

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
JANUARY 12, 2021**

On January 12, 2021, at 6:00 p.m. the meeting was called to order by Mayor Bill Blackburn in the City Hall Council Chambers at 701 Main Street. The invocation was offered by Councilmember Judy Eychner, followed by the Pledge of Allegiance led by Councilmember Eychner.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Kim Clarkson	Mayor Pro Tem
Gary Cochrane	Councilmember
Judy Eychner	Councilmember
Brenda Hughes	Councilmember

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF:

Mark McDaniel	City Manager	Amy Dozier, Chief Financial Officer
E.A. Hoppe	Deputy City Manager	Eric Maloney, Fire Chief
Mike Hayes	City Attorney	Kim Meismer, Exec Dir General Ops
Shelley McElhannon	City Secretary	Drew Paxton, Planning Director

VISITORS PRESENT: No citizens were present physically at the City Council meeting due to the COVID-19 pandemic restrictions, health and safety risks, and the Governor's Disaster Declaration on March 16, 2020; public participation was engaged through Zoom, telephone, and by email.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

No items were presented.

2. PRESENTATIONS:

2A. Kerrville Kindness award.

Mayor Blackburn deferred this item to the January 26, 2021 City Council meeting.

3. VISITORS FORUM:

The following person(s) spoke:

- Allen Amason

4. CONSENT AGENDA:

Councilmember Eychner made a motion to approve the consent agenda items 4A through 4J. Councilmember Eychner provided comments on items 4A, 4B, and 4C. Councilmember Gary Cochrane seconded the motion, and the motion passed 5-0.

4A. Resolution No. 05-2021. A Resolution authorizing the appointment of an Assistant City Attorney.

4B. Purchase of two International dump trucks with Warren 6/8 yard dump bodies, via HGAC Purchasing Cooperative in an amount not to exceed \$201,252.00.

4C. Purchase of new Vac-Con sewer vacuum truck from Heil of Texas via Buy Board in an amount not to exceed \$377,735.75.

4D. Execute a change order decreasing the awarded amount for the 2019 Bond Street Reconstruction Package A project.

4E. Application for a license agreement to authorize a Downtown Sidewalk Café: PAX Coffee Shop, 203 Earl Garrett Street.

4F. Community Services Agreement by and between the City of Kerrville, Texas, and the Barnett Chapel United Methodist Church for renovation of the Glory Community Garden.

- Kim Meismer read a written comment from citizen Pamela Umstead.

4G. Funding Agreement between the City of Kerrville Texas Economic Improvement Corporation and the City of Kerrville, Texas to fund a Concept Feasibility Study for an extension of the Kerrville River Trail from G Street to Downtown Kerrville.

4H. Designation of an administration service provider for the 2021 Texas Capital Fund Downtown Revitalization/Main Street Program of the Texas Community Development Block Grant (TXCDBG) Program for application and project implementation.

4I. Minutes for the City Council meeting held December 08, 2020.

4J. Minutes for the City Council special-called meeting held December 17, 2020.

END OF CONSENT AGENDA

Amy Dozier provided information regarding the Buy Board.

5. PUBLIC HEARINGS AND RESOLUTIONS:

5A. Resolution No. 02-2021. A Resolution granting a Conditional Use Permit to authorize a Tattoo shop on the property consisting of Lot 5, Block 33, of the Schreiner Addition, a Subdivision of record within the City of Kerrville, Kerr County, Texas; and located at 215 Water Street; said property is located within the Downtown Arts and Culture (DAC) Zoning District; and making said permit subject to certain conditions and restrictions contained herein.

Shelley McElhannon read Resolution No. 02-2021 caption into record.

Drew Paxton presented information and responded to questions.

Mayor Blackburn opened the public hearing at 6:14 p.m.

The following person spoke:

- Danielle Lang
- Rachel Lovelace

The public hearing closed at 6:17 p.m.

Councilmember Eychner made a motion to approve Resolution No. 02-2021, seconded by Councilmember Brenda Hughes. The motion passed 5-0.

5B. Resolution No. 03-2021. A Resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property consisting of approximately 0.37 acres, comprising all of Lots 1 and 2, Block 3 of the Hill Crest Addition, a Subdivision within the City of Kerrville and more commonly known as 900 Tivy Street; said property is located within an R-1A Single-Family Residential with accessory dwelling unit Zoning District; and making said permit subject to certain conditions and restrictions contained herein.

Shelley McElhannon read Resolution No. 03-2021 caption into record.

Drew Paxton presented information and responded to questions.

Mayor Blackburn opened the public hearing at 6:21 p.m.

The following person spoke:

- Jennifer Wise

The public hearing closed at 6:23 p.m.

Councilmember Kim Clarkson a motion to approve Resolution No. 03-2021, seconded by Councilmember Cochrane. The motion passed 5-0.

5C. Resolution No. 04-2021. A Resolution amending Resolution No. 03-2019, which granted a Conditional Use Permit for the property located at 200 Main Street (State Hwy. 27); by amending the development site plan applicable to the gasoline station (fuel sales) with car wash and convenience store.

Shelley McElhannon read Resolution No. 04-2021 caption into record.

Drew Paxton presented information and responded to questions.

Mayor Blackburn opened the public hearing at 6:26 p.m.

HEB representatives Cathy Strimple and Chance Kutac were on Zoom to answer any questions posed by Council, however Council did not present questions.

No citizens spoke during the public hearing.

The public hearing closed at 6:27 p.m.

Councilmember Eychner made a motion to approve Resolution No. 04-2021, seconded by Councilmember Clarkson. The motion passed 5-0.

6. PUBLIC HEARING AND ORDINANCES, FIRST READING:

6A. Ordinance No. 2021-02, public hearing and first reading. An Ordinance vacating, abandoning, and closing a public right-of-way consisting of a portion of a sixteen foot wide alley, which was originally located in its entirety between Francisco Lemos Street and Hays Street; said portion consisting of approximately 0.0508 acres out Block 48 of the Chas Schreiner 2nd Addition to the City of Kerrville; making a finding that the alley is not required for present or future public use; authorizing the City Manager to take all necessary action to effectuate the vacation, abandonment, closure, and quitclaim; and providing for a public hearing.

Shelley McElhannon read Ordinance No. 2021-02 caption into record.

Drew Paxton presented information and responded to questions.

Mayor Blackburn opened the public hearing at 6:31 p.m.

HEB representatives Cathy Strimple and Chance Kutac were on Zoom to answer any questions posed by Council, however Council did not present questions.

The following person spoke:

- Roman Garcia

The public hearing closed at 6:33 p.m.

Councilmember Eychner made a motion to approve Ordinance No. 2021-02, seconded by Councilmember Cochrane. The motion passed 5-0.

6B. Ordinance No. 2021-01, public hearing and first reading. An Ordinance annexing an approximate 33.81 acre tract of land out of the Samuel Wallace Survey No. 113, Abstract No. 347, into the corporate limits of the City of Kerrville, Texas; said tract generally located in the 3200 block of Loop 534 (Veterans Highway).

Shelley McElhannon read Ordinance No. 2021-01 caption into record.

Drew Paxton presented information and responded to questions.

Mayor Blackburn opened the public hearing at 6:38 p.m.

No citizens spoke.

The public hearing closed at 6:38 p.m.

Councilmember Cochrane made a motion to approve Ordinance No. 2021-01, seconded by Councilmember Eychner. The motion passed 5-0.

7. ORDINANCES, FIRST READING:

7A. 2018 Building and Related Codes. The following items will be presented and considered together as one item:

7A (1) Ordinance No. 2021-03, first reading. An Ordinance amending Section 26-32 of Chapter 26 "Building and Building Regulations" of the Code of Ordinances of the City of Kerrville, Texas, in its entirety by adopting the International Residential Code, 2018 Edition, for one- and two-family dwellings, regulating the construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all one- and two-family dwellings and multiple single-family dwellings (townhouses) within the city; adopting local amendments; and renumbering Section 26-1 concerning the moving of a house upon city streets.

7A (2) Ordinance No. 2021-04, first reading. An Ordinance amending Section 26-31 of Chapter 26 "Building and Building Regulations" of the Codes of Ordinances of the City of Kerrville, Texas, in its entirety by adopting the International Building Code, 2018 Edition, regulating the construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, use, height, area, and maintenance of all buildings or structures within the city except one-and two-family dwellings and multiple single-family dwellings (townhouses), and including the National Electrical Code as referenced herein; adopting local amendments; and adopting a new Section 26-38 to require a permit for the construction of a fence.

7A (3) Ordinance No. 2021-05: first reading, adoption of an Ordinance amending Articles II, III, IV, V, and VI Chapter 26 "Building and Building Regulations" of the Code of Ordinances of the City of Kerrville, Texas, in their entirety by adopting the existing International Building Code, National Electrical Code, International

Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Energy Conservation Code, and the International Swimming Pool and Spa Code, 2018 Editions; and adopting local amendments to each code.

7A (4) Ordinance No. 2021-06, first reading. An Ordinance amending Chapter 50 "Fire Prevention and Protection" of the Code of Ordinances of the City of Kerrville, Texas, by deleting Sections 50-2 and 50-3; adding a new Section 50-5, to adopt the National Fire Prevention Association 101, Life Safety Code, 2018 Edition; and adopting local amendments to said code.

Shelley McElhannon read Ordinances No. 2021-03, 2021-04, 2021-05, and 2021-06 captions into record.

Drew Paxton presented information and responded to questions.

The following person spoke:

- Roman Garcia

Councilmember Cochrane made a motion to approve all items under 7A - Ordinances No. 2021-03, 2021-04, 2021-05, and 2021-06 on first reading, seconded by Councilmember Eychner. The motion passed 5-0.

8. ORDINANCES, SECOND READING:

8A. Ordinance No. 2020-27, second reading. An Ordinance amending Ordinance No. 2003-16, which created a Planned Development District (PDD) for the property known as 401 W. Water Street; by adding Tattoo Shop as an authorized use for the property.

Shelley McElhannon read Ordinance No. 2020-27 caption into record.

Councilmember Eychner made a motion to approve Ordinance No. 2020-27 on second reading, seconded by Councilmember Hughes. The motion passed 5-0.

8B. Ordinance No. 2020-26, second reading. An Ordinance annexing an approximate 5.00 acre tract of land known as 5275 Highway 27 into the City's corporate limits; adopting a service plan for the property annexed; establishing the zoning for the property and an adjacent property known as 100 Airport Commerce Parkway E. as an Industrial and Manufacturing Zoning District (IM).

Shelley McElhannon read Ordinance No. 2020-26 caption into record.

Councilmember Cochrane made a motion to approve Ordinance No. 2020-26 on second reading, seconded by Councilmember Clarkson. The motion passed 5-0.

9. INFORMATION & DISCUSSION:

9A. The following Resolutions will be presented and considered together as one item:

9A (1) Resolution No. 06-2021. A Resolution concerning air quality permit (RN 163301), which if approved will authorize the construction and operation of a permanent rock and concrete crushers (quarry) at a site south of the intersection of Al Mooney Road and State Highway 27; expressing concerns regarding public health, safety, and welfare implications due to the impact of this operation; and urging thorough review of said application.

Shelley McElhannon read Resolution caption into record.

Mark McDaniel presented information and responded to questions.

The following person spoke.

- Roman Garcia – when called upon, Mr. Garcia advised he had no comment.

Councilmember Eychner made a motion to approve Resolution No. 06-2021, seconded by Councilmember Clarkson. The motion passed 5-0.

9A (2) Resolution No. 01-2021. A Resolution adopting the City of Kerrville's 2021 State Legislative priorities for the 87th Texas Legislature.

Shelley McElhannon read Resolution caption into record.

E.A. Hoppe presented information, and E.A. Hoppe, Mike Hayes, and Mark McDaniel responded to questions.

Councilmember Eychner made a motion to adopt Resolution No. 01-2021, seconded by Councilmember Hughes. The motion passed 5-0.

9B. Construction Agreement with SJ&J Construction, LLC for the Guadalupe River Utility Crossing project in an amount of \$1,033,455.00.

Shelley McElhannon read item 9B caption into record.

E.A. Hoppe presented information and responded to questions.

Councilmember Cochrane made a motion to authorize the City Manager to finalize and execute a construction contract, seconded by Councilmember Eychner. The motion passed 5-0.

9C. Briefing and possible action as to the City's ongoing preparedness and response to COVID-19 (Coronavirus).

Shelley McElhannon read item 9C caption into record.

Chief Maloney presented information and responded to questions.

10. ITEMS FOR FUTURE AGENDAS:

- Option to extend Council agenda distribution timeframes (Clarkson)
- Changing Council meeting days (Cochrane)
- Allen Amazon's water pressure item if needed (Blackburn)

11. BOARD APPOINTMENTS:

11A. Appointments to the Building Board of Adjustment and Appeals.

Councilmember Cochrane made a motion to appoint Mack Edmiston, Jennifer Hyde, Daniel Lowery, Bruce Motheral, Bob Rue, and Michael Walker as members.

Councilmember Eychner seconded, and the motion passed 5-0.

11B. Appointments to the Library Advisory Board.

Councilmember Eychner moved to reappoint Carol Wichman and Tom Moser, and appoint Bev Avery, seconded by Councilmember Hughes. The motion passed 5-0.

11C. Appointments to the Recovery Community Coalition.

Eight vacancies exist on the Recovery Community Coalition. Councilmember Eychner moved to reappoint Randie Benno, LeighAnn Fitzpatrick, and Sabine Kuenzel, and appoint new members Joseph Duprie, Thomas Hurt, Joseph Piszcior, Nikki Saurage, and Cynthia Tate. Councilmember Cochrane seconded, and the motion passed 5-0.

11D. Reaffirmation of member appointments and alternate member appointments to the Zoning Board of Adjustment.

Councilmember Hughes provided reaffirmation of the Zoning Board of Adjustment appointments from the December 08, 2020 Council meeting and made a motion to reappoint Pablo Brinkman and Paul Zohlen as regular members, appoint Mike Asmus from an alternate member to a regular member, and appoint Michael Killeen and Jim Sandy into the alternate positions. The motion was seconded by Councilmember Eychner, and the motion passed 5-0.

The following person spoke:

- Roman Garcia – when called upon, Mr. Garcia advised he had no comment.

Councilmember Clarkson made a motion that City Council adjourn into closed executive session under 551.071 (consultation with attorney) and 551.072 (deliberation regarding real property), seconded by Councilmember Hughes. The motion passed 5-0.

City Council convened into closed executive session at 7:51 p.m.

12. EXECUTIVE SESSION:

12A. Public Safety Building (551.071, 551.072).

City Council returned to open session at 8:03 p.m.

13. ACTIONS ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

No action was taken in Executive Session.

ADJOURN. The meeting adjourned at 8:03 p.m.

APPROVED BY COUNCIL: 1/26/2021

APPROVED:


Bill Blackburn, Mayor

ATTEST:


Shelley McElhanon, City Secretary