

# **AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING**

**TUESDAY, JULY 14, 2020, 6:00 P.M.**

**KERRVILLE CITY HALL, COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

## **The Community Vision**

*Kerrville will be a vibrant, welcoming and inclusive community that:*

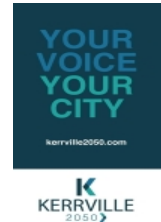
- *Respects and protects the natural environment that surrounds it;*
- *Seeks to attract economic growth and development;*
- *Provides opportunities for prosperity, personal enrichment and intellectual growth for people of all ages; and*
- *Does so while preserving the small-town charm, heritage, arts and culture of the community.*



Kerrville2050



**CITY COUNCIL AGENDA  
JULY 14, 2020, 6:00 PM  
CITY HALL COUNCIL CHAMBERS  
701 MAIN STREET, KERRVILLE, TEXAS**



***Council Meeting Procedures during the Disaster Declaration***

COVID-19 (Coronavirus) provides a unique concern in that gathering members of the public, City Council, and City staff within a physical setting constitutes a public health risk. On March 16, 2020, the Texas Governor suspended certain requirements of the Open Meetings Act to permit open meetings to occur in a fully virtual setting (e.g., telephonic or videoconference meeting). In an effort to avoid and mitigate health risks, and limited occupancy levels in Council Chambers, City Council will convene in a virtual forum and attendance will be limited to only those persons essential to holding the meeting. No member of the public will be admitted into City Hall during this time.

Citizens can provide public comment on specific agenda items through Zoom. Zoom telephone numbers are toll free: **1-877-853-5247** or **1-888-788-0099**. The Meeting ID is **979 7540 1872#**. (You must enter the pound sign (#) after the Meeting ID.) \*See Citizen Participation Guidelines. Remember that a speaker must call in by 5:45 p.m., July 14, 2020 and register with the Zoom moderator, and each speaker is limited to four minutes.

A person may also submit written comments on specific agenda items, to include public hearings, and comments will be read into the meeting record. Comments must include a name, address, and a reference to the relevant item. Comments that do not include such information will not be read. Comments must be received by 5:45 p.m., July 14, 2020. Comments may be:

- a. dropped off at the City Hall Utility Payments Drop-Box; or
- b. emailed to [shelley.mcelhannon@kerrvilletx.gov](mailto:shelley.mcelhannon@kerrvilletx.gov).

Citizens may view and hear the City Council meetings on Spectrum Channel 2 or by live-streaming via the City's website ([www.kerrvilletx.gov](http://www.kerrvilletx.gov)). City Council meetings are recorded and the recordings are posted on the City's website.

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**CALL TO ORDER:**

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

*Led by Councilmember Place 4 Delayne Sigerman.*

**1 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:*

- 1.A. Texas Department of Transportation C.A.R.E.S. Act Grant Agreement for Kerrville/Kerr County Airport.

Attachments:

[20200714\\_Grant Agreement\\_CARES ACT 20CRKERRV.pdf](#)

- 1.B. Minutes for the City Council meeting held June 23, 2020.

Attachments:

[20200714\\_Minutes\\_Regular meeting 6-23-20 6pm.pdf](#)

**END OF CONSENT AGENDA**

## **2 PUBLIC HEARINGS AND RESOLUTIONS:**

- 2.A. Resolution No. 12-2020. A Resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property located at 300 Guadalupe Street.

Attachments:

[20200714\\_Resolution\\_12-2020 CUP 300 Guadalupe Street.pdf](#)

[20200714\\_Map\\_300 Guadalupe Street Location.pdf](#)

[20200714\\_Site\\_Plan\\_300 Guadalupe Street.pdf](#)



- 2.B. Resolution No. 13-2020. A Resolution granting a Conditional Use Permit to authorize a stand-alone parking lot and an automobile dealership, used auto sales on the property located at 401 Sidney Baker S. (State Highway 16 S.).

Attachments:

[20200714\\_Resolution\\_13-2020 CUP 401 Sidney Baker S.pdf](#)

[20200714\\_Map\\_401 Sidney Baker Street S.pdf](#)

[20200714\\_Site Plan\\_401 Sidney Baker Street S\\_CP1-Master\\_Plan-Stoepel.pdf](#)

[20200714\\_Proposal\\_401 Sidney Baker Street S\\_Stoepel Ford Pedestrian Connection Across SH16.pdf](#)

## **3 PUBLIC HEARING AND ORDINANCE(S), FIRST READING:**

- 3.A. Ordinance No. 2020-14. An Ordinance rezoning the property located at 333 Guadalupe Street from a Medium Density Residential Zoning District (R-2) to a Multifamily Residential Zoning District (R-3) and amending the Comprehensive Plan (Kerrville 2050) in accordance with such change.

Attachments:

[20200714\\_Ordinance\\_2020-14 Zoning Change 333 Guadalupe Street.pdf](#)

[20200714\\_Map\\_333 Guadalupe Street.pdf](#)



## **4 ORDINANCE(S), SECOND READING:**

- 4.A. Ordinance No. 2020-13. Second Reading. An Ordinance amending Ordinance No. 2018-19 which created Tax Increment Reinvestment Zone Number One, City of Kerrville, Texas, by increasing the number of Board of Directors for the Zone; containing a cumulative clause; containing a savings and severability clause; and providing other matters relating to this subject.

Attachments:

[20200714\\_Ordinance\\_2020-13 TIRZ Board membership amendment Second Reading.pdf](#)



## **5 CONSIDERATION AND POSSIBLE ACTION:**

- 5.A. Sidewalk waiver request for 401 Sidney Baker South.

Attachments:

[Kerrville Sidewalk Master Plan 02.15.08\\_Sector 3.pdf](#)

- 5.B. Sidewalk waiver request for 400 block of Leslie Drive.

Attachments:

[Kerrville Sidewalk Master Plan 02.15.08\\_Sector 2.pdf](#)

- 5.C. Sidewalk waiver request for 433 Vicksburg Avenue.

Attachments:

[Kerrville Sidewalk Master Plan 02.15.08\\_Sector 2.pdf](#)

- 5.D. Briefing and possible action as to the City's ongoing preparedness and response to COVID-19 (Coronavirus).

**6 BOARD APPOINTMENTS:**

- 6.A. Appoint members to the Tax Increment Reinvestment Zone Board of Directors. (This item is eligible for Executive Session per §551.074).

Attachments:

[20200225\\_Ordinance 2020-04\\_TIRZ Board of Directors.pdf](#)

**7 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.*

- 7.A. Appoint members to the Tax Increment Reinvestment Zone Board of Directors. (551.074)

**8 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:**

**ADJOURN.**





## ALTERNATIVE CITIZEN/PUBLIC PARTICIPATION GUIDELINES (Due to COVID-19 Pandemic Disaster Declaration)



***Despite the necessity to restrict public access to Kerrville City Council meetings in the interest of public health during the COVID-19 pandemic, citizens and visitors are welcome to participate and engage in Kerrville City Council meetings in several alternative ways as outlined below.***

### **Instructions for callers:**

Dial one of the following numbers:

**877 853 5247** (Toll Free) or

**888 788 0099** (Toll Free)

If you cannot get through on one of the numbers, call the other number.

When your call is answered you will hear “**Welcome to Zoom, enter your Meeting ID followed by pound.**” Enter in the Meeting ID below followed by the pound sign (#).

The Meeting ID is **979 7540 1872#**

If the moderator has not started the meeting yet, you will hear “The meeting has not started yet, please hold or call back later.”

Once you have called into the meeting, your microphone will be placed on mute and your call will be placed in the call queue. At this point, you will hear silence on the phone. Do not hang up. The moderator will unmute your microphone as he/she is going down the list. Once the meeting has started, you will be able to listen to proceedings even if your microphone is muted.

The moderator will be accepting calls starting at 5:00 p.m.

**For Agenda Items 1A, 1B, 4A, 5A, 5B, 5C, 5D, 6A, and 7A** place your call before 5:45 p.m. in order to participate. Callers seeking to speak on these items and who call after this time will not be allowed.

**For Public Hearing Items 2A, 2B, and 3A**, a caller seeking to speak on these items may call at any time prior to the item being introduced at the meeting. (However, all callers are encouraged to call between 5:00 p.m. and 5:45 p.m. to be registered by the moderator.) A caller must use the “**raise your hand**” feature on Zoom in order to be called upon for the Public Hearing. If a caller is using the Zoom app on a computer, tablet, or mobile phone click on “**Participants**” and click on “**Raise Hand**” button. If a caller is using a landline telephone press \*9.

### **Instructions for written comments:**

Written comments will be accepted for any agenda items, including Public Hearings. You are required to provide your first and last name, address, and identify the item you wish to comment on. All information must be provided in order for your comments to be read into record.

Written comments can be provided in two different ways:

- **OPTION 1 by hard copy** – Comments may be dropped off at the City Hall Utility Payments Drop-Box on the north side of City Hall by 5:45 p.m. the evening of the Council meeting.
- **OPTION 2 by email** - Comments can be emailed to **shelley.mcelhannon@kerrvilletx.gov** and must be received by 5:45 p.m. the evening of the Council meeting. In addition, anyone may email Councilmembers via their City email addresses as specified on the City’s website.

Thank you for your participation!



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

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**SUBJECT:** Texas Department of Transportation C.A.R.E.S. Act Grant Agreement for Kerrville/Kerr County Airport.

**AGENDA DATE OF:** July 14, 2020

**DATE SUBMITTED:** Jul 09, 2020

**SUBMITTED BY:** EA Hoppe

**EXHIBITS:** [20200714\\_Grant Agreement\\_CARES ACT 20CRKERRV.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
N/A	N/A	N/A	N/A

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	F - Public Facilities and Services
<b>Guiding Principle</b>	F5. Consider opportunities for interlocal agreements and collaborations with other government entities and partner agencies for the provision of services
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

Funding for airport improvements and reimbursements for COVID-related expenses were provided for within the recent federal C.A.R.E.S. Act legislation. This funding is being facilitated in the state of Texas via direct agreements between airport entities and the Texas Department of Transportation. Attached is the grant document from TxDOT for this specific funding opportunity.

The Kerrville/Kerr County Airport (KERV) is co-owned by both the City of Kerrville and Kerr County, with an Interlocal Agreement in place to outline the co-ownership relationship. Essentially, the relevant language of the Interlocal Agreement pertaining to this Grant Agreement is in Section (g)(2) stating, "The Board, following the prior written consent of each Party, has the authority to apply for and to execute grant funding agreements."

After review by the City, County, and Airport Attorneys, the consensus is that the Interlocal

Agreement requires that written consent is provided by the City and County for the KERV Airport to enter into the Grant Agreement.

**RECOMMENDED ACTION:**

Affirm written consent for the Kerville/Kerr County Airport to enter into the grant funding agreement.

## TEXAS DEPARTMENT OF TRANSPORTATION CARES ACT AIRPORT GRANT AGREEMENT

### PART I – OFFER

Offer Date	June 10, 2020
Airport	Kerrville Municipal/Louis Schreiner Field
CARES Grant Number	20CRKERRV
Unique Entity Identifier	099576241
TO:	City of Kerrville and Kerr County, Texas (herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)

FROM: The State of Texas, acting through the Texas Department of Transportation

**WHEREAS**, the Sponsor has submitted to the TxDOT a Coronavirus Aid, Relief, and Economic Security Act (CARES Act or "the Act") Airports Grants Application (herein called the "Grant") May 27, 2020, for a grant of Federal funds at or associated with Kerrville Municipal/Louis Schreiner Field; which is included as part of this Grant Agreement; and

This Agreement is made and entered into by and between the Texas Department of Transportation, (hereinafter referred to as the "State"), for and on behalf of the State of Texas, and City of Kerrville and Kerr County, Texas, (hereinafter referred to as the "Sponsor").

WHEREAS, City of Kerrville and Kerr County has accepted the terms of TxDOT's Grant offer;

**WHEREAS**, in consideration of the promises, representations and assurances provided by the Sponsor, the TxDOT has approved the Grant Application for Kerrville Municipal/Louis Schreiner Field (herein called the "Grant") consisting of the following:

This Grant is provided in accordance with the CARES Act, as described below, to provide eligible Sponsors with funding to help offset a decline in revenues arising from diminished airport operations and activities as a result of the COVID-19 Public Health Emergency. CARES Act Airport Grants amounts to specific airports are derived by legislative formula.

The purpose of this Grant is to maintain safe and efficient airport operations. Funds provided under this Grant Agreement must only be used for purposes directly related to the airport. Such purposes can include the reimbursement of an airport's operational and maintenance expenses or debt service payments. CARES Act Airport Grants may be used to reimburse airport operational and maintenance expenses directly related to Kerrville Municipal/Louis Schreiner Field incurred no earlier than January 20, 2020. CARES Act Airport Grants also may be used to reimburse a Sponsor's payment of debt service where such payments occur on or after March

27, 2020. Funds provided under the Grant will be governed by the same principles that govern “airport revenue.” New airport development projects may not be funded with this Grant, unless and until the Grant Agreement is amended or superseded by a subsequent agreement that addresses and authorizes the use of funds for the airport development project.

**NOW THEREFORE**, in accordance with the applicable provisions of the CARES Act, Public Law Number 116-136, the representations contained in the Request for CARES Act Funding, and in consideration of, (a) the Sponsor’s acceptance of this Offer; and, (b) the benefits to accrue to the United States and the public from the accomplishment of the Grant and in compliance with the conditions as herein provided,

**THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR AND ON BEHALF OF THE STATE OF TEXAS, HEREBY OFFERS AND AGREES to pay 100% percent of the allowable costs incurred as a result of and in accordance with this Grant Agreement.**

**Assistance Listings Number (Formerly CFDA Number): 20.106**

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

### **CONDITIONS**

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$69,000.

(A) The following amount represents the calculation of the maximum total obligation above available under the provisions of Public Law 116-136, provided to each airport according to CARES Act formulas:

2. **Period of Performance.** The period of performance shall commence on the date the Sponsor formally accepts this agreement. The end date of the period of performance is May 28, 2024 (1,460 calendar days) from the date of acceptance.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the TxDOT authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).

The period of performance end date shall not affect, relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.

3. **Unallowable Costs.** The Sponsor shall not seek reimbursement for any costs that the State has determined to be unallowable under the CARES Act.
4. **Final Federal Share of Costs.** The United States’ share of allowable Grant costs is 100%.
5. **Completing the Grant without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the Grant without undue delays and in accordance with this Grant Agreement, the CARES Act, and the regulations, policies, standards and procedures of the Secretary of Transportation (“Secretary”). Pursuant to 2 CFR § 200.308, the Sponsor agrees to report to the State any disengagement from funding eligible expenses under the Grant that exceeds three months and request prior approval from State. The report must include a reason for the stoppage. The Sponsor agrees to comply with the attached assurances, which are part

of this agreement and any addendum that may be attached hereto at a later date by mutual consent.

6. **Amendments or Withdrawals before Grant Acceptance.** The State reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
7. **Offer Expiration Date.** This offer will expire and the State will not be obligated to pay any part of the costs unless this offer has been accepted by the Sponsor on or before June 1, 2024, or such subsequent date as may be prescribed in writing by the State.
8. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner, including uses that violate this Grant Agreement, the CARES Act or other provision of applicable law. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement(s). The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
9. **State of Texas Not Liable for Damage or Injury.** The State is not responsible or liable for damage to property or injury to persons which may arise from, or relate to this Grant Agreement, including, but not limited to, any action taken by a Sponsor related to or arising from, directly or indirectly, this Grant Agreement.
10. **Electronic Grant Payment(s).** The Sponsor will use the current practice of submitting payment requests and associated support documentation in the TxDOT eGrants system. The State will provide payment request forms to upload with supporting documentation. The State will review invoices manually to ensure payment eligibility and is committed to processing payments as quickly as possible.
11. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
12. **Buy American.** Unless otherwise approved in advance by the State, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any expense which funds are provided under this Grant. The Sponsor will include a provision implementing applicable Buy American statutory and regulatory requirements in all contracts related to this Grant Agreement.
13. **Audits for Private Sponsors.** When the period of performance has ended, the Sponsor must provide a copy of an audit of this Grant prepared in accordance with accepted standard audit practices, such audit to be submitted to the State.
14. **Audits for Public Sponsors.** The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. Upon request of the State, the Sponsor shall provide one copy of the completed audit to the State.
15. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:
  - A. Verify the non-federal entity is eligible to participate in this Federal program by:

1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-federal entity is excluded or disqualified; or
  2. Collecting a certification statement from the non-federal entity attesting the entity is not excluded or disqualified from participating; or
  3. Adding a clause or condition to covered transactions attesting the individual or firm is not excluded or disqualified from participating.
- B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. sub-contracts).
- C. Immediately disclose to the State whenever the Sponsor (1) learns the Sponsor has entered into a covered transaction with an ineligible entity, or (2) suspends or debars a contractor, person, or entity.

**16. Ban on Texting While Driving.**

- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to this Grant.
  2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
    - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
    - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- B. The Sponsor must insert the substance of this clause on banning texting while driving in all contracts and subcontracts.

**17. Trafficking in Persons.**

- A. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not —
1. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
  2. Procure a commercial sex act during the period of time that the award is in effect; or
  3. Use forced labor in the performance of the award or subawards under the award.
- B. The State as the awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity —
1. Is determined to have violated a prohibition in paragraph A of this award term; or
  2. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph A.1 of this award term through conduct that is either—
    - a. Associated with performance under this award; or



- b. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.
- 3. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph A during this award term.
- 4. Our right to terminate unilaterally that is described in paragraph A of this section:
  - a. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
  - b. Is in addition to all other remedies for noncompliance that are available to the FAA under this award.

## **18. Employee Protection from Reprisal.**

### **A. Prohibition of Reprisals –**

1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
  - a. Gross mismanagement of a Federal grant;
  - b. Gross waste of Federal funds;
  - c. An abuse of authority relating to implementation or use of Federal funds;
  - d. A substantial and specific danger to public health or safety; or
  - e. A violation of law, rule, or regulation related to a Federal grant.
2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
  - a. A member of Congress or a representative of a committee of Congress;
  - b. An Inspector General;
  - c. The Government Accountability Office;
  - d. A Federal office or employee responsible for oversight of a grant program;
  - e. A court or grand jury;
  - f. A management office of the grantee or subgrantee; or
  - g. A Federal or State regulatory enforcement agency.
3. Submission of Complaint – A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
4. Time Limitation for Submittal of a Complaint - A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
5. Required Actions of the Inspector General – Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
6. Assumption of Rights to Civil Remedy - Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

## **19. Limitations.** Nothing provided herein shall be construed to limit, cancel, annul, or modify the terms of any Federal grant agreement(s), including all terms and assurances related thereto,



that have been entered into by the Sponsor and the State prior to the date of this Grant Agreement.

### **SPECIAL CONDITIONS**

1. **ARFF and SRE Equipment and Vehicles.** The Sponsor agrees that it will:
  - A. House and maintain the equipment in a state of operational readiness on and for the airport;
  - B. Provide the necessary staffing and training to maintain and operate the vehicle and equipment;
  - C. Restrict the vehicle to on-airport use only;
  - D. Restrict the vehicle to the use for which it was intended; and
  - E. Amend the Airport Emergency Plan and/or Snow and Ice Control Plan to reflect the acquisition of a vehicle and equipment.
2. **Equipment or Vehicle Replacement.** The Sponsor agrees that it will treat the proceeds from the trade-in or sale of equipment being replaced with these funds as airport revenue.
3. **Off-Airport Storage of ARFF Vehicle.** The Sponsor agrees that it will:
  - A. House and maintain the vehicle in a state of operational readiness for the airport;
  - B. Provide the necessary staffing and training to maintain and operate the vehicle;
  - C. Restrict the vehicle to airport use only;
  - D. Amend the Airport Emergency Plan to reflect the acquisition of the vehicle;
  - E. Within 60 days, execute an agreement with local government including the above provisions and a provision that violation of said agreement could require repayment of Grant funding; and
  - F. Submit a copy of the executed agreement to the State.
4. **Equipment Acquisition.** The Sponsor agrees that it will maintain Sponsor-owned and -operated equipment and use for purposes directly related to the airport.
5. **Utilities Proration.** For purposes of computing the Federal share of the allowable airport operations and maintenance costs, the allowable cost of utilities incurred by the Sponsor to operate and maintain airport(s) included in the Grant must not exceed the percent attributable to the capital or operating costs of the airport.
6. **Utility Relocation in Grant.** The Sponsor understands and agrees that:
  - A. The State will not participate in the cost of any utility relocation unless and until the Sponsor has submitted evidence satisfactory to the State that the Sponsor is legally responsible for payment of such costs;
  - B. State participation is limited to those utilities located on-airport or off-airport only where the Sponsor has an easement for the utility; and
  - C. The utilities must serve a purpose directly related to the Airport.

**PART II - ACCEPTANCE**

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Grant Application and incorporated materials referred to in the foregoing Offer under Part II of this Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Grant Application. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*City of Kerrville and Kerr County, Texas*

\_\_\_\_\_  
*(Signature of Sponsor's Authorized Official)*

**By:**

Mary Rohrer

\_\_\_\_\_  
*(Typed Name of Sponsor's Authorized Official)*

**Title:**

\_\_\_\_\_  
*(Title of Sponsor's Authorized Official)*

The Sponsor's acceptance of this Offer and ratification and adoption of the Grant Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the CARES Act, constituting the contractual obligations and rights of the State and the Sponsor with respect to the accomplishment of the Grant and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**STATE OF TEXAS  
 TEXAS DEPARTMENT OF  
 TRANSPORTATION**

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Typed Name)*

\_\_\_\_\_  
*(Title)*

# CARES ACT ASSURANCES

## AIRPORT SPONSORS

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### A. General.

1. These assurances are required to be submitted as part of the application by sponsors requesting funds under the provisions of the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act or "the Act"), Public Law Number, Public Law 116-136. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
2. Upon acceptance of this Grant offer by the sponsor, these assurances are incorporated into and become part of this Grant Agreement.

### B. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this Grant that:

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Grant including but not limited to the following:

### FEDERAL LEGISLATION

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- a. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- b. Hatch Act – 5 U.S.C. 1501, et seq.
- c. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.
- d. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).
- e. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.
- f. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- g. Clean Air Act, P.L. 90-148, as amended.
- h. Coastal Zone Management Act, P.L. 93-205, as amended.
- i. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.
- j. Title 49, U.S.C., Section 303, (formerly known as Section 4(f)).
- k. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- l. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
- m. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- n. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- o. American Indian Religious Freedom Act, P.L. 95-341, as amended.

- p. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.
- q. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.
- r. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.
- s. Copeland Anti-kickback Act - 18 U.S.C. 874.1.
- t. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.
- u. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- v. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.
- w. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- x. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

## **EXECUTIVE ORDERS**

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- a. Executive Order 11246 - Equal Employment Opportunity
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction
- f. Executive Order 12898 - Environmental Justice
- g. Executive Order 13788 - Buy American and Hire American
- h. Executive Order 13858 - Strengthening Buy-American Preferences for Infrastructure Projects

## **FEDERAL REGULATIONS**

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- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- c. 2 CFR Part 1200 - Nonprocurement Suspension and Debarment.
- d. 28 CFR Part 35 - Discrimination on the Basis of Disability in State and Local Government Services.
- e. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- f. 29 CFR Part 1 - Procedures for predetermination of wage rates.
- g. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.
- h. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering Federally financed and assisted construction (also labor standards provisions

applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).

- i. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally assisted contracting requirements).
- j. 49 CFR Part 20 - New restrictions on lobbying.
- k. 49 CFR Part 21 - Nondiscrimination in Federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- l. 49 CFR Part 26 - Participation by Disadvantaged Business Enterprises in Department of Transportation Program .49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.
- m. 49 CFR Part 28 - Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- n. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- o. 49 CFR Part 32 - Government-wide Requirements for Drug-Free Workplace (Financial Assistance).
- p. 49 CFR Part 37 - Transportation Services for Individuals with Disabilities (ADA).
- q. 49 CFR Part 41 - Seismic safety of Federal and Federally assisted or regulated new building construction.

## **SPECIFIC ASSURANCES**

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Specific assurances required to be included in grant agreements by any of the above laws, regulations, or circulars are incorporated by reference in this Grant Agreement.

### **1. Purpose Directly Related to the Airport**

It certifies that the reimbursement sought is for a purpose directly related to the airport.

### **2. Responsibility and Authority of the Sponsor.**

#### **a. Public Agency Sponsor:**

It has legal authority to apply for this Grant, and to finance and carry out the proposed grant; that an official decision has been made by the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

#### **b. Private Sponsor:**

It has legal authority to apply for this Grant and to finance and carry out the proposed Grant and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and

assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

**3. Good Title.**

It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

**4. Preserving Rights and Powers.**

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish, or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with this Grant Agreement.
- c. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations, and the terms and conditions of this Grant Agreement.

**5. Accounting System, Audit, and Record Keeping Requirements.**

- a. It shall keep all Grant accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the Grant in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the Grant supplied by other sources, and such other financial records pertinent to the Grant. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a Grant or relating to the Grant in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

**6. Exclusive Rights.**

The sponsor shall not grant an exclusive right to use an air navigation facility on which this Grant has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

- a. it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and
- b. allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

## **7. Airport Revenues.**

This Grant shall be available for any purpose for which airport revenues may lawfully be used. CARES Act Grant funds provided under this Grant Agreement will only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport(s) subject to this agreement and all applicable addendums.

## **8. Reports and Inspections.**

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
  - 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
  - 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

## **9. Civil Rights.**

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR Part 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.
- b. Applicability
  - 1. Programs and Activities. If the sponsor has received a grant (or other Federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
  - 2. Facilities. Where it receives a grant or other Federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities



operated in connection therewith.

3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests for Proposals for work, or material under this Grant and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

d. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license,



permits, or similar instruments entered into by the sponsor with other parties:

- a. For the subsequent transfer of real property acquired or improved under the applicable activity, grant, or program; and
- b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, grant, or program.
- e. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- f. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

**10. Foreign Market Restrictions.**

It will not allow funds provided under this Grant to be used to fund any activity that uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

**11. Acquisition Thresholds.**

The FAA deems equipment to mean tangible personal property having a useful life greater than one year and a per-unit acquisition cost equal to or greater than \$5,000. Procurements by micro-purchase means the acquisition of goods or services for which the aggregate dollar amount does not exceed \$10,000. Procurement by small purchase procedures means those relatively simple and informal procurement methods for securing goods or services that do not exceed the \$250,000 threshold for simplified acquisitions.

## Certificate of Completion

Envelope Id: 4158577524174AC8BCAACC6C3941E805

Status: Sent

Subject: Please DocuSign: 20CRKERRV.pdf

Source Envelope:

Document Pages: 14

Signatures: 0

Envelope Originator:

Certificate Pages: 4

Initials: 0

Allison Martin

AutoNav: Enabled

125 E. 11th Street

Envelopeld Stamping: Enabled

Austin, TX 78701

Time Zone: (UTC-06:00) Central Time (US & Canada)

Allison.Martin@txdot.gov

IP Address: 108.171.132.169

## Record Tracking

Status: Original

Holder: Allison Martin

Location: DocuSign

6/10/2020 12:27:36 PM

Allison.Martin@txdot.gov

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### Signature

### Timestamp

Mary Rohrer

Sent: 6/10/2020 12:32:12 PM

mrohrer@kerrvilleairport.com

Resent: 6/10/2020 12:33:13 PM

Security Level: Email, Account Authentication  
(None)

Viewed: 6/10/2020 1:10:51 PM

### Electronic Record and Signature Disclosure:

Accepted: 6/10/2020 1:10:51 PM

ID: 66709c81-c43b-4a21-a0b4-af20ff953ed2

Dan Harmon

Dan.Harmon@txdot.gov

Security Level: Email, Account Authentication  
(None)

### Electronic Record and Signature Disclosure:

Accepted: 2/7/2017 11:28:24 AM

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## In Person Signer Events

### Signature

### Timestamp

## Editor Delivery Events

### Status

### Timestamp

## Agent Delivery Events

### Status

### Timestamp

## Intermediary Delivery Events

### Status

### Timestamp

## Certified Delivery Events

### Status

### Timestamp

## Carbon Copy Events

### Status

### Timestamp

## Witness Events

### Signature

### Timestamp

## Notary Events

### Signature

### Timestamp

## Envelope Summary Events

### Status

### Timestamps

Envelope Sent

Hashed/Encrypted

6/10/2020 12:33:13 PM

## Payment Events

### Status

### Timestamps

## Electronic Record and Signature Disclosure

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From time to time, Texas Department of Transportation (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

**How to contact Texas Department of Transportation:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: kevin.setoda@txdot.gov

**To advise Texas Department of Transportation of your new e-mail address**

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at kevin.setoda@txdot.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to kevin.setoda@txdot.gov and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

**To withdraw your consent with Texas Department of Transportation**

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to kevin.setoda@txdot.gov and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

**Required hardware and software**

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"><li>•Allow per session cookies</li><li>•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li></ul>

\*\* These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

**Acknowledging your access and consent to receive materials electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
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- Until or unless I notify Texas Department of Transportation as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Texas Department of Transportation during the course of my relationship with you.



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

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**SUBJECT:** Minutes for the City Council meeting held June 23, 2020.

**AGENDA DATE OF:** July 14, 2020

**DATE SUBMITTED:** May 20, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20200714\\_Minutes\\_Regular meeting 6-23-20 6pm.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
0	0	0	N/A

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

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

Minutes for the City Council meeting held June 23, 2020 at 6:00 p.m.

**RECOMMENDED ACTION:**

Approve minutes as presented.

**CITY COUNCIL MINUTES  
REGULAR MEETING**

**KERRVILLE, TEXAS  
JUNE 23, 2020**

On June 23, 2020, at 6:00 p.m. the meeting was called to order by Mayor Bill Blackburn in the City Hall Council Chambers at 701 Main Street. The invocation was offered by Councilmember Judy Eychner, followed by the Pledge of Allegiance led by Councilmember Eychner.

**COUNCILMEMBERS PRESENT:**

Bill Blackburn	Mayor
Judy Eychner	Councilmember, Mayor Pro Tem
Kim Clarkson	Councilmember
Gary Cochrane	Councilmember
Delayne Sigerman	Councilmember

**COUNCILMEMBER ABSENT:** None

**CITY EXECUTIVE STAFF PRESENT:**

Mark McDaniel	City Manager	Amy Dozier, Chief Financial Officer
E.A. Hoppe	Deputy City Manager	Kesha Franchina, Deputy City Secretary
Mike Hayes	City Attorney	Dannie Smith Fire Chief
Shelley McElhannon	City Secretary	

**VISITORS PRESENT:** No citizens were present physically at the City Council meeting due to the COVID-19 pandemic restrictions and the Governor's Disaster Declaration on March 16, 2020; public participation and engagement was offered through telephone, written comments, and by email.

**1. CONSENT AGENDA:**

Councilmember Delayne Sigerman pulled item 1A.  
Councilmember Eychner moved to approve item 1B and 1C as presented.  
Councilmember Gary Cochrane seconded, and the motion passed 5-0.

1B. Minutes for the City Council meeting held June 09, 2020.

1C. Minutes for the City Council workshop held June 16, 2020.

**END OF CONSENT AGENDA**

1A. Approval of a five year golf cart lease agreement with PNC Equipment Finance, LLC through NIPA/Omnia, for the Scott Schreiner Municipal Golf Course in the amount of \$281,613.20.

E.A. Hoppe presented information and responded to questions. Councilmember Cochrane made a motion to approve item 1A as presented. Councilmember Eychner seconded, and the motion passed 5-0.

**2. CONSIDERATION AND POSSIBLE ACTION:**

2A. Purchase a 2020 Ford F550 4x4 and remount wildland/brush skid not to exceed \$74,058.

Mark McDaniel deferred item 2A.

2B. Construction contract with Balcones Ridge Construction, LLC for the Bluebell Road Waterline Replacement project in an amount of \$234,175.00.

E.A. Hoppe presented information and responded to questions by City Council.

Councilmember Cochrane made a motion to approve item, and Councilmember Kim Clarkson seconded. The motion passed 5-0.

2C. Briefing and possible action as to the City's ongoing preparedness and response to COVID-19 (Coronavirus).

Mark McDaniel and Chief Dannie Smith presented information.

**3. INFORMATION & DISCUSSION:**

3A. Financial update for the month ended May 31, 2020.

Amy Dozier presented information and responded to questions.

**4. ORDINANCE(S), FIRST READING:**

4A. Ordinance No. 2020-13. An Ordinance amending Ordinance No. 2018-19 which created Tax Increment Reinvestment Zone Number One, City of Kerrville, Texas, by increasing the number of Board of Directors for the Zone; containing a cumulative clause; containing a savings and severability clause; and providing other matters relating to this subject.

Shelley McElhannon read the Ordinance caption into record.

Mike Hayes presented information and responded to questions.

Councilmember Sigerman made a motion to approve Ordinance No. 2020-13 as presented, and Councilmember Eychner seconded. The motion passed 5-0.

Councilmember Cochrane made a motion for City Council to adjourn into closed executive session under 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), and 551.087 (deliberation regarding economic development negotiations), Chapter 551 of the Texas Government Code, and Councilmember Eychner seconded. The motion passed 5-0.

City Council convened into closed executive session at 6:41 p.m.

**5. EXECUTIVE SESSION:**

5A. Sky Master business development project.

5B. EIC Property: 300 Peterson Farm Road.

City Council reconvened in open session at 7:07 p.m.



**6.    ACTIONS ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:**  
No action taken during Executive Session.

**ADJOURN.** The meeting adjourned at 7:07 p.m.

APPROVED BY COUNCIL: \_\_\_\_\_

APPROVED:

ATTEST:

\_\_\_\_\_  
Bill Blackburn, Mayor

\_\_\_\_\_  
Shelley McElhannon, City Secretary



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

**SUBJECT:** Resolution No. 12-2020. A Resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property located at 300 Guadalupe Street.

**AGENDA DATE OF:** July 14, 2020

**DATE SUBMITTED:** Jun 11, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20200714\\_Resolution\\_12-2020 CUP 300 Guadalupe Street.pdf](#)  
[20200714\\_Map\\_300 Guadalupe Street Location.pdf](#)  
[20200714\\_Site\\_Plan\\_300 Guadalupe Street.pdf](#)

<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$0	\$0	N/A	N/A

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

<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

**Proposal**

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for a Short-term Rental on approximately 0.14 acres out of the John Young Survey No. 118, Abstract 375; and more commonly known as 300 Guadalupe Street.

**Procedural Requirements**

Twenty-one (21) letters were mailed May 19, 2020, to adjacent property owners. The public notice was published in the Kerrville Daily Times on May 16, 2020.

Six letters from adjacent property owners were received regarding this case; three in favor and three opposed.

## Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are designated Transitional Residential (TR). Transitional Residential areas support a variety of housing types in a compact network of complete, walkable streets that are easy to navigate by car, bike, or on foot. Housing types can include small-lot, single-family detached homes, patio homes, townhomes, duplexes, condominiums, or apartments. Limited amounts of local retail and services may be appropriate in certain locations as needed to support the primary land uses.

Since the underlying zoning is not changing the request is consistent with the Kerrville 2050 Comprehensive Plan.

### Case Summary:

This is a request to allow as a conditional use, a short term rental unit at 300 Guadalupe Street. In the newly updated zoning code, a short term rental unit is define as follows:

Short-Term Rental Unit: a facility, used for the purpose of providing short-term lodging for compensation, architecturally designed to look like a single-family dwelling, occupied concurrently as the residence for the owner, operator, or manager of the property, or providing separate lodging units such as cabins, guest homes, or similar residential-scale structures, with no more than six (6) bedrooms total on the property, and offering meals only to those who receive lodging, and providing that all bedrooms used as a permanent residence shall count toward the maximum six (6) bedrooms of the short-term rental unit.

The applicant is requesting to operate the short term rental unit as a separate lodging unit and will not live on site.

### Adjacent Zoning and Land Uses

#### Subject Property

Current Zoning: R-1A

Existing Land Uses: Single family residence

Direction: North

Current Zoning: R-1A

Existing Land Uses: single family residential

Direction: South

Current Zoning: R-2

Existing Land Uses: Single family residential and short term rentals

Direction: East

Current Zoning: R-1A

Existing Land Uses: Single family residential

Direction: West

Current Zoning: R-1A

Existing Land Uses: Single family residential

Thoroughfare Plan: There should be no impact on the thoroughfare plan.

Traffic Impact: There should be little to no impact on traffic in the area.

Parking: Required one (1) space per bedroom, plus parking required for the manager, if living off-site.

Recommendation

Proposed Conditions:

Staff recommends the following conditions for consideration along with the approval of the Conditional Use Permit:

A. Concept Plan: The development and use of the Property shall conform to the concept plan, attached as Exhibit B.

B. Guest Notification: The owner or operator of the Property shall post a "guest notification" in a conspicuous place within the rental unit on the Property, said notification attached as Exhibit C.

C. Occupancy Taxes: The owner or operator of the Property shall comply with the City's occupancy tax requirements as found within Ch. 94, Division III, of the City's Code of Ordinances.

D. Other Zoning Regulations: The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

The Planning and Zoning Commission recommended the case for approval on June 6, 2020 with a unanimous vote.

Attachments

Map

Site Plan

**RECOMMENDED ACTION:**

Approve Resolution No. 12-2020.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 12-2020**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY CONSISTING OF AN APPROXIMATE 0.14 ACRE TRACT OUT OF THE JOHN YOUNG SURVEY NO. 118, ABSTRACT 375, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; KNOWN AS 300 GUADALUPE STREET; SAID PROPERTY IS LOCATED WITHIN THE R-1A ZONING DISTRICT; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN**

**WHEREAS**, the owner of the property described in **Exhibit A**, and graphically depicted in the vicinity map in **Exhibit B** (the "Property"), both exhibits being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (CUP) to allow a short-term rental unit on an approximate 0.14-acre tract of land located within the R-1A Zoning District; and

**WHEREAS**, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances), and in particular, the approval of Conditional Use Permits, and the official zoning map; having given the requisite notices by United States mail, publication, and otherwise; and after holding due public hearings and affording a full and fair hearing to all of property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, City Council, finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit, subject to the special conditions and restrictions set out hereinafter on the Property;

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

**SECTION ONE.** A Conditional Use Permit is granted to permit the property described below, and located within the R1-A Zoning District, to be developed and used for a Short-Term Rental Unit as that term is defined in and pursuant to the City's Zoning Code (Chapter 60, Article XI), and such use is subject to the provisions of this Resolution and other City ordinances and regulations:

**Legal Description:** Being an approximate 0.14 acre tract of land lying and being situated within the City of Kerrville, Kerr County, Texas, and being out of the John Young Survey No. 118, Abstract No. 375; said tract being more particularly described in **Exhibit A** and graphically depicted on the vicinity map in **Exhibit B**, attached hereto and made a part hereof for all purposes.

**General Location:** 300 Guadalupe Street, Kerrville,  
Texas.

**SECTION TWO.** In addition to the development and use regulations currently applicable to the Property, development and use of the Property is subject to the following additional conditions:

- A. **Concept Plan:** The development and use of the Property shall conform to the concept plan, attached as **Exhibit B**.
- B. **Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as **Exhibit C**.
- C. **Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- D. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

**SECTION THREE.** This Resolution and the Conditional Use Permit granted herein is subject to termination in accordance with the Zoning Code.

**SECTION FOUR.** City Council finds and determines that its adoption of this Resolution promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City’s police powers.

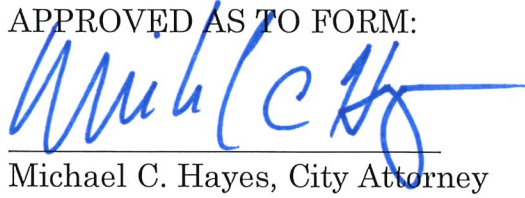
**SECTION FIVE.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION SIX.** This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the \_\_\_\_ day of \_\_\_\_\_, A.D.,  
2020.

\_\_\_\_\_  
Bill Blackburn, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

ATTEST:

\_\_\_\_\_  
Shelley McElhannon, City Secretary





## Location Map

Case # 2020-014

Location:  
300 Guadalupe St

### Legend

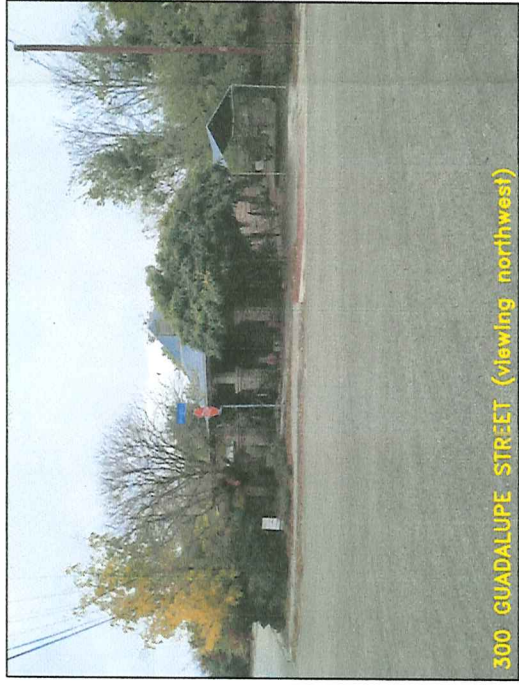
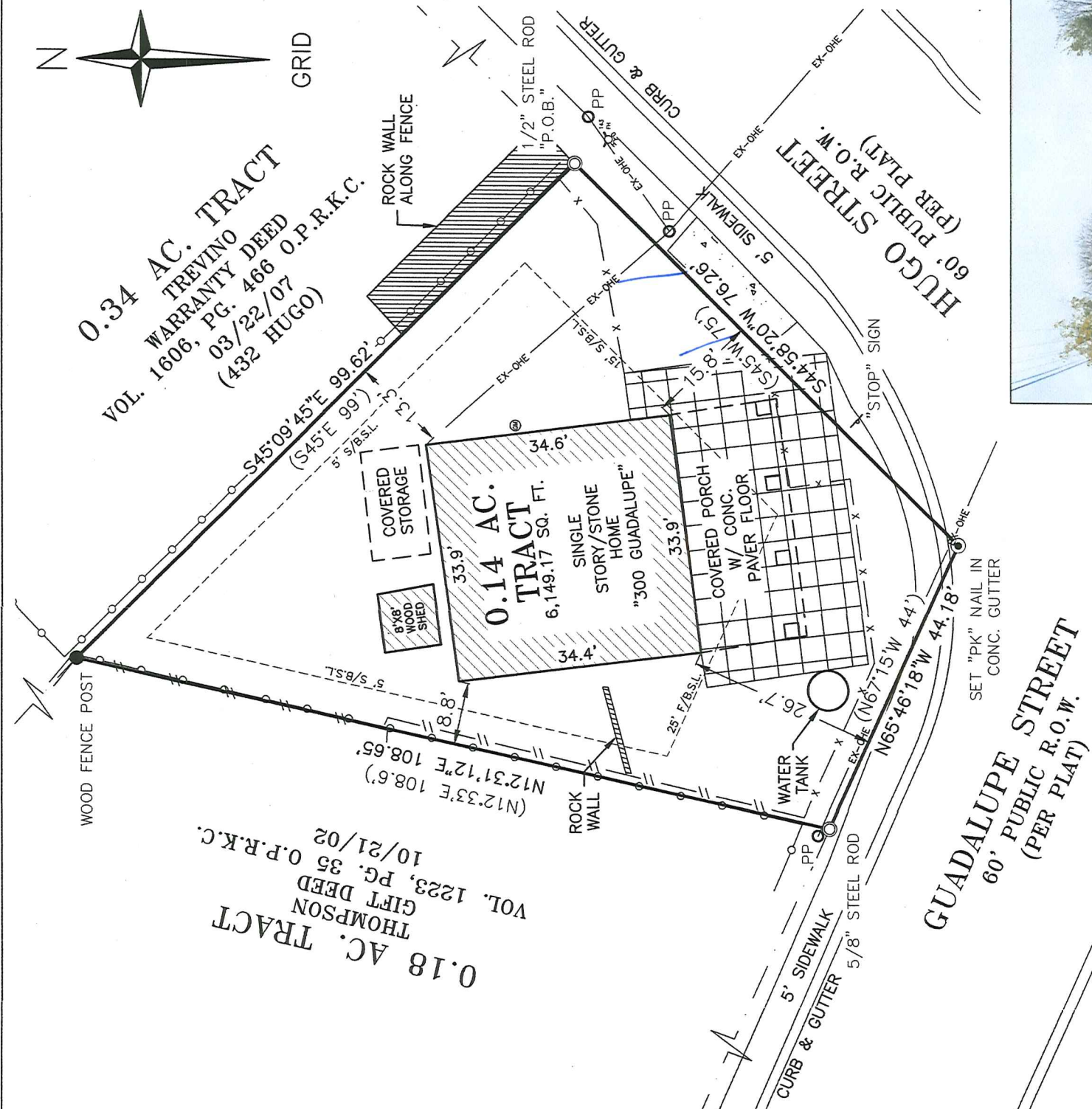
200' Notification Area - - - - -  
Subject Properties —————



0 50 100 200

Scale In Feet





300 GUADALUPE STREET (viewing northwest)

\* NOTES \*

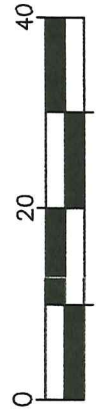
1. THE BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH, BASED UPON RTK/GNSS OBSERVATIONS. REFERENCED TO N.A.D. 83, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE, CORRECTED TO HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET.
  2. THIS SURVEY MEETS OR EXCEEDS THE TEXAS BOARD OF PROFESSIONAL ENGINEERS & LAND SURVEYING MINIMUM STANDARDS FOR LAND TITLE SURVEYS.
  3. ALL DISTANCES TO STRUCTURES ARE TAKEN PERPENDICULAR FROM LOT LINES.
  4. THIS TRACT LIES WITHIN THE BOUNDARIES OF A FLOOD HAZARD ARE DESIGNATED AS "ZONE X" AS APPROXIMATELY SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP (FIRM) #48265C0470F EFFECTIVE DATE MARCH 3, 2011. THIS IS AN AREA OF 0.2% CHANCE OF FLOOD HAZARD.
  5. WHERE SURVEYED OR COMPUTED COURSES DIFFER FROM THOSE OF RECORD, THE RECORD COURSE IS EXPRESSED IN PARENTHESES, 1/E, 1680.61' (1680.00').
  6. THIS SURVEY WAS PREPARED FOR KERR COUNTY ABSTRACT & TITLE COMPANY 712 EARL GARRETT KERRVILLE, TX 78028 AND SHOULD ONLY BE USED FOR A SINGLE PROPERTY TRANSACTION.
  7. THIS SURVEY WAS PERFORMED FOR A SINGLE CONVEYANCE OF THE SUBJECT PROPERTY FOR THE EXCLUSIVE USE OF THE PARTIES OF THE SAID TRANSACTION AND IS NOT INTENDED FOR USE BY OTHER PARTIES IN THE FUTURE. USE OF THIS PRODUCT BY OTHERS WITHOUT THE WRITTEN AUTHORIZATION OF THE SURVEYOR IS A VIOLATION OF U.S. COPYRIGHT LAW.
- THIS SURVEY WAS CONDUCTED ACCORDING TO INFORMATION PROVIDED IN COMMITMENT FOR TITLE INSURANCE FILE NUMBER GF 42258 EFFECTIVE 11/12/2019.

BUYER(S): CYNTHIA A. POYNTER

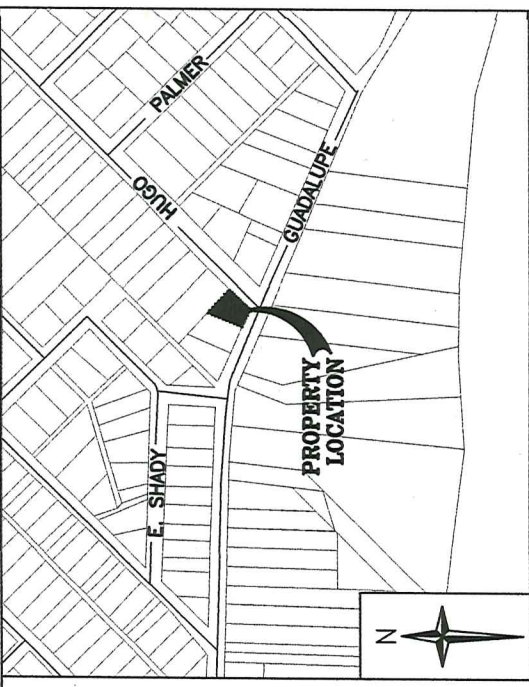
THIS PLAT CERTIFICATION EXPIRES DECEMBER 20, 2019  
BASED ON A FIELD SURVEY CONDUCTED ON THE GROUND  
NOVEMBER 14, 2019

\* LEGEND \*

- FOUND CORNER AS NOTED
- FOUND FENCE POST AS CORNER
- ⊙ SET CORNER AS NOTED
- PP UTILITY POLE
- GM GAS METER
- (COURSE VALUE PER DEED V.897, PG. 693 D.R.K.C.T.)
- PROPERTY LINE
- ADJOINER LINE
- BUILDING SETBACK LINE
- CHAIN LINK FENCE LINE
- METAL FENCE LINE
- WOOD FENCE LINE
- OVERHEAD ELECTRIC
- EX-OHE



SCALE: 1"=20'



VICINITY MAP

1"=500'

SOURCE: KERRVILLE GIS

LAND TITLE SURVEY

BEING A 0.14 ACRE PORTION OF THE JOHN YOUNG SURVEY NO. 118, ABSTRACT 375 BEING A PORTION OF THAT PARCEL CONVEYED TO WILLIAM E. THOMAS TO ROBERT E. COX ACCORDING TO THE DEED RECORDED IN VOL. 93, PG. 300, SAVE AND EXCEPT THAT PORTION CONVEYED FROM MARVIN KENNEDY TO HENRY WORENER AS RECORDED IN VOL. 108, PG. 7, DEED RECORDS OF KERR COUNTY, TEXAS.  
ALSO KNOWN AS "300 GUADALUPE STREET".

\* SURVEYORS CERTIFICATION \*

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, DULY LICENSED AND REGISTERED IN THE STATE OF TEXAS, AND THAT THIS PLAT REPRESENTS A SURVEY CONDUCTED BY ME, OR UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS ARE CORRECT AS SHOWN, AND EASEMENTS OF RECORD ARE CORRECTLY SHOWN AND THERE ARE NO ENCROACHMENTS OR OVERLAPS OF IMPROVEMENTS, EXCEPT AS NOTED HEREON.

DATE: NOVEMBER 20, 2019

*[Signature]*

R. SCOTT MCCLINTOCK, SR., R.P.L.S.  
REGISTRATION NO. 5907



631 WATER STREET  
KERRVILLE, TX 78028  
830-217-7100  
wellbornengineering.com  
FIRM# 10194410  
T.B.P.L.S.

**WELLBORN**  
ENGINEERING &  
SURVEYING

PROJECT: WES: 19-121	SCALE: 1" = 20'	FIELD: CBC	DRAFTING: JSM	CHECKED: RSM
LAST FIELD VISIT: 11.20.2019				SHEET NO. 1 of 1
LAST DRAFT REVISION: 11.20.2019				





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

**SUBJECT:** Resolution No. 13-2020. A Resolution granting a Conditional Use Permit to authorize a stand-alone parking lot and an automobile dealership, used auto sales on the property located at 401 Sidney Baker S. (State Highway 16 S.).

**AGENDA DATE OF:** July 14, 2020 **DATE SUBMITTED:** Jun 11, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20200714\\_Resolution\\_13-2020 CUP 401 Sidney Baker S.pdf](#)  
[20200714\\_Map\\_401 Sidney Baker Street S.pdf](#)  
[20200714\\_Site Plan\\_401 Sidney Baker Street S\\_CP1-Master\\_Plan-Stoepel.pdf](#)  
[20200714\\_Proposal\\_401 Sidney Baker Street S\\_Stoepel Ford Pedestrian Connection Across SH16.pdf](#)

<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$0	\$0	\$0	N/A

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

<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	L - Land Use
<b>Guiding Principle</b>	
<b>Action Item</b>	

**SUMMARY STATEMENT:**

Proposal

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for Parking Lot, Stand-Alone and an Automobile Dealership, Used Auto Sales on approximately 6.44 acres out of Waddell Survey, Survey #145, Abstract 354; and more commonly known as 401 Sidney Baker.

Procedural Requirements

Twelve (12) letters were mailed May 19, 2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on May 16, 2020. At the time of drafting this Agenda Bill, no public comments have been received.

## Staff Analysis and Recommendation

The applicant is requesting a conditional use permit allowing the property to be used for a parking lot under the conditional use, "Parking Lot, Stand-Alone" and later developed for the conditional use, "Automobile Dealership, Used Auto Sales." The property is zoned C-2 Light Commercial District where both requested uses are listed as conditional within the Land Use Table.

For purposes of the Zoning Code, a "conditional use" is a use of property designated in the Land Use Matrix which is otherwise not permitted in a specific zoning district, but which may become a compatible use through the imposition of, and compliance with, conditions related to development of the specific property.

Customer proposes to develop the project in two phases: Phase 1 as the stand-alone parking lot; Phase 2 as the used automobile dealership. The property is currently not platted and in addition to the CUP would require a preliminary plat, construction drawings and final plat as part of the overall approval process. Per zoning code, the Phase 1 parking lot shall commence within 180 days of the CUP effective date and be allowed to operate for up to two (2) years from CUP effective date, at which time permits would need to be obtained for construction of the Phase 2 used automobile dealership. If approved, CUP conditions have been drafted for both Phase 1 and Phase 2 of the proposed project.

The staff recommended CUP conditions are consistent with current code requirements as well as consistent with the intent of the Kerrville 2050 Comprehensive Plan. These conditions address site grading & drainage, clean storm water runoff, safe pedestrian travel, public right-of-way improvements, tree preservation, landscaping and overall project appearance as the proposed project is located on a major entryway into the City center. Although some of the proposed conditions are not yet official policy, they have been included to be consistent with the intent of the Kerrville 2050 Comprehensive Plan.

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are designated as Strategic Plan Area 2 which recommends a strong commercial presence along the SH 16 corridor. The proposed conditional uses are fully consistent with the 2050 Comprehensive Plan when incorporating the proposed conditions into the overall project design.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: C-2 Light Commercial

Existing Land Uses: Vacant Land

Direction: North

Current Zoning: PI Public and Institutional

Existing Land Uses: Texas Department of Motor Vehicles

Direction: South

Current Zoning: MU Mixed Use

Existing Land Uses: LDB Corporate Office (for sale)

Direction: East

Current Zoning: C-3 General Commercial

Existing Land Uses: Ken Stoepel Ford Dealership

Direction: West

Current Zoning: R-2 Medium Density Residential

Existing Land Uses: Single Family Residential Homes

Thoroughfare Plan: The property is located at the corner of Lehmann Drive and SH 16 (Sidney Baker Street). Lehmann Drive is designated as a Collector and SH 16 a Primary Arterial. One curb cut is proposed on Lehmann Drive and the use of an existing access point is proposed on SH 16.

Traffic Impact: High traffic volumes are not anticipated by the proposed uses. Ingress and egress on Lehmann Drive should not cause traffic impacts. Because SH 16 is a primary arterial, staff has recommended that the applicant coordinate with TxDOT to confirm that the existing access point location and proposed design onto SH 16 are acceptable to TxDOT.

Parking: Adequate parking is included in the proposed project site plan.

Recommendation: Staff recommends approval of the Conditional Use Permit with the following conditions:

A. Site Plan: The development and use of the Property shall conform to the site plan, attached as Exhibit B.

B. Commencement of Parking Lot, Stand-Alone: the use for the stand-alone parking lot use, to be known as "Phase 1", shall commence within 180 days of this Resolution's (CUP) effective date. If Phase 1 does not commence on or before said date, the CUP shall automatically terminate. This timing may be extended, but only through an amendment to this Resolution.

C. Term of Use for Parking Lot, Stand-Alone: the stand-alone parking lot use is allowed for up to two (2) years from the CUP effective date. On or before such date, the owner shall obtain the necessary permit(s) for construction of the automobile dealership, used auto sales, to be known as Phase 2, and commence construction. If such

construction for Phase 2 does not commence on or before said date, the CUP shall automatically terminate. This timing may be extended, but only through an amendment to this Resolution.

D. Platting and Improvement Plans: where owner seeks to install any underground utilities to be connected to the City's water, wastewater, or storm drain systems, owner, in conjunction with such work, shall comply with the City's Subdivision Code, to include platting requirements, which code may be amended. Owner shall also comply with requirements applicable to the connection to and use of other utilities on the Property.

E. Phase 1 Site Improvements (Stand-alone Parking Lot): Phase 1 site improvements, based on the depiction of the Phase 1 development and shown on Exhibit B, shall include the following:

1. Site Grading and Drainage – site grading and drainage is required, which shall comply with a Storm Water Pollution Prevention Plan ("Plan") which implements Best Management Practices as required by the State of Texas. During this work, public streets must remain free of dirt and debris from such activities and streets cleaned as necessary or if reasonably requested by City.

2. Detention Basin / Storm Culvert: a detention basin is required, which shall be appropriately sized and located to detain diverted hillside runoff and to include adequately sized storm culvert for Lehmann Drive entrance. The Plan must clearly indicate direction of runoff flow from basin to ultimate discharge point from the Property. In addition, approval must be obtained from the Texas Department of Transportation ("TxDOT") where any discharge will go into TxDOT's storm drain facilities.

3. Pedestrian Access: safe pedestrian access must be provided, to include access to Property from the property across SH 16, which may continue to be owned and used in conjunction with the Property. A sidewalk shall be installed within TxDOT right of way located along SH 16 and between the intersection of SH 16 and Lehmann Drive to its connection with a new pedestrian traffic pedestal and ADA ramp, both located on the western side of SH 16. All such work and installation may require approval from TxDOT and shall be completed as part of Phase 1 and prior to the commencement of the stand-alone parking lot use.

4. Public ROW Improvements: curb, gutter, and sidewalk must be installed along entire frontage of Property frontage along both Lehmann Drive and SH 16. Such work may require approval from City and/or TxDOT. Broken curb shall be removed and replaced and missing curb installed and asphalt patched in these locations, as necessary. This work may be deferred but completed as part of Phase 2 and prior to the commencement of the automobile dealership, used auto sales use.

5. Parking Lot and Vehicle Travel Lane Surfacing: the parking lot and vehicle travel lane surfacing must be asphalt, concrete, or such other surfacing to prevent mud, dirt, or other loose materials from being removed from the Property and tracked onto the public rights-of-way by vehicles traveling from the Property.

6. Tree and Hillside Preservation: as much as is practical, the large diameter (i.e., 18" or greater in diameter), healthy, non-diseased, and native, non-invasive existing trees shall be preserved unless removal is necessary. All areas of the Property which remain undeveloped, as depicted in Exhibit B, shall retain all trees and vegetation.

7. Landscaping: as the Property is located along a major entryway into the City, landscaping and irrigation shall be provided along both street frontages (SH 16 and Lehmann Drive) to the Property. Such landscaping may be similar to what the property located directly across the intersection maintains along La Casa Drive. Planting materials must be from the list of recommended plants set forth in the most recent edition of Recommended Plants for the Kerrville Area by the City at the time of planting. All landscaping must be maintained in a healthy, growing condition and not be allowed to grow so high as to impede safe sight distances at intersections. The development of the site shall be designed to allow storm water runoff to migrate through landscaped areas before entering the public storm water drain system. These requirements may be deferred until Phase 2, but must occur prior to the commencement of the automobile dealership, used auto sales use. Prior to installation, a landscaping plan must be submitted to the City's Planning Director for approval prior to the issuance of any building permits.

8. Sight Distance: display must not impede safe sight distances at intersections.

9. Parking Lot / Exterior Lighting: all outside pole lights must be full cutoff fixtures with the light source fully shielded design and located, shielded, and aimed in such a manner so as not to allow light to directly fall on adjacent roadways and/or properties.

10. Signage: the design, installation, location, and maintenance of signs shall comply with City's Sign Code (Ch. 92, Code of Ordinances) existing at the time of sign permitting.

11. Trash and Other Solid Waste: solid waste collection bins and dumpsters must be equipped with lids and screened with a gate with an opaque screen on one side and a minimum six foot (6.0') screening fence on the remaining three sides.

12. Outdoor Storage and Display: the outdoor storage of any materials, supplies, inventory, and/or equipment, whether in cargo containers or similar containers or buildings, is prohibited. This condition does not apply to inventory vehicles being stored and displayed on the Property.

F. Phase 2 Site Improvements (Automobile Dealership, Used Auto Sales): Phase 2 site improvements, based on the site plan, shall include, the following:

1. Phase 1 Deferred Items: any deferred items from the Phase 1 site improvement conditions must be completed prior to the automobile dealership, used auto sales use.

2. Frontage Improvements: a secondary access point from the Property to SH 16, to include an adequately sized storm water culvert, must be provided but subject to approval from TxDOT. Should TxDOT not allow this secondary access, alternative access must be made from the Property to Lehmann Drive.

3. Proposed Retaining Wall Height: Where the wall height will exceed five feet (5.0'), consideration should be given to stepping the wall or providing landscaping at the base of the wall to minimize the perceived height. Retaining walls exceeding four feet (4.0') in height require structural engineering and permitting.

G. Other Zoning Regulations: The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, as amended or superseded, the provisions of this Resolution will prevail.

The Planning and Zoning Commission recommended the case for approval on June 6, 2020 with a unanimous vote.

Attachments:

Map

Site Plan

Proposed pedestrian improvements

**RECOMMENDED ACTION:**

Approve Resolution No. 13-2020.

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 13-2020**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A STAND-ALONE PARKING LOT AND EVENTUALLY AN AUTOMOBILE DEALERSHIP, USED AUTO SALES ON A PROPERTY CONSISTING OF 6.44 ACRES OUT OF THE WADDELL SURVEY NO. 145, ABSTRACT NO. 354; WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND LOCATED AT 401 SIDNEY BAKER S. (STATE HIGHWAY 16 S.); SAID PROPERTY IS LOCATED WITHIN A LIGHT COMMERCIAL ZONING DISTRICT (C-2); AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN**

**WHEREAS**, the owner of the property described in **Exhibit A**, and graphically depicted in the site plan in **Exhibit B** (the "Property"), both exhibits being attached hereto and made a part hereof for all purposes, is requesting a Conditional Use Permit (CUP) to authorize a stand-alone parking lot, to be followed later with an automobile dealership, used auto sales on a 6.44 acre tract of land located within a Light Commercial Zoning District (C-2); and

**WHEREAS**, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with the City Charter and state law with reference to the granting of conditional use permits under the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances), and the official zoning map adopted thereby; having given the requisite notices by United States mail, publication, and otherwise; and after holding due public 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, City Council, finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit, subject to the special conditions and restrictions set out hereinafter on the Property;

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

**SECTION ONE.** A Conditional Use Permit is granted to permit the Property to be developed and used for a Parking Lot, Stand-Alone (as defined), and to eventually include an Automobile Dealership, Used Auto Sales (as defined), pursuant to the City's Zoning Code (Chapter 60); and such use is subject to the provisions of this Resolution and other applicable City ordinances and regulations:

**Legal Description:** Being an approximate 6.44 acre tract out of the Waddell Survey No. 145, Abstract No. 354, such tract located within the City of Kerrville, Kerr County, Texas, and being more particularly described in **Exhibit**



A, attached hereto and made a part hereof for all purposes.

**General Location:** 401 Sidney Baker S. (State Highway 16 S.), Kerrville, Texas 78028; the street is referred to herein as “SH 16”.

**SECTION TWO.** In addition to the development and use regulations currently applicable to the Property, development and use of the Property is subject to the following additional conditions:

- A. **Site Plan:** The development and use of the Property shall conform to the site plan, attached as **Exhibit B**.
- B. **Commencement of Parking Lot, Stand-Alone:** the use for the stand-alone parking lot use, to be known as “Phase 1”, shall commence within 180 days of the Effective Date. If Phase 1 does not commence on or before said date, the CUP shall automatically terminate. This timing may be extended, but only through an amendment to this Resolution.
- C. **Term of Use for Parking Lot, Stand-Alone:** the stand-alone parking lot use is allowed for up to two (2) years from the Effective Date. On or before such date, the owner shall obtain the necessary permit(s) for construction of the automobile dealership, used auto sales, to be known as Phase 2, and commence construction. If such construction for Phase 2 does not commence on or before said date, the CUP shall automatically terminate. This timing may be extended, but only through an amendment to this Resolution.
- D. **Platting and Improvement Plans:** where owner seeks to install any utilities to be connected to the City’s water, wastewater, or storm drain systems, owner, in conjunction with such work, shall comply with the City’s Subdivision Code, to include platting requirements, which code may be amended. Owner shall also comply with requirements applicable to the connection to and use of other utilities on the Property.
- E. **Phase 1 Site Improvements (Stand-alone Parking Lot):** Phase 1 site improvements, based on the depiction of the Phase 1 development and shown on **Exhibit B**, shall include the following:
  - 1. *Site Grading and Drainage:* site grading and drainage is required, which shall comply with a Storm Water Pollution Prevention Plan (“Plan”) which implements Best Management Practices as required by the State of Texas. During this work, public streets must remain free of dirt and debris from such activities and streets cleaned as necessary or if reasonably requested by City.
  - 2. *Detention Basin / Storm Culvert:* a detention basin is required, which shall be

appropriately sized and located to detain diverted hillside runoff and to include adequately sized storm culvert for Lehmann Drive entrance. The Plan must clearly indicate direction of runoff flow from basin to ultimate discharge point from the Property. In addition, approval must be obtained from the Texas Department of Transportation ("TxDOT") where any discharge will go into TxDOT's storm drain facilities.

3. *Pedestrian Access*: safe pedestrian access must be provided, to include access to Property from areas across SH 16. A sidewalk shall be installed within TxDOT right of way located along SH 16 and between the intersection of SH 16 and Lehmann Drive to its connection with a new pedestrian traffic pedestal and ADA ramp, both located on the western side of SH 16. All such work and installation may require approval from TxDOT and shall be completed as part of Phase 1 and prior to the commencement of the stand-alone parking lot use.

4. *Public ROW Improvements*: curb, gutter, and sidewalk must be installed along entire frontage of Property frontage along both Lehmann Drive and SH 16. Such work may require approval from City and/or TxDOT. Broken curb shall be removed and replaced and missing curb installed and asphalt patched in these locations, as necessary. This work may be deferred but completed as part of Phase 2 and prior to the commencement of the automobile dealership, used auto sales use.

5. *Parking Lot and Vehicle Travel Lane Surfacing*: the parking lot and vehicle travel lane surfacing must be asphalt, concrete, or such other surfacing material as approved by City to prevent mud, dirt, or other loose materials from being removed from the Property and tracked onto the public rights-of-way by vehicles traveling from the Property.

6. *Tree and Hillside Preservation*: as much as is practical, the large diameter (*i.e.*, 18" or greater in diameter), healthy, non-diseased, and native, non-invasive existing trees shall be preserved unless removal is necessary. All areas of the Property which remain undeveloped, as depicted in **Exhibit B**, shall retain all trees and vegetation.

7. *Landscaping*: as the Property is located along a major entryway into the City, landscaping and irrigation shall be provided along both street frontages (SH 16 and Lehmann Drive) to the Property. Such landscaping may be similar to what the property located directly across the intersection maintains along La Casa Drive. Planting materials must be from the list of recommended plants set forth in the most recent edition of *Recommended Plants for the Kerrville Area* by the City at the time of planting. All landscaping must be maintained in a healthy, growing condition and not be allowed to grow so high as to impede safe sight distances at intersections. The development of the site shall be designed to allow

storm water runoff to migrate through landscaped areas before entering the public storm water drain system. These requirements may be deferred until Phase 2, but must occur prior to the commencement of the automobile dealership, used auto sales use. A landscape plan must be submitted to the City no later than submittal of the building permit application for Phase 2.

8. *Sight Distance*: display must not impede safe sight distances at intersections.

9. *Parking Lot / Exterior Lighting*: all outside pole lights must be full cutoff fixtures with the light source fully shielded design and located, shielded, and aimed in such a manner so as not to allow light to directly fall on adjacent roadways and/or properties.

10. *Signage*: the design, installation, location, and maintenance of signs shall comply with City's Sign Code (Ch. 92, Code of Ordinances) existing at the time of sign permitting.

11. *Trash and Other Solid Waste*: solid waste collection bins and dumpsters must be equipped with lids and screened with a gate with an opaque screen on one side and a minimum six foot (6.0') screening fence on the remaining three sides.

12. *Outdoor Storage and Display*: the outdoor storage of any materials, supplies, inventory, and/or equipment, whether in cargo containers or similar containers or buildings, is prohibited. This condition does not apply to inventory vehicles being stored and displayed on the Property.

**F. Phase 2 Site Improvements (Automobile Dealership, Used Auto Sales):**  
Phase 2 site improvements, based on the site plan, shall include, the following:

1. *Phase 1 Deferred Items*: any deferred items from the Phase 1 site improvement conditions must be completed prior to the automobile dealership, used auto sales use.

2. *Frontage Improvements*: a secondary access point from the Property to SH 16, to include an adequately sized storm water culvert, must be provided but subject to approval from TxDOT. Should TxDOT not allow this secondary access, alternative access must be made from the Property to Lehmann Drive.

3. *Proposed Retaining Wall Height*: The proposed retaining wall should be as short as possible, but where its height will exceed five feet (5.0'), consideration should be given to stepping the wall or providing landscaping at the base of the wall to minimize the perceived height. Retaining walls exceeding four feet (4.0') in height require structural engineering and permitting.

- G. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, as amended or superseded, the provisions of this Resolution will prevail.

**SECTION THREE.** This Resolution and the Conditional Use Permit granted herein is subject to termination in accordance with the Zoning Code.

**SECTION FOUR.** City Council finds and determines that its adoption of this Resolution promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.


**SECTION FIVE.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION SIX.** This Resolution is effective upon adoption ("Effective Date").

**PASSED AND APPROVED ON this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2020.**

\_\_\_\_\_  
Bill Blackburn, Mayor

APPROVED AS TO FORM:



\_\_\_\_\_  
Michael C. Hayes, City Attorney

ATTEST:

\_\_\_\_\_  
Shelley McElhannon, City Secretary





# Location Map

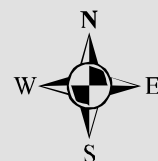
Case # 2020-19

Location:

401 Sidney Baker St S

## Legend

200' Notification Area  
Subject Properties

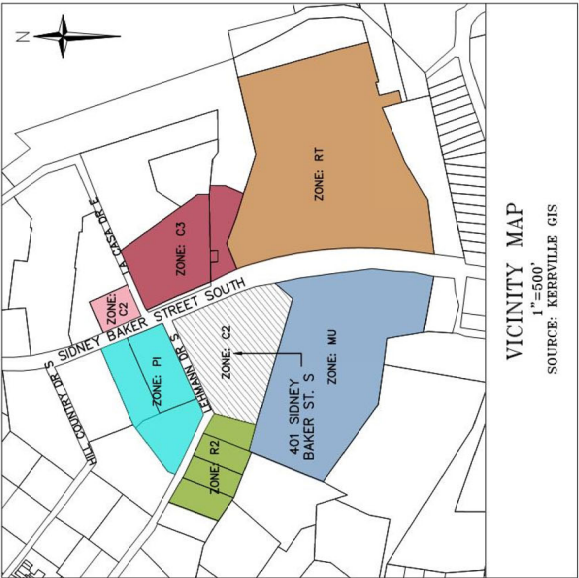
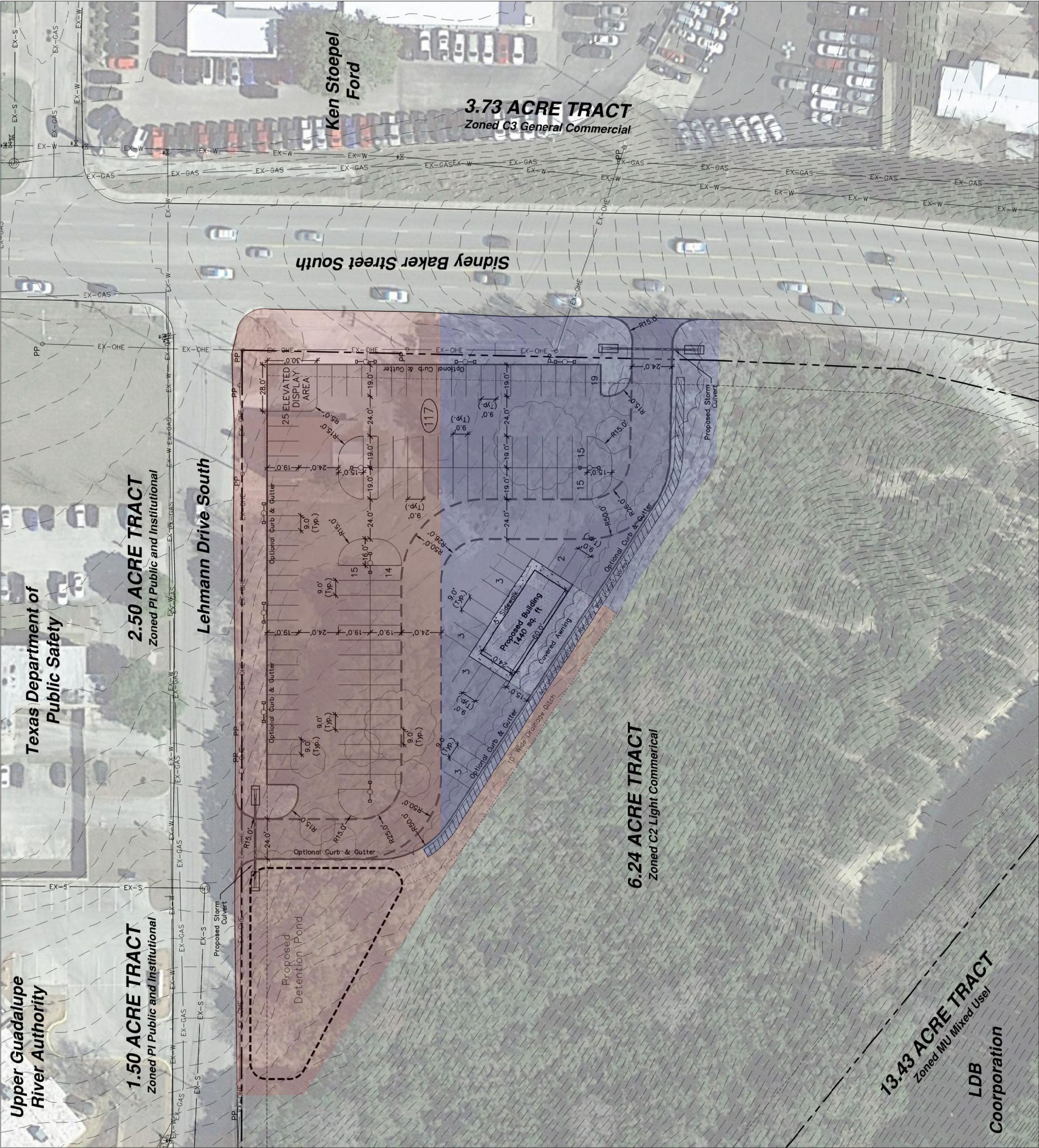


0 100 200 400

Scale In Feet

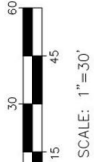
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.





Master Plan Exhibit  
for  
Ken Stoepel Ford Parking Lot & Used Car Sales  
401 Sidney Baker Street South  
Kerrville, TX

- LEGEND**
- — — — — 2917
  - — — — — EXISTING CONTOUR LINE
  - — — — — EXISTING POWER POLE
  - — — — — EXISTING OVERHEAD ELECTRIC LINE
  - — — — — EXISTING SEWER LINE
  - — — — — EXISTING WATER LINE
  - — — — — EXISTING GAS LINE
  - — — — — EXISTING TREE CANOPY
  - — — — — PROPOSED ASPHALT PAVEMENT
  - — — — — PROPOSED BUILDING
  - — — — — PROPOSED SIDEWALK
  - — — — — PROPOSED RETAINING WALL
  - — — — — PROPOSED STRIPING (4" WHITE STRIPE)
  - — — — — PROPOSED CURB & GUTTER
  - — — — — PROPOSED STORM SEWER PIPE
  - — — — — PROPOSED FIRE LANE
  - — — — — PROPOSED DRAINAGE PATH
  - — — — — PROPOSED LIGHT POLE
  - — — — — PHASE I
  - — — — — PHASE II



The features shown on this plan/exhibit/drawing were created from aerial photography, GIS data, and limited on-the-ground survey. Therefore, the distances, dimensions, locations, elevations, and quantities identified on this sheet are only approximate.

The aerial photography used for this plan/exhibit/drawing is provided to show relative approximate locations and may not be suitable for legal, engineering, or survey purposes.



**WELLBORN**  
ENGINEERING &  
SURVEYING

631 Water Street  
Kerrville, TX 78028  
phone: 830-217-7100  
Texas Registration No. 1-7161  
[wellbornengineering.com](http://wellbornengineering.com)

This document is released for interim purposes only. It is incomplete and may not meet regulatory approval, permit, or construction. Michael Wellborn, P.E., License # 88685

No.	Date	Description
1	03.18.2020	Master Plan CUP Exhibit
Revisions		

Scale 1"=30' for 22"x34" sheets
WES Project No. WES-19-135
Sheet No.

CP1



## Proposed Stoepel Ford Pedestrian Connection Across SH 16 (Sidney Baker St) at La Casa Drive to Lehmann Drive

May 18, 2020

**Description:** To promote safe pedestrian travel to and from the existing Stoepel Ford dealership to and from the proposed parking lot / used auto sales facility, the City of Kerrville is proposing the addition of +/- 85 linear feet of sidewalk to connect the ADA ramp on west side of SH 16 going south toward Lehmann Drive.





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

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**SUBJECT:** Ordinance No. 2020-14. An Ordinance rezoning the property located at 333 Guadalupe Street from a Medium Density Residential Zoning District (R-2) to a Multifamily Residential Zoning District (R-3) and amending the Comprehensive Plan (Kerrville 2050) in accordance with such change.

**AGENDA DATE OF:** July 14, 2020      **DATE SUBMITTED:** Jun 11, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20200714\\_Ordinance\\_2020-14 Zoning Change 333 Guadalupe Street.pdf](#)  
[20200714\\_Map\\_333 Guadalupe Street.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$0	\$0	N/A	N/A

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	H - Housing
<b>Guiding Principle</b>	H1. Provide a diverse range of housing options to meet the needs and desires of all age groups, income levels, and lifestyles
<b>Action Item</b>	

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**SUMMARY STATEMENT:**

Proposal

Request to change the zoning from R-2 Medium Density Residential to R-3 Multifamily Residential on Lot 2 and part of lots 3, 4, and 5, Block 1 Riverside Additions; and more commonly known as 333 Guadalupe Street.

Procedural Requirements

17 letters were mailed Tuesday, May 19, 2020, to adjacent property owners. The public notice was published in the Kerrville Daily Times on Saturday, May 16, 2020. Two letters were received regarding this case from adjacent property owners, both in opposition.



## Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are designated Transitional Residential (TR). Transitional Residential areas support a variety of housing types in a compact network of complete, walkable streets that are easy to navigate by car, bike, or on foot. Housing types can include small-lot, single-family detached homes, patio homes, townhomes, duplexes, condominiums, or apartments. Limited amounts of local retail and services may be appropriate in certain locations as needed to support the primary land uses.

Primary Land Use: Small lot, single-family detached homes, patio homes, townhomes, duplexes, condominiums, apartments.

Secondary Land Use: Civic and institutional uses, parks and open space, small amounts of neighborhood-serving retail and office in carefully chosen locations.

Indicators & Assumptions: Densities are typically six to 40 units per acre.

A small portion of this neighborhood was zoned R-3 under the previous zoning, including this lot. The applicant started their due diligence under the previous zoning, however, the project had not moved forward with any applications prior to the zoning change. As indicated by the Transitional Residential designation on the Future Land Use Plan, a variety of housing types is recommended for this area, including multifamily.

Based on the Transitional Residential place type in the Future Land Use Plan, the request for R-3 zoning is consistent with the Kerrville 2050 Comprehensive Plan.

Additionally, this project will provide for new housing units that helps fill some of the housing needs in Kerrville. The proposed site plan includes a private River Trail Connection and has oriented the site to no back the buildings up to the river.

### Adjacent Zoning and Land Uses:

#### Subject Property

Current Zoning: R-2

Existing Land Uses: Single family home

Direction: North

Current Zoning: R-1A

Existing Land Uses: single family residential

Direction: South

Current Zoning: R-2

Existing Land Uses: Guadalupe River

Direction: East

Current Zoning: R-2

Existing Land Uses: single family homes

Direction: West

Current Zoning: R-2

Existing Land Uses: single family homes

Further down Guadalupe Street is the Dietert Center, Palacios del Guadalupe condominiums, Take it East RV Park, Brookdale Guadalupe River Plaza condominiums, Cailloux Foundation, Guadalupe River condominiums and the 1011 Bistro restaurant. This neighborhood, truly matching the Transitional Residential Place Type of the Future Land Use Plan, includes a variety of residential housing types, from single family to multifamily.

The R-3 zoning district does include several development regulations to help protect adjacent R-2 property. Although multistory is not part of the proposed project, the R-3 Zoning District requires additional setback for multistory buildings. Single story also has an increased side setback, compared to the R-2 setback requirements, for a minimum of 10 foot side setback.

Thoroughfare Plan: The property fronts a collector and should not have any significant impact on the thoroughfare system.

Traffic Impact: To be determined

Parking: To be determined based on final plans, subject to all parking regulations in the Zoning Code.

Recommendation:

Based on the policies within the Kerrville 2050 Plan, staff recommends approval.

The Planning and Zoning Commission recommended the case for approval on June 6, 2020 with a unanimous vote.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2020-14.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2020-14**

**AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, WHICH ADOPTED ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE PLAN, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY CHANGING THE ZONING AND CLASSIFICATION OF AN APPROXIMATE 1.27 ACRE TRACT, CONSISTING OF LOT 2 AND PART OF LOTS 3-5, BLOCK 1, RIVERSIDE ADDITION; AND MORE COMMONLY KNOWN AS 333 GUADALUPE STREET; FROM A MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (R-2) TO A MULTIFAMILY RESIDENTIAL ZONING DISTRICT (R-3); AMENDING THE COMPREHENSIVE PLAN (KERRVILLE 2050) TO MAKE IT CONSISTENT WITH SUCH AMENDMENT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT**

**WHEREAS**, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on July 14, 2020, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in the change of a zoning district for a property located at 333 Guadalupe Street (Lot 1 and Part of Lots 3-5, all of Block 1, Riverside Addition); such change to result in the removal of the property from a Medium Density Residential Zoning District (R-2) to placement within a Multifamily Residential Zoning District (R-3); and

**WHEREAS**, on July 14, 2020, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

**SECTION ONE.** The Zoning Code for the City of Kerrville, Texas, as enacted by City Council and effective October 1, 2019 and included within Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* be

and the same are hereby amended to designate the following described property zoned as a Multifamily Residential Zoning District (R-3):

**Legal Description: Being all of a certain tract or parcel of land comprising approximately 1.27 acres, and consisting of Lot 1 and Part of Lots 3-5, all of Block 1, Riverside Addition, within the City of Kerrville, Kerr County, Texas; said property being more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."**

**SECTION TWO.** The City Manager or designee is authorized and directed to amend the City's *Official Zoning Map* to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with the City's Zoning Code.

**SECTION THREE.** The City Manager or designee is authorized and directed to amend the City's Comprehensive Plan (*Kerrville 2050*), together with its *Future Land Use Map*, as necessary to make it consistent with the amendment(s) to the Zoning Code authorized by this Ordinance, to include changing the designation of the Property on said map to "Transitional Residential."

**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.** The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

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

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

PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2020.

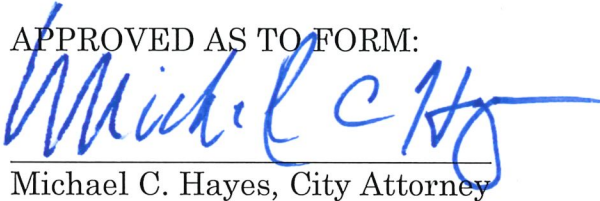
PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ of \_\_\_\_\_, A.D., 2020.

\_\_\_\_\_  
Bill Blackburn, Mayor

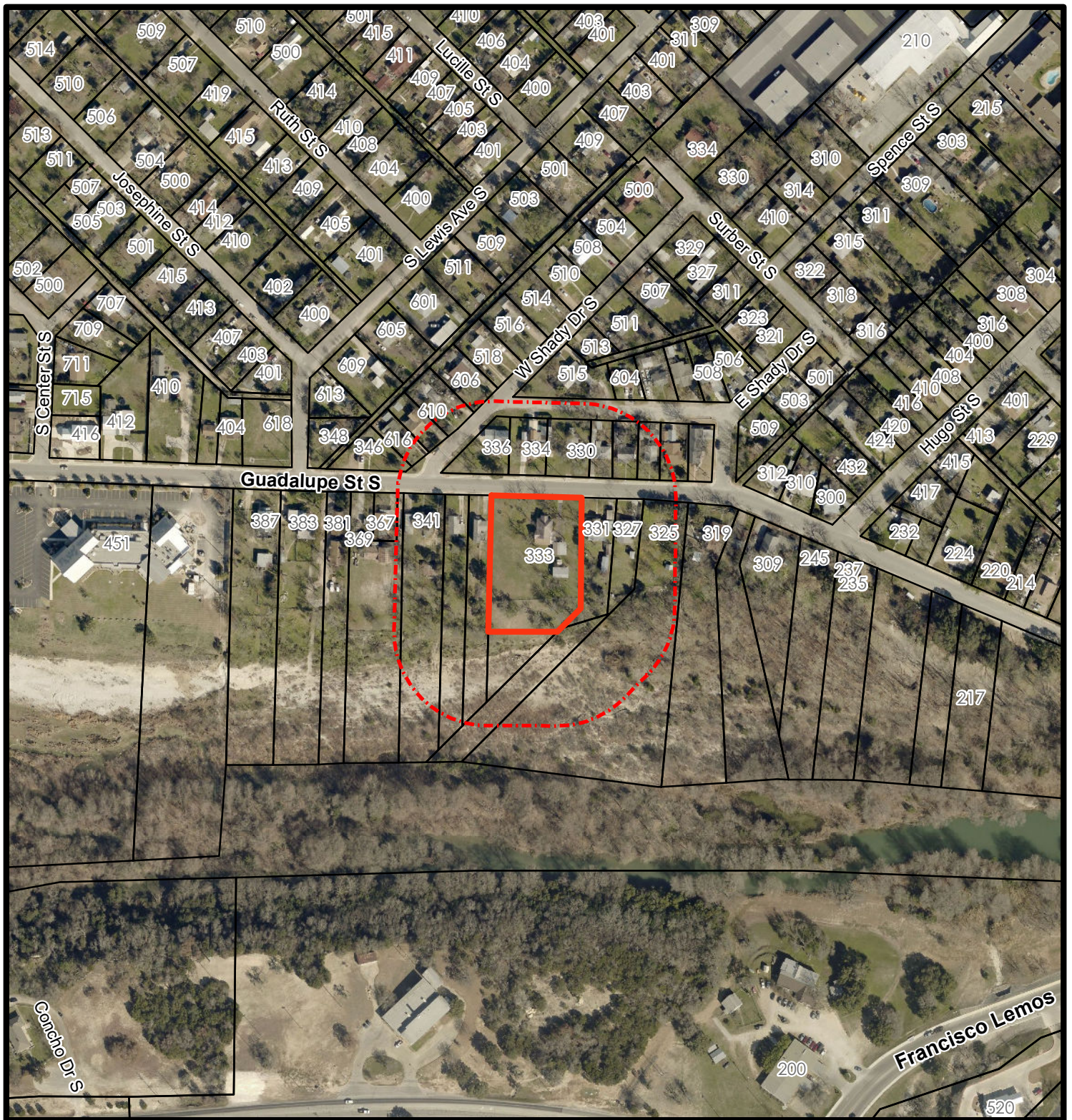
ATTEST:

\_\_\_\_\_  
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael C. Hayes, City Attorney





## Location Map

Case # 2020-017

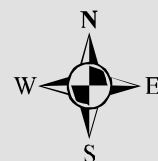
Location:

333 Guadalupe St S

### Legend

200' Notification Area

Subject Properties



0 100 200 400

Scale In Feet





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

**SUBJECT:** Ordinance No. 2020-13. Second Reading. An Ordinance amending Ordinance No. 2018-19 which created Tax Increment Reinvestment Zone Number One, City of Kerrville, Texas, by increasing the number of Board of Directors for the Zone; containing a cumulative clause; containing a savings and severability clause; and providing other matters relating to this subject.

**AGENDA DATE OF:** July 14, 2020 **DATE SUBMITTED:** Jun 16, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20200714\\_Ordinance\\_2020-13 TIRZ Board membership amendment Second Reading.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
N/A	N/A	N/A	N/A

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

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	D - Downtown Revitalization
<b>Guiding Principle</b>	D7. Encourage reinvestment in Downtown businesses by identifying and addressing regulatory hurdles and providing incentives to attract development consistent with the community's vision

**Action Item**

---

**SUMMARY STATEMENT:**

Approval of Ordinance No. 2020-13 will amend both Ordinance No. 2018-19 and Ordinance No. 2020-04.

Ordinance No. 2020-13 proposes to increase the TIRZ Board of Directors membership from five members to seven members; and also removes the clause that the City Council will designate the Vice Chair of the Board among its appointments.

Ordinance No. 2020-13 first reading was approved by City Council on June 23, 2020.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2020-13, second reading, as presented.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2020-13**

**AN ORDINANCE AMENDING ORDINANCE NO. 2018-19 WHICH CREATED TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF KERRVILLE, TEXAS, BY INCREASING THE NUMBER OF BOARD OF DIRECTORS FOR THE ZONE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT**

**WHEREAS**, City Council, pursuant to Chapter 311 of the Texas Tax Code as amended (known as the Tax Increment Financing Act and herein referred to as the “Act”) and its adoption of Ordinance No. 2018-19, previously designated a geographic area within the City as a tax increment reinvestment zone (“TIRZ”); and

**WHEREAS**, Ordinance No. 2018-19 designated the TIRZ as “Reinvestment Zone Number One, City of Kerrville, Texas” hereinafter referred to as the “Zone”; and

**WHEREAS**, Ordinance No. 2018-19 also created a board of directors (“Board”) for the Zone consisting of five (5) members; and

**WHEREAS**, City Council now believes it beneficial to amend Ordinance No. 2018-19 to increase the number of Board members; and

**WHEREAS**, City Council finds it to be in the public interest to amend Ordinance No. 2018-19 as provided herein;

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

**SECTION ONE.** Section Four of Ordinance No. 2018-19, as amended by Ordinance No. 2020-04, is amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

**“SECTION FOUR. BOARD OF DIRECTORS.** A board of directors for the Zone (“Board”) is hereby created. The Board shall consist of ~~five~~ seven (~~5~~7) members appointed by City Council, where such members may include one or more Councilmembers. At the time of its appointments and at any other time, City Council shall designate the Chair ~~and Vice Chair~~ of the Board from among its appointments. The terms of the members are staggered, such that Council will



appoint 3 members to terms expiring September 30 of one year. Council will then appoint the remaining ~~2~~ 4 members to terms expiring September 30 of the following year. During the early history of the Board and where an appointment is made to fill an unexpired term and, based upon a goal of maintaining staggered terms, Council may appoint a person to a term that is less than two years. However, no such appointee shall serve a term longer than two years. Thereafter, ~~All~~ members shall serve until their successors are appointed and qualified, but regardless, each term will exist as a two-year term beginning October 1 and terminating September 30, two years thereafter. Additionally, each taxing unit that levies taxes within the Zone and chooses to contribute all or part of the tax increment produced by the unit into the tax increment fund may appoint one member of the Board. The number of directors on the Board shall be increased by one for each taxing unit that appoints a director to the Board; provided, that the maximum number of directors shall not exceed fifteen (15). The Board shall make recommendations to City Council concerning the administration, management, and operation of the Zone. The Board shall prepare and adopt a project plan and a reinvestment zone financing plan for the Zone and submit such plans to City Council for its approval. The Board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws. Notwithstanding anything to the contrary herein, the Board, pursuant to Section 311.010 of the Act, is not authorized to (i) issue bonds; (ii) impose taxes or fees; (iii) exercise the power of eminent domain, or (iv) give final approval to the Zone's project plan and financing plan. (For purposes of clarification, City Council is not authorizing the Board to initiate any zoning changes, authorize any changes in land use or modify the procedure to obtain the same, all of which must continue to comply with the ordinances, codes and procedures of the City of Kerrville.)"

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

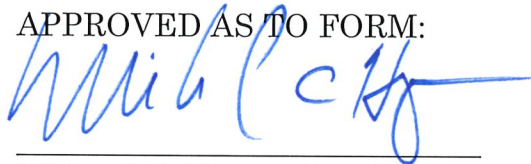
**SECTION THREE.** If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas hereby declares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

**PASSED AND APPROVED ON FIRST READING, this the 23 day of June, A.D., 2020.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2020.**

\_\_\_\_\_  
Bill Blackburn, Mayor

APPROVED AS TO FORM:



\_\_\_\_\_  
Michael C. Hayes, City Attorney

ATTEST:

\_\_\_\_\_  
Shelley McElhannon, City Secretary



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

---

**SUBJECT:** Sidewalk waiver request for 401 Sidney Baker South.

**AGENDA DATE OF:** July 14, 2020

**DATE SUBMITTED:** Jul 02, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [Kerrville Sidewalk Master Plan 02.15.08\\_Sector 3.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
N/A	N/A	N/A	N/A

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

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

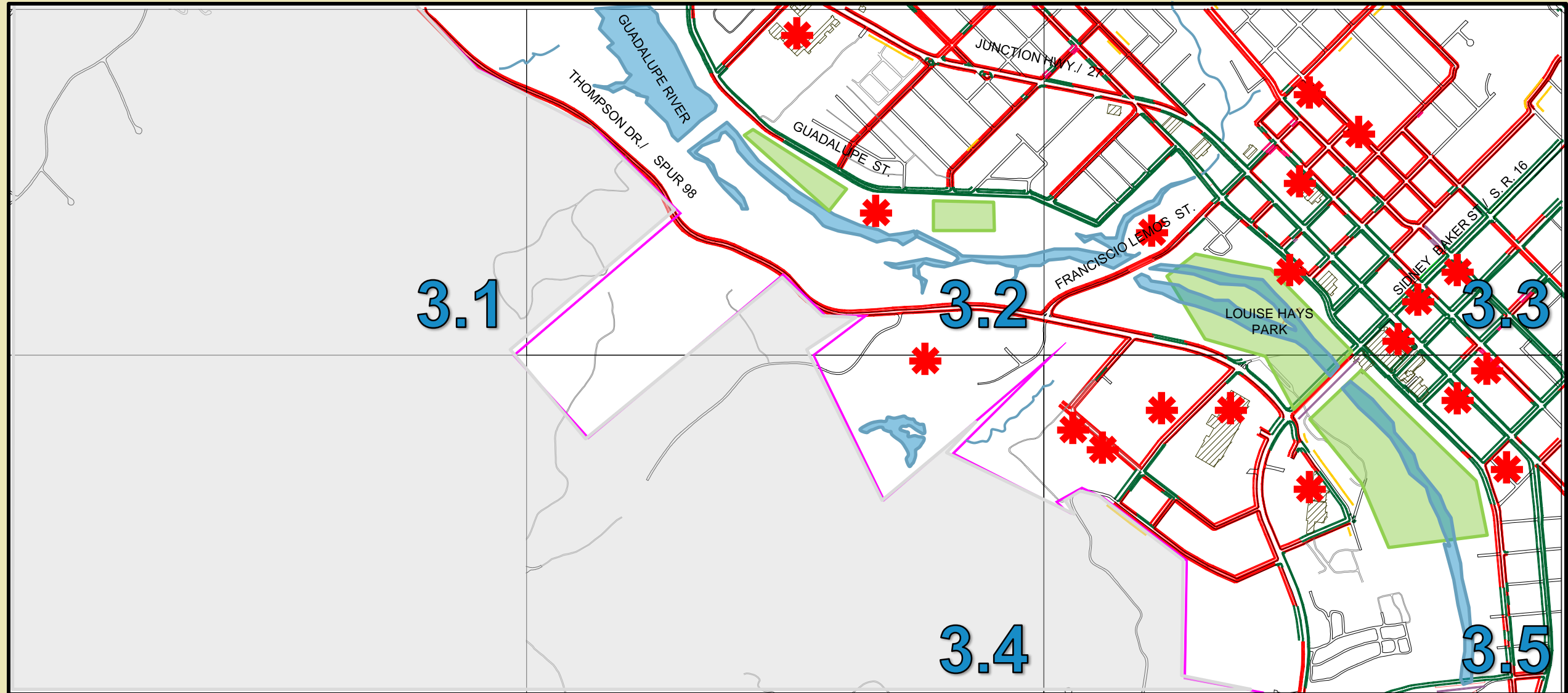
This request for a sidewalk waiver is for the development of the property at 401 Sidney Baker South. The administrative waiver request was denied as there is adequate right of way width for the construction of the sidewalk.

This property consists of approximately 570 feet of frontage on Sidney Baker South and 530 feet of frontage on Lehman Drive. Approximately 250 feet of the Sidney Baker South frontage has an existing drainage structure in place.

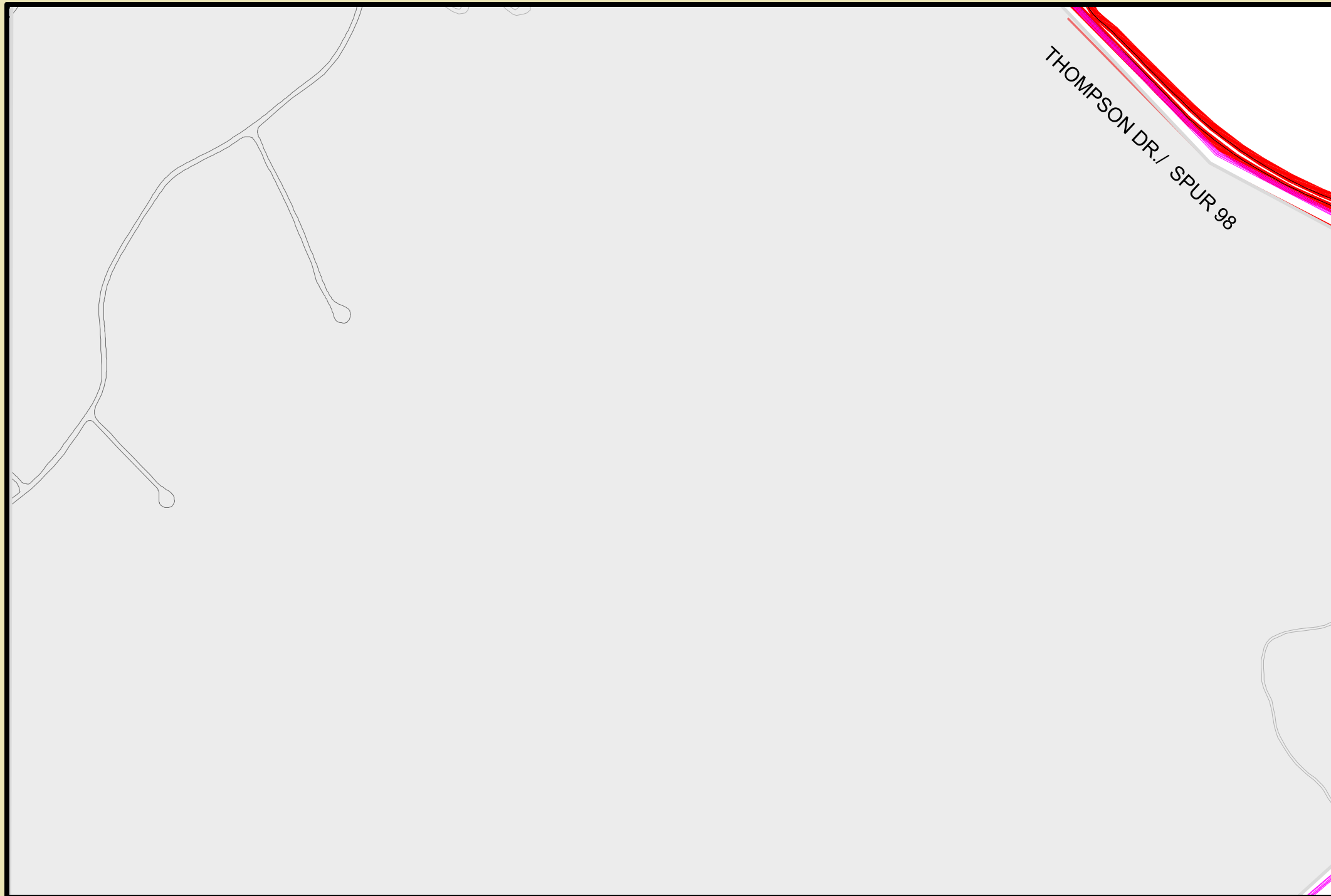
The Kerrville Sidewalk Master Plan recommends sidewalks on both Sidney Baker South and Lehman Drive.



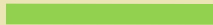




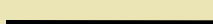

**RECOMMENDED ACTION:**

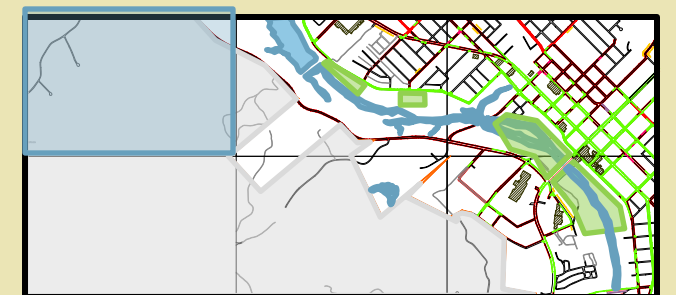
Deny the waiver.

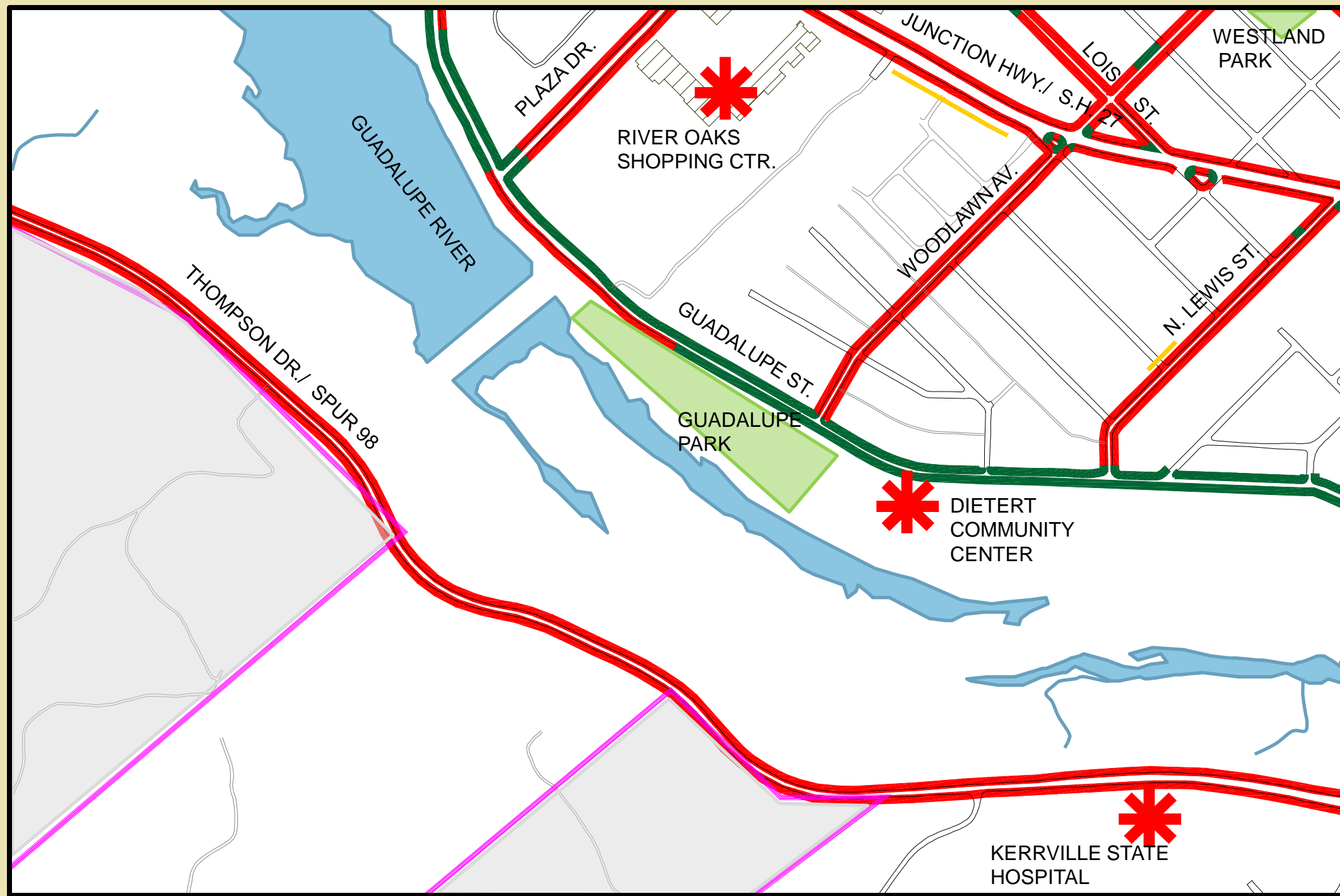




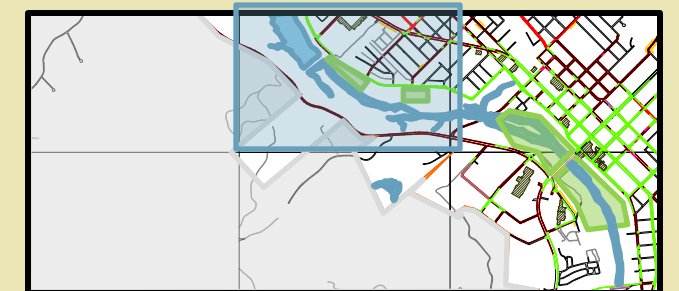


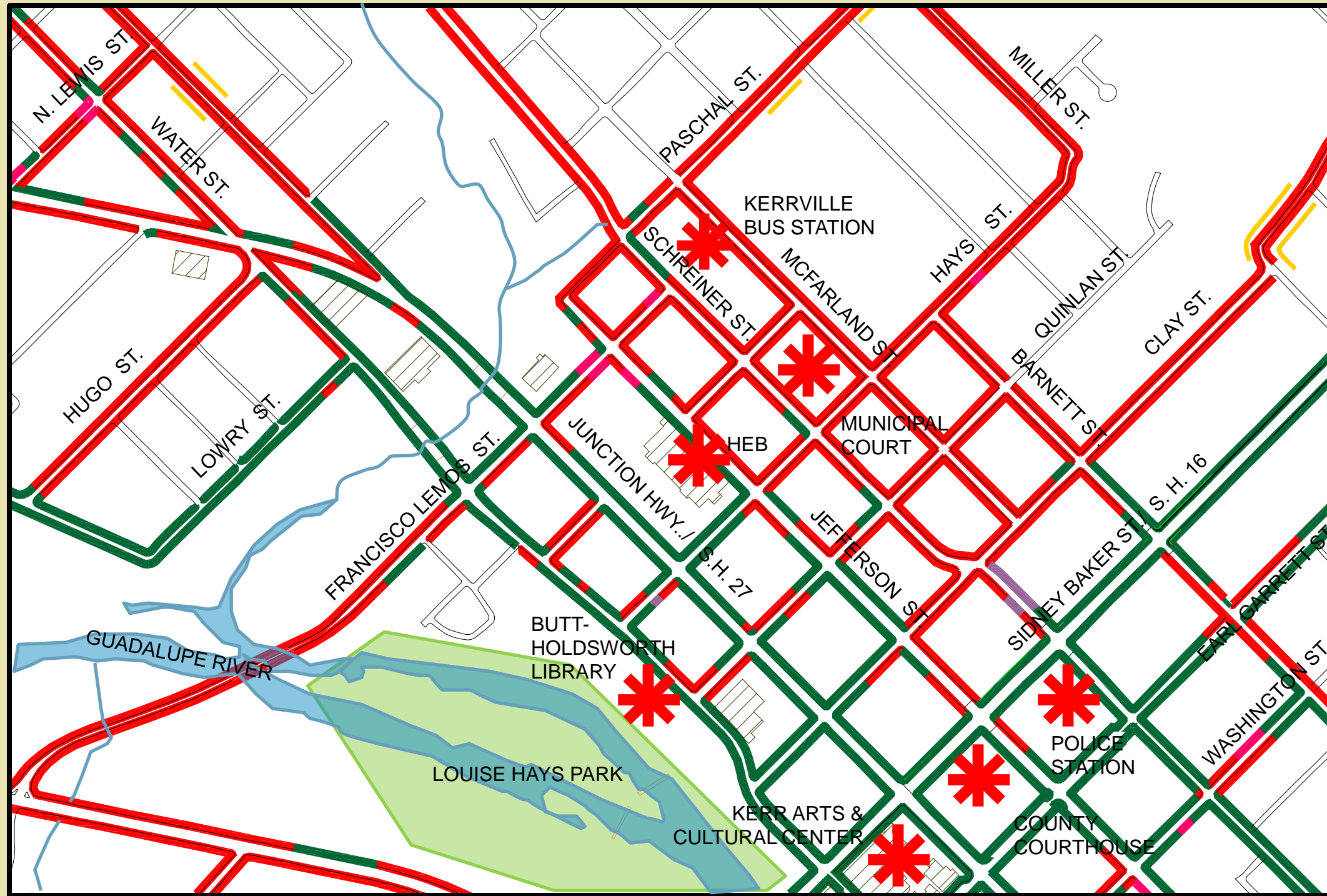
-  Park/ Recreation Area
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-  Landmark

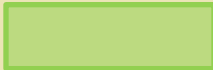
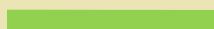






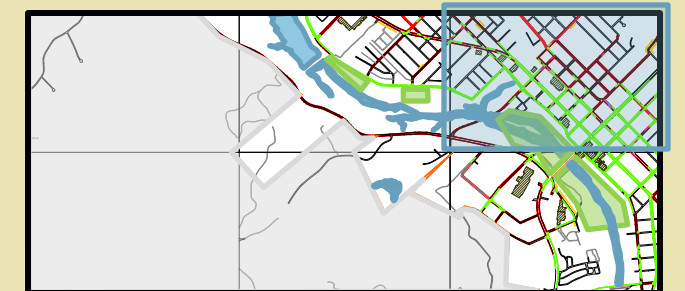


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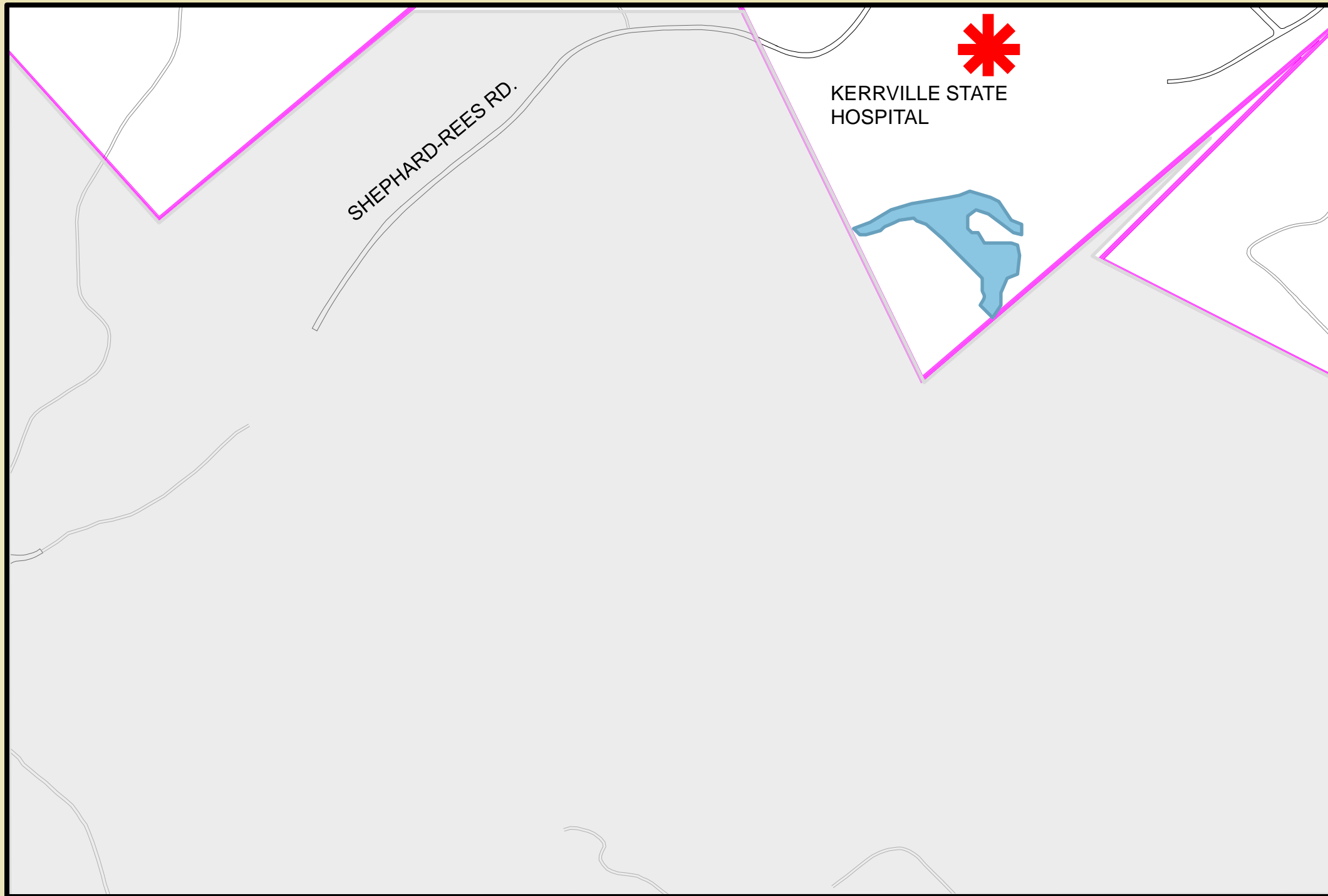





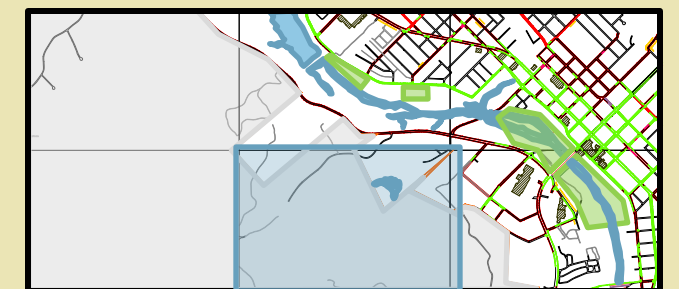
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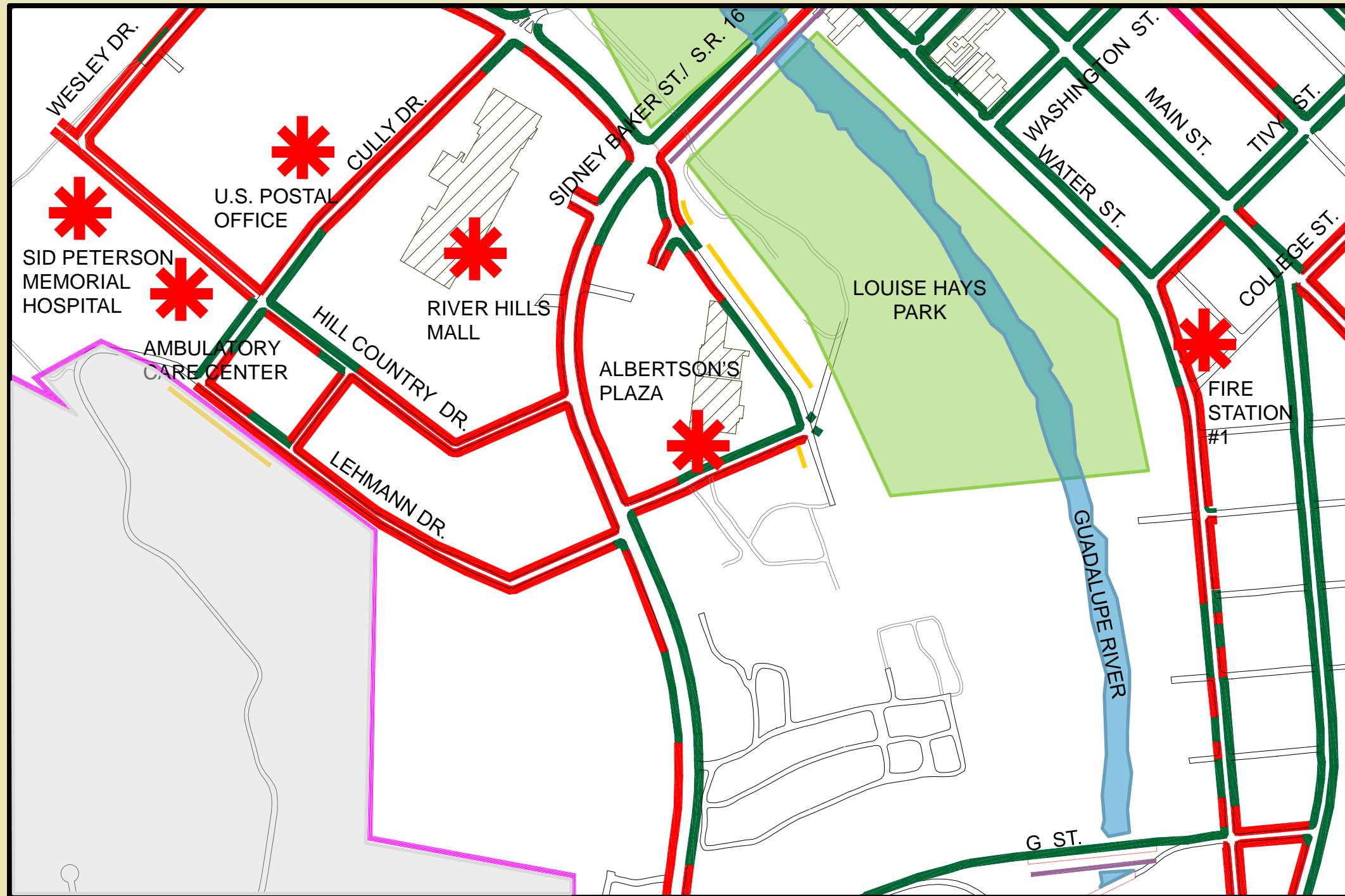








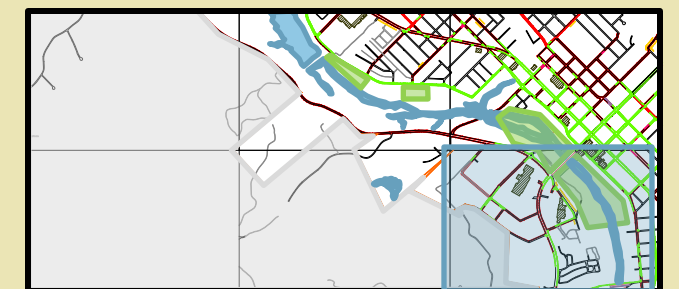


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**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** Sidewalk waiver request for 400 block of Leslie Drive.

**AGENDA DATE OF:** July 14, 2020

**DATE SUBMITTED:** Jul 02, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [Kerrville Sidewalk Master Plan 02.15.08\\_Sector 2.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
N/A	N/A	N/A	N/A

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

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

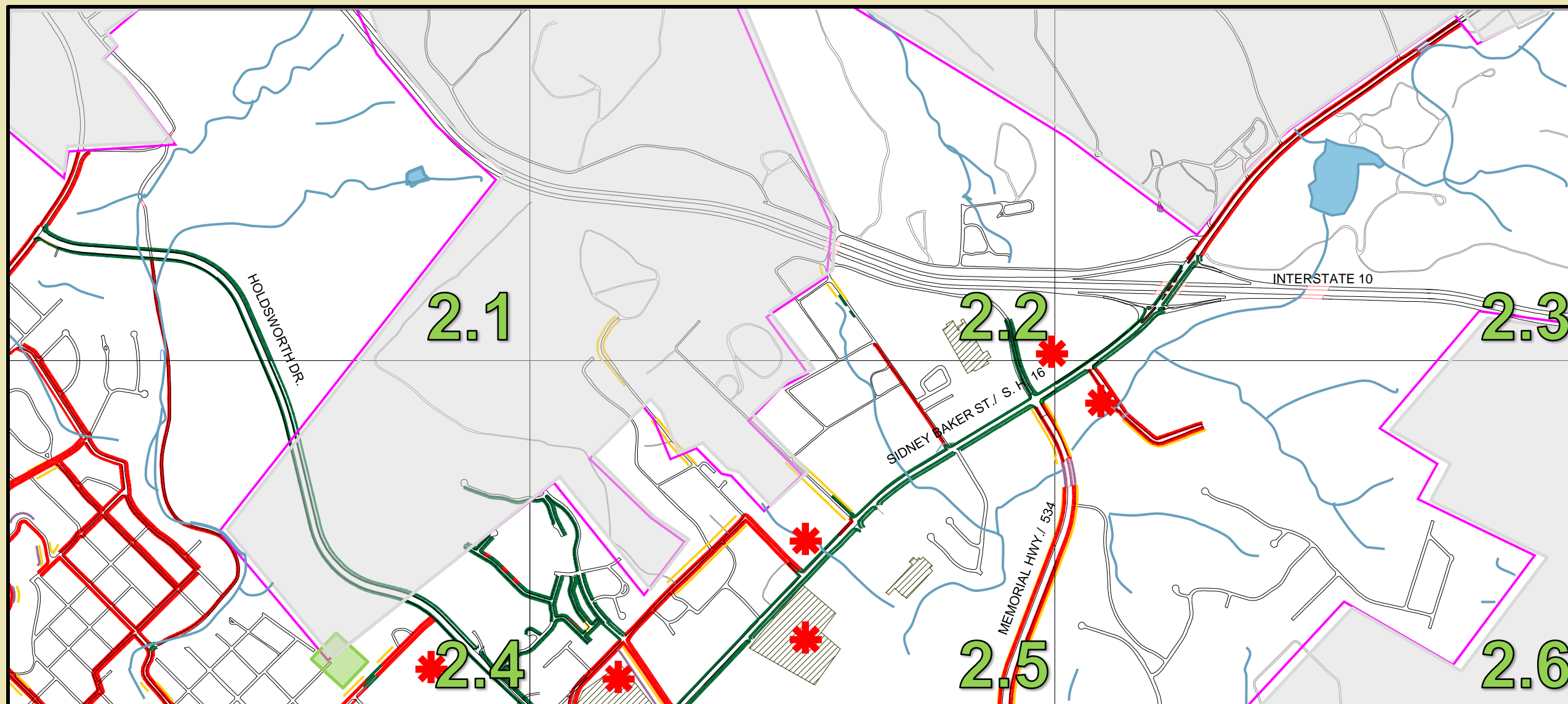
This request for a sidewalk waiver is for the development of the property at 400 block of Leslie Drive. The administrative waiver request was denied as there is adequate right of way width for the construction of the sidewalk.

This property consists of approximately 300 feet of frontage on Leslie Drive.

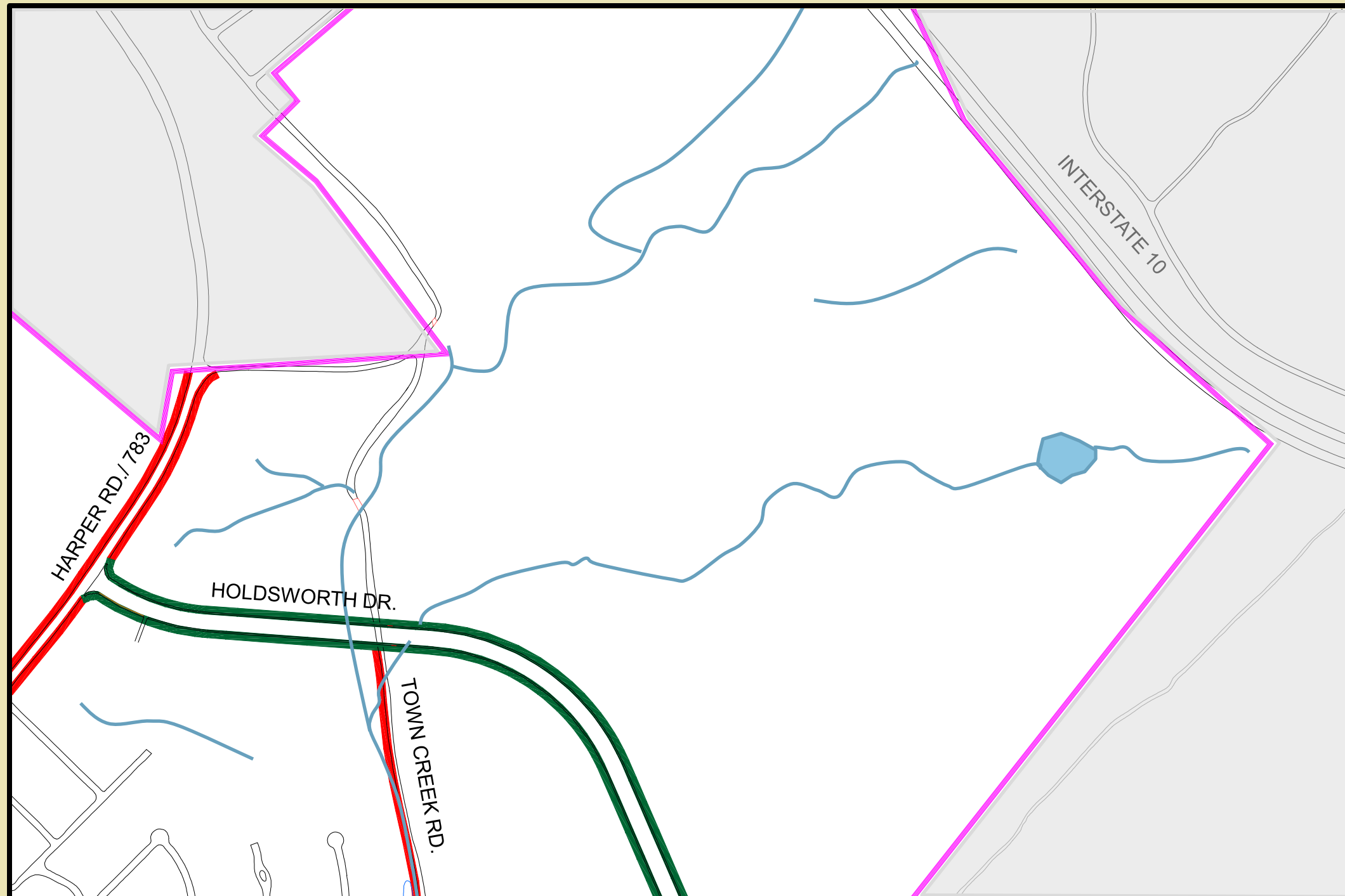
The Kerrville Sidewalk Master Plan recommends sidewalks on Leslie Drive.



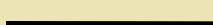
**RECOMMENDED ACTION:**

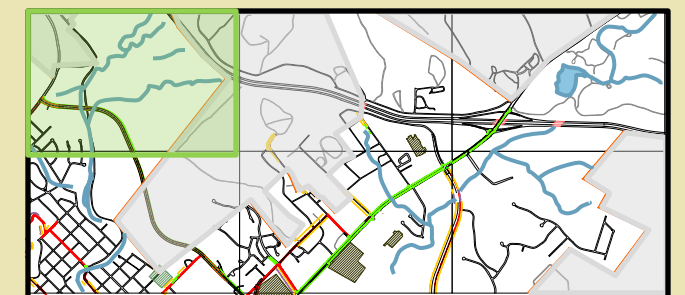
Deny the waiver.

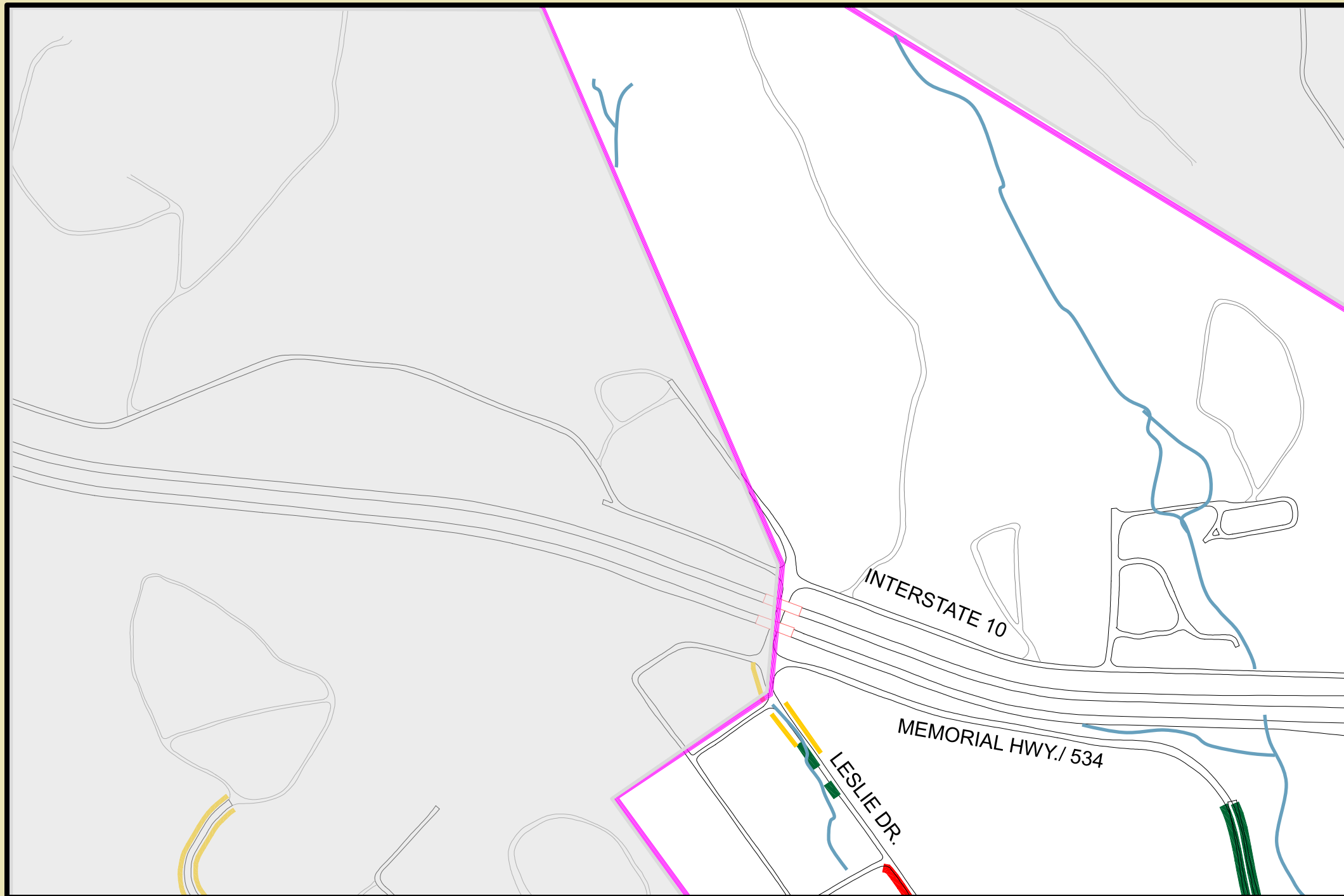








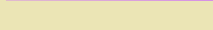
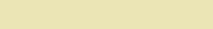



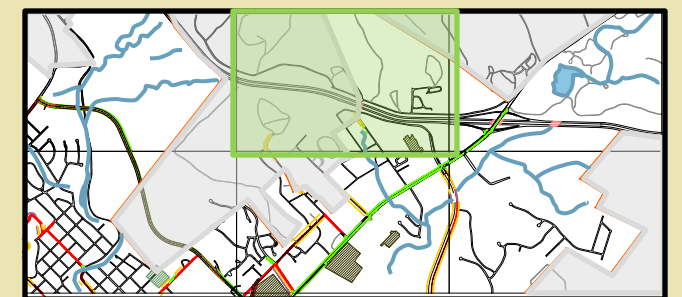


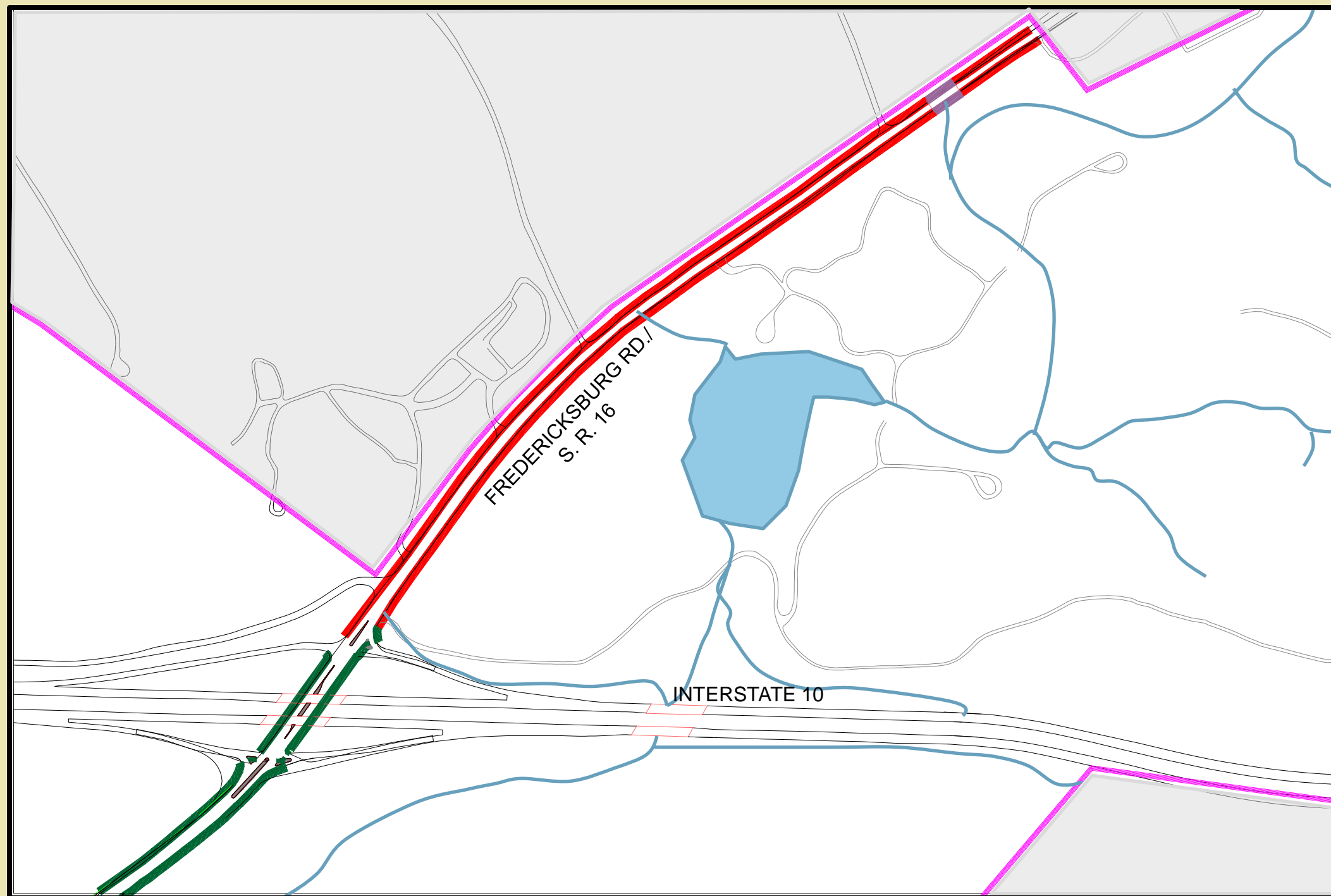
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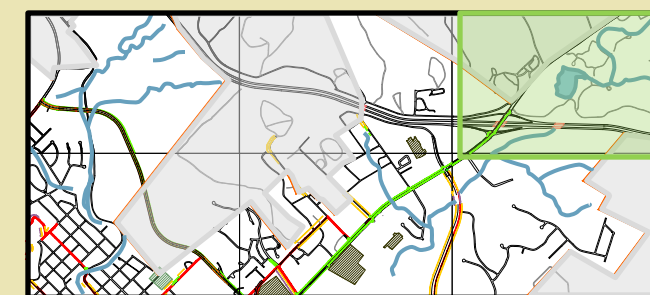


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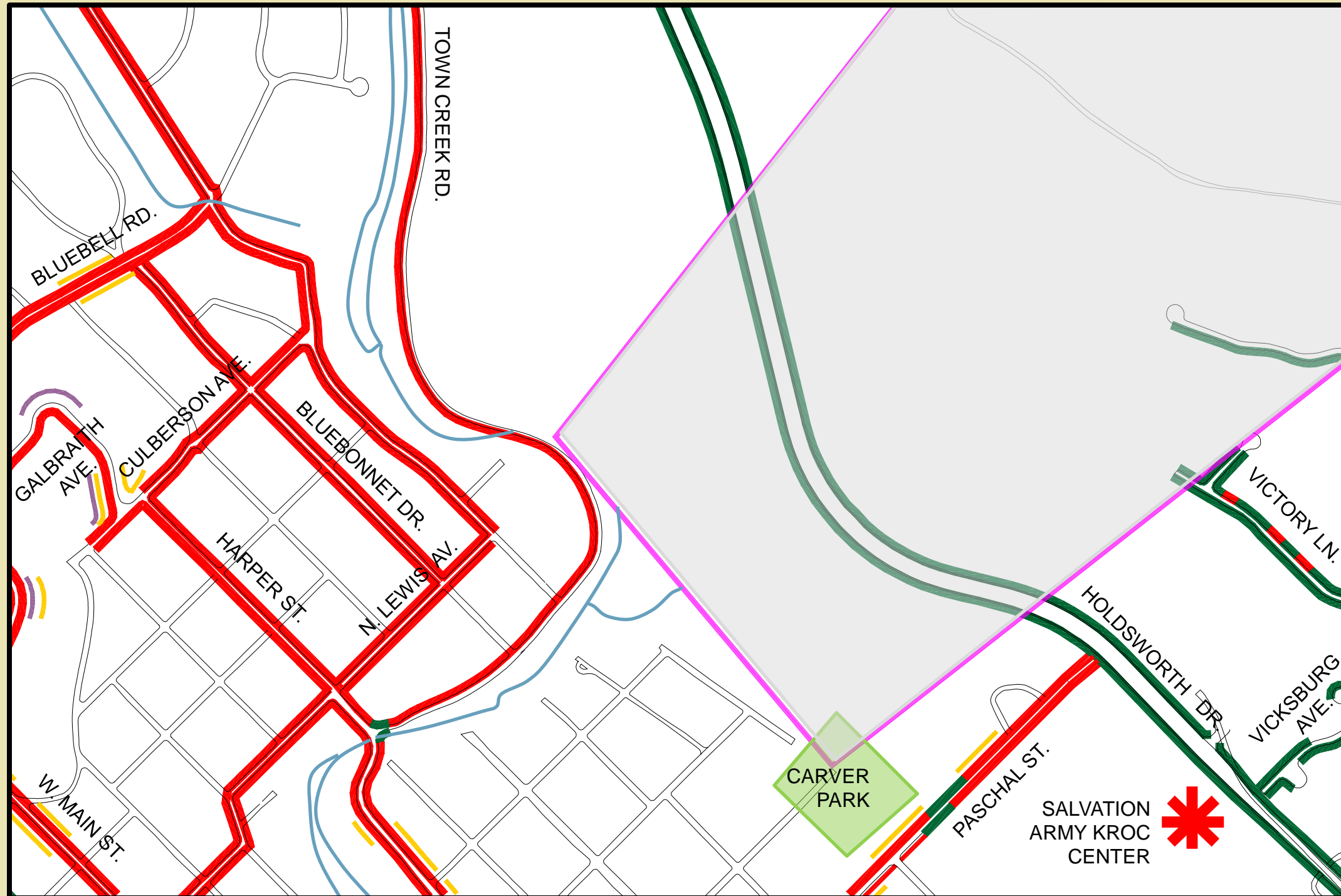







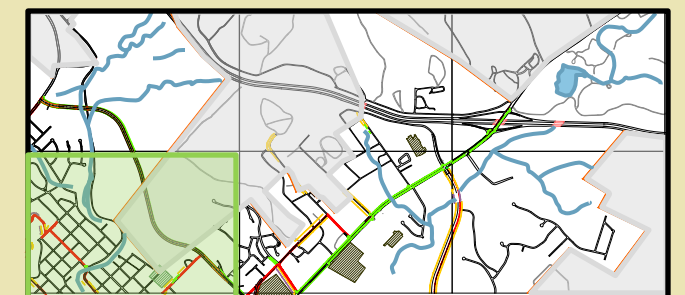
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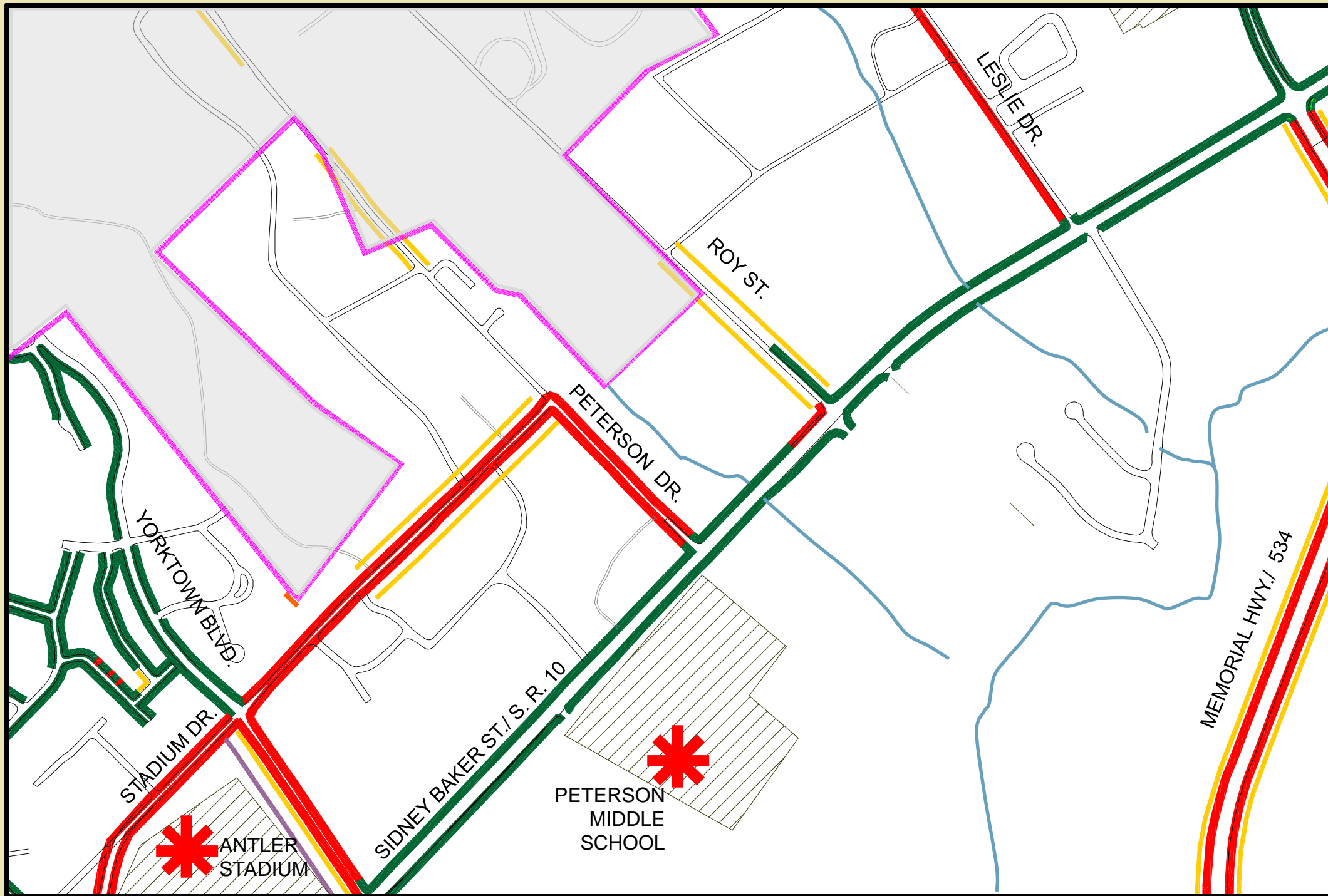


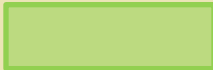





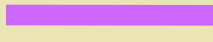




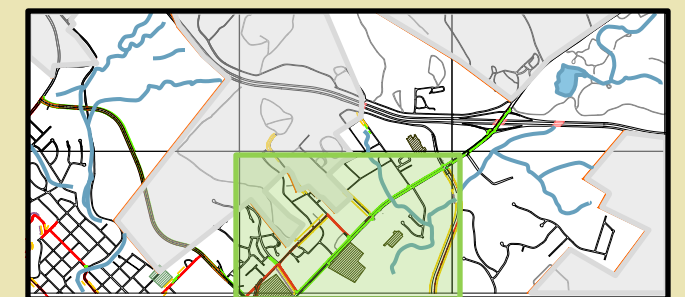


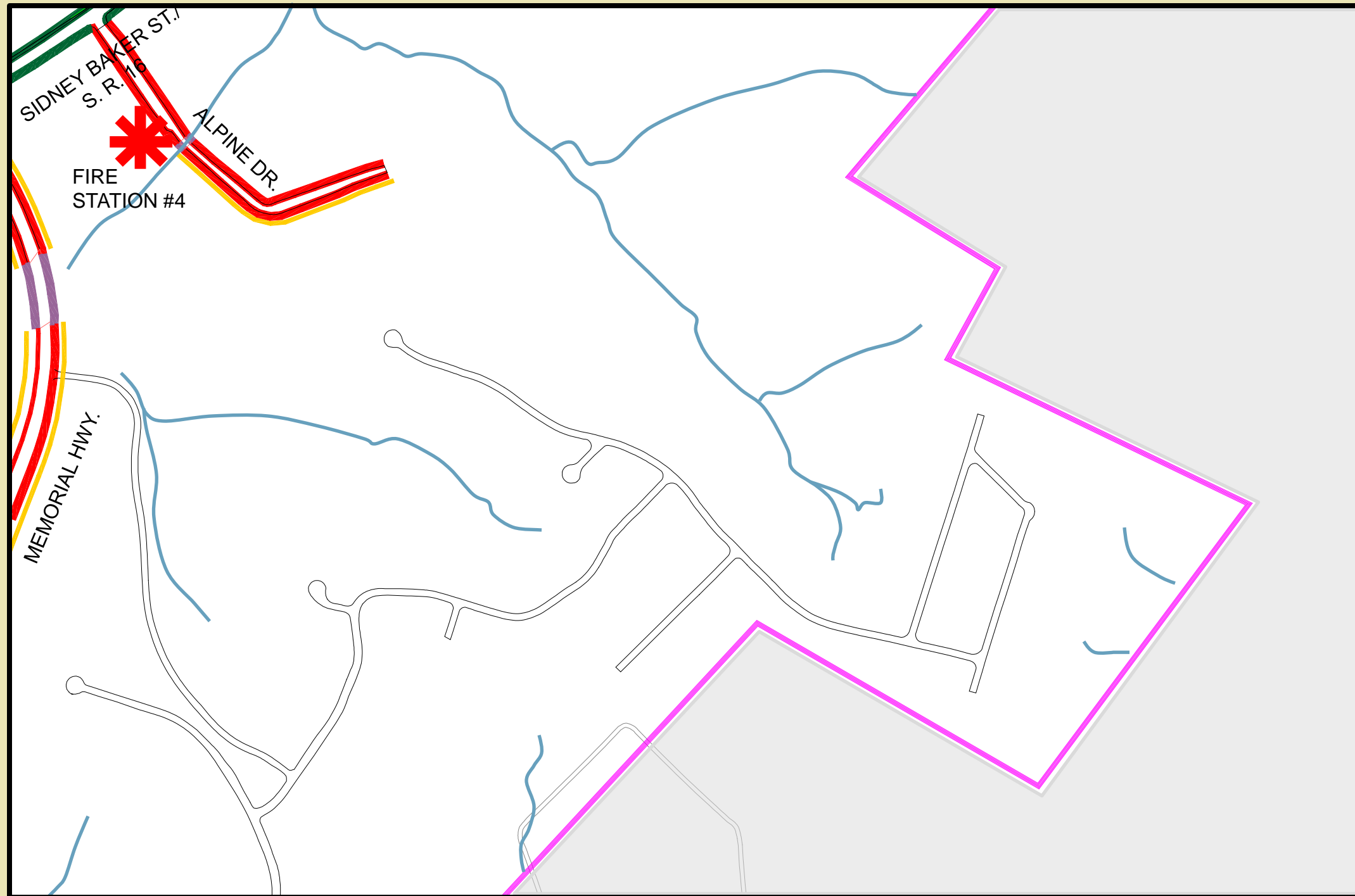
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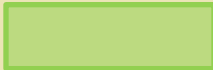
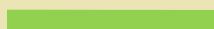






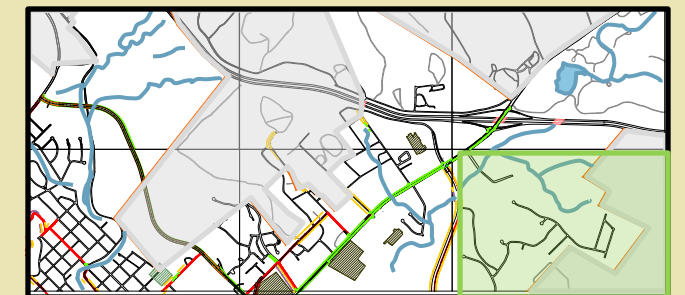


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**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** Sidewalk waiver request for 433 Vicksburg Avenue.

**AGENDA DATE OF:** July 14, 2020

**DATE SUBMITTED:** Jul 02, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [Kerrville Sidewalk Master Plan 02.15.08\\_Sector 2.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
N/A	N/A	N/A	N/A

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

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

This request for a sidewalk waiver is for the construction of sidewalks along Vickers Circle as a part of the development of the property at 433 Vicksburg Avenue. The administrative waiver request was denied as there is adequate right of way width for the construction of the sidewalk.

This property consists of approximately 60 feet of frontage along Vickers Circle.

The Kerrville Sidewalk Master Plan does not include Vickers Circle for recommended sidewalk projects.

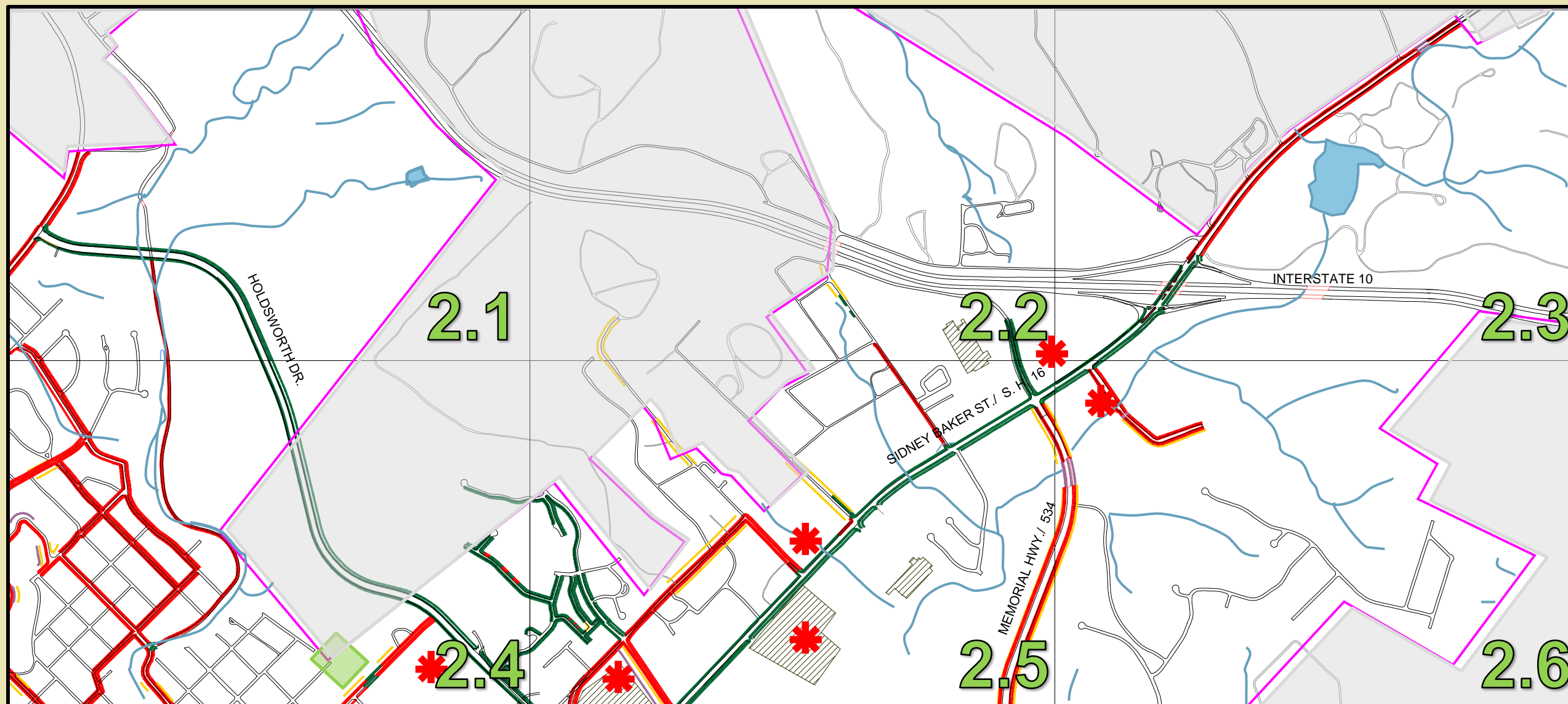
The applicant is constructing sidewalk along Vicksburg Avenue, connecting to the existing sidewalk network in the neighborhood. This is the last lot to be developed on Vickers Circle. The majority of the lots on Vickers Circle do not have sidewalks. Additionally, this lot has a steep slope from the curb down to the side of the home, resulting in approximately a 2 foot drop from the edge of the sidewalk to the natural grade into the property.

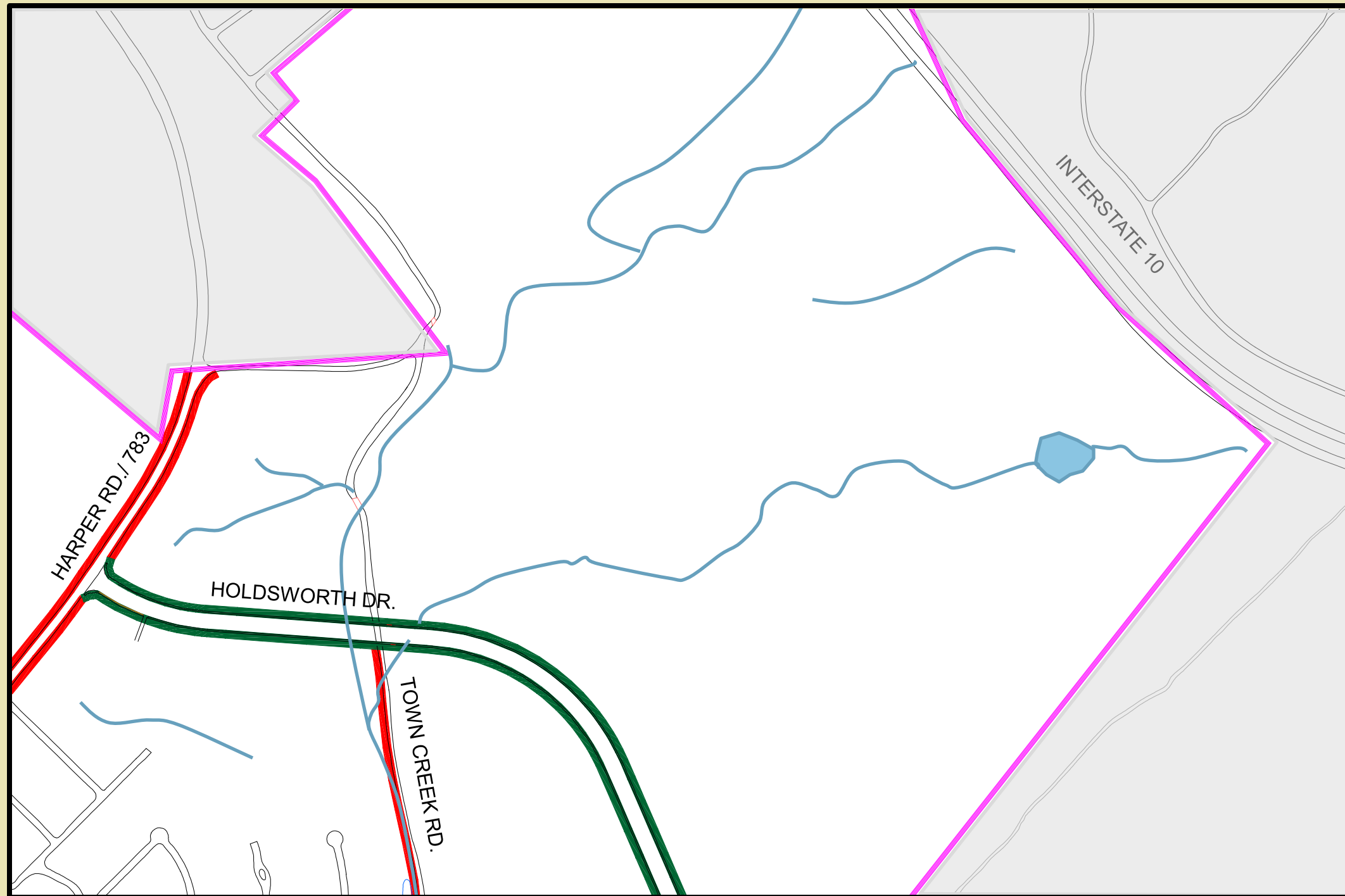
Based on the topography and lack of existing sidewalks on Vickers Circle, staff supports the request.

**RECOMMENDED ACTION:**

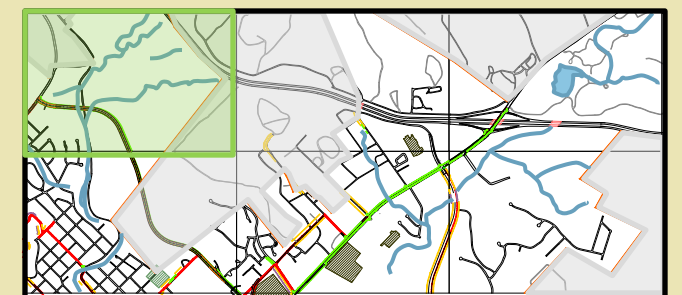
Approve waiver.



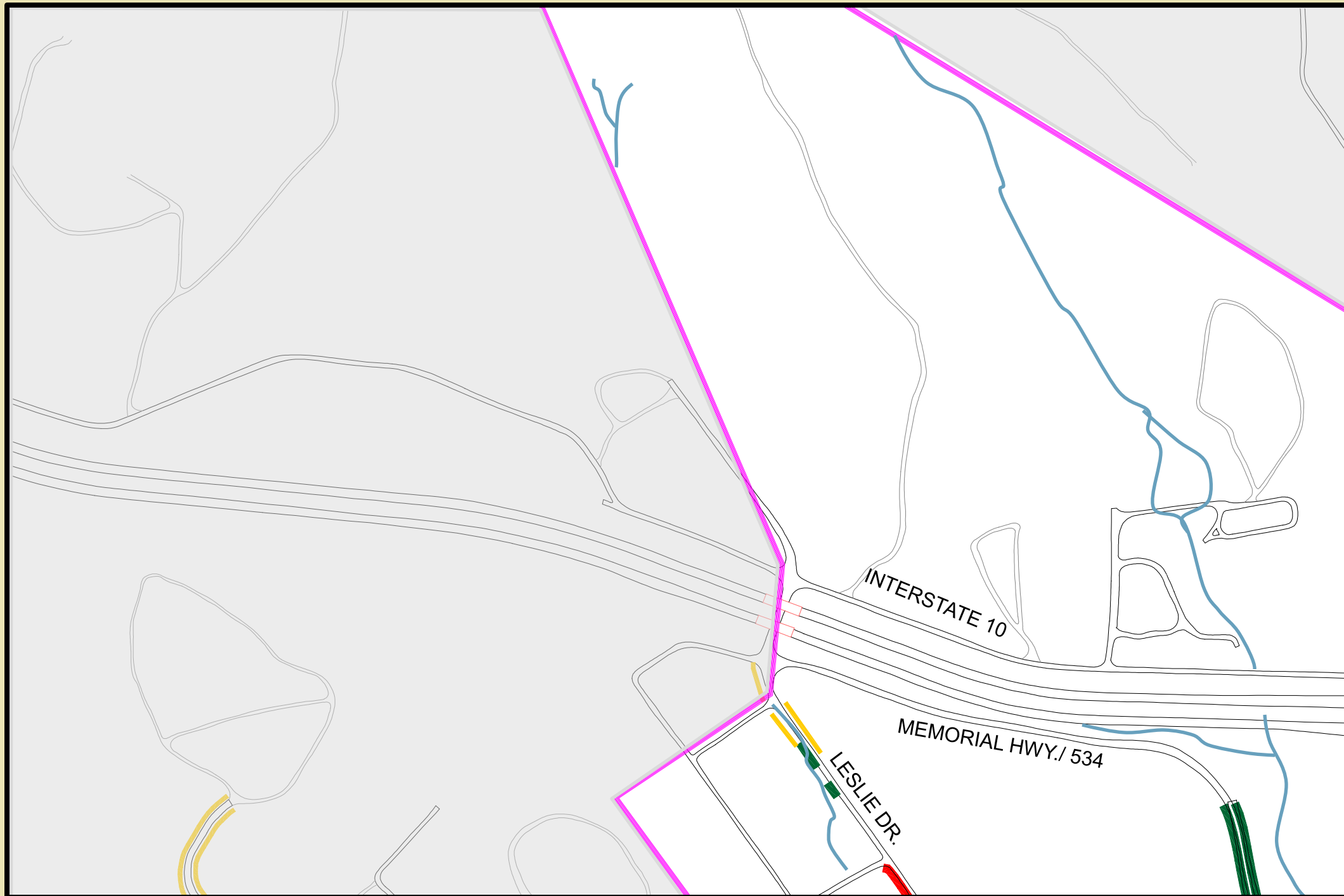












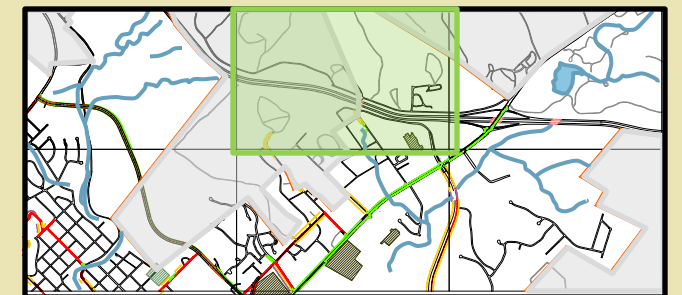
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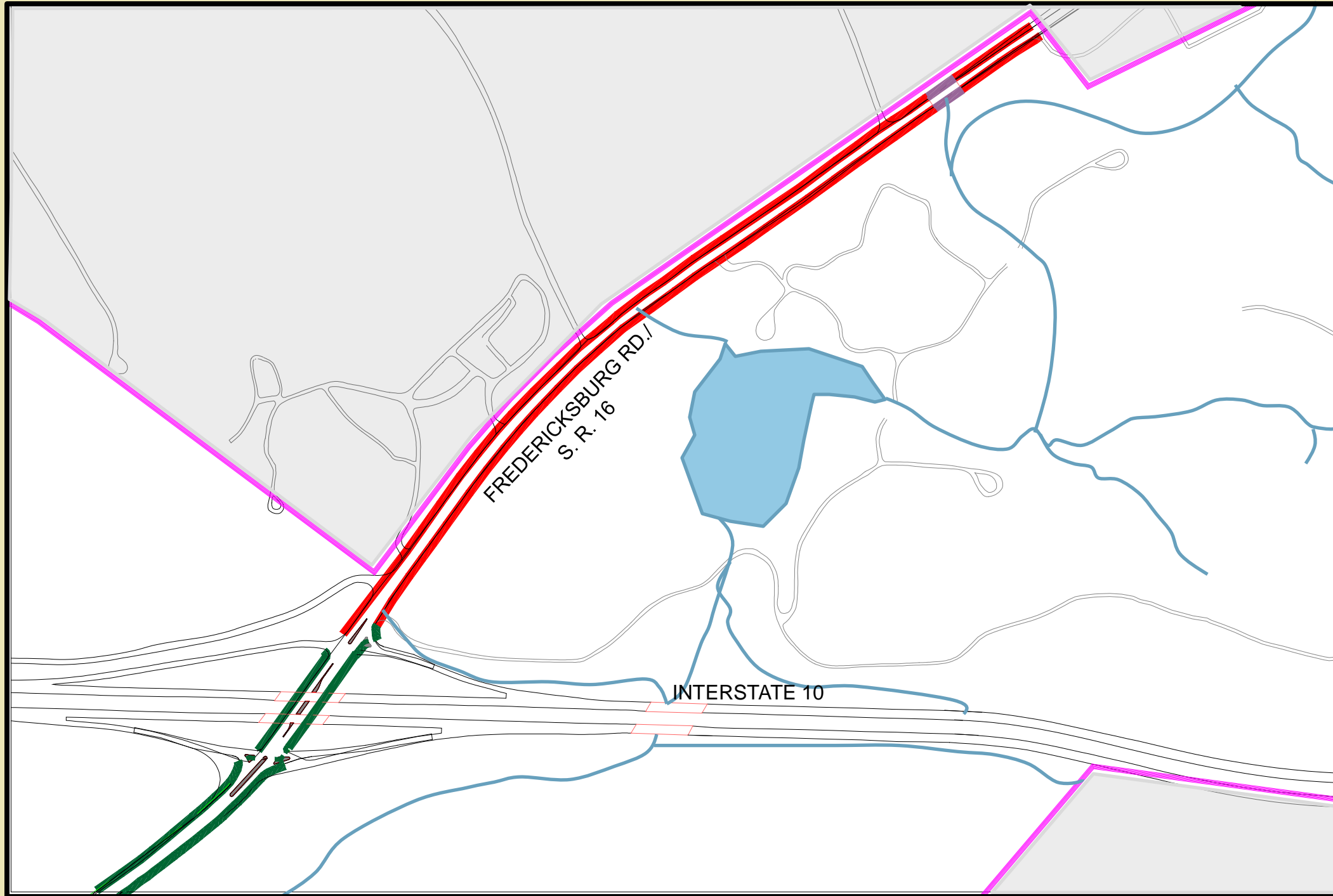







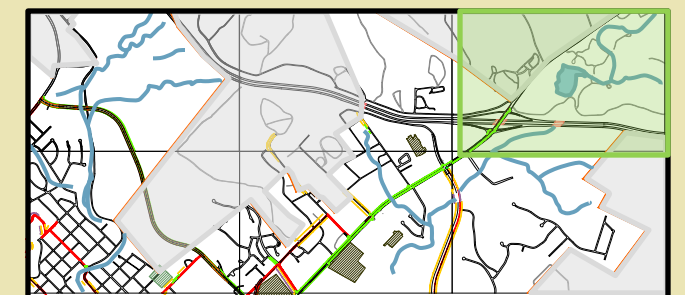


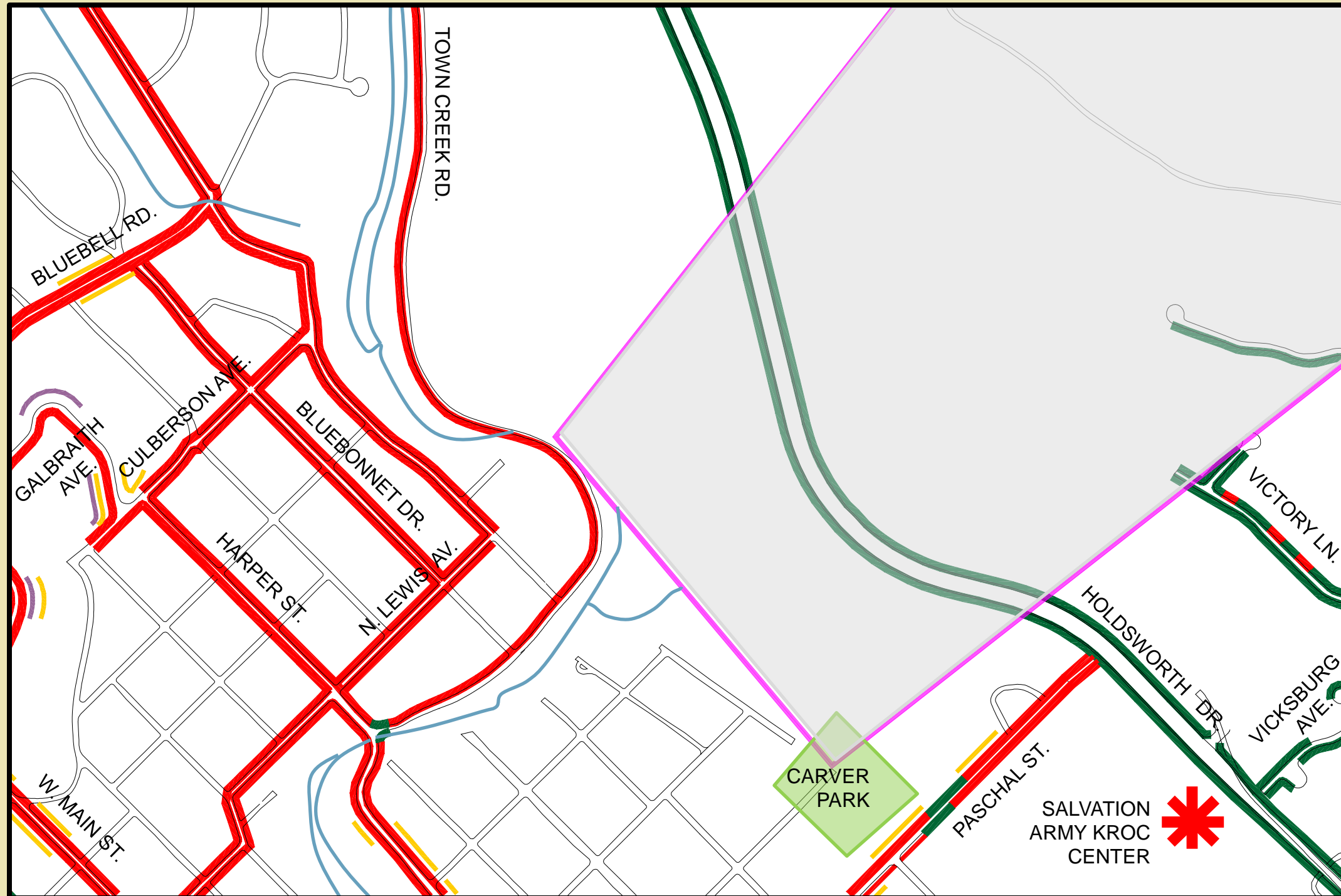
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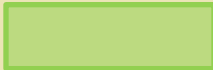
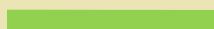






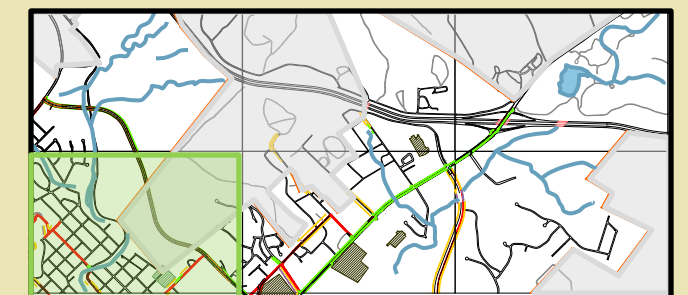


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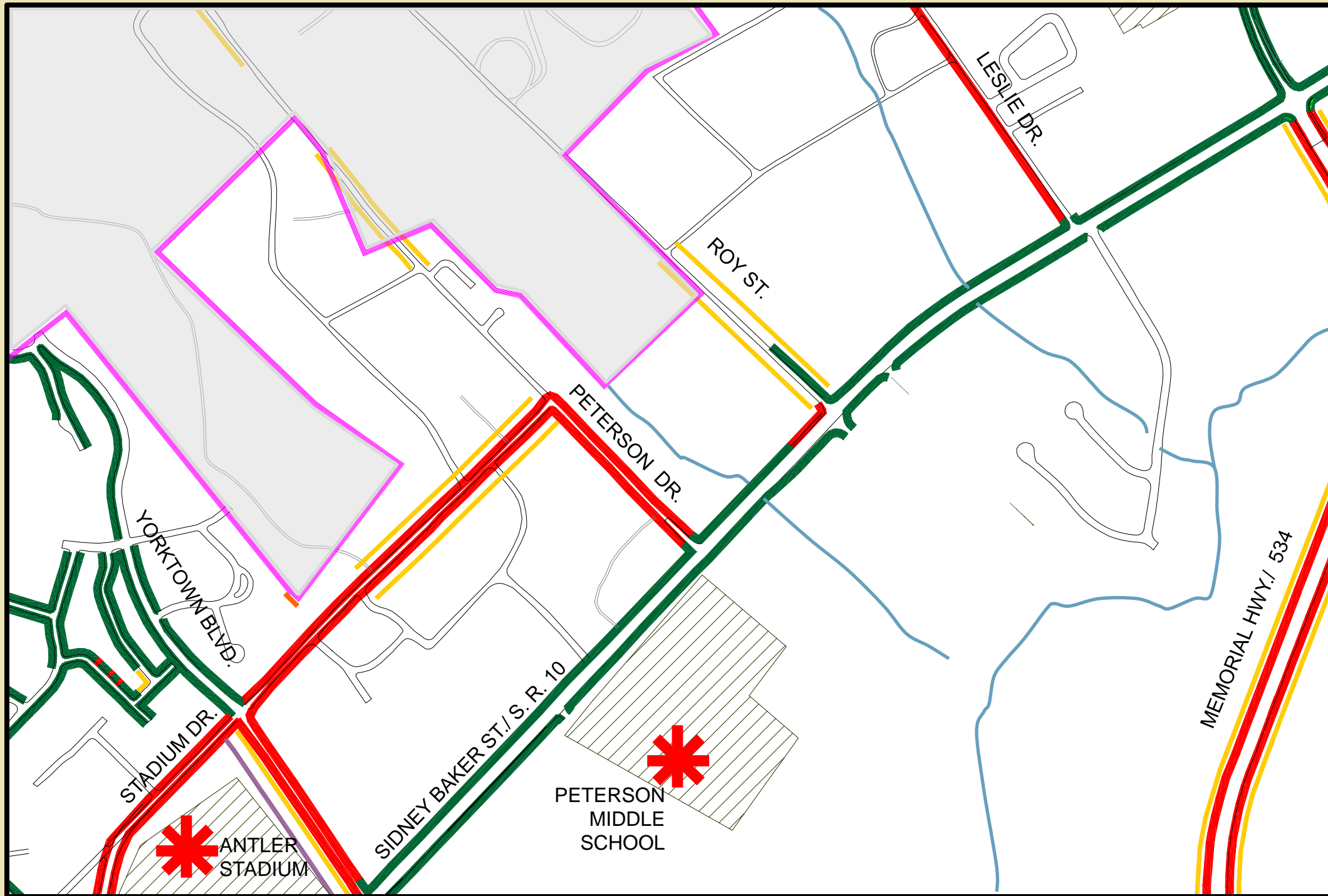




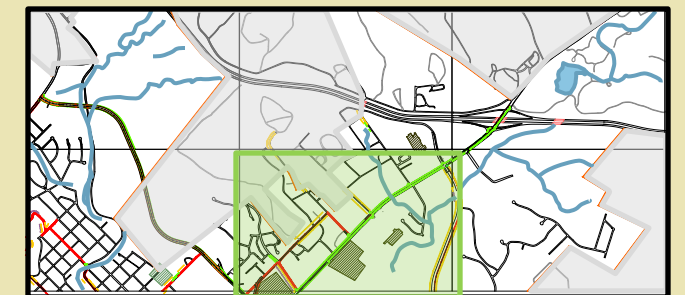
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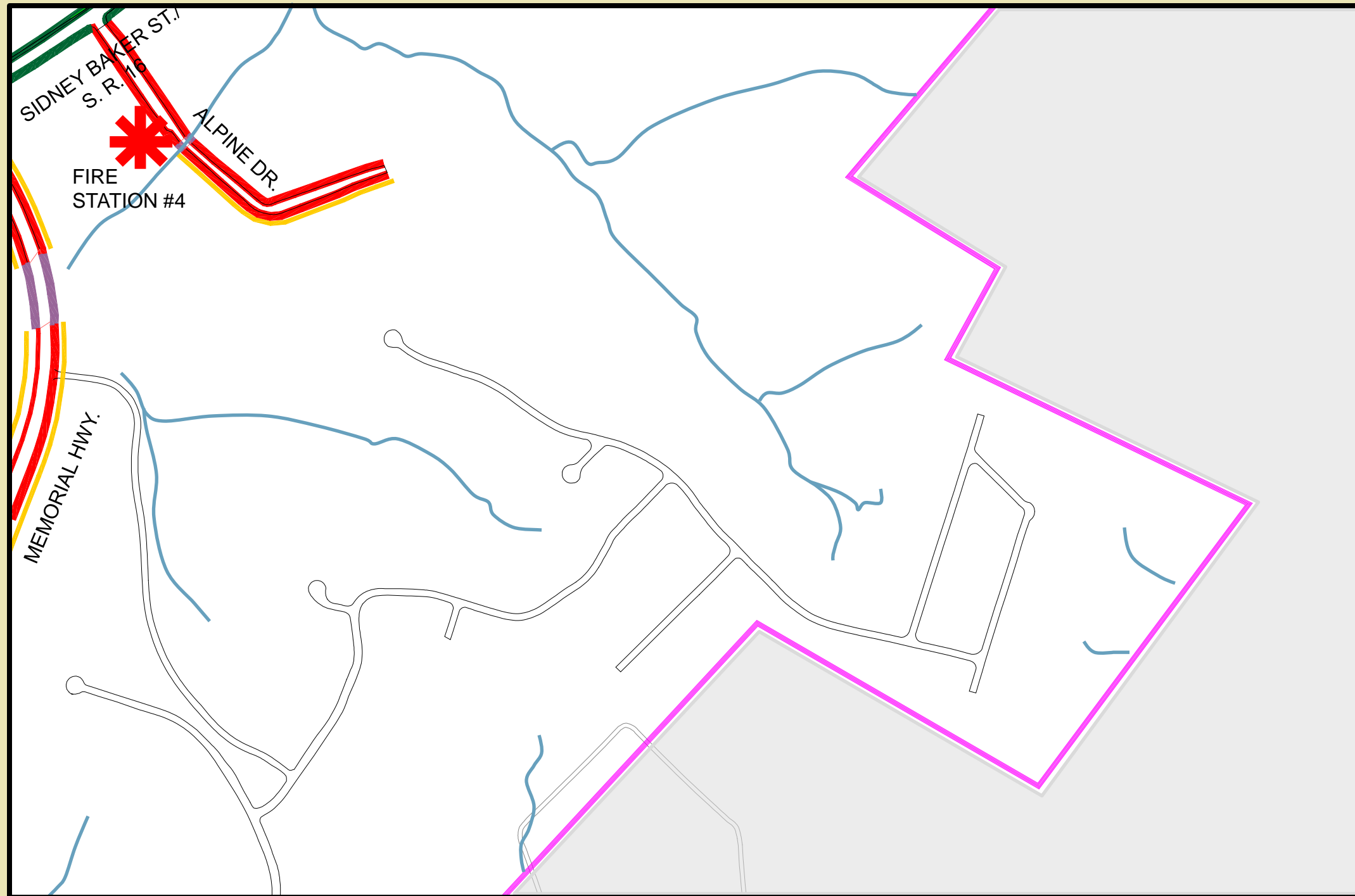








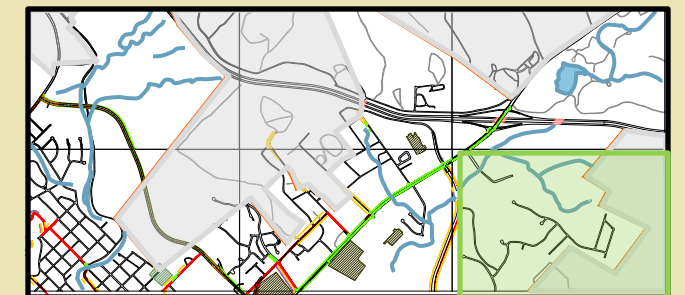


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**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

---

**SUBJECT:** Briefing and possible action as to the City's ongoing preparedness and response to COVID-19 (Coronavirus).

**AGENDA DATE OF:** July 14, 2020

**DATE SUBMITTED:** May 13, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:**

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
N/A	N/A	N/A	N/A

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

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

On-going responsiveness to changing conditions and situations.

**RECOMMENDED ACTION:**

Actions for the preparedness and response to COVID-19 (Coronavirus) circumstances.



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

---

**SUBJECT:** Appoint members to the Tax Increment Reinvestment Zone Board of Directors. (This item is eligible for Executive Session per §551.074).

**AGENDA DATE OF:** July 14, 2020

**DATE SUBMITTED:** Dec 04, 2019

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20200225\\_Ordinance 2020-04\\_TIRZ Board of Directors.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
N/A	N/A	N/A	N/A

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

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

The TIRZ Board of Directors will be advisory to the City Council.

Seven members require initial appointment, and one Chair appointed from the membership.

Seven applications received: Kenneth Early, Fred Gamble, John Harrison, Katherine Howard, Pat Murray, Bruce Stracke, and Mindy Wendele.

**RECOMMENDED ACTION:**

Appoint seven members to the TIRZ Board of Directors. Appoint the Chair.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2020-04**

**AN ORDINANCE AMENDING ORDINANCE NO. 2018-19 WHICH CREATED TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF KERRVILLE, TEXAS, BY AMENDING THE COMPOSITION OF THE BOARD OF DIRECTORS FOR THE ZONE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT**

**WHEREAS**, City Council, pursuant to Chapter 311 of the Texas Tax Code as amended (known as the Tax Increment Financing Act and herein referred to as the "Act") and its adoption of Ordinance No. 2018-19, previously designated a geographic area within the City as a tax increment reinvestment zone ("TIRZ"); and

**WHEREAS**, Ordinance No. 2018-19 designated the TIRZ as "Reinvestment Zone Number One, City of Kerrville, Texas" hereinafter referred to as the "Zone"; and

**WHEREAS**, Ordinance No. 2018-19 also created a board of directors ("Board") for the Zone, the Board generally consisting of five (5) members comprised of Councilmembers from Places 1 through 4 and the Mayor, with the Mayor designated as the Chair of the Board; and

**WHEREAS**, City Council now believes it beneficial to amend Ordinance No. 2018-19 to change the possible composition of the Board; and

**WHEREAS**, City Council finds it to be in the public interest to amend Ordinance No. 2018-19 as provided herein;

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

**SECTION ONE.** Section Four of Ordinance No. 2018-19 is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~[deleted]~~) as follows:

**"SECTION FOUR. BOARD OF DIRECTORS.** A board of directors for the Zone ("Board") is hereby created. The Board shall consist of five (5) members ~~[comprised of Councilmembers from Places 1 through 4 and the Mayor]~~ appointed by City Council, where such members may include one or more Councilmembers. ~~[The Mayor~~

~~shall serve as chair of the Board and the Board may elect a vice chair and such other officers as the Board sees fit]~~ At the time of its appointments and at any other time, City Council shall designate the Chair and Vice Chair of the Board from among its appointments. The terms of the members are staggered, such that Council will appoint 3 members to terms expiring September 30 of one year. Council will then appoint the remaining 2 members to terms expiring September 30 of the following year. During the early history of the Board and where an appointment is made to fill an unexpired term and, based upon a goal of maintaining staggered terms, Council may appoint a person to a term that is less than two years. However, no appointee shall serve a term longer than two years. All members shall serve until their successors are appointed and qualified, but regardless, each term will exist as a two-year term beginning October 1 and terminating September 30, two years thereafter. Additionally, each taxing unit that levies taxes within the Zone and chooses to contribute all or part of the tax increment produced by the unit into the tax increment fund may appoint one member of the Board. The number of directors on the Board shall be increased by one for each taxing unit that appoints a director to the Board; provided, that the maximum number of directors shall not exceed fifteen (15). The Board shall make recommendations to City Council concerning the administration, management, and operation of the Zone. The Board shall prepare and adopt a project plan and a reinvestment zone financing plan for the Zone and submit such plans to City Council for its approval. The Board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws. Notwithstanding anything to the contrary herein, the Board, pursuant to Section 311.010 of the Act, is not authorized to (i) issue bonds; (ii) impose taxes or fees; (iii) exercise the power of eminent domain, or (iv) give final approval to the Zone's project plan and financing plan. (For purposes of clarification, City Council is not authorizing the Board to initiate any zoning changes, authorize any changes in land use or modify the procedure to obtain the same, all of which must continue to comply with the ordinances, codes and procedures of the City of Kerrville.)"

**SECTION TWO.** The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts




of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

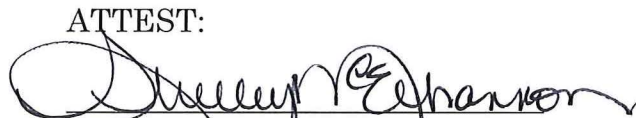
**SECTION THREE.** If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas hereby declares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

**PASSED AND APPROVED ON FIRST READING, this the 14 day of January, A.D., 2020.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the 28 day of January, A.D., 2020.**

  
\_\_\_\_\_  
Bill Blackburn, Mayor

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

**ATTEST:**  
  
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Shelley McElhannon, City Secretary