

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY, JULY 11, 2017, 6:00 P.M.**

**KERRVILLE CITY HALL COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

**KERRVILLE CITY COUNCIL AGENDA**  
**REGULAR MEETING, TUESDAY, JULY 11, 2017, 6:00 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**INVOCATION OFFERED BY MAYOR BONNIE WHITE**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**1. 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.

**2. RECOGNITIONS:**

2A. Resolution of Commendation to T. Justin MacDonald for serving on the Kerr Central Appraisal District Board of Directors (Mayor White)

**3. 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.

**4. 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 the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:

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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 830-257-8000 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the City Hall of the City of Kerrville, Texas, and said notice was posted on the following date and time: July 7, 2017 at 4:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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4A. Minutes of the regular meeting of June 13, 2017. (staff)

**END OF CONSENT AGENDA**

**5. PUBLIC HEARINGS:**

5A. Annexation and zoning of an 11.341 acre tract, being a portion of a certain 1131.78 acre tract, part of Comanche Trace, a golf and residential community, located in southwest Kerrville. (staff)

**6. ORDINANCE, FIRST READING:**

6A. Ordinance No. 2017-14 abandoning and vacating all right, title and interest in a fire lane easement, as located between and intersecting with both Bluff Ridge Drive and Glenview Drive and being dedicated to the public pursuant to the Forest West Four – Phase III Plat, a subdivision out of the Florentine Lara Survey No. 123, Abstract No. 225, and located within the City of Kerrville, Kerr County, Texas, according to the Plat thereof recorded in Volume 5, Page 45 of the Plat Records of Kerr County; said easement impacting Lot 8, Block 6, and Lot 7, Block 7, as specified on said Plat; finding that said dedicated right to the City is not required for future use as a fire lane easement; and ordering recording. (staff)

**7. INFORMATION AND DISCUSSION:**

7A. Presentation of design concepts for the Downtown/Water Street streetscape and the Schellhase home/Library complex. (staff)

**8. APPOINTMENTS TO CITY BOARDS AND COMMISSIONS:**

8A. Appointments to the Kerrville-Kerr County Joint Airport Board. (staff)

**9. CITY MANAGER'S REPORT**

**10. ITEMS FOR FUTURE AGENDAS**

**11. EXECUTIVE SESSION:**

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

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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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11A. 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:

- 800 Junction Highway, former city hall.

12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY

ADJOURNMENT.

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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 830-257-8000 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the City Hall of the City of Kerrville, Texas, and said notice was posted on the following date and time: July 7, 2017 at 4:00 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

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## **Agenda Item:**

2A. Resolution of Commendation to T. Justin MacDonald for serving on the Kerr Central Appraisal District Board of Directors (Mayor White)



## City of Kerrville

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

### RESOLUTION OF COMMENDATION

**WHEREAS, T. JUSTIN MACDONALD** has served as a member of the Kerr Central Appraisal District Board of Directors with the date of service beginning December 2014, and

**WHEREAS, T. JUSTIN MACDONALD** 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 **T. JUSTIN MACDONALD** be recognized for outstanding service as a member of the Kerr Central Appraisal District Board of Directors, 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 11<sup>th</sup> day of July, 2017.  
ATTEST:

Brenda G. Craig  
Brenda G. Craig, City Secretary



Bonnie White  
Bonnie White, Mayor

George Baroody  
George Baroody, Mayor Pro Tem

Vincent C. Voelkel  
Vincent C. Voelkel, Councilmember

Mary Ellen Summerlin  
Mary Ellen Summerlin, Councilmember

C. Warren Ferguson  
C. Warren Ferguson, Councilmember

## **Agenda Item:**

4A. Minutes of the regular meeting of June 13, 2017. (staff)

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
JUNE 13, 2017

On June 13, 2017, the Kerrville City Council meeting was called to order at 6:00 p.m. by Mayor White in the city hall council chambers at 701 Main Street. The invocation was offered by Councilmember Place Three, Mary Ellen Summerlin, followed by the Pledge of Allegiance led by Asst. Police Chief Curtis Thomason.

COUNCILMEMBERS PRESENT:

Bonnie White	Mayor
George Barody	Mayor Pro Tem
Vincent C. Voelkel	Councilmember
Mary Ellen Summerlin	Councilmember
C. Warren Ferguson	Councilmember

COUNCILMEMBER ABSENT: None.

CITY CORE STAFF PRESENT:

Mark McDaniel	City Manager
Mike Hayes	City Attorney
E.A. Hoppe	Deputy City Manager
Brenda Craig	City Secretary
Sandra Yarbrough	Director of Finance
Kim Meisner	Director of General Operations
Curtis Thomason	Assistant Police Chief
Dannie Smith	Fire Chief
Kaitlin Berry	Public Information Officer
Stuart Barron	Director of Public Works
Ashlea Boyle	Director of Parks and Recreation

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

1. ANNOUNCEMENTS OF COMMUNITY INTEREST: were given.

2. RECOGNITIONS:

2A. Resolutions of Commendation to Gary Cochrane and Delayne Sigerman for serving on the City of Kerrville, Texas Economic Improvement Corporation.

3. CONSENT AGENDA:

Mayor White removed Item 3C from the consent agenda.

Mr. Ferguson moved to approve consent agenda items 3A, 3B, and 3D; Ms. Summerlin seconded the motion, and the motion passed 5-0:

3A. Minutes of the regular meetings of May 9 and May 23, 2017, and the special meeting of May 16, 2017.



3B. 72 Month lease purchase agreement with Austin Turf and Tractor via Deere Credit, Inc. through the Texas BuyBoard for mowing equipment at the Kerrville Sports Complex in the amount of \$109,692.72.

3D. Resolution No. 20-2017 authorizing the City's continued participation with the Atmos Cities Steering Committee; and authorizing the City's payment of two cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

#### **END OF CONSENT AGENDA**

3C. Purchase equipment from Austin Turf and Tractor through the Texas BuyBoard for the Kerrville Sports Complex in the amount of \$45,170.76.

The following person spoke:

1. James Craft asked why the equipment had not been opened up to local dealers. He understood the bid went through Texas BuyBoard, but he researched with Secor Equipment Company and they participate in BuyBoard and can provide some of the equipment, but not all. Secor's price through BuyBoard would be the same.

Ms. Boyle noted the equipment was bid through BuyBoard, a public bidding cooperative. Austin Turf can provide all the equipment required, whereas Secor could not provide two of the three types of equipment needed.

Mr. Baroody moved to approve purchase of two large equipment and pull the Z930M Commercial ZTrak to come back later as a separate purchase. Mr. Voelkel seconded the motion and it passed 5-0.

#### **4. ORDINANCE, SECOND AND FINAL READING:**

4A. Ordinance No. 2017-13, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2017 Rate Review Mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring reconciliation and rate adjustments if federal income tax rates change; terminating the RRM process for 2018 pending renegotiation of RRM terms and conditions; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel. Mayor White read the ordinance title.

Mr. Hayes noted the ordinance was the same as presented at the previous meeting, and he recommended adoption.

Mayor White noted a letter from a citizen who stated that he knew of eight commercial customers who had removed gas service from their business because of rate increases.

Mark McEwin, Operations Supervisor for Atmos, noted rate increases were necessary to recover expenses of operating the system and to provide safe and reliable service. Atmos' rates were very competitive; however commercial rates were higher than residential rates because bigger equipment was needed to serve commercial customers.

Ms. Summerlin moved for approval of Ordinance No. 2017-13 on second and final reading; Mr. Ferguson seconded the motion and it passed 5-0.

**5. CONSIDERATION AND POSSIBLE ACTION:**

5A. Rearrange the order of the city council meeting agenda by moving the "Visitors/Citizens Forum" section of the agenda to be before the "Consent Agenda."

The following person spoke:

1. Carolyn Lipscomb supported not moving the visitors section, noting that after speakers spoke they would leave and not stay to hear any discussion about the issue. Also, when consultants attended the city had to pay them to sit through sometimes lengthy discussions before their issue came up on the agenda.

Mayor White noted council had the option of moving agenda items if consultants were present. Also, in the past visitors comments were limited to three minutes and was changed to four minutes; she suggested in the future council consider changing it back to three minutes.

Council also discussed the following:

- Since the visitors section was moved to the end of the meeting fewer people were involved and participated in the meeting.
- The primary purpose of council meetings was to conduct public business, i.e. items on the agenda.
- Public participation and citizen input was a valuable way to learn about items for council to place on future agendas.

Mr. Voelkel moved to move the visitors/citizens forum before consent. Mr. Baroody seconded the motion and it passed 4 – 1 with Councilmembers Voelkel, Baroody, Ferguson, and White voting in favor of the motion and Councilmember Summerlin voting against the motion.

5B. Letter of intent with the Cailloux Foundation Properties, LLC for the donation of an approximate 7 acre tract of land to be used for the city's construction of an onsite storage of reuse water at the Kerrville Sports Complex.

Mr. Hoppe noted the Cailloux Foundation offered to donate 7 acres to the city for the purpose of constructing a reuse irrigation pond for the sports complex. The land would be formally deeded to the city when construction moved forward.

Mayor White questioned: 1) If the land was in a flood zone; and 2) Did the Cailloux Foundation request screening of the property. Mr. Hoppe noted the

property was not in a flood zone, and the existing natural vegetative barrier would serve as screening and nothing additional was requested.

Ms. Summerlin moved to approve the letter of intent. Mr. Ferguson seconded the motion and it passed 5-0.

5C. Professional Services Agreement with Hewitt Engineering, Inc. for design services for the Kerrville Sports Complex reuse pond and pump station project. Mr. Hoppe noted this was the same 7 acres as Item 5B. Under the agreement John Hewitt would be hired to design the reuse irrigation pond and pump station.

Council noted the 1.5 million gallon pond was based on a one week supply of irrigation water. Mr. Hewitt noted it was based on an average of 1.75" of water per acre per week. Mr. Barron noted additional water supply would be available as needed.

Mayor White noted the following:

- The pond was not in the original plan or budget for the athletic complex, and would be funded in the reuse project.
- The reuse line was estimated at \$1.5 million and the pond at \$500,000.
- Discussed using the well at Holdsworth Drive and Harper Road when it was not in use for the distribution system.
- The amount of water saved by using reuse water would be very minimal.
- Other options were not available as the city had already begun work for the reuse distribution system.
- The scope of work in the Hewitt contract included survey work.

Mr. McDaniel noted the scope of work in the contract also included platting.

Mr. Hewitt estimated plans would be complete September-October, bids could be let in December and construction start in early 2018.

Mr. Baroody questioned why the expenses of the pond would be paid from the water/sewer fund instead of the athletics complex fund. Mr. McDaniel noted it was patterned after the golf course irrigation pond, in which the pond was built as an asset of the water and sewer fund.

Mr. Baroody moved to approve the agreement; Ms. Summerlin seconded the motion and it passed 5-0.

5D. Establish process for interviewing and considering applicants for appointment to boards and commissions.

Council consensus was as follows:

- Completed applications required for persons to be considered for appointment.
- Deadline for submitting an application to be 5:00 p.m. the Wednesday preceding the scheduled appointment.
- Created interview teams for the following city boards:

- Board of Adjustments and Appeals (Building Board): Councilmembers Place 1 and Place 2
- Economic Improvement Corporation: Mayor and Councilmember Place 3
- Food Service Advisory Board: Councilmembers Place 4 and Place 1
- Kerrville-Kerr County Joint Airport Board: Councilmember Place 2 and Mayor
- Library Advisory Board: Councilmembers Place 3 and Place 4
- Main Street Advisory Board: Councilmember Place 1 and Mayor
- Parks and Recreation Advisory Board: Councilmembers Place 2 and Place 3
- Planning and Zoning Commission: Councilmembers Place 4 and Place 2
- Recovery Community Coalition: Councilmembers Place 3 and Place 1
- Zoning Board of Adjustment: Councilmember Place 4 and Mayor.
- Any councilmember can call and interview any applicant; interviews not limited to only the interview team.
- Staff should send applications to the councilmembers when they are received, and again prior to the meeting at which the appointment was to be considered.
- Staff should not forward applications from persons who did not meet qualifications; staff should notify the applicant as to why they did not meet qualifications.
- The interview team shall make recommendation for appointments; however, any councilmember may also make recommendations.
- Mayor's Youth Advisory Council, each councilmember shall interview three applicants.

Mr. Ferguson and Ms. Summerlin offered to review and recommend changes to the board application.

## **6. APPOINTMENTS TO BOARDS AND COMMISSIONS:**

### **6A. Appointments to the Mayor's Youth Advisory Council.**

Mayor White moved to reappoint the following persons: Ramon Garcia, Sydney Garcia, Mason Olmsted, and Ileana Scoccia; and to appoint: Chloe Keen, Zhengjun Li, Kaleb McCutcheon, Molly Murphy, Thomas Mason Roberts, Maria Hall, Jessica Tran, and Jonathan (Jett) Traylor; and to appoint Aidan Smith as an alternate. Ms. Summerlin seconded the motion and it passed 5-0.

## **7. DISCUSS AND CONSIDER ACTIONS ON THE REUSE OR RECLAIMED WATER PROJECT**

Mayor White noted contracts had been let and the city was well into construction of both phases of the project. Council was not proposing to stop anything, but wanted to make the public aware of recent findings and noted the following:

- 1) Variations and amendments in several areas of the pond project that council was not aware of until recently.
- 2) Kerr County Commissioners' Court wrote a letter to FEMA with their concerns about the CLOMR and possible future flooding on county property from this project and asking that FEMA not include their property on any flood map revisions that would show it to be in a floodplain.
- 3) Some councilmembers still had concerns about the method and information used to calculate reuse contracts due to new information regarding past revenue

and volume sold to existing customers and future projections. The council established a new sales price since the contracts were signed.

4) When excavation began groundwater was discovered at shallower depth than expected and the pond had to be redesigned at a level 5 ft. shallower than the original design, causing a one month delay, diminishing the capacity of the pond by 10 mg, and decreasing the availability of dirt for the berm wall.

5) The amount of potable water that would be saved by the project was negligible.

6) Ratepayers would be subsidizing this project \$250,000-400,000 per year until 2027. The numbers used to calculate the rate were estimates; consumption numbers were inflated and the expenses were not inflated.

7) If there is a crisis and the city has to use reuse water for drinking, it will probably be done a different way because of the chemical change that will take place in the pond.

8) Currently, Comanche Trace and Riverhill use river water; Schreiner University uses potable water.

Mayor White stated the city could possibly save \$1 million plus \$2 million in contingency; however, she was concerned about legal issues that might arise by reducing the size of the contract as awarded since the contractor had almost completed the perimeter of the pond.

Mr. Baroody stated his concern that the cost structure would not cover the cost of the system, it was being paid for by the city water customers. He noted that previous effluent contracts stated if the effluent rate would not cover the cost of delivery, the city would stop delivery; that clause was not in the new contracts, and the city would be delivering water at a loss. The effluent customer would be paying 30% of the delivery system and the water/sewer ratepayer would be paying 70% of the cost. Based on the current rates, the project will be in the red \$800,000-\$1 million a year for 20 years.

Ms. Summerlin opined that all ratepayers would realize a tremendous and invaluable advantage by placing large irrigation users on reuse water. She noted the river was not a dependable water source and the aquifer had been declining since 1970. The project may not pay for itself in cost, but it would pay for itself by saving the water supply for citizens and future growth.

The following persons spoke:

1. Jack Pratt asked if the mayor and her husband owned property in proximity of the landfill, which included the pond, and questioned whether the value of their land would be affected by the project. He opined that she should recuse herself from this item based on a perceived conflict of interest. The pond was on the back side of the landfill, and any expansion of the landfill would bring the landfill area closer to her property.

Mayor White stated that due to the distance of her property and the pond, this would have no effect on the sale of her property. She would be responsible if

anyone challenged her not recusing herself. The pond was not part of the landfill area and there was property between her property and the municipal property. She stated she would remain in the discussions.

2. Ed Livermore stated the project had been planned and debated through three city councils, a citizens committee, and numerous professionals. It was a good program.

3. Carolyn Lipscomb stated that every summer and during droughts the state cuts the city off from river water. Golf courses must have water because of economic base and income to the city. The University provides good tax base and contributes to the city's economy. Without water, property values go down. Treating effluent for irrigation and getting big users off of potable water preserves water for citizens.

4. Greg Shrader, representing Riverhill Property Owners Association, said he could not over emphasize the need for planning for a future adequate water source. The city needed to establish an historical use pattern for future water planning. Effluent was the only water source that the city controlled. He supported the current water reuse plan.

5. Glenn Andrew noted that contracts were well underway. The council should move forward and complete the project and look at direct potable reuse. The council should re engage the ad hoc committee to study and make recommendations on water projects.

6. Mike Sigerman stated the project had been analyzed for five years and approved by three city council, went through three city managers, an interim city manager, city staff, and a citizens committee. He requested to know where the current city manager and assistant city manager and each councilmember stood on the project.

7) Jack Pratt noted the city had forward thinking leaders in the past who had the idea of aquifer storage recovery wells and now Kerrville depends on those wells for water. Kerrville was the first city in Texas to do an ASR project and second or third in the nation. Every city ratepayer was now paying for the ASR wells.

8) Tom Moser, Kerr County Commissioner, Precinct 2, stated the project was important to the community as a way to conserve potable water and for the economy. The city should consider the total economic value of providing reuse water to golf courses and not just revenue generated from the system. He estimated the economic impact of Riverhill subdivision at \$8 million per year. The planned reuse water facilities were important to the city and county. The water in the river was controlled by the state.

## **8. CITY MANAGER'S REPORT**

Mr. McDaniel gave the capital projects update.

**9. VISITORS/CITIZENS FORUM:**

1. Glenn Andrew questioned the transparency of councilmembers during the meeting on May 23 with regard to the appointment of persons to the economic improvement corporation without discussion and questioned what skills those persons appointed had that exceeded the skills of the former members. He stated that only Councilmember Summerlin had interviewed Delayne Sigerman.

2. Bruce Stracke noted several recent events and things happening downtown, and there were several interesting projects coming in the future that would continue to enhance the downtown area.

**10. ITEMS FOR FUTURE AGENDAS: None.**

**11. EXECUTIVE SESSION:**

Ms. White moved for the city council to go into executive closed session under Sections 551.071 of the Texas Government Code; motion was seconded by Mr. Voelkel and passed 5-0 to discuss the following:

Section 551.071:

**DISCUSS AND CONSIDER ACTIONS ON THE REUSE OR RECLAIMED WATER PROJECT**

At 7:49 p.m. the regular meeting recessed. Council went into executive closed session at 7:54 p.m. At 8:25 p.m. the executive closed session recessed and council returned to open session at 8:26 p.m. No action was taken in executive session.

**12. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION, IF ANY:**

Mr. Baroody moved to direct staff, or outside legal counsel if needed, to look at the user contracts for the water system and review them for legality and whether council violated Article 3 Section 52 of the Constitution as well as putting the water/sewer fund in the red.

It was suggested that Mr. Baroody meet with the city attorney to discuss his concerns.

Mr. Baroody withdrew his motion.

**ADJOURNMENT.** The meeting adjourned at 8:28 p.m.

APPROVED: \_\_\_\_\_  
ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Bonnie White, Mayor

\_\_\_\_\_  
Brenda Craig City Secretary

## **Agenda Item:**

5A. Annexation and zoning of an 11.341 acre tract, being a portion of a certain 1131.78 acre tract, part of Comanche Trace, a golf and residential community, located in southwest Kerrville. (staff)



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

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**SUBJECT:** Public hearing and consideration of a request for annexation and zoning of an 11.341 acre tract, being a portion of a certain 1131.78 acre tract in Volume 971, Page 698, Property Records of Kerr County, Texas. The said tract being part of Comanche Trace, a golf and residential community, located in southwest Kerrville.

**FOR AGENDA OF:** July 11, 2017

**DATE SUBMITTED:** June 30, 2017

**SUBMITTED BY:** Gordon Browning  
Interim, City Planner

**CLEARANCES:** Mark McDaniel  
City Manager

**EXHIBITS:** Location Map

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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<b>Expenditure</b>	<b>Current Balance</b>	<b>Amount</b>	<b>Account</b>
<b>Required:</b>	<b>in Account:</b>	<b>Budgeted:</b>	<b>Number:</b>
<b>\$</b>	<b>\$</b>	<b>\$</b>	

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

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**SUMMARY STATEMENT**

As stated, the tract 11.341 acre tract is part of the 1131.78 acre tract known as Comanche Trace. The applicant's submittal of the preliminary plat of Comanche Trace Phase 13, acted as the request for voluntary annexation, as stated in the development agreement between the City and the developer.

In keeping with the residential nature of the development, staff is recommending a zoning classification of Planned Development District – Residential (PDD-Residential), to allow the development of 28 single family lots. As you can see from the exhibit attached, this phase of Comanche Trace includes six (6) lots and part of Club House Drive (2.06 acres) previously annexed and zoned. If approved, the requested annexation will allow the connection of Comanche Trace Drive to be completed.

The Planning and Zoning Commission conducted a public hearing on this item at their June 1, 2017 regular meeting and recommended that the Council annex the subject tract and recommended a zoning designation of Planned Development District – Residential.

### **RECOMMENDED ACTION**

Staff recommends that the Council hold the public hearing and receive public comments. No action is required.

# A PRELIMINARY PLAT ESTABLISHING COMANCHE TRACE, PHASE 13

BEING 13.000 ACRES OF LAND, MORE OR LESS, OUT OF THE WILLIAM WATT SURVEY NO. 53, ABSTRACT 34, IN KERR COUNTY, TEXAS, CONVEYED TO COMANCHE TRACE RANCH, L.P., BY DEED DATED THE 17TH DAY OF SEPTEMBER, 1991, AND RECORDED IN VOLUME 971 AT PAGE 608 OF THE REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS.



THAT, I, JEFF HOOPER, BEING A duly qualified and sworn-in surveyor under the laws of the State of Texas, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that I am a duly qualified and sworn-in surveyor under the laws of the State of Texas.

DATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

JEFF HOOPER  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEAS REGISTRATION NO. 4939

LIBERTY CERTIFY THAT THE FOREGOING WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY QUALIFIED AND SWORN-IN SURVEYOR UNDER THE LAWS OF THE STATE OF TEXAS.

DATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

COMMISSION  
CITY OF KERRVILLE PLANNING & ZONING COMMISSION  
IN ACCORDANCE WITH A.C. 10.02 OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, AND IN CONSIDERATION OF THE APPROVAL OF THE CITY OF KERRVILLE, TEXAS, AND IN CONSIDERATION OF THE APPROVAL OF THE KERRVILLE PLANNING & ZONING COMMISSION, I HEREBY CERTIFY THAT THE FOREGOING WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY QUALIFIED AND SWORN-IN SURVEYOR UNDER THE LAWS OF THE STATE OF TEXAS.

DATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

OWNER  
STATE OF TEXAS  
COUNTY OF KERR

THAT, I, JEFF HOOPER, BEING A duly qualified and sworn-in surveyor under the laws of the State of Texas, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that I am a duly qualified and sworn-in surveyor under the laws of the State of Texas.

DATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

OWNER  
STATE OF TEXAS  
COUNTY OF KERR

THAT, I, JEFF HOOPER, BEING A duly qualified and sworn-in surveyor under the laws of the State of Texas, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that I am a duly qualified and sworn-in surveyor under the laws of the STATE OF TEXAS.

DATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

OWNER  
STATE OF TEXAS  
COUNTY OF KERR

THAT, I, JEFF HOOPER, BEING A duly qualified and sworn-in surveyor under the laws of the State of Texas, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that I am a duly qualified and sworn-in surveyor under the laws of the STATE OF TEXAS.

DATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

OWNER  
STATE OF TEXAS  
COUNTY OF KERR

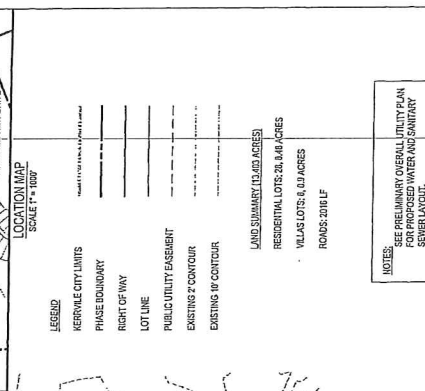
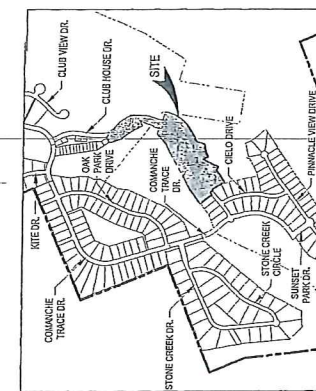
THAT, I, JEFF HOOPER, BEING A duly qualified and sworn-in surveyor under the laws of the State of Texas, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that I am a duly qualified and sworn-in surveyor under the laws of the STATE OF TEXAS.

DATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

OWNER  
STATE OF TEXAS  
COUNTY OF KERR

THAT, I, JEFF HOOPER, BEING A duly qualified and sworn-in surveyor under the laws of the State of Texas, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that I am a duly qualified and sworn-in surveyor under the laws of the STATE OF TEXAS.

DATE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017



NOTES:  
1. THIS PRELIMINARY OVERALL UTILITY PLAN FOR PROPOSED WATER AND SANITARY SERVICE LAYOUT.  
2. FLOOD PLANT FLOOD ZONE IS LOCATED WITHIN THE ULKRAAN AREA.  
3. SOME IMPROVEMENTS OR STRUCTURES SHALL BE WITHIN TWO (2) FEET OF THE FLOOD PLANT FLOOD ZONE.  
4. STANDARD PROPORTIONS SHALL BE USED FOR THE FLOOD PLANT FLOOD ZONE.  
5. KERRVILLE PLANNING & ZONING COMMISSION SHALL REVIEW AND APPROVE THE FLOOD PLANT FLOOD ZONE.  
6. 2" CONTOUR SHOWN.

FIELD FOR RECORD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ A.M. \_\_\_\_\_ P.M.

RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ A.M. \_\_\_\_\_ P.M.

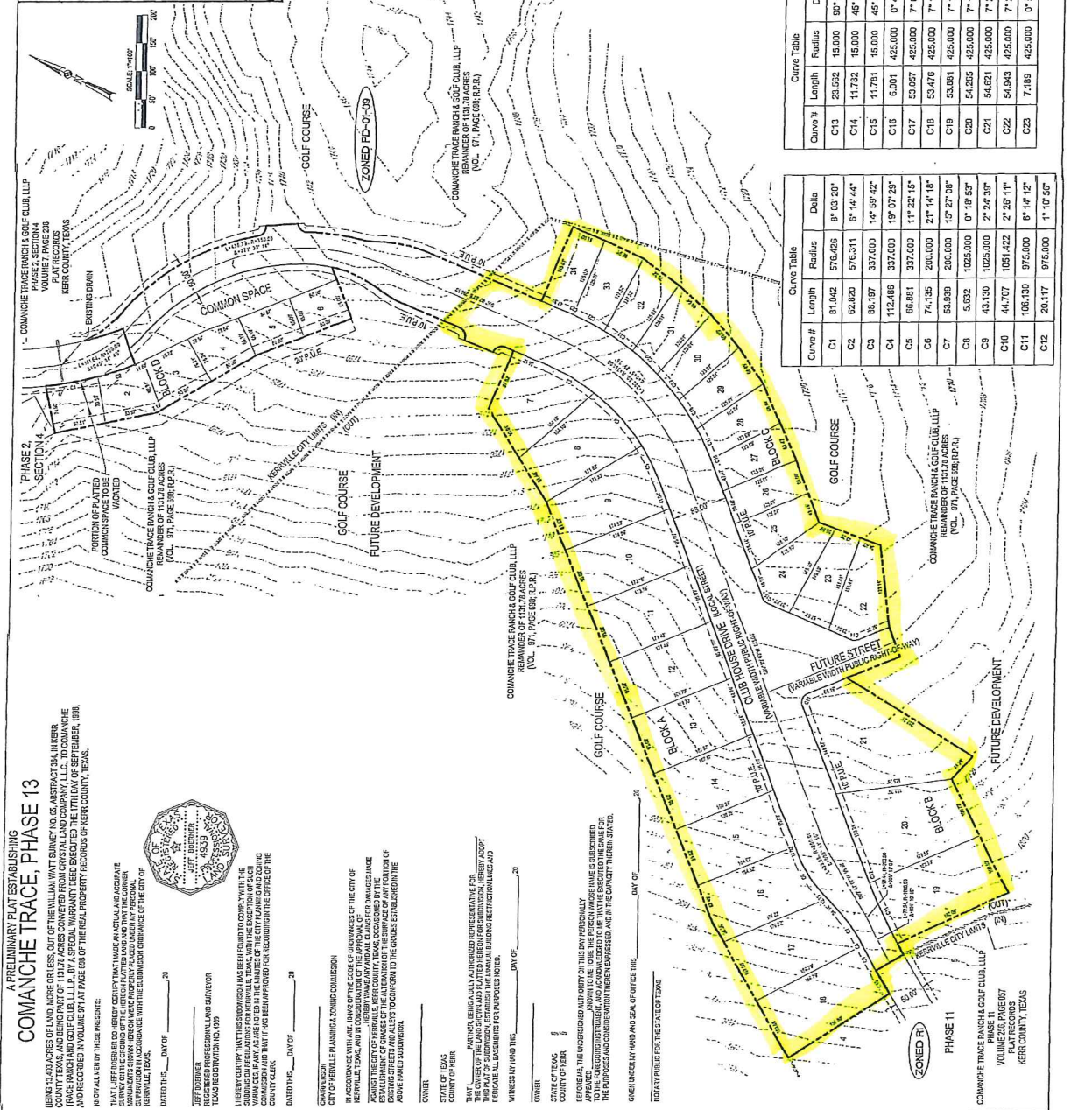
THE PLAT RECORDS OF KERR COUNTY, TEXAS

JANET PETERSON, KERR COUNTY CLERK

**MATKIN HOOPER**  
ENGINEERING  
& SURVEYING

2000 SHILLMAN STREET, SUITE 100  
KERRVILLE, TEXAS 78001  
PHONE: 361-2222  
FAX: 361-2222  
WWW.MATKINHOOPER.COM

APRIL, 2017



Curve #	Length	Radius	Delta
C13	23.582	15,000	80° 00' 00"
C14	11.782	15,000	45° 00' 00"
C15	11.781	15,000	45° 00' 00"
C16	6.001	425,000	0° 49' 33"
C17	53.057	425,000	7° 09' 10"
C18	53.476	425,000	7° 12' 34"
C19	53.081	425,000	7° 15' 50"
C20	54.205	425,000	7° 18' 56"
C21	54.021	425,000	7° 21' 48"
C22	54.043	425,000	7° 24' 29"
C23	7.189	425,000	0° 58' 09"

Curve #	Length	Radius	Delta
C1	81.042	576,456	8° 03' 20"
C2	62.020	576,311	6° 14' 44"
C3	88.197	337,000	14° 59' 42"
C4	112.485	337,000	19° 07' 25"
C5	66.881	337,000	11° 22' 15"
C6	74.155	200,000	21° 14' 10"
C7	53.039	200,000	19° 27' 06"
C8	5.932	1025,000	0° 18' 53"
C9	43.130	1025,000	2° 24' 39"
C10	44.707	1051,422	2° 26' 11"
C11	108.130	975,000	6° 14' 12"
C12	20.117	975,000	1° 10' 56"

## **Agenda Item:**

6A. Ordinance No. 2017-14 abandoning and vacating all right, title and interest in a fire lane easement, as located between and intersecting with both Bluff Ridge Drive and Glenview Drive and being dedicated to the public pursuant to the Forest West Four – Phase III Plat, a subdivision out of the Florentine Lara Survey No. 123, Abstract No. 225, and located within the City of Kerrville, Kerr County, Texas, according to the Plat thereof recorded in Volume 5, Page 45 of the Plat Records of Kerr County; said easement impacting Lot 8, Block 6, and Lot 7, Block 7, as specified on said Plat; finding that said dedicated right to the City is not required for future use as a fire lane easement; and ordering recording. (staff)

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

**SUBJECT:** Ordinance No. 2017-14, abandoning and vacating all right, title and interest to a fire lane easement between Bluff Ridge Drive and Glen View Drive

**FOR AGENDA OF:** July 11, 2017

**DATE SUBMITTED:** June 30, 2017

**SUBMITTED BY:** E.A. Hoppe  
Deputy City Manager

**CLEARANCES:** Mark McDaniel  
City Manager

**EXHIBITS:** Property owner request to abandon easement  
Staff memorandum regarding recent neighborhood meeting

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

<b>Expenditure Required:</b>	<b>Current Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	

**PAYMENT TO BE MADE TO:** N/A

**REVIEWED BY THE FINANCE DEPARTMENT:** 

**SUMMARY STATEMENT**

At the June 27<sup>th</sup> City Council meeting the City Council directed staff to draft an Ordinance to remove the fire lane access easement between Bluff Ridge Drive and Glen View Road, per the request of the owner of Lot 8, Block 6 of the Forest West Four Subdivision Phase III. This is the first of two required readings for the Ordinance.

This item was previously reviewed by the City in 2001. The Ordinance to remove the easement at that time was approved at the first reading on August 14, 2001. However, the minutes for the meeting of September 11, 2001 meeting state the following: "Staff reported the ordinance had been approved on first reading on August 14, and since then, residents of Bluff Ridge Drive requested the easement and concrete drive remain. Staff requested the ordinance be tabled to evaluate the request. Mrs. Sullivan moved to table the ordinance; motion was seconded by Mr. Roberts and passed 5-0." Staff has reviewed the minutes for the remainder of 2001, and the Ordinance was not brought back for a second reading.

The properties where the easement is located have remained vacant for the last 16 years. However, the owner of Lot 8, Block 6 now desires to develop the property for single family residential purposes. If adopted, the Ordinance would remove the easement from this property as well as the property directly downhill (104 Glen View Dr.) Staff has attempted to contact the owners of 104 Glen View, Ken and Debbie Becker, but have not been able to reach them as they are currently traveling. However, staff did speak with their realtor who has their property listed. She was excited to hear the City is considering abandoning

the easement. She believes this will increase the property value and the owners will support the effort. She is in the process of contacting the owners.

Once adopted, the City will file the Ordinance in the property records which will effectuate the abandonment & vacation of the easement, and thereby quitclaim the City's rights to the fire lane.

**RECOMMENDED ACTION**

Review and consider the Ordinance to remove the fire lane access easement between Bluff Ridge and Glen View.

## Brenda Craig

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**From:** noreply@civicplus.com  
**Sent:** Friday, June 09, 2017 7:27 PM  
**To:** Brenda Craig; Cheryl Brown; Mary Reyes; Ashlea Boyle; Charvy Tork  
**Subject:** Online Form Submittal: Citizen Agenda Bill

### Citizen Agenda Bill

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

**SUBJECT OF REQUEST:** Emergency Road Easement between Bluff Ridge and Glen View

**AGENDA DATE:** 6/27/2017

**DATE SUBMITTED:** 6/9/2017

**REQUESTED/SUBMITTED BY:** Jason McCormick

**PHONE NUMBER:** 830-370-6211

**ORGANIZATION REPRESENTING:** *Field not completed.*

**MAILING ADDRESS:** 1483 Junction Hwy

**CITY:** Kerrville

**STATE:** TX

**ZIP:** 78028

**EMAIL ADDRESS:** [jasmacdylan@yahoo.com](mailto:jasmacdylan@yahoo.com)

**EXHIBITS/INFORMATION:** Re: Fire Lane Easement Forest West Four Subdivision  
Dear Brenda Craig: We are now the owners of Lot 8, Block 6 of the Forest West Four Subdivision Phase III. As indicated on a copy of the recorded plat, there is a twenty-foot wide fire lane easement along the southwestern boundary of our lot, adjacent to lot 9. Currently there is a concrete drive existing within this easement that connects Bluff Ridge Drive with Glen View Road at the bottom of the



hill. This road is in disrepair and has not been maintained in sometime. This letter is to request that the City Council make a motion to abandon this easement. We have a letter that was addressed to the previous owner, Mr. Northington, dated July 17,2001, notifying him that the City would be meeting on August 14, 2001 to make this same request. It is our understanding that this issue was discussed with the other residence in the neighborhood and for whatever reason the request was abandoned. We have met with the Fire Marshall, Chris Lee and the Fire Chief, Dannie Smith about the current and future need of this emergency fire lane. They have informed us that the lane itself is no longer needed nor would be used by the emergency department or vehicles to access this phase of our subdivision. Our plan for this lot is to incorporate this area into the property for building purposes. The top portion sits entirely on our property. It is currently not being used at all by the city but is being used by the residence as a walking path as well as drivers. Due to obvious liability, safety, and private property purposes we need to be able to restrict this area to trespassers. There are currently "Emergency Vehicles Only" signs posted at the top and the bottom. This road has not been maintained or used for more than a decade. The residents have adopted it as their personal road for walking, hanging out or driving. This has all be personally witnessed by us as well as testimonies from other residence. It has become problematic and needs to be addressed. The issue as it stands by us is that regardless of the City's plan for this road or its current use, it is still private property. If the city decides to keep the road available for emergency use then we need a plan for maintenance and trespassing issues. If the Cities decision is to abandon this road for any future use we need a formal decision so that we may post no trespassing signs and block off the area. Please let us know when we can get this on the agenda for a decision. We are beginning clearing of the lot and trying to proceed into planning for building and the fate of this road is imperative to moving forward.

(Section Break)

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

WILL THIS ITEM  
REQUIRE CITY COUNCIL  
TO AUTHORIZE THE  
EXPEDITURE OF CITY  
FUNDS?:

NO



IF YES, STATE AMOUNT  
REQUESTED:

*Field not completed.*

DESCRIPTION AND  
DETAILS OF REQUEST:

We are requesting that the City abandon the easement road between Bluff Ridge Dr and Glen View Rd. We have met with the Fire Marshall and Chief and they have evaluated and found that the road is no longer needed not **COULD** be used by the city for emergency road access.

RECOMMENDED  
COUNCIL ACTION:

For the City of Kerrville to release all ownership and use of this easement.

Email not displaying correctly? [View it in your browser.](#)



## CITY OF KERRVILLE FIRE/EMS

87 CORONADO DRIVE  
KERRVILLE, TEXAS 78028  
830.257.8449 / WWW.KERRVILLETX.GOV



TO: Mark McDaniel, City Manager

FROM: Dannie Smith, Fire Chief

DATE: June 23, 2017

Cc: E.A. Hoppe, Deputy City Manager

SUBJECT: Bluff Ridge Fire Lane

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On May 31, 2017, City Planner Gordon Browning, Fire Marshal Chris Lee and I met with 14 residents of Bluff Ridge Drive. The purpose was to address the residents' concerns, which are outlined in the attached letter dated May 19, 2017. Their concerns are with respect to the request from Mr. Jason McCormick, who owns the property located at 2100 Bluff Ridge. Mr. McCormick has asked the City to vacate and abandon its interest in the fire lane easement that goes across his property. The residents' concerns may be summarized as follows:

- The south end of Bluff Ridge culminates in what has been known to residents of Bluff Ridge as the "fire lane" – emergency entrance or exit for residents on this street in case of fire, an ambulance call, or icy conditions.
- The fire lane is also a popular walking site. The City has posted signs which say the "fire lane" is for emergency vehicles only.
- Several years ago, the residents here protested the City's arbitrary closing down this lane, and the City re-opened the lane.

During our research it was discovered these concerns date back to an August 14, 2001, City Council agenda item (attached). An item was on this agenda for the First Reading of an Ordinance vacating the fire lane easement located between Glen Road and Bluff Ridge. However, no Second Reading occurred which means the fire lane was never vacated and it remains today. Staff contacted staff members who worked on the issue at the time and they do not recall why a Second Reading failed to occur.

It was also discovered that the reasons for abandonment in 2001 as specified within the backup material for the agenda item, are consistent with those present today. The reasons are:

1. When Forest West Four Subdivision was platted in 1980, Westcrest Drive from the north to Bluff Ridge did not exist. At the time the only access to lots on Bluff Ridge Drive was from this temporary fire lane easement 1400 feet long. The fire lane was intended to provide alternate access on an interim basis until Westcrest Drive was constructed to the north of Bluff Ridge.
2. Currently the easement serves no purpose for emergency vehicles and is used as a one lane street, for which it was not designed.
3. The Fire Chief noted that the concrete driveway was too steep for fire trucks and EMS units.

An additional concern was expressed in the meeting May 31, 2017, by Barbara and James Penland (2108 Bluff Ridge). They believe the fire lane is a hazard and should be closed, or speed bumps installed. Their reasoning for this is: the high traffic volume, excessive speeds, narrowness of the lane and poor visibility due to the steep incline of the fire lane.

During the May 31<sup>st</sup> meeting we shared the following information with the group:

- KFD no longer uses the fire lane for emergencies or any response
- Today KFD has multiple access points to Bluff Ridge
- If Bluff Ridge is iced over KFD will not consider the fire lane as an option
- The Fire Lane is narrow and overgrown with vegetation
- The steep incline is difficult for longer modern vehicles
- Abandonment of the fire lane presents no public safety concern to KFD

After a thorough discussion with those in attendance from Bluff Ridge, 12 of 14 present remained convinced the fire lane is needed as an emergency exit, during icy conditions and as a walking trail. However, KFD has no public safety concerns with the abandonment of the fire lane. Our conclusion is the result of the information presented above on August 14, 2001, and May 31, 2017.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2017-14**

**AN ORDINANCE ABANDONING AND VACATING ALL RIGHT, TITLE, AND INTEREST IN A FIRE LANE EASEMENT, AS LOCATED BETWEEN AND INTERSECTING WITH BOTH BLUFF RIDGE DRIVE AND GLENVIEW DRIVE AND BEING DEDICATED TO THE PUBLIC PURSUANT TO THE FOREST WEST FOUR – PHASE III PLAT, A SUBDIVISION OUT OF THE FLORENTINE LARA SURVEY NO. 123, ABSTRACT NO. 225, AND LOCATED WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5, PAGE 45 OF THE PLAT RECORDS OF KERR COUNTY; SAID EASEMENT IMPACTING LOT 8, BLOCK 6, AND LOT 7, BLOCK 7, AS SPECIFIED ON SAID PLAT; FINDING THAT SAID DEDICATED RIGHT TO THE CITY IS NOT REQUIRED FOR FUTURE USE AS A FIRE LANE EASEMENT; AND ORDERING RECORDING**

**WHEREAS**, pursuant to the Forest West Four - Phase III plat, a subdivision out of the Florentine Lara Survey No. 123, Abstract No. 225 (the “Plat”), and recorded on or about January 10, 1984, a twenty-five foot (25.0’) fire lane easement (“Easement”) was dedicated to the City; and;

**WHEREAS**, the Plat dedicated the Easement to the public for its specific purpose as a fire lane; and

**WHEREAS**, City staff, including the Fire Chief, has researched the dedication of the Easement and the City’s use thereof, and believes that the Easement is not required for its purpose; and

**WHEREAS**, a property owner who owns a property burdened by the Easement and has plans to develop that property, has asked the City to abandon and vacate the Easement; and

**WHEREAS**, as the Easement which is requested to be abandoned and vacated is not needed to provide emergency access for fire apparatus, City staff recommends that the City formally abandon and vacate this right-of-way property interest; and

**WHEREAS**, the City of Kerrville, Texas, is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

**WHEREAS**, in order to avoid any future cost to the public required with respect to the future improvement and maintenance of said Easement, the City Council of the City of Kerrville, Texas, acting pursuant to state law and to facilitate the development of property, finds it to be in the public interest and advisable to abandon and vacate the right-of-way interest described herein and subject to the reservations and conditions which follow;

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

**SECTION ONE.** The facts and matters set forth in the preamble to this Ordinance are hereby found to be true and correct.

**SECTION TWO.** Subject to the conditions which follow in Section Three, the City Council hereby abandons, vacates, and quitclaims in favor of the abutting property owners, as appropriate, all of the City's right, title, and interest of the public in and to the fire lane easement shown on and dedicated to the public on the Forest West Four-Phase III plat, said plat as was filed on or about January 10, 1984, in Volume 5, Page 45 of the Plat Records of Kerr County, Texas, the Easement generally located between and intersecting with both Bluff Ridge Drive and Glenview Drive.

**SECTION THREE.** The abandonment and vacation of the fire lane easement is subject to all existing easements, whether apparent or non-apparent, aerial, surface, underground or otherwise owned by the City and/or third-parties, including the Twenty-Five Foot (25.0') wide sanitary sewer easement as previously dedicated to the public pursuant to the plat specified in Section Two, above, and that the City hereby expressly retains.

**SECTION FOUR.** The City Secretary is authorized and directed to prepare a certified copy of this Ordinance and furnish the same to abutting property owners, and in addition, record this Ordinance in the Official Public Records of Kerr County, Texas, which such recording shall serve as the quitclaim deed of the City of Kerrville, Texas, of all the right, title, or interest of the City in and to the fire lane easement, but only to that interest that the City Council may lawfully abandon and vacate and subject to the limitations and conditions of this Ordinance.


**SECTION FIVE.** The City Manager is authorized to execute any documents and take any other action necessary to complete the abandonment and vacation contemplated herein.

**SECTION SIX.** This Ordinance shall take effect upon its adoption and it is accordingly so ordained.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2017.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2017.**

APPROVED AS TO FORM:

  
Michael C. Hayes, City Attorney

\_\_\_\_\_  
Bonnie White, Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary

## **Agenda Item:**

7A. Presentation of design concepts for the Downtown/Water Street streetscape and the Schellhase home/Library complex. (staff)

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

**SUBJECT:** Presentation of design concepts for the Downtown Garage/Water Street streetscape and the Schellhase home/Library complex

**FOR AGENDA OF:** July 11, 2017

**DATE SUBMITTED:** June 30, 2017

**SUBMITTED BY:** E.A. Hoppe  
Deputy City Manager

**CLEARANCES:** Mark McDaniel  
City Manager

**EXHIBITS:**

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

<b>Expenditure</b>	<b>Current Balance</b>	<b>Amount</b>	<b>Account</b>
<b>Required:</b>	<b>in Account:</b>	<b>Budgeted:</b>	<b>Number:</b>
<b>\$</b>	<b>\$</b>	<b>\$</b>	

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

**SUMMARY STATEMENT**

On Tuesday evening Mr. Peter Lewis will provide a presentation to Council showing the design concepts that have been created regarding the Downtown Garage/Water Street streetscape enhancements. As you may recall, EIC funded this design effort and was provided a preliminary design presentation in April of 2017. Several design elements, and the overall cost estimates of the project, have been further refined by the architect since that April presentation.

In addition, Mr. Lewis will also be presenting the latest design concepts for the integration of the Schellhase home (529 Water Street) into the overall Library complex. As you may recall, this was a Council funded design effort authorized earlier this fiscal year.

**RECOMMENDED ACTION**

This report is for information only. No action is required.

## **Agenda Item:**

8A. Appointments to the Kerrville-Kerr County Joint Airport Board. (staff)



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

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**SUBJECT:** Two appointments to the Kerrville-Kerr County Joint Airport Board

**FOR AGENDA OF:** July 11, 2017

**DATE SUBMITTED:** June 29, 2017

**SUBMITTED BY:** Brenda Craig  
City Secretary

**CLEARANCES:** Mark McDaniel  
City Manager

**EXHIBITS:** Board List  
Letter from Bruce McKenzie, Airport Manager, dated June 28, 2017

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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**SUMMARY STATEMENT**

The city council may consider two appointments to the Kerrville-Kerr County Joint Airport Board to fill the positions of Place 2 and Place 4 currently held by Ed Livermore and Mark Mosier, which expired June 1, 2017.

The attached letter from Bruce McKenzie, Airport Manager, states that the Airport Board voted on June 28 to recommend the reappointment of Ed Livermore and Mark Mosier.

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

These two appointments are also scheduled to be discussed by the Kerr County Commissioners' Court on July 10, 2017.

**RECOMMENDED ACTION**

Consider two appointments to the Kerrville-Kerr County Joint Airport Board, with term to expire June 1, 2019.

## KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
WALTERS, ROGER "COREY" President (PL 1) 222 Sidney Baker South, Ste. 305 E-mail <a href="mailto:cw717@ktx.com">cw717@ktx.com</a>	257-6300 (O) 257-1314 (H)	10-27-09	05-24-16	06-01-18
GRIFFIN, KIRK (PL 5) 109 Canyon Dr. W. P.O. Box 741 Hunt, TX 78024 E-mail <a href="mailto:agbq81@yahoo.com">agbq81@yahoo.com</a>	830-459-3431 (C)	11-13-12	05-24-16	06-01-18
MOSIER, MARK (PL 2) 634 Lower Turtle Creek Rd. Kerrville, TX 78028 E-mail <a href="mailto:drmm@iowatelecom.net">drmm@iowatelecom.net</a>	830-938-7300(C)	02-28-17		06-01-17
LIVERMORE, ED (PL 4) 3004 Pinnacle Club Ct. #2 E-mail <a href="mailto:elivermo@ktc.com">elivermo@ktc.com</a>	895-2820 (H)	08-23-11	05-26-15	06-01-17
WOOD, WILLIAM "BILL"(PL 3) 3004 Pinnacle Club Dr. #4 E-mail <a href="mailto:bill@satx.rr.com">bill@satx.rr.com</a>	896-7742 (H) 329-2891 (C)	08-28-12	05-24-16	06-01-18

### **Airport Board Staff:**

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

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

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

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

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

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

majority vote of each Party, for any reason. In addition, the Board may recommend to the County and City that a Board member be removed. 5) Board members shall be eligible for reappointment, but Board members are prohibited from serving more than 3 consecutive, 2-year terms. Only reappointments made after October 1, 2011 shall count toward this limitation.

- Term of Office: Each board member shall be appointed for a two year term and shall continue to Serve in this capacity until their successor is appointed and is duly qualified. Upon the death of any member or should any member resign or for any reason become unable to serve, a replacement shall be appointed in the same manner as provided to fill the vacancy for the unexpired term. The terms of those board members who are serving in Place 1, 3 or 5 shall expire on June 1, 2010. The terms for those board members appointed to Places 2 and 4 shall expire on June 1, 2011. Board members shall be eligible for reappointment.
- Meeting Time & Place: Third Monday of each month, 8:30 a.m. at Airport Terminal Building, Louis Schreiner Field Airport, 1877 Airport Loop Road, Kerrville, Texas. All such meetings of the board shall be held in accordance with the Texas Open Meetings Act.
- Established by: Interlocal Agreement between the City of Kerrville, Texas and Kerr County, Texas. Ordinance No. 2004-21 (replaced in its entirety); amended by Resolution No. 069-2008 (joint management)  
Code of Ordinances: Chapter 22 - Article II - Section 22-31 through 22-33
- Revised: May 25, 2017



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

June 28, 2017

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

Re: Airport Board Member Nominations

Dear Council,

In accordance with Section 3 (d) of the Interlocal Agreement for the Continued Existence of a Joint Airport Board to provide management of Kerrville/Kerr County Airport, The Joint Airport Board voted at our June 28, 2017 meeting, to nominate Ed Livemore and Dr. Mark Mosier to serve another term on the Joint Airport Board.

We respectfully request your approval of this nomination.

Thank you,

A handwritten signature in black ink, appearing to read 'Bruce McKenzie', is positioned above the printed name.

Bruce McKenzie  
Airport Manager  
Kerrville/Kerr County Airport