

**AGENDA FOR REGULAR MEETING**

**KERRVILLE CITY COUNCIL**

**TUESDAY, JULY 10, 2012, 6:00 P.M.**

**KERRVILLE CITY HALL COUNCIL CHAMBERS**

**800 JUNCTION HIGHWAY, KERRVILLE, TEXAS**

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

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG** led by Sam Barker of the Military Officers Association of America.

Those in attendance may stand if they wish.

**1. VISITORS/CITIZENS FORUM:**

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

**2. RECOGNITIONS:**

2A. Resolution of commendation to Kacy Smith for serving on the main street advisory board.

**3. CONSENT AGENDA:**

These items are considered routine and can be approved in one motion unless a councilmember asks for separate consideration of an item. It is recommended that council approve the following items which will grant the mayor or city manager the authority to take all actions necessary for each approval:

3A. Minutes of the joint meeting of the Kerrville City Council and the City of Kerrville Economic Improvement Corporation held on June 12, 2012. (staff)

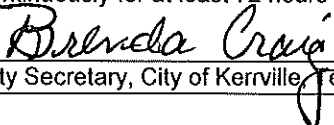
3B. A resolution authorizing the use of internal combustion engines on the lake upstream of the city's impoundment dam for a triathlon. (staff)

**END OF CONSENT AGENDA**

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The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time, July 6, 2012 at 11:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

  
\_\_\_\_\_  
City Secretary, City of Kerrville, Texas

**4. PUBLIC HEARING:**

4A. Annexation and zoning of approximately 9.83 acre tract of land, out of the F. Rodriguez Survey No. 72, Abstract No. 280, within Kerr County, Texas and consisting of the property addressed as 5623 State Highway 27. (staff)

**5. ORDINANCE, FIRST READING:**

5A. An ordinance amending the budget for fiscal year 2012 to account for the redesign and revised cost estimates for the Birkdale lift station/force main project. (staff)

**6. CONSIDERATION AND POSSIBLE ACTION:**

6A. FY2013 budget for the operation of the Kerrville-Kerr County Airport. (Stephen King)

6B. Construction of new parking lot at the Kerrville-Kerr County Airport. (Stephen King)

6C. A resolution approving the refunding and reissuance of solid waste disposal revenue refunding bonds for Republic Services, Inc. which will benefit solid waste facilities within the city; approving a plan of finance with respect to such actions; and disclaiming liability. (staff)

**7. INFORMATION AND DISCUSSION:**

7A. Town Creek and Quinlan Creek drainage ownership and maintenance responsibilities. (staff)

7B. Water resources update. (staff)

7C. Budget and economic update. (staff)

**8. BOARD APPOINTMENTS:**

8A. Appointment to the library advisory board. (staff)

8B. Appointment to the planning and zoning commission (staff)

**9. ITEMS FOR FUTURE AGENDAS**

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\_\_\_\_\_  
City Secretary, City of Kerrville, Texas

**10. 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.

**11. EXECUTIVE SESSION:**

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

Section 551.074:

- Appointment to the planning and zoning commission.

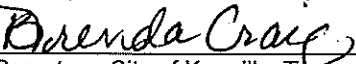
**12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION**

**13. ADJOURNMENT.**

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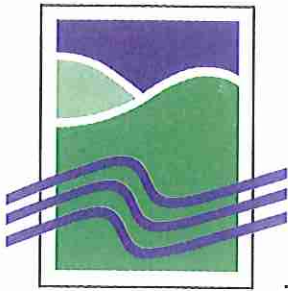
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\_\_\_\_\_  
City Secretary, City of Kerrville, Texas

## **Agenda Item:**

2A. Resolution of Commendation to Kacy Smith for serving on the main street advisory board. (staff)



## CITY OF KERRVILLE

### MAYOR AND CITY COUNCIL

800 Junction Highway

Kerrville, Texas 78028

830-257-8000 / [www.kerrvilletx.gov](http://www.kerrvilletx.gov)

### RESOLUTION OF COMMENDATION

**WHEREAS, KACY SMITH** has served as a member of the Main Street Advisory Board with the date of service beginning August 10, 2010; and

**WHEREAS, KACY SMITH** has served faithfully and dutifully on said board;

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

That **KACY SMITH** be recognized for outstanding service as a member of the Main Street Advisory Board, and that on behalf of the citizens of Kerrville, as well as for ourselves individually, we wish to express our sincere appreciation for contributions to the city and the community.

PASSED AND APPROVED, this the 10<sup>th</sup> day of July, 2012.

ATTEST:

Brenda G. Craig  
Brenda G. Craig, City Secretary



Jack Pratt, Jr.  
Jack Pratt, Jr., Mayor

Stacie Keeble  
Stacie Keeble, Mayor Pro Tem

E. Gene Allen  
E. Gene Allen, Councilmember

Carson Conklin  
Carson Conklin, Councilmember

T. Justin MacDonald  
T. Justin MacDonald, Councilmember

## **Agenda Item:**

3A. Minutes of the joint meeting of the Kerrville City Council and the City of Kerrville Economic Improvement Corporation held on June 12, 2012. (staff)

MINUTES OF THE KERRVILLE CITY COUNCIL AND  
CITY OF KERRVILLE, TEXAS ECONOMIC IMPROVEMENT CORPORATION  
JOINT MEETING  
JUNE 12, 2012

On June 12, 2012, a joint meeting of the Kerrville City Council and the Economic Improvement Corporation was called to order by Mayor Pratt and EIC Chairman Wampler at 9:00 a.m. in the city hall council chambers, 800 Junction Highway.

COUNCIL MEMBERS PRESENT:

|                  |               |
|------------------|---------------|
| Jack Pratt       | Mayor         |
| Stacie Keeble    | Mayor Pro Tem |
| Carson Conklin   | Councilmember |
| Justin MacDonald | Councilmember |

COUNCIL MEMBER ABSENT:

|            |               |
|------------|---------------|
| Gene Allen | Councilmember |
|------------|---------------|

EIC MEMBERS PRESENT:

|               |                |
|---------------|----------------|
| David Wampler | President      |
| Kenneth Early | Vice-President |
| Gary Cochrane | Board Member   |
| Larry Howard  | Board Member   |
| Stacie Keeble | Board Member   |
| Polly Rickert | Board Member   |

EIC MEMBER ABSENT:

|             |           |
|-------------|-----------|
| Rex Boyland | Secretary |
|-------------|-----------|

STAFF PRESENT:

|                  |                                    |
|------------------|------------------------------------|
| Todd Parton      | City Manager                       |
| Mike Hayes       | City Attorney                      |
| Kristine Ondrias | Assistant City Manager             |
| Brenda G. Craig  | City Secretary                     |
| Travis Cochrane  | Director of Information Technology |
| Mindy Wendele    | Director of Business Programs      |
| Mike Erwin       | Director of Finance                |
| Kim Meisner      | Director of General Operations     |
| John Young       | Police Chief                       |
| Malcolm Matthews | Director of Parks and Recreation   |

**2. DISCUSSION AND CONSIDERATION OF FUTURE ECONOMIC PROJECTS:**

Mr. Parton reviewed current activities and projects and noted that the debt issuances that were recently passed had been structured such that debt service would be at or below EIC's existing debt payments. The strategic plan looked at balancing the needs of the community, i.e. quality of life, business development, and business enhancement with the resources available, including using EIC funds to leverage debt service to cover projects such as Louise Hays Park improvements and the river trail.

City Council, EIC, and staff discussed the following points related to each subject:

## 2A. Scott Schreiner Municipal Golf Course pavilion and parking improvements

- Improvements such as a pavilion and parking lot, estimated at \$250,000 each, would ensure that the golf course remained competitive and attracted visitors; also could accommodate larger tournaments and events.
- EIC had funded the 1998 redesign of the golf course in 1998.
- A pavilion was part of the golf course master plan.
- Estimated that the golf course had gained \$200,000 this year as a result of Fredericksburg's golf course being temporarily closed for reconstruction; these gains could be used to fund a pavilion and parking lot improvements.
- Two flag poles could be installed at a cost of \$7,000-10,000.
- Discussed closing Country Club Lane, but it was the only access to a private home next to the golf course.

## 2B. Soccer field(s) improvements

- Limitations and inadequacies of the existing soccer facility and possible improvements and expansion that would enhance local play and accommodate larger tournaments; potential economic benefit to community.
- Improvements/expansion to the existing building and facility could trigger ADA requirements.
- The two soccer associations currently leasing the existing facilities provide maintenance of the fields and facilities in exchange for free use of the property; city is responsible for fencing and gates, estimated cost to the city less than \$10,000 annually on the entire complex.
- Staff presented a list of possible improvements noting items 1-9 were suggested priorities by the two soccer associations, and the city could do item 10; items 12 and 13 were needed to attract larger tournaments.
- Improvements discussed were: new building, site work, parking lot upgrade, utility extensions, field and drainage improvements, entryway improvements, security lighting upgrades and field lighting, irrigation improvements, shade structures, and signage.
- Effluent water for field irrigation provided by the city at a nominal fee; expansion of the fields may increase cost to the soccer associations, but they were requesting the expansion.
- The city proposed to do the parking lot improvements in-house; other projects would be contracted.
- Under the lease agreement, any improvements made by the soccer associations belong to the city when the leases expire.
- Existing facilities were fully utilized and available for community use.
- Potential to merge soccer facility and city farm (90 acres owned by the city) and the little league fields on Highway 27 (county-owned) to create a multi-use athletic complex; properties were contiguous but topography could create issues.

## 2C. Baseball/softball sports complex

- An individual may be interested in providing some funding toward the construction of a baseball/softball sports facility, but no firm commitment.
- Discussed possible locations including 86 acres on Peterson Farm Road currently owned by EIC, topography challenges; staff to report back on feasibility of location and potential cost.

- Possible expansion of existing Little League fields on Hwy. 27; see what their needs are.
- Is the market too saturated to support another tournament/competition style sports complex in Kerrville?

#### 2D. Downtown Wi-Fi

- Discussed plan to install several wireless access points in the downtown area for public access; good amenity for people doing business in downtown; could cover six block area but phase in project in stages; possible cost \$100,000.
- Not intended to replace wireless services for downtown businesses.
- Staff to investigate and report findings; should include equipment purchase, installation, maintenance, updates, and on-going costs.

#### 2E. Downtown boardwalk project

- Noted that project was underway to bury the utility lines behind the buildings on the river side.
- Need lighting for boardwalk and pavilion; staff noted the city and KPUB were working on lighting.
- Possible easterly extension of the boardwalk; drainage and erosion issues to overcome.
- Connect downtown to Louise Hays Park and river trail.
- Staff was directed to put together an overview and project scope and bring back to EIC.

#### 2F. Airport Commerce Park vacant industrial site inventory within the city

- Need to prepare an inventory of available industrial and commercial land and devise a strategy to market those properties.
- Noted that the city was in the process of rewriting the zoning code; if there were specific locations and/or zoning issues, those should be brought forth now.
- Mr. Parton noted that several years ago EIC funded utility services to the Airport Commerce Park and performance criteria had been placed in the deed restrictions that in some cases became a disincentive for development; he recommended that EIC review those deed restrictions.
- Discussed issues with EIC's land on Peterson Farm Road; property had been zoned agricultural, specifically for the USDA project.

#### 2G. Utility infrastructure for potential new company (KEDC prospect). No report.

#### 2H. Incentive package for hotel/conference center

- Noted that Kerr Economic Development Corporation's top project was a conference center; Ray Watson had prepared an incentive package and distributed it to a few developers, and he met with one group but others had not responded.
- EIC should be kept informed of any possible pending funding commitments; EIC approved a conference center concept but not any funding. Mr. Parton noted that discussions with potential developers did not entail any direct financial contribution, rather a tax incentive based on performance measures and whereby EIC would break even based on additional revenue generated by the project; he assured EIC that any formal offers would be presented to EIC before proceeding.
- Staff should provide an estimate of the amount of funding that EIC should reserve in case a viable project was submitted.

- An incentive package should result in a larger facility that would create a larger market and not compete against existing business; such facility should be minimum three stars and have a national reservation system.
- The existing market could accommodate an additional 600-650 rooms.
- Discussed the TXP study regarding a convention center.
- Discussed CVB's lost business report showing the potential economic benefit that could be realized if Kerrville could accommodate larger groups.
- Existing hotel stock was lacking in room quality and was an issue in attracting groups; discussed incentive package to fund improvements for existing hotels; new hotel would cause existing hotels to make improvements to be competitive.
- Discussed an incentive package with performance criteria to start a retail center.
- Kerrville could be a regional retail hub; discussed gaps in quality and variety of products available; indications were that Boerne was also considering such.
- Conference center and tourism would trigger retail growth.
- Take advantage of tourism; complete amenities that could be included in a marketing plan, i.e. river trail, downtown and boardwalk.

#### 2I. Tuscany Development road between SH16 and SH173

- Mr. Parton noted that Riverhill Boulevard was on the thoroughfare plan as a collector street to connect Hwy. 173 and Hwy. 16; an additional roadway was discussed to provide circulation and relief for Riverhill Boulevard.
- Discussed possible extension of Loop 534 from SH173 to SH16 that went along the perimeter of Kerrville Schreiner Park; the state placed restrictions, including use of property as a road, on the KSP property when it gave the property to the city; the state could consider taking back the property. Also, such a project would put a thoroughfare alongside the best part of the park and could be detrimental to the park function and revenue.
- Rough estimate of a Loop 534 extension was \$3 million for construction of a two-lane roadway; TxDOT previously stated they had no funding for new construction projects.
- A Tuscany roadway may not alleviate traffic on Riverhill Boulevard because it was too far out and did not align with 534.
- Mr. Parton should provide EIC a copy of the 2007 memo and information regarding a possible Loop 534 extension.
- Consensus was to instruct staff to explore a Loop 534 extension with the state and provide feedback; if 534 was not a viable project, then discuss the possibility of a Tuscany alignment.

#### 2J. Investment in making Kerrville safer and more friendly to bicyclists and pedestrians.

- Persons in the bike business had requested a new ordinance and improved public education programs focused on bike safety.
- Concern about enforcement of existing laws.
- Bicyclists could work with city staff to help identify a bike route that connected existing bike lanes and parks and then prepare a map of the route and distribute it throughout the community; the route could be marketed and promoted through CVB.
- Main thoroughfares such as Hwy. 16 and 27 were not the safest place for a bike route; recognized that bike groups coming to Kerrville would still want to use highways and may not use an in-city bike route.

3. **DIRECTION TO STAFF TO PREPARE APPLICATIONS FOR FUTURE CONSIDERATION BY EIC:** No action taken; staff follow up and report back on items as discussed.

4. **ADJOURNMENT:** The meeting adjourned at 11:32 a.m.

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Jack Pratt, Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary

\_\_\_\_\_  
David A. Wampler, EIC President

## **Agenda Item:**

3B. A Resolution authorizing operation of watercraft equipped with an internal combustion engine for the 2012 Kerrville Triathlon. (staff)

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

**SUBJECT:** Resolution authorizing operation of watercraft equipped with an internal combustion engine for the 2012 Kerrville Triathlon

**FOR AGENDA OF:** 7/10/12

**DATE SUBMITTED:** 6/12/12

**SUBMITTED BY:** Charlie Hastings  
Public Works Director

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:** Map of Swimming Event

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

| Expenditure<br>Required: | Current Balance<br>in Account: | Amount<br>Budgeted: | Account<br>Number: |
|--------------------------|--------------------------------|---------------------|--------------------|
| \$                       | \$                             | \$                  |                    |

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

**SUMMARY STATEMENT**

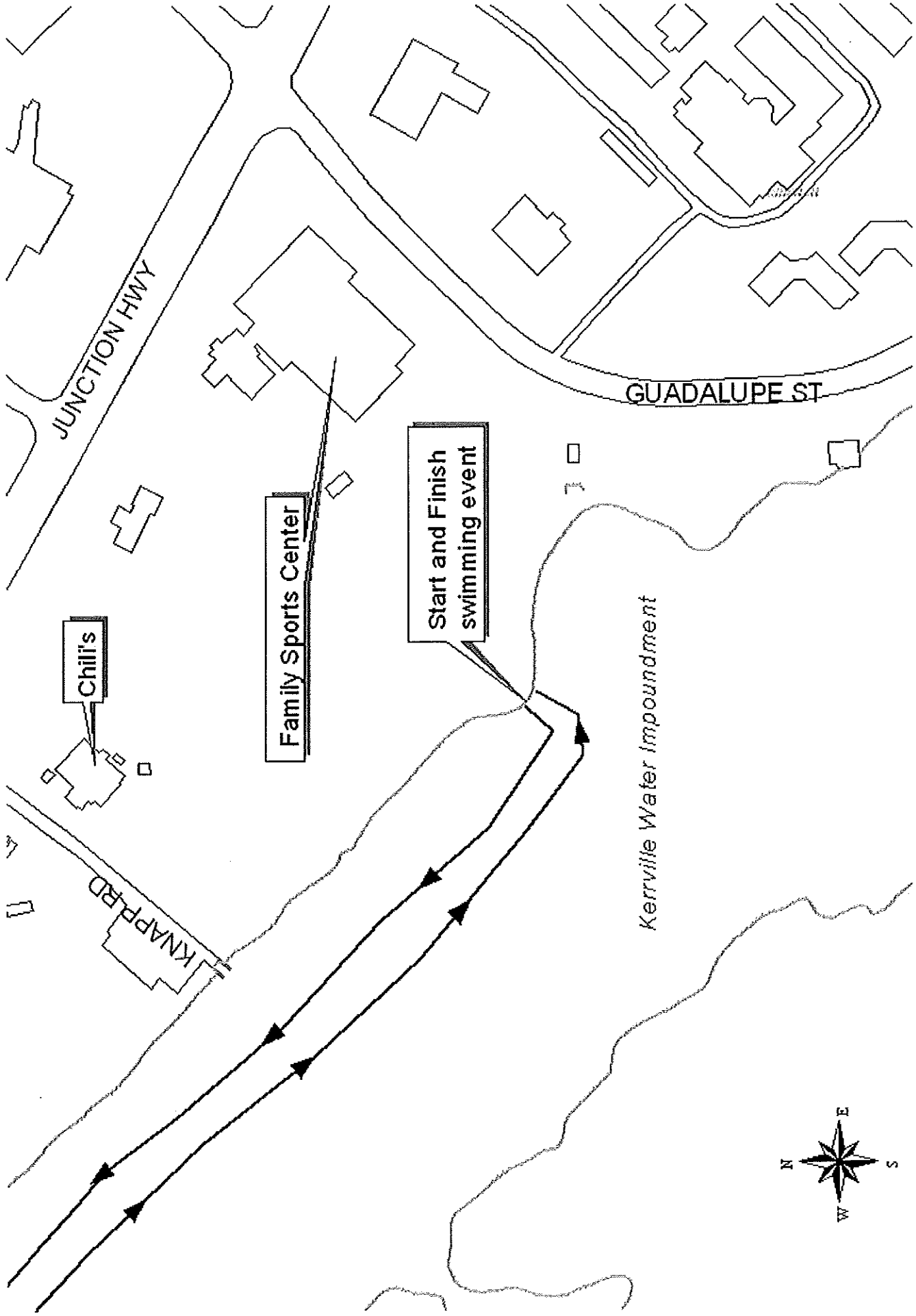
The 2012 Kerrville Triathlon, as planned and coordinated by High Five Events out of Austin, Texas will consist of a sprint triathlon (500 meter swim, 12 mile bike, 3 mile run) on Saturday September 29, 2012 and a half distance triathlon (1.2 mile swim, 56 mile bike, 13.1 mile run) on Sunday September 30, 2012. The swimming portion of the triathlon will be in the Guadalupe River with the start and finish on the grounds of the Kerrville Family Sports Center at the northern end of Guadalupe Street. This will require the use of watercraft equipped with internal combustion engines for course preparation (placement of buoys) as well as the monitoring and potential rescue of swimmers.

Chapter 118 Article II Water Impoundment Regulations of the Kerrville Code of Ordinances Section 118-34 (4) allows the operation of watercraft equipped with an internal combustion engine when it is engaged in an activity that has been authorized by resolution of the city council.

**RECOMMENDED ACTION**

The Director of Public Works recommends that Council adopt a resolution authorizing High Five Events to operate watercraft equipped with internal combustion engines for course preparation (placement of buoys) as well as the monitoring and potential rescue of swimmers from September 24, 2012 through October 1, 2012 for the swimming competition events of the 2012 Kerrville Triathlon.

# Kerrville Triathlon Swimming Event

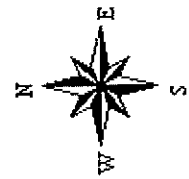


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0.07

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0.07



**CITY OF KERRVILLE, TEXAS**  
**RESOLUTION NO. \_\_\_\_-2012**

**A RESOLUTION AUTHORIZING THE USE OF INTERNAL COMBUSTION  
ENGINES ON THE LAKE UPSTREAM OF THE CITY'S IMPOUNDMENT  
DAM FOR A TRIATHLON**

**WHEREAS,** Chapter 118 of the City Code of Ordinances (the "Code") regulates and prohibits certain activities on Nimitz Lake, the lake upstream of the City's impoundment dam (the "Lake"); and

**WHEREAS,** one of the prohibited activities is the operation of an internal combustion engine on the Lake; and

**WHEREAS,** under the Code, City Council may authorize an exception to this prohibition by adopting a resolution authorizing an activity which requires the use of an internal combustion engine on the Lake; and

**WHEREAS,** the organizer of a triathlon to be held in Kerrville and who would like to use the Lake for the swimming portion of its competition, is seeking an exception to the prohibition against combustible engines so that they may use boats with combustion engines to ensure the safety of competitors; and

**WHEREAS,** pursuant to this request and to promote and expand the recreational uses of the Lake, the City Council hereby finds that a public purpose exists to authorize the use of internal combustion engines on the Lake;

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

**SECTION ONE.** The City Council authorizes the use of internal combustion engines on the Lake, such authority subject to the following terms:

- a. the authority is granted to High Five Events, LLC, of Austin Texas, their agents, or representatives and no other person or group;
- b. the authority is valid from September 24, 2012, through October 1, 2012; and
- c. authority is limited to no greater than five (5) boats with such engines.

**SECTION TWO.** This Resolution and the authority granted hereby shall automatically expire and be revoked on October 2, 2012.

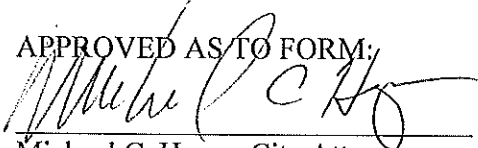
**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_, A.D.,  
2012.**

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

  
Michael C. Hayes, City Attorney

## **Agenda Item:**

4A. Public Hearing, Annexation and Zoning Request – Second Public hearing of the annexation and zoning of approximately 9.83 acre tract of land, out of the F. Rodriguez Survey No. 72, Abstract No. 280, within Kerr County, Texas and consisting of the property addressed as 5623 Highway 27. (staff)

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

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**SUBJECT:** Public Hearing, Annexation & Zoning Request – Second Public hearing of the annexation and zoning of approximately 9.83 acre tract of land, out of the F. Rodriguez Survey No. 72, Abstract No. 280, within Kerr County, Texas and consisting of the property addressed as 5623 Highway 27.

**FOR AGENDA OF:** July 10, 2012      **DATE SUBMITTED:** June 27, 2012

**SUBMITTED BY:** Jason Lutz      **CLEARANCES:** Kristine Ondrias 

**EXHIBITS:** Location Map, Resolution Accepting the Petition for Annexation, Annexation & Zoning Request Ordinance

**AGENDA MAILED TO:** Lee Voelkel, 212 Clay Street, Kerrville, Texas 78028

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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| Expenditure<br>Required: | Current Balance<br>in Account: | Amount<br>Budgeted: | Account<br>Number: |
|--------------------------|--------------------------------|---------------------|--------------------|
| \$                       | \$                             | \$                  |                    |

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OF FINANCE:**

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**SUMMARY STATEMENT**

**Annexation-Zoning Timeline:**

- April 24, 2012 – Annexation petition and zoning request submitted for review and consideration.
- May 8, 2012 – City Council considers and accepts annexation petition for the subject tract by resolution No. 12-2012.
- May 22, 2012 – Notice of public hearing published in The Kerrville Daily Times.
- June 7, 2012 – Planning and Zoning Commission (P&Z) public hearing on proposed annexation and recommendation of zoning designation to the City Council.
- June 26, 2012 – City Council conducted the first required public hearing on the proposed annexation.
- June 29, 2012 – Notice of the second required public hearing published in The Kerrville Daily Times and written notification to property owners, franchise utilities, Texas Department of Transportation (TxDot) and Kerrville Independent School District (KISD).
- July 10, 2012 – **City Council conducts the second required public hearing on the proposed annexation zoning the subject tract.**
- August 14, 2012 – City Council considers an ordinance on first reading annexing

and zoning the subject tract.

- August 28, 2012 – City Council considers an ordinance on second and final reading annexing and zoning the subject tract.

Summary:

The applicant requested annexation and zoning of a 9.83 acre tract out of the F. Rodriguez Survey No. 72, Abstract No. 280, within Kerr County, Texas, located at 5263 Highway 27 and adjacent to the corporate limits of the City of Kerrville. This 9.83 acre tract is the remaining part of a 10.43 acre tract owned by the applicant, with 0.6 acres currently inside the city limits and zoned (GR) Guadalupe River District.

The land owner is proposing to use this site for the manufacturing of production equipment in the oil and gas industry, including oilfield storage tanks and other specialty oilfield production products. Fox Tank, Inc. will produce, store, and distribute its products from this location.

Given the property's use of manufacturing, staff recommends that the zoning district of 26-E be assigned to this property. According to Art. 11-1-8 (a)(3) of the city's zoning code, District 26-E is primarily to be developed as the primary industrial area for the City. Both heavy and limited industrial uses are listed as permitted, though other uses primarily intended to compliment the industrial uses are also allowed. District 26-E is intended to be expanded through annexation.

An eight inch sanitary sewer line and a twelve inch water main are located in the Highway 27 right-of-way to serve this property.

According to the City of Kerrville's Comprehensive Plan, the future land use category for this area is Industrial.

The Planning and Zoning Commission at their June 7, 2012 meeting following a public hearing, recommended annexing the subject tract and establishing a zoning designation of 26-E, by a vote of 4-0.

No one from the public appeared at the public hearing.

The City Council conducted the 1<sup>st</sup> required public hearing on June 26, 2012. No one from the public appeared at the public hearing.

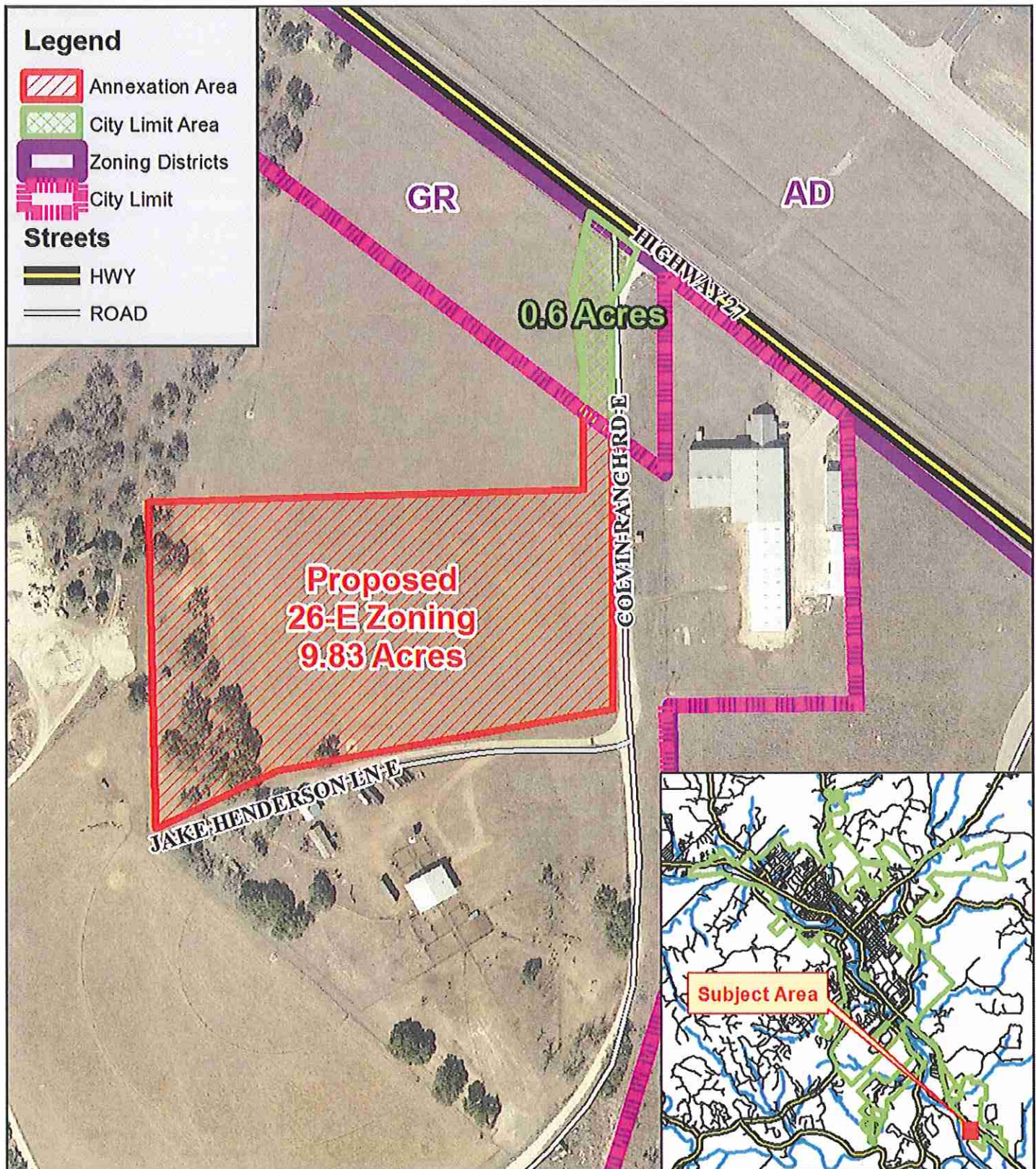
**RECOMMENDED ACTION**

1. Open the public hearing and receive comments.
2. No action is to be taken at this time.

## Legend

 Annexation Area City Limit Area Zoning Districts City Limit

## Streets

 HWY ROAD

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

0 62.5 125 250 Feet



1 inch = 250 feet



**CITY OF KERRVILLE, TEXAS**  
**RESOLUTION NO. 12-2012**

**A RESOLUTION GRANTING A PETITION REQUESTING THE ANNEXATION OF AN APPROXIMATELY 9.83 ACRE TRACT OUT OF THE F. RODRIGUEZ SURVEY NO. 72, ABSTRACT NO. 280, WITHIN KERR COUNTY, TEXAS, AND CONSISTING OF THE PROPERTY ADDRESSED AS 5263 HIGHWAY 27; AND ORDERING THE PREPARATION OF AN ANNEXATION ORDINANCE**

WHEREAS, on April 24, 2012, the owner of an approximately 9.83 acre tract out of the F. Rodriguez Survey No. 72, Abstract No. 280, within Kerr County, Texas, and more commonly known as 5263 Highway 27, filed a petition with the City pursuant to Texas Local Government Code Section 43.028 and requested the annexation of the property; and

WHEREAS, having considered the petition and hearing the recommendation from City staff, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to grant said petition and to initiate the annexation process, which includes the preparation of an ordinance annexing the subject property;

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

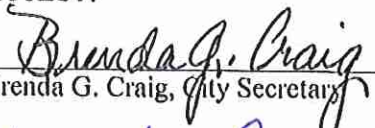
**SECTION ONE.** The petition requesting annexation of an approximately 9.83 acre tract out of the F. Rodriguez Survey No. 72, Abstract No. 280, within Kerr County, Texas, and consisting of the property addressed as 5263 Highway 27, and more fully described in said petition, a copy of which is attached as Exhibit A, is granted.

**SECTION TWO.** City staff is directed to initiate the annexation process and to prepare an ordinance annexing the subject property described in the above-referenced petition.

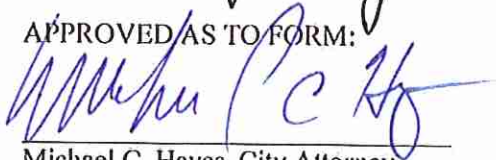
PASSED AND APPROVED ON this the 8<sup>th</sup> day of May, A.D., 2012.

  
David Wampler, Mayor

ATTEST:

  
Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

  
Michael C. Hayes, City Attorney

PETITION REQUESTING ANNEXATION TO THE CORPORATE LIMITS OF THE CITY  
OF KERRVILLE, TEXAS, OF TEXAS ACRES OUT OF THE 15.1000 6011 12  
Survey, Abstract Number 1071, KERR COUNTY TEXAS

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF KERRVILLE,  
TEXAS:

Fox Tank Company is the sole owner of an approximately 1.000 acre tract of  
land located adjacent to the incorporated limits of the City of Kerrville which is out of the  
Survey No. 1071 Abstract No. 1071 Kerr County, Texas, and is more particularly  
described as follows:

SEE EXHIBIT "A". (Paste in legal description here & provide two copies of  
the survey with the legal description to Development Services Department)

The above-described property is (a) one-half mile or less in width, (b) contiguous to the  
incorporate limits of the City of Kerrville, Texas, and (c) presently vacant and without  
residents or on which fewer than three qualified voters reside.

In accordance with Texas Local Government Code §43.028,  
Fox Tank Company hereby respectfully requests and petitions that the above-  
described property be annexed into the incorporated limits of the City of Kerrville, Texas.  
SUBMITTED THIS 24<sup>th</sup> day of April, 2012.

By: R. Nathan Fox  
Legally authorized signature

#### ACKNOWLEDGEMENT

THE STATE OF TEXAS       §  
                                          §  
COUNTY OF KERR       §

This instrument was acknowledged before me on the 24<sup>th</sup> day of April, 2012,  
by R. Nathan Fox for and on behalf of  
Fox Tank Company.



Dora Gonzalez  
NOTARY PUBLIC STATE OF TEXAS

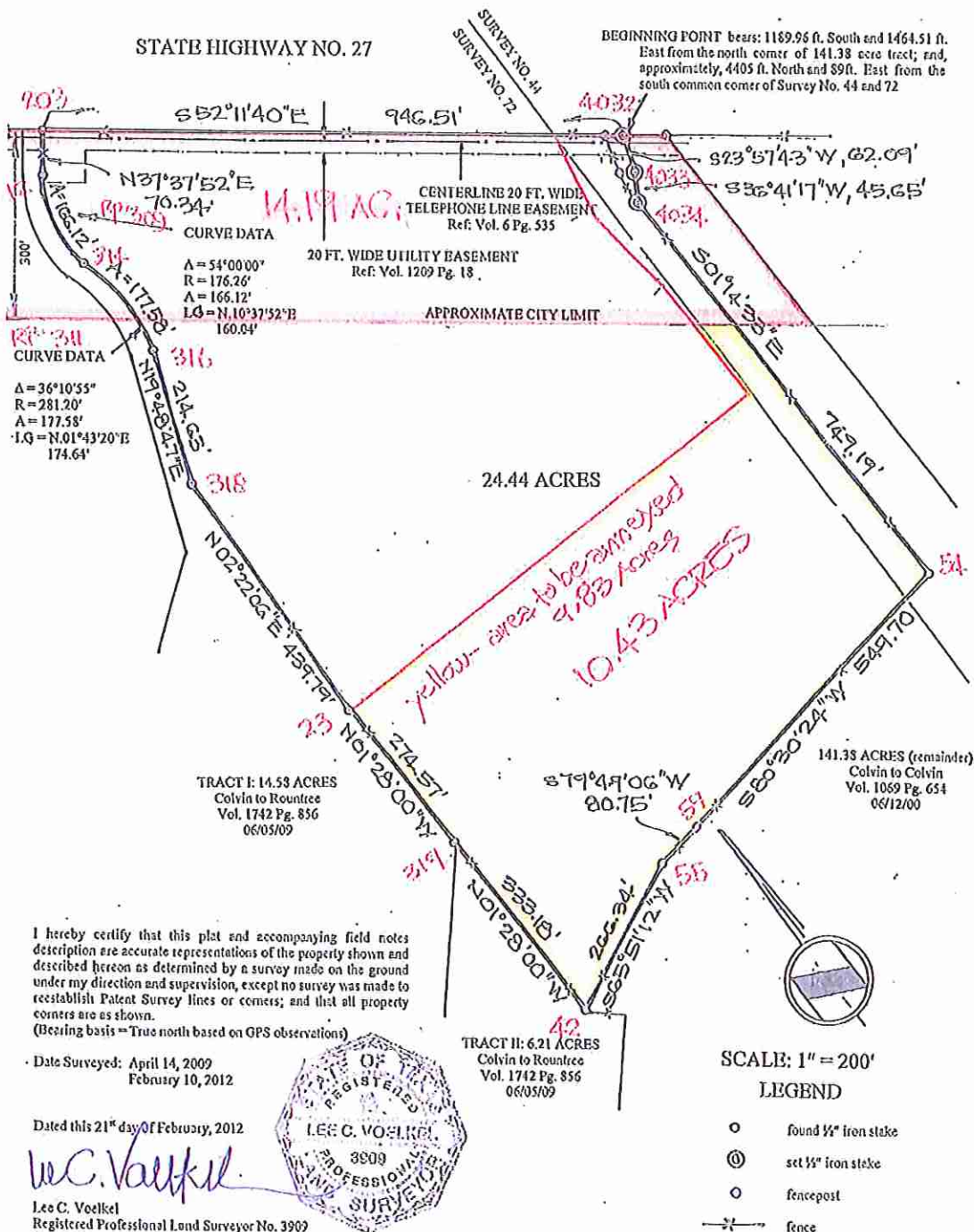
Printed Name: DORA GONZALEZ

My Commission Expires: 03-29-2013

SURVEY PLAT FOR 24.44 ACRES OF LAND, MORE OR LESS, OUT OF ORIGINAL PATENT SURVEYS IN KERR COUNTY, TEXAS AS FOLLOWS:

| SURVEY NO. | SURVEY         | ABSTRACT NO. | ACRES |
|------------|----------------|--------------|-------|
| 44         | O. V. ROBINSON | 282          | 0.99  |
| 72         | F. RODRIGUEZ   | 280          | 23.45 |

PART OF A CERTAIN 141.38 ACRE TRACT CONVEYED FROM R.B. COLVIN TO RICHARD B. COLVIN, ET UX BY A CASH WARRANTY DEED EXECUTED THE 12<sup>TH</sup> DAY OF JUNE, 2000 AND RECORDED IN VOLUME 1069 AT PAGE 654 OF THE REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS

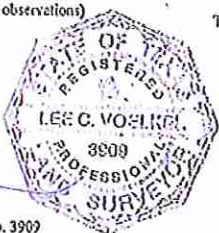


I hereby certify that this plat and accompanying field notes description are accurate representations of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown.  
(Bearing basis = True north based on GPS observations)

Date Surveyed: April 14, 2009  
February 10, 2012

Dated this 21<sup>st</sup> day of February, 2012

Lee C. Voelkel  
Registered Professional Land Surveyor No. 3909  
County Surveyor for Kerr County, Texas



TRACT II: 6.21 ACRES  
Colvin to Rountree  
Vol. 1742 Pg. 856  
06/05/09

SCALE: 1" = 200'  
LEGEND

- found 1/2" iron stake
- ⊙ set 1/2" iron stake
- fencepost
- fence

## EXHIBIT A

FIELD NOTES DESCRIPTION FOR 9.83 ACRES OF LAND OUT  
OF THE FOX TANK COMPANY PROPERTY ALONG STATE  
HIGHWAY NO. 27 IN KERR COUNTY, TEXAS

Being all of a certain tract or parcel of land containing 9.83 acres, more or less, out of Original Patent Surveys in Kerr County, Texas as follows:

| Survey No. | Survey         | Abstract No. | Acres |
|------------|----------------|--------------|-------|
| 44         | O. V. Robinson | 282          | 0.56  |
| 72         | F. Rodriguez   | 280          | 9.27  |

part of a certain 10.43 acre tract conveyed from Heath McGehee, et ux to Fox Tank Company by a Special Warranty Deed with Vendor's Lien executed the 10<sup>th</sup> day of April, 2012 and recorded in File No. 12-2266 of the Official Public Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a fence cornerpost for the southeast corner of the herein described tract and said 10.43 acre tract; which point bears, approximately, 3563 ft. North and 53 ft. East from the south common corner of said Survey Nos. 44 and 72;

THENCE, along a fence with the south line of said 10.43 acre tract: S.80°30'24"W., 549.70 ft. to a fence anglepost; S.79°49'06"W., 80.75 ft. to a fence anglepost; and S.65°51'12"W., 266.34 ft. to a fence cornerpost in the east line of a certain 6.21 acre tract conveyed as TRACT II from Richard B. Colvin and Nancy W. Colvin to John G. Rountree by a Warranty Deed with Vendor's Lien and Reservation of Adjudicated Water Rights and Restrictive Covenants executed the 5<sup>th</sup> day of June, 2009 and recorded in Volume 1742 at Page 856 of the Official Public Records of Kerr County, Texas for the southwest corner of the herein described tract and 10.43 acre tract;

THENCE, along a fence with the common line between said 10.43 and 6.21 acre tracts N.01°28'00"W., at 333.18 ft. passing a 1/2" iron stake found for the northeast corner of 6.21 acre tract and the southeast corner of a certain 14.58 acre tract conveyed as TRACT I in said Colvin to Rountree deed (Vol. 1742 Pg. 856), then continuing with the common line between said 10.43 and 14.58 acre tracts for a total distance of 607.75 ft. to a fence anglepost for the westerly northwest corner of the herein described tract and 10.43 acre tract;

THENCE, with the north line of said 10.43 acre tract: N.88°45'27"E., 821.49 ft. to a 1/2" iron stake found for a reentrant corner of the herein described tract and 10.43 acre tract; and N.01°14'33"W., 127.20 ft. to an unmarked point for the northerly northwest corner of the herein described tract;

THENCE, upon, over and across said 10.43 acre tract S.52°11'40"E., 64.38 ft. to an unmarked point in a fence, the east line of 10.43 acre tract for the northeast corner of the herein described tract;

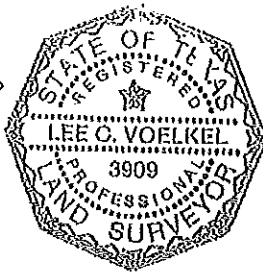
THENCE, along or near said fence with the east line of said 10.43 acre tract S.01°14'33"E., 499.30 ft. to the PLACE OF BEGINNING.

I hereby certify that these field notes are an accurate representation of the property shown and described hereon as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; and that all property corners are as shown.

(Bearing basis = True north based on GPS observations)

Dated this 24<sup>th</sup> day of April, 2012

*Lee C. Voelkel*  
 Leo C. Voelkel  
 Registered Professional Land Surveyor No. 3909  
 County Surveyor for Kerr County, Texas



VOELKEL

LAND SURVEYING, PLLC ♦ PHONE: 830-257-3313 ♦ 212 CLAY STREET, KERRVILLE, TEXAS 78028

## **Agenda Item:**

5A. An Ordinance amending the budget for fiscal year 2012 to account for the redesign and revised cost estimates for the Birkdale lift station/force main project.  
(staff)

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

**SUBJECT:** First Reading of an Ordinance Amending the FY 2012 Budget

**FOR AGENDA OF:** July 10, 2012      **DATE SUBMITTED:** June 29, 2012

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

**EXHIBITS:** Ordinance

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

| <b>Expenditure<br/>Required:</b> | <b>Current Balance<br/>in Account:</b> | <b>Amount<br/>Budgeted:</b> | <b>Account<br/>Number:</b> |
|----------------------------------|----------------------------------------|-----------------------------|----------------------------|
| \$                               | \$                                     | \$                          | (SEE ATTACHED ORDINANCE)   |

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

**SUMMARY STATEMENT**

Staff requests to amend the FY 2012 City of Kerrville's budget to increase the project budget for the Birkdale Lift Station/Force Main from \$5,171,000.000 to \$6,300,000.00. City Council rejected the first bids for this project due to the fact that the lowest bid submitted totaled approximately \$5.8 million. The project has been rebid and it is anticipated that costs could be as high as \$6.0 million. The increased allocation to \$6,300,000.00 will help ensure that adequate funds are appropriated and provide for a 5% contingency so that a contract can be executed and the project can commence pending City Council action.

Without this allocation, staff anticipates that the low bid will exceed the project allocation. Bids may not be awarded and a contract executed until the budget has been amended and could cause a delay for up to 6 weeks.

Additional allocations for this project are entirely from existing bond funds. The proposed amendment is as follows:

I & I Construction 2009 (Project W78) – this project has a balance of \$973,096.55. The FY2013 budget allocated \$829,000 for Phase 4. This amendment will leave a remaining balance of \$144,096.55 and allow for the completion and acceptance of Phase 4.

Existing Cash Balance – there is an existing cash balance in the Water and Sewer Capital Improvement Projects – Fund 71 in the amount of \$315,004.00. These funds are comprised of interest earnings, remaining fund balances from completed projects, and approximately \$200,000 of unallocated bond proceeds from the Series 2012 issuance.

This amendment will allocate \$300,000 of this available, unallocated cash.

Birkdale Lift Station/Force Main (Project W96) – this project budget would be increased by \$900,000 to \$6,071,000.00. Based on bid history and redesign, it is anticipated that this will provide adequate funding to provide the City Council the opportunity to initiate construction if incoming bids are accepted.

### **RECOMMENDED ACTION**

Staff recommends the City Council approve the first reading of an ordinance amending the FY 2012 budget and authorize staff to make all necessary entries and adjustments to reflect the attached changes.

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2012-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2012 TO  
ACCOUNT FOR THE REDESIGN AND REVISED COST ESTIMATES FOR  
THE BIRKDALE LIFT STATION/FORCE MAIN PROJECT**

**WHEREAS**, Ordinance No. 2011-19, dated September 27, 2011, adopted the Fiscal Year 2012 Budget; and

**WHEREAS**, the City Council of the City of Kerrville, Texas, finds that amending the City's Fiscal Year 2012 Budget is in the best interest of the citizens of the City of Kerrville;

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

In accordance with Section 8.07 of the City Charter, the Official Budget for Fiscal Year 2012 shall be amended as set forth in **Exhibit A**.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2012.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2012.**

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Secretary

**FY2013 Budget Amendment**

| G/L<br>Project<br>Number | Project<br>Line Item<br>Number | Project<br>Name                  | Approved<br>Budget | Funding Sources |             |                |                  |                 | Project<br>Cash<br>Deposited<br>To Date | Project<br>Cash<br>Balance<br>To Date | Project<br>Expense<br>To Date | Bond<br>Issuance<br>Date | Unspent<br>Bond<br>Proceeds |
|--------------------------|--------------------------------|----------------------------------|--------------------|-----------------|-------------|----------------|------------------|-----------------|-----------------------------------------|---------------------------------------|-------------------------------|--------------------------|-----------------------------|
|                          |                                |                                  |                    | W/S<br>Fund     | E/C<br>Fund | Other<br>Funds | Grants<br>Tx/DOI | Bonds           |                                         |                                       |                               |                          |                             |
| W78                      | 71-09005                       | I & I Construction 2009          | \$ 1,354,604.28    |                 |             |                |                  | \$ 1,825,604.28 | \$ 1,825,604.28                         | \$ 1,681,507.73                       | \$ 144,096.55                 | 2012                     | \$ 144,096.55               |
| W96                      | 71-11005                       | Birkdale Lift Station/Force Main | \$ 6,300,000.00    |                 |             |                |                  | \$ 6,300,000.00 | \$ 6,300,000.00                         | \$ 178.20                             | \$ 6,299,821.80               | 2011/2012                | \$ 6,299,821.80             |

## **Agenda Item:**

6A. FY2013 Budget for the operation of the Kerrville-Kerr County Airport.  
(Stephen King)

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

---

**SUBJECT:** Airport FY-13 Budget

**FOR AGENDA OF:** July 10, 2012      **DATE SUBMITTED:** May 30, 2012

**SUBMITTED BY:** Bruce McKenzie      **CLEARANCES:** Bruce McKenzie *BDM*

**EXHIBITS:** Airport Board Approved FY-13 Budget

**AGENDA MAILED TO:** Stephen King (swking242@windstream.net), Bruce McKenzie (bruce.mckenzie@kerrvilleairport.com)

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

---

| <b>Expenditure<br/>Required:</b> | <b>Current Balance<br/>in Account:</b> | <b>Amount<br/>Budgeted:</b> | <b>Account<br/>Number:</b> |
|----------------------------------|----------------------------------------|-----------------------------|----------------------------|
| \$                               | \$                                     | \$                          |                            |

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

---

**SUMMARY STATEMENT**

Airport Board President Stephen King will present the FY-13 Airport Budget.

**RECOMMENDED ACTION**

City Council to approve Airport Budget (includes a Management Contract) or the Optional Budget. The Optional Budget does not include a Management Contract.













| Kerrville-Kerr County Airport                     |           |           |                         |            |           |              |
|---------------------------------------------------|-----------|-----------|-------------------------|------------|-----------|--------------|
| Future CIP                                        |           |           |                         |            |           |              |
| Funding Source: Airport                           | FY 2012   | FY 2013   | FY 2014                 | FY 2015    | FY 2016   | TOTAL        |
| T-Hangar Building                                 | \$ -      | \$ -      | \$ 625,000              | \$ 625,000 | \$ -      | \$ 1,250,000 |
| Applied for T-Hangar Program with TxDOT Aviation  |           |           | originally in FY 11, 13 |            |           |              |
| New Taxiways at Airport                           | \$ -      |           | \$ 120,000              | \$ -       | \$ -      | \$ 120,000   |
| Possible TxDOT funding                            |           |           |                         |            |           |              |
| Routine Airport Maintenance Program (RAMP) Grants | \$ 50,000 | \$ 50,000 | \$ 50,000               | \$ 50,000  | \$ 50,000 | \$ 250,000   |
| Site Preparation for Hangar Development           | \$ -      |           | \$ 150,000              | \$ -       | \$ -      | \$ 150,000   |
| Possible TxDOT funding                            |           |           | originally in FY 12     |            |           |              |
| TOTALS                                            | \$ 50,000 | \$ 50,000 | \$ 945,000              | \$ 675,000 | \$ 50,000 | \$ 1,770,000 |
| Funding Source: Grants                            |           |           |                         |            |           |              |
|                                                   | FY 2012   | FY 2013   | FY 2014                 | FY 2015    | FY 2016   | TOTAL        |
| Routine Airport Maintenance Program (RAMP) Grants | \$ 50,000 | \$ 50,000 | \$ 50,000               | \$ 50,000  | \$ 50,000 | \$ 250,000   |
| TOTALS                                            | \$ 50,000 | \$ 50,000 | \$ 50,000               | \$ 50,000  | \$ 50,000 | \$ 250,000   |
|                                                   |           |           |                         |            |           |              |
|                                                   |           |           |                         |            |           |              |
|                                                   |           |           |                         |            |           |              |
|                                                   |           |           |                         |            |           |              |
|                                                   |           |           |                         |            |           |              |
|                                                   |           |           |                         |            |           |              |

## **Agenda Item:**

6B. Construction of a new parking lot at the Kerrville-Kerr County Airport.  
(Stephen King)

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

---

**SUBJECT:** New Parking Lot at Airport

**FOR AGENDA OF:** July 10, 2012      **DATE SUBMITTED:** May 30, 2012

**SUBMITTED BY:** Bruce McKenzie      **CLEARANCES:** Bruce McKenzie 

**EXHIBITS:** Airport Parking Civil Plans 02-13-2012

**AGENDA MAILED TO:** Stephen King (swking242@windstream.net), Bruce McKenzie (bruce.mckenzie@kerrvilleairport.com)

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

---

| <b>Expenditure<br/>Required:</b> | <b>Current Balance<br/>in Account:</b> | <b>Amount<br/>Budgeted:</b> | <b>Account<br/>Number:</b> |
|----------------------------------|----------------------------------------|-----------------------------|----------------------------|
| \$                               | \$                                     | \$                          |                            |

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

---

**SUMMARY STATEMENT**

Council approval for construction of new 48-space parking lot. Kerr County will supply personal and equipment to build the new parking lot. The City of Kerrville will supply personal and equipment to pave the parking lot. The Airport will supply materials.

**RECOMMENDED ACTION**

We recommend the City Council approve this project.

# CIVIL CONSTRUCTION PLANS FOR PARKING IMPROVEMENTS KERRVILLE / KERR COUNTY AIRPORT

WEL PROJECT NO. WEL-12-002



PROJECT LOCATION MAP

NTS.

## INDEX OF DRAWINGS

|    |                                      |
|----|--------------------------------------|
| C1 | General Notes                        |
| C2 | Paving Plan                          |
| C3 | Grading Plan                         |
| C4 | Storm Sewer and Erosion Control Plan |
| C5 | Construction Details                 |



600 Cardinal Drive  
Kerrville, TX 78028  
phone: 830-928-9889  
Texas Registration No. F-7761



GENERAL NOTES

1. ALL MATERIALS, CONSTRUCTION, TESTING AND WORKMANSHIP SHALL COMPLY WITH THE CITY OF KERRVILLE'S STANDARD SPECIFICATIONS DATED JANUARY, 2005, UNLESS SPECIFIED OTHERWISE IN WRITING. THESE PLANS OR APPROVED BY THE CITY OF KERRVILLE'S PUBLIC WORKS DEPARTMENT IN WRITING.
2. THE CONSTRUCTION OF THIS PROJECT, ANY INTERPRETATION OF THE STANDARD SPECIFICATIONS OR ANY MATTER WHICH REQUIRES THE APPROVAL OF THE OWNER, MUST BE APPROVED BY THE CITY'S PUBLIC WORKS DEPARTMENT BEFORE ANY CONSTRUCTION INVOLVING THAT DECISION COMMENCES. ASSUMPTIONS ABOUT WHAT THOSE DECISIONS MIGHT BE, WHICH COULD AFFECT THE CONSTRUCTION OF THIS PROJECT, ARE THE RESPONSIBILITY OF THE CONTRACTOR.
3. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COMPLY WITH ALL FEDERAL, STATE AND LOCAL REQUIREMENTS BEFORE AND DURING CONSTRUCTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING AND NOTIFYING ALL AUTHORIZED PERSONNEL OF THE CITY OF KERRVILLE OF ANY CONSTRUCTION OR PUBLIC UTILITIES AFFECTED BY THIS PROJECT PRIOR TO CONSTRUCTION COMMENCEMENT.
5. THE SIZE AND LOCATION OF ALL EXISTING UNDERGROUND UTILITIES IDENTIFIED IN THESE SPECIFICATIONS AND PLANS (INCLUDING SERVICE LATERALS) ARE APPROXIMATE AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION COMMENCEMENT AND PROTECT THEM AT ALL TIMES DURING CONSTRUCTION. IT SHALL BE THE DUTY OF THE CONTRACTOR TO ASCERTAIN WHETHER ANY ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT. THE CITY DOES NOT ASSUME RESPONSIBILITY FOR THE LOCATION AND DEPTH OF ANY UTILITIES NOT SHOWN ON THE PLANS.
6. THE CONTRACTOR SHALL PROVIDE TRENCH SAFETY IN ACCORDANCE WITH OSHA SPECIFICATIONS AND PROVIDE A TRENCH SAFETY PLAN SIGNED & SEALED BY A REGISTERED PROFESSIONAL ENGINEER LICENSED IN THE STATE OF TEXAS AND PROVIDE DAILY INSPECTIONS TO ENSURE THAT THE TRENCH SAFETY PLAN IS BEING FOLLOWED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING THE SAFETY OF THOSE PERSONS WORKING IN AND AROUND THE TRENCH.
7. CONSTRUCTION OF THIS PROJECT SHALL BE CONDUCTED IN A MANNER THAT PROTECTS THE ENVIRONMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL MAHOLES, CULVERTS, DRAINAGE BOXES, ETC. PRIOR TO CONSTRUCTION. AFTER THE PLACEMENT OF FINAL GRADE AND/OR PAVEMENT, ANY REMOVAL OR DAMAGE TO EXISTING IMPROVEMENTS SHALL BE REPLACED OR REPAIRED BY THE CONTRACTOR AT HIS EXPENSE AND SHALL BE APPROVED BY THE CITY. SAID EXISTING IMPROVEMENTS SHALL ALSO BE REPLACED OR REPAIRED BY THE CONTRACTOR AT HIS EXPENSE.
8. CONTRACTOR SHALL IMMEDIATELY REPORT ANY DIFFERENCES BETWEEN THE INFORMATION IDENTIFIED IN THESE PLANS AND THE CONDITIONS IN THE FIELD TO THE ENGINEER.
9. AFTER THE PLACEMENT OF FINAL GRADE AND/OR PAVEMENT, THE CONTRACTOR MAY COME WITHIN 10 FEET OF ENERGIZED OVERHEAD POWER LINES AND FEDERAL REGULATION, TITLE 29, PART 1910.150(1) AND PART 1926.550(A)(13) REQUIRE A MINIMUM CLEARANCE OF TEN FEET FROM THESE FACILITIES. THE ABOVE LAWS CARRY BOTH CRIMINAL AND CIVIL LIABILITIES. WITH THESE LAWS BEING ENFORCED BY THE DEPARTMENT OF SAFETY, THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING WITH THE APPROPRIATE ELECTRIC COMPANY WHEN WORKING NEAR OVERHEAD POWER LINES TO BE DE-ENERGIZED AND/OR MOVED AT CONTRACTOR'S EXPENSE. CONTRACTOR SHALL ALSO SHORCE EXISTING POWER POLES WHICH PERFORMING CATHODIC PROTECTION OR TRENCHING WITHIN CLOSE PROXIMITY OF EXISTING POWER POLES.
10. WHERE TRENCHING IS UTILIZED DURING CONSTRUCTION, NO MORE THAN 100 FEET OF TRENCH SHALL BE OPEN AT ANY GIVEN TIME. NO EXCAVATIONS SHALL BE LEFT OPEN OVERNIGHT UNLESS PRIOR APPROVAL IS GRANTED BY OWNER. WHERE A TRENCH IS LEFT OPEN DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING THE TRENCH PERIMETER. ALL EXCAVATIONS IN PAVED AREAS WHICH CANNOT BE COMPLETELY BACKFILLED PRIOR TO BEING SUBJECTED TO TRAFFIC SHALL BE COVERED WITH STEEL SHEETING AND ANCHORED TO PAVEMENT SURFACES. NO TRACKS SHALL BE UTILIZED BY THE CONTRACTOR AT ALL TIMES DURING CONSTRUCTION. NO TRACK EQUIPMENT IS ALLOWED ON ANY CITY STREET, CURB, OR PRIVATE PAVING UNLESS PRIOR APPROVAL IS GIVEN BY THE CITY.
11. ON A STREET WITHOUT NOTICING THE CITY ENGINEER AND SECURING RETRACEMENT TO DO SO WHEN ANY STREET, SECTION OF A STREET, OR STREET SHOULDER IS CLOSED, OR TRAFFIC FLOW IS RESTRICTED, THE CONTRACTOR SHALL FURNISH A TRAFFIC CONTROL PLAN IN ACCORDANCE WITH THE TEXAS MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (TMUTCD) FOR REVIEW AND APPROVAL BY THE CITY ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING BARRICADES, WARNING AND DIRECTING SIGNS, LIGHTS, TRAFFIC CONTROL DEVICES, FLAGS AND PROVIDE FLAGMEN ALONG THE ENTIRE STREET WITHIN THE LIMITS OF THE PROJECT IN ACCORDANCE WITH THE TMUTCD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING THE PROJECT FROM BEING INTERRUPTED BY TRUCKS, TRAILERS, AND OTHER VEHICLES BETWEEN THE HOURS OF SUNSET AND SUNRISE.
12. THE CONTRACTOR SHALL AT ALL TIMES KEEP THEIR CONSTRUCTION SITE FREE FROM OBSTRUCTIONS TO TRAFFIC. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL OBSTRUCTIONS FROM THE SITE AT THE COMPLETION OF CONSTRUCTION AND PRIOR TO THE CITY SCHEDULED WALK-THRU. THE CONTRACTOR SHALL REMOVE FROM THE SITE ALL TOOLS, SURPLUS MATERIALS AND DEBRIS AND SHALL LEAVE THE SITE IN A "BROOM CLEAN" CONDITION, UNLESS SPECIAL PERMISSION HAS BEEN GRANTED BY THE CITY ENGINEER.
13. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN SANITARY CONVENIENCE FACILITIES AT THE PROJECT SITE FOR USE BY ALL LABORERS. THEY SHALL BE WELL VENTILATED, BUT PROVIDE CONVEYANCE, AND SHALL BE KEPT CLEAN AT ALL TIMES BY THE CONTRACTOR. THE FACILITIES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION OF THE PROJECT. THE COMPLETION OF THE PROJECT. ALL SUCH FACILITIES SHALL CONFORM TO THE REQUIREMENTS OF THE STATE AND LOCAL HEALTH AUTHORITIES.
14. CONTRACTOR SHALL PROTECT ALL EXISTING TREES AT THE PROJECT SITE, NO EXISTING TREE SHALL BE REMOVED OR DAMAGED WITHOUT AUTHORIZATION FROM THE CITY ENGINEER UNLESS NOTED OTHERWISE ON THE PLANS.
15. CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING TO THE ORIGINAL CONDITION OR BETTER, ANY DAMAGES TO EXISTING VEGETATION, PAVEMENTS, SIDEWALKS, DRIVEWAYS, FENCES, OR OTHER STRUCTURES AT HIS EXPENSE, EXCEPT AS NOTED IN THE PLANS.

17. CONTRACTOR SHALL BE RESPONSIBLE FOR SCHEDULING AND PROTECTING ALL MATERIAL, EQUIPMENT AND STAFF STORED ON THE JOB SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE STORAGE OF MATERIALS IN A SAFE AND WORKMANLIKE MANNER TO PREVENT INJURIES DURING AND AFTER WORK HOURS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THIS PROJECT IN ACCORDANCE WITH THE CITY OF KERRVILLE'S SPECIFICATIONS. ALL MATERIALS TESTING SHALL BE PERFORMED BY AN INDEPENDENT MATERIALS TESTING LAB APPROVED BY THE CITY OF KERRVILLE. SAID LAB SHALL BE CONTRACTED AND PAID BY THE CONTRACTOR. THE CONTRACTOR SHALL HAVE A REGISTERED PROFESSIONAL ENGINEER LICENSED IN THE STATE OF TEXAS ON STAFF.
18. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL RESIDENTIAL AND COMMERCIAL PROPERTIES ADJACENT TO WORK AREAS AT ALL TIMES.
19. SPECIFICALLY ESTABLISHED IN THE PLANS, SPECIFICATIONS, OR NOTES UNLESS SPECIFICALLY CALLED FOR ON THE PLANS, OR IN THE SPECIFICATIONS, BUT NECESSARY TO REASONABLY CONSTRUCT THE FACILITIES OR IMPROVEMENTS, SHALL BE CONSIDERED FOR THESE ITEMS. INCLUDE COST OF SAME IN THE CONTRACT UNIT PRICE BID FOR ITEMS FOR WHICH WORK IS A COMPONENT PART OR AS INCIDENTAL TO WORK.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
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WATER AND SEWER NOTES

1. ALL MATERIALS, CONSTRUCTION, TESTING AND WORKMANSHIP SHALL CONFORM TO THE CITY OF KERRVILLE'S STANDARD SPECIFICATIONS DATED JANUARY 2005, EXCEPT AS NOTED HEREIN OR APPROVED BY THE CITY OF KERRVILLE IN WRITING.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
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SEPARATION DISTANCES BETWEEN WATER AND SEWER

1. THE LOCATION OF ALL EXISTING WATER AND WASTEWATER FACILITIES SHOWN ON THE PLANS ARE APPROXIMATE AND FOR INFORMATION PURPOSES ONLY.
2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT SEPARATION DISTANCE PROVISIONS ARE MAINTAINED PER CITY SPECIFICATIONS SECTION 300.

CONFLICT WITH OTHER UTILITIES

1. THE PIPELINE ALIGNMENT MAY CROSS EXISTING WATER, WASTEWATER, GAS, ELECTRIC, OR TELEPHONE UTILITIES, INCLUDING FIBER OPTIC CABLE.
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION AND DEPTH OF THESE FACILITIES PRIOR TO CONSTRUCTION.
3. THERE WILL BE NO SEPARATE PAYMENT FOR REMOVING OR OTHER FIELD RECONSTRUCTION TO VERIFY LOCATION AND DEPTH OF EXISTING UTILITIES.

PAVEMENT NOTES

1. ALL PAVEMENT TO BE REMOVED, INCLUDING CURB & GUTTERS, DRIVEWAYS AND SIDEWALKS SHALL BE SAWCUT, REMOVED AND REPLACED, UNLESS SPECIFIED OTHERWISE IN PLANS.
2. CONTRACTOR SHALL BE REQUIRED TO ADJUST SEWER MANHOLES AND SEWER CLEANOUTS AS REQUIRED TO MATCH THE FINISHED GRADE. NO SEPARATE PAYMENT.
3. CONTRACTOR SHALL STAGE THE CONSTRUCTION WORK OUT OF STREET. ALL NECESSARY BARRICADES, TEMPORARY BYPASSES AND DIVERSIONS WILL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE SUBSIDIARY TO THE TRAFFIC CONTROL.

CAUTION:  
Casting water, sanitary sewer, gas, electric, telephone, and cable television lines. Contractor shall be responsible for locating these utilities prior to construction commencement and protect the same during construction.

CONSTRUCTION STAKING AND BENCHMARKS

1. BENCHMARKS, STATIONS, AND ELEVATIONS ON THESE PLANS HAVE BEEN ESTABLISHED BASED ON INFORMATION PROVIDED BY VICKI L. LAND SURVEYING, PLLC OF KERRVILLE, TEXAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THESE BENCHMARKS AND STATIONS IMMEDIATELY IF ANY DISCREPANCIES OR PROBLEMS ASSOCIATED WITH THEM.
2. CONSTRUCTION STAKING SHALL BE PROVIDED BY CONTRACTOR.

3. STATION VALUES SHOWN ON THE PLANS ARE CENTERLINE OF PROPOSED UTILITY LINE OR STREET WHERE INDICATED.

CITY EROSION CONTROL STANDARD NOTES

1. EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO ANY SOIL DISTURBING ACTIVITIES AT THE PROJECT SITE.
2. EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO ANY SOIL DISTURBING ACTIVITIES AT THE PROJECT SITE.
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11. EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO ANY SOIL DISTURBING ACTIVITIES AT THE PROJECT SITE.

TYDOT NOTES

1. ALL SIDEWALKS CONSTRUCTED WITHIN THE TYDOT RIGHT OF WAY SHALL CONFORM WITH ITEM 531 - "SIDEWALKS", AS SPECIFIED IN THE TEXAS DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MAINTENANCE OF HIGHWAYS, STREETS, AND BRIDGES, ADOPTED JUNE 2004.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.



2/13/2012  
Michael W. Wellborn

General Notes - Parking Improvements  
for  
Kerrville/Kerr County Airport

WELLBORN  
Engineering

600 Cardinal Drive  
Kerrville, TX 78601  
Phone: (817) 466-7971  
Texas Registration No. 1-7761

DESIGN: MICHAEL WELLBORN, P.E.

CHECKED: BMM

DATE: February 13, 2012

SCALE: NTS

SHEET

C1



# Paving Plan - Parking Improvements for Kerrville/Kerr County Airport

**WELBORN**  
ENGINEERING, LLC

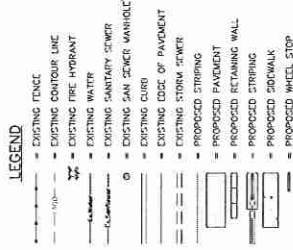
600 Garfield Drive  
Kerrville, Texas 78601  
Phone: 830-892-7800  
Fax: 830-892-7801  
Treas. Registration No. T-7761

DESIGN: MICHAEL WELBORN, P.E.  
DRAWN: MW

CHECKED: BMH  
DATE: February 13, 2012

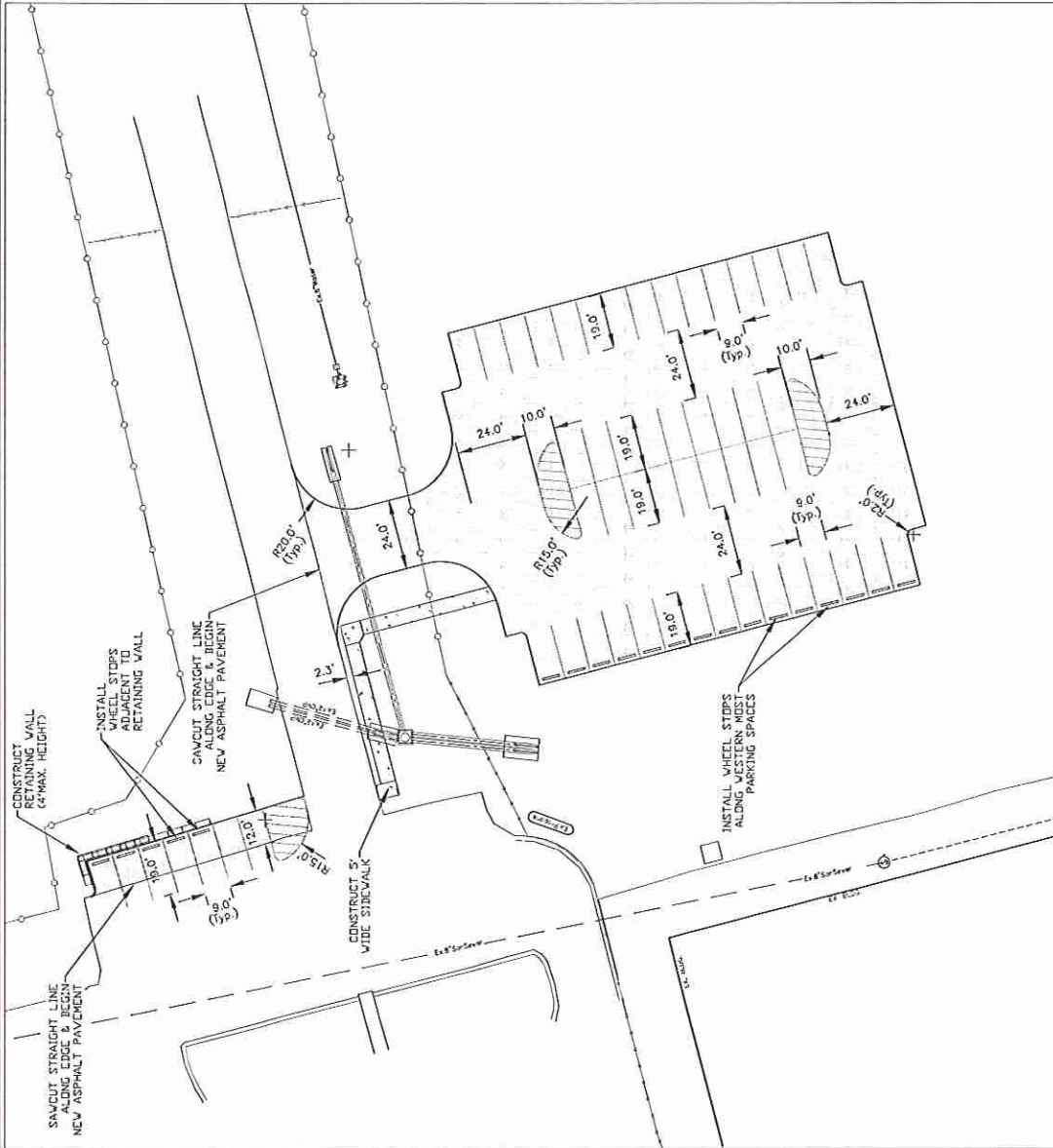
SCALE: 1"=20' for full size (20'-0" x 30'-0")  
1"=40' for full size (11'-0" x 17'-0")

SHEET  
C2



## PAVING NOTES:

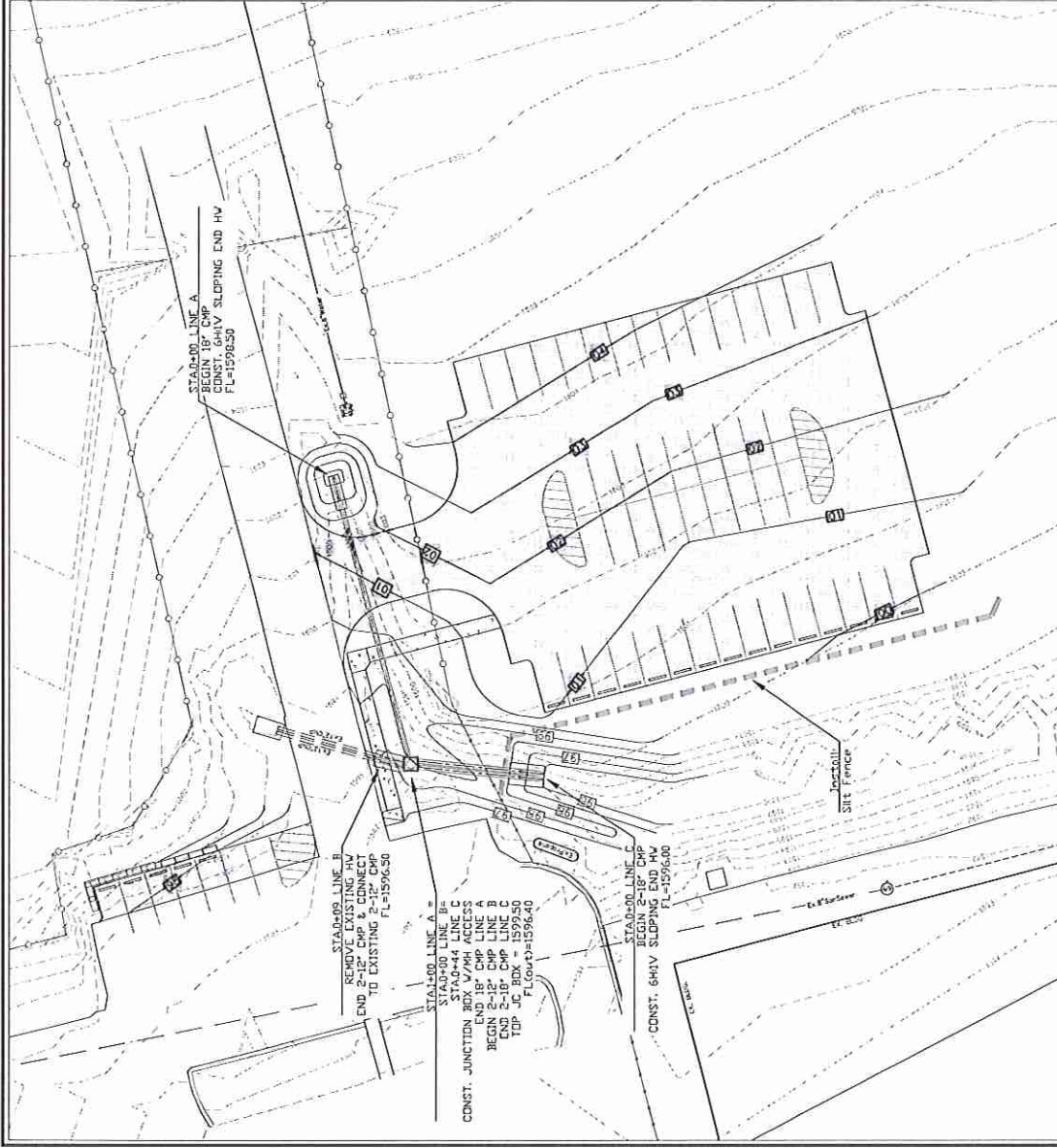
- All retrofits, construction, loading, and workmanship shall be in compliance with the City of Kerrville's Standard Specifications, latest edition.
- Contractor is responsible for obtaining all federal, state, & local permits prior to commencing with construction/demolition activities. Contractor shall coordinate with owner & utility providers prior to construction/demolition activities to minimize service disturbance.
- It is the Contractor's responsibility to field verify the exact location and depth of existing utilities and to coordinate all items with owner prior to construction.
- See Sheet C3 for proposed pavement sections. Contractor may provide an alternate design subject to the approval of the owner and City Fire Marshal as long as the section for the fire lanes is capable of supporting the weight of a 75,000 pound fire apparatus under all weather conditions.
- Contractor to delineate existing parking striping in area to be widened.



## CAUTION:

Existing water, sanitary sewer, gas, electric, telephone, and cable television are in close proximity to proposed construction area throughout the contract limits. Contractor shall be responsible for locating these facilities prior to construction commencement and protect the same during construction.

3



- LEGEND**
- EXISTING FENCE
  - - - EXISTING CONTOUR LINE
  - - - EXISTING FIRE IRRIGANT
  - - - EXISTING WATER
  - - - EXISTING SANITARY SEWER
  - - - EXISTING SAN SEWER MANHOLE
  - - - EXISTING CURB
  - - - EXISTING EDGE OF PAVEMENT
  - - - EXISTING STORM SEWER
  - - - PROPOSED STIPING
  - - - PROPOSED PAVEMENT
  - - - PROPOSED GRADE BREAK LINE
  - - - PROPOSED RETAINING WALL
  - - - PROPOSED FLOW ARROW
  - - - PROPOSED SPOT ELEVATION
  - - - PROPOSED CONTOUR LINE
  - - - PROPOSED STIPING
  - - - PROPOSED SIDEWALK
  - - - PROPOSED WHEEL STOP
  - - - PROPOSED SILT FENCE

**GRADING GENERAL NOTES**

1. THE LOCATION OF ALL UTILITIES LOCATED ON THESE PLANS ARE TAKEN FROM EXISTING PUBLIC RECORDS. THE EXACT LOCATION AND ELEVATION OF ALL UTILITIES SHALL BE THE DUTY OF THE CONTRACTOR TO ASSESS WHETHER ANY ADDITIONAL FACILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT.
2. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL PUBLIC UTILITIES IN THE CONSTRUCTION OF THIS PROJECT. ALL MANHOLES, CLEAN-OUTS, VALVE BOXES, FIRE HYDRANTS, ETC. MUST BE ADJUSTED TO PROPER LINE AND GRADE BY THE CONTRACTOR PRIOR TO AND AFTER THE PLACING AND FINISHING OF THE PAVING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND GRADE DURING CONSTRUCTION OF THE PAVING FOR THIS DEVELOPMENT.
3. CARE SHOULD BE TAKEN THAT FILL MATERIALS AND AREAS TO RECEIVING FILL MATERIALS ARE PROTECTED FROM EROSION. ALL AREAS TO BE RECEIVING OTHER DIRECTIONAL MATERIAL PRIOR TO PLACING ANY FILL SOIL SUBGRASSES SHOULD BE SCARIFIED TO A MINIMUM DEPTH OF 6 INCHES, AND RECOMPACTED TO A MINIMUM OF 95% RELATIVE DENSITY BY THE STANDARD PROCTER (ASTM D-1556) AT A 2 TO 4 PERCENT ABOVE THE OPTIMUM MOISTURE CONTENT AS DETERMINED BY THAT TEST.
4. TREES SHALL REMAIN UNLESS SPECIFIED OTHERWISE BY THE OWNER.
5. ALL SPOT ELEVATIONS ARE GUTTER ELEVATIONS OR TOP OF PAVEMENT WHERE CURB AND GUTTER ARE NOT SHOWN OR TOP OF GROUND WHERE PAVING IS NOT PROPOSED UNLESS SPECIFIED OTHERWISE IN THESE PLANS.
6. CONTRACTOR SHALL PROVIDE RETAINING WALL DESIGN TO BE REVIEWED AND APPROVED BY OWNER PRIOR TO CONSTRUCTION.



*Michael W. Wellborn*  
2/13/2012

0 40 80  
SCALE: 1"=40'

**Storm Sewer & Erosion Control  
Parking Improvements  
for  
Kerrville/Kerr County Airport**



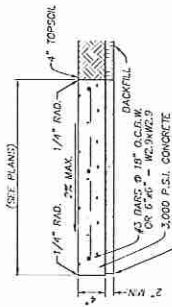
**WELLBORN**  
Engineering, LLC

600 Carabell Drive  
Kerrville, Texas 78601  
Phone: (817) 892-7200  
Fax: (817) 892-7201  
Teesen Registration No. F-2761

DESIGN: MICHAEL WELLBORN, P.E.  
DRAWN: MW  
CHECKED: BMK  
DATE: February 13, 2012  
SCALE: 1"=20' for full size (177x347)  
1"=40' for full size (11x17)

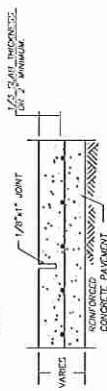
SHEET  
**C4**

**CAUTION:**  
Existing water, sanitary sewer, gas, electric, telephone, and cable locations are in close proximity to proposed construction area throughout the contract limits. Contractor shall be responsible for locating these facilities prior to construction commencement and protect the same during construction.



**CONCRETE SIDEWALK**  
N.T.S.

NOTE: CONSTRUCTION JOINT MAY BE SHOWN, HAND FORMED OR CAST-IN-PLACE. IF CAST-IN-PLACE, IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT CONCRETE JOINTS MEET ALL FINISHING REQUIREMENTS AFTER INSTALLATION OF CURB AND GUTTER.



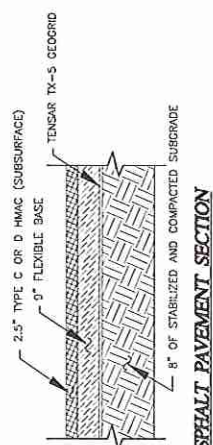
**CONTROL JOINT DETAIL**  
N.T.S.

**GENERAL NOTES FOR DETECTABLE WARNING:**

1. CURB RAMP MUST CONTAIN A DETECTABLE WARNING SURFACE THAT MEETS THE FOLLOWING REQUIREMENTS: THE SURFACE SHALL BE 4.0\"/>

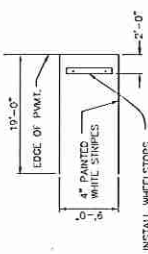
**SIDEWALK & BARRIER FREE RAMP NOTES:**

1. REMOVE ALL EXISTING CURBS, SIDEWALKS, AND/OR DRIVEWAYS IN THE PATH OF THE RAMP. THE RAMP SHALL BE CONSTRUCTED TO THE SAME ELEVATION AS THE EXISTING SIDEWALK OR DRIVEWAY. THE RAMP SHALL BE CONSTRUCTED TO THE SAME ELEVATION AS THE EXISTING SIDEWALK OR DRIVEWAY.
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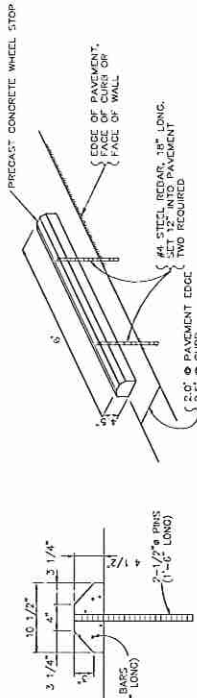
**ASPHALT PAVEMENT SECTION**  
N.T.S.

NOTE: ASPHALT PAVEMENT CONSTRUCTED WITH THE FOLLOWING SPECIFICATIONS: THE ASPHALT SHALL BE 95% RECOVERED, 5% FILL. THE ASPHALT SHALL BE 95% RECOVERED, 5% FILL. THE ASPHALT SHALL BE 95% RECOVERED, 5% FILL. THE ASPHALT SHALL BE 95% RECOVERED, 5% FILL.

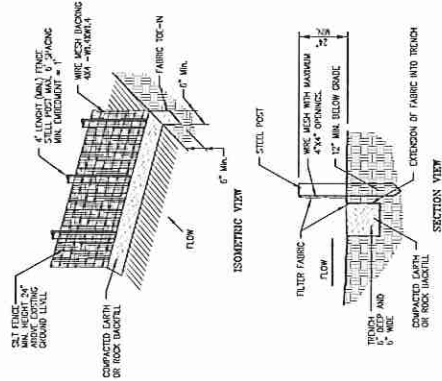


**90° PARKING**  
N.T.S.

INSTALL WHEELSTOPS ON INSIDE OF PARKING SPACE. WHEELSTOPS SHALL BE 1\"/>



**WHEEL STOP**  
N.T.S.



**SILT FENCE**  
N.T.S.



*Michael W. Wellborn*  
2/13/2012

**DETAILS - Parking Improvements**  
for  
**Kerrville/Kerr County Airport**

**WELLBORN**  
Engineering, LLC

500 Coastal Drive  
Kerrville, TX 78001  
Phone: 361-892-1219  
Texas Registration No. F-7761

DESIGN: MICHAEL W. WELLBORN, P.E.

CHECKED: B.M.

DATE: February 13, 2012

SCALE: NTS

**SHEET**

**C5**

## Agenda Item:

6C. A resolution approving the refunding and reissuance of solid waste disposal revenue refunding bonds of rRepublic Services, Inc. which will benefit solid waste facilities within the city; approving a plan of finance with respect to such actions.  
(staff)

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

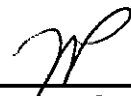
**SUBJECT:** Resolution approving the refunding by Republic Services, Inc. Project of the Mission Economic Development Corporation Solid Waste Revenue Bonds Series 2007 A and authorizing the Mayor to execute certificates approving the ordinance

**FOR AGENDA OF:** July 10, 2012      **DATE SUBMITTED:** July 2, 2012

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

**EXHIBITS:** Letter from Bracewell and Giuliani – Dated June 28, 2012  
Certificate for Resolution  
Resolution for Republic Services, Inc. Project  
City Council Agenda Bill – Dated April 5, 2007

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

| <b>Expenditure</b> | <b>Current Balance</b> | <b>Amount</b>    | <b>Account</b> |
|--------------------|------------------------|------------------|----------------|
| <b>Required:</b>   | <b>in Account:</b>     | <b>Budgeted:</b> | <b>Number:</b> |
| <b>\$ 0</b>        | <b>\$ 0</b>            | <b>\$ 0</b>      |                |

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DEPARTMENT:**

**SUMMARY STATEMENT**

On June 28, 2012, the City of Kerrville received a letter from Ms. Cristy C. Edwards of Bracewell and Giuliani requesting that the Kerrville City Council pass a resolution to approve the refunding of solid waste disposal revenue bonds by Republic Services. These bonds were originally sold at the request of Allied Waste in 2007 and were assumed by Republic Services with their merger.

Republic Waste desires to refund these bonds to take advantage of existing interest rates and to extend the maturity another nine years. The refunding process requires a local public hearing and the approval by the City Council to issue the new debt. The process being followed is identical to those taken to issue the bonds in 2007.

In 2007, Allied Waste issued \$56.8 million in tax exempt bonds through the Mission Economic Development Corporation (MEDC) to finance capital improvements for several of its facilities throughout Texas. Approximately \$1.3 million of the bond proceeds were used for Kerrville's landfill and the transfer station. Should Kerrville not approve this request, that portion of the bonds sold may not be refunded.

Approval of this request does not incur a financial or any other obligation to the community; nor does it impact the city's debt capacity or debt rating.

### **RECOMMENDED ACTION**

City staff recommends that the City Council approve this resolution.

June 28, 2012

The Honorable Jack Pratt, Jr.  
Mayor, City of Kerrville  
800 Junction Highway  
Kerrville, TX 78028

Re: Republic Services, Inc. Project – Proposed Order for Adoption

Dear Mayor Pratt:

Enclosed is a proposed Resolution of the City Council of the City of Kerrville relating to approval required in connection with the proposed issuance by the Mission Economic Development Corporation (the "Issuer") of its Solid Waste Disposal Revenue Refunding Bonds (Republic Services, Inc. Project) Series 2012 (the "Bonds").

At the request of Republic Services, Inc., successor in interest to Allied Waste North America, Inc. ("Republic Services"), the Issuer proposes to issue the Bonds and loan the proceeds thereof to Republic Services to provide funds to refund the Issuer's Solid Waste Disposal Revenue Bonds (Allied Waste North America, Inc. Project) Series 2007A, thereby refinancing the costs of certain solid waste disposal facilities (including certain facilities located in the City of Kerrville) described in the attachments to the proposed Resolution.

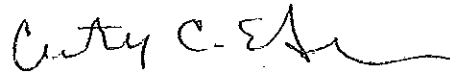
In order to permit Republic Services to use proceeds of the Bonds for the solid waste disposal facilities to be located in your City, approval of the City Council of the City is required under Texas law pursuant to the Texas Development Corporation Act, Texas Local Government Code, Chapter 501, as amended and under federal tax law pursuant to Section 147(f) of the Internal Revenue Code of 1986.

As expressly stated in the Resolution, the approval of the City is not to be construed as a representation or warranty or other undertaking of any kind by the City with respect to the Bonds or the solid waste disposal facilities, and the City will not be obligated to pay the Bonds or otherwise incur any liability in respect thereof. Rather, the approval is to be granted solely for purposes of Texas law and federal tax law.

Please let me know if you or any of the Councilmembers have any comments or questions regarding the proposed Resolution. I can be reached at (713) 221-1346. Thanks again for your assistance.

June 28, 2012  
Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read "Cristy C. Edwards", with a long, sweeping horizontal line extending to the right.

Cristy C. Edwards

Enclosures

Cc: Lee A. McCormick, Community Development Associates, LLC

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

**SUBJECT:** Allied Waste North America, Inc., Financing Industrial Revenue Bonds

**FOR AGENDA OF:** April 10, 2007

**DATE SUBMITTED:** April 5, 2007

**SUBMITTED BY:** David Vasquez *DA* **CLEARANCES:** Charlie Hastings, P.E. *CH*  
Solid Waste Manager Public Works Director

**EXHIBITS:** Letters from Allied Waste representative regarding tax-exempt bond financing; Resolution; Certificate of Resolution

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** *Roll*

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

**PAYMENT TO BE MADE TO:** N/A

**APPROVED FOR SUBMITTAL BY DIRECTOR OF ADMINISTRATIVE SERVICES:** *BS*

**SUMMARY STATEMENT**

Allied Waste (AW) is financing approximately \$170.0 million of capital improvements at 52 of their facilities in Texas over the next few years with approximately \$92.0 million scheduled for 2007. Approximately \$2,693,330 million of the bond proceeds are for the proposed Transfer Station, new (low emissions) collection vehicles and other facility improvements at Kerrville's landfill collection facility as well as landfill development and modernization. The City will own the Transfer Station and any other facility improvements at the end of the current 20+ year landfill agreement.

The company is pursuing tax-exempt Industrial Development Bond ("IDB") financing through the Texas Bond Review Board financing program. The Mission Economic Development Corporation will act as the Issuer of the bonds. In order to complete a single statewide transaction, AW must receive approval from the city/county where each portion of the project is located. To date, eighteen of the twenty-four cities/counties have approved the transaction and the remaining approvals are scheduled for the next two weeks.

As outlined in the attached letter from Vinson & Elkins, City approval will not obligate the City in any way with regards to the bonds and will not affect the bonding capacity of the City.

**RECOMMENDED ACTION**

The Director of Public Works recommends that Council adopt a Resolution authorizing the City Manager to execute AW's proposed tax-exempt bond financing.



**COMMUNITY DEVELOPMENT ASSOCIATES, LLC**  
**TAX-EXEMPT FINANCING CONSULTANTS**

LEE A. MCCORMICK  
PRESIDENT

DIRECT DIAL  
214-256-3121  
lmccormick@cdafinance.com

April 3, 2007

Mr. Paul A. Hofmann  
City Manager  
City of Kerrville  
800 Junction Highway  
Kerrville, TX 78028

RE: Allied Waste North America, Inc.

Dear Mr. Hofmann:

Thank you for your consideration of the Allied Waste North America, Inc. and its Subsidiaries or Affiliates Project (the "Project") being financed with industrial revenue bonds to be issued by the Mission Economic Development Corporation. The Project consists of capital improvements to 52 of Allied's existing solid waste facilities located in the State of Texas.

Please find the following documents attached for your review:

1. Tax-Exempt Bond Financing Overview for Allied Waste North America, Inc. Project
2. Bond Overview provided by Vinson & Elkins LLP, Issuer and Bond Counsel
3. Certificate & Order (Word Document)
4. City Council's Communication (Word Document)

Your assistance with the placement of this item on the City of Kerrville City Council Agenda is greatly appreciated. It would be ideal to have the "Certificate for Ordinance" and "Ordinance with Respect to Allied Waste North America, Inc. Project" considered at the **April 10, 2007** Council Meeting. Please let me know if this date is agreeable; if so, I will make arrangements to have a representative from the Company present.

Please do not hesitate to contact me if you have any questions after reviewing the attached materials. I can be reached directly at (214) 256-3121 or by e-mail at [lmccormick@cdafinance.com](mailto:lmccormick@cdafinance.com).

Once again, thank you for your assistance in this matter.

Sincerely,

Lee A. McCormick  
President

/jg

c: Nicole Koziol, Allied Waste North America, Inc.  
F. Xavier Peña, Vinson & Elkins LLP  
Joe Roseland, Mission Economic Development Corporation

## **TAX-EXEMPT BOND FINANCING OVERVIEW**

### **ALLIED WASTE NORTH AMERICA, INC. PROJECT**

Thank you for your consideration regarding the proposed tax-exempt bond financing of capital assets for Allied Waste North America, Inc. and its Subsidiaries or Affiliates (the "Company"). The project is for certain infrastructure and capital improvements related to the Company's solid waste collection and disposal facilities in 31 Texas counties, at an aggregate amount not to exceed \$170.0 million (the "Project"). At this time, the Company has received approximately \$65.0 million of tax-exempt bond allocation from the Texas Bond Review Board and must close on the first series of bonds by early May 2007.

The City of Kerrville will receive certain public benefits by approving the issuance of the Bonds. Specifically, the City will be able to ensure that certain employment levels of the Company in the City will be maintained and/or increased as a result of the financing. The Company anticipates spending up to \$2,693,330 for capital expenditures in the City at the Project over the next few years. Much of this will go to local companies who do business with Allied. In addition, the Project will add to the tax base of the City of Kerrville and throughout the State of Texas.

However, in order for such bonds to qualify as "tax-exempt," the Company must satisfy certain federal and state tax law requirements, including having a governmental entity/agency issue such bonds for the benefit of the Company. Therefore, the Company is requesting the Mission Economic Development Corporation ("MEDC") in Mission, Texas to serve as the governmental issuer of the tax-exempt bonds (the "Bonds"). Since the Bonds will be used to finance the Project in the City of Kerrville, it is necessary to obtain the City's consent. A notice describing the financing must also be published and a public hearing must be held to satisfy certain federal tax law requirements. The City must also approve the public hearing although it does not need to be held by the City.

In summary, the Company is asking for your assistance with the following action items in order to qualify the bonds as "tax-exempt:"

1. City Counsel adoption of the "Ordinance With Request to Allied Waste North America, Inc. and its Subsidiaries or Affiliates" authorizing the Mayor to approve the bond financing and designating a hearing officer for the public hearing.
2. Publication of the public hearing notice by Vinson & Elkins L.L.P., bond counsel to the MEDC and the holding of such public hearing.
3. Mayor's approval of the public hearing.

As provided in the letter of Vinson & Elkins L.L.P., bond counsel to the MEDC, the Bonds do not constitute a debt or obligation of the City, County, or the State of Texas, but are solely the obligation and responsibility of the Company. More importantly, the Bonds will not require any general fund support or tax-payer dollars. There is no commitment of the credit ratings and the Bonds do not, in any fashion restrict, impede or limit the borrowing/bonding capacity of the City. Again, the Bonds are the sole obligation of the Company.

MAR 22 2007

F. Xavier Peña xpena@velaw.com  
Tel 713.758.4884 Fax 713.615.5067

March 1, 2007

Mr. Paul A. Hofmann  
City Manager  
City of Kerrville, Texas  
800 Junction Highway  
Kerrville, Texas 78028

Re: Allied Waste North America, Inc. Project — Proposed Order for Adoption

Dear Mr. Hofmann:

This letter is being written to you in anticipation of the questions that might arise in connection with your city council's consideration of the captioned order.

First, the proposed issue of industrial revenue bonds for Allied Waste North America, Inc. will be issued by Mission Economic Development Corporation, not your City. Allied Waste North America, Inc. will be contractually obligated to pay these bonds. The bonds will also be approved by the Attorney General of Texas. Under the laws of the state of Texas, such bonds will not—and cannot—be obligations of your City by reason of your approvals contained in the captioned order. Moreover, the transcript of legal proceedings authorizing the issuance of the industrial revenue bonds will contain clear disclaimers stating that the bonds are not the obligation of your City or any other city of the state.

Second, rating agencies and bond insurers that rate and insure your City's bonds understand that industrial revenue bond financings such as this do not affect the credit of the political subdivisions that sponsor conduit industrial revenue bond issuers, much less counties that approve the issuance of bonds within their boundaries by issuers sponsored by other political subdivisions. Accordingly, the issuance of these bonds and your adoption of the captioned order will not affect the credit ratings for the bonds of your City or your ability to obtain bond insurance for your City's bonds.

Third, your City will have no responsibility with respect to the "Local Portion" of the "Project" as described in the captioned order, any more than your City has responsibility for any other privately owned property of Allied Waste North America, Inc. already located within the boundaries of your City. Nothing contained within the captioned order imposes

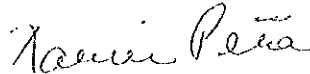
on your City any responsibility or liability with respect to the Local Portion of the Project by reason of your adoption of the captioned order.

Fourth, your authorization of the public hearing to be conducted by the hearing examiner and your authorization of the Mayor to sign the certificate necessary to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended (this statute is known as "TEFRA" and therefore the hearing is known as a "TEFRA" hearing) impose no liability of any kind under the laws of the state of Texas. They are requirements solely of the Internal Revenue Code in order to satisfy certain "public approval" standards imposed by Congress as a prerequisite to the issuance of tax-exempt industrial revenue bonds. Compliance with such federal tax requirements impose no pecuniary responsibilities or fiscal liability of any kind on your City.

Fifth, the captioned order, by its own terms, provides in Section 3 many of the limitations set forth above.

If I may provide you with any further information or legal analysis with regard to the proposed order, please feel free to call me on my direct line at 713-758-4884.

Very truly yours,



F. Xavier Peña

Enclosures

cc: Patricia Hunt Holmes, Vinson & Elkins L.L.P.  
Lee A. McCormick, Community Development Associates, LLC

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO.       -2007**

**A RESOLUTION REQUESTING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR ALLIED WASTE NORTH AMERICA, INC. WHICH WILL BENEFIT SOLID WASTE FACILITIES WITHIN THE CITY; APPROVING THE SCHEDULING OF A PUBLIC HEARING; AUTHORIZING THE MAYOR TO EXECUTE A CERTIFICATE CERTIFYING APPROVAL OF THE PROPOSED IMPROVEMENTS TO FACILITIES WITHIN KERRVILLE; AND DISCLAIMING LIABILITY**

**WHEREAS**, ALLIED WASTE NORTH AMERICA, INC. and its subsidiaries or affiliates (collectively, the "Company") own and operate various solid waste disposal facilities throughout the state of Texas; and

**WHEREAS**, the Company desires to make certain improvements to such solid waste disposal facilities throughout the state of Texas (the "Project") as more fully described in **Exhibit A** and **Exhibit B**, a portion of which is located in this City (the "Local Portion"); and

**WHEREAS**, in order to achieve the economies of scale in financing the Project, the Company has requested Mission Economic Development Corporation (the "Issuer") to issue industrial revenue bonds to finance the Project, including portions located outside the boundaries of the Issuer's sponsoring governmental unit, subject to certain requests, hearings and approvals from other governmental units in which the Project is located;

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

**SECTION ONE. Third Party Financing.** In order that the Local Portion of the Project may be financed as a part of the entire Project through the Issuer's industrial revenue bonds, the Issuer is hereby requested to exercise its powers within the City for the purpose of issuing such bonds to finance the Local Portion of the Project. This request is intended to satisfy the requirements of Section 23(a)(1) of the Development Corporation Act of 1979, Article 5190.6, Vernon's Texas Civil Statutes.

**SECTION TWO. Public Hearing and Approval for Federal Tax Purposes.** In order to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended, a public hearing shall be held in which members of the public shall be permitted to express their views with respect to the Local Portion of the Project and the Issuer's issuance of industrial revenue bonds for such purpose. Such hearing is authorized to be conducted by Lee A. McCormick (or his designee), as hearing officer, and may be conducted in combination with hearings for other counties to the extent permitted by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Treas. Reg. § 5f.103-2(d). Such hearing officer shall cause notice of such hearing to be published no less than 14 days prior to such hearing in a newspaper of general circulation in the City. Based solely upon the results of such hearing, and solely for purposes of complying with Section 147(f) of the Internal Revenue Code of 1986, as amended, the Mayor is hereby authorized and directed to execute a certificate certifying approval of the Local Portion of the Project and the Issuer's issuance of industrial revenue bonds for that purpose.

**SECTION THREE. DISCLAIMER OF LIABILITY.** THE CITY, THE CITY COUNCIL, THE MAYOR AND ALL OTHER CITY OFFICIALS MAKE NO REPRESENTATION OR WARRANTY OF ANY KIND WHATSOEVER WITH RESPECT TO THE LOCAL PORTION OF THE PROJECT OR THE ISSUANCE, CREDITWORTHINESS OR REPAYMENT OF THE INDUSTRIAL REVENUE BONDS TO BE ISSUED BY THE ISSUER WITH RESPECT TO THE LOCAL PORTION OF THE PROJECT. UNDER NO CIRCUMSTANCES SHALL THE CITY HAVE ANY LIABILITY, FINANCIAL OBLIGATION OR RESPONSIBILITY OF ANY KIND WITH RESPECT TO THE PAYMENT OF INDUSTRIAL REVENUE BONDS ISSUED FOR THE LOCAL SHARE OF THE PROJECT OR FOR THE CONSTRUCTION, MAINTENANCE, OPERATION OR ANY OTHER ASPECT OF THE LOCAL SHARE OF THE PROJECT.

**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2007.**

\_\_\_\_\_  
Eugene C. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

## EXHIBIT "A"

### ALLIED WASTE NORTH AMERICA, INC. AND AFFILIATES

#### Project Description

The Project will be financed as part of an ongoing plan of financing and will be owned and operated by Allied Waste North America, Inc. and its affiliates (collectively, the "Company"). The Project consists of financing (a) improvements to existing landfill facilities, including (i) construction of new disposal cells and liners within currently permitted acreage, (ii) additions and improvements to the leachate collection and treatment system, including leachate trenching, (iii) additions and improvements to the methane gas system, (iv) installation of new liners for intermittent and final closure of completed sections of the landfill facilities, (v) site improvements, (vi) acquisition of equipment to be used at the landfill facilities, (vii) acquisition of other equipment and assets necessary to support the foregoing improvements and to place them in to service, and (b) existing collection (hauling) and transfer station facilities, including (i) acquisition of solid waste disposal trucks and support vehicles, (ii) acquisition of solid waste disposal containers and related equipment, (iii) acquisition of solid waste disposal sorting and processing equipment, , (iv) site improvements, and (vi) acquisition of other equipment and assets necessary to support the foregoing improvements and place them in to service. The Project locations are at existing facilities outlined on the attached Exhibit "B" -- Project Locations.

**EXHIBIT "B"**

ALLIED WASTE NORTH AMERICA, INC. PROJECT

PROJECT LOCATIONS

| BU # | BU Name                                    | Facility Type    | Address                          | City           | County     | State | Zip   | 3 Year<br>"Not to Exceed"<br>Amount |
|------|--------------------------------------------|------------------|----------------------------------|----------------|------------|-------|-------|-------------------------------------|
| 859B | Allied Waste Services of San Antonio       | Collection       | 4542 SE Loop 410                 | San Antonio    | Bexar      | TX    | 78222 | 4,831,373                           |
| L60  | Tessman Road Landfill                      | Landfill         | 7790 Tessman Road                | San Antonio    | Bexar      | TX    | 78222 | 8,814,660                           |
| 843A | Allied Waste Services of Marble Falls      | Collection       | 2101 Commerce Street             | Marble Falls   | Burnet     | TX    | 78654 | 694,836                             |
| 863A | Brownsville Satellite                      | Collection       | 4895 Mar Street                  | Brownsville    | Cameron    | TX    | 78521 | 5,839,812                           |
| 863  | Allied Waste Services of Rio Grande Valley | Collection       | 9402 West Expressway 83          | Harlingen      | Cameron    | TX    | 78521 | 967,609                             |
| L55  | Gulf West Landfill                         | Landfill         | 2601 South Jenkins Road          | Anahuac        | Chambers   | TX    | 77514 | 1,768,090                           |
| 070D | Allied Waste Services of Jacksonville      | Collection       | 440 Heath Lane                   | Jacksonville   | Cherokee   | TX    | 75766 | 1,134,513                           |
| 077  | Royal Oaks Landfill                        | Landfill         | 440 Heath Lane                   | Jacksonville   | Cherokee   | TX    | 75766 | 944,995                             |
| 079  | Allied Waste Services of Plano             | Collection       | 4200 East 14th Street            | Plano          | Collin     | TX    | 75074 | 6,867,088                           |
| 523  | Allied Waste Services of Hutchins          | Collection       | 1450 East Cleveland Street       | Hutchins       | Dallas     | TX    | 75141 | 3,645,266                           |
| 790  | Allied Waste Services of Justin            | Collection       | 16300 South Highway 156          | Justin         | Denton     | TX    | 76234 | 1,264,173                           |
| 525  | Camelot Landfill                           | Landfill         | 580 Huffines Boulevard           | Lewisville     | Denton     | TX    | 76234 | 232,780                             |
| L49  | Lewisville Landfill                        | Landfill         | 801 East College Street          | Lewisville     | Denton     | TX    | 76234 | 4,134,757                           |
| 076  | ECD Landfill                               | Landfill         | 5703 North Interstate Highway 45 | Ennis          | Ellis      | TX    | 75119 | 237,072                             |
| L52  | Blue Ridge Landfill                        | Landfill         | 2200 FM 521                      | Fresno         | Fort Bend  | TX    | 77545 | 9,615,494                           |
| L54  | Galveston County Landfill                  | Landfill         | 3935 Avenue A                    | Alta Loma      | Galveston  | TX    | 77510 | 3,626,136                           |
| 070E | Allied Waste Services of Kilgore           | Collection       | 2611 North State Highway 42      | Kilgore        | Gregg      | TX    | 75662 | 3,290,265                           |
| 072  | Pine Hill Landfill                         | Landfill         | 1102 Landfill Road               | Longview       | Gregg      | TX    | 75662 | 2,541,409                           |
| 853  | Allied Waste Services of West Houston      | Collection       | 13630 Fondren Road               | Houston        | Harris     | TX    | 77085 | 3,228,379                           |
| 854  | ACCO Waste Paper of Houston                | Recycling Center | 403 Jensen Drive                 | Houston        | Harris     | TX    | 77085 | 303,060                             |
| 855  | Allied Waste Houston Services              | Collection       | 5301 Brookglen Drive             | Houston        | Harris     | TX    | 77085 | 4,508,582                           |
| 498  | Houston Container Maintenance              | Collection       | 5757 Oates Road, Suite A         | Houston        | Harris     | TX    | 77085 | 1,323,656                           |
| L53  | McCarthy Road LF                           | Landfill         | 5757 Oates Road, Suite A         | Houston        | Harris     | TX    | 77085 | 9,129,345                           |
| 852B | Allied Waste Services of Houston           | Collection       | 8101 Little York Road            | Houston        | Harris     | TX    | 77085 | 4,354,140                           |
| L58  | Whispering Pines Landfill                  | Landfill         | 8101 Little York Road            | Houston        | Harris     | TX    | 77085 | 1,991,587                           |
| 070A | Allied Waste Services of Athens            | Collection       | 5226 US Highway 175 East         | Athens         | Henderson  | TX    | 75762 | 502,669                             |
| L64  | Rio Grande Valley Landfill                 | Landfill         | FM 493 Mile 12 Road East         | Donna          | Hidalgo    | TX    | 78537 | 3,232,531                           |
| 071  | Allied Waste Services of Itasca            | Collection       | 2559 FM 66                       | Itasca         | Hill       | TX    | 76055 | 1,592,184                           |
| L51  | Itasca Landfill                            | Landfill         | 2559 FM 66                       | Itasca         | Hill       | TX    | 76055 | 11,702,979                          |
| 862  | Allied Waste Services of Beaumont          | Collection       | 6425 Highway 347                 | Beaumont       | Jefferson  | TX    | 77705 | 1,983,489                           |
| L62  | Golden Triangle Landfill                   | Landfill         | 6433 La Belle Road               | Beaumont       | Jefferson  | TX    | 77705 | 4,819,626                           |
| 859A | Allied Waste Services of Kerrville         | Collection       | 3315 Loop 634                    | Kerrville      | Kerr       | TX    | 76028 | 487,389                             |
| L61  | Kerrville Landfill                         | Landfill         | 3315 Loop 634                    | Kerrville      | Kerr       | TX    | 76028 | 2,225,941                           |
| L50  | Mexia Landfill                             | Landfill         | 3048 County Road 460             | Mexia          | Limestone  | TX    | 76667 | 1,501,158                           |
| 068  | Allied Waste Services of Lubbock           | Collection       | 1812 Keuha Street                | Lubbock        | Lubbock    | TX    | 79403 | 1,982,279                           |
| 852A | Allied Waste Services of Conroe            | Collection       | 149 Industrial Court             | Conroe         | Montgomery | TX    | 77301 | 838,385                             |
| 069  | Allied Waste Services of Corsicana         | Collection       | 2501 South Business 45           | Corsicana      | Navarro    | TX    | 75110 | 2,412,698                           |
| 847  | Allied Waste Services of Corpus Christi    | Collection       | 4414 Agnes Street                | Corpus Christi | Nueces     | TX    | 78405 | 6,956,746                           |
| F74  | El Centro Landfill                         | Landfill         | 3189 County Road 69              | Robstown       | Nueces     | TX    | 78405 | 4,132,108                           |
| 066  | Allied Waste Services of Amarillo          | Collection       | 4831 East 26th Avenue            | Amarillo       | Potter     | TX    | 79103 | 2,622,612                           |
| L63  | Southwest Landfill                         | Landfill         | 20700 Helium Road                | Canyon         | Randall    | TX    | 79015 | 3,205,139                           |
| 070C | Allied Waste Services of Tyler             | Collection       | 12920 FM 2767                    | Tyler          | Smith      | TX    | 75708 | 1,013,932                           |
| 075  | Greenwood Farms Landfill                   | Landfill         | 12920 FM 2767                    | Tyler          | Smith      | TX    | 75708 | 2,146,289                           |
| 538  | Allied Waste Services of Fort Worth        | Collection       | 6100 Elliott Reeder Road         | Fort Worth     | Tarrant    | TX    | 76117 | 11,911,499                          |
| F72  | Fort Worth South East Landfill             | Landfill         | 6900 Dick Price Road             | Kennedale      | Tarrant    | TX    | 76117 | 4,039,514                           |
| 058  | Allied Waste Services of Abilene           | Collection       | 5001 Pine Street                 | Abilene        | Taylor     | TX    | 79601 | 1,935,547                           |
| L87  | Abilene Regional Landfill                  | Landfill         | Highway 277 North/93 and FM 3034 | Abilene        | Taylor     | TX    | 79601 | 2,391,730                           |
| 070B | Allied Waste Services of Mount Pleasant    | Collection       | 3031 Farm Road 3417              | Mount Pleasant | Texas      | TX    | 75455 | 458,894                             |
| 074  | Pleasant Oaks Landfill                     | Landfill         | 3031 Farm Road 3417              | Mount Pleasant | Texas      | TX    | 75455 | 1,106,973                           |
| R08  | ACCO Waste Paper of Austin                 | Recycling Center | 10420 Metric Boulevard           | Austin         | Travis     | TX    | 78758 | 340,101                             |
| L46  | Sunset Farms Landfill                      | Landfill         | 9912 Giles Road                  | Austin         | Travis     | TX    | 78758 | 5,848,017                           |
| 843C | Allied Waste Services of Austin            | Collection       | 3424 FM 973                      | Del Valle      | Travis     | TX    | 78758 | 4,540,014                           |
|      |                                            |                  |                                  |                |            |       |       | 170,000,000                         |

## CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS       §  
CITY OF KERRVILLE       §  
COUNTY OF KERR       §

We, the undersigned officers of the City Council of the City of Kerrville, Texas, hereby certify as follows:

1. The City Council of the City of Kerrville, Texas, convened in regular meeting on \_\_\_\_\_, 2007, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council, to wit:

|                |               |
|----------------|---------------|
| Gene Smith     | Mayor         |
| Todd A. Bock   | Mayor Pro Tem |
| Carl Meek      | Councilperson |
| T. Scott Gross | Councilperson |
| Chuck Coleman  | Councilperson |

and all of said persons were present except for \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

**RESOLUTION REQUESTING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR ALLIED WASTE NORTH AMERICA, INC. WHICH WILL BENEFIT SOLID WASTE FACILITIES WITHIN THE CITY; APPROVING THE SCHEDULING OF A PUBLIC HEARING; AUTHORIZING THE MAYOR TO EXECUTE A CERTIFICATE CERTIFYING APPROVAL OF THE PROPOSED IMPROVEMENTS TO FACILITIES WITHIN KERRVILLE; AND DISCLAIMING LIABILITY**

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said resolution, prevailed and carried by the following vote:

AYES: \_\_\_\_;

NOES: \_\_\_\_;

ABSTENTIONS: \_\_\_\_.

2. A true, full and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; said resolution has been duly recorded in said City Council's minutes of said meeting; the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; and said meeting was open to the public as required by law; and public notice of the date, hour, place and subject of said meeting was given as required by the Texas Open Meetings Act.

SIGNED AND SEALED this \_\_\_\_\_, 2007.

\_\_\_\_\_  
City Clerk

(SEAL)

## CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS       §  
COUNTY OF KERR           §  
CITY OF KERRVILLE       §

We, the undersigned officers of the City Council of the City of Kerrville, Texas, hereby certify as follows:

1.       The City Council of the City of Kerrville, Texas, convened in regular meeting on July 10, 2012, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council and the City Secretary, to wit:

|                     |                                          |
|---------------------|------------------------------------------|
| Jack Pratt, Jr.     | Mayor                                    |
| Carson Conklin      | Councilmember, Place 1                   |
| Stacie Keeble       | Mayor Pro-Tem and Councilmember, Place 2 |
| T. Justin MacDonald | Councilmember, Place 3                   |
| Gene Allen          | Councilmember, Place 3                   |

and all of said persons were present except for \_\_\_\_\_, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

### RESOLUTION WITH RESPECT TO REPUBLIC SERVICES, INC. PROJECT

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

AYES: \_\_\_\_;

NOES: \_\_\_\_;

ABSTENTIONS: \_\_\_\_.

2.       A true, full and correct copy of the aforesaid Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; said Resolution has been duly recorded in said City Council's minutes of said meeting; the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said Resolution; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said Resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; and said meeting was open to the public as required by law; and public notice of the date, hour, place and subject of said meeting was given as required by the Texas Open Meetings Act.

SIGNED AND SEALED this 10<sup>th</sup> day of July, 2012.

---

Brenda G. Craig, City Secretary

(SEAL)

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. \_\_\_\_-2012**

**A RESOLUTION APPROVING THE REFUNDING AND  
REISSUANCE OF SOLID WASTE DISPOSAL REVENUE  
REFUNDING BONDS FOR REPUBLIC SERVICES, INC. WHICH  
WILL BENEFIT SOLID WASTE FACILITIES WITHIN THE CITY;  
APPROVING A PLAN OF FINANCE WITH RESPECT TO SUCH  
ACTIONS; AND DISCLAIMING LIABILITY**

WHEREAS, REPUBLIC SERVICES, INC., successor in interest to Allied Waste North America, Inc., and its subsidiaries or affiliates (collectively, the "Company") own and operate various solid waste disposal facilities throughout the state of Texas (collectively, the "Facilities") as more fully described in **Exhibit A** and **Exhibit B** attached hereto; and

WHEREAS, in 2007 at the request of the Company, Mission Economic Development Corporation (the "Issuer") issued its Solid Waste Disposal Revenue Bonds (Allied Waste North America, Inc. Project) Series 2007A (the "Series 2007A Bonds") to finance certain improvements to the Facilities (collectively, the "Project"), including portions of the Facilities located outside the boundaries of the Issuer's sponsoring governmental unit, subject to certain requests, hearings and approvals from the other governmental units in which the Project is located; and,

WHEREAS, a portion of the Project (the "Local Portion") is located in the City of Kerrville, Texas (the "City"); and

WHEREAS, the Company now desires to refund the Series 2007A Bonds and thereby refinance the Project and has requested that the Issuer issue its Solid Waste Disposal Revenue Refunding Bonds (Republic Services, Inc. Project) Series 2012 (the "Series 2012 Bonds") for such purpose; and

WHEREAS, in order that the Local Portion of the Project may be refinanced with the proceeds of the Series 2012 Bonds, the City Council of the City (the "City Council") must request that the Issuer exercise its powers within the City for the purpose of issuing such bonds in one or more series to refund the Series 2007A Bonds and refinance the Local Portion of the Project, such request being intended to satisfy the requirements of Section 501.159 of the Texas Development Corporation Act, Texas Local Government Code, Chapter 501, as amended (the "Act"); and

WHEREAS, the City Council desires hereby to make such request of the Issuer and to take other actions to enable the Issuer to issue the Series 2012 Bonds and the Company to use the proceeds thereof to refinance the Project by refunding the Series 2007 Bonds;

WHEREAS, approval of the City Council as the "applicable elected representative" is also required in connection with the issuance of the Series 2012 Bonds in order to satisfy the requirements of Section 147(f) of the Internal Revenue Code and the City Council desires hereby to give such approval.

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

**SECTION ONE. Third Party Financing.** In order that the Local Portion of the Project may be refinanced as a part of the entire Project through the issuance of the Series 2012 Bonds, the Issuer is

hereby requested to exercise its powers within the City for the purpose of issuing such bonds in one or more series to refinance the Local Portion of the Project in accordance with Section 501.159 of the Act.

**SECTION TWO. Public Hearing and Approval for Federal Tax Purposes.** In order to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended, a public hearing has been held by the hearing office duly appointed to hold the hearing by the Issuer, in which hearing members of the public were permitted to express their views with respect to the Local Portion of the Project and the Issuer's issuance of the Bonds for such purpose. Notice of such hearing was published no less than 14 days prior to such hearing in a newspaper of general circulation in the City, and an affidavit of the publication of such notice is attached hereto as **Exhibit C**. Based solely upon the results of such hearing, and solely for purposes of complying with Section 147(f) of the Internal Revenue Code of 1986, as amended, the plan of finance, the Bonds and the facilities to be refinanced by the plan of finance in the City, all as described in the published notice of public hearing attached hereto as **Exhibit C**, are approved.

**SECTION THREE. DISCLAIMER OF LIABILITY.** THE CITY, THE CITY COUNCIL, THE MAYOR AND ALL OTHER CITY OFFICIALS MAKE NO REPRESENTATION OR WARRANTY OF ANY KIND WHATSOEVER WITH RESPECT TO THE LOCAL PORTION OF THE PROJECT OR THE ISSUANCE, CREDITWORTHINESS OR REPAYMENT OF THE INDUSTRIAL REVENUE BONDS TO BE ISSUED BY THE ISSUER WITH RESPECT TO THE LOCAL PORTION OF THE PROJECT. UNDER NO CIRCUMSTANCES SHALL THE CITY HAVE ANY LIABILITY, FINANCIAL OBLIGATION OR RESPONSIBILITY OF ANY KIND WITH RESPECT TO THE PAYMENT OF INDUSTRIAL REVENUE BONDS ISSUED FOR THE LOCAL PORTION OF THE PROJECT OR FOR THE CONSTRUCTION, MAINTENANCE, OPERATION OR ANY OTHER ASPECT OF THE LOCAL PORTION OF THE PROJECT.

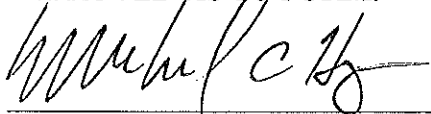
PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2012.

\_\_\_\_\_  
Jack Pratt, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

## **EXHIBIT A**

### **REPUBLIC SERVICES, INC. PROJECT**

#### **Project Description**

The Project will be refinanced as part of an ongoing plan of financing and is owned and operated by Republic Services, Inc. and its affiliates (collectively, the "Company"). The Project consists of financing (a) improvements to existing landfill facilities, including (i) construction of new disposal cells and liners within currently permitted acreage, (ii) additions and improvements to the leachate collection and treatment system, including leachate trenching, (iii) additions and improvements to the methane gas system, (iv) installation of new liners for intermittent and final closure of completed sections of the landfill facilities, (v) site improvements, (vi) acquisition of equipment to be used at the landfill facilities, (vii) acquisition of other equipment and assets necessary to support the foregoing improvements and to place them in to service, and (b) existing collection (hauling) and transfer station facilities, including (i) acquisition of solid waste disposal trucks and support vehicles, (ii) acquisition of solid waste disposal containers and related equipment, (iii) acquisition of solid waste disposal sorting and processing equipment, , (iv) site improvements, and (vi) acquisition of other equipment and assets necessary to support the foregoing improvements and place them in to service. The Project locations are at existing facilities outlined on the attached Exhibit "B" – Project Locations.

## EXHIBIT B

### REPUBLIC SERVICES, INC. PROJECT

#### Project Locations

1. collection facility located at 4831 East 25th Avenue, Amarillo, Potter County, Texas 79103;
2. landfill facility located at 7000 Interstate Highway 10 East, San Antonio, Bexar County, Texas 78219;
3. collection facility located at 440 Heath Lane, Jacksonville, Cherokee County, Texas 75766;
4. landfill facility located at 440 Heath Lane, Jacksonville, Cherokee County, Texas 75766;
5. collection facility located at 2501 South Business 45, Corsicana, Navarro County, Texas 75110;
6. hauling facility located at 3029 South 15th Street, Corsicana, Navarro County, Texas 75110;
7. collection facility located at 4414 Agnes Street, Corpus Christi, Nueces County, Texas 78405;
8. landfill facility located at 801 East College Street, Lewisville, Denton County, Texas 75057;
9. landfill facility located at 3935 Avenue A, Alta Loma, Galveston County, Texas 77510;
10. landfill facility located at 1102 Landfill Road, Longview, Gregg County, Texas 75603;
11. collection facility located at 2611 North State Highway 42, Building B, Kilgore, Gregg County, Texas 75662;
12. collection facility located at 5226 US Highway 175 East, Athens, Henderson County, Texas 75752;
13. landfill facility located at FM 493 Mile 12 Road East, Donna, Hidalgo County, Texas 78537;
14. collection facility located at 2559 FM 66, Itasca, Hill County, Texas 76055;
15. landfill facility located at 2559 FM 66, Itasca, Hill County, Texas 76055;
16. collection facility located at 13630 Fondren Road, Houston, Harris County, Texas 77085;
17. collection facility located at 5301 Brookglen Drive, Houston, Harris County, Texas 77017;

18. collection facility located at 5757 Oates Road, Suite A, Houston, Harris County, Texas 77078;
19. landfill facility located at 5757 Oates Road, Suite A, Houston, Harris County, Texas 77078;
20. collection facility located at 8101 E. Little York Road, Houston, Harris County, Texas 77016;
21. landfill facility located at 8101 E. Little York Road, Houston, Harris County, Texas 77016;
22. collection facility located at 1450 East Cleveland Street, Hutchins, Dallas County, Texas 75141;
23. collection facility located at 6425 Highway 347, Beaumont, Jefferson County, Texas 77705;
24. landfill facility located at 6433 Labelle Road, Beaumont, Jefferson County, Texas 77705;
25. collection facility located at 3315 Loop 534, Kerrville, Kerr County, Texas 78028;
26. landfill facility located at 3315 Loop 534, Kerrville, Kerr County, Texas 78028;
27. collection facility located at 2101 Commerce Street, Marble Falls, Burnet County, Texas 78654;
28. landfill facility located at 3048 Limestone County Road 460, Mexia, Limestone County, Texas 76667;
29. landfill facility located at 20700 Helium Road, Canyon, Randall County, Texas 79015;
30. collection facility located at 12920 FM 2767, Tyler, Smith County, Texas 75708;
31. landfill facility located at 12920 FM 2767, Tyler, Smith County, Texas 75708;
32. collection facility located at 6100 Elliott Reeder Road, Fort Worth, Tarrant County, Texas 76117;
33. collection facility located at 5001 Pine Street, Abilene, Taylor County, Texas 79601;
34. landfill facility located at Highway 277 North/83 and FM 3034, Abilene, Jones County, Texas 79601; and
35. collection facility located at 3031 FM 3417, Mt. Pleasant, Titus County, Texas 75456.

**EXHIBIT C**

**REPUBLIC SERVICES, INC. PROJECT**

**Affidavit of Publication**

CERTIFICATE OF MAYOR OF  
CITY OF KERRVILLE, TEXAS  
(Republic Services, Inc. Project)

The undersigned Mayor of the City of Kerrville, Texas (the "City") hereby certifies with respect to a plan of finance of the Mission Economic Development Corporation (the "Corporation") including the issuance of its Solid Waste Disposal Revenue Refunding Bonds (Republic Services, Inc. Project) Series 2012 (the "Bonds") and other bond issues, that:

1. This certificate is based upon the attached CERTIFICATE OF PUBLIC HEARING OFFICER REGARDING PUBLIC HEARING relating to the public hearing conducted on July 3, 2012 by the duly appointed hearing officer in accordance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

2. Solely for purposes of the approval requirements of the aforesaid Section 147(f) of the Code, and for no other purposes, in my capacity as Mayor I hereby approve the plan of finance, including the issuance of the Bonds, and the facilities to be financed or refinanced by the plan of finance;

**provided, however, THAT THIS APPROVAL IS NOT TO BE CONSTRUED AS (I) A REPRESENTATION OR WARRANTY BY THE CITY, THE MAYOR OF THE CITY, THE STATE OF TEXAS OR ANY OTHER AGENCY, INSTRUMENTALITY OR POLITICAL SUBDIVISION OF THE STATE OF TEXAS THAT THE BONDS WILL BE PAID OR THAT ANY OBLIGATIONS ASSUMED BY ANY OF THE PARTIES UNDER THE INSTRUMENTS DELIVERED IN CONNECTION WITH THE BONDS WILL IN FACT BE PERFORMED; (II) A PLEDGE OF FAITH AND CREDIT OF THE CITY OR THE STATE OF TEXAS OR ANY AGENCY, INSTRUMENTALITY OR POLITICAL SUBDIVISION OF THE STATE OF TEXAS OR THE CITY; OR (III) A REPRESENTATION OR WARRANTY BY THE CITY CONCERNING THE VALIDITY OF THE CORPORATE EXISTENCE OF THE CORPORATION OR THE VALIDITY OF THE BONDS.**

EXECUTED as of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor  
City of Kerrville, Texas

**Certificate of Public Hearing Officer**

**Attached**

**CERTIFICATE OF PUBLIC HEARING OFFICER**  
**REGARDING PUBLIC HEARING (INTERNAL REVENUE CODE § 147(f))**

MISSION ECONOMIC DEVELOPMENT CORPORATION  
SOLID WASTE DISPOSAL REVENUE REFUNDING BONDS  
(REPUBLIC SERVICES, INC. PROJECT)  
SERIES 2012

I, the undersigned, do hereby make and execute this certificate for the benefit of all persons interested in the plan of finance including the issuance of the above-referenced bonds (the "Bonds").

I hereby certify as follows:

1. I am the duly appointed hearing officer for the public hearing which was held in connection with the proposed plan of finance including the issuance of the Bonds at the time and place indicated in the Notice of Public Hearing included in **Exhibit A** attached hereto.
2. Notice of the public hearing was published no less than 14 days before the date of the public hearing in a newspaper of general circulation available to residents of the City of Kerrville, Texas, as evidenced by the Affidavit of Publication of the Notice of Public Hearing attached hereto as **Exhibit A**.
3. All persons appearing at the public hearing were given an opportunity to comment on the proposed plan of finance, including the issuance of the Bonds, and the project to be refinanced by the plan of finance. No such persons appeared or made comments except as is set forth on **Exhibit B** attached hereto.
4. After giving all interested persons an opportunity to appear and comment, the public hearing was declared closed.

WITNESS MY HAND this 3<sup>rd</sup> day of July, 2012.

By: \_\_\_\_\_

\_\_\_\_\_  
Hearing Officer

Exhibit A - Affidavit of Publication of the Notice of Public Hearing  
Exhibit B - Names and Comments of Persons Attending Public Hearing

**EXHIBIT A**

**AFFIDAVIT OF PUBLICATION OF THE NOTICE OF PUBLIC HEARING**

**ATTACHED**

**EXHIBIT B**

**NAMES AND COMMENTS OF PERSONS ATTENDING PUBLIC HEARING**

## **Agenda Item:**

7A. Town Creek and Quinlan Creek drainage ownership and maintenance responsibilities. (staff)

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

**SUBJECT:** Town Creek and Quinlan Creek Drainage Ownership and Maintenance Responsibilities

**FOR AGENDA OF:** 7/10/12

**DATE SUBMITTED:** 7/5/12

**SUBMITTED BY:** Charlie Hastings  
Public Works Director

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:** Town Creek Map, Quinlan Creek Map

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

| Expenditure<br>Required: | Current Balance<br>in Account: | Amount<br>Budgeted: | Account<br>Number: |
|--------------------------|--------------------------------|---------------------|--------------------|
| \$                       | \$                             | \$                  |                    |

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

**SUMMARY STATEMENT**

At the June 26, 2012 council meeting, staff was tasked with preparing a report that identified flood-related drainage area problems, ownership and maintenance responsibilities, coupled with estimates of equipment and manpower needs to maintain drainage ways clear of debris or vegetation that would impede proper drainage. This report has been limited to both Town and Quinlan Creeks with a special study area on Town Creek.

The special study area is comprised of a total floodplain area of approximately 18 acres and is privately owned and maintained by thirty-three owners with the exception of a small drainage easement extending from Hamilton Street. If vegetation clearing and debris cleaning were to be done by a contractor, assuming 20% of the total floodplain area were to be cleared, the cost would be \$5250/acre for an estimated \$18,900. This assumes that liability issues associated with public forces and funds being used on private property have been resolved and the property owner has consented to the work. If street division personnel were used it would take all street division crews approximately two weeks with supplies, and rental costs of approximately \$10,000.

In general, the vast majority of property along Town and Quinlan Creeks is privately-owned and maintained. Thus the responsibility of maintenance falls on the property owner. City-owned property along Town and Quinlan Creeks, however, is subject to maintenance by the Street and Drainage Division of Public Works. Pursuant to the July 2002 Flood, Kerrville obtained approximately two dozen private properties and drainage easements for

the purpose of flood control. Attached is a map of city-owned drainage areas along Town and Quinlan Creeks.

Of all of the city-owned property, a potential problem area exists along Town Creek just north of Schreiner Street. Approximately 3 acres adjacent to the creek has become inundated with a type of bamboo, it is scheduled to be removed this fall and placed on a regular maintenance schedule moving forward.

If vegetation clearing were to be done utilizing a contractor, the cost would be approximately \$5250/acre. Assuming 20% of the total floodplain area for each creek needs to be cleared every five years, the estimated cost in today's dollars would be approximately \$1,100,000 every five years as follows:

- Town Creek, 500 acres \* 20% \* \$5250/acre = \$525,000
- Quinlan Creek, 536 acres \* 20% \* \$5250/acre = \$562,800
- Total = \$1,087,800

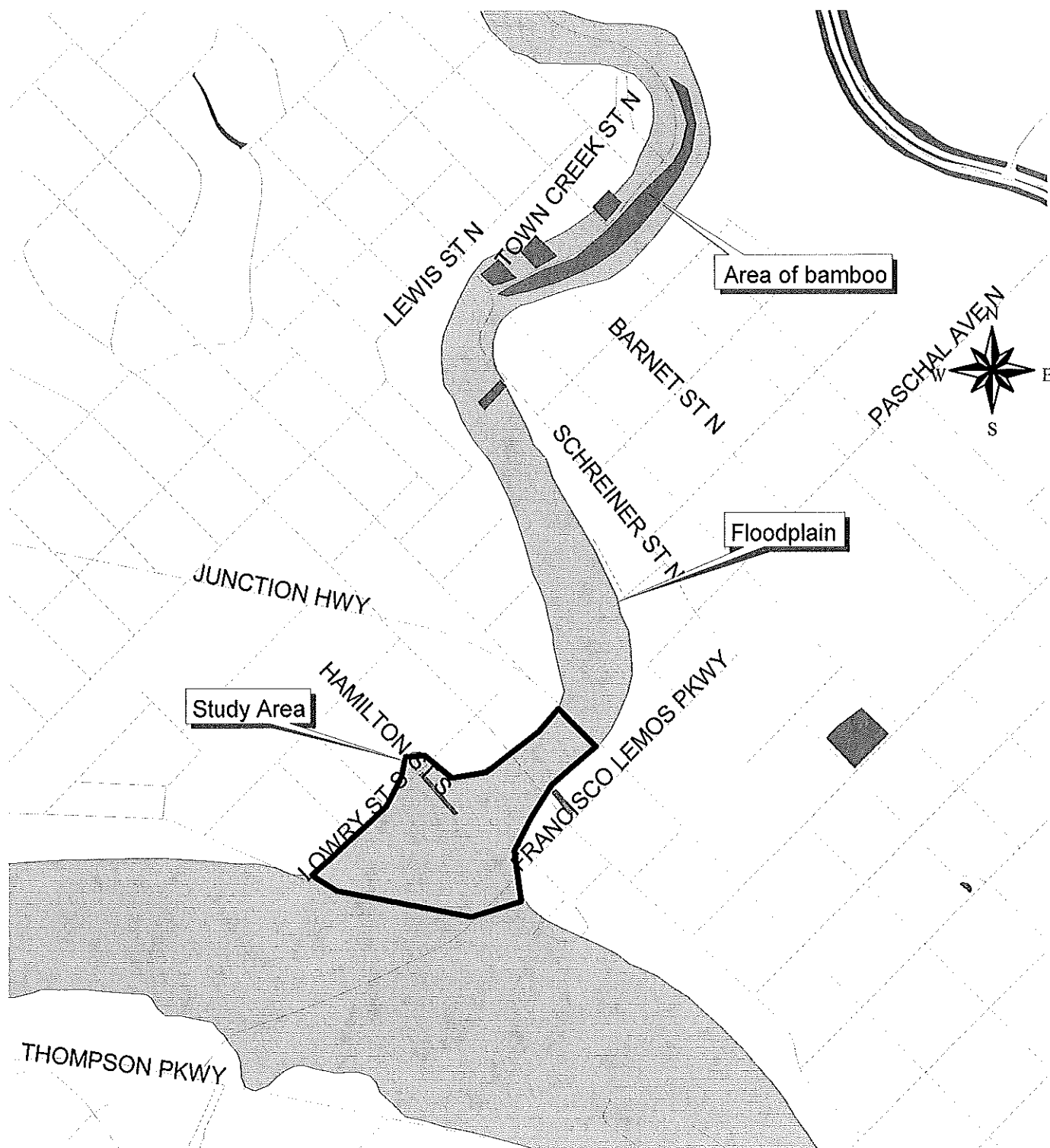
Currently city personnel are not allowed to enter private property without the owner's consent. However, if owner's consent and liability was not an issue, and if the Street Division had an additional crew of three personnel dedicated to vegetation clearing, the clearing could be done in the winter and spring months and the crew would be available for street construction during the balance of the year. The estimated cost in today's dollars would be \$160,000/year ongoing and \$100,000 up-front capital as follows:

- Personnel = \$120,000
- Supplies = \$20,000
- Maintenance = \$10,000
- Services = \$10,000 (Legal and surveying)
- Capital = \$100,000 (One-time purchase Bobcat Loader, Truck, Trailer, Chipper)

The above analysis only reflects costs associated with vegetation removal and debris clearing, it does not assume costs associated with capital drainage improvements such as retaining walls or erosion control.

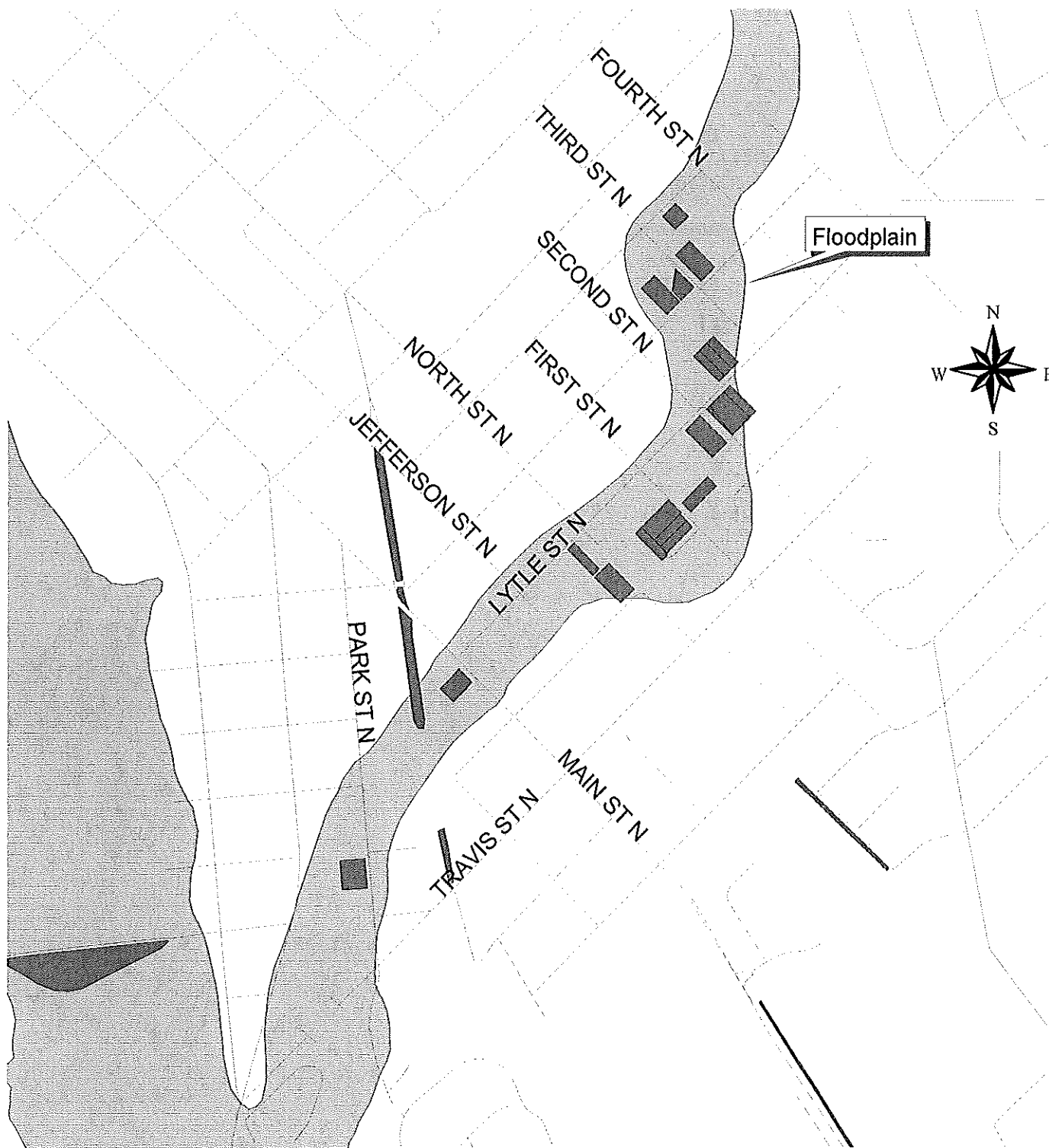
### **RECOMMENDED ACTION**

Information and discussion.



## Town Creek Areas Maintained by City





 Maintained by Street Div.

## Quinlan Creek Areas Maintained by City



## **Agenda Item:**

7B. Water resources update. (staff)

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

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**SUBJECT:** Water Resources Report

**FOR AGENDA OF:** 7/10/12

**DATE SUBMITTED:** 7/2/12

**SUBMITTED BY:** Charlie Hastings *CH*  
Public Works Director

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:**

**AGENDA MAILED TO:**

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

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| Expenditure<br>Required: | Current Balance<br>in Account: | Amount<br>Budgeted: | Account<br>Number: |
|--------------------------|--------------------------------|---------------------|--------------------|
| \$                       | \$                             | \$                  |                    |

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE FINANCE DIRECTOR:**

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**SUMMARY STATEMENT**

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

**RECOMMENDED ACTION**

Information and discussion.

## **Agenda Item:**

7C. Budget and economic update. (staff)

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

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**SUBJECT:** Kerrville Budget/Economic Update

**FOR AGENDA OF:** July 10, 2012    **DATE SUBMITTED:** June 29, 2012

**SUBMITTED BY:** Mike Erwin  
Director of Finance

**CLEARANCES:** Todd Parton  
City Manager

**EXHIBITS:** Economic Update  
**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:**

|                                |                                      |                           |                    |
|--------------------------------|--------------------------------------|---------------------------|--------------------|
| Expenditure<br>Required:<br>\$ | Current Balance<br>in Account:<br>\$ | Amount<br>Budgeted:<br>\$ | Account<br>Number: |
|--------------------------------|--------------------------------------|---------------------------|--------------------|

**PAYMENT TO BE MADE TO:**

**REVIEWED BY THE DIRECTOR OR FINANCE:**

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**SUMMARY STATEMENT**

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

**RECOMMENDED ACTION**

No action required information purposes only.

CITY OF KERRVILLE  
ECONOMIC UPDATE AS OF JULY 5, 2012

|                     | Current Month | Previous Month | 1 Year Ago | Trend | Current Month |
|---------------------|---------------|----------------|------------|-------|---------------|
| National            |               |                |            |       |               |
| Unemployment        | 8.20%         | 8.10%          | 9.00%      | ↓     | May           |
| Consumer Confidence | 69.2          | 69.5           | 66         | ↔     | April         |
| 1 year T-Bills      | 0.21%         | 0.18%          | 0.18%      | ↔     | 7/3/12        |

|                      |            |            |            |   |     |
|----------------------|------------|------------|------------|---|-----|
| State                |            |            |            |   |     |
| Monthly Unemployment | 6.90%      | 6.50%      | 7.80%      | ↑ | May |
| Monthly Sales Tax    | \$2,095.0m | \$2,069.6m | \$1,952.0m | ↑ | May |

|                                 |           |           |           |   |        |
|---------------------------------|-----------|-----------|-----------|---|--------|
| Local                           |           |           |           |   |        |
| Monthly Unemployment (Kerr Co.) | 5.80%     | 5.30%     | 6.40%     | ↑ | May    |
| Median Listing Price            | \$219,500 | \$219,000 | \$217,000 | ↔ | 6/1/12 |
| Monthly Sales Tax               | \$391,604 | \$446,695 | \$372,933 | ↑ | June   |
| Monthly EIC Tax                 | \$195,775 | \$223,320 | \$186,441 | ↑ | June   |
| Monthly HOT                     | \$60,475  | \$84,379  | \$78,535  | ↓ | June   |

|                                 | FY12<br>Budget | FY12<br>as of 5/31/2012 | FY12<br>% Received | FY11<br>as of 5/31/2011 | FY11<br>% Received |
|---------------------------------|----------------|-------------------------|--------------------|-------------------------|--------------------|
| General Fund                    |                |                         |                    |                         |                    |
| Tax Revenue                     | \$14,501,600   | \$12,511,737            | 86.28%             | \$12,193,708            | 83.25%             |
| Property Tax                    | \$7,900,000    | \$7,960,692             | 100.77%            | \$7,862,655             | 97.07%             |
| Sales Tax                       | \$4,550,000    | \$3,392,977             | 74.57%             | \$3,119,735             | 69.33%             |
| Permits & Fees                  | \$323,980      | \$188,671               | 58.24%             | \$228,450               | 56.76%             |
| Intergovernmental               | \$1,173,000    | \$951,830               | 81.14%             | \$531,760               | 75.21%             |
| Service Revenues                | \$2,571,246    | \$1,582,059             | 61.53%             | \$1,619,536             | 62.82%             |
| Grant Revenue                   | \$26,500       | \$27,359                | 103.24%            | \$27,515                | 121.90%            |
| Fines & Forfeitures             | \$488,310      | \$324,143               | 66.38%             | \$379,664               | 79.48%             |
| Interest & Misc.                | \$317,770      | \$146,997               | 46.26%             | \$253,233               | 107.59%            |
| Transfers In                    | \$1,250,000    | \$849,062               | 67.92%             | \$666,667               | 66.67%             |
| Total General Fund              | \$20,652,406   | \$16,581,858            | 80.29%             | \$15,900,533            | 79.22%             |
| Total General Fund Expenditures | \$20,252,133   | \$12,495,997            | 61.70%             | \$12,919,376            | 64.37%             |
| Water/Sewer Fund                |                |                         |                    |                         |                    |
| Water Sales                     | \$4,404,842    | \$2,682,145             | 60.89%             | \$3,183,696             | 72.36%             |
| Sewer Sales                     | \$3,746,176    | \$2,424,476             | 64.72%             | \$2,374,372             | 63.15%             |
| Other Revenue                   | \$735,226      | \$494,698               | 67.29%             | \$633,597               | 81.01%             |
| Total Water & Sewer Fund        | \$8,886,244    | \$5,601,320             | 63.03%             | \$6,191,665             | 69.24%             |
| Total W&S Fund Expenditures     | \$10,559,460   | \$7,052,832             | 66.79%             | \$5,870,574             | 64.81%             |

Expenditures less \$1,750,000 transfer                      \$5,302,832

## **Agenda Item:**

8A. Appointment to the library advisory board. (staff)

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

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**SUBJECT:** Appointment to the Library Advisory Board

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

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

**EXHIBITS:** Board List

**AGENDA MAILED TO:**

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** *JP*

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**SUMMARY STATEMENT**

Consider appointment to the following board:

**Library Advisory Board:** One term to expire November 22, 2013: due to the resignation of Lorrin Peterson.

**RECOMMENDED ACTION**

Consider appointment.

## **LIBRARY ADVISORY BOARD**

|                                        | <u>Telephone</u> | <u>Orig.<br/>Appt.</u> | <u>Re-Appt.<br/>Date</u> | <u>Exp.<br/>Date</u> |
|----------------------------------------|------------------|------------------------|--------------------------|----------------------|
| ** BASCOM, HALSEY<br>546 Sand Bend Dr. | 257-9965 (H)     | 05-21-12               |                          | 11-22-12             |
| * CARR, JUDY<br>103 Creekside Dr.      | 895-3740 (H)     | 11-23-10               |                          | 11-22-12             |
| * CONNELLY, ELLEN<br>1010 Edinburgh    | 895-3182 (H)     | 12-13-11               |                          | 11-22-13             |
| * MARTIN, DIANA K.<br>3931 Kite Ct.    | 896-3300 (H)     | 03-10-09               | 12-13-11                 | 11-22-13             |
| * PETERSON, LORRIN<br>402 Sumac Dr.    | 367-7338 (H)     | 12-13-11               |                          | 11-22-13             |

### **EX OFFICIO MEMBERS:**

Justin MacDonald 257-5323 (O) 05-22-12  
(H) 524 Oakland Hills 896-4821 (H)  
(O) 2951 Fall Creek Rd.

Jonathan Letz 792-2216 (O) 03-09-10  
County Commissioner, Pct. 3  
Kerr County Courthouse  
700 Main St.

\*\*\*\* Elizabeth Baker 03-2012  
425 Water Street  
Kerrville Genealogical Society

### **CITY STAFF:**

Kim Meismer 258-1140 (O)  
Director of General Operations  
800 Junction Highway 377-7691 (C)

Qualifications: Four board members shall be appointed by Kerrville City Council and one board member shall be appointed by The Friends of the Butt-Holdsworth Memorial Library.

Powers and Duties: The Board is an advisory board to the city council; shall have the authority to hold meetings within the city and to consider and make recommendations to the Council from time to time on any and all matters pertaining to the Library. Upon a majority vote of the total membership.

Term of Office: All Board appointments shall serve two (2) year terms. No Board member shall serve more than two (2) consecutive two (2) year term on the Board without having at least one (1) full year off of the Board between terms. A majority of the members' terms shall expire in even-number years with the remaining members' terms expiring in odd-numbered years.

Quorum: Three members

Number of Members: Five members

Meeting Time & Place: Third Tuesday of Every Month; 3:00 pm; Butt-Holdsworth Memorial Library

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

Established by: Ordinance No. 1967-17; amended by Ordinance Nos. 80-5, 84-14, 84-58, 85-01, 87-24, 87-60, 87-61, and 2005-19 (in its entirety); Resolution Nos. 045-2006, 107-2006, 076-2007, and 122-2007 did not change this board. Code of Ordinances: Chapter 66 - Article II – Sections 66-31 through 66-34; Amended by Ordinance No. 2010-05; Amended by Ordinance No. 2011-16.

Revised: May 24, 2012

\* Appointed by Kerrville City Council – voting member

\*\* Appointed by Friends of the Butt-Holdsworth Memorial Library

\*\*\*\* Appointed By Kerrville Genealogical Society

## **Agenda Item:**

8B. Appointment to the planning and zoning commission. (staff)

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

---

**SUBJECT:** Appointment to the Planning and Zoning Commission

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

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

**EXHIBITS:** Planning and Zoning Commission Board List

**APPROVED FOR SUBMITTAL BY CITY MANAGER:** 

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**SUMMARY STATEMENT**

Consider appointment to the following board:

**Planning and Zoning Commission:** One term due to expire January 1, 2013, due to the resignation of Justin MacDonald, who was recently elected to City Council.

**RECOMMENDED ACTION**

Consider appointment.

## PLANNING AND ZONING COMMISSION

|                                                               | <u>Telephone</u>             | <u>Orig.<br/>Appt.</u> | <u>Re-Appt.<br/>Date</u> | <u>Exp.<br/>Date</u> |
|---------------------------------------------------------------|------------------------------|------------------------|--------------------------|----------------------|
| KESSLER, JAMES<br>Chairperson<br>131 Homestead                | 895-7831 (H)                 | 04-12-05               | 12-14-10                 | 01-01-13             |
| MacDONALD, JUSTIN<br>Vice-Chairperson<br>2951 Fall Creek Road | 257-5323 (O)<br>896-4821 (H) | 06-24-08               | 01-11-11                 | 01-01-13             |
| BUELL, HAROLD<br>1214 Jack Dr.                                | 896-0114 (O)<br>895-2444 (H) | 01-09-07               | 01-10-12                 | 01-01-14             |
| GIPSON, T. BECK<br>118 Bent Oak<br>P.O. Box 271754            | 896-4106 (O)<br>739-2961 (C) | 05-22-12               |                          | 01-01-13             |
| WATTERSON, DAVID<br>177 Phoenix Dr.                           | 634-3300 (O)<br>377-6400 (C) | 01-12-10               | 01-10-12                 | 01-01-14             |

### ALTERNATES:

|                                      |                                  |          |          |          |
|--------------------------------------|----------------------------------|----------|----------|----------|
| McRAE, CHASTAN<br>705 Leland St.     | 377-3710 (C)                     | 09-28-10 | 01-10-12 | 01-01-14 |
| SIGERMAN, MICHAEL<br>154 Wharton Rd. | 305-498-1602 (C)<br>895-7765 (H) | 01-12-10 | 01-11-11 | 01-01-13 |

### COUNCIL LIAISON:

Justin MacDonald 257-5323 (O)  
2951 Fall Creek Road

### CITY STAFF:

Jason Lutz 258-1184 (O)  
Senior Planner

### Qualifications:

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

### Powers and Duties:

1. Shall formulate and recommend to the city council for adoption a Comprehensive Plan for the orderly growth and development of the city and its environs. On a yearly basis the commission shall review and if necessary recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the city.
2. Shall formulate a zoning plan (ordinance) as may be deemed best to carry out the goals of the Comprehensive Plan; hold public hearings and make recommendations to the city council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in state law.

3. Shall exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as set out by state law and the city's subdivision regulations.
4. Shall initiate for consideration at public hearings, proposals for the original zoning of annexed areas or for the change of zoning district boundaries on an area wide basis.
5. Shall consider and take appropriate action, upon written request, variances as prescribed to the city's subdivision and sign regulations.
6. Shall from time to time recommend such changes to the subdivision regulations, sign regulations, and any other ordinance the city council assigns to their review that will facilitate the general health, safety and welfare of the citizens of the city.

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

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

Number of Members: Five regular members and two alternates.

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

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

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

Revised: May 23, 2012