

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, MARCH 12, 2024, 6:00 P.M.

CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

The Community Vision

Kerrville will be a vibrant, welcoming and inclusive community that:

- *Respects and protects the natural environment that surrounds it;*
- *Seeks to attract economic growth and development;*
- *Provides opportunities for prosperity, personal enrichment and intellectual growth for people of all ages; and*
- *Does so while preserving the small-town charm, heritage, arts and culture of the community.*



Kerrville2050



CITY COUNCIL MEETING AGENDA

MARCH 12, 2024 6:00 PM

CITY HALL, 701 MAIN STREET, KERRVILLE, TEXAS



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

Citizens may view and hear City Council meetings on Spectrum Channel 2 or by live-streaming via the City's website (www.kerrvilletx.gov). City Council meetings are recorded and the recordings are posted on the City's website. Citizens wishing to speak during a meeting shall submit a completed "speaker request form" to the City Secretary before the item is introduced, but are encouraged to submit the form before the meeting begins. Each speaker is limited to four minutes.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property.

Thank you for your participation!

CALL TO ORDER: By Mayor Judy Eychner

INVOCATION AND PLEDGE OF ALLEGIANCE: Led by Councilmember Jeff Harris

1. **ANNOUNCEMENTS OF COMMUNITY INTEREST:** Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.
2. **PRESENTATIONS:**
 - 2.A Kerrville Fire Department EMS Person of the Year Award.
 - 2.B Commendation of Recognition for Grant Terry, retired employee from Public Works Department.
 - 2.C Recognition of the City of Kerrville Finance Department for receiving the Government Finance Officers Association Triple Crown Award.
 - 2.D Proclamation recognizing March 2024 as American Red Cross month in Kerrville, Texas.
 - 2.E State of the City video presentation.
3. **VISITORS/CITIZENS FORUM:** Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. The speaker request form must be submitted to the City Secretary before the item is called or read into record. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.
4. **CONSENT AGENDA:** These items are considered routine and can be approved in one motion unless a Councilmember asks for separate consideration of an item. It is recommended that the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:

4.A Interlocal Cooperation Agreement between the City of Kerrville and the Kerrville Independent School District for the use of facility.

Attachment: 20240312ILA City use of KISD facility.pdf

4.B City Council workshop minutes February 27, 2024.

Attachment: 20240312_Minutes 2-27-24 CC workshop.pdf

4.C City Council meeting minutes February 27, 2024.

Attachment: 20240312_Minutes CC meeting 2-27-24.pdf

END OF CONSENT AGENDA.

5. ORDINANCES, FIRST READING:

5.A Ordinance No. 2024-03. An Ordinance amending the City's Code of Ordinances by repealing Chapter 78 "Peddlers and Solicitors" in its entirety and replacing it with a new Article VI "Solicitations" within Chapter 30 "Businesses" of the City's Code of Ordinances; this new Article adopts revised regulations concerning peddlers, solicitors, and canvassers as those terms are defined; providing for penalties not to exceed \$500.00; ordering publication; providing an effective date; and providing other matters related to the subject.

Attachment: 20240312_Ord 2024-03 Peddlers and Solicitors.pdf

6. CONSIDERATION AND POSSIBLE ACTION:

6.A Presentation of the City's FY2023 audit and overview of the Annual Comprehensive Financial Report (ACFR) by Kevin Kemp, Partner with Forvis, LLP, the City's audit firm.

7. **EXECUTIVE SESSION:** *City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel/officers), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code.*

8. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY.

9. ITEMS FOR FUTURE AGENDAS: *City Council may suggest items or topics for future agendas.*

ADJOURN.



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

SUBJECT: Kerrville Fire Department EMS Person of the Year Award.

AGENDA DATE OF: March 12, 2024 **DATE SUBMITTED:** February 16, 2024

SUBMITTED BY: Eric Maloney, Fire Chief

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

The Kerrville Fire Department is recognizing Patrick Brunelli as the EMS Person of the year.

RECOMMENDED ACTION:

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



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

SUBJECT: Commendation of Recognition for Grant Terry, retired employee from Public Works Department.

AGENDA DATE OF: March 12, 2024 **DATE SUBMITTED:** February 26, 2024

SUBMITTED BY: Stuart Barron, Director of Public Works

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A
Guiding Principle N/A
Action Item N/A

SUMMARY STATEMENT:

RECOMMENDED ACTION:

Present recognition.



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

SUBJECT: Recognition of the City of Kerrville Finance Department for receiving the Government Finance Officers Association Triple Crown Award.

AGENDA DATE OF: March 12, 2024 **DATE SUBMITTED:** March 6, 2024

SUBMITTED BY: Julie Behrens, Director of Finance

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

The Government Finance Officers Association (GFOA) Triple Crown Award recognizes governments that have received GFOA's:

1. Certificate of Achievement for Excellence in Financial Reporting
2. Popular Annual Financial Reporting Award
3. Distinguished Budget Presentation Award

The City of Kerrville has received both the Distinguished Budget Presentation Award and the Certificate of Achievement for Excellence in Financial Reporting for 38 consecutive years. However, this year the City received GFOA's Popular Annual Financial Reporting Award (PAFR) for the first time. The PAFR is designed to provide readers a summarized view of the City's financials to increase transparency and provide alternative communication of financials. The PAFR award is the third of three awards necessary to earn the Triple Crown.

RECOMMENDED ACTION:

Information only; no action.



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

SUBJECT: Proclamation recognizing March 2024 as American Red Cross month in Kerrville, Texas.

AGENDA DATE OF: March 12, 2024 **DATE SUBMITTED:** February 26, 2024

SUBMITTED BY: Mayor Judy Eychner

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

The City of Kerrville recognizes March 2024 as American Red Cross month.

RECOMMENDED ACTION:

Present proclamation.



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

SUBJECT: State of the City video presentation.

AGENDA DATE OF: March 12, 2024 **DATE SUBMITTED:** March 6, 2024

SUBMITTED BY: Dalton Rice, City Manager

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? Yes

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

RECOMMENDED ACTION:

State of the City video presentation.



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

SUBJECT: Interlocal Cooperation Agreement between the City of Kerrville and the Kerrville Independent School District for the use of facility.

AGENDA DATE OF: March 12, 2024 **DATE SUBMITTED:** March 6, 2024

SUBMITTED BY: Ashlea Boyle, Director Parks & Recreation

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$2,000.00	N/A	N/A	N/A

PAYMENT TO BE MADE TO: Kerrville Independent School District

Kerrville 2050 Item? Yes

Key Priority Area P - Parks / Open Space / River Corridor

Guiding Principle N/A

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

SUMMARY STATEMENT:

Attached is an interlocal agreement between the City of Kerrville and the Kerrville Independent School District (KISD) to use the Tivy High School parking lot for the Total Solar Eclipse on April 8, 2024. City staff has been working with KISD since the inception of eclipse planning.

The parking lot will be for paid parking and a shuttle to the Kerrville Eclipse Festival in Louise Hays Park. City staff recognized a need for designated parking for the festival and anticipated visitors to purchase tickets; however, they were unrestricted. All available parking spots sold quickly once sales opened.

The City will pay KISD a flat fee of \$2,000 and any additional maintenance costs to check the facilities at the end of the event. As a reminder, all eclipse-related revenue will help the City offset the expense of the eclipse event.

Both governing bodies must approve this agreement. Staff recommends authorization of the Mayor to finalize and execute the agreement.

RECOMMENDED ACTION:

Approval of the agreement.

ATTACHMENTS:

[20240312ILA City use of KISD facility.pdf](#)

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF
KERRVILLE AND THE KERRVILLE INDEPENDENT SCHOOL DISTRICT FOR THE
USE OF FACILITY**

This Interlocal Cooperation Agreement (“Agreement) is entered into on this _____ day of March, 2024, between the City of Kerrville, Texas (the “City”) and the Kerrville Independent School District (the “District”) pursuant to the provisions of the Interlocal Cooperation Act, Chapter 791, Texas Government Code. The City and the District are collectively referred to herein as the “Parties” and are each a “Party”.

WITNESSETH:

WHEREAS, Chapter 791 of the Texas Government Code, as amended, titled Interlocal Cooperation Contracts, authorizes contracts between political subdivisions for the performance of governmental functions and services; and,

WHEREAS, the District owns and operates Tivy High School, located at 3250 Loop 534, Kerrville, Texas 78028; and,

WHEREAS, the City desires to use the parking lot at Tivy High School, as more accurately depicted in Exhibit “A” attached hereto and incorporated by reference.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the sufficiency of which are acknowledged, and subject to the terms and conditions hereinafter set forth, the Parties agree as follows:

I. PURPOSE OF THE AGREEMENT

1.1 The purpose of the Agreement is to formalize cooperation between the City and District with regards to the mutual use of public facilities.

II. DESIGNATED FACILITY USE

2.1 In consideration of the mutual covenants and promises of this Agreement, the District shall allow City to use the following facility (“Facility”) for the Agreed upon purpose:

- a. Tivy High School Parking Lot

This Agreement does not entitle the City to enter, occupy, or use any other area, facility, or building owned or controlled by the District.

III. TERM OF USE

3.1 The term of this Agreement, and all rights and obligations of the Parties under this Agreement, shall commence on April 7, 2024, and shall terminate on April 8, 2024. The City shall

have access to the Facility pursuant to the terms of this Agreement from 12 p.m. on April 7, 2024 until 12 a.m. on April 9, 2024. The City shall be entitled to enter the Facility, only upon those dates and at the times stated in this Agreement or otherwise agreed to in writing. No overnight use shall be permitted.

IV. PERMITTED USE

4.1 The City shall use the Facility only for the purpose of providing parking for paying patrons for Solar Eclipse Activities (hereinafter the “Event”) and for no other purposes without the written consent of the District. In the event that the City uses the Facility for a significantly different purpose without District consent, this Agreement may be immediately terminated by the District.

V. FEE

5.1 As consideration for use of the Facility, the City shall pay the District a flat fee of \$2000 to cover the hourly use of the facility and additional maintenance pay to check facilities at the end of the event.

VI. CITY RESPONSIBILITIES

6.1 The City shall i) comply with local fire code requirements; ii) not obstruct or restrict access to the entries leading to the Facility; and iii) not use the Facility in such a way or for any purpose that restricts ingress or egress to the Facility or access to or from the Facility by Event participants or emergency personnel. Possession or consumption of alcoholic beverages and smoking at the Facility is prohibited at all times. The City shall not be permitted to bring to the Facility any materials, substance, equipment, or object that is likely to cause injury to, or endanger the life of, any person or that is likely to cause damage to the Facility, including Barbeque grills. The District shall have the right, in its sole discretion, to require the immediate removal of any materials, substance, equipment, or object that the District determines constitutes a danger or hazard to persons or property. No alteration of any nature may be made to the Facility without prior written consent of the Superintendent.

6.2 The City shall not knowingly create any nuisance, interfere with the District’s normal school operations, permit any waste, or use the Facility in any way that would be construed as extra hazardous or would increase the District’s insurance premiums or void its policy.

6.3 The City shall keep the Facility free of litter, trash paper and other waste generated during the term of this Agreement and shall dispose of same. The City shall return the Facility to a substantially similar condition as it was found.

6.4 Damages to the Facility during the Event beyond normal wear and tear shall be the responsibility of the City.

6.5 The City is solely responsible for and will provide at City’s sole expense all usual and customary personnel and equipment for the Event.

VII. LIABILITY

7.1 THE DISTRICT SHALL HAVE NO LIABILITY WHATSOEVER FOR THE ACTIONS OF, OR FAILURE TO ACT BY, OR WITH RESPECT TO ANY CLAIM OR CAUSE OF ACTION THAT ARISES FROM THE ACTIONS OR OMISSIONS OR FOR ANY OFFICERS, EMPLOYEES, INVITEES, AGENTS OR ASSIGNS OF THE CITY, OR WITH RESPECT TO THE FACILITY, AND THE CITY COVENANTS AND AGREES THAT THE CITY SHALL BE SOLELY RESPONSIBLE FOR AND WITH RESPECT TO ANY CLAIM OR CAUSE OF ACTION ARISING OUT OF OR WITH RESPECT TO ANY ACT, OMISSION OR FAILURE TO ACT BY THE CITY OR ITS AGENTS, OFFICERS, INVITEES, OR ASSIGNS.

VIII. INSURANCE

8.1 The City shall obtain and maintain for the period of this Agreement a policy of comprehensive general liability insurance from an insurance company authorized to do business in the State of Texas, and which provides evidence of General Liability Coverage in the amount of \$1,000,000 Combined Single Limit. Such policy shall be issued in the name of the City and shall list the District as an additional insured.

IX. NOTICE

9.1 Except as otherwise provided by this Section, notices, consents, approvals, demands, requests or other communications provided or permitted under this Interlocal Agreement, will be in writing and will be sent via certified mail, hand delivery, overnight courier, or email (to the extent an email address is set forth below) as provided below, and notice will be deemed given (i) if delivered by certified mailed, when deposited, postage prepaid, in the United States mail, or (ii) if delivered by hand, overnight courier, or email (to the extent an email address is set forth below), when received:

CITY: City of Kerrville
701 Main Street
Kerrville, TX 78028
Attn: Dalton Rice, City Manager

DISTRICT: Kerrville Independent School District
1009 Barnett St.
Kerrville, TX 78028
Attn: Dr. Brent Ringo, Superintendent

X. SEVERABILITY

10.1 If any portion of this Agreement shall be deemed void or invalid, the remaining portions of the Interlocal Agreement shall continue in full force and effect.

XI. ENTIRE AGREEMENT

11.1 This Agreement is the entire agreement between the City and the District as to the subject matter hereof and supersedes any prior understanding or written or oral agreement relative to the subject matter hereof. This Agreement may be amended only by written instrument duly approved and executed by both Parties in accordance with the formalities of this Agreement.

XII. GOVERNING LAW; VENUE

12.1 All Parties agree that this Agreement shall be construed under the laws of the State of Texas, and obligations under the Agreement shall be performed in Kerr County, Texas. In the event that any legal proceeding is brought to enforce this Agreement or any provision hereof, the same shall be brought in the State District Court of Kerr County, Texas. The Parties agree to submit to the jurisdiction of said court.

XIII. NON-ASSIGNMENT OF RIGHTS

13.1 Neither Party may assign this Agreement or any portion or right thereof without the prior written consent of the other Party.

XIV. COUNTERPARTS

14.1 This Agreement may be executed in multiple counterparts, each of which will be deemed an original and all of which take together will constitute one and the same document.

XV. MUTUAL OBLIGATIONS

15.1 The Parties warrant that their mutual obligations under this Agreement shall be performed with due diligence in a safe and professional manner and in compliance with any and all applicable statutes, rules and regulations. Parties to this Agreement shall comply with all Federal, State, and local laws.

XVI. MISCELLANEOUS PROVISIONS

16.1 The relationship of District and City shall, with respect to that part of any service or function undertaken as a result of or pursuant to this Agreement, be that of independent contractors. Nothing contained herein shall be deemed or construed by the Parties hereto, or by any third party, as creating the relationship of principal and agent, partners, joint venturers, or any other similar such relationship between the Parties hereto.

16.2 The captions contained in this Agreement are for convenience of reference only and in no way limit or expand the terms or conditions of this Agreement.

16.3 No Party hereto waives or relinquishes any immunity or defense on behalf of itself, its trustees, council members, officers, employees, and agents as a result of the execution of this Agreement and the performance of the covenants and agreements contained herein.

16.4 This Agreement inures to the benefit of and obligates only the Parties executing it. No term or provision of this Agreement shall benefit or obligate any person or entity not a Party to it. The Parties hereto shall cooperate fully in opposing any attempt by any third person or entity to claim any benefit, protection, release, or other consideration under this Agreement.

[Signatures and acknowledgements on the following pages]

The Parties hereto have executed this Agreement as of the dates set forth below to be effective as of the Effective Date.

CITY OF KERRVILLE, TEXAS

By: Judy Eychner,
Mayor

THE STATE OF TEXAS §
COUNTY OF KERR §

This instrument was acknowledged before me on the _____ day of _____, 2024, by Judy Eychner, the Mayor of the City of Kerrville, Texas, a Texas municipal corporation, on behalf of said City.

[Seal]

Notary Public in and for the State of Texas

ATTEST:

APPROVED AS TO FORM:

Shelley McElhannon, City Secretary

William Borch

KERRVILLE INDEPENDENT SCHOOL DISTRICT

By: _____
Dr. Brent Ringo,
Superintendent

THE STATE OF TEXAS §
§
§
§
COUNTY OF KERR

This instrument was acknowledged before me on the ____ day of _____, 2024, by Dr. Brent Ringo, the Superintendent of the Kerrville Independent School District, a political subdivision of the State of Texas, on behalf of said entity.

[Seal]

Notary Public in and for the State of Texas

EXHIBIT A

Attached Certificate of Coverage for General Liability Coverage



Certificate of Coverage

TMLIRP Contract Number:	8179
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Member: Kerrville Ms. Kimberly Meismer Assistant City Manager 701 Main St Kerrville, Texas 78028	Company Affording Coverage: Texas Municipal League Intergovernmental Risk Pool (TMLIRP) PO Box 149194 Austin, TX 78714-9194 (512) 491-2300 or (800) 537-6655 Fax: (512) 491-2404
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Certificate Holder: Kerrville Independent School District 1009 Barnett St Kerrville, TX 78028	
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This is to certify that the coverages listed below have been provided to the member and are in effect at this time. Notwithstanding any requirements, terms, or conditions of any other contract or agreement with respect to which this certificate may be issued or may pertain, the coverage afforded by TMLIRP described herein is subject only to the terms, exclusions and additions of TMLIRP's coverage contracts between TMLIRP and its member(s).

Coverage is continuous until canceled.

General Liability	Effective Date: 10/1/2023 Anniversary Date: 10/1/2024	Real & Personal Property	Effective Date: _____ Anniversary Date: _____
Limits of Liability (Each Occurrence): Sudden Events Involving Pollution (Each Occurrence):	\$1,000,000	Limits of Coverage: _____	_____
Annual Aggregate:	\$1,000,000	Deductible per Occurrence:	_____
Deductible per Occurrence:	\$2,000,000	Mobile Equipment	Effective Date: _____ Anniversary Date: _____
Law Enforcement Liability	Effective Date: _____ Anniversary Date: _____	Limits of Coverage: _____	_____
Limits of Liability (Each Occurrence): Annual Aggregate:	\$2,500	Deductible per Occurrence:	_____
Errors and Omissions Liability	Effective Date: _____ Anniversary Date: _____	Boiler & Machinery - Broad Form	Effective Date: _____ Anniversary Date: _____
Limits of Liability (Each Wrongful Act): Annual Aggregate:	_____	Per Accident Limit:	_____
Deductible per Occurrence:	_____	Deductible per Occurrence:	_____
Auto Liability	Effective Date: _____ Anniversary Date: _____	Year/Make/Model	VIN
Limits of Liability (Each Occurrence): Deductible per Occurrence:	_____		Value
Auto Physical Damage	Effective Date: _____ Anniversary Date: _____		
Limits of Liability:	_____		
Collision Deductible:	_____		
Comprehensive Deductible:	_____		
	Yes _____ No _____		
Loss Payee:	_____	Loan Number:	_____

DESCRIPTION:

Evidence of coverage for the use of Kerrville Independent School District's parking lots, located at 3250 TX-534 Loop and 3175 TX-534 Loop, Kerrville, TX, on 04/08/24 by the City of Kerrville.

Cancellation: Should any of the above described coverages be canceled before the anniversary date thereof, TMLIRP will endeavor to mail 30 days written notice to the above named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon TMLIRP.

Authorized Representative: Brandy Wine

Date Issued:

2/12/2024

X102

2/10/2015



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

SUBJECT: City Council workshop minutes February 27, 2024.

AGENDA DATE OF: March 12, 2024 **DATE SUBMITTED:** February 9, 2024

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

City Council workshop minutes February 27, 2024 at 4:00 p.m.

RECOMMENDED ACTION:

Approve minutes as presented.

ATTACHMENTS:

[20240312_Minutes 2-27-24 CC workshop.pdf](#)

**CITY COUNCIL WORKSHOP MINUTES
CITY HALL COUNCIL CHAMBERS**

**FEBRUARY 27, 2024 4:00 PM
701 MAIN STREET, KERRVILLE, TEXAS**

CALL TO ORDER: On February 27, 2024 at 4:00 p.m., the City Council workshop was called to order by Mayor Judy Eychner at City Hall Council Chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Judy Eychner, Mayor
Roman Garcia, Council Place 1
Jeff Harris, Council Place 2
Joe Herring Jr, Council Place 3
Brenda Hughes, Council Place 4/Mayor Pro Tem

COUNCILMEMBERS ABSENT:

None

CITY STAFF PRESENT:

Dalton Rice, City Manager
Mike Hayes, City Attorney
Kim Meismer, Asst City Manager
Shelley McElhannon, City Secretary
David Barrera, Asst Director PW

Stuart Barron, Executive Director
Kyle Burow, Director of Engineering
Guillermo Garcia, Executive Director
Eric Maloney, Fire Chief
Chris McCall, Police Chief

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

Sean Scott, Senior Director Alamo Area Council of Government
Jess Swaim, Consultant with 6S Engineering

1. PUBLIC COMMENT:

The following person(s) spoke:

- Michael Burkett
- Barbara Dewell Ferguson
- George Hammerlein

2. DISCUSSION, CONSIDERATION, POSSIBLE ACTION:

2A. Alamo Area Council of Government (AACOG) funding for Alamo Regional Transit (ART) public transit.

Sean Scott with AACOG provided information and responded to questions.

Mayor Eychner shifted item 2D presentation forward, due to a San Antonio news team providing coverage of the Eclipse update.

2D. 2024 Hill Country Solar Eclipse update.

Police Chief Chris McCall, Fire Chief Eric Maloney, and Dalton Rice provided information and responded to questions.

2B. Pavement Management Master Plan and Street Assessment Condition Index.

Stuart Barron provided information and responded to questions.

2C. Proposed regulations for peddlers, solicitors, and canvassers (Ordinance No. 2024-03).

Mike Hayes provided information and responded to questions.

2D. 2024 Hill Country Solar Eclipse update. (This item was shifted forward, and presented before item 2B).

3. **EXECUTIVE SESSION:** Executive Session was not called nor convened.

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

ADJOURN. The workshop adjourned at 5:55 p.m.

APPROVED BY COUNCIL: _____ ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: City Council meeting minutes February 27, 2024.

AGENDA DATE OF: March 12, 2024 **DATE SUBMITTED:** February 9, 2024

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

City Council meeting minutes February 27, 2024 at 6:00 p.m.

RECOMMENDED ACTION:

Approve minutes as presented.

ATTACHMENTS:

[*20240312_Minutes CC meeting 2-27-24.pdf*](#)

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
FEBRUARY 27, 2024 6:00 PM**

On February 27, 2024 at 6:01 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street. Councilmember Roman Garcia provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

Judy Eychner, Mayor
Roman Garcia, Councilmember Place 1
Jeff Harris, Councilmember Place 2
Joe Herring, Jr., Councilmember Place 3
Brenda Hughes, Councilmember Place 4

COUNCILMEMBER ABSENT:

None

CITY EXECUTIVE STAFF:

Dalton Rice, City Manager
Mike Hayes, City Attorney
Kim Meismer, Asst City Manager
Shelley McElhannon, City Secretary
David Barrera, Asst Director PW
Stuart Barron, Executive Director

Julie Behrens, Director of Finance
Stuart Cunyus, Public Information Officer
Guillermo Garcia, Executive Director
Eric Maloney, Fire Chief
Chris McCall, Police Chief

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

Maria Pruneda, Liaison for Senator Pete Flores
Pablo Brinkman, Realtor Brinkman Preferred Properties

Mayor Eychner shifted item 2A forward.

2A. Resolution by the State of Texas Senate designating the City of Kerrville as the 50th Music Friendly Texas Community by the Texas Music Office.

Maria Pruneda, Liaison with Senator Pete Flores, presented the Texas Senate Resolution designating the City of Kerrville as the 50th Music Friendly Texas Community.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Community announcements provided by Stuart Cunyus, Councilmember Brenda Hughes, Councilmember Joe Herring, Jr., and Dalton Rice.

2. PRESENTATION(S):

2A. Resolution by the State of Texas Senate designating the City of Kerrville as the 50th Music Friendly Texas Community by the Texas Music Office. (This item was shifted forward, before item 1).

Mayor Eychner shifted item 2E forward.

2E. Kerrville Fire Department Person of the Year Awards for Officer, Firefighter, and EMS.

Fire Chief Eric Maloney presented the 2023 Kerrville Fire Department Person of the Year awards to Officer Casey Goodman, and Fire Fighter David "DJ" Hurbert.

2B. Kerrville Kindness Award: St. Peter's Episcopal Church *Hamburgers for the Hungry* ministry.

Mayor Eychner presented the Kerrville Kindness Award to the St. Peter's Episcopal Church Hamburgers for the Hungry ministry represented by Ross Rommel and the Hamburgers for the Hungry ministry.

2C. Proclamation recognizing March 2024 as the March for Meals month at the Dietert Center in Kerrville, Texas.

Mayor Eychner presented the March for Meals month proclamation to the Dietert Center representative Brenda Thompson, Paige Sumner, and Mark Haufler.

2D. Life Saving Award presentations to Officer Tyler Cottonware, Officer Dylan Myers, and Telecommunications Specialist Karla Garcia.

Police Chief Chris McCall recognized, honored, and presented the Life-Saving Award to Telecommunications Specialist Karla Garcia, and Life-Saving Bars to Officer Tyler Cottonware and Officer Dylan Myers.

2E. Kerrville Fire Department Person of the Year Awards for Officer, Firefighter, and EMS. (This item was shifted forward, before item 2B).

3. VISITORS FORUM:

The following person(s) spoke:

- Katy Kappel

4. CONSENT AGENDA:

Councilmember Garcia requested to pull Item 4A and made a motion to approve items 4B and 4C, seconded by Councilmember Jeff Harris. The motion passed 5-0.

4B. City Council workshop minutes February 13, 2024.

4C. City Council meeting minutes February 13, 2024.

Title of item 5 will be corrected to read as Public Hearing.

END OF CONSENT AGENDA.

4A. Purchase of International Diesel Crew Cab 2-Ton Truck with service bed, in an amount not to exceed \$163,789.00 purchased from the HGACBuy Corporation for use by the City's Public Works Department.

David Barrera provided information and responded to questions.

Councilmember Garcia made a motion to approve the purchase, seconded by Councilmember Harris. The motion passed 5-0.

5. ORDINANCES, SECOND READING:

5A. Ordinance No. 2024-04, second reading. An Ordinance establishing an exemption from ad valorem (property) taxes for qualifying child-care facility properties pursuant to the authority in Section 11.36, Texas Tax Code.

Shelley McElhannon read Ordinance No. 2024-04 caption into record.

Councilmember Hughes made a motion to approve Ordinance No. 2024-04 on second reading, seconded by Councilmember Herring. The motion passed 4-1 with Mayor Eychner,

Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

5B. Ordinance No. 2024-05, second reading. An Ordinance deleting Chapter 22, "Aviation", of the Code of Ordinances of the City of Kerrville, Texas; containing a cumulative clause; containing a savings and severability clause; and providing other matters relating to this subject.

Shelley McElhannon read Ordinance No. 2024-05 caption into record.

Councilmember Harris made a motion to adopt Ordinance No. 2024-05 on second reading, seconded by Councilmember Garcia. The motion passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Resolution No. 07-2024. A Resolution authorizing the sale of the property located at 505 Center Point Drive E., such property described as Lot 1, Oak View Estates, a subdivision out of the Benjamin B. Peck Survey No. 51, Abstract No. 266, and consisting of approximately 17.68 acres; and authorizing the City Manager to execute the documents necessary to complete this sale.

Shelley McElhannon read Resolution No. 07-2024 caption into record.

Guillermo Garcia and Pablo Brinkman provided information and responded to questions

Councilmember Hughes made a motion to approve Resolution No. 07-2024 and authorize the City Manager to execute the documents necessary to complete this sale, seconded by Councilmember Garcia. The motion passed 5-0.

7. INFORMATION & DISCUSSION:

7A. Financial Report for month ending January 31, 2024.

Julie Behrens provided information and responded to questions.

7B. Annual Financial Report for the Tax Increment Reinvestment Zone Number One, City of Kerrville, Texas (TIRZ #1).

Julie Behrens provided information and responded to questions.

The following person(s) spoke:

- William Rector

8. BOARD APPOINTMENTS:

8A. Appointment to the Kerrville Public Utility Board of Trustees, position #1. (Eligible for Executive Session 551.074)

Councilmember Garcia motioned to convene Executive Session under 551.074 (personnel/ officers), seconded by Councilmember Harris. The motion passed 5-0. At 7:08 p.m., the open meeting recessed and Council convened into closed Executive Session.

9. EXECUTIVE SESSION: Executive Session not called nor convened.

9A. Appointment to the Kerrville Public Utility Board of Trustees, position #1. (551.074)

At 7:25 p.m., the closed Executive Session adjourned and the open meeting reconvened. No action taken during Executive Session.

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

Mayor Eychner made a motion to appoint Rachel Johnston as the Kerrville Public Utility Board of Trustees, position #1 member, seconded by Councilmember Harris. The motion passed 5-0.

11. ITEM(S) FOR FUTURE AGENDAS: None

ADJOURN. The meeting adjourned at 7:26 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: Ordinance No. 2024-03. An Ordinance amending the City's Code of Ordinances by repealing Chapter 78 "Peddlers and Solicitors" in its entirety and replacing it with a new Article VI "Solicitations" within Chapter 30 "Businesses" of the City's Code of Ordinances; this new Article adopts revised regulations concerning peddlers, solicitors, and canvassers as those terms are defined; providing for penalties not to exceed \$500.00; ordering publication; providing an effective date; and providing other matters related to the subject.

AGENDA DATE OF: March 12, 2024

DATE SUBMITTED: March 1, 2024

SUBMITTED BY: Guillermo Garcia

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

Chapter 78 - Peddlers and Solicitors is being replaced with a new chapter within Chapter 30 "Business". The purpose of this new ordinance is to protect against criminal activity, including fraud and burglary, minimize the unwelcome disturbance of citizens and the disruption of privacy, and otherwise preserve public health, safety, and welfare by regulating, controlling, and licensing canvassers, solicitors, and peddlers.

The new ordinance establishes the following:

- Hours in which canvassing, solicitation, and peddling may occur at private residences;
- Permit requirements
- Application requirements
- Revocation and Appeals process

RECOMMENDED ACTION:

Approve Ordinance No. 2024-03 first reading.

ATTACHMENTS:

[20240312_Ord 2024-03 Peddlers and Solicitors.pdf](#)

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2024-03**

AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES BY REPEALING CHAPTER 78 "PEDDLERS AND SOLICITORS" IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE VI "SOLICITATIONS" WITHIN CHAPTER 30 "BUSINESSES" OF THE CITY'S CODE OF ORDINANCES; THIS NEW ARTICLE ADOPTS REVISED REGULATIONS CONCERNING PEDDLERS, SOLICITORS, AND CANVASSERS AS THOSE TERMS ARE DEFINED; PROVIDING FOR PENALTIES NOT TO EXCEED \$500.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, the City of Kerrville, Texas ("City") is a home-rule municipality possessing the full power of local self-government, pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, as amended, and the City's Charter; and

WHEREAS, regulations on peddlers and other solicitation activities in the City were adopted as early as 1968, and have since been amended and modified multiple times by the City Council as it deemed fit; and

WHEREAS, City residents expect their local government to assist them in preserving their privacy and avoiding petty annoyances that disrupt their quiet enjoyment of their homes; and

WHEREAS, other persons often desire to interrupt and intrude into the quiet enjoyment of a person's home to solicit donations for causes believed to be worthy of support; to canvas for support for particular religious, ideological, or political causes; or for reasons for securing sales of products or services; and

WHEREAS, pursuant to Section 215.075, Texas Local Government Code, City Council has the power and authority to license any lawful business or occupation; and

WHEREAS, an important part of the freedom enjoyed by all citizens and residents of the United States is the right to speak freely, to express ideas that may be unpopular, and to engage others in debate without government interference; and

WHEREAS, the United States Supreme Court consistently recognizes the right and obligation of local governments to protect their citizens from fraud and harassment, particularly when the solicitation of money is involved; and

WHEREAS, a responsibility of government, to include local governments such as cities, is to balance these competing interests in a manner consistent with both the United States and Texas Constitutions, while protecting the privacy of its citizens and attempting to prevent crime and minimize fraud; and

WHEREAS, the current provisions of Chapter 78, "Peddlers and Solicitors", are out of date and no longer adequate to meet the needs of the community; and

WHEREAS, City Council finds that the regulation of solicitations and similar activities within the City is in the best interest of the health, safety, and welfare of the citizens of the City; and

WHEREAS, based upon the important public policies expressed above, City Council finds it to be in the public interest to repeal Chapter 78 of the City's Code of Ordinances in its entirety and to replace said chapter with a new Article VI within Chapter 30 of the Code as provided herein;

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

SECTION ONE. The facts, recitations, and findings contained in the preamble of this Ordinance are found to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

SECTION TWO. Chapter 78 "Peddlers and Solicitors" of the Code of Ordinances of the City of Kerrville, Texas, is repealed and replaced in its entirety with a new Article VI "Solicitations" to be placed within Chapter 30, as provided for in **Exhibit A**, which is attached, included herein for all purposes, and hereby adopted.

SECTION THREE. The City Secretary is authorized and directed to submit this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the provisions adopted herein, to include the repeal and deletion of Chapter 78 in its entirety; the addition of a new Article VI to be found in Chapter 30 of the Code; to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code as appropriate.

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

this Ordinance are expressly repealed to the extent of any such inconsistency or conflict. Ordinance Nos. 86-62 and 91-12 are repealed.

SECTION FIVE. It is officially found and determined that the meetings at which this Ordinance is passed were open to the public as required and that public notice of the time, place, and purpose of said meetings was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

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

SECTION SEVEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7 of the Code of Ordinances of the City of Kerrville, Texas and specifically a fine not exceeding FIVE HUNDRED DOLLARS (\$500.00) per day for each violation hereof.

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

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

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____ A.D., 2024.

**PASSED AND APPROVED ON SECOND AND FINAL READING,
this the _____ day of _____, A.D., 2024.**

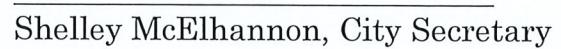
Judy Eychner, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:



Shelley McElhannon, City Secretary

EXHIBIT A

“CHAPTER 30 BUSINESSES, PERMITS, AND LICENSES

ARTICLE VI. - SOLICITATIONS

Sec. 30-176. - Purpose.

The purpose of this article is to protect against criminal activity, including fraud and burglary, minimize the unwelcome disturbance of citizens and the disruption of privacy, and to otherwise preserve the public health, safety, and welfare by regulating, controlling, and/or licensing peddlers, solicitors, and canvassers.

Sec. 30-177. - City Manager.

The City Manager shall administer the provisions of this article.

Sec. 30-178. - Definitions.

Business day means any calendar day except Saturday, Sunday, or any City holiday.

Canvasser means a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue, or candidate, even if incidental to such purpose the canvasser accepts the donation for money for or against such cause; or (2) distributing a handbill or flyer advertising a non-commercial event or service.

City Manager means the City Manager or designee.

Official means the City Manager, City's Peace Officers, or Code Enforcement Officers.

Peddler means a person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident for the primary purpose of attempting to sell goods, merchandise, wares, or other personal property of any nature or service.

Peddle and any form of the word means all activities ordinarily performed by a peddler.

Solicitation, soliciting, solicited, or any form of the word solicit means any activities ordinarily performed by a solicitor.

Solicitor means any person who goes upon the premises of any residence in the City, not having been invited by the occupant thereof for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This definition includes any person who, without invitation, goes upon the premises of any residence in the City to request a contribution of funds or anything of value, or sell goods or services for educational, political, charitable, religious, or other non-commercial purposes.

Sec. 30-179. - Hours of Peddling, Soliciting, or Canvassing at Private Residences.

It is unlawful for any person, whether permitted or exempted from needing a permit, to peddle, solicit, or canvass at residences between the hours of 8:00 p.m. and 8:00 a.m. unless permission is otherwise posted by the private property owner or by someone with apparent authority to act for the owner. This section does not apply where the peddler, solicitor, or canvasser is on the property by express, prior invitation of the owner of the property or a person residing on the premises.

Sec. 30-180. - Entry upon Premises Unlawful.

It is unlawful for any person to peddle, solicit, or canvass upon any private property in the City where the owner, occupant, or person legally in charge of the premises has posted at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Solicitors", "No Trespassing", or words of similar intent.

Sec. 30-181. - Penalty for violation.

- (a) Any person, firm, partnership, corporation, association, agent, or employee thereof who violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than \$50.00 nor more than \$500.00 for each offense. Each and every hour that such violation shall continue shall be deemed to constitute a separate offense.
- (b) The culpable mental state required by Section 6.02, Texas Penal Code, is hereby specifically negated. The offenses under this article shall be strict liability offenses.

Sec. 30-182. - Permit Requirements and Exemptions.

It is unlawful for any person to engage in peddling or solicitation activities within the City without first obtaining a permit issued by the City Manager. The following activities are exempted from the provisions of this section:

- (1) A canvasser;
- (2) A peddler or solicitor currently licensed by the state to engage in the activity;
- (3) persons selling fresh produce;
- (4) mobile food establishments and temporary food establishments that are required to get a food establishment permit from the City to sell food; and
- (5) temporary sales sponsored by charitable, non-profit organizations including, Boy Scouts and Girl Scouts, service clubs, and school organizations.

Sec. 30-183. - Solicitation on public property.

- (a) It is unlawful for any person to peddle, hawk, sell, solicit, distribute, or take orders for any services, wares, merchandise, or goods, including magazines, encyclopedias, tools, photographs, flowers, candy, or plants on the streets, street rights-of-way, or medians of the City. This prohibition shall apply to and include any institution or group organized for a political, religious, or charitable purpose, or individuals engaging in such activities on behalf of any such institution or group.
- (b) No permit provided for herein shall be issued for selling in the above manner.
- (c) An exception applies to vendors authorized to sell within the City's parks and recreational areas pursuant to permission granted by the City Manager, authorized by law, or where similarly authorized by other public entities.

Sec. 30-184. - Exhibition of Permit Required.

- (a) It is unlawful for any peddler or solicitor to fail to conspicuously display on or about their person the permit issued by the City.

(b) "Conspicuously displayed" shall mean displayed to the front and visible to whomever the permit holder is conversing at all times they are engaged in a permitted activity.

Sec. 30-185. - Permits for Minor Peddlers and Solicitors.

- (a) It is unlawful for any person under the age of 18 to engage in peddling or soliciting except as provided in this section.
- (b) A permit shall be obtained by a sponsoring person, company, or organization for the conduct of any peddling or soliciting activities involving in whole or in part a sales force of one or more persons under the age of eighteen years of age.
- (c) The sponsor shall be responsible for supervising and controlling all persons peddling or soliciting under the sponsor's permit.
- (d) The sponsor shall provide to each individual peddling or soliciting under its authority a badge or other easily readable form of identification that identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals to wear the identification so that it is clearly visible at all times while peddling or soliciting.

Sec. 30-186. - Application.

Applicants for permits under this article shall file with the City Manager an application in writing on a form obtained from the officer and provide the following:

- (1) A valid Texas driver's license or state issued photo identification;
- (2) The number of the limited sales tax permit issued to the business by the state comptroller's office, if applicable;
- (3) A brief description of the activity or business to be conducted;
- (4) The appropriate fee;
- (5) Proof of status necessary to receive an exception under Sections 30-182 or 30-189 of this article.

Sec. 30-187. - Investigation by the police department.

- (a) Upon the initial submission of permit application, the police department shall obtain the applicant's fingerprints and run a background check on

the applicant as the police department deems necessary. If the applicant returns to renew the application within the calendar year of the initial submission, the retaking of fingerprints will not be required as long as the individual can present valid identification that corresponds with the initial identification. A background check will be conducted each time the permit is renewed and fingerprints will be retaken during the first application process in each calendar year.

- (b) The police department is authorized to investigate the affairs of any person peddling or soliciting in violation of this article.
- (c) The police department may recommend denial of a permit to any applicant for good cause, which may include the following:
 - (1) being a fugitive from justice;
 - (2) providing false and/or misleading statements on the permit application; or
 - (3) conducting peddling or soliciting activities contrary to regulations contained herein.

Sec. 30-188. - Application fee.

The City shall charge a nonrefundable fee for the administration and investigation of the application. Such fee shall not be prorated and shall be paid at the time the application is made and shall not be returned to the applicant, regardless of whether a permit is issued. The fees and charges for permits furnished by the City are established by City Council and adopted as part of the City's annual fee schedule.

Sec. 30-189. - Exceptions to fee.

The following organizations are exempt from paying a permit fee; however, all peddlers and solicitors are required to comply with all other applicable provisions of this article unless otherwise exempted:

- (1) Any local church or other religious group, or to ministers or agents thereof soliciting funds for the support of such religious group;
- (2) Any established society, association, or corporation that is organized and operated exclusively for educational, philanthropic, benevolent, fraternal, or charitable purposes, not operated for pecuniary profit, where no part of the net earnings inures to the benefit of any person,

private shareholder, or individual, where the peddling or soliciting of such organization is:

- a. conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for the activity; or
- b. in the form of collections or contributions at the regular exercises or services of any society, lodge, benevolent order, or fraternity or similar organization, or any branch thereof.

(3) Sales of goods, wares, and merchandise donated by the owners thereof, the proceeds of which are to be used and applied to some charitable, religious, or philanthropic purposes.

(4) Sales of goods, wares, and merchandise by any bonafide charitable, religious, or philanthropic organization.

Sec. 30-190. - Issuance.

Upon presentation of an administratively complete application, the City shall issue a permit to the applicant within 10 business days unless grounds for denial exist under Section 30-194.

Sec. 30-191. - Contents.

- (a) Each permit issued under this article shall show the name of the permitted individual, business address, a description of the type of peddling or soliciting, product, or activity, the date of issuance, and the expiration date of such permit.
- (b) The City will number each permit and include the following language prominently displayed: *“The issuance of this Permit is not an endorsement by the City of Kerrville, or any of its officers or employees, and expires _____.”*

Sec. 30-192. - Expiration.

All permits issued under the provisions of this article shall expire 90 days from the date of issuance.

Sec. 30-193. - Transfer.

No permit issued under the provisions of this article shall be transferred or assigned.

Sec. 30-194. - Denial.

The City Manager may deny issuing a permit to a person under this article for the following reasons:

- (1) Because of a person's conviction of a felony or misdemeanor if the crime directly relates to the conduct of a business or results from an assault against a person.
- (2) An investigation reveals that the applicant falsified information on the application.
- (3) The applicant is a registered sex offender.

Sec. 30-195. - Revocation.

- (a) Permits issued under the provision of this article may be revoked for any of the following causes by any official other than the City Manager:
 1. Fraud, misrepresentation, or false statement contained in the application for permit;
 2. Fraud, misrepresentation, or false statement made in the course of carrying out business or other activities;
 3. Any violation of this article;
 4. Conviction of a misdemeanor or any felony if the crime directly relates to the conduct of business; or
 5. Conducting the business of peddling or soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, and general welfare of the public.
- (b) The official revoking the permit shall provide notice of the revocation both verbally and in writing and shall specify the basis of a revocation.
- (c) When the peddler or solicitor receives notice that his/her permit has been revoked, said person shall immediately surrender the permit to the City.

Sec. 30-196. Appeals.

- (a) A permit holder may appeal the act of denial or revocation of any permit to the City Manager within 5 business days from the date of denial or revocation.
- (b) Such appeal shall be taken by filing with the City Manager a written statement setting forth fully the grounds for the appeal.
- (c) The City Manager shall issue a decision on the denial or revocation in writing within 5 business days of receipt of the appeal.
- (d) The revocation or denial is not stayed pending the City Manager's decision.
- (e) The decision and order of the City Manager on such appeal is final and conclusive."



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

SUBJECT: Presentation of the City's FY2023 audit and overview of the Annual Comprehensive Financial Report (ACFR) by Kevin Kemp, Partner with Forvis, LLP, the City's audit firm.

AGENDA DATE OF: March 12, 2024 **DATE SUBMITTED:** February 13, 2024

SUBMITTED BY: Julie Behrens, Director of Finance

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

The City contracted with Forvis, LLP to conduct an audit of the City's FY2023 financials and to assist with development of the City's Annual Comprehensive Financial Report (ACFR). Kevin Kemp, Partner with Forvis, LLP will present the outcome of the audit and an overview of the City's FY2023 financials. Council action requested is to accept the Annual Comprehensive Financial Report.

RECOMMENDED ACTION:

Accept Annual Comprehensive Financial Report.