

AGENDA FOR REGULAR MEETING

KERRVILLE CITY COUNCIL

TUESDAY, JANUARY 10, 2012, 6:00 P.M.

CITY HALL COUNCIL CHAMBERS

800 JUNCTION HIGHWAY, KERRVILLE, TEXAS

KERRVILLE CITY COUNCIL AGENDA
REGULAR MEETING, TUESDAY, JANUARY 10, 2012, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
800 JUNCTION HIGHWAY, KERRVILLE, TEXAS

CALL TO ORDER

INVOCATION offered by Reverend Patty Edwards, Unity Church of the Hill Country.

PLEDGE OF ALLEGIANCE TO THE FLAG led by Corporal Clayton Baldwin, Medic, United States Army.

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. PRESENTATIONS:

2A. Presentation of Certificate of Achievement for Excellence in Financial Reporting Award from the Government Finance Officers Association. (Mayor Wampler)

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 take all actions necessary for each approval:

3A. Approval of the minutes of the regular city council meeting held December 13, 2011; and two special city council meetings held December 14, 2011.

4. CONSIDERATION AND POSSIBLE ACTION:

4A. A resolution authorizing publication of notice of intention to issue certificates of obligation in the amount not to exceed \$10,000,000 for the purpose of financing parks and trail system improvements and water and sewer system improvements. (staff)

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: January 5, 2012 at 5:00 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

4B. Set time, date and place for a workshop to discuss the FY2013 budget. (staff)

4C. Direction to staff on proposed amendments to the sign ordinance. (staff)

4D. Support of the Kerrville Area Chamber of Commerce's Kerr Fest 2012 scheduled for August 10 and 11, 2012. (staff)

5. INFORMATION AND DISCUSSION:

5A. Water resources report. (staff)

5B. Budget and economic update. (staff)

6. BOARD APPOINTMENTS:

6A. Appointment(s) to the zoning board of adjustment. (staff)

6B. Appointments to the planning and zoning commission. (staff)

7. ITEMS FOR FUTURE AGENDAS

8. 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.

9. 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:

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: January 5, 2012 at 5:00 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

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.

Section 551.074:

- Appointments to the planning and zoning commission.

10. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION

11. 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: January 5, 2012 at 5:00 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. Presentation of Certificate of Achievement for Excellence in Financial Reporting Award from the Government Finance Officers Association. (Mayor Wampler)

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

SUBJECT: Presentation of Certificate of Achievement for Excellence in Financial Reporting.

FOR AGENDA OF: January 10, 2012 **DATE SUBMITTED:** December 27, 2011

SUBMITTED BY: Mike Erwin 
Director of Finance

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 DIRECTOR OF FINANCE:

SUMMARY STATEMENT

The City of Kerrville is pleased to announce that the Department of Finance has received the Government Finance Officers Association of the United States and Canada's (GFOA) Certificate of Achievement for Excellence in Financial Reporting for its 2010 comprehensive annual financial report. The City has received this award for twenty-seven (27) years in a row beginning in 1984.

I am proud that our organization has such an outstanding track record with this award. Credit for this accomplishment is due directly to Sandra Yarbrough, Sai Vongchampa, Kathy Schneider, Trina Rodriguez and Vanessa Silva.

RECOMMENDED ACTION

The Mayor will present the award and a special recognition to the City's Finance Department.

Agenda Item:

3A. Approval of the minutes of the regular city council meeting held December 13, 2011; and two special city council meetings held December 14, 2011.

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
DECEMBER 13, 2011

On December 13, 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 Mike Williams, Zion Lutheran Church, followed by the Pledge of Allegiance led by Ed Nail 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
Gordon Browning	Senior Planner

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

1. VISITORS/CITIZENS FORUM: No one spoke.

2. CONSENT AGENDA:

Mr. Parton requested Item 2D be removed from the consent agenda and discussed following the report on the petition (Item 4A).

Mr. Conklin moved for approval of items 2A – 2C; Mr. Gross seconded the motion and it passed 5-0:

2A. Approval of the minutes of the regular city council meeting held November 22, 2011; and the special city council meetings held November 15 and 18, 2011.

2B. Authorize submission of a grant application to the Cailloux Foundation for the purchase of street paving equipment.

2C. Resolution No. 044-2011 endorsing the existence of the Kerrville Citizen Police Academy Alumni Association and authorizing and requesting that the Texas Municipal League-Intergovernmental Risk Pool provide liability insurance coverage to the members of the association and errors and omission liability coverage to its board of directors.

END OF CONSENT AGENDA

3. ORDINANCE, SECOND AND FINAL READING:

3A. Ordinance No. 2011-23 amending the budget for fiscal year 2012 to account for changes in the status of various capital improvement projects; and to amend other city funds to account for balances for approved purposes. Mayor Wampler read the ordinance by title.

Mr. Erwin noted no change since first reading and recommended approval.

Ms. Keeble moved for passage of Ordinance No. 2011-23 on second and final reading; Mr. Allen seconded the motion and it passed 5-0.

4. REPORT FROM CITY SECRETARY ON POSSIBLE PETITION.

4A. Report regarding the possible submission, and subsequent verification of a petition submitted in accordance with Section 271.049 of the Texas Local Government Code, protesting the issuance of debt instruments to finance the river trail project and requiring a bond election be held prior to issuance.

Ms. Craig reported the petition was insufficient in the number of signatures and noted the following: number of registered voters, 13,884; number of signatures required under Section 271.049, 695 (5% of 13,884); number of signatures certified, 536; number of total signatures submitted, 642.

Spencer Hart, petition sponsor, stated he had no disagreement with the report and he appreciated the attention council gave to the process and trusted council would be good stewards of the city's business and assets.

2D. Project funding agreement between the City of Kerrville, Texas, Economic Improvement Corporation and the City of Kerrville, Texas (parks and trail system improvement project).

Mr. Gross moved for approval of the agreement as presented; Ms. Keeble seconded the motion and it passed 5-0.

5. ORDINANCE, FIRST AND ONLY READING:

5A. Ordinance No. 2011-22 authorizing the issuance, sale and delivery of \$3,500,000 in aggregate principal amount of "City of Kerrville, Texas Combination Tax and Revenue Certificates of Obligation, Series 2011A"; securing the payment thereof by authorizing the levy of an annual ad valorem tax and a pledge of certain surplus revenues of the city's waterworks and sewer system; and approving and authorizing the execution of a paying agent/registrar

agreement, an official statement and all other instruments and procedures related thereto. Mayor Wampler read the ordinance by title.

Mr. Erwin noted the proposed \$3,500,000 certificates of obligation (CO) would fund parks and river trail improvements; a second debt issuance was scheduled for early 2012. The bonds would be paid by the economic improvement corporation in accordance with the funding agreement approved in Item 2D. Competitive bids would be received at 9:30 a.m. on December 14, and at 10:00 a.m. the city council would consider adoption of a resolution awarding the bid for the purchase of the CO. He recommended approval of the ordinance.

Ann Burger Entekin, the city's financial advisor with First Southwest, advised that the total \$7 million issue had been divided into two years in order for the city to remain bank qualified resulting in tax benefits to the banks and thus a lower interest rate for the city, possibly 3-3.25%.

Ms. Keeble moved for approval of Ordinance No. 2011-22 on first and only reading; Mr. Gross seconded the motion and it passed 5-0.

6. PUBLIC HEARING AND RESOLUTION:

6A. Resolution No. 045-2011 granting a conditional use permit (CUP) for an approximate 0.50 acre parcel of land, making up part of Lots 6, 7, 8, 9, and 10, Block 25, and out of the Westland Place Addition, a subdivision within the City of Kerrville, Kerr County, Texas, otherwise known as 506 Junction Highway (State Highway 27) and located within the 10-W zoning district; by permitting said property to be used for a vehicle maintenance and repair facility; and making said permit subject to certain conditions and restrictions.

Mr. Browning noted the applicant requested reopening a carwash/oil change and vehicle inspection business that had previously operated at 506 Junction Highway. The carwash was permitted by right at this location; however the oil change and vehicle inspection operation required a CUP. He noted there would be no change to the structure or site from the former business which had been in operation since 1997.

Mayor Wampler opened the public hearing at 6:35 p.m. and the following person spoke:

- Ruth Spradling questioned if the overhang of the roof was allowed. Mr. Browning noted no problem with the roof and no changes were expected.

No one else spoke and Mayor Wampler closed the public hearing at 6:37 p.m.

Mr. Allen moved for approval of Resolution No. 045-2011; Mr. Conklin seconded the motion and it passed 5-0.

7. CONSIDERATION AND POSSIBLE ACTION:

7A. Resolution No. 046-2011 supporting the proposal by the Upper Guadalupe River Authority (UGRA) to amend its water permit to remove the permit's restriction that the water may not be used for municipal use within the city.

Mr. Hastings noted UGRA was seeking to remove the restriction in their existing permit that prohibited the municipal use of water in the city limits. The amendment, if granted, would not guarantee the city's use of the water; UGRA would review options for use of the water. Mr. Hastings noted that the city was not required to treat UGRA's water.

UGRA General Manager Ray Buck noted that UGRA was establishing programs aimed at increasing the amount of water in the lake, e.g. eradication of cedar. UGRA had no preconceived ideas about how to use the water and would be exploring options.

Mr. Conklin moved for approval of Resolution No. 046-2011 on first reading; Mr. Allen seconded the motion and it passed 5-0.

7B. Presentation and request for approval of the FY12 airport budget by the Kerrville-Kerr County Joint Airport Board. (Bruce McKenzie, Airport Manager) Stephen King, airport board president, presented the revised FY12 budget based on revenue of \$110,000 each from the city and county.

Mr. Allen moved for approval of the FY12 airport budget as presented; Mr. Conklin seconded the motion and it passed 5-0.

7C. Resolution No. 047-2011 granting a tempering to the requirement to provide water and wastewater service to the property being developed at 510 Benson Drive (The Coming King Foundation Prayer Garden site).

Mr. Browning noted the foundation planned to develop a sculpture prayer garden on 22 acres north of IH-10; the applicant requested the requirement to provide city utilities be waived until habitable structures, overnight vehicle parking, or any other use that required utilities was allowed on the site. He noted that the requirement for utilities was not being waived, only delayed.

The following person spoke:

- Max Griener discussed plans to build a prayer garden with sculptures from various artists. The garden should be complete by Easter 2012 and will be free to the public.

Mr. Gross moved for approval of Resolution No. 047-2011 on first reading; Mr. Allen seconded the motion and it passed 5-0.

7D. Authorize the city manager to execute additional change orders to the JM Lowe contract which may exceed \$50,000 on the library renovation/expansion project but not an amount to exceed a total change order limit of \$348,000.

Mr. Conklin filed a conflict of interest affidavit and left the meeting at 6:52 p.m.

Ms. Ondrias noted additional funds were available: \$100,000 was given to the city from the Library Foundation; \$19,657 from the library roof project; and \$27,500 from the library endowment fund. She requested the city manager be authorized to execute additional change orders, in an amount not to exceed \$148,000 and a total amount not to exceed \$348,000 for the library renovation/expansion project. She noted that all change orders to the project were for additional enhancements to the project and all funds were donated. The additional funds were proposed to be used for renovation of the basement.

Ms. Keeble moved to authorize the city manager to execute additional change orders to the JM Lowe contract as stated; Mr. Gross seconded the motion and it passed 4-0-1 with Members Gross, Allen, Keeble, and Wampler voting in favor of the motion; no one voted against the motion; and Mr. Conklin abstained.

7E. Authorize execution of a Certificate of Convenience and Necessity (CCN) agreement designating retail water service territory between the City of Kerrville and Aqua Texas within the Kerrville South area.

Mr. Hastings noted in July 2009 the city filed with the Texas Commission on Environmental Quality (TCEQ) to expand its CCN to include a two mile buffer surrounding some areas of the city. TCEQ identified an overlapping area between the city and Aqua Texas in the Kerrville South area. Mr. Hastings requested the city manager be authorized to execute the agreement once it had been signed by Aqua Texas in order that TCEQ can proceed with issuance of the city's CCN application.

Mayor Wampler noted if changes were made to the agreement by Aqua Texas, staff had the option of not proceeding.

Mr. Conklin moved to authorize the city manager to execute the agreement as presented. Mr. Allen seconded the motion and it passed 5-0.

7F. Accept deed for city hall property at 701 Main Street, approve lease agreements for parking garage facility at 201 Clay Street and its adjacent buildings at 219 Clay Street, and 200 Sidney Baker Street, grant temporary construction easement for the city owned property, and accept temporary construction easement from the Cailloux Foundation.

Mr. Parton noted in March the council authorized execution of an agreement with the Cailloux Foundation to accept the gift of property for a city hall. He requested, upon resolution of a few outstanding issues, authorization to execute documents: acceptance of special warranty deed for .66 acre located at Sidney Baker and Main Street; execution of leases for the parking garage facility and the buildings at 219 Clay Street and 200 Sidney Baker; and execution of temporary construction easements with the Cailloux Foundation to allow them access to the property in order to complete construction of the clock tower. He noted that the Clay Street

and Sidney Baker properties were available to the city immediately; including construction of the new city hall and renovation of existing facilities, the total city hall complex would be 22,000 sq. ft. In addition, one building on Sidney Baker was occupied and when that tenant leaves, the city had first right of purchase or lease, for an additional 10,000 sq. ft. The lease for the parking garage stipulated that parking must remain assessable to the public without charge.

Mr. Hayes noted the outstanding issues concerned reversionary restrictions and the architectural review process. He felt these issues were very minor and that both parties agreed conceptually to the changes to the documents. He recommended the leased facilities be addressed in three separate agreements.

Mr. Parton noted the environmental assessment, asbestos evaluation, and title search had been completed with no issues presented. The structural evaluation of the parking garage found the structure in good condition but noted the need for additional lighting and long term routine maintenance.

Ms. Keeble moved to accept the deed and authorize execution of the agreements and easements. Mr. Gross seconded the motion and it passed 5-0.

7G. Authorize execution of a construction contract with Huser Construction Company, Inc. for the construction of a city hall facility and the renovation of existing buildings in the amount of \$2,409,000.00 and authorize the city manager to execute additional change orders in an amount not to exceed \$300,000.00.

Ms. Ondrias noted that eight bids were received for the project on November 8 and were reviewed by city staff and architect Peter Lewis. The lowest responsible bidder was Huser Construction Company in the amount of \$2,409,000; she requested the city manager be authorized to execute a construction contract with Huser Construction Company for the construction of a city hall facility in the amount of \$2,409,000 and execute additional change orders but not to exceed the total amount of \$300,000. The contractor would begin in early 2012 with completion in 6-7 months.

Ms. Keeble moved to authorize execution of the contracts as stated; Mr. Conklin seconded the motion and clarified that the motion was to authorize the city manager to execute a contract with Huser Construction in the amount of \$2,409,000 and to authorize the city manager to execute additional change orders which may exceed \$50,000 but may not exceed the maximum total amount of \$300,000. The motion passed 5-0.

8. INFORMATION AND DISCUSSION:

8A. Water resources report.

Mr. Hastings presented a graph depicting the safe operating capacity vs. water consumed vs. cumulative rainfall since 1-1-2011. He reported the average river flow was 125 cfs; it was currently at 75 cfs. The state water master called just before the meeting and granted the city's request to take additional water from

the river due to recent rains. During 2011 the city used 300 of the 800 million gallons of water stored in the aquifer storage recovery wells; the city will begin banking water back into the ASR wells. The city may go back to Stage 3 in early 2012; however, the river flow was still at only 50% of normal flow.

8B. Budget and economic update.

Mr. Erwin noted a 22% increase in the December sales tax; however, this was due to several one-time items and staff did not expect this trend to continue. In the general fund he noted that tax revenue was at \$2.9 million; expenditures at \$3.1. The water and sewer fund revenue was at \$1.47 million and expenditures at \$1.27 million.

9. **BOARD APPOINTMENTS:**

9A. Appointments to the food service advisory board. Mr. Gross moved to reappoint Susan McCracken and to appoint Tyler Archer and Brenda Hughes all with terms to expire December 1, 2013. Mr. Conklin seconded the motion and it passed 5-0.

9B. Appointments to the library advisory board. Mr. Gross moved to reappoint Diana Martin and to appoint Ellen Connelly, and to appoint Lorrin Peterson to fill an unexpired term due to the resignation of Kenneth Ellenwood; all with terms to expire November 22, 2013. Mr. Allen seconded the motion and it passed 5-0.

9C. Appointment to the economic improvement corporation. Item was deferred to executive session.

10. **ITEMS FOR FUTURE AGENDAS:** None.

11. **ANNOUNCEMENTS OF COMMUNITY INTEREST:**

11A. Ms. Keeble volunteered to be a participant in the Polar Bear Challenge on January 1, 2012. She noted a polar ice party would be held on December 15, 5-9 p.m. at Grape Juice; proceeds from both events would go to Partners in Ministry.

11B. Men's Night Out event downtown on Thursday, December 15.

12. **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 (deliberation regarding economic development negotiations) of the Texas Government Code; the motion was seconded by Mr. Allen and passed 5-0 to discuss the following items:

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.

Section 551.074:

- Appointment to the economic improvement corporation.
- Appointment of municipal court judges.
- Annual evaluation of the city attorney.
- Annual evaluation of the city manager.

At 7:31 p.m. the regular meeting recessed and council went into executive closed session at 7:31p.m. At 9:10 p.m. the executive closed session recessed and council returned to open session at 9:12 p.m. Mayor Wampler announced that no action had been taken in executive session.

13. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

13A. Appointment of Municipal Court Judges:

Mr. Allen moved to reappoint Patrick Maguire and Mark Prislovsky as municipal court judges with term to expire December 31, 2013. Ms. Keeble seconded the motion and it passed 5-0.

9C. Appointment to the economic improvement corporation. Mr. Gross moved to appoint Gary Cochrane to fill an unexpired term due to the resignation of Tony Roberts with term to expire June 1, 2013. Mr. Conklin seconded the motion and it passed 5-0.

14. ADJOURNMENT. The meeting adjourned at 9:14 p.m.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
OF A SOCIAL MEETING

KERRVILLE, TEXAS
DECEMBER 14, 2011

On Wednesday December 14, 2011, the Kerrville City Council met with the Kerrville Under Forty organization at 8:00 a.m. at the Y.O. Ranch Resort Hotel & Conference Center, 2033 Sidney Baker (SH 16), Kerrville, Texas.

MEMBERS PRESENT:

David Wampler	Mayor
T. Scott Gross	Councilmember
Stacie Keeble	Councilmember

MEMBER ABSENT:

Gene Allen	Mayor Pro Tem
Carson Conklin	Councilmember

STAFF PRESENT:

Todd Parton	City Manager
Brenda G. Craig	City Secretary
Mindy Wendele	Director of Business Programs
Johnna Wade	Main Street Manager

GUEST SPEAKER: MAYOR DAVID WAMPLER.

Mayor Wampler discussed city council goals and city projects, in particular: achieving fiscal sustainability, maintaining adequate level of service delivery, river trail and parks improvement program, more equality with the county in services provided under the interlocal agreements, major emphasis and funding for infrastructure improvement projects, and quality of life projects that included enhancements to natural attributes and amenities to attract people to our community.

PRESENTATION OF THE PERSON OF THE YEAR AWARD:

Mayor David Wampler presented the Person of the Year Award to T. Justin MacDonald.

The meeting adjourned at 8:33 a.m.

APPROVED: _____

ATTEST:

David Wampler, Mayor

Brenda G. Craig, City Secretary

CITY COUNCIL MINUTES
SPECIAL MEETING

KERRVILLE, TEXAS
DECEMBER 14, 2011

On December 14, 2011, the Kerrville City Council special meeting was called to order by Mayor Wampler at 10:00 a.m. in the city hall council chambers, 800 Junction Highway.

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
Kim Meisner	Director of General Operations
Mindy Wendele	Director of Business Programs

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

1. RESOLUTION NO 048-2011, ACCEPTING AND AWARDING THE BID FOR THE PURCHASE OF THE CITY OF KERRVILLE, TEXAS COMBINATION TAX REVENUE CERTIFICATES OF OBLIGATION, SERIES, 2011A:

Mr. Erwin noted the city had gone through the competitive bid process to issue \$3,500,000; staff recommended the bid be awarded to Morgan Keegan.

Ann Burger Entrekin, the city's financial advisor through First Southwest, noted the city had received a premium bid rate of 2.697656 from Morgan Keegan.

Mr. Allen moved for approval of Resolution No. 048-2011 with bid awarded to Morgan Keegan at the rate of 2.697656. Mr. Conklin seconded the motion and it passed 5-0.

ADJOURNMENT. The meeting adjourned at 10:05 a.m.

APPROVED: _____

David Wampler, Mayor

ATTEST:

Brenda G. Craig, City Secretary

Agenda Item:

4A. A resolution authorizing publication of notice of intention to issue certificates of obligation in the amount not to exceed \$10,000,000 for the purpose of financing parks and trail system improvements and water and sewer system improvements. (staff)

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

SUBJECT: Resolution Authorizing Publication of Notice of Intent to Issue
Certificates of Obligation

FOR AGENDA OF: January 10, 2012 **DATE SUBMITTED:** December 27, 2011

SUBMITTED BY: Mike Erwin 
Director of Finance

CLEARANCES: Todd Parton
City Manager

EXHIBITS: Resolution; Notice of Intent to Issue Certificates of Obligation

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 FY 12 budget includes CIP projects funded by Certificates of Obligation (COs). While COs are backed by the full faith and credit of the City, the water/wastewater debt issued for the water and wastewater projects will be funded with revenue from the water/wastewater fund which is dedicated to these specific purposes. The debt will be used to acquire, construct and equip extensions and/or improvements to the City's water and wastewater systems and for paying professional services related thereto.

The City has entered into an agreement with the City of Kerrville Economic Improvement Corporation (the "EIC") pursuant to which the EIC agreed to provide funds to the City in an amount sufficient to pay all debt service on the parks and trails projects' Certificates of Obligation up to \$7,000,000. The debt will be used to acquire, construct and equip renovations and improvements to the City's parks and trails system and for paying professional services related thereto.

The aggregate amount of certificates of obligation will not exceed \$10,000,000. Because the total issued by the City in calendar year 2012 is less than \$10,000,000, this issue will be bank qualified which should make it more attractive to banks because of the tax benefits associated with this type of issue.

The parks and trails debt is the second issuance of \$3,500,000 for the parks and trails system.

RECOMMENDED ACTION

Approve resolution authorizing publication of notice of intent to issue certificates of obligation.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. ____-2012**

**A RESOLUTION AUTHORIZING PUBLICATION OF
NOTICE OF INTENTION TO ISSUE CERTIFICATES OF
OBLIGATION IN THE AMOUNT NOT TO EXCEED
\$10,000,000 FOR THE PURPOSE OF FINANCING PARKS
AND TRAIL SYSTEM IMPROVEMENTS AND WATER
AND SEWER SYSTEM IMPROVEMENTS**

WHEREAS, the City Council of the City of Kerrville, Texas (the "City") hereby determines that it is necessary and desirable to acquire, construct, and equip renovations and improvements to the City's parks and trails system and to acquire, construct, and equip extensions and improvements to the City's waterworks and sewer system (collectively, the "Projects"); and

WHEREAS, the City Council of the City intends to finance the Projects from proceeds derived from the sale of a series of Combination Tax and Revenue Certificates of Obligation issued by the City pursuant to Sections 271.041 - 271.063, Texas Local Government Code, as amended; and

WHEREAS, pursuant to Section 271.049, Texas Local Government Code, the City Council deems it advisable to give notice of intention to issue certificates of obligation in an amount not to exceed an aggregate of \$10,000,000 for the purpose of paying for, in whole or in part, the Projects, to pay all or a portion of the legal, fiscal, and engineering fees in connection with the Projects, and to pay the costs of issuance related to the certificates of obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

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

SECTION ONE. Approval of Notice of Intention. Attached hereto is a form of the "Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation," the form and substance of which is hereby adopted and approved.

SECTION TWO. Authorization to Publish Notice of Intention. The City Secretary shall cause said notice to be published in substantially the form attached hereto in a newspaper, as defined in Section 2051.044, Texas Government Code, that is of general circulation in the area of the City, on the same day in each of two consecutive weeks, the date of the first publication thereof to be at least 31 days before the date tentatively set for the passage of the ordinance authorizing the issuance of such certificates of obligation as shown in said notice. The City

Manager and the Finance Director are each authorized to make changes to said Notice as necessary prior to its publication.

SECTION THREE. Incorporation of Recitals. The City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City Council hereby incorporates such recitals as a part of this Resolution.

SECTION FOUR. Effective Date. This Resolution shall become effective immediately upon passage.

PASSED AND APPROVED ON this the ____ day of January, A.D., 2012.

David Wampler, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Brenda G. Craig, City Secretary

**CITY OF KERRVILLE, TEXAS
NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION**

The City Council of the City of Kerrville, Texas (the "City") does hereby give notice of intention to issue one or more series of *City of Kerrville, Texas Combination Tax and Revenue Certificates of Obligation* in the maximum aggregate principal amount not to exceed \$10,000,000 for the purpose of paying, in whole or in part, contractual obligations to acquire, construct, and equip renovations and improvements to the City's parks and trails system and to acquire, construct, and equip extensions and improvements to the City's waterworks and sewer system (the "Projects") and for paying professional services related thereto. The City proposes to provide for the payment of such Certificates of Obligation from the levy and collection of ad valorem taxes in the City as provided by law and from a lien on and pledge of "Surplus Revenues", if any, received by the City from the ownership and operation of the City's waterworks and sewer system. (The City has entered into an agreement with the City of Kerrville, Texas Economic Improvement Corporation (the "EIC") pursuant to which the EIC has agreed to provide funds to the City derived from the EIC's economic development sales tax in an amount sufficient to pay debt service on the portion of the Certificates of Obligation issued to finance the improvements to the City's parks and trails projects, but such funds received from the EIC will not be pledged to secure the Certificates.) The City Council proposes to authorize the issuance of such Certificates of Obligation at 6:00 p.m. on Tuesday, February 14, 2012, at a Regular Meeting, at the City Hall, Kerrville, Texas.

/s/ Brenda G. Craig
City Secretary,
City of Kerrville, Texas

CERTIFICATE FOR RESOLUTION

**STATE OF TEXAS
COUNTY OF KERR
CITY OF KERRVILLE**

I, the undersigned City Secretary of the **City of Kerrville, Texas** (the "**City**"), hereby certify as follows:

1. The City Council of the City convened in REGULAR MEETING ON THE 10TH DAY OF JANUARY, 2012, at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

David Wampler, Mayor
Carson Conklin, Councilmember, Place One
Stacie Keeble, Councilmember, Place Two
T. Scott Gross, Councilmember, Place Three
Gene Allen, Councilmember, Place Four

and all of said persons were present, except the following absentees:
_____, thus constituting a quorum.

Whereupon, among other business, the following was transacted at said Meeting: a written

**RESOLUTION AUTHORIZING PUBLICATION OF
NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION**

was duly read. It was then duly moved and seconded that said Resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said Resolution, prevailed and carried by the following vote:

AYES: ___ NOES: ___ ABSTENTIONS: ___

2. A true, full, and correct copy of the aforesaid Resolution adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; said Resolution has been duly recorded in said City Council's minutes of said Meeting; the above and foregoing paragraph is a true, full, and correct excerpt from said City Council's minutes of said Meeting pertaining to the adoption of said Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of said City Council as indicated therein; each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for adoption at said Meeting; and said Meeting was open to the public, and public notice of the time, place, and purpose of said Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 10th day of January, 2012.

City Secretary, City of Kerrville, Texas

(SEAL)

January							February							March						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7			1	2	3	4						1	2	3
8	9	10	11	12	13	14	5	6	7	8	9	10	11	4	5	6	7	8	9	10
15	16	17	18	19	20	21	12	13	14	15	16	17	18	11	12	13	14	15	16	17
22	23	24	25	26	27	28	19	20	21	22	23	24	25	18	19	20	21	22	23	24
29	30	31					26	27	28	29				25	26	27	28	29	30	31



= Key Dates



= Holidays

CITY OF KERRVILLE, TEXAS
\$ _____ *
COMBINATION TAX & REVENUE CERTIFICATES OF OBLIGATION
SERIES 2012

PROPOSED TIMETABLE OF EVENTS
Dated December 7, 2011

DATE		EVENT
Tuesday	January 10, 2012	Regular meeting of the City Council to consider a Resolution authorizing Notice of Intent to Issue Certificates of Obligation.
Wednesday	January 11, 2012	Publication due to newspaper prior to 12:00 noon to include request for two publications, Saturday, January 14th and Saturday, January 21st.
Friday	January 13, 2012	Distribute First Draft of the Preliminary Official Statement ("POS") to working group for comments.
Saturday	January 14, 2012	First publication of Notice of Intent to Issue Certificates of Obligation.
Friday	January 20, 2012	Comments on first draft to POS due from working group.
Saturday	January 21, 2012	Second publication of Notice of Intent to Issue Certificates of Obligation.
Monday	January 23, 2012	Send POS and related documents to Standard & Poor's ("S&P").
Tuesday	January 24, 2012	Distribute second draft of POS to working group for comments. Distribute first draft of NOS to working group for comments.
Mon/Tues	January 30 & 31, 2012	Coordinate conference call with S&P.
Tuesday	January 31, 2012	Comments on second draft of POS due from working group. Comments on first draft of NOS due from working group.
Wednesday	February 01, 2012	Receive rating. NOS and POS goes to i-Deal web site for posting. NOS goes to Municipal Advisory Council of Texas for posting.
Tuesday	February 07, 2012	Submit request for CUSIPs.
Tuesday	February 14, 2012	Pricing. Regular meeting to conduct sale of Certificates of Obligation. Consider the adoption of the Ordinance Authorizing Issuance of Certificates of Obligation and approving and authorizing the execution of the Bond Purchase Agreement.
Wednesday	March 14, 2012	Closing Date; City delivers the Certificates of Obligation to Underwriter and receives funds.

*Preliminary, subject to change.

Agenda Item:

4B. Set time, date and place for a workshop to discuss the FY2013 budget.
(staff)

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

SUBJECT: Set time, date and place for a workshop to discuss the FY2013 budget.

FOR AGENDA OF: January 10, 2012 **DATE SUBMITTED:** January 5, 2012

SUBMITTED BY: Todd Parton **CLEARANCES:** NA
City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

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

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

With the completion of the first quarter of FY2012, it is time to initiate the process for the FY2013 budget. Staff is proposing that the City Council confirm a day-long budget workshop for 8 a.m. on Tuesday, January 31, 2012, at the KROC Center.

Through the course of the discussion the City Council will discuss:

1. Community goals and objectives,
2. Existing financial condition,
3. Financial and operational trends,
4. Desired levels of service,
5. Budget objectives for FY2013,
6. Major projects, and
7. FY2013 budget calendar.

RECOMMENDED ACTION

Staff recommends that the City Council confirm the time, date and place to kickoff the FY2013 budget process for 8 a.m. on Tuesday, January 31, 2012, and the KROC Center.

Agenda Item:
(Fred Parkhurst)

4C. Direction to staff on proposed amendments to the sign ordinance. (staff)

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

SUBJECT: Discussion, direction and possible action by City Council on sign ordinance review

FOR AGENDA OF: January 10, 2012

DATE SUBMITTED: December 30, 2011

SUBMITTED BY: Jeff Finley

CLEARANCES: Kristine Ondrias

EXHIBITS: Chamber of Commerce Survey
City sign ordinance comparison chart
Chart of current sign definitions and proposed

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:

SUMMARY STATEMENT

Staff was given direction to review and propose changes to the existing Sign Ordinance. A committee was established, has met and made recommendations for changes to the Sign Ordinance. Recommendations were on the following items:

- Electronic Message Boards, redefine, restrict size and message change times.
- Flashing Signs, redefine and prohibit.
- Roof signs, define and establish requirements for such signs.
- Various types of "temporary signs" define and establish requirements for such signs.
- Maintenance and Removal of signs which no longer advertise an active business.

The committee has met five (5) times. It has reviewed different types of signs and signs that are considered nuisances or safety hazards in Kerrville.

The committee found that the existing sign ordinance was outdated, long, hard to read and very tough to enforce.

The committee and staff recommend an overhaul of the existing ordinance. Current sign technology is not represented or defined in the ordinance. Enforcement is confusing and near impossible in some instances.

The Chamber of Commerce did a survey of members to show their thoughts on signs.

Staff has prepared a survey of other Cities sign ordinances and how they differ or are the same in several areas.

As requested by the Committee, this agenda item is meant to provide the City Council an opportunity to review the Committee's work and provide the Committee and staff direction from which to move forward.

RECOMMENDED ACTION

Council is asked to review the information presented and after any needed discussion, provide the staff direction on how to move forward.

Constant Contact Survey Results

Survey Name: Sign Ordinance Survey

Response Status: Partial & Completed

Filter: None

Nov 11, 2011 9:44:47 AM

1. Should the City's sign ordinance be amended to

	Number of Response(s)	Response Ratio
prohibit all electronic signage that change messages, including those that allow only traveling messages?	10	7.2%
expand the definition of electronic signage to allow screened images as on-premise signage?	83	60.5%
Leave the current standards in place.	26	18.9%
I do not know enough to have an opinion.	18	13.1%
No Responses	0	0.0%
Total	137	100%

2. If the ordinance is amended to allow electronic signs, should the use of those signs be

	Number of Response(s)	Response Ratio
limited to a percentage of allowed signage under the existing signs regulations?	33	25.9%
limited in location based on proximity to residential areas, location of other completing signs, number allowed on a single property?	54	42.5%
limited in brightness to mitigate night time nuisance?	59	46.4%
limited in the number of time per minute message can change every minute?	45	35.4%
allowed only if mounted in monument or non-pole signs?	40	31.4%
Total	127	100%

28 Comment(s)

3. Is there a need to further refine the use of these signs within different types of commercial areas, for example, within the Central Business District, along State or Interstate Highways, or along currently developed or newly developed corridors, Such as Holdsworth Drive, SH 173 or SH 534? If yes, please explain.

	Number of Response(s)	Response Ratio
Yes	44	32.1%
No	88	64.2%
No Responses	5	3.6%
Total	137	100%
40 Comment(s)		

Constant Contact Survey Results

Survey Name: Sign Ordinance Survey
Response Status: Partial & Completed
Filter: None
Nov 11, 2011 9:44:47 AM

2. If the ordinance is amended to allow electronic signs, should the use of those signs be - Comments

Answer	Respondent
We are facing so many problems as a City that fussing about people's signs seems petty and irrelevant to what really matters. If Hasting's sign is a wee bit shorter or National Car Sales has a sign just a tad dimmer, how is anyone's life better? Will it help bring more travelers to Kerrville if a bank changes their message a little slower? Nope. Not 1 piece of marketing material goes out saying, "Come to Kerrville, we have short, dim, slow signs! You'll love it here!"	laura.stovall@windstream.com

Personally if you allow one business to use any form of electronic signage you should not disallow another business to use the same type of signage. Digital is the way of the world, be up with the times or be sure to enforce the code to everyone the same way.	mlebleu@kerrvillerealtors.com
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do not allow any!	rzuber@zuberconstruction.com
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I don't want Kernville to end up having bright, flashing signs up and down our streets. The signs we currently have such as on Bank of the Hills and HCSB are acceptable. I don't object to having those in commercial areas as requested.

info@kernvillerealtors.com

If we spent more time trying to bring business and jobs to this city, maybe we would not have the time to worry about signs.

ward@omniglobal.net

Question is confusing but believe electronic signage needs to be allowed but have some regulations on size and location.

kyle@terminixabc.com

The downtown area is a mess with the existing electronic signs. They are a distraction to drivers and to pedestrians in the crosswalks and for safety sake, should be removed completely.

dbailey@greystoneprepschool.net

You left off an option: No limit. What interest does the city have in regulating private property (the sign)?

joe@herringprinting.com

mguerra@ktc.com

limited only by the business owners good sense
I only checked "limited to a percentage of allowed..." because
you survey required I check one box. This indicates that the
question was designed by someone who inherently believes
signs SHOULD be limited in some way. I reject that premise,
and so should you. A horribly designed question.

larnold@ktc.com

You made no allowance for "none of the above."

kbsolbrig@yahoo.com

I realize signage is to promote businesses, but Kernville
residents pushed for the UDC to reduce signing then. Rather
than irritate lots of public, if the change is made, it needs to be
controlled to prevent abuse.

My main concern is not allowing multiple signs on a property to lsecon@kctc.com cut out paid for billboard type advertising. I think the business who has the sign should be able to advertise or display for their business or of course a non profit only, not to sell ad space.

None of these issues are really of a concern

info@julieseventcenter.com

We need an effective, tightly defined sign ordinance. "Curb appeal", as well as traffic safety in Kernville has been adversely affected by prior loose sign ordinances.

pmurray@petersonrnc.com

NO REASONS FOR LIMITATIONS OF ANY KIND.

Anonymous

: find the choices are all negative.

txoserv@yahoo.com

Why not choose ideas that are positive for our city

Make it possible for all businesses to achieve why they are a business....to attract customers and make money

Be creative businesses if the city will allow it

We have an open sign in our window at our front door to let customers that are driving by know we are open. It is essential to us since our location can be missed and driven by. This open sign helps get attention.

mdwilson@ktc.com

I think this type of signage, if used where billboards are traditionally allowed, is fine, as long as the signs only change once every 30 seconds or longer - if they change too fast they are too distracting.

brandon.briery@campcamp.org

I don't know what the current rule is on this now, but I am 100% behind the business owner. It's hard enough to run a business with limits on your signage.

lisa@hill-country-visitor.com

bjburton@ktc.com

I get 5 choices? And they are the choices that the Chamber decides? Ridiculous!
I hope that these surveys are NOT used for any kind of 'official' decision-making. So far each has been biased and in NO WAY are they anonymous, as the Chamber receives these emails with our addresses attached! Ridiculous!

wbeltrone@stx.rr.com

I am against Government regulation however many of the streaming or traveling signs can be a distraction to drivers. If brightness is a factor, and it usually is, then the definition of "nuisance" could become a matter of discretion rather than a matter of ordinance or common sense.

Perhaps it is better to simply not allow these types of signs in specific areas or zones.

dwilson@hctc.coop

Tough call.
LED signage is beautiful but they can be astonishingly bright. Nothing says class and professionalism like an LED video sign and we all know Kerrville needs much more class and professionalism. I would strongly suggest limiting the lumen output so as not to become a nuisance, which these can easily become.

jmadson@pcm-cpa.com

Limit height, all signs should be limited to a certain height off the ground.

rose@sofastprinting.net

I think our town should not mirror those cluttered images we see when we go to SA or Dallas. that is not our image and ordinances need to be made to keep us a country imaage town that attracts vacationers, retirees, and stay away from the fast pace. cities.

rhm@kctc.com

I don't know the percentage of allowed signage is under the existing signs regs.

lindseyhollin@gmail.com

Let business do what the want! it is 2011!!!

brinksfloorstore@hotmail.com

None of the above, I am totally opposed to any of these electronic signs. I think they diminish the character of our city.

Moving electronic signs on bldg. are OK and should not occupy more than 25% of the amount of running frontage of the business property on which the sign is located. Electronic signs should only be flat on bldgs. fronts.

3. Is there a need to further refine the use of these signs within different types of commercial areas, for example, within the

Answer

Respondent

Restrict to not allow the lights from these signs to become an annoyance in nearby residential areas, especially at night. awahrhund@fsbstax.com

Signs should only be displayed by a business.

belindae95@gmail.com

Limit them to commercial areas

ray.watson@kerr-edc.com

One for all - same or not - CBD, Residential, or Hwy.

mlebleu@kerrvillerealtors.com

do not allow

rzuber@zuberconstruction.com

I wish I was more informed as to what the sign regulations are in Kerrvill. I know there is a lot of conflict over this issue. info@kerrvillerealtors.com

The downtown area needs to have seperate signage regulations to include sandwich boards, etc. these signs are crucial to making our downtown atmosphere and communicating what is in side these stores.

keri@grapejuiceonline.com

Kerrville's sign law is to restrictive and does not allow business alsei@ktc.com to adequately advertize or promote their business. If the City is to grow the business tax base then it must free business from restrictive rules of all types.

Perfect example of the over reach of government into the operation of business. I say, "Let there be signs!" ward@omniglobal.net

Electronic signs are a valuable tool for business. They can become an eyesore if not regulated to some degree. Believe there is a responsible way to use them but do believe there needs to be regulations as to the location and number of signs a single location can use. kyle@terminixabc.com

BUSINESSES NEED SIGNS TO PROMOTE BUSINESS IN KERRVILLE. SOME CITIZENS ACCUSE BUSINESSES OF BREACHING RESPECT FOR CITIZENS. BUT, CITIZENS NEED TO RESPECT THE NEEDS OF BUSINESS PEOPLE. RESPECT IS A TWO WAY STREET. marti@krvl.com

Electronic signage can become obnoxious and obtrusive. The City should carefully regulate all signage, but in particular, electronic signage to preserve and protect the unique quality and distinctive Hill Country ambiance of the community. Unregulated electronic signage becomes a distracting eyesore on the countryside.

The patiz@mountwesley.org

Not if the limitations in 2 are applied

bwalke1@vacation.com

I don't know much about the ordinance. We don't want a Las Vegas here. I think the present signs around town are no problem. I enjoy those at Bank of Hills, HCSB, First Christian Church, and Union Bank. The one at national car sales is kinda too much. Surprised the city allowed that one.

kpsf@windstream.net

Would hate to see neon signs everywhere. Absolutley NO signs on Holdsworth works for me.

I guess I'm in a anti-city mood, but I'm feeling pretty darn libertarian at the moment. The City has plenty to do to provide basic services. Perhaps they could regulate signs after they've built their City Hall and River Trail, two projects City Hall is afraid to ask the voters to approve.

joe@herringprinting.com

It's a small town. A bad choice in signage will get all the negative feedback necessary for the owner to get the message. Less regulations and more freedom is the sum of good government. And by the way, I am Michael Guerra, M.D. and stand by my comments by name.

mguerra@ktc.com

I think Kernville is to strict on signs.

sklein@rbfcu.org

It would be far more useful to require each business to post its street number visible while driving down the street.

larnold@ktc.com

NO LIMITS

gekpc@omniglobal.net

The sign rules have left us out of the world of a growing commerce. We need larger business avenues to come to Kerrville. Like Target, Red Lobster etc. The sign rules on the Hwy. 10 is too strict.

dan.schwartz@kerrvilletx.gov

Different signs for the different atmospheres. Downtown is going for a more historic look so historic looking signs with electronic being inside if wanted. The interstate draws people so larger electronic signs would be appropriate there. For the strip malls, one sign the tenants get to share. Appropriate signage needs to be determined for the look and feel an area wishes to convey.

kbsolbrig@yahoo.com

If truly planned and thought out, one code should be developed for current and NEW roadways and corridors.

Different areas may need different rules, no one rule to apply to every area. office@rerebx.com

Should not be allowed within Central Business District or Gateway. aaron@txpsv.com

It seems reasonable to say yes, as care might be taken near residential or historically significant areas to avoid light pollution frank_dunlap@uss.salvationarmy.org

Leave church signs unrestricted. jpratt@summit-mgmt.com

a changing electronic sign such as rolling stock quotes would be fine on a building ken.watson@rbc.com

It don't make any difference. As with the downtown hall project it was approved well before it was brought to the peoples attention.

If the signs in question are fair for one they should be fair for all. Why not Kerrvegasville?

Simple - not in my neighborhood where it will bother me.
Seriously, this coment applies to all citizens.

wbeltrone@stx.rr.com

Also, and more importantly, anywhere a sign can be a distraction to drivers is not a good place for bright traveling signs.

dwilson@hctc.coop

signs are made to be read and LED signs are wonderful to read - that being said if a driver is reading a sign they are not watching where they are driving. i cannot offer a skilled opinion other than i would think the speed limit of the road and the normal traffic congestion would dictate how these signs could be used, meaning they are probably excellent on the interstate but not so good on Holdsworth with bikers, walkers, and plenty of deer to hit.

The City needs to be careful to not allow signs too tall in nature or too poorly constructed. The aesthetics of the signs have a long term affect upon how the City is perceived.

jmadsen@pcm-cpa.com

I personally feel that these distractions are just that. they also take away from what country is and when I moved to Kerrville, I feel inlove with the coutry atmosphere. If I wanted a city, I would have moved there.

rose@sofastprinting.net

A difficult issue; however no one wants any street in Kerrville to look like a flashing Vegas strip.

rhm@ktc.com

prohibit in CBD. Restrict in other areas.

kristan@kerrvilletx.com

Newly developed corridors should always be reviewed for signage - would like to see some thought on light pollution at night so that stars would be more visible

rcox@comanchetrace.com

Signs downtown should have more limitations.

robstake@ktc.com

Signs should be of same height, width, conformed to be match
like to other signs. Flashing/message signs should be lower to
ground than regular signs and should be limited to daytime
flashing/messages only to not distract from night
driving. Existing customers should be grandfathered

The best example I can give is a homeowners association.
There is a designed look to that neighborhood/area/homes &
in this case businesses. If you want that look, those signs &
believe that it is needed to make that business successful and
help improve the current economy then yes, you buy in that
area to have the tools to make it work. The most economical
sound cities have sections and a heart to their city.

lindseyhollin@gmail.com

The sign type, style, and number should vary by the type of
commercial area.

info@sparemytime.com

What I see coming into town on Hwy 16 is the new electronic sign at Super 8 motel. I glance at it and automatically think it's some emergency vehicle. Drivers should not be distracted by any electronic sign, ie the one at the car lot across from the courthouse.

Worksheet - Electronic Message Centers	Current Definitions and Restrictions	Traveling Lighted Message Boards	Electronic Signs	Committee Proposed Definitions and Restrictions	Related Notes
	Flashing Signs			Flashing Signs	Variable Electronic Message Center
	Prohibited	Allowed	Prohibited	Redefine and Prohibit	Define, Allow and Restrict
<u>Restrictions based on potential nuisance</u>					
Prohibited within 100 feet of residential zone	Yes	No	Yes	Yes	Gov't, Civic and Inst'l allowed
Prohibited in CBD	Yes	No	Yes	Yes	Gov't, Civic and Inst'l allowed
Prohibited as off premise or roof signs	Yes	No	Yes	Yes	Yes
Prohibited as wall or window signs	Yes	No	Yes	Yes	in lieu of freestanding sign
<u>Restrictions to mitigate nuisance</u>	N/A	None	N/A	N/A	as follows
Maximum allowed square footage per location					32
Maximum allowed percentage of total free standing signage					30%
Restricted as part of a free standing sign if not along TXDOT ROW					No
Restricted w/in 100 feet of a signalized intersection					No
Minimum distance separation between signs					No
<u>Restriction on usage/functionality based on public/traffic safety</u>	N/A	None	N/A	N/A	as follows
Intensity of lite in lumen/foot-candles					allow 500 Measure in night, 7000 NITS
Hours of operation - general					None
Hours of operation - w/in 200 feet of residential zone					800pm to 6:00am
Message duration/hold					30 sec min
Message transition interval					1 sec max

City	Electronic Signs Time and Temp	Traveling Message	EMC	Notes	Temporary Signs Barriers	Notes	Beacons	Inflatables	Flags	Other Temporary	Notes	Roof Signs
Boerne	Allowed	Not Allowed	Allowed	One message change per day	No Size	30 days, 5 times/yr., CBD 1 day	Not Allowed	Not Allowed	3/location or counts as freestanding sign	---	---	Not Allowed
Cedar Hill	Allowed	Not Allowed	Allowed	Static Display Only	32 sq. feet	14 days/yr.	Not Addressed	up to 32 sq. feet	3/location	32 sq. ft.	14 days/year	Not Allowed
Cibola	Allowed	Not Allowed	Not Allowed	Neon is exempt	Square Feet Part of Sign Allocation	90 days, twice/year	Not Allowed	Not Allowed	3/location	32 sq. ft., 90days, twice/year	a frame signs, 6 square feet, business hours only, 5 ft.	Not Allowed
Fredericksburg	Allowed	Not Allowed	Not Allowed	Static Display Only	80 sq. ft., 32 sq. ft. in CBD	20 days, 6 times/yr.	Not Addressed	Not Allowed	Governmental only, all others counts as freestanding	---	---	Not Allowed
Georgetown	Allowed	Not Allowed	Not Allowed	---	Counts as part of wall sign allocation	45 days/yr.	Not Allowed	Not Allowed, if over 18"	Governmental only	45 days/yr.	5 ft. setback	Must be below roof peak
Laundor	Allowed to 32 sq. ft.	Allowed to 32 sq. ft.	Allowed to 32 sq. ft.	Monument only, except fronting IH10	48 sq. ft.	10' setback, 24 days, 4 times /yr.	5 days/year	48 sq. feet, 30' tall	3/location, gov't and institutional only	---	a frame signs, 12 square feet, business hours only	Not Allowed
New Braunfels	Allowed to 50 sq. ft.	Allowed to 50 sq. ft.	Allowed to 50 sq. ft.	Monument only in CBD	1.5 sq. ft. per bldg. front	90 days/yr.	Allowed, as temporary	Allowed, as temporary	Gov't allowed, others allowed as temporary	Allowed	90 days/yr.	Not in CBD
San Marcos	Allowed	Not Allowed	Allowed	Message Hold Minimum is 60 Seconds, size limited to 25% of allowed	96 sq. ft. along IH or SH, 32 sq. ft. elsewhere	90 days/yr.	Not Addressed	96 sq. ft. along IH or SH, 32 sq. ft. elsewhere	96 sq. ft. along IH or SH, 32 sq. ft. elsewhere	96 sq. ft. along IH or SH, 32 sq. ft. elsewhere	90 days/yr.	Not Addressed
Seguin	Allowed to 32 sq. ft.	Allowed to 32 sq. ft.	Allowed to 32 sq. ft.	Message Hold Minimum is 10 Seconds, size limited to 25% of allowed	48 sq. feet	60 days/yr.	Allowed in fixed position	48 sq. feet	48 sq. feet	48 sq. feet	180 days/yr.	Less than 10' over roof
Weatherford	Allowed	Allowed	Allowed	---	32 sq. ft.	60 days/yr., 30 days max	Allowed in fixed position	Not Allowed	/type/location, gov't only	---	---	30 sq. ft. in lieu of freestanding sign
Kerrville	Allowed	Allowed	Not Allowed	No size restriction where allowed	80 sq. ft.	No timeline	Not Allowed	Allowed, when attached to bldg.	Allowed, up to 6, no time limit	Allowed, when attached to bldg.	---	Allowed, no restriction

Those items marked in red seem to be reasonable allowances to be considered in Kerrville.

Agenda Item:

4D. Support of the Kerrville Area Chamber of Commerce's Kerr Fest 2012 scheduled for August 10 and 11, 2012. (staff)

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

SUBJECT: Discussion of support for the Kerrville Area Chamber of Commerce's
Kerr Fest 2012 scheduled for August 10 & 11, 2012

FOR AGENDA OF: January 4, 2012 **DATE SUBMITTED:** January 10, 2012

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:
\$3,110.00	\$	\$	Various Accounts

PAYMENT TO BE MADE TO:

REVIEWED BY THE FINANCE DIRECTOR:

SUMMARY STATEMENT

The Kerrville Area Chamber of Commerce is sponsoring the second annual Kerr Fest 2012 scheduled for August 10 & 11, 2012. The Friday and Saturday night events include an Open Pro Rodeo, Chili cook-off and Beer Fest all staged at the Hill Country Youth Exhibit Center.

Staff has been working with The Chamber to determine ways the City could support the event and Public Safety was deemed the area of most need. Data was gathered on personnel and equipment costs. The expenditure totaled \$3110.00 for Kerrville Fire Department and Kerrville Police Department costs for the hours and days gleaned from the Chamber.

RECOMMENDED ACTION

For discussion and provide direction.

Agenda Item:

5A. Water resources report. (staff)

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

SUBJECT: Water Resources Report

FOR AGENDA OF: 1/10/12

DATE SUBMITTED: 12/22/11

SUBMITTED BY: Charlie Hastings *CH*
Public Works Director

CLEARANCES: Todd Parton
City Manager

EXHIBITS:

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER: *[Signature]*

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)**

5B. Budget and economic update. (staff)

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

SUBJECT: Kerrville Budget/Economic Update

FOR AGENDA OF: January 10, 2012 **DATE SUBMITTED:** December 27, 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 JANUARY 4, 2012**

	Current Month	Previous Month	1 Year Ago	Trend	Current Month
National					
Unemployment	8.60%	9.00%	9.80%	↓	November
Consumer Confidence	56	40.9	54.3	↑	November
1 year T-Bills	0.11%	0.11%	0.27%	↔	1/3/12

State					
Monthly Unemployment	7.50%	8.00%	8.20%	↓	November
Monthly Sales Tax	\$2,068.8m	\$1,874.6m	\$1,844.6m	↑	November

Local					
Monthly Unemployment (Kerr Co.)	5.90%	6.30%	6.30%	↓	November
Median Listing Price	\$224,900	\$225,000	\$205,000	↑	11/30/11
Monthly Sales Tax	\$416,501	\$406,810	\$339,147	↑	December
Monthly EIC Tax	\$208,227	\$203,379	\$169,550	↑	December
Monthly HOT	\$60,611	\$78,259	\$57,006	↑	December

	FY12 Budget	FY12 as of 12/31/2011	FY12 % Received	FY11 as of 12/31/2010	FY11 % Received
General Fund					
Tax Revenue	\$14,501,600	\$4,118,954	28.40%	\$5,405,086	36.90%
Property Tax	\$7,900,000	\$2,578,059	32.63%	\$4,016,608	49.59%
Sales Tax	\$4,550,000	\$1,263,232	27.76%	\$1,122,351	24.94%
Permits & Fees	\$323,980	\$87,438	26.99%	\$85,958	21.36%
Intergovernmental	\$1,173,000	\$514,606	43.87%	\$260,300	36.82%
Service Revenues	\$2,571,246	\$571,193	22.21%	\$595,655	23.10%
Grant Revenue	\$26,500	\$12,559	47.39%	\$144	0.64%
Fines & Forfeitures	\$488,310	\$100,083	20.50%	\$131,434	27.51%
Interest & Misc.	\$317,770	\$42,898	13.50%	\$110,702	47.03%
Transfers In	\$1,250,000	\$312,500	25.00%	\$250,000	25.00%
Total General Fund	\$20,652,406	\$5,760,230	27.89%	\$6,839,278	34.08%
Total General Fund Expenditures	\$20,052,133	\$4,686,774	23.37%	\$5,121,013	25.52%
Water/Sewer Fund					
Water Sales	\$4,404,842	\$1,020,712	23.17%	\$1,245,065	28.30%
Sewer Sales	\$3,746,176	\$932,282	24.89%	\$883,726	23.50%
Other Revenue	\$735,226	\$196,492	26.73%	\$158,183	20.22%
Total Water & Sewer Fund	\$8,886,244	\$2,149,486	24.19%	\$2,286,975	25.58%
Total W&S Fund Expenditures	\$10,559,460	\$3,683,128	34.88%	\$2,219,367	24.50%

Agenda Item:

6A. Appointment(s) to the zoning board of adjustment. (staff)

SUBJECT: Appointment(s) to the Zoning Board of Adjustment

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

AGENDA MAILED TO:

APPROVED FOR SUBMITTAL BY CITY MANAGER:

Consider appointment to the following board:

RECOMMENDED ACTION

Consider appointment(s).

ZONING BOARD OF ADJUSTMENT

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
MORGAN, WILLIAM 1744 Glen Road Chairman	257-6263 (H) 739-9655 (C)	06-28-05**	10-28-08	9-30-12
ANDREW, GLENN CLARK 3553 La Cumbre Dr. Vice-Chair	895-0676 (H)	10-09-07* 10-28-08**	10-11-11	9-30-13
HARRISON, PARKER 640 East Lane	895-3289 (H) 370-1045	10-12-10	10-11-11**	9-30-13
ROGERS, JOE M. 1015 Jackson Rd.	792-5114 (H)	6-22-10*	10-11-11**	9-30-12
IRVIN, ROBERT 2128 Bluff Ridge	896-0586 (H) 895-7771 (O)	11-24-09		9-30-12

ALTERNATES:

STILWELL, LINDA 415 Timber Ridge Dr.	329-6456 (H)	10-11-11		9-30-13
VACANT				9-30-12

CITY STAFF:

Gordon Browning
Senior Planner

258-1184 (O)

- Qualifications:** The board shall be composed of five members all of whom shall be residents and qualified voters of the city of Kerrville.
- Alternate Members:** Two alternate members will be appointed who shall be qualified voters of the city to serve concurrent terms as the regular members. The alternate members will serve on the board in place of an absent member when requested to do so by the chairperson of the board so that all cases to be heard by the board shall always be heard by a minimum of four members.
- Powers and Duties:**
1. The board shall hear and decide an appeal that alleges an error in any order, decision, or determination made by an administrative official of the city in the interpretation or enforcement of Chapter 211 of the Texas Local Government Code, as amended, or the zoning code.
 2. The board shall grant, upon written request, variances from the height, yard, area, coverage, floor-to-area, and buffering regulations and required number of parking and loading spaces prescribed by the zoning code, which variances are not contrary to the public interest, and which, because of special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.
- Term of Office:** Two years. The members shall be appointed by a majority vote of the members of the city council. No member or alternate member shall serve more than two consecutive full terms on the board without having at least one full year off of the board between terms.

Quorum: Four members

Number of Members: Five with two alternates

Meeting Time & Place: At the call of the chairperson and at such other times as the members of the board shall determine.

Absences: Cause for removal of a member of the board by the city council shall be deemed to exist if during any period of twelve consecutive months for any reason other than a medical reason which prevents the member's attendance, the member is absent from the greater of three called meetings of the board or 25 percent of the called meetings of the board.

Established by: Ordinance No. 1997-07

Revised: November 18, 2011

* Appointed as alternate

** Appointed as full member

Agenda Item:

(Staff)

6B. Appointments to the planning and zoning commission. (staff)

**BUSINESS OF THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Appointments to the Planning and Zoning Commission

FOR AGENDA OF: January 10, 2012 **DATE SUBMITTED:** January 4, 2012

SUBMITTED BY: Brenda G. Craig *BC* **CLEARANCES:**
City Secretary

EXHIBITS: Planning and Zoning Commission Board List

APPROVED FOR SUBMITTAL BY CITY MANAGER: 

SUMMARY STATEMENT

Consider appointments to the following board:

Planning and Zoning Commission: Two regular member terms expired on January 1, 2012: Harold Buell, and David Watterson; and one alternate member term expired on January 1, 2012: Chastan McRae.

RECOMMENDED ACTION

Consider appointments.

PLANNING AND ZONING COMMISSION

	<u>Telephone</u>	<u>Orig. Appt.</u>	<u>Re-Appt. Date</u>	<u>Exp. Date</u>
KESSLER, JAMES Vice-Chairperson 131 Homestead	895-7831 (H)	04-12-05	12-14-10	01-01-13
BUELL, HAROLD 1214 Jack Dr.	896-0114 (O) 895-2444 (H)	01-09-07	01-12-10	01-01-12
MACDONALD, JUSTIN 2951 Fall Creek Road	257-5323 (O) 896-4821 (H)	06-24-08	01-11-11	01-01-13
WOOD, LEWIS 374 Englewood	257-4000 (O) 285-2410 (C)	06-14-11		01-01-13
WATTERSON, DAVID 177 Phoenix Dr.	895-4048 (O) 377-6400 (H)	01-12-10		01-01-12

ALTERNATES:

SIGERMAN, MICHAEL 154 Wharton Rd.	305-498-1602(O) 895-7765 (H)	01-12-10	01-11-11	01-01-13
McRAE, CHASTAN 705 Leland St.	377-3710 (O)	09-28-10		01-01-12

COUNCIL LIAISON:
Carson Conklin
720 Earl Garrett
895-5202 (O)

CITY STAFF:
Gordon Browning
Senior Planner
258-1184 (O)

Qualifications: At least four of the regular members shall be residents and eligible voters of the city; one regular member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County. At least one alternate member shall be a resident and eligible voter of the city; one alternate member may reside in the city's extraterritorial jurisdiction (ETJ) and must be an eligible voter of Kerr County.

Powers and Duties:

1. Shall formulate and recommend to the city council for adoption a Comprehensive Plan for the orderly growth and development of the city and its environs. On a yearly basis the commission shall review and if necessary recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the city.
2. Shall formulate a zoning plan (ordinance) as may be deemed best to carry out the goals of the Comprehensive Plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in state law.
3. Shall exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as set out by state law and the city's subdivision regulations.
4. Shall initiate for consideration at public hearings, proposals for the original zoning of annexed areas or for the change of zoning district boundaries on an area wide basis.

5. Shall consider and take appropriate action, upon written request, variances as prescribed to the city's subdivision and sign regulations.
6. Shall from time to time recommend such changes to the subdivision regulations, sign regulations, and any other ordinance the city council assigns to their review that will facilitate the general health, safety and welfare of the citizens of the city.

Term of Office: Two years. No regular member shall serve more than three consecutive full terms on the Commission without having at least one full year off the Commission between terms.

Quorum: Three (may include an alternate member but only where substitution for and acting as a regular member)

Number of Members: Five regular members and two alternates.

Meeting Time & Place: First and third Thursdays, 4:30 p.m., City Hall

Absences: Any member who is absent from twenty-five percent (25%) of the board's regular meetings during any twelve (12) month period, or who is absent from any three (3) consecutive regular meetings, shall be considered for removal by the city council. The staff member has the responsibility of reporting a member's non-attendance to the city council in writing, and the city secretary shall notify the board member in writing that their non-attendance has been reported to the city council. However, a member whose absences are directly related to a medical or family emergency may seek consideration from the board upon which they serve to qualify such absences as excused.

Established by: Minutes of 12-18-44 Council meeting; amended by Ordinance Nos. 1979-37, 1987-24, and 2008-24 (which deleted from Code of Ordinances book Chapter 82 – Article II – Sections 82-31 through 82-36 and rolled into Zoning Code which is not codified)

Revised: June 20, 2011