AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY OCTOBER 25, 2011, 6:00 P.M.

CITY HALL COUNCIL CHAMBERS

800 JUNCTION HIGHWAY, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, OCTOBER 25, 2011, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
800 JUNCTION HIGHWAY, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION offered by Fern Lancaster, First Assembly of God Church.

PLEDGE OF ALLEGIANCE TO THE FLAG led by Chase Hall and Ben McCright, Boy Scouts of America Troop 111, Notre Dame Catholic Church.

1. VISITORS/CITIZENS FORUM:
Any citizen with business not scheduled on the agenda may speak to the Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. Council may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers will be limited to the first ten speakers and each speaker is limited to four minutes.

2. RECOGNITIONS AND COMMENDATIONS:
2A. Resolution of commendation to Carolyn Lipscomb for serving on the zoning board of adjustment. (staff)

3. 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 council approve the following items which will grant the Mayor or City Manager the authority to execute all documents necessary for each transaction:

3A. Approval of the minutes of the regular city council meeting held October 11, 2011. (staff)

3B. A resolution authorizing the submission of documentation of eminent domain authority in Texas to the Texas Comptroller; such documentation will detail the city's legal authority to exercise eminent domain in compliance with Senate Bill 18. (staff)

3C. Submission of a grant application to the Cailloux Foundation for street equipment. (staff)

END OF CONSENT AGENDA

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.
I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: October 21, 2011 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

4. ORDINANCE, FIRST READING:

4A. An ordinance abandoning, vacating, and closing two public right-of-ways consisting of Rodriguez Street as it extends between Water Street and Main Street (State Highway 27) and the alley which intersects with Rodriguez Street and extends between Francisco Lemos Street and Hays Street; said right-of-ways comprise 0.719 acre, more or less, and are out of Blocks 46 and 47 Schreiner's Addition, within the City of Kerrville, Kerr County, Texas; making a finding that neither the street nor the alley is required for present or future public use; providing for the terms and conditions of abandonment, vacation, and closure; and authorizing the city manager to take all necessary actions to effectuate the abandonment, vacation, and closure. (staff)

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Discussion of the INTERLOCAL AGREEMENT FOR THE CONTINUED EXISTENCE OF A JOINT AIRPORT BOARD TO PROVIDE MANAGEMENT OF KERRVILLE/KERR COUNTY AIRPORT and the airport budget. (Councilmember Conklin)

5B. Settlement agreement regarding complaint of Cecil R. Atkission and City of Kerrville against Lower Colorado River Authority Transmission Services Corporation, Public Utility Commission of Texas (PUC), Docket No. 39516. (staff)

6. INFORMATION AND DISCUSSION:

6A. Presentation by Kerrville Public Utility Board General Manager Tracy McCuan regarding KPUB's recent decisions on LCRA and CPS Energy. (Mayor Wampler)

6B. Kerrville Triathlon event update. (staff)

6C. Water resources report. (staff)

6D. Budget and economic update. (staff)

7. BOARD APPOINTMENTS:

7A. Golf course advisory board. (staff)

8. ITEMS FOR FUTURE AGENDAS

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: October 21, 2011 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

9. 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.

10. EXECUTIVE SESSION:

The City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed as permitted by law including if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices) and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code, including the following matters:

- Section 551.071:

Cause No. SA11CA0116 - FB; Louis V. Doss and Carolyn Doss, individually and d/b/a Mulligan's Pub v. Chief John M. Young, et al.; in the United States District Court for the Western District of Texas, San Antonio Division.

- Section 551.071 and 551.087:

Discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the Council seeks to have locate, stay, or expand in the City and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to such business prospect.

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

12. ADJOURNMENT.

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: October 21, 2011 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig
City Secretary, City of Kerrville, Texas

Agenda Item:
(Staff)

2A. Resolution of commendation to Carolyn Lipscomb for serving on the zoning board of adjustment. (staff)

CITY OF KERRVILLE

MAYOR AND CITY COUNCIL
800 Junction Highway
Kerrville, Texas 78028
830-257-8000 / www.kerrvilletx.gov

RESOLUTION OF COMMENDATION

WHEREAS, **CAROLYN LIPSCOMB** has served as a member of the Zoning Board of Adjustment with the date of service beginning December 12, 2006; and

WHEREAS, **CAROLYN LIPSCOMB** has served faithfully and dutifully on said board;

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

That **CAROLYN LIPSCOMB** be recognized for outstanding service as a member of the Zoning Board of Adjustment, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

PASSED AND APPROVED, this the 25th day of October, 2011.

ATTEST:

Brenda G. Craig, City Secretary

David Wampler, Mayor

E. G. Allen, Mayor Pro Tem

Carson Conklin, Councilmember

Stacie Keeble, Councilmember

T. Scott Gross, Councilmember

Agenda Item:
(Staff)

3A. Approval of the minutes of the regular city council meeting held October 11, 2011. (staff)

CITY COUNCIL MINUTES KERRVILLE, TEXAS
REGULAR MEETING OCTOBER 11, 2011

On October 11, 2011, the Kerrville City Council meeting was called to order by Mayor Wampler at 6:00 p.m. in the city hall council chambers, 800 Junction Highway. The invocation was offered by Reverend Tom Murray, St. Peter's Episcopal Church, followed by the Pledge of Allegiance led by Dick Weaver of the Military Officers Association of America.

COUNCILMEMBERS PRESENT:

David Wampler	Mayor
Gene Allen	Mayor Pro Tem
Carson Conklin	Councilmember
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

Todd Parton	City Manager
Mike Hayes	City Attorney
Brenda G. Craig	City Secretary
Kristine Ondrias	Assistant City Manager
Travis Cochrane	Director of Information Technology
Mike Erwin	Director of Finance
Charlie Hastings	Director of Public Works
Kim Meismer	Director of General Operations
Mindy Wendele	Director of Business Programs
Robert Ojeda	Fire Chief
John Young	Police Chief

VISITORS PRESENT: List is on file in city secretary's office.

1. **VISITORS/CITIZENS FORUM**: The following person spoke:

1A. William Spencer Hart noted that on October 5, 2011, the city published notice of intention to issue $3.5 million certificate of obligation (CO) as part of a $7 million river trail improvement project; he estimated the annual debt service at $600,000. Under Local Government Code Section 271.049, 5% of qualified voters of the city could protest the issuance of CO debt. He prepared a petition and would assist citizens in circulating the petition; the deadline for filing the petition with the city is December 13. Upon receipt of the petition, the city would be prohibited from issuing CO debt until the issuance was approved at an election. He stated he was not opposed to a river trail, but the city's funds could be spent wiser and get better rewards sooner; debt selling should not be considered.

2. **RECOGNITIONS AND COMMENDATIONS**:

2A. Award from the Texas Department of Transportation for "Click it or Ticket" program. Samuel Aguirre, TxDOT, presented the police department with a $4,000 grant to be used for traffic related training or equipment.

3. **CONSENT AGENDA**:
Mr. Allen moved for approval of items 3A – 3D; Mr. Conklin seconded the motion and it passed 5-0:
3A. Minutes of the regular city council meeting held September 27, 2011, and the special meeting held September 29, 2011.
3B. Non-exclusive license agreement between the City of Kerrville and Schreiner University for use of city owned soccer fields.
3C. Agreement for assessment and collection services between Kerrville Independent School District and the City of Kerrville.
3D. Purchase of a new replacement ambulance from Dallas Dodge Chrysler Jeep through the local government-purchasing cooperative, Buyboard, at a price not to exceed $156,350.00.
END OF CONSENT AGENDA

4. **CONSIDERATION AND POSSIBLE ACTION:**
4A. Resolution No. 040-2011 nominating candidates to Kerr Central Appraisal District Board of Directors.
Mr. Parton noted the city's current representative, William H. "Hank" Moody, was currently serving as KCAD board secretary. The city may nominate up to five persons, and upon completion of the nomination process, KCAD will provide a ballot to all taxing entities. The city has 724 votes out of 5,000 and may cast all votes toward one candidate or divide the votes between candidates.

Ms. Keeble moved for approval of Resolution No. 040-2011 nominating William H. "Hank" Moody to the KCAD Board of Directors; Mr. Gross seconded the motion and it passed 5-0.

4B. Resolution No. 041-2011 providing for the city's approval or disapproval of an amendment to the Kerr Central Appraisal District's 2010 fiscal year budget.
KCAD Chief Appraiser P.H. "Fourth" Coates noted KCAD's audit of the FY10 budget determined a surplus of $32,790.99, of which the City of Kerrville's prorated tax levy was $4,768.10. KCAD requested that the taxing entities allow KCAD to retain the surplus for future renovations to the KCAD property and/or vehicle replacement (to be determined by the board at a later time); however, if a majority of the taxing entities vetoed the request by resolution, the budget amendment would fail and KCAD board must then return the surplus to the taxing entities based on their prorated share of the surplus; thus far only Ingram ISD had voted to veto the request. He noted KCAD had cut their FY11 budget 15-16%, and their FY12 budget an additional $5,000, and no raises were proposed in the FY12 budget.

Mr. Gross moved for approval of Resolution No. 041-2011 approving the requested amendment to the KCAD FY10 budget as presented; Mr. Allen seconded the motion and it passed 5-0.

4C. Request to remove a street sign in front of 1223 Jack Drive. The matter was removed at the request of the applicant, Mr. Fred Parkhurst.

4D. Appointments to the airport planning committee created by the Interlocal Agreement For The Continued Existence Of a Joint Airport Board To Provide Management Of The Kerrville/Kerr County Airport.
Mr. Parton noted the interlocal agreement approved by the council September 27, provided for the creation of an airport planning committee with two representatives from the airport board, and three representatives each from the city and county (no more than two elected officials each). The purpose of the committee will be to: 1) Review and discuss airport operations and finances; 2) Discuss planning for the operation, management, and economic development of the airport; and 3) Formulate recommendations regarding goals for the airport. The commissioners' court voted to appoint Commissioners Letz and Overby, and Auditor Jennie Hargis.

Ms. Keeble moved to nominate Mayor David Wampler, Councilmember Carson Conklin, and Finance Director Mike Erwin to the airport planning committee. Mr. Gross seconded the motion and it passed 5-0.

4E. Direction to staff concerning notice of application for a Certificate of Convenience and Necessity (CCN) to provide water utility service in Kerr County, Texas; specifically, Village West Water System: The proposed utility service area is located approximately three miles west of downtown Kerrville, Texas, and is generally bounded on the north by Goat Creek Parkway; on the east by Oak; on the south by Junction Highway (State Highway 27); and on the west by Cedar Mill. The total area being requested includes approximately 65 acres and 35 customers.
Mr. Hastings noted the city received notice that the Mary Meade Water Company (MMWC) applied for a CCN in an area where Aqua Texas (AT) had the CCN. MMWC, also known as Vlasek Pump Co., owned and operated the system serving half of the Village West Industrial Park (VWIP) for many years even though AT had the CCN. Staff understood this was an attempt to decertify the area from AT and certify MMWC; however, the application was unclear whether MMWC's proposed CCN overlapped into the city's CCN. He noted that half of the VWIP was located in the city limits but was served by a private water provider. He understood from property owners that water pressure was insufficient and although fire hydrants existed, fire flow was inadequate. Property owners had approached the city several times in the past to fix water deficiencies, but the city does not have the CCN for that area, and this was an issue between the property owners and their water provider. Mr. Hastings noted that even if the city intervened in the subject application, the city could not cause TCEQ to make MMWC fix the water deficiencies. He requested council's support to intervene with intent to get additional information to determine if an overlap existed, and authorization to intervene if necessary to protect the city's interests.

Mr. Conklin moved to authorize staff to intervene in the application; Ms. Keeble seconded the motion and it passed 5-0.

4F. Request from Lower Colorado River Authority Transmission Services Corporation to send a representative from the City of Kerrville to landowner meeting regarding the McCamey D to Kendall to Gillespie CREZ project.
Mr. Parton noted as the next step in the process, LCRA had scheduled a meeting with affected landowners on October 27 to discuss the type of material, spacing, placement, and height of structures. LCRA invited the city to attend the meeting and state its preference. He noted on August 11, 2011, the city submitted a letter requesting TxDOT grant LCRA authority to use right of way at the intersection of I-10 at SH16 and I-10 at Harper Highway in order to lessen the impact to land owners and lessen the visual obstruction at the city's gateways. He suggested that council reaffirm the routes stated in the August letter and provide additional clarification on the height, material, and location of the poles. Due to topography, he suggested the poles be located as high as possible.

The following persons also spoke:

- Barbara Hofmann, representing LCRA, responded to questions from the council. She noted the meeting would allow affected landowners the opportunity to state their preference for pole material; the height of the poles would mainly be dictated by the terrain. The city could hear what individual landowners preferred and submit its preference for pole material at the meeting or by letter. She stated that LCRA had heard from TxDOT, but she could not speak about the TxDOT issue or the exact route of the line through Kerrville; LCRA engineers would be at the meeting to talk about where the line would go generally through Kerrville, but the center of the line had not been completely determined.
- Jimmie Spradling noted if property owners could state their preference of pole material, that could result in every other pole being a different color along I-10. Ms. Hofmann stated LCRA would try to get consensus in an area; she noted that Junction preferred rustic poles.

A councilmember noted that construction of the line in another county left the condition of that property in sad shape; it was a tragedy and he hoped that LCRA would at least do a better job of landscaping in Kerrville.

The consensus of the council was to reaffirm the August 11 letter and attempt to save the sight line by keeping the poles as high as possible.

Mr. Allen moved to recommend galvanized monopoles, and to appoint Councilmember Conklin to represent the city at the October 27 meeting. Mr. Gross seconded the motion and it passed 5-0.

4G. Initiation of a process to name the City of Kerrville's lake on Guadalupe Street north of the water treatment plant dam.
Councilmember Gross requested the city initiate the process to name the city's lake "Sunset Lake"; Councilmember Keeble submitted the form to start the naming process.

Mr. Gross moved to initiate the process; Ms. Keeble seconded the motion and it passed 4-1 with Councilmembers Gross, Keeble, Allen, and Conklin voting in favor of the motion, and Mayor Wampler voting against the motion.

Council discussed following the adopted process and allow the public the opportunity to propose other names also.

The following person spoke:

- Ruth Spradling questioned why the council was proposing to name the city lake. Mayor Wampler noted the lake did not have an official name.

4H. Set a time, date and place for a town hall meeting to be conducted by the Kerrville City Council.
Mr. Parton noted a date had been set: Tuesday, November 15, 5:30-7:00 p.m. at the Inn of the Hills Conference Center. He proposed three components of the event: 1) State of the city; 2) Address good and bad things to make the community "happen" and what the city was doing about it; and 3) Have a formal question and answer process. Questions and answers would be compiled and put on the city's webpage. Jeff Talarico volunteered to be the event moderator.

The following person spoke:

- Tracy Carlson, Kerrville Area Chamber of Commerce, expressed willingness to help advertise town hall meetings with their membership and the community. This was a good way for the city to provide information to citizens and business owners, and a good way for the public to get their questions answered.

4I. Set a time, date, place and discussion topics for a joint meeting with the Kerrville City Council and the Kerrville Convention and Visitors Bureau (CVB) Board of Directors to discuss implementation of a proposed special events plan to be managed as a department of the CVB.
Councilmember Gross proposed a meeting with representatives of the CVB and Council. He proposed that one topic of discussion be the general direction of the branding effort, and discussed a tag line and consistent theme for Kerrville, for example "on the river".

Mr. Parton noted CVB proposed dates: November 17, 3:30 p.m. or November 18, 10:00 a.m.

Council preference was November 17, and the consensus was that Mr. Gross and Ms. Keeble represent the city; however, if CVB preferred a meeting with the full council, council would accommodate their request. Staff will contact CVB to determine their preference and finalize plans for the meeting.

5. INFORMATION AND DISCUSSION:

5A. Water resources report. Mr. Hastings reported the recent small rains brought the river flow up to 25% of normal flow and the lake level had risen to one foot below normal, up from four feet below in September. Groundwater production was at 50%; ASR level was at 621 mg, down from 800 mg in January. The allotment from the state water master remained at 5% (0.25 mgd) of the normal allotment (6 mgd).

5B. Budget and economic update. Mr. Erwin reported city sales tax for September dropped 3.9%. Financial institutions nationwide were predicting slow recession recovery and that the recession would continue in 2012. As of September 30, 2011, general fund revenue was at $20.2 million and expenditures at $19.5 million; water/sewer fund revenue at $9.8 million, and expenditures at $8.5 million.

6. BOARD APPOINTMENTS:

6A. Zoning board of adjustment. Ms. Keeble moved to reappoint Glenn Andrew and Parker Harrison (currently serving as alternate member) to the regular board with terms to expire September 30, 2013; to appoint Joe Rogers as a regular board member (currently serving as alternate); and to appoint Linda Stilwell as alternate member with term to expire September 30, 2013. Mr. Allen seconded the motion and it passed 5-0.

7. ITEMS FOR FUTURE AGENDA

- Consider ways the city could promote an aggressive educational program to encourage water conservation by landscaping with drought tolerant, deer resistant native plants.

8. ANNOUNCEMENTS OF COMMUNITY INTEREST:

- Kerrville Triathlon: positive feedback received overall; a few traffic problems were noted; 822 participants and many volunteers attended; event coordinators were planning the 2012 event in Kerrville; by comparison, the first year the Triathlon was held in Austin there were 750 participants.
- River Trail/Economic Development: the biggest economic driver for Kerrville is tourism; the promotion of the river and a river trail would enhance tourism and be a tremendous economic benefit to the community.

9. EXECUTIVE SESSION:

Mr. Gross moved for the city council to go into executive closed session under Sections 551.071 (consultation with attorney), 551.074 (personnel matters), and 551.087 of the Texas Government Code; the motion was seconded by Mr. Conklin and passed 5-0 to discuss the following items:

Section 551.071:

- Claim against C&C Groundwater Services, Inc. regarding aquifer storage recovery well 3 (ASR3).

Section 551.074:

- Nomination of candidates to the Kerr Central Appraisal District Board of Directors.

Section 551.087:

- Discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the Council seeks to have locate, stay, or expand in the City and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to such business prospect.

At 7:46 p.m. the regular meeting recessed and council went into executive closed session at 7:53 p.m. At 8:48 p.m. the executive closed session recessed and council returned to open session at 8:49 p.m. Mayor Wampler announced that no action had been taken in executive session.

10. ACTION ON ITEM DISCUSSED IN EXECUTIVE SESSION: None.

11. ADJOURNMENT. The meeting adjourned at 8:49 p.m.

APPROVED: ____________

____
David Wampler, Mayor

ATTEST:

____
Brenda G. Craig, City Secretary

Agenda Item:
(Staff)

3B. A resolution authorizing the submission of documentation of eminent domain authority in Texas to the Texas Comptroller; such documentation will detail the city's legal authority to exercise eminent domain in compliance with Senate Bill 18. (staff)

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

SUBJECT: Senate Bill 18 Compliance – Documentation of Eminent Domain Authority in Texas and Submission to Texas Comptroller

FOR AGENDA OF: Oct. 25, 2011 MCH

DATE SUBMITTED: Oct. 19, 2011

SUBMITTED BY: Mike Hayes, City Attorney

CLEARANCES:

EXHIBITS: Resolution, Required Documentation of Eminent Domain Authority in Texas, Table with Texas Laws which Authorize the Use of Eminent Domain

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
$ 0	**$ 0**	**$ 0**	**N/A**

PAYMENT TO BE MADE TO: N/A
REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

Senate Bill 18, enacted by the Texas Legislature earlier this year, went into effect on September 1, 2011. This law requires that Texas cities, and all other public and private entities authorized to exercise the power of eminent domain (condemnation) in Texas, must submit a letter to the Texas Comptroller detailing their legal authority to exercise such power in order to maintain that power. The law provides that any entity that fails to submit a letter by Dec. 31, 2012, will see their eminent domain power expire on Sept. 1, 2013. Thus, the City must comply with the statute and submit the form or it will lose the authority to condemn property after the deadline. It is unclear if or how an entity may regain the power of eminent domain if it fails to comply with these requirements.

In response to the new law, the Texas Comptroller has drafted a form letter that entities may complete and submit to the Comptroller. The critical information required in the letter to the Comptroller includes references to the provisions of state law that grant each entity the power of eminent domain.

Attached are both a completed form letter that the City may send to the Comptroller and a spreadsheet that provides a non-exhaustive list of state law provisions that grant cities the power of eminent domain.

As you know, the City rarely condemns property. In fact, over the past 10 years, the City has utilized eminent domain to condemn only two properties, both of which were for utility easements. The 1st one required condemnation because the unoccupied property had an unknown and confusing ownership history. The 2nd property involved an easement along the edge of the property and the two owners of the property could not agree among themselves as to the easement or its value.

RECOMMENDED ACTION

Consideration and approval of a Resolution which will authorize the submission of the *Documentation of Eminent Domain Authority in Texas* to the Texas Comptroller pursuant to Senate Bill 18.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. ___-2011

A RESOLUTION AUTHORIZING THE SUBMISSION OF DOCUMENTATION OF EMINENT DOMAIN AUTHORITY IN TEXAS TO THE TEXAS COMPTROLLER; SUCH DOCUMENTATION WILL DETAIL THE CITY'S LEGAL AUTHORITY TO EXERCISE EMINENT DOMAIN IN COMPLIANCE WITH SENATE BILL 18

WHEREAS, Senate Bill 18 ("SB 18"), enacted by the Texas Legislature earlier this year, went into effect on September 1, 2011, and requires Texas cities to submit a letter to the Texas Comptroller detailing a city's legal authority to exercise eminent domain; and

WHEREAS, under SB 18, the City must submit such a letter to the Texas Comptroller by December 31, 2012, in order to maintain the authority to use eminent domain; otherwise, this law provides that any entity with eminent domain authority that fails to submit a letter by December 31, 2012, will see their condemnation power expire on September 1, 2013; and

WHEREAS, the Texas Comptroller has drafted a form letter that cities may complete and submit to the Comptroller which complies with SB 18; and

WHEREAS, the City Council finds it to be in the public interest to comply with SB 18 by submitting the required information to the Texas Comptroller;

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

The Mayor, in strict accordance with SB 18 and its mandated procedures and timelines, is authorized to complete and submit the *Required Documentation of Eminent Domain Authority in Texas* to the Texas Comptroller. Said completed form is attached as **Exhibit A.**

PASSED AND APPROVED ON this the ____ day of ______________ A.D., 2011.

____
David Wampler, Mayor

ATTEST:

____
Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

Michael C Hayes

Michael C. Hayes, City Attorney

Susan Combs Texas Comptroller of Public Accounts

Required Documentation of Eminent Domain Authority in Texas

What action must be taken: Per Senate Bill 18 enacted by the 82nd Legislature, all public and private entities authorized to exercise the power of eminent domain in Texas are **required to submit a letter to the Comptroller of Public Accounts detailing their legal authority to exercise this power. The letter must be sent by certified, return receipt mail not later than December 31, 2012.** (Per the bill, the authority of an entity to exercise the power of eminent domain expires on September 1, 2013, unless the letter has been submitted by the deadline.)

About this form: This form is designed to guide entities in submitting the required information on eminent domain authority. Once the fields have been completed, the form can be printed and mailed via certified, return receipt to the address provided to meet the requirements of the bill.

Entity Information

1. Full, legal name of entity: City of Kerrville
2. Alternate name of entity *(if any)*:
3. Primary address: Street or P.O. Box 800 Junction Highway
   City, State, Zip Code Kerrville, TX 78028
4. Primary phone number *(with area code)*: 830-257-8000
5. Entity contact: First name Todd Last name Parton
   Phone number *(with area code)*: 830-258-1500 E-mail address: todd.parton@kerrvilletx.com
6. Alternate contact: First name Brenda Last name Craig
   Phone number *(with area code)*: 830-258-1502 E-mail address: brenda.craig@kerrvilletx.gov

Eminent Domain Authority

7. Does your entity have eminent domain authority in Texas? ☑ Yes ☐ No
8. If "yes" to question 7, please identify all of the applicable provisions of state law that grant eminent domain authority to this entity. Please cite as Title of Code or Article, Section Number/Name (for example, Texas Government Code, Section 43.136 or Article 7849, Auxiliary Water Laws).

   Tex. Loc. Gov't Code § 251.001, Tex. Loc. Gov't Code § 214.136, Tex. Loc. Gov't Code § 273.001,
   Tex. Loc. Gov't Code § 331.001, Tex. Loc. Gov't Code § 331.003,Tex. Loc. Gov't Code § 374.015,
   Tex. Transp. Code § 224.002, Tex. Transp. Code § 311.032, Tex. Water Code § 11.033,
   Tex. Loc. Gov't Code § 280.001, Tex. Loc. Gov't Code § 392.056, Tex. Transp. Code § 22.011
   Tex. CONST. Art. XI, § 5, Tex. Gov't Code § 1506.060, Tex. Transp. Code § 311.092,
   Tex. Loc. Gov't Code § 552.002

9. Please indicate the first year in which this entity exercised eminent domain authority *(if known)*: March 10, 1998

DISCLAIMER: Chapter 2206, Subchapter C, Government Code (as added by Senate Bill 18, 82nd Regular Session) requires the Comptroller of Public Account to collect information and report to the Legislature all entities in the state of Texas that have the authority to exercise the power of eminent domain. Entities that provide information to the Comptroller represent and warrant that the information is accurate and complete to the best of their knowledge. **Entities that provide information acknowledge that it is their responsibility to submit a letter by certified mail, return receipt requested to the Comptroller's office, indicating that the Entity is authorized to exercise eminent domain authority and to identify each law that grants such authority.** The Entity further acknowledges that the Comptroller's office is not responsible to submit said letter, nor is it responsible for the Entity's failure to submit said letter as required by law, and that such failure may cause the entity's power of eminent domain to expire on September 1, 2013. The Entity also acknowledges that the Comptroller of Public Accounts is a state agency subject to Chapter 552 of the Texas Gov't Code (the "Texas Public Information Act") and court interpretations thereof, and that the information submitted to this office may be subject to disclosure to the public under Section 552.101, et seq., of the Code.

Under Ch. 559, Government Code, you are entitled to review, request, and correct information we have on file about you, with limited exceptions in accordance with Ch. 552, Government Code. To request information for review or to request error correction, contact us at the address on this form or sb18compliance@cpa.state.tx.us.

By signing, I agree that the information is true and correct.

Mail this form via certified mail to:

COMPTROLLER OF PUBLIC ACCOUNTS
P.O. Box 13942
Austin, Texas 78711

sign here

Signature

October 25, 2011
Date

David Wampler/Mayor
Print Name/Title

830-258-1500
Phone *(area code and number)*

For questions or additional information, please e-mail: sb18compliance@cpa.state.tx.us or go to: www.window.texas.gov/sb18compliance

EXHIBIT A

CITATION	TITLE	TEXT (NOT VERBATIM)
TEX. LOC. GOV'T CODE § 251.001	Right of Eminent Domain	(a) When a city considers it necessary, the city may exercise eminent domain for a public use to acquire public or private property, whether located inside or outside the municipality . . .
TEX. CONST. Art. XI, § 5	Adoption or amendment of home rule charter	Cities having more 5000 inhabitants may, by a majority vote of the qualified voters adopt or amend their charters. (Note: A home rule city's charter may contain additional provisions relating to eminent domain authority.)
TEX. LOC. GOV'T CODE § 43.136	Authority of Special-Law Municipality to Annex for Limited Purposes Along Navigable Stream	(c) a city may acquire land in the added area by purchase, condemnation, or gift. If condemnation is used, the city shall follow the condemnation procedure applying to the condemnation of land by the city for the purchase of streets.
TEX. LOC. GOV'T CODE § 214.136	Condemnation of Property	(a) Before or after expiration of the period for conformance set under Section 213.134(b)(2), a city, following the same procedure that it is authorized by law to use to institute condemnation proceedings, may: (1) remove a structure and condemn property in the area between a street and a building line; and
TEX. LOC. GOV'T CODE § 241.903	Acquisition of Air Rights or Other Property	(a) A political subdivision may acquire from a person or other political subdivision an air right, aviation easement, or other estate or interest in property or in a nonconforming structure or use if . . . (b) An acquisition under this section may be by purchase, grant, or condemnation in the manner provided by Subchapter B, Chapter 21, Property Code.
TEX. LOC. GOV'T CODE § 273.001	Acquisition of Property; Exercise of Police Power	(a) city may acquire property separately or jointly with another city or other governmental entity by gift, dedication, or purchase, with or without condemnation.
TEX. LOC. GOV'T CODE § 280.001	Land for Use of United States	(d) For the purpose of acquiring land under this section, a city or county may condemn land. The condemnation may be for any period of years or in fee simple title. Condemnation may be in the name of the city or county.
TEX. LOC. GOV'T CODE § 281.050	Acquisition of Land and Other Property	(a) An authority may acquire land, materials, easements, rights-of-way, or other property considered necessary, incidental, or helpful to the accomplishment of a purpose stated in Section 281.044... An authority may acquire the property by gift, grant, purchase, or condemnation.
TEX. LOC. GOV'T CODE § 281.051	Eminent Domain	(a) An authority may acquire land, easements, or other property within its boundaries by condemnation. The authority may condemn the fee simple title or an easement. The board shall institute condemnation proceedings in the name of the authority and shall direct the proceedings.
TEX. LOC. GOV'T CODE § 331.001	General Authority	(b) a city or county may by gift, devise, purchase, or eminent domain proceeding acquire . . .
TEX. LOC. GOV'T CODE § 331.003	Eminent Domain	A city or county may exercise eminent domain under Section 331.001(b) for the acquisition of a historic site, building, or structure only on a showing that it is necessary to prevent the destruction or deterioration of the site, building, or structure.

Citation	Title	Text (NOT VERBATIM)
Tex. Loc. Gov't Code § 374.015	General Municipal Powers Relating to Urban Renewal	(d) Except as provided by Section 374.016, a city may acquire by condemnation any interest in real property, including a fee simple interest that the city considers necessary for or in connection with an urban renewal project.
Tex. Loc. Gov't Code § 505.105	Eminent Domain	A Type B corporation may exercise the power of eminent domain only: (1) on approval of the action by the governing body of the authorizing municipality; and (2) in accordance with and subject to the laws applicable to the authorizing municipality.
Tex. Loc. Gov't Code § 552.002	Certain Public Services & Utility Systems in Home-Rule Municipality	(b) The city may use eminent domain authority to appropriate real property, rights-of-way, or other property as necessary to efficiently carry out those objects. The city may condemn the property of any person that conducts such a business or utility service for the purpose of operating and maintaining the public service or public utility and distributing the utility services in the city.
Tex. Loc. Gov't Code § 552.011	Use of Eminent Domain Power	A city that owns its water system may exercise the power of eminent domain to condemn private property located inside or outside the municipal limits to acquire rights-of-way for digging or excavating canals or for laying water mains or other pipelines to bring water into the municipality for public use.
Tex. Loc. Gov't Code § 552.012	Municipalities in or Contracting With a Water District	(c) The city, acting alone or with one or more other cities to which this section applies, may: (1) receive or acquire by gift, dedication, purchase, or condemnation any property in this state, located inside or outside the boundaries, to build or acquire . . .
Tex. Loc. Gov't Code § 552.013	Water System in Municipalities With Population of More Than 1,000	(b) The city may acquire any interest, including a fee simple interest, in publicly or privately owned property, including riparian rights, located anywhere in the state. The municipality may acquire the interest by purchase, gift, devise, or eminent domain. (c) To furnish an adequate and wholesome supply of water for the residents, the city may exercise eminent domain to acquire and condemn public or private property to extend, improve, or enlarge its water system, including water supply reservoirs, riparian rights, standpipes, and watersheds, to construct water supply reservoirs, wells or artesian wells, or dams, and to construct or establish necessary facilities or appurtenances.
Tex. Loc. Gov't Code § 552.102	Eminent Domain by Municipal Sewer Providers	(a) A corporation incorporated in this state for the purpose of owning, constructing, or maintaining a sewer system in a municipality may by eminent domain condemn private property to . . .
Tex. Loc. Gov't Code § 552.123	Authority of Board of Trustees	(b) The city may delegate to the board of trustees all or part of the municipality's authority to: (1) exercise the power of eminent domain with respect to property that will be used by, useful to, or required by the utility system . . .
Tex. Loc. Gov't Code § 571.004	Acquisition of Property; Eminent Domain	(a) The county or city may acquire property that is necessary for the establishment, construction, and maintenance of a seawall, breakwater, levee, floodway, or drainway. (b) The county or city may exercise the right of eminent domain to condemn an interest in real property for the purposes described by Subsection (a).
Tex. Loc. Gov't Code § 572.013	Use of Eminent Domain	(a) A participating public entity has the power of eminent domain to be exercised as provided by this section.

CITATION	TITLE	TEXT (NOT VERBATIM)
TEX. GOV'T CODE § 1505.114	Eminent Domain	(a) A municipality may exercise the power of eminent domain to acquire the fee simple title to, an easement in, or a right-of-way over or through any property . . .
TEX. GOV'T CODE § 1506.060	Eminent Domain	A city may exercise the power of eminent domain to acquire the fee simple title to property to provide a site for a facility authorized by Section 1506.052.
TEX. TRANSP. CODE § 22.011	General Powers Regarding Airports & Air Navigation Facilities	(c) A local government, by eminent domain or any other method, may acquire an interest in property, including an easement in an airport hazard or land outside the boundaries of an airport or airport site . . .
TEX. TRANSP. CODE § 224.002	Acquisition by County or Municipality Generally	(a) A county or city shall acquire, in the manner provided by law, the highway right-of-way that is requested by the department.
TEX. TRANSP. CODE § 311.032	Establishment of Freeway	(b) To establish a freeway by using a street that exists at the time of the establishment, the city must have the consent of the owners of lands abutting the freeway or must purchase or condemn the right of access to the abutting lands.
TEX. TRANSP. CODE § 311.092	Assessment for Opening, Extending, or Widening of Street or Alley in Home-Rule Municipality	(a) A home-rule city may: (1) acquire land necessary for opening, extending, or widening a public street or alley by the exercise of the right of eminent domain under Section 251.001, Local Government Code . . .
TEX. TRANSP. CODE § 314.011	Acquisition of Property for Highway Improvements by Municipality	(a) The city may purchase or condemn property to lay out, construct, improve, or extend any highway within its boundaries.
TEX. TRANSP. CODE § 317.007	Eminent Domain	(a) A city may exercise the power of eminent domain to acquire the fee simple title to, an easement in, or a right-of-way over or through any property, including water or land under water, that the city determines necessary . . .
TEX. WATER CODE § 11.033	Eminent Domain	All political subdivisions of the state and constitutional governmental agencies exercising delegated legislative powers have the power of eminent domain to be exercised as provided by law for domestic, municipal, and manufacturing uses and for other purposes authorized by this code . . .

Agenda Item:
(Staff)

3C. Submission of a grant application to the Cailloux Foundation for street equipment. (staff)

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

SUBJECT: Authorize the Public Works department to submit a grant application for street equipment

FOR AGENDA OF: 10/25/11 **DATE SUBMITTED**: 10/20/11

SUBMITTED BY: Charlie Hastings CH Public Works Director **CLEARANCES:** Todd Parton City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
$	$	$	

PAYMENT TO BE MADE TO:
REVIEWED BY THE FINANCE DIRECTOR: AD

SUMMARY STATEMENT

The Kerrville Street Division of Public Works is responsible for maintaining nearly 150 miles of asphalt street pavement within the corporate city limits. Management of the pavement system includes scoring the streets on a scale of 0 to 100 points based on pavement condition. The current average score for all Kerrville maintained pavement is 79, with a minimum of no less than 75 and a goal of improving and maintaining that score to 85 over the course of approximately fifteen years or less.

To reach the goal of 85, Kerrville needs to allocate additional funds and resources to the pavement management system on a yearly basis. Currently, Kerrville budgets $60,000 per year towards rental of various paving equipment. One half, or $30,000, of that budget is for an asphalt laydown machine. Asphalt laydown machines are specialized and expensive; as a result the few machines that are available for rental are at the end of their effective life and often produce inferior riding surfaces (example Jackson Road from Harper Highway to Methodist Encampment Road constructed in the summer of 2011).

The Kerrville Street Division of Public Works has an opportunity to apply for a grant from the Cailloux Foundation in the amount of $270,000 that would be combined with $30,000 of Kerrville's rental budget to purchase a new asphalt laydown machine. The machine is expected to have an effective life of ten years or more, and the yearly rental savings of $30,000 would be applied towards material purchase of asphalt for each year following purchase of the machine (an equivalent of 0.3 miles of asphalt street construction per year).

RECOMMENDED ACTION

The Director of Public Works recommends that council authorize staff to submit an application for a grant to purchase street equipment from the Cailloux Foundation .

Agenda Item:
(Staff)

4A. An ordinance abandoning, vacating, and closing two public right-of-ways consisting of Rodriguez Street as it extends between Water Street and Main Street (State Highway 27) and the alley which intersects with Rodriguez Street and extends between Francisco Lemos Street and Hays Street; said right-of-ways comprise 0.719 acre, more or less, and are out of Blocks 46 and 47 Schreiner's Addition, within the City of Kerrville, Kerr County, Texas; making a finding that neither the street nor the alley is required for present or future public use; providing for the terms and conditions of abandonment, vacation, and closure; and authorizing the city manager to take all necessary actions to effectuate the abandonment, vacation, and closure. (staff)

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

SUBJECT: Approve on First Reading an Ordinance Abandoning Right of Way in the 200 Block of Rodriquez Street and Two Alleys between Rodriquez Street and Hays Street and Rodriquez Street and Lemos Street

FOR AGENDA OF: October 25, 2011 **DATE SUBMITTED**: October 12, 2011

SUBMITTED BY: Kevin Coleman KC **CLEARANCES:** Kristine Ondrias KO

EXHIBITS: Survey and Description of Area to be Abandoned
Proposed Ordinance

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: TP

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
$	$	$	

PAYMENT TO BE MADE TO:
REVIEWED BY THE DIRECTOR OF FINANCE:

At its June 26, 2011 meeting, the Council granted preliminary approval of this proposed abandonment based upon Council review of a conceptual redevelopment plan for 413 Water Street (Crenwelge Motors) and an appraisal of the value of the right of way.

At that meeting, the Council outlined the following steps to be completed prior to its consideration of the ordinance formally abandoning the right of way:

- Title verification of street ownership.
- Final confirmation of survey and descriptions.
- Final conceptual development plan submitted by owner and reviewed through the DRC process.
- Preliminary plat submitted by owner, reviewed and approved per ordinance.
- Development Site Plan submitted by owner, reviewed and approved per ordinance.
- All required civil construction plans or variances must be submitted and approved for construction.

Each of these steps has been completed. The ordinance is presented for Council consideration.

RECOMMENDED ACTION

Approve the ordinance on first reading.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2011-____

AN ORDINANCE ABANDONING, VACATING, AND CLOSING TWO PUBLIC RIGHT-OF-WAYS CONSISTING OF RODRIGUEZ STREET AS IT EXTENDS BETWEEN WATER STREET AND MAIN STREET (STATE HIGHWAY 27) AND THE ALLEY WHICH INTERSECTS RODRIGUEZ STREET AND EXTENDS BETWEEN FRANCISCO LEMOS STREET AND HAYS STREET; SAID RIGHT-OF-WAYS COMPRISE 0.719 ACRE, MORE OR LESS, AND ARE OUT OF BLOCKS 46 AND 47, SCHRIENER'S ADDITION, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; MAKING A FINDING THAT NEITHER THE STREET NOR THE ALLEY IS REQUIRED FOR PRESENT OR FUTURE PUBLIC USE; PROVIDNG FOR THE TERMS AND CONDITIONS OF ABANDONMENT, VACATION, AND CLOSURE; AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE THE ABANDONMENT, VACATION, AND CLOSURE

WHEREAS, MJTJ Investments, L.P., operating as the Crenwelge Automotive Group ("MJTJ") and located at 413 Water Street, is currently undergoing redevelopment of its automobile dealership and repair facilities; and

WHEREAS, based upon this redevelopment, MJTJ has requested that the City abandon, vacate, and close a portion of Rodriguez Street as this street extends between Water Street and Main Street (State Highway 27) and the alley that intersects with Rodriguez Street and crosses a significant portion of MJTJ's property, specifically that segment of the alley that extends between Francisco Lemos Street and Hays Street; and

WHEREAS, a portion of the alley abuts the properties of three other owners (see Tracts 1, 3, 4, and Tract 5 on **Exhibit A**) and MJTJ has received a written consent from each property owner for the City to abandon, vacate, and close the alley and has reached a written agreement with each owner to convey their property interests to MJTJ; and

WHEREAS, City staff has considered the public's present and future use of both Rodriguez Street and the alley and does not believe that the street or alley is required for such use; and

WHEREAS, based upon its analysis, City staff recommends abandoning, vacating, and closing Rodriguez Street and the alley as each are described herein; and

WHEREAS, prior to any action by the City, MJTJ will be required to dedicate appropriate utility easements within the same areas as the street and the alley; and

WHEREAS, the City Council previously required MJTJ to submit an appraisal as to the fair market value of the City's interest in both Rodriguez Street and the alley and the Council determined that the resulting appraised amount of $100,000.00 represents fair market value; and

WHEREAS, upon receipt of the appraised value, approval of a final plat, and the resulting conveyance of required easements to the City, the City Council authorizes the City Manager to effectuate the formal abandonment, vacation, and closure of Rodriguez Street and the alley;

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

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

SECTION TWO. Rodriguez Street, designated by Tract 2 on **Exhibit A**, and the alley, designated by Tracts 1, 3, 4, and 5 on **Exhibit A** and which intersects Rodriquez Street, both of which are located within Kerrville, Kerr County, Texas, are hereby abandoned, vacated, and closed insofar as the right, title, and easement of the public is concerned; subject, however, to the conditions, requirements, and restrictions provided herein and which street and alley are more fully described and depicted in the attached **Exhibit A**, which is incorporated herein for all purposes.

SECTION THREE. The abandonment, vacation, and closure authorized herein is made and accepted subject to all zoning and deed restrictions, if the latter exist, and all easements, whether apparent or non-apparent, aerial, or underground. In addition, the approval of this Ordinance does not waive any part of the City's development process or approvals required by the City for development and construction activities, which includes the conveyance of easements to the City, such as easements for utilities, fire lanes, and access.

SECTION FOUR. The abandonment, vacation, and closure authorized herein shall extend only to the public right, title, easement, and interest for the street and alley and shall be construed to extend only to that interest which the City Council for the City of Kerrville, Texas, may legally and lawfully abandon, vacation, and close.

SECTION FIVE. The City Manager, upon completion of all conditions and requirements set forth in this Ordinance, to include the City's approval of a final plat, the resulting conveyance of easements to the City as described above, and any other permits or approvals required by the City for development and construction activities, is hereby authorized and directed to execute and deliver a Certificate of Compliance to MJTJ, with a copy to the three other abutting owners. In addition, and following the issuance of the Certificate of Compliance as described above, the City Manager is hereby authorized and directed to convey by Quit Claim or Deed Without Warranty all of the interests that the City has to the right-of-ways interests described in Section Two, above.

SECTION SIX. MJTJ shall pay all costs associated with procedures necessitated by the request to abandon, vacate, and close this street and alley, plus the payment of $100,000.00 to the City as compensation for the fair market value of the street and alley to be abandoned, vacated, and closed.

SECTION SEVEN. The abandonment, vacation, and closure shall be effective upon MJTJ satisfying all conditions and requirements set forth in this Ordinance as evidence by the Certificate of Completion executed by the City Manager.

SECTION EIGHT. The payment for fair market value of the street and alley that the City receives pursuant to Section Six above shall be transferred into the appropriate budget line item and shall be utilized solely for street maintenance purposes.

PASSED AND APPROVED ON FIRST READING, this the ___ day of ______________, A.D., 2011.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _________________, A.D., 2011.

____
David Wampler, Mayor

ATTEST:

____
Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

____
Michael C. Hayes, City Attorney

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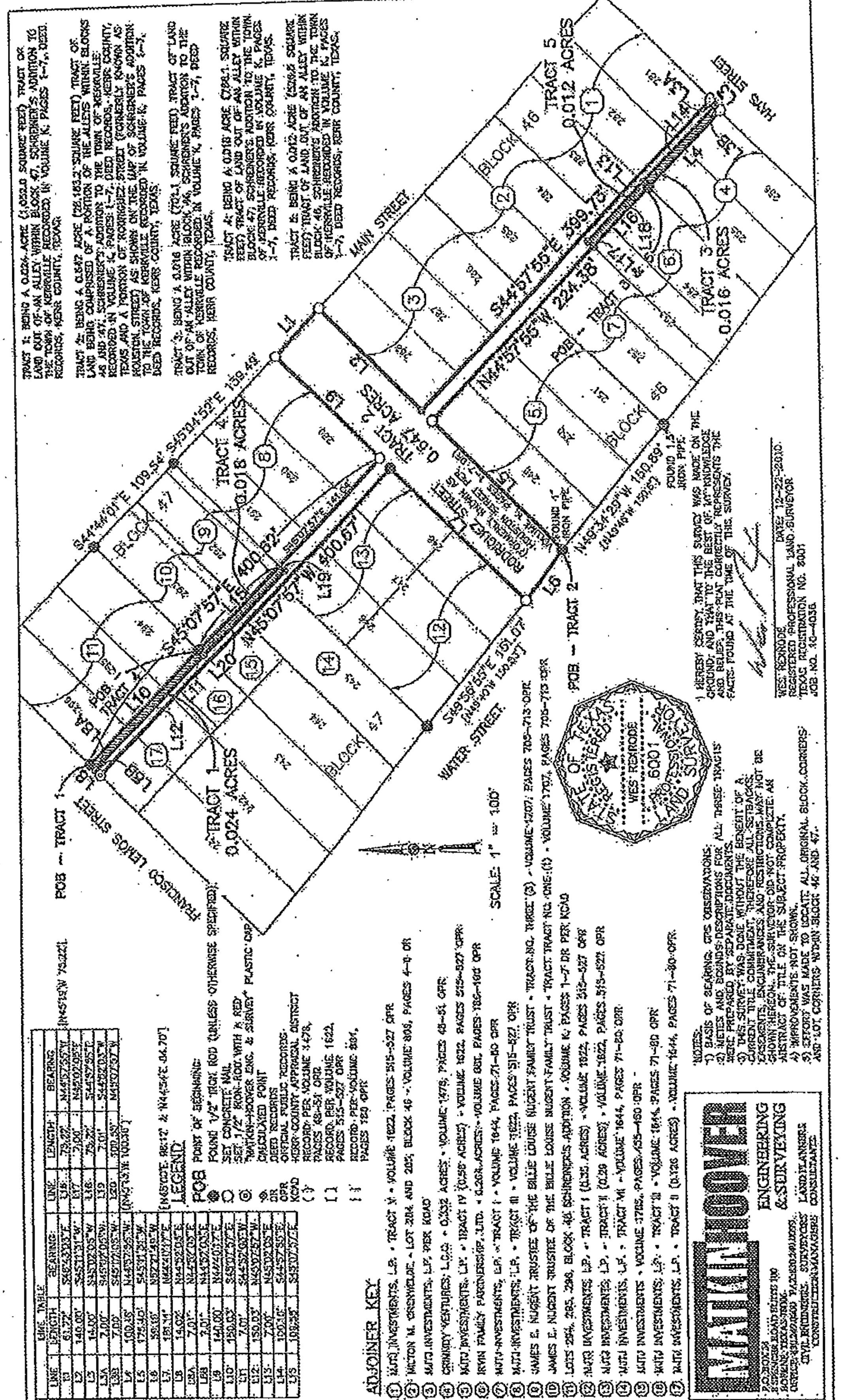

EXHIBIT "A"
PAGE 1 OF 7

EXHIBIT A

MATKIN-HOOVER

ENGINEERING & SURVEYING

8 Spencer Road, Suite 300, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

**FIELD NOTES FOR A 0.024 ACRE TRACT OF LAND
1,052.0 SQUARE FEET**

BEING A 0.024 ACRE (1,052.0 SQUARE FEET) TRACT OF LAND OUT OF AN ALLEY WITHIN BLOCK 47, SCHREINER'S ADDITION TO THE TOWN OF KERRVILLE RECORDED IN VOLUME K, PAGES 1-7, DEED RECORDS, KERR COUNTY, TEXAS, SAID 0.024 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

Beginning at a ½" iron rod found in the southeast right-of-way line Francisco Lemos Street, for the north corner of the herein described tract, said point also being the west corner of Lot 296, Block 47 of the above referenced Schreiner's Addition;

Thence, with the southeast lines of Lots 296, 295 and 294, Block 47 and the northeast line of an alley, **South 45 degrees 07 minutes 57 seconds East**, a distance of **150.03** feet to a ½" iron rod found at the south corner of Lot 294 and the west corner of Lot 293, said point also being the east corner of the herein described tract;

Thence, severing an alley within Block 47, the following two (2) courses and distances:

South 44 degrees 52 minutes 03 seconds West, a distance of **7.01** feet to a calculated point for the south corner of the herein described tract;

and **North 45 degrees 07 minutes 57 seconds West**, a distance of **150.03** feet to a calculated point in the southeast right-of-way line of Francisco Lemos Street for the west corner of the herein described tract;

Thence, with the southeast right-of-way line of Francisco Lemos Street, **North 44 degrees 52 minutes 03 seconds East**, a distance of **7.01** feet to the **Point of Beginning**, containing **0.024** acres.

Note: This description is based on an on the ground survey performed in November of 2010. The bearings are based on GPS observations. A survey drawing of the above described tract was prepared.

STATE OF TEXAS
REGISTERED
WES REXRODE
6001
PROFESSIONAL
LAND SURVEYOR

Wes Rexrode Date: December 22, 2010
Registered Professional Land Surveyor No. 6001
Job Number: 10-4036 Tract 1

MATKIN-HOOVER

ENGINEERING & SURVEYING

8 Spencer Road, Suite 300, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

FIELD NOTES FOR A 0.647 ACRE TRACT OF LAND
28,163.2 SQUARE FEET

BEING A 0.647 ACRE (28,163.2 SQUARE FEET) TRACT OF LAND BEING COMPRISED OF A PORTION OF THE ALLEYS WITHIN BLOCKS 46 AND 47, SCHREINER'S ADDITION TO THE TOWN OF KERRVILLE RECORDED IN VOLUME K, PAGES 1-7, DEED RECORDS, KERR COUNTY, TEXAS AND A PORTION OF RODRIGUEZ STREET (FORMERLY KNOWN AS HOUSTON STREET) AS SHOWN ON THE MAP OF SCHREINER'S ADDITION TO THE TOWN OF KERRVILLE RECORDED IN VOLUME K, PAGES 1-7, DEED RECORDS, KERR COUNTY, TEXAS, SAID 0.647 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1" iron pipe found in the northeast right-of-way line of Water Street, said point also being the west corner of Lot 249, Block 46 of the above referenced Schreiner's Addition, said point bears North 49 degrees 34 minutes 29 seconds West, a distance of 150.89 feet from a 1 ½" iron pipe found at the south corner of Lot 251 and the west corner of 252, Block 46;

Thence, crossing Rodriguez Street (formerly known as Houston Street per Volume K, Pages 1-7, Deed Records, Kerr County,Texas) with the northeast right-of-way line of Water Street, **North 52 degrees 21 minutes 49 seconds West**, a distance of **59.15** feet to a concrete nail set at the south corner of Lot 248, Block 47, said point bears South 49 degrees 56 minutes 55 seconds East, a distance of 151.07 feet from a ½" iron rod found at the south corner of Lot 245 and the west corner of Lot 246, Block 47;

Thence, with the northwest right-of-way line of Rodriguez Street and the southeast line of Lot 248, Block 47, **North 44 degrees 40 minutes 17 seconds East**, a distance of **181.11** feet to a ½" iron rod found at the east corner of Lot 248, Block 47 for an interior corner of the herein described tract;

Thence, with the southwest line of an alley within Block 47 and the northeast lines of Lots 248, 247, 246, 245, 244, 243, 242 and 241, Block 47, **North 45 degrees 07 minutes 57 seconds West**, a distance of **400.67** feet to a ½" iron rod set with a red "Matkin-Hoover Eng. & Survey" plastic cap in the southeast right-of-way line of Francisco Lemos Street, said point also being the north corner of Lot 241, Block 47;

Thence, with the southeast right-of-way line of Francisco Lemos Street, **North 44 degrees 52 minutes 03 seconds East**, a distance of **7.01** feet to a calculated point for corner;

Thence, severing an alley within Block 47, the following three (3) courses and distances:

South 45 degrees 07 minutes 57 seconds West, a distance of **150.03** feet to a calculated point;

South 45 degrees 07 minutes 57 seconds West, a distance of **109.55** feet to a calculated point for an interior corner of the herein described tract;

and **North 44 degrees 52 minutes 03 seconds East**, a distance of **7.01** feet to a calculated point in the southwest line of Lot 291, Block 47, said point also being the south corner of Tract No. Three (3) recorded in Volume 1707, Pages 705-713, Official Public Records, Kerr County, Texas and the west corner of Tract III recorded in Volume 1622, Pages 515-527, Official Public Records, Kerr County, Texas;

Thence, with the southwest lines of Lots 291, 290 and 289, Block 47 and the northeast line of an alley within Block 47, South 45 degrees 07 minutes 57 seconds East, a distance of 141.04 feet to a concrete nail set in the northwest right-of-way line of Rodriguez Street and being at the south corner of Lot 289, Block 47, said point also being an interior corner of the herein described tract;

Thence, with the northwest right-of-way line of Rodriguez Street and the southeast line of Lot 289, Block 47, North 44 degrees 40 minutes 17 seconds East, a distance of 140.00 feet to a concrete nail set in the southwest right-of-way line of Main Street and being at the east corner of Lot 289, Block 47;

Thence, crossing Rodriguez Street, with the southwest right-of-way line of Main Street, South 46 degrees 43 minutes 03 seconds East, a distance of 61.72 feet to a concrete nail set at the north corner of Lot 288, Block 46;

Thence, with the southeast right-of-way line of Rodriguez Street and the northwest line of Lot 288, Block 46, South 45 degrees 11 minutes 31 seconds West, a distance of 140.00 feet to a calculated point at the west corner of Lot 288, Block 46 for an interior corner of the herein described tract;

Thence, with the southwest lines of Lots 288, 287, 286, 285, 284, 283, 282 and 281, Block 46 and the northeast line of an alley within Block 46, South 44 degrees 57 minutes 55 seconds East, a distance of 399.73 feet to a concrete nail set in the northwest right-of-way line of Hays Street and being at the south corner of Lot 281, Block 46;

Thence, with northwest right-of-way line of Hays Street, South 45 degrees 02 minutes 05 seconds West, a distance of 7.00 feet to a calculated point for corner;

Thence, severing an alley within Block 46, the following three (3) courses and distances:

North 44 degrees 57 minutes 55 seconds West, a distance of 100.16 feet to a calculated point;

North 44 degrees 57 minutes 55 seconds West, a distance of 75.22 feet to a calculated point for an interior corner of the herein described tract;

and South 45 degrees 02 minutes 05 seconds West, distance of 7.00 feet to a calculated point in the northeast line of Lot 253, Block 46, said point also being the north corner of that certain 0.264 acre tract recorded in Volume 881, Pages 186-190, Official Public Records, Kerr County, Texas and the east corner of Tract I recorded in Volume 1644, Pages 71-80, Official Public Records, Kerr County, Texas;

Thence, with the northeast lines of Lots 253, 252, 251, 250 and 249, Block 46 and the southwest line of an alley within Block 46, North 44 degrees 57 minutes 55 seconds West, a distance of 224.38 feet to a concrete nail set in the southeast right-of-way line of Rodriguez Street and being at the north corner of Lot 249, Block 46, said point also being an interior corner of the herein described tract;

Thence, with the southeast right-of-way line of Rodriguez Street and the northwest line of Lot 249, Block 46, South 45 degrees 11 minutes 31 seconds West, a distance of 175.40 feet to the Point of Beginning, containing 0.647 acres.

Note: This description is based on an on the ground survey performed in November of 2010. The bearings are based on GPS observations. A survey drawing of the above described tract was prepared.

STATE OF TEXAS
REGISTERED
WES REXRODE
6001
PROFESSIONAL
LAND SURVEYOR

Wes Rexrode Date: December 22, 2010
Registered Professional Land Surveyor No.6001
Job Number: 10-4036 Tract 2

EXHIBIT "A"
PAGE 4 OF 7

MATKIN-HOOVER
ENGINEERING & SURVEYING
8 Spencer Road, Suite 300, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

FIELD NOTES FOR A 0.016 ACRE TRACT OF LAND
701.1 SQUARE FEET

BEING A 0.016 ACRE (701.1 SQUARE FEET) TRACT OF LAND OUT OF AN ALLEY WITHIN BLOCK 46, SCHREINER'S ADDITION TO THE TOWN OF KERRVILLE RECORDED IN VOLUME K, PAGES 1-7, DEED RECORDS, KERR COUNTY, TEXAS; SAID 0.016 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

Beginning at a ½" iron rod found at the north corner of Lot 255, Block 46 and the east corner of Lot 254, Block 46 of the above referenced Schreiner's Addition, said point also being the west corner of the herein described tract and is in the southwest line of an alley within Block 46;

Thence, severing an alley within Block 46, the following two (2) courses and distances:

North 45 degrees 02 minutes 05 seconds East, a distance of 7.00 feet to a calculated point for the north corner of the herein described tract;

and South 44 degrees 57 minutes 55 seconds East, a distance of 100.16 feet to a calculated point in the northwest right-of-way line of Hays Street for the east corner of the herein described tract;

Thence, with the northwest right-of-way line of Hays Street, South 45 degrees 02 minutes 05 seconds West, a distance of 7.00 feet to a ½" iron rod set with a red "Matkin-Hoover Eng. & Survey" plastic cap at the east corner of Lot 256, for the south corner of the herein described tract;

Thence, with the northeast lines of Lots 256 and 255 and the southwest line of an alley within Block 46, North 44 degrees 57 minutes 55 seconds West, a distance of 100.16 feet to the **Point of Beginning**, containing **0.016 acres.**

Note: This description is based on an on the ground survey performed in November of 2010. The bearings are based on GPS observations. A survey drawing of the above described tract was prepared.

Wes Rexrode Date: December 22, 2010
Registered Professional Land Surveyor No. 6001
Job Number: 10-4036 Tract 3

MATKIN-HOOVER
ENGINEERING & SURVEYING
8 Spencer Road, Suite 300, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

FIELD NOTES FOR A 0.018 ACRE TRACT OF LAND
768.1 SQUARE FEET

BEING A 0.018 ACRE (768.1 SQUARE FEET) TRACT OF LAND OUT OF AN ALLEY WITHIN BLOCK 47, SCHREINER'S ADDITION TO THE TOWN OF KERRVILLE RECORDED IN VOLUME K, PAGES 1-7, DEED RECORDS, KERR COUNTY, TEXAS, SAID 0.018 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a ½" iron rod found at the south corner of Lot 294, Block 47 and the west corner of Lot 293, Block 47, said point also being the north corner of the herein described tract;

Thence, with the northeast line of an alley within Block 47 and the southwest lines of Lots 293, 292 and 291, Block 47, **South 45 degrees 07 minutes 57 seconds East**, a distance of **109.55** feet to a calculated point for the east corner of the herein described tract, said point also being the south corner of Tract No. Three (3) recorded in Volume 1707, Pages 705-713, Official Public Records, Kerr County, Texas and the west corner of Tract III recorded in Volume 1622, Pages 515-527, Official Public Records, Kerr County, Texas;

Thence, severing an alley within Block 47, the following three (3) courses and distances:

South 44 degrees 52 minutes 03 seconds West, a distance of **7.01** feet to a calculated point for the south corner of the herein described tract;

North 45 degrees 07 minutes 57 seconds West, a distance of **109.55** feet to a calculated point for the west corner of the herein described tract;

and **North 44 degrees 52 minutes 03 seconds East**, a distance of **7.01** feet to the **Point of Beginning** containing 0.018 acres.

Note: This description is based on an on the ground survey performed in November of 2010. The bearings are based on GPS observations. A survey drawing of the above described tract was prepared.

STATE OF TEXAS
REGISTERED
WES REXRODE
6001
PROFESSIONAL
LAND SURVEYOR

Wes Rexrode Date: December 22, 2010
Registered Professional Land Surveyor No.6001
Job Number: 10-4036 Tract 4

MATKIN-HOOVER
ENGINEERING & SURVEYING
8 Spencer Road, Suite 300, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

FIELD NOTES FOR A 0.012 ACRE TRACT OF LAND
526.5 SQUARE FEET

BEING A 0.012 ACRE (526.5 SQUARE FEET) TRACT OF LAND OUT OF AN ALLEY WITHIN BLOCK 46, SCHREINER'S ADDITION TO THE TOWN OF KERRVILLE RECORDED IN VOLUME K, PAGES 1-7, DEED RECORDS, KERR COUNTY, TEXAS, SAID 0.012 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

Beginning at a ½" iron rod found at the north corner of Lot 255, Block 46 and the east corner of Lot 254, Block 46 of the above referenced Schreiner's Addition, said point also being the south corner of the herein described tract and is in the southwest line of an alley within Block 46;

Thence, with the southwest line of an alley within Block 46 and the northeast lines of Lots 254 and 253, Block 46, North 44 degrees 57 minutes 55 seconds West, a distance of 75.22 feet to a calculated point for the west corner of the herein described tract, said point also being the north corner of that certain 0.264 acre tract recorded in Volume 881, Pages 186-190, Official Public Records, Kerr County, Texas and the east corner of Tract I recorded in Volume 1644, Pages 71-80, Official Public Records, Kerr County, Texas;

Thence, severing an alley within Block 46, the following three (3) courses and distances:

North 45 degrees 02 minutes 05 seconds East, a distance of 7.00 feet to a calculated point for the north corner of the herein described tract;

South 44 degrees 57 minutes 55 seconds East, a distance of 75.22 feet to a calculated point for the east corner of the herein described tract;

and South 45 degrees 02 minutes 05 seconds East, a distance of 7.00 feet to the Point of Beginning containing 0.012 acres.

Note: This description is based on an on the ground survey performed in November of 2010. The bearings are based on GPS observations. A survey drawing of the above described tract was prepared.

STATE OF TEXAS
REGISTERED
WES REXRODE
6001
PROFESSIONAL
LAND SURVEYOR

Wes Rexrode Date: December 22, 2010
Registered Professional Land Surveyor No.6001
Job Number: 10-4036 Tract 5

Agenda Item:
(Staff)

5A. Discussion of the INTERLOCAL AGREEMENT FOR THE CONTINUED EXISTENCE OF A JOINT AIRPORT BOARD TO PROVIDE MANAGEMENT OF KERRVILLE/KERR COUNTY AIRPORT and the airport budget. (Councilmember Conklin)

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

SUBJECT: Discussion of the INTERLOCAL AGREEMENT FOR THE CONTINUED EXISTENCE OF A JOINT AIRPORT BOARD TO PROVIDE MANAGEMENT OF KERRVILLE/KERR COUNTY AIRPORT and the airport budget

FOR AGENDA OF: October 25, 2011 **DATE SUBMITTED**: October 20, 2011

SUBMITTED BY: Carson Conklin **CLEARANCES:**
Councilmember Place One

EXHIBITS: Interlocal Agreement

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
$	$	$	

PAYMENT TO BE MADE TO:
REVIEWED BY THE DIRECTOR OF FINANCE:

SUMMARY STATEMENT

Discussion regarding the INTERLOCAL AGREEMENT FOR THE CONTINUED EXISTENCE OF A JOINT AIRPORT BOARD TO PROVIDE MANAGEMENT OF KERRVILLE/KERR COUNTY AIRPORT and the airport budget.

RECOMMENDED ACTION

INTERLOCAL AGREEMENT FOR THE CONTINUED EXISTENCE OF A JOINT AIRPORT BOARD TO PROVIDE MANAGEMENT OF KERRVILLE/KERR COUNTY AIRPORT

This Joint Action Agreement ("Agreement"), pursuant to Chapter 22 of the Texas Transportation Code, is entered into between Kerr County, Texas ("County") and the City of Kerrville, Texas ("City"), also referred to individually as "Party", or collectively as "Parties", on the 29th day of September, 2011.

WHEREAS, County and City jointly own the real property upon which is located the Kerrville/Kerr County Airport, sometimes referred to as Louis Schreiner Field ("Airport"); and,

WHEREAS, County and City have previously, by their actions, jointly managed said Airport under Tex. Rev. Civ. Stat. Ann. Art. 46d, Municipal Airport Act, the statutory predecessor to Chapter 22 of the Texas Transportation Code ("Code"); and

WHEREAS, County and City find that it is in the best interests of the citizens of County and City for the Airport to continue to be managed by a Joint Airport Board pursuant to the Code; and

WHEREAS, County and City are desirous of the continuous operation of the Airport in an effective manner; and

WHEREAS, County and City now reconstitute and reorganize the Joint Airport Board to reflect the terms of this Agreement;

NOW, THEREFORE, in consideration of these promises, covenants, and agreements, the Parties agree as follows:

1. **Duration of Agreement**: This Agreement shall be effective as of October 1, 2011, and remain in effect through September 30, 2012. However, prior to termination, this Agreement shall automatically renew for an additional one-year term, limited to four such one-year renewals, unless terminated as provided for below.

2. **Proportionate Interest in Airport Property**: Each Party owns an equal, undivided interest in the real property and assets located within the bounds of the Airport, more particularly described in **Exhibit A**, and as that property description may be expanded or developed, and in the buildings, improvements, and other fixtures located on the property. Title to all Airport property shall remain jointly vested in the County and City.

3. **Joint Airport Board**: The Parties affirm the creation and continued existence of the Joint Airport Board ("Board"). The Board shall consist and operate as follows:

(a) Membership. The Board shall be comprised of five members. The approval by each Party is required to constitute an appointment to the Board. The current Board

Approved by City Council
Date: Sept. 27, 2011
Volume____ Page____

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members as of September 30, 2011, are hereby reappointed by the Parties to serve the remainder of their Term of Office left as of September 30, 2011.

(b) Term of Office. Each Board member shall be appointed for a two year term and shall continue to serve in this capacity until their successor is appointed and is duly qualified. Upon the death of any member or should any member resign or for any reason become unable to serve, a replacement shall be appointed in the same manner as provided below to fill the vacancy for the unexpired term.

(c) Oath and Bond. Following appointment, each Board member shall qualify for office by taking the required oath of office before the County Judge.

(d) Appointment. The process for appointment by action of each Party shall be as designated below:

1) The Board shall recommend persons to the County and City for consideration of appointment. The Board shall submit the names of such persons to each Party at least 60 days prior to the end of the particular place's term. In the event that a candidate recommended by the Board is not appointed by either Party, the Board shall recommend an alternative candidate. In the event that this second candidate is not appointed by either Party, the Board shall select another candidate who will be automatically appointed to the Board without the approval of the Parties.

2) It is deemed desirable that all Board members possess and will contribute a balance of expertise in business, financial, aviation, or management training and experience. Appointments shall be made on or before June 1 of each year.

3) Replacement of members shall be in the same manner and under the same qualification as described above with such replacement being appointed to fulfill only that portion of the remaining term.

4) Any Board member may be removed by a majority vote of each Party, for any reason. In addition, the Board may recommend to the County and City that a Board member be removed.

5) Board members shall be eligible for reappointment, but Board members are prohibited from serving more than 3 consecutive, 2-year terms. Only reappointments made after October 1, 2011, shall count towards this limitation.

(e) Officers: The Board shall appoint a President and Vice President who shall be selected from the Board's membership. If the Board appoints a Treasurer, the Treasurer shall execute a bond in an amount determined by the Board, with a corporate surety authorized to do business in the State of Texas and conditioned upon the faithful performance of the treasurer's duties. In addition, the Board shall appoint a secretary who shall record the minutes of the Board meetings. The term for each position shall be for two years.

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(f) Compensation: Service on the Board is without compensation. However, each Board member is entitled to reimbursement for necessary expenses incurred in the performance of his/her duties as a Board member, subject to the Board Budget and a written Board policy regarding the reimbursement of expenses, which has been approved by each Party.

(g) Authority, Powers and Duties: The Board shall have the following authority, powers and duties:

1) The Board may exercise on behalf of the Parties any power possessed by either Party and those specifically provided by the Code, including the power to lease property and facilities, and to buy and sell goods as an incident to the operation of the Airport. However, the Board is not authorized to impose a property tax, sell bonds, or otherwise enter into other debt instruments, dispose of Airport property, or exercise the power of eminent domain without the prior written consent of each Party.

2) The Board, following the prior written consent of each Party, has the authority to apply for and to execute grant funding agreements.

3) The Board may improve, equip, maintain, operate, manage, regulate, protect, and police the Airport.

4) The Board may realign, alter, acquire, abandon, or close a portion of a roadway or alleyway without a showing of paramount importance if the portions to be realigned, altered, abandoned, or closed are in the geographical boundaries of the Airport at the time of or after the realignment, alteration, acquisition, abandonment, or closing.

5) The Board shall have the responsibility and be in charge of the property, improvements, and other assets of the Airport and shall be in charge of the disbursement of Airport funds for Airport purposes, and pursuant to the approved Board Budget. The Board shall also cause records to be kept of any and all revenues and disbursements.

6) The Board shall maintain a fund for the purpose of depositing all revenues of the Airport, including each Party's share of the operating costs. This fund shall be kept and managed by the Board and shall be established at a bank with a branch in Kerr County. Federal, state, or other contributions or loans and the revenue obtained from the operation of the Airport shall be deposited to the credit of the joint fund.

7) The Board shall have an audit of the financial affairs of the Board and its operation of the Airport conducted each year by an independent accountant and shall furnish the audit to each Party no later than February 28 of each year.

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8) The Board shall ensure that all records regarding the operation of the Airport are maintained, retained, and made available for public review in accordance with the Texas Public Information Act. All records shall be maintained at the Airport.

9) The Board shall hire and employ an Airport Manager ("Manager") and such other employees as are necessary for the operation of the Airport. The Board shall develop a written job description for the Manager and shall include written performance criteria, goals, and benchmarks that the Manager is required to meet each year. The Board shall include such documents as part of the Board Budget which is subject to yearly approval by each Party.

10) The Board, through its Manager and any other employees, shall be responsible for the day-to-day management of the Airport. Toward that end, the Board is authorized to enter into service contracts with other public or private entities, but where such a contract exceeds $25,000.00; both Parties must approve the contract.

11) The Board may adopt resolutions, rules, and orders for the operation of the Airport.

12) The Board may lease Airport property and may adopt fees and rental rates with respect to the use of Airport services or use of Airport property. Such fees and rates shall be included within the Board Budget, which may be amended by the approval of both Parties.

13) The Parties acknowledge that the Airport property is within the City's limits and is subject to the City's regulations and that land adjacent to the Airport but outside the City limits is subject to the adoption, administration, and enforcement by either a County or Joint Airport Zoning Board of airport hazard area and compatible land use zoning. However, the Board shall monitor and consider appropriate zoning for the Airport and the immediately surrounding areas whose use may impact Airport operations.

14) The Board shall adopt policies and procedures for the purchase of goods and services and for the accounting of the Airport's finances, each in accordance with state law.

15) The Board may insure itself, its contractors and subcontractors against liability arising from the operation of the Airport for damages to the person or property of others, workers' compensation, and officers' and employees' liability. The insurance may consist of self-insurance and/or purchased insurance.

16) The Board is prohibited from giving, leasing, or otherwise allowing the use of any part of the Airport for no value, without first having received approval from both Parties.

17) The Board shall comply with the Code and other state laws and local laws in all respects.

(h) Meetings: The Board shall meet on dates and times as agreed upon by the Board, which schedule may be changed from time to time; however in no event shall the Board meet less frequently than once per calendar quarter. The President of the Board or any two Board members shall have the authority to call a meeting. All such meetings of the Board shall be held in accordance with the Texas Open Meetings Act and three members of the Board shall constitute a quorum of the Board. The Board shall make its own rules of order, by-laws, set the time and place for regular meetings, and shall keep minutes of its meetings.

(i) Fiscal year. The Board shall observe a fiscal year that begins each October 1 and ends September 30.

(j) Reporting. The Board through its Manager shall provide quarterly written reports to each Party (1) regarding the operations of the Airport and its finances; and (2) encompassing the information required by ¶6(d).

(k) Litigation. The Board shall not enter into litigation of any kind without prior approval from both Parties. However, the Board may provide an appropriate response to a lawsuit or claim filed against it in an effort to protect its rights and defenses prior to any approval from both Parties.

4. **Board Budget**: The Board is responsible for the operations and needs of the Airport and shall develop a budget for Airport operations ("Board Budget") to be approved by both Parties. The Board Budget shall consist of the following parts: 1) maintenance and operations; and 2) capital improvements. In addition, the Board shall include as an addendum to the Board Budget a description and discussion of, at a minimum, proposed capital improvements looking forward 5 years. For purposes of this Agreement, "capital improvements" are defined as a project that will result in a physical object with a value of $5,000.00 or more. The Board shall submit and present the Board Budget to the County and the City for approval. Should either Party not approve the Board Budget, the previous year's Board Budget shall be automatically adopted for the upcoming year.

(a) Submission Required. The Board shall submit the Board Budget to both Parties not later than June 1st of each year for Parties' consideration no later than September 30 of each year.

(b) Content and Format. The Board Budget shall substantially conform to the format and line item content as specified and depicted in **Exhibit B**.

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(c) Excess Spending. The Board shall not spend nor incur obligations which at any time will exceed the Board Budget approved and adopted by the County and City for that current fiscal year, except for an emergency expenditure, which is declared by the Board President. An "emergency expenditure" is defined as an expenditure necessary for the immediate preservation of the public peace, property, health, or safety. Prior to or immediately following such expenditure, the Board President shall notify the County Judge and Mayor in writing of the declared emergency expenditure.

(d) Movement between Funds. The Board is authorized to move funds between line items concerning maintenance and operating expenses, but in no event shall the funds being moved over a fiscal year period exceed 5% of the Board Budget for that year.

(e) Airport Revenues. The Board shall only use revenues generated by operation of the Airport for Airport purposes.

(f) Board Budget Calculation. The Board shall create a draft Board Budget as follows:

(1) Total of all revenues, not including contributions from the Parties, less total expenses, which shall include all grant matches.

(2) Where a negative sum occurs, the Board shall seek contributions from the Parties as provided below.

(3) In no case shall contingency funds exceed 5% of the amount budgeted for annual maintenance and operating expenses.

5. **County and City Funding**: To assure the objective of the continuation of efficient Airport operations, each Party is obligated to the other Party to contribute funds as follows:

(a) Maintenance and Operations. The County and City shall each fund one-half (1/2) of all the costs related to the maintenance and operations part of the Board Budget or the County and City shall each fund $110,000.00, whichever is less.

(b) Capital Improvements. The County and City shall be equally responsible for expenses directly resulting from the part of the Board Budget regarding capital improvements. On an annual basis as part of the draft Board Budget review process, both Parties must review proposed capital improvement projects. Only those projects approved as part of the Board Budget shall be submitted for bidding, where applicable, and construction.

(c) Schedule of Payments. Pursuant to the Board Budget and the amount of each Party's contributions, each Party shall forward 12 equal monthly payments to the Board in the amount of 1/12th of their total contribution on or before the 15th day of each month.

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6. Airport Planning Committee. The Parties hereby create an Airport Planning Committee ("Committee") as follows:

(a) Membership. The Committee shall consist of the following persons:

(1) County Appointees. The Commissioners Court shall appoint 3 representatives to the Committee, which shall consist of no more than 2 members of the Commissioners Court.

(2) City Appointees. The City Council shall appoint 3 representatives to the Committee, which shall consist of no more than 2 Councilmembers.

(3) Board Appointee. The Board shall appoint 2 representatives to the Committee .

(b) Meetings. The Committee shall meet no less than once per calendar quarter.

(c) Purpose. The purpose of the Committee is to (1) receive and discuss in detail from the Board information regarding the operations of the Airport and its finances; (2) discuss short and long term planning for the operation, management, and economic development of the Airport; and (3) formulate recommendations to be presented to each Party regarding the short and long term goals for the Airport.

(d) Reports. Following its meetings, the Manager shall provide quarterly written reports to each Party regarding the information presented during the meeting and recommendations of the Committee.

7. Amendment: This Agreement may only be amended by written agreement of the Parties.

8. Termination of Agreement Prior to Expiration: Either party may terminate the Agreement for any reason upon the terminating Party giving the nonterminating Party no less than one-hundred eighty (180) days written notice thereof.

9. Notices: Any notice required or permitted to be given pursuant to this Agreement or under the laws of this state shall be given in writing and may be given via the United States Postal Service, certified mail, or commercial courier service, addressed to the applicable Party at the address set forth below:

City: City of Kerrville
Attention: City Manager
800 Junction Highway
Kerrville, TX 78028

County: Kerr County, Texas
Attention: County Judge
Kerr County Courthouse
700 Main Street
Kerrville, TX 78028

Board: Joint Airport Board
Attention: Airport Manager
Kerrville/Kerr County Airport
1875 Airport Loop Road
Kerrville, TX 78028

10. Governing Law and Venue: This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. Venue for any cause of action shall be in a court of competent jurisdiction in Kerr County, Texas.

11. Severability: If any provision of this Agreement is invalid or unenforceable, this Agreement shall be considered severable as to such provision, and the remainder of this Agreement shall remain valid and binding as though such invalid or unenforceable provision was not included.

12. Captions: Section headings are inserted herein only as a matter of convenience and for reference, and in no way defines, limits, or describes the scope or intent to any provision.

13. Use of Language: Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular shall be held to include the plural, unless the context otherwise requires.

14. Entire Agreement: This Agreement embodies the entire agreement between the Parties, and supersedes all prior agreements and understandings, whether written or oral, and all contemporaneous oral agreements and understandings relating to the subject matter. This Agreement shall not be amended, discharged or extended, except by written instrument executed by the Parties. The Parties agree that no representations or warranties shall be binding upon either Party unless expressed in writing in the Agreement.

15. Multiple Counterparts: This Agreement may be executed in multiple counterparts, each of which constitutes an original.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be legally executed this 29th day of September, 2011.

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CITY OF KERRVILLE

By:
David Wampler, Mayor

ATTEST:

Brenda G. Craig

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

COUNTY OF KERR, TEXAS

By:
Pat Tinley, County Judge

ATTEST: Jannett Pieper

By Cheryl A. Thompson, Deputy

Jannett Pieper, County Clerk

APPROVED AS TO FORM:

Robert Henneke, County Attorney

COMMISSIONERS COURT KERR COUNTY, TEXAS

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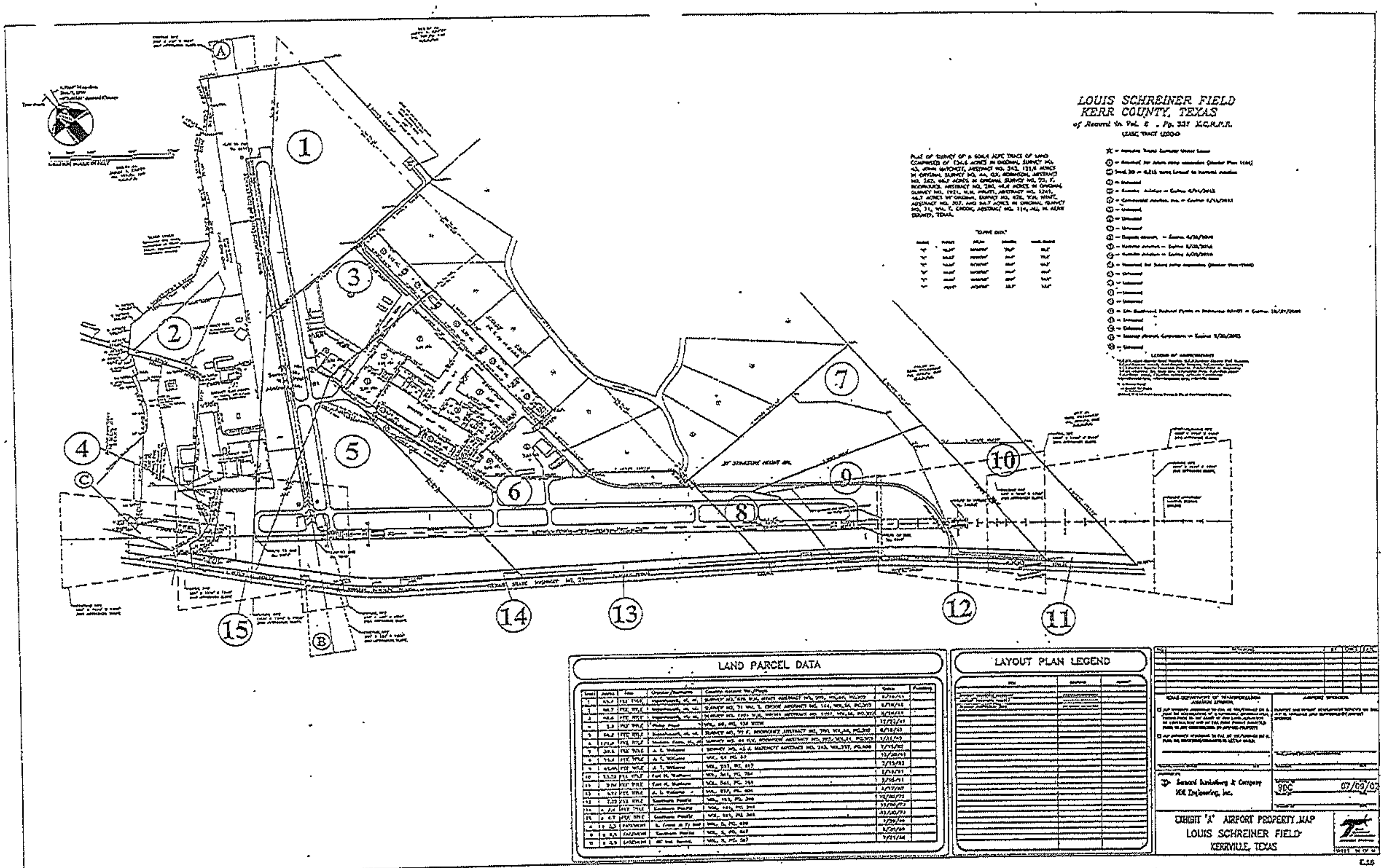

Figure E10 Airport Property Map

Exhibit "A"

C2004-43. R080-2004

C2011-57

KERRVILLE-KERR COUNTY J[illegible]T AIRPORT BOARD - EXHIBIT B

BUDGE[illegible] [illegible]PARISON

FOR 2006 - 2012

09/2[illegible] [illegible]11 1

							2011 Budget Approved	2011 YTD Actual Thru 5/31/11	2012 Proposed
Revenues			2006	2007	2008	2009	2010		
47-AIRPORT									
INTERGOVERNMENTAL REVENUE									
47-300-602		KERR COUNTY							
47-300-603		KERRVILLE							
47-300-604		GRANTS							
47-300-606		TX DOT REIMBURSEMENT							
TOTAL INTERGOVERNMENTAL REVENUE			0	0	0	0	0	0	0	0
LEASE/RENTAL INCOME									
47-325-301		AIRPORT LAND LEASES							
47-325-602		TERMINAL LEASES							
47-325-603		T-HANGAR LEASES							
47-325-604		VEHICLE RENTAL SURCHARGE							
47-325-605		T-HANGAR STORAGE FACILITY LEASES							
TOTAL LEASE/RENTAL INCOME			0	0	0	0	0	0	0	0
REIMBURSEMENT									
47-350-601		FUEL FLOW FEES							
47-350-602		OTHER							
TOTAL REIMBURSEMENT			0	0	0	0	0	0	0	0
INTEREST INCOME									
47-380-601		INTEREST INCOME							
TOTAL INTEREST INCOME			0	0	0	0	0	0	0	0
TRANSFER IN									
47-390-601									
47-390-610		TRANSFER IN							
TOTAL TRANSFER IN			0	0	0	0	0	0	0	0
***** TOTAL REVENUES *****			0	0	0	0	0	0	0	0

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KERRVILLE-KERR COU~~Y JOINT AIRPORT BOARD

BUDGE ~~IPARISON

FOR 2006 - 2012

09/2 ~~11 2

Expenses		2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Budget Approved*	2011 YTD Actual Thru 5/31/11	2012 Proposed
SALARIES & BENEFITS									
47-700-101	AIRPORT MANAGER								
47-700-102	OFFICE PERSONNEL PART TIME								
47-700-104	AIRPORT MAINTENANCE STAFF								
47-700-205	OVERTIME								
800-003	TEMPORARY EMPLOYEE								
800-004	LONGEVITY								
47-700-201	FICA								
800-005	SOCIAL SECURITY								
47-700-203	RETIREMENT								
47-700-202	GROUP INSURANCE								
47-700-204	WORKMAN'S COMP								
TOTAL SALARIES & BENEFITS		0	0	0	0	0	0	0	0
AIRPORT									
47-800-008	PROFESSIONAL DEVELOPMENT								
47-800-009	LOCAL MEETING EXPENSE								
47-800-010	PROFESSIONAL SERVICES								
47-800-101	OFFICE SUPPLIES								
47-800-102	SMALL TOOLS AND EQUIPMENT								
47-800-103	CHEMICAL AND MEDICAL SUPPLIES								
47-800-104	FUEL AND OIL SUPPLIES								
47-800-105	FOOD SUPPLIES								
47-800-106	JANITORIAL SUPPLIES								
800-107	WEARING APPAREL								
47-800-107	POSTAGE								
47-800-108	UPS/FED-EX								
800-111	COMPUTER UPGRADE								
47-800-109	COMPUTER SOFTWARE								
47-800-110	SOD, SEED, PLANTING								
47-800-111	VEHICLE PARTS								
47-800-201	LAND								
47-800-202	BUILDINGS AND STRUCTURES								
47-800-203	VEHICLE MAINTENANCE								
800-204	PARTS @ CITY GARAGE								
47-800-204	OFFICE EQUIPMENT								
47-800-205	INSTRUMENTS AND APPARATUS								
47-800-206	STREETS & ASPHALT REPAIR								
47-800-207	TRAFFICE CONTROL DEVICES								
47-800-208	TAXIWAYS/RUNWAYS								

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KERRVILLE-KERR CO[illegible] JOINT AIRPORT BOARD

BUDGE[illegible]MPARISON

FOR 2006 - 2012

~~09/28/2011 4~~

Expenses		2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Budget Approved	2011 YTD Actual Thru 5/31/11	2012 Proposed
47-800-209	REPAIRS-GENERAL								
800-214	RAMP GRANT MATCH								
47-800-301	CONTRACT SERVICES								
47-800-302	PROPERTY INSURANCE								
47-800-303	LIABILITY INSURANCE								
47-800-304	SPECIAL SERVICES								
47-800-305	EQUIPMENT RENTAL								
47-800-306	ADVERTISING								
47-800-307	MANAGEMENT CONTRACT								
47-800-308	REIMBURSE COUNTY EMPLOYEE								
47-800-309	OUTSOURCED SERVICES								
47-800-310	CONTINGENCY								
47-800-311	LEGAL SERVICES								
47-800-401	PHONE SERVICE								
47-800-402	CELL PHONE SERVICE								
47-800-406	LIGHT AND POWER								
47-800-403	NATURAL GAS/PROPANE								
47-800-404	WATER & SEWER								
47-800-405	INTERNET PROVIDER								
47-800-501	CERTIFICATES, AWARDS, ETC								
47-800-503	DUES AND SUBSCRIPTIONS								
800-503	MOTOR VEHICLE								
47-800-505	OTHER CHARGES								
47-800-507	CONTINGENCY								
47-800-509	DEPRECIATION EXPENSE								
800-510	WATER SYSTEM IMPROVEMENTS								
47-800-511	OTHER EXPENSE								
47-800-513	RESERVE FOR CAPITAL								
47-800-901	TRANSFER OUT - GENERAL								
47-800-902	TRANSFER OUT - MAINTENANCE								
47-800-903	TRANSFER OUT - ROAD & BR								
TOTAL AIRPORT		0	0	0	0	0	0	0	0

C2011-57

KERRVILLE-KERR CO[illegible]Y JOINT AIRPORT BOARD

09/[illegible] [illegible]011 5 BUDG[illegible] [illegible]MPARISON

FOR 2006 - 2012

Expenses			2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Budget Approved	2011 YTD Actual Thru 5/31/11	2012 Proposed
TERMINAL										
47-801-101		SUPPLIES								
47-801-300		PHONE SERVICES								
47-801-301		LIGHT & POWER								
47-801-302		PROPANE GAS								
47-801-303		WATER & SEWER								
TOTAL 01-TERMINAL			0	0	0	0	0	0	0	0
*** TOTAL EXPENSES ***			0	0	0	0	0	0	0	0
REVENUE OVER/(UNDER) EXPENDITURES			-	-	-	-	-	-	-	-
M&O EXPENDITURES			0	0	0	0	0	0	0	0
Note:		Changes approved by Board								

KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD

BUDGET COMPARISON

FOR 2006 - 2012

Revenues			2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Budget Approved	2011 YTD Actual Thru 5/31/11	2012 Proposed
48 - AIRPORT CAPITAL										
Reimbursement										
		CAPITAL GRANTS - TXDOT								
48-350-100		REIMBURSEMENT FM TX DOT								
TOTAL Reimbursement			0	0	0	0	0	0	0	0
Intergovernmental										
48-351-100		KERR COUNTY RAMP GRANT M								
48-351-101		CITY OF KVILLE RAMP GRANT								
48-351-102		KERR COUNTY PROJECT MATCH								
48-351-103		CITY OF KERRVILLE PROJECT MATCH								
TOTAL Intergovernmental			0	0	0	0	0	0	0	0
Transfers In										

(2011-57)

48-000-100	TRANSFER IN - GENERAL								
48-10	TRANSFER IN - AIRPORT								
48-051 6	TRANSFER IN								
TOTAL Transfers In		0	0	0	0	0	0	0	0
TOTAL REVENUES		0	0	0	0	0	0	0	0

KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD

BUDGET COMPARISON

FOR 2006 - 2012

Expenses		2006 Actual	2007 Actual	2008 Actual	2009 Actual	2010 Actual	2011 Budget Approved	2011 YTD Actual Thru 5/31/11	2012 Proposed
CAPITAL OUTLAY									
800-201	LAND MAINTENANCE								
800-202	BUILDING & STRUCTURE MAINT								
800-405	OTHER CHARGES								
48-600-101	LAND								
48-600-102	BUILDINGS AND STRUCTURES								
800-507	STREET IMPROVEMENTS								
48-600-103	WATER SYSTEM IMPROVEMENTS								
800-500	CAPITAL OUTLAY								
48-600-104	GRANT MATCH								
48-600-105	DRAINAGE IMPROVEMENTS								
48-600-106	GRANT MATCH T-HANGAR 2001								
48-600-107	TXDOT REIMBURSE 2000-2001								
48-600-108	RELOCATE 12/30 PARALLEL								
48-600-109	ENGINEERING SVCS/DESIGN								
48-600-110	MASTER PLAN								
48-600-111	SURVEYING								
48-600-112	CONTRACT SERVICES								
48-600-113	INSTRUMENTS AND APPARATUS								
48-600-114	REHAB AIRPORT RUNWAY								
48-600-115	SITE PREP FUTURE HANGAR								
800-517	CITY T-HANGAR 2001								
800-518	KERR COUNTY T-HANGAR 2001								
800-519	GRANT MATCH LIGHTING IMPROVE								
800-520	TXDOT REIMBURSEMENT LIGHTING								
800-948	TRANSFER OUT								
TOTAL CAPITAL OUTLAY		0	0	0	0	0	0	0	0
TOTAL EXPENDITURES		0	0	0	0	0	0	0	0
REVENUE OVER/(UNDER) EXPENDITURES		-	-	-	-	-	-	-	-

C2011-57

Agenda Item:
(Staff)

5B. Settlement agreement regarding complaint of Cecil R. Atkission and City of Kerrville against Lower Colorado River Authority Transmission Services Corporation, Public Utility Commission of Texas (PUC), Docket No. 39516. (staff)

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

SUBJECT: Settlement Agreement regarding Complaint of Cecil R. Atkission and City of Kerrville against Lower Colorado River Authority Transmission Services Corporation, Public Utility Commission of Texas (PUC), Docket No. 39516

FOR AGENDA OF: October 25, 2011 **DATE SUBMITTED**: October 21, 2011

SUBMITTED BY: Mike Hayes MCH
City Attorney

CLEARANCES:

EXHIBITS: Letter from LCRA to TxDot
(Complete packet available City Secretary's office)

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: AD

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
$ 0	$ 0	$ 0	

PAYMENT TO BE MADE TO:
REVIEWED BY THE FINANCE DEPARTMENT:

SUMMARY STATEMENT

Presentation of Settlement Agreement regarding Complaint of Cecil R. Atkission and City of Kerrville against Lower Colorado River Authority Transmission Services Corporation, Public Utility Commission of Texas (PUC), Docket No. 39516.

RECOMMENDED ACTION

Discussion and possible action as may be necessary.

EXHIBIT "A"

ENERGY • WATER • COMMUNITY SERVICES

September 29, 2011

Mr. Toribio Garza, Jr., P.E.
Director, Maintenance Division
Texas Department of Transportation
150 E. Riverside Dr., North Tower
Austin, Texas 78704

RE: Concurrence on Conceptual Design of LCRA's McCamey D to Kendall 345-kV Transmission Line Project in TxDOT Right-of-Way

Dear Mr. Garza:

This letter is a follow-up to my previous letter to update you on continuing meetings of staff from LCRA Transmission Services Corporation (LCRA TSC), the Texas Department of Transportation (TxDOT), and the Federal Highway Administration (FHWA) about the placement of certain transmission line components for LCRA TSC's McCamey D to Kendall 345-kV line in TxDOT Right-Of-Way (ROW). As I stated in my previous letter, the transmission line will parallel or be constructed in the vicinity of I-10 for approximately 85 miles, and discussions have involved the possibility of temporary construction access arrangements, aerial overhangs of the LCRA TSC lines, and placing short lengths of the line within TxDOT ROW in very constrained areas where other options are not available. The discussions to date have been very positive and productive, and LCRA TSC would once again like to thank TxDOT for its willingness to consider options that allow safe and efficient construction while limiting the impact of this transmission line on private property.

Ideas from both TxDOT and LCRA TSC staff have resulted in conceptual solutions to all of the constrained areas along the I-10 corridor of the transmission line project. These conceptual solutions at 18 locations have been reviewed jointly by TxDOT and LCRA TSC staff with agreement to proceed with detail data collection and design activities.

The locations vary in specificity on a case by case basis, but most can be grouped as follows:

- Temporary construction access from I-10 facilities, which will be defined in detail, will include appropriate traffic safety measures as determined by TxDOT, and will be removed after construction activities are completed.
- Permanent access to private property from non high speed or controlled access facilities which will be acquired via the TxDOT driveway permit process.

- Overhang or displacement of wires into the TxDOT ROW when paralleling IH-10 for short distances in constrained areas due to required transmission line placement or irregularity in the TxDOT property line.
- Structure and transmission line placement in TxDOT ROW in extremely constrained areas or at rural interchange locations preferable to simply spanning the interchange outside of controlled access locations.

In my previous letter, two locations in the Kerrville area were left to further study to determine the most effective solution for all parties involved. At the most recent meeting on September 13th, 2011, among TxDOT, LCRA TSC, and FHWA an alignment for the transmission line facilities was agreed to at both locations, as follows:

- In the Harper Road (FM 783) area (See Exhibit 16), a route adjustment that will take the line across the intersection in TxDOT ROW in a way where hazards to traffic will be minimal. This will reduce the impact of the transmission line project on nearby landowners, and benefit the City of Kerrville from a development potential standpoint.
- At the intersection of I-10 and State Highway 16, all parties agreed that a variation on the "Green/Purple" route modification, which takes a straight path across the intersection is the best option for the line (See Exhibit 17). This option places 4-5 poles in TxDOT right-of-way, including one behind the "Welcome to Kerrville" sign, which is in accordance with the wishes of the City of Kerrville as expressed in their letter addressed to TxDOT on August 11th, 2011 (See Exhibit 19). LCRA TSC also agreed to place the poles in such a way where TxDOT will be able to lengthen and straighten its existing westbound exit ramp into the intersection into the future without conflict between the facilities. In sum, this alternative will allow the LCRA TSC facilities to be located in TxDOT right-of-way in a safe, reliable and acceptable way to both parties while greatly reducing impacts on several landowners and area structures, including 17 trailer homes that would have otherwise been relocated or moved to another location on the property.

For all 18 locations reviewed by TxDOT, FHWA and LCRA staff, the following tasks will be completed as part of the detailed design of the transmission line:

- Locations involving more than temporary construction access will require permit applications with appropriate exception requests, when necessary, based on the Texas Administrative Code, as with any utility infrastructure in TxDOT ROW.
- Some locations may require review and approval by the FHWA.
- LCRA TSC will prepare a Vegetation Management Plan for the areas where TxDOT ROW may be impacted by vegetation management required for the safe and reliable operation of the transmission line.
- LCRA TSC and TxDOT will develop a document detailing future cost obligations should TxDOT require relocation of any of the LCRA TSC facilities to be located within the TxDOT ROW.

As you know, the Public Utility Commission (Commission), which ordered LCRA TSC to construct this transmission line, believed that I-10 formed the most natural corridor through the Hill Country, and has expressed great interest in seeing LCRA TSC coordinate its construction activities with TxDOT. This intent is clearly stated in Paragraph 21 of the Commission's Order in Docket No. 38354 where the Commission added what to LCRA TSC's knowledge is an unprecedented ordering paragraph requiring best efforts by LCRA TSC to coordinate and reach agreement with TxDOT where possible: Ordering Paragraph 21 reads:

> LCRA shall engage in discussions with the Texas Department of Transportation and use its best efforts to reach agreement with the Department to use state right-of-way along the proposed project where it parallels I-10. These discussions shall not unreasonably delay the completion of this project and, in any event, if agreement has not been reached on or before September 1, 2011, then LCRA shall proceed with construction on the proposed project.

At this point in time, LCRA TSC believes that acknowledgement of the substantial progress and the conceptual approval of these alternatives is appropriate and should be reported to the PUC. We understand, as does TxDOT staff, that there is still much detailed design work ahead which will continue in the same constructive and cooperative manner that we have experienced to date.

LCRA TSC proposes that this document serve as an acknowledgement of concurrence on the route and conceptual design at the 18 locations and the anticipated development of the necessary steps to complete the detailed design and execute the necessary permitting documentation as the detailed design is completed for the transmission line. To that end, I have included an acknowledgement signature for TxDOT. As with the previous letter, LCRA TSC proposes to file a copy of this document with attachments with the PUC to document the progress on this project in compliance with Ordering Paragraph 21 in the Final Order of PUC Docket 38354.

Again, LCRA TSC continues to appreciate the interest as well as the time and effort that TxDOT has invested in the collaborative process for this project, and stands ready to help in any way going forward

If you or your staff have any questions or desire any additional information, please feel free to contact me at (512) 369-4485, or Nathan Laughlin at (512) 369-4505.

Very truly yours,

Curtis Symank, P.E.
Engineering Supervisor
Transmission Line Design

Acknowledgement:

P.E.

Toribio Garza, P.E.
Director, Maintenance Division
Texas Department of Transportation

Attachments

<u>Agenda Item:</u>
(Staff)

6A. Presentation by Kerrville Public Utility Board General Manager Tracy McCuan regarding KPUB's recent decisions on LCRA and CPS Energy. (Mayor Wampler)

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

SUBJECT: Presentation by Kerrville Public Utility Board General Manager, Tracy McCuan regarding KPUB's recent decisions on LCRA and CPS Energy.

FOR AGENDA OF: October 25, 2011 **DATE SUBMITTED:** October 20, 2011

SUBMITTED BY: Tracy McCuan
KPUB General Manager
CLEARANCES:

EXHIBITS: None

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
$ 0	$ 0	$ 0	

PAYMENT TO BE MADE TO:
REVIEWED BY THE FINANCE DEPARTMENT: KD

SUMMARY STATEMENT

RECOMMENDED ACTION

None.

Agenda Item:
(Staff)

6B. Kerrville Triathlon event update. (staff)

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

SUBJECT: 2011 Kerrville Triathlon Festival Final Report

FOR AGENDA OF: October 25, 2011 **DATE SUBMITTED**: October 12, 2011

SUBMITTED BY: Mindy N. Wendele **CLEARANCES:** Todd Parton
Director of Business Programs City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
$	$	$	

PAYMENT TO BE MADE TO:
REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The first annual Kerrville Triathlon Festival, produced by High Five Events of Austin, was held during the weekend of October 1 & 2, 2011. Staff will present a final report of the economic impact Kerrville and Kerr County realized from this new event.

RECOMMENDED ACTION

For discussion.

Agenda Item:
(Staff)

6C. Water resources report. (staff)

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

SUBJECT: Water Resources Report

FOR AGENDA OF: 10/25/11 **DATE SUBMITTED:** 10/17/11

SUBMITTED BY: Charlie Hastings CH **CLEARANCES:** Todd Parton
Public Works Director City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
$	$	$	

PAYMENT TO BE MADE TO:
REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

Staff will present an update on the water supply and availability as it relates to the drought.

RECOMMENDED ACTION

Information and discussion.

Agenda Item:
(Staff)

6D. Budget and economic update. (staff)

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

SUBJECT: Kerrville Budget/Economic Update

FOR AGENDA OF: October 25, 2011 **DATE SUBMITTED**: October 14, 2011

SUBMITTED BY: Mike Erwin
Director of Finance

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Economic Update
AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Expenditure Required:	Current Balance in Account:	Amount Budgeted:	Account Number:
$	$	$	

PAYMENT TO BE MADE TO:
REVIEWED BY THE DIRECTOR OR FINANCE:

SUMMARY STATEMENT

The City of Kerrville staff will present and update Council on a biweekly basis as to the status of the City's budget and current economic trends affecting the City.

RECOMMENDED ACTION

No action required information purposes only.

CITY OF KERRVILLE
ECONOMIC UPDATE AS OF OCTOBER 19, 2011

	Current Month	Previous Month	1 Year Ago	Trend	Current Month
National					
Unemployment	9.10%	9.10%	9.60%	↔	September
Consumer Confidence	45.4	45.2	48.6	↔	September
1 year T-Bills	0.11%	0.07%	0.22%	↑	10/19/11
State					
Monthly Unemployment	8.50%	8.70%	8.30%	↓	August
Monthly Sales Tax	$1,756.1m	$1,976.8m	$1,571.3m	↑	September
Local					
Monthly Unemployment (Kerr Co.)	6.70%	7.00%	6.30%	↓	August
Median Listing Price	$224,500	$220,000	$219,000	↔	10/1/11
Monthly Sales Tax	$439,922	$358,320	$369,252	↑	October
Monthly EIC Tax	$219,934	$179,133	$184,602	↑	October
Monthly HOT	$61,806	$94,652	$69,839	↓	September

	FY11 Budget	FY11 as of 09/30/2011	FY11 % Received	FY10 as of 09/30/2010	FY10 % Received
General Fund					
Tax Revenue	$14,647,100	$14,680,660	100.23%	$14,531,563	96.52%
Property Tax	$8,240,000	$8,259,526	100.24%	$8,189,430	96.70%
Sales Tax	$4,500,000	$4,709,471	104.65%	$4,522,682	97.81%
Permits & Fees	$402,450	$354,017	87.97%	$324,835	87.62%
Intergovernmental	$707,013	$743,895	105.22%	$712,654	102.52%
Service Revenues	$2,578,260	$2,442,896	94.75%	$2,012,756	60.79%
Grant Revenue	$22,571	$27,515	121.90%	$10,525	105.25%
Fines & Forfeitures	$477,710	$588,642	123.22%	$506,603	100.41%
Interest & Misc.	$235,372	$324,227	137.75%	$544,685	118.36%
Transfers In	$1,000,000	$1,066,408	106.64%	$1,168,902	92.71%
Total General Fund	$20,070,476	$20,228,260	100.79%	$19,812,523	91.44%
Total General Fund Expenditures	$20,070,476	$19,595,940	97.64%	$20,199,881	89.97%
Water/Sewer Fund					
Water Sales	$4,400,000	$5,245,962	119.23%	$4,579,610	90.51%
Sewer Sales	$3,760,000	$3,669,951	97.61%	$3,732,431	95.70%
Other Revenue	$782,124	$970,633	124.10%	$882,378	131.80%
Total Water & Sewer Fund	$8,942,124	$9,886,547	110.56%	$9,194,419	95.48%
Total W&S Fund Expenditures	$9,242,124	$8,581,593	92.85%	$8,347,795	88.10%

Agenda Item:
(Staff)

7A. Golf course advisory board. (staff)

BUSINESS OF THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS

SUBJECT: Appointment to the Golf Course Advisory Board

FOR AGENDA OF: October 25, 2010 **DATE SUBMITTED**: October 20, 2011

SUBMITTED BY: Brenda Craig BC **CLEARANCES:** Todd Parton
City Secretary City Manager

EXHIBITS: Board List

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

SUMMARY STATEMENT

Consider appointment to the following board:

Golf Course Advisory Board: One unexpired term due to the resignation of Frank Boynton with term to expire July 1, 2012.

RECOMMENDED ACTION

Consider appointment.

GOLF COURSE ADVISORY BOARD

	Telephone	Orig. Appt.	Re-Appt. Date	Exp. Date
CODY, B. K. 1602 Quinlan Creek Chair	896-4472 (H)	06-24-08	07-12-11	07-01-13
ANGELL, PAT 2329 Rock Creek Vice-Chair	896-0347 (H)	04-08-08	07-12-11	07-01-13
BOYNTON, FRANK 4024 Comanche Trace Dr.	896-7186 (H) 896-7186 (O)	08-24-10		07-01-12
DYLINA, TIM 3801 Clubhouse Rd.	257-9207 (H) 209-769-5554 (O)	08-24-10		07-01-12
HERNANDEZ, JOE 2010 Vista Ridge Dr.	895-1915 (H) 739-7817 (C)	08-24-10		07-01-12
HOWARD, JAMES 1312 Water St.	903-399-3011 (H) 890-5464 (O)	08-24-10	07-12-11	07-01-13
THOMAS, BILL 435 Coronado Drive	895-2323 (O) 895-3695 (H)	07-28-09	07-12-11	07-01-13

COUNCIL LIAISON:

Carson Conklin — 895-5205 (O)
720 Earl Garrett

CITY STAFF:

Kristine Ondrias — 258-1106 (O)
Assistant City Manager

Scott McDonough — 258-1400 (O)
General Manager of Golf & Tennis

Qualifications: All must be residents of the city.

Purpose and Duties: The purpose of the Board is to advise the City Council and city staff on matters relating to the operation of the Scott Schreiner Municipal Golf Course.

Term of Office: Two Years. No member shall serve more than two consecutive full terms without having at least one full year off of the Board between terms.

Vacancies: Upon the vacancy, removal, or expiration of the term of office of any member, the city council shall appoint a successor who shall hold that position for the unexpired term or for the period of two years when the appointment is made as the result of the expiration of a board member's term.

Quorum: Four members of the board, excluding liaison members.

Number of Members: Seven

Meeting Time & Place: Fourth Monday at 4:30 p.m.; City Council Chambers

Absences: The name of any member having three consecutive absences from regularly called meetings of the board, or who in any consecutive twelve-month period is absent from more than 25 percent of the regularly called meetings, shall be forwarded to

	the city council for consideration for removal and replacement on the board.
Established by:	Resolution No. 037-2009, which repealed Resolution Nos. 99-230, 99-307, 080-2000, and 136-2004
Revised:	July 13, 2011