

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, NOVEMBER 9, 2021, 6:00 P.M.

CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

The Community Vision

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

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



Kerrville2050



CITY COUNCIL AGENDA
NOVEMBER 9, 2021, 6:00 PM
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS



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

COVID-19 (Coronavirus) provides a unique concern in that gathering members of the public, City Council, and City staff within a physical setting constitutes a public health risk. Taking this into account and due to the recent increase of Coronavirus positive cases in Kerr County, standard safety protocols will be observed by City Council, City staff, and citizens/visitors attending the meeting. Masks are voluntary and highly encouraged. Visitor seating will be designated.

Citizens may view and hear City Council meetings on Spectrum Channel 2 or by live-streaming via the City's website (www.kerrvilletx.gov). City Council meetings are recorded and the recordings are posted on the City's website.

Citizens wishing to speak during a meeting shall submit a completed "speaker request form" to the City Secretary before the item is introduced, but are encouraged to submit the form before the meetings begin. Each speaker is limited to four minutes.

Thank you for your participation!

CALL TO ORDER:

By Mayor Bill Blackburn.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Led by Councilmember Brenda Hughes.

1 ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.

2 PRESENTATIONS:

- 2.A. Kerrville Kindness Award presented to the Hill Country Dental Association.
- 2.B. Commendations for outgoing Board members of the Main Street Advisory Board, the Senior Services Advisory Committee, and the Zoning Board of Adjustment.

3 VISITORS/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. The speaker request form must be submitted to the City Secretary before the item is called or read into record. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.

4 CONSENT AGENDA:

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

4.A. Contract with Bureau Veritas to create a new parcel base map for the City of Kerrville, based on plat and deed information where available, for the amount of \$82,000.

4.B. Rejection of all bids for the Water Street Waterline Improvement project.
Attachment:
[20211109_Bid_Water Street Waterline Replacement_Summary.pdf](#)

4.C. Minutes for the City Council workshop held October 26, 2021.
Attachment:
[20211109_minutes_Council workshop 10-26-21 4pm.pdf](#)

4.D. Minutes for the City Council meeting held October 26, 2021.
Attachment:
[20211109_Minutes_Council regular meeting 10-26-21 6pm.pdf](#)

END OF CONSENT AGENDA.

5 PUBLIC HEARINGS AND RESOLUTIONS:

5.A. Resolution No. 50-2021. A Resolution granting a Conditional Use Permit to authorize a Short Term Rental Unit on the property comprising Lot 2 and part of Lot 3, Block 26, Westland Place, and more commonly known as 516 Florence Street; said property is located within a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1A); and making said permit subject to conditions and restrictions.
Attachment:
[20211109_Reso_50-2021 CUP 615 Florence STR.pdf](#)

5.B. Resolution No. 51-2021. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property comprising Lot 3 and part of Lot 4, Block 8, Hill Crest Addition, and more commonly known as 1008 Tivy; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.
Attachment:
[20211109_Reso_51-2021 CUP 1008 Tivy STR.pdf](#)

6 BOARD APPOINTMENTS:

6.A. Appointment to the Building Board of Adjustment and Appeals. (This appointment is eligible for Executive Session 551.074).
Attachment:
[20211109_Roster_BBAA 2021.pdf](#)

6.B. Appointment to the Food Service Advisory Board.
Attachment:
[20211109_Roster_Food Service 11-2021.pdf](#)

7 CONSIDERATION AND POSSIBLE ACTION:

7.A. Resolution No. 52-2021. A Resolution casting votes of the City of Kerrville, Texas, for Kerr Central Appraisal District Board of Directors.
Attachment:
[20211109_Reso_52-2021 Casting votes for KCAD Directors.pdf](#)

7.B. Citizen requested agenda item: (A discussion to determine when the next Kerrville General Election shall be prescribed to be held to elect the Mayor, Place Three and Place Four of the City Council) citizen George Baroody, sponsored by Councilmember Roman Garcia.
Attachments:
[20211109_Attachment 1_GB request.pdf](#)
[20211109_Attachment 2_GB request.pdf](#)
[20211109_Attachment 3_GB request.pdf](#)

7.C. Amendments to *Procedural Rules for Meetings* – Kerrville City Council.

Attachments:

[20210928_ProceduralRulesforMeetings_081221 DRAFT redlined.pdf](#)
[20211109_Procedures_KC comments.pdf](#)
[20211109_Procedures_JE comments.pdf](#)
[20211109_Procedures_RG comments corrected.pdf](#)

8 ITEMS FOR FUTURE AGENDAS:

City Council may suggest items or topics for future agendas.

9 EXECUTIVE SESSION:

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

9.A. Evaluation of Municipal Court Judges, to include M. Patrick Maguire. (551.074).

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

ADJOURN.



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

SUBJECT: Kerrville Kindness Award presented to the Hill Country Dental Association.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Aug 26, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

A citizen or entity who has impacted the City of Kerrville in a positive way. Recipient: Hill Country Dental Associates.

RECOMMENDED ACTION:

Present award.



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

SUBJECT: Commendations for outgoing Board members of the Main Street Advisory Board, the Senior Services Advisory Committee, and the Zoning Board of Adjustment.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Oct 01, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

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|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

Main Street - Mary Elaine Jones, Anne Overby, and Michael Wellborn

Senior Services - Janice Andersen, and Melba Maring

ZBA - Mike Asmus

RECOMMENDED ACTION:

Present commendations.



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

SUBJECT: Contract with Bureau Veritas to create a new parcel base map for the City of Kerrville, based on plat and deed information where available, for the amount of \$82,000.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Oct 26, 2021

SUBMITTED BY: Charvy Tork

EXHIBITS:

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|------------------------------|---|-------------------------|------------------------|
| \$82,000 | \$82,000 | \$82,000 | 01-0107-3130 |

PAYMENT TO BE MADE TO: Bureau Veritas

| | |
|-----------------------------|--|
| Kerrville 2050 Item? | Yes |
| Key Priority Area | F - Public Facilities and Services |
| Guiding Principle | F1. Commit to maintaining high-quality, cost-effective public services and facilities consistent with anticipated growth and ensure cost-effective use and maintenance of these assets |
| Action Item | N/A |

SUMMARY STATEMENT:

The City's GIS provides information and tools to assist City staff with their business processes and decision making. The City has long used Kerr Central Appraisal District's (KCAD) tax parcel GIS layer in the decision making process and more recently in software integrations. Creating a new parcel base map with more accurate boundaries will save staff resources and provide greater confidence when making decisions. With the new parcel base map, user will have better data accuracy when integrating property lines into our workflows and analysis (My Government On-line, Park Fee analysis, short term rental locations, etc.). In addition, it will assist in updating the accuracy and boundary standardizations of many other GIS layers such as city limits, zoning, water CCN, land use, pressure planes, facility sites (parks, schools, city property, fire districts, TIRZ, etc.) Per the purchasing policy, the IT department has worked diligently to develop a request for proposal in regards to the creation of the new parcel base map. Several vendors

responded to the request for proposal. We had an internal evaluation team that consisted of the Executive Director of Public Works, the Planning Director and the Director of Engineering. It was determined that Bureau Veritas will provide the best solution for the best price. Attached is a bid tabulation sheet.

Of all the proposals, the Selection Team selected Bureau Veritas based on cost and deliverables.

Bureau Veritas proposed solution meets the following criteria:

-The deliverable shall be based on plat and deed information where available

-The deliverable shall show at least the following features:

- Block and lot lines for all platted subdivisions as available

- Property lines within unplatted subdivisions as available

- Highway and street right-of-way as available

- Major drainage ways as available

- Railroad right-of-way as available

- Highway designations and street names

- Major bodies of water

- Subdivisions and their names

- Corporate limits

-The deliverable shall be in a GIS format

-The deliverable shall be provided to Kerr CAD.

A copy of the 2021 Bureau Veritas bid and quote are available for viewing in the City Secretary's office at City Hall.

RECOMMENDED ACTION:

Authorize the City Manager to finalize and execute contract with Bureau Veritas.



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

SUBJECT: Rejection of all bids for the Water Street Waterline Improvement project.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Oct 26, 2021

SUBMITTED BY: Kyle Burow

EXHIBITS: [20211109_Bid_Water Street Waterline Replacement_Summary.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

Bids for the Water Street Waterline Improvement project were received on October 19, 2021. Three bids were received and exceeded the City's budget for construction of the project. Staff recommends that all bids be rejected to provide an opportunity for staff and the City's consultant to re-scope the project for future bidding.

RECOMMENDED ACTION:

Reject bids received.

Project Name : Water Street Waterline Replacement

Engineering Project #21-011

Bid Opening: October 19, 2021



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

SUBJECT: Minutes for the City Council workshop held October 26, 2021.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Oct 29, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211109_minutes_Council workshop 10-26-21 4pm.pdf](#)

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|------------------------------|---|-------------------------|------------------------|
| 0 | 0 | 0 | N/A |

PAYMENT TO BE MADE TO: N/A

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|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

Minutes for the City Council workshop held October 26, 2021 at 4:00 p.m. at the Arcadia Theater.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL WORKSHOP MINUTES
ARCADIA THEATER, 717 WATER STREET**

**OCTOBER 26, 2021 4:00 PM
KERRVILLE, TEXAS**

CALL TO ORDER: On October 26, 2021 at 4:00 p.m., the City Council workshop was called to order by Mayor Bill Blackburn at the Arcadia Theater, 717 Water Street.

COUNCILMEMBERS PRESENT:

Bill Blackburn, Mayor
Kim Clarkson, Mayor Pro Tem, Councilmember Place 2
Roman Garcia, Councilmember Place 1
Judy Eychner, Councilmember Place 3
Brenda Hughes, Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY STAFF PRESENT:

E.A. Hoppe, City Manager
Mike Hayes, City Attorney
Shelley McElhannon, City Secretary
Kyle Burow, Director Engineering

VISITORS PRESENT:

Jeffrey Brown, Manager of the Kathleen C. Cailloux City Center for Performing Arts

1. PUBLIC COMMENT:

No public speakers.

2. INFORMATION AND DISCUSSION:

2A. Playhouse 2000 update.

Jeffrey Brown, Kyle Burow, and E.A. Hoppe provided information, and Jeffrey Brown and E.A. Hoppe responded to questions.

Councilmember Roman Garcia made a motion that the City Council adjourn into closed executive session under 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), and 551.087 (deliberation regarding economic development negotiations), and Councilmember Kim Clarkson seconded. The motion passed 5-0.

Mayor Blackburn recessed the meeting at 4:26 p.m., and reconvened in closed executive session in the Arcadia Theater upstairs conference room.

3. EXECUTIVE SESSION:

3A. Post Hole Ventures, LLC vs City of Kerrville, TX, Cause No. SA21CA0980XR, United States District Court for the Western District of Texas, San Antonio Division (551.071).

3B. Workforce Housing (551.072, 551.087).

3C. Project Apple (551.087).

The closed executive session adjourned, and Council returned to open session at 5:30 p.m. No action was taken during executive session.

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

ADJOURN. The workshop adjourned at 5:30 p.m.

APPROVED BY COUNCIL: _____ ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: Minutes for the City Council meeting held October 26, 2021.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Oct 29, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211109_Minutes_Council regular meeting 10-26-21 6pm.pdf](#)

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|------------------------------|---|-------------------------|------------------------|
| 0 | 0 | 0 | N/A |

PAYMENT TO BE MADE TO: N/A

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

Minutes for the City Council meeting held October 26, 2021 at 6:00 p.m. at the Arcadia Theater.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
OCTOBER 26, 2021 6:00 PM**

On October 26, 2021 at 6:00 p.m., the City Council meeting was called to order by Mayor Bill Blackburn at the Arcadia Theater, 717 Water Street. Councilmember Judy Eychner provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

| | |
|----------------|--------------------------------------|
| Bill Blackburn | Mayor |
| Kim Clarkson | Mayor Pro Tem, Councilmember Place 2 |
| Roman Garcia | Councilmember Place 1 |
| Judy Eychner | Councilmember Place 3 |
| Brenda Hughes | Councilmember Place 4 |

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF:

| | |
|---|--|
| E.A. Hoppe, City Manager | Kyle Burow, Director of Engineering |
| Mike Hayes, City Attorney | Stuart Cunyus, Public Info Officer |
| Shelley McElhannon, City Secretary | Eric Maloney, Fire Chief |
| David Barrera, Asst Director Public Works | Chris McCall, Chief of Police |
| Stuart Barron, Director of Public Works | Kim Meismer, Exec Director General Ops |
| Julie Behrens, Chief Financial Officer | Drew Paxton, Chief Planner |

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

1. ANNOUNCEMENTS OF COMMUNITY INTEREST: Mayor Blackburn provided a Mayor statement. Items of interest to the community were presented by Stuart Cunyus.

2. PRESENTATIONS:

2A. Proclamation recognizing October 2021 as Fire Prevention month.

Mayor Blackburn presented the October 2021 Fire Prevention month proclamation to representatives of the Fire Department, including Fire Chief Eric Maloney, and Fire Marshal Jason Lackey.

2B. Certificate of Recognition to the Public Works Streets Division on receiving the 2021 Texas Asphalt Paving Association "Quality Asphalt Pavement Award".

Mayor Blackburn recognized the Public Works Streets Division in receiving the 2021 Texas Asphalt Paving Association "Quality Asphalt Pavement Award". Members of the Public Works Streets Division and the Executive Director of Public Works and Engineering Stuart Barron accepted the Certificate of Recognition.

Mayor Blackburn provided meeting protocols.

3. VISITORS FORUM:

The following persons spoke:

- Lyndia Rector
- Bill Rector

- Susan Hunter
- George Baroody
- Jerry Wolff

E.A. Hoppe provided clarification.

4. CONSENT AGENDA:

Councilmember Roman Garcia requested to pull item 4A, citizen Jerry Wolff requested to pull item 4B, and citizens George Baroody and Jerry Wolff requested to pull item 4E from the consent agenda. Councilmember Kim Clarkson made a motion to accept items 4C, 4D, 4F, 4G, and 4H of the consent agenda as presented, and Councilmember Eychner seconded. The motion passed 5-0.

4C. Subscription License and Maintenance Agreement between the City and Tyler Technologies, Inc. in the amount of \$108,771.00 over three years, to support the Police Department's computer aided dispatch and records management systems.

4D. Memorandum of Understanding for the "Handle with Care Program" between the Kerrville Police Department and Kerrville Independent School District.

4F. Minutes for the City Council workshop held October 12, 2021.

4G. Minutes for the City Council meeting held October 12, 2021.

4H. Minutes for the City Council special-called meeting held October 12, 2021.

END OF CONSENT AGENDA.

4A. Resolution No. 44-2021. A Resolution amending Resolution No. 28-2021, which recreated the Kerrville Main Street Advisory Board; by revising the membership qualifications to authorize property or business owners within the Main Street area to submit the name of a representative for membership to the Board.

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

The following persons spoke:

- Lyndia Rector – declined when called
- Bill Rector – declined when called

Councilmember Garcia made a motion to approve Resolution No. 44-2021, seconded by Councilmember Clarkson. The motion was passed 5-0.

4B. Resolution No. 49-2021. A Resolution authorizing the filing of an application with the Alamo Area Council of Governments (AACOG) for a 2022/2023 Solid Waste Pass-Through Grant.

The following person spoke:

- Jerry Wolff

Stuart Barron provided information and responded to questions.

Councilmember Eychner made a motion to approve Resolution No. 49-2021, seconded by Councilmember Brenda Hughes. The motion was passed 5-0.

4E. Amendment to Economic Development Incentive Agreement between Kerrville's 4th on the River (dba Arcadia Live!) and the City of Kerrville, Texas, Economic Improvement Corporation.

The following persons spoke:

- George Baroody
- Jerry Wolff – declined when called

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

Councilmember Eychner made a motion to approve the amendment to the Economic Development Incentive Agreement between the 4th on the River and the City of Kerrville, seconded by Councilmember Clarkson. The motion was passed 4-1 with Mayor Blackburn, Councilmember Clarkson, Councilmember Eychner, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

5. PUBLIC HEARING:

5A. Public Hearing for Knapp Force Main and Interceptor Improvements Project Environmental Information Document (EID) as required by the Texas Water Development Board Funding Application.

Shelley McElhannon read item 5A caption into record.

Kyle Burow and Ben Hagood with Freese and Nichols, Inc. presented information and E.A. Hoppe responded to questions.

Mayor Blackburn opened the public hearing at 6:37 p.m.

No one spoke.

Mayor Blackburn closed the public hearing at 6:37 p.m.

No action by Council.

6. ORDINANCE, SECOND READING:

6A. Ordinance No. 2021-27, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such Chapter more commonly known as the City's Zoning Code; by changing the zoning of a .71 acre property currently addressed as 1478 State Highway 173 (Bandera Hwy): consisting of part of Lot 1 of the Overlook Hill Subdivision; within the City of Kerrville, Kerr County, Texas; from a neighborhood Commercial Zoning District (C-1) to a Single Family Residential Zoning District (R-1); and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2021-27 caption into record.

Councilmember Hughes made a motion to approve Ordinance No. 2021-27 on second reading, seconded by Councilmember Eychner. The motion was passed 5-0.

7. CONSIDERATION AND POSSIBLE ACTION:

7A. Street Maintenance Program update, and Professional Services Agreement with 6S Engineering, Inc. for the 2022 Fiscal Year Street Maintenance projects in the amount of \$89,000.00.

Shelley McElhannon read item 7A caption into record.

David Barrera provided information, and David Barrera, Kyle Burow, and E.A. Hoppe responded to questions.

Councilmember Eychner moved to approve the Street Maintenance Program update and the Professional Services Agreement with 6S Engineering for the 2022 Fiscal Year Street Maintenance projects in the amount of \$89,000, seconded by Councilmember Hughes. This motion was approved 5-0.

7B. Construction Agreement with M&C Fonseca Construction Co., Inc. for the Take-It-Easy RV Drainage project in an amount of \$1,768,775.00.

Shelley McElhannon read item 7B caption into record.

Kyle Burow provided information and responded to questions.

Councilmember Eychner made a motion to authorize the City Manager to finalize and execute a construction contract with M&C Fonseca Construction Company, seconded by Councilmember Clarkson. The motion was passed 5-0.

7C. Public Safety Facility update, and Resolution No. 48-2021. A Resolution creating a Public Safety Facility Bond Committee and appointing its members for the purpose of analyzing the feasibility of developing a Public Safety Facility and financing such through the issuance of General Obligation Bonds.

Shelley McElhannon read item 7C caption into record.

E.A. Hoppe provided information and responded to questions. Chief Eric Maloney and Chief Chris McCall were available for additional information.

Councilmember Garcia made a motion to amend Resolution No. 48-2021 by adopting amendment 1 presented: *Section Two: Each Councilmember may appoint two members to the Committee for a total of 10 Committee members. The Mayor shall appoint a chair from among the members of the Committee. All members shall serve without compensation and, must reside within the City limits, and each Council-appointed Committee member serves at the pleasure of the Council and may be removed or replaced at the discretion of Council. Each Councilmember may replace any one of his/her appointments by providing written notice to the City Secretary should an appointee resign, fail to attend or participate in meetings, or for any other reason, without Council approval.*

The following individuals are appointed to serve as members of the Committee:

Mayor called for a second, with no second. Motion failed due to lack of second.

The following persons spoke:

- Bill Morgan
- Jerry Wolff

Councilmember Garcia made a motion to amend Resolution No. 48-2021 by amending it with amendment 2 which is to strike Section Four in its entirety.

Mayor called for a second, with no second. Motion failed due to lack of second.

Councilmember Clarkson made a motion to adopt Resolution No. 48-2021 with the following amendment: *Section Four: Should City Council call an election, all Committee members are charged with urged to develop and carry out an informational strategy for the successful passage of a bond election. In conformance with law, upon calling an election to consider the possible issuance of Bonds, no public funds may be utilized to*

promote the successful passage of the bond election. Should the Committee engage in the political process by raising the funds and collectively participating in the election process, Committee members shall comply with state law.

The motion was seconded by Councilmember Eychner. The motion passed 5-0.

Council appointed members to the Public Safety Facility Bond Committee.

Councilmember Place 1: Steve Lehmann, Barbara Dewell

Councilmember Place 2: Gary Cochrane, Justin MacDonald

Councilmember Place 3: John Harrison, Sandra Yarbrough

Councilmember Place 4: T. Layng Guerriero, Glenn Andrew

Mayor: Jim Thomas, Tony Lenard

Mayor Blackburn appointed the Chair: John Harrison

7D. Professional Services Agreement with Randall Scott Architects in regards to facilitation of a citizen Public Safety Facility Bond Committee, and feasibility analysis of a potential Public Safety Complex.

Shelley McElhannon read item 7D caption into record.

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

The following person spoke:

Bill Morgan – declined when called

Councilmember Eychner made a motion to authorize the City Manager to finalize and execute a Professional Services Agreement with Randall Scott Architects, seconded by Councilmember Clarkson. The motion was passed 5-0.

8. INFORMATION & DISCUSSION:

8A. Financial report.

Julie Behrens provided information and responded to questions.

8B. City's ongoing preparedness and response to COVID-19 (Coronavirus), and review of Declaration of local state of disaster due to a public health emergency, March 20, 2020.

Chief Maloney provided information and responded to questions.

9. BOARD APPOINTMENTS:

9A. Appointment to the Main Street Advisory Board.

Shelley McElhannon read item 8A caption into record.

The following person spoke:

• Jerry Wolff – declined when called

Councilmember Garcia moved to appoint Michael Kelliher and Lanza Teague, seconded by Councilmember Hughes. This motion was approved 5-0.

10. EXECUTIVE SESSION: None

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

12. ITEMS FOR FUTURE AGENDAS: N/A

ADJOURN. The meeting adjourned at 8:05 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: Resolution No. 50-2021. A Resolution granting a Conditional Use Permit to authorize a Short Term Rental Unit on the property comprising Lot 2 and part of Lot 3, Block 26, Westland Place, and more commonly known as 516 Florence Street; said property is located within a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1A); and making said permit subject to conditions and restrictions.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Oct 29, 2021

SUBMITTED BY: Drew Paxton

EXHIBITS: [20211109_Reso_50-2021 CUP 615 Florence STR.pdf](#)

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|------------------------------|---|-------------------------|------------------------|
| \$0 | \$0 | \$0 | N/A |

PAYMENT TO BE MADE TO: N/A

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

Proposal

A resolution to allow a Conditional Use Permit for Short Term Rental Unit on Lot 2 and Part of Lot 3, Block 26, Westland subdivision; and generally located at 516 Florence Street.

Procedural Requirements

24 letters were mailed on 9/23/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 9/16/2021. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1A Single Family Residential with accessory dwelling unit

Existing Land Use: Single Family Residence

Direction: North, South, West, East

Current Zoning: R-1A Single Family Residential with accessory dwelling unit

Existing Land Uses: Single Family Residences

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are designated as Neighborhood Residential. Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

A Short Term Rental requires one (1) off street parking space per bedroom and one (1) additional off street parking space for a manager that does not live onsite. This rental has 2 bedrooms and no onsite manager so 3 off street parking spaces are required. The applicant has identified 3 available off street parking spaces. Parking requirements can be met.

Case Summary:

The applicant is proposing to use an existing home as a Short Term Rental.

The subject property is located within an R-1A zoning district. As such, a Short Term Rental requires a Conditional Use Permit.

Recommendation:

Because the Conditional Use Permit request is consistent with the Kerrville 2050 Comprehensive Plan, will meet all zoning regulations, and there are numerous amenities in close proximity to this proposed Short Term Rental location, staff recommends approval with consideration and inclusion of the attached Proposed CUP Conditions.

On October 7th, the Planning and Zoning Commission recommended the case for approval.

Proposed CUP Conditions Short Term Rental

- A. Guest Notification: The owner or operator of the Property shall post "Guest Notification" in a conspicuous place within the rental unit on the Property. Guest Notification is shown on the following page.
- B. Occupancy Taxes: The owner or operator of the Property shall comply with the City's occupancy tax requirements as found within Ch. 94, Division III, of the City's Code of Ordinances.
- C. Sign: The Property may not use more than one non-illuminated, on-site sign, in conjunction with its Short Term Rental unit. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and not exceeding six square feet in size and three feet in height. Any such sign shall comply with the City's Sign Code.
- D. Minimum Off-Street Parking: One space per bedroom, plus parking required for the manager, if living off-site.
- E. Maximum Occupancy: The maximum occupancy for any Short Term Rental is ten (10) guests. Short term rental owner / operator may set occupancy limits at less than ten (10) guests, however, in no case shall occupancy limits exceed ten (10) guests.
- F. Other Zoning Regulations: The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

RECOMMENDED ACTION:

Approve Resolution No. 50-2021.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 50-2021**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE
PROPERTY COMPRISING LOT 2 AND PART OF LOT 3, BLOCK
26, WESTLAND PLACE, AND MORE COMMONLY KNOWN AS
516 FLORENCE; SAID PROPERTY IS LOCATED WITHIN A
SINGLE-FAMILY RESIDENTIAL WITH ACCESSORY
DWELLING UNIT ZONING DISTRICT (R-1A); AND MAKING
SAID PERMIT SUBJECT TO CONDITIONS AND
RESTRICTIONS**

WHEREAS, the owner of the property known as 516 Florence and graphically depicted at **Exhibit A** (the “Property”), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (“CUP”) to authorize a short-term rental unit on the Property, which is located within a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1A); and

WHEREAS, the City Planning and Zoning Commission (the “Commission”), in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances) (“Zoning Code”), and in particular, the procedures for obtaining a CUP; having given the requisite notices by United States mail, publication, and otherwise; and after holding a public hearing and affording a full and fair hearing to all property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Commission recommends that City Council grant the CUP applied for and referenced herein, subject to the special conditions and restrictions set out hereinafter and applied to the Property; and

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing on November 9, 2021, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission and referenced herein on the Property;

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

SECTION ONE. A Conditional Use Permit is granted to permit the Property described as follows, and located within a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1A), to be developed and used for a Short-Term Rental Unit (“STRU”) as that term is defined in and pursuant to the Zoning Code, such use subject to the provisions of this Resolution and other City ordinances and regulations:

Legal Description: comprising Lot 2 and Part of Lot 3, Block 26 of Westland Place, a subdivision of Kerr County and the city of Kerrville, and being more specifically

described and depicted on the location map found at **Exhibit A**.

General Description: 516 Florence, Kerrville, TX 78028.

SECTION TWO. In addition to the development and use regulations currently applicable to the Property, development and use of the Property is subject to the following additional conditions:

- A. **Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as **Exhibit B**.
- B. **Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- C. **Sign:** The Property may not use more than one non-illuminated, on-site sign, in conjunction with the STRU. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and may not exceed six square feet in size and three feet in height. Any such sign shall comply with the City’s Sign Code.
- D. **Parking:** The Property must include at a minimum, one (1) off-street parking space per bedroom, plus an additional space for the manager, if living off-site.
- E. **Maximum Occupancy:** The Property is subject to a maximum occupancy of ten (10) guests, which may be lower per rules set by the owner or operator.
- F. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

SECTION THREE. This Resolution and the CUP granted herein are subject to termination in accordance with the Zoning Code.

SECTION FOUR. City Council finds and determines that its adoption of this

Resolution promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2021.

Bill Blackburn, Mayor

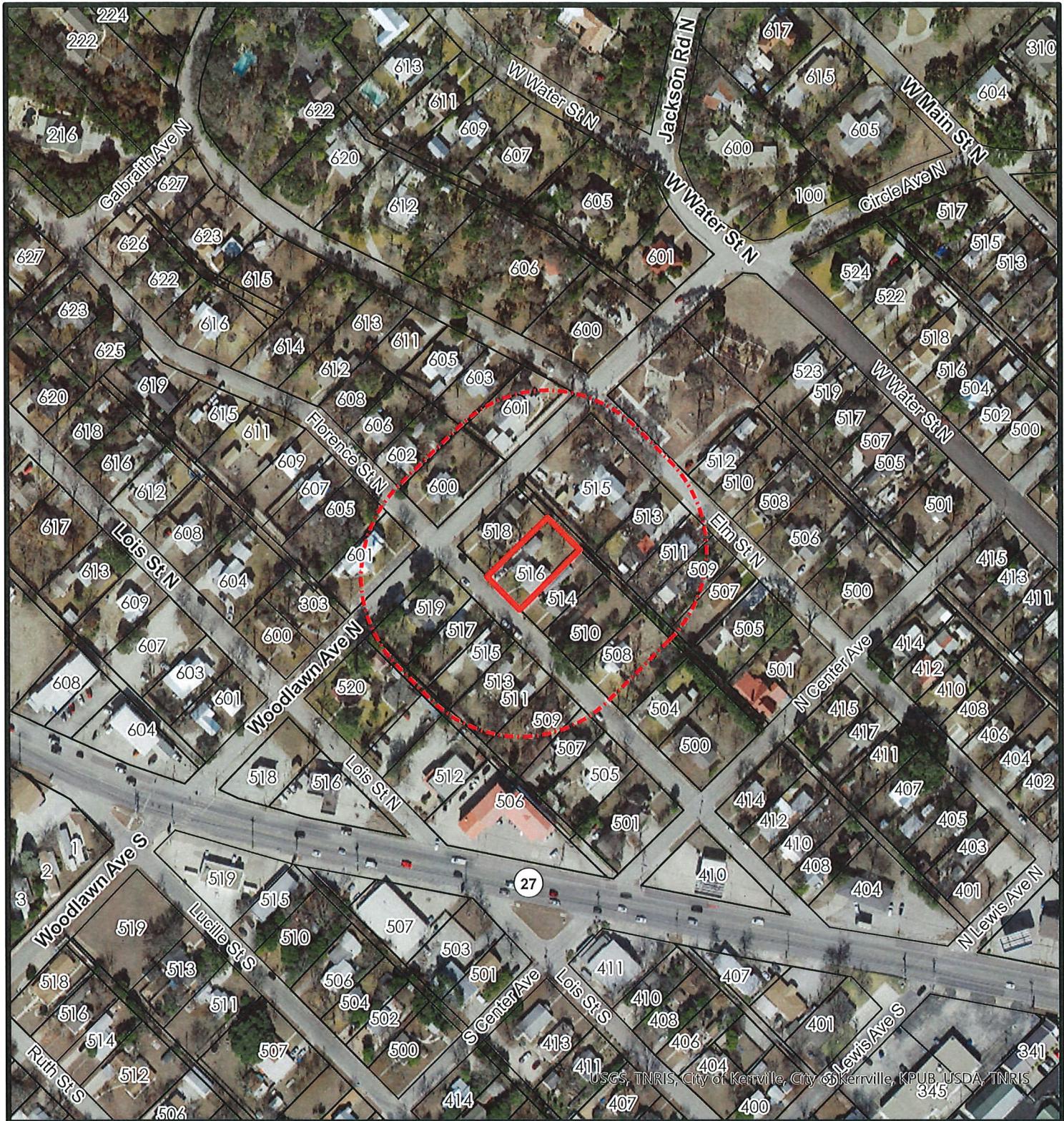
APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2021-23

Location:
516 Florence Street

Legend
200' Notification Area
Subject Properties



0 75 150 300

Scale In Feet

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.



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 50-2021

This short term rental has been permitted by the City of Kerrville as a conditional use under the above referenced resolution within a residential neighborhood and requires all guests to be aware of the following:

Because this short term rental is located within a residential neighborhood, proper etiquette should be observed at all times. The conditional use permit was issued in an effort **“to preserve the health, safety, and general welfare of adjacent property and its occupants and to protect such property and occupants from excessive noise, vibration, dust, dirt smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view, or other undesirable hazardous conditions....”**

As a guest, please be aware of the proximity of your neighbors and be respectful of their right to privacy, a quiet environment, and unobstructed access to their property. Loud music, loud parties and excessive noise should be avoided. Parking should be limited to onsite parking spaces provided by short term rental management. Place trash and recycling in the appropriate containers.

As per the Conditional Use Permit, the **maximum occupancy is ten (10) guests**. The Short Term Rental owner may have other occupancy restrictions for fewer guests, however, in no case shall guest occupancy exceed ten (10) guests.

If you should have any questions regarding this notification, please contact the short term rental management.

Thank you!

This Guest Notification should be posted by short term rental management in a location clearly visible by all guests and provided with check-in information. Posting of duplicate copies of this Guest Notification within each guest room is highly encouraged to clearly communicate the importance of proper etiquette within a residential neighborhood. Thank you!



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

SUBJECT: Resolution No. 51-2021. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property comprising Lot 3 and part of Lot 4, Block 8, Hill Crest Addition, and more commonly known as 1008 Tivy; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Oct 29, 2021

SUBMITTED BY: Drew Paxton

EXHIBITS: [20211109_Reso_51-2021 CUP 1008 Tivy STR.pdf](#)

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|------------------------------|---|-------------------------|------------------------|
| \$0 | \$0 | \$0 | N/A |

PAYMENT TO BE MADE TO: N/A

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

Proposal

A resolution to allow a Conditional Use Permit for Short Term Rental Unit on Lot 3 and Part of Lot 4, Block 8, Hill Crest subdivision; and generally located at 1008 Tivy Street.

Procedural Requirements

23 letters were mailed on 9/23/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 9/16/2021. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1 Single Family Residential

Existing Land Use: Single Family Residence

Direction: North, South, West, East

Current Zoning: R-1 Single Family Residential

Existing Land Uses: Single Family Residences

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are designated as Neighborhood Residential. Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

A Short Term Rental requires one (1) off street parking space per bedroom and one (1) additional off street parking space for a manager that does not live onsite. This rental has 3 bedrooms and no onsite manager so 4 off street parking spaces are required. The applicant has identified four (4) available off street parking spaces. Parking requirements can be met.

Case Summary:

The applicant is proposing to use an existing home as a Short Term Rental.

The subject property is located within an R-1A zoning district. As such, a Short Term Rental requires a Conditional Use Permit.

The applicant has identified the following amenities as in close proximity to the proposed Short Term Rental: This location is within walking distance to the Scott Schreiner Municipal Golf course and Antler Stadium. The Tivy Street location also lends to an easy route to Water Street and the downtown district for shopping, dining, and entertainment. Also, being a block away from Golf Street allows for a straight route to Holdsworth Drive to get to the Kerrville Sports Complex.

Recommendation:

Because the Conditional Use Permit request is consistent with the Kerrville 2050 Comprehensive Plan, will meet all zoning regulations, and there are numerous amenities in close proximity to this proposed Short Term Rental location, staff recommends approval with consideration and inclusion of the Proposed CUP Conditions.

On October 7th, the Planning and Zoning Commission recommended the case for approval.

Proposed CUP Conditions Short Term Rental

A. Guest Notification: The owner or operator of the Property shall post "Guest Notification" in a conspicuous place within the rental unit on the Property. Guest Notification is shown on the following page.

B. Occupancy Taxes: The owner or operator of the Property shall comply with the City's occupancy tax requirements as found within Ch. 94, Division III, of the City's Code of Ordinances.

C. Sign: The Property may not use more than one non-illuminated, on-site sign, in conjunction with its Short Term Rental unit. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and not exceeding six square feet in size and three feet in height. Any such sign shall comply with the City's Sign Code.

D. Minimum Off-Street Parking: One space per bedroom, plus parking required for the manager, if living off-site.

E. Maximum Occupancy: The maximum occupancy for any Short Term Rental is ten (10) guests. Short term rental owner/operator may set occupancy limits at less than ten (10) guests, however, in no case shall occupancy limits exceed ten (10) guests.

F. Other Zoning Regulations: The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

RECOMMENDED ACTION:

Approve Resolution No. 51-2021.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 51-2021

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE
PROPERTY COMPRISING LOT 3 AND PART OF LOT 4, BLOCK
8, HILL CREST ADDITION, AND MORE COMMONLY KNOWN
AS 1008 TIVY; SAID PROPERTY IS LOCATED WITHIN A
SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1); AND
MAKING SAID PERMIT SUBJECT TO CONDITIONS AND
RESTRICTIONS**

WHEREAS, the owner of the property known as 1008 Tivy and graphically depicted at **Exhibit A** (the “Property”), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (“CUP”) to authorize a short-term rental unit on the Property, which is located within a Single-Family Residential Zoning District (R-1); and

WHEREAS, the City Planning and Zoning Commission (the “Commission”), in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances) (“Zoning Code”), and in particular, the procedures for obtaining a CUP; having given the requisite notices by United States mail, publication, and otherwise; and after holding a public hearing and affording a full and fair hearing to all property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Commission recommends that City Council grant the CUP applied for and referenced herein, subject to the special conditions and restrictions set out hereinafter and applied to the Property; and

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing on November 9, 2021, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission and referenced herein on the Property;

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

SECTION ONE. A Conditional Use Permit is granted to permit the Property described as follows, and located within a Single-Family Residential Zoning District (R-1), to be developed and used for a Short-Term Rental Unit (“STRU”) as that term is defined in and pursuant to the Zoning Code, such use subject to the provisions of this Resolution and other City ordinances and regulations:

Legal Description: comprising Lot 3 and Part of Lot 4, Block 8 of Hill Crest Addition, a subdivision of Kerr County and the city of Kerrville, and being more specifically described and depicted on the site plan and location map

found at **Exhibit A.**

General Description: 1008 Tivy, Kerrville, TX 78028.

SECTION TWO. In addition to the development and use regulations currently applicable to the Property, development and use of the Property is subject to the following additional conditions:

- A. Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as **Exhibit B.**
- B. Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- C. Sign:** The Property may not use more than one non-illuminated, on-site sign, in conjunction with the STRU. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and may not exceed six square feet in size and three feet in height. Any such sign shall comply with the City’s Sign Code.
- D. Parking:** The Property must include at a minimum, one (1) off-street parking space per bedroom, plus an additional space for the manager, if living off-site.
- E. Maximum Occupancy:** The Property is subject to a maximum occupancy of ten (10) guests, which may be lower per rules set by the owner or operator.
- F. Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

SECTION THREE. This Resolution and the CUP granted herein are subject to termination in accordance with the Zoning Code.

SECTION FOUR. City Council finds and determines that its adoption of this Resolution promotes the health, safety, and general welfare of the public and is a

proper valid exercise of the City's police powers.

SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2021.

Bill Blackburn, Mayor

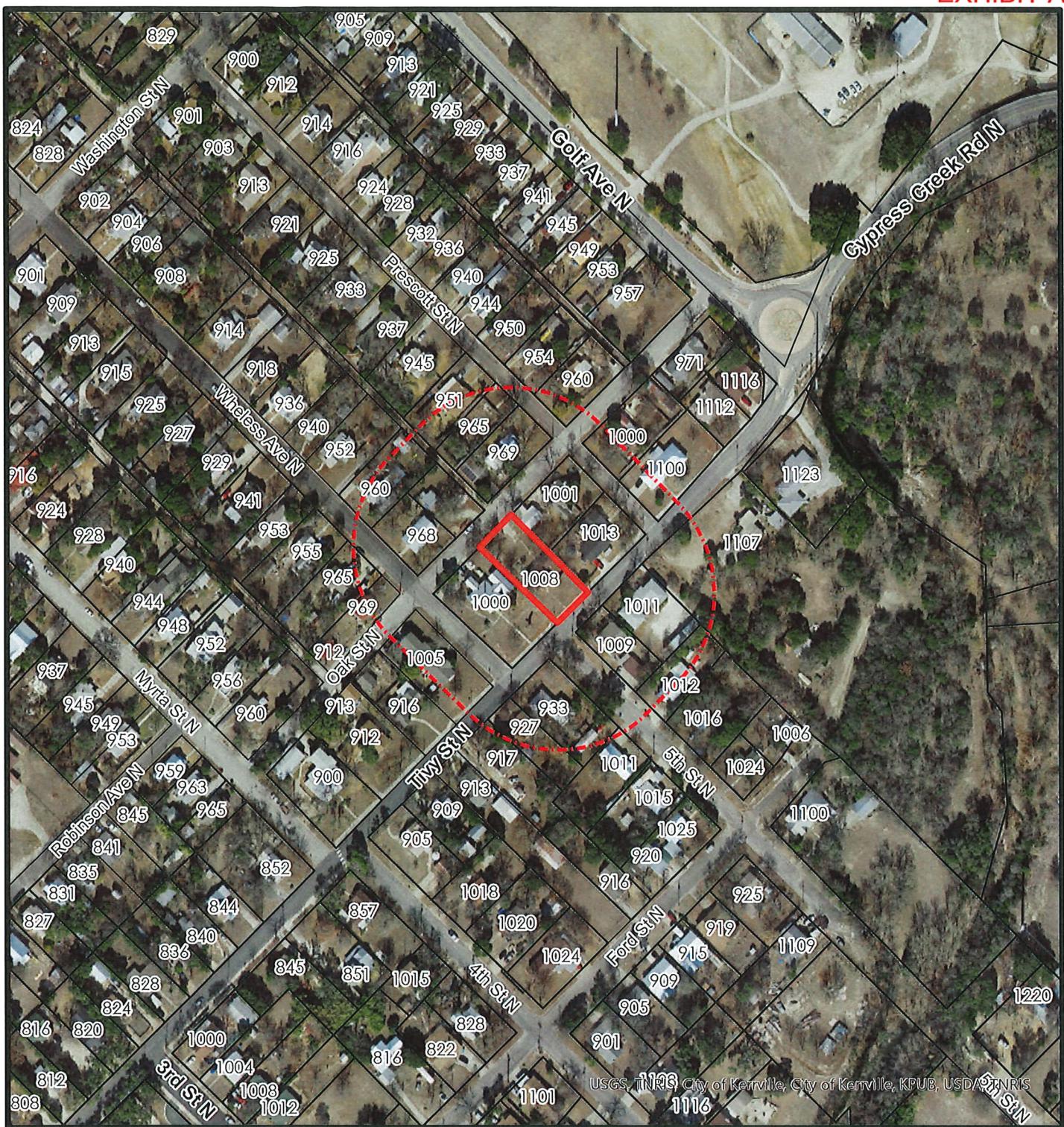
APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2021-21

Location:
1008 Tivy Street

Legend

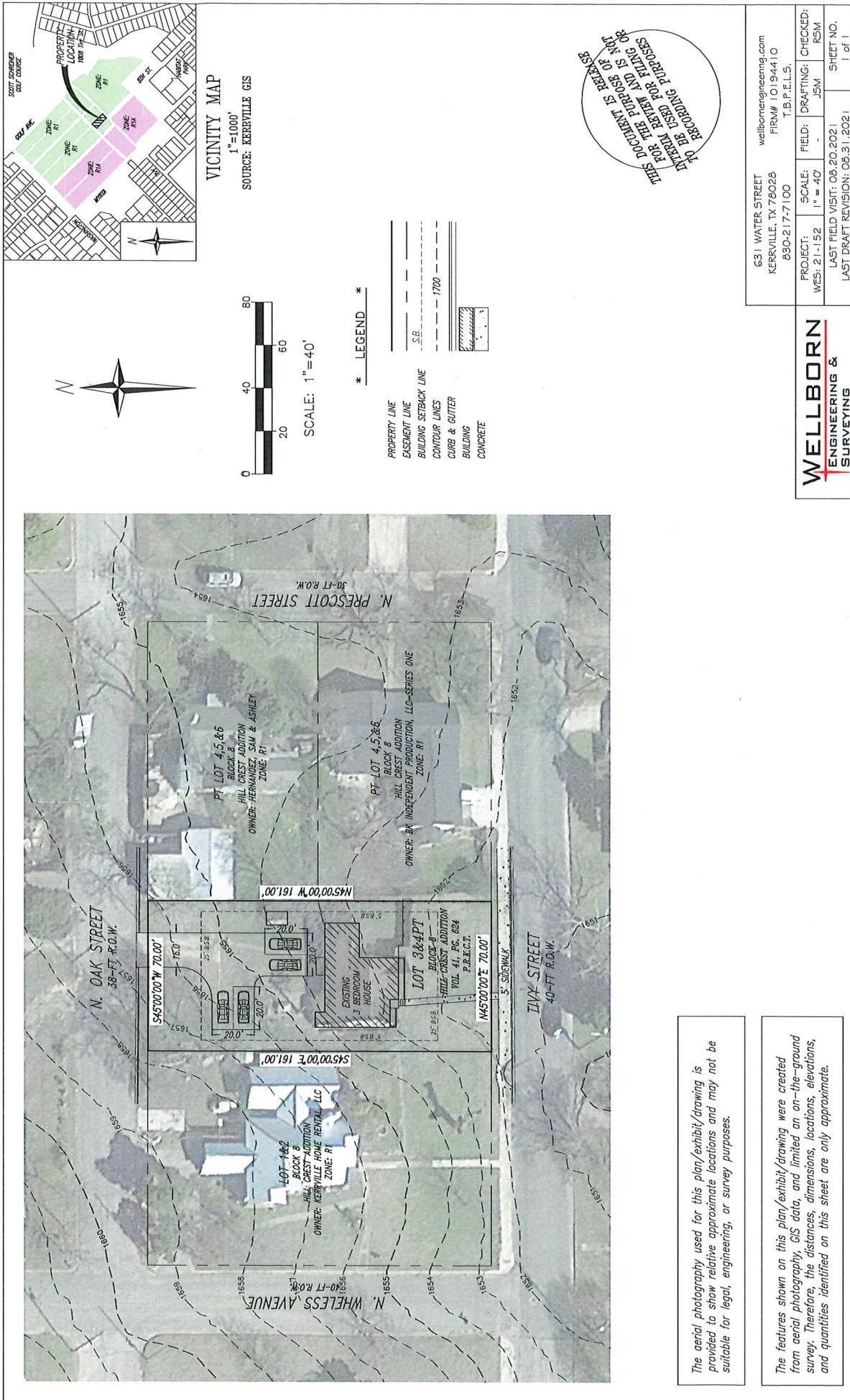
200' Notification Area
Subject Properties



0 75 150 300

Scale In Feet

SITE PLAN





SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 51-2021

This short term rental has been permitted by the City of Kerrville as a conditional use under the above referenced resolution within a residential neighborhood and requires all guests to be aware of the following:

Because this short term rental is located within a residential neighborhood, proper etiquette should be observed at all times. The conditional use permit was issued in an effort **“to preserve the health, safety, and general welfare of adjacent property and its occupants and to protect such property and occupants from excessive noise, vibration, dust, dirt smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view, or other undesirable hazardous conditions....”**

As a guest, please be aware of the proximity of your neighbors and be respectful of their right to privacy, a quiet environment, and unobstructed access to their property. Loud music, loud parties and excessive noise should be avoided. Parking should be limited to onsite parking spaces provided by short term rental management. Place trash and recycling in the appropriate containers.

As per the Conditional Use Permit, the **maximum occupancy is ten (10) guests**. The Short Term Rental owner may have other occupancy restrictions for fewer guests, however, in no case shall guest occupancy exceed ten (10) guests.

If you should have any questions regarding this notification, please contact the short term rental management.

Thank you!

This Guest Notification should be posted by short term rental management in a location clearly visible by all guests and provided with check-in information. Posting of duplicate copies of this Guest Notification within each guest room is highly encouraged to clearly communicate the importance of proper etiquette within a residential neighborhood. Thank you!



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

SUBJECT: Appointment to the Building Board of Adjustment and Appeals. (This appointment is eligible for Executive Session 551.074).

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Oct 06, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211109_Roster_BBAA 2021.pdf](#)

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|------------------------------|---|-------------------------|------------------------|
| \$0 | \$0 | \$0 | N/A |

PAYMENT TO BE MADE TO: N/A

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

The Building Board of Adjustment and Appeals has nine members, 7 regular members and 2 alternate members.

Currently the board has two regular member vacancies, and two alternate member vacancies.

Two applications have been received: Mike Asmus, real estate; Steve Van Patton, contractor.

RECOMMENDED ACTION:

Appoint members.

BBA

| Name | Term | Start date | End date | Profession |
|-------------------|------|------------|-----------|--------------------------|
| Mack Edmiston | 1 | 1-Jan-21 | 1-Jan-23 | Master plumber |
| Jennifer Hyde | 1 | 22-Jan-21 | 22-Jan-23 | Residential construction |
| Daniel Lowery | 1 | 22-Jan-21 | 22-Jan-23 | Master plumber |
| Bruce Motheral | 1 | 22-Jan-21 | 22-Jan-23 | Professional engineer |
| Bob Rue | 1 | 22-Jan-21 | 22-Jan-23 | General contractor |
| Vacancy | | 1-Jan-22 | 1-Jan-24 | |
| Vacancy | | 1-Jan-22 | 1-Jan-24 | |
| Alternate Vacancy | | 1-Jan-22 | 1-Jan-24 | |
| Alternate Vacancy | | 1-Jan-22 | 1-Jan-24 | |

Description: Building Board of Adjustments and Appeals was created by City Council to hear appeals, grant variances, and to recommend amendments to and the adoption of standardized building codes to be considered adoption by Council.

Qualifications: Members shall be composed of the following: an architect licensed to practice in the state; a professional engineer licensed to practice in the state; a master electrician licensed to practice in the state; an unrestricted master plumber licensed to practice in the state; a mechanical contractor with a Class A state license; a person licensed by the city as a contractor; a person that is active in the construction industry; provided, however, if the city council determines that there is no architect or professional engineer available to serve on the board, then council shall select a second person meeting the description to serve.

Powers and Duties: 1. To hear appeals of decisions and interpretations of the chief building official and fire code official and to consider variances to the standardized building codes as more specifically described in Sec. 26-251 of Ordinance No. 2010-15. No appeal may arise out of the city's issuance of citation for violation of any of the standardized building codes as the procedure for the consideration and decision regarding citations is solely under the purview and authority of the municipal court. In addition, the board shall have no authority to waive, and is prohibited from waiving, any requirement of the standardized building codes.

2. Recommend amendments to this chapter; any standardized building code adopted by the city council; or any other code, application, or process applicable to the city's review, application, interpretation and enforcement of the standardized building codes with the goal toward addressing any deficiencies, voids, inconsistencies, inefficiencies, or technical errors.

3. To hear appeals, issue orders, and fulfill other duties pursuant to the authority established in Article VII of this Chapter for unsafe building abatement.

7 members, 2 alternates

Two - 2 year terms

Staff: Drew Paxton

Ordinance No. 2010-15, 2010-26, 2017-09, 2021-04.



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

SUBJECT: Appointment to the Food Service Advisory Board.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Oct 06, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211109_Roster_Food Service 11-2021.pdf](#)

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|------------------------------|---|-------------------------|------------------------|
| \$0 | \$0 | \$0 | N/A |

PAYMENT TO BE MADE TO: N/A

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

The Food Service Advisory Board has seven members. Three terms expire December 1, 2021.

Three applications have been received: Anthony Howard, Marcus Willis (reappointment), Larry Wray.

RECOMMENDED ACTION:

Appoint members.

FOOD SERVICES

| Name | Status | Term | Start date | Reappoint | End date |
|------------------|--------|-------------|------------|-----------|----------|
| Monica Egelston | Active | 2 + partial | 28-Mar-17 | 1-Dec-20 | 2-Dec-22 |
| Angela G Fiedler | Active | 2 + partial | 28-Mar-17 | 1-Dec-20 | 2-Dec-22 |
| Wendy Massey | Active | 1 | 1-Dec-20 | | 2-Dec-22 |
| Bernadette Winn | Active | 1 | 1-Dec-20 | | 2-Dec-22 |
| Vacant | | | | | 1-Dec-23 |
| Vacant | | | | | 1-Dec-23 |
| Vacant | | | | | 1-Dec-23 |

Qualifications: Shall be composed of local certified food managers from the food service or food processing industry, any member of the local restaurant association who owns or conducts business in the city of Kerrville or any citizen of Kerr County qualified by training and/or experience to advise on the application of the food code.

Powers and duties: To hear appeals and make recommendations to the health official for variances from provisions of the code; to provide assistance to the health official concerning interpretations of the code; to advise the city manager, at his request, regarding the suspension or revocation of food permits; and to consider and make recommendations to city council regarding any matters relating to the food service program.

7 members 2 years - 2 terms

Staff: Daryle Poe

Ordinances: 1989-30, 1994-11. Chapter 58-Article II, Section 58-34.



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

SUBJECT: Resolution No. 52-2021. A Resolution casting votes of the City of Kerrville, Texas, for Kerr Central Appraisal District Board of Directors.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Oct 25, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20211109_Reso_52-2021 Casting votes for KCAD Directors.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

On October 22, 2021, the City of Kerrville received a ballot from the Kerr Central Appraisal District (KCAD) with seven candidates for five positions for the KCAD Board of Directors. Directors are elected to two-year terms, and candidates elected will serve the 2022/2023 term.

There are a total of 5,000 votes distributed among the taxing entities in Kerr County. The City of Kerrville is allocated 661 votes. The City Council may allocate all its votes entirely to one candidate or split the votes between candidates. The City may not initiate the recall of a director unless it has cast at least one vote for the director; therefore, it is recommended that the City cast votes for at least one nominee, and one vote for each of the remaining nominees.

The City must cast its ballot before December 15, 2021.

RECOMMENDED ACTION:

Approve Resolution No. 52-2021 casting 656 votes for nominee(s) and casting at least one vote for each of the remaining nominees (this will ensure that the city has standing in the unlikely event of a recall of any of the five board members).

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 52-2021

**A RESOLUTION CASTING VOTES OF THE CITY OF KERRVILLE,
TEXAS, FOR KERR CENTRAL APPRAISAL DISTRICT BOARD OF
DIRECTORS**

WHEREAS, Section 6.03 of the Texas Tax Code entitles each political subdivision with property tax authority within Kerr County to cast votes in an election of the Board of Directors of the Kerr Central Appraisal District (the “Board”); and

WHEREAS, the Chief Appraiser for the Kerr Central Appraisal District (“KCAD”) has certified that the City of Kerrville may cast 661 votes in the election of the Board; and

WHEREAS, City Council finds it to be in the public interest to cast its votes for the KCAD Board in the manner indicated below;

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

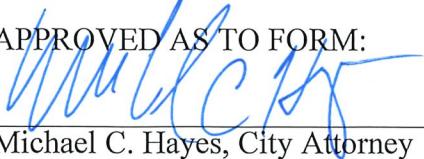
The following nominee, or nominees, with accompanying votes to be cast for each, is submitted for one, or more, of the five positions to be filled on the Kerr Central Appraisal District for the 2022-2023 term.

1. Bruce Cartwright vote(s)
2. Carter Crain vote(s)
3. Patrick Freedle vote(s)
4. Eric Lantz vote(s)
5. Larry Priour vote(s)
6. Jeff Talarico vote(s)
7. Judy Webb-Smith vote(s)

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2021.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



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

SUBJECT: Citizen requested agenda item: (A discussion to determine when the next Kerrville General Election shall be prescribed to be held to elect the Mayor, Place Three and Place Four of the City Council) citizen George Baroody, sponsored by Councilmember Roman Garcia.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Nov 02, 2021

SUBMITTED BY: Sponsored by Councilmember Garcia

EXHIBITS: [20211109_Attachment 1_GB request.pdf](#)
[20211109_Attachment 2_GB request.pdf](#)
[20211109_Attachment 3_GB request.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

Citizen George Baroody requested to add "A discussion to determine when the next Kerrville General Election shall be prescribed to be held to elect the Mayor, Place Three and Place Four of the City Council", sponsored by Councilmember Roman Garcia.

See attachments regarding citizen summary statement and opinion.

RECOMMENDED ACTION:

Discussion. This agenda item is a citizen requested item.

Subject: FW: Future Agenda Item Request: November 9, 2021
Attachments: TermOfOfficeAgendaItem_RelevantCodes.docx;
TermOfOfficeAgendaItem_AgendaBillSummary.docx

From: George Baroody
Sent: Monday, November 1, 2021 3:48 PM
Subject: Future Agenda Item Request

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

Based on previous actions taken, I am expecting that Council intends to discuss/order the next Kerrville General Election at its lone December meeting. Furthermore, based on previous statements made by some councilmembers and the City Attorney, it would seem the intent will be to order the next election in May 2022. As has been articulated previously, this would of course violate the City Charter and I would like to be the presenter of a discussion (not action) item to be placed on the next available council meeting. Preferably the lone November meeting as it will be the only one to be held prior to December.

The requested item would essentially be a discussion concerning the relevant laws/ordinances (City Charter, Texas Election Code and the Governor's Proclamation of March 18, 2020) related to when the next Kerrville General Election is to be held. To be clear, this is NOT to be a discussion about moving all future city elections to November. This will only be a discussion narrowly focused on the next election where Mayor, Place Three and Place Four would be up for election.

Agenda Item Title: A discussion to determine when the next Kerrville General Election shall be prescribed to be held to elect the Mayor, Place Three and Place Four of the City Council.

Agenda Item Detail Discussion:

What section(s) of the City Charter or which ordinance(s) define when general elections are to be held in Kerrville?

No ordinance, state law or the Kerrville City Charter mandates that general elections in Kerrville be held on a specific date however the City Charter does state that members of Kerrville City Council shall hold office for a term of two years.

Kerrville City Charter

Section 2.03. - Term of Office.

a. The members of the City Council shall hold their offices for a term of two years and until their successors have been elected and duly qualified in accordance with this Charter. Five Councilmembers will be elected at large, two in one year for Places One and Two, and the following year, three will be elected for Places Three; Four and Mayor, respectively.

What marks the beginning of a councilmember term of office?

The beginning and ending of terms of office are always marked by an election. As indicated above in City Charter section 2.03, terms of office for Kerrville City Council begin when a councilmember

position is elected and duly qualified and the terms end whenever the successor has been elected and duly qualified. In contrast, if a vacancy occurs on Council and is filled via special appointment, this term would begin whenever the original councilmember had been elected, not on the date of appointment.

If the Charter does not mandate specific dates to hold general elections, how are election dates to be determined in Kerrville?

Section 2.03 of the City Charter states that councilmembers shall be elected for a two year term therefore elections are to be held two years following the preceding election for the respective councilmember positions. State law allows cities to hold general elections on one of two statutory uniform election dates. Municipal elections can be held on either the first Saturday in May or the first Tuesday after the first Monday in November (Texas Election Code, Section 41.001).

When did the terms begin for the current Mayor, Place Three and Place Four councilmembers?

November 17, 2020 marked the beginning of the current terms of office for Mayor Blackburn and councilmembers Judy Eychner and Brenda Hughes. All three were elected on November 3, 2020 and duly qualified at the city council meeting held November 17, 2020 in order to canvass the election.

City of Kerrville Resolution 24-2020 was approved on November 17, 2020 to officially certify the election results and mark the beginning of the terms of office. Curiously, the resolution included two clauses that highlighted the confusion over the impact of the Governor's Proclamation:

"WHEREAS, the City of Kerrville, Texas, held its general election on the 3rd day of November 2020, for the purpose of electing Mayor, Councilmember Place Three, and Councilmember Place Four, each to serve the remainder of a two-year term; and"

"SECTION FOUR. The election was duly called, notice thereof given, and held in accordance with the laws of the State of Texas governing the same; that the following named people, having received the highest number of votes cast for the respective offices **are declared duly elected for a term that will continue through May 7, 2022**, subject to their qualifying and taking the required oath."

These two clauses obviously are mistaken representations of the facts as the terms of the three councilmembers elected in November 2020 did not begin until they were elected and duly qualified immediately following the election. In reality, these elected officials were not completing an unfinished term but were beginning a new term of office.

Didn't the Governor's Proclamation mandate shortening the terms of officials elected in November 2020?

No. Due to COVID-19 concerns, the Governor's Proclamation of March 18, 2020 granted municipalities the narrow authority to move elections originally scheduled for May 2, 2020 to instead be held November 3, 2020, effectively postponing the begin dates of the respective terms of office until November 2020. The proclamation went further to state that this was a one-time allowance and granting no other authority to make modifications to the municipalities' election terms or calendars.

I am submitting this to the City Secretary and the entire Council in hopes of garnering the support of at least one councilmember willing to acknowledge and support the need to have this discussion concerning proper enforcement of the City Charter.

Thanks,
George Baroody

DISCLAIMER: This email (plus any attachments) is a public record of the City of Kerrville and is subject to public disclosure under the Texas Public Information Act. This email is also subject to the State Retention Schedule.

Attachment by citizen George Baroody

City Charter

Article II Governing Body

Section 2.03. - Term of Office.

a. The members of the City Council shall hold their offices for a term of two years and until their successors have been elected and duly qualified in accordance with this Charter. Five Councilmembers will be elected at large, two in one year for Places One and Two, and the following year, three will be elected for Places Three; Four and Mayor, respectively.

Governor's Proclamation Issued March 18, 2020

"NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Laws of the State of Texas, do hereby suspend Sections 41.0052(a) and (b) of the Texas Election Code and Section 49.103 of the Texas Water Code to .the extent necessary to allow political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office. I further suspend Sections 31.093 and 42.0621(c) of the Texas Election Code to the extent necessary to require all county election officers, if requested by an affected political subdivision, to enter into a contract to furnish election services with any political subdivision who postponed their election to November 3, 2020, under the authority of this proclamation."

Texas Election Codes Suspended:

Sec. 41.0052. CHANGING GENERAL ELECTION DATE. (a) The governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2016, change the date on which it holds its general election for officers to the November uniform election date.

(b) A governing body changing an election date under this section shall adjust the terms of office to conform to the new election date.

(c) A home-rule city may implement the change authorized by Subsection (a) or provide for the election of all members of the governing body at the same election through the adoption of a resolution. The change contained in the resolution supersedes a city charter provision that requires a different general election date or that requires the terms of members of the governing body to be staggered.

(d) The holdover of a member of a governing body of a city in accordance with Section 17, Article XVI, Texas Constitution, so that a term of office may be conformed to a new election date chosen under this section does not constitute a vacancy for purposes of Section 11(b), Article XI, Texas Constitution.

(e) The governing body of a newly incorporated city may, not later than the second anniversary of the date of incorporation, change the date on which it holds its general election for officers to another authorized uniform election date.

Texas Election Code – Uniform Election Dates

Sec. 41.001. UNIFORM ELECTION DATES.

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

- (1) The first Saturday in May in an odd-numbered year;**
- (2) The first Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county, or ordered by the governor; or**
- (3) the first Tuesday after the first Monday in November.**

Attachment by citizen George Baroody

The next City of Kerrville General Election will be held to elect expiring terms of the Mayor, Place Three and Place Four councilmembers. The current officeholders were all elected at the general election held November 3, 2020. That election had been originally scheduled for May 2, 2020 however, due to COVID-19 concerns, was allowed to be rescheduled for November 3, 2020.

There has been some confusion over the impact of this one-time change on subsequent election dates to be held here in Kerrville which has prompted this discussion item. Council will review and consider how to comply with the wishes of its citizens as outlined in the City Charter as it pertains to the scheduling of the next general election.

What section(s) of the City Charter or which ordinance(s) define when general elections are to be held in Kerrville?

No ordinance, state law or the Kerrville City Charter mandates that general elections in Kerrville be held on a specific date however the City Charter does state that members of Kerrville City Council shall hold office for a term of two years.

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What marks the beginning of a councilmember term of office?

The beginning and ending of terms of office are always marked by an election. As indicated above in City Charter section 2.03, terms of office for Kerrville City Council begin when a councilmember position is elected and duly qualified and the terms end whenever the successor has been elected and duly qualified. In contrast, if a vacancy occurs on Council and is filled via special appointment, this term would begin whenever the original councilmember had been elected, not on the date of appointment.

If the Charter does not mandate specific dates to hold general elections, how are election dates to be determined in Kerrville?

Section 2.03 of the City Charter states that councilmembers shall be elected for a two year term therefore elections are to be held two years following the preceding election for the respective councilmember positions. State law allows cities to hold general elections on one of two statutory uniform election dates. Municipal elections can be held on either the first Saturday in May or the first Tuesday after the first Monday in November (Texas Election Code, Section 41.001).

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

SUBJECT: Amendments to Procedural Rules for Meetings – Kerrville City Council.

AGENDA DATE OF: November 9, 2021 **DATE SUBMITTED:** Oct 29, 2021

SUBMITTED BY: Councilmember Eychner

EXHIBITS: [20210928_ProceduralRulesforMeetings_081221 DRAFT redlined.pdf](#)
[20211109_Procedures_KC comments.pdf](#)
[20211109_Procedures_JE comments.pdf](#)
[20211109_Procedures_RG comments corrected.pdf](#)

| Expenditure Required: | Remaining Budget Balance in Account: | Amount Budgeted: | Account Number: |
|------------------------------|---|-------------------------|------------------------|
| \$0 | N/A | N/A | N/A |

PAYMENT TO BE MADE TO: N/A

| | |
|-----------------------------|-----|
| Kerrville 2050 Item? | No |
| Key Priority Area | N/A |
| Guiding Principle | N/A |
| Action Item | N/A |

SUMMARY STATEMENT:

At a previous meeting, Council discussed amending its Procedural Rules for Meetings. In accordance with this discussion, the City Attorney has amended the rules as indicated on the exhibit. Councilmember Clarkson, Councilmember Eychner, and Councilmember Garcia have submitted written recommendations for amendments.

RECOMMENDED ACTION:

Consideration and possible action as to proposed amendments to the Procedural Rules for Meetings.

DRAFT 8/12/21

PROCEDURAL RULES FOR MEETINGS KERRVILLE CITY COUNCIL

SECTION ONE. GENERAL PROVISIONS

Rule 1.1 Scope of Rules; Intent. These rules govern the conduct of the Council at or in relation to its meetings and shall be interpreted to ensure fair and open deliberations and decision-making. The rules are intended to promote and maintain courtesy, civility, and collegiality during meetings. Acting as a governing body, Council is the ultimate authority in the application, interpretation, and enforcement of these rules.

Rule 1.2 Technical Parliamentary Forms Abolished. Except as specifically required by these rules, Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry, or other technical forms.

Rule 1.3. Rulings; Matters Not Covered. Rulings on procedure are governed by the presiding officer or by a majority of Council, which would prevail. Section 3.02 of the City Charter provides the following basis for this:

The Mayor shall preside at meetings of the Council and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by this Charter and the ordinances of the City.

Any matter or order or procedure not covered by these rules may be deferred to the presiding officer or legal counsel, as appropriate.

Rule 1.4 Interpretation. These rules are intended to supplement and shall be interpreted to conform to Texas law and the City's Charter and its ordinances. In general, these rules shall be interpreted to allow the majority to prevail but preserve the right of the minority to be heard.

Rule 1.5. Authority to Change and Adopt Rules of Procedure. Adoption and/or modification of rules governing City Council meetings is addressed in Section 3.04 of the Charter, which provides the following with respect to rules of procedure:

...The Council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior, and by vote of not less than a majority of all its members, expel from a meeting a member for disorderly conduct for the violation of its rules; but no member shall be expelled from a meeting unless notified of the charge against him and given an opportunity to be heard in his own defense.

SECTION TWO. TIME AND PLACE OF MEETING

Rule 2.1. Regular Meetings. Scheduling regular meetings is governed by Section 3.01 of the Charter and Section 2-31 of Article II of the Code of Ordinances. Section 2-31 of Article II of the Code of Ordinances provides:

City Council will hold its regular meetings on the second and fourth Tuesdays of each month, beginning at 6:00 p.m. The Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate.

Rule 2.2. Special Meetings/Informal Events.

(a) *Special Meeting.* A “special meeting” of Council is defined as a meeting where at a minimum, City business will be deliberated. A Council workshop or a meeting other than a regular meeting specified by 2.1, above, are examples. Section 3.01 of the Charter provides:

Special meetings shall be called by the City Secretary upon request of the Mayor, the City Manager, or a majority of the members of the Council.

The preferred method for a Councilmember seeking to call a special meeting is to do so at a regular meeting through the making of a motion under future agenda items. A Councilmember may, however, contact the City Secretary or City Manager in writing, which may include email, and request a meeting by also providing the purpose of the meeting and timing of such. The City Manager shall then seek to schedule the meeting with the Council if a majority of its members agree to do so. The City Secretary or City Manager shall notify Councilmembers of all special meetings.

(b) *Informal event.* It is important that when more than two Councilmembers are invited or may attend any event or gathering where City business may be discussed, the event should be posted as a precautionary measure. Such “informal events” may include a town hall discussion, informational gathering, or a community event at which one or more Councilmembers may present information concerning public business or policy. Where a Councilmember believes that such an event may occur, the Councilmember may request that the City Secretary or City Manager post the event, which the City Secretary shall then do. The City Secretary or City Manager shall notify Councilmembers of such events.

Rule 2.3. Quorum, Majority Voting. Quorum and majority voting are governed by Section 3.05 of the Charter, which provides:

A majority of all the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The affirmative vote of a majority of all the members of the Council shall be necessary to adopt any ordinance, resolution, or order; except that a vote to adjourn, or an action regarding the attendance of absent members, may be adopted by a majority of the members present.

SECTION THREE. AGENDA

Rule 3.1. Agenda Preparation; Councilmember Agenda Requests.

(a) The City Secretary shall prepare, post, and distribute notices of meetings and the assembled agenda packages. The City Manager is responsible for assembling the agenda package for each meeting.

(b) The preferred method for a Councilmember seeking to add an item to a future agenda is to do so at a regular meeting under future agenda items by consensus of Council or by majority vote. For purpose of these rules, “consensus” is defined as an informal understanding among the majority of Councilmembers present at the meeting.

(c) Any Councilmember, while outside of a regular meeting, wishing to have a matter heard at a City Council meeting shall make a written request, including via email, to the City Manager or City Secretary, and such request shall include the support of another Councilmember. The request shall contain a short summary statement of the proposed presentation and be submitted before 5:00 p.m. Monday, the eighth day preceding such meeting. The City Manager shall place a subject on the agenda if the subject is requested by a Councilmember in accordance with this section. Other persons may request that the City Manager place an item on the agenda pursuant to Rule 3.3.

Rule 3.2. Consent Agenda. In preparing an agenda, the City Manager may separately designate items as “Consent Agenda” which may be acted upon by the Council under Rule 6.5. The “Consent Agenda” shall consist of routine items, which in the City Manager’s determination, may be appropriately considered as a group, without separate discussion, at the Council meeting. Any item listed on the consent agenda may be removed by a member of Council or upon a request by staff or a member of the public.

Rule 3.3. Agenda Requests from Public. The preferred method for a person seeking to add an agenda item for Council consideration during a meeting is to do so at a regular meeting during the Visitors/Citizen Forum. Council may then agree to place this item on a future agenda. Alternatively, a person may make a written request for this action, including via email, to the City Manager or City Secretary. Any such request must include a “sponsorship” of the item from a Councilmember. Thus, the request should include either a statement that a named Councilmember has agreed to sponsor the item or that the requestor is seeking such sponsorship through the forwarding of his or her request to the entire Council. The request must also contain a short summary statement of the proposed presentation, the issue or question before Council, and shall be submitted before 5:00 p.m. Monday, the eighth day preceding such meeting. Despite this

timeline, however, a requestor should understand that the item may not be placed on the very next meeting agenda, but instead, due to necessary preparation and research, will be placed on another agenda in the very near future. Once the person's request has been placed on an agenda, neither that person nor anyone else may submit the item, or an item concerning a similar subject matter, for placement on an agenda for a period of one-hundred eighty (180) days unless the item was postponed to a future meeting or a Councilmember makes a written request for placement. This rule does not apply to the right to appeal or petition Council pursuant to City ordinance or other law.

Rule 3.4. Requests to Exclude Items. When a Councilmember will be absent from a meeting, the Councilmember may request that an item not be included and such request shall not be unreasonably denied.

Rule 3.5. Council Action to Defer, Continue, or Not Act. A Councilmember wishing to withdraw, defer, or continue an item may make a motion to that effect. Such a motion shall be considered before any other action on that item.

Rule 4. Conduct of Meetings

Rule 4.1. Determination of Quorum. Before proceeding with the business of the Council, the City Secretary shall make note of Members present and enter those names in the minutes. The presiding officer shall determine the presence of a quorum as required by law and these rules.

Rule 4.2. Call to Order. The presiding officer shall call the meeting to order.

Rule 4.3. Presiding Officer. The Mayor, or in the Mayor's absence or inability incapacity to perform pursuant to Section 3.02 of the Charter, the Mayor Pro Tem, shall be the presiding officer at all Council meetings. The presiding officer retains all rights and privileges of a Member of Council. If both the Mayor and Mayor Pro Tem are absent or unable to perform, the most senior Councilmember present shall preside. In the event two or more Members equally possess the greatest seniority then the eldest person among them shall preside.

Commented [MH1]: Revised here to make consistent with the most recent charter change. Charter provides for selection beyond the Mayor Pro Tem if necessary. Rules provide more specifics but do not conflict with Charter.

Rule 4.4. Control of Discussion. The presiding officer shall control discussion of the Council on each agenda item to assure full participation in accordance with these rules, the City Charter and the Code of Ordinances. The presiding officer will preserve order and decorum, preventing the impugning of any member's motives or other personal comment not relevant to the orderly conduct of business. The presiding officer may request, and restate as appropriate, that all speakers keep comments brief and relevant to the question before the Council. All visitors shall refrain from abusive, rude, or inappropriate conduct. *See Chapter 38 and Section 42.05 of the Texas Penal Code regarding the "hindering" or "disrupting" of official proceedings.*

Rule 4.5. Order of Consideration of Agenda. Each agenda item shall be introduced by the presiding officer. To introduce an item, it shall be sufficient to identify the item by the number assigned to it on the agenda. However, as provided in Section 3.06(a) of the City Charter:

Ordinances and resolutions shall be introduced only in written form.

After a measure is introduced, the standard procedure for consideration is as follows, but may be deviated from as provided below:

- (1) Reading of the measure by the presiding officer or other person designated by the presiding officer. Reading ordinances or resolutions by caption or summary is allowed if the full text is available as prescribed by the Charter. (Note: Section 3.06(a) of the Charter requires additional steps for ordinances: “No ordinance shall be passed until it has been read and voted upon in at least two regular meetings, except an emergency measure. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Council prior to such reading.”)
- (2) The City Manager or designee may present a staff statement or presentation with questions and discussion from City Council.
- (3) Public Comments.
- (4) Discussion.
- (5) Motion and second.
- (6) Vote.
- (7) If a majority of Council votes against a motion, the Councilmember making the original motion may amend that motion for reconsideration. In addition, any Councilmember may make an alternate motion for consideration related to that agenda item.

In the absence of objections of the presiding officer or a majority of Council, Council may vary the standard procedure. Informal voting by voice or a show of hands shall be used at the discretion of the presiding officer, unless a Councilmember requests a roll call vote or a roll call vote is otherwise required by state law. In case of a tie, the motion fails.

Rule 4.6. Discussion; referenced document. A Councilmember should speak only after being recognized by the presiding officer. A Councilmember shall limit remarks to the issue or question before Council. A Councilmember shall not be interrupted except by the presiding officer to enforce these rules. Anyone speaking shall be recognized by the presiding officer. Where a Councilmember plans to reference or cite a document that was not included as part of the agenda packet, the Councilmember ~~should shall~~ make copies a copy for each Councilmember and provide the document to the entire Council as soon as possible and prior to the meeting. The Councilmember may seek the aid of the City Manager in complying with this provision.

Rule 4.7. Presiding Officer's Right to Enter into Discussion. The Mayor (or other presiding officer) as a Member of the Council may enter into any discussion.

Rule 4.8. Limit on Remarks. Each Councilmember shall limit his or her remarks to a reasonable length. Toward that end, each Councilmember is limited to five minutes of speaking time per agenda item at one time, which a Councilmember may ask the presiding officer or Council to abide by and enforce. The allotted time includes questions asked of staff and citizens, the corresponding responses, and concluding remarks.

Rule 4.9. Call for Vote. At the conclusion (or closure) of debate or discussion, the presiding officer shall call for a vote, provided however, a majority of the Council present may require a vote at any time.

SECTION FIVE. CITIZEN PARTICIPATION

Rule 5.1. Public Participation.

- (a) *Purpose/Registration.* Comments and suggestions by visitors are highly valued and encouraged during those parts of a meeting designated for public participation. Speakers shall register in advance of the reading of a measure for consideration and shall limit their presentations to four minutes each. Time limitations of this rule may be extended by the consensus of Council or pursuant to majority vote.
- (b) *Special Meetings/Informal Events.* Visitors wishing to speak at a special meeting or informal event called and controlled by Council, including a workshop, may speak only during the appropriate agenda item for such purposes, which may be placed at the beginning of the meeting. This rule does not apply where a special meeting or informal event is not called nor controlled by Council and where Council will not deliberate or take action.
- (c) *Speaker Comments.* Speakers shall direct all remarks and questions to the Council, who may refer them to the City Manager for investigation, response, or other action. The "Texas Open Meetings Act" requires the City to post a notice, in advance, listing every topic or subject to be considered by the Council. This law may prevent the Council from considering a subject raised by a member of the public. In this case, the presiding officer may refer the matter, and the Council may direct that the matter be placed on the agenda for an upcoming meeting.
- (d) *Signs, etc.* Visitors are prohibited from bringing signs, placards, or anything else that may obstruct the views or seating into City Hall, the meeting room, or any location where Council is holding its meeting.

Rule 5.2. Manner of Addressing Council. A person desiring to address the Council shall step to the lectern or other alternate arrangement and state his or her name and address for the record before proceeding with comments. All comments from the public shall be directed to the Council.

Rule 5.3. Total Time Limits. Those members of the public speaking on items both on the agenda and not on the agenda are limited to four minutes of speaking time. A person may speak only once on any agenda item. However, Applicants, or those persons having placed an item on the agenda seeking a specific answer from the Council, may be allowed up to five minutes of total speaking time. Time limitations of this rule may be extended by the consensus of Council or pursuant to majority vote.

Rule 5.4. Remarks to be Germane/Non-redundant. Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting.

Rule 5.5. Matters not on the Agenda. Visitors may speak during the Visitor/Citizens Forum item on the agenda on items not specifically listed on the agenda. Discussion of matters not on the agenda is prohibited by the Texas Open Meetings Act. Council may provide or ask the City Manager to provide specific factual information in response to the inquiry, recite existing policy, or propose placing the issue on an upcoming meeting agenda.

SECTION SIX. COUNCIL ACTION

Rule 6.1. Motion Required. All action requiring a vote shall be moved by a Member of the Council. Each motion will require a second by another Member of the Council to be considered. A motion must be voted on or withdrawn before another motion for that same agenda item can be considered. Any Member of the Council can make an amendment to a motion. With a second, the amended motion is then voted on.

Rule 6.2. Motion to Reconsider. Except in case of a tie vote, a motion to reconsider may be made but only by a Councilmember who was on the prevailing side in the original action. This type of motion may only be made at the same meeting when the subject is considered. Rule 4.5 does not apply to this process.

Rule 6.3. Recording names of Moving Members. The City Secretary shall record the name of the Councilmember making each motion and corresponding second to the motion.

Rule 6.4. Separate Consideration. Except as otherwise required by these rules, each agenda item shall be voted upon separately and each separate vote shall be recorded by the City Secretary.

Rule 6.5. Action on Consent Agenda. Except as herein provided, the “Consent Agenda” shall be considered as a group without separate discussion on each item. When the Consent Agenda is

introduced, each Councilmember has the right to remove any item, in which case the item is handled under Rule 4.5. After items are removed, the presiding officer shall ask the Members to indicate their votes on the remaining Consent Agenda items. The City Secretary shall record the votes on each item separately.

Rule 6.6. Consideration Out of Order. With the consensus of Council or pursuant to majority vote, any agenda item may be considered out of order, at the request of any Councilmember.

Rule 6.7. Council Appointments. The Council may consider and make appointments to City boards and commissions by either of the following procedures:

- By direct motion. The Councilmember shall state the name of the person and the board to which they are being appointed. The motion will require a second, and a majority vote of the Council shall be required for appointment.
- By nomination process. The mayor shall open the floor for nominations, whereupon Councilmembers may put the names of appointees forward. The names submitted shall be debated. When the debate ends, the City Secretary shall call the roll of the Councilmembers, and each member shall cast their vote from those persons nominated. The nominee receiving the highest number of votes shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes as there are slots to be filled; however, a member shall not cast more than one vote for a single candidate. A majority of the members voting shall be required for appointment.

In accordance with Section 3.01 of the City Charter, all meetings of all boards, commissions and committees of the Council shall be open to the public and as provided by state law. The requirements of the Texas Open Meetings Act shall apply to all elected or appointed authorities, boards, commissions, Council, or other bodies of the City that are composed of a quorum of members of a particular body. However, the law's requirements shall not apply to a meeting solely among the City's professional staff.

Rule 6.8. Board Application Process. The City Manager shall ensure that public notice is provided to announce the opening of positions on various boards, such notice to be given at least 30 days prior to the date of the meeting that Council will consider such appointments. Where an unexpected vacancy occurs, the City Manager shall provide such notice not less than 14 days prior to the date of the meeting.

SECTION SEVEN. MISCELLANEOUS

Rule 7.1. Voting Required. Section 3.05 of the Charter requires Councilmembers to vote, as follows:

No member may be excused from voting except when such member has a conflict of interest as defined by law.

Procedural Rules for Meetings (Effective Feb. 1, 2007); Revised 9/8/09, 3/14/17, 3/28/17, 9/26/17, 9/25/18, 8/27/19

Any Council Member prohibited from voting by personal interest shall announce at the commencement of consideration of the matter and shall not enter into discussion or debate on any such matter. In that case, the member shall file with the City Secretary a written statement (electronic communications are considered acceptable) of the reason for abstaining. Any Councilmember refusing to vote – and not excused from voting – shall be considered in violation of the City Charter and will be recorded in the minutes as voting in the affirmative and may be held to further repercussions as deemed appropriate by the City Council.

Rule 7.2. Point of Order. A Councilmember may make a point of order to draw attention to a violation of these rules, such as the irrelevance or continued repetition of a speaker. Such action is not to be made because of disagreement over the subject matter of the discussion or an opinion. A point of order may be made at any point during a meeting and it may interrupt the pending discussion, takes precedence over that discussion or any other motion, and must be decided before any other discussion or action occurs. Following a point of order, the presiding officer shall immediately stop the discussion, acknowledge the point of order, and allow the Councilmember who raised it the opportunity to state the basis thereof. No debate concerning the point of order is permitted beyond a fair, reasonable clarification of the applicable rule. After hearing the basis upon which the point of order is made, the presiding officer must rule immediately subject to conferring with relevant authorities about the validity of the raised issue. The presiding officer may dispute the point of order, accept it and apply or comply with the applicable rule, or not accept the order. If a Councilmember believes that the ruling given by the presiding officer is incorrect, then a Councilmember may make the procedural motion “dissenting from the chair’s ruling.” This motion must then be seconded and put to the vote without debate. The result of the vote will determine whether the ruling is upheld or reversed.

Rule 7.3. Suspension of Rules. These rules or any part hereof may be suspended for a specific purpose or any single meeting by consensus of Council or pursuant to majority vote. This does not apply to those rules directly mentioned in the City Charter or other sections of the Code of Ordinances.

Rule 7.4. Informal Requests. A Member of the Council, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations, or the opinions of the City Manager or City Attorney.

Rule 7.5. Council attendance at board meetings.

A Councilmember may attend a board or commission meeting in their capacity as a Councilmember, but should not participate in the discussion or deliberation so as to avoid any undue influence or an issue of due process. A Councilmember may attend a board or commission meeting and participate in the discussion where they have a personal interest in an issue before the board or commission, such as attending a Planning and Zoning Commission meeting for property that he or she owns and that is subject to a zoning change.

Rule 7.6. Councilmember Requests of Staff. Pursuant to Section 6.05 of the City Charter, Council is generally limited to going through the City Manager with respect to a request to staff. The policy basis for this procedure includes helping to ensure the City Manager is aware of any issue raised by a Councilmember, promoting the “chain of command” management, and efficiency. Where such a request or inquiry is made to the City Manager, the City Manager will address the request or inquiry as efficiently as possible, based in part on the nature of the request and existing workload, and will communicate with the Councilmember as to the timing of a response. The Councilmember should provide as much information as possible to help ensure that the response adequately addresses the question. In most cases, the City Manager will provide the response to the entire Council. Where a request will, in the City Manager’s opinion, utilize a significant amount of staff time or other resources or divert from City policy, the City Manager may ask the Councilmember to place the issue on an agenda for Council direction.

Proposed changes to
policies and procedures submitted
by Councilmember Clarkson
11/1/2021

The affirmative vote of a majority of all the members of the Council shall be necessary to adopt any ordinance, resolution, or order; except that a vote to adjourn, or an action regarding the attendance of absent members, may be adopted by a majority of the members present.

SECTION THREE. AGENDA

Rule 3.1. Agenda Preparation; Councilmember Agenda Requests.

(a) The City Secretary shall prepare, post, and distribute notices of meetings and the assembled agenda packages. The City Manager is responsible for assembling the agenda package for each meeting.

(b) The preferred method for a Councilmember seeking to add an item to a future agenda is to do so at a regular meeting under future agenda items by consensus of Council or by majority vote. For purpose of these rules, "consensus" is defined as an informal understanding among the majority of Councilmembers present at the meeting.

(c) Any Councilmember, while outside of a regular meeting, wishing to have a matter heard at a City Council meeting shall make a written request, including via email to the City Manager or City Secretary, and such request shall include the support of another Councilmember. The request shall contain a short summary statement of the proposed presentation and be submitted before 5:00 p.m. Monday, the eighth day preceding such meeting. The City Manager shall place a subject on the agenda if the subject is requested by a Councilmember in accordance with this section. Other procedures may be adopted by the City Manager pursuant to the guidelines in Rule 3.2.

Rule 3.2. Consent Agenda. In preparing an agenda, the City Manager may separately designate items as "Consent Agenda" which may be acted upon by the Council under Rule 6.5. The "Consent Agenda" shall consist of routine items, which in the City Manager's determination, may be appropriately considered as a group, without separate discussion, at the Council meeting. Any item listed on the consent agenda may be removed by a member of Council or upon a request by staff or a member of the public.

Rule 3.3. Agenda Requests from Public. The preferred method for a person seeking to add an agenda item for Council consideration during a meeting is to do so at a regular meeting during the Visitors/Citizen Forum. Council may then agree to place this item on a future agenda. Alternatively, a person may make a written request for this action, including via email, to the City Manager or City Secretary. Any such request must include a "sponsorship" of the item from a Councilmember. Thus, the request should include either a statement that a named Councilmember has agreed to sponsor the item or that the requestor is seeking such sponsorship through the forwarding of his or her request to the entire Council. The request must also contain a short summary statement of the proposed presentation, the issue or question before Council, and shall be submitted before 5:00 p.m. Monday, the eighth day preceding such meeting. Despite this

Subject: FW: Procedural Rules for Tues/9th

From: Judy Eychner

Subject: Procedural Rules for Tues/9th

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Proposed amendments:

#1. Pg 5, Rule 4.6: 3rd line from bottom of par: Remove 'should' and replace with 'must'; Councilmember MUST make copies

#2. Pg 7, Rule 5.5: Clarification: Can asking for the item/issue to be placed on future agenda be done at this time or does it need to wait until the end of the meeting under the Agenda Item for that??? Think we need to clarify in writing which (or if either or both) is appropriate.

#3. Pg 8, Rule 7.1: Define/list the conflicts of interest. Not defined in the charter either (or I have missed it)

#4. New: Rule 7.7 (?) or incorporate with another rule
Something similar to the following:

Personal written council requests to staff must be made taking into consideration and respect of staff time both in amount needed for research and in relationship as to when the request was made and when an answer is wanted/needed. Unless an emergency, a request made at noon on Friday for a 5 pm deadline is not acceptable.

#5. New: I-Pads and Phones
Something similar to the following:

Personal I-Pads and phones are not to be in sight and are not allowed to be used during workshops, council meetings and executive sessions. The only device allowed in said meetings is the city supplied I-Pad.

I think that's it! Thanks, Judy



November 1, 2021

**PROPOSED AMENDMENTS TO THE
CITY COUNCIL PROCEDURAL RULES FOR MEETINGS**

At the regular meeting on September 28, 2021, the City Council considered revisions to its Procedural Rules. The Council decided to defer the item to a future meeting and require any proposed revisions to be submitted to the Council in writing. I am submitting this packet with my proposed amendments to be included in the agenda packet for the November 9, 2021, regular meeting for consideration. This packet contains two documents in addition to this cover letter. The document watermarked as "PROPOSED" indicates my proposed amendments and comments for each. The document watermarked as "ENACTED" indicates an example of what the Procedural Rules would look like if each proposed amendment is adopted.

I look forward to discussing with Council these amendments and any others that may be proposed.

Respectfully Submitted,

Roman M. Garcia
Councilman, Place 1

1. Roman Garcia

September 29, 2021 at 2:01:34 PM

Explanation: to make consistent
with Section 3.03 of the City
Charter

PROCEDURAL RULES FOR MEETINGS

KERRVILLE CITY COUNCIL

SECTION ONE. GENERAL PROVISIONS

Rule 1.1 Scope of Rules; Intent. These rules govern the conduct of the Council at or in relation to its meetings and shall be interpreted to ensure fair and open deliberations and decision-making. The rules are intended to promote and maintain courtesy, civility, and collegiality during meetings. Acting as a governing body, Council is the ultimate authority in the application, interpretation, and enforcement of these rules.

Rule 1.2 Technical Parliamentary Forms Abolished. Except as specifically required by these rules, Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry, or other technical forms.

Rule 1.3. Rulings; Matters Not Covered. Rulings on procedure are governed by the presiding officer or by a majority of Council, which would prevail. Section 3.02 of the City Charter provides the following basis for this:

The Mayor shall preside at meetings of the Council and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him or her by this Charter and the ordinances of the City.

Any matter or order or procedure not covered by these rules may be deferred to the presiding officer or legal counsel, as appropriate.

Rule 1.4 Interpretation. These rules are intended to supplement and shall be interpreted to conform to Texas law and the City's Charter and its ordinances. In general, these rules shall be interpreted to allow the majority to prevail but preserve the right of the minority to be heard.

Rule 1.5. Authority to Change and Adopt Rules of Procedure. Adoption and/or modification of rules governing City Council meetings is addressed in Section 3.04 of the Charter, which provides the following with respect to rules of procedure:

...The Council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior, and by vote of not less than a majority of all its members, expel from a meeting a member for disorderly conduct for the violation of its rules; but no member shall be expelled from a meeting unless notified of the charge against him and given an opportunity to be heard in his own defense.

2. Roman Garcia

September 29, 2021 at 2:38:10 PM

Explanation: this rule does not pertain to "Section Two. Time and Place of Meeting"

This rule pertains to the conduct of a meeting and should be under "Section Four. Conduct of Meetings"

SECTION TWO. TIME AND PLACE OF MEETING

Rule 2.1. Regular Meetings. Scheduling regular meetings is governed by Section 3.01 of the Charter and Section 2-31 of Article II of the Code of Ordinances. Section 2-31 of Article II of the Code of Ordinances provides:

City Council will hold its regular meetings on the second and fourth Tuesdays of each month, beginning at 6:00 p.m. The Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate.

Rule 2.2. Special Meetings/Informal Events.

(a) *Special Meeting.* A "special meeting" of Council is defined as a meeting where at a minimum, City business will be deliberated. A Council workshop or a meeting other than a regular meeting specified by 2.1, above, are examples. Section 3.01 of the Charter provides:

Special meetings shall be called by the City Secretary upon request of the Mayor, the City Manager, or a majority of the members of the Council.

The preferred method for a Councilmember seeking to call a special meeting is to do so at a regular meeting through the making of a motion under future agenda items. A Councilmember may, however, contact the City Secretary or City Manager in writing, which may include email, and request a meeting by also providing the purpose of the meeting and timing of such. The City Manager shall then seek to schedule the meeting with the Council if a majority of its members agree to do so. The City Secretary or City Manager shall notify Councilmembers of all special meetings.

(b) *Informal event.* It is important that when more than two Councilmembers are invited or may attend any event or gathering where City business may be discussed, the event should be posted as a precautionary measure. Such "informal events" may include a town hall discussion, informational gathering, or a community event at which one or more Councilmembers may present information concerning public business or policy. Where a Councilmember believes that such an event may occur, the Councilmember may request that the City Secretary or City Manager post the event, which the City Secretary shall then do. The City Secretary or City Manager shall notify Councilmembers of such events.

2 Rule 2.3. Quorum, Majority Voting. Quorum and majority voting are governed by Section 3.05 of the Charter, which provides:

A majority of all the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

The affirmative vote of a majority of all the members of the Council shall be necessary to adopt any ordinance, resolution, or order; except that a vote to adjourn, or an action regarding the attendance of absent members, may be adopted by a majority of the members present.

SECTION THREE. AGENDA

Rule 3.1. Agenda Preparation; Councilmember Agenda Requests.

- (a) The City Secretary shall prepare, post, and distribute notices of meetings and the assembled agenda packages. The City Manager is responsible for assembling the agenda package for each meeting.
- (b) The preferred method for a Councilmember seeking to add an item to a future agenda is to do so at a regular meeting under future agenda items by consensus of Council or by majority vote. For purpose of these rules, “consensus” is defined as an informal understanding among the majority of Councilmembers present at the meeting.
- (c) Any Councilmember, while outside of a regular meeting, wishing to have a matter heard at a City Council meeting shall make a written request, including via email, to the City Manager or City Secretary, and such request shall include the support of another Councilmember. The request shall contain a short summary statement of the proposed presentation and be submitted before 5:00 p.m. Monday, the eighth day preceding such meeting. The City Manager shall place a subject on the agenda if the subject is requested by a Councilmember in accordance with this section. Other persons may request that the City Manager place an item on the agenda pursuant to Rule 3.3.

Rule 3.2. Consent Agenda. In preparing an agenda, the City Manager may separately designate items as “Consent Agenda” which may be acted upon by the Council under Rule 6.5. The “Consent Agenda” shall consist of routine items, which in the City Manager’s determination, may be appropriately considered as a group, without separate discussion, at the Council meeting. Any item listed on the consent agenda may be removed by a member of Council or upon a request by staff or a member of the public.

Rule 3.3. Agenda Requests from Public. The preferred method for a person seeking to add an agenda item for Council consideration during a meeting is to do so at a regular meeting during the Visitors/Citizen Forum. Council may then agree to place this item on a future agenda. Alternatively, a person may make a written request for this action, including via email, to the City Manager or City Secretary. Any such request must include a “sponsorship” of the item from a Councilmember. Thus, the request should include either a statement that a named Councilmember has agreed to sponsor the item or that the requestor is seeking such sponsorship through the forwarding of his or her request to the entire Council. The request must also contain a short summary statement of the proposed presentation, the issue or question before Council, and shall be submitted before 5:00 p.m. Monday, the eighth day preceding such meeting. Despite this

3. Roman Garcia

September 29, 2021 at 2:31:07 PM

Formatting correction

Explanation: this is the beginning of a new section and should be titled as a "section" rather than a "rule"

4. Roman Garcia

September 29, 2021 at 2:42:59 PM

Moved from Rule 2.3 this is proposed to be deleted

5. Roman Garcia

September 29, 2021 at 2:43:13 PM

Moved from Section 2, Rule 2.3 this is proposed to be deleted

Explanation: to make consistent with Section 3.05 of the City Charter

6. Roman Garcia

September 29, 2021 at 5:23:06 PM

Explanation: uses the provision directly from Section 3.02 of the City Charter

timeline, however, a requestor should understand that the item may not be placed on the very next meeting agenda, but instead, due to necessary preparation and research, will be placed on another agenda in the very near future. Once the person's request has been placed on an agenda, neither that person nor anyone else may submit the item, or an item concerning a similar subject matter, for placement on an agenda for a period of one-hundred eighty (180) days unless the item was postponed to a future meeting or a Councilmember makes a written request for placement. This rule does not apply to the right to appeal or petition Council pursuant to City ordinance or other law.

Rule 3.4. Requests to Exclude Items. When a Councilmember will be absent from a meeting, the Councilmember may request that an item not be included and such request shall not be unreasonably denied.

Rule 3.5. Council Action to Defer, Continue, or Not Act. A Councilmember wishing to withdraw, defer, or continue an item may make a motion to that effect. Such a motion shall be considered before any other action on that item.

3 Rule 4. Conduct of Meetings SECTION FOUR. CONDUCT OF MEETINGS

Rule 4.1. Determination of Quorum. Before proceeding with the business of the Council, the City Secretary shall make note of Members present and enter those names in the minutes. The presiding officer shall determine the presence of a quorum as required by law and these rules.

4 Quorum is governed by Section 3.05 of the Charter, which provides:

5 Except as otherwise allowed by state law, A majority of all the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of all the members of the Council shall be necessary to adopt any ordinance, resolution, or order; except that a vote to adjourn, or an action regarding the attendance of absent members, may be adopted by a majority of the members present.

Rule 4.2. Call to Order. The presiding officer shall call the meeting to order.

Rule 4.3. Presiding Officer. The Mayor, or in the Mayor's absence or inability to perform, the Mayor Pro Tem, shall be the presiding officer at all Council meetings. The presiding officer retains all rights and privileges of a Member of Council. If both the Mayor and Mayor Pro Tem are absent or unable to perform, **the most senior Councilmember present shall preside. In the event two or more Members equally possess the greatest seniority then the eldest person among them shall preside** **Section 3.02 of the Charter provides the following:**

If the Mayor Pro Tem is also absent or disabled, then the Council shall elect a Presiding Officer to act in the place of the Mayor Pro Tem.

Rule 4.4. Control of Discussion. The presiding officer shall control discussion of the Council on each agenda item to assure full participation in accordance with these rules, the City Charter and

the Code of Ordinances. The presiding officer will preserve order and decorum, preventing the impugning of any member's motives or other personal comment not relevant to the orderly conduct of business. The presiding officer may request, and restate as appropriate, that all speakers keep comments brief and relevant to the question before the Council. All visitors shall refrain from abusive, rude, or inappropriate conduct. *See Chapter 38 and Section 42.05 of the Texas Penal Code regarding the "hindering" or "disrupting" of official proceedings.*

PROPOSED

Rule 4.5. Order of Consideration of Agenda. Each agenda item shall be introduced by the presiding officer. To introduce an item, it shall be sufficient to identify the item by the number assigned to it on the agenda. However, as provided in Section 3.06(a) of the City Charter:

Ordinances and resolutions shall be introduced only in written form.

After a measure is introduced, the standard procedure for consideration is as follows, but may be deviated from as provided below:

- (1) Reading of the measure by the presiding officer or other person designated by the presiding officer. Reading ordinances or resolutions by caption or summary is allowed if the full text is available as prescribed by the Charter. (Note: Section 3.06(a) of the Charter requires additional steps for ordinances: “No ordinance shall be passed until it has been read and voted upon in at least two regular meetings, except an emergency measure. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Council prior to such reading.”)
- (2) The City Manager or designee may present a staff statement or presentation with questions and discussion from City Council.
- (3) Public Comments.
- (4) Discussion.
- (5) Motion and second.
- (6) Vote.
- (7) If a majority of Council votes against a motion, the Councilmember making the original motion may amend that motion for reconsideration. In addition, any Councilmember may make an alternate motion for consideration related to that agenda item.

In the absence of objections of the presiding officer or a majority of Council, Council may vary the standard procedure. Informal voting by voice or a show of hands shall be used at the discretion of the presiding officer, unless a Councilmember requests a roll call vote or a roll call vote is otherwise required by state law. In case of a tie, the motion fails.

Rule 4.6. Discussion; referenced document. A Councilmember should speak only after being recognized by the presiding officer. A Councilmember shall limit remarks to the issue or question before Council. A Councilmember shall not be interrupted except by the presiding officer to enforce these rules. Anyone speaking shall be recognized by the presiding officer. Where a Councilmember plans to reference or cite a document that was not included as part of the agenda packet, the Councilmember should make copies for each Councilmember and provide the document to the entire Council as soon as possible and prior to the meeting. The Councilmember may seek the aid of the City Manager in complying with this provision.

7. Roman Garcia

September 29, 2021 at 2:51:23 PM

Moved from Rule 2.3 that is proposed to be deleted

8. Roman Garcia

September 29, 2021 at 2:56:03 PM

Explanation: this section governs the participation of all members of the public, not just citizens, and should be titled as such

9. Roman Garcia

September 29, 2021 at 3:12:53 PM

Reformat

10. Roman Garcia

September 29, 2021 at 3:09:26 PM

Explanation: permits the public to speak on an item if they submit a speaker request form before or during the item they wish to address is being considered

11. Roman Garcia

September 29, 2021 at 5:30:37 PM

Explanation: redundant

Time limits for speakers is already addressed in Rule 5.4

12. Roman Garcia

September 29, 2021 at 3:14:21 PM

Reformat

13. Roman Garcia

September 29, 2021 at 3:17:22 PM

Reformat

Explanation: to keep the same title name from Rule 5.2 that is proposed to be deleted

14. Roman Garcia

September 29, 2021 at 3:19:35 PM

Moved from Rule 5.2 that is proposed to be deleted

OPTION 1: "whether he or she is a tax paying resident of the City"

OPTION 2: "the city in which he or she resides"

OPTION 2: "the city, county, and state in which he or she resides"

Explanation: speakers already provide their full address on the speaker request form

15. Roman Garcia

September 29, 2021 at 3:30:51 PM

Explanation: redundant

Similar verbiage is already addressed in Rule 5.5

Rule 4.7. Presiding Officer's Right to Enter into Discussion. The Mayor (or other presiding officer) as a Member of the Council may enter into any discussion.

Rule 4.8. Limit on Remarks. Each Councilmember shall limit his or her remarks to a reasonable length. Toward that end, each Councilmember is limited to five minutes of speaking time per agenda item at one time, which a Councilmember may ask the presiding officer or Council to abide by and enforce. The allotted time includes questions asked of staff and citizens, the corresponding responses, and concluding remarks.

Rule 4.9. Call for Vote. At the conclusion (or closure) of debate or discussion, the presiding officer shall call for a vote, provided however, a majority of the Council present may require a vote at any time. Voting is governed by Section 3.05 of the Charter, which provides:

The affirmative vote of a majority of all the members of the Council shall be necessary to adopt any ordinance, resolution, or order; except that a vote to adjourn, or an action regarding the attendance of absent members, may be adopted by a majority of the members present.

8 SECTION FIVE. CITIZEN PUBLIC PARTICIPATION

Rule 5.1. Public Participation.

(a) Rule 5.1. Purpose/Registration. Comments and suggestions by visitors are highly valued and encouraged during those parts of a meeting designated for public participation. Speakers shall register in advance of the reading of a measure for consideration and shall limit their presentations to four minutes each submit a speaker request form to the City Secretary or other appropriate staff member before or during the item they wish to address is being considered by Council. Time limitations of this rule may be extended by the consensus of Council or pursuant to majority vote.

(b) Rule 5.2. Special Meetings/Informal Events. Visitors wishing to speak at a special meeting or informal event called and controlled by Council, including a workshop, may speak only during the appropriate agenda item for such purposes, which may be placed at the beginning of the meeting. This rule does not apply where a special meeting or informal event is not called nor controlled by Council and where Council will not deliberate or take action.

(c) Rule 5.3. Speaker Comments Manner of Addressing Council. A person desiring to address the Council shall step to the lectern or other alternate arrangement and state his or her name and address [insert option] for the record before proceeding with comments. Speakers shall direct all remarks and questions to the Council, who may refer them to the City Manager for investigation, response, or other action. The "Texas Open Meetings Act" requires the City to post a notice, in advance, listing every topic or subject to be considered by the Council. This law may prevent the Council from considering a subject raised by a member of the public. In this case, the presiding officer may refer the matter, and the Council may direct that the matter be placed on the agenda for an upcoming meeting.

16. Roman Garcia

September 29, 2021 at 3:27:00 PM
Moved to proposed Rule 5.7

17. Roman Garcia

September 29, 2021 at 3:18:53 PM
Moved to proposed Rule 5.3

18. Roman Garcia

September 29, 2021 at 3:38:29 PM
Reformat to make consistent with other proposed amendments

19. Roman Garcia

September 29, 2021 at 3:39:47 PM
Reformat to make consistent with other proposed amendments

20. Roman Garcia

September 29, 2021 at 3:40:26 PM
Reformat to make consistent with other proposed amendments

21. Roman Garcia

September 29, 2021 at 3:30:30 PM
Moved from subsection (d) that is proposed to be deleted and moved as a new rule

[16] **(d) Signs, etc.** Visitors are prohibited from bringing signs, placards, or anything else that may obstruct the views or seating into City Hall, the meeting room, or any location where Council is holding its meeting.

[17] **Rule 5.2. Manner of Addressing Council.** A person desiring to address the Council shall step to the lectern or other alternate arrangement and state his or her name and address for the record before proceeding with comments. All comments from the public shall be directed to the Council.

[18] **Rule 5.34. Total Time Limits.** Those members of the public speaking on items both on the agenda and not on the agenda are limited to four minutes of speaking time. A person may speak only once on any agenda item. However, Applicants, or those persons having placed an item on the agenda seeking a specific answer from the Council, may be allowed up to five minutes of total speaking time. Time limitations of this rule may be extended by the consensus of Council or pursuant to majority vote.

[19] **Rule 5.45. Remarks to be Germane/Non-redundant.** Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting.

[20] **Rule 5.56. Matters not on the Agenda.** Visitors may speak during the Visitor/Citizens Forum item on the agenda on items not specifically listed on the agenda. Discussion of matters not on the agenda is prohibited by the Texas Open Meetings Act. Council may provide or ask the City Manager to provide specific factual information in response to the inquiry, recite existing policy, or propose placing the issue on an upcoming meeting agenda.

[21] **Rule 5.7. Signs, etc.** Visitors are prohibited from bringing signs, placards, or anything else that may obstruct the views or seating into City Hall, the meeting room, or any location where Council is holding its meeting.

SECTION SIX. COUNCIL ACTION

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No member may be excused from voting except when such member has a conflict of interest as defined by law.

Any Council Member prohibited from voting by personal interest shall announce at the commencement of consideration of the matter and shall not enter into discussion or debate on any such matter. In that case, the member shall file with the City Secretary a written statement (electronic communications are considered acceptable) of the reason for abstaining. Any Councilmember refusing to vote – and not excused from voting – shall be considered in violation of the City Charter and will be recorded in the minutes as voting in the affirmative and may be held to further repercussions as deemed appropriate by the City Council.

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PROCEDURAL RULES FOR MEETINGS
KERRVILLE CITY COUNCIL

SECTION ONE. GENERAL PROVISIONS

Rule 1.1 Scope of Rules; Intent. These rules govern the conduct of the Council at or in relation to its meetings and shall be interpreted to ensure fair and open deliberations and decision-making. The rules are intended to promote and maintain courtesy, civility, and collegiality during meetings. Acting as a governing body, Council is the ultimate authority in the application, interpretation, and enforcement of these rules.

Rule 1.2 Technical Parliamentary Forms Abolished. Except as specifically required by these rules, Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry, or other technical forms.

Rule 1.3. Rulings; Matters Not Covered. Rulings on procedure are governed by the presiding officer or by a majority of Council, which would prevail. Section 3.02 of the City Charter provides the following basis for this:

The Mayor shall preside at meetings of the Council and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him or her by this Charter and the ordinances of the City.

Any matter or order or procedure not covered by these rules may be deferred to the presiding officer or legal counsel, as appropriate.

Rule 1.4 Interpretation. These rules are intended to supplement and shall be interpreted to conform to Texas law and the City's Charter and its ordinances. In general, these rules shall be interpreted to allow the majority to prevail but preserve the right of the minority to be heard.

Rule 1.5. Authority to Change and Adopt Rules of Procedure. Adoption and/or modification of rules governing City Council meetings is addressed in Section 3.04 of the Charter, which provides the following with respect to rules of procedure:

...The Council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior, and by vote of not less than a majority of all its members, expel from a meeting a member for disorderly conduct for the violation of its rules; but no member shall be expelled from a meeting unless notified of the charge against him and given an opportunity to be heard in his own defense.

SECTION TWO. TIME AND PLACE OF MEETING

Rule 2.1. Regular Meetings. Scheduling regular meetings is governed by Section 3.01 of the Charter and Section 2-31 of Article II of the Code of Ordinances. Section 2-31 of Article II of the Code of Ordinances provides:

City Council will hold its regular meetings on the second and fourth Tuesdays of each month, beginning at 6:00 p.m. The Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate.

Rule 2.2. Special Meetings/Informal Events.

(a) *Special Meeting.* A “special meeting” of Council is defined as a meeting where at a minimum, City business will be deliberated. A Council workshop or a meeting other than a regular meeting specified by 2.1, above, are examples. Section 3.01 of the Charter provides:

Special meetings shall be called by the City Secretary upon request of the Mayor, the City Manager, or a majority of the members of the Council.

The preferred method for a Councilmember seeking to call a special meeting is to do so at a regular meeting through the making of a motion under future agenda items. A Councilmember may, however, contact the City Secretary or City Manager in writing, which may include email, and request a meeting by also providing the purpose of the meeting and timing of such. The City Manager shall then seek to schedule the meeting with the Council if a majority of its members agree to do so. The City Secretary or City Manager shall notify Councilmembers of all special meetings.

(b) *Informal event.* It is important that when more than two Councilmembers are invited or may attend any event or gathering where City business may be discussed, the event should be posted as a precautionary measure. Such “informal events” may include a town hall discussion, informational gathering, or a community event at which one or more Councilmembers may present information concerning public business or policy. Where a Councilmember believes that such an event may occur, the Councilmember may request that the City Secretary or City Manager post the event, which the City Secretary shall then do. The City Secretary or City Manager shall notify Councilmembers of such events.

SECTION THREE. AGENDA

Rule 3.1. Agenda Preparation; Councilmember Agenda Requests.

- (a) The City Secretary shall prepare, post, and distribute notices of meetings and the assembled agenda packages. The City Manager is responsible for assembling the agenda package for each meeting.
- (b) The preferred method for a Councilmember seeking to add an item to a future agenda is to do so at a regular meeting under future agenda items by consensus of Council or by majority

vote. For purpose of these rules, “consensus” is defined as an informal understanding among the majority of Councilmembers present at the meeting.

(c) Any Councilmember, while outside of a regular meeting, wishing to have a matter heard at a City Council meeting shall make a written request, including via email, to the City Manager or City Secretary, and such request shall include the support of another Councilmember. The request shall contain a short summary statement of the proposed presentation and be submitted before 5:00 p.m. Monday, the eighth day preceding such meeting. The City Manager shall place a subject on the agenda if the subject is requested by a Councilmember in accordance with this section. Other persons may request that the City Manager place an item on the agenda pursuant to Rule 3.3.

Rule 3.2. Consent Agenda. In preparing an agenda, the City Manager may separately designate items as “Consent Agenda” which may be acted upon by the Council under Rule 6.5. The “Consent Agenda” shall consist of routine items, which in the City Manager’s determination, may be appropriately considered as a group, without separate discussion, at the Council meeting. Any item listed on the consent agenda may be removed by a member of Council or upon a request by staff or a member of the public.

Rule 3.3. Agenda Requests from Public. The preferred method for a person seeking to add an agenda item for Council consideration during a meeting is to do so at a regular meeting during the Visitors/Citizen Forum. Council may then agree to place this item on a future agenda. Alternatively, a person may make a written request for this action, including via email, to the City Manager or City Secretary. Any such request must include a “sponsorship” of the item from a Councilmember. Thus, the request should include either a statement that a named Councilmember has agreed to sponsor the item or that the requestor is seeking such sponsorship through the forwarding of his or her request to the entire Council. The request must also contain a short summary statement of the proposed presentation, the issue or question before Council, and shall be submitted before 5:00 p.m. Monday, the eighth day preceding such meeting. Despite this

timeline, however, a requestor should understand that the item may not be placed on the very next meeting agenda, but instead, due to necessary preparation and research, will be placed on another agenda in the very near future. Once the person's request has been placed on an agenda, neither that person nor anyone else may submit the item, or an item concerning a similar subject matter, for placement on an agenda for a period of one-hundred eighty (180) days unless the item was postponed to a future meeting or a Councilmember makes a written request for placement. This rule does not apply to the right to appeal or petition Council pursuant to City ordinance or other law.

Rule 3.4. Requests to Exclude Items. When a Councilmember will be absent from a meeting, the Councilmember may request that an item not be included and such request shall not be unreasonably denied.

Rule 3.5. Council Action to Defer, Continue, or Not Act. A Councilmember wishing to withdraw, defer, or continue an item may make a motion to that effect. Such a motion shall be considered before any other action on that item.

SECTION FOUR. CONDUCT OF MEETINGS

Rule 4.1. Determination of Quorum. Before proceeding with the business of the Council, the City Secretary shall make note of Members present and enter those names in the minutes. The presiding officer shall determine the presence of a quorum as required by law and these rules. [Quorum is governed by Section 3.05 of the Charter, which provides:](#)

Except as otherwise allowed by state law, a majority of all the members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of all the members of the Council shall be necessary to adopt any ordinance, resolution, or order; except that a vote to adjourn, or an action regarding the attendance of absent members, may be adopted by a majority of the members present.

Rule 4.2. Call to Order. The presiding officer shall call the meeting to order.

Rule 4.3. Presiding Officer. The Mayor, or in the Mayor's absence or inability to perform, the Mayor Pro Tem, shall be the presiding officer at all Council meetings. The presiding officer retains all rights and privileges of a Member of Council. If both the Mayor and Mayor Pro Tem are absent or unable to perform, [Section 3.02 of the Charter provides the following:](#)

If the Mayor Pro Tem is also absent or disabled, then the Council shall elect a Presiding Officer to act in the place of the Mayor Pro Tem.

Rule 4.4. Control of Discussion. The presiding officer shall control discussion of the Council on each agenda item to assure full participation in accordance with these rules, the City Charter and the Code of Ordinances. The presiding officer will preserve order and decorum, preventing the impugning of any member's motives or other personal comment not relevant to the orderly

conduct of business. The presiding officer may request, and restate as appropriate, that all speakers keep comments brief and relevant to the question before the Council. All visitors shall refrain from abusive, rude, or inappropriate conduct. *See Chapter 38 and Section 42.05 of the Texas Penal Code regarding the “hindering” or “disrupting” of official proceedings.*

ENACTED

Rule 4.5. Order of Consideration of Agenda. Each agenda item shall be introduced by the presiding officer. To introduce an item, it shall be sufficient to identify the item by the number assigned to it on the agenda. However, as provided in Section 3.06(a) of the City Charter:

Ordinances and resolutions shall be introduced only in written form.

After a measure is introduced, the standard procedure for consideration is as follows, but may be deviated from as provided below:

- (1) Reading of the measure by the presiding officer or other person designated by the presiding officer. Reading ordinances or resolutions by caption or summary is allowed if the full text is available as prescribed by the Charter. (Note: Section 3.06(a) of the Charter requires additional steps for ordinances: “No ordinance shall be passed until it has been read and voted upon in at least two regular meetings, except an emergency measure. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Council prior to such reading.”)
- (2) The City Manager or designee may present a staff statement or presentation with questions and discussion from City Council.
- (3) Public Comments.
- (4) Discussion.
- (5) Motion and second.
- (6) Vote.
- (7) If a majority of Council votes against a motion, the Councilmember making the original motion may amend that motion for reconsideration. In addition, any Councilmember may make an alternate motion for consideration related to that agenda item.

In the absence of objections of the presiding officer or a majority of Council, Council may vary the standard procedure. Informal voting by voice or a show of hands shall be used at the discretion of the presiding officer, unless a Councilmember requests a roll call vote or a roll call vote is otherwise required by state law. In case of a tie, the motion fails.

Rule 4.6. Discussion; referenced document. A Councilmember should speak only after being recognized by the presiding officer. A Councilmember shall limit remarks to the issue or question before Council. A Councilmember shall not be interrupted except by the presiding officer to enforce these rules. Anyone speaking shall be recognized by the presiding officer. Where a Councilmember plans to reference or cite a document that was not included as part of the agenda packet, the Councilmember should make copies for each Councilmember and provide the document to the entire Council as soon as possible and prior to the meeting. The Councilmember may seek the aid of the City Manager in complying with this provision.

Rule 4.7. Presiding Officer's Right to Enter into Discussion. The Mayor (or other presiding officer) as a Member of the Council may enter into any discussion.

Rule 4.8. Limit on Remarks. Each Councilmember shall limit his or her remarks to a reasonable length. Toward that end, each Councilmember is limited to five minutes of speaking time per agenda item at one time, which a Councilmember may ask the presiding officer or Council to abide by and enforce. The allotted time includes questions asked of staff and citizens, the corresponding responses, and concluding remarks.

Rule 4.9. Call for Vote. At the conclusion (or closure) of debate or discussion, the presiding officer shall call for a vote, provided however, a majority of the Council present may require a vote at any time. [Voting is governed by Section 3.05 of the Charter, which provides:](#)

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SECTION FIVE. PUBLIC PARTICIPATION

Rule 5.1. Purpose/Registration. Comments and suggestions by visitors are highly valued and encouraged during those parts of a meeting designated for public participation. Speakers shall submit a speaker request form to the City Secretary or other appropriate staff member before or during the item they wish to address is being considered by Council.

Rule 5.2. Special Meetings/Informal Events. Visitors wishing to speak at a special meeting or informal event called and controlled by Council, including a workshop, may speak only during the appropriate agenda item for such purposes, which may be placed at the beginning of the meeting. This rule does not apply where a special meeting or informal event is not called nor controlled by Council and where Council will not deliberate or take action.

Rule 5.3. Manner of Addressing Council. A person desiring to address the Council shall step to the lectern or other alternate arrangement and state his or her name and [insert option] for the record before proceeding with comments. Speakers shall direct all remarks and questions to the Council, who may refer them to the City Manager for investigation, response, or other action.

Rule 5.4. Total Time Limits. Those members of the public speaking on items both on the agenda and not on the agenda are limited to four minutes of speaking time. A person may speak only once on any agenda item. However, Applicants, or those persons having placed an item on the agenda seeking a specific answer from the Council, may be allowed up to five minutes of total speaking time. Time limitations of this rule may be extended by the consensus of Council or pursuant to majority vote.

Rule 5.5. Remarks to be Germane/Non-redundant. Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments.

Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting.

Rule 5.6. Matters not on the Agenda. Visitors may speak during the Visitor/Citizens Forum item on the agenda on items not specifically listed on the agenda. Discussion of matters not on the agenda is prohibited by the Texas Open Meetings Act. Council may provide or ask the City Manager to provide specific factual information in response to the inquiry, recite existing policy, or propose placing the issue on an upcoming meeting agenda.

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