

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, MARCH 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
MARCH 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 Roman Garcia.

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 Kindness Award presented to the Salvation Army, specifically Judy Johnson.
- 2.B. Proclamation proclaiming March 2022 as Texas History month.
- 2.C. Commendations for outgoing Board members of the Recovery Community Coalition.

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. 13-2022. A Resolution appointing Election Judges for the general and bond election of the City of Kerrville, Texas, to be held on May 7, 2022; said judges provided by the County Elections Officer.

Attachment:

[20220308_Reso 13-2022 Appointing Election Judges for May 7 2022.pdf](#)

4.B. City Council workshop minutes held February 22, 2022.

Attachment:

[20220308_Minutes City Council workshop 2-22-22 4pm.pdf](#)

4.C. City Council meeting minutes held February 22, 2022.

Attachment:

[20220308_Minutes City Council meeting 2-22-22 6pm.pdf](#)

END OF CONSENT AGENDA.

5 CONSIDERATION AND POSSIBLE ACTION:

5.A. Presentation and acceptance of the audited Annual Comprehensive Financial Report (ACFR) for the fiscal year ended September 30, 2021.



5.B. Authorize the City Manager to negotiate and finalize a license agreement between the City of Kerrville and Hill Country River Rat Inc. for operation of a non-motorized watercraft concession at Knapp Park.

5.C. The use of a dial-in number, videoconference software, and similar means as a permanent method for the public to participate and address the City Council during its meetings. Agenda item request by Councilmember Roman Garcia.

Attachment:

[20220308_Log_Zoom calls for Council meetings.pdf](#)



5.D. Resolution No. 12-2022. A Resolution reducing the number of members of the City of Kerrville Code Review Committee.

Attachment:

[20220308_Reso 12-2022 Kerrville Code Review Committee membership.pdf](#)

6 ORDINANCES, FIRST READING:

6.A. Ordinance No. 2022-14. An Ordinance amending Chapter 26 "Buildings and Building Regulations", Article IX "Building Board of Adjustment and Appeals" of the Code of Ordinances, City of Kerrville, Texas; by decreasing the membership of regular members and amending the membership qualifications for the board; containing a cumulative clause; containing a savings and severability clause; establishing an effective date; and providing other matters related to the subject.

Attachment:

[20220308_Ord 2022-14 BBAA membership.pdf](#)

7 ORDINANCES, SECOND READING:

7.A. Ordinance No. 2022-11, second reading. An Ordinance altering the prima facie speed limit on State Highway 173 from approximately fifteen hundred and eighty-five feet southeast of its intersection with State Loop 534 and continuing to the City Limits, located southeast of Comanche Trace Drive; such distance equal to 1.274 miles; reducing said speed limit to 50 miles per hour; authorizing installation of appropriate signs and markings; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication.

Attachment:

[20220222_Ord 2022-11 Speed limit modification Hwy 173.pdf](#)



7.B. Ordinance No. 2022-12, second reading. An Ordinance amending Chapter 102 "Traffic and Vehicles", Article IV "Operation of Vehicles", Division 1 "Generally", by adding a new section to this division to prohibit the use of an engine brake or similar devices; providing a penalty for each offense; providing an effective date; and providing other matters related to the subject.

Attachment:

[20220308_Ord 2022-12 Engine Brake second reading.pdf](#)

PUBLIC HEARING AND ORDINANCES, FIRST READING:

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.

Attachment:

[20220308_Ord 2022-02 Zoning Code.pdf](#)

9 ITEMS FOR FUTURE AGENDAS:

City Council may suggest items or topics for future agendas.

10 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.

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

ADJOURN.



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

SUBJECT: Kerrville Kindness Award presented to the Salvation Army, specifically Judy Johnson.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Feb 24, 2022

SUBMITTED BY: Shelley McElhannon

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:

A citizen or entity who has impacted the City of Kerrville in a positive way. Recipient: Salvation Army.

RECOMMENDED ACTION:

Present award.



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

SUBJECT: Proclamation proclaiming March 2022 as Texas History month.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Feb 24, 2022

SUBMITTED BY: Shelley McElhannon

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:

Texas History month.

RECOMMENDED ACTION:

Present proclamation.



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

SUBJECT: Commendations for outgoing Board members of the Recovery Community Coalition.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Feb 24, 2022

SUBMITTED BY: Shelley McElhannon

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:

Recognition presented to: Brittany Andry, Christa Lovett, Claudia Richner, Richard Stolpman, and Dr. Kendall Young.

RECOMMENDED ACTION:

Present commendations.



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

SUBJECT: Resolution No. 13-2022. A Resolution appointing Election Judges for the general and bond election of the City of Kerrville, Texas, to be held on May 7, 2022; said judges provided by the County Elections Officer.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Mar 03, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220308_Reso 13-2022 Appointing Election Judges for 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:

As per the Joint Election Agreement between Kerr County and the City of Kerrville dated 2/08/22, Section II "d" states "Election Officers with a list provided by Bob Reaves Tax Assessor/Collector (or designated employee) shall be appointed and approved through the governing body of the City of Kerrville".

The Joint Election Agreement, Contract No. 2022-11 is on file in the City Secretary Office.

This is an annual approval, mandated by the Secretary of State of Texas.

RECOMMENDED ACTION:

Approve Resolution No. 13-2022.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 13-2022

**A RESOLUTION APPOINTING ELECTION JUDGES FOR THE
GENERAL AND BOND ELECTION OF THE CITY OF KERRVILLE,
TEXAS, TO BE HELD ON MAY 7, 2022; SAID JUDGES PROVIDED
BY THE COUNTY ELECTIONS OFFICER**

WHEREAS, City Council, through its adoption of Resolution No. 09-2022, previously called 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, similarly, City Council, through its adoption of Ordinance No. 2022-07, previously called a bond election to be held on May 7, 2022, for the purpose of providing funds for the development of a public safety facility for the City; and

WHEREAS, City Council also approved a *Joint Election Agreement between the City of Kerrville and Kerr County*, wherein the County Election Officer would provide the City with a list of election officials for conducting such election; and

WHEREAS, the County Election Officer has now provided the City with a list of election officials for City Council approval; and

WHEREAS, City Council, in accordance with its agreement with the County and Section 32.005 of the Texas Election Code, finds it in the public interest to appoint the election officials submitted by the County Election Officer;

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

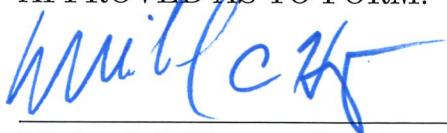
SECTION ONE. City Council appoints the Election Judge and other officials as provided for by the Kerr County Election Officer, such officials as specified on the document attached as **Exhibit A**. City Council appoints such officials for the election to be held on May 7, 2022.

SECTION TWO. Should the Kerr County Election Officer provide notice to the City of the need to change any one of the election judges or officials, City Council hereby authorizes the City Manager to approve such changes, with notice then provided to Council.

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 "michaelc Hayes".

Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

EXHIBIT A

City of Kerrville	
Early Voting Workers	Bill Fitch
	Laura Ingalls
	Heather Farmer
Early Voting Ballot Board Workers	
Judge	Linda Bowman
Alternate Judge	Bunny Bond
Clerk	John Vece
Election Day Workers	
Judge Pct 1	Michele Schneider
Judge Pct 2	Melayne Arnold
Judge Pct 3	Steve Lehman
Judge Pct 4	Suzanne Harston
Judge Pct 5	Bill Fitch
Central Count Station	
Manager	Nadene Alford
Judge	Jana Cay Henderson
Clerk	Cintia Tedeja
Clerk	Sierra Kinsel



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

SUBJECT: City Council workshop minutes held February 22, 2022.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Feb 24, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220308_Minutes City Council workshop 2-22-22 4pm.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 February 22, 2022 at 4:00 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, KERRVILLE, TEXAS**

FEBRUARY 22, 2022 4:00 PM

CALL TO ORDER: On February 22, 2022 at 4:00 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	Ashlea Boyle, Director Parks & Rec
Mike Hayes, City Attorney	Eric Maloney, Fire Chief
Michael Hornes, Asst City Manager	Chris McCall, Police Chief
Kim Meismer, Asst City Manager	Drew Paxton, Planning Director
Shelley McElhannon, City Secretary	

VISITORS PRESENT:

Julie Davis, Kerrville Citizens and Visitors Bureau
Media personnel

1. PUBLIC COMMENT: None.

2. INFORMATION, DISCUSSION, AND POSSIBLE ACTION:

2A. 2023 and 2024 Hill Country Solar Eclipse.

E.A. Hoppe introduced the item. Ashlea Boyle and Chief Maloney provided information, and Ashlea Boyle responded to questions. Julie Davis was in attendance.

2B. Development Guidelines for Hill Country Dark Skies and Tree Preservation.

Drew Paxton provided information and responded to questions.

Mayor Blackburn recessed the workshop at 4:25 p.m., and reconvened at 5:11 p.m.

2C. Presentation honoring Judge Mark A. Prislovsky, with reception to follow.

Mayor Blackburn honored Judge Mark A. Prislovsky, and acknowledged his service to the City of Kerrville's citizens and community. A public reception followed the presentation.

ADJOURN. The workshop adjourned at 5:16 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 February 22, 2022.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Feb 24, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220308_Minutes City Council meeting 2-22-22 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 February 22, 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
FEBRUARY 22, 2022 6:00 PM**

On February 22, 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. Councilmember Brenda Hughes 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	Kyle Burow, Director Engineering
Mike Hayes, City Attorney	Guillermo Garcia, Exec Director Innovation
Michael Hornes, Assistant City Manager	Eric Maloney, Fire Chief
Kim Meismer, Assistant City Manager	Chris McCall, Police Chief
Shelley McElhannon, City Secretary	Drew Paxton, Chief Planner
Julie Behrens, Director of Finance	Trina Rodriguez, Assistant Director Finance
Stuart Cunyus, Public Info Officer	Charvy Tork, Director of IT

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: Mayor Blackburn provided an announcement and reviewed meeting protocols. Stuart Cunyus provided an item of interest.

2. PRESENTATIONS:

2A. Kerrville Kindness Award presented to the Rotary Club of Kerrville, specifically Stephanie Skrumeda and Phyllis Ricks.

Mayor Blackburn presented the Kerrville Kindness Award to the Rotary Club of Kerrville, represented by Stephanie Skrumeda and Phyllis Ricks.

2B. Proclamation proclaiming March 2022 as American Red Cross Month.

Mayor Blackburn proclaimed March 2022 as the American Red Cross month in Kerrville. The American Red Cross proclamation was accepted by Patti Morin.

3. VISITORS FORUM:

The following persons spoke:

- Michael Sigerman
- John Harrison
- Mary Ellen Summerlin

4. CONSENT AGENDA:

Councilmember Judy Eychner made a motion to adopt the Consent Agenda as presented, and Councilmember Hughes seconded. The motion passed 5-0.

4A. Interlocal Cooperation Agreement for mutual aid for Information Technology Services (between the City of Boerne, the City of Kerrville, and the City of Fredericksburg).

4B. Resolution No. 11-2022. A Resolution creating an ad hoc Solar Eclipse Planning and Emergency Management Committee.

4C. Minutes for the City Council meeting held February 08, 2022.

4D. Minutes for the City Council workshop held February 15, 2022.

END OF CONSENT AGENDA.

5. ORDINANCES, FIRST READING:

5A. Ordinance No. 2022-11. An Ordinance altering the prima facie speed limit on State Highway 173 from approximately fifteen hundred and eighty-five feet southeast of its intersection with State Loop 534 and continuing to the City Limits, located southeast of Comanche Trace Drive; such distance equal to 1.274 miles; reducing said speed limit to 50 miles per hour; authorizing installation of appropriate signs and markings; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication.

Shelley McElhannon read Ordinance No. 2022-11 caption into record.

Kyle Burow provided information, and Kyle Burow, Mike Hayes, and E.A. Hoppe responded to questions.

The following persons spoke:

- James Craft
- Fred Henneke

Councilmember Eychner made a motion to approve Ordinance No. 2022-11, seconded by Councilmember Hughes. The motion passed 5-0.

5B. Ordinance No. 2022-12. An Ordinance amending Chapter 102 "Traffic and Vehicles", Article IV "Operation of Vehicles", Division 1 "Generally", by adding a new section to this division to prohibit the use of an engine brake or similar devices; providing a penalty for each offense; providing an effective date; and providing other matters related to the subject.

Shelley McElhannon read Ordinance No. 2022-12 caption into record.

Kyle Burow provided information. Kyle Burow and Mike Hayes responded to questions.

Councilmember Hughes made a motion to approve Ordinance No. 2022-12 as presented, seconded by Councilmember Kim Clarkson. The motion passed 5-0.

6. ORDINANCES, SECOND READING:

6A. Ordinance No. 2022-10, second reading. 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).

Shelley McElhannon read Ordinance No. 2022-10 caption into record.

Councilmember Clarkson made a motion to approve Ordinance No. 2022-10 on second reading, seconded by Councilmember Roman Garcia. The motion passed 5-0.

6B. Ordinance No. 2022-09, second reading. 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.

Shelley McElhannon read Ordinance No. 2022-09 caption into record.
E.A. Hoppe responded to questions.

Councilmember Clarkson made a motion to adopt Ordinance No. 2022-09 on second reading, and reconstitute the Board with the appointments of the following persons: Randi Benno, Joseph Duprie, LeighAnn Fitzpatrick, Thomas Hurt, Sabine Kuenzel, Joseph Piszcior, and Cynthia Tate, seconded by Councilmember Hughes. The motion was passed 5-0.

6C. Ordinance No. 2022-08, second reading. 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.

Shelley McElhannon read Ordinance No. 2022-08 caption into record.
Julie Behrens responded to questions.

Councilmember Eychner made a motion to adopt Ordinance No. 2022-08 on the second reading, seconded by Councilmember Hughes. The motion passed 5-0.

7. INFORMATION AND DISCUSSION:

7A. Financial report for month ending January 31, 2022.

Julie Behrens provided information and responded to questions.

7B. Annual Report of the Tax Increment Reinvestment Zone Number One.

Trina Rodriguez provided information and responded to questions.

8. CONSIDERATION AND POSSIBLE ACTION:

8A. Appointment to the Kerrville Public Utility Board of Trustees, position #4. (Item eligible for Executive Session 551.074).

Shelley McElhannon read item 8A caption into record.

Mayor Blackburn made a motion to discuss item 8A in Executive Session 551.074, seconded by Councilmember Clarkson. The motion passed 5-0.

8B. Personnel matters regarding City Attorney, as to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal or to hear a complaint or charge against, as requested by Councilmember Garcia. (Item eligible for Executive Session 551.074).

Shelley McElhannon read item 8B caption into record.

E.A. Hoppe and Mike Hoppe responded to questions.

Councilmember Garcia provided information, and Councilmembers provided statements.

The following persons spoke:

- Lana Tatsch (called the name, absent)
- Nikki Caines
- Pablo Brinkman
- Michelle Yanez
- Katy Chapman-Hanna
- Bethany Puccio
- Billy Crain
- Peter Lewis
- Cheryl Fitch
- Michael Sigerman
- William Rector
- Gail Wright
- Jan Abert (canceled)
- Pablo Brinkman
- Nikki Caines

Clarification was provided by Council.

Mayor Blackburn moved to convene into closed Executive Session under 551.074 of Chapter 551 of the Texas Government Code for item 8B, seconded by Councilmember Clarkson. The motion was approved 5-0. Mayor Blackburn convened closed Executive Session at 8:01 p.m.

9. EXECUTIVE SESSION: N/A

9A. Appointment to the Kerrville Public Utility Board of Trustees, position #4. (551.074)

9B. Personnel matters regarding City Attorney, as to the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal or to hear a complaint or charge against, as requested by Councilmember Garcia. (551.074)

Mayor Blackburn closed the executive session and reconvened in open session at 8:45 p.m. No action was taken during Executive Session.

10. ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

9A. Appointment to the Kerrville Public Utility Board of Trustees, position #4.

Councilmember Eychner made a motion to appoint to the Kerrville Public Utility Board of Trustees position #4 – Glenn Andrew, seconded by Councilmember Clarkson. The motion passed 5-0.

Councilmember Garcia advised no action to be taken on items 8B or 9B, but it was discussed.

11. ITEMS FOR FUTURE AGENDAS: None

ADJOURN. The meeting adjourned at 8:46 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary



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

SUBJECT: Presentation and acceptance of the audited Annual Comprehensive Financial Report (ACFR) for the fiscal year ended September 30, 2021.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Mar 08, 2022

SUBMITTED BY: Julie Behrens

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:

The City engaged BKD, LLP to perform the City's annual independent financial audit and assist with the preparation of the Annual Comprehensive Financial Report for the fiscal year ended September 30, 2021. Dan Barron, CPA, Partner with BKD, LLP will present financial highlights. The full Annual Comprehensive Financial Report is available on the City's website and in the City Secretary's Office.

RECOMMENDED ACTION:

Accept the audited Annual Comprehensive Financial Report (ACFR) for the fiscal year ended September 30, 2021 as presented.



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

SUBJECT: Authorize the City Manager to negotiate and finalize a license agreement between the City of Kerrville and Hill Country River Rat Inc. for operation of a non-motorized watercraft concession at Knapp Park.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Feb 24, 2022

SUBMITTED BY: Ashlea Boyle

EXHIBITS:

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	P - Parks / Open Space / River Corridor
Guiding Principle	P8. Provide recreational opportunities for people of all ages and abilities, both residents and tourists
Action Item	P8.9 - Expand paddle boat operations and provide them at all other river parks

SUMMARY STATEMENT:

The City has been approached by Hill Country River Rat, Inc. (HCRR) requesting use of Knapp Park to operate a pedal boat cruise operation. The boat is pedal-powered by twelve stations connected to two paddle wheels. There is a trolling motor for navigation purposes, when needed. The pedal boat cruise will be operated by a captain and a first mate. Operations will be by reservation only. Cruises are expected to run seasonally during the day time and will encompass Nimitz Lake utilizing Knapp Park as a docking station. As it is not efficient or feasible to remove the boat daily, HCRR is requesting to construct a wrought iron fence at the park for storing and security to restrict access to the boat while not in use. All improvements and alterations would be at the sole cost of the licensee, and must follow the applicable permitting process (floodplain permit, etc.). A floodplain permit has been received and approved by the Engineering Department. Staff is supportive of this concept and has been working with HCRR over the past several

months on deal points and to streamline the process. Because this proposal requires the installation of infrastructure on City property, staff is requesting approval from the City Council.

General deal points are as follows:

- 1) Use - exclusive use of non-motorized, pedal-powered watercraft at Knapp Park. Acknowledgment that the City does not own the Guadalupe River and is not legally capable of restricting other watercraft or similar concessions from accessing the river at other points. Licensee shall comply with Texas Water Safety Act in regards to safety protocols and all other federal state, local laws, rules, regulations, and ordinances; requirement of adequate supervision; requirement of obtaining any legally required permits; prohibited from operating any internal combustion motorized watercraft; adequate staff and training requirements of staff; and requirements for maintaining the area in a neat and orderly condition.
- 2) Maintenance - licensee at their sole cost are required to maintain the equipment, area, and improvements in a first-class manner and in a manner to prevent and / or correct safety issues.
- 3) Insurance and safety assurances requirements.
- 4) Improvements - licensee shall be responsible for all improvements including maintenance at their sole cost subject to approval by the City. Requirement for design of alterations / improvements to account for potential floods and subject to permitting approval process.
- 5) Operating hours - during the daytime only and at the discretion of the Licensee, except when prevented by inclement weather, subject to City approval.
- 6) Uniforms - requirements for staff to wear company uniforms when on duty.
- 7) License fee - licensee shall pay a fee of 5% gross revenues during the initial term. Fees for any renewal or future terms shall not exceed 20% of gross revenues.

Public private partnership agreements utilizing City property, such as parks, are valuable to both the City and the community by providing a service that the City may not have the resources to provide otherwise. The City has several existing agreements with concessionaires and user groups for recreation opportunities and services. Staff recommends the continuation of such partnerships for the benefit of the community.

Staff recommends authorization for the City Manager to negotiate and execute an agreement with HCCR and authorization for the construction of improvements on City property as presented.

RECOMMENDED ACTION:

Authorize the City Manager to negotiate and finalize contract.



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

SUBJECT: The use of a dial-in number, videoconference software, and similar means as a permanent method for the public to participate and address the City Council during its meetings. Agenda item request by Councilmember Roman Garcia.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Feb 16, 2022

SUBMITTED BY: Guillermo Garcia

EXHIBITS: [20220308_Log_Zoom calls for Council meetings.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
unknown	0	0	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:

In March of 2020, and upon the Governor of Texas' and Mayor of Kerrville's Declaration of Disaster regarding Covid-19 pandemic, standard safety protocols have been observed during City Council meetings. In an effort to mitigate health risks during City Council open and public meetings, forty-one City Council meetings have offered a Zoom component since March 24, 2020. Out of the forty-one meetings, only seven of the meetings have had over 5 callers, fourteen meetings have had no citizen callers, and nineteen meetings have had 1 to 5 callers (generally consultants and staff).

Four City employees have had to work an additional 62 hours of overtime (additional work hours) to cover these forty meetings, and provide the Zoom component. This is a total of two hundred and forty-eight hours of overtime. (Total estimated cost of staff time \$11,500.00). The City pays a \$275.00 monthly Zoom membership subscription totaling \$3,300.00 annually.

The four employees required to run the Zoom component: (1) A Zoom Moderator - normally the Deputy City Secretary. (2) A backup Information Technology person - normally the Director of IT. (3) A backup moderator - normally the Executive Director for Innovation. (4) A technology coordinator/manager to tap into and run the program - which is the Multimedia Coordinator.

Staff recommendation: Staff recommends the Zoom component not be utilized during every City Council meeting, due to the staff expense and limited citizen use of the feature. Staff also anticipates less citizen use of the feature now that the meetings are fully open with visitor seating.

RECOMMENDED ACTION:

Discussion.

DATE	MEETING	TYPE	MINUTES	CALLERS	NOTES (Consultants or Staff Members)
1/25/2022	City Council Workshop	Hybrid	58	1	Comprehensive study consultant as back up speaker
1/25/2022	City Council Meeting	Hybrid	110	3	Scott Kocurek
1/11/2022	City Council Meeting	Hybrid	240	13	
4/27/2021	City Council Meeting	Hybrid	63	0	
4/13/2021	City Council Meeting	Hybrid	116	3	
3/23/2021	City Council Meeting	Hybrid	188	3	
3/9/2021	City Council Meeting	Hybrid	148	1	
2/23/2021	City Council Meeting	Hybrid	83	0	
2/9/2021	City Council Meeting	Hybrid	60	0	
1/26/2021	City Council Meeting	Hybrid	213	4	Kathy Strimple& Chance Kutac wHEB, Kathy MacDonald for Granger Park
1/19/2021	City Council Workshop	Zoom only	127	1	Deputy City Manager E.A. Hoppe
1/12/2021	City Council Meeting	Zoom only	202	12	
12/17/2020	CC Special Called	Hybrid	89	2	
12/8/2020	City Council Meeting	Hybrid	156	2	
11/10/2020	City Council Meeting	Hybrid	47	0	
10/27/2020	City Council Meeting	Hybrid	143	0	
10/27/2020	City Council Workshop	Hybrid	134	0	
10/21/2020	CC Special Called	Hybrid	124	3	Bonnie Arnold
10/13/2020	City Council Meeting	Hybrid	119	0	
10/13/2020	City Council Workshop	Hybrid	68	0	
9/22/2020	City Council Meeting	Hybrid	199	3	Gil Salinas, Kristin Hedger
9/8/2020	City Council Meeting	Hybrid	182	3	Kristin Hedger
8/25/2020	City Council Meeting	Zoom only	169	9	
8/25/2020	City Council Workshop	Zoom only	103	0	
8/18/2020	City Council Workshop	Zoom only	136	3	Gil Salinas, Teresa Metcalf, Charlie McIlvain
8/11/2020	City Council Meeting	Zoom only	127	5	Scott Schellhase, Mary Rohrer, Jim Mans, Mario Obledo
8/11/2020	City Council Workshop	Zoom only	69	0	
7/28/2020	City Council Meeting	Zoom only	165	8	S Constantinides, CEckols, K Meismer, M Mosier, M Rohrer, C Gray
7/28/2020	City Council Workshop	Zoom only	117	2	
7/21/2020	City Council Workshop	Zoom only	116	0	
7/14/2020	City Council Meeting	Zoom only	187	7	Wellborn Engineering, Chase Gray
7/14/2020	City Council Workshop	Zoom only	131	1	
6/23/2020	City Council Meeting	Zoom only	47	0	
6/16/2020	City Council Workshop	Zoom only	127	0	
6/9/2020	City Council Meeting	Zoom only	122	1	
5/26/2020	City Council Meeting	Zoom only	132	0	
5/12/2020	City Council Meeting	Zoom only	169	6	
4/28/2020	City Council Meeting	Zoom only	129	2	
4/14/2020	City Council Meeting	Zoom only	155	2	
4/3/2020	CC Special Called	Zoom only	59	0	
3/24/2020	City Council Meeting	Zoom only	160	12	



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

SUBJECT: Resolution No. 12-2022. A Resolution reducing the number of members of the City of Kerrville Code Review Committee.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Feb 24, 2022

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220308_Reso 12-2022 Kerrville Code Review Committee membership.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	C - Community / Neighborhood Character and Place Making
Guiding Principle	C3. Promote the use of inclusive processes to capture the voices of the citizenry in decision making

Action Item

SUMMARY STATEMENT:

This resolution will decrease the membership of the Code Review Committee to twelve members. City Council will select members of the Committee from the current members on the committee. These members will represent a diverse cross-section of the community to continue to review codes for necessary updates.

Members recommended for selection:

Wendy Anderson, Christ Chedzoy, Kim Clarkson, Larry Howard, Peter Lewis, Carolyn Lipscomb, David Martin, Bill Morgan, Mary Ellen Summerlin, Sue Tiemann, Mike Wellborn, and a staff representative from the Upper Guadalupe River Authority.

RECOMMENDED ACTION:

Approve Resolution No. 12-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 12-2022**

**A RESOLUTION REDUCING THE NUMBER OF MEMBERS OF
THE CITY OF KERRVILLE CODE REVIEW COMMITTEE**

WHEREAS, City Council adopted *Kerrville 2050* as the City's comprehensive plan; and

WHEREAS, after the adoption of *Kerrville 2050*, City Council, pursuant to its adoption of Resolution No. 34-2018, as adopted on August 14, 2018, created the Code Review Committee, and charged such committee with reviewing and making recommendations to the City's development codes, such as the Zoning Code and Subdivision Code; and

WHEREAS, the Code Review Committee has acted in an advisory capacity to City Council as to improving the City's development codes and policies and in setting priorities to ensure that the most pressing development needs of the City are addressed first; and

WHEREAS, in an effort to increase the efficiency and work of the Code Review Committee, City Council believes it in the public interest to reduce the membership of the committee from 15 to 12 and to make appointments to these positions;

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

SECTION ONE. Section Three of Resolution No. 34-2018 is amended in its entirety, with new language indicated by blue, underline (addition) as follows:

"SECTION THREE. The CRC will be made up of twelve (12) members, as appointed by City Council. Membership is subject to the following:

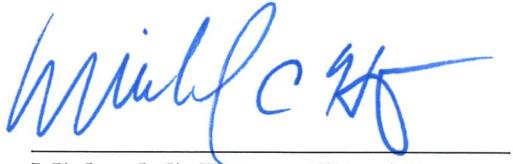
- a) Members of the *Kerrville Comprehensive Plan Steering Committee* ("KCPSC") or one of the seven subcommittees;**
- b) each appointee should be a resident of the City or reside in its extraterritorial jurisdiction; and**
- c) the Mayor shall appoint the Chair of the CRC from amongst Council's appointees."**

SECTION TWO. Other than the amendment provided in Section One, above, Resolution No. 34-2018 remains as adopted.

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



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

SUBJECT: Ordinance No. 2022-14. An Ordinance amending Chapter 26 "Buildings and Building Regulations", Article IX "Building Board of Adjustment and Appeals" of the Code of Ordinances, City of Kerrville, Texas; by decreasing the membership of regular members and amending the membership qualifications for the board; containing a cumulative clause; containing a savings and severability clause; establishing an effective date; and providing other matters related to the subject.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Feb 24, 2022

SUBMITTED BY: Guillermo Garcia

EXHIBITS: [20220308_Ord 2022-14 BBAA membership.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. 2022-14 will decrease the membership of the Building Board of Adjustments and Appeals to five regular members with two alternative members. Additionally, the ordinance will change the required positions by member qualification to the following statement, "A minimum of four of the members should be experienced in at least one of the following areas: 1. Architect or engineer; 2. electrical contracting; 3. Building Construction; 4. Mechanical contracting (HVAC); 5. Plumbing contracting; 6. Fire protection; and/or 7. Real Estate Professional.

This added flexibility will allow for a broader candidate base for potential Board members.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-14, on first reading as presented.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-14**

AN ORDINANCE AMENDING CHAPTER 26 “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE IX “BUILDING BOARD OF ADJUSTMENT AND APPEALS” OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS; BY DECREASING THE MEMBERSHIP OF REGULAR MEMBERS AND AMENDING THE MEMBERSHIP QUALIFICATIONS FOR THE BOARD; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, City Council previously created a single, multi-trade board known as the Building Board of Adjustment and Appeals (“Board”), as found within Chapter 26, Article IX, of the City’s Code of Ordinances; and

WHEREAS, City Council created the Board to hear appeals, grant variances, and to recommend amendments to and the adoption of standardized building codes to be considered for adoption by Council; and

WHEREAS, in an effort to address inefficiencies with respect to the appointment of members and the operation of the Board, City staff recommends amending Chapter 26 to reduce the number of regular members on the Board and by revising the qualifications for the Board to provide greater flexibility in making Board appointments; and

WHEREAS, City Council finds it to be in the public interest to amend Chapter 26, Article IX in the manner and for the reasons provided above;

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

SECTION ONE. Chapter 26 “Buildings and Building Regulations”, Article IX “Building Board of Adjustment and Appeals” of the Code of Ordinances of the City is amended by amending Section 26-250, subsection (b) in its entirety and replacing it with new language indicated by blue, underline (addition) as follows:

“Sec. 26-250. Building Board of Adjustment and Appeals.

:

(b) *Membership.* The Board shall consist of five regular members and two alternate members appointed by City Council. A minimum of four of the regular members should be experienced in at least one of the following areas: architect or engineer; electrical contracting; building construction; mechanical

contracting (HVAC); plumbing contracting; fire protection; or a real estate professional.”

SECTION TWO. Chapter 26 “Buildings and Building Regulations”, Article IX “Building Board of Adjustment and Appeals” of the Code of Ordinances of the City is amended by amending Section 26-250, subsection (c) with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“Sec. 26-250. Building Board of Adjustment and Appeals.

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(c) *Alternates.* In an effort to obtain a quorum, increase efficiency, or for other reasons, the City Council may shall appoint two ~~or more~~ alternate members to the board. Each alternate member shall meet any one of the qualification provisions applicable to regular members. An alternate member shall serve only in the absence of one or more regular members when requested to do so by the chief building official so that all cases considered by the board are heard by a minimum of at least four members. Alternate members may only participate in meetings if called to act and shall then act as a regular member for the entire meeting. Even where not called upon to act as a regular member, alternate members shall attend all meetings and are subject to the attendance requirements applicable to the board.”

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

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

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

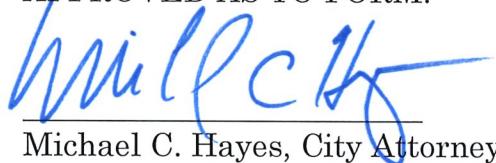
SECTION SIX. This Ordinance shall become effective immediately upon approval.

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



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

SUBJECT: Ordinance No. 2022-11, second reading. An Ordinance altering the prima facie speed limit on State Highway 173 from approximately fifteen hundred and eighty-five feet southeast of its intersection with State Loop 534 and continuing to the City Limits, located southeast of Comanche Trace Drive; such distance equal to 1.274 miles; reducing said speed limit to 50 miles per hour; authorizing installation of appropriate signs and markings; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication.

AGENDA DATE OF: March 8, 2022 **DATE SUBMITTED:** Feb 24, 2022

SUBMITTED BY: Kyle Burow

EXHIBITS: [20220222_Ord 2022-11 Speed limit modification Hwy 173.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	M - Mobility / Transportation
Guiding Principle	M5. Consider policies and technology that mitigate traffic congestion and improve traffic flow
Action Item	N/A

SUMMARY STATEMENT:

At the request of the City of Kerrville, the Texas Department of Transportation (TxDOT) has conducted an engineering and traffic investigation for State Highway 173 (SH 173) southeast of Kerrville. The study area consisted of approximately 5.2 miles of SH 173 from the intersection of Loop 534 and SH 173 to Heap Lane near River Road, and was in compliance with Transportation Code, Sec. 545.353, Authority of Texas Transportation Commission to Alter Speed Limits. After evaluating the study, TxDOT has recommended decreasing the speed limit on SH 173 from the existing 55 mph to 50 mph. The new speed limit would affect 1.274 miles of SH 173 from approximately fifteen hundred and

eighty-five feet (1585') southeast of its intersection with State Loop 534 and continuing to the City limits, located southeast of Comanche Trace Drive. This change has been approved by TxDOT, but must also be subsequently approved by the City Council for the portion of roadway located within the Kerrville city limits.

On February 22, 2022, the City Council unanimously approved Ordinance No. 2022-11 on first reading.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-11 on second reading.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-11

**AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMIT
ON STATE HIGHWAY 173 FROM APPROXIMATELY FIFTEEN
HUNDRED AND EIGHTY-FIVE FEET SOUTHEAST OF ITS
INTERSECTION WITH STATE LOOP 534 AND CONTINUING TO
THE CITY LIMITS, LOCATED SOUTHEAST OF COMANCHE
TRACE DRIVE; SUCH DISTANCE EQUAL TO 1.274 MILES;
REDUCING SAID SPEED LIMIT TO 50 MILES PER HOUR;
AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS
AND MARKINGS; CONTAINING A SAVINGS AND
SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM
PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00);
AND ORDERING PUBLICATION**

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

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

WHEREAS, TxDOT has found and determined from the studies referenced above that State Highway 173, from approximately fifteen hundred and eighty-five feet (1585') southeast of its intersection with State Loop 534 and continuing to the City limits, located southeast of Comanche Trace Drive, for a total distance of 1.274 miles, as more specifically described below, should be speed zoned to rates set out in this Ordinance; and

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

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

SECTION ONE. No person shall drive a vehicle on that certain portion of State Highway 173 from approximately fifteen hundred and eighty-five feet (1585') southeast of its intersection with State Loop 534 and continuing to the City limits, located southeast of Comanche Trace Drive, for a total distance of 1.274 miles, as set out and described below, at a speed greater than is reasonable or prudent under the

circumstances then existing. The location of the relevant area is depicted in the attachment found at **Exhibit A**. The speed limits specified in this Section are lawful, but any speed in excess of the limit specified in this Section will be *prima facie* evidence that the speed is not reasonable or prudent and is unlawful. The speed of motor vehicles on the street as set out below is hereby established at the rate shown opposite the affected roadway, to wit:

<i>Beginning Point</i>	<i>Ending Point</i>	<i>Total Distance</i>	<i>Speed Limit</i>
1585 feet Southeast of the intersection of State Highway 173 and State Loop 534	City Limit line, which is Southeast of Comanche Trace Drive	1.274 miles	50 mph

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

SECTION THREE. TxDOT is hereby authorized and directed to install appropriate speed zone signs and roadway markings commensurate with the provisions of this Ordinance.

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

SECTION FIVE. All existing ordinances, or any part thereof, in conflict with this Ordinance are hereby expressly repealed.

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

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

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

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

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

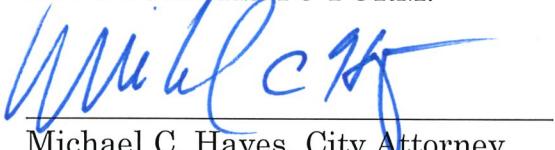
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2022.

Bill Blackburn, Mayor

ATTEST:

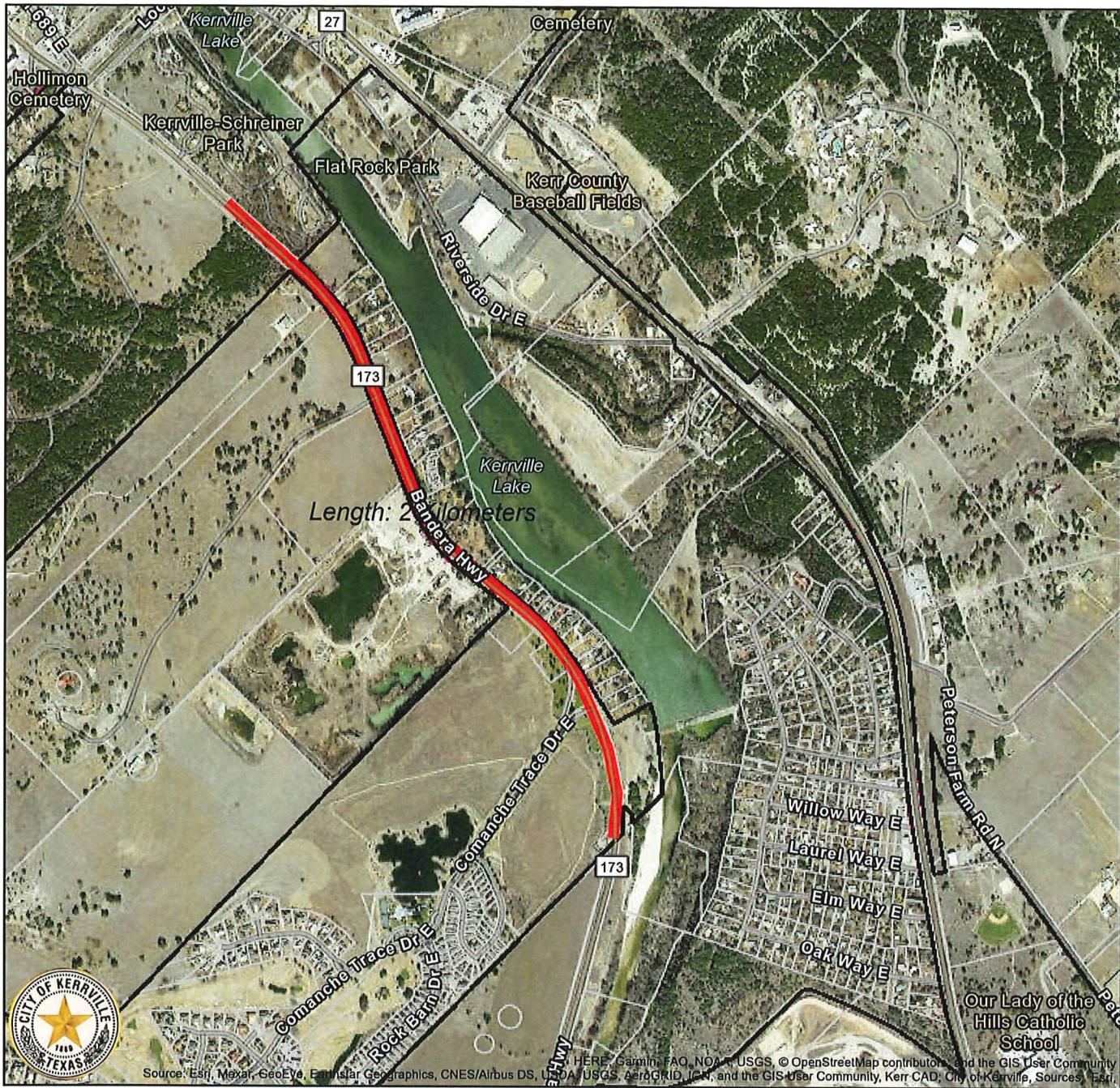
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



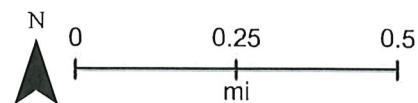
Michael C. Hayes, City Attorney

EXHIBIT A



- Municipal Boundary
- Kerrville 1-Mile ETJ
- Tax Parcel 2021

Utility Admin Map



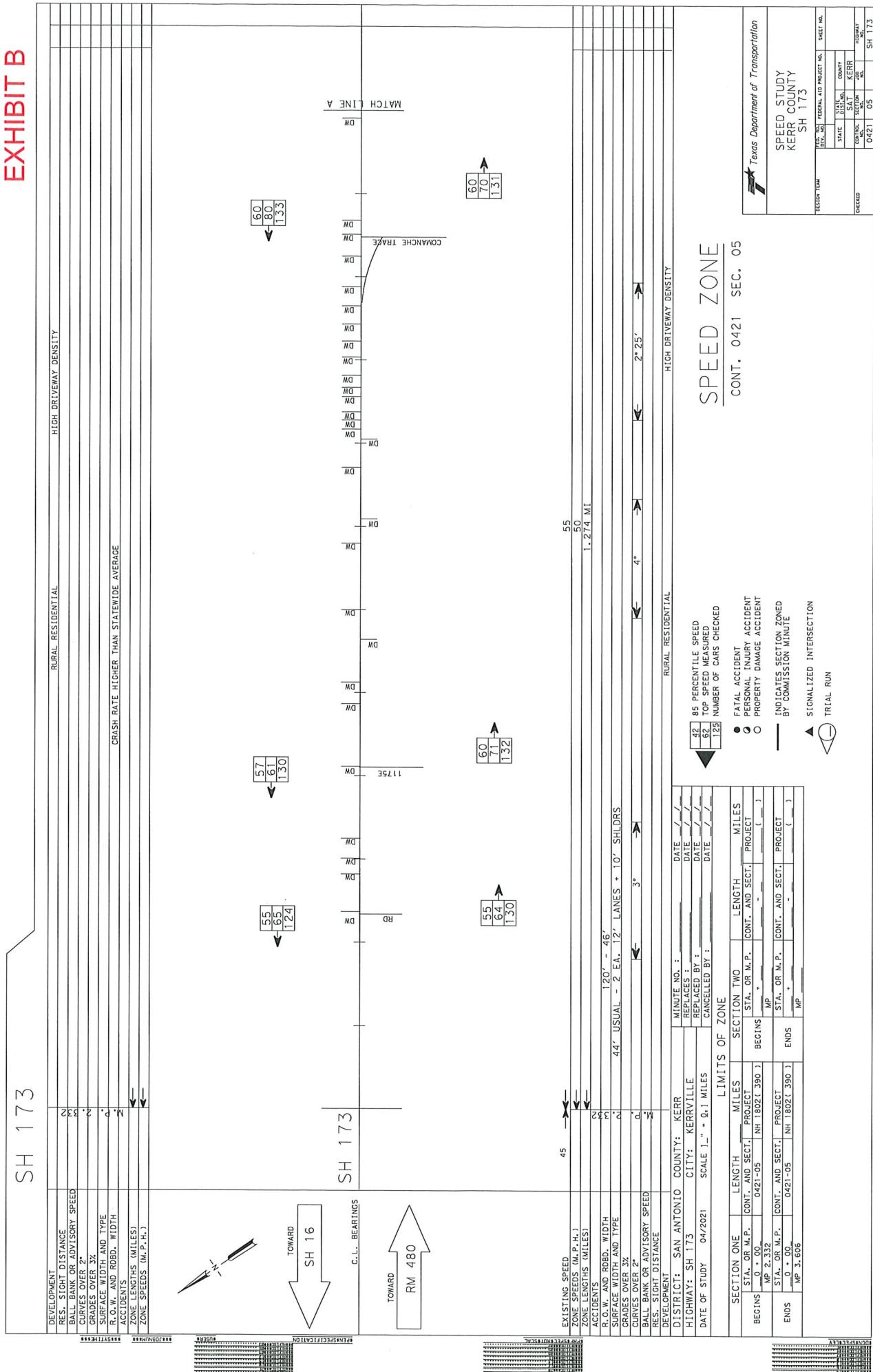
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Utility Admin

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.

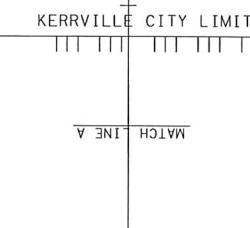
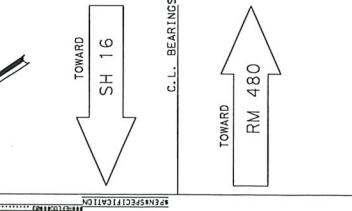
SH 173

EXHIBIT B



SH 173

DEVELOPMENT	RURAL	
RES. SIGHT DISTANCE		
BALL BANK OR ADVISORY SPEED		
CURVES OVER 2°		
GRADES OVER 3%		
SURFACE WIDTH AND TYPE		
R.O.W. AND ROAD. WIDTH		
ACCIDENTS		
ZONE LENGTHS (MILES)		
ZONE SPEEDS (M.P.H.)		



EXISTING SPEED
ZONE SPEEDS (M.P.H.)

ZONE LENGTHS (MILES)

ACCIDENTS

R.O.W. AND ROAD. WIDTH

SURFACE WIDTH AND TYPE

GRADES OVER 3%

CURVES OVER 2°

RES. SIGHT DISTANCE

BALL BANK OR ADVISORY SPEED

DISTRICT: SAN ANTONIO COUNTY: KERR

HIGHWAY: SH 173 CITY: KERRVILLE

SCALE 1: = 0.1 MILES DATE OF STUDY 04/2021

LENGTH MILES

CONT. AND SECT.: PROJECT

STA. OR M.P. 0.000 BEGINS

MP 2.332

ENDS

STA. OR M.P. 0.000 PROJECT

MP 3.606

CONT. AND SECT.: PROJECT

STA. OR M.P. 0.021-05 ENDS

MP 1.390

LENGTH MILES

SECTION ONE

SECTION TWO

LENGTH MILES

STA. OR M.P. 0.000 BEGINS

MP 2.332

ENDS

STA. OR M.P. 0.000 PROJECT

MP 3.606

CONT. AND SECT.: PROJECT

STA. OR M.P. 0.021-05 ENDS

MP 1.390

LENGTH MILES

STA. OR M.P. 0.000 BEGINS

MP 2.332

ENDS

STA. OR M.P. 0.000 PROJECT

MP 3.606

CONT. AND SECT.: PROJECT

STA. OR M.P. 0.021-05 ENDS

MP 1.390

LENGTH MILES

STA. OR M.P. 0.000 BEGINS

MP 2.332

ENDS

STA. OR M.P. 0.000 PROJECT

MP 3.606

CONT. AND SECT.: PROJECT

STA. OR M.P. 0.021-05 ENDS

MP 1.390

LENGTH MILES

STA. OR M.P. 0.000 BEGINS

MP 2.332

ENDS

STA. OR M.P. 0.000 PROJECT

MP 3.606

CONT. AND SECT.: PROJECT

STA. OR M.P. 0.021-05 ENDS

MP 1.390

LENGTH MILES

STA. OR M.P. 0.000 BEGINS

MP 2.332

ENDS

STA. OR M.P. 0.000 PROJECT

MP 3.606

CONT. AND SECT.: PROJECT

STA. OR M.P. 0.021-05 ENDS

MP 1.390

LENGTH MILES

STA. OR M.P. 0.000 BEGINS

MP 2.332

ENDS

STA. OR M.P. 0.000 PROJECT

MP 3.606

CONT. AND SECT.: PROJECT

STA. OR M.P. 0.021-05 ENDS

MP 1.390

LENGTH MILES

STA. OR M.P. 0.000 BEGINS

MP 2.332

ENDS

STA. OR M.P. 0.000 PROJECT

MP 3.606

CONT. AND SECT.: PROJECT

STA. OR M.P. 0.021-05 ENDS

MP 1.390

LENGTH MILES

STA. OR M.P. 0.000 BEGINS

MP 2.332

ENDS

STA. OR M.P. 0.000 PROJECT

MP 3.606

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MP 3.606

CONT. AND SECT.: PROJECT



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

SUBJECT: Ordinance No. 2022-12, second reading. An Ordinance amending Chapter 102 "Traffic and Vehicles", Article IV "Operation of Vehicles", Division 1 "Generally", by adding a new section to this division to prohibit the use of an engine brake or similar devices; providing a penalty for each offense; providing an effective date; and providing other matters related to the subject.

AGENDA DATE OF: March 8, 2022

DATE SUBMITTED: Feb 24, 2022

SUBMITTED BY: Kyle Burow

EXHIBITS: [20220308_Ord 2022-12 Engine Brake second reading.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	M - Mobility / Transportation
Guiding Principle	M5. Consider policies and technology that mitigate traffic congestion and improve traffic flow
Action Item	N/A

SUMMARY STATEMENT:

The City has previously received complaints regarding loud noises from the use of engine brakes along roadways throughout the City of Kerrville. Kerrville has numerous highways and major roadways that carry significant volumes of large truck traffic through the communities hilly and steep terrain. Due to the steep terrain semi-trucks often utilize an engine brake, commonly referred to as "jake brakes," to reduce braking distance in slowing the vehicle. However, these engine brakes can cause an unexpected and unreasonable amount of noise when engaged, especially around adjacent or nearby residential corridors. In the interest of its citizens, the City has determined that unreasonable noise levels interfere with the peace, quiet, health, safety, and welfare of the general public. A large number of cities throughout the state of Texas have adopted

similar ordinances including Bandera, Boerne, Burnet, Fredericksburg, Marble Falls, New Braunfels, and San Marcos, all of which face similar "Texas Hill Country" issues of dealing with steep terrain in major transportation corridors. This ordinance prohibits the use of engine brakes within the Kerrville city limits. If approved, signs will be posted by City personnel but in approved TxDOT locations, at the Kerrville city limits to alert drivers of the prohibition against the use of Engine Exhaust Brakes.

On February 22, 2022, City Council unanimously approved Ordinance No. 2022-12 on first reading.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-12 on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-12**

AN ORDINANCE AMENDING CHAPTER 102 "TRAFFIC AND VEHICLES", ARTICLE IV "OPERATION OF VEHICLES", DIVISION 1 "GENERALLY", BY ADDING A NEW SECTION TO THIS DIVISION TO PROHIBIT THE USE OF AN ENGINE BRAKE OR SIMILAR DEVICES; PROVIDING A PENALTY FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, noise resulting from the use of an engine brake or retarder causes apprehension to individuals and the public at large; and obstructs, impairs, and destroys the reasonable, peaceful, and comfortable use and enjoyment of residences and property; and

WHEREAS, in addition, use of an engine brake or retarder therefore constitutes a nuisance and should be prohibited within the City and within 5,000 feet outside the limits of the City; and

WHEREAS, pursuant to Texas Local Government Code Section 217.042, the prohibition on the use of an engine brake or retarder is extended to within 5,000 feet beyond the limits of the City; and

WHEREAS, City Council believes that adopting these reasonable restrictions on operators while driving is in furtherance of addressing the public's health, safety, and welfare;

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

SECTION ONE. City Council finds that the findings and recitations set out in the preamble to this Ordinance are true and correct and are adopted and made a part hereof for all purposes.

SECTION TWO. Chapter 102, Article IV, Division 1 of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 102-120 to read as follows:

"Sec. 102-120. – Use of Engine Brake or Retarder Prohibited.

(a) This section applies to a roadway or street within the corporate limits, and extends to within 5,000 feet outside the limits, including a state maintained roadway.

(b) It is unlawful for a person to use an engine brake, compression brake, mechanical exhaust device, or engine retarder to assist in slowing or braking a motor vehicle, except for a fire truck engaged in emergency duties.

(c) Any person who violates this section shall be guilty of a misdemeanor offense punishable by a fine not to exceed \$500.00 for each offense.”

SECTION THREE. The City Secretary is authorized and directed to send this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect this new section of Chapter 102, Article IV, Division 1, to correct any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

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

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

SECTION SIX. A person convicted of an offense under this Ordinance shall be fined in an amount not to exceed \$500.00 for each offense.

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

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

PASSED AND APPROVED ON FIRST READING, this the 22 day of
FEBRUARY, A.D., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this
the _____ day 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. 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: March 8, 2022 **DATE** Jan 28, 2022
SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220308_Ord 2022-02 Zoning Code.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.

On February 8, 2022, the City Council unanimously tabled Ordinance No. 2022-02 for discussion in the March 8, 2022 meeting.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-02.

**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 March 8, 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 March 8, 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 lodge 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, subsection (2), of the Zoning Code is amended by adding a new subsection 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 amended with deleted language indicated by red, strikeout (~~deleted~~) as follows:

“Sec. 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</u> Aadjacent to a residential zoning district as defined in subsection (d)(3) above, <u>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</u> one foot (1.0') of
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	<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 (9)a.2., of the Zoning Code is amended by adding a new subsection iii., with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“iii. 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~~

~~c~~3. The A travel trailer or recreational vehicle Is may be parked within a residential district and actively used for lodging but shall only be:

- i1. Parked on a lot developed with a dwelling unit with a valid certificate of occupancy;
- ii2. Occupied by one or more people who do not claim the dwelling unit as their permanent residence; and
- iii3. Has been l~~Located on the lot for a period not exceeding 14 days.~~

d. 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 and Industrial and Manufacturing District.
- B. 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 _____ 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