.28 feet to a point in the East line of said TRACT I.

THENCE with said line S.44-19'W. 15.00 feet to THE POINT OF BEGINNING.

containing 180 square feet of land more or less.

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

Quitclaim Deed

Date: _____, 2014

Grantor: **City of Kerrville**
701 Main Street
Kerrville, Texas 78028
Kerr County

Grantee: **Lyndia and William Rector, LTD.**
705 Water Street
Kerrville, Texas 78028
Kerr County

Consideration:

The original gift deeds to the City of Kerrville required the reversion of the property to grantor or to the successors in title to the remainder of grantor's adjacent property if the City failed to open the property as part of the "Kerrville River Walk Trail," or once opened to the public, the property is thereafter abandoned by the City of Kerrville as part of the "Kerrville River Walk Trail." The "Kerrville River Walk Trail" has been removed to the southern and southwesterly bank of the Guadalupe River. The property adjacent to Tract Two below was later deeded by Sid Peterson Memorial Hospital to William R. Rector and wife, Lyndia M. Rector, on February 28, 1995, recorded in Volume 787, Page 696, Real Property Records of Kerr County, Texas. William and Lyndia Rector conveyed all the subject property to Lyndia and William Rector, LTD. by warranty deed dated February 16, 2004, recorded in Volume 1335, Page 0012, Real Property Records of Kerr County, Texas.

Property:

TRACT ONE

Being 180 square feet of land out of Original Survey No. 116, Abstract No. 106 in the name of B. F. Cage, situated on the lower bank of the Guadalupe River in the City of Kerrville, County of Kerr, State of

Texas, also being a portion of that 0.069 acre TRACT I conveyed to William R. Rector by Deed recorded in Volume 580, Page 257 of the Real Property Records of Kerr County, Texas, and being the same property conveyed by William R. Rector and wife, Lyndia Rector, to the City of Kerrville by gift deed dated August 29, 1994, recorded in Volume 793, Page 583, Real Property Records of Kerr County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found on the lower bank of said Guadalupe River, found to represent the Southernmost corner of said TRACT I, and also the Southernmost corner of this parcel;

THENCE with the Southernmost line of said TRACT I along the lower bank of said river N.45°01'W. 12.28 feet to a 1/2" rebar found to represent the Southwest corner of said TRACT I;

THENCE with the Northwest line of said TRACT I N.44°19'E. 15.00 feet;

THENCE S.45°01'E. 12.28 feet to a point in the East line of said TRACT I;

THENCE with said line S.44°19'W. 15.00 feet to the POINT OF BEGINNING, containing 180 square feet more or less.

TRACT TWO

Being 3800 square feet of land out of Original Survey No. 116, Abstract No. 106 in the name of B. F. Cage, situated on the lower bank of the Guadalupe River in the City of Kerrville, County of Kerr, State of Texas, also being a portion of those two tracts known as TRACT I and TRACT II conveyed to the Hal and Charlie Peterson Foundation by Deed recorded in Volume 631, Page 163, of the Real Property Records of Kerr County, Texas, and being the same property conveyed by Sid Peterson Memorial Hospital to the City of Kerrville by gift deed dated July 27, 1994 recorded in Volume 758, Page 294, Real Property Records of Kerr County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found to represent the Southernmost corner of said TRACT II and the Southernmost corner of this parcel;

THENCE along said lower bank of the river and the Southernmost line

of said TRACT II N.39°24'W. 29.31 feet to a 1/2" rebar found to represent the Southwest corner of said TRACT II and the Southernmost corner of said TRACT I and an angle point in this parcel;

THENCE with the Southernmost line of said TRACT I N.40°08'W. 36.52 feet to a 1/2" rebar found to represent the Southwest most corner of said TRACT I;

THENCE with the West line of said TRACT I N.43°11'E. 54.58 feet to a 1/2" rebar set to mark the Northern most corner of this tract;

THENCE S.45°09'30"E. crossing said division line between said TRACT I and TRACT II, a total distance of 66.57 feet to a 1/2" rebar set in the Southeast line of said TRACT II;

THENCE with said line S.44°19'W. 60.70 feet to the POINT OF BEGINNING, containing 3800 square feet more or less.

For the Consideration, Grantor quitclaims to Grantee all of Grantor's right, title, and interest in and to the Property, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Neither Grantor nor Grantor's heirs, successors, or assigns will have, claim, or demand any right or title to the Property or any part of it.

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

City of Kerrville, Texas

By: _____
Todd Parton, City Manager

STATE OF TEXAS
COUNTY OF KERR

This instrument was acknowledged before me on the _____ day of _____, 2014 by Todd Parton, City Manager of the City of Kerrville, Texas.

Notary Public

AFTER RECORDING RETURN TO:
City of Kerrville
701 Main Street
Kerrville, Texas 78028

PREPARED IN THE LAW OFFICE OF:
M. Scott Stehling
902 Jefferson Street
Kerrville, Texas 78028

Agenda Item:

4A. Proposed voluntary annexation and an initial zoning classification of (RM) "Residential Mix" District, for an approximately 3.05 acre tract of land out of the W. H. Crawford Survey No. 653, Abstract No. 123, Kerr County, Texas, located at 421 Roy Street. (staff)

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

SUBJECT: Second public hearing, concerning a proposed voluntary annexation and an initial zoning classification of (RM) "Residential Mix" District, for an approximately 3.05 acre tract of land out of the W.H. Crawford Survey No. 653, Abstract No. 123, Kerr County, Texas, located at 421 Roy Street.

FOR AGENDA OF: December 9, 2014

DATE SUBMITTED: December 1, 2014

SUBMITTED BY: Chris Stewart, AICP,
Interim Senior Planner

CLEARANCES:

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 OR FINANCE:

SUMMARY STATEMENT

This item concerns a public hearing only (the second) for the voluntary annexation and initial zoning classification of 421 Roy St. The applicants requested annexation by petition on August 1, 2014 and the Council granted the petition and directed Staff to begin the proceedings with Resolution No. 27-2014 on September 23, 2014.

The item will return to the Council for a first reading on the requested annexation and zoning ordinances on January 13, 2015. The process is scheduled for second reading on both ordinances January 27, 2015.

The applicant has requested RM "Residential Mix" zoning. This district allows all uses permitted in the "RC" Residential Cluster District with the addition of the development of subdivisions which include the location of manufactured housing, subject to certain development restrictions.

RECOMMENDED ACTION

Staff recommends that the Council hold the required public hearing to receive public comments. No action required at this time.

PETITION REQUESTING ANNEXATION TO THE CORPORATE LIMITS OF THE CITY
OF KERRVILLE, TEXAS, OF TEXAS ACRES OUT OF THE W.H. Crawford
Survey, Abstract Number 123, KERR COUNTY TEXAS

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

Pat Jackson Karr Is the sole owner of an approximately 3 acre tract of
land located adjacent to the incorporated limits of the City of Kerrville which is out of the
Survey No. 653 Abstract No. 123 Kerr County, Texas, and is more particularly
described as follows:

SEE EXHIBIT "A". (Paste in legal description here & provide two copies of
the survey with the legal description to Development Services Department)

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

In accordance with Texas Local Government Code §43.028,
Pat Jackson Karr hereby respectfully requests and petitions that the above-
described property be annexed into the incorporated limits of the City of Kerrville, Texas.
SUBMITTED THIS 1 day of Aug. 2014

By: Elizabeth Jackson D'Ambrosi
Legally authorized signature

By: Elizabeth Jackson D'Ambrosi
Elizabeth

ACKNOWLEDGEMENT

THE STATE OF TEXAS

COUNTY OF KERR

§
§
§

This instrument was acknowledged before me on the 1 day of Aug 2014
by Elizabeth Jackson - for and on behalf of
Patricia Ridd Jackson Karr.

Eric Culp
NOTARY PUBLIC, STATE OF TEXAS

Printed Name: Washington DC

My Commission Expires: _____

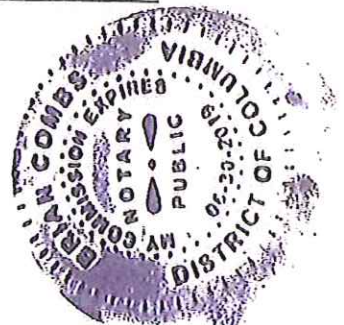


Exhibit A - Pg. 1

FIELD NOTES DESCRIPTION FOR 3.05 ACRES OF LAND OUT OF THE PAT JACKSON KARR LAND ALONG ROY STREET IN KERR COUNTY, TEXAS

Being all of a certain tract or parcel of land containing 3.05 acres, more or less, out of W. H. Crawford Survey No. 653, Abstract No. 123 in Kerr County, Texas; that same land conveyed as 3 acres from Jewel Osborne, et al to Pat Jackson Karr by a Warranty Deed executed the 3rd day of July, 1995 and recorded in Volume 805 at Page 467 of the Real Property Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a fence cornerpost in the southwest right-of-way line of Roy Street, a public street for the east corner of the herein described tract and said 3 acre tract, and the north corner of a certain one acre tract conveyed as SECOND TRACT from Otillia Marie January, et al to David R. Jackson by a Warranty Deed executed the 3rd day of May, 1994 and recorded in Volume 744 at Page 536 of the Real Property Records of Kerr County, Texas;

THENCE, along a fence with the common line between said 3 acre tract and SECOND TRACT S47°16'34"W, at 548.6 ft. passing a fence cornerpost, then continuing not along a fence for a total distance of 600.00 ft. to an unmarked point in the northeast line of a certain one acre tract conveyed from George Griesbach, Independent Executor to Rogelio Fuentes and Debra Fuentes by a Warranty Deed with Vendor's Lien executed the 13th day of January, 2006 and recorded in Volume 1501 at Page 666 of the Official Public Records of Kerr County, Texas for the south corner of the herein described tract and southwest common corner of 3 acre tract and SECOND TRACT;

THENCE, with the common line between said 3 and one acre tracts N45°29'26"W, 223.15 ft. to an unmarked point for the west corner of the herein described tract and 3 acre tract, and the south corner of a certain 5.0 acre tract conveyed from Isabel Spenrath to Isabel Spenrath, Trustee by a Warranty Deed executed the 7th day of March, 2007 and recorded in Volume 1595 at Page 567 of the Official Public Records of Kerr County, Texas;

THENCE, with the common line between said 3 and 5.0 acre tracts N47°27'31"E, at 36.7 ft. passing a fence cornerpost, then continuing along a fence for a total distance of 597.20 ft. to a fence cornerpost in the southwest right-of-way line of said Roy Street for the north corner of the herein described tract and northeast common corner of 3 and 5.0 acre tracts;

THENCE, with the northeast line of said 3 acre tract along the southwest right-of-way line of said Roy Street S46°14'19"E, at 87.8 ft. passing a fence cornerpost, then continuing along a fence for a total distance of 221.40 ft. to the PLACE OF BEGINNING.

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

Date Surveyed: June 11, 2014

Dated this 22nd day of July, 2014



Lee C. Voelkel

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

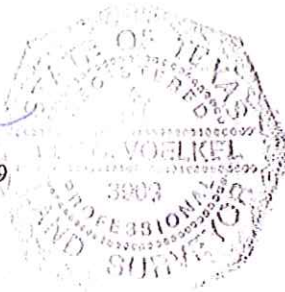
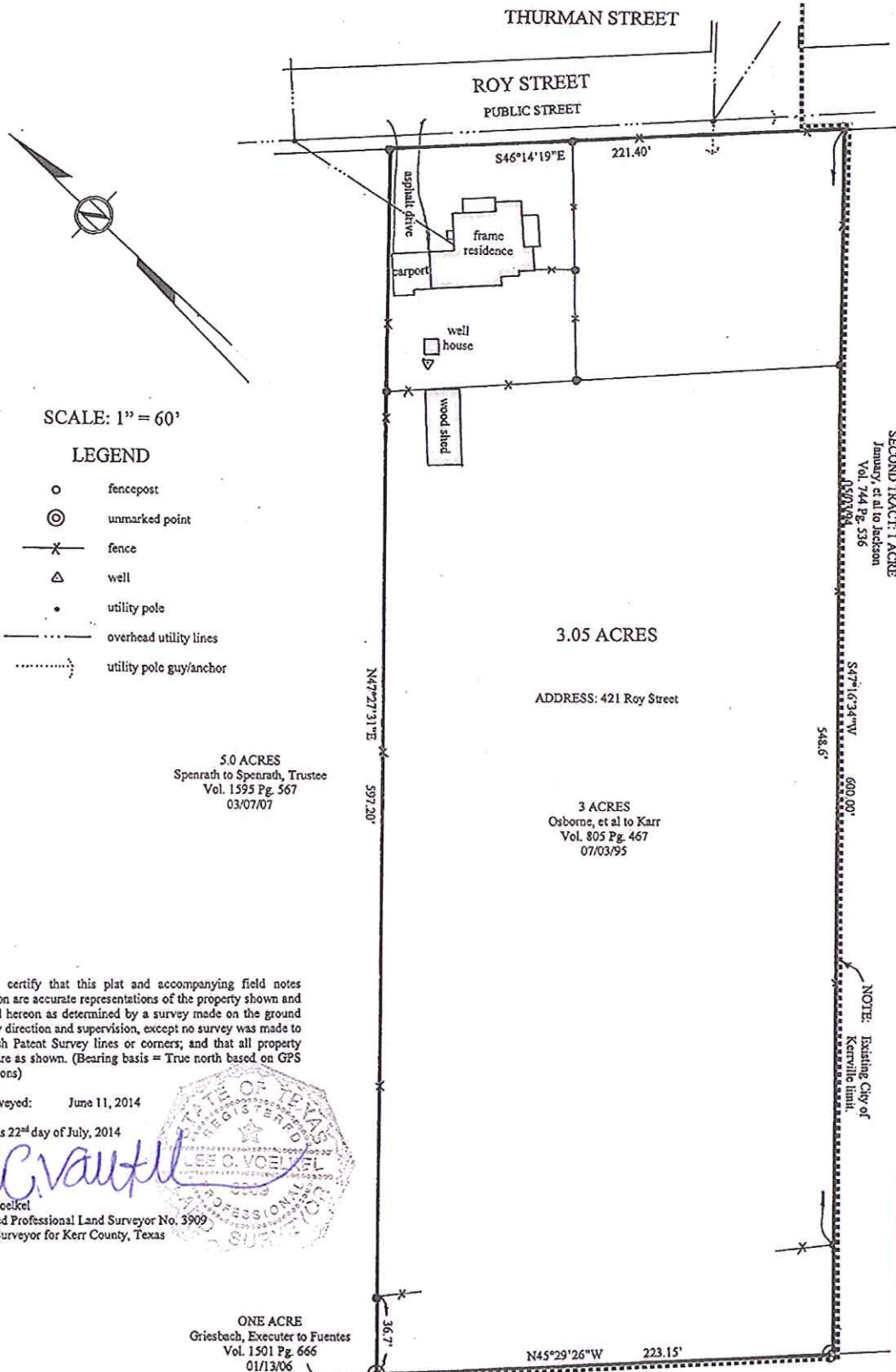


Exhibit A - Pg. 2

SURVEY PLAT FOR 3.05 ACRES OF LAND, MORE OR LESS, OUT OF W. H. CRAWFORD SURVEY NO. 653, ABSTRACT NO. 123 IN KERR COUNTY, TEXAS; THAT SAME LAND CONVEYED AS 3 ACRES FROM JEWEL OSBORNE, ET AL TO PAT JACKSON KARR BY A WARRANTY DEED EXECUTED THE 3RD DAY OF JULY, 1995 AND RECORDED IN VOLUME 805 AT PAGE 467 OF THE REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS



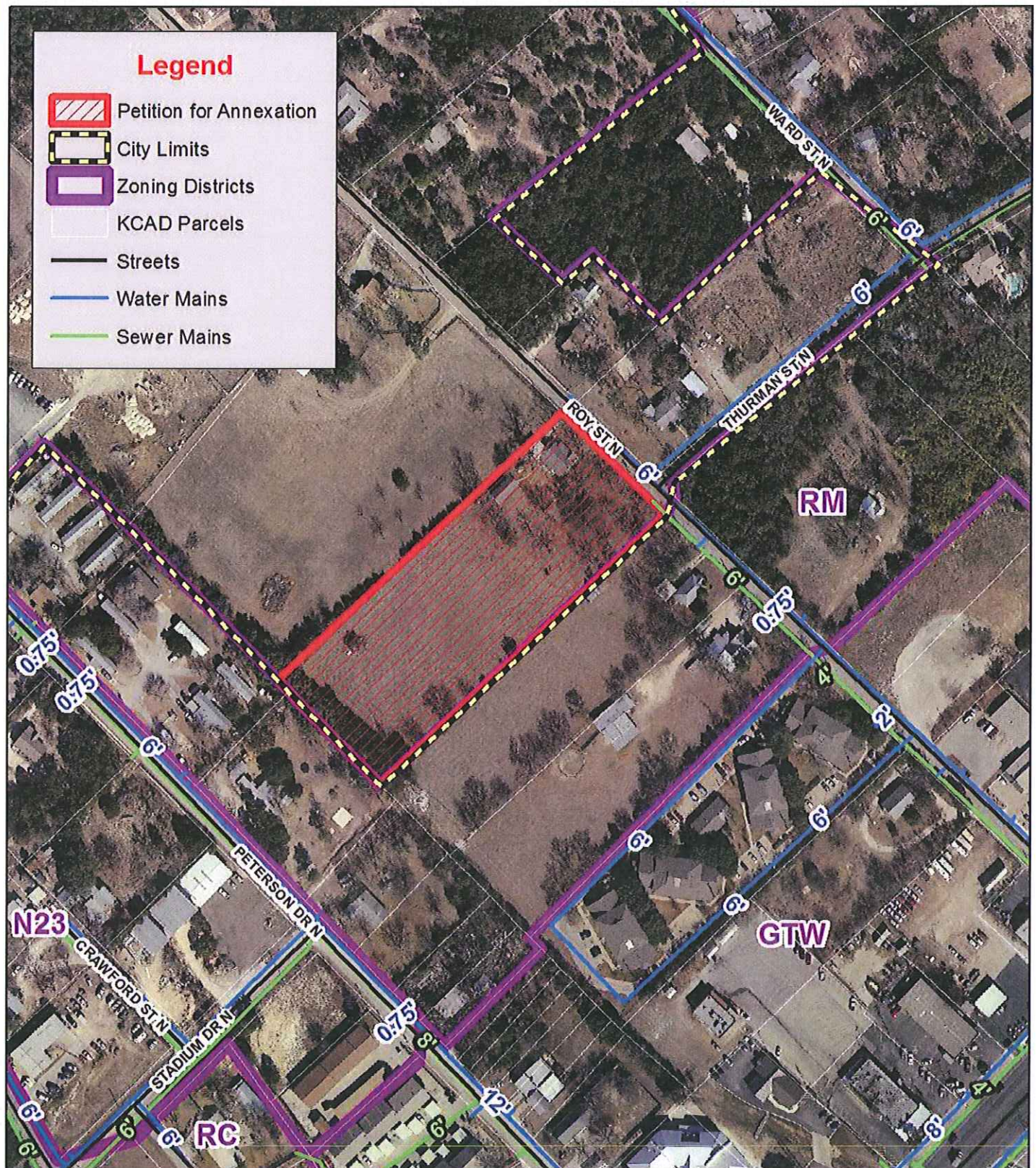
I hereby certify that this plat and accompanying field notes description are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and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

Date Surveyed: June 11, 2014

Dated this 22nd day of July, 2014

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

Exhibit B - 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



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:

5A. Ordinance No. 2014-23, 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 certain properties located along West Main Street and between its intersection with Powell Ave N. and Cox Avenue N.; and specifically, changing the future land use of this area to Neighborhood Commercial. (staff)

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

SUBJECT: Consideration and second and final reading of Ordinance No. 2014-23 concerning a proposed Comprehensive Plan Amendment to amend the future land use category from "Low-Density Residential" to the future land use category of "Neighborhood Commercial" for approximately 0.80 acres of land consisting of lots 10, 11, and part of lots 13, 15, and 17, Block 1, of the A. L. Lewis Second Addition Subdivision and to amend the future land use category from "General Commercial" to the future land use category of "Neighborhood Commercial" for approximately 0.30 acres of land consisting of Lots 3 & 4 of the Powel Addition Subdivision, located at 304, 308, 312, 314, 316, 320, and 324 West Main Street.

FOR AGENDA OF: December 9, 2014 **DATE SUBMITTED:** December 1, 2014

SUBMITTED BY: Chris Stewart, AICP,
Interim Senior Planner

CLEARANCES:

EXHIBITS: Future Land Use Map

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 OR FINANCE:

SUMMARY STATEMENT

This is the second (and final) reading of the ordinance for this item.

The applicant is seeking a rezoning of the subject property from Single-Family Residential (R-1A) with apartment to the Residential Transition District (RT). Before any change in zoning may be approved the City of Kerrville's adopted Comprehensive Plan must be amended.

Currently the comprehensive plan calls for the future land use of this area to be "General Commercial" (shown in pink) and "Low-Density Residential" (shown in yellow). Based on the fact that the subject area is located between a single-family zoning district and a general commercial district, staff recommends that the area be amended and placed in the future land use category of "Neighborhood Commercial". This future land use would allow the properties to take advantage of being adjacent to a commercial zoning district by allowing small-scale commercial uses such as Real Estate or Doctors' offices, and at the same time protecting the single-family area from further encroachment into the neighborhood from high intensity land uses that would be permitted under a general commercial zoning district.

The goal of the "Neighborhood Commercial" as defined in the City's Comprehensive Plan is "An area intended to provide for small-scale, limited impact retail, restaurant and office uses that are

compatible with and adjacent to low and medium density residential neighborhoods which provide retail and personal service needs to the adjacent/nearby neighborhoods".

Based on the location of the subject property, access to major thoroughfares, and that the requested future land use satisfies the definition of "Neighborhood Commercial" staff recommends approval of the requested Comprehensive Plan amendments.

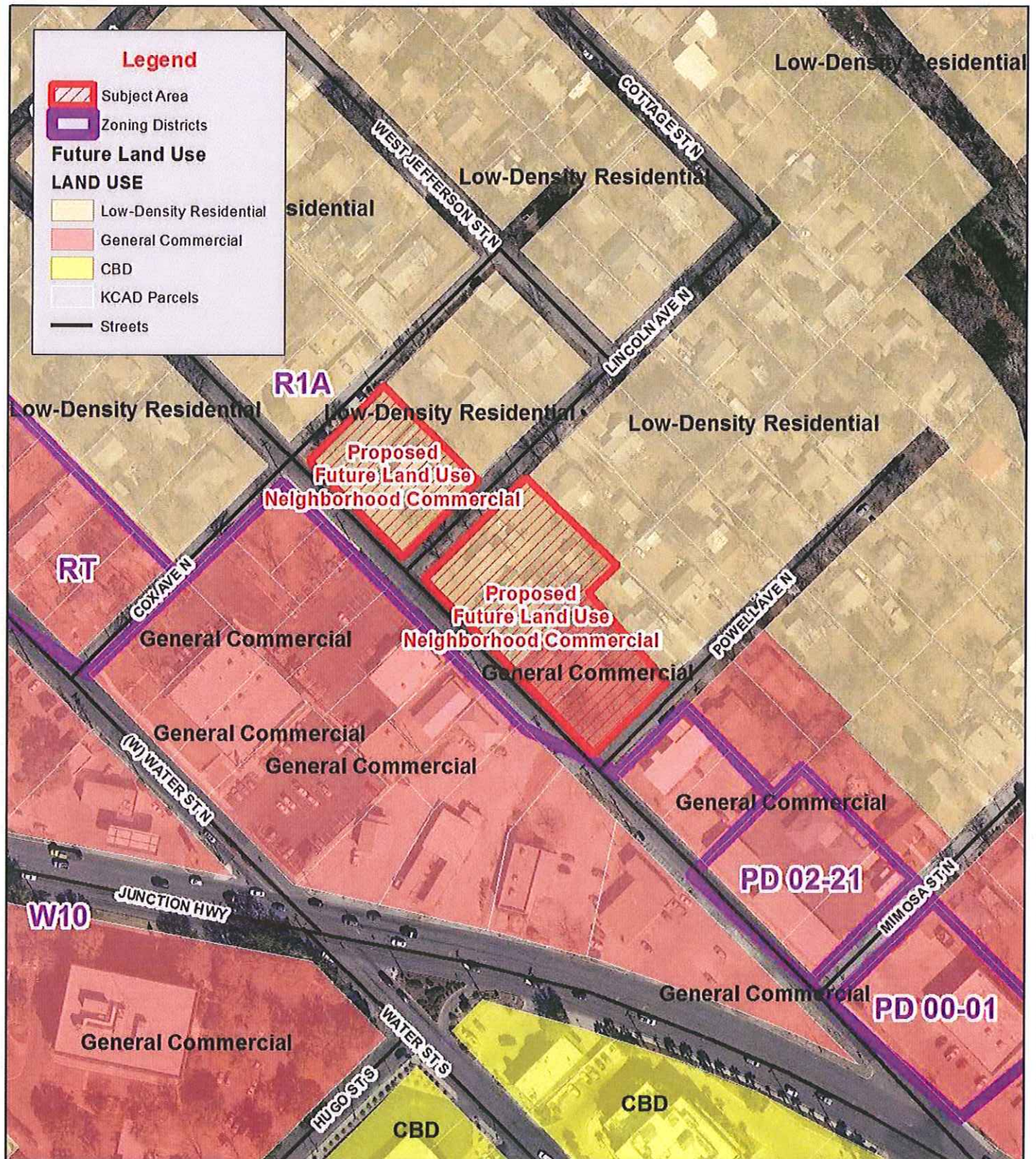
At the time this packet was distributed 32 land owners within 200' were notified and no official protests have been received.

The Planning and Zoning Commission held a public hearing, received no comment, and recommended approval with a 5-0 vote.

RECOMMENDED ACTION

Staff recommends that the Council conduct the second reading and render a decision on the requested comprehensive plan amendments.

P&Z Case #2014-038 - Comprehensive Plan Amendment - Location Map



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0 76 150 300 Feet

1 inch = 150 feet



**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-23**

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 CERTAIN PROPERTIES LOCATED ALONG WEST MAIN STREET AND BETWEEN ITS INTERSECTION WITH POWELL AVE N. AND COX AVENUE N.; AND SPECIFICALLY, CHANGING THE FUTURE LAND USE OF THIS AREA TO NEIGHBORHOOD COMMERCIAL

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

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

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

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

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

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

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

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

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

SECTION TWO. The *City of Kerrville Comprehensive Plan – A Link To The Future*, and specifically the FLUP, found at **Exhibit A** and attached hereto and incorporated herein for all purposes, is amended as follows:

A. changing the future land use designation from "Low-Density Residential" to "Neighborhood Commercial" for those properties, as depicted at **Exhibit A**,

consisting of an approximate 0.80 acre tract of land, Lots 10, 11, 12, and parts of Lots 13, 15, and 17, Block 1 of the A.L. Lewis Second Addition, a subdivision within the City of Kerrville, Texas; and

B. changing the future land use designation from "General Commercial" to "Neighborhood Commercial" for those properties, as depicted at **Exhibit A**, consisting of an approximate 0.30 acre tract of land, Lots 3 and 4, Powell Addition, a subdivision within the City of Kerrville, Texas;

said properties collectively being more commonly referred to as 304, 308, 312, 314, 316, 320, and 324 of West Main Street.

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

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

PASSED AND APPROVED ON FIRST READING, this the 11th day of November, A.D., 2014.

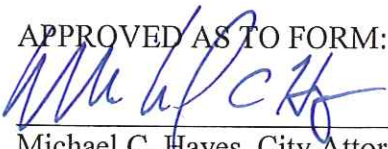
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2014.

Jack Pratt, Jr., Mayor

ATTEST:

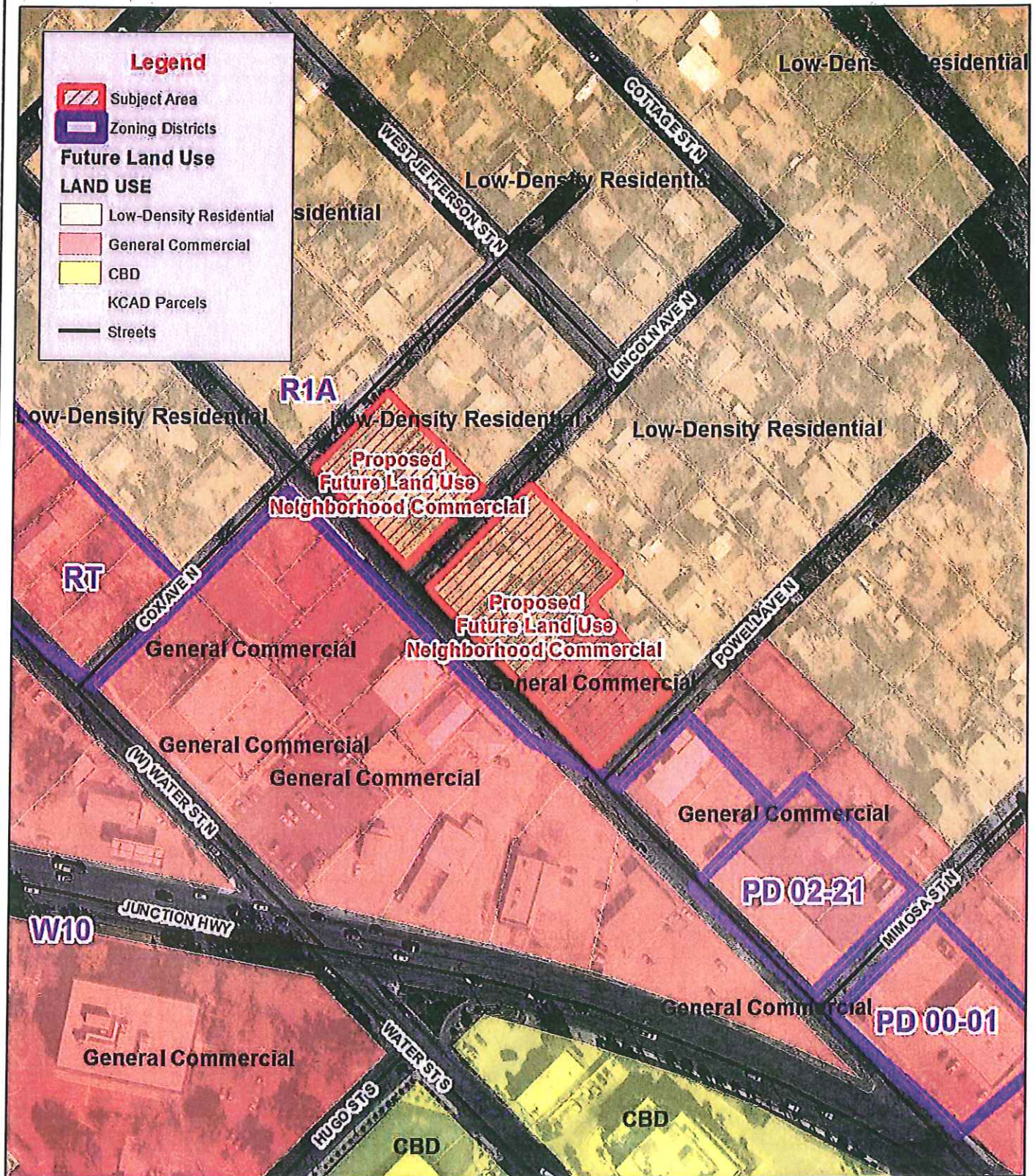
Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

P&Z Case #2014-038 - Comprehensive Plan Amendment - Location Map



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0 75 150 300 Feet

1 inch = 150 feet



Agenda Item:

5B. Ordinance No. 2014-22, amending the City's "Zoning Code" by changing the zoning district of certain properties located along West Main Street and between its intersection with Powell Avenue N. and Cox Avenue N.; such change will result in the placement of the properties within a Residential Transition (RT) district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); ordering publication; and providing other matters relating to the subject. (staff)

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

SUBJECT: Consideration and second and final reading of Ordinance No. 2014-22 concerning a requested zoning change from a (R-1A) Residential District to a (RT) Residential Transition District for approximately 1.10 acres consisting of lots 10, 11, and part of lots 13, 15, and 17, Block 1, of the A. L. Lewis Second Addition Subdivision and Lots 3 & 4 of the Powel Addition Subdivision, located at 304, 308, 312, 314, 316, 320, and 324 West Main Street.

FOR AGENDA OF: December 9, 2014

DATE SUBMITTED: December 1, 2014

SUBMITTED BY: Chris Stewart, AICP,
Interim Senior Planner

CLEARANCES:

EXHIBITS: Proposed Zoning Map

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 OR FINANCE:

SUMMARY STATEMENT

This is the second (and final) reading of the ordinance for this item.

The applicant is seeking a rezoning of the subject property from Single-Family Residential (R-1A) with apartment to the Residential Transition District (RT).

The requested (RT) district limits land uses to retail, offices, and personal services. The purpose of the (RT) district is "specifically designed to be a transition zone between single family areas and commercial properties. Because of development regulations that require the appearance of a business located in an "RT" Residential Transition District to be that of a single family residence, the "RT" Residential Transition District can be used in various areas of the City where existing lots are occupied in part by single family houses but where limited business uses may be under certain conditions appropriate and desirable".

To further protect single-family residential uses the (RT) district limits commercial uses, limits the size of buildings to 3,000 square feet, and requires them to be designed to look like a single-family residence.

Based on the location of the subject property, access to major thoroughfares, and that the requested zoning district was intended for areas that are similar in nature to the subject area, staff recommends approval of the requested zoning change.

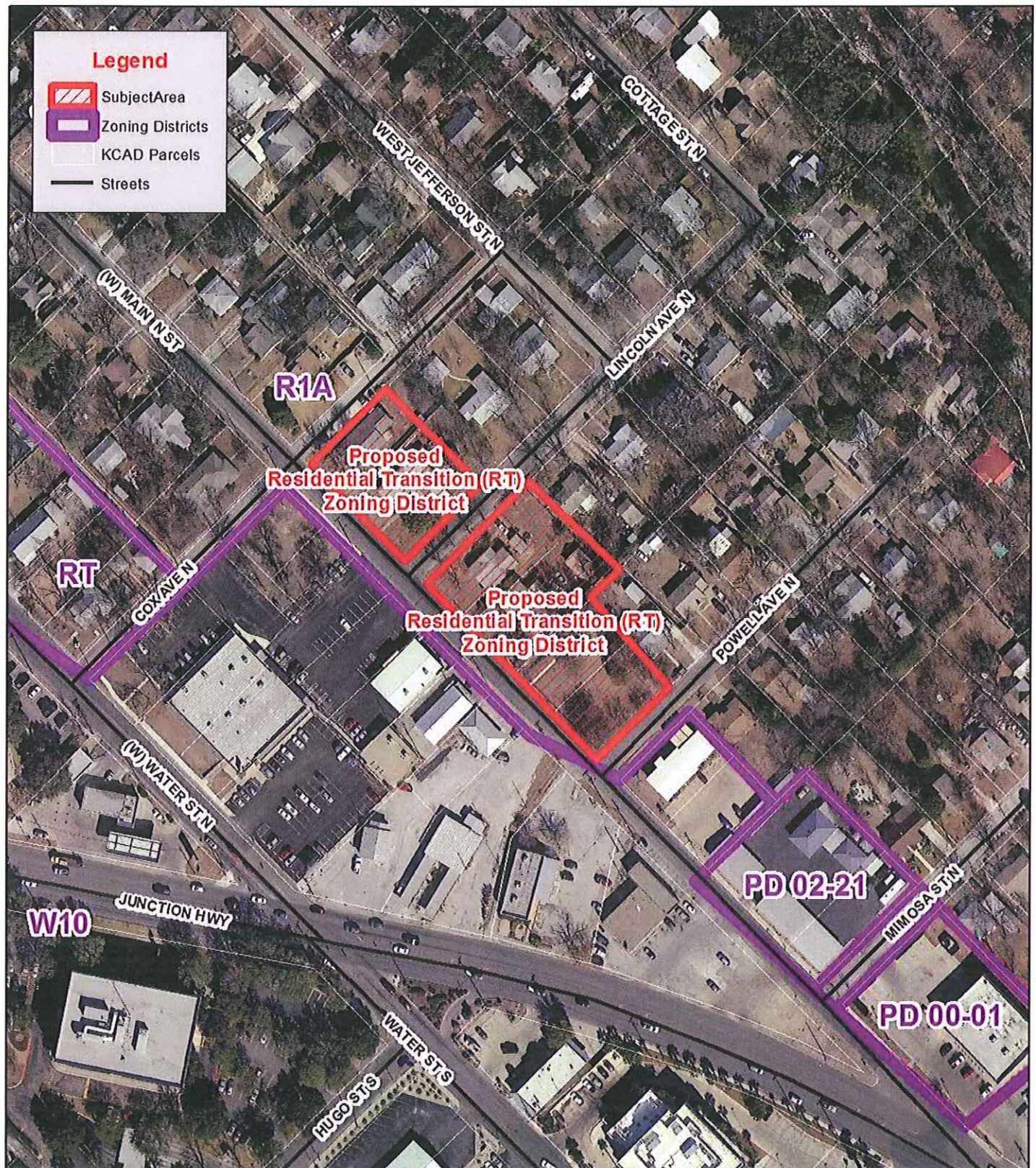
At the time this packet was distributed 32 land owners within 200' were notified and no official protests have been received.

The Planning and Zoning Commission held a public hearing, received no comment, and recommended approval with a 5-0 vote.

RECOMMENDED ACTION

Staff recommends that the Council conduct the second reading and render a decision on the requested zoning change.

P&Z Case #2014-039 - Zoning Change Request - 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 75 150 300 Feet

1 inch = 150 feet



EXHIBIT "A"**Property:**

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, being a tract of land containing 0.26 acre; being composed of the southeast one-half of Lot 11, and all of Lot 12, Block 1, of the A.L. Lewis 2nd Addition to the City of Kerrville, Texas, a subdivision of record in Volume 1, Page 43, of the Plat Records of Kerr County, Texas; being the same tract of land described in Exhibit "A" of Volume 853, Page 336, of the Real Property Records of Kerr County, Texas; being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found at the intersection of the northeast right-of-way line of West Main Street, a forty foot wide public roadway, and the northwest right of way line of Lincoln Avenue, a forty foot wide public roadway, for the south corner of said Lot 12 and of the subject tract;

THENCE with said northeast line of said West Main Street, with the southwest lines of said Lots 12 and 11, respectively, and with the southwest line of the subject tract, N. 45 deg. 00' W., at a distance of 51.00 feet passing a 1/2" iron pipe found for the common southwest corner of said Lot 12 and 11, and continuing for a total distance of 76.47 feet to a 1/2" iron rod found for the west corner of the subject tract; said iron rod being the south corner of the remainder portion of a certain tract, (said tract being all of Lot 10, and the northwest one-half, , of Lot 11, Block 1, of the A.L. Lewis 2nd Addition), of land conveyed to Mrs. Theresa Heiman by deed in Volume 92, Page 140, of the Deed Records of Kerr County, Texas;

THENCE through the interior of said Lot 11, with the southeast line of said Heiman tract, and with the northwest line of the subject tract, N. 45 deg. 01' E., a distance of 149.97 feet to a 1/2" iron rod set at a concrete curb and chain link fence situated on the southwest line of Lot 14, Block 1, of said A.L. Lewis 2nd Addition, for the north corner of the subject tract;

THENCE with said southwest line of said Lot 14, with the northeast line of said Lots 11 and 12, respectively, with the northeast line of the subject tract, and with said fence, S. 45 deg. 00' E., at a distance of 25.47 feet passing a point of the northeast common corner of said Lot 11 and 12, and continuing for a total distance of 76.45 feet to a 1/2" iron rod found in the aforementioned northwest line of Lincoln Avenue for the east corner of said Lot 12 and of the subject tract;

THENCE with said northwest line of said Lincoln Avenue, and with the southeast line of said Lot 12 and of the subject tract, S. 45 deg. 01' W., a distance of 149.98 feet to the POINT OF BEGINNING, and containing 0.26 acre within these metes and bounds.

Exceptions:

1. Easement to the City of Kerrville to maintain existing water, gas and sewer lines as reserved in the plat recorded in Volume 1, Page 43, Plat Records of Kerr County, Texas.

LEGEND OF ABBREVIATIONS

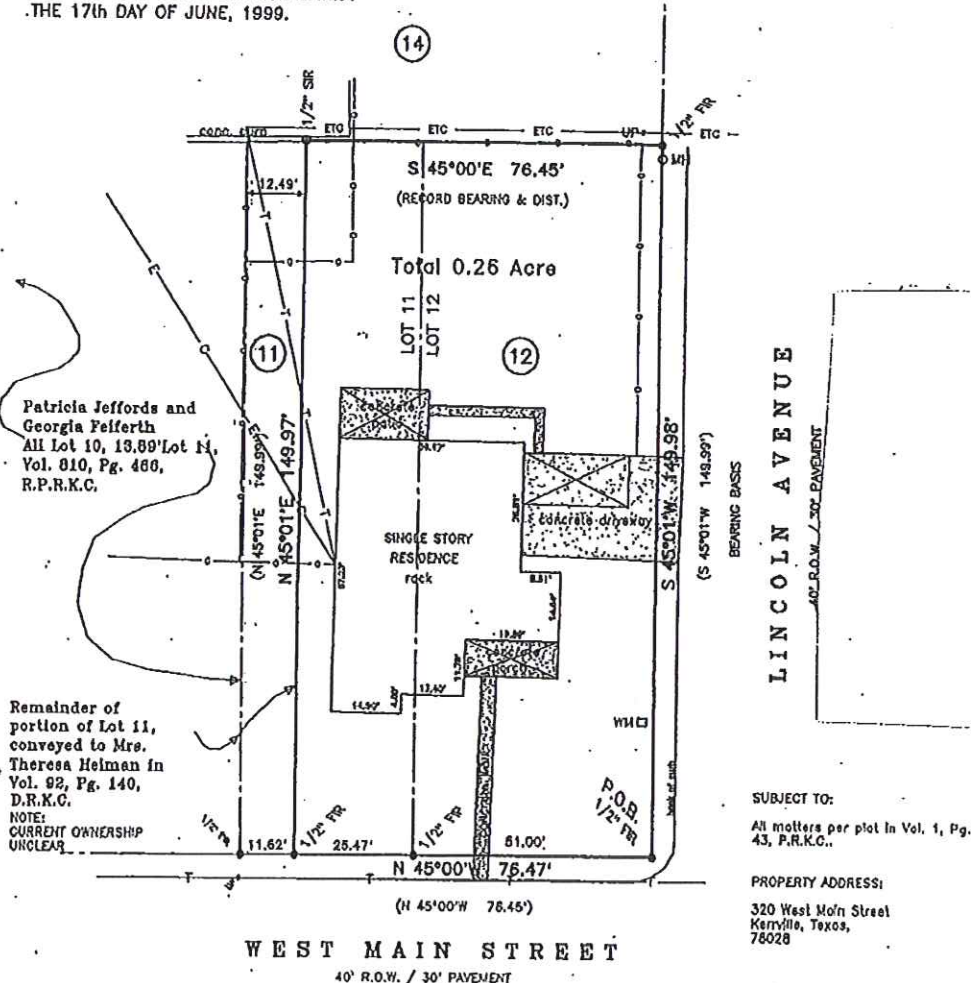
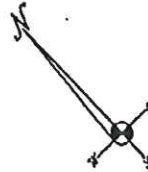
D.R.K.C. - Deed Records of Kerr County, E.R.K.C. - Easement Records of Kerr County
 R.P.R.K.C. - Real Property Records of Kerr County, U.E. - Utility Easement
 P.R.K.C. - Plat Records of Kerr County, P.O.B. - Point of Beginning, R.O.W. - Right of Way
 B.S.B.L. - Building Set Back Line, U.P. - Utility Pole, G.W. - Guy Wire, M.L. - Meter Loop
 W.M. - Water Meter, F.H. - Fire Hydrant, A/C - Air Conditioner, -W- - Water Well
 -E- - Electric Line, -T- - Telephone Line, -C- - TV Cable, -X- - Field Fence
 -G- - Chain Link Fence, -// - - Board Fence, U.G.E. - Underground Elec. Trans.
 U.G.C. - Underground Cable Pedestal, U.G.T. - Underground Tele. Pedestal
 M.L. - Manhole, B.M. - Elevation Benchmark, -SS- - Sanitary Sewer
 F.I.R. - Found Iron Rod, B.I.R. - Set Iron Rod, F.C.P. - Fence corner post
 F.I.P. - Found Iron Pipe, F.P. - Fence Post, G.M. - Gas Meter, C & G - Curb and Gutter

* Record bearings and distances are shown in parentheses.

NOTE:

THIS PLAT OF SURVEY IS A COMPANION
 TO A FIELD NOTE DESCRIPTION DATED
 THE 17th DAY OF JUNE, 1999.

Scale: 1" = 30'



SUBJECT TO:

All matters per plat in Vol. 1, Pg. 43, P.R.K.C..

PROPERTY ADDRESS:

320 West Main Street
 Kerrville, Texas,
 78028

BORROWER:

Leslie G. Huff and
 Unda M. Huff

I, Charles Digges, a Registered Professional Land Surveyor, hereby state that this plat correctly represents a survey made on the ground under my supervision on June 14, 1999. Improvements and easements visible on the site are shown hereon. Easements, restrictions and building set backs of record have been provided by Fidelity Abstract & Title Co. per Schedule B, O.F. No. 850444F, dated June 11, 1999. Discrepancies in boundary lines, if any, are shown hereon. Only plats containing my seal in black ink and my signature in blue ink are to be considered original and authoritative for use.

Charles Digges, R.P.L.S.
 Texas Registration No. 4061



Plat of Survey of Part of Lot 11, and All of Lot 12, Block 1, A. L. LEWIS 2nd ADDITION to the CITY of KERRVILLE, TEXAS, a subdivision of record in Volume 1, Page 43, Plat Records of Kerr County, Texas.

89060401 / 8905-05

R. Kelly

GUADALUPE SURVEY COMPANY

217-A West Water Kerrville, Texas 78028 Ph# (830)895-1808 Fax# (830)896-3534

2. Fence encroaches over or into adjoining property line to the west, as shown on survey dated June 14, 1999, prepared by Charles Digges, R.P.L.S. No. 4061.
3. Overhead utility lines as shown on survey dated June 14, 1999, prepared by Charles Digges, R.P.L.S. No. 4061.
4. Any visible and/or apparent roadways or easements over or across the subject property.
5. Taxes for the current year and subsequent years.

FILED AND RECORDED
At 4:29 o'clock P.M.
STATE OF TEXAS
COUNTY OF KERR



JUN 09 2008

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

Jamett Pieper, Kerr County Clerk

By

Wally Rang Deputy

FIELD NOTES DESCRIPTION FOR ALL OF LOT 10 AND THE
NORTHWEST ONE-HALF OF LOT 11 IN BLOCK 1 OF THE A. L. LEWIS
SECOND ADDITION IN THE CITY OF KERRVILLE, KERR COUNTY,
TEXAS

Being all of a certain tract or parcel of land containing 0.26 acre, more or less, out of John Young Survey No. 119, Abstract No. 376 in the City of Kerrville, Kerr County, Texas; comprising all of Lot 10 and the northwest one-half of Lot 11 in Block 1 of the A. L. Lewis Second Addition, a subdivision of Kerr County according to the plat of record in Volume 1 at Page 43 of the Plat Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a point at the intersection of the northeast right-of-way line of West Main Street, a forty (40) ft. wide public street and the southeast right-of-way line of Cox Street, a thirty (30) ft. wide public street for the west corner of the herein described tract, said Lot 10 and said Block 1;

THENCE, with the northwest line of said Lot 10 and southeast right-of-way line of Cox Street N45°E, 150 ft. to a point for the north corner of the herein described tract and Lot 10;

THENCE, with the northeast lines of said Lots 10 and 11, S45°E, 76.5 ft. to a point for the east corner of the herein described tract;

THENCE, upon, over and across said Lot 11, S45°W, 150 ft. to a point in its southwest line and the northeast right-of-way line of said West Main Street for the south corner of the herein described tract;

THENCE, with the southwest lines of said Lots 11 and 10, and northeast right-of-way line of said West Main Street N45°W, 76.5 ft. to the PLACE OF BEGINNING.

This field notes description is not based on an "on-the-ground" survey by me and was written from the plat of record. This description was prepared to satisfy the City of Kerrville requirements to rezone the property.


Lee C. Voelkel

324 XX Main
(McDANIEL)

312, 314, 316 WEST Main

VOL. 522 PAGE 412

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, and being the S.E. 70 feet of Lots Nos. 13, 15 and 17, Block 1, in A. L. Lewis Second Addition to the City of Kerrville, Texas, described by metes and bounds as follows:

BEGINNING at the South corner of Lot No. 13, in Block No. 1, A. L. Lewis Second Addition;

THENCE, N. 45° E. 150 feet to the east corner of Lot No. 17, in said addition;

THENCE, N. 45° W. 70 feet for corner;

THENCE, S. 45° W. 150 feet to the N.E. line of West Main Street;

THENCE, S. 45° E. 70 feet to the PLACE OF BEGINNING, together with all improvements situated thereon; being the same and identical property conveyed from F. L. McKinney to Livingston Enterprises, by Deed dated June 18, 1974, recorded in Volume 173, Page 417, Deed Records of Kerr County, Texas, to which instrument and its record reference is here made for all purposes.

FIELD NOTES DESCRIPTION FOR ALL OF LOTS 3 AND 4 OF THE
POWELL ADDITION IN THE CITY OF KERRVILLE, KERR COUNTY,
TEXAS

Being all of a certain tract or parcel of land containing 0.30 acre, more or less, out of Johnny Young Survey No. 118, Abstract No. 375 in the City of Kerrville, Kerr County, Texas; comprising all of Lots 3 and 4 of the Powell Addition, a subdivision of Kerr County according to the plat of record in Volume 1 at Page 61 of the Plat Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a point at the intersection of the northeast right-of-way line of West Main Street, a forty (40) ft. wide public street and the northwest right-of-way line of Powell Avenue, a forty (40) ft. wide public street for the south corner of the herein described tract and said Lot 3;

THENCE, with the southwest lines of said Lots 3 and 4 along the northeast right-of-way line of said West Main Street $N44^{\circ}30'W$, 132.24 ft. to a point for the west corner of the herein described tract and Lot 4;

THENCE, with the northwest line of said Lot 4, $N45^{\circ}E$, 100 ft. to a point for the north corner of the herein described tract and Lot 4;

THENCE, with the northeast lines of said Lots 4 and 3, $S44^{\circ}30'E$, 132.24 ft. to a point in the northwest right-of-way line of said Powell Avenue for the east corner of the herein described tract and Lot 3;

THENCE, with the southeast line of said Lot 3 and northwest right-of-way line of said Powell Avenue $S45^{\circ}W$, 100 ft. to the PLACE OF BEGINNING.

This field notes description is not based on an "on-the-ground" survey by me and was written from the plat of record. This description was prepared to satisfy the City of Kerrville requirements to rezone the property.


Lee C. Voelkel

334 1/2 338
W. Main
(FINE)

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

AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY CHANGING THE ZONING DISTRICT OF CERTAIN PROPERTIES LOCATED ALONG WEST MAIN STREET AND BETWEEN ITS INTERSECTION WITH POWELL AVENUE N. AND COX AVENUE N.; SUCH CHANGE WILL RESULT IN THE PLACEMENT OF THE PROPERTIES WITHIN A RESIDENTIAL TRANSITION (RT) DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing which was held before the City Council on November 11, 2014, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in the change of a zoning district for certain properties located along West Main Street and between its intersection with Powell Avenue N. and Cox Avenue N., such change to result in the placement of the properties within a Residential Transition (RT) District; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on November 11, 2014, as advertised; and

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

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

SECTION ONE. The zoning district for those properties generally located along West Main Street between its intersection with Powell Avenue N. and Cox Avenue N., commonly referred to as 304, 308, 312, 314, 316, 320, and 324 West Main Street, and more specifically described as follows, is changed from a "R-1A" Residential District to a Residential Transition (RT) District:

Being all of certain tracts or parcels of land containing 1.10 acres, more or less, consisting of Lots 10, 11, 12, and parts of Lots 13, 15, and 17, Block 1, of the A.L. Lewis Second Addition Subdivision, and Lots 3 and 4 of the Powel Addition Subdivision, both of which are subdivision within the City of Kerrville, Texas, and being more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes.

SECTION TWO. The zoning district change from a "R-1A" Residential District to a Residential Transition (RT) District also means that the newly created district will become connected to, merge with, and consist as a part of the existing Residential Transition (RT) District located southwest of and across West Main Street from the subject properties.

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

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

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

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

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

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

PASSED AND APPROVED ON FIRST READING, this the 11th day of November, A.D., 2014.

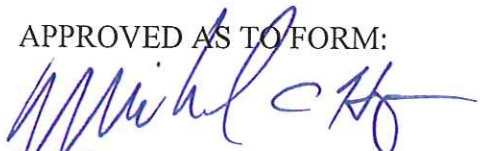
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ of _____, A.D., 2014.

Jack Pratt, Jr., Mayor

ATTEST:

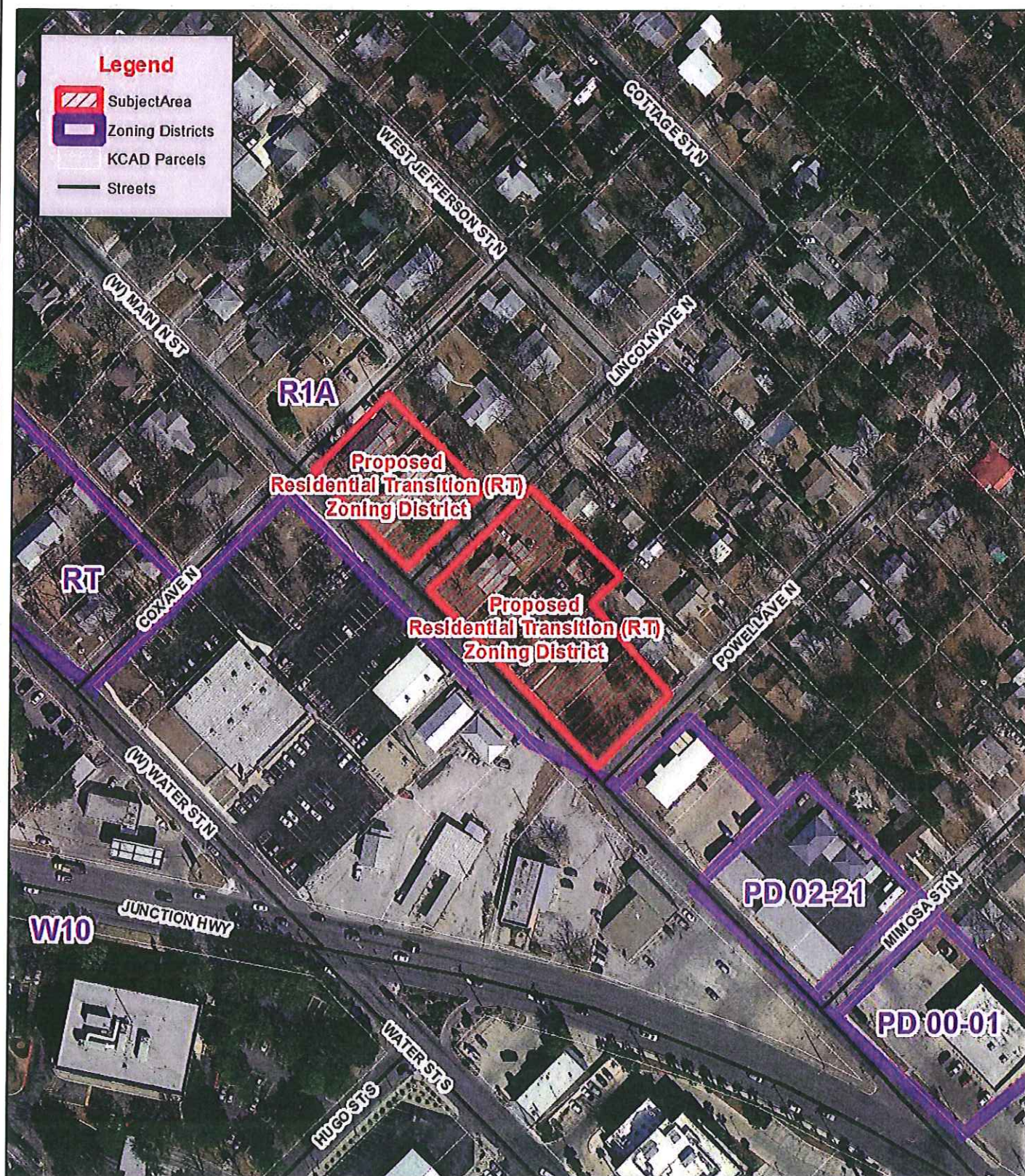
Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

P&Z Case #2014-039 - Zoning Change Request - 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 75 150 300 Feet

1 inch = 150 feet



Agenda Item:

5C. Ordinance No. 2014-25 altering the prima facie speed limit on State Highway 173 (Bandera Highway) from approximately two hundred feet south of the intersection of the highway with Comanche Trace Drive and continuing south to the City's limits, such distance equal to 0.179 mile; reducing said speed limit to 55 miles per hour; authorizing installation of appropriate signs and markings; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00) and ordering publication. (staff)

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

SUBJECT: ORDINANCE SECOND READING, MODIFICATION TO SPEED LIMIT
ON STATE HIGHWAY 173 BETWEEN COMANCHE TRACE
BOULEVARD AND KERRVILLE CITY LIMITS.

FOR AGENDA OF: 12/9/14

DATE SUBMITTED: 11/21/14

SUBMITTED BY: Stuart Barron *SB*
Director of Public Works

CLEARANCES: Kristine Day
Deputy City Manager

EXHIBITS: Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JP*

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The Texas Department of Transportation (TXDOT) has conducted an engineering and traffic investigation for State Highway 173 (SH 173) southeast of Kerrville. The study area included 0.179 miles of SH 173 inside the City Limits of Kerrville, and was in compliance with Transportation Code, Sec. 545.353, *Authority of Texas Transportation Commission to Alter Speed Limits*. After evaluating the study TXDOT has recommended decreasing the speed limit on SH 173 from the existing 65 mph to 55 mph. The new speed limit would affect 0.179 miles (200 feet) of highway inside the City Limit and 2.5 miles of SH 173 from the City Limits to Lower Turtle Creek Road.

RECOMMENDED ACTION

Approve ordinance on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-25**

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMIT ON STATE HIGHWAY 173 (BANDERA HIGHWAY) FROM APPROXIMATELY TWO HUNDRED FEET SOUTH OF THE INTERSECTION OF THE HIGHWAY WITH COMANCHE TRACE DRIVE AND CONTINUING SOUTH TO THE CITY'S LIMITS, SUCH DISTANCE EQUAL TO 0.179 MILE; REDUCING SAID SPEED LIMIT TO 55 MILES PER HOUR; AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS AND MARKINGS; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

WHEREAS, Section 545.353 of the Texas Transportation Code authorizes the Texas Transportation Commission to make certain findings based upon engineering and traffic investigations and to alter prima facie speed limits on state roads located in whole or in part within the limits of an incorporated municipality; and

WHEREAS, the Texas Department of Transportation has made studies and surveys of the traffic flowing along a state road within the City limits of Kerrville, Texas; and

WHEREAS, the Texas Department of Transportation has found and determined from the above-mentioned studies that State Highway 173 from approximately two-hundred feet (200') south of its intersection with Comanche Trace Drive and as it continues south until reaching the City's limits, as hereinafter described in this Ordinance, should be speed zoned to rates set out in this Ordinance; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to comply with the request from the Texas Department of Transportation to adopt an ordinance altering the prima facie speed limit along a portion of State Highway 173;

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

SECTION ONE. No person shall drive a vehicle on those certain portions of State Highway 173 from approximately two-hundred feet (200') south of the intersection of the highway with Comanche Trace Drive and as the highway continues south until reaching the City's limits, as set out and described below, at a speed greater than is reasonable or prudent under the circumstances then existing. The approximate location of the relevant area is depicted in the attachment found at **Exhibit A**. The speed limits specified in this Section are lawful, but any speed in excess of the limit specified in this Section will be prima facie evidence that the speed is not reasonable or prudent and is unlawful. The speed of motor vehicles on those streets as set out below is hereby established at the rate or rates shown opposite the affected streets, roads or highways, to wit:

<i>Beginning Point</i>	<i>Ending Point</i>	<i>Speed Limit</i>
Approximately 200' South of Intersection of SH 173 and Comanche Trace Drive and 0.179 North of City's limits along SH 173	City's limits south of intersection of SH 173 and Comanche Trace Drive, an approximately distance of 0.179 mile	55 mph

SECTION TWO. The above speed zoning is based upon findings and determinations of the City Council made as a result of certain traffic surveys and studies made by the Area Engineer for the Texas Department of Transportation, a summary of which is attached as **Exhibit B**.

SECTION THREE. The Texas Department of Transportation is hereby authorized and directed to install appropriate speed zone signs commensurate with the provisions of this Ordinance.

SECTION FOUR. Any person violating the prima facie speed limits established by this Ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00), as fully prescribed by Texas Transportation Code §542.401, or as may be amended.

SECTION FIVE. All existing ordinances, or any part thereof, in conflict with this Ordinance are hereby expressly repealed. Not repealed, amended, or in any way affected by this Ordinance are those ordinances establishing speed zones or school crossings.

SECTION SIX. The repeal of ordinances, or parts of ordinances, effectuated by the enactment of this Ordinance shall not be construed as abating any actions pending under or by virtue of such ordinances; or as discontinuing, abating, modifying or altering any penalty accruing or to accrue; or as affecting the liability of any person, firm or corporation; or as waiving any right of the municipality under any section or provision existing at the time of the passage of this Ordinance.

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

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

PASSED AND APPROVED ON FIRST READING, this the 11th day of November, A.D., 2014.

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

Jack Pratt, Jr., Mayor

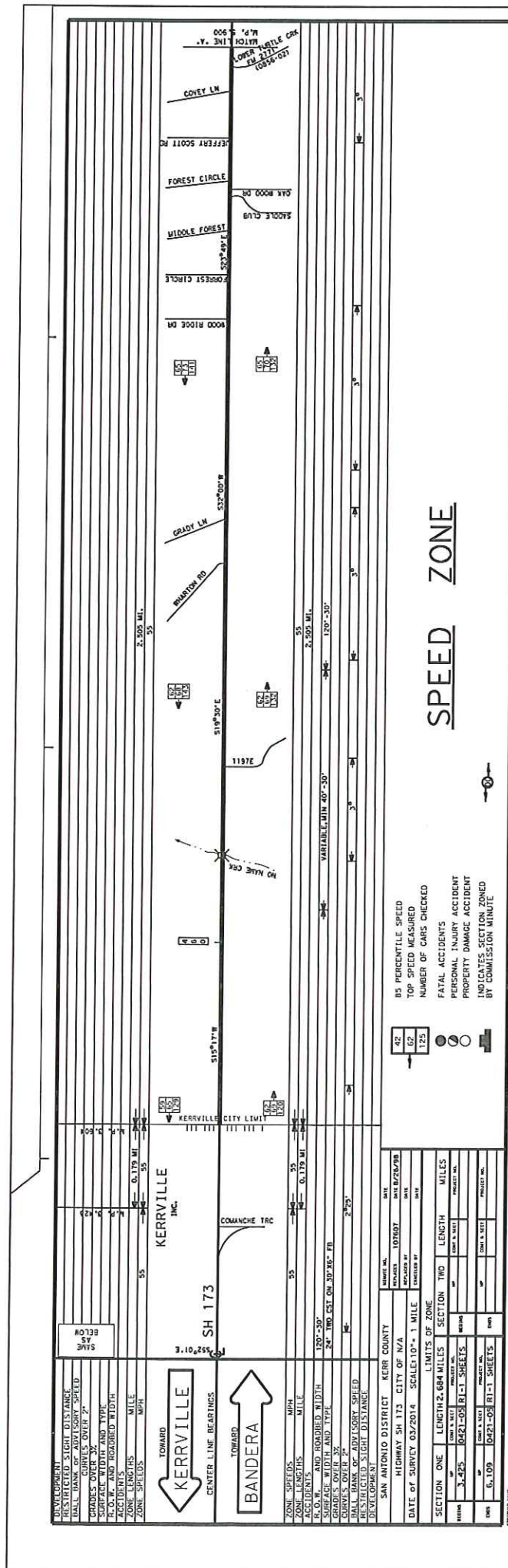
ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

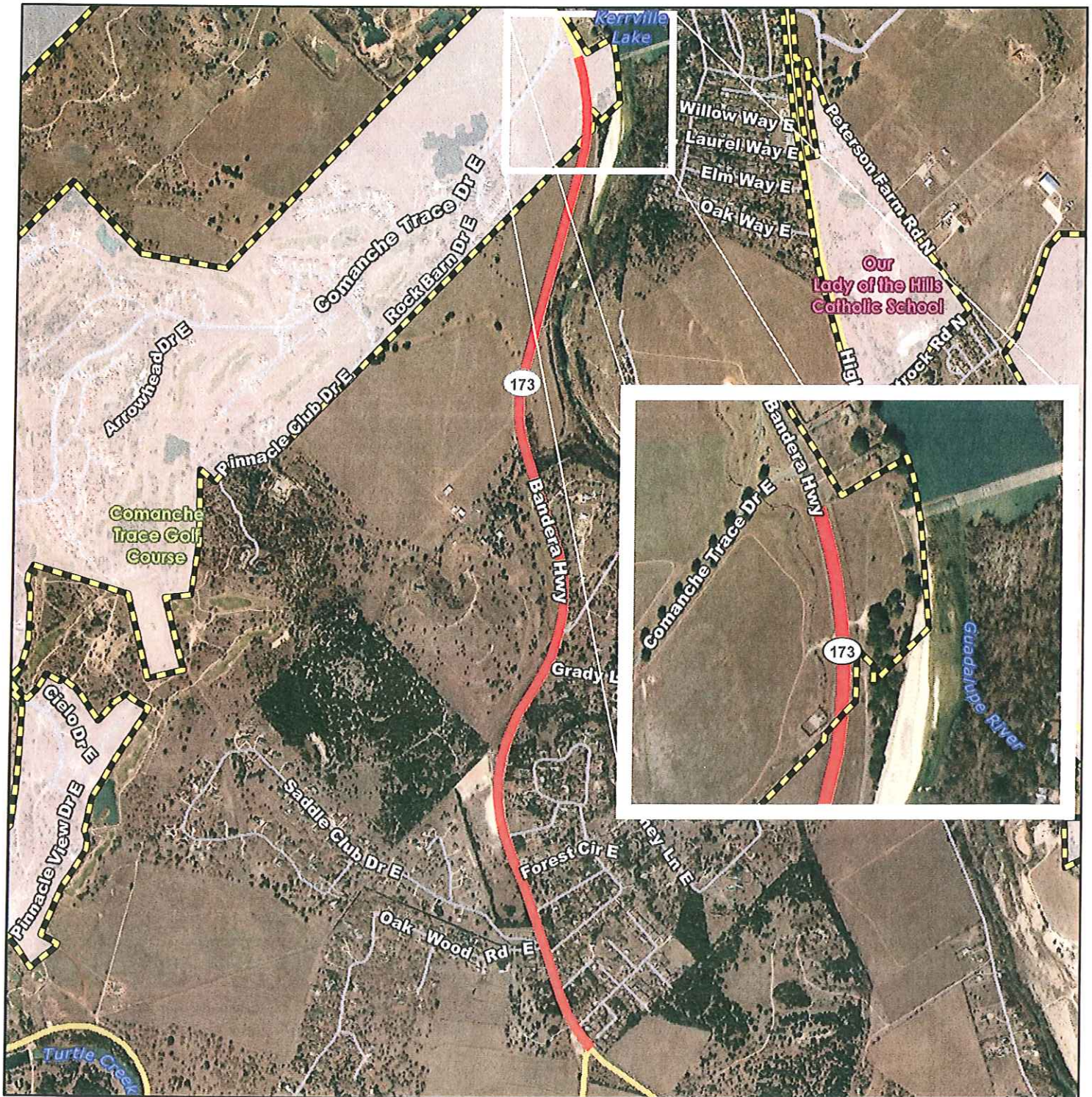


Michael C. Hayes, City Attorney





Recommended Highway 173 Speed Limit Reduction



Legend

-  TxDOT Speed Limit Change
-  City Limits



Exported By: joyoung
Exported On: 10/30/2014 1:46 PM
0 500 1,000 2,000
Scale In Feet

Agenda Item:

5D. Ordinance No. 2014-26, amending Chapter 58, Article III of the City's Code of Ordinances titled "Smoking in enclosed public places and places of employment"; to prohibit the sale, purchase, and possession of electronic vaping devices to minors; containing a cumulative clause; containing a savings and severability clause; ordering publication; and providing other matters related to the subject. (staff)

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

SUBJECT: Second reading of an ordinance establishing a minimum age to purchase or possess electronic cigarettes and electronic cigarette products

FOR AGENDA OF: Dec. 9, 2014

DATE SUBMITTED: Dec. 5, 2014

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS: Draft Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

At its meeting of October 28, 2014, the City Council directed staff to amend the City of Kerrville Code of Ordinance, Chapter 58, Article III. Smoking in Enclosed Public Places and Places of Employment to establish a minimum age limit of eighteen (18) to purchase or possess electronic cigarettes or electronic cigarette products. This draft ordinance establishes the age limit as directed by the City Council.

RECOMMENDED ACTION

City staff recommends that the City Council approve this ordinance as presented.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-26**

AN ORDINANCE AMENDING CHAPTER 58, ARTICLE III OF THE CITY'S CODE OF ORDINANCES, TITLED "SMOKING IN ENCLOSED PUBLIC PLACES AND PLACES OF EMPLOYMENT"; TO PROHIBIT THE SALE, PURCHASE, AND POSSESSION OF ELECTRONIC VAPING DEVICES TO MINORS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, the City Council enacted Ordinance 2001-16 on September 19, 2001, which regulated smoking in public places; and

WHEREAS, Ordinance 2001-16 was codified into Chapter 58 "Health and Safety Code", Article III "Smoking in Enclosed Public Places and Places of Employment" of the City's Code of Ordinances ("Code"); and

WHEREAS, following a successful voter initiative brought pursuant to the authority found in the City's Charter, the City Council amended Ordinance 2001-16 with Ordinance 2008-16 on June 10, 2008, to prohibit smoking in City parks and on downtown streets during large public gatherings, in bars and private membership clubs, within twenty feet of a public entrance to a building, and in restaurants unless the restaurant's smoking area is completely enclosed; and

WHEREAS, the City Council desires to amend Chapter 58, Article III of the Code to prohibit the sale, purchase, and possession of electronic vaping devices, more commonly known as electronic cigarettes or e-cigarettes, and similar devices within the City to minors, those persons under 18 years of age; and

WHEREAS, the United States Food and Drug Administration ("FDA") has conducted laboratory tests showing the vapors from electronic cigarettes contain carcinogens, including nitrosamines. Further, the FDA tests found that e-cigarette vapors were found to contain toxic chemicals such as, diethylene glycol, a common ingredient in antifreeze; and

WHEREAS, the City Council finds that manufacturers of electronic cigarettes market and provide liquid nicotine cartridges in a variety of flavors, including cherry, chocolate, and vanilla, which the FDA and public health advocates warn are purposefully intended to appeal to and attract young people to purchase and use their products and are sometimes referred to as "training wheels" for traditional cigarettes; and

WHEREAS, studies show that adolescents can become addicted to nicotine after ingesting the equivalent of twenty (20) traditional cigarettes, the amount generally available in a single pack, and the appeal created by the flavored electronic cigarettes and/or liquid nicotine can lead young people into a lifetime of nicotine addiction; and

WHEREAS, the City Council has determined that a ban on the sale, purchase, and possession of electronic vaping devices in the City to persons under the age of eighteen (18) will help minimize the physical accessibility to minors and serves an important public interest in furtherance of the health, safety, and general welfare of the citizens of the City; and

WHEREAS, the state, through Chapter 161, Subchapter H, of the Texas Health and Safety Code, prohibits the possession, purchase, consumption, or receipt of cigarettes or tobacco products by minors, which includes prohibiting the use of the same by minors, and the City enforces such regulations; and

WHEREAS, the City Council finds that in order to promote the public health, safety, and welfare of the City and its citizens, it is in the best interest of the City and its citizens to amend the Code of Ordinances as set forth below;

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

SECTION ONE. Chapter 58, Article III, of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding the language that is underlined (added) as follows:

**“CHAPTER 58 HEALTH & SANITATION
ARTICLE III. SMOKING IN ENCLOSED PUBLIC PLACES AND PLACES OF
EMPLOYMENT; USE OF ELECTRONIC VAPING DEVICES”**

SECTION TWO. Chapter 58, Article III, of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding the language that is underlined (added) to Section 58-62 as follows:

“Sec. 58-62. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

⋮

Electronic vaping device means any electronically or battery powered device that uses an atomizer or similar device allowing users to inhale nicotine vapor or any other vapor to simulate the smoking of tobacco or other substances, to include electronic cigarettes (e-cigarettes), electronic pipes (e-pipes), electronic cigars (e-cigars) and any other type of electronic nicotine delivery system or any part thereof.

Liquid nicotine means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and/or any other substance and manufactured for use with an electronic vaping device.

Minor means any person under the age of eighteen (18) years of age.”

SECTION THREE. Chapter 58, Article III, of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 58-69, as indicated by the language that is underlined (added) as follows:

“Sec. 58-69. Sale or provision of electronic vaping devices and/or liquid nicotine to a minor.

(a) It is unlawful and a person or retailer commits an offense if the person sells, provides, or causes to be sold or provided an electronic vaping device and/or liquid nicotine to a minor.

(b) If the offense under this section occurs in connection with a sale of an electronic vaping device and/or liquid nicotine at a business by an employee of the business, the employee who committed the offense is subject to prosecution.

(c) This section is intended to apply strict liability to sellers and providers of electronic vaping devices and/or liquid nicotine. A culpable mental state is not required to prove a violation of this section.

(d) It is a defense to prosecution under this section that the person to whom the electronic vaping device and/or liquid nicotine was sold or provided presented to the person who sold or provided the electronic vaping device and/or liquid nicotine an apparently valid Texas driver's license or identification card, issued by the department of public safety and containing a physical description consistent with the person's appearance that purported to establish the person was eighteen (18) years of age or older.”

SECTION FOUR. Chapter 58, Article III, of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 58-70, as indicated by the language that is underlined (added) as follows:

“Sec. 58-70. Purchase of electronic vaping device and/or liquid nicotine by a minor.

(a) It is unlawful and a person commits an offense if he is a minor and intentionally or knowingly purchases or attempts to purchase an electronic vaping device and/or liquid nicotine within the incorporated limits of the City.

(b) It is unlawful and a person commits an offense if he or she is a minor and the minor (1) falsely states to any person engaged in the business of selling electronic vaping devices and/or liquid nicotine within the incorporated limits of the City that the minor person is not a minor or (2) presents to any person engaged in the business of selling electronic vaping devices and/or liquid nicotine within the incorporated limits of the City any document that purports to establish that the minor is not a minor.

(c) It is not a violation of this section if the minor purchases an electronic vaping device and/or liquid nicotine while under the direction and supervision of a police officer in the process of enforcing any provision of this article.”

SECTION FIVE. Chapter 58, Article III, of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 58-71, as indicated by the language that is underlined (added) as follows:

“Sec. 58-71. Possession of Electronic Vaping Devices and/or Liquid Nicotine by a minor.

(a) It is unlawful and a person commits an offense if he is a minor as defined under this article and intentionally or knowingly possesses an electronic vaping device and/or liquid nicotine within the incorporated limits of the City.

(b) It is an affirmative defense to prosecution under this section that the minor’s parent or legal guardian consented to the possession of the electronic vaping device and/or liquid nicotine by the minor and such possession was either in the residence of the minor’s parent or legal guardian or in the presence of the minor’s parent or legal guardian.

(c) It is an affirmative defense to prosecution under this section that the minor possessed an electronic vaping device and/or liquid nicotine as an employee of a commercial establishment that sells or distributes electronic vaping devices and/or liquid nicotine pursuant to a requirement by the minor’s employer that the minor possessed electronic vaping device and/or liquid nicotine in the performance of the minor’s duties as an employee of the commercial establishment.

(d) It is not a violation of this section if the minor possesses the electronic vaping device and/or liquid nicotine while under the direction and supervision of a peace officer in the process of enforcing any provision of this article.”

SECTION SIX. The City Secretary is authorized and directed to submit this amendment to the publisher of the City’s Code of Ordinances and the publisher is authorized to amend the Code to reflect the adopted amendments, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

SECTION SEVEN. 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 expressly repealed to the extent of any such inconsistency or conflict.

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

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

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

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

PASSED AND APPROVED ON FIRST READING, this the 11th day of November, A.D., 2014.

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

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

5E. Ordinance No. 2014-27, amending Chapter 110 "Traffic and Vehicles" of the City's Code of Ordinances by adopting a new Article XII "Golf Carts"; authorizing the use of golf carts on public streets for parcel delivery during the fall and winter holiday season; establishing regulations under which golf carts are allowed to use public streets; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$500.00; ordering publication; providing an effective date; and providing other matters related to the subject. (staff)

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

SUBJECT: Second reading of an ordinance authorizing the use of golf carts on public streets for parcel delivery during the fall and winter holiday season and establishing regulations under which golf carts are allowed to use public streets

FOR AGENDA OF: Dec. 9, 2014

DATE SUBMITTED: Dec. 5, 2014

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS: Draft Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

With the oncoming Christmas season, delivery services are in their peak delivery season. One service proposes to use golf carts in neighborhoods to deliver packages instead of their normal delivery trucks. Under this delivery program packages are taken to strategically located pods and then disseminated via golf carts by seasonal workers. The use of the carts as proposed is generally a violation of the Texas Transportation Code. The code provides a few special exceptions that allow the operation of golf carts on public roads. City Council has authority to expand the use of golf carts to allow their use for seasonal deliveries and may only do so via city ordinance. Without such an ordinance, the golf cart operators will be subject to traffic citations.

RECOMMENDED ACTION

City staff recommends that the City Council approve this ordinance as presented.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-27**

AN ORDINANCE AMENDING CHAPTER 110 "TRAFFIC AND VEHICLES" OF THE CITY'S CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE XII "GOLF CARTS"; AUTHORIZING THE USE OF GOLF CARTS ON PUBLIC STREETS FOR PARCEL DELIVERY DURING THE FALL AND WINTER HOLIDAY SEASON; ESTABLISHING REGULATIONS UNDER WHICH GOLF CARTS ARE ALLOWED TO USE PUBLIC STREETS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$500.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, Section 551.404 of the Texas Transportation Code authorizes the governing body of a municipality to allow the limited operation of a golf cart on public streets; and

WHEREAS, during the holiday season months of November and December, the volume of parcel deliveries is estimated to double and golf carts help reduce the number of large trucks used to make deliveries; and

WHEREAS, City finds that authorizing golf carts to use public streets in limited ways, to include a restriction for only residential areas, will benefit the City and in particular, delivery customers; and

WHEREAS, the City Council has determined that authorizing the limited operation of golf carts on public streets, by entities whose primary business is the delivery of parcels and during the fall and winter holiday season is in the best interest of the public and its citizens and will promote the public health, safety, and welfare of the City;

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

SECTION ONE. Chapter 102 "Traffic and Vehicles" of the Code of Ordinance of the City of Kerrville, Texas, is amended by adding a new Article XII "Golf Carts" to add the language that is underlined (added) as follows:

"Chapter 102 – TRAFFIC AND VEHICLES

ARTICLE XII. GOLF CARTS

Sec. 102-175. Definitions.

The following definitions apply to this Article:

“Authorized operator” means a person that uses a golf cart for the purpose of delivering parcels while in the course of employment with an entity whose primary business is the delivery of parcels.

“Golf cart” means a motor vehicle that has no less than three wheels, has a maximum speed between 15-25 mph, and may be modified for parcel delivery.

“Holiday season” means the period of time starting November fifteenth (15th) and ending January fifth (5th) of each year.

“Motor vehicle” means a vehicle that is self-propelled.

“Public highway” means a road, street, way, thoroughfare, or bridge:

- (1) that is in the State;
- (2) that is for the use of vehicles;
- (3) that is not privately owned or controlled; and
- (4) over which the State has legislative jurisdiction under its police power.

“Slow moving emblem”, pursuant to Section 547.001(8) of the Texas Transportation Code, means:

- (1) a triangular emblem that has a reflective surface designed to be clearly visible during daytime at a distance of at least 500 feet; and
- (2) is displayed in accordance with Section 547.703 of the Texas Transportation Code, requiring that such emblem be mounted base down on the rear of the motor vehicle at a height from three to five feet above the road surface.

Sec. 102-176. Operation of a golf cart.

During the holiday season, an authorized operator may operate a golf cart on a public highway, within the City limits, for which the posted speed limit is not more than 35 miles per hour, where each of the following requirements is met:

- (1) the golf cart being operated has the following equipment:
 - a. Headlamps;
 - b. Tail lamps;
 - c. Reflectors;
 - d. Parking brake; and
 - e. Mirrors;

- (2) a golf cart is required to display a slow-moving-vehicle emblem when it is operated on a public highway, as required by Sections 547.703(a) and (d) of the Texas Transportation Code;
- (3) use is restricted to a public highway directly within or adjacent to a residential area, as determined by the applicable zoning district; and
- (4) the authorized operator of a golf cart must:
 - a. possess a valid driver's license that authorizes operation of a motor vehicle on public highways;
 - b. carry evidence of financial responsibility consistent with Section 601.051 of the Texas Transportation Code, as amended, for operation of motor vehicles; and
 - c. obey all state and local traffic laws.

Sec. 102-177. Deliveries.

Deliveries may occur only during daylight and to residences or dwellings as opposed to properties used for commercial purposes.

Sec. 102-178. Liability.

Nothing in this article is to be construed as an assumption of liability by the City for any damages, to include personal injury, property damage or otherwise, which may result from the operation of a golf cart authorized by this article. The authorized operator of a golf cart is responsible for the safe operation of a golf cart allowed under this article.

Sec. 102-179. Offense.

Any person who operates a golf cart in violation of any provision or requirements of this chapter will be deemed guilty of a misdemeanor and upon conviction will be punished by a fine of not less than \$50.00 or more than \$500.00. Each violation of this article is a separate offense."

SECTION TWO. The City Secretary is authorized and directed to send this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the new Article XII of Chapter 102 as adopted herein, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

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

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

SECTION FIVE. The penalty for violation of this Ordinance will be in accordance with the general penalty provisions contained in Section 1-7, or its successor section, of the Code of Ordinances of the City of Kerrville, Texas.

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

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

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

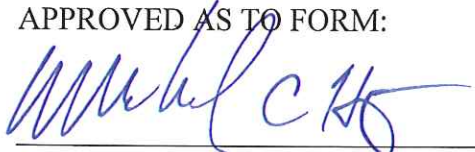
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ___ day of _____, A.D., 2014.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

6A. Increasing downtown parking time limit in public spaces from two hours to three hours. (Councilmember Stork)

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

SUBJECT: Increase downtown parking limit from two hours to three hours

FOR AGENDA OF: December 9, 2014 **DATE SUBMITTED:** December 3, 2014

SUBMITTED BY: Councilmember Stork, Place 3

CLEARANCES:

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

On September 23, 2014 City Council received a presentation from the Parking Committee, a subcommittee of the Main Street Advisory Board. Among the report were short-term and long-term challenges regarding downtown parking in addition to recommendations. Included in the recommendations was to increase the downtown parking limit from two hours to three hours, however, action was not taken at this meeting. Several downtown business operators have voiced their favorable support of continuing to pursue increasing the parking limit to three hours.

RECOMMENDED ACTION

Provide direction to staff to increase the downtown parking limit from two hours to three hours.

Agenda Item:

6B. Amendments to the composition of Kerrville City Boards and Commissions and the procedural rules for Kerrville City Boards. (staff)

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

SUBJECT: Amendments to the composition of Kerrville city boards and commissions and the procedural rules for Kerrville city boards

FOR AGENDA OF: Dec. 9, 2014

DATE SUBMITTED: Dec. 5, 2014

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS: Summary of City Boards and Commissions – 12/5/14
Summary of City Boards and Commissions – w/Proposed Changes
Resolution No. 037-2008 – Procedural Rules for City Boards

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

The various city boards and commissions have all been created either through resolution or ordinance. These foundation documents govern the makeup and establish the operational framework for each board. In an effort to bring consistency to the various boards and commissions, City Council passed Resolution No. 037-2008 on May 27, 2008. This resolution greatly standardized many of the operational parameters for each board and commission. However, the resolution also created a few conflicts for boards or commissions established by city ordinance since an ordinance may not be amended via resolution. These conflicts need to be evaluated and addressed.

Additionally, keeping each board and commission filled is a challenge. There are several positions that have been vacant for quite some time. These position vacancies can create significant issues, especially when a quorum cannot be achieved and city business cannot be conducted as a result.

Attached are two board and commission summary sheets. One shows the existing conditions and the other shows staff recommendations for amendments.

RECOMMENDED ACTION

City staff recommends that the City Council provide direction to make the board and commission amendments as presented.

Summary of City Boards and Commissions - 12/5/14

Body	Foundation	Regular Members	Alternate Members	Term (Yrs)	Serve Past Term	Term Limit	Absences by Foundation Document	Procedural Rules for City Boards (City Policy by Resolution)		
								Multiple Memberships	Serve Until Replaced	Attendance
EIC	Resolution/Articles of Incorporation	7	0	2	Y	2	Not Established	N	Not Applicable	3 Consecutive Regular Meetings or 25% of Regular Meetings Over 12 Consecutive Months
BBA	Ordinance	7	2 or More	2	Y	2	Not Established	N	Not Applicable	3 Consecutive Regular Meetings or 25% of Regular Meetings Over 12 Consecutive Months
FSAB	Ordinance	5	0	2	N	2	3 Consecutive Regular Meetings	N	Not Applicable	Not Applicable
GCAB	Resolution	7	0	2	N	2	3 Consecutive Regular Meetings or 25% of Regular Meetings Over 12 Consecutive Months	N	Y	Same as Foundation Document
KBAC	Resolution	3 to 5	0	2	N	City Policy	3 Consecutive Unexcused Absences (KABC Board Forwards Recommendation CC Considers)	N	Y	Not Applicable
MSAB	Resolution	7	0	2	N	2	3 Consecutive Regular Meetings May be Replaced by City Council	N	Y	3 Consecutive Regular Meetings or 25% of Regular Meetings Over 12 Consecutive Months
PRAB	Ordinance	8	0	2	N	2	3 Consecutive Absences Board Reviews Absences and Recommends Whether Member Should Be Removed, City Council Considers Board Recommendation	N	Not Applicable	Not Applicable
LAB	Ordinance	5	0	2	N	2	As Established by City Policy	N	Not Applicable	3 Consecutive Regular Meetings or 25% of Regular Meetings Over 12 Consecutive Months
ZBA	Ordinance	5	2	2	N	3	3 Duly Called Meetings or 25% of Duly Called Meetings in a 12-Month Period	N	Not Applicable	Not Applicable
P&Z	Ordinance	5	2	2	N	3	As Established by City Policy	N	Not Applicable	3 Consecutive Regular Meetings or 25% of Regular Meetings Over 12 Consecutive Months

KEY

Governing Document Where Conflict Exists Between Founding Document and Procedural Rules for City Boards

NOTE: All appointees serve at the pleasure of the City Council. City Council may remove any member at any time with or without cause.

Summary of City Boards and Commissions - w/Proposed Changes

Body	Foundation	Regular Members	Alternate Members	Term (Yrs)	Serve Past Term	Term Limit	Absences by Foundation Document	Proposed Procedural Rules for City Boards (City Policy by Resolution)		
								Multiple Memberships	Serve Until Replaced	Attendance
EIC	Resolution/Articles of Incorporation	7	0	2	Y	2	Not Established	N	Not Applicable	3 Consecutive Regular Meetings or 25% of Regular Meetings During the Calendar Year
BBAA	Ordinance	7	2 or More	2	Y	N	Not Established	N	Not Applicable	3 Consecutive Regular Meetings or 25% of Regular Meetings During the Calendar Year
FSAB	Ordinance	5	0	2	Y	N	3 Consecutive Regular Meetings or 25% of Regular Meetings During the Calendar Year	Y	Not Applicable	Not Applicable
GCAB	Resolution	7	0	2	N	N	3 Consecutive Regular Meetings or 25% of Regular Meetings During the Calendar Year	Y	Y	3 Consecutive Regular Meetings or 25% of Regular Meetings During the Calendar Year
KBAC	Resolution	3 to 5	0	2	N	N	3 Consecutive Regular Meetings or 25% of Regular Meetings During the Calendar Year	Y	Y	Not Applicable
MSAB	Resolution	7	0	2	N	N	3 Consecutive Regular Meetings May be Replaced by City Council	Y	Y	3 Consecutive Regular Meetings or 25% of Regular Meetings During the Calendar Year
PRAB	Ordinance	8	0	2	Y	N	3 Consecutive Regular Meetings or 25% of Regular Meetings During the Calendar Year	Y	Not Applicable	Not Applicable
LAB	Ordinance	5	0	2	Y	N	As Established by City Policy	Y	Not Applicable	3 Consecutive Regular Meetings or 25% of Regular Meetings During the Calendar Year
ZBA	Ordinance	5	2	2	Y	3	3 Consecutive Regular Meetings or 25% of Regular Meetings During the Calendar Year	N	Not Applicable	Consistent with Foundation Document
P&Z	Ordinance	5	2	2	Y	3	As Established by City Policy	N	Not Applicable	3 Consecutive Regular Meetings or 25% of Regular Meetings During the Calendar Year

KEY

Amendments Recommended by City Staff

NOTE: All appointees serve at the pleasure of the City Council. City Council may remove any member at any time with or without cause.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 037 -2008**

**A RESOLUTION ADOPTING PROCEDURAL RULES FOR CITY
BOARDS**

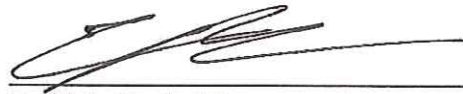
WHEREAS, the City Council has previously reviewed a proposed draft of procedural rules governing the conduct of all City Boards;

WHEREAS, the City Council finds it to be in the public interest to adopt the rules;

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

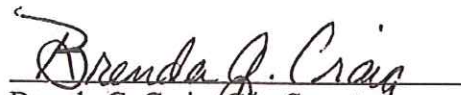
The City Council adopts the *Procedural Rules, Kerrville City Boards*, the provisions of which shall be substantially as set forth in **Exhibit A**, to be effective May 28, 2008.

PASSED AND APPROVED ON this the 27th **day of** May, **A.D.,**
2008.



Todd A. Bock, Mayor

ATTEST:



Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

H:\Legal\City Clerk\Reso\City Board Procedures 052008.doc

Approved by City Council
Date: May 27, 2008
Volume 306 Page 291

R037-2008

PROCEDURAL RULES KERRVILLE CITY BOARDS

SECTION 1. GENERAL PROVISIONS

1.1 Scope of Rules. These rules govern the conduct of all City boards and are intended and should be interpreted to ensure fair and open deliberations and decision making. These rules shall apply unless in conflict with state law. The term "board" means board, commission, or committee.

1.2. Technical Parliamentary Forms Abolished. Except as specifically required by these rules, the boards shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms.

1.3. Rulings; Matters Not Covered. Rulings on procedure are governed by the presiding officer or by a majority of the board members which would prevail. Any matter or order or procedure not covered by these rules shall be deferred to the presiding officer or legal counsel as appropriate.

1.4. Interpretation. These rules are intended to supplement and shall be interpreted to conform with the statutes of the State of Texas and the charter and ordinances of the City. In general, these rules shall be interpreted to allow the majority to prevail but preserve the right of the minority to be heard. In addition, should a conflict arise between any rule and another city ordinance or code provision, the ordinance or code provision shall control.

1.5 Standing Boards Defined. Standing boards are defined as somewhat permanent boards as established by City ordinances or resolutions.

1.6 Ad Hoc Boards Defined. Ad hoc boards are defined as temporarily appointed boards that terminate upon completion of their specific task or the special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council.

1.7 Working with City Staff. Board members are encouraged to communicate openly with the appropriate City staff member or members of the City Manager's Office. Board members should understand that they are not responsible for supervision of any City operation; therefore, they should not direct or instruct any City staff member, nor become involved in supervising personnel or operational issues. If a board member has any concerns regarding such matters, they should contact the City Manager.

1.8 Budget. The City Manager may ask boards to provide input regarding elements of the City's annual budget.

1.9 Rules to be Provided to Members. The City Secretary shall be required to provide a copy of these procedural rules to all board members and maintain a file acknowledging each member's receipt of these rules.

1. 10. Authority to Change and Adopt Rules of Procedure. The City Council has the authority to establish and/or modify rules governing City boards.

SECTION 2. APPOINTMENT/REMOVAL PROCESS

2.1 Application Process. Citizens interested in serving on a board may obtain an application through the City Secretary's Office and submit the completed application to the City Secretary's Office. City Council members may be appointed to membership on a City board, where Council membership is appropriate, without submitting an application.

2.2 Appointment Process. The City Council shall consider applications and make appointments to City boards.

2.3 Eligibility Requirements/Qualifications. Each board may have specific qualifications and term limits for membership. All appointments to boards must be made in compliance with those qualifications, and members must continue to comply with all membership qualifications throughout their term of office to avoid forfeiting membership. Councilmembers shall not be eligible for membership on a board except as specifically required by the ordinance or resolution establishing the board or as allowed by state law.

2.4 Multiple Memberships. A person may not serve on more than one board at a time; however, a board member may be allowed to resign from one board to accept membership on another board if appointed by the City Council. The City Council may allow a person to serve on an ad hoc board in addition to their standing board, provided that state law does not prohibit such duplicate membership(s).

2.5 Notice of Appointment. After the City Council appoints a person to serve as a member of a board, the City Secretary will notify the appointee in writing of the appointment.

2.6 Serve Until Replaced. From time to time, board members may resign prior to completion of their term; also, when a board member's term is due to expire, a replacement may not be immediately available. In such instances, board members may continue to serve until replaced in order to maintain a full board.

2.7 Council Liaison Member. The City Council may, by a majority vote, appoint one of its members as a liaison, non-voting member to any board. A Councilmember serving as liaison member of a City board will act to relay Council actions concerning board items and to report back to Council as appropriate. Council liaisons and staff members will also abide by these procedural rules. Councilmembers may serve as a

regular voting member of a board as allowed by the ordinance or resolution establishing the board or as allowed by state law.

2.8 Removal of Member. The City Council may remove any member of any board by a majority vote.

SECTION 3. RESPONSIBILITIES OF BOARD MEMBERS

3.1 Oaths and Training. Upon notification of appointment or reappointment, it shall be the responsibility of every board member to report to the City Secretary's office to be administered the Statement of Elected/Appointed Officer, the Oath of Office, and to receive instruction on how to complete the required open government training within 30 days of appointment. Any member who fails to take the statement and oath, or fails to complete the required open government training, may subject their membership to be terminated pursuant to Council action.

3.2 Attendance. In order to be fully aware of issues before the board, it is imperative that members are faithful in their attendance at meetings. Any member who is absent from twenty-five percent (25%) of the board's regular meetings during any twelve (12) month period, or who is absent from any three (3) consecutive regular meetings, shall automatically be removed from serving on the board, without the necessity of council action. The only exception to these attendance requirements shall be for a documented medical or family emergency. The board member may request City Council review and discuss their absences prior to a replacement member being appointed. The staff member has the responsibility of reporting a member's non-attendance to the City Council in writing, and the City Secretary shall notify the board member in writing that their non-attendance has been reported to the City Council.

3.3 Responsibility to Vote. No member may be excused from voting on any matter except when such member has a conflict of interest as defined by state law.

3.4 Member Not Voting. Any board member refusing to vote, and not excused from voting due to a conflict of interest, shall be considered in violation of these rules and will be recorded in the minutes as voting in the affirmative of the motion. If a member continues to choose not to vote on matters brought before the board, the City Council may consider further action. The staff member has the responsibility of reporting a member's non-voting to the City Council in writing, and the City Secretary shall notify the board member in writing that their conduct has been reported to the City Council.

3.5 Conflict of Interest. Any board member prohibited from voting by a conflict of interest as defined by state law, shall announce the same at the commencement of consideration of the matter and shall not enter into discussion or debate on said matter. In such case, the member shall file with the recording secretary the Affidavit Conflict of Interest form indicating the reason for abstaining. The member shall then announce their conflict to the board and leave the meeting room until discussion of and vote on the issue has been completed. Further, that member shall not discuss the matter with other members of the board at any time.

SECTION 4. OPEN GOVERNMENT

4.1 Open Meetings. In accordance with Section 3.01 of the City Charter, all meetings of all boards shall be open to the public, and boards shall be subject to the Texas Open Meetings Act (Texas Government Code Chapter 551, as amended) and the Public Information Act (Texas Government Code Chapter 552, as amended). A meeting is defined as a gathering at which a quorum of the members of a board are present and discuss, receive information, or provide information regarding board business to a third party, including an employee of the City.

4.2 Texas Open Meetings Act. The Texas Open Meetings Act requires that every meeting of a governmental body be open to the public; in an effort to increase the public's awareness of and participation in local government, the city council finds that the provisions of this act should govern all meetings of all boards appointed by the City Council. Board members shall not communicate or deliberate outside of a posted meeting in an attempt to evade the Open Meetings Act.

4.3 "Walking Quorums" Prohibited. Members shall not attempt to avoid complying with the Open Meetings Act by deliberating business without a quorum being physically present in one place and claiming that it is not a meeting, such as: 1) serial meetings of less than a quorum; and 2) telephone discussions.

4.4 Posted Notice/Meeting Agendas. A posted notice sufficient to detail the subject(s) to be discussed is required prior to any meeting of any board. No closed meetings (executive sessions) are allowed by any board except in strict accordance with the Open Meetings Act. It is the responsibility of the staff member to prepare, post, and distribute agendas which comply with state law.

4.5 Public Information Act. The Texas Public Information Act (PIA) provides that all information held by a governmental body, including boards, must be released to the public upon request, unless the information falls within one of the PIA's specific exceptions to disclosure. Requests for public information shall be filed with the City Secretary.

4.6 Email Policy. Board members are herein made aware that electronic mail is information that may be subject to public disclosure. Thus, if communications occur via electronic mail with other board members, City Council, City staff, or the public regarding any City business through their personal home and business computers via a private internet account, such information is considered to be public information and subject to the Public Information Act. Further, under the PIA, such communications must be maintained, either electronically or by hard copy, for the required time retention period. For further information or clarification, please contact the City Secretary.

SECTION 5. OFFICERS OF THE BOARD

5.1 Chair. Unless the City Council appoints the chair, chairs for all boards shall be determined by a majority vote of its members. The function of the chair is to provide leadership to the group, including ensuring that meetings are conducted in accordance with these established rules and procedures.

5.2 Vice-Chair. The vice-chair shall perform the duties of the chair in their absence. In the absence of the chair and vice-chair, the remaining members may appoint one of their own as the presiding officer, provided a quorum of the board is in attendance. The presiding officer shall vacate those duties upon the presence of the chair or vice-chair.

The chair, vice-chair, or presiding officer retains all rights and privileges of a member of the board, including the making of and seconding of a motion, and participating in the discussion and voting on any matter before the board.

5.3 Other Officers. Boards may also elect other officers from among their membership in accordance with the bylaws or resolution of each board. Each member may serve in only one position on a board at a time.

SECTION 6. AGENDAS, CONDUCT OF MEETINGS, AND MINUTES

6.1 Agendas and Deadlines. The order of business of each meeting of a board shall be contained in a written agenda, which shall be a listing of the specific topics to be discussed. Any topic not specifically listed on the agenda shall not be discussed by the board as such discussion would be a violation of the Texas Open Meetings Act. Instead, anyone, including a member of the public, may request the placement of the issue on a future meeting agenda. The agenda shall be prepared by the City staff member in conjunction with the board chair. Any person wishing to have a matter heard by the board shall make a written request containing a summary statement of the proposed presentation to the staff member or board chair before 5:00 p.m. on the sixth day preceding said meeting. The staff member shall be responsible for submitting the agenda to the City Secretary to be posted at least seventy-two (72) hours before the meeting. The agendas for all boards shall be posted on the official bulletin board specifically designated for that purpose at City Hall. The City Secretary shall also post notice of all board meetings on the City's website. The staff member shall provide the agenda to all board members and to the news media at the time of agenda posting. Board members will be provided with agenda materials as much in advance of the meeting as possible.

6.2 Control of Discussion. The chair shall control discussion on each agenda item to assure full participation of all members to make certain that discussions are confined and focused on subjects listed on the agenda. The chair will preserve order and decorum, preventing the impugning of any member's motives or other personal comments not relevant to the orderly conduct of business. The chair shall request that

all speakers keep their comments brief and relevant to the agenda subject and should not allow abusive, rude, or inappropriate conduct by any member or speaker.

Anyone speaking, including a board member, shall speak only after being recognized by the chair, shall limit remarks to the subject at hand, and shall not be interrupted except by the chair to enforce these rules.

6.3 Voting on a Motion. Voting by voice or a show of hands shall be used unless a member requests a roll call vote. In case of a tie, the motion fails. At the conclusion (or closure) of debate or discussion, the chair shall call for a vote; however, if the chair fails to call for a vote, a majority of the board present may require a vote.

6.4 Citizen Participation. Comments and suggestions by the public are highly valued. Those members of the public speaking on items both on the agenda and not on the agenda are limited to three minutes. A person may speak only once on any agenda item. However applicants, or those persons having placed an item on the agenda, will be allowed ten minutes. Time limitations of this rule may be extended by the consent of a majority of the board.

The Texas Open Meetings Act requires 72 hour posted notice of every topic or subject to be considered; this law may prevent the board from considering a subject raised by a member of the public. In this case, the chair or a board member may request the matter be placed on a future agenda for discussion or action.

6.5 Manner of Addressing the Board. A person desiring to address the board shall state his or her name and address for the record before proceeding with comments.

6.6 Remarks to be Germane/Non-redundant. Public comments regarding agenda items must be kept relevant to the agenda subject; the chair shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the chair from making further comments before the board during the meeting.

6.7 Official Minutes. The actions taken by the board and a brief summary of the discussion of each topic shall be compiled into written minutes, which shall be reviewed and approved by the board at a subsequent meeting. All items requiring a vote shall be moved by a board member. Each motion will require a second by another board member in order to be considered. The recording secretary shall record the name of the board member making each motion and corresponding second to the motion. A motion must be voted on or withdrawn before another motion for that same agenda item can be considered.

After approval, the chair shall sign the minutes and the staff member will forward the original signed minutes to the City Secretary who will maintain a file of the official minutes for all boards.

All boards have staff members designated by the City Manager to be recording secretaries who are responsible for recording meetings and preparing minutes of all

meetings. In addition to the official minutes, the staff member will prepare a brief synopsis of every meeting and provide it to the City Council so they may be kept informed. The recording secretary shall record all meetings of the board and maintain the recording for the required retention period. If a request is made to attach information to the official board minutes, such information shall be briefly summarized in the minutes and the information retained on file for the required time period for such information.

SECTION 7. STANDARDS OF CONDUCT FOR BOARD MEMBERS

7.1 Lobbying Prohibited. The Texas Open Meetings Act was adopted to make governmental discussions and decision-making accessible to the public. Based on the premise that the public's business should be conducted in public, the City Council adopts the following statement: "A board member shall not meet or confer (by phone, in person, email, etc.) with any applicant or representative of an applicant, including but not limited to engineers, architects, attorneys, or others outside of a legally posted meeting." In other words, board members are prohibited from being lobbied with respect to a pending application.

7.2 Definition of Applicant. An applicant is defined as a person who requests a matter be considered by a board.

7.3 Conduct of Board Members: A board member shall not:

(A) Accept or solicit any benefit or economic gain or advantage, nor use one's position to secure special privileges or exemptions.

(B) Grant any special consideration, treatment, or advantage to a person or organization beyond that which is available to every other person or organization.

(C) Personally represent, or appear on behalf of, the private interests of others with respect to matters before his/her board.

(D) Knowingly attempt, or assist another to attempt, to thwart the execution of any City ordinance, rule, or regulation.

(E) Engage in any dishonest or criminal act or any other conduct prejudicial to the governing of the City.

(F) Make personal, impertinent, or slanderous remarks, either to another member, the Mayor or City Councilmember, a City staff member, or any citizen. Any member who does so should be requested to leave the meeting and may be barred from attendance at the remainder of a meeting. Personal, impertinent, or slanderous remarks made verbally or in print may result in dismissal/removal from the board following a decision by the City Council.

Agenda Item:

6C. Entrance lighting project for Comanche Trace. (staff)

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

SUBJECT: Authorization for the City Manager to accept capital improvement from Comanche Trace Ranch Community Association and accept additional right of way from the Association

FOR AGENDA OF: December 9, 2013 **DATE SUBMITTED:** December 5, 2014

SUBMITTED BY: Kristine Day **CLEARANCES:** Todd Parton
Deputy City Manager City Manager

EXHIBITS: Letter from Comanche Trace Community Association
Survey

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

Comanche Trace Ranch Community Association has requested the ability to light their entrance streets into the subdivision with bronze overhead LED lighting similar to the lights just installed at the new Tivy High School Stadium parking lot. Staff has met with the Association and contractor to review the project. All installation will be performed in accordance with City codes and will be inspected by the City.

In order to achieve the appropriate lighting for the roadways, the lights will need to be installed in the City's right of way. The Association is proposing to complete the work and then donate the improvements to the City. The Association has agreed to pay for the service cost of the lights as well as maintenance and repair. Due to potential liabilities associated with the Association maintaining and repairing these lights on City right of way, staff is recommending City Council only accept the improvement and the agreement to pay for service. Maintenance and repair of the improvement would become the responsibility of the City.

RECOMMENDED ACTION

Authorize the City Manager to accept the capital improvement from the Comanche Trace Community Ranch Association and accept additional right of way.

**Comanche Trace Ranch
Community Association, Inc.**
*3074 Bandera Highway
Kerrville, Texas 78028*

November 21, 2014

Kristine Day
Deputy City Manager
City of Kerrville
701 Main St.
Kerrville, TX 78028

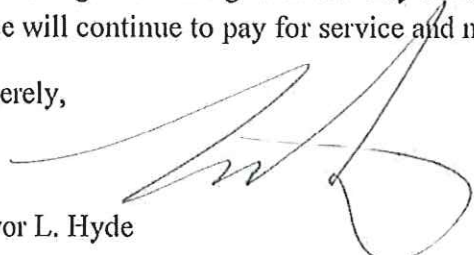
Dear Kristine,

I appreciate working with you on the front entrance lighting project for the Comanche Trace entrance. The enclosed survey has lights indicated, and all but one are in the right-of-way. We would like to increase the right-of-way area to pick up that one light because we want to make sure we get enough light coverage.

These are the same lights installed at Kerrville Tivy stadium parking lot, however our lights will be bronze. Comanche Trace Ranch Community Association, Inc. (CTRCA) will continue to pay for service, maintenance and repair costs. Our HOA is excited about this project for public safety at the entrance into Comanche Trace.

I look forward to continuing to work with the City as Comanche Trace grows. We are pleased to give these lights to the City of Kerrville with the understanding that Comanche Trace will continue to pay for service and maintenance costs.

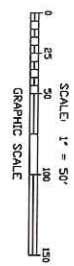
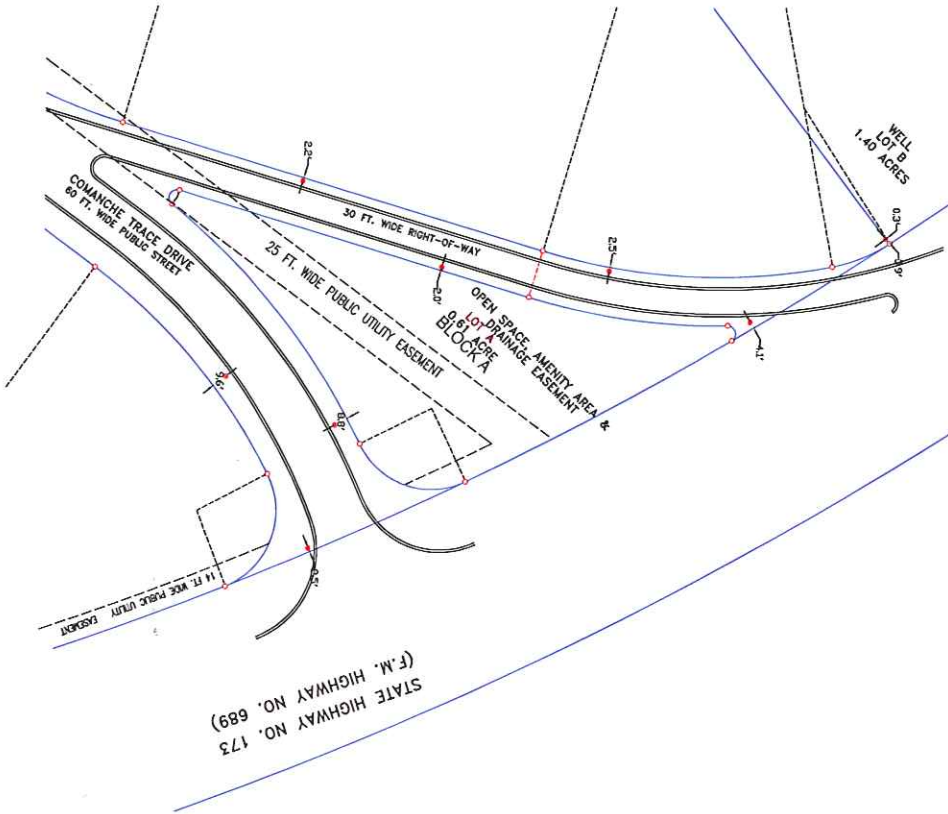
Sincerely,



Trevor L. Hyde

President

Cc: Todd Parton, City Manager



LEGEND
PROPOSED LIGHT STANDARD

FIRM NO. 10160200

GROGAN SURVEYING, INC.		
1135 HWY. 173 NORTH		
BANDERA, TEXAS 78003		
PHONE 361-3677		
grogan@surveying.com		
DRAWING	REVISION	DATE
COMANCHE TRACE DRIVE AND STATE HIGHWAY NO. 173	NOVEMBER 2014	
DRAWN BY	DATE	CLIENT
MIKE G.	NOVEMBER 19, 2014	COMANCHE TRACE
SHEET	1 OF 1	JOB NUMBER
		0004

**Comanche Trace Ranch
Community Association, Inc.**
*3074 Bandera Highway
Kerrville, Texas 78028*

November 21, 2014

Kristine Day
Deputy City Manager
City of Kerrville
701 Main St.
Kerrville, TX 78028

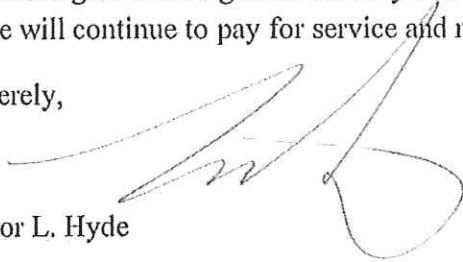
Dear Kristine,

I appreciate working with you on the front entrance lighting project for the Comanche Trace entrance. The enclosed survey has lights indicated, and all but one are in the right-of-way. We would like to increase the right-of-way area to pick up that one light because we want to make sure we get enough light coverage.

These are the same lights installed at Kerrville Tivy stadium parking lot, however our lights will be bronze. Comanche Trace Ranch Community Association, Inc. (CTRCA) will continue to pay for service, maintenance and repair costs. Our HOA is excited about this project for public safety at the entrance into Comanche Trace.

I look forward to continuing to work with the City as Comanche Trace grows. We are pleased to give these lights to the City of Kerrville with the understanding that Comanche Trace will continue to pay for service and maintenance costs.

Sincerely,



Trevor L. Hyde

President

Cc: Todd Parton, City Manager

Agenda Item:

6D. Set date for budget workshop. (staff)

Agenda Item:

7A. Report on Code Red emergency notification system. (staff)

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

SUBJECT: Presentation of the Code Red Emergency Notification System

FOR AGENDA OF: December 9, 2014

DATE SUBMITTED: November 3, 2014

SUBMITTED BY: Dannie Smith
Interim Fire Chief

CLEARANCES:

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 OR FINANCE:

SUMMARY STATEMENT

Code Red is a high-speed telephone emergency notification services system currently operated and maintained by the Kerr County Sheriff's Office. Code Red has the ability to deliver pre-recorded emergency telephone messages to target audiences affected by a particular situation, or, in the case of a widespread emergency, to the County's entire population. The system is capable of notifying citizens at a rate of up to 60,000 calls per hour. Severe weather, flash flooding, wildfire, hazardous materials spills or any other emergencies requiring information dissemination or ordering an evacuation are some examples for the use of this mass notification system. The Kerr County Sheriff has offered to allow the City of Kerrville full access to the system in the event of an emergency, or to recall staff and/or emergency personnel through the creation of "call groups", as well as the ability to alert or warn citizens throughout the Incorporated City limits of Kerrville. Use of Code Red will be provided to the City at no cost once designated staff receives training and a pin number and password is provided.

RECOMMENDED ACTION

Informational Presentation Only; No Action Necessary At This Time.

Agenda Item:

7B. Update on City of Kerrville Fiscal Year 2015 road improvement program.
(Councilmember Stork)

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

SUBJECT: Update on the City of Kerrville FY2015 road improvement program

FOR AGENDA OF: Dec. 9, 2014

DATE SUBMITTED: Dec. 5, 2014

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

City staff is making preparations for the FY2015 road improvement program. This is the first year in which the road program will be expanded. Expansion includes a technical analysis of city streets, purchase of additional equipment, and hiring of three additional staff members.

City Council is scheduled to consider a contract with an engineering consultant at its meeting of January 13, 2015. The engineering study will conduct an analysis of all city streets to include x-ray to determine the degree of subgrade failure, laser level shots to determine grade deflections, and visual observation. The data will be assimilated into a full report and used to establish a city-wide road maintenance schedule.

City Council is also scheduled to authorize the purchase of the new street equipment at its meeting of January 13, 2015. Approximately \$370,000 of equipment is being purchased with the grant funds awarded to the city by the Cailloux Foundation. Items purchased will be a 14-yard tandem dump truck, skid steer, and compactor.

One of the three new positions has been filled. We are currently recruiting two light equipment operators.

The technical road assessment should be completed by late January or early February. City staff will use the results of the study to identify the roads to be scheduled for rehabilitation. City staff anticipates providing the rehabilitation list to City Council by the end of March. Road work typically starts in April (weather permitting) and goes through August or September.

City staff anticipates that about 5 to 6 miles of road will be rehabilitated this first year. The mileage will increase in FY2016 since our new crew will have been through a full paving season, will be with the city for the full year, and the city's paving projects in Louise Hayes Park, Lehman and Monroe Park, and river trail will be completed.

RECOMMENDED ACTION

No action is required for this item.

Agenda Item:

8A. Appointments to the Beautification Advisory Committee. (staff)

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

SUBJECT: Appointments to the Kerrville Beautification Advisory Committee

FOR AGENDA OF: December 9, 2014

DATE SUBMITTED: December 4, 2014

SUBMITTED BY: Brenda Craig
City Secretary *BC*

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *MP*

SUMMARY STATEMENT

Consider appointments to the following board:

Kerrville Beautification Advisory Committee: Three positions with terms to expire December 11, 2014.

RECOMMENDED ACTION

Consider appointments.

CITY OF KERRVILLE BEAUTIFICATION ADVISORY COMMITTEE

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
DOUGLASS, BRANDON Chair 909 Tanglewood Lane	739-9882 (O)	12-11-12		12-11-15
WILLIAMSON, JAMES Vice-Chair Secretary 432 Fitch Street	257-2860 (H) 257-9673 (W)	08-13-13		12-11-14
RISHER, JOHN 114 Crestwood Dr.	459-3336 (H)	05-28-13		12-11-15
SPRADLING, JIMMY 1725 Foothills Dr.	792-5082 (H)	05-28-13		12-11-14
TRITENBACH, DAVID 216 Riverhill Blvd.	895-1953 (H)	12-11-12		12-11-14

COUNCIL EX-OFFICIO: Jack Pratt

Qualifications: Resident of the city.

Purpose:

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

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

Quorum: Majority

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

Meeting Time & Place: First Thursday of each month; 1:00 p.m.; City Hall Upstairs Conference Room.

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

Revised: October 9, 2013

Agenda Item:

8B. Appointment to the Economic Improvement Corporation. (staff)

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

SUBJECT: Appointment to the Economic Improvement Corporation

FOR AGENDA OF: December 9, 2014

DATE SUBMITTED: November 25, 2014

SUBMITTED BY: Brenda Craig 
City Secretary

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

SUMMARY STATEMENT

Consider appointment to the following board:

Economic Improvement Corporation: One vacancy that is due to expire on June 1, 2016 due to a resignation.

RECOMMENDED ACTION

Consider appointment.

ECONOMIC IMPROVEMENT CORPORATION

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
WAMPLER, DAVID President 411 Bobwhite	895-3600 (O) 896-7832 (H)	05-22-12	06-10-14	06-01-16
EARLY, KENNETH Vice-President 2756 Indian Wells Dr. E	792-1966 (O) 928-3264 (C)	05-24-11	05-28-13	06-01-15
RICKERT, POLLY Secretary 2768 Indian Wells	830-997-5855 (O) 210-264-1305 (H)	09-13-11	06-10-14	06-01-16
COCHRANE, GARY 2305 Birkdale Ln.	895-7771 (O) 459-8808 (H)	12-13-11	05-28-13	06-01-15
HOWARD, LARRY 650 Oakland Hill Ln.	895-4400 (O) 895-1988 (H)	05-24-11	05-28-13	06-01-15
KEEBLE, STACIE 3533 La Cumbre Drive	895-7725 (H) 377-7103 (C)	05-24-11	06-10-14	06-01-16
PATTILLO, SHERI 1695 Mountain Laurel	285-9210 (O)	06-10-14		06-01-16
CITY STAFF:				
Ashlea Boyle Special Projects Manager	258-1153 (O)			

Qualifications:	Resident of the city and at least three directors must be persons who are not employees, officers or members of the governing body of the city.
Purpose:	Benefiting and accomplishing public purposes of the city permitted by Section 4B of the Act including, but not limited to, the promotion and development of industrial and manufacturing enterprises to promote and encourage employment and the public welfare, and financing the acquisition, construction and/or equipping, and/or the maintenance and operating costs of any "Project" (as defined in Section 4B of the Act).
Term of Office:	Two years; maximum of two consecutive terms
Quorum:	Majority
Number of Members:	Seven
Meeting Time & Place:	Fourth Monday, 4:00 p.m., City Hall Council Chambers
Established by:	Resolution No. 1995-112, amended by Resolution Nos. 1999-184; 032-2009
Revised:	June 11, 2014

Agenda Item:

8C. Appointments to the Food Service Advisory Board. (staff)

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

SUBJECT: Appointments to the Food Service Advisory Board

FOR AGENDA OF: December 9, 2014 **DATE SUBMITTED:** November 18, 2014

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

EXHIBITS: Board List

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

SUMMARY STATEMENT

Consider appointments to the following board:

Food Service Advisory Board: Four terms due to expire on December 1, 2014;
Rebecca Dittmar, David Gonzales, Abel Vazquez, and Darrell Young.

RECOMMENDED ACTION

Consider appointments.

FOOD SERVICE ADVISORY BOARD

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

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

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

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

Quorum: Four

Number of Members: Seven

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

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

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

Revised: December 11, 2013

Agenda Item:

8D. Appointment to the Library Advisory Board. (staff)

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

SUBJECT: Appointment to the Library Advisory Board

FOR AGENDA OF: December 9, 2014 **DATE SUBMITTED:** November 19, 2014

SUBMITTED BY: Brenda Craig *BC* **CLEARANCES:**
City Secretary

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JP*

SUMMARY STATEMENT

Consider appointment to the following board:

Library Advisory Board: One term due to expire November 22, 2014: Judy Carr Ward.

RECOMMENDED ACTION

Consider appointment.

LIBRARY ADVISORY BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
WARD, JUDY CARR Chair 103 Creekside Dr.	895-3740 (H)	11-23-10	11-13-12	11-22-14
JONES, T. David Vice-Chair 207 Lakewood Dr.	210-289-5483 (O) 257-5635 (H)	07-05-12	12-10-13	11-22-15
KENWORTHY, JEANINE 115 Erin Drive	370-3613 (H)	06-11-13	12-10-13	11-22-15
BROWN, GAIL 423 Fitch St.	895-9720 (H)	12-10-13		11-22-15
* SMITH, JANE 2009 Crown View Dr.	792-9144 (H)	04-22-13		11-22-16

EX OFFICIO MEMBER:

Gary Stork (H) 804 Tanglewood Ln.	257-0365 (O) 200-1483 (H)	06-10-14
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CITY STAFF:

Laura Bechtel Library Director 505 Water Street	258-1260 (O)
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Kim Meisner Director of Gen.Operations 701 Main Street	258-1140 (O) 377-7691 (C)
--	------------------------------

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

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

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

Quorum: Three members

Number of Members: Five members

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

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

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

Revised: June 12, 2014

* Appointed by Friends of the Butt-Holdsworth Memorial Library

Agenda Item:

8E. Appointments to the Zoning Board of Adjustment. (staff)

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

SUBJECT: Appointments to the Zoning Board of Adjustment

FOR AGENDA OF: December 9, 2014 **DATE SUBMITTED:** December 4, 2014

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

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

SUMMARY STATEMENT

Consider appointments to the following board:

Zoning Board of Adjustment: Two regular member positions; and two alternate member positions, that expired on September 30, 2014.

RECOMMENDED ACTION

Consider appointments.

ZONING BOARD OF ADJUSTMENT

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
IRVIN, ROBERT Chair 2128 Bluff Ridge	896-0586 (H) 315-2000 (O)	11-24-09	01-08-13	09-30-15
STILWELL, LINDA Vice-Chair 415 Timber Ridge Dr.	329-6456 (C)	01-10-12** 10-11-11*	09-24-13	09-30-15
EYCHNER, JUDY 604 Cardinal	370-1587(C) 257-5010 (O)	10-22-13** 01-08-13*		09-30-14
LIGON, SAM 431 Valley Drive	895-4431 (H) 895-5111 (W)	10-22-13		09-30-15
ZOHLEN, PAUL 384 Englewood	890-5854 (H) 281-474-5474 (C)	01-08-13** 01-10-12*		09-30-14
<u>ALTERNATES:</u>				
WHITE, ROBERT K. 402 Forest Ridge	896-6679 (H) 729-6679 (O)	01-08-13		09-30-14
VACANT				09-30-14
<u>CITY STAFF:</u>				
Jason Lutz Senior Planner	258-1184 (O)			

Qualifications: The board shall be composed of five members all of whom shall be residents and qualified voters of the city of Kerrville.

Alternate Members: Two alternate members will be appointed who shall be qualified voters of the city to serve concurrent terms as the regular members. The alternate members will serve on the board in place of an absent member when requested to do so by the chairperson of the board so that all cases to be heard by the board shall always be heard by a minimum of four members.

Powers and Duties: 1. The board shall hear and decide an appeal that alleges an error in any order, decision, or determination made by an administrative official of the city in the interpretation or enforcement of Chapter 211 of the Texas Local Government Code, as amended, or the zoning code.

2. The board shall grant, upon written request, variances from the height, yard, area, coverage, floor-to-area, and buffering regulations and required number of parking and loading spaces prescribed by the zoning code, which variances are not contrary to the public interest, and which, because of special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

Term of Office: Two years. The members shall be appointed by a majority vote of the members of the city council. No member or alternate member shall serve more than three consecutive full terms on the board without having at least one full year off of the board between terms.

Quorum: Four members

Number of Members: Five with two alternates

Meeting Time & Place: At the call of the chairperson and at such other times as the members of the board shall determine.

Absences: Cause for removal of a member of the board by the city council shall be deemed to exist if during any period of twelve consecutive months for any reason other than a medical reason which prevents the member's attendance, the member is absent from the greater of three called meetings of the board or 25 percent of the called meetings of the board.

Established by: Ordinance No. 1997-07

Revised: August 15, 2014

* Appointed as alternate

** Appointed as full member