



City Council Regular Meeting Agenda
January 14, 2025 at 6:00 PM
City Hall, 701 Main Street, Kerrville, Texas



Citizens may view and hear City Council meetings on Spectrum Channel 2 or by live-stream via the [City's website \(www.kerrvilletx.gov\)](http://www.kerrvilletx.gov). City Council meetings are recorded, and recordings 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, and 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: Mayor Joe Herring, Jr.

INVOCATION AND PLEDGE OF ALLEGIANCE: Councilmember Brenda Hughes

1. **ANNOUNCEMENTS OF COMMUNITY INTEREST:** *Items of community interest, including expressions of thanks, congratulations, condolences; holidays; recognitions; city sponsored events, or events scheduled which city officials will attend; safety and imminent threats to the public. No action will be taken.*
2. **PRESENTATIONS:**
 - 2.A Commendation of Recognition: Termed Board members. (Mayor Herring)
 - 2.B Kerrville Pets Alive! Update. (Karen Guerriero, Board President)
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 complete the speaker request form and submit it 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, staff, or member of the public asks for separate consideration of an item. It is recommended that the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:*
 - 4.A Resolution No. 03-2025. A Resolution authorizing the acceptance of \$53,250.00 in grant funding from the Office of the Governor and its Edward Byrne Memorial Justice Assistance Grant Program for funding to purchase a motorcycle for the Kerrville Police Department. (C McCall, Chief of Police)
 - 4.B City Council workshop minutes December 10, 2024. (S McElhannon, City Secretary)
 - 4.C City Council meeting minutes December 10, 2024. (S McElhannon, City Secretary)
5. **ORDINANCES, FIRST READING:**

- 5.A Ordinance No. 2025-01. An Ordinance amending Chapter 46 "Environment" of the City's Code of Ordinances by adding a new Article II "Tree Preservation", which adopts regulations for the preservation of trees; providing for penalties not to exceed \$2000.00; ordering publication; providing an effective date; and providing other matters related to the subject. *(D Paxton, Director of Planning & Development)*
- 5.B Ordinance No. 2025-02. An Ordinance amending Chapter 94 "Taxation", Article III "Occupancy", of the Code of Ordinances of the City of Kerrville, Texas, by amending various sections relating to the imposition of a Hotel Occupancy Tax; by revising the definition of "Consideration" to clarify what costs are subject to the tax and to clarify the process for reports and audits; containing a cumulative clause; containing a savings and severability clause; ordering publication; and providing other matters relating to the subject. *(J Bogusch, Finance Compliance Coordinator)*

6. **PUBLIC HEARINGS AND RESOLUTIONS:**

- 6.A Resolution No. 01-2025. A Resolution pursuant to Section 2306.67071, Texas Government Code, with respect to tax-exempt bond applications for housing tax credits; and finding no objection from City Council as to the applicant (Envolve Communities, LLC), its application(s), or the developments, which are known as Heritage Oaks Apartments, the Meadows Apartments, and Paseo de Paz. *(M Hornes, Assistant City Manager)*

7. **CONSIDERATION AND POSSIBLE ACTION:**

- 7.A Resolution No. 02-2025. A Resolution pursuant to 10 Texas Administrative Code, Section 11.3(c), with respect to tax-exempt bond applications for housing tax credits; finding that the City of Kerrville, Texas has more than twice the State average of units per capita supported by housing tax credits. *(M Hornes, Assistant City Manager)*

8. **BOARD APPOINTMENTS:**

- 8.A Appointment to the Food Service Advisory Board. *(S McElhannon, City Secretary)*
- 8.B Appointment to the Zoning Board of Adjustment. (Item eligible for Executive Session). *(S McElhannon, City Secretary)*

9. **EXECUTIVE SESSION:** *City Council may, as permitted by law, adjourn into executive session at any time to discuss items listed above if items meet the qualifications in Chapter 551 of the Texas Government Code.*

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

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

ADJOURN.

The facility is wheelchair accessible, and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1118 for further information.

I hereby certify that this agenda was posted as notice of the meeting on the bulletin board at the City Hall of the City of Kerrville, Texas, and on the City's website on the following date and time: 1/09/2025 at 4:00pm, and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Shelley McElhannon, City Secretary, City of Kerrville, Texas



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

CAPTION: Commendation of Recognition: Termed Board members. (*Mayor Herring*)

AGENDA DATE: January 14, 2025

DATE SUBMITTED: 12/12/2024

SUBMITTED BY:

Shelley McElhannon, City Secretary

EXHIBITS:

None

Expenditure:

Account Number:

**Payment to/Vendor
name:**

Amount Budgeted:

Account Balance:

Kerrville 2050 Item?

No

Key Priority Area:

SUMMARY:

Food Service Advisory Board: Wendy Massey

Main Street Advisory Board: Diana Howard

Senior Service Advisory Board: marilyne Cizmich, Christine Klima

RECOMMENDED ACTION:

Present recognition.



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

CAPTION: Kerrville Pets Alive! Update. *(Karen Guerriero, Board President)*

AGENDA DATE: January 14, 2025

DATE SUBMITTED: 01/03/2025

SUBMITTED BY:

Janelle Chapman, Procurement Coordinator

EXHIBITS:

1. Kerrville Pets Alive! Presentation 01-14-2024

Expenditure:

Account Number:

**Payment to/Vendor
name:**

Amount Budgeted:

Account Balance:

Kerrville 2050 Item?

Key Priority Area:

SUMMARY:

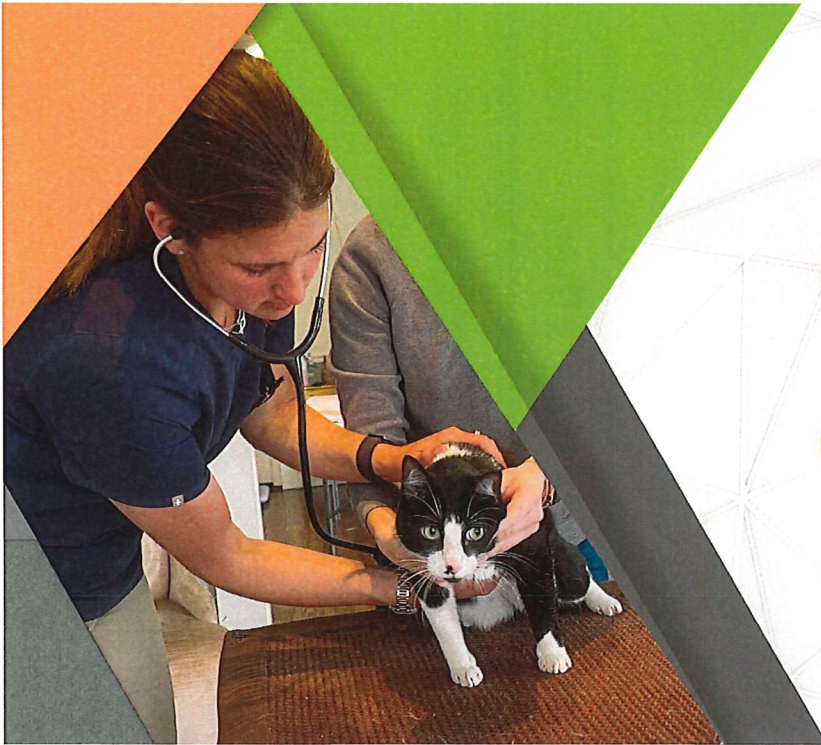
Kerrville Pets Alive! (KPA!) is a nonprofit organization dedicated to saving the lives of homeless pets in Kerr County, Texas. Kerrville Pets Alive! works to keep pets in homes and out shelters by assisting Kerr County Animal Services with funding and volunteers and providing animal welfare resources to the Kerr County community.

Since the formation of KPA!, there has been a substantial decrease in the number of pets euthanized in Kerr County.

KPA! is a recipient of Community Support funds from the City of Kerrville. Karen Guerriero, Board President, has requested to provide a brief update to City Council about KPA! accomplishments in 2024.

RECOMMENDED ACTION:

N/A



KERRVILLE
Pets!
Alive!



**\$6,000 COMMUNITY
SERVICES
AGREEMENT**

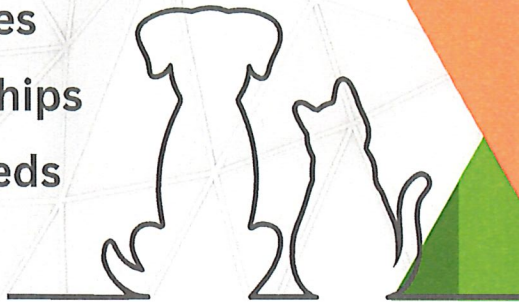


AFFORDABLE & ACCESSIBLE PET WELLNESS

- **Supports Residents in Need**
- **Helps People Keep Companion Pets**
- **Promotes a Healthy Pet Population**

SNIP & CHIP CLINICS

- Low-Cost for Low-Income
- Exam
- Spay/Neuter Surgery
- Vaccines
- Microchips
- Flea Meds



6 SNIP & CHIP CLINICS

\$50 FOR DOGS AND \$25 FOR CATS

194 KERR COUNTY PETS SPAYED/NEUTERED

173 MICROCHIPPED

162 VACCINATED

**126 PETS FROM KERRVILLE
RECEIVED THESE SERVICES**



VACCINE CLINICS

- Low-Cost for Low-Income
- Exam
- Rabies Vaccine
- Anti-Viral Vaccines
- Microchips
- Flea Meds
- Nail Clips

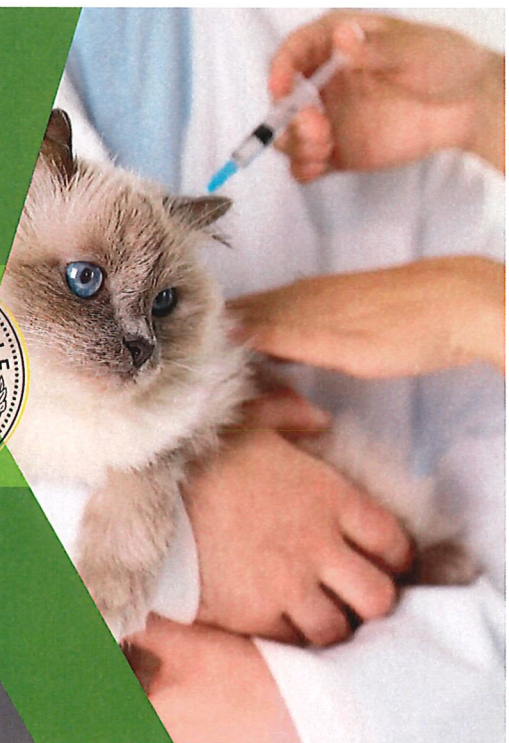
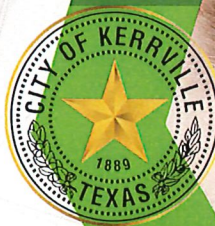


3 VACCINE CLINICS

\$10 for Cats and \$15 for Dogs

**175 Kerr County Pets Vaccinated
& 83 Microchipped**

**132 Kerrville Pets Vaccinated
59 Kerrville Pets Microchipped**



QUALITY OF LIFE FOR KERRVILLE RESIDENTS

1

HEALTH

AFFORDABLE &
ACCESSIBLE
CLINICS SUPPORT
A HEALTHY PET
POPULATION

2

SAFETY

AFFORDABLE &
ACCESSIBLE CLINICS
PROTECTS
RESIDENTS

3

EDUCATION

AFFORDABLE &
ACCESSIBLE CLINICS
ALLOW HANDS ON
HUMANE EDUCATION

4

COMMUNITY INVESTMENT

KERR COUNTY RESCUES

KERR COUNTY
VETERINARIANS AND
PET RESCUES

VOLUNTEERISM

THANK YOU CITY OF KERRVILLE





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

CAPTION: Resolution No. 03-2025. A Resolution authorizing the acceptance of \$53,250.00 in grant funding from the Office of the Governor and its Edward Byrne Memorial Justice Assistance Grant Program for funding to purchase a motorcycle for the Kerrville Police Department. *(C McCall, Chief of Police)*

AGENDA DATE: January 14, 2025

DATE SUBMITTED: 12/12/2024

SUBMITTED BY:

Chris McCall, Chief of Police

EXHIBITS:

1. 20250114_Reso 03-2025_KPD Motorcycle Grant Acceptance
2. Statement of Award- Byrne Grant Funding

Expenditure:

Account Number:

**Payment to/Vendor
name:**

Amount Budgeted:

Account Balance:

Kerrville 2050 Item?

No

Key Priority Area:

SUMMARY:

This is a request for authorization to accept funds awarded by the Texas Office of the Governor from the Edward Byrne Memorial Grant Fund in the amount of \$53,250.

These funds have been awarded to the City of Kerrville Police Department to purchase and fully equip a Police Motorcycle.

RECOMMENDED ACTION:

Approve Resolution No. 03-2025. Authorize the acceptance of funding through the Office of the Governor from The Edward Byrne Memorial Justice Assistance Grant Program to be utilized to purchase a fully equipped Police Motorcycle.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 03-2025**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF
\$53,250.00 IN GRANT FUNDING FROM THE OFFICE OF THE
GOVERNOR AND ITS EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT PROGRAM FOR FUNDING TO
PURCHASE A MOTORCYCLE FOR THE KERRVILLE POLICE
DEPARTMENT**

WHEREAS, the City, through its Police Department (“KPD”), seeks authorization from City Council to accept grant funding from the Office of the Governor and its Edward Byrne Memorial Justice Assistance Grant Program for funding to purchase a motorcycle for the Kerrville Police Department, such funding in an amount not to exceed \$53,250.00; and

WHEREAS, KPD will use the grant funding to purchase a motorcycle and equipment necessary for KPD’s use of the motorcycle; and

WHEREAS, City Council finds it to be in the public interest to authorize the City to accept grant funding from the Office of the Governor for the purpose expressed above;

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

SECTION ONE. City Council authorizes the acceptance of grant funding from the Office of the Governor for funding in an amount not to exceed \$53,250.00, for purchasing a motorcycle for KPD.


SECTION TWO. Pursuant to the grant, the City agrees to return grant funds to the Office of the Governor, in the event of loss or misuse of any grant funds.

SECTION THREE. The City designates the City Manager or designee as the City’s authorized official who is given the authority to reject, alter, or terminate the grant on behalf of the City and take all other action in furtherance of the grant process.

**PASSED AND APPROVED ON this the _____ day of _____ A.D.,
2025.**

Joe Herring Jr., Mayor

APPROVED AS TO FORM:



William L. Tatsch, Asst. City Attorney

ATTEST:

Shelley McElhannon, City Secretary

Statement of Grant Award (SOGA)

The Statement of Grant Award is the official notice of award from the Office of the Governor (OOG). This Grant Agreement and all terms, conditions, provisions and obligations set forth herein shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and all other State of Texas agencies and any other agencies, departments, divisions, governmental entities, public corporations, and other entities which shall be successors to each of the Parties or which shall succeed to or become obligated to perform or become bound by any of the covenants, agreements or obligations hereunder of each of the Parties hereto.

The approved project narrative and budget for this award are reflected in eGrants on the 'Narrative' and 'Budget/Details' tabs. By accepting the Grant Award in eGrants, the Grantee agrees to strictly comply with the requirements and obligations of this Grant Agreement including any and all applicable federal and state statutes, regulations, policies, guidelines and requirements. In instances where conflicting requirements apply to a Grantee, the more restrictive requirement applies.

The Grant Agreement includes the Statement of Grant Award; the OOG Grantee Conditions and Responsibilities; the Grant Application in eGrants; and the other identified documents in the Grant Application and Grant Award, including but not limited to: 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Chapter 783 of the Texas Government Code, Title 34, Part 1, Chapter 20, Subchapter E, Division 4 of the Texas Administrative Code, and the Texas Grant Management Standards (TxGMS) developed by the Comptroller of Public Accounts; the state Funding Announcement or Solicitation under which the grant application was made, and for federal funding, the Funding Announcement or Solicitation under which the OOG was awarded funds; and any applicable documents referenced in the documents listed above. For grants awarded from the U.S. Department of Justice, the current applicable version of the Department of Justice Grants Financial Guide and any applicable provisions in Title 28 of the CFR apply. For grants awarded from the Federal Emergency Management Agency (FEMA), all Information Bulletins and Policies published by the FEMA Grants Program Directorate apply. The OOG reserves the right to add additional responsibilities and requirements, with or without advance notice to the Grantee.

By clicking on the 'Accept' button within the 'Accept Award' tab, the Grantee accepts the responsibility for the grant project, agrees and certifies compliance with the requirements outlined in the Grant Agreement, including all provisions incorporated herein, and agrees with the following conditions of grant funding. The grantee's funds will not be released until the grantee has satisfied the requirements of the following Condition(s) of Funding and Other Fund-Specific Requirement(s), if any, cited below:

Grant Number:	5136701	Award Amount:	\$53,250.00
Date Awarded:	12/12/2024	Grantee Cash Match:	\$0.00
Grant Period:	10/01/2024 - 09/30/2025	Grantee In Kind Match:	\$0.00
Liquidation Date:	12/29/2025	Grantee GPI:	\$0.00
Program Fund:	DJ-Edward Byrne Memorial Justice Assistance Grant Program	Total Project Cost:	\$53,250.00
Grantee Name:	Kerrville, City of		
Project Title:	Motorcycle Procurement Project		
Grant Manager:	Sylvia Garcia		
Unique Entity Identifier (UEI):	FUELCWMZPJ5		

CFDA:	16.738 - Edward Byrne Memorial Justice Assistance Grant Program
Federal Awarding Agency:	U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance
Federal Award Date:	9/25/2023
Federal/State Award ID Number:	15PBJA-23-GG-03034-JAGX
Total Federal Award/State Funds Appropriated:	\$16,452,044.00
Pass Thru Entity Name:	Texas Office of the Governor – Criminal Justice Division (CJD)
Is the Award R&D:	No

Federal/State Award Description:

The purpose of this program is to reduce crime and improve the criminal justice system.



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

CAPTION: City Council workshop minutes December 10, 2024. (*S McElhannon, City Secretary*)

AGENDA DATE: January 14, 2025

DATE SUBMITTED: 12/12/2024

SUBMITTED BY:

EXHIBITS:

1. 20250114_Minutes CC workshop 12-10-24

Expenditure:

Account Number:

**Payment to/Vendor
name:**

Amount Budgeted:

Account Balance:

Kerrville 2050 Item?

No

Key Priority Area:

SUMMARY:

December 10, 2024 4:00pm, City Council workshop minutes.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
WORKSHOP**

**KERRVILLE, TEXAS
DECEMBER 10, 2024 4:00 PM**

On December 10, 2024 at 4:00 PM, Mayor Joe Herring, Jr. called the Kerrville City Council workshop to order in City Hall Council Chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Mayor Joe Herring, Jr
Councilmember Delayne Sigerman
Councilmember Jeff Harris
Councilmember Kent McKinney

COUNCILMEMBERS ABSENT:

Councilmember Brenda Hughes

CITY EXECUTIVE STAFF:

Dalton Rice, City Manager
Mike Hayes, City Attorney
Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary

David Barrera, Director of Utilities
Stuart Barron, Executive Director
Stuart Cunyus, Public Information Officer
Drew Paxton, Director of Planning

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.

Martin Bartlett, Senior Public Involvement Manager with Consor Engineering
Katherine Sepassi, Project Manager with Consor Engineering
Sean Scott, Senior Director with Alamo Area Council of Government
Mike Burkett, Director and Chair with Kerr Konnect

1. **PUBLIC COMMENTS:**

The following person(s) spoke:
Bill Rector

2. **INFORMATION AND DISCUSSION:**

2.A Update regarding the City's proposed Tree Preservation regulations.

Drew Paxton, Mike Hayes, and Dalton Rice provided information and responded to questions. Consensus of Council is to bring Ordinance to January 2025 meeting.

2.B Update regarding Chapter 110 Utility Code, Code of Ordinances, to include Water Management Plan (drought regulations) and other proposed amendments.

Stuart Barron provided information and responded to questions.

2.C Water Resources Strategic Communications Services.

Dalton Rice, Katherine Sepassi, and Martin Bartlett provided information and responded to questions.

2.D Alamo Regional Transit (ART) - On Demand Public Transportation Service.

Dalton Rice, Sean Scott, and Mike Burkett provided information and responded to questions.

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 5:35 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Joe Herring Jr., Mayor

Shelley McElhannon, City Secretary



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

CAPTION: City Council meeting minutes December 10, 2024. (*S McElhannon, City Secretary*)

AGENDA DATE: January 14, 2025

DATE SUBMITTED: 12/12/2024

SUBMITTED BY:

Shelley McElhannon, City Secretary

EXHIBITS:

1. 20250114 Minutes CC meeting 12-10-24

Expenditure:

Amount Budgeted:

Account Number:

Account Balance:

**Payment to/Vendor
name:**

Kerrville 2050 Item?

Key Priority Area:

No

SUMMARY:

December 10, 2024 6:00pm, City Council meeting minutes.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
MEETING**

**KERRVILLE, TEXAS
DECEMBER 10, 2024 6:00 PM**

On December 10, 2024 at 6:00 PM, Mayor Joe Herring, Jr. called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street, provided the invocation, and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

Mayor Joe Herring, Jr
Councilmember Delayne Sigerman
Councilmember Jeff Harris
Councilmember Kent McKinney

COUNCILMEMBERS ABSENT:

Councilmember Brenda Hughes

CITY EXECUTIVE STAFF:

Dalton Rice, City Manager
Mike Hayes, City Attorney
Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary
Stuart Barron, Executive Director
Julie Behrens, Director of Finance
Jacob Bogusch, Finance Coordinator
Ashlea Boyle, Director of Parks & Rec

Janelle Chapman, Procurement Coord
Stuart Cunyus, Public Information Officer
Rosa Ledesma, Asst Dir Parks & Rec
Eric Maloney, Fire Chief
Chris McCall, Police Chief
Diane Miller, Library Director
Drew Paxton, Director of Planning
Charvy Tork, Director of IT

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

Amy Dozier, Chief Financial Officer
Paul Jason, Advisor with Specialized Public Finance
Tara Bushnoe, Director with Upper Guadalupe River Authority
Kevin Sheppard, Wells Fargo Banking
Chris Cawthon, C3 Swim
Martin Bartlett, Senior Public Involvement Manager with Consor Engineering
Katherine Sepassi, Project Manager with Consor Engineering
Sean Scott, Senior Director with Alamo Area Council of Government

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Stuart Cunyus, Mayor Herring, Councilmember Delayne Sigerman, and Councilmember Jeff Harris provided information and announcements.

2. PRESENTATIONS:

2.A Kerrville Kindness: Retired Librarian John Ruth who championed artist Masha Rukhina for a stained glass project at Tivy High School.

Mayor Herring and Councilmember Sigerman recognized John Ruth for inspiring artist Masha Rukhina in completing a stained glass project at Tivy High School. The award was received by John Ruth.

- 2.B Kerrville Kindness: Tivy JROTC Students, Command Chief Galifaro and USAF (ret.) Colonel Apostolides presenting colors and participating in multiple community events.

Mayor Herring and Councilmember Harris recognized the Tivy Jr. ROTC students, Command Chief Galifaro, and USAF (ret.) Colonel Apostolides for presenting colors and participating in multiple community events.

- 2.C Proclamation recognizing the author of the 2024 Christmas In Kerrville poem.

Mayor Herring congratulated Katy Kappel as the author of the 2024 Christmas in Kerrville poem. Katy Kappel read the winning poem.

- 2.D Recognition of Kerr County Abstract and Title Company for 100 years of business.

Mayor Herring recognized Kerr County Abstract and Title Company for 100 years of business in Kerrville, Texas. Recognition was received by Bob and Diane Green, and Kim and Austin Clarkson.

3. **VISITORS/CITIZENS FORUM:**

The following person(s) spoke:

George Baroody

Peggy McKay

Katy Kappel

4. **CONSENT AGENDA:**

Shelley McElhannon noted that Resolution No. 48-2024 had been corrected to read as *the first day of early voting will be Tuesday, April 22, 2025*. Councilmember Harris requested to pull item 4C, 4D, 4E.

Councilmember Sigerman motioned to approve consent agenda items 4A, 4B, 4F, and 4G, seconded by Councilmember Kent McKinney. The motion passed 4-0.

Regarding items 4C, 4D, and 4E: Councilmember Harris noted that all three purchases were budgeted purchases. Councilmember Harris wanted to record the items as budgeted purchases for transparency purposes. Councilmember Harris then made a motion to approve items 4C, 4D, and 4E, seconded by Councilmember McKinney. The motion passed 4-0.

- 4.A Resolution No. 48-2024. A Resolution ordering that a General Election be held on May 3, 2025 for the election of two City Councilmembers for Place 1 and Place 2; providing details relating to the holding of such election; authorizing the Mayor to enter into an agreement with the Kerrville Independent School District for the holding of a joint election between the two entities; and providing other matters related to the subject.

- 4.B Resolution No. 50-2024. A Resolution authorizing the City's participation in and authorizing certain officials to act on behalf of the City with respect to the Texas Parks & Wildlife Department's boating access grant.
- 4.C Purchase of 2026 Dump Truck for Water Reclamation in an amount not to exceed \$150,000.
- 4.D Purchase of 2026 Utility Service Truck for Water Distribution in an amount not to exceed \$168,000.
- 4.E Purchase and relocation of radio and dispatch equipment with the Lower Colorado River Authority (LCRA) in an amount not to exceed \$135,000.
- 4.F City Council workshop minutes November 12, 2024.
- 4.G City Council meeting minutes November 12, 2024.

5. **INFORMATION AND DISCUSSION:**

- 5.A Presentation from Kerrville Public Utility Board (KPUB) as to its project to construct and own a proposed debt-funded, natural gas plant.

Dalton Rice announced Amy Dozier will be providing information. Amy Dozier and Paul Jason provided information and responded to questions.

6. **ORDINANCE(S), SECOND READING:**

- 6.A Ordinance No. 2024-30, second reading. An Ordinance amending Chapter 50 "Fire Prevention and Protection" of the Kerrville Code of Ordinances by adding a new Article III "Cost Recovery Program and Mitigation Rates", which will authorize the City to apply fees (mitigation rates) for various emergency services provided by the Kerrville Fire Department; providing a severability clause; and providing other matters related to the subject. *THIS ORDINANCE WAS UNANIMOUSLY APPROVED ON FIRST READING NOVEMBER 12, 2024.*

Shelley McElhannon read Ordinance No. 2024-30 caption into record.
Chief Maloney provided information and responded to questions.

Councilmember Harris made a motion to approve Ordinance No. 2024-30 second reading, seconded by Councilmember McKinney. The motion passed 4-0.

7. **CONSIDERATION AND POSSIBLE ACTION:**

- 7.A Service Agreement between the City of Kerrville and Fire Recovery USA for cost recovery services as to the City's application of mitigation rates (fees).

Chief Maloney and Julie Behrens provided information and responded to questions.

Councilmember Sigerman made a motion to authorize the City Manager to finalize and

execute the Service Agreement, seconded by Councilmember Harris. The motion passed 4-0.

- 7.B Resolution No. 49-2024. A Resolution amending the City of Kerrville Fee Schedule by adding fees (Mitigation Rates) that the City will charge for emergency fire services provided by the City's Fire Department.

Julie Behrens provided information and responded to questions.

Councilmember McKinney made a motion to approved Resolution No. 49-2024, seconded by Councilmember Sigerman. The motion passed 4-0.

- 7.C Interlocal Transportation Agreement between the City of Kerrville and the Alamo Area Council of Governments furnishing the City with a public transportation Micro-Transit service.

Dalton Rice provided information and responded to questions.

Councilmember Sigerman made a motion for approval of a transportation agreement with AACOG and ART, seconded by Councilmember McKinney. The motion passed 4-0.

- 7.D Interlocal agreement relating to funding and construction of improvements through the water resources preservation grant program between the Upper Guadalupe River Authority and the City of Kerrville.

Michael Hornes and Tara Bushnoe provided information and responded to questions.

Councilmember Sigerman made a motion for approval of the interlocal agreement between UGRA and the City of Kerrville, seconded by Councilmember Harris. The motion passed 4-0.

- 7.E Banking Services Agreement between the City of Kerrville and Wells Fargo Bank, N.A. and designation of Director of Finance as the "designated officer" pursuant to state law.

Julie Behrens provided information and responded to questions.

Councilmember McKinney made a motion to authorize the City Manager to finalize and execute the Banking Services Agreement, seconded by Councilmember Harris. Councilmember McKinney amended the motion by adding the designation of officer as the Director of Finance, seconded by Councilmember Harris. The motion passed 4-0.

- 7.F The City's grant of a Wastewater (Sanitary Sewer) Service Line Easement on property it owns adjacent to Fire Station No. 3, 3225 Legion Dr.

Drew Paxton and Chris Cawthon provided information and responded to questions.

Councilmember Harris made a motion to grant the easement for the Wastewater service line, seconded by Councilmember McKinney. The motion passed 4-0.

- 7.G Proposal with Consor Engineers for its provision of Water Resources Strategic Communication Service and authorizing the City Manager to negotiate and enter into a contract.

Dalton Rice provided information and responded to questions.

Councilmember McKinney made a motion to authorize the City Manager to finalize and execute the contract, seconded by Councilmember Sigerman. The motion passed 4-0.

8. **FINANCE:**

- 8.A Financial report for month-ending October 31, 2024.

Julie Behrens provided information and responded to questions.

- 8.B Update regarding City of Kerrville American Rescue Plan Act (ARPA) projects and proposed reallocation of excess funds.

Julie Behrens provided information and responded to questions.

Councilmember Harris made a motion to approve the request to reallocate the ARPA funds, seconded by Councilmember McKinney. The motion passed 4-0.

9. **BOARD APPOINTMENTS:**

- 9.A Appoint Tax Increment Reinvestment Zone #1 Chair. *THIS ITEM ELIGIBLE FOR EXECUTIVE SESSION 551.074.*

Councilmember Sigerman nominated Judy Eychner as Chair of the Tax Increment Reinvestment Zone #1, seconded by Mayor Herring. The motion passed 4-0.

- 9.B Appointment to the Food Service Advisory Board.

Councilmember Sigerman made a motion to reappoint Rebecca Dittmar, seconded by Councilmember Harris. The motion passed 4-0.

- 9.C Appointment to the Library Advisory Board.

Councilmember McKinney made a motion to reappoint Barbara Jansen and Lana Tatsch, and newly appoint Karolyn Andrews, seconded by Councilmember Sigerman. The motion passed 4-0.

- 9.D Appointment to the Main Street Advisory Board.

Councilmember Sigerman made a motion to appoint Gena Teer, seconded by Mayor Herring. The motion passed 4-0.

- 9.E Appointment to the Planning & Zoning Commission. *THIS ITEM ELIGIBLE FOR EXECUTIVE SESSION 551.074.*

Councilmember Harris made a motion to reappoint David Lipscomb, Tabor McMillan, Kimberly Richards, and Michael Sigerman, seconded by Councilmember McKinney. The motion passed 3-0, with Mayor Herring, Councilmember Harris, and

Councilmember McKinney voting in favor, and Councilmember Sigerman abstaining from the vote.

9.F Appointment to the Recovery Community Coalition.

Councilmember McKinney made a motion to reappoint Deanna Allen, seconded by Mayor Herring. The motion passed 4-0.

10. **EXECUTIVE SESSION:** Executed Session was not called nor convened.

10.A Appoint Tax Increment Reinvestment Zone #1 Chair 551.074. This item was not discussed in Executive Session, as action was decided during item 9A.

10.B Appointment to the Planning & Zoning Commission 551.074. This item was not discussed in Executive Session, as action was decided during item 9E.

11. **ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY.** N/A

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

ADJOURN. Th meeting adjourned 7:27 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

Joe Herring Jr., Mayor

ATTEST:

Shelley McElhannon, City Secretary



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

CAPTION: Ordinance No. 2025-01. An Ordinance amending Chapter 46 "Environment" of the City's Code of Ordinances by adding a new Article II "Tree Preservation", which adopts regulations for the preservation of trees; providing for penalties not to exceed \$2000.00; ordering publication; providing an effective date; and providing other matters related to the subject. (*D Paxton, Director of Planning & Development*)

AGENDA DATE: January 14, 2025

DATE SUBMITTED: 12/23/2024

SUBMITTED BY:

Drew Paxton, Director of Planning and Development

EXHIBITS:

1. 20250114_Ord 2025-01_Tree Ord DRAFT

Expenditure:

Account Number:

**Payment to/Vendor
name:**

Amount Budgeted:

Account Balance:

Kerrville 2050 Item?

Yes

Key Priority Area:

C – Community/Neighborhood

SUMMARY:

RECOMMENDED ACTION:

Approve Ordinance No. 2025-01 on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2025-01**

AN ORDINANCE AMENDING CHAPTER 46 “ENVIRONMENT” OF THE CITY’S CODE OF ORDINANCES BY ADDING A NEW ARTICLE II “TREE PRESERVATION”, WHICH ADOPTS REGULATIONS FOR THE PRESERVATION OF TREES; PROVIDING FOR PENALTIES NOT TO EXCEED \$2000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, the City of Kerrville (City) is located within the scenic Texas hill country with its abundance of wildlife, scenic views, and natural beauty; and

WHEREAS, City Council of the City (City Council) recognizes the value that trees add to the community as beautiful iconic backdrops to the scenery, shady respites from the Texas heat, and ecological benefits that improve air quality while providing food and shelter for wildlife; and

WHEREAS, City Council seeks to promote the public health, safety, and general welfare of the City and the safe, orderly, and healthful development of the City, by prioritizing the preservation of trees; and

WHEREAS, pursuant to the City’s Comprehensive Plan (*Kerrville 2050*), Kerrville citizens and community members “voiced” their collective opinion that areas trees, particularly those considered significant specimen or heritage trees, should be valued, celebrated, and protected; and

WHEREAS, in addition, *Kerrville 2050* specifically provides that trees dotting the landscape of Kerrville and the surrounding Hill Country are an important community asset; contribute to the beauty of the surrounding landscape, reduce pollution and runoff, and enhance property values; and that trees can be cut down and cleared quickly, but they cannot be easily replaced; and

WHEREAS, with these views in mind, *Kerrville 2050* stated that a tree preservation strategy and a planting plan for City-owned property and public spaces should be considered; and

WHEREAS, *Kerrville 2050* also provided that the City should consider tree preservation in order to encourage limited tree removal as a way to ensure any removal is done thoughtfully and responsibly, thereby protecting property values and the natural beauty of the community; and

WHEREAS, on October 22, 2022, City Council adopted Resolution No. 67-2022, which adopted a *Tree Preservation Policy* for the City; and

WHEREAS, City Council finds that removing all or most of the trees on any property is not beneficial to the hill country environment; and

WHEREAS, City Council finds that regulating the removal of trees helps preserve the hill country landscape and water resources; and

WHEREAS, City Council has determined that reasonable rules and regulations governing tree preservation are necessary to maintain water quality, protect the region's livability, preserve property values, and reinforce Kerrville's significance within the Hill Country; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, City Council finds that it is necessary and proper for the good government, peace, or order of the City to adopt an ordinance regulating the removal of specified trees;

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 46 "Environment" of the Code of Ordinances of the City of Kerrville, Texas, is amended by adding a new Article II "Tree Preservation", as provided for in **Exhibit A**, which is attached 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 correct typographical errors, and to index, format, number, and letter paragraphs to the existing Code as appropriate.

SECTION FOUR. The provisions of this Ordinance repeal and replace all previous ordinances concerning the subject matter provided herein.

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 TWO THOUSAND AND XX/100 DOLLARS (\$2000.00) 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 authorized and directed to publish the descriptive caption of this Ordinance in a newspaper of general circulation and 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., 2025.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2025.

Joe Herring Jr., Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary

EXHIBIT A

“CHAPTER 46 ENVIRONMENT

ARTICLE II. – TREE PRESERVATION

Sec. 104-1. - Purpose.

This article implements the following provisions of the Kerrville Comprehensive Plan (Kerrville 2050) and includes these goals as its purposes:

- (1) Preserve the neighborhood character of Kerrville;
- (2) Improve the quality of living for Kerrville citizens;
- (3) Preserve and enhance the rural atmosphere of Kerrville;
- (4) Responsibly protect the natural environmental resources of Kerrville;
- (5) Preserve the rugged beauty and natural environment that defines the Hill Country character of Kerrville and makes it a unique and desirable community; and
- (6) Prevent the clear-cutting of land as provided within this article.

Sec. 104-2. Definitions.

Caliper inch means the diameter, or width, of a tree measured at a height 4.5 feet above the natural grade.

City means the City of Kerrville, Texas.

City Council means the City Council of the City of Kerrville, Texas.

City Manager means the City’s City Manager or designee.

Development means any development activity occurring on property subject to this article, to include construction activities and/or clearing, grading, excavating, or filling of land, or any other site work that may damage or destroy a protected tree.

Development Services means the City department designated by the City Manager for applying and enforcing these regulations.

Dripline means the area of ground surrounding the trunk of a tree considered essential to protecting the root structure of a tree. The dripline is calculated at 1 foot for every 1 caliper inch.

Heritage tree means any i) large tree species with a width greater than 24 caliper inches; or, ii) small tree species with a width greater than 8 caliper inches, such species as designated in **Table 1**.

Preservation rate means the caliper inches or area of trees to be preserved on a property as calculated for each tree preservation category, such rates found in **Table 2**. Examples are as follows:

Example: Preservation rate for “Large Tree Species” (see **Table 1**) where the caliper inches onsite = 10,000”; Preservation rate = 40% of total protected inches → $10,000 \text{ inches} \times 40\% = 4,000$ caliper inches of this tree type shall be preserved.

Example: Preservation rate for “Small Tree Species” (see **Table 1**) where the caliper inches onsite = 1,000”; Preservation rate = 40% of total protected inches → $1,000 \text{ inches} \times 40\% = 400$ caliper inches of this tree type shall be preserved.

Example: Preservation rate for “Heritage trees” (see **Table 1**) where the caliper inches onsite = 1,000”; Preservation rate = 60% of total protected inches → $1,000 \text{ inches} \times 60\% = 600$ caliper inches of this tree type shall be preserved.

Example: Preservation rate for protected trees located within the 100 year floodplain = 80% of total protected inches.

Protected tree means the following trees that by virtue of species and size are protected by this article and which are listed in **Table 1**, to be periodically reviewed by the City Manager:

(1) Standard tree;

(2) Heritage tree.

Standard tree means any i) large tree species with a width equal to or greater than 8.0 caliper inches but less than 24.0 caliper inches; or, ii) small tree species with a width equal to or greater than 6.0 caliper inches but less than 8.0 caliper inches, such species as designated in **Table 1**.

Tree survey means a plan or drawing to scale that identifies the exact size, location, condition (healthy, dead, or declining), and species of protected trees and the disposition of each protected tree during development. The plan shall indicate whether each protected tree is to be preserved or removed to comply with the preservation rate as described in **Table 2**. The plan shall indicate the location and types of treatments to be utilized to protect trees during development such as fencing, mulching, root pruning, and other measures.

TABLE 1* TREE PRESERVATION LIST

TABLE 2* PROTECTED TREES AND TREE PRESERVATION RATES

(* NOTE: Tables are attached and will be included within Code of Ordinances.)

Sec. 104-3. Applicability.

All new development within the City occurring on unplatted property, is subject to this article.

Sec. 104-4. Exceptions.

The following situations and actions are exempt from the provisions of this article:

- (1) Existing platted lots, whether developed or not, prior to the effective date of this article.
- (2) Regular maintenance of trees to include trimming and pruning, especially as it relates to oak wilt and other diseases or strategies to address pest control.
- (3) During the period of or following a significant weather event, such as a tornado, storm, flood, or other act of God, City Council may waive the requirements of this article for an affected area or areas and for a specified period.
- (4) Utility companies franchised or otherwise authorized to provide utility service may remove protected trees that endanger public health, safety, and welfare by interfering with utility service, provided that any removal is the minimum necessary for the utilities to function properly and no other alternative is available.
- (5) Mowing, clearing, and grubbing of brush located within or under the drip lines of protected trees is allowed, provided such mowing, clearing,

or grubbing is not conducted by use of bulldozers, loaders, or other construction or earth-moving equipment.

(6) Areas contained within public and private rights-of-way or utility or drainage easements, provided that any removal is necessary for the rights-of-way and easements to function properly.

(7) All governmental functions and activities of the City and other governmental entities.

Sec. 104-5. Permit for tree removal.

(a) *Applicability.* An owner of property subject to this article shall submit a tree removal permit application and any associated permit application fees established by the City to Development Services in conformance with the requirements of this section. A permit is required even where an owner or applicant believes no protected trees exist on the subject property.

(b) *Permit information.* Development Services shall maintain applications for a tree removal permit, such application to require the submission of a tree survey.

(c) *Protection of property.* An applicant shall not attempt to circumvent the preservation rate through the filing of multiple applications; and toward this end, the City may require an owner to protect trees located on the property through restrictive covenants, conservation easements, or equivalent methods.

Sec. 104-6. Protected trees: removal, replacement, and mitigation.

(a) *Removal of protected trees.* It is unlawful for any person, directly or indirectly, to cut down, destroy, remove, or perform any other action which effectively destroys through damaging, any protected tree within the City without first obtaining a tree removal permit from Development Services.

(b) *Replacement Trees.* **Table 2** specifies the required preservation rate that property owners shall maintain for the protection of trees. Should an owner seek a lower preservation rate than what this article requires based upon proposed development and construction plans, the tree removal permit shall require the owner to plant a replacement tree(s) as follows:

- (1) Standard tree(s) replacement having a caliper inch equal to that of the tree(s) to be removed (1:1 replacement) at least equal to the preservation rate.
 - (2) Heritage tree having a caliper inch equal to three times that of the tree(s) to be removed (3:1 replacement) at least equal to the preservation rate.
 - (3) Such replacement trees must have a minimum caliper inch of two inches and a minimum height of at least 8.0 feet when planted. In addition, no more than 30 percent of replacement trees may be of the same species.
 - (4) All replacement trees shall be planted and cared for to maintain a healthy growing condition and for which the tree(s) shall live for at least one year.
 - (5) After planting a replacement tree, a property owner shall replace such tree with another tree if the replacement tree dies within one year from the date of its planting and a new one year warranty period shall start for that tree.
 - (6) The City Manager may assess the value of established smaller trees or clumps of trees which individually do not meet the caliper inches applicable to a protected tree, but that taken together, meet the intent of this article so that the addition of replacement trees may not be required.
 - (7) Only those trees indicated in **Table 1**, as periodically and consistently reviewed and approved by the City Manager, shall satisfy the tree replanting requirements contained herein.
- (c) *Mitigation in lieu of replacement.* A person may pay a mitigation fee to the City instead of providing replacement trees required by this article as follows:
- (1) This provision is limited to 50 percent of the required protected tree replacement.
 - (2) The per-caliper-inch cash value for replacement trees and planting is set out in the City's fee schedule and applied per caliper inch. City Council will consider the appropriate fee amount during its adoption of the City's Fee Schedule.

- (3) The City shall deposit payments for the tree mitigation fee into its tree replacement fund, which the City will restrict to pay for replacement trees within City parks and other public spaces or the acquisition of land, to include easements, for conservation.

Sec. 104-7 Tree Preservation Incentives.

A person may apply for incentives for tree preservation as follows:

- (1) *Parking Space Reduction.* Upon application and verification by Development Services, an individual shall be entitled to a reduction in the minimum parking requirements to help meet the tree preservation rate. For the purpose of providing an incentive, the City Manager may reduce minimum parking requirements by 1 parking space for every 4 caliper inches of trees that have been protected or mitigated on a site. However, the City Manager may not waive more than 15 percent of required spaces.
- (2) *Sidewalks.* Upon application, the City's Planning and Zoning Commission may determine that preservation of trees warrants the elimination, reduction in width, alternative routing, or modification to the sidewalk and curb requirements in accordance with the tree preservation rates.

Sec. 104-8. Tree protection measures.

The following tree protection measures are required for a property subject to this article for which development is planned:

- (1) the property owner shall establish and maintain a root protection zone and install four-foot high plastic (or equivalent) safety fencing outside the drip line of protected trees for the duration of construction and development. It is unlawful to prune any tree to reduce the root protection zone.
- (2) the property owner shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including paint, oil, solvents, asphalt, concrete, mortar, and similar products under the canopy or within the drip line of any protected tree.
- (3) It is unlawful to attach any attachments or wires of any kind, other than those of a protective nature, to any protected tree during construction or development.

(4) Where major grade changes of 6 inches or greater results from placement of fill material, the property owner shall construct a retaining wall or tree well of rock, brick, landscape timbers, or other approved materials around a protected tree no closer than 6 feet from the trunk of the trees. The top of the retaining wall or tree well will be considered the new finished grade.

(5) Unless otherwise approved by the City Manager, no development shall occur within the drip line of any protected tree.

(6) Any trees removed shall be chipped or hauled off-site within 30 days of the time the trees were removed.

Sec. 104-9. Penalty upon failure to comply.

(a) Any person violating or failing to comply with any provision of this article shall be fined a minimum of \$250.00 and a maximum of \$2000.00. Each tree illegally removed or damaged in violation of this article shall constitute a separate offense.

(b) Failure of any person to follow the procedures of this article shall constitute grounds for the City withholding or revoking site plan approval, building permits, occupancy permits, or any other approvals necessary to continue development. Such sanctions may be instituted immediately at the direction of the City Manager. In the case of emergency to prevent the unauthorized removal of a protected tree(s), the City Attorney may petition a court of competent jurisdiction for injunctive relief seeking compliance with this subsection.

(c) In addition to any other remedies or penalties contained herein, the City may enforce the provisions of this article pursuant to the applicable provisions of Chapter 54 of the Texas Local Government Code, which chapter provides for the enforcement of municipal ordinances.

Sec. 104-10. Jurisdiction.

(a) To ensure compatibility with the City's comprehensive plan and this article, the City Manager has the authority to review and act on all tree removal permits for commercial and residential developments within the City. Plans shall be approved, approved with conditions, or denied. The City Manager shall provide comments to the property owner or designated representative as to the disposition of each tree removal permit application.

(b) Any applicant or party aggrieved by a decision of the City Manager may appeal such decision to the City's Planning and Zoning Commission. Such notice of appeal must be filed with the Development Services within ten working days of the decision in question. Such appeal shall stay the issuance of a building permit. Following a decision by the Planning and Zoning Commission, the applicant may appeal this decision to the City Council.

Sec. 104-11. Enforcement.

The City Manager is authorized to enforce this article and may serve notice to any person in violation thereof or institute legal proceedings, as may be required.

Sec. 104-12. Variances.

(a) Variances to the terms of this article may be granted by the City's Planning and Zoning Commission where a literal enforcement of the provisions of this article will result in unnecessary hardship. A variance request must be submitted to Development Services in writing setting out the basis for the request. No variance shall be granted unless:

(1) a variance will not be contrary to public interest;

(2) a variance will be in harmony with the spirit and purposes of this article;

(3) the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial; and

(4) a variance will not substantially weaken the general purposes of this article.

(b) After review of the variance request, Planning and Zoning Commission may:

(1) approve the variance;

(2) deny the variance; or

(3) grant the variance with such conditions as may be necessary for the furtherance of the purposes of municipal tree preservation in keeping with the spirit and intent of the ordinance.

(c) An applicant may appeal a decision by the Planning and Zoning commission to City Council.

Sec. 104-13. Liability.

Nothing in this article shall be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or employees. The person in possession of public property or the owner of any private property shall have a duty to keep the trees and landscaping upon the property and under their control in a safe, healthy condition. Any person who feels a tree located on property possessed, owned, or controlled by them is a danger to the safety of themselves, others, or structural improvements on-site or off-site shall have an obligation to secure the area around the tree or support the tree, as appropriate to safeguard both persons and improvements from harm.”



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

CAPTION: Ordinance No. 2025-02. An Ordinance amending Chapter 94 "Taxation", Article III "Occupancy", of the Code of Ordinances of the City of Kerrville, Texas, by amending various sections relating to the imposition of a Hotel Occupancy Tax; by revising the definition of "Consideration" to clarify what costs are subject to the tax and to clarify the process for reports and audits; containing a cumulative clause; containing a savings and severability clause; ordering publication; and providing other matters relating to the subject. (*J Bogusch, Finance Compliance Coordinator*)

AGENDA DATE: January 14, 2025

DATE SUBMITTED: 12/26/2024

SUBMITTED BY:

Jacob Bogusch, Finance Compliance Coordinator

EXHIBITS:

1. 20250114_Ord 2025-02_SRT HOT TAX
2. 5B. HOT Ordinance Presentation

Expenditure:

Account Number:

**Payment to/Vendor
name:**

Amount Budgeted:

Account Balance:

Kerrville 2050 Item?

No

Key Priority Area:

SUMMARY:

Ordinance No. 2025-02 amends language in the "definitions" section of chapter 94 (94-61) by clarifying taxable fees to include host fees, updates language and reporting requirements in the "reports and payments of tax" section (94-64) and updates language in "city audit" section (94-65).

RECOMMENDED ACTION:

Approve Ordinance No. 2025-02 on first reading.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2025-02

AN ORDINANCE AMENDING CHAPTER 94 “TAXATION”, ARTICLE III “OCCUPANCY”, OF THE CODE OF ORDINANCES OF THE CITY OF KERRVILLE, TEXAS, BY AMENDING VARIOUS SECTIONS RELATING TO THE IMPOSITION OF A HOTEL OCCUPANCY TAX; BY REVISING THE DEFINITION OF “CONSIDERATION” TO CLARIFY WHAT COSTS ARE SUBJECT TO THE TAX AND TO CLARIFY THE PROCESS FOR REPORTS AND AUDITS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, Chapter 351 of the Texas Tax Code authorizes a city to impose a tax on the occupancy of hotel rooms within the city and its extraterritorial jurisdiction (ETJ); and

WHEREAS, City Council has previously enacted Chapter 94, Article III of the City’s Code of Ordinances (Code), which imposes a seven percent tax on the occupancy of hotel rooms within the City and its ETJ; and

WHEREAS, City Council finds it to be in the public interest to amend the Code to clarify the definition of “consideration” and the process for reports and audits;

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

SECTION ONE. Chapter 94 “Taxation”, Article III “Occupancy” of the City’s Code of Ordinances is amended by amending Section 94-61 with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“Sec. 94-61. - Definitions.

⋮

Consideration means the cost of ~~the room in~~ a hotel room only if the room is ~~one~~ ordinarily used for sleeping, and ~~shall~~ does not include the cost of any food served or ~~the cost of~~ personal services rendered to the room or ~~occupant of such a~~ person in the room ~~except for those services unless~~ related to the cleaning and readying of such room for occupancy.

Costs include applicable fees necessary for occupancy, to include host and service fees and similar.

Hotel means any building in which members of the public obtain sleeping accommodations for consideration. The term ~~“hotel” shall~~ includes ~~s, but not be limited to,~~ a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, bed and breakfast, short-term rental unit, and an apartment not occupied by permanent residents. The term ~~“hotel”~~ does not include:

- (1) A hospital, sanitarium, or nursing home; or
- (2) A dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by ~~V.T.C.A.,~~ Texas Education Code, §Section 61.003, and used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.”

SECTION TWO. Chapter 94 “Taxation”, Article III “Occupancy” of the City’s Code of Ordinances is amended by amending Section 94-64 with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“Sec. 94-64. - Reports and payment of tax.

On or before the 15th day of the month following each monthly~~ly-period~~, every person required by section 94-63 to collect the tax imposed in this article shall ~~file~~ submit a written report ~~with~~ to the City director of finance or designee (director), and in a manner required by the director, showing the gross receipts paid for all room occupancies in the preceding monthly period, the taxable receipts for all room occupancies, the amount of tax collected on such occupancies, and any other information the director ~~of finance~~ may reasonably require, to include a copy of the hotel’s monthly tax report as filed with the state comptroller in connection with the state hotel occupancy tax. Monthly reporting is required regardless of whether or not occupancies occur and tax is due. Such persons shall pay the tax due on such occupancies at the time of filing of such report. Where the 15th day falls on a Saturday, Sunday, or holiday observed by the City, such report and payment ~~shall be~~ is due on the next business day. ~~At the time of payment of such tax, a copy of the hotel’s monthly tax report, as filed with the state comptroller in connection with the state hotel occupancy tax, shall also be furnished to the director of finance.”~~

SECTION THREE. Chapter 94 “Taxation”, Article III “Occupancy” of the City’s Code of Ordinances is amended by amending Section 94-65 with deleted language indicated by red, strikeout (~~deleted~~) and new language indicated by blue, underline (addition) as follows:

“Sec. 94-65. - City audit.

The director ~~of finance~~ shall be permitted to have access to books and records of the hotel that are compiled and maintained by the person required to pay the tax as imposed in this article. Such inspection may occur during reasonable business hours as shall be necessary to ~~enable the director of finance to~~ determine the correctness of any report filed under section 94-64, ~~and~~ to determine the correctness of the amount due under the provisions of this article, or to determine whether or not a report should have been filed and the amount, if necessary, of taxes due.”

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

SECTION FIVE. The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

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

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2025.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ of _____, A.D., 2025.

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Joe Herring Jr., Mayor

ATTEST:

Shelley McElhannon, City Secretary



ORDINANCE 2025-02 PROPOSED AMENDMENT TO CHAPTER 94 OF THE CITY'S CODE OF ORDINANCES

KERRVILLE CITY COUNCIL

JANUARY 14, 2025

ORDINANCE 2025-02 PROPOSED AMENDMENT TO CHAPTER 94 OF THE CITY'S CODE OF ORDINANCES

Purpose of the Amendment:

Make changes to HOT ordinance in order to clarify definitions and other minor changes since the adoption of the current ordinance.

Only material change:

- Define taxable revenue, including:
 - Fees such as “host fees and similar”

Why This Amendment is Needed:

Feedback from recent HOT audits highlighted need for clarity related to taxable charges for short term rentals

Goal: Enhance compliance and consistency

QUESTIONS?



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

CAPTION: Resolution No. 01-2025. A Resolution pursuant to Section 2306.67071, Texas Government Code, with respect to tax-exempt bond applications for housing tax credits; and finding no objection from City Council as to the applicant (Envolve Communities, LLC), its application(s), or the developments, which are known as Heritage Oaks Apartments, the Meadows Apartments, and Paseo de Paz. (*M Hornes, Assistant City Manager*)

AGENDA DATE: January 14, 2025

DATE SUBMITTED: 12/10/2024

SUBMITTED BY:

Michael Hornes, Assistant City Manager

EXHIBITS:

1. 20250114_Reso No 01-2025_ Envolve Housing Tax-Credit No Objection
2. Envolve Kerrville 3--Property Descriptions 11.25.24
3. Envolve Kerrville 3--Financing Schedule-Draft 11.25.24

Expenditure:

Account Number:

**Payment to/Vendor
name:**

Amount Budgeted:

Account Balance:

Kerrville 2050 Item?

Yes

Key Priority Area:

H – Housing

SUMMARY:

Envolve Communities became the new owners of Meadows and Heritage Oaks Apartments in late 2023. February 12, 2024, Council approved Resolution No. 05-2024 allowing an application for housing tax credit. Since then, Envolve has acquired a third property, Paseo de Paz. Envolve desires to apply for a tax credit funding through Alamo Area Council of Government's Housing Finance Corporation, and wishes to complete a submission with all three properties. The funding would enable Envolve to rehabilitate the three apartment buildings, while keeping them at the affordable rate. This resolution adds the Paseo de Paz to the list of properties.

RECOMMENDED ACTION:

Approve Resolution No 01-2025.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 01-2025**

A RESOLUTION PURSUANT TO SECTION 2306.67071, TEXAS GOVERNMENT CODE, WITH RESPECT TO TAX-EXEMPT BOND APPLICATIONS FOR HOUSING TAX CREDITS; AND FINDING NO OBJECTION FROM CITY COUNCIL AS TO THE APPLICANT (ENVOLVE COMMUNITIES, LLC), ITS APPLICATION(S), OR THE DEVELOPMENTS, WHICH ARE KNOWN AS HERITAGE OAKS APARTMENTS, THE MEADOWS APARTMENTS, AND PASEO DE PAZ

WHEREAS, Envolve Communities, LLC (the “Applicant”) has proposed a redevelopment for affordable rental housing of 224 existing units that are located at 2300 Junction Hwy, 2350 Junction Highway, and 401 Clearwater Paseo in the City of Kerrville, Texas (the “Developments”); and

WHEREAS, Applicant desires to submit an application(s) to the Texas Department of Housing and Community Affairs for 2025 Housing Tax Credits for the Developments, which are named the Heritage Oaks Apartments, Meadows Apartments and Paseo de Paz;

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

SECTION ONE. In accordance with the requirements of Section 2306.67071, Texas Government Code, and 10 Texas Administrative Code, Section 11.204(4), City Council finds that:


- A. Notice has been provided to the City Council in accordance with Section 2306.67071(a), Texas Government Code;
- B. City Council has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Developments;
- C. City Council held a public hearing at which public comments may be made on the proposed Developments in accordance with Section 2306.67071(b), Texas Government Code; and
- D. After due consideration of the information provided by the Applicant and public comment, City Council does not object to the proposed application(s).

SECTION TWO. Both the Mayor and City Manager, or his designees, are authorized, empowered, and directed to certify this Resolution to the Texas Department of Housing and Community Affairs.

PASSED AND APPROVED ON this the ____ day of _____ A.D.,
2025.

Joe Herring, Jr., Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

Heritage Oaks, The Meadows, & Paseo de Paz

Property Descriptions

2350 Junction Hwy,
2300 Junction Hwy, &
401 Clearwater Paseo
Kerrville, TX 78028

Development Team:

Tyler Hunt

tyler.hunt@envolveinc.com



Project Descriptions

Heritage Oaks Apartments, The Meadows, and Paseo de Paz (“the Properties”) and are multifamily developments located in the City of Kerrville in Kerr County, TX.

Heritage Oaks consists of 76-units and was built in 2001, the property contains 19 apartment buildings of 2-bedroom (36) and 3-bedroom (40) units for a total of 76 units containing a total 82,432 in rentable square feet. All 76 units are restricted per the LIHTC LURA encumbering the Property situated on a 8.6-acre site. Unit amenities include patio/balcony, microwave, disposal, dishwasher, ceiling fan, refrigerator, and washer/dryer hookups. Common area amenities include a clubhouse, laundry facilities, playground, fitness center, pool, and an on-site management office.

The Meadows consists of 72-units and was built in 1999, the property contains 18 apartment buildings of 1-bedroom (36) and 2-bedroom (36) units for a total of 72 units containing a total of 67,896 in rentable square feet. All 96 units are restricted per the LIHTC LURA encumbering the Property situated on a 7.65 acres site. Unit amenities include patio/balcony, microwave, disposal, dishwasher, ceiling fan, refrigerator, and washer/dryer hookups. Common area amenities include a clubhouse, laundry facilities, pool, fitness center, and an on-site management office.

Paseo de Paz consists of 76-units and was built in 2006, the property contains 10 apartment buildings of 1-bedroom (16), 2-bedroom (36) and 3-bedroom (24) units for a total of 72 units containing a total of 76,992 in rentable square feet. 73 units are restricted per the LIHTC LURA encumbering the Property situated on a 7.58 acres site. Unit amenities include patio/balcony, microwave, disposal, dishwasher, ceiling fan, refrigerator, and washer/dryer hookups. Common area amenities include a clubhouse, laundry facilities, pool, fitness center, picnic area, playground and an on-site management office.

Development Summary

Envolve plans to complete an in-place rehabilitation of the Properties, at a cost of approximately \$10 million (\$45,000 per unit). The Development Team will consist of Whitestone Construction, the General Contractor, and DNA Workshop, the Architect. Closing is anticipated prior to the end of Q1 2026 and the rehabilitation to begin with 30 days of closing.

Sources and Uses

Funding Sources

First Mortgage	\$	18,970,000	57.59%
4% Federal Tax Credit Equity	\$	10,848,536	32.93%
NOI during Development	\$	995,495	3.02%
Deferred Developer Fee	\$	2,125,206	6.45%
Total	\$	32,939,237	100.00%

Funding Uses

Acquisition	\$	13,277,000	40.31%
Improvements	\$	10,787,600	32.75%
Cost of Issuance	\$	2,228,962	6.77%
Miscellaneous Expenses	\$	6,645,674	20.18%
Total	\$	32,939,237	100.00%

Funding Sources Excess/(Shortage) **\$** **0**





Heritage Oaks, The Meadows, & Paseo de Paz

Estimated Financing Schedule

January 2025	Resolution of No Objection for Paseo de Paz
February 2025	Bond Inducement Resolution
February 2025	Submit Texas BRB Application
August 2025	Bond Reservation
August 2025	Submit Tax Credit Application
September 2025	Permanent Loan Application
November 2025	TDHCA Approval
December 2026	Issuer/Lender/Investor Approvals
January 2026	Rate Lock
January 2026	Closing
February 2026	Allocation Expiration Date



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

CAPTION: Resolution No. 02-2025. A Resolution pursuant to 10 Texas Administrative Code, Section 11.3(c), with respect to tax-exempt bond applications for housing tax credits; finding that the City of Kerrville, Texas has more than twice the State average of units per capita supported by housing tax credits. (*M Hornes, Assistant City Manager*)

AGENDA DATE: January 14, 2025

DATE SUBMITTED: 01/06/2025

SUBMITTED BY:

Michael Hornes, Assistant City Manager

EXHIBITS:

1. 20250114_Reso 02-2025_Per Capita Supported by Housing Tax Credits

Expenditure:

Account Number:

**Payment to/Vendor
name:**

Amount Budgeted:

Account Balance:

Kerrville 2050 Item?

Yes

Key Priority Area:

H – Housing

SUMMARY:

Envolve Communities are the current owners of the Meadows and Heritage Oaks Apartments along Junction highway and have previously applied for resolutions of no objection. Envolve has acquired a 3rd property, Paseo de Paz that they would like to include in their application to TDHCA for this years round of funding. This application will go through the Alamo Area Council of Government's Housing Finance Corporation, but still require the City's consent.

This funding would enable Envolve to rehabilitate these three apartment buildings, while keeping them at the affordable rates. As a part of the application process, the City Council would need to acknowledge and approve the attached resolution confirming that Kerrville has twice the state average of units per capita supported by housing tax credits.

RECOMMENDED ACTION:

Approve Resolution No. 02-2025.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 02-2025**

**A RESOLUTION PURSUANT TO 10 TEXAS ADMINISTRATIVE
CODE, SECTION 11.3(c), WITH RESPECT TO TAX-EXEMPT
BOND APPLICATIONS FOR HOUSING TAX CREDITS;
FINDING THAT THE CITY OF KERRVILLE, TEXAS HAS MORE
THAN TWICE THE STATE AVERAGE OF UNITS PER CAPITA
SUPPORTED BY HOUSING TAX CREDITS**

WHEREAS, Envolve Communities, LLC has proposed a redevelopment of affordable rental housing at 2300 Junction Highway, 2350 Junction Highway, and 401 Clearwater Paseo named Meadows Apartments, Heritage Oaks Apartments and Paseo de Paz, in the City of Kerrville, Texas (“Developments”); and

WHEREAS, Applicant has communicated that it intends to submit an application(s) to the Texas Department of Housing and Community Affairs (TDHCA) for 2025 Housing Tax Credits Bond funds for the Developments;

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

SECTION ONE. As provided for in 10 Texas Administrative Code, Section 11.3(c), it is expressly acknowledged and confirmed that the City of Kerrville, Texas, has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds.

SECTION TWO. City Council hereby supports the proposed Developments and confirms that by passage of this Resolution, City Council has voted specifically to approve the construction or rehabilitation of the Developments and to authorize an allocation of Housing Tax Credits for the Developments pursuant to Section 2306.6703(a)(4), Texas Government Code.

SECTION THREE. For and on behalf of the City Council, the Mayor and City Manager, or his designees, are authorized, empowered, and directed to certify this Resolution to the Texas Department of Housing and Community Affairs.

**PASSED AND APPROVED ON this the ____ day of _____ A.D.,
2025.**

Joe Herring, Jr., Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



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

CAPTION: Appointment to the Food Service Advisory Board. (*S McElhannon, City Secretary*)

AGENDA DATE: January 14, 2025

DATE SUBMITTED: 12/19/2024

SUBMITTED BY:

Shelley McElhannon, City Secretary

EXHIBITS:

None

Expenditure:

Account Number:

**Payment to/Vendor
name:**

Amount Budgeted:

Account Balance:

Kerrville 2050 Item?

No

Key Priority Area:

SUMMARY:

The reappointment of Rebecca Dittmar to the Food Service Advisory Board occurred at the December 10, 2024 City Council meeting, however the motion implied Laura Dittmar. The correct name is Rebecca Dittmar.

RECOMMENDED ACTION:

Reappoint member.



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

CAPTION: Appointment to the Zoning Board of Adjustment. (Item eligible for Executive Session). *(S McElhannon, City Secretary)*

AGENDA DATE: January 14, 2025

DATE SUBMITTED: 12/12/2024

SUBMITTED BY:

Shelley McElhannon, City Secretary

EXHIBITS:

None

Expenditure:

Account Number:

**Payment to/Vendor
name:**

Amount Budgeted:

Account Balance:

Kerrville 2050 Item?

No

Key Priority Area:

SUMMARY:

Three vacancies exist: one regular member and two alternate members. One application has been received: Jency Carson.

RECOMMENDED ACTION:

Appoint member(s).