

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, MARCH 17, 2015, 6:00 P.M.

KERRVILLE CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, MARCH 17, 2015, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION: by Susie Hackleman, Director of Client Services for The Pregnancy Resource Center.

PLEDGE OF ALLEGIANCE TO THE FLAG

Those in attendance may stand if they wish.

1. VISITORS/CITIZENS FORUM:

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

2. AWARDS AND RECOGNITIONS:

2A. Resolution of Commendation to Paul Zohlen for service on the Zoning Board of Adjustment. (Mayor Pratt)

2B. Resolution of Commendation in recognition of Jimmie Spradling for service on the Beautification Advisory Committee. (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 special city council meeting on February 3, 2015, and the regular city council meetings held February 10 and 24, 2015.

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

I do hereby certify that this notice of meeting was posted on the bulletin board at the City hall of the City of Kerrville, Texas, and said notice was posted on the following date and time, March 13, 2015 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. Ratify emergency purchase of water treatment plant membrane filters in the amount of \$233,800. (staff)

3C. Resolution No. 10-2015, finding that legislation filed during the current 84th session of the Texas Legislature as to the issuance and management of City debt could be detrimental toward the City and urging its defeat. (Mayor Pratt)

3D. Resolution No. 11-2015, finding that legislation filed during the current 84th session of the Texas Legislature as to the abolishment of Home Rule Law would be detrimental toward the City and urging its defeat. (Mayor Pratt)

END OF CONSENT AGENDA

4. PUBLIC HEARING:

4A. 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. (staff)

5. PUBLIC HEARING AND ORDINANCES FIRST READING:

5A. Ordinance No. 2015-03 amending the City's "Zoning Code" to revise Article 11-I-20 "Off-Street Parking and Loading Requirements" by exempting existing buildings within the Central Business District from requiring off-street parking in specific circumstances; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication. (staff)

5B. Ordinance No. 2015-04 amending the City's "Zoning Code" by adding a definition of "Community Gardens" to Article 11-I-3 "Definitions and Interpretation of Words and Phrases"; revising Article 11-I-4 to add Community Garden as a use that is permitted within any zoning district; revising Article 11-I-19 to adopt regulations applicable to the use of property as a community garden; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of Two Thousand Dollars (\$2000.00); and ordering publication. (staff)

5C. Ordinance No. 2015-05, creating a Planned Development District as zoning for an approximate 6.920 acre tract consisting of several parcels located in the Walter Fosgate

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

Survey No. 120, Abstract No. 138, within the City of Kerrville, Kerr County, Texas, addressed as 1107 Junction Highway. (State Highway 27), and generally located on the southwest corner of Junction Highway and its intersection with Guadalupe Street; adopting a concept plan and conditions related to the development of said district; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed \$2,000.00 for each day of violation of any provision hereon; and ordering publication. (staff)

6. INFORMATION AND DISCUSSION:

6A. Quarterly Report by Playhouse 2000. (staff)

7. 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.

8. 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.

9. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION

10. ADJOURNMENT.

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

I do hereby certify that this notice of meeting was posted on the bulletin board at the City hall of the City of Kerrville, Texas, and said notice was posted on the following date and time, March 13, 2015 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

Agenda Item:

2A. Resolution of Commendation to Paul Zohlen for service on the Zoning Board of Adjustment. (Mayor Pratt)



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

RESOLUTION OF COMMENDATION

WHEREAS, **PAUL ZOHLEN** had served as a member of the Zoning Board of Adjustment with the date of service beginning January 10, 2012 as an alternate member, and January 8, 2013 as a regular member; and

WHEREAS, **PAUL ZOHLEN** had served faithfully and dutifully on said board;

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

That **PAUL ZOHLEN** be recognized for outstanding service as a member of the Zoning Board of Adjustment, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

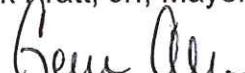
PASSED AND APPROVED, this the 17th day of March, 2015.

ATTEST:

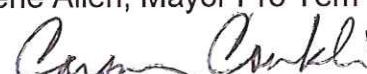
Brenda G. Craig
Brenda G. Craig, City Secretary



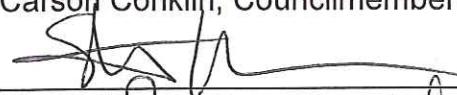
Jack Pratt, Jr., Mayor



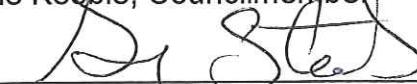
Gene Allen, Mayor Pro Tem



Carson Conklin, Councilmember



Stacie Keeble, Councilmember



Gary Stork, Councilmember

Agenda Item:

2B. Resolution of Commendation in recognition of Jimmie Spradling for service on the Beautification Advisory Committee. (Mayor Pratt)



City of Kerrville

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

RESOLUTION OF COMMENDATION

WHEREAS, JIMMY SPRADLING has served as a member of the Beautification Advisory Committee with the date of service beginning May 28, 2013; and

WHEREAS, JIMMY SPRADLING has served faithfully and dutifully on said board;

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

That **JIMMY SPRADLING** be recognized for outstanding service as a member of the Beautification Advisory Committee, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

PASSED AND APPROVED, this the 17th day of March, 2015.

ATTEST:

Brenda G. Craig
Brenda G. Craig, City Secretary



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

E. Gene Allen
E. Gene Allen, Mayor Pro Tem

Carson Conklin
Carson Conklin, Councilmember

Stacie Keeble
Stacie Keeble, Councilmember

Gary Stork
Gary Stork, Councilmember

Agenda Item:

3A. Minutes of the special city council meeting on February 3, 2015, and the regular city council meetings held February 10 and 24, 2015.

CITY COUNCIL MINUTES
SPECIAL MEETING

KERRVILLE, TEXAS
FEBRUARY 3, 2015

On February 3, 2015, the Kerrville City Council special meeting was called to order by Mayor Pratt at 8:30 a.m. in the city hall conference room, 701 Main Street.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT: None

Gene Allen Mayor Pro Tem

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Kristine Day	Deputy City Manager
Brenda G. Craig	City Secretary
Kim Meismer	Director of General Operations
Dannie Smith	Fire Chief
Sandra Yarbrough	Director of Finance
David Knight	Interim Chief of Police
Stuart Barron	Director of Public Works
Ashlea Boyle	Special Projects Manager

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

2. CONSIDERATION AND POSSIBLE ACTION:

2A. Presentation by LNV regarding the Phase I services for the expansion of the landfill and direction to staff.

Ms. Day estimated the life of the landfill at seven years, if the city resumed landfill operations. She estimated at least 3-4 years for design and permitting before construction of a new area could begin. Transferring waste to another landfill was only a temporary measure, and was not the most cost effective method of disposal. Each of the proposed expansion projects would add 50 years to the life of the landfill; with some overlap of the existing landfill, the total of both projects could permit a life expectancy of 85-100 years. The cost of the permitting process was approximately \$500,000 and there could be some cost savings by doing both permits at this time. She noted that some funds were available for post closure; also, if the city wanted to move landfill operations to another location that process would be considerably more difficult and expensive.

Amy Hesseltine and Christie Perez of LNV presented the preliminary evaluation of Phase I of the landfill expansion options, known as the Big Hill and Western expansions, and taking into consideration the city's potential reuse pond project. They provided information and recommendations if the council chose to proceed:

- The total acreage of the existing landfill, Big Hill, and Western expansion was 105 acres.
- Existing landfill life and capacity: 770,000 cubic yards available in the existing permitted area, estimated landfill life 50 years if continue transferring, 7 years if city resumes full operation. City was contracted with Republic Waste Services through 2030 to transfer waste to a private landfill in San Antonio.
- Necessity of permitting: minimal life at current landfill and unforeseen regulation changes that could potentially inhibit expansion permitting.
- Reviewed previous assessments conducted by CEC in 2006 and preliminary assessments LNV conducted on Big Hill expansion, including: archaeology, threatened and endangered species, floodplain, wetlands, groundwater, subsurface soils/geology, and suitability of soils.

-Archaeology: Big Hill expansion: large unsurveyed area; Western expansion: previous survey found cultural resources; additional survey and testing needed to determine status. Recommendation: Combining this survey with the survey currently underway by Freese & Nichols, Inc. (FNI) for the reuse pond project; survey conducted by qualified archaeologists. Some archeological and cultural resources were found in the past, and the Texas Historical Commission recommended additional surveys.

-Threatened and Endangered Species: Recommend coordination with FNI and Texas Parks & Wildlife on study for reuse ponds, and biological assessment by qualified biologist; if habitat was found, may have to avoid that area or do mediation.

-Floodplain: Big Hill expansion was not located within a floodplain and no further assessment was needed. The Western expansion portion was within the 100 year floodplain of Third Creek. Recommendation: Coordinate with FNI to do floodplain design and modeling for both the reuse pond and landfill expansion projects to avoid duplicate work and ensure aspects of all projects are included in the evaluation.

-Wetlands: The US Fish and Wildlife Service map indicated potential wetlands in the area. Recommendation: Coordinate process with Corps of Engineers to see if wetlands existed and if they had jurisdiction. If more than a tenth of an acre of wetlands was filled in, mitigation would be required.

-Groundwater: Subsurface exploration to measure depth of groundwater. Installed five Piezometers in the Big Hill Area; Western Expansion had piezometers installed previously and FNI completed 15 soil borings and laboratory testing. Recommendation: Continue to inspect and monitor measurements. The liners at the landfill were designed to provide a permanent barrier to protect groundwater.

-Subsurface soils/geology: Big Hill soil borings and testing completed; Western expansion soil borings and testing previously performed. Recommendation:

Gather and evaluate data and prepare and submit a boring location plan for TCEQ approval.

-Suitability of Soils: Minimal amounts of soil suitable for clay liner materiel in expansion footprints; however, soil was suitable for daily cover, intermediate cover, and protective cover. Recommendation: Review data from new soil borings performed at soccer fields for use at landfill and/or reuse pond project; also area excavated for soil could be used for landfill expansion or wastewater operations.

- Phase 2: complete more detailed assessments prior to design and permitting effort; estimate 60-75 days to complete, if archeological dig is not necessary; provide report to TCEQ, 12-24 months.
- Phase 3: TCEQ review report.

Ms. Keeble moved to accept the preliminary assessment of the landfill expansion; Mr. Conklin seconded the motion and it passed 4-0.

2B. Authorization for the city manager to execute a professional services agreement with LNV for the Phase 2 services associated with the expansion of the municipal landfill.

Staff noted the professional services agreement for Phase 2 included the assessments discussed in Item 2A and working with state and federal agencies to get clearances before proceeding to design. The estimated cost was \$122,600 and completion not to exceed 60-75 days, maybe longer if additional surveys, mediation, archeology dig, etc. became necessary. Upon approval of the agreement with LNV, staff would also prepare a contract amendment with Freese & Nichols to increase the scope of testing as discussed in Item 2A.

Mr. Conklin moved to authorize the city manager to execute a professional services agreement with LNV for the Phase 2 services associated with the expansion of the landfill. Mr. Stork seconded the motion and it passed 4-0.

2C. Presentation regarding proposal for collection services, recycling and transfer station operations and fees and direction to staff to amend agreements with Republic Services for collection and landfill services.

Staff reviewed current and proposed curbside collection, recycling, and landfill and transfer station operations. Republic Waste representatives present were: Bill Rich, Modesto Dominguez, and Barry Loveless. The current contract with Republic Waste would expire in 2030; staff and Republic proposed amendments to the contract to address the following issues:

Curbside Collections:

Current Operation: trash picked up in various containers and plastic bags; customers provide their own containers; collection of household trash and recycling weekly, brush monthly, and one spring clean up annually. Single stream recycling was limited to an 18 gallon container. Trash collection and recycling provided weekly on the same day; three men per truck was very labor intensive and costly.

Proposed Operation: Presented six collection options and costs for automated trash and recyclable collections in 96 gallon containers (totes); two 96 gallon totes would be provided free to residents, one for trash and one for recycling; trash picked up weekly, recyclables picked up biweekly; trash collection Monday-Thursday every week and recycling on Friday with half of city one week and half the following week; brush monthly; two spring clean-up days; and two free landfill drop off days.

Staff noted the following:

- The cost increase for the current level of service was \$0.80 per month; the increase for Option 6 would be \$2.00 per month locked in for 18 months. Also, the city gets 5% back on the administrative fee of the contract.
- Republic would provide two 96 gallon totes free to customers, and broken totes would be replaced at no charge; additional totes would cost \$5 per month.
- Republic would not pick up anything outside of the totes except at Christmas.
- Automated pick up would keep rates low and help keep the city clean by using closed containers, and eliminating bags on curbs would reduce litter problems created by animals and weather.
- The Option 6 automated program could begin city-wide 60-90 days after execution of the contract amendment.

Mr. Dominguez noted that Republic had an assist list for people who could not handle a cart and required personal service. Employees would take the trash container from the garage, dump it and return it back to the garage; also, smaller bins could be made available if necessary. Republic had made test runs through Methodist Encampment area where streets were narrow and automation could be done. The automated arm of the truck could not extend higher than the height of the truck. The tote lid would not open until the tote was inside the enclosed area of the truck, the tote was returned to the curb, and the hopper would be cleared before the next container was picked up. This process would lessen the chance of wind-blown debris on the streets.

Landfill and Transfer Station Operations:

Current Operations: Minimum charge for dumping was \$10.29; tipping fee was \$56.22 per ton; hours of operation 7:30-4:50 Monday-Friday and 7:30-3:50 Saturday.

Proposed Changes: Minimum charge for dumping for residential would be \$20.00 and commercial would be \$66.26; tipping fee would be \$66.26; hours of operation 7:30-4:50 Monday-Friday and 7:30-1:00 Saturday.

In 2006 the city contracted with Republic to manage landfill operations and transfer waste to a landfill in San Antonio. The city contracted with Republic for residential trash collection for city residents only; all commercial and out of city residential trash collection was contracted directly by Republic; 80% of the trash received at the landfill was from commercial and out of city residential customers.

Republic had been losing money since the first day it opened and requested the city reevaluate the contract and allow Republic to set a base charge for trash drop off. Staff noted that city customers were served through the city collection services contract.

Recycling Center Operations:

Current operation: The existing recycling center was located on land leased from the county. If the city closed the center, the building and improvements would belong to the county. Staff reviewed current recycling center operations and noted the center was operating at a \$250,000-300,000 annual deficit. Staff recently implemented two changes at the center in order to decrease the deficit: no longer accepting glass or picking up recyclables outside the city; 80% of the recycling activity was generated by commercial customers or residential outside the city. The city was paying \$50,000 a year to dispose of glass, which was likely going to a landfill. 85% of the glass received was from outside the city. The city's recycling center was the only place accepting glass and the city had to pay to dispose of it as there was no market for glass.

Proposed operation: Staff presented three options for recycling: Option 1, the center would continue operations with no changes, a deficit of \$260,000 annually; Option 2, single stream recycling at the existing center, two employees, less hours of operation, and resale of cardboard and paper only and disposing of all other recyclables, the estimated deficit would be \$233,355; Option 3 single stream recycling at the landfill and managed by Republic, no staffing, customers would unload their own recyclables and place in bins; deficit \$177,000 first year due to one-time capital improvements and \$92,000 annually thereafter. If the city closed the existing recycling center, employees would be allowed to transfer to other city departments; no layoffs would occur.

Council consensus was to move toward implementing option 3 and relocate recycling operations to the landfill and managed by Republic.

Council also discussed the following:

- Brush collection: Staff was asked to negotiate with Republic to see if there would be any rate reduction if the city went to quarterly instead of monthly brush collection. Staff noted a quarterly collection would create code enforcement issues and result in collection of unsightly debris.
- 100% of bagged leaves went to compost after the bags were removed.
- Discussed purchasing a vacuum truck, \$85,000; residents would rake leaves into the street and the truck would vacuum leaves directly from the street and mulch them; convenient for residents and would clean streets and gutters.
- Keep hazardous waste drop off day, cost was \$25,000 per event; staff look at possible grants to fund a second day.

Mr. Dominguez noted that rate adjustment mechanisms were built in to the current contract such that the annual rate increase was based on a consumer

price index related to employment and economic factors; if the city agreed to any of the options presented, and agreed to change the CPI to a standard that was more applicable to the industry, Republic would lock in the prices quoted for 18 months.

The consensus of the council was to direct staff to renegotiate a better price for Option 6 for collection services and better rates at the landfill and transfer station.

Staff will bring the costs and contract amendments back to council for approval.

3. DISCUSSION AND DIRECTION TO STAFF REGARDING THE PROPOSED FISCAL YEAR 2016 BUDGET

Mr. Parton reviewed the goals, mission, and vision statements. The consensus of the council was to add the words "with transparency" to Item 2.

Mr. Parton stated he would present council a balanced budget and a prioritized list of unfunded projects for council to consider if funds were available. He presented fiscal sustainability models for all funds and reviewed core assumptions:

- No increase in utility rates, may consider future increase to fund capital projects; need to prepare a long term utility rate model.
- \$0.5625 ad valorem tax rate.
- General fund revenue projections: 1.7% growth in property tax revenue; 3% growth in sales tax; and 1.7% growth in water and sewer revenue.
- Maintained current department operations and staffing levels.

Mr. Parton also discussed the following:

- Budget assumed \$200,000 revenues above allocations in general fund.
- Budget included moving \$600,000 in to fire reserve fund, and maintaining current staffing levels.
- FY2017 budget anticipated \$200,000 expense for operation of athletics complex.
- Current sales tax exceeded projections.
- New home permits totaled 70 in FY 2014; currently at 18 new residential and one new commercial permit for the first quarter of FY 2015; three major projects were underway: the veterans housing project, Emil Cottages, and Brookhollow Apartments rehab.
- Water supply: The treatment plant produced 7 mgd; 13 mgd maximum production when water was available from all sources and the state was not curtailing water from the river. The city had supply sufficient to meet 30% growth; however, system limitations existed. The city operated eight groundwater wells and maintained 700-800 mg of water in the ASR wells, a six month supply.
- The goal was to have 105 million gallons capacity for reuse water by 2020; having effluent available for irrigation would conserve the potable water supply.
- Currently \$48 million of capital projects in progress, including \$28 million for the effluent reuse project.
- Debt service in the general fund would drop significantly in 2022; the goal was

to not issue debt that would affect the property tax rate; however, he discussed the 2008 facilities master plan and several major deferred facility needs: utility construction and purchasing building at city yard, justice center/police building, municipal court, fire/EMS administration offices, and equipment maintenance building. He recommended evaluating city land on Loop 534 for a justice center/police building.

- Recommended an equipment replacement schedule be prepared, some of the city's equipment was outdated, particularly in the fire department.
- Future budgets may include an additional employee due to the state's requirements for increased monitoring for water, wastewater, and industrial waste.
- Proposed a citizens survey be conducted by National Research Council, a national firm associated with IMCA; surveys randomly mailed to 600 households, estimate 40% response; cost \$12,000 to prepare and conduct the survey and prepare the results and present it to the city council. The survey would also benchmark and provide a comparison with other cities. Council would review and approve the survey before it was mailed. The last survey was done in 2008.

Mr. Parton recommended maintaining the current tax rate through 2016 before considering lowering the rate, noting the city was still recovering from the cuts made to balance the budget in 2010. Sales tax was often unstable and the city needed to be sure that projections were steady and sustainable.

Council also discussed:

- The city had not received the \$25,000 from the recent litigation for ASR 3.
- A bill before the state legislature would lower the property appraisal cap from 10% to 5%.
- Requested a list of deferred capital projects and facility needs as these should be addressed.
- City had street equipment and staff to begin a more aggressive street and drainage maintenance program this year.

ADJOURNMENT: The meeting adjourned at 12:14 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
FEBRUARY 10, 2015

On February 10, 2015, 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 Lainie Johnson, Executive Director, Pregnancy Resource Center, followed by the Pledge of Allegiance led by Dannie Smith Fire Chief.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT:

Gene Allen	Mayor Pro Tem
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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	Interim Chief of Police
Dannie Smith	Fire Chief
Chris Stewart	Senior Planner

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

1. VISITORS/CITIZENS FORUM:

1A. Joshua Rogers spoke regarding the proposed athletics complex. He never felt unsafe or worried about health at the current soccer fields and suggested the current fields be used for practice and the new fields for games and tournaments. City staff met with HCYSA one time and did not address the issue of decreasing the number of soccer fields while increasing the number of baseball/softball fields. He suggested a planning committee with all parties so important details, i.e. cost, operations and scheduling could be worked out before construction started. HCYSA could not make their plans until details were shared. He understood that any discussions with the city must be with the assumption that the existing soccer fields would be gone. He noted that the city manager had stated that the city was not borrowing money to pay for the indoor facility, which was important for the financial viability of the project; without the indoor facility the city would have to significantly raise fees or operate at a \$200,000 deficit. The city manager had recommended that the city buy its own dirt at the current soccer facility with

money budgeted to buy dirt for the effluent water project; this would allow the city to move restricted funds into the general fund to be used to pay for the indoor facility. If the athletics complex project never happened the city would continue to lease the fields to the HCYSA. He asked council to look at alternatives, including keeping the current soccer fields.

2. RECOGNITIONS:

2A. 2014 Police Officer of the Year Award to Officer Rafael Gonzalez – Police Commendation Award.

3. CONSENT AGENDA:

Ms. Keeble requested Item 3E be removed from the consent agenda.

Mr. Conklin moved to approve consent agenda items 3A through 3G; Ms. Keeble seconded the motion, and it passed 4-0:

3A. Minutes of the regular city council meeting held January 13, 2015.

3B. First amendment to project funding agreement between the City of Kerrville, Texas, Economic Improvement Corporation; the City of Kerrville, Texas; and Playhouse 2000, Inc., for the construction of a support facility to be owned by the city and used in conjunction with the Cailloux Theater for the Performing Arts.

3C. Regional mutual aid agreement ("MAA") between the City and other local government entities and local organizations wholly or partially within the geographic areas covered by Alamo Area Council of Governments and terminating existing MAA with same parties.

3D. Resolution No. 3-2015 finding that legislation filed during the current 84th Legislative Session reducing the property tax appraisal cap could be detrimental toward the City and urging its defeat.

3F. Lease agreement with MDR Properties General Partnership for lease of property located at 87 Coronado Drive for Fire Administration and EMS.

3G. Professional agreement for tennis professional by and between the City of Kerrville, Texas, and Jess Asper.

END OF CONSENT AGENDA

3E. Rescheduling of future council meetings: March 10 to March 17; July 14 to July 7; and July 28 to July 21.

Council discussed maintaining a consistent schedule to cause less confusion for the public. In the past, the mayor pro tem acted in the absence of the mayor. Mayor Pratt noted he would be out of town on city business.

Mr. Stork moved to reschedule the meetings of March 10 to March 17; July 14 to July 7; and July 28 to July 21. Mr. Conklin seconded the motion and it passed 4-0.

4. ORDINANCES FIRST READING:

4A. Ordinance No. 01-2015 annexing approximately 23.38 acres out of the F. Rodriguez Survey No. 72, Abstract No. 280; said tract being located adjacent to the corporate limits of the City of Kerrville, Texas, and consisting as a portion of the property located at 5235 Highway 27 East; describing the territory to be annexed; adopting a service plan for the territory annexed; establishing the

zoning for the area annexed and an adjacent tract which consists of approximately 6.385 acres, all of which property makes up approximately 29.765 acres, to be contained with a Planned Development District for manufacturing and industrial uses; and adopting a concept plan for the property. Mayor Pratt read the ordinance by title only.

Mr. Stork moved for approval of the ordinance on first reading; Mr. Conklin seconded the motion and it passed 4-0.

4B. Ordinance No. 2-2015 amending the budget for fiscal year 2015 to account for various changes to the city's operational budget, which includes the receipt of grants and the closure of project accounts. Mayor Pratt read the ordinance by title only.

Mr. Parton noted the amendment would close some existing projects and transfer remaining funds to fund balances or other projects, and fund department reorganizations. Other changes included: actual property tax collection was \$40,000 short of projection; additional \$100,000 sales tax revenue; and hotel occupancy tax funds were allocated to fund the 4th of July event and the festival of the arts event instead of using 4B sales tax funds, as had been done in the past.

Mr. Conklin moved for approval of the ordinance on first reading; Ms. Keeble seconded the motion and it passed 4-0.

5. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Daddy daughter dance for February 14 was sold out.
- Mardi Gras on Main event on February 17 downtown was free to the public; Councilmember Gary Stork, and City Employee Liz Clapper were candidates for the Mardi Gras Royal Court.
- Parks department was accepting spring softball registrations.
- City was accepting applications for life guards.
- City secretary's office was accepting applications and petitions for a place on the May 9 ballot through February 27.
- City accepting applications from persons interested in serving on the beautification advisory committee.

6. EXECUTIVE SESSION: None.

ADJOURNMENT. The meeting adjourned at 6:27 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
FEBRUARY 24, 2015

On February 24, 2015, 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 Ben Argil, Pastor of Sanctuary, followed by the Pledge of Allegiance led by Fire Chief Dannie 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	Interim Chief of Police
Dannie Smith	Fire Chief

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

1. VISITORS/CITIZENS FORUM:

1A. Carlos Cisneros requested council reconsider continuing to lease the soccer fields to the soccer groups and discussed his personal experiences playing soccer as a young person. The new facility will be state of the art; however, more fields were needed to accommodate the growing number of kids who wanted to play.

2. AWARDS AND RECOGNITIONS:

2A. Proclamation for Red Cross Month; the Red Cross had served 98 years in the Hill Country.
2B. Resolution of Commendation to Polly Rickert for service on the Economic Improvement Corporation.
2C. Resolution of Commendation to Judy Carr Ward for service on the Library Advisory Board.
2D. Resolution of Commendation to Daniel Lowery for service on the Building Board of Adjustments and Appeals.

3. PRESENTATION AND APPROVAL:

3A. Fiscal Year 2014 City of Kerrville Comprehensive Annual Financial Report (CAFR).

Kevin Kemp, partner with the auditing firm BKD, LLC, commended staff for getting information and answering questions timely. The city had received the Government Finance Officers' Association Award for 30 consecutive years. BKD issued a clean, unmodified opinion based on auditing standards and in accordance with GASB accounting principles; no material weaknesses or significant deficiencies were noted. The city had a financially solid year and fund balances were at 27% of annual expenditures. Many construction projects were underway. The city had paid down past debt and unrestricted equity (money not earmarked for specific projects or expenditures) had grown in the past five years.

Mr. Allen moved for approval of the FY14 CAFR; Mr. Conklin seconded the motion and it passed 5-0.

4. CONSENT AGENDA:

Mr. Conklin moved to approve consent agenda items 4A through 4I; Ms. Keeble seconded the motion, and it passed 5-0:

- 4A. Minutes of the regular city council meeting held January 27, 2015.
- 4B. Resolution No. 05-2015 adopting the City of Kerrville investment policy and strategy regarding the investment of city funds, in accordance with the Public Funds Investment Act.
- 4C. Request from the Cailloux Foundation to waive fees for police security for the Kerrville Chalk Festival event, in the amount of \$1,240.
- 4D. Construction contract with Nelson Lewis, Inc. for the Broadway lift station and Travis Street force main improvements project in the amount of \$356,536 and additional change orders which may exceed \$50,000 but not to exceed the total amount of \$445,670.00.
- 4E. Economic development grant agreement between the Cailloux Foundation (Kerrville Chalk Festival) and the City of Kerrville, Texas Economic Improvement Corporation and the event in an amount not to exceed \$15,000.
- 4F. Economic development grant agreement between Kerrville's Fourth on the River, Inc. and the City of Kerrville, Texas Economic Improvement Corporation in an amount not to exceed \$24,950.
- 4G. Economic development grant agreement between Kerrville Area Chamber of Commerce (Kerrfest) and the City of Kerrville, Texas Economic Improvement Corporation in an amount not to exceed \$25,000.
- 4H. Economic development grant agreement between City of Kerrville (Mardi Gras on Main) and the City of Kerrville, Texas Economic Improvement Corporation in an amount not to exceed \$10,000.
- 4I. Economic development grant agreement between Historic Downtown Business Alliance, Inc. (Sock Hop) and the City of Kerrville, Texas Economic Improvement Corporation and event in an amount not to exceed \$8,750.

END OF CONSENT AGENDA

5. ORDINANCES SECOND AND FINAL READING:

5A. Ordinance No. 2015-01 annexing approximately 23.38 acres out of the F. Rodriguez Survey No. 72, Abstract No. 280; said tract being located adjacent to the corporate limits of the City of Kerrville, Texas, and consisting as a portion of the property located at 5235 Highway 27 East; describing the territory to be annexed; adopting a service plan for the territory annexed; establishing the zoning for the area annexed and an adjacent tract which consists of approximately 6.385 acres, all of which property makes up approximately 29.765 acres, to be contained with a Planned Development District for manufacturing and industrial uses; and adopting a concept plan for the property. Mayor Pratt read the ordinance by title only.

Ms. Day noted the ordinance would annex 23 acres, and combined with the 6 acres already in the city, the 29+ acres would be zoned PDD to allow for the James Avery Craftsman manufacturing facility. Staff recommended approval.

Mr. Stork moved for approval of Ordinance No. 2015-01 on second reading; Mr. Conklin seconded the motion and it passed 5-0.

5B. Ordinance No. 2015-02 amending the budget for fiscal year 2015 to account for various changes to the city's operational budget, which includes the receipt of grants and the closure of project accounts. Mayor Pratt read the ordinance by title only.

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

Mr. Stork moved for approval of Ordinance No. 2015-02 on first reading; Mr. Allen seconded the motion and it passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Resolution No. 06-2015 expressing support for the application of Brookhollow TAP, LLC, to the Texas Department of Housing and Community Affairs for 2015 competitive nine-percent housing tax credits; and for the acquisition/rehabilitation of Brookhollow Apartments located at 612 Travis Street and recognition of a commitment of funding assistance from the city to the project.

Ms. Day noted the proposed resolution would be part of the application to TDHCA for a project to rehabilitate Brookhollow Apartments on Travis Street. No residents would be displaced; apartments would be renovated individually and residents would be temporarily relocated within the complex and moved back after renovation. The contribution from the city would be in the form of property tax abatement in an amount not to exceed \$55,000 (Item 6B); the city was not providing any cash for this project.

Mr. Conklin moved for approval of Resolution No. 06-2015; Mr. Stork seconded the motion and it passed 5-0.

6B. Resolution No. 07-2015 evidencing the city's support of the redevelopment of Brookhollow Apartments and the approval of available tax credits through the Texas Department of Housing and Community Affairs.

Ms. Day noted the resolution supported the project presented in Item 6A and would be part of the application to TDHCA.

Christian Szymczak, Managing Partner of Think Housing Development LLC, reviewed the schedule: application would be submitted Friday, February 27; anticipate approval in July; sell credits to investors; start construction the end of October; eight month construction period.

Mr. Conklin moved for approval of Resolution No. 07-2015; Mr. Allen seconded the motion and it passed 5-0.

6C. Resolution No. 08-2015 authorizing publication of notice of intention to issue certificates of obligation.

Mr. Parton noticed the resolution would authorize publication of the notice of intention to issue debt to fund the city's portion of the athletics complex. The notice did not commit the city at this point; if the council proceeded to issue the debt, cash would be available in April or May, and the certificates would also be available to private investors through advertising and bidding process. The debt service model indicated on a \$9 million debt, with a 4% rate, over a 20 year period, annual payments would be \$600,000 to be funded by 4B revenues as per the funding agreement already approved by the economic improvement corporation; no city ad valorem tax would be used to finance construction of the facility. He noted there was a 60 day window from the time of first publication on March 4 for submission of a petition; if a petition was submitted and found to be sufficient, the city council would proceed to schedule the issue on the next election date.

Ms. Keeble moved for approval of Resolution No. 08-2015; Mr. Conklin seconded the motion and it passed 5-0.

7. INFORMATION AND DISCUSSION:

7A. Budget update. (staff)

Ms. Yarbrough gave the financial report for the period ending February 24, 2015: to date the general fund revenues totaled \$10,732,821 and expenditures \$7,535,573; water and sewer fund revenues totaled \$2,971,813 and expenditures \$3,733,991; hotel/motel fund revenues totaled \$309,237 and expenditures \$454,474; 4 permits were issued for new residential construction and 1 for new commercial construction during the month of January.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Fire Department would be holding a blood drive at Wal-Mart on October 3.
- Registration underway for men's spring softball league, March 2 deadline.
- City was accepting applications for lifeguards.
- Mardi Gras on Main event was held February 17, estimated 700 in attendance; report would be presented at a future meeting.

6. **EXECUTIVE SESSION:** None.

ADJOURNMENT. The meeting adjourned at 6:39 p.m.

APPROVED: _____

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

Agenda Item:

3B. Ratify emergency purchase of water treatment plant membrane filters in the amount of \$233,800. (staff)

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

SUBJECT: Ratification of Emergency Purchase of Water Plant Membrane Filters of \$233,800.00

FOR AGENDA OF: 03/17/15

DATE SUBMITTED: 02/27/15

SUBMITTED BY: Stuart Barron **CLEARANCES:** Kristine Day
Director of Public Works Deputy City Manager

EXHIBITS: Sole Source Documents

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required: \$ 233,800.00	Current Balance in Account: \$ 6,683.00	Amount In Contingency: \$ 233,800.00	Account Number: 02-882-202
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PAYMENT TO BE MADE TO: GE/Zenon Environmental Corporation

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The GE/Zenon surface water treatment plant membrane filters have failed. The membranes have been in continuous use since 2006. The filters are cleaned & maintained on a routine/prescribed schedule. As the filters age, they become brittle and less efficient in treating the lake water to drinking water standards. The filters are periodically removed, tested & any small holes are repaired. The most recent process of removal & repair revealed that the brittleness and number of breaks in the membrane were worse than anticipated. Even after tireless hours of repair, the membranes could not pass the required quality assurance tests to be able to put them back into service.

The GE/Zenon surface water plant produces 1 million gallons per day of high quality drinking water. This is about 30% of the City's average water demand. Without this source, our water production is significantly reduced.

The life expectancy of new filters under the conditions we operate them is approximately 8-9 years.

The price of the new membrane filters and the installation is \$233,800. The budget will be amended at a later date to allocate funding.

RECOMMENDED ACTION

Ratify this Emergency Purchase



GE Power & Water
Water & Process Technologies

3239 Dundas Street West
Oakville, ON, L6M 4B2 Canada

T 770 339 4484
F 905 469 2243
C 678 687 3393
craig1.brown@ge.com

Stuart Barron
Director of Public Works
City of Kerrville
701 Main Street
Kerrville, TX 78028-5301

February 10th, 2015

Subject: GE Sole Source Supply for Ultrafiltration Membranes at the Kerrville Water Treatment Plant

Dear Sir,

This letter is provided for a Sole Source Purchase to obtain replacement membranes in support of the Kerrville Water Treatment Plant originally supplied by GE.

GE has the patented components that are inherently specific to the existing equipment within the Kerrville plant. Also, GE has the unique capabilities to provide not only the replacement membranes, but the technical and engineering services distinctive to the supply, installation and support of these hollow fiber Ultrafiltration (UF) membranes.

The City of Kerrville will immediately receive the assurance and support with their continuing operational activities for their Water Treatment Plant.

If you have any questions please do not hesitate to contact me.

Kindest Regards,

A handwritten signature in black ink, which appears to read 'Craig Brown', is written over a horizontal line.

Craig Brown
GE Water & Process Technologies
Regional Lifecycle Manager, Southeastern USA and Caribbean
Lifecycle Services



EXHIBIT D

FINANCE DEPARTMENT SOLE SOURCE AFFIDAVIT

THIS IS AN OFFICIAL PURCHASING DOCUMENT – RETAIN WITH PURCHASE ORDER FILE

Before me, the undersigned official, on this day, personally appeared Scott Hortop, a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

1. My name is Scott Hortop. I am over the age of 18, have never been convicted of a crime and am competent to make this affidavit.

2. I am an authorized representative of the following company or firm:

ZENON Environmental Corporation

3. The above named company or firm is the sole source for the following item(s), product(s) or service(s):

ZeeWeed 500D Ultrafiltration Membranes

4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Sections 252.022(a)(7)(A) or (7)(B-F), TX. Local Gov't Code. Also, attached is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).

5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.

6. Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of Kerrville.

Province of Ontario
THE STATE OF TEXAS §
COUNTY OF KERR §
R.M. HALTON

Signature

Feb 10, 2015

SUBSCRIBED AND SWORN to before me on this the 10th day of February, 2015.

Notary Public for the State of Texas

Printed Name: DAVID BINGHAM

My commission expires:

David Blair Bingham, Notary Public,
Regional Municipality of Halton, limited to the attestation of
instruments and the taking of affidavits, for GE Water &
Process Technologies Canada and its associates.
Expires 21st day of December, 2017.

Agenda Item:

3C. Resolution No. 10-2015, finding that legislation filed during the current 84th session of the Texas Legislature as to the issuance and management of City debt could be detrimental toward the City and urging its defeat. (Mayor Pratt)

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

SUBJECT: A resolution finding that legislation filed during the current 84th Legislative Session managing city debt could be detrimental toward the city and urging its defeat

FOR AGENDA OF: Mar. 17, 2015

DATE SUBMITTED: Mar. 13, 2015

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS: Resolution No. 10-2015
House Bill 1182 (Shaheen)
Senate Bill 102 (Hinojosa)
Senate Bill 310 (Campbell)

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 DEPARTMENT:

SUMMARY STATEMENT

A series of Senate and House bills have been filed during the 84th Legislative Session that would apply additional requirements and limitations on a municipality's ability to issue bonds. Bonds are extremely critical to communities in that they provide a means to address critical issues in a cost-effective ways. In addition, the bond issuance processes already provide for a means of public hearings, public input, and public referendums. Elected leadership of Texas' cities understands their local needs and understands the best localized strategies to address those needs. Furthermore, the existing bond issuance procedures allow cities to take advantage of favorable interest rates.

Attached to this report are three bills that would significantly alter the bond issuance process for Texas cities. Here is a synopsis of these bills:

H.B. 1182 (Shaheen) – Local Debt: would require: (1) a ballot proposition submitted for an election to authorize a political subdivision to issue bonds to state: (a) the then-current combined principal and interest required to pay all outstanding debt obligations of the political subdivision on time and in full; (b) the estimated combined principal and interest required to pay the bonds to be authorized on time and in full; and (c) if the bonds are supported by property taxes, the annual increase in property taxes attributable to the bonds

to be issued that each homeowner of an average-priced home within the political subdivision may be required to pay; (2) a political subdivision to post the ballot proposition language to its website as soon as practicable after the official ballots have been prepared and maintain the proposition on the website until the day following the election.

S.B. 102 (Hinojosa) – Local Debt: would require: (1) a ballot proposition submitted for an election to authorize a political subdivision to issue bonds to state: (a) the then-current combined principal and interest required to pay all outstanding debt obligations of the political subdivision on time and in full; (b) the estimated combined principal and interest required to pay the bonds to be authorized on time and in full; and (c) if the bonds are supported by property taxes, the annual increase in property taxes attributable to the bonds to be issued that each homeowner of an average-priced home within the political subdivision may be required to pay; (2) a political subdivision to post the ballot proposition language to its website as soon as practicable after the official ballots have been prepared and maintain the proposition on the website until the day following the election.

S.B. 310 (Campbell) – Local Debt: (1) provide that, except in a case of grave public necessity to meet an unusual and unforeseen condition, a city may not issue a certificate of obligation (CO) if the voters voted down a bond proposition for the same purpose within the preceding three years; (2) extend the timeframe to publish newspaper notice of intention to issue a CO from 30 to 45 days before the passage of the ordinance; (3) require a city issuing a CO to maintain an Internet website, and to continuously post notice of intention to issue a CO on its website for 45 days before the passage of the CO issuance ordinance; (4) require that the notice of intention to issue a CO include the following information: (a) the then-current principal of all outstanding debt obligations of the issuer, stated as a total amount and as a per capita amount; (b) the then current combined principal and interest required to pay all outstanding debt obligations of the issuer on time and in full, stated as a total amount and as a per capita amount; (c) the principal of the COs to be authorized, stated as a total amount and as a per capita amount; (d) the estimated combined principal and interest required to pay the COs to be authorized on time and in full, stated as a total amount and as a per capita amount; (e) the estimated rate of interest for the COs to be authorized; (f) the maturity date of the COs to be authorized; and (g) a specific statement of the process by which a petition may be submitted requesting an election on the issuance of the COs; (5) change the threshold number of voters needed to petition to force an election on the issuance of a CO from five percent of the qualified voters of the issuer to five percent of the total number of voters that voted in the most recent gubernatorial general election in the city.

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 10-2015 as presented.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 10-2015**

**A RESOLUTION FINDING THAT LEGISLATION FILED
DURING THE CURRENT 84TH SESSION OF THE TEXAS
LEGISLATURE AS TO THE ISSUANCE AND
MANAGEMENT OF CITY DEBT COULD BE
DETRIMENTAL TOWARD THE CITY AND URGING ITS
DEFEAT**

WHEREAS, city officials elected by Texas voters are using various types of borrowing in a fiscally responsible way to finance the roads, water and sewer systems, and fire and police stations required for our fast growing population; and

WHEREAS, city government debt is growing at a slower rate than state debt; and

WHEREAS, according to the Texas Bond Review Board, 451 cities have zero outstanding tax-supported debt and 75% of Texas cities, or 950, have no revenue bond debt, that is debt that is repaid from user fees like water and sewer bills; and

WHEREAS, nearly 60% of all outstanding city debt is revenue-supported, which means taxpayers are not repaying the debt, but instead, its users of city services and facilities who pay; and

WHEREAS, even though 7 of the 15 fastest growing cities in the nation are in Texas, city debt has grown slightly less than the state's economy, specifically showing that city debt was 4.58% of gross state product in 2004 and declined to 4.30% in 2013; and

WHEREAS, a five-year comparison of state debt and city debt shows that from 2010 to 2014 outstanding state government debt increased 17.2% compared to total outstanding city debt, which increased 12%; and

WHEREAS, for a 10-year comparison (2005-2014), total outstanding state debt more than doubled by increasing 107 percent compared to total outstanding city debt, which increased by half that rate (52%); and

WHEREAS, certificates of obligation (COs), which are often issued to take advantage of favorable interest rates without a bond election, represented only 17 percent of city debt issued in 2014, which percentage is about the same in recent years; and

WHEREAS, citizens have the authority to petition for an election as to the issuance of the COs; and

WHEREAS, restricting the ability of cities to issue COs would cost taxpayers more money, as, for example, the city of Denton saved taxpayers \$18 million in interest costs by using

COs instead of revenue bonds because COs received both a higher bond rating and lower interest rates; and

WHEREAS, during the last session, the Texas Legislature passed bills which increased transparency by requiring more information to be available about local bond elections at polling places and on the internet, which ensures that Texas voters have access to more information about city finances and city debt than at any time in the state's history;

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

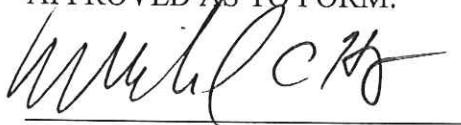
The City of Kerrville, Texas, strongly urges the 84th Texas Legislature to decline to pass any manner of the aforementioned legislation and to defeat the following house and senate bills and any others that would have a similar effect:

HB 1182, SB 102, SB 310

PASSED AND APPROVED ON this the _____ day of _____ A.D., 2015.

Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

By: Shaheen (R)
Collin

H.B. No. 1182

A BILL TO BE ENTITLED

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 1251, Government Code, is amended by
6 designating Sections 1251.001, 1251.002, 1251.003, 1251.004,
7 1251.005, and 1251.006 as Subchapter A and adding a subchapter
8 heading to read as follows:

9 SUBCHAPTER A. BOND ELECTION REQUIREMENTS FOR COUNTIES AND
10 MUNICIPALITIES

11 SECTION 2. Chapter 1251, Government Code, is amended by
12 adding Subchapter B to read as follows:

13 SUBCHAPTER B. BOND ELECTION BALLOTS

14 Sec. 1251.051. DEFINITIONS. In this subchapter:

20 Sec. 1251.052. CONTENTS OF BALLOT PROPOSITION. (a) The
21 proposition submitted for an election to authorize a political
22 subdivision to issue bonds must distinctly state:

1 subdivision on time and in full;
2 (2) the estimated combined principal and interest
3 required to pay the bonds to be authorized on time and in full; and
4 (3) if the bonds are supported by property taxes, the
5 annual increase in property taxes attributable to the bonds to be
6 issued that each homeowner of an average-priced home within the
7 political subdivision may be required to pay.

8 (b) The requirements for a proposition prescribed by this
9 section are in addition to any other requirements prescribed by
10 law. To the extent of a conflict between this section and Section
11 52.072, Election Code, this section controls.

12 Sec. 1251.053. ONLINE SAMPLE BALLOT. A sample of the ballot
13 printed for an election to authorize a political subdivision to
14 issue bonds must be posted on the political subdivision's Internet
15 website, if the political subdivision maintains a website, as soon
16 as practicable after the official ballots have been prepared and
17 must remain posted until the day following the election.

18 Sec. 1251.054. FORM OF BALLOT. The secretary of state shall
19 prescribe a form of the ballot for an election held under this
20 subchapter. A political subdivision is not required to use the
21 form.

22 SECTION 3. (a) Sections 1251.052 and 1251.053, Government
23 Code, as added by this Act, apply only to a bond election ordered on
24 or after January 1, 2016. A bond election ordered before January 1,
25 2016, is governed by the law in effect when the bond election was
26 ordered, and the former law is continued in effect for that purpose.

27 (b) Not later than December 1, 2015, the secretary of state

H.B. No. 1182

1 shall make available on the secretary of state's Internet website a
2 form of the ballot described by Section 1251.054, Government Code,
3 as added by this Act.

4 SECTION 4. This Act takes effect September 1, 2015.

By: Hinojosa (D)

S.B. No. 102

District 20 - Brooks, Hidalgo, Jim Wells, Nueces

A BILL TO BE ENTITLED

1 AN ACT

2 relating to ballot propositions authorizing political subdivisions
3 to issue bonds.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 1251, Government Code, is amended by
6 designating Sections 1251.001, 1251.002, 1251.003, 1251.004,
7 1251.005, and 1251.006 as Subchapter A and adding a subchapter
8 heading to read as follows:

11 SECTION 2. Chapter 1251, Government Code, is amended by
12 adding Subchapter B to read as follows:

13 SUBCHAPTER B. BOND ELECTION BALLOTS

14 Sec. 1251.051. DEFINITIONS. In this subchapter:

17 (2) "Political subdivision" means a county,
18 municipality, school district, junior college district, other
19 special district, or other subdivision of state government.

20 Sec. 1251.052. CONTENTS OF BALLOT PROPOSITION. (a) The
21 proposition submitted for an election to authorize a political
22 subdivision to issue bonds must distinctly state:

1 subdivision on time and in full;
2 (2) the estimated combined principal and interest
3 required to pay the bonds to be authorized on time and in full; and
4 (3) if the bonds are supported by property taxes, the
5 annual increase in property taxes attributable to the bonds to be
6 issued that each homeowner of an average-priced home within the
7 political subdivision may be required to pay.

8 (b) The requirements for a proposition prescribed by this
9 section are in addition to any other requirements prescribed by
10 law. To the extent of a conflict between this section and Section
11 52.072, Election Code, this section controls.

12 Sec. 1251.053. ONLINE SAMPLE BALLOT. A sample of the ballot
13 printed for an election to authorize a political subdivision to
14 issue bonds must be posted on the political subdivision's Internet
15 website, if the political subdivision maintains a website, as soon
16 as practicable after the official ballots have been prepared and
17 must remain posted until the day following the election.

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19 prescribe a form of the ballot for an election held under this
20 subchapter. A political subdivision is not required to use the
21 form.

22 SECTION 3. (a) Sections 1251.052 and 1251.053, Government
23 Code, as added by this Act, apply only to a bond election ordered on
24 or after January 1, 2016. A bond election ordered before January 1,
25 2016, is governed by the law in effect when the bond election was
26 ordered, and the former law is continued in effect for that purpose.

27 (b) Not later than December 1, 2015, the secretary of state

S.B. No. 102

1 shall make available on the secretary of state's Internet website a
2 form of the ballot described by Section 1251.054, Government Code,
3 as added by this Act.

4 SECTION 4. This Act takes effect September 1, 2015.

By: Donna Campbell (R)
District 25 - Kendall, Comal, Bexar, Hays

S.B. No. 310

A BILL TO BE ENTITLED

1 AN ACT

2 relating to procedures and requirements for the issuance of
3 certificates of obligation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 271.047, Local Government Code, is
6 amended by adding Subsection (d) to read as follows:

7 (d) Except in a case of grave public necessity to meet an
8 unusual and unforeseen condition, the governing body of an issuer
9 may not authorize a certificate to pay a contractual obligation to
10 be incurred if a bond proposition to authorize the issuance of bonds
11 for the same purpose was submitted to the voters during the
12 preceding three years and failed to be approved.

13 SECTION 2. Section 271.049, Local Government Code, is
14 amended to read as follows:

15 Sec. 271.049. NOTICE OF INTENTION TO ISSUE CERTIFICATES;
16 PETITION AND ELECTION. (a) Regardless of the sources of payment of
17 certificates, certificates may not be issued unless the issuer
18 publishes notice of its intention to issue the certificates. The
19 notice must be published:

20 (1) once a week for two consecutive weeks in a
21 newspaper, as defined by Subchapter C, Chapter 2051, Government
22 Code, that is of general circulation in the area of the issuer, with
23 the date of the first publication to be before the 45th [30th] day
24 before the date tentatively set for the passage of the order or

1 ordinance authorizing the issuance of the certificates; and
2 (2) continuously on the issuer's Internet website for
3 at least 45 days before the date tentatively set for the passage of
4 the order or ordinance authorizing the issuance of the
5 certificates.

6 (b) The notice must state:

10 (2) the [maximum amount and] purpose of the
11 certificates to be authorized: [and]

12 (3) the manner in which the certificates will be paid
13 for, whether by taxes, revenues, or a combination of the two;

16 (A) the then-current principal of all
17 outstanding debt obligations of the issuer;

23 (D) the estimated combined principal and
24 interest required to pay the certificates to be authorized on time
25 and in full;

26 (5) the estimated rate of interest for the
27 certificates to be authorized;

6 "Five percent of the total number of voters of (name of
7 issuer) that voted in the most recent gubernatorial general
8 election may petition to require an election to be held authorizing
9 the issuance of certificates of obligation by delivering a signed
10 petition to the (insert "secretary or clerk" if the issuer is a
11 municipality, or "county clerk" if the issuer is a county) of (name
12 of issuer) before the date the governing body has set for the
13 authorization of the certificates of obligation. Information about
14 the requirements of the petition may be obtained from the (insert
15 "secretary or clerk" if the issuer is a municipality, or "county
16 clerk" if the issuer is a county) of (name of issuer)." []

17 (c) If before the date tentatively set for the authorization
18 of the issuance of the certificates or if before the authorization,
19 the municipal secretary or clerk if the issuer is a municipality, or
20 the county clerk if the issuer is a county, receives a petition
21 signed by a number of qualified voters of the issuer equal to five
22 percent or more of the number of votes cast in the municipality or
23 county, as applicable, in the most recent gubernatorial general
24 election [at least five percent of the qualified voters of the
25 issuer] protesting the issuance of the certificates, the issuer may
26 not authorize the issuance of the certificates unless the issuance
27 is approved at an election ordered, held, and conducted in the

S.B. No. 310

1 manner provided for bond elections under Chapter 1251, Government
2 Code.

3 (d) This section does not apply to certificates issued for
4 the purposes described by Sections 271.056(1)-(3)
5 [271.056(1)-(4)].

6 (e) An issuer shall maintain an Internet website to comply
7 with this section.

8 (f) In this section, "debt obligation" means an issued
9 public security, as defined by Section 1201.002, Government Code.

10 SECTION 3. The changes in law made by this Act to Section
11 271.049, Local Government Code, apply only to a certificate of
12 obligation for which the first notice of intention to issue the
13 certificate is made on or after the effective date of this Act. A
14 certificate of obligation for which the first notice of intention
15 to issue the certificate is made before the effective date of this
16 Act is governed by the law in effect when the notice of intention is
17 made, and the former law is continued in effect for that purpose.

18 SECTION 4. This Act takes effect September 1, 2015.

Agenda Item:

3D. Resolution No. 11-2015, finding that legislation filed during the current 84th session of the Texas Legislature as to the abolishment of Home Rule Law would be detrimental toward the City and urging its defeat. (Mayor Pratt)

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

SUBJECT: A resolution finding that legislation filed during the current 84th Legislative Session abolishing home rule law would be detrimental toward the city and urging its defeat

FOR AGENDA OF: Mar. 17, 2015

DATE SUBMITTED: Mar. 13, 2015

SUBMITTED BY: Todd Parton
City Manager

CLEARANCES:

EXHIBITS: Resolution No. 11-2015
Senate Bill 343 (Huffines)

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

Senate Bill 343 (SB343) has been filed and, if passed, would abolish home rule municipalities. Senator Don Huffines (R – Farmers Branch) sponsored SB343.

The Texas Constitution authorizes qualifying cities to hold an election to adopt a home rule charter. Once adopted, the charter grants the city the power of self-government. If SB343 goes into effect and home rule charters are abolished, local communities would only be allowed to adopt and implement ordinances, rules or regulations to conform to state statute unless the local government is otherwise expressly authorized to do so by the State of Texas. This will greatly eliminate the ability of home rule cities to govern themselves and will significantly centralize and consolidate governmental power in Austin.

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 11-2015 as presented.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 11-2015**

**A RESOLUTION FINDING THAT LEGISLATION FILED
DURING THE CURRENT 84TH SESSION OF THE TEXAS
LEGISLATURE AS TO THE ABOLISHMENT OF HOME
RULE LAW WOULD BE DETRIMENTAL TOWARD THE
CITY AND URGING ITS DEFEAT**

WHEREAS, Senate Bill 343 would abolish local control and centralize power with the state government in Austin; and

WHEREAS, Senate Bill 343 would totally upend the relationship between Texas cities and state government; and

WHEREAS, city voters and locally-elected officials would have to get the state legislature's permission to enact any local ordinances; and

WHEREAS, long ago the people of Texas decided centralized government was not the way to go and in 1912, adopted a constitutional amendment affirming Texas' commitment to local decision-making cities, the government closest to the people, as a way to embody the idea that "We the People" should be in control; and

WHEREAS, the Texas Constitution (Article XI, Section 5) authorizes cities over 5,000 population to adopt, by election, a home rule charter; and

WHEREAS, the charter grants the citizens of a city the power of self-government, which more than 350 Texas cities, including Kerrville, have adopted home rule charters; and

WHEREAS, Senate Bill 343 would make Texas home rule cities revert to general law, taking another step in the centralization and consolidation of government power, and provide that a city may not enact an ordinance relating to any subject governed by state law, unless expressly authorized to do so by the state; and

WHEREAS, city councils often step up to the plate to protect the property values, the quality of life, and even save the lives of Texans; and

WHEREAS, in many cases, cities make decisions at the neighborhood level and not every neighborhood in a state of 26 million people is the same, which is why Texans recognize there is a proper role for state government and a role for local government;

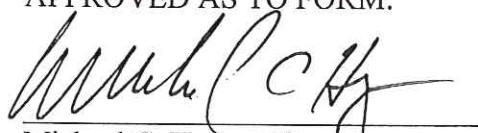
**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

The City of Kerrville, Texas, strongly urges the 84th Texas Legislature to decline to pass Senate Bill 343 and any others that would have a similar effect.

PASSED AND APPROVED ON this _____ day of _____ A.D., 2015.

Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

By: Huffines

S.B. No. 343

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the conformity of local law with state law.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Chapter 1, Local Government Code, is amended by
5 adding Section 1.006 to read as follows:

6 Sec. 1.006. CONFORMITY WITH STATE LAW. (a) Where the
7 state has passed a general statute or rule regulating a subject, a
8 local government shall restrict its jurisdiction and the passage of
9 its ordinances, rules, and regulations to and in conformity with
10 the state statute or rule on the same subject, unless the local
11 government is otherwise expressly authorized by statute.

12 (b) Unless expressly authorized by state statute, a local
13 government shall not implement an ordinance, rule, or regulation
14 that conflicts with or is more stringent than a state statute or
15 rule regardless of when the state statute or rule takes effect.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2015.

Agenda Item:

4A. 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. (staff)

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

SUBJECT: First 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: March 17, 2015

DATE SUBMITTED: March 9, 2015

SUBMITTED BY: Dieter Werner, P.E.
Dir. of Engineering and Planning

CLEARANCES: Kristine Day
Deputy City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *21*

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

This item concerns a public hearing 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 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.

Agenda Item:

5A. Ordinance No. 2015-03 amending the City's "Zoning Code" to revise Article 11-I-20 "Off-Street Parking and Loading Requirements" by exempting existing buildings within the Central Business District from requiring off-street parking in specific circumstances; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2000.00); and ordering publication. (staff)

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

SUBJECT: Public hearing, consideration, and 1st ordinance reading concerning proposed text amendments to the City of Kerrville's adopted zoning code regarding parking restrictions within the Central Business District

FOR AGENDA OF: March 17, 2015

DATE SUBMITTED: March 9, 2015

SUBMITTED BY: Dieter Werner, P.E.
Dir. of Engineering and Planning

CLEARANCES: Kristine Day
Deputy 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 OR FINANCE:

SUMMARY STATEMENT

Staff initially presented a potential amendment to the Downtown Core district boundary, in response to concerns over off-street parking requirements and redevelopment of adjacent areas to complement the Downtown Core.

At the Commission public hearing, there was considerable discussion about the appropriateness of a DC district change, and the Commission expressed a desire to address

Recently, a set of inquiries about the redevelopment of the area around Clay St. and Jefferson St. has brought to light some of the challenges associated with redevelopment of the area. As this area is at the current periphery of the Downtown Core – but within the Central Business District – developed through the mid-20th century, it reflects a mix of older, architecturally relevant buildings with utilitarian metal buildings. The original lot form did not contemplate much on-site parking, and many lots have been consolidated to provide larger lot areas for development.

As demand for commercial and mixed use property increases in the central business district, the challenge remains to be able to provide parking. In recognition of this, the City of Kerrville has done two things: first, it has designated a public parking garage at the corner of Sidney Baker St. and Water St. Secondly, it has recognized that a vibrant downtown core – such as had been originally developed along Main St. and Water St. – is successful and retains the old character of the city not because of the provision of parking, but for the provision of sidewalks and allowing a better pedestrian experience. In creating the downtown core designation in the

zoning ordinance, the code does not require the provision of additional parking in order to accommodate a redevelopment.

With these two facts of precedent in mind, Staff believes that it may be in the city's best interest to consider expanding the parking restrictions designated for the Downtown Core designation to include all of the Central Business District.

The Downtown Core is currently defined as "a 5-1/2 block area consisting of small specialty shops, restaurants, offices, and tourist, visitor and public uses unique to the city. This area...shall be exempt from the following development standards of the CBD." The standards for DC are differentiated from the CBD as follows:

- Setbacks (no setbacks)
- Parking (if the use changes and new use does not expand, there is no requirement to add off-street parking)

The Planning and Zoning Commission held a public hearing for this item at their regular meeting on March 12, 2015. Specific concerns from the Commission included the potential for neighboring properties to be encroached upon for available parking, as well as the need for the City to be more flexible in allowing on-street parking. The Commission failed to introduce a motion to recommend or deny the proposal as presented.

It is Staff's position that parking does already occur on the streets, but it is not good policy to encourage and specifically provide marked on-street parking as a means of meeting the required parking as stated in the zoning code. City public sanitary sewer and water infrastructure is typically installed within the pavement section of public right of way, and encouraging parking on top of the existing mains could pose maintenance and safety issues in the event of main breakage or the need for maintenance.

RECOMMENDED ACTION

Staff recommends that the Council hold the required public hearing and take action for approval of the zoning code text amendment.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2015-03

AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" TO REVISE ARTICLE 11-I-20 "OFF-STREET PARKING AND LOADING REQUIREMENTS" BY EXEMPTING EXISTING BUILDINGS WITHIN THE CENTRAL BUSINESS DISTRICT FROM REQUIRING OFF-STREET PARKING IN SPECIFIC CIRCUMSTANCES; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); AND ORDERING PUBLICATION

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of a hearing which was held before the City Council on March 17, 2015, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in revisions to Article 11-I-20 of the City's Zoning Code which will make changes to the regulations applicable to parking and loading; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on March 17, 2015, as advertised; and

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

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

SECTION ONE. Article 11-I-20 "Off-Street Parking and Loading Requirements", subsection A.6., of the City's Zoning Code is amended by adding the language that is underlined (added) and deleting the language that is stricken and bracketed ([deleted]) as follows:

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

:

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

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

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

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

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

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

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

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, A.D., 2015.

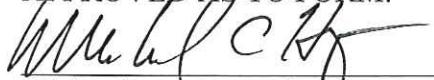
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2015.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

5B. Ordinance No. 2015-04 amending the City's "Zoning Code" by adding a definition of "Community Gardens" to Article 11-I-3 "Definitions and Interpretation of Words and Phrases"; revising Article 11-I-4 to add Community Garden as a use that is permitted within any zoning district; revising Article 11-I-19 to adopt regulations applicable to the use of property as a community garden; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of Two Thousand Dollars (\$2000.00); and ordering publication. (staff)

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

SUBJECT: Public hearing and first reading of an ordinance concerning a proposed Zoning Code Text Amendment to amend Article 11-I-3 and Article 11-I-4 of the Zoning Regulations, related to Community Garden land use, associated accessory use and site development standards.

FOR AGENDA OF: March 17, 2015

DATE SUBMITTED: March 9, 2015

SUBMITTED BY: Dieter Werner, P.E., **CLEARANCES:** Kristine Day
Dir. of Engineering and Planning Deputy City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

This item is concerning the second public hearing for a staff-initiated text amendment to the City's adopted zoning code Ordinance

Based upon recent inquiries about the feasibility of community garden use, with respect to the zoning regulations, Staff has initiated this text amendment to be able to address accessory structures. Currently under the Zoning Code, to use an accessory building on a property, there must be a primary structure. Community gardens are allowed now and there is at least one community garden that exists; however, this code amendment is intended to specifically allow community gardens and authorize them to use accessory structures under site development standards.

As proposed, the amendment to the regulations would define a "community garden", permit this use within all districts, and apply a set of site development standards. Specifically, the amendments are as follows:

Art. 11-1-3

DEFINITIONS AND INTERPRETATION OF WORDS AND PHRASES

Add the following definition.

a) **Definitions:** For purposes of this Chapter, the following words and phrases shall have the following meanings unless the context otherwise clearly indicates a different meaning:

Community Gardens: a single piece of land gardened collectively by a group of people for the

growing and harvesting of food crops and/or non-food, ornamental crops, such as flowers. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Art. 11-1-4 ZONING DISTRICTS-GENERALLY

Add the following land use to be permitted in any zone.

(f) Uses Permitted in Any Zone: The following uses are permitted in any zoning district of the City:

“Community Gardens”.

Art. 11-1-19 SUPPLEMENTARY DEVELOPMENT REQUIREMENTS

Add the following site development regulations.

H. Community Gardens: a single piece of land gardened collectively by a group of people for the growing and harvesting of food crops and/or non-food, ornamental crops, such as flowers. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members and shall be subject to the following site development regulations:

1. can be publicly or privately held;
2. shall be permitted in any zoning district of the city;
3. may be placed on a roof structure provided that all applicable building and fire codes are in compliance;
4. lighting shall be shielded so that substantially all directly emitted light falls within the property;
5. shall only be utilized for gardening purposes and not utilized as a storage lot for equipment or materials not associated with the garden;
6. compost piles abutting adjacent properties shall not be visible from adjacent property (shielded from view by shrubbery or an enclosure);
7. shall be managed to prevent the harborage of rodents and pests.
8. shall be maintained to prevent odors.
9. the site shall be designed and maintained to prevent water from irrigation and/or other activities and/or fertilizer from draining onto adjacent property.
10. trash areas shall be provided and screened on at least three (3) sides from public view;
11. an accessory structures such as greenhouses, sheds, farmstands, or other similar structures may be placed on the property without the presence of an associated primary structure;
12. an accessory structure must adhere to the accessory structure setback requirements for the zoning district or land use;
13. may only be utilized for the storage of equipment and materials required for the operation of a community garden;
14. must adhere to the accessory structure setback requirements.

The Planning and Zoning Commission held a public hearing and discussion for this item at their regular meeting on March 12, 2015. Recommendation by the Commission was 5-0 to reject the amendment as proposed, and require a case by case review of a Conditional Use Permit for similar community garden projects with respect to placement of accessory structures.

RECOMMENDED ACTION

Staff recommends that the Council hold a public hearing and take action for approval.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2015-04

AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY ADDING A DEFINITION OF "COMMUNITY GARDENS" TO ARTICLE 11-I-3 "DEFINITIONS AND INTERPRETATION OF WORDS AND PHRASES"; REVISING ARTICLE 11-I-4 TO ADD COMMUNITY GARDEN AS A USE THAT IS PERMITTED WITHIN ANY ZONING DISTRICT; REVISING ARTICLE 11-I-19 TO ADOPT REGULATIONS APPLICABLE TO THE USE OF PROPERTY AS A COMMUNITY GARDEN; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); AND ORDERING PUBLICATION

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, legal notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of a hearing which was held before the City Council on March 17, 2015, which considered a report of the City of Kerrville Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in revisions to Articles 11-I-3, 11-I-4, and 11-I-19 of the City's Zoning Code which will add regulations with respect to the use of a "community garden" as defined; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on March 17, 2015, 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 properties and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's Zoning Code to revise Articles 11-I-3, 11-I-4, and 11-I-19 to allow for and regulate the use of a "community garden";

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

SECTION ONE. Article 11-I-3 "Definitions and Interpretation of Words and Phrases" of the City's Zoning Code is amended by adding the language that is underlined (added), which is a definition of "community" as follows:

“Art. 11-I-3 DEFINITIONS AND INTERPRETATION OF WORDS AND PHRASES

(a) Definitions: For purposes of this Chapter, the following words and phrases shall have the following meanings unless the context otherwise clearly indicates a different meaning:

⋮
⋮

(28) Community Garden: A single piece of land gardened collectively by a group of people for the growing and harvesting of food crops and/or nonfood, ornamental crops, such as flowers. A community garden may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.”

SECTION TWO. Subsection (f) of Article 11-I-4 “Zoning Districts - Generally” of the City’s Zoning Code is amended by adding the language that is underlined (added), which will authorize the use of a “community garden” within any zoning district of the City as follows:

“(f) Uses Permitted in Any Zone: The following uses are permitted in any zoning district of the City:

⋮
⋮

(1) Community garden, but subject to the application of regulations found within Art. 11-I-19, below.”

SECTION THREE. Article 11-I-19 “Special Development Regulations for Specific Uses” of the City’s Zoning Code is amended by adding the language that is underlined (added), which will apply regulations to community gardens as follows:

“(h) Community Gardens: Property used for the purpose of a community garden must comply with the following:

(1) may be publically or privately owned;

(2) may be placed and maintained on a roof structure provided that it meets all applicable building and fire code requirements;

(3) any lighting must be shielded so that substantially all directly emitted light falls within the property;

(4) the property may not be used for the storage of items, to include vehicles, equipment, or materials, which are not directly associated with the operation of the community garden;

- (5) compost or and other organic material must not be visible from an adjacent property, to include being shielded by shrubbery, an enclosure, or fence;
- (6) must be routinely managed to control for and prevent the harborage of rodents and other pests;
- (7) must be routinely managed to control for and prevent odors;
- (8) must be designed, maintained, and operated to prevent water from irrigation, fertilizer, and other substances from traveling onto adjacent property;
- (9) trash receptacles must be provided and which must be screened on at least 3 sides so as to prevent public view;
- (10) an accessory structure, to include a greenhouse, shed, farmstand, or a similar structure:
 - a. may be placed and used on the property without the presence of a primary structure;
 - b. must comply with the setbacks that would be applicable to an accessory structure for the zoning district;
 - c. may only be used for the storage of equipment and materials directly required for the operation of the community garden; and
 - d. must be removed from the property upon the cessation of the community garden unless its use is allowed pursuant to another provision within 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 1-9, Chapter 1 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION 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 ____ day of _____, A.D., 2015.

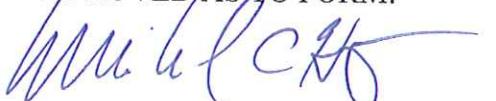
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2015.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Agenda Item:

5C. Ordinance No. 2015-05, creating a Planned Development District as zoning for an approximate 6.920 acre tract consisting of several parcels located in the Walter Fosgate Survey No. 120, Abstract No. 138, within the City of Kerrville, Kerr County, Texas, addressed as 1107 Junction Highway. (State Highway 27), and generally located on the southwest corner of Junction Highway and its intersection with Guadalupe Street; adopting a concept plan and conditions related to the development of said district; containing a cumulative clause; containing a savings and severability clause; establishing a penalty or fine not to exceed \$2,000.00 for each day of violation of any provision hereon; and ordering publication. (staff)

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

SUBJECT: Public hearing and first ordinance reading concerning a requested rezoning of 6.920 acres from (GR) Guadalupe River District to (PDD) Planned Development District, located at 1107 Junction Highway (Planning File No. 2014-041)

FOR AGENDA OF: March 17, 2015

DATE SUBMITTED: March 10, 2015

SUBMITTED BY: Dieter Werner, P.E. **CLEARANCES:** Kristine Day
Dir. of Engineering and Planning Deputy City Manager

EXHIBITS: PD Concept Plan and Application.

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *JP*

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

This item concerns a request for Planned Development District zoning for the property located at 1107 Junction Highway, at the corner of SH 27 west and Harper Rd and is bounded to the south by the Guadalupe River. The site contains the "family sports center" facility and is being redeveloped for a mix of uses to include retail, personal services, restaurant, and high density residential.

The adjacent property to the west is zoned GR "Guadalupe River", as is the subject property. The property across Junction Highway and Harper Rd. is zoned W6. The GR district is intended "to allow the development of business-type uses compatible with the riverside in areas contiguous or in close proximity to the Guadalupe River, which are not otherwise included in other zoning districts.". The W6 district is intended as a broad commercial use district, and not intended for single family or two-family uses.

The Planned Development district is intended as a district to allow for the integration of uses and the development of a site in which the building and use layout, access, circulation, open space, and parking are coordinated. The PD district allows some flexibility with respect to the standards applicable in other districts, but offers advantages to the end users and community which exceed what would otherwise be provided.

As proposed, the PD designation would permit a very broad mix of uses, to include business and personal services, life care development, custom manufacturing, professional offices, veterinary services (non-livestock), condominium, and multifamily development. The uses are more completely enumerated in the application (attached).

The concept plan (attached) shows the relationship between proposed buildings/uses, the site circulation, the adjacent River Trail, and parking. City Staff and TxDOT have been working with the applicant to ensure that the driveway locations along both Junction Highway and Guadalupe Street are adequate.

The parking for the site is analyzed as follows, based on the concept plan:

Building/Use	Area (sf)	Ratio	Required
Lot 1 – Comm/Retail	7,500	1:250	30
Lot 2 – Bank	7,000	1:250	28
Lot 3 – Comm/Retail	12,500	1:250	50
Lot 4 – Restaurant	3,000	1:100	30
Lot 5 – Condo	96,000	2:1 (dwelling units)	
Lot 6 – Restaurant	2,500	1:100	25
Lot 7 - Restaurant	3,700	1:100	37
TOTAL	36200 (excl. condo)		200

The total parking provided, exclusive of the multifamily requirement, is 206. Therefore, assuming that the condominium structured parking can meet all of the requirement, and assuming that parking may be shared among all tenants, the site has adequate parking. Issues could arise in particular at the restaurant sites, if shared parking is not available.

The PD application also proposes additional standards for screening, lighting, solid waste areas, and overall signage. It should be noted that the proposal for signage would not comply with the sign regulations, as it presents multiple freestanding signs along SH 27. On the other hand, the applicant contends that this is being done to provide signage for lots which do not have visible frontage, and that overall the plan provides a cohesive sign plan, irrespective of fitting on lot boundaries.

In order to utilize the portions of the property adjacent to the river, fill must be placed in accordance with an engineering study which demonstrates how this can be done without impacting the floodplain.

The Planning and Zoning Commission held a public hearing at the January 15, 2015 regular meeting. There was considerable discussion about the parking, specifically adjacent to the restaurants. Some comparisons were made to developments in the San Antonio and Austin areas and a trend towards more pedestrian access to restaurants, in lieu of large parking lots directly in front.

There was also discussion of the sign proposal. The applicant explained that the total number of allowable signs would not change, but that one lot will have both a monument sign and a freestanding sign, thus in violation of the sign regulations.

Due to a public noticing error related to the January 15, 2015 hearing, the Planning and Zoning Commission held a second public hearing at the March 12, 2015 regular meeting.

Staff's recommendation following the Planning and Zoning Commission meeting is for approval of the concept plan and PD zoning, provided the following conditions can be met:

1. Sufficient parking to meet the full requirement (less six spaces) for the condominium must be provided within the structured parking for that site development.
2. With the exception of the structured parking, parking must remain shared across the

development.

3. Signage should be subject to the sign regulations.

RECOMMENDED ACTION

Staff recommends that the Council hold the public hearing and take action for approval.



PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN CHECKLIST

An application for a PDD shall include a concept plan to be considered administratively complete.

Name of Development: Kerrville Mixed-Use Development

Property Location/Address: 1107 Junction Hwy, Kerrville

Proposed Use(s): Commercial, Retail, Restaurant, Condominium

Existing Zoning Classification: GR

Date of Fire Flow Test (Attach Water Flow Report): _____
(Contact the Fire Marshal to schedule test)

Submission of this completed form is part of the Planned Development District (PDD) Application. All items must be "checked off" and included prior to submittal. AN INCOMPLETE CHECKLIST CONSTITUTES AN INCOMPLETE APPLICATION.

GENERAL INFORMATION:

- Pre-Application Conference Date: 6/6/14 (Required prior to submittal)
- Filing Fee (\$300) 840, (01-6236)
- Twenty (20) copies of the Concept Plan
- Sheet Size 24" x 36", 1 @ 11" x 17", 1 @ 8 1/2" x 11"
- Vicinity Map
- North Arrow
- Date
- Scale, drawn to a standard engineering scale not less than 1" - 100'
- Project name and Address in title block

PLAN INFORMATION:

- Site, Indicating boundaries (property lines), and project phase lines if any
- Location and width of existing and/or proposed public and/or private rights-of-way and easements located on, abutting or intersecting the site
- Adjacent properties with zoning and existing uses identified
- Proposed general land uses and the acreage of each use, including open space; for residential developments, the total number of units and units per acre

- Existing and proposed structures showing approximate outline and dimensions of perimeter walls, including distances to property lines and other structures
- Front, side and rear building setback lines
- Proposed category of use(s) of structures
- Number of stories in height and feet for each structure
- Gross floor area for each structure
- Approximate location of entrances and exists for each structure
- Proposed development standards for the PDD, if different from the base zoning district for each proposed land use
- Parking for each use(s)
- Topographic contours of ten feet (10') or less of the proposed site
- Show the 100-year floodplain, floodway and any major drainage way(s)
- Existing and proposed utilities to include water, wastewater, gas, electric, telecommunications and fire hydrants

CONTACT INFORMATION:

Property Owner: Paythe, LLC c/o Pete Moore

Address: 3890 West Northwest Hwy, Suite 100, Dallas, TX 75220

Phone: (214) 550-1810 Fax: _____

Email: pmoore@windridge.realtor.com

Applicant: Matkin Hoover Engineering & Surveying c/o Ken Kolacny, P.E.
(If different from Owner)

Address: 8 Spencer Rd., Suite 100, Boerne, TX 78006

Phone: (830) 249-0600 Fax: (830) 249-0099

Email: ekolacny@matkinhoover.com

**CITY OF KERRVILLE DEVELOPMENT SERVICES DEPARTMENT
MASTER APPLICATION ***

PROPERTY INFORMATION: (Please PRINT or TYPE for all permits)

Project Address 1107 Junction Highway Nearest Intersection Junction Hwy @ Guadalupe St.
Minor Plat/Subdivision _____ Lot _____ Block _____
Zoning Districts GR Comprehensive Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE: For all permits)

Applicant/Authorized Agent Markin Hoover Engineering & Surveying Phone 830-249-0600 FAX 830-249-0099
Email Address: kkolacny@markinhoover.com
Mailing Address 8 Spencer Road, Suite 100 City Boerne State TX Zip 78006
Property Owner Paythe, LLC c/o Pete Moore Phone 214-550-1210 FAX _____
Email Address: pmoore@windridgerealestate.com
Mailing Address 3890 West Northwest Hwy. #100 City Dallas State TX Zip 75220

Transaction Code: 840.01-6236

Attach completed checklists for all projects

<input type="checkbox"/> Annexation (2 copies /2 petitions)	<u>No Fee</u>	<input type="checkbox"/> Preliminary Plat (15 copies) <u>\$300 + \$20/lot or \$10/acre (which ever is greater)</u>
<input type="checkbox"/> Administrative Appeal	<u>\$150</u>	<input type="checkbox"/> Final Plat (20 copies) <u>\$150 + \$10/lot</u>
<input type="checkbox"/> Preliminary Site Plan (20 copies)	<u>No Fee</u>	<input type="checkbox"/> Preliminary Minor Plat (20 copies) <u>\$150 + 10/lot</u>
<input type="checkbox"/> Final Site Plan (20 copies)	<u>No Fee</u>	<input type="checkbox"/> Final Minor Plat (20 copies) <u>\$150 + 10/lot</u>
<input type="checkbox"/> Concept Plan (20 copies)	<u>\$500</u>	<input type="checkbox"/> Replat (20 copies) <u>\$150 +10/lot</u>

For plats in the ETJ:
(Payment due at the time of final plat, \$200.00 per lot)

Parkland Fee (East)
08-6242 _____
 Parkland Fee (West)
08-6243 _____

Owner's Affidavit Required for: (Must attach to this Master Application Form)

<input type="checkbox"/> Conditional Use Permit (CUP) Request <u>840.01-6236 \$300</u>	<input type="checkbox"/> Zoning Change Request <u>840.01-6236 \$300</u>
<input type="checkbox"/> Variance Request <u>840.01-6236 \$150</u>	<input type="checkbox"/> Comp. Plan Amendment Request <u>840.01-6236 \$300</u>
<input checked="" type="checkbox"/> Planned Development District Request <u>840.01-6236 \$300</u>	<input type="checkbox"/> Specific Use Permit (SUP) Request <u>840.01-6236 \$300</u>

Please provide a basic description of the proposed project: _____

±7 Acre Mixed-Use Development with commercial retail, restaurant, condominiums and river trail

I hereby certify that I am the owner or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Owners Signature:  Date: 9/29/14

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2015-05

AN ORDINANCE CREATING A PLANNED DEVELOPMENT DISTRICT AS ZONING FOR AN APPROXIMATE 6.920 ACRE TRACT CONSISTING OF SEVERAL PARCELS LOCATED IN THE WALTER FOSGATE SURVEY NO. 120, ABSTRACT NO. 138, WITHIN THE CITY OF KERRVILLE, KERR COUNTY TEXAS, ADDRESSED AS 1107 JUNCTION HIGHWAY (STATE HIGHWAY 27), AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF JUNCTION HIGHWAY AND ITS INTERSECTION WITH GUADALUPE STREET; ADOPTING A CONCEPT PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT OF SAID DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING A PENALTY OR FINE NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with the City Charter and the State law with reference to the creation of Planned Development Districts under Article 11-I-15 of the Zoning Code of the City of Kerrville, Texas, and amending the official zoning map adopted thereby, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the City Council finds that the health, safety, and general welfare will be best served by the creation of a Planned Development District as the zoning for the approval of various uses, subject to the special conditions and restrictions set out hereinafter on the property described in Section Two, below;

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

SECTION ONE. The property described in **Exhibit A** (the "Property"), attached and incorporated herein by reference, is removed from the Guadalupe River (GR) Zoning District and placed in a newly created "Planned Development District" which will allow the following land uses as these terms are defined by Article 11-I-3 of the Zoning Code and to the extent not defined therein, any additional terms will have their general meaning and definition when used in the context of real estate development and use:

- A.** Business Services I and II;
- B.** Bed and Breakfast;
- C.** Cocktail Lounge;
- D.** Day Care Services (General);
- E.** Education, Primary;

- F. Education, Secondary and College;**
- G. Food Sales with or without sale of alcoholic beverages;**
- H. Institutional and Public Use Assemblies;**
- I. Public Assembly;**
- J. Life Care Development;**
- K. Manufacturing, Custom;**
- L. Personal Care Facility;**
- M. Personal Services I and II;**
- N. Personal Services-Limited;**
- O. Professional Office;**
- P. Tourist/Visitor and Recreation Services;**
- Q. Restaurant, General;**
- R. Restaurant, Limited;**
- S. Retail Trade-I;**
- T. Retail Trade-II;**
- U. Retail Trade – Limited;**
- V. Alcoholic beverage sales for on premises consumption, including without limitation wine sales and tasting.**
- W. Condominium;**
- X. Medical Offices;**
- Y. Parks and Recreation Services;**
- Z. Dwelling, Multiple Family;**
- AA. Apartments;**

BB. Public Assembly including without limitation Music Venue;

CC. Life Care Development; and

DD. Recreational Commercial and Recreation Community.

SECTION TWO. The development and use of the Property is subject to the following:

A. Concept Plan: The development of the property must be in accordance with the Concept Plan found at **Exhibit B**, which is attached hereto and incorporated herein by reference, and will be used for the purpose of setting forth the boundaries of the various land use areas described in this Ordinance and of approving the signs, lot coverage, location and number of parking spaces, and building setbacks.

B. Screening of Outdoor Display and Storage Areas: Outdoor display and storage areas must be screened in accordance with the following:

1. The screening shall be one of the following constructions:
 - a. masonry materials similar in design to the main building;
 - b. chain link or ornamental fencing in combination with a landscape screen or other masonry treatment; or
 - c. a solid, evergreen shrub landscape screen without a fence or wall.
2. Evergreen shrubs used for a landscaped screen must be placed to create at least a six foot (6.0') tall solid screen at its installation and maintained in a healthy, growing condition.
3. Screening fences must be constructed of wood or masonry.
4. No screening fence shall be less than six feet (6.0') in height.
5. Screening must be not less than three feet (3.0') taller than the materials, supplies, inventory, or equipment being stored within the screened area, but may in no case be taller than the closest adjacent wall of the building excluding parapets and gables.

C. Exterior Lighting: All exterior lighting fixtures shall:

1. be no greater than forty feet (40.0') in height; and
2. be installed and maintained with hooding or shielding so as to not allow direct light on adjacent residential (including multi-family) areas.

D. Trash and Other Solid Waste: Screening devices or other equipment designed to prevent trash and other solid waste from leaving the Property during rain events must be installed in all drainage channels and around dumpsters and other solid waste collection areas located on the Property. Such devices and equipment must be cleaned and maintained regularly in order that surface water may drain from the Property as required by the drainage plan approved by the City as part of the platting process. Solid waste collection bins and dumpsters must be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the principal building to which it is adjacent on the remaining three sides.

E. Signs: Subject to the existing Sign Code, signs are approved as follows:

1. monument sign on lot 1 as shown on Concept Plan with no digital allowed, with multiple tenant or single tenant use, with stone,
2. free standing sign for identification of owners, tenants, and uses, with no digital allowed with steel structural construction and located as shown on Concept Plan on Junction Highway between lots 1 and 2,
3. monument sign at entrance on Junction Highway and as shown on Concept Plan, with no digital and with stone,
4. monument sign on lot 2 with no digital and with stone,
5. monument sign on lot 4 with stone and with no digital for single or multiple tenant use,
6. monument sign on lot 4 with stone, multiple tenant use, and
7. monument sign on lot 6/7 with stone and with no digital.

F. Compliance with Subdivision Regulations: The City will not issue any building permit with respect to the Property until developer has submitted and City has approved the appropriate plat(s) in accordance with the City's Subdivision Code related to subdivision development in effect at the time of said development.

G. Certificate of Occupancy: An appropriate Certificate of Occupancy must be obtained from the City prior to use of the Property or alternate actions taken in compliance with City law, to include its fire code.

H. Parking: The Property must provide a minimum number of parking spaces as required by the City's regulations and the location and design must be in accordance with that shown on the Concept Plan found at **Exhibit B**. All required parking must be constructed of asphalt or concrete and marked and sized in accordance with the City's regulations.

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

SECTION 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, 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 SIX. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Chapter 1, Sec. 1-8, 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. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Clerk 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 _____ day of _____, A.D., 2015.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2015.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM

Michael C. Hayes, City Attorney

EXHIBIT "A"

MATKIN HOOVER

ENGINEERING & SURVEYING

8 Spencer Road, Suite 100, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

Field Notes for an approximate 6.920 Acre Tract of Land

BEING AN APPROXIMATE 6.920 ACRE TRACT OF LAND, LOCATED IN THE WALTER FOSGATE SURVEY NO. 120, ABSTRACT NO. 138, KERR COUNTY, TEXAS, SAID APPROXIMATE 6.920 ACRE TRACT BEING ALL OF A CALLED 0.97 ACRE TRACT OF LAND, RECORDED IN VOLUME 1776, PAGES 319-324, OFFICIAL PUBLIC RECORDS, KERR COUNTY, TEXAS, ALL OF LOT 1 AND LOT 2, BLOCK 1, GUADALUPE CENTER SUBDIVISION, RECORDED VOLUME 4, PAGE 266, PLAT RECORDS, KERR COUNTY, TEXAS, AND ALL OF A CALLED 0.75 ACRE TRACT OF LAND, RECORDED IN VOLUME 1441, PAGES 29-33, OFFICIAL PUBLIC RECORDS, KERR COUNTY, TEXAS. SAID APPROXIMATE 6.920 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at the north corner of the above mentioned 0.97 acre tract, and for the north corner of the herein described tract;

Thence, South 60°30'19" East, with the northeast boundary line of the called 0.97 acre tract, a distance of 178.70 feet to the north corner of Lot 1, Guadalupe Center Subdivision, the east corner of the called 0.97 acre tract, and for an angle point of the herein described tract;

Thence, South 60°19'11" East, with the northeast boundary line of Lot 1, Guadalupe Center Subdivision, a distance of 231.83 feet to the east corner of Lot 1, and for the east corner of the herein described tract;

Thence, South 43°11'03" West, with the southeast boundary line of Lot 1, Guadalupe Center Subdivision, a distance of 430.66 feet to the east corner of Lot 2, Guadalupe Center Subdivision, the south corner of Lot 1, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

Thence, with multiple boundary lines of Lot 2, Guadalupe Center Subdivision the following eleven courses and distances:

South 45°25'20" West, a distance of 202.81 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

South 02°42'10" East, a distance of 21.95 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

South 86°49'39" West, a distance of 159.76 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 43°57'22" West, a distance of 53.09 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 52°34'01" West, a distance of 72.04 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

South 87°43'39" West, a distance of 170.97 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 50°40'21" West, a distance of 59.78 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 00°37'22" East, a distance of 30.35 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 42°24'50" East, a distance of 40.20 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 45°01'26" East, a distance of 130.76 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 45°00'00" East, a distance of 190.89 feet to the west corner of the above mentioned 0.75 acre tract, an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

Thence, North 45°06'00" East, with the northwest boundary line of the called 0.75 acre tract, a distance of 194.60 feet to the west corner of the called 0.97 acre tract, the north corner of the called 0.75 acre tract, and for an angle point of the herein described tract;

Thence, North 44°29'37" East, with the northwest boundary line of the called 0.97 acre tract, a distance of 220.80 feet to the POINT OF BEGINNING and containing approximately 6.920 acres of land.

Note: This metes and bounds description is based on preamble referenced field notes and plat descriptions, and does not close per the recorded documents. This metes and bounds description is not based on a boundary survey and may not be used for transfer of title or any recording purposes.

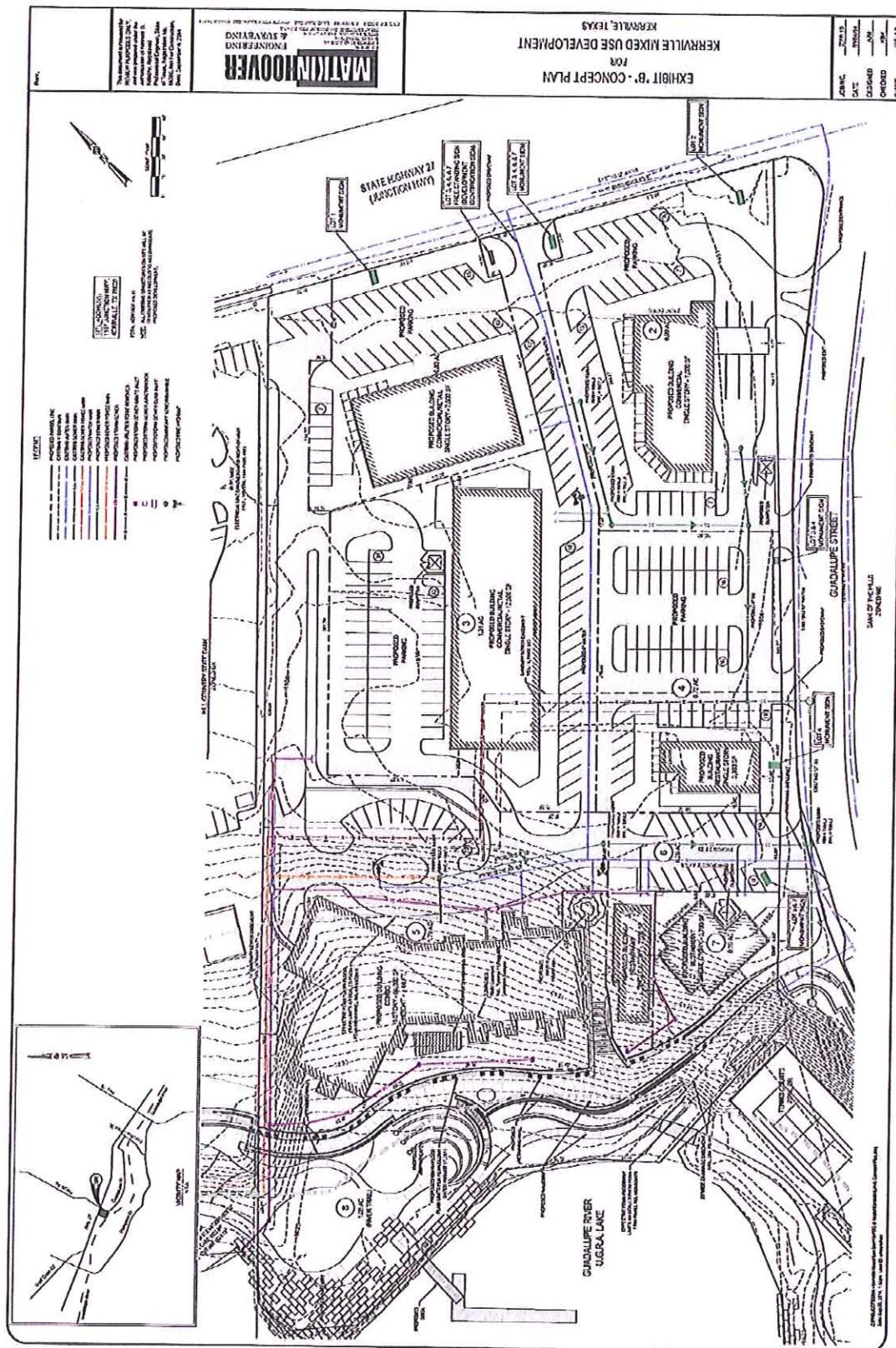


EXHIBIT "B"



**PLANNED DEVELOPMENT DISTRICT
CONCEPT PLAN CHECKLIST**

An application for a PDD shall include a concept plan to be considered administratively complete.

Name of Development: Kerrville Mixed-Use Development

Property Location/Address: 1107 Junction Hwy, Kerrville

Proposed Use(s): Commercial, Retail, Restaurant, Condominium

Existing Zoning Classification: GR

Date of Fire Flow Test (Attach Water Flow Report): _____
(Contact the Fire Marshal to schedule test)

Submission of this completed form is part of the Planned Development District (PDD) Application. All items must be "checked off" and included prior to submittal. AN INCOMPLETE CHECKLIST CONSTITUTES AN INCOMPLETE APPLICATION.

GENERAL INFORMATION:

- Pre-Application Conference Date: 6/6/14 (Required prior to submittal)
- Filing Fee (\$300) 840. (01-6236)
- Twenty (20) copies of the Concept Plan
- Sheet Size 24" x 36", 1 @ 11" x 17", 1 @ 8 1/2" x 11"
- Vicinity Map
- North Arrow
- Date
- Scale, drawn to a standard engineering scale not less than 1" - 100'
- Project name and Address in title block

PLAN INFORMATION:

- Site, indicating boundaries (property lines), and project phase lines if any
- Location and width of existing and/or proposed public and/or private rights-of-way and easements located on, abutting or intersecting the site
- Adjacent properties with zoning and existing uses identified
- Proposed general land uses and the acreage of each use, including open space; for residential developments, the total number of units and units per acre

- Existing and proposed structures showing approximate outline and dimensions of perimeter walls, including distances to property lines and other structures
- Front, side and rear building setback lines
- Proposed category of use(s) of structures
- Number of stories in height and feet for each structure
- Gross floor area for each structure
- Approximate location of entrances and exists for each structure
- Proposed development standards for the PDD, if different from the base zoning district for each proposed land use
- Parking for each use(s)
- Topographic contours of ten feet (10') or less of the proposed site
- Show the 100-year floodplain, floodway and any major drainage way(s)
- Existing and proposed utilities to include water, wastewater, gas, electric, telecommunications and fire hydrants

CONTACT INFORMATION:

Property Owner: Paythe, LLC c/o Pete Moore

Address: 3890 West Northwest Hwy, Suite 100, Dallas, TX 75220

Phone: (214) 550-1810 Fax: _____

Email: pmoore@windridgerealestate.com

Applicant: Markin Hoover Engineering & Surveying c/o Ken Kolacny, P.E.
(If different from Owner)

Address: 8 Spencer Rd., Suite 100, Boerne, TX 78006

Phone: (830) 249-0600 Fax: (830) 249-0099

Email: kkolacny@markinhoover.com

Agenda Item:

6A. Quarterly Report by Playhouse 2000. (staff)

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

SUBJECT: Quarterly Report by Playhouse, 2000 Inc.

FOR AGENDA OF: March 17, 2015 DATE SUBMITTED: March 4, 2015

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

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The Executive Director of Playhouse 2000, Inc. will provide a report regarding activities, programming, and operations at the Kathleen C. Cailloux Theater.

RECOMMENDED ACTION

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