

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, FEBRUARY 08, 2022, 6:00 P.M.

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
FEBRUARY 08, 2022, 6:00 PM
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS



Council Meeting Procedures, City Council and City Staff Safety Measures, and Citizen Participation Guidelines

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. Taking this into account, standard safety protocols will be observed by City Council, City staff, and citizens/visitors attending the meeting. Masks are voluntary and highly encouraged. Visitor seating will be designated.

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

Citizens wishing to speak during a meeting shall submit a completed "speaker request form" to the City Secretary before the item is introduced, but are encouraged to submit the form before the meetings begin. Each speaker is limited to four minutes.

Thank you for your participation!

CALL TO ORDER:

By Mayor Bill Blackburn.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Led by Councilmember Judy Eychner.

1 ANNOUNCEMENTS OF COMMUNITY INTEREST:

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

2 PRESENTATIONS:

- 2.A. Kerrville Police Department Recognition of Team Members.
- 2.B. Kerrville Fire Department's presentation of Unit Citation of Merit.

3 VISITORS/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. The speaker request form must be submitted to the City Secretary before the item is called or read into record. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.

4 CONSENT AGENDA:

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

- 4.A. Resolution No. 09-2022. A Resolution ordering that a General Election be held on May 7, 2022, for the election of Mayor, Councilmember Place 3, and Councilmember Place 4; establishing the dates and times for early voting for such election; appointing election judges; and providing other matters related to subject.

Attachment:

[20220208_Reso 09-2022 Ordering General Election May 7 2022.pdf](#)

- 4.B. A Joint Election Agreement between the City of Kerrville and Kerr County for the May 7, 2022 City General and Bond Election.

Attachment:

[20220208_Agreement wKerr County for Election 5-07-2022.pdf](#)

- 4.C. City Council workshop minutes held January 25, 2022.

Attachment:

[20220208_Minutes Council workshop 1-25-22 5pm.pdf](#)

- 4.D. City Council meeting minutes held January 25, 2022.

Attachment:

[20220208_Minutes Council meeting 1-25-22 6pm.pdf](#)

END OF CONSENT AGENDA.

5 INFORMATION & DISCUSSION:

- 5.A. City's emergency response to February 2022 Winter Storm Landon.

6 ORDINANCE, ONE READING:

K KERRVILLE 6.A. Ordinance No. 2022-07. An Ordinance calling a Bond Election to be held in the City of Kerrville, Texas for the purpose of providing funds for the development of a Public Safety Facility for the City, to include accommodations to serve the Police Department and Fire Administration, Emergency Operations Center, Municipal Court, Information Technology Department and related functions; making provision for the conduct of a Joint Election; and resolving other matters related to such Election.

Attachments:

[20220208_Ord 2022-07 Calling Bond Election wCSO certification.pdf](#)

[20220208_Presentation Public Safety Bond Ordinance.pdf](#)

7 RESOLUTION(S):

K KERRVILLE 7.A. Resolution No. 08-2022. A Resolution expressing official intent to reimburse certain project costs (Public Safety Facility) from obligations to be issued by the City of Kerrville, Texas and other matters related thereto.

Attachment:

[20220208_Reso 08-2022 Reimburse project costs Obligation Bond CSO cert.pdf](#)

8 PUBLIC HEARING AND ORDINANCES, FIRST READING:

- 8.A. Ordinance No. 2022-10. An Ordinance annexing an approximate 62.062 and 20.8 acre tracts of land, both located within the Comanche Trace Residential Development, into the City of Kerrville, Texas and extending the boundary limits of the City so as to include such property within the City Limits; approving a Service Agreement for the annexed property; and adopting the zoning for the annexed property as a Medium Density Residential District (R-2).

Attachment:

[20220208_Ord 2022-10 Annex CT 62 and 20 acre tracts to develop.pdf](#)

ORDINANCES, FIRST READING:

Ordinance No. 2022-08. An Ordinance amending the City's Fiscal Year 2022 Budget to account for the receipt of additional revenue, the disbursement of such revenue, and to make other amendments as provided.

Attachments:

[20220208_Ord 2022-08 amending FY2022 City budget.pdf](#)

[20220208_Presentation FY2022 mid-year budget amendment.pdf](#)

- 9.B. Ordinance No. 2022-09. An Ordinance restating and reaffirming the creation of the Recovery Community Coalition of the City of Kerrville, Texas; and providing for its purpose, membership, roles, and responsibilities; the provision of said board will be placed within Chapter 2, Article IV of the City's Code of Ordinances.

Attachment:

[20220208_Ord 2022-09 RCC membership and qualifications.pdf](#)

ORDINANCES, SECOND READING:

Ordinance No. 2022-02, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by amending said Code to include adding new definitions, revising the requirement for variances, requiring signs for notification, and other amendments as provided herein; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Attachments:

[20220208_Ord 2022-02 Zoning Code second reading.pdf](#)

[20220208_Proposed Amendments by CM Garcia.pdf](#)

CONSIDERATION AND POSSIBLE ACTION:

Resolution No. 10-2022: A Resolution in support of the submission of an application to the 2022 Competitive Housing Tax Credit (HTC) program through the Texas Department of Housing and Community Affairs (TDHCA) by Riverview Manor, L.P., for the new construction of affordable Senior Housing.

Attachments:

[20220208_Reso 10-2022 Support JES Holding - affordable housing Junction Hwy.pdf](#)

[20220208_Presentation JES Riverview Manor project overview.pdf](#)

Interlocal Agreement with Lower Colorado River Authority (LCRA) for the procurement and installation of a 700 MHz Trunked radio system in the amount of \$2,802,956.79.

12 ITEMS FOR FUTURE AGENDAS:

City Council may suggest items or topics for future agendas.

13 EXECUTIVE SESSION:

City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above 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.

14 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:

ADJOURN.



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

SUBJECT: Kerrville Police Department Recognition of Team Members.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Feb 01, 2022

SUBMITTED BY: Chris McCall

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Civilian of the Year Award- Elizabeth Adame

Supervisor of the Year- Sergeant Hal Degenhardt

Officer of the Year- Detective Benjamin Ledesma

RECOMMENDED ACTION:

Chief McCall will present the Officer of the Year, Civilian Employee of the year, and Supervisor of the Year for the Kerrville Police Department. No Council action is required.



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

SUBJECT: Kerrville Fire Department's presentation of Unit Citation of Merit.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 28, 2022

SUBMITTED BY: Eric Maloney

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

On October 23, 2021, the Kerrville Fire Department was dispatched to the Airport for a Mass Casualty Incident. Upon arrival, the crews faced a tragic accident that would require a coordinated response with multiple agencies and volunteers to save precious lives. Their quick actions and team effort provided a unified command structure that performed patient triage, treatment and transportation in coordination with the Kerrville Police Department and Mountain Home VFD.

RECOMMENDED ACTION:

Chief Maloney will present the commendations. No Council action required.



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

SUBJECT: Resolution No. 09-2022. A Resolution ordering that a General Election be held on May 7, 2022, for the election of Mayor, Councilmember Place 3, and Councilmember Place 4; establishing the dates and times for early voting for such election; appointing election judges; and providing other matters related to subject.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 28, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220208_Reso 09-2022 Ordering General Election May 7 2022.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Resolution to order a General Election to be held Saturday, May 7, 2022; electing the Mayor, Councilmember Place 3, and Councilmember Place 4.

The period for filing an application for place on the ballot is January 19, 2022 through February 18, 2022.

The City Secretary recommends the following:

EARLY VOTING: be held at the Cailloux City Center, 910 Main Street, Kerrville, and the Ingram ISD Boardroom, 510 College Street, Ingram, as follows:

April 25, 2022 through April 27, 2022: 8:00 a.m. to 6:00 p.m.

April 28, 2022: 8:00 a.m. to 5:00 p.m.

April 29, 2022: 8:00 a.m. to 6:00 p.m.

May 02, 2022 and May 03, 2022: 8:00 a.m. to 6:00 p.m.

ELECTION DAY: is Saturday, May 7, 2022: 7:00 a.m. to 7:00 p.m. at the following polling places:

Precinct 1: Riverhills Mall, 200 Sidney Baker South, Kerrville

Precinct 2: Union Church, 101 Travis Street, Kerrville

Precinct 3: Cailloux City Center, 910 Main Street, Kerrville

Precinct 4: City West Church Ingram, 3139 Junction Hwy, Ingram

EARLY VOTING CLERK: Bob Reeves, Kerr County Tax Assessor/Collector is appointed Early Voting Clerk; and applications for ballot by mail be addressed to Bob Reeves, Attn Early Voting Clerk, Kerr County Courthouse, 700 Main Street. Applications for ballot by mail must be received no later than April 20, 2021 at 4:30 p.m.

ELECTION JUDGE AND OFFICERS: for the polling place and the Early Voting Ballot Board shall be appointed in accordance with the provisions of the joint election agreement for the conducting of the election on the aforesaid election date with Kerr County.

OFFICIAL CANVASS of the election be held Tuesday, May 17, 2022.

NOTE: Two State Constitutional Amendments will also be included on the Ballot.

This item is historically placed on Consent Agenda, as this item is an annual routine item.

RECOMMENDED ACTION:

Approve Resolution No. 09-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 09-2022**

A RESOLUTION ORDERING THAT A GENERAL ELECTION BE HELD ON MAY 7, 2022, FOR THE ELECTION OF MAYOR, COUNCILMEMBER PLACE 3, AND COUNCILMEMBER PLACE 4; ESTABLISHING THE DATES AND TIMES FOR EARLY VOTING FOR SUCH ELECTION; APPOINTING ELECTION JUDGES; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, Section 2.03 of the City Charter establishes a two-year term of office for each Councilmember, and until a successor is elected; and

WHEREAS, the terms of office for Mayor, Councilmember Place Three, and Councilmember Place Four will expire in May 2022; and

WHEREAS, City Council finds it to be in the public interest to call a general election to be held on May 7, 2022 for the election of persons to the offices of Mayor, Councilmember Place Three, and Councilmember Place Four; and

WHEREAS, the City shall conduct the election pursuant to the provisions of the Texas Election Code and as established in a joint election agreement for election services with the Kerr County Elections Officer;

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

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

SECTION TWO. City Council orders that a general election be held for the City of Kerrville, Texas, on Saturday, the 7th day of May 2022, for the purpose of electing persons to the offices of Mayor, Councilmember Place Three, and Councilmember Place Four for the City of Kerrville, Texas.

SECTION THREE. City Council orders that the polling places for such election will be:

Precinct 1	Precinct 2	Precinct 3	Precinct 4
Riverhills Mall 200 Sidney Baker South	Union Church 101 Travis	Cailloux City Center 910 Main Street	City West Church Ingram 3139 Junction Hwy Ingram

SECTION FOUR. On Election Day, May 7, 2022, the polls shall be open from 7:00 AM to 7:00 PM. Early voting by personal appearance shall be conducted at the Kathleen C. Cailloux City Center of the Performing Arts, 910 Main Street, Kerrville, Texas, 78028; and the Ingram ISD Boardroom, 510 College Street, Ingram, Texas, 78025, April 25 through May 3 as follows:

- **Monday, April 25, 2022 through Wednesday, April 27, 2022:** 8:00 AM to 6:00 PM
- **Thursday, April 28, 2022:** 8:00 AM to 5:00 PM
- **Friday, April 29, 2022:** 8:00 AM to 6:00 PM
- **Monday, May 02, 2022 and Tuesday, May 03, 2022:** 8:00 AM to 6:00 PM

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board shall be appointed and designated in accordance with the provisions of the joint election agreement between the City and the Kerr County Elections Officer.

SECTION FIVE. Qualified persons may file for a place on the ballot by filing an application in the Office of the City Secretary during regular business hours from 8:00 AM to 5:00 PM each weekday, beginning Wednesday, January 19, 2022, and continuing until 5:00 PM on Friday, February 18, 2022.

SECTION SIX. The Kerr County Elections Officer, Bob Reeves, 700 Main Street, Kerrville, Texas, 78028 is hereby appointed as Early Voting Clerk; and Shelley McElhannon, City of Kerrville City Secretary, 701 Main Street, Kerrville, Texas, 78028, shall serve as the Deputy Early Voting Clerk. Applications for ballot by mail must be received by mail no later than the close of business on Tuesday, April 26, 2022, at the following Mailing Address: Bob Reeves, 700 Main Street, Kerrville, Texas, 78028; *Attn: Early Voting Clerk.*

SECTION SEVEN. All resident qualified electors of the City shall be permitted to vote at said election. This election shall be held and conducted in accordance with the aforesaid joint election agreement, election laws of the Texas Election Code, the Federal Voting Rights Act of 1965, as amended, the Charter of the City of Kerrville, and as may be required by law. All election materials and proceedings shall be printed in both English and Spanish. Kerr County will utilize its voting equipment for this election.

SECTION EIGHT. The Election Judge and officers for the polling place and the Early Voting Ballot Board shall be appointed in accordance with the provisions of the joint election agreement for the conducting of the election on the aforesaid election date with Kerr County.

SECTION NINE. City Council will conduct the official canvass of the election at a special meeting on Tuesday, May 17, 2022, in the Council Chambers, City Hall, 701 Main Street, Kerrville, Texas.

PASSED AND APPROVED ON this the _____ day of _____ A.D., 2022.

Bill Blackburn, Mayor

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Michael C. Hayes".

Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



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

SUBJECT: A Joint Election Agreement between the City of Kerrville and Kerr County for the May 7, 2022 City General and Bond Election.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 28, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220208_Agreement wKerr County for Election 5-07-2022.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
14,125.84	14,125.84	14,125.84	01-0102-4920

PAYMENT TO BE MADE TO: Kerr County Tax Assessor/Collector

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

SUMMARY STATEMENT:

The City of Kerrville will reimburse Kerr County for the actual expenses attributable to the cost of the City Election, rental of equipment and supplies, plus 10% of the cost incurred, and a \$50.00 administrative fee. The agreement is the same as in previous years.

Note: the attachment to the agreement is an estimate only and election cost may vary. The County Elections Office will inform the City Secretary prior to purchasing additional ballots, hiring additional workers, or any adjustments that may significantly increase the cost estimate.

This item is historically placed on Consent Agenda, as it is an annual routine item.

RECOMMENDED ACTION:

Approve Agreement.

**THE STATE OF TEXAS
COUNTY OF KERR**

**JOINT ELECTION AGREEMENT
BETWEEN
CITY OF KERRVILLE AND KERR COUNTY**

THIS AGREEMENT is made and entered into by and between Bob Reeves Tax Assessor/Collector (or designated employee) on behalf of Kerr County, Texas duly constituted and acting as County Elections Officer and the City of Kerrville by and through Bill Blackburn, its Mayor, hereinafter referred to as “CITY OF KERRVILLE” and by authority of Section 31.092, Vernon’s Texas Civil Statutes, Election Code for conducting and supervision of the election for the CITY OF KERRVILLE, to include the election of a mayor and two councilmembers and an election as to a bond issuance, in conjunction with the election conducted by Kerr County.

Bob Reeves, Tax Assessor/Collector (or designated employee) shall order all supplies for the election and distribute those supplies to the election personnel. Election forms and all records of the election shall be combined for use in this election on the Tally Equipment.

THIS AGREEMENT is entered into in consideration of the mutual covenants and agreement hereinafter set out. **IT IS AGREED AS FOLLOWS:**

I. DUTIES AND SERVICES OF KERR COUNTY

Bob Reeves Tax Assessor/Collector (or designated employee) agrees to coordinate, supervise, and handle all aspects in administering the CITY OF KERRVILLE elections in accordance with the provisions of the Texas Election Code and as outlined in this Agreement. Said election is scheduled to occur on May 7, 2022, to include early election dates and times required by state law. Should the City reschedule the election pursuant to state law, order, or otherwise, this Agreement shall remain valid for the rescheduled date, to include early voting, unless terminated by Bob Reeves, Tax Assessor/Collector (or designated employee).

Bob Reeves, Tax Assessor/Collector (or designated employee) in connection with the holding and supervision of said election shall assume the following responsibilities:

- a. Shall be responsible for notifying each election judge and alternate judge of his or her appointment and for determining the number of clerks and other election workers authorized to work at each voting location. Arrange for the notification, including writ of election, and compensation of all presiding judges and alternate judges.
- b. Election judges shall be responsible for picking up election supplies and materials at the time and place determined by Bob Reeves, Tax Assessor/Collector (or designated employee). This responsibility will be set

Election Contract – CITY OF KERRVILLE

- forth in the election judges' letter notifying the judge of his/her appointment.
- c. Procure, prepare, proof, and distribute ballots.
 - d. Procure, prepare, and distribute election judges' kits.
 - e. Arrange for the use and compensation of polling locations.
 - f. Use Optical scanning Verity Scan (Version Number 2.02) and DAU Verity Touch w/Access (Version Number 2.0.3 for counting of ballots as certified by the Secretary of State to comply with election laws (to include the Help America Vote Act or "HAVA") for early voting and election day.
 - g. Assemble the list of registered voters to be used in conducting the election in conformity with the election precincts established for the election.
 - h. Publish the legal notice of the date, time and place of the testing of the electronic tabulation equipment and conduct such testing.
 - i. Supervise the handling and disposition of election returns, voted ballots, etc., and tabulate unofficial returns and assist in preparing the tabulation for the official canvass.
 - j. Bob Reeves, Tax Assessor/Collector (or designated employee) will prepare the unofficial tabulation report after all precincts have been counted, and will provide a copy of the report to the CITY OF KERRVILLE as soon as possible after all returns have been tabulated, but in no event later than 2:00 p.m. on the 10th day following the election. CITY OF KERRVILLE will be responsible for the official canvass of its General Election.
 - k. All early voting ballots (those cast by mail and those cast by personal appearance) will be prepared for counting by an Early Voting Ballot Board.
 - l. Handle all aspects of Early Voting including those voting by mail.
 - m. Prepare the results of the election for CITY OF KERRVILLE to conduct its own canvass of the election as prescribed by law.
 - n. Provide at no cost for the storage of all election records as provided by law.
 - o. As the general custodian of election records shall conduct a criminal background check for relevant election officials, staff, and temporary workers upon hiring.

Election Contract – CITY OF KERRVILLE

- p. Will ensure that Hart Intercivic certifies that a criminal background check on all employees, including temporary employees that may program, test, perform maintenance, transport equipment, or perform technical support on the voting system equipment for KERR COUNTY has been performed. The Company has determined there are no findings that would prevent the employees from performing their assigned duties.

II. DUTIES AND SERVICES OF CITY OF KERRVILLE

CITY OF KERRVILLE in connection with the holding and supervision of said election shall assume the following responsibilities and shall directly bear any cost for the same:

- a. Shall receive from their candidates all documents filed under Title 15 of the Texas Election Code relating to campaign contributions and expenditures.
- b. Preparation of election orders, resolutions, notices, and other pertinent documents for adoption or execution by the appropriate office or body and post or publish in the required time frame.
- c. Prepare and send out “Notice of Drawing” for a place on the Ballot to all eligible candidates.
- d. Election Officers with a list provided by Bob Reeves Tax Assessor/Collector (or designated employee) shall be appointed and approved thru the governing body of the CITY OF KERRVILLE. The Election Officers are as follows: Election Day Judge, Election Day Alternate Judge, Central Counting Station Manager, Tabulation Supervisor, Presiding Judge, and Early Voting Ballot Board Judge.
- e. Shall appoint and approve thru the governing body of the CITY OF KERRVILLE Bob Reeves as the Early Voting Clerk.
- f. Polling Location(s) shall be appointed and approved thru the governing body of the CITY OF KERRVILLE.
- g. Deliver to Bob Reeves, Tax Assessor/Collector or designated employee as soon as possible, a list showing the official wording for the Election titles that is to be printed on the ballot with the exact form, orders, wording, and spelling that is to be used.
- h. Pay any additional costs incurred by Bob Reeves, Tax Assessor/Collector or designated employee if a recount for the election is required, or the election is contested in any manner.
- i. Shall issue “Certificates of Election” to candidates elected after the Official Canvass.

Election Contract – CITY OF KERRVILLE

- j. CITY OF KERRVILLE will be responsible for the official canvass of its Election.

III. PAYMENT FOR SERVICES

- a. CITY OF KERRVILLE shall pay to Kerr County the actual expenses directly attributable to the Contract including ten percent (10%) of the budget cost for Election Service Contract Fee pursuant to the Texas Election Code, Section 31.100 and the administrative fee of \$50.00 per election. Said cost of the election is provided on the attached Estimated Cost Sheet, line 11.
- b. After the date of election and completion of all duties required, the Tax Assessor/Collector (or designated employee) shall then compute the final statement for all expenses including ten percent (10%) of the budget cost for Election Service Contract Fee, the \$50.00 Administration Fee and mail payment for the election services to Kerr County. CITY OF KERRVILLE shall be responsible for paying this amount within thirty (30) days from the Final Cost Report.
- c. **If Election is cancelled a \$75.00 administration fee is due.**

IN WITNESS WHERE OF, the parties hereto have made and entered into this agreement this _____ day of _____, _____.

Bob Reeves, Tax Assessor/Collector
Or Designated Employee
Kerr County, Texas

Bill Blackburn, Mayor
CITY OF KERRVILLE

Michael C. Hayes
APPROVED AS TO FORM
Michael C. Hayes, City Attorney

CKV

ESTIMATED COST of May 7, 2022 Election			
County Election Services Contract Costs		Kerr County	
1	Ballot Printing Cost		
	1000 Ballots Cost Free		Estimate
2	Electronic Voting System Programming		\$ 3,000.00
	Ballots	5,300	\$ 2,000.00
	Test and Sample Ballots and Shipping		\$ 400.00
3	Publication of Test of Electronic Voting Equipment & Notice of Election		
	West Kerr Current		\$ 100.00
	Kerrville Daily Times		\$ -
4	Charge for Wireless Internet		\$ -
5	Lease of Voting Machines		
	Early Voting and Election Day		
		# of Units	Lease Cost
*	Verity Scan	7	\$91.50
*	Verity Controller	6	\$69.75
*	Verity Touch w/Access	7	\$78.75
*	Count Computer	1	\$180.00
6	Precinct Election Judges and Clerks		
*	Early Voting Clerks	16 Clerks	\$ 16,000.00
*	Election Day Judge	4 judges	\$ 560.00
*	Election Day workers	24 workers	\$ 2,240.00
*	Early Ballot Board Clerks		\$ 300.00
*	Tabulation Supervisor & Personnel	4 clerks	\$ 120.00
*	Election Night Workers	4 clerks	\$ 120.00
7	Fee for Pickup of Supplies before Election Day and		
*	Delivery of Supplies after Polls Close Per Election Day Judge		\$ 150.00
8	Technical Support Personnel		\$ -
9	Miscellaneous Election Costs		
*	Election Kit-Early Voting	2	\$ 116.00
*	Elections Kits	4	\$ 232.00
*	Central Counting Station Kit	1	\$ 22.00
*	Postage - Writ of Election to Judges & Alt Judges		\$ 5.00
*	Postage- Early Voting Clerk's Notice		\$ 7.80
*	Shipping Ballots and MBB		\$ 200.00
*	Mail ballot Kits	300	\$2.00
*	Postage - Mail Ballots	300	\$0.70
SUBTOTAL EXPENSES - Cost of the Election			\$ 28,173.05
10	Election Service Contract Fee (10% of Cost)		\$ 2,817.31
	Administrative Fee		\$ 50.00
	Ballot Bill to Kerr County		
	SUBTOTAL FOR CITY		\$ 2,867.31
11	TOTAL COST OF ELECTION		\$ 14,125.84
	Balance due 30 days after Final Cost Report		

* Cost divided with Kerr County

** We will have 4 precinct for the May 7, 2022 election

Cost would be shared with Kerr County

Cost could also be shared with KISD, City of Ingram and Ingram ISD if those entities have an election.



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

SUBJECT: City Council workshop minutes held January 25, 2022.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 27, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220208_Minutes Council workshop 1-25-22 5pm.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

City Council workshop minutes held January 25, 2022 at 5:00 p.m., in the City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL WORKSHOP MINUTES
CITY HALL COUNCIL CHAMBERS, 701 MAIN STREET**

**JANUARY 25, 2022 5:00 PM
KERRVILLE, TEXAS**

CALL TO ORDER: On January 25, 2022 at 5:00 p.m., the City Council workshop was called to order by Mayor Bill Blackburn at the City Hall Council Chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Bill Blackburn, Mayor
Kim Clarkson, Mayor Pro Tem, Councilmember Place 2
Roman Garcia, Councilmember Place 1
Judy Eychner, Councilmember Place 3
Brenda Hughes, Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY STAFF PRESENT:

E.A. Hoppe, City Manager	Julie Behrens, Director of Finance
Mike Hayes, City Attorney	Eric Maloney, Fire Chief
Shelley McElhannon, City Secretary	Kim Meismer, Executive Director General Ops
Stuart Barron, Exec Dir PW & Eng	Trina Rodriguez, Asst Director of Finance

VISITORS PRESENT: Media personnel.

1. **PUBLIC COMMENT:** None.

2. **INFORMATION, DISCUSSION, AND POSSIBLE ACTION:**

2A. Report, analysis, and recommendations from 2021 Compensation Study.

E.A. Hoppe introduced the item. Kim Meismer, Julie Behrens, and E.A. Hoppe provided information and Kim Meismer, Julie Behrens, E.A. Hoppe, and Chief Maloney responded to questions.

ADJOURN. The workshop adjourned at 5:40 p.m.

APPROVED BY COUNCIL: _____ ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: City Council meeting minutes held January 25, 2022.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 27, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220208_Minutes Council meeting 1-25-22 6pm.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

City Council meeting minutes held January 25, 2022 at 6:00 p.m., in the City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
JANUARY 25, 2022 6:00 PM**

On January 25, 2022 at 6:00 p.m., the City Council meeting was called to order by Mayor Bill Blackburn at the City Hall Council Chamber, 701 Main Street. Mayor Blackburn provided information and announced standard safety protocols observed during the meeting, including offering a Zoom component. Mayor Blackburn provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Kim Clarkson	Mayor Pro Tem, Councilmember Place 2
Roman Garcia	Councilmember Place 1
Judy Eychner	Councilmember Place 3
Brenda Hughes	Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF:

E.A. Hoppe, City Manager	Guillermo Garcia, Exec Dir Innovation
Mike Hayes, City Attorney	Eric Maloney, Fire Chief
Shelley McElhannon, City Secretary	Chris McCall, Police Chief
Stuart Barron, Exec Dir PW & Engineering	Kim Meismer, Exec Director General Ops
Julie Behrens, Director of Finance	Drew Paxton, Chief Planner
Stephen Boyd, Assistant Fire Chief	Charvy Tork, Director of IT
Stuart Cunyus, Public Info Officer	

VISITORS PRESENT: A list of the citizen speakers present during the meeting is on file in the City Secretary's Office for the required retention period.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST: Announcements and items of interest to the community were presented by Mayor Blackburn, Stuart Cunyus, and Councilmember Judy Eychner.

2. PRESENTATIONS:

2A. City's ongoing preparedness and response to Covid-19 (Coronavirus), and review of Declaration of local state disaster due to a public health emergency, March 20, 2020.

Chief Maloney presented information and responded to questions.

3. VISITORS FORUM: No speakers.

4. CONSENT AGENDA:

Councilmember Roman Garcia requested to pull item 4A, and Councilmember Brenda Hughes requested to pull item 4B. Councilmember Eychner made a motion to approve 4C and 4D as presented, and Councilmember Hughes seconded. The motion passed 5-0.

4C. Minutes for the City Council workshop held January 11, 2022.

4D. Minutes for the City Council meeting held January 11, 2022.

END OF CONSENT AGENDA.

4A. State and Local Government Lease-Purchase Agreement with De Lage Landen Public Finance LLC; and General Contract – Small Project with Professional Turf Products, L.P./Lynx Irrigation; both agreements for Controller Upgrade (irrigation) at Scott Schreiner Municipal Golf Course in the amount of \$52,598.05 through Texas BuyBoard.

Ashlea Boyle provided information and responded to questions.

Councilmember Garcia made a motion to approve item 4A the agreement, seconded by Councilmember Eychner. The motion passed 5-0.

4B. Interlocal Cooperation Contract between Texas Health and Human Services Commission (acting on behalf of the Kerrville State Hospital) and the City of Kerrville for pre-employment and fitness for duty evaluations for police officers.

Chief McCall provided information and Chief McCall and E.A. Hoppe responded to questions. Mayor Blackburn clarified that the numbering format on page 6 of 7 was corrected to #9.

Councilmember Hughes made a motion to authorize the City Manager to finalize and execute the interlocal contract, seconded by Councilmember Eychner. The motion passed 5-0.

5. ORDINANCES, SECOND READING:

5A. Ordinance No. 2022-02, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by amending said Code to include adding new definitions, revising the requirement for variances, requiring signs for notification, and other amendments as provided herein; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2022-02 caption into record.

The following person spoke:

- George Baroody (Zoom)

Mayor Blackburn requested clarification and response from Drew Paxton.

Councilmember Garcia submitted written proposed amendments to the Ordinance. Councilmember Kim Clarkson made a motion to table the approval of Ordinance No. 2022-02 until the next City Council meeting, seconded by Councilmember Eychner. The motion passed 5-0.

5B. Ordinance No. 2022-03. An Ordinance annexing two tracts of land plus an adjacent public right-of-way that exists as part of Coronado Drive, into the Corporate Limits of the City of Kerrville, Texas; such property making up approximately 16.85 acres and generally located north and west of the 700 block of Coronado Drive; each property more specifically described in the Ordinance and being located within the extraterritorial jurisdiction of the City; adopting a Service Agreement; establishing the zoning for the annexed property as a Single-Family Residential Zoning District (R-1); rezoning an adjacent tract of land

currently located within the City, by changing its zoning to an R-1 Zoning District; and providing other matters relating to this subject.

Shelley McElhannon read Ordinance No. 2022-03 caption into record.

The following persons spoke:

- Phillip Coppin (Zoom)
- George Baroody (Zoom)
- Nikki Caines (written comment read by Mayor Blackburn)
- Mike Mozenko (written comment)
- Greg Richards
- Mike Wellborn
- Tom Hawkins (Mayor Blackburn made an exception for speaker, as speaker did not sign up before the item was read into record.)

Council discussion ensued, and Drew Paxton and E.A. Hoppe responded to questions.

Councilmember Garcia made a motion to adopt Ordinance No. 2022-03 and establish the zoning for the annexation property as a Residential Estates (RE), seconded by Councilmember Hughes. The motion failed 2-3 with Councilmember Garcia and Councilmember Hughes voting in favor, and Mayor Blackburn, Councilmember Clarkson, and Councilmember Eychner opposed.

Councilmember Eychner made a motion to approve Ordinance No. 2022-03, on second reading annexed and zoned for R1, seconded by Councilmember Clarkson. The motion passed 3-2 with Mayor Blackburn, Councilmember Clarkson, and Councilmember Eychner voting in favor, and Councilmember Garcia and Councilmember Hughes opposed.

5C. Ordinance No. 2022-04, second reading. An Ordinance annexing a tract of land into the Corporate Limits of the City of Kerrville, Texas; such property making up approximately 6.0 acres and generally located southeast of and adjacent to Holdsworth Drive, and a portion of which connects to Paschal Avenue N.; more commonly known 253 Holdsworth Dr.; such property more specifically described in the Ordinance and being located within the extraterritorial jurisdiction of and adjacent to the City Limits; adopting a Service Agreement; establishing the zoning for the annexed property as a Multi-Family Residential (R-3) Zoning District; and providing other matters relating to this subject.

Shelley McElhannon read Ordinance No. 2022-04 caption into record.

Councilmember Hughes made a motion to approve Ordinance No. 2022-04 on second reading, seconded by Councilmember Eychner. The motion passed 5-0.

5D. Ordinance No. 2022-05, second reading. An Ordinance annexing two tracts of land plus an adjacent public right-of-way that exists as part of Lehmann Drive, into the Corporate Limits of the City of Kerrville, Texas; such property making up approximately 168.84 acres and generally located along the west and southwest borders of Peterson Regional Medical Center; such property more specifically described in this Ordinance and being located within the extraterritorial jurisdiction of the City and adjacent to the City Limits; adopting a Service Agreement; establishing the zoning for the annexed property as Agriculture (AG) and Public and Institutional (PI) Zoning Districts; and providing other matters relating to this subject.

Shelley McElhannon read Ordinance No. 2022-05 caption into record.

Councilmember Eychner made a motion to approve Ordinance No. 2022-05 on second reading, seconded by Councilmember Clarkson. The motion was passed 5-0.

5E. Ordinance No. 2022-06, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such Chapter more commonly known as the City's Zoning Code; by changing the zoning of multiple lots along Washington St. and between Barnett St. and North St., said lots more commonly known as 500, 504, 508, 512, 602, 604, 608, 616, 624, and 625 Washington St.; and 817 Barnett Street; within the City of Kerrville, Kerr County, Texas; from a Residential Transition Zoning District (RT) to a Public and Institutional Zoning District (PI); and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2022-06 caption into record.

Councilmember Garcia made a motion to adopt Ordinance No. 2022-06, seconded by Councilmember Hughes. The motion passed 5-0.

6. INFORMATION AND DISCUSSION:

6A. Financial report for month ending December 31, 2021.

Julie Behrens presented information and responded to questions.

7. ITEMS FOR FUTURE AGENDAS: None

ADJOURN. The meeting adjourned at 7:20 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: City's emergency response to February 2022 Winter Storm Landon.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Feb 03, 2022

SUBMITTED BY: Eric Maloney

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

City staff will present summary information related to the City's emergency response to the recent severe winter weather event.

RECOMMENDED ACTION:

Not required.



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

SUBJECT: Ordinance No. 2022-07. An Ordinance calling a Bond Election to be held in the City of Kerrville, Texas for the purpose of providing funds for the development of a Public Safety Facility for the City, to include accommodations to serve the Police Department and Fire Administration, Emergency Operations Center, Municipal Court, Information Technology Department and related functions; making provision for the conduct of a Joint Election; and resolving other matters related to such Election.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 28, 2022

SUBMITTED BY: Julie Behrens

EXHIBITS: [20220208_Ord 2022-07 Calling Bond Election w/CSO certification.pdf](#)
[20220208_Presentation Public Safety Bond Ordinance.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
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PAYMENT TO BE MADE TO:

Kerrville 2050 Item?	Yes
Key Priority Area	F - Public Facilities and Services
Guiding Principle	F2. Place the highest priority on public safety (police, fire, EMS).
Action Item	F2.4 - Consider bond funding for a new public safety building/complex

SUMMARY STATEMENT:

Shall the City Council of the City of Kerrville, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$45,000,000 for the purpose of designing, acquiring, constructing, purchasing, renovating, improving, upgrading, updating, and equipping a Public Safety Facility, including police, fire, emergency operations, municipal court, and related administrative and related information technology services, and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and completing related landscaping, such bonds to mature serially or otherwise

(not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, on all taxable property in the City sufficient, without limit as to rate or amount, to pay principal of and interest on the bonds and the cost of any credit agreements executed in connection with the bonds.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-07. One reading only, required per Texas State Law.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-07

AN ORDINANCE CALLING A BOND ELECTION FOR THE CITY OF KERRVILLE, TEXAS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE DEVELOPMENT OF A PUBLIC SAFETY FACILITY FOR THE CITY, TO INCLUDE ACCOMMODATIONS TO SERVE THE POLICE DEPARTMENT AND FIRE ADMINISTRATION, EMERGENCY OPERATIONS CENTER, MUNICIPAL COURT, INFORMATION TECHNOLOGY DEPARTMENT AND RELATED FUNCTIONS; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION; AND RESOLVING OTHER MATTERS RELATED TO SUCH ELECTION

WHEREAS, the City Council (the *Council*) of the CITY OF KERRVILLE, TEXAS (the *City*), located in Kerr County, Texas, hereby finds and determines that an election should be held to determine whether the Council shall be authorized to issue general obligation bonds of the City in the amount and for the purposes hereinafter identified (the *Election*); and

WHEREAS, the City will contract with the County and its county elections officer, who the City understands to be the tax assessor-collector (the *County*), to conduct all aspects of the Election; and

WHEREAS, the Election will be held jointly with other political subdivisions (collectively, the *Participants*) as provided pursuant to an election services agreement with the County, entered into according to the Texas Election Code, as amended (the *Code*); and

WHEREAS, the Council hereby finds and determines that the necessity to construct various capital improvements within the City dictates that it is in the public interest to call and hold the Election at the earliest possible date to authorize the issuance of general obligation bonds for the purposes hereinafter identified; and

WHEREAS, the Council hereby finds and determines that the actions hereinbefore described are in the best interests of the residents of the City;

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

SECTION ONE. The Election shall be held in the CITY OF KERRVILLE, TEXAS and adjacent areas within Kerr County, on May 7, 2022 (*Election Day*), which is a uniform election date under the Code and is not less than 78 days nor more than

90 days from the date of the adoption of this ordinance (the *Ordinance*), for the purpose of submitting the following measure to the qualified voters of the City:

MEASURE A

Shall the City Council of the City of Kerrville, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$45,000,000 for the purpose of designing, acquiring, constructing, purchasing, renovating, improving, upgrading, updating, and equipping a Public Safety Facility, including police, fire, emergency operations, municipal court, and related administrative and information technology services, and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and completing related landscaping, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, on all taxable property in the City sufficient, without limit as to rate or amount, to pay principal of and interest on the bonds and the cost of any credit agreements executed in connection with the bonds?

SECTION TWO. One or more City election precincts are hereby established for the purpose of holding the Election, and one or more polling places are hereby designated for holding the Election in the City election precincts as identified in **Exhibit A** to this Ordinance (which is incorporated herein by reference for all purposes). In compliance with the Code, the County will identify and formally approve the appointment of the Presiding Judges, Alternate Presiding Judges, Election Clerks, and all other election officials for the Election. The Mayor, the City Manager, or their designees can correct, modify, or change the Exhibits to this Ordinance based upon the final locations and times established by the County.

A. To the extent required by the Code or other applicable law, the appointment of election officials at polling locations must include a person fluent in the Spanish language.

B. On Election Day, the polls shall be open as designated on **Exhibit A**.

C. The main early voting location is designated in **Exhibit B** to this Ordinance (which is incorporated herein by reference for all purposes). The individual

named as the Early Voting Clerk as designated in **Exhibit B** is hereby appointed as the Early Voting Clerk to conduct such early voting in the Election. The Early Voting Clerk shall appoint the Deputy Early Voting Clerks. This main early voting location shall remain open to permit early voting on the days and at the times as stated in **Exhibit B**. Early voting shall commence as provided on **Exhibit B** and continue through the date set forth on **Exhibit B**, all as provided by the Code. Additionally, permanent and/or temporary branch offices for early voting by personal appearance may be established and maintained according to the Code. In the event such permanent and/or temporary branch locations are established, information regarding the locations, dates, and hours of operation for early voting at these offices will be identified in **Exhibit B** hereto. The County is authorized to establish an Early Voting Ballot Board and to designate the Presiding Judge of the Early Voting Ballot Board. The Presiding Judge of the Early Voting Ballot Board shall appoint two or more additional members to constitute the Early Voting Ballot Board members and, if needed, the Signature Verification Committee members required to efficiently process the early voting ballots.

SECTION THREE. Any legally permissible voting method may be used for early voting and Election Day voting by personal appearance, and when required by the Code, at least one accessible voting system per polling place will be provided. Certain early voting may be conducted by mail according to the Code.

SECTION FOUR. The City is authorized to utilize a Central Counting Station (the *Station*) as provided by the Code. The County, or the designee thereof, is hereby appointed as the Manager of the Station, who will establish a written plan for the orderly operation of the Station according to the Code. The Council hereby authorizes the County, or the designee thereof, to appoint the Presiding Judge of the Station, the Tabulation Supervisor, and the Programmer for the Station and may appoint Station clerks as needed or desirable. The County will publish (or cause to be published) notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station according to the Code.

SECTION FIVE. The official ballot shall be prepared according to the Code so as to permit voters to vote “FOR” or “AGAINST” the aforesaid measure, which shall appear on the ballot substantially as follows:

*THE ISSUANCE OF CITY OF KERRVILLE, TEXAS, GENERAL
OBLIGATION BONDS FOR A PUBLIC SAFETY FACILITY AND THE
LEVYING OF A TAX IN PAYMENT THEREOF, IN AN AMOUNT NOT
TO EXCEED \$45,000,000.*

SECTION SIX. All resident qualified voters of the City shall be permitted to vote at the Election, and on Election Day, such voters shall vote at the designated polling places. The Election shall be held and conducted in accordance with the Texas

Election and Government Codes, as amended, and as may be required by other law. To the extent required by law, materials and proceedings relating to the Election shall be printed in both English and Spanish.

SECTION SEVEN. Notice of election, including a Spanish translation thereof, shall be published on the same day in each of two successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 days, prior to Election Day. Moreover, a substantial copy of this Ordinance and the voter information attached as **Exhibit C**, including a Spanish translation thereof, shall be posted (a) not less than 21 days prior to Election Day (1) on the bulletin board at City Hall used for posting notices of Council meetings, (2) in three additional public places within the City's boundaries, (3) in a prominent location on the City's internet website, and (b) in a prominent location at each polling place on Election Day and during early voting. A sample ballot shall be posted on the City's internet website not less than 21 days prior to Election Day.

SECTION EIGHT. As required by and in accordance with Section 3.009(b)(5) and (7) through (9) of the Code, the City, as of the date of this Ordinance, had outstanding an aggregate principal amount of debt equal to \$13,715,000; the aggregate amount of the interest owed on such City debt obligations, through respective maturity, totaled \$3,575,948; and the City levied an ad valorem debt service tax rate for its outstanding debt obligations of \$0.5093 per \$100 of taxable assessed valuation. Based on the bond market conditions on the date of the Board's adoption of this Ordinance, the estimated maximum interest rate for any series of bonds authorized at the Election is 3.75% (expressed as a net effective interest rate applicable to any such series of bonds). The bonds that are the subject of this Election shall mature serially or otherwise over a specified number of years (but not more than 40 years from their date), as prescribed by applicable Texas law, though the City estimates that, based on current bond market conditions, such bonds will amortize over a 30-year period from their respective date of issue. The foregoing estimated maximum net effective interest rate and amortization period are only estimates, provided for Texas statutory compliance; they do not serve as a cap on the per annum interest rate at which any series of bonds authorized at the Election may be sold, or the amortization period for bonds that are the subject of this Election.

SECTION NINE. The Council authorizes the Mayor, the City Manager, or their designees to negotiate and enter into one or more joint election agreements, election service contracts, and/or similar contracts or agreements with the County, and any Participants if desired or required to comply with applicable law, as permitted and in accordance with the Code. In addition, the Council authorizes the Mayor, the City Manager, or their respective designees to make such technical modifications to this Ordinance that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the Council, as evidenced herein.

SECTION TEN. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION ELEVEN. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION TWELVE. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION THIRTEEN. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION FOURTEEN. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION FIFTEEN. Pursuant to Section 1201.028, as amended, Texas Government Code, this Ordinance shall be effective immediately upon adoption, notwithstanding any provision in the City's Home Rule Charter to the contrary concerning a multiple reading requirement for the adoption of ordinances.

PASSED AND APPROVED ON FIRST AND ONLY READING, this the
____ day of _____, A.D., 2022.

CITY OF KERRVILLE, TEXAS

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink that reads "Michael C. Hayes".

Michael C. Hayes, City Attorney

(CITY SEAL)

[Signature Page to Ordinance Calling a Bond Election]

Exhibit A (*Anexo A*)

ELECTION DAY May 7, 2022 (*DÍA DE LA ELECCIÓN 7 de mayo de 2022*)

Election Day Polling Locations open from 7 a.m. to 7 p.m.

(*Lugares de votación del Día de la Elección abiertos de 7 a.m. a 7 p.m.*)

City's website (*sitio web del Ciudad*): <https://www.kerrvilletx.gov/>

County's website (*Sitio web del Condado*): <https://www.co.kerr.tx.us/elections/>

Presiding Judge(s) and Alternate(s): to be identified by the County

(*Jueces Presidente(s) y Suplente(s): para ser identificado por el condado*)

Notice is hereby given that the polls will be open from 7:00 a.m. to 7:00 p.m. Saturday May 07, 2022 for voting in a general election to elect Mayor, Councilmember Place 3, Councilmember Place 4, and to vote on a Bond Issuance for a Public Safety Facility.

Se informa que las urnas estarán abiertas de 7:00 a.m. a 7:00 p.m., Sábado 7 de mayo de 2022, para votar en una elección general para elegir Alcalde, Concejal Lugar 3 y Concejal Lugar 4, tambien para votar sobre una Emision de Bonos para una Instalacion de Seguridad Publica.

POLLING LOCATIONS:

Precinct 1	Precinct 2	Precinct 3	Precinct 4
Riverhills Mall	Union Church	Cailloux City Center	City West Church
200 Sidney Baker S	101 Travis	910 Main Street	3139 Junction Hwy
			Ingram

UBICACIONES DE VOTACION:

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(*[Se ha dejado el resto de esta página intencionalmente en blanco.]*)

Exhibit B (Anexo B)

EARLY VOTING (VOTACIÓN ANTICIPADA)

City's website (*sitio web del Ciudad*): <https://www.kerrilletx.gov/>

County's website (*Sitio web del Condado*): <https://www.co.kerr.tx.us/elections/>

Voters entitled to vote an early ballot by personal appearance may do so at any Early Voting site.

(*Los votantes con derecho a votar una boleta temprana por comparecencia personal pueden hacerlo en cualquier sitio de votación temprana*).

EARLY VOTING by personal appearance will be conducted at the:

LA VOTACION ANTICIPADA por apariencia personal tambien se realizara en el:

Cailloux City Center or Ingram ISD Board
910 Main Street, Kerrville Room at 510 College, Ingram

City of Kerrville registered voters may vote at either location during Early Voting.
Los votantes registrados de la ciudad de Kerrville pueden votar en cualquier lugar durante la votacion anticipada.

EARLY VOTING DATES AND TIMES: VOTACION ANTICIPADA FECHAS Y HORARIOS:

SUNDAY DOMINGO	MONDAY LUNES	TUESDAY MARTES	WEDNESDAY MIERCOLES	THURSDAY JUEVES	FRIDAY VIERNES	SATURDAY SABADO
24-April 24 de abril CLOSED	25-April 25 de abril <u>Voting</u> <u>Votacion</u> 8:00AM TO 6:00 PM	26-April 26 de abril <u>Voting</u> <u>Votacion</u> 8:00AM TO 6:00 PM	27-April 27 de abril <u>Voting</u> <u>Votacion</u> 8:00 AM TO 6:00 PM	28-April 28 de abril <u>Voting</u> <u>Votacion</u> 8:00 AM TO 5:00 PM	29-April 29 de abril <u>Voting</u> <u>Votacion</u> 8:00 AM TO 6:00 PM	30-April 30 de abril CLOSED

SUNDAY DOMINGO	MONDAY LUNES	TUESDAY MARTES	WEDNESDAY MIERCOLES	THURSDAY JUEVES	FRIDAY VIERNES	SATURDAY SABADO
01-May 01 de mayo CLOSED	02-May 02 de mayo <u>Voting</u> <u>Votacion</u> 8:00 AM TO 6:00 PM	03-May 03 de mayo <u>Voting</u> <u>Votacion</u> 8:00 AM TO 6:00 PM	04-May 04 de mayo	05-May 05 de mayo	06-May 06 de mayo	07-May 07 de mayo <u>Election</u> <u>Day</u> <u>Dia de</u> <u>eleccion</u> 7:00 AM TO 7:00 PM

Early Voting By Mail (*Votación Anticipada por Correo*)

Applications for voting by mail should be received no later than the close of business (5:00 pm) on April 26, 2022. Applications should be sent to:

(Las solicitudes de votación por correo deben ser recibidas a más tardar al cierre de operaciones (5:00 p.m.) del 26 de abril de 2022. Se deben enviar las solicitudes a:)

Early Voting Clerk (*secretario de votación anticipada*)

mailing address (*dirección de envío*): 700 Main St., Suite 124, Kerrville, TX 78028

physical address (*dirección física*): 700 Main St., Suite 124, Kerrville, TX 78028

phone (*teléfono*): (830) 792-2242

fax (*fax*): (830) 792-2253

email for ABBM (*correo electrónico por ABBM*): breeves@co.kerr.tx.us

email for FCPA (*correo electrónico por ABBM*): nalford@co.kerr.tx.us

If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the early voting clerk receives the original no later than four days after receiving the emailed or faxed copy.

(Si se envía por fax o correo electrónico una solicitud de boleta por correo (o si se envía por fax una solicitud postal federal), el solicitante también debe enviar la solicitud original para que el secretario de votación anticipada reciba el original a más tardar cuatro días después de recibir la copia enviada por correo electrónico o por fax.)

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(Se ha dejado el resto de esta página intencionalmente en blanco.)

Exhibit C (*Anexo C*)

**VOTER INFORMATION DOCUMENT (DOCUMENTO DE INFORMACIÓN
PARA EL VOTANTE)**

City of Kerrville, Texas Proposition A:
(*Propuesta A del Ciudad de Kerrville, Texas:*)

<input type="checkbox"/> FOR (a favor)	THE ISSUANCE OF CITY OF KERRVILLE, TEXAS, GENERAL OBLIGATION BONDS FOR A PUBLIC SAFETY FACILITY AND THE LEVYING OF A TAX IN PAYMENT THEREOF, IN AN AMOUNT NOT TO EXCEED \$45,000,000.	
<input type="checkbox"/> AGAINST (en contra)		

principal of debt obligations to be authorized (<i>capital de obligaciones de deuda que se autorizará</i>)	\$45,000,000
estimated interest for the debt obligations to be authorized presuming an interest rate of 3.75% (<i>interés estimado para las obligaciones de deuda que se autorizarán asumiendo una tasa de interés del 3.75</i>)	
estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized amortized over 40 years (<i>capital e intereses juntos estimados necesarios para pagar a tiempo y en su totalidad las obligaciones de deuda que se autorizarán amortizar durante 40 años</i>)	
as of the date the election was ordered, principal of all outstanding debt obligations (<i>a partir de la fecha en que se ordenó la elección, el capital de todas las obligaciones de deuda pendientes</i>)	\$13,715,000
as of the date the election was ordered, the estimated interest on all outstanding debt obligations (<i>a partir de la fecha en que se ordenó la elección, el interés estimado de todas las obligaciones de deuda pendientes</i>)	\$3,575,948
estimated combined principal and interest required to pay on time and in full all outstanding debt obligations amortized over ____ years (<i>capital e intereses juntos estimados necesarios para pagar a tiempo y</i>	

<p><i>en su totalidad las obligaciones de deuda pendientes amortizadas durante ____ años)</i></p>	
<p>estimated maximum annual increase in the amount of taxes on a residence homestead with an appraised value of \$100,000 to repay the debt obligations to be authorized, if approved (<i>aumento anual máximo estimado de la cantidad de impuestos en una residencia principal con un valor estimado de \$100,000 para pagar las obligaciones de deuda que se autorizarán, si se aprueba</i>)</p>	

[The remainder of this page intentionally left blank.]

CERTIFICATE OF CITY SECRETARY

THE STATE OF TEXAS
COUNTY OF KERR
CITY OF KERRVILLE

§
§
§

THE UNDERSIGNED HEREBY CERTIFIES that:

On February 8, 2022, the City Council (the *Council*) of the City of Kerrville, Texas (the *City*) convened in regular session at its regular meeting place in the City (the *Meeting*), the duly constituted members of the Council being as follows:

Bill Blackburn	Mayor	Judy Eychner	Councilmember
Roman Garcia	Councilmember	Brenda Hughes	Councilmember
Kim Clarkson	Councilmember		

and all of such persons were present at the Meeting, except the following: _____, thus constituting a quorum. Among other business considered at the Meeting, the attached ordinance (the *Ordinance*) entitled:

AN ORDINANCE CALLING A BOND ELECTION FOR THE CITY OF KERRVILLE, TEXAS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE DEVELOPMENT OF A PUBLIC SAFETY FACILITY FOR THE CITY, TO INCLUDE ACCOMMODATIONS TO SERVE THE POLICE DEPARTMENT AND FIRE ADMINISTRATION, EMERGENCY OPERATIONS CENTER, MUNICIPAL COURT, INFORMATION TECHNOLOGY DEPARTMENT AND RELATED FUNCTIONS; MAKING PROVISION FOR THE CONDUCT OF A JOINT ELECTION; AND RESOLVING OTHER MATTERS RELATED TO SUCH ELECTION

was introduced for the Council's consideration. After presentation and discussion, a motion was made by Councilmember _____ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by Councilmember _____ and carried by the following vote as shown in the official Minutes of the Council for the Meeting:

____ voted "For" ____ voted "Against" ____ abstained

The attached Ordinance is a true and correct copy of the original on file in the official records of the City; the duly qualified and acting members of the Council on the date of the Meeting are those persons shown above and, according to the records of my office, each member of the Council was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Ordinance would be considered; the Meeting and deliberation of the aforesaid public business, was open to the public; and written notice of the Meeting, including the subject of the Ordinance, was posted and given in advance thereof in compliance with the provisions of Chapter 551, as amended, Texas Government Code.

SIGNED AND SEALED ON _____, 2022.

Shelley McElhannon,
City Secretary, City of Kerrville

(CITY SEAL)

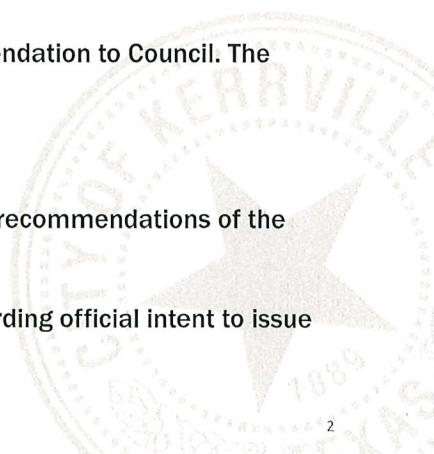
► Public Safety Facility Bond Ordinance

**City Council Meeting
February 8, 2022**



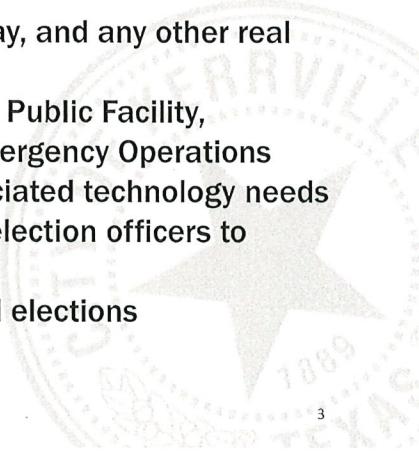
► Public Safety Facility Bond Ordinance

- The Public Safety Facility Bond Committee was created by Council with resolution 48-2021 on October 26, 2021 for the purpose of analyzing the feasibility of developing a public safety facility and possible financing such through the issuance of general obligation bonds
- In January 2022, the committee brought a final recommendation to Council. The recommendation included:
 - Confirmation of space needs: 69,000 square feet
 - General Obligation Bond Election: \$45M
- Council directed staff to draft a bond ordinance using the recommendations of the Bond Committee
- An additional resolution is required per State statute regarding official intent to issue debt



► Public Safety Facility Bond Ordinance

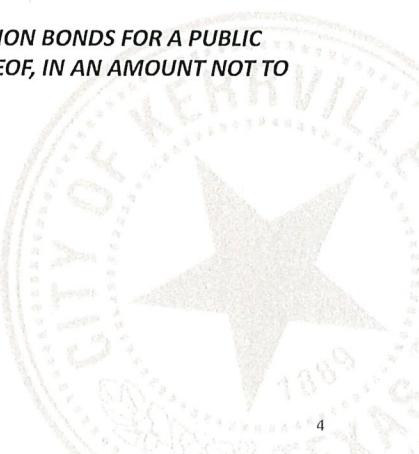
- Ordinance # 2022-07 authorizes:
 - an election to be held to determine if Council shall be authorized to issue general obligation bonds not to exceed an aggregate principal amount of \$45M for the purpose of;
 - purchasing land, easements, rights-of-way, and any other real property and
 - designing, constructing, and equipping a Public Facility, including Police, Fire Administration, Emergency Operations Center (EOC), Municipal Court, and associated technology needs
 - the City to contract with the County and its election officers to conduct all aspects of the election
 - election to be held jointly with other political elections
 - election to be held on May 7, 2022



► Public Safety Facility Bond Ordinance

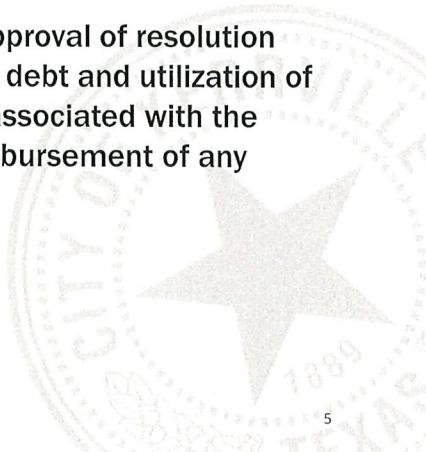
- The ballot will permit voters to vote “FOR” or “AGAINST”
- The item on the official ballot will appear as follows:

THE ISSUANCE OF CITY OF KERRVILLE, TEXAS, GENERAL OBLIGATION BONDS FOR A PUBLIC SAFETY FACILITY AND THE LEVYING OF A TAX IN PAYMENT THEREOF, IN AN AMOUNT NOT TO EXCEED \$45,000,000



► Action:

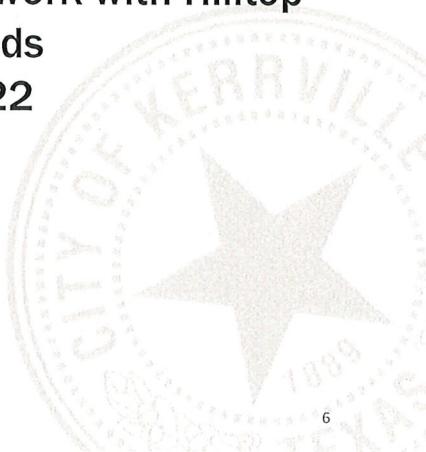
- Each Council Member shall vote “FOR” or “AGAINST” ordinance #2022-07 allowing the City Secretary to record individual votes
- If approved, Council will need to consider approval of resolution #08-2022 expressing official intent to incur debt and utilization of such debt for the purpose paying for costs associated with the Public Safety Facility project, including reimbursement of any expenses incurred prior to issuance of debt



5

► Next Steps

- If approved, Public Safety Facility Bond Election will be held on May 7, 2022
- If bond is approved by voters, staff work with Hilltop Securities to begin steps to sell bonds
- Bonds issued in the summer of 2022



6

Questions?





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

SUBJECT: Resolution No. 08-2022. A Resolution expressing official intent to reimburse certain project costs (Public Safety Facility) from obligations to be issued by the City of Kerrville, Texas and other matters related thereto.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 28, 2022

SUBMITTED BY: Julie Behrens

EXHIBITS: [20220208_Reso 08-2022 Reimburse project costs Obligation Bond CSO cert.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	F - Public Facilities and Services
Guiding Principle	F2. Place the highest priority on public safety (police, fire, EMS).
Action Item	F2.1 - Devote the necessary resources (funding, equipment) to ensure quality fire, police and EMS services

SUMMARY STATEMENT:

The Resolution expressing official intent to reimburse certain project costs from obligations to be issued by the City of Kerrville, Texas.

The City Secretary recommends the following:

EARLY VOTING: be held at the Cailloux City Center, 910 Main Street, Kerrville, and the Ingram ISD Boardroom, 510 College Street, Ingram, as follows:

April 25, 2022 through April 27, 2022: 8:00 a.m. to 6:00 p.m.

April 28, 2022: 8:00 a.m. to 5:00 p.m.

April 29, 2022: 8:00 a.m. to 6:00 p.m.

May 02, 2022 and May 03, 2022: 8:00 a.m. to 6:00 p.m.

ELECTION DAY: is Saturday, May 7, 2022: 7:00 a.m. to 7:00 p.m. at the following polling places:

Precinct 1: Riverhills Mall, 200 Sidney Baker South, Kerrville

Precinct 2: Union Church, 101 Travis Street, Kerrville

Precinct 3: Cailloux City Center, 910 Main Street, Kerrville

Precinct 4: City West Church Ingram, 3139 Junction Hwy, Ingram

EARLY VOTING CLERK: Bob Reeves, Kerr County Tax Assessor/Collector is appointed Early Voting Clerk; and applications for ballot by mail be addressed to Bob Reeves, Attn Early Voting Clerk, Kerr County Courthouse, 700 Main Street. Applications for ballot by mail must be received no later than April 20, 2021 at 4:30 p.m.

ELECTION JUDGE AND OFFICERS: for the polling place and the Early Voting Ballot Board shall be appointed in accordance with the provisions of the joint election agreement for the conducting of the election on the aforesaid election date with Kerr County.

OFFICIAL CANVASS of the election be held Tuesday, May 17, 2022.

NOTE: Two State Constitutional Amendments will also be included on the Ballot.

RECOMMENDED ACTION:

Approve Resolution No. 08-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 08-2022**

**A RESOLUTION EXPRESSING OFFICIAL INTENT
TO REIMBURSE CERTAIN PROJECT COSTS
(PUBLIC SAFETY FACILITY) FROM OBLIGATIONS
TO BE ISSUED BY THE CITY OF KERRVILLE,
TEXAS AND OTHER MATTERS RELATED
THERETO**

WHEREAS, on May 7, 2022, the **CITY OF KERRVILLE, TEXAS** (the “*City*”) will hold a bond election to vote bonds to finance costs of designing, acquiring, constructing, purchasing, renovating, improving, upgrading, updating, and equipping a new Public Safety Facility, including police, fire, emergency operations, municipal court, and related administrative and information technology services, and the purchase of land, easements, rights-of-way, and other real property interests necessary therefor or incidental thereto, and completing related landscaping (collectively, the “*Projects*”); and

WHEREAS, the City expects that it will pay expenditures in connection with the Projects prior to the issuance of obligations to finance the Projects; and

WHEREAS, the City finds, considers, and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Projects;

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

SECTION ONE. EXPECTATION TO INCUR DEBT. The City reasonably expects to incur debt, as one or more series of obligations, with an aggregate maximum principal amount not to exceed **\$45,000,000**, the proceeds of which are expected to be used for the purpose of paying the costs of the Projects.

SECTION TWO. REIMBURSEMENT OF PRIOR EXPENDITURES. All costs to be reimbursed pursuant hereto will be capital expenditures within the meaning of Section 1.150-2 of the Treasury Regulations. No tax-exempt obligations will be issued by the City in furtherance of this Resolution after a date which is later than 18 months after the later of (1) the date the expenditures are paid, or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

SECTION THREE. THREE-YEAR LIMITATION FOR REIMBURSEMENT.
The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Resolution more than three years after the date any expenditure which is to be reimbursed is paid.

SECTION FOUR. PUBLIC RECORD. City Council directs that this Resolution shall be maintained as a public record available for inspection by all persons in accordance with the provisions of Chapter 552, Texas Government Code, and that no later than 30 days after this date, this Resolution will be made available for inspection by all members of the general public at the offices of the Superintendent of the City.

PASSED AND APPROVED ON this the _____ day of _____ A.D.,
2022.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS
COUNTY OF KERR
CITY OF KERRVILLE

I, the undersigned City Secretary of the **CITY OF KERRVILLE, TEXAS** (the "*City*"), hereby certify as follows:

1. The City Council of the City (the “*City Council*”) convened in Regular Meeting on February 8, 2022 (the “*Meeting*”), at the City Hall, and the roll was called of the duly constituted officers and members of the City Council, to wit:

Bill Blackburn, Mayor
Roman Garcia, Councilmember, Place One
Kim Clarkson, Councilmember, Place Two and
Mayor Pro-Tem
Judy Eychner, Councilmember, Place Three
Brenda Hughes, Councilmember, Place Four,

and all of the officers and members of the City Council were present, except the following absentees: _____

_____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written Resolution entitled

A RESOLUTION EXPRESSING OFFICIAL INTENT TO
REIMBURSE CERTAIN PROJECT COSTS (PUBLIC
SAFETY FACILITY) FROM OBLIGATIONS TO BE
ISSUED BY THE CITY OF KERRVILLE, TEXAS AND
OTHER MATTERS RELATED THERETO

(the “***Resolution***”) was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, said motion carrying with it the adoption of the Resolution, prevailed and carried by the following vote:

AYES: NOES: ABSTENTIONS:

2. A true, full and correct copy of the Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Resolution has been duly recorded in the City Council's minutes of the Meeting; the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting and

that the Resolution would be introduced and considered for passage at the Meeting; each of said officers and members consented, in advance, to the holding of the Meeting for such purpose; and the Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 8th day of February, 2022.

City Secretary, City of Kerrville, Texas

(City Seal)

*Signature Page to the Reimbursement Resolution
City of Kerrville, Texas*



**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Ordinance No. 2022-10. An Ordinance annexing an approximate 62.062 and 20.8 acre tracts of land, both located within the Comanche Trace Residential Development, into the City of Kerrville, Texas and extending the boundary limits of the City so as to include such property within the City Limits; approving a Service Agreement for the annexed property; and adopting the zoning for the annexed property as a Medium Density Residential District (R-2).

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 28, 2022

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220208_Ord 2022-10 Annex CT 62 and 20 acre tracts to develop.pdf](#)

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

SUMMARY STATEMENT:

PROPOSAL: An ordinance to annex into the City of Kerrville's incorporated limits with a zoning classification of R-2 Medium Density Residential District the following parcels: 62.062 acres located in the William Watt Survey No. 64, Abstract 363, the William Watt Survey No. 65, Abstract 364, the Thomas Jackson Survey No. 394, Abstract 212 & 20.8 acres located in the William Watt Survey No. 66, Abstract 365 and the William Watt Survey No. 65, Abstract 364, Kerr County, Texas, being a portion of a called 1131.78 acre tract of land of record in Volume 971, Page 698 of the Official Public Records of Kerr County, Texas; and generally located at Comanche Trace Drive and Lower Turtle Creek Road.

PROCEDURAL REQUIREMENTS: The City, in accordance with state law, mailed 49 letters on 12/21/2021 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 12/16/2021.

At the time of drafting this agenda bill, Development Services has received no comments.

STAFF ANALYSIS AND RECOMMENDATIONS:

Adjacent Zoning and Land Uses: Subject Property

Current Zoning: N/A County/ETJ

Existing Land Use: Golf course and Vacant Land

Direction: North

Current Zoning: R-1

Existing Land Uses: Single-family residential

Direction: West, East, & South

Current Zoning: N/A ETJ

Existing Land Uses: vacant land

CONSISTENCY WITH THE KERRVILLE 2050 COMPREHENSIVE PLAN ("COMP PLAN"): The subject property is within the Preservation Residential and Estate Residential place types on the Future Land Use Plan. This case includes a minor amendment to the Future Land Use Plan to designate the entire area as Preservation Residential. The inclusion of the golf course and other open spaces within the Comanche Trace development is consistent with the goals and description of the Preservation Residential place type.

THOROUGHFARE PLAN: The subject property is located within the Comanche Trace development and has access to both Lower Turtle Creek Road and Bandera Highway. This phase of the Comanche Trace development includes the extension of Comanche Trace Drive to Lower Turtle Creek Road.

TRAFFIC IMPACT: Future traffic impacts will be reviewed through the TIA Worksheet through the development and subdivision of this property.

PARKING: All off-street parking requirements will be met as per the zoning code.

CASE SUMMARY: The applicant is requesting that the City annex the property with a zoning of R-2, Medium Density Residential.

RECOMMENDATION: Because the request is consistent with the adjacent development

and the objectives of the Kerrville 2050 Plan, staff recommends annexation and the zoning request.

On January 6th, the Planning and Zoning Commission recommended approval of the annexation and zoning with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-10 on first reading.

D R A F T 2/5/22

CITY OF KERRVILLE, TEXAS ORDINANCE NO. 2022-10

AN ORDINANCE ANNEXING AN APPROXIMATE 62.062 AND 20.8 ACRE TRACTS OF LAND, BOTH LOCATED WITHIN THE COMANCHE TRACE RESIDENTIAL DEVELOPMENT, INTO THE CITY OF KERRVILLE, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF THE CITY SO AS TO INCLUDE SUCH PROPERTY WITHIN THE CITY LIMITS; APPROVING A SERVICE AGREEMENT FOR THE ANNEXED PROPERTY; AND ADOPTING THE ZONING FOR THE ANNEXED PROPERTY AS A MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

WHEREAS, the owner of an area made up of two tracts of land has requested annexation of the area by the City of Kerrville, Texas ("City"), pursuant to Local Government Code Section 43.0671; and

WHEREAS, all of the herein-described property lies within the extraterritorial jurisdiction of the City; and

WHEREAS, in conjunction with the approval of this Ordinance, City Council also approves a Service Agreement for the subject property; and

WHEREAS, Section 60-37 of the City's Zoning Code creates procedures for initial zoning of newly annexed areas; and

WHEREAS, the City has complied with all prerequisites of state law and the City Charter as to the annexation and the application of zoning to the area;

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

SECTION ONE. City Council finds and declares the facts and recitations contained in the preamble of this Ordinance true and correct.

SECTION TWO. City Council annexes into the City limits for all legal purposes all of a certain tracts or parcels of land, which when combined contain 82.862 acres, more or less; and being 62.062 acres located in the William Watt Survey No. 64, Abstract 363; the William Watt Survey No. 65, Abstract 364; the Thomas Jackson Survey No. 394, Abstract 212; and, 20.8 acres located in the William Watt Survey No. 66, Abstract 365;; and the William Watt Survey

No. 65, Abstract 364, Kerr County, Texas; being a portion of a called 1131.78 acre tract of land as recorded in Volume 971, Page 698 of the Real Property Records of Kerr County, Texas; and generally located adjacent to and north of the intersection of Comanche Trace Drive and Lower Turtle Creek Road; generally located within the Comanche Trace Residential Development; and being more particularly described and depicted in **Exhibit A** (the "Property").

SECTION THREE. City Council authorizes and directs the City Manager, or designee, to amend the City's official boundary map in accordance with the annexation taken in Section Two.

SECTION FOUR. The petition for annexation concerning the Property is attached as **Exhibit B** and incorporated herein by reference, said petition, which triggered the process specified in Subchapter C-3, Chapter 43, Texas Local Government Code, authorizing the annexation of the Property.

SECTION FIVE. Pursuant to Section 43.0672 of the Texas Local Government Code, the City has negotiated and hereby enters into a Service Agreement (the "Agreement") with the owner of land for the provision of services in the area. The Agreement is attached to this Ordinance as **Exhibit C** and by this reference is incorporated into it. Upon annexation of the Property, the City shall provide the Property with the municipal services set forth in the Agreement pursuant to the schedule set forth therein, such services making up the City's full municipal services. The City shall have no obligation to provide services to the Property not listed in the Agreement.

SECTION SIX. Upon the adoption of this Ordinance, and in accordance with Section 60-37 of the City's Zoning Code, the Property is zoned as a Medium Density Residential District (R-2).

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

sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION NINE. In accordance with the Texas Local Government Code and other applicable laws, the City Secretary is directed to file a certified copy of this Ordinance together with a copy of the petition requesting annexation with the Kerr County Clerk, Kerr Central Appraisal District, and the Texas Comptroller.

PASSED AND APPROVED ON FIRST READING, this the _____
day of _____ A.D., 2022.

PASSED AND APPROVED ON SECOND READING, this the _____
day of _____ A.D., 2022.

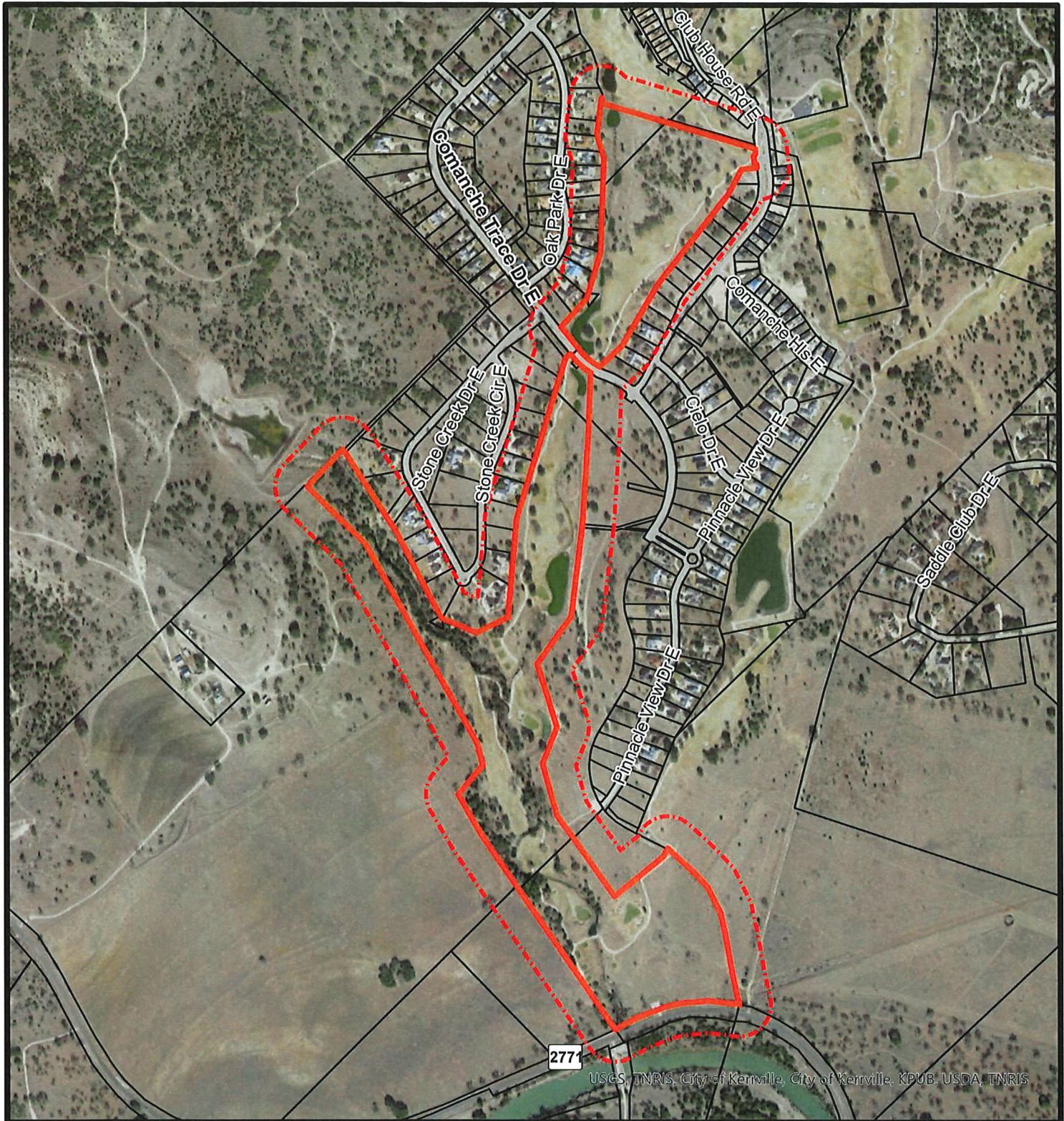
Bill Blackburn, Mayor

APPROVED AS TO FORM: ATTEST:

Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary

Exhibit A



Location Map

Case # PZ-2021-34

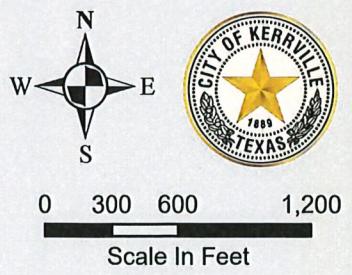
Location:

20.8-acres out of ABS A0364

WATT SUR 65, ABS A0365 WATT SUR 66 &

62.1-acres out of ABS A0212 JACKSON SUR 394, ABS A0212 JACKSON SUR 394

Legend
200' Notification Area
Subject Properties



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.

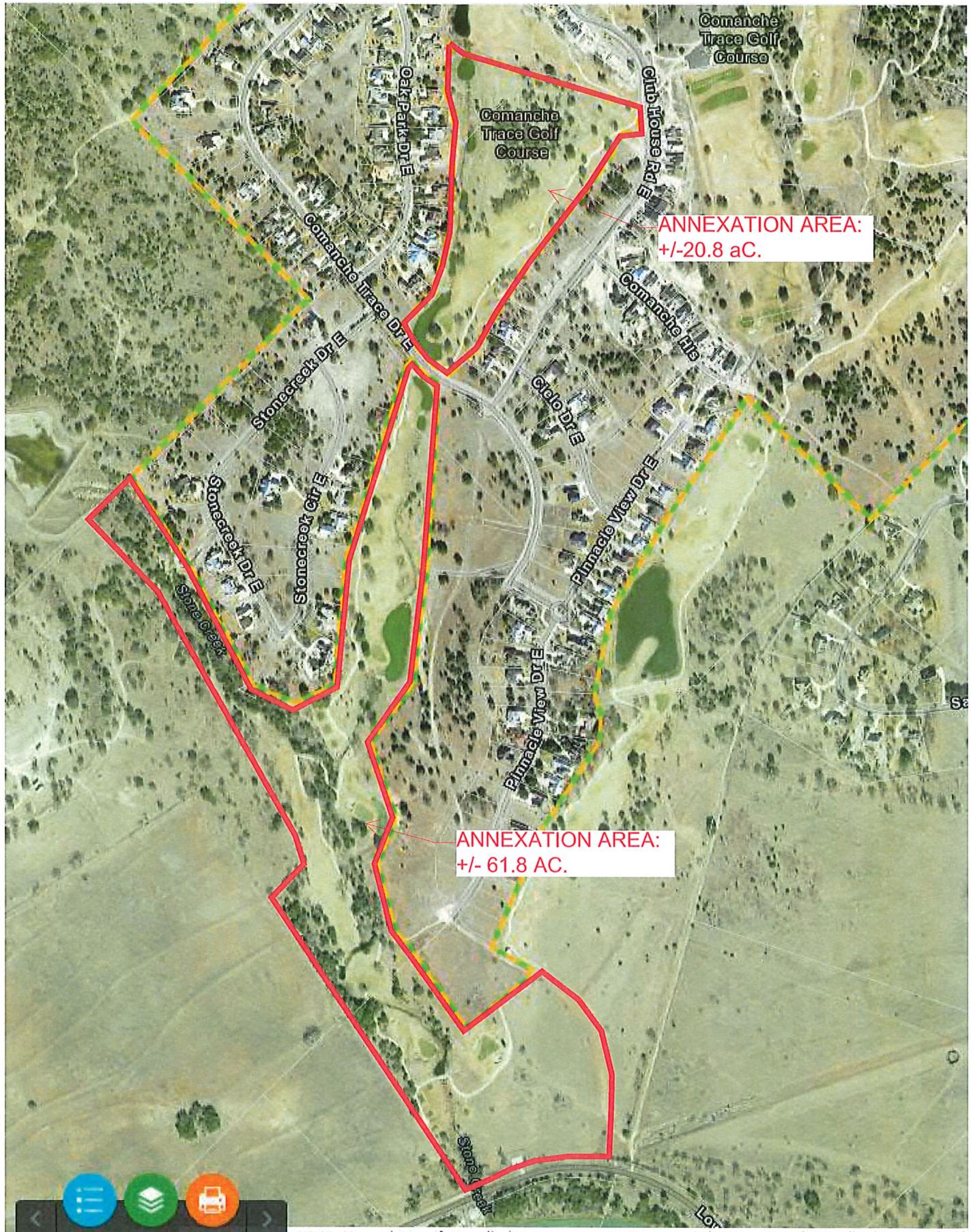


Exhibit B

EXHIBIT C

SERVICE AGREEMENT

This Services Agreement (the “Agreement”) is entered into between the City of Kerrville, a Texas Home-Rule Municipal Corporation (the “City”) and the Comanche Trace Ranch & Golf Club, LLLP (the “Owner”). The City and the Owner are collectively referred to as the Parties.

WHEREAS, pursuant to a lawfully submitted petition for annexation from Owner, City intends to institute annexation proceedings for a tract(s) of land described more fully hereinafter (referred to herein as the “Subject Property”); and,

WHEREAS, *Section 43.0672 of the Tex. Loc. Gov’t Code* requires a written agreement for the provision of services in the area first be entered into between City and Owner of the Subject Property; and,

WHEREAS, City and Owner agree each will benefit from the City’s development restrictions and zoning requirements, as well as other municipal services provided by City which are good and valuable consideration for the Owner to request annexation and for the Parties to enter into this Agreement for City to provide the listed services upon annexation and in accordance with this Agreement; and,

WHEREAS, it is found that the statutory requirements have been satisfied and City is authorized by *Chapter 43, Tex. Loc. Gov’t. Code*, to annex the Subject Property into the City;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereto agree as follows:

Section 1. Property Description. The legal description of the Subject Property is as set forth in **Exhibit 1**, attached hereto and incorporated herein.

Section 2. Services. City will provide the services listed and specified in **Exhibit 2**, attached hereto and incorporated herein, for the Subject Property on the effective date of annexation of the Subject Property.

Section 3. Owner’s Obligations. Owner shall not file for approval a subdivision plat, site plan, or related development document with City for the Subject Property or portion thereof; or construct, or allow to be constructed, any building or structure on the Subject Property or portion thereof until City has obtained authorization.

Section 4. Term. The term of this Agreement (the “Term”) is ten (10) years from the Effective Date.

Section 5. Vested Rights Claims. This Agreement is not a permit for the purposes of Chapter 245, Texas Local Government Code.

Section 6. Authorization. All parties and officers signing this Agreement warrant to be duly authorized to execute this Agreement.

Section 7. Covenant Running with the Land. This Agreement shall run with the Subject Property, and this Agreement may be recorded in the Official Public Records of Kerr County, Texas. Owner and City acknowledge and agree that this Agreement is binding upon City and Owner and their respective successors, executors, heirs, and assigns, as applicable, for the term of this Agreement.

Section 8. Severability. If any provision of this Agreement is held by a court of competent and final jurisdiction to be invalid or unenforceable for any reason, then the remainder of the Agreement shall be deemed to be valid and enforceable as if the invalid portion had not been included.

Section 9. Amendment and Modifications. This Agreement may be amended or modified only in a written instrument that is executed by both City and Owner after it has been authorized by the City Council.

Section 10. Gender, Number and Headings. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, unless the context otherwise requires. The headings and section numbers are for convenience only and shall not be considered in interpreting or construing this Agreement.

Section 11. Governmental Immunity; Defenses. Nothing in this Agreement shall be deemed to waive, modify, or amend any legal defense available at law or in equity to either City or Owner, including governmental immunity, nor to create any legal rights or claims on behalf of any third party.

Section 12. Enforcement; Waiver. This Agreement may be enforced by Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

Section 13. Effect of Future Laws. No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement.

Section 14. Venue and Applicable Law. Venue for this Agreement shall be in Kerr County, Texas. This Agreement shall be construed under and in accordance with the laws of the State of Texas.

Section 15. Counterparts. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Section 16. Effective Date. This Agreement shall be in full force and effect as of the date of approval of this Agreement by the City Council, from and after its execution by the parties.

Section 17. Sections to Survive Termination. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions related to water service to the Subject Property by the City.

EXECUTED this ____ day of _____, 2022.

Trevor Hyde, _____,
Comanche Trace Ranch & Golf
Club, LLLP

STATE OF TEXAS
COUNTY OF KERR

This instrument was acknowledged before me on the _____ day of _____, 2022, by Trevor Hyde, _____, Comanche Trace Ranch & Golf Club.

Notary Public, State of Texas

E.A. Hoppe, City Manager, City
of Kerrville, Texas

STATE OF TEXAS
COUNTY OF KERR

This instrument was acknowledged before me on the _____ day of _____, 2022, by E.A. Hoppe, City Manager, City of Kerrville, Texas.

Notary Public, State of Texas

Upon Recording, Return to:
City of Kerrville, Texas
City Secretary
City Hall, 701 Main Street
Kerrville, Texas 78028

EXHIBIT 1
LEGAL DESCRIPTION OF SUBJECT PROPERTY

(NOTE: *see* Exhibit A to Ord. No. 2022-10 for description; description to be included as an attachment to this agreement prior to execution)



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

SUBJECT: Ordinance No. 2022-08. An Ordinance amending the City's Fiscal Year 2022 Budget to account for the receipt of additional revenue, the disbursement of such revenue, and to make other amendments as provided.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Oct 14, 2021

SUBMITTED BY: Julie Behrens

EXHIBITS: [20220208_Ord 2022-08 amending FY2022 City budget.pdf](#)
[20220208_Presentation FY2022 mid-year budget amendment.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
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PAYMENT TO BE MADE TO:

Kerrville 2050 Item?	Yes
Key Priority Area	F - Public Facilities and Services
Guiding Principle	F1. Commit to maintaining high-quality, cost-effective public services and facilities consistent with anticipated growth and ensure cost-effective use and maintenance of these assets
Action Item	F2.1 - Devote the necessary resources (funding, equipment) to ensure quality fire, police and EMS services

SUMMARY STATEMENT:

The FY2022 Budget Amendment includes an increase to the Sales Tax Revenue budget due to a modified estimation in response to better than budget revenues. It also includes increases to salary & benefit accounts in all funds to account for a 5% Cost of Living Adjustment to all City employees as well as a market adjustment to certain positions identified in the Compensation Study approved by Council as part of the FY2022 budget. In addition, the budget amendment proposes reallocation of surplus funds from FY2021 to Capital Improvement Project Funds and Asset Replacement Funds.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-08, on first reading.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-08

**AN ORDINANCE AMENDING THE CITY'S FISCAL YEAR 2022
BUDGET TO ACCOUNT FOR THE RECEIPT OF ADDITIONAL
REVENUE, THE DISBURSEMENT OF SUCH REVENUE, AND TO
MAKE OTHER AMENDMENTS AS PROVIDED**

WHEREAS, Ordinance No. 2021-20, as approved by City Council upon second reading on September 14, 2021, adopted the Fiscal Year 2022 Budget for the City of Kerrville, Texas; and

WHEREAS, since the beginning of the Fiscal Year 2022, the City has experienced better than budgeted sales tax revenues in addition to the surplus funds from Fiscal Year 2021 including the receipt of program funding from the Coronavirus Local Fiscal Recovery Funds; and

WHEREAS, the City, pursuant to support of the City Council after its review of a salary survey, will experience increased expenditures to implement a mid-year cost of living adjustment for all City employees along with strategic market adjustments to the salaries of specific job positions, and several other uses as specified herein; and

WHEREAS, due to the higher than projected revenues and expenditures as described above, the City must amend its Fiscal Year 2022 Budget; and

WHEREAS, City Council finds that amending the City's Fiscal Year 2022 Budget is in the best interest of the citizens of the City of Kerrville;

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

In accordance with Section 8.06 of the City Charter, the Official Budget for Fiscal Year 2022 is amended as set forth in **Attachment A**.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, A.D., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2022.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

Attachment A
City of Kerrville
FY2022 Budget Amendment

The following revenue accounts will be increased by the FY2022 budget amendment:

Account Name	Description	Amount Increased
1. Sales Tax	Modified forecasting - better than budget	725,000.00
	Total Revenue Increase	\$ 725,000.00

The following expense accounts will be increased by the FY2022 budget amendment:

Account Name	Description	Amount Increased
1. GENERAL FUND		
Salaries	5% COLA For all City Employees and Market Adjustments from Comp Study	674,326.89
Benefits	5% COLA For all City Employees and Market Adjustments from Comp Study	120,582.97
	Total General Fund	\$ 794,909.86
2. Water Fund		
Salaries	5% COLA For all City Employees and Market Adjustments from Comp Study	101,431.23
Benefits	5% COLA For all City Employees and Market Adjustments from Comp Study	20,285.24
	Total Water Fund	\$ 121,716.47
3. Garage Fund		
Salaries	5% COLA For all City Employees and Market Adjustments from Comp Study	6,536.33
Benefits	5% COLA For all City Employees and Market Adjustments from Comp Study	1,202.85
	Total Garage Fund	\$ 7,739.18
4. Golf Fund		
Salaries	5% COLA For all City Employees and Market Adjustments from Comp Study	36,011.29
Benefits	5% COLA For all City Employees and Market Adjustments from Comp Study	6,422.73
	Total Golf Fund	\$ 42,434.02
5. Development Services		
Salaries	5% COLA For all City Employees and Market Adjustments from Comp Study	20,433.56
Benefits	5% COLA For all City Employees and Market Adjustments from Comp Study	3,766.91
	Total Development Services	\$ 24,200.47

6 Hotel Occupancy Tax Fund

Other Charges	Supplies & services related to Eclipse event	50,000.00
	Total HOT Fund:	\$ 50,000.00

City of Kerrville
FY2022 Budget Amendment Transfers In/Out

Account #	Account Name	Debit	Credit
1. GENERAL FUND			
70-7001	Transfer In - General Fund		1,010,189
01-0100-9018	Transfer Out - Asset Replacement	443,925	
18-7001	Transfer In - General Fund		443,925
01-0100-9070	Transfer Out - Gen Capital Projects	1,010,189	
2. WATER FUND			
19-7002	Transfer In - Water Fund		50,000
02-0200-9019	Transfer Out - WS Asset Replacement	50,000	
71-7002	Transfer In - Water Fund		50,000
02-0200-9071	Transfer Out - WS Capital Projects	50,000	
3. GARAGE FUND			
03-6460	Maintenance Contract		7,739
01-0190-2100	Maintenance Contract - City Garage	7,739	

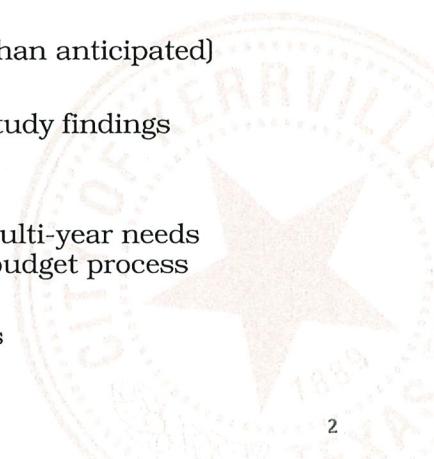
FY2022 Mid-Year Budget Amendment

City Council Meeting
February 8, 2022



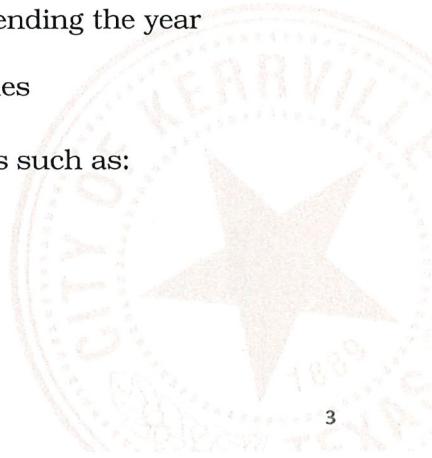
Budget Amendment

- Ordinance #2022-08 requiring 2 readings to amend the FY2022 budget – (February 8 and February 22)
- This budget amendment will amend the FY2022 budget in response to:
 - Modified forecast of sales tax revenue (better than anticipated)
 - Cost of Living Adjustment
 - Market adjustment per 2021 Compensation Study findings
 - HOT fund project expense
 - Surplus funds from FY2021 transferring to:
 - Asset Replacement funds in response to multi-year needs assessment completed as part of FY2022 budget process
 - Capital Improvement Projects for:
 - matching components of anticipated grants
 - Streets projects
 - Future capital improvement projects



General Fund

- FY2021 had a change in net position (surplus funds) of \$2,454,113
 - Primarily due to strong sales tax performance ending the year \$1,566,882 better than budget
 - Better than budget service & recreation revenues
 - Contracted Street Maintenance Project Timing
 - Spent less than budgeted in expense categories such as: personnel, maintenance, services, and other



3

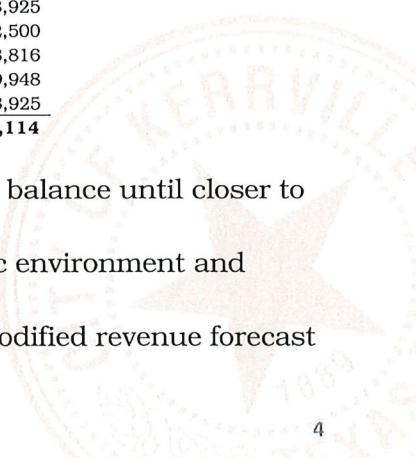
General Fund

- Proposing the following changes to the FY2022 Budget:

Transfers Out:

Transfer to Asset Replacement	\$ 443,925
Transfer to Capital Projects - CDBG GRANT (MATCH)	52,500
Transfer to Capital Projects - TXDOT GRANT (MATCH)	263,816
Transfer to Capital Projects - Streets	249,948
Transfer to Capital Projects - Reserved for future projects	443,925
Total Transfers Out	\$ 1,454,114

- Proposing to retain remaining \$1,000,000 in fund balance until closer to FY2022 year-end
- Conservative fiscal approach to dynamic economic environment and lingering effects of the pandemic
- Allows for additional months of data to confirm modified revenue forecast



4

General Fund

- Increase Sales Tax Budget from \$8,614,787 to \$9,339,787
 - After the first quarter, sales tax is trending 15% ahead of FY2021
 - Budget increase of \$725K is 8% over FY2021, remaining very conservative
 - Increase should offset expenses related to 5% COLA for all employees in all funds
- Adjust anticipated expenses for COLA & Market Adjustments in all accounts pertaining to personnel (salaries & benefits) \$794,910
 - Projecting FY2022 better than budget revenues to cover difference or;
 - Utilizing fund balance closer to year-end

5

Other Community Investment Plan (CIP) Amendments

- Kerrville slated to receive \$5.8 million total allocation in Coronavirus State and Local Fiscal Recovery Funds as part of the American Rescue Plan Act (ARPA)
- August 2021 received first tranche of \$2,942,954
- Money is currently in the Grant Fund
- 2nd tranche expected summer 2022
- May 2021 U.S. Department of Treasury released 151 page “Interim Final Rule” for spending guidance
 - Document outlined 4 broad eligible spending categories
 - COVID-19 response and recovery, including negative economic impact
 - Premium pay for essential workers
 - Revenue replacement
 - Water, Sewer, and Broadband Infrastructure Investments
 - City awaited further guidance

6

- January 2022 U.S. Department of Treasury released 437 page “Final Rule” outlining eligible expenses
 - Final Rule is very clear (page 61) “...emergency response equipment (e.g., emergency response radio systems) is an eligible expense
- Proposed transfer of \$2,942,954, to CIP Fund to cover most expenses related to the Public Safety Radio Communications Project
- 2nd tranche is expected in summer 2022
- 2nd tranche anticipated to be allocated as part of FY2023 budget process this summer (if received in time)
- Staff continue to monitor the impact of The Infrastructure Investment and Jobs Act and other funding opportunities

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Water Fund

- FY2021 had a change in net position (surplus funds) of \$447,473
 - Spent less than budgeted in expense categories such as personnel, supplies, and maintenance
 - Slightly better than budget service revenues
- Proposing the following changes to the FY2022 budget:

Transfer to Asset Replacement	50,000
Transfer to Capital Projects	50,000
Total Transfers Out:	\$ 100,000

- Proposing to retain remaining \$347,473 in fund balance until closer to FY2022 year-end
- Allows for additional months of data
- Adjust anticipated expenses for COLA & Market Adjustments in all accounts pertaining to personnel (salaries & benefits) \$124,716

8

Hotel Occupancy Tax Fund

- Proposed added expense of \$50,000 for advance preparation for Solar Eclipses in 2023 & 2024
- City Council workshop on this subject February 22nd
- Kerrville is in the direct path of both solar eclipses
- Both eclipses are expected to produce close to 4 1/2 minutes of darkness with Kerrville being in the path of 100% annularity (total darkness)
- Because of our location, eclipses are expected to bring unprecedented numbers of visitors to Kerrville (estimated 150K+ regionally)
- Regional eclipse planning has already begun and includes:
 - Emergency management and tourism logistics
 - Protective equipment
 - Safety measures (traffic, both vehicular & pedestrian, crowd control)

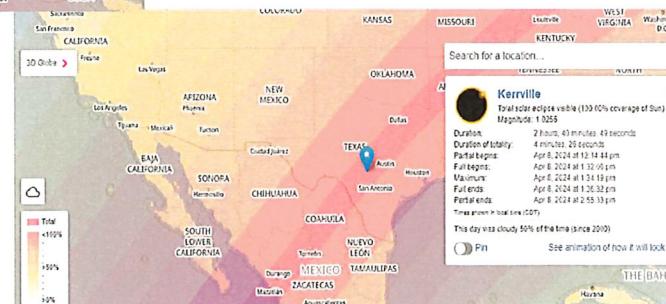
9

Hotel Occupancy Tax Fund

Eclipse Map — October 14, 2023 Annular Solar Eclipse



April 8, 2024 Total Solar Eclipse



Next Steps

- February 2022:
 - Finance estimating FY2023 Revenues
 - Finance conducting Citywide budget training for all departmental budget staff
 - Human Resources estimating salary components of FY2023 budget
 - Departments input FY2023 budget requests
- February 22nd:
 - Second reading of ordinance 2022-08 – FY2022 Mid-Year Budget Amendment
 - Annual Comprehensive Financial Report presented to Council by the City's audit firm, BKD
 - Financial Update
- March & April 2022:
 - Finance begins meeting with individual departments to review detailed budget requests
 - Asset replacement budget discussions begin

11

Questions?

12



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

SUBJECT: Ordinance No. 2022-09. An Ordinance restating and reaffirming the creation of the Recovery Community Coalition of the City of Kerrville, Texas; and providing for its purpose, membership, roles, and responsibilities; the provision of said board will be placed within Chapter 2, Article IV of the City's Code of Ordinances.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 13, 2022

SUBMITTED BY: Eric Maloney

EXHIBITS: [20220208_Ord 2022-09 RCC membership and qualifications.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

Adoption of Ordinance No. 2022-09 will decrease the membership of the Recovery Community Coalition to seven members. City Council will select members of the Coalition from community stakeholder groups, with a preference for a member from each of the following but any of which may include more than one member:

- Owner or staff member of a boarding home facility with a valid permit issued by the City.
- Member of the recovery community.
- Citizen of Kerrville with interest in these issues.
- Representative of mental health support organizations such as the Kerrville State Hospital.

- Representative of Peterson Health.
- Representative of Hill Country MHDD Centers.
- Representative from a residential addiction treatment facility located within Kerr County.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-09, on first reading as presented.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-09**

**AN ORDINANCE RESTATING AND REAFFIRMING THE
CREATION OF THE RECOVERY COMMUNITY COALITION OF
THE CITY OF KERRVILLE, TEXAS; AND PROVIDING FOR ITS
PURPOSE, MEMBERSHIP, ROLES, AND RESPONSIBILITIES;
THE PROVISION OF SAID BOARD WILL BE PLACED WITHIN
CHAPTER 2, ARTICLE IV OF THE CITY'S CODE OF
ORDINANCES**

WHEREAS, in 2016, City Council, pursuant to Resolution No. 26-2016, created the Recovery Community Coalition (the “RCC”) for the stated purpose of enhancing opportunities for the local recovery community to become fully integrated into the fabric of Kerrville; and

WHEREAS, after the adoption of Resolution No. 18-2018, City Council amended the RCC in 2018, by revising its membership qualifications; and

WHEREAS, since 2016, the RCC has consistently and periodically met to fulfill its purpose and engage in discussions regarding various issues that arise with respect to persons in recovery; and

WHEREAS, the City Council desires to restate and reaffirm the creation of the City’s Recovery Community Coalition but to reduce the number of members of the RCC and amend its membership qualifications;

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

SECTION ONE. Chapter 2 “Administration”, Article IV “Boards and Commissions” of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 2-92, with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (added) as follows:

“Chapter 2 - ADMINISTRATION

ARTICLE IV. BOARDS, ~~AND~~ COMMISSIONS, AND COMMITTEES

Sec. 2-92. - Recovery Community Coalition.

(a) Creation of Recovery Community Coalition; terms, membership, meetings.

- (1) There is hereby created the Recovery Community Coalition (“Coalition”) which shall be an advisory board of seven (7) members. The Coalition shall select a chair, vice chair, and a secretary from among its members.
- (2) Each member shall be subject to a two-year term; provided, however, that at the Coalition’s first meeting after its reaffirmation, members shall draw lots to establish the duration of each member’s term, with four (4) members serving a two-year term and the remaining three (3) members serving a one-year term. All members shall serve until their successors are appointed and qualified.
- (3) City Council will select members of the Coalition from community stakeholder groups, with a preference for a member from each of the following but any of which may include more than one member:

 - a. Owner or staff member of a boarding home facility with a valid permit issued by the City;
 - b. Member of the recovery community;
 - c. Citizen of Kerrville with interest in these issues;
 - d. Representative of mental health support organizations such as the Kerrville State Hospital;
 - e. Representative of Peterson Health;
 - f. Representative of Hill Country MHDD Center or successor agency; and
 - g. Representative from a residential addiction treatment facility located within Kerr County.
- (4) The Coalition shall establish a regular meeting schedule, with meetings to be held at least once each calendar quarter. The Coalition shall follow the Charter and Code of Ordinances of the City of Kerrville as well as the *Procedural Rules of Kerrville City Boards*.

(b) Recovery Community Coalition - purpose.

- (1) The purpose of the Coalition is to enhance the opportunities for the recovery community to become fully integrated into the fabric of Kerrville. The Coalition shall work toward considering and identifying strategies and techniques for reducing barriers for the recovery community to be fully integrated into the local community as well as to identify and advocate goals and ideas for enhancing positive relationships by and amongst the recovery community.
- (2) On an annual basis, or more frequently as deemed proper by the Coalition or City Council, the Coalition shall report its conclusions, achievements, ideas, desires, and plans to City Council.

(3) The City Manager, or designee, shall attend Coalition meetings and act as the staff liaison for the board.”

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

SECTION THREE. 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.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, A.D., 2022.

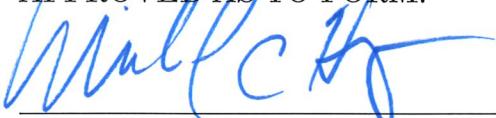
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ of _____, A.D., 2022.

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Ordinance No. 2022-02, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by amending said Code to include adding new definitions, revising the requirement for variances, requiring signs for notification, and other amendments as provided herein; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 28, 2022

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220208_Ord 2022-02 Zoning Code second reading.pdf](#)
[20220208_Proposed Amendments by CM Garcia.pdf](#)

Kerrville 2050 Item?	Yes
Key Priority Area	E - Economic Development
Guiding Principle	E2. Develop policies, processes and programs, including economic incentives, which are clear and consistently applied by a team of City and partner economic development entities working with stakeholders and focused on attracting, retaining and expanding business
Action Item	E2.12 - Ensure that Development Services processes and existing codes and ordinances are not impediments to development/redevelopment

SUMMARY STATEMENT:

The City Council adopted the current zoning code in the fall of 2019, following the recommendations from the Kerrville 2050 Implementation Plan. With that adoption, Council encouraged periodic review and updates to the new zoning code to ensure consistency with the goals and objectives within the Kerrville 2050 Plan. Subsequently, Council approved a minor update to the zoning code in the fall of 2020. After another year's worth of development projects and building permits, there are a few items that have been brought forth to be reviewed and updated this year. This includes recommendations from City Council, Planning and Zoning Commission, and staff through recent development projects.

UPDATES AND AMENDMENTS INCLUDE:

- Short Term Rental definition
- Additional notices of public hearings
- Shipping Containers in various districts
- Building Height requirements
- Traffic Impact Analysis
- Garage Sales
- Recreational Vehicles
- Land Use Table for Medical Offices

The Planning and Zoning Commission reviewed these updates on October 21st and recommended approval on December 2nd.

On January 11, 2022, the City Council unanimously approved Ordinance No. 2022-02 on first reading.

On January 25, 2022, the City Council unanimously tabled Ordinance No. 2022-02 for discussion in the February 08, 2022 meeting.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-02, on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-02**

AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY AMENDING SAID CODE TO INCLUDE ADDING NEW DEFINITIONS, REVISING THE REQUIREMENT FOR VARIANCES, REQUIRING SIGNS FOR NOTIFICATION, AND OTHER AMENDMENTS AS PROVIDED HEREIN; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, on August 27, 2019, City Council adopted Ordinance No. 2019-17, which adopted the City's Zoning Code, which included a Land Use Table and Zoning Map, collectively referred to herein as the "Zoning Code"; and

WHEREAS, Ordinance No. 2019-17 was adopted in accordance with and pursuant to the City's Comprehensive Plan; and

WHEREAS, pursuant to several recent land development projects, City Council, the Planning and Zoning Commission, and City staff recommend the adoption of several amendments to the Zoning Code; and

WHEREAS, pursuant Section 60-73 of the Zoning Code, and in accordance with 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 January 11, 2022, 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 a number of amendments to the Zoning Code as provided herein; and

WHEREAS, on January 11, 2022, City Council held a public hearing on various zoning amendments 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. Section 60-17 of the Zoning Code is amended with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“Sec. 60-17. - Terms defined.

:

Short-term rental unit means a facility, located in a residential zoning district, used for the purpose of providing short-term lodging for compensation, architecturally designed to look like a single-family dwelling, which may also be 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 but in any instance, may not house more than ten (10) occupants, ~~with no more than six 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 bedrooms of the short term rental unit.”~~

SECTION TWO. Section 60-28, subsection (2), of the Zoning Code is amended with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“Variances. Pursuant to section 60-31, the board of adjustment may consider granting, upon written application, variances to the terms of the zoning code, excluding variances to the list of permitted land uses; provided these variances are not contrary to the public interest, and where the applicant can demonstrate that because of special land-related conditions unique to the property, a literal enforcement of the code would result in unnecessary hardship that is ~~neither financial nor not~~ self-imposed, and so that the spirit of the code will be observed and substantial justice done.”

SECTION THREE. Section 60-31 of the Zoning Code is amended by adding a new subsection (2)c., with new language indicated by blue, underline (addition) as follows:

“c. A notification sign posted on the subject property by the Director, visible to persons using the public right-of-way, and which states the purpose and dates of the hearing. The Director shall install the sign at least 11 days before the first public hearing and the sign must remain posted and visible during the pendency of the variance. Such sign is exempt from the City’s sign code as a government sign.”

SECTION FOUR. Section 60-31, subsection (3), of the Zoning Code is amended with new language indicated by blue, underline (addition) as follows:

- “(3) *Required findings of fact.* No variance shall be granted by the board of adjustment until it makes one or more of the following findings, which as applied to a structure, would result in an unnecessary hardship:
- a. That there are exceptional circumstances or conditions applicable to the property on which the application is made related to size, shape, area, topography, surrounding condition, or location that do not apply generally to other property in the same area and the same zoning district;
 - b. That the exceptional circumstances or conditions are such that literal enforcement of the provisions of this chapter would result in an unnecessary hardship inconsistent with the general purpose and intent of this chapter;
 - c. That the granting of such variance will not be contrary to the public interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located;
 - d. That the granting of such variance will not be contrary to the objectives and principles contained in the comprehensive plan, as amended;
 - e. That the variance to be granted is the minimum variance that will relieve the proven hardship;
 - f. That the variance is not being granted to relieve the applicant of conditions or circumstances:
 1. Which are not inherent in the property itself, but are the result of the use or development of the property;
 2. Which are caused by a division of land on or after date of adoption, other than a division of land resulting from the sale of a property interest to a governmental entity, which division of land caused the property to be unusable for any reasonable development under the existing regulations; or
 3. Which were otherwise self-imposed by the present or a previous owner.
 - g. That the variance is not grounded solely upon the opportunity to make the property more profitable or to reduce expense to the current or any future owner;

- h. That the variance would not modify or effectively repeal any development or use regulations set forth in a conditional use permit (CUP) or an ordinance or resolution adopting a concept plan or establishing a planned development district which are in addition to the generally applicable use and development regulations set forth in this zoning code;
- i. That the variance would only affect a specific parcel of property and is not of such a general nature as to effectively constitute a change in zoning of said parcel or a larger area without following the procedures for such as set forth herein;
- j. That the variance does not change the permitted, conditional, or prohibited uses in the zoning district in which the property is located;
- k. the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the City under Section 26.01, Tax Code;
- l. compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- m. compliance would result in the structure not being in compliance with a requirement of a City ordinance, building code, or other requirement;
- n. compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- o. the City considers the structure to be a nonconforming structure, in accordance with its regulations.”

SECTION FIVE. Section 60-41 of the Zoning Code is deleted in its entirety, as indicated by red, strikeout (~~deleted~~) as follows:

~~“See. 60-41. Use of Property Located in One Zoning District to Benefit Another.~~

~~No person shall use property located in one zoning district to provide parking for, or access to, a use located on property located in another zoning district unless:~~

~~(1) Parking:~~

~~a. The property being used for said parking is also zoned to permit the use for which such parking is desired;~~

- ~~b. A variance is granted under the provisions of this Zoning Code or the Development Standards ordinance, whichever applies, to allow the off site parking; or,~~
- ~~e. A Conditional Use Permit is secured for the off site parking in accordance with this Zoning Code.~~

(2) Mutual Access:

- ~~a. The property being used for said access is also zoned to permit the use for which such access is desired;~~
- ~~b. A variance is granted under the provisions of this Zoning Code or the Development Standards ordinance, whichever applies, to allow the mutual access; or,~~
- ~~e. A Conditional Use Permit is secured for the mutual access in accordance with this Zoning Code.”~~

SECTION SIX. Section 60-52, subsection (b), of the Zoning Code is amended by adding a new subsection (10), with new language indicated by blue, underline (addition) as follows:

“(10) Traffic Impact Analysis: An application for MU zoning shall include a traffic impact analysis as defined herein.”

SECTION SEVEN. Section 60-52, subsection (c)(8), of the Zoning Code is amended by adding a new subsection d., with new language indicated by blue, underline (addition) as follows:

“d. Traffic Impact Analysis: An application for PD zoning shall include a traffic impact analysis as defined herein.”

SECTION EIGHT. Section 60-52, subsection (d)(3) of the Zoning Code is amended with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

Maximum Building Height	<ul style="list-style-type: none"> • 35 feet • <u>No limit except where Adjacent to a residential zoning district as defined in subsection (d)(3) above, as follows:</u> <ul style="list-style-type: none"> • <u>Two stories of up to 35 feet when adjacent to a residential zoning district, plus one foot (1.0' of</u>
--------------------------------	---

	<p>additional building height permitted for each 1 foot (1.0') of setback from the residential zoning district</p> <ul style="list-style-type: none"> • An installation of a public or private utility <u>is</u> exempt from this requirement
--	--

SECTION NINE. Section 60-60, subsection a.2., of the Zoning Code is amended by adding a new subsection C., with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

- “2. These regulations do not apply to:
 - A. A boarding home facility, as that term is defined within Chapter 30 of the Code of Ordinances; ~~or~~
 - B. Cottage food production that meets the qualifications imposed under state law and subject to other City ordinances, rules, or regulations; or
 - C. Garage sales, but where no more than four (4) are held per calendar year, none of which lasts longer than three (3) days.”

SECTION TEN. Section 60-60, subsection (13) of the Zoning Code, is amended with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

- “(13) Travel Trailers and Recreational Vehicles:** The use of a travel trailer or recreational vehicle shall be subject to the following regulations:
- a. The use of a travel trailer or recreational vehicle as a permanent residence or business anywhere within the City is prohibited, unless located within an RM or C-3 district and on property developed as a Mobile Home Rental Community (MHRC); on property which is being used as a recreational vehicle park even if the recreational vehicle park is a nonconforming use; or where one (1) travel trailer or one (1) recreational vehicle is located on property which is being used for the seasonal retail sale of holiday trees, such use to only occur between November 5 and December 31.
 - b. Travel trailers or recreational vehicles parked in a recreational vehicle park or in an RM or C-3 zoning district shall meet the following requirements:

1. Remain road ready with tongue and towing equipment attached to the vehicle or stored onsite; and
2. Utilize temporary utility hookups, such that hardwired electricity and plumbing is prohibited, and

~~It shall be a defense to a violation of subsection (a), above, if:~~

- ~~1. The trailer or recreational vehicle is located on property within an RM district which is developed as a MHRC at the time of the offense; or~~
- ~~2. The trailer or recreational vehicle is located on property which is being used as a recreational vehicle park even if the recreational vehicle park is a nonconforming use; or~~
- ~~c3. The A travel trailer or recreational vehicle is may be parked within a residential district but shall only be:~~
 - A. Parked on a lot developed with a dwelling unit with a valid certificate of occupancy;
 - B. Occupied by one or more people who do not claim the ~~dwelling unit~~ trailer or vehicle as their permanent residence; and
 - C. ~~Has been~~ Ilocated on the lot for a period not exceeding 14 days.
- ~~4. A travel trailer or recreational vehicle may be stored, which means parked and not in active use, on a developed lot with a dwelling unit. The storage must not create any visibility obstruction or otherwise interfere with pedestrian or vehicular circulation.~~
- ~~4. One (1) travel trailer or one (1) recreational vehicle is located on property which is being used for the seasonal retail sale of holiday trees. This section shall only be valid between November 5 and December 31.”~~

SECTION ELEVEN. Section 60-60 of the Zoning Code is amended by adding a new subsection (17), with new language indicated by blue, underline (addition) as follows:

“(17) Shipping container. A shipping container is permitted within any public and institutional district (PI), on property of not less than five (5)

acres, and where the shipping container is located at least one-hundred feet (100.0') from a residential district. A container shall be setback behind a line parallel to the front wall of the nearest building. Each container must be permanently anchored in compliance with the building codes and receive a permit from the City.”

SECTION TWELVE. Section 60-51, subsection (3), of the Zoning Code is amended by correcting a typographical error with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“(3) If notice was originally sent pursuant to Section 211.007 65-84, Texas Local Government Code, the applicable fee necessary to reimburse the City for sending a notice of postponement to those originally notified.”

SECTION THIRTEEN. Section 60-65, subsection (4), of the Zoning Code is amended with new language indicated by blue, underline (addition) as follows:

“(4) **Review Process:** Upon receipt of a complete application for a zoning change request, the application shall be reviewed under the process governing the review of an application for rezoning under Chapter 211, Texas Local Government Code, including notification, a report from the Director, and public hearings before the Planning and Zoning Commission and City Council, allowing for testimony from the applicant and others who have an interest in the matter, facts, and opinions concerning the proposed change. Notification as referenced above shall include a notification sign posted on the subject property by the Director, visible to persons using the public right-of-way, and which states the purpose and dates of the hearings. The Director shall install the sign at least 11 days before the first public hearing and the sign must remain posted and visible during the pendency of the review. Such sign is exempt from the City's sign code as a government sign.”

SECTION FOURTEEN. Table 1, Land Use Table, which was adopted as part of the Zoning Code, is amended as follows, such amendments as indicated on the attached table with amendments indicated:

- A. Add “shipping container” as an authorized use within a Public and Institutional District.
- B. Add “shipping container” to all Residential Districts but as a prohibited use.

C. Add “medical office” as an authorized use within a Public and Institutional District.

SECTION FIFTEEN. 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 SIXTEEN. 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 SEVENTEEN. 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 EIGHTEEN. 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 11 day of JANUARY, A.D., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ of _____, A.D., 2022.

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Michael C. Hayes".

Michael C. Hayes, City Attorney



February 2022

**PROPOSED AMENDMENTS TO
ORDINANCE NO. 2022-02**

At the regular meeting on January 25, 2022, the City Council considered Ordinance No. 2022-02, during which I proposed a few amendments to the Ordinance. The Council voted to defer the item to our February 8, 2022, regular meeting to allow for additional time to review and consider my amendments. I am submitting this packet and requesting it be included in the agenda packet for the February 8, 2022, regular meeting. This packet contains two documents in addition to this cover letter. The document watermarked as "Exhibit A" indicates my proposed amendments. The document watermarked as "Exhibit B" is an excerpt from the Texas Government Code and is included as a supplement to Amendment No. 4 (see Exhibit A).

I look forward to discussing with Council these amendments and any others that may be proposed.

Respectfully Submitted,

Roman M. Garcia
Councilman, Place 1

PROPOSED AMENDMENTS TO ORDINANCE NO. 2022-02

by Councilman Roman Garcia

January 25, 2022

AMENDMENT NO. 1:

Amend Section Thirteen by striking “by adding a new subsection (2)c.”, located on page eight.

SECTION THIRTEEN. Section 60-65, subsection (4), of the Zoning Code is amended ~~by adding a new subsection (2)e.~~ with the new language indicated by blue, underline (addition) as follows:

AMENDMENT NO. 2:

Amend Section Thirteen by (i) striking “Section”, located on page eight, and (ii) adding “as a government sign” at the end of the last sentence located on page eight.

“(4) Review Process: Upon receipt of a complete application for a zoning change request, the application shall be reviewed under the process governing the review of an application for rezoning under ~~Section~~ Chapter 211, Texas Local Government Code, including notification, a report from the Director, and public hearing before the Planning and Zoning Commission and City Council, allowing for testimony from the applicant and others who have an interest in the matter, facts, and opinions concerning the proposed change.

[...]

Such sign is exempt from the City’s sign code as a government sign.”

AMENDMENT NO. 3:

Amend the Ordinance by striking Section Fifteen in its entirety, located on page nine.

SECTION FIFTEEN. ~~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 action contemplated by and in accordance with the City's Zoning Code.~~

AMENDMENT NO. 4:

Amend Section Eleven by striking “and is required to be screened in accordance with this code and/or matched to the color of the nearest building”, located on page eight.

[...]

“(17) Shipping container. A shipping container is permitted within any public and institutional district (PI), on property of not less than five (5) acres, and where the shipping container is located at least one-hundred feet (100.0') from a residential district. A container shall be setback behind a line parallel to the front wall of the nearest building ~~and is required to be screened in accordance with this code and/or match to the color of the nearest building.~~ Each container must be permanently anchored in compliance with the building codes and receive a permit from the City.”

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN
GOVERNMENTAL ACTIONS

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND
COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

(1) "National model code" has the meaning assigned by Section [214.217](#), Local Government Code.

(2) "Governmental entity" has the meaning assigned by Section [2007.002](#).

Added by Acts 2019, 86th Leg., R.S., Ch. 1289 (H.B. [2439](#)), Sec. 1, eff. September 1, 2019.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

(1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

(2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

(b) A governmental entity that adopts a building code

governing the construction, renovation, maintenance, or other alteration of a residential or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with Subsection (a).

(c) This section does not apply to:

(1) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;

(2) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter [2210](#), Insurance Code;

(3) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that:

(A) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program;

(B) is adopted by a governmental entity that has adopted a resolution stating the entity's intent to become certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program and does not regulate outdoor lighting in a manner that is more restrictive than the prohibitions or limitations required to become certified as a Dark Sky Community; or

(C) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;

(4) an ordinance or order that:

(A) regulates outdoor lighting; and

(B) is adopted under Subchapter [B](#), Chapter [229](#), Local Government Code, or Subchapter [B](#), Chapter [240](#), Local Government Code;

(5) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section [211.003\(b\)](#), Local Government Code, if the municipality:

(A) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

(B) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

(6) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019;

(7) a building located in an area designated as a historic district on the National Register of Historic Places;

(8) a building designated as a Recorded Texas Historic Landmark;

(9) a building designated as a State Archeological Landmark or State Antiquities Landmark;

(10) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

(11) a building located in a World Heritage Buffer Zone;

(12) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Section [442.014](#);

(13) a standard for a plumbing product required by an ordinance or other regulation implementing a water conservation plan or program described by Section [11.1271](#) or [13.146](#), Water Code; and

(14) a standard for a plumbing product imposed by the Texas Water Development Board as a condition of applying for or receiving financial assistance under a program administered by the board.

(d) A municipality that is not a municipality described by Subsection (c)(5)(A) or (B) may adopt or enforce a regulation described by Subsection (a) that applies to a building located in a place or area designated on or after April 1, 2019, by the municipality for its historical, cultural, or architectural

importance and significance, if the municipality has the voluntary consent from the building owner.

(e) A rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with this section is void.

Added by Acts 2019, 86th Leg., R.S., Ch. 1289 (H.B. [2439](#)), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 475 (S.B. [1090](#)), Sec. 1, eff. September 1, 2021.

Sec. 3000.003. INJUNCTION. (a) The attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of Section [3000.002](#).

(b) The court may grant appropriate relief.

(c) The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this section.

(d) Sovereign and governmental immunity to suit is waived and abolished only to the extent necessary to enforce this chapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 1289 (H.B. [2439](#)), Sec. 1, eff. September 1, 2019.

Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter does not affect provisions regarding:

(1) the installation of a fire sprinkler protection system under Section [1301.551\(i\)](#), Occupations Code, or Section [775.045\(a\)\(1\)](#), Health and Safety Code; or

(2) the enforcement of land use restrictions contained in plats and other instruments under Subchapter [F](#), Chapter [212](#), Local Government Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 1289 (H.B. [2439](#)), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 475 (S.B. [1090](#)), Sec. 2, eff. September 1, 2021.

Sec. 3000.005. SEVERABILITY. If any provision of a rule,

charter provision, ordinance, order, building code, or other regulation described by Section 3000.002(a) is held invalid under this chapter, the invalidity does not affect other provisions or applications of the rule, charter provision, ordinance, order, building code, or other regulation that can be given effect without the invalid provision or application, and to this end the provisions of the rule, charter provision, ordinance, order, building code, or other regulation are severable.

Added by Acts 2019, 86th Leg., R.S., Ch. 1289 (H.B. [2439](#)), Sec. 1, eff. September 1, 2019.

EXHIBIT B



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

SUBJECT: Resolution No. 10-2022: A Resolution in support of the submission of an application to the 2022 Competitive Housing Tax Credit (HTC) program through the Texas Department of Housing and Community Affairs (TDHCA) by Riverview Manor, L.P., for the new construction of affordable Senior Housing.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 24, 2022

SUBMITTED BY: Megan Folkerts

EXHIBITS: [20220208_Reso 10-2022 Support JES Holding - affordable housing Junction Hwy.pdf](#)
[20220208_Presentation JES Riverview Manor project overview.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
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PAYMENT TO BE MADE TO:

Kerrville 2050 Item?	Yes
Key Priority Area	H - Housing
Guiding Principle	H3. Continue to leverage Kerrville as a retirement living destination
Action Item	H3.3 - Seek to attract senior living options for individuals requiring varying levels of assistance and care

SUMMARY STATEMENT:

Riverview Manor, L.P. ("Applicant") has requested support from the City of Kerrville for the new construction of 36 affordable senior housing units named Riverview Manor located at 1600 Junction Highway, Kerrville, Kerr County, Texas (the "Development"); and intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2022 Competitive 9% Housing Tax Credits for the construction of Riverview Manor. This proposed development will contain approximately 36 units; 25 units for residents at \$27.9k-\$31.8K, 8 units for residents at \$23.2k-\$26.5k, 3 units for residents at \$13.9k-\$15.9k, in order to accommodate the diverse housing needs of mixed-income seniors in the City of Kerrville. Rents will range from \$328 to \$838 per month. The

Applicant has requested a commitment of required funding assistance for \$500.00 for its application in the form of a reduced fees for the benefit of the Development form the City of Kerrville for its application to TDHCA for the new development of affordable senior housing. This Resolution is in standard form as required by TDHCA. Applicant's presentation for the project is attached for reference.

Staff would like to note that this action is separate from any potential Zoning or Development Services Permit approval that may be needed to begin this project, if awarded. Approving this Resolution of Support does not preclude the Developer from needing to go through other City zoning and/or development processes/public hearings/etc., and is not a guarantee that those elements will ultimately be approved by the Planning and Zoning Commission or City Council, if needed.

RECOMMENDED ACTION:

Approve Resolution No. 10-2022 as presented.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 10-2022**

**A RESOLUTION IN SUPPORT OF THE SUBMISSION OF
AN APPLICATION TO THE 2022 COMPETITIVE
HOUSING TAX CREDIT (HTC) PROGRAM THROUGH
THE TEXAS DEPARTMENT OF HOUSING AND
COMMUNITY AFFAIRS (TDHCA) BY RIVERVIEW
MANOR, L.P., FOR THE NEW CONSTRUCTION OF
AFFORDABLE SENIOR HOUSING**

WHEREAS, Riverview Manor, L.P. (“Applicant”) has requested support from the City of Kerrville for the new construction of 36 affordable senior housing units named Riverview Manor located at 1600 Junction Highway, Kerrville, Kerr County, Texas (the “Development”); and

WHEREAS, the Applicant intends to submit an application to the Texas Department of Housing and Community Affairs (“TDHCA”) for an allocation of 2022 Competitive 9% Housing Tax Credits (“HTCs”) for the construction of Development; and

WHEREAS, pursuant to the rules that govern the allocation of HTCs by the TDHCA, an applicant who provides a resolution of support from the governing body of a local political subdivision will improve the overall success of its application; and

WHEREAS, pursuant to the rules that govern the allocation of HTCs by TDHCA, an applicant who provides a resolution from the governing body of a local political subdivision agreeing to commit a minimum of \$500.00 of funding assistance to a development will also improve the overall success of its application; and

WHEREAS, the Applicant has requested a commitment of required funding assistance for \$500.00 for its application in the form of a reduced fees for the benefit of the Development from the City for its application to TDHCA for the Development; and

WHEREAS, City Council finds it in the public interest to support efforts by the private development sector to construct decent affordable housing in Kerrville;

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

SECTION ONE. The City of Kerrville, Texas, acting through its City Council, hereby confirms that it supports the affordable senior housing development by Riverview Manor, L.P., named Riverview Manor at 1600 Junction Highway, Kerr County, Texas, and that this formal action has been taken to put on record the opinion expressed by the City Council on this date.

SECTION TWO. In accordance with 10 Texas Administrative Code Section 11.9(d)(2), the City hereby commits to an in-kind contribution to the Development in the form of a reduced fees for the benefit of the Development in the amount of no less than \$500.00. Such support from the City will be in the form of reduced or waived fees as to building and other development permits, such support to be more specifically provided for in a subsequent resolution, which will include the appropriate findings.

SECTION THREE. For and on behalf of City Council, the City Manager, or designee, is hereby authorized, empowered, and directed to certify this Resolution to the Texas Department of Housing and Community Affairs and to take any other action required by state law in furtherance and support of this Development.

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2022.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon,
City Secretary

RIVERVIEW MANOR

A 36-UNIT SENIOR DEVELOPMENT

Kerrville, TX



JES HOLDINGS, LLC

COMPANY OVERVIEW

JES HOLDINGS, LLC

DEVELOP

BUILD

MANAGE

INVEST



QUALITY HOUSING WHERE **OUR FAMILIES**
WOULD BE PROUD TO LIVE.

DEVELOPER



JES Dev Co, Inc.

- Over 20 years experience developing affordable multi-family housing
- Developed 200 apartment communities with over 4,300 residential units
- Five communities in Central Texas and two more under construction in Central Texas.

GENERAL CONTRACTOR



Fairway Construction Co., Inc.

- 30 years experience
- Over 130 apartment communities
- Over 4,500 apartment units
- Over \$2 billion in construction value

PROPERTY MANAGER



- Over 20 years of experience
- Currently manages over 8,500 apartment units throughout the South, Southwest, and Midwest.
- 190 apartment communities under management
- Overall portfolio occupancy of 97%

SYNDICATOR



- Provides a full range of services for developers and investors in the Section 42 LIHTC Program.
- More than 500 tax credit developments and has never had a foreclosure or credit recapture.
- Syndicated over \$3 billion in Federal and State Tax Credits.

Texas Communities



**Settlement Estates,
Bastrop**



**Riverwood
Commons I and II,
Bastrop**



**Hidden Glen,
Salado**



**Bluff View
Senior Village,
Crandall**



**Highlander
Senior Village,
Bulverde**

**70 Cottage-Style Senior
Units**
(32) One Bedroom Units
– 651 Sq. Ft.
(38) Two Bedroom Units
– 859 Sq. Ft.

**36 Senior Units Located
in Elevated Building**
(11) One Bedroom Units
– 725 Sq. Ft.
(25) Two Bedroom Units
– 935 Sq. Ft.

**50 Cottage-Style Senior
Units**
(15) One Bedroom Units
– 700 Sq. Ft.
(35) Two Bedroom Units
– 850 Sq. Ft.

**48 Senior Units in
Elevated Building**
(15) One Bedroom Units
– 710 Sq. Ft.
(33) Two Bedroom Units
– 893 to 925 Sq. Ft.

**66 Cottage-Style Senior
Units**
(20) One Bedroom Units
– 740 Sq. Ft.
(46) Two Bedroom Units
– 850 Sq. Ft.

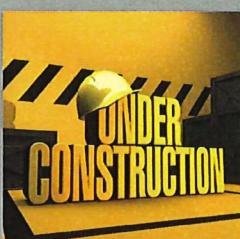
Texas Communities



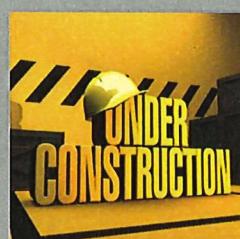
**Maple Park Senior,
Lockhart**



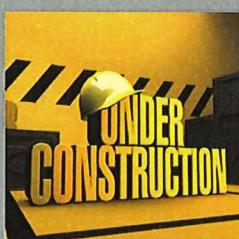
**Paige Estates,
Waco**



**Parkside on
Carrier,
Grand Prairie**



**Sweetwater
Station,
Sweetwater**



**Pebblebrook
Parkside,
Denton**

**56 Cottage-Style Senior
Units**
(14) One Bedroom Units
– 767-789 Sq. Ft.
(42) Two Bedroom Units
– 882 Sq. Ft.

**64 Senior Units in
Elevated Building**
(20) One Bedroom Units
– 750 Sq. Ft.
(44) Two Bedroom Units
– 880 Sq. Ft.

**38 Senior Units in
Elevated Building**
(13) One Bedroom Units
– 750 Sq. Ft.
(25) Two Bedroom Units
– 880 Sq. Ft.

**52 Senior Units in
Elevated Building**
(16) One Bedroom Units
– 750 Sq. Ft.
(36) Two Bedroom Units
– 880 Sq. Ft.

**216 Family Units in
Walk-up and
Elevated Buildings**
(54) One Bedroom Units
– 746 Sq. Ft.
(108) Two Bedroom
Units – 988-1,075 Sq. Ft.
(54) Three Bedroom
Units – 1,082 Sq. Ft.

SETTLEMENT ESTATES

BASTROP, TX



RIVERWOOD COMMONS

BASTROP, TX



HIDDEN GLEN

SALADO, TX

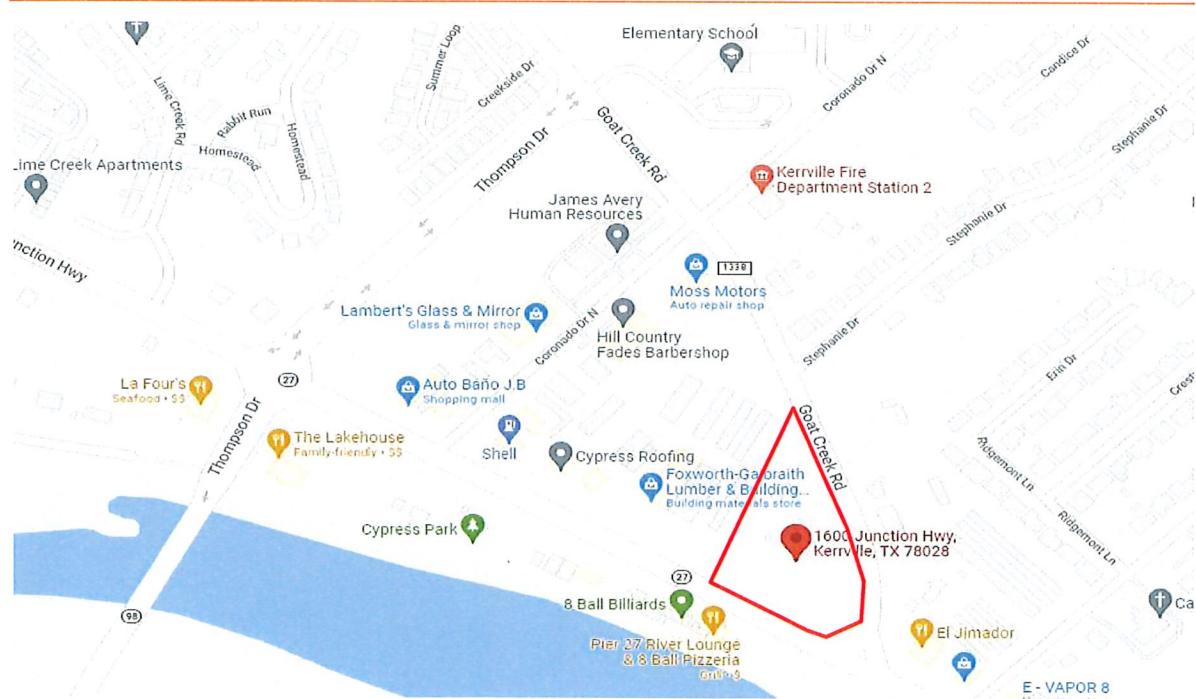


BLUFF VIEW SENIOR VILLAGE

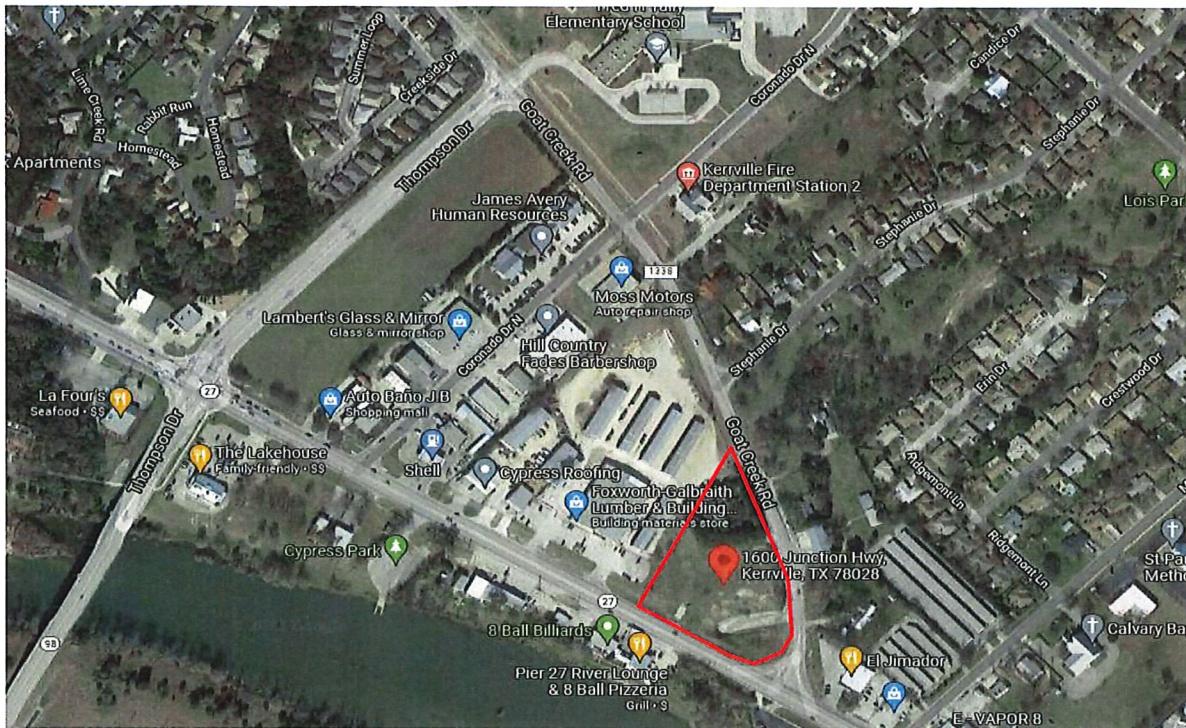
CRANDALL, TX

SITE INFORMATION

SITE LOCATION

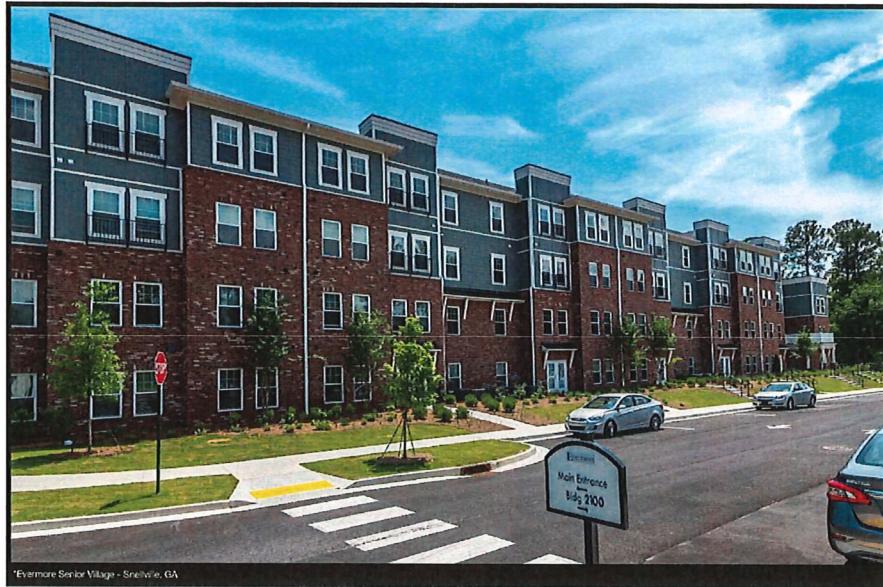


SITE AERIAL



COMMUNITY FEATURES

REPRESENTATIVE PHOTO OF COMPLETED DEVELOPMENT



*Evermore Senior Village - Snellville, GA



COMMUNITY FEATURES

- Leasing office
- Community lounge
- Community kitchen
- Fitness room
- Business center
- Game/reading room
- Outdoor amenities



Recent property completed by the proposed development team.

UNIT FEATURES & RESIDENT PROFILE



Unit Mix and Rents

- 11 one-bedroom units (roughly 750 square feet)
- 25 two-bedroom units (roughly 880 square feet)

Unit Features

- Full kitchen with energy-star appliances
- In Unit Washer/Dryer Carpet and vinyl flooring



RESIDENT PROFILE



Age and Income Requirements

- Age restricted 55 +
- 25 units for residents at \$27.9K - \$31.8K
- 8 units for residents at \$23.2K - \$26.5K
- 3 units for residents at \$13.9K - \$15.9K



- 3 units rent for \$328-\$390
- 8 units rent for \$577-\$689
- 25 units rent for \$702-\$838

RESIDENT SERVICES

PROPOSED RESIDENT SERVICES

- Weekly home chore services (such as valet trash removal, assistance with recycling, furniture movement, etc., and quarterly preventative maintenance including light bulb replacement)
- Weekly exercise classes
- Twice monthly arts, crafts, and other recreational activities
- Twice monthly on-site social events
- Food pantry
- Annual health fair provided by a health care professional
- Partnership with local law enforcement or local first responders to provide quarterly on-site social and interactive activities intended to foster relationships with residents
- Notary Services during regular business hours
- Outreach to nonprofit service providers in community

CONTACT

Michael Ash, Development Manager

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

SUBJECT: Interlocal Agreement with Lower Colorado River Authority (LCRA) for the procurement and installation of a 700 MHz Trunked radio system in the amount of \$2,802,956.79.

AGENDA DATE OF: February 8, 2022 **DATE SUBMITTED:** Jan 03, 2022

SUBMITTED BY: Charvy Tork

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$2,802,956.79	\$0	\$0	TBD - will be determined upon approval

PAYMENT TO BE MADE TO: TBD

Kerrville 2050 Item?	Yes
Key Priority Area	F - Public Facilities and Services
Guiding Principle	F2. Place the highest priority on public safety (police, fire, EMS).
Action Item	F2.1 - Devote the necessary resources (funding, equipment) to ensure quality fire, police and EMS services

SUMMARY STATEMENT:

The City of Kerrville Police Department (PD) operates a communications center, Public Safety Answering Point (PSAP), located inside the Kerrville Police Department building at 429 Sidney Baker. The center is responsible for answering incoming calls (9-1-1 lines and non-emergency business lines), as well as handling all radio communications for Police, Fire and EMS. The communications center is a critical component of the City's first responders' ability to effectively communicate during mission critical incidents affecting the life, health and safety of the public.

Police, Fire, and EMS currently operate on an antiquated conventional VHF communication infrastructure. The communication equipment is failing, out of date, and

well beyond its useful life. Failure of these components can lead to life threatening situations. It is disruptive to public safety operations and presents serious public safety personnel safety issues.

In March 2021, the City created a working group of personnel from the City's Police, Fire and Information Technology departments to collectively research the communication issues and identify needs. From the team's assessment, the goals identified for the new communication system include:

- Reliable city-wide radio coverage with the capability to operate in the region
- Improve problematic in-building coverage in Kerrville
- Improve audio quality and reliability of communication between officers and dispatchers
- Efficient use of channels / frequencies (expandable to other city operations)
- Enhance interoperability with neighboring cities / counties (Kerr County, Boerne, Kendall County, Gillespie County, etc.)
- Responsive and quality proactive maintenance and corrective maintenance support
- 24x7x365 monitoring and support
- System that will provide future scalability

In December 2021, the City published an RFP to solicit proposals for the replacement of the conventional VHF radio system with a modern 700MHz trunked radio system. The City requires a single contractor to implement a turnkey solution that meets the goals identified in the team's assessment. The evaluation criteria for the sealed proposals consist of: System Configuration, System Design and Capabilities, Coverage Area, Maintenance and Support, Qualifications, References and Pricing. Staff is recommending using the first tranche of American Rescue Plan Act (ARPA) funds to cover the cost of the Public Safety Communication project. The City received this funding from the state of Texas, after review by both the Governor and Attorney General's office. Emergency Response Radio Systems are explicitly listed as an eligible use of funds on page 61 of the "State and Local Fiscal Recovery Funds Final Rule" issued by the U.S. Department of Treasury SLFRF-Final-Rule.pdf (treasury.gov). Two proposals were received with LCRA being identified as the most qualified proposal. Staff evaluated the submitted proposals and recommends awarding the contract to LCRA in the amount of \$2,802,956.79. Ongoing operational expenses of \$99,052.80 per year have been identified with this Interlocal Agreement for FY2024 and beyond. The yearly operational cost will cover "airtime" for the subscriber units, site maintenance (preventive and corrective), software updates, core upkeep, access to LCRA's mobile emergency trailer, and 24 x 7 x 365 monitoring and support.

In addition to the initial purchase of the radio system and radios, staff anticipates the need for some ancillary radio infrastructure items in the amount of \$163,440.00, primarily associated with the initial physical installation. This consists of electrical, HVAC modifications, cabling, fiber and other miscellaneous items.

A copy of the full Interlocal Agreement is located in the City Secretary Office for public viewing.

RECOMMENDED ACTION:

Authorize City Manager to finalize and execute an Interlocal Agreement with LCRA to procure a 700 MHz Trunked radio system.