

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
SEPTEMBER 11, 2018

On September 11, 2018, at 5:45 p.m., the Kerrville City Council gathered outside in front of City Hall at the flagpoles. The Kerrville Fire Department posted the colors, with the flags at half-mast in remembrance of all who lost their lives in the attacks on September 11, 2001. George Eychner played "Taps." Kerrville Fire Chief Dannie Smith offered a prayer, and then spoke briefly. Kerrville Police Chief also spoke, and a moment of silence was observed. The City Council and staff then proceeded inside, and the meeting was called to order at 6:00 p.m. by Mayor Bill Blackburn in the City Hall Council Chambers at 701 Main Street. The invocation was offered by Councilmember Eychner, followed by the Pledge of Allegiance led by Councilmember Baroody.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
George Baroody	Mayor Pro Tem
Vincent Voelkel	Councilmember
Judy Eychner	Councilmember
Delayne Sigerman	Councilmember

COUNCILMEMBERS ABSENT: None.

CITY EXECUTIVE STAFF PRESENT:

Mark McDaniel	City Manager
E.A. Hoppe	Deputy City Manager
Mike Hayes	City Attorney
Cheryl Brown	Interim City Secretary
Amy Dozier	Director of Finance
Kim Meismar	Executive Director of General Operations
David Knight	Police Chief
Stuart Cunyus	Public Information Officer
Dannie Smith	Fire Chief
Drew Paxton	Executive Director of Development Services
Ashlea Boyle	Director of Parks and Recreation

VISITORS PRESENT: List on file in city secretary's office for the required retention period.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST: were given.

2. VISITORS/CITIZENS FORUM:

The following people spoke:

- Glenn Andrew spoke regarding City Council asking questions of staff prior to meetings.
- Steve Lehman spoke regarding September being National Preparedness Month.

3. PRESENTATIONS:

3A. Certificate of Recognition for Charvy Tork, Director of Information and Technology for the City of Kerrville, Texas for obtaining the Certified Government Chief Information Officer accreditation.

Mr. McDaniel made the presentation.

3B. Proclamation recognizing September as Recovery Month.

Mr. Blackburn read the Proclamation and presented it to Dale Trees, Chairperson for the Recovery Community Coalition.

4. CONSENT AGENDA:

Ms. Sigerman requested Item 4C be removed from the Consent Agenda.

Mr. Baroody moved for approval of consent agenda Items 4A and 4B; Ms. Eychner seconded the motion and it passed 5-0.

4A. Minutes for the City Council workshop held on August 21, 2018.

4B. Resolution No. 38-2018 authorizing the closure of a portion of Memorial Highway (Hwy. 27) during certain hours and dates from 2018-2011 for the City of Kerrville's Annual Holiday Lighted Parade and authorizing the Mayor to execute an agreement for the temporary closure of state right-of-way with Texas Department of Transportation.

4C. Community Service Agreement for funding in support of a youth event at Tivy High School.

Ms. Sigerman voiced her concern with the manner the agreement was presented, and the short time in which approval was required; noting that she would like for any similar requests to come before the Council for full consideration.

Mr. Baroody moved to approve the Community Service Agreement. Ms. Sigerman seconded, and the motion passed 5-0.

END OF CONSENT AGENDA

Mr. Blackburn requested the appointments to the Kerrville Youth Advisory Committee be moved up on the agenda.

9. BOARDS AND COMMISSIONS:

9A. Appointments to the Kerrville Youth Advisory Committee

Ms. Eychner moved to appoint all 15 applicants to the Kerrville Youth Advisory Committee. Ms. Sigerman seconded, and the motion passed 5-0.

5. PUBLIC HEARINGS:

5A. Public hearing regarding the annexation of an approximate 5.335 acre tract of land, located within the William Watt Survey No. 65, Abstract No. 364, Kerr County, Texas, being generally located adjacent to State Highway 173, and part of the Comanche Trace Residential Subdivision, said tract also known as Comanche Trace Section 15;

proposed zoning for the tract is Planned Development (Zoning) District to authorize single family residential.

Mr. Blackburn opened the public hearing at 6:25 p.m.

Mr. Paxton presented the item.

No one spoke.

Mr. Blackburn closed the public hearing at 6:28 p.m.

5B. Public hearing regarding the annexation of an approximate 3.669 acre tract of land, located within the J.D. Leavell Survey No. 1862, Abstract No. 1435, Kerr County, Texas; being known as 884 Farm to Market Road 783 (Harper Highway); proposed zoning for the tract is Gateway Zoning District.

Mr. Blackburn opened the public hearing at 6:28 p.m.

Mr. Paxton presented the item.

No one spoke.

Mr. Blackburn closed the public hearing at 6:30 p.m.

5C. Public hearing regarding the annexation of an approximate 0.885 acre tract of land, being located within both the Jesus Hernandez Survey No. 548, Abstract No. 189 and the M.K. and T.E. Railway Co. Survey No. 1862, Abstract No. 1435, Kerr County, Texas, being known as 874 Farm to Market Road 783 (Harper Highway); proposed zoning for the tract is the Gateway Zoning District.

Mr. Blackburn opened the public hearing at 6:30 p.m.

Mr. Paxton presented the item.

No one spoke.

Mr. Blackburn closed the public hearing at 6:32 p.m.

5D. Public hearing regarding the annexation of an approximate 59.09 acre tract of land, located within both the Joseph S. Anderson Survey No. 141, Abstract No. 2, and the J.S. Sayder Survey No. 142, Abstract No. 290, Kerr County, Texas; being generally located adjacent to State Spur 98 (Thompson Drive), addressed as 1515 Knapp Road S.), proposed zoning for the tract is 7-W Zoning District.

Mr. Blackburn opened the public hearing at 6:32 p.m.

Mr. Paxton presented the item.

The following people spoke:

- Granger MacDonald
- Kent Calhoun
- Jim Buulta
- Vivian Calhoun

Mr. Blackburn closed the public hearing at 6:51 p.m.

6. PUBLIC HEARINGS AND ORDINANCES FIRST READING:

6A. Ordinance No. 2018-20 amending the City's "Zoning Code" by changing the Zoning District for property out of the William Watt Survey No. 65, Abstract No. 364, and the William Watt Survey No. 66, Abstract No. 365, specifically Lots 1 through 6 and Lots 22 through 34, which make up a portion of Comanche Trace, Phase 13, a subdivision within the City of Kerrville, Kerr County, Texas, and more commonly known as those lots addressed as 3001 through 3011 and 2002 through 2024 Club House Drive; and 1001 Comanche Hills; by removing the area from a Planned Development Zoning District (PDD) and an "R-1" Single Family Residential Zoning District and placing it within a Residential Cluster Zoning District; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of Two Thousand Dollars (\$2000.00); ordering publication; and providing other matters relating to the subject.

Mr. Blackburn opened the public hearing at 6:51 p.m.

Mr. Paxton presented the item.

No one spoke.

Mr. Blackburn closed the public hearing at 6:54 p.m.

Ms. Eychner moved to approve Ordinance No. 2018-20 on first reading. Mr. Blackburn seconded, and the motion passed 5-0.

6B. Ordinance No. 2018-16 amending the City's "Zoning Code" by changing the Zoning District for Lots 52, 53, and 54, Block 14, the Parsons Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and more commonly known as 213, 215, and 221 West Barnett Street; by removing the area from the "R1A" Residential Zoning District and placing it within the 11C Zoning District; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of Two Thousand Dollars (\$2000.00); ordering publication; and providing other matters relating to the subject.

Mr. Blackburn opened the public hearing at 6:55 p.m.

Mr. Paxton presented the item.

The following people spoke:

- Bruce Stracke
- John Borrayo.

Mr. Blackburn closed the public hearing at 7:00 p.m.

Mr. Baroody moved to approve Ordinance No. 2018-16 on first reading. Mr. Voelkel seconded, and the motion passed 5-0.

6C. Ordinance No. 2018-15 amending the City's "Zoning Code" by amending article 11-I-3 "Definitions and Interpretations or Words and Phrases" and Articles 11-1-4 through 11-1-11 to amend the land use tables for various zoning districts to add "Parking Structure" and "Parking Lot, Stand Alone", as uses that are either permitted by

right or as a conditional use within each specified district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of Two Thousand Dollars (\$2000.00); and ordering publication.

Mr. Blackburn opened the public hearing at 7:18 p.m.

Mr. Paxton presented the item.

The following people spoke:

- Dr. Diane Fitch
- Wayne Frankland
- David Brock
- Michael Sigerman
- Bruce Stracke

Mr. Blackburn closed the public hearing at 7:30 p.m.

Mr. Voelkel moved to approve Ordinance No. 2018-15 on first reading. Ms. Eychner seconded, and the motion passed 4-1; with Mr. Voelkel, Mr. Blackburn, Ms. Eychner and Ms. Sigerman voting in favor of the Ordinance, and Mr. Baroody voting against.

Mr. Blackburn recessed the meeting for a ten minute break at 7:40 p.m.

6D. Ordinance No. 2018-19 designating a contiguous geographic area within the City as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as "Reinvestment Zone No. One, City of Kerrville"; describing the boundaries of the Zone; creating a Board of Directors for the Zone; establishing a Tax Increment Fund for the Zone; containing findings related to the creation of the Zone; providing a date for the termination of the Zone; providing that the Zone take effect immediately upon passage of the Ordinance, providing a severability clause; and providing an effective date.

Mr. Voelkel recused himself due to a conflict of interest.

Mr. Blackburn opened the public hearing at 7:50 p.m.

Mr. McDaniel introduced the item, then asked David Pettit to present it.

The following people spoke:

- Don Voelkel
- Thomas David Jones
- John Harrison
- Bruce Stracke
- Harvey Brinkman
- Betsy Rhoden
- Julia Ralph

Mr. Baroody moved to direct staff to move forward to producing a final project plan and financing plan for the proposed zone. When those two plans are complete, then and

only then staff will return to Council for the creation ordinance to include adoption of final project and financing plan to verify that the preliminary plan has numbers that are actually verifiable. There was no second, motion failed.

Mayor Blackburn moved to approve Ordinance o. 2018-19 designating a contiguous geographic area within the City as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as “Reinvestment Zone No. One, City of Kerrville”; describing the boundaries of the Zone; creating a Board of Directors for the Zone; establishing a Tax Increment Fund for the Zone; containing findings related to the creation of the Zone; providing a date for the termination of the Zone; providing that the Zone take effect immediately upon passage of the Ordinance, providing a severability clause; and providing an effective date.

Ms. Sigerman seconded, and the motion passed 3-1, with Mayor Blackburn, Councilmember Eychner and Councilmember Sigerman voting in favor of the motion, and Councilmember Baroody voting against.

7. ORDINANCES, SECOND READING:

7B. Ordinance No. 2018-17 adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2019; providing appropriations for each City Department and Fund; containing a cumulative clause; and containing a savings and severability clause.

Mr. McDaniel stated that the Council has heard the details of the budget in several workshops and meetings.

Ms. Sigerman moved as follows: “I move to approve Ordinance 2018-17 to adopt the City’s budget for Fiscal Year 2919 on second reading.” Ms. Eychner seconded. The voting results were as follows:

Mayor Blackburn	<u>YES</u>
Mayor Pro Tem Baroody	<u>YES</u>
Councilmember Voelkel	<u>YES</u>
Councilmember Eychner	<u>YES</u>
Councilmember Sigerman	<u>YES</u>

7A. Ordinance No. 2018-18 levying an ad valorem tax for the use and support of the Municipal Government for the City of Kerrville, Texas, for Fiscal Year 2019; apportioning the levy for the specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

Ms. Eychner moved as follows: “I move that Ordinance 2018-18 be adopted setting the property tax rate at \$0.5514 per \$100 of assessed value, which is lower than the effective rate of \$0.5538 and raises less revenue from property taxes than last year’s budget.” Ms. Sigerman seconded, and the motion passed 5-0.

8. CONSIDERATION AND POSSIBLE ACTION:

8A. Resolution No. 37-2018 amending the City of Kerrville Fee Schedule by revising fees charged for various services and uses provided or offered by the City.

Ms. Sigerman moved to approve Resolution No. 37-2018. Ms. Eychner seconded, and the motion passed 5-0.

8B. Approval of the minutes for the regular City Council meeting held on August 14, 2018, which was tabled at the August 28, 2018 meeting, due to requested revisions by Councilmember Baroody.

Mr. Baroody moved to table this item until a future meeting. Ms. Sigerman seconded, and the motion passed 5-0.

10. CITY MANAGER'S REPORT:

Mr. McDaniel gave the report.

11. ITEMS FOR FUTURE AGENDAS

- Available help for citizens who need it to make minor repairs to their homes. (Councilmember Sigerman)
- Farmers Market is supposed to change to holding their event once a month in October, but may plan to hold it twice a month instead. (Councilmember Voelkel)

12 EXECUTIVE SESSION:

Mr. Blackburn moved for the City Council to go into executive closed session under Section 551.087 (deliberation regarding economic development negotiations), Section 551.071 (1)(A) (to consult with City Attorney), and Section 551.072 (deliberation regarding real property) of Chapter 551 of the Texas Government Code; the motion was seconded by Mr. Baroody and passed 5-0 to discuss the following matters:

12A. Section 551.087 to discuss an offer of financial or other incentive to a business prospect with whom the City seeks to have, locate, stay or expand in the City as to a prospective hotel/convention center project.

12B. Section 551.072 to deliberate the purchase, exchange, lease, or value of real property; and Section 551.087 to discuss an offer of financial or other incentive to a business prospect with whom the City seeks to have, locate, stay, or expand in the City as to a prospective workforce housing/mixed use project on Loop 534.

12C. Section 551.071 (1)(A) to consult with City Attorney when City Council seeks the advice of its attorney about pending or contemplated litigation regarding: Lotus Peer Recovery LLC. Kacey Paige Williams, Christian Jane Rivers, and Madelyn Rebecca Clark v. City of Kerrville, Texas (Cause No. 5:18-CV-00925; in the United States District Court for the Western District of Texas, San Antonio Division.

At 9:08 p.m. the regular meeting recessed. Council went into executive closed session at 9:13 p.m. At 9:55 p.m. the executive closed session recessed and council returned to open session at 9:55 p.m. No action was taken in executive session.

13. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

Council left closed executive session and return to open session at 9:55 p.m.

ADJOURNMENT: The meeting adjourned at 9:55 p.m.

APPROVED: 10/09/2018

ATTEST:

Bill Blackburn, Mayor

Cheryl Brown, Interim City Secretary