

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, April 12, 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
April 12, 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 Mayor Bill Blackburn.

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. Proclamation commemorating the life and honoring the service of the late Alexander Alan Hill.

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. Production agreement between the City of Kerrville and TSE Entertainment, LLC for the Kerrville River Festival event in the amount of \$67,000.

- 4.B. Five year lease agreement with Key Government Finance through the Texas DIR purchasing contract, for the purchase of network switches for the City's network infrastructure in the amount of \$276,664.59.

- 4.C. Construction Agreement with Hayden Paving, Inc. for the 2022 Street Maintenance Project in the amount of \$265,348.00.

Attachments:

[20220412_Contract 21-025_bid_summary.pdf](#)

[20220412_Contract 2022 Street Maintenance Bid Recommendation Letter.pdf](#)

- 4.D. Consent for the Joint Airport Board of the Kerrville-Kerr County Airport to seek grant funding from the Texas Department of Transportation with respect to TxDOT's Airport Rescue Plan grant.

- 4.E. City Council workshop minutes held March 22, 2022.

Attachments:

[20220412_Minutes council workshop 3-22-2022 5pm.pdf](#)

- 4.F. City Council meeting minutes held March 22, 2022.

Attachments:

[20220412_Minutes council meeting 3-22-2022 6pm.pdf](#)

END OF CONSENT AGENDA.

5 BOARD APPOINTMENTS:

- 5.A. Appointment to the Kerrville-Kerr County Joint Airport Board.

6 ORDINANCES, FIRST READING:

- 6.A. Ordinance No. 2022-19. An Ordinance deleting Article II "Joint Airport Board" of Chapter 22, "Aviation", of the Code of Ordinances of the City of Kerrville, Texas, as it is unnecessary to the continued existence and operation of such board; containing a cumulative clause; containing a savings and severability clause; and providing other matters relating to this subject.

Attachments:

[20220412_Ord 2022-19 Joint Airport Board.pdf](#)

7 PUBLIC HEARINGS AND RESOLUTIONS:

- 7.A. Resolution No. 16-2022. A resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property addressed as 713 Harper Road N. (RR 783) and out of the Fosgate Survey No. 120, Abstract No. 138; said property is located within the Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

Attachments:

[20220412_Resolution 16-2022 CUP 713 Harper Road.pdf](#)

- 7.B. Resolution No. 17-2022. A Resolution granting a Conditional Use Permit to authorize a dwelling, single-family detached with accessory dwelling unit on the property consisting of Lot 9-R, The Heights of Kerrville Addition, a subdivision within the City of Kerrville, Texas; known as 167 Paramount View; said property is located within an Residential Estate Zoning District (RE); and making said permit subject to certain conditions and restrictions contained herein.

Attachments:

[20220412_Resolution 17-2022 CUP 167 Paramount View.pdf](#)

[20220412_Letters Heights.pdf](#)

8 PUBLIC HEARING AND ORDINANCES, FIRST READING:

- 8.A. Ordinance 2022-16. An ordinance amending Chapter 60, Code of Ordinances, City of Kerrville, Texas; Chapter 60 more commonly known as the City's Zoning Code; by changing the zoning of a

property known as 601 Roy Street, which is out of the Cage Survey No. 116, Abstract No. 106, and within the City of Kerrville, Kerr County, Texas; from a Single-Family Residential Zoning District (R-1) to a Light Commercial Zoning District (C-2); and providing other matters relating to the subject.

Attachments:

[20220412_Ordinance 2022-16 601 Roy Street.pdf](#)

- 8.B. Ordinance 2022-17. An Ordinance amending Chapter 60, Code of Ordinances, City of Kerrville, Texas; Chapter 60 more commonly known as the City's Zoning Code; by changing the zoning of a property generally located northeast of the intersection of Loop 534 (Veterans Highway) and Landfill Road N., comprising of 17.803 acres out of the Samuel L. Wallace Survey No. 112, Abstract No. 360; and within the City of Kerrville, Kerr County, Texas; from a Light Commercial Zoning District (C-2) to a General Commercial Zoning District (C-3); and providing other matters relating to the subject.

Attachments:

[20220412_Ordinance 2022-17 Loop 534.pdf](#)

- 8.C. Ordinance No. 2022-18. An Ordinance annexing a tract of land into the Corporate Limits of the City of Kerrville, Texas; such property consisting of an approximate .40 acre tract; part of Lot 8, Block 1, of the L.A. Schreiner Valley Subdivision; and more commonly known as 318 Mae Drive; such property more specifically described in this 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 being within a Medium Density Residential Zoning District (R-2); and providing other matters relating to this subject.

Attachments:

[20220412_Ordinance 2022-18 Annexing 318 Mae Drive.pdf](#)

9 ORDINANCES, SECOND READING:

- 9.A. Ordinance No. 2022-13, second reading. An ordinance amending Chapter 50 "Fire Prevention and Protection" of the Code of Ordinances of the City of Kerrville, Texas, by adding a new section 50-5, to adopt the National Fire Protection Association (NFPA) 1194, Standard for Recreational Vehicle Parks and Campgrounds; adopting local amendments to said code; amending the City's Fire Code as to fire apparatus access roads; providing for a penalty for violation of any provision hereof; and providing other matters related to the subject.

Attachments:

[20220412_Ordinance 2022-13 Fire Code Second Reading.pdf](#)

- 9.B. Ordinance No. 2022-15, second reading. An Ordinance amending Chapter 82 of the Code of Ordinances, City of Kerrville, Texas, such Chapter more commonly known as the City's Subdivision Code; by amending Section 82-53(Q) of said Code to change requirements for points of access into residential subdivisions and aligning this Section with changes to the Fire Code; and providing other matters relating to the subject.

Attachments:

[20220412_Ordinance 2022-15 Subdivision Code second reading.pdf](#)

10 BOARD APPOINTMENTS:

- 10.A. Appointment to the Main Street Advisory Board.
- 10.B. Appointment to the Planning & Zoning Commission. (This item is eligible for Executive Session 551.074)

11 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. City Council also reserves the right to meet in executive session on the following issues:

11.A. Appointment to the Planning & Zoning Commission. (551.074)

12 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY

13 ITEMS FOR FUTURE AGENDAS:

City Council may suggest items or topics for future agendas.

ADJOURN.



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

SUBJECT: Proclamation commemorating the life and honoring the service of the late Alexander Alan Hill.

AGENDA DATE OF: April 12, 2022

DATE SUBMITTED: Feb 10, 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:

Present proclamation commemorating the life and honoring the service of the late Alexander Alan Hill, and proclaiming April 12, 2022 as Alexander Alan Hill Day in Kerrville, Texas.

RECOMMENDED ACTION:

Present proclamation.



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

SUBJECT: Production agreement between the City of Kerrville and TSE Entertainment, LLC for the Kerrville River Festival event in the amount of \$67,000.

AGENDA DATE OF: April 12, 2022 **DATE SUBMITTED:** Mar 11, 2022

SUBMITTED BY: Ashlea Boyle

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$67,000	\$177,150.71	\$80,000	20-2000-4320

PAYMENT TO BE MADE TO: TSE Entertainment, LLC

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	P8.3 - Enhance park programming for public gatherings/events

SUMMARY STATEMENT:

The Kerrville River Festival is an annual event held in Louise Hays Park that celebrates the river, heritage, and culture of Kerrville. The event was an initiative of the Kerrville City Council and subsequently executed by the Parks and Recreation Department. The inaugural event was held in 2019 which also celebrated the City's 130th anniversary of incorporation. The festival was not held in 2020 due to COVID-19 restrictions. The 2021 festival had 5,000 attendees.

This year the festival will take place on Saturday, September 17, 2022. This event brings community members and visitors to Kerrville for a day full of free outdoor activities, entertainment, live music, food and drinks, fireworks, and more. TSE Entertainment, LLC (TSE) is the vendor the City has utilized to produce the previous year's festivals. TSE oversees festival logistics, such as: booking of talent, site management, and coordination of event equipment. TSE has been instrumental in the production of this event in a professional manner in previous years. The use of a production company to produce an

event of this magnitude is valuable and necessary, especially with limited staffing resources and the scale of activity services already provided to the community by the department.

The budget for the festival is funded primarily through the Hotel / Motel Occupancy Tax Fund at \$80,000. Historically, the festival logistics have been split between TSE and the City with a production agreement of \$49,500. After evaluation of the event, staff concluded that it is confusing and operationally challenging to have both parties planning logistics. To streamline the event, staff is recommending to enhance TSE's scope to include the majority of the logistics planning and subsequently increase the contract amount to \$67,000. The City would still be very involved with the direction, vision, and approval of all activities, branding, entertainment, and overall festival aspects. Additionally, to enhance sponsorships, TSE would work to secure festival sponsorships and keep a percentage of any sponsorships secured. This addition would push the contract amount above the \$49,500 threshold thus requiring Council authorization pursuant to purchasing policy. For clarity, the overall festival budget would not be increasing, only the entity paying the invoices and the contract amount to TSE.

This is considered a professional services agreement and is not subject to the competitive bidding requirements pursuant to purchasing policy, therefore the contract is in compliance with State law and the City's purchasing policy.

Staff recommends authorization for the City Manager to negotiate and execute an agreement with TSE Entertainment, LLC for the production of the Kerrville River Festival event.

A copy of the agreement is available for viewing in the City Secretary's Office.

RECOMMENDED ACTION:

Authorize the City Manager to negotiate and finalize agreement.



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

SUBJECT: Five year lease agreement with Key Government Finance through the Texas DIR purchasing contract, for the purchase of network switches for the City's network infrastructure in the amount of \$276,664.59.

AGENDA DATE OF: April 12, 2022 **DATE SUBMITTED:** Apr 01, 2022

SUBMITTED BY: Charvy Tork

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$55,332.92	\$60,000	\$60,000	18-1807-5320

PAYMENT TO BE MADE TO: Key Government Financial

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	N/A

SUMMARY STATEMENT:

The City of Kerrville's IT Department is recommending replacing networking switches at the datacenter and at all twenty-nine remote sites. A network switch connects all devices in the network by receiving, monitoring and forwarding data to its desired destination. Our current equipment is aging and does not give staff the visibility needed to effectively manage the infrastructure given today's cyber threat landscape. The proposed solution includes fifty-one Cisco Meraki switches.

The key strengths of Cisco Meraki solutions include: rapid switch deployments, centralized management and key analytics. The solution provides a "single pane of glass" monitoring with the ability to troubleshoot network issues remotely. Cisco Meraki provides the infrastructure the City needs to provide secure connections and become a more data-driven, intelligent organization.

The proposed Cisco Meraki solution includes all hardware and five years of maintenance and support. The switches will be purchased through CDW-G in partnership with Key Government Financial with pricing obtained through the Texas DIR contract, a Texas cooperative purchasing program. This will be a five year lease. Cisco will provide a special financing discount in the amount of \$27,105.73 to offset the total cost of interest incurred during the term of the lease. The IT budget has available funding for the year one lease payment in FY22. If approved, staff will budget appropriately for the expense in each fiscal year.

The full agreement is available for viewing in the City Secretary's Office.

RECOMMENDED ACTION:

Authorize City Manager to negotiate and finalize lease with Key Government Finance.



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

SUBJECT: Construction Agreement with Hayden Paving, Inc. for the 2022 Street Maintenance Project in the amount of \$265,348.00.

AGENDA DATE OF: April 12, 2022 **DATE SUBMITTED:** Apr 05, 2022

SUBMITTED BY: Kyle Burow

EXHIBITS: [20220412_Contract 21-025_bid_summary.pdf](#)
[20220412_Contract 2022 Street Maintenance Bid Recommendation Letter.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$265,348.00	\$1,529,819.92	\$2,050,000.00	01-0161-2420

PAYMENT TO BE MADE TO: Hayden Paving, Inc.

Kerrville 2050 Item?	Yes
Key Priority Area	M - Mobility / Transportation
Guiding Principle	M4. Place a high priority on the maintenance of existing streets
Action Item	M4.2 - Continue implementing the plan for street repairs, including a timeline and funding, based on the road conditions data collection and evaluation completed in 2016

SUMMARY STATEMENT:

As part of the adopted FY2019 budget, 6S Engineering, Inc. was hired to update the Pavement Master Plan and reassess the current street conditions and maintenance practices. The 6S Engineering, Inc. team evaluated the current street condition assessment gathered for each street segment to analyze the deterioration estimates based on the effectiveness of the current street repair methods and degradation of street segments compared to the initial report, combined multiple street segments to minimize construction costs, and reevaluated the prioritization of streets. The prioritization of all streets were based on PCI, Ride Condition Index (RCI), and Roadway Classification (i.e. Collector, Residential). Upon completion of the analysis, 6S Engineering, Inc. developed a 10-year maintenance plan to assist with future budgeting and maintenance methods to be adopted by City Council. The maintenance plan was adopted and the City consulted 6S

Engineering, Inc. to develop construction specifications for the 2022 Street Maintenance projects.

The scope of the project includes performing near-term level up and asphalt repairs on the roadway followed by crack seal on approximately 32 lane miles of roadway for the Year 3 crack seal and slurry seal streets defined in the updated Pavement Management Plan . The Year 3 slurry seal streets will be completed in the September/October timeframe upon completion of the slurry seal project bidding later this Spring. The project was placed for advertisement, the bid opening was held and two bids were received, with Hayden Paving, Inc. as the apparent low bid. Staff, along with 6S Engineering, Inc. evaluated the contractor and recommend awarding the base bid contract amount of \$265,348.00.

RECOMMENDED ACTION:

Authorize the City Manager to finalize and execute a construction contract.

APPARENT LOW BIDDERS

City of Kerrville - 2022 Street Maintenance Project

ID: 21-025

Bid Summary	
Engineers Estimate	No Estimate
Total Bids	2
AMLT \$	\$45,752.00
AMLT %	17.24%
Average Bid	\$288,224.00

	Bidder	BASE BID
1	Hayden Paving <i>Submitted: 4/05/2022 1:07:52 PM</i>	\$265,348.00
2	Alamo City Constructors, Inc. <i>Submitted: 4/05/2022 2:46:51 PM</i>	\$311,100.00

Bids opened at: 4/05/2022 3:00:45 PM



ENGINEERING, INC
TBPE F-18435

April 7, 2022

Mr. Kyle Burow, P.E., CFM
City of Kerrville
701 Main Street
Kerrville, TX 78028

Reference: 2022 Street Maintenance

Dear Mr. Burow:

6S Engineering, Inc. has reviewed the bid proposals for the above referenced project. There were two (2) bidders for the project. It is recommended that Hayden Paving, Inc. be awarded the Base Bid contract for the Base Bid amount of \$265,348.00. If there are any questions or concerns, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Jess W. Swaim".

Jess Swaim, P.E.
Vice President



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

SUBJECT: Consent for the Joint Airport Board of the Kerrville-Kerr County Airport to seek grant funding from the Texas Department of Transportation with respect to TxDOT's Airport Rescue Plan grant.

AGENDA DATE OF: April 12, 2022 **DATE SUBMITTED:** Apr 01, 2022

SUBMITTED BY: Julie Behrens

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	M - Mobility / Transportation
Guiding Principle	M6. Develop a more comprehensive, multi-modal transportation plan that addresses both daily transportation needs and recreational interests (pedestrian, trails and bicycle, etc.) with an emphasis on filling gaps and creating interconnectivity for both local and tourist traffic

Action Item

SUMMARY STATEMENT:

The Kerrville-Kerr County Joint Airport Board has the opportunity to apply for grant funding through the American Rescue Plan Act. Pursuant to the Kerrville-Kerr County Joint Airport Board Agreement, section 5, d, 3: "The board, following the prior written consent of each Party, has the authority to apply for and to execute grant funding agreements". Approval of this item (recorded in the minutes) will provide authority for KKCJAB to seek this grant funding, with Mary Rohrer as the authorized official. There is no funding of any type requested from the City.

The full agreement is available for viewing in the City Secretary's Office.

RECOMMENDED ACTION:

Authorize the Kerrville-Kerr County Joint Airport Board to apply for the TXDOT Airport Rescue Plan Act grant funding and authorize Kerrville-Kerr County Airport Manager to act as the authorized official in pursuit of said funding.



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

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

AGENDA DATE OF: April 12, 2022

DATE SUBMITTED: Mar 25, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220412_Minutes council workshop 3-22-2022 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 March 22, 2022 at 5:00 p.m., in the City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

CITY COUNCIL WORKSHOP MINUTES

MARCH 22, 2022 5:00 PM

CITY HALL COUNCIL CHAMBERS, 701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER: On March 22, 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

Mike Hayes, City Attorney

Michael Hornes, Asst City Manager

Kim Meisner, Asst City Manager

Kesha Franchina, Deputy City Secretary

VISITORS PRESENT: Media personnel.

1. PUBLIC COMMENT: None.

Councilmember Kim Clarkson made a motion that the City Council adjourn into closed executive session under 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), and 551.087 (deliberation regarding economic development negotiations) and Councilmember Brenda Hughes seconded. The motion passed 5-0.

Mayor Blackburn recessed the workshop at 5:00 p.m. and reconvened in closed executive session in the City Hall Upstairs Conference Room.

2. EXECUTIVE SESSION:

2A. Workforce Housing development projects (551.071, 551.072, and 551.087).

Closed executive session adjourned, Council returned to open session at 6:00 p.m. No action was taken during executive session.

3. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF ANY: N/A

ADJOURN. The meeting adjourned at 6:00 p.m.

APPROVED BY COUNCIL: _____ ATTEST:

Bill Blackburn, Mayor

Kesha Franchina, Deputy City Secretary



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

SUBJECT: City Council meeting minutes held March 22, 2022.

AGENDA DATE OF: April 12, 2022

DATE SUBMITTED: Mar 11, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220412_Minutes council meeting 3-22-2022 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 March 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
MARCH 22, 2022 6:00 PM**

On March 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. City Attorney Mike Hayes 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	Stuart Cunyus, Public Info Officer
Mike Hayes, City Attorney	Megan Folkerts, Senior Management Analyst
Kim Meisner, Assistant City Manager	Guillermo Garcia, Exec Director Innovation
Kesha Franchina, Deputy City Secretary	Eric Maloney, Fire Chief
Stuart Barron, Exec Dir Public Works & Eng	Chris McCall, Police Chief
Julie Behrens, Director of Finance	Drew Paxton, Chief Planner
Ashlea Boyle, Director Parks & Recreation	Trina Rodriguez, Asst Director of Finance

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: Stuart Cunyus, Mayor Blackburn, and Councilmember Judy Eychner provided Announcements and Items of Community Interest.

2. PRESENTATIONS:

2A. Proclamation: Dietert Center March for Meals.

Mayor Blackburn proclaimed March 2022 as the Dietert Center March for Meals in Kerrville, which was accepted by Dietert Center Executive Director Brenda Thompson and Director of Philanthropy Paige Sumner.

3. VISITORS FORUM:

The following person(s) spoke:

- Judy Jackson

4. CONSENT AGENDA:

Mayor Blackburn noted a correction that had since been made to item 4C, the name list *Christ* Chedzoy corrected to *Chris* Chedzoy.

Councilmember Roman Garcia pulled item 4C. Councilmember Eychner made a motion to approve items 4A, 4B, and 4D of the Consent Agenda as presented, seconded by Councilmember Garcia. The motion passed 5-0.

4A. Resolution No. 15-2022. A Resolution selecting and authorizing an agreement with a grant writer/administrator to assist the City in its application and administration of a contract, if awarded, with the Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP) for DR-4485 COVID-19 Pandemic.

4B. Minutes for the City Council workshop held March 8, 2022.

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

END OF CONSENT AGENDA.

4C. Minutes for the City Council meeting held March 8, 2022.

Councilmember Garcia noted correction to date on minutes and current meeting minutes. Councilmember Garcia moved to approve City Council minutes held on March 8, 2022, with corrections to reflect action taken at the meeting, item 4C. Councilmember Brenda Hughes seconded, and the motion passed 5-0.

5 ORDINANCES, FIRST READING:

5A. Ordinance No. 2022-13. An ordinance amending Chapter 50 "Fire Prevention and Protection" of the Code of Ordinances of the City of Kerrville, Texas, by adding a new section 50-5, to adopt the National Fire Protection Association (NFPA) 1194, *Standard for Recreational Vehicle Parks and Campgrounds*; adopting local amendments to said code; amending the City's Fire Code as to fire apparatus access roads; providing for a penalty for violation of any provision hereof; and providing other matters related to the subject.

Kesha Franchina read Ordinance No. 2022-13 caption into record.

Drew Paxton introduced the item, provided information, and responded to questions.

Councilmember Hughes made a motion to approve Ordinance No. 2022-13 on first reading, seconded by Councilmember Eychner. The motion passed 5-0.

6 PUBLIC HEARING AND ORDINANCES, FIRST READING:

6A. Ordinance No. 2022-15. An Ordinance amending Chapter 82 of the Code of Ordinances, City of Kerrville, Texas, such Chapter more commonly known as the City's Subdivision Code; by amending Section 82-53(Q) of said Code to change requirements for points of access into residential subdivisions and aligning this Section with changes to the Fire Code; and providing other matters relating to the subject.

Kesha Franchina read Ordinance No. 2022-15 caption into record.

Drew Paxton provided information and responded to questions.

The following person(s) spoke:

- Bruce Stracke

Councilmember Eychner made a motion to adopt Ordinance No. 2022-15 on first reading, seconded by Councilmember Hughes. The motion passed 5-0.

7 ORDINANCES, SECOND READING:

7A. 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.

Kesha Franchina read Ordinance No. 2022-02 caption into record.

Mayor Blackburn noted that this was a second reading and there was no staff presentation.

Councilmember Eychner made a motion to adopt Ordinance No. 2022-02 on second reading, seconded by Councilmember Kim Clarkson. The motion passed 5-0.

7.B. Ordinance No. 2022-14, second reading. 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.

Kesha Franchina read Ordinance No. 2022-14 caption into record.

Councilmember Hughes made a motion to approve Ordinance No. 2022-14 on second reading, seconded by Councilmember Garcia. The motion passed 5-0.

8 CONSIDERATION AND POSSIBLE ACTION:

8A. Resolution No. 14-2022. A Resolution authorizing the City to utilize the Design-Build method for the construction and rehabilitation of the City's buildings located at 529 Water Street and more commonly known as the A.C. Schreiner House; and authorizing other related actions as part of this method.

Kesha Franchina read Resolution No. 14-2022 caption into record.

Stuart Barron provided information and responded to questions.

Councilmember Hughes made a motion to approve Resolution No. 14-2022, seconded by Councilmember Garcia. The motion passed 5-0.

8B. First Amendment to the A.C. Schreiner House Development and Management Agreement between the City of Kerrville, Texas and the Heart of the Hills Heritage Center, Inc.

Kesha Franchina read item caption into record.

Kim Meisner provided information, and Kim Meisner and E.A. Hoppe responded to questions.

Discussion ensued, Councilmember Eychner made a motion to authorize the City Manager to finalize and execute the first amendment to the AC Schreiner House Development and Management Agreement between the City of Kerrville, Texas and the Heart of the Hills Heritage Center Inc. as presented, seconded by Councilmember Hughes. The motion passed 5-0.

8C. Art Donation Agreement with LDB Corporation for donation of a work of art to the City of Kerrville, Texas.

Kesha Franchina read item caption into record.
EA Hoppe provided information and responded to questions.
The following person(s) spoke:

- Kathleen Brinkman

Councilmember Eychner made a motion to approve Art Donation Agreement with LDB Corporation for donation of a work of art to the City of Kerrville, Texas, seconded by Councilmember Hughes. The motion passed 5-0.

8D. Professional Service Agreement with Peter W. Lewis, Architect & Associates, PLLC for architectural services relating to repairs and replacement of the roof, HVAC (air conditioning), and other repairs to the Cailloux City Center for the Performing Arts, in an amount not to exceed \$112,760.00.

Kesha Franchina read item caption into record.
Stuart Barron provided information, and Stuart Barron and E.A. Hoppe responded to questions.

Councilmember Garcia made a motion to authorize the City Manager to negotiate and finalize a Professional Service Agreement with Peter W. Lewis, Architect & Associates, seconded by Councilmember Hughes. The motion passed 5-0.

9 INFORMATION & DISCUSSION:

9A. Financial Update for month ended February 28, 2022.

Kesha Franchina read item caption into record.
Julie Behrens provided information and responded to questions.

10 BOARD APPOINTMENTS:

10A. Appointments to the Parks and Recreation Advisory Board.

Kesha Franchina read item caption into record.

Councilmember Clarkson made a motion to appoint Nicholas A. Cantrell, Cabe Johnson, Lisa Nye-Salladin, seconded by Councilmember Eychner. The motion passed 5-0.

10B. Appointments to the Building Board of Adjustment and Appeals Board (This item is eligible for Executive Session 551.074).

Kesha Franchina read item caption into record.
Councilmember Garcia referenced the November 9, 2021 regular City Council meeting minutes advising applicants Mike Asmus and Steve Van Patten did not meet qualifications at the time, noting that the adopted Ordinance No. 2022-14 and that now these two applicants do meet qualifications to the Building Board of Adjustment and Appeals Board.

Councilmember Garcia made a motion to appoint alternate members Mike Asmus and Steve Van Patten, seconded by Councilmember Clarkson. The motion passed 5-0.

11 EXECUTIVE SESSION: N/A

12 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY: N/A

13 ITEMS FOR FUTURE AGENDAS:

Councilmember Eychner requested staff to review request to install a sidewalk from the Veterans Hospital to Loop 534, Highway 27. Request for staff to present cost, what the project would entail, and possible restrictions. Councilmember Hughes seconded, and the motion passed 5-0.

Councilmember Garcia requested staff to review smoking ordinance, and recommend to Council if an amendment to the ordinance is needed, within the next two months. Councilmember Hughes seconded, and the motion passed 5-0.

ADJOURN. The meeting adjourned at 7:18 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Bill Blackburn, Mayor

Kesha Franchina, Deputy City Secretary



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

SUBJECT: Appointment to the Kerrville-Kerr County Joint Airport Board.

AGENDA DATE OF: April 12, 2022

DATE SUBMITTED: Mar 30, 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?	Yes
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

The Joint Airport Board will have a vacancy starting June 1, 2022 with Mark Mosier terming out at the end of his term on May 31, 2022. The Joint Airport Board members have interviewed and recommend Robert E. Hamm Jr. to fill the Place 5 board term. This new term on the Airport Board is for five years, commencing June 1, 2022.

RECOMMENDED ACTION:

Appoint member.



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

SUBJECT: Ordinance No. 2022-19. An Ordinance deleting Article II "Joint Airport Board" of Chapter 22, "Aviation", of the Code of Ordinances of the City of Kerrville, Texas, as it is unnecessary to the continued existence and operation of such board; containing a cumulative clause; containing a savings and severability clause; and providing other matters relating to this subject.

AGENDA DATE OF: April 12, 2022

DATE SUBMITTED: Apr 01, 2022

SUBMITTED BY: Mike Hayes

EXHIBITS: [20220412_Ord 2022-19 Joint Airport Board.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:

Ordinance No. 2022-19, if adopted, will delete Article II, Chapter 22 of the City's Code of Ordinances ("Code"). This article sets out the Airport's Joint Airport Board ("Board"). Article II isn't necessary for inclusion within the Code as the City has, and has had, an ongoing Interlocal Agreement with the County that sets out the Board. The City and County have had such an agreement in place since 2004. Because the Board is an entity of both the City and County, is created by and subject to both parties, and has changed more than once since its inception, the Agreement and Article II may conflict. As Article II is no longer necessary, the City Attorney recommends that Council delete it.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-19, on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-19**

**AN ORDINANCE DELETING ARTICLE II “JOINT
AIRPORT BOARD” OF CHAPTER 22, “AVIATION”,
OF THE CODE OF ORDINANCES OF THE CITY OF
KERRVILLE, TEXAS, AS IT IS UNNECESSARY TO
THE CONTINUED EXISTENCE AND OPERATION
OF SUCH BOARD; CONTAINING A CUMULATIVE
CLAUSE; CONTAINING A SAVINGS AND
SEVERABILITY CLAUSE; AND PROVIDING OTHER
MATTERS RELATING TO THIS SUBJECT**

WHEREAS, the City of Kerrville, Texas (“City”), and Kerr County, Texas (“County”) jointly own the Kerrville/Kerr County Airport, sometimes referred to as Louis Schreiner Field (“Airport”); and

WHEREAS, for over 50 years, the City and County have jointly managed the Airport under Chapter 22 of the Texas Transportation Code, and continue to do so by virtue of the *Restated Interlocal Agreement for the Continued Existence of a Joint Airport Board to Provide Management of Kerrville/Kerr County Airport*, which was adopted by the City and County on or about May 21, 2021 (the “Agreement”); and

WHEREAS, the Agreement, like the others before it, sets out the authority, power, and duties of the Joint Airport Board (“Board”), which members are appointed by both the City and the County; and

WHEREAS, Chapter 22, Article II of the City’s Code of Ordinances, titled “Joint Airport Board” (“Article II”), provides for the creation, duties, and composition, among other attributes, of the board; and

WHEREAS, based upon the Airport’s joint ownership, the Agreement, and for clarity, efficiency, and to avoid confusion and conflict between the Agreement and Article II, the City Attorney recommends that City Council delete Article II from the Code of Ordinances, as it is unnecessary to the continued existence or operation of the Joint Airport Board; and

WHEREAS, deleting Article II will have no effect on the Agreement or the way the City and County jointly own or operate the Airport; and

WHEREAS, City Council finds it to be in the public interest to delete Article II of Chapter 22 from the City’s Code of Ordinances;

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

SECTION ONE. Article II “Joint Airport Board” of Chapter 22, “Aviation”, of the Code of Ordinances of the City of Kerrville, Texas, is deleted.

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

SECTION THREE. 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 FOUR. 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 one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

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.

ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

T:\Legal\Airport\Ord\Deleting Ch.22 Aviation-Code of Ordinances_032522.docx



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



SUBJECT: Resolution No. 16-2022. A resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property addressed as 713 Harper Road N. (RR 783) and out of the Fosgate Survey No. 120, Abstract No. 138; said property is located within the Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

AGENDA DATE OF: April 12, 2022

DATE

Apr 04, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220412_Resolution 16-2022 CUP 713 Harper Road.pdf](#)

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

SUMMARY STATEMENT:

Proposal

A resolution to allow a Conditional Use Permit for a Short Term Rental on 0.84 acres out of the Fosgate Survey 120, Abstract 138; and more commonly known as 713 Harper Road N, Kerrville, TX 78028.

Procedural Requirements

The City, in accordance with state law, mailed 13 letters on 1/20/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 1/13/2022. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation:

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1 Single-family residential

Existing Land Use: Single Family Residence

Direction: North, South, West

Current Zoning: R-1 Single-family residential

Existing Land Uses: Single Family Residences

Direction: East

Current Zoning: PI Public and Institutional

Existing Land Uses: Church

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding residential areas are on the edge of Strategic Catalyst Area Number 5 (SCA) and outside of the SCA designated as Neighborhood Residential. Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

A Short Term Rental requires one off street parking space per bedroom and one additional off street parking space for a manager, if the manager does not live onsite. This property has 2 bedrooms and no onsite manager so 3 off-street parking spaces are required. The applicant has identified 3 available off-street parking spaces, meeting the off-street parking requirement.

Case Summary:

The applicant is proposing to use an existing home as a Short Term Rental.

The subject property is located within an R-1 zoning district. As such, a Short Term Rental requires a Conditional Use Permit.

The applicant has identified the following amenities as in close proximity to the proposed Short Term Rental: This location is near the Kerrville Sports Complex and a short drive to the core shopping and tourist areas across town by way of Harper Road and Holdsworth Drive.

Recommendation:

Because the Conditional Use Permit request is consistent with the Kerrville 2050

Comprehensive Plan, will meet all zoning regulations, and there are numerous amenities in close proximity to this proposed Short Term Rental location, staff recommends approval with consideration and inclusion of the attached Proposed CUP Conditions.

Proposed CUP Conditions for Short Term Rental:

- A. Guest Notification: The owner or operator of the Property shall post "Guest Notification" in a conspicuous place within the rental unit on the Property. Guest Notification is shown on the following page.
- B. Local Contact: The owner or operator of the Property shall provide the City with contact information for a local representative, within approximately a two hour distance.
- C. Occupancy Taxes: The owner or operator of the Property shall comply with the City's occupancy tax requirements as found within Ch. 94, Division III, of the City's Code of Ordinances.
- D. Sign: The Property may not use more than one non-illuminated, on-site sign, in conjunction with its Short Term Rental unit. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and not exceeding six square feet in size and three feet in height. Any such sign shall comply with the City's Sign Code.
- E. Minimum Off-Street Parking: One space per bedroom, plus parking required for the manager, if living off-site.
- F. Maximum Occupancy: The maximum occupancy for any Short Term Rental is ten (10) guests. Short term rental owner / operator may set occupancy limits at less than ten (10) guests, however, in no case shall occupancy limits exceed ten (10) guests.
- G. Other Zoning Regulations: The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

On March 3rd, the Planning and Zoning Commission recommended approval with a unanimous vote.

RECOMMENDED ACTION:

Approve the Resolution No. 16-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 16-2022**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY ADDRESSED AS 713 HARPER ROAD N. (RR 783) AND OUT OF THE FOSGATE SURVEY NO. 120, ABSTRACT NO. 138; SAID PROPERTY IS LOCATED WITHIN A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1); AND MAKING SAID PERMIT SUBJECT TO CONDITIONS AND RESTRICTIONS

WHEREAS, the owner of the property known as 713 Harper Road N. (RR 783) and depicted on the location map and site plan found at **Exhibit A** (the "Property"), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit ("CUP") to authorize a short-term rental unit on the Property, which is located within a Single-Family Residential Zoning District (R-1); and

WHEREAS, the City Planning and Zoning Commission (the "Commission"), in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances) ("Zoning Code"), and in particular, the procedures for obtaining a CUP; having given the requisite notices by United States mail, publication, and otherwise; and after holding a public hearing and affording a full and fair hearing to all property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, has recommended that City Council grant the CUP applied for and referenced herein, subject to the special conditions and restrictions set out hereinafter and applied to the Property; and

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing on April 12, 2022, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission and referenced herein on the Property;

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

SECTION ONE. A Conditional Use Permit is granted to permit the Property described as follows, and located within a Single-Family Residential Zoning District (R-1), to be developed and used for a Short-Term Rental Unit ("STRU") as that term is defined in and pursuant to the Zoning Code, such use subject to the provisions of this Resolution and other City ordinances and regulations:

Legal Description: out of the Fosgate Survey No. 120, Abstract No. 138, within the City of Kerrville, Kerr County, Texas and being depicted on the location map and site plan

found at **Exhibit A**.

Address: 713 Harper Road N. (RR 783), Kerrville, TX 78028.

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

- A. **Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the STRU on the Property, said notification which is attached as **Exhibit B**.
- B. **Local Contact:** The owner or operator of the Property shall provide the City Manager, or designee, with contact information for a local representative, which may include themselves. The local representative must be able to respond to a City employee or guest of the STRU within two hours after being notified of an emergency. Should a change occur to the contact information, the owner or operator of the Property shall update the City Manager, or designate, in writing with the new information within three business days of any such change.
- C. **Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- D. **Sign:** The Property may not use more than one non-illuminated, on-site sign, in conjunction with the STRU. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and may not exceed six square feet in size and three feet in height. Any such sign shall comply with the City’s Sign Code.
- E. **Parking:** The Property must include at a minimum, one (1) off-street parking space per bedroom, plus an additional space for the manager, if living off-site.
- F. **Maximum Occupancy:** The Property is subject to a maximum occupancy of ten (10) guests, which may be lower per rules set by the owner or operator.
- G. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution

and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

SECTION THREE. This Resolution and the CUP granted herein are subject to termination in accordance with the Zoning Code.

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

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

SECTION SIX. This Resolution is effective upon adoption.

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

Bill Blackburn, Mayor

APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2022-1

Location:
713 Harper Rd

Legend

200' Notification Area Subject Properties



0 75 150 300

Scale In Feet

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

EXHIBIT A

Title Legal Description

LAND SITUATE IN THE CITY OF KERRVILLE IN THE COUNTY OF KERR, BY THE STATE OF TX

ALL THAT CERTAIN TRACT OR PARCELS OF LAND, BEING AND BEING SITUATED IN THE COUNTY OF KERR, STATE OF TEXAS, AND BEING AN ACRE OF LAND LOCATED IN SURVEY NO. 124, W. KERRVILLE, ABSTRACT NO. 78, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEAST CORNER OF THE HARPER ROAD, SET 1/2 FEET NORTH & EAST FROM THE WEST CORNER OF A. P. BROWN PLAT 100, TRACT

THENCE SOUTH 45 DEGREES 15 MINUTES TO AN IRON ROD

THENCE NORTH 15 DEGREES 15 MINUTES TO CORNER

THENCE NORTH 45 DEGREES 15 MINUTES TO PLACE IN ROAD RIGHT-OF-WAY

THENCE SOUTH 45 DEGREES 15 MINUTES TO THE PLACE OF BEGINNING

Client Information



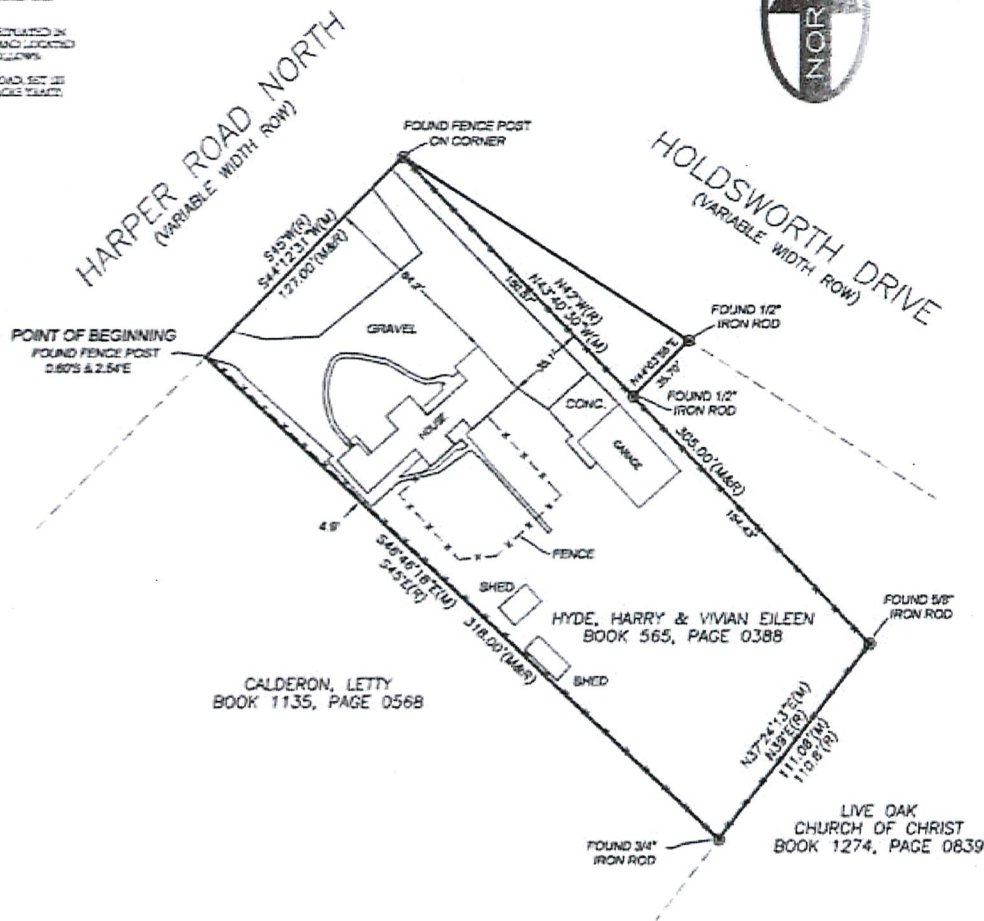
PropLogix
1511 WEST 10TH AVE, SUITE 100
KANSAS CITY, MO 64108
PHONE: 816.444.7142
INFO@PROLOGIX.COM

Certified Title

PROLOGIX
OLD REPUBLIC NATIONAL TITLE
INSURANCE COMPANY
QUICKEN LOANS, INC.

Surveyor Information

BRADLEY WELLS, AIA
STATE OF TEXAS
LICENSE NO. 1463



Flood Information

BY GRAPHIC FLOODING ONLY, NO PORTION OF THE PROPERTY IS IN ZONE "A" OR "A1" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 485000001, WHICH SHOWS AN EFFECTIVE DATE OF 04/24/2011 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. SUBJECT PROPERTY IS LOCATED WITHIN ZONE X.

Legend of Symbols & Abbreviations

- FOUND MONUMENT AS NOTED
- (F) INDICATES RECORD VALUE
- (M) INDICATES MEASURED VALUE


Notes

1. THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO OTHER PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.
2. THE BASIS OF MEASUREMENT FOR THIS SURVEY PROPERTY IS THE NORTH PLATINUM LINE WHICH LIES BETWEEN TWO FOUND MONUMENTS AND IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM.

BLEW & ASSOCIATES, PA

CIVIL ENGINEERS & LAND SURVEYORS

3825 N SHILOH DRIVE
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com

DRAWN BY & DATE BCW 10-01-2018	APPROVED BY BCW	REVIEWED BY PH
COUNTY & CITY KERR COUNTY, TEXAS	JOB NUMBER 18-3527	
LOCATION 713 HARPER ROAD NORTH KERRVILLE, TEXAS		
FOR THE CLIENT AND SUBJECT OR VIVIAN EILEEN HYDE		
0 50 100 150		
		
SCALE: 1" = 50'		



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 16-2022

This short term rental has been permitted by the City of Kerrville as a conditional use under the above referenced resolution within a residential neighborhood and requires all guests to be aware of the following:

Because this short term rental is located within a residential neighborhood, proper etiquette should be observed at all times. The conditional use permit was issued in an effort **“to preserve the health, safety, and general welfare of adjacent property and its occupants and to protect such property and occupants from excessive noise, vibration, dust, dirt smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view, or other undesirable hazardous conditions....”**

As a guest, please be aware of the proximity of your neighbors and be respectful of their right to privacy, a quiet environment, and unobstructed access to their property. Loud music, loud parties and excessive noise should be avoided. Parking should be limited to onsite parking spaces provided by short term rental management. Place trash and recycling in the appropriate containers.

As per the Conditional Use Permit, the **maximum occupancy is ten (10) guests**. The Short Term Rental owner may have other occupancy restrictions for fewer guests, however, in no case shall guest occupancy exceed ten (10) guests.

If you should have any questions regarding this notification, please contact the short term rental management.

Name: _____

Contact Number: _____

Thank you!

This Guest Notification should be posted by short term rental management in a location clearly visible by all guests and provided with check-in information. Posting of duplicate copies of this Guest Notification within each guest room is highly encouraged to clearly communicate the importance of proper etiquette within a residential neighborhood. Thank you!



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



SUBJECT: Resolution No. 17-2022. A Resolution granting a Conditional Use Permit to authorize a dwelling, single-family detached with accessory dwelling unit on the property consisting of Lot 9-R, The Heights of Kerrville Addition, a subdivision within the City of Kerrville, Texas; known as 167 Paramount View; said property is located within an Residential Estate Zoning District (RE); and making said permit subject to certain conditions and restrictions contained herein.

AGENDA DATE OF: April 12, 2022

DATE

Apr 04, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220412_Resolution 17-2022 CUP 167 Paramount View.pdf](#)
[20220412_Letters Heights.pdf](#)

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

SUMMARY STATEMENT:

Proposal:

A resolution to allow a Conditional Use Permit for an Accessory Dwelling Unit on Lot 9-R, The Heights of Kerrville; and more commonly known as 167 Paramount View, Kerrville, TX 78028.

Procedural Requirements:

22 letters were mailed on 2/17/2022 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 2/10/2021. At the time of drafting this Agenda Bill, two comments had been received. Comments attached.

Staff Analysis and Recommendation:

Adjacent Zoning and Land Uses:

Subject Property:

Current Zoning: RE Estate Residential

Existing Land Use: Single Family Residence (permitted)

Direction: North, South, West, East

Current Zoning: RE Estate Residential

Existing Land Uses: Estate single family Residences

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are designated Rural Living in the Kerrville 2050 Comprehensive Plan. Rural Living primarily allows for single-family detached homes on large lots. Since the underlying zoning is not changing, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a private residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

Approval of the CUP for Additional Dwelling Unit requires two (2) additional off-street parking spaces. Applicant has identified these locations on the attached site plan.

Case Summary:

The applicant is proposing to construct an additional dwelling unit as a guest house. However, since it includes a full kitchen, it is considered an accessory dwelling unit and is required the CUP.

The subject property is located within an RE zoning district. As such, the addition of an accessory dwelling unit, or second dwelling, requires a Conditional Use Permit.

An accessory dwelling unit is defined in the zoning code as follows:

Dwelling Unit, Accessory: A room or set of rooms attached or detached to a building on the same lot as the single-family dwelling, established by permit and including a functioning kitchen and bathroom, and operates as a separate but secondary dwelling unit.

Recommendation:

Because the Conditional Use Permit request is consistent with the Kerrville 2050 Comprehensive Plan, will meet all zoning regulations, including off-street parking requirements, and does not change the existing zoning district, staff recommends approval with consideration and inclusion of the attached Proposed CUP Conditions.

Staff received two comments from adjacent property owners. One in favor and one in opposition. The comments in opposition appear to have been addressed through the Heights of Kerrville Architectural Review Committee approval of this project. A question of building height was addressed by the applicant with the Architectural Review Committee. The Heights of Kerrville allows a 40 foot height and City of Kerrville allows a 35 foot height. The proposed guest house is less than 30 feet, meeting both requirements. Attached are comments and Heights of Kerrville Architectural Committee approval.

Accessory Dwelling Unit:

- A. Site Plan: The development and use of the Property shall conform to the site plan.
- B. Maximum Building Height: Thirty five (35) feet for detached structure containing accessory dwelling unit.
- C. Maximum Area of Accessory Dwelling Unit: One half of the total floor area of the main dwelling unit; floor area of the house excludes the area of any attached garage. Maximum fifty (50%) percent of the rear yard area, bounded by the side property lines, the rear wall of the main building, and the rear property line.
- D. Minimum Parking: Two (2) parking spaces per dwelling unit (four (4) spaces total for the main dwelling and an accessory dwelling unit).

On March 3rd, the Planning and Zoning Commission recommended approval with a unanimous vote.

RECOMMENDED ACTION:

Approve the Resolution No. 17-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 17-2022**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A DWELLING, SINGLE-FAMILY DETACHED WITH ACCESSORY DWELLING UNIT ON THE PROPERTY CONSISTING OF LOT 9-R, THE HEIGHTS OF KERRVILLE ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, TEXAS; KNOWN AS 167 PARAMOUNT VIEW; SAID PROPERTY IS LOCATED WITHIN AN RESIDENTIAL ESTATE ZONING DISTRICT (RE); AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

WHEREAS, the owner of the property known as 167 Paramount View and depicted on the location map at **Exhibit A** (the "Property"), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit ("CUP") to authorize a dwelling, single-family detached with (an) accessory dwelling unit on the Property, which is located within an Residential Estate Zoning District (RE); and

WHEREAS, the City Planning and Zoning Commission (the "Commission"), in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances) ("Zoning Code"), and in particular, the procedures for obtaining CUP; having given the requisite notices by United States mail, publication, and otherwise; and after holding a public hearing and affording a full and fair hearing to all of property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Commission recommends that City Council grant the CUP applied for and referenced herein, subject to the special conditions and restrictions set out hereinafter on the Property; and

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission and referenced herein on the Property;

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

SECTION ONE. A Conditional Use Permit is granted to permit the Property described as follows, and located within an Residential Estate Zoning District (RE), to be developed and used for a Dwelling, Single-Family Detached with Accessory Dwelling Unit as that term is defined in and pursuant to the Zoning Code, such use subject to the provisions of this Resolution and other City ordinances and regulations:

Legal Description: Lot 9-R, The Heights of Kerrville

Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and being depicted on the location map at **Exhibit A**.

Address: 167 Paramount View, Kerrville, TX 78028.

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

- A. Site Plan:** The development and use of the Property shall conform to the site plan attached as **Exhibit B**.
- B. Maximum Building Height:** The accessory dwelling unit may not exceed thirty-five feet (35.0') in height.
- C. Maximum Area of Accessory Dwelling Unit:** The accessory dwelling unit may not exceed i) fifty percent (50.0%) of the total, existing floor area of the structure titled "single story/family wood framed home" ("home"), which excludes the area of any attached garage as indicated on the site plan; and ii) fifty percent (50.0%) of the rear yard area, as bounded by the side property lines, the rear wall of the home, and the rear property line.
- D. Parking.** The Property shall maintain four (4) parking spaces.
- E. Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

SECTION THREE. This Resolution and the CUP granted herein are subject to termination, singularly or collectively, in accordance with the Zoning Code.

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

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

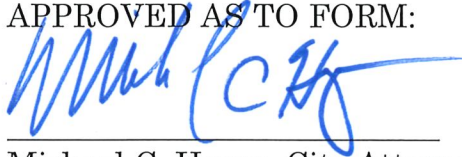
portions thereof.

SECTION SIX. This Resolution is effective upon adoption.

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

Bill Blackburn, Mayor

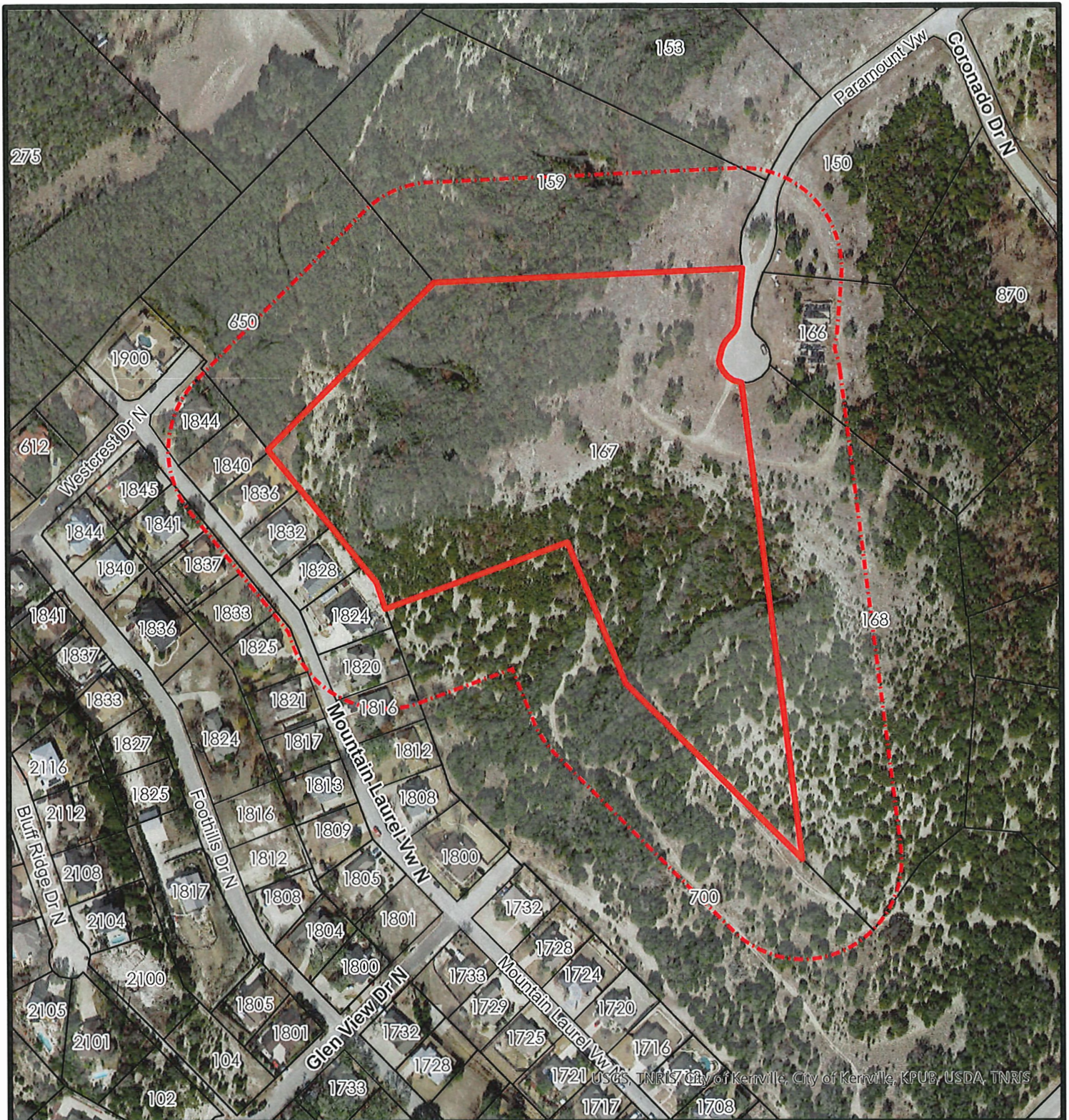
APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2022-2

Location:

167 Paramount View

Legend

200' Notification Area



Subject Properties



0 100 200 400

Scale In Feet

- ### SITE NOTES
1. Verify location of all utility services with Owner/ Utility Co.
 2. Verify removal of all debris with Owner.
 3. All landscaping under separate contract. Coordinate site excavation and development with Landscaping Contractor.
 4. All utility trenching to be outside of dripline of existing trees to remain.
 5. Septic system to be designed by licenced septic engineer.
 6. Septic tank and drain field location to be verified by engineer.



December 30, 2021

Kelly Steckelberg
925 Prescott Street
Kerrville, TX 78028

Re: ACC Request Lots 8 & 9

Dear Kelly,

Your request submitted to the Architectural Committee of The Heights of Kerrville HOA is hereby:

_____ APPROVED as submitted. You are clear to proceed with your project.

☒ APPROVED with the following conditions:
1) We ask that the height of the structure be confirmed.

_____ DISAPPROVED at this time for the following comments:

You may APPEAL this decision by notifying the Board President withing 15 days of the date of this notice. A hearing will be scheduled, attended by members of both the HOA Board of Directors and the Architectural Committee. This is the only process permitted for appeal within the HOA.

With this notification, the 60-day approval period stipulated within Article 2.5 of the Declaration of Covenants, Conditions and Restrictions for The Heights of Kerrville is hereby expired. Resubmission of a corrected or updated request will begin a new 60-day approval period upon receipt of the new documents.

Please contact Mr. Jared Douthit should you have any questions.

Thank you!

The Board of Directors

Heights of Kerrville Homeowners' Association, Inc.
815 Coronado Drive, Kerrville, Texas 78028

From: [Jeff Lyon](#)
To: [Steve Melander](#)
Cc: [Drew Paxton](#)
Subject: Re: Case PZ-2022-2 - 167 Paramount View - Accessory Dwelling Unit
Date: Monday, February 21, 2022 5:14:06 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Steve-

My wife Grace and I own the house on Lot 6; 166 Paramount View, and we object to granting a CUP to allow a guest house with kitchen (defined as an accessory dwelling unit) to be constructed at 167 Paramount View. We do not object to the construction of a guest house without a kitchen, ie., one which does not require a CUP.

One of the reasons why we built our home in The Heights was because of the strict building requirements in our CC&Rs.

Our CC&Rs state;

Each lot "shall be used exclusively for one single family."

A guest house is permitted, but "no guest home shall be constructed prior to the construction of the main residential dwelling."

We assume that any guest homes built in The Heights must meet the City of Kerrville building codes and not require a CUP.

There should not be two detached single family residences on any one lot.

Please let me know if you receive this email.

Sincerely,

Jeff Lyon

From: [Alan Andrews](#)
To: [Drew Paxton](#)
Subject: Ms. Steckleberg.
Date: Tuesday, February 22, 2022 12:55:43 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gentlemen:

My future neighbor's advisors inquired about our thoughts on her proposed guesthouse in the Heights of Kerrville. As the next-door neighbor on the property line, we do not have any concerns with her proposed planning and construction of a guest home. If you have any questions or need any additional information from me please contact me. Thank you.

Alan D. Andrews
8708 S. Congress Blvd., Ste. B290
Austin, TX 78745
512-965-0489

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



SUBJECT: Ordinance 2022-16. An ordinance amending Chapter 60, Code of Ordinances, City of Kerrville, Texas; Chapter 60 more commonly known as the City's Zoning Code; by changing the zoning of a property known as 601 Roy Street, which is out of the Cage Survey No. 116, Abstract No. 106, and within the City of Kerrville, Kerr County, Texas; from a Single-Family Residential Zoning District (R-1) to a Light Commercial Zoning District (C-2); and providing other matters relating to the subject.

AGENDA DATE OF: April 12, 2022

DATE

Apr 04, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220412_Ordinance 2022-16 601 Roy Street.pdf](#)

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

SUMMARY STATEMENT:

Proposal

An ordinance to change the zoning from R-1 Single Family Residential District to C-2 Light Commercial District on 1.05 acres of land out of the Cage Survey 116, Abstract 106 Kerr County Texas; and more commonly known as 601 Roy St N, Kerrville, TX 78028.

Procedural Requirements

The City, in accordance with state law, mailed 14 letters on 2/17/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 2/10/2022.

Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are designated as Neighborhood Residential and immediately adjacent is the Strategic Catalyst Area 7, identified as the commercial corridor along Sidney Baker Street.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-2 Single Family District

Existing Land Uses: vacant

Direction: North, South, and East

Current Zoning: C-2 and C-3

Existing Land Uses: commercial

Direction: West

Current Zoning: R-3

Existing Land Uses: Multi-family apartments

Thoroughfare Plan: The property has existing access along a local street near an arterial.

Traffic Impact: To be determined

Parking: To be determined

Recommendation: Based on the current land uses and zoning of adjacent properties, staff supports the request to change the zoning.

On March 3rd, the Planning and Zoning Commission recommended approval with a unanimous vote.

RECOMMENDED ACTION:

Approve the Ordinance No. 2022-16, on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-16**

AN ORDINANCE AMENDING CHAPTER 60, CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS; CHAPTER 60 MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY CHANGING THE ZONING OF A PROPERTY KNOWN AS 601 ROY STREET, WHICH IS OUT OF THE CAGE SURVEY NO. 116, ABSTRACT NO. 106, AND WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; FROM A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1) TO A LIGHT COMMERCIAL ZONING DISTRICT (C-2); AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on April 12, 2022, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in the change of a zoning district for the property located at 601 Roy Street; such change to result in the removal of the property from a Single-Family Residential Zoning District (R-1) to placement within a Light Commercial Zoning District (C-2); and

WHEREAS, on April 12, 2022, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

SECTION ONE. The Zoning Code, Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* are hereby amended to designate the following described property zoned as within a Light Commercial Zoning District (C-2):

Legal Description: Being a certain tract of land out of the Cage Survey No. 116, Abstract No. 106, and within the City of Kerrville, Kerr County, Texas; said tract depicted at Exhibit A, attached hereto and made a part hereof for all purposes.

Address: 601 Roy Street, Kerrville, TX 78028.

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

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

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

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

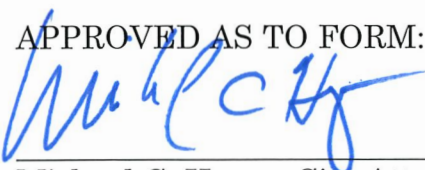
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ of _____, A.D., 2022.

ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



Location Map

Case # PZ-2022-3

Location:
601 Roy Street

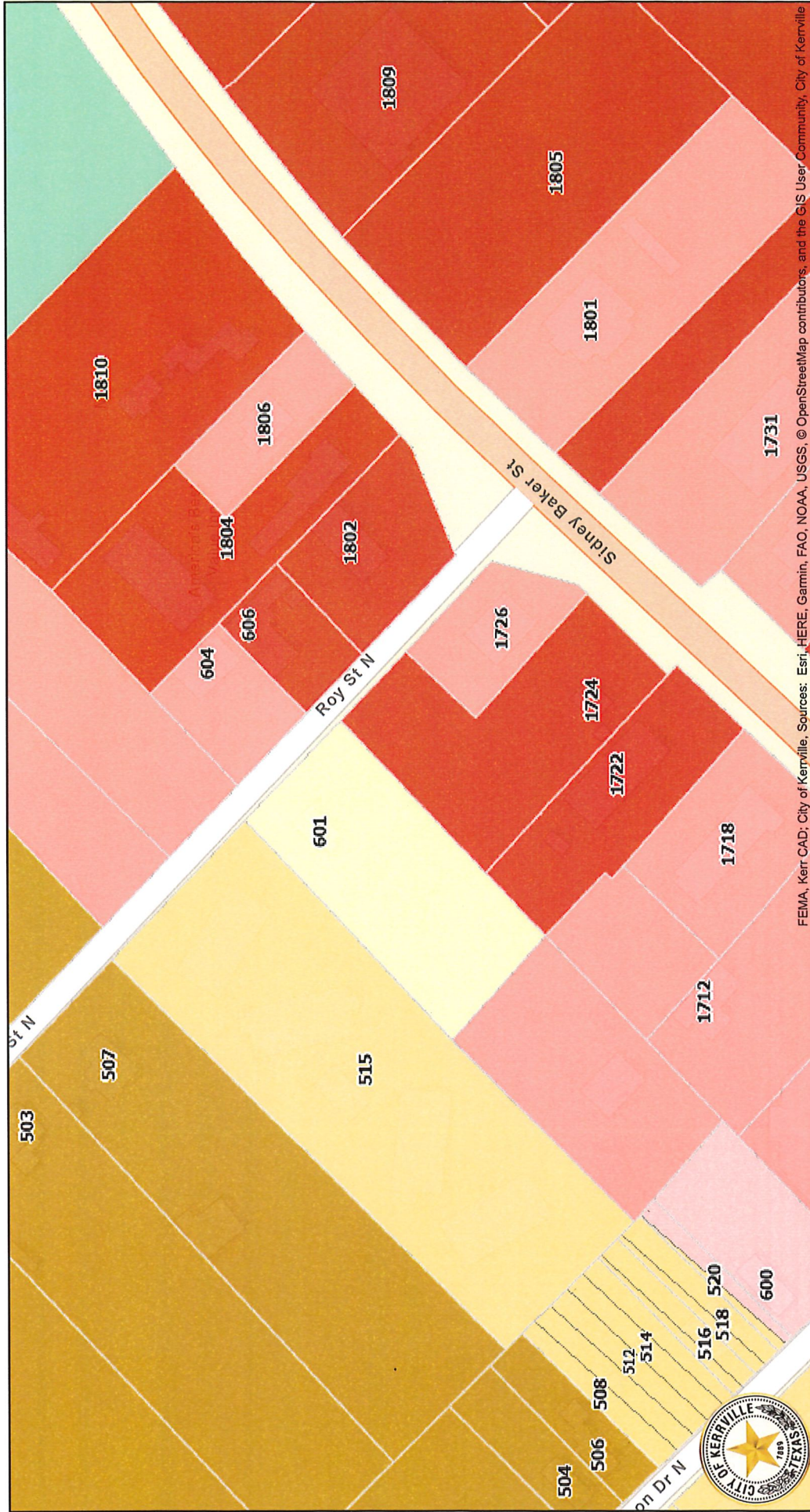
Legend

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



0 75 150 300

Scale In Feet



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



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



SUBJECT: Ordinance 2022-17. An Ordinance amending Chapter 60, Code of Ordinances, City of Kerrville, Texas; Chapter 60 more commonly known as the City's Zoning Code; by changing the zoning of a property generally located northeast of the intersection of Loop 534 (Veterans Highway) and Landfill Road N., comprising of 17.803 acres out of the Samuel L. Wallace Survey No. 112, Abstract No. 360; and within the City of Kerrville, Kerr County, Texas; from a Light Commercial Zoning District (C-2) to a General Commercial Zoning District (C-3); and providing other matters relating to the subject.

AGENDA DATE OF: April 12, 2022

DATE

Apr 04, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220412_Ordinance 2022-17 Loop 534.pdf](#)

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

SUMMARY STATEMENT:

Proposal:

An ordinance to change the zoning from C-2 Light Commercial District to C-3 General Commercial District on 17.803 acres of land out of Sam L. Wallace Survey No. 112, Abstract 360 Kerr County, Texas; and generally located at the north east corner of Loop 534 and Landfill Road.

Procedural Requirements:

The City, in accordance with state law, mailed 15 letters on 2/17/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 2/10/2022.

Staff Analysis and Recommendation:

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are included in the Strategic Catalyst Area 8, defined as the area around Loop 534,

Tivy High School, and Hal Peterson Middle School. Appropriate land uses include community commercial. The request is consistent with the catalyst area goals and the Kerrville 2050 Plan.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: C-2

Existing Land Uses: vacant

Direction: North

Current Zoning: R-1

Existing Land Uses: Existing single family homes

Direction: South

Current Zoning: Mixed Use and R-1 (across Loop 534)

Existing Land Uses: vacant and single family homes

Direction: East

Current Zoning: PI

Existing Land Uses: City Landfill

Direction: West

Current Zoning: C-2

Existing Land Uses: vacant

Thoroughfare Plan: The property is located along a major arterial, Loop 534

Traffic Impact: To be determined

Parking: To be determined

Recommendation: Based on the consistency with the Kerrville 2050 Plan, staff recommends the case for approval.

On March 3rd, the Planning and Zoning Commission recommended approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-17, on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-17**

AN ORDINANCE AMENDING CHAPTER 60, CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS; CHAPTER 60 MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY CHANGING THE ZONING OF A PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF LOOP 534 (VETERANS HIGHWAY) AND LANDFILL ROAD N.; COMPRISING 17.803 ACRES OUT OF THE SAMUEL L. WALLACE SURVEY NO. 112, ABSTRACT NO. 360; AND WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; FROM A LIGHT COMMERCIAL ZONING DISTRICT (C-2) TO A GENERAL COMMERCIAL ZONING DISTRICT (C-3); AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on April 12, 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 the change of a zoning district for a property generally located northeast of the intersection of Loop 534 (Veterans Highway) and Landfill Road N. and comprising approximately 17.803 acres; such change to result in the removal of the property from a Light Commercial Zoning District (C-2) to placement within a General Commercial Zoning District (C-3); and

WHEREAS, on April 12, 2022, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

SECTION ONE. The Zoning Code, Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* are hereby amended to designate the following described property zoned as within a General Commercial Zoning District (C-3):

Legal Description: Being a certain tract of land, comprising approximately 17.803 acres out of the Samuel L. Wallace Survey No. 112, Abstract No. 360, within the City of Kerrville, Kerr County, Texas; said

tract being more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes.

General Location: The property northeast of the intersection of Loop 534 (Veterans Highway) and Landfill Road N.

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

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

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

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

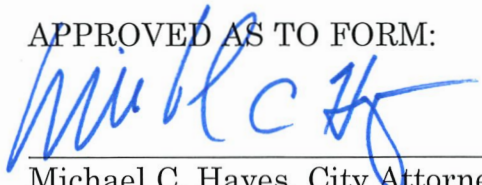
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ of _____, A.D., 2022.

Bill Blackburn, Mayor

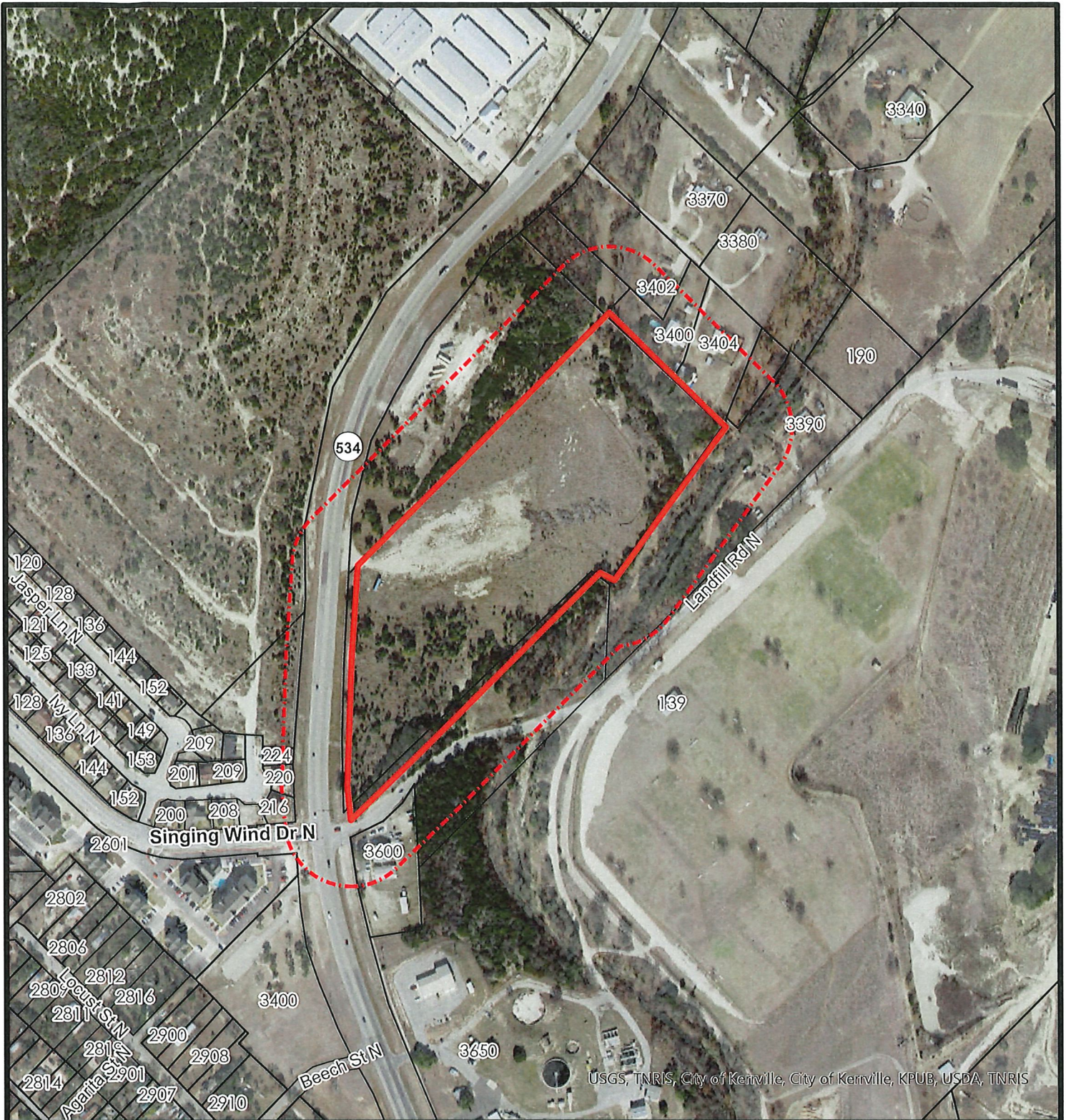
ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



USGS, TNRIS, City of Kerrville, City of Kerrville, KPUB, USDA, TNRIS

Location Map

Case # PZ-2022-4

Location:

534 Industrial Park

Legend

200' Notification Area

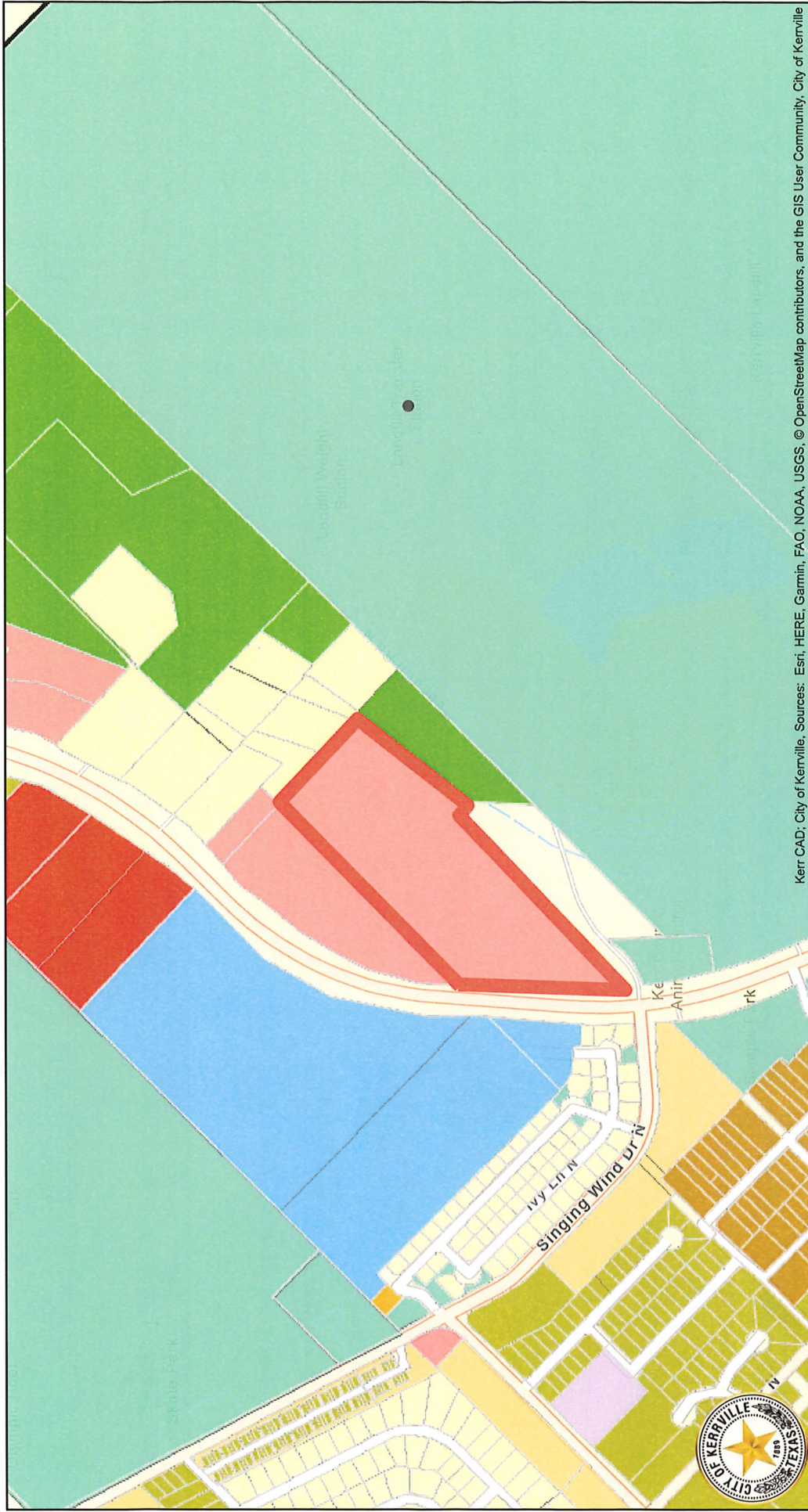


Subject Properties



0 150 300 600

Scale In Feet



Development Services Map



02/25/2022 11:10 AM

Development Services

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.



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



SUBJECT: Ordinance No. 2022-18. An Ordinance annexing a tract of land into the Corporate Limits of the City of Kerrville, Texas; such property consisting of an approximate .40 acre tract; part of Lot 8, Block 1, of the L.A. Schreiner Valley Subdivision; and more commonly known as 318 Mae Drive; such property more specifically described in this 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 being within a Medium Density Residential Zoning District (R-2); and providing other matters relating to this subject.

AGENDA DATE OF: April 12, 2022

DATE

Apr 04, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220412_Ordinance 2022-18 Annexing 318 Mae Drive.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: part of Lot 8, Block 1, Valley View; and more commonly known as 318 Mae Drive N, Kerrville, TX 78028.

This property has already been connected to city sewer to mitigate the emergency need for service. The owner agreed to request annexation as a condition of services.

Procedural Requirements:

The City, in accordance with state law, mailed 13 letters on 12/21/2021 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 12/16/2021.

Staff Analysis and Recommendation:

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are designated Neighborhood residential, which includes the primary land use of single family homes. The adjacent properties are zoned R-2.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: N/A

Existing Land Uses: single family residential

Direction: North

Current Zoning: N/A (Kerr County)

Existing Land Uses: single family residential

Direction: South, East, and West

Current Zoning: R-2

Existing Land Uses: Single family residential

Thoroughfare Plan: The property has access to a local residential street.

Traffic Impact: No additional impact is anticipated.

Parking: Existing parking to remain, no additional impact anticipated.

Recommendation: Based on the consistency with the Kerrville 2050 Plan and the adjacent properties, staff recommends approval of the ordinance for annexation and recommends the R-2 zoning classification.

On March 3rd, the Planning and Zoning Commission recommended approval with a unanimous vote.

RECOMMENDED ACTION:

Approve the Ordinance No. 2022-18, on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-18**

AN ORDINANCE ANNEXING A TRACT OF LAND INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SUCH PROPERTY CONSISTING OF AN APPROXIMATE 0.40 ACRE TRACT; PART OF LOT 8, BLOCK 1, OF THE L.A. SCHREINER VALLEY SUBDIVISION; AND MORE COMMONLY KNOWN AS 318 MAE DRIVE; SUCH PROPERTY MORE SPECIFICALLY DESCRIBED IN THIS 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 BEING WITHIN A MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (R-2); AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT

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

WHEREAS, the land to be annexed makes up a total of approximately 0.40 acres, as more specifically described below (the "Property"); and

WHEREAS, the Property lies within the extraterritorial jurisdiction of the City and adjacent to the City's limits; and

WHEREAS, in conjunction with the approval of this Ordinance, City Council also approves a service agreement for the Property in accordance with Section 43.0672 of the Texas Local Government Code; and

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

WHEREAS, having provided all required public notices, held all required public hearings at which persons with an interest in the matter were provided an opportunity to be heard, and complying with other requirements in Section 43.0673 of the Texas Local Government Code, City Council finds it to be in the public interest to adopt this Ordinance annexing the Property into the City's limits, to approve a service agreement as required by state law, and to establish zoning regulations for the Property;

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

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

SECTION TWO. ANNEXATION. The property described and depicted in **Exhibit A** (the "Property") is annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

SECTION THREE. AMENDMENT TO CITY BOUNDARY. 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. PETITION FOR ANNEXATION. 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. AGREEMENT REGARDING SERVICES. Pursuant to Section 43.0672 of the Texas Local Government Code, the City has negotiated and hereby enters into a Services Agreement (the "Agreement") with the owner of land for the provision of services in the area. The Agreement (without exhibits) 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. ZONING. Upon the adoption of this Ordinance, and in accordance with Section 60-37 of the City's Zoning Code, the Property will be zoned as a Median Density Residential Zoning District (R-2), which will authorize such property to be used in ways consistent with those land uses specified in that district.

SECTION SEVEN. CUMULATIVE CLAUSE. 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. SEVERABILITY CLAUSE. 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 NINE. PENALTY. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION TEN. PUBLICATION OF ORDINANCE. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), 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 ELEVEN. POST ANNEXATION ACTIONS. The City Manager, or designee, shall provide a certified copy of this Ordinance to the Texas Secretary of State, Kerr County, and Kerr Central Appraisal District and any other entity as may be required.

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:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

Being a 0.40 acre tract or parcel of land situated in Kerrville, Kerr County, Texas; being out of the west portion of Lot No. 8, Block 1, of the L. A. Schreiner Valley View Subdivision, as recorded in Volume 45, Page 75, Deed Records of Kerr County, Texas; being situated in Original Survey No. 653, W. H. Crawford, Abstract No. 123, Kerr County, Texas; being that same property having been conveyed from Margaret Rittiman to Clarence Dean Huddleston and wife, Viola M. Huddleston by a Warranty Deed With Vendor's Lien executed the 6th day of February, 1978, recorded in Volume 205, Page 42, Deed Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of the herein described tract, a 2-inch dia. galv. pipe fence corner post found in the east line of Mae Drive, a forty (40) foot wide public roadway; said point marking the southwest corner of said Lot 8 and the northwest corner of Lot No. 9, Block 1, having been replatted per Volume 7, Page 47, Plat Records of Kerr County, Texas;

THENCE, with the occupied east right of way line of said Mae Drive, along or near a chainlink fence; N 04°36'18" E, 113.05 feet (record deed: N 02°42' E, 112.72') to a 2-inch dia. galv. pipe fence corner post and N 03°43'44" E, 61.69 feet to a 2-inch dia. galv. pipe fence corner post marking the northwest corner of the herein described tract, the southwest corner of Lot 5, Block 1 in the name of Ronald Lee Lackey, recorded in Volume 1143, Page 399, Real Property Records of Kerr County, Texas;

THENCE, along or near a chainlink fence, with the common line of Lot 8 and Lot 5, Block 1, the south boundary of said Lackey tract; N 81°47'28" E, 75.47 feet (record deed: N 79°44' E, 75.53') to a 1/2" rebar rod found marking the most northerly northeast corner of the herein described tract, the northwest corner of the remainder portion of Lot 8 in the name of Margaret K. Rittiman, recorded in Volume 867, Page 527, Real Property Records;

THENCE, through the interior of Lot No. 8, with the west boundary of said Rittiman tract, along or near a chainlink fence, the following calls:

S 08°12'31" E, 62.62 feet (record deed: S 09°53' E, 62.43') to a 2-inch dia. galv. pipe fence corner post;

N 83°14'00" E, 11.02 feet (record deed: N 81°12' E, 10.79') to 2-inch dia. galv. pipe fence corner post;

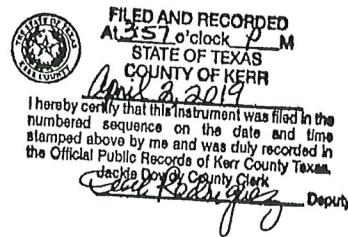
S 02°56'48" E, 31.79 feet (record deed: S 05°18' E, 31.90') to a 1/2" rebar rod found;

S 04°22'39" E, 27.49 feet (record deed: S 05°48' E, 27.38') to a 2-inch dia. galv. pipe fence corner post; and

S 02°59'00" E, 60.78 feet (record deed: S 05°04' E, 61.01') to a 2-inch dia. galv. pipe fence corner post found marking the southeast corner of the herein described tract; said point being in the north boundary of said replat of Lot 9, Block 1;

THENCE, along or near a chainlink fence, with the common line of Lot 8 and Lot 9, Block 1; S 87°45'22" W, 114.66 feet (record deed: S 86°00' W, 114.76') to the **POINT OF BEGINNING**, containing 0.40 acre of land within these metes and bounds, a companion document to a plat of survey dated January 7, 2003.

This conveyance is made and accepted **SUBJECT TO** all restrictions, reservations, easements, rights-of-way, covenants and conditions, if any, affecting the above described property that are valid, existing and properly of record and/or on the ground.





Location Map

Case # PZ-2022-6

Location:
318 Mae Drive

Legend

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



0 50 100 200

Scale In Feet

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF KERRVILLE, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby [if applicable: waive the requirement to be offered a development agreement pursuant to Section 43.016, and] petition your honorable Body to extend the present city limits so as to include as part of the City of Kerrville, Texas, the following described territory, to wit:

VALLEY VIEW BLOCK 1 LOT 8 PT (see attached)

We certify that the above described tract of land is contiguous and adjacent to the City of Kerrville, Texas, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: _____

Signed: _____

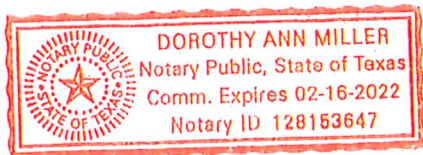
Signed: _____

THE STATE OF TEXAS

COUNTY OF KERR

BEFORE ME, the undersigned authority, on this day personally appeared Amy Williams, Jesus Munoz, III, and Jezebel Munoz, known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 17th day of January, 2022



Dorothy A. Miller
Notary Public in and for
Kerr County, Texas.

EXHIBIT C

SERVICES AGREEMENT

This Services Agreement (the "Agreement") is entered into between the **CITY OF KERRVILLE, TX**, a Texas Home-Rule Municipal Corporation (the "City") and _____ (the "Owner(s)"). 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 A**, attached hereto and incorporated herein.

Section 2. Services. City will provide the services listed and specified in **Exhibit B**, 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 approved and adopted the ordinance annexing such property.

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.

OWNER(s) (Entity Name)

(printed name),

(title)

STATE OF TEXAS §
 §
COUNTY OF KERR §

This instrument was acknowledged before me on the ____ day of
_____, 2022, by _____, the _____, of
_____.

Notary Public, State of Texas

CITY OF KERRVILLE, TX

E.A. Hoppe, City Manager

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 A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

EXHIBIT B
ANNEXATION SERVICE PLAN

- I. INTRODUCTION:** This Service Plan for the extension of municipal services to the area to be annexed was developed in accordance with state law. Municipal facilities and services to the annexed area will be provided or made available on behalf of the City of Kerrville, Texas ("City") at the levels and schedule specified below.
- II. UNIFORM LEVEL OF SERVICES:** The City shall provide services by any of the methods by which it extends the services to any other area of the municipality, based upon differing characteristics of topography, land use, and population density, which may be considered a sufficient basis for providing differing levels of service.
- III. SPECIFIC FINDINGS:** City Council finds and determines that this Service Plan, as provided below, will provide full municipal services to the annexed area both adequate to serve the annexed area and commensurate with the levels of services provided in other parts of the City with the same or similar topography, land use, and population density, and it will not provide a lower level of service in the annexed area than were in existence at the time immediately preceding the effective date of annexation.

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Code Enforcement	The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related code requirements adopted by the City shall be made immediately to the area upon annexation. The adoption of zoning plan shall be in accordance with the procedures of the City's Zoning Code.	Immediately following annexation, zoning to be concurrent with annexation
Fire Protection and Emergency Medical Services (EMS)	Fire protection and emergency medical services will be provided to the annexed area. The City will serve the annexed area from existing fire stations closest to the area of annexation. Emergency dispatch assignment of Fire Services resources to the annexed area would be the same as currently provided in areas of similar land use and population within the City.	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Fire Prevention	The services of the City's Fire Marshall shall be provided to the area.	Immediately following annexation.
Library	Residents of the area, if any, will continue to be entitled to utilize the City's Library facilities.	Immediately following annexation.
Parks and Recreation Facilities	The City will maintain park and recreation facilities located within the annexed area, if any, on the effective date of annexation on the same basis and at the same level as similar facilities are maintained throughout the City.	Immediately following annexation
Police Protection	Police Services will provide protection and law enforcement services to the annexed area. The level of service will be at the same level as currently provided in areas of similar land use and population within the City. These services include the following: 1) regular patrol of the area, 2) handling of complaints and incidents, 3) traffic enforcement, and 4) special units, such as criminal investigations, narcotics, crime prevention, neighborhood services, and special weapons and tactics.	Immediately following annexation
Maintenance of Existing Roads & Streets	<p>The City's Public Works Department will maintain existing roads and streets, drainage, and regulatory signs on the effective date of annexation. The same basis and level of services currently provided throughout the City will be adhered to as follows:</p> <p>1. Emergency maintenance of streets to include repair of hazardous potholes, ice and snow monitoring of major thoroughfares necessary for traffic flow.</p>	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
	<p>2. Routine maintenance of public streets and rights-of-way performed within the City.</p> <p>3. Street sweeping services may occur based upon need and funding.</p> <p>4. Installation and maintenance of traffic signs, street markings, and other traffic control devices as the need is established by appropriate study and traffic standards. Private streets, including ingress/egress easements, access easements, common areas, common driveways and anything else which has not been specifically dedicated and accepted as public right-of-way, will not be maintained by the City. Public streets will be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized and scheduled based on a variety of factors, including surface condition, transversibility, age, traffic volume, density of dwellings per block, adjacent street conditions and available funding. Any necessary rehabilitation or reconstruction will be considered on a citywide priority basis.</p>	
Solid Waste Collection	Solid Waste collection to the annexed area will be provided on the same basis and at the same level as provided throughout the City, in accordance with applicable law.	Immediately following annexation
Traffic Engineering	Traffic control devices and street markers shall be installed where deemed necessary by the city street department, except as provided by the Texas Department of Transportation.	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Water Service	<p>The City will provide for the maintenance of City-owned public water lines within the annexed area provided that the area is within the City's Certificate of Convenience and Necessity area as determined by the Texas Commission on Environmental Quality (TCEQ) beginning on the effective date of the annexation. Water service is provided at the same level as currently provided in areas of similar topography, land use, and population within the City. The City's policy that water extensions are the responsibility of the developer of property will be applied in this area.</p>	As the property develops
Wastewater Service	<p>The City will provide for the maintenance of sanitary sewer lines within the annexed area provided that the area is within the City's Certificate of Convenience and Necessity area as determined by the Texas Commission on Environmental Quality (TCEQ) beginning on the effective date of the annexation. Sanitary sewer service is provided at the same level as currently provided in areas of similar topography, land use, and population within the City. The City's policy that sanitary sewer extensions are the responsibility of the developer of property will be applied to this area. Maintenance of all parts of the sewer system will begin as those parts are put into service. The sewer system will be maintained with the same frequency and level of effort as comparable parts of the system in other parts of the City.</p>	As the property develops

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Provision for Other City Services	Other City services that may be provided by the City such as planning, inspection, animal control, municipal court, and general administration will be made available on the same basis and at the same level as provided throughout the City.	Immediately following annexation



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

SUBJECT: Ordinance No. 2022-13, second reading. An ordinance amending Chapter 50 "Fire Prevention and Protection" of the Code of Ordinances of the City of Kerrville, Texas, by adding a new section 50-5, to adopt the National Fire Protection Association (NFPA) 1194, Standard for Recreational Vehicle Parks and Campgrounds; adopting local amendments to said code; amending the City's Fire Code as to fire apparatus access roads; providing for a penalty for violation of any provision hereof; and providing other matters related to the subject.

AGENDA DATE OF: April 12, 2022

DATE SUBMITTED: Apr 01, 2022

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220412_Ordinance 2022-13 Fire Code Second Reading.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	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:

Along with updating the Zoning Code to clarify rules for RV Parks, the Planning and Zoning Commission and City staff recommend the adoption of the National Fire Protection Association (NFPA) 1194, Standard for Recreational Vehicle Parks and Campgrounds.

This will establish a set of standards for RV Park design that follows a consistent set of national standards. This will also assist our development customers by staff being able to provide these standards before the initial concept design of a project.

Staff is recommending one amendment for consistency with other rules and regulations of the Fire Code.

5.1.2 Roads. Minimum widths of recreational vehicle park and campground roads shall be 20 ft (6.0 m) and may have an additional 8 ft (2.4 m) per parallel parking lane. All park/campground roads also serve as fire access roads and shall be marked as per city ordinance.

After a thorough discussion with staff and a few development review projects, staff is recommending an amendment to Section D107.1 One or Two-family dwelling residential developments and D107.2 Remoteness in the adopted International Fire Code.

Additionally, this ordinance references the definition of Development from the Subdivision Ordinance, Chapter 82-4.

"Development means any activities related to the division of land or installation of improvements thereon, including the construction, reconstruction, conversion, or enlargement of buildings or structures; the construction of impervious surfaces, including parking lots; the installation of streets, water, wastewater, drainage (stormwater) or park facilities, utilities, or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including grading, drainage, storage, paving, clearing, filling, and/or removal of vegetation or soil, and any mining, dredging, excavation, or drilling operations. "Development" includes such activities on a previously platted lot or tract."

These amendments provide exceptions that will assist infill and future developments within the City of Kerrville. It provides more flexibility for topography in the hill country as well as irregular shaped lots, and surrounding built developments, while still providing adequate public and emergency access to neighborhoods. Overall, neighborhood connectivity is still a priority for new developments.

On February 10th, the Building Board of Adjustment and Appeals recommended these amendments to the Fire Code with a unanimous vote.

A hard copy of the NFPA 1194 (2018) and addendums are in the City Secretary Office for viewing.

On March 22, 2022, City Council unanimously approved Ordinance No. 2022-13 on first reading.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-13, on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-13**

AN ORDINANCE AMENDING CHAPTER 50 “FIRE PREVENTION AND PROTECTION” OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY ADDING A NEW SECTION 50-5, TO ADOPT THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 1194, *STANDARD FOR RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS*; ADOPTING LOCAL AMENDMENTS TO SAID CODE; AMENDING THE CITY’S FIRE CODE AS TO FIRE APPARATUS ACCESS ROADS; PROVIDING FOR A PENALTY FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

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

WHEREAS, City Council finds that the regulations of the City governing the safeguarding of life and property from fire and explosion hazards within its corporate limits, and within its extraterritorial jurisdiction when authorized by law, should be updated to conform with modern fire protection methods and materials; and

WHEREAS, the Fire Chief and Fire Marshal for the City have reviewed 2018 edition of National Fire Protection Association (NFPA) 1194, *Standard for Recreational Vehicle Parks*, and have recommended that the City adopt the NFPA 1194, including local amendments; and

WHEREAS, the Fire Chief and Fire Marshal for the City also recommend amending the City’s Fire Code to revise the requirements regarding fire apparatus access roads; and

WHEREAS, City Council finds it to be in the public interest to adopt the NFPA 1194 and other amendments as provided herein;

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

SECTION ONE. Chapter 50 “Fire Prevention and Protection,” of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Section 50-5, as indicated by blue, underline (addition) as follows:

“Sec. 50-5. – National Fire Protection Association (NFPA) 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2018 edition.

(a) Adoption. The 2018 edition of the *NFPA 1194* (“NFPA 1194”), as published by the National Fire Protection Association, is adopted, to the same extent as if such Code were copied verbatim in this Article, subject to amendments prescribed in this Article. Copies of the NFPA 1194 shall remain on file in the office of the City Secretary, within the Department of Development Services, and in the office of the Fire Marshal.

(b) Annexes. All annexes provided for in the NFPA 1194 are adopted.

(c) Amendments. The NFPA 1194 is amended as follows:

(1) 5.1.2 Roads. Minimum widths of recreational vehicle park and campground roads shall be 20 ft (6.0 m) and may have an additional 8 ft (2.4 m) per parallel parking lane. All park/campground roads shall also serve as fire access roads and shall be marked as per City ordinance.”

SECTION TWO. Chapter 50 “Fire Prevention and Protection,” of the Code of Ordinances of the City of Kerrville, Texas, Section 50-3, is amended by amending subsection (c)(13) to add new language as indicated by blue, underline (addition) as follows:

“(13) Section 202 is amended to add the following new definition:

DEVELOPMENT. As defined by the City’s Subdivision Code.”

SECTION THREE. Chapter 50 “Fire Prevention and Protection,” of the Code of Ordinances of the City of Kerrville, Texas, Section 50-3, subsection (c) is amended by adding a new subsection (51), with new language indicated by blue, underline (addition) as follows:

“(51) Section D107.1 is deleted and replaced with a new section to read as follows:

D107.1 One- or two-family dwelling residential developments.
Developments of one- or two-family dwellings where the number of dwelling units will exceed 60 units shall be provided with two separate fire apparatus access roads, subject to approval from the fire code official.

Exceptions and conditions:

1. Where all dwelling units are or will be equipped with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3.

2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with a future development, as determined by the fire code official.

3. Where there are or will be more than 60 but less than 120 dwelling units on a single public or private fire apparatus access road and the access road is built as a collector street, as approved by the City. All single access (non-looped) streets within the subdivision must be built and approved as collector streets.”

SECTION FOUR. Chapter 50 “Fire Prevention and Protection,” of the Code of Ordinances of the City of Kerrville, Texas, Section 50-3, subsection (c) is amended by adding a new subsection (52), with new language indicated by blue, underline (addition) as follows:

“(52) Section D107.2 is deleted and replaced with a new section to read as follows:

D107.2 Remoteness. Where two fire apparatus access roads are required, such roads shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between the two accesses to the development.

Exception and conditions: Where it is geographically impossible to be one-half of the maximum overall diagonal dimension apart, the secondary access road will be evaluated by the fire code official based on meeting any one of the following; however such exceptions and conditions do not apply where the development has or will have more than 120 dwelling units:

1. The owner may acquire a secondary fire apparatus access road from an adjoining property owner(s), where such access is conveyed via a legal instrument (e.g., easement) that is filed with the County in its real property records. A copy of such filing must be provided to City.

2. The two separate fire apparatus access roads must be separated as far as physically possibly. However, at a minimum, the accesses must be 150 feet apart, measured in a straight line between the center lines of the two accesses.

3. The two separate fire apparatus entrances may share a common path of travel into and/or within the development as long as a blockage in any area of this path will not block access from both the primary and secondary access simultaneously. See Addendum D 107.1, 3. above for street design specifications.

For purposes of this section, “geographically impossible” means that the area is surrounded on at least three sides (i.e., 75% of its perimeter) by natural or manmade barriers such as creeks and flood plains, a golf course, a linear park, or utility easements or its topography is such that it prohibits a designed roadway to be constructed at a maximum slope of 10% in compliance with this code.”

SECTION FIVE. The City Secretary is authorized and directed to submit this amendment 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 SIX. The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00). Each continuing day’s violation under this Ordinance shall constitute a separate offense.

SECTION SEVEN. 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 in direct 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. 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 one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION NINE. In accordance with Section 3.07 of the City Charter and Section 52.013(a) of the Texas Local Government Code, 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. The Ordinance shall then become effective in accordance with this Charter section.

PASSED AND APPROVED ON FIRST READING, this the 22
day of MARCH, 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:

ATTEST:



Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary



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

SUBJECT: Ordinance No. 2022-15, second reading. An Ordinance amending Chapter 82 of the Code of Ordinances, City of Kerrville, Texas, such Chapter more commonly known as the City's Subdivision Code; by amending Section 82-53(Q) of said Code to change requirements for points of access into residential subdivisions and aligning this Section with changes to the Fire Code; and providing other matters relating to the subject.

AGENDA DATE OF: April 12, 2022 **DATE SUBMITTED:** Mar 11, 2022

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220412_Ordinance 2022-15 Subdivision Code second reading.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	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:

This ordinance is to amend Section 82-53(q) of the City of Kerrville's Subdivision Code, as to points of access for residential subdivisions. This amendment is to match the amended Fire Code for the number and proximity of development access points. The current code states that all residential developments are required two access points. However, to remain consistent with the Fire Code amendment, the requirement for two

accesses for all residential developments is being removed.

These amendments provide exceptions that will assist infill and future developments within the City of Kerrville. It provides more flexibility for topography in the hill country as well as surrounding, built developments, while still providing adequate public and emergency access to neighborhoods. Overall, neighborhood connectivity is still a priority for new developments. On March 22, 2022, City Council unanimously approved Ordinance No. 2022-15 on first reading.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-15, second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-15**

AN ORDINANCE AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S SUBDIVISION CODE; BY AMENDING SECTION 82-53(Q) OF SAID CODE TO CHANGE REQUIREMENTS FOR POINTS OF ACCESS INTO RESIDENTIAL SUBDIVISIONS AND ALIGNING THIS SECTION WITH CHANGES TO THE FIRE CODE; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, on September 28, 2021, City Council adopted Ordinance No. 2021-24, which consisted of a full-scale revision of the City's Subdivision Code; and

WHEREAS, Ordinance No. 2021-24 was adopted in accordance with and pursuant to the City's Comprehensive Plan; and

WHEREAS, pursuant to several recent land development projects and their respective plats, City staff recommends amending the Subdivision Code as to the regulation that applies to a residential development's points of access; and

WHEREAS, the amendment referenced above will align the Subdivision Code with an amendment concurrently being made to the City's Fire Code; and

WHEREAS, pursuant to Section 212.002 of the Texas Local Government Code, 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 22, 2022, which considered a report from City staff regarding its recommendations on an ordinance, the adoption of which will result in an amendment to the Subdivision Code as provided herein; and

WHEREAS, on March 22, 2022, City Council held a public hearing on the amendment provided herein and has considered comments, a report, 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 82-53(q) of the Subdivision Code is amended in its entirety new language indicated by blue, underline (addition) as follows:
"Sec. 82-53. - Thoroughfare and street improvements.

:

(q) *Points of access.* All residential subdivisions shall have point(s) of access from improved public roadways, such access points to serve as fire apparatus access roads in compliance with the Fire Code as to the number, construction standards, and separation requirements. Each point of access shall be designed to safely cross any flood prone areas with a primary point of access designed to not be impacted by a 25 year rain event. Where required, a secondary point of access shall be designed to not be impacted by a ten year rain event. Each point of access shall comply with the TCSS and the Drainage Design Manual.

SECTION TWO. The City Secretary is authorized and directed to submit this amendment 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 THREE. The penalty for violation of this Ordinance shall be in accordance with the penalty provision contained in Section 1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.

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

SECTION SIX. In accordance with Section 3.07 of the City Charter and Section 52.013(a) of the Texas Local Government Code, 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. The Ordinance shall then become effective in accordance with this Charter section.

PASSED AND APPROVED ON FIRST READING, this the 22 day of March, 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 CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Appointment to the Main Street Advisory Board.

AGENDA DATE OF: April 12, 2022

DATE SUBMITTED: Feb 17, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

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	D - Downtown Revitalization
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Two vacancies exists.

Two applications have been received: Meredith Tilley Crook and Mary Gay Wagner.

The interview team is Mayor Blackburn and Councilmember Garcia.

Staff liaison is Megan Folkerts.

RECOMMENDED ACTION:

Appoint members.



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

SUBJECT: Appointment to the Planning & Zoning Commission. (This item is eligible for Executive Session 551.074)

AGENDA DATE OF: April 12, 2022

DATE SUBMITTED: Mar 11, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

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	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

One vacancy exists. One application has been received: Tabor McMillan.

The interview team is Councilmember Place 2 Kim Clarkson and Councilmember Place 4 Brenda Hughes.

Staff liaison is Drew Paxton.

RECOMMENDED ACTION:

Appoint member.