

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
JANUARY 24, 2023 6:00 PM**

On January 24, 2023 at 6:00 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street. Councilmember Brenda Hughes provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

Judy Eychner, Mayor
Kim Clarkson, Mayor Pro Tem/Councilmember Place 2
Roman Garcia, Councilmember Place 1
Joe Herring, Jr., Councilmember Place 3
Brenda Hughes, Councilmember Place 4

COUNCILMEMBER ABSENT:

None

CITY EXECUTIVE STAFF:

E.A. Hoppe, City Manager
Mike Hayes, City Attorney
Michael Hornes, Asst City Manager
Kim Meismer, Asst City Manager
Shelley McElhannon, City Secretary
Stuart Barron, Exec Director Public Works
Julie Behrens, Director of Finance
Ashlea Boyle, Director Parks-Recreation

Kyle Burow, Director of Engineering
Stuart Cunyus, Public Information Officer
Guillermo Garcia, Exec Dir Innovation
Eric Maloney, Fire Chief
Chris McCall, Police Chief
Drew Paxton, Planning Director
Trina Rodriguez, Asst Director Finance

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.

Anne Berger-Entrekin, Hill Top Securities Financial Advisor
Bob Reeves, Kerr County Tax Assessor/Collector

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcements of Community Interest provided by Stuart Cunyus, Chief Eric Maloney, and Mayor Eychner.

2. VISITORS FORUM:

The following person(s) spoke:

- Delayne Sigerman
- Barbara Dewell Ferguson

3. CONSENT AGENDA:

Three citizens have requested to speak on item 4A. Councilmember Roman Garcia made a motion to approve the rest of the Consent Agenda, seconded by Councilmember Hughes. The motion passed 5-0.

3B. Resolution No. 05-2023. A Resolution authorizing the acceptance of grant funding from the Office of the Governor and its SH-Bullet Resistant Shield Grant Program for funding to purchase Ballistic Shields for the Kerrville Police Department.

3C. Purchase of Ballistic Shields for the Kerrville Police Department in the amount of \$76,581.64.

3D. Grant Agreement with the Hal & Charlie Peterson Foundation accepting a Public Safety Equipment Grant in the amount of \$106,002.00.

3E. Project Funding Agreement between the City of Kerrville, Texas, Economic Improvement Corporation and the City of Kerrville, Texas, for a concept feasibility study for an extension of

the River Trail around Nimitz Lake; and the corresponding Professional Services Agreement between Hewitt Engineering and the City of Kerrville for the study in the amount of \$182,800.

3F. Amendment to Agreement regarding Water Utility Service to designated areas with Aqua Texas, to be submitted to the Public Utility Commission (PUC), said agreement which will act to revise the City's certificate of convenience and necessity for water service.

3G. City Council workshop minutes January 10, 2023.

3H. City Council meeting minutes January 10, 2023.

3I. City Council workshop minutes January 17, 2023.

END OF CONSENT AGENDA.

3A. Resolution No. 03-2023. A Resolution expressing the City's support for the development of the Upper Guadalupe River Center.

The following person(s) spoke:

- John Anderson
- George Baroody
- Layng Guerriero

John Anderson provided clarification of Resolution.

Councilmember Garcia made a motion to table the Resolution. Mayor Eychner called for a second, with no second. Motion to table died for lack of second.

Councilmember Joe Herring, Jr. made a motion to adopt Resolution No. 03-2023 expressing our support for the development of the Upper Guadalupe River Center, seconded by Councilmember Kim Clarkson. The motion passed 4-1 with Councilmember Clarkson, Councilmember Hughes, Mayor Eychner, and Councilmember Herring voting in favor, and Councilmember Garcia opposed.

4. PUBLIC HEARING AND ORDINANCES, FIRST READING:

4A. Ordinance No. 2023-06. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning for properties known as 402, 405, 406, 407, 409, 410, 411, 413, 414, and 415 W. Water; consisting of the Westland Addition; from a Single Family Residential with Accessory Dwelling Unit Zoning District (R-1A) to a Residential Transition Zoning District (RT); and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2023-06 caption into record.

Drew Paxton provided information and responded to questions.

The public hearing opened at 6:26 p.m.

The following person(s) spoke:

- Applicant Russell Nemky

The public hearing closed at 6:29 p.m.

Councilmember Herring made a motion to adopt Ordinance No. 2023-06, seconded by Councilmember Hughes. The motion passed 5-0.

4B. Ordinance No. 2023-07. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of a property known as 3800 Loop 534; consisting of Lot 1, Block 5 of the Legion Hills Phase Four Subdivision, being approximately 3.56 acres, and within the City of Kerrville, Kerr County, Texas; from a Medium Density Residential Zoning District (R2) to a Light Commercial Zoning District (C-2); and providing other matters relating to the subject

Shelley McElhannon read Ordinance No. 2023-07 caption into record.

Drew Paxton provided information and responded to questions.

The public hearing opened at 6:34 p.m.

The following person(s) spoke:

- Applicant Chris Cawthon spoke.

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

Councilmember Clarkson made a motion to approve Ordinance No. 2023-07 on first reading, seconded by Councilmember Garcia. The motion passed 5-0.

4C. Ordinance No. 2023-08. An Ordinance annexing a tract of land into the Corporate Limits of the City of Kerrville, Texas; such property making up approximately 0.08 acres and generally located adjacent to and south of Lehmann Drive in the area that Lehmann Drive intersects with Lenard Lane; such property more specifically described in this Ordinance and being located within the extraterritorial jurisdiction of and adjacent to the City Limits; adopting a service agreement; establishing the zoning for the annexed property as a Public and Institutional (PU) Zoning District; and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2023-08 into record.

Drew Paxton provided information and responded to questions.

The public hearing opened at 6:40 p.m.

No person(s) spoke.

The public hearing closed at 6:40 p.m.

Councilmember Hughes made a motion to approve Ordinance No. 2023-08, seconded by Councilmember Clarkson. The motion passed 5-0.

5. ORDINANCES, SECOND READING:

5A. Ordinance No. 2023-03, second reading. An Ordinance amending Chapter 26 of the Code of Ordinances, City of Kerrville, Texas, titled "Buildings and Building Regulations"; by adding a new Article X titled "Outdoor Lighting", to create standards for outdoor lighting to minimize light pollution, glare, and light trespass caused by inappropriate or misaligned light fixtures, while improving nighttime public safety, utility, and security; providing an effective date; and providing other matters related to the subject.

Shelley McElhannon read Ordinance No. 2023-03 caption into record.

The following person(s) spoke:

- Greg Martin
- Dawn Davies
- Bruce Barton
- Kevin Wessels
- Kathleen Brinkman

Councilmember Hughes made a motion to approve Ordinance No. 2023-03 on second reading, seconded by Councilmember Herring. The motion passed 4-1 with Councilmember Clarkson, Councilmember Hughes, Mayor Eychner, and Councilmember Herring voting in favor, and Councilmember Garcia opposed.

5B. Ordinance No. 2023-04, second reading. An Ordinance closing, abandoning, and vacating all right, title, and interest in a public right-of-way, consisting of an unimproved, unopened portion of West St. that exists between the properties addressed as 620 and 704 Junction Highway (SH 27); said right-of-way out of the Westland Place Addition, a Subdivision within the City of Kerrville, Kerr County, Texas, pursuant to the plat recorded in Volume 1, Page 26 of the Plat Records of Kerr County, Texas and corresponding filed notes; and, located

within the City of Kerrville, Texas; finding that said portion is not required for future use as a public street; ordering recording; providing an effective date; and providing other matters related to this subject.

Shelley McElhannon read Ordinance No. 2023-04 caption into record.
Mike Hayes provided information and responded to questions.

The following person(s) spoke:

- George Baroody

Mike Hayes provided clarification.

Councilmember Herring made a motion to adopt Ordinance No. 2023-04 on second reading, seconded by Councilmember Hughes. The motion passed 4-1 with Councilmember Clarkson, Councilmember Hughes, Mayor Eychner, and Councilmember Herring voting in favor, and Councilmember Garcia opposed.

5C. Ordinance No. 2023-05, second reading. An Ordinance amending Ordinance No. 2022-26 and the Ad Valorem Tax for the use and support of the municipal government for the City of Kerrville, Texas, for Fiscal Year 2023.

Shelley McElhannon read Ordinance No. 2023-05 caption into record.

The following person(s) spoke:

- George Baroody

Mike Hayes provided clarification.

Bob Reeves provided clarification.

Councilmember Garcia made a motion to deny Ordinance No. 2023-05. Mayor Eychner called for a second, with no second. Motion to deny died for lack of second.

Councilmember Clarkson made a motion to approve Ordinance No. 2023-05 and that the property tax rate be increased by the adoption of a tax rate of \$0.5752, which is effectively a 12.94% percent increase in the tax rate, seconded by Councilmember Hughes. The motion passed 4-1 by Roll-Call vote with Councilmember Clarkson, Councilmember Hughes, Mayor Eychner, and Councilmember Herring voting in favor, and Councilmember Garcia opposed.

Roll call vote:	In Favor	Opposed
Councilmember Kim Clarkson	X	_____
Councilmember Brenda Hughes	X	_____
Mayor Judy Eychner	X	_____
Councilmember Roman Garcia	_____	X
Councilmember Joe Herring, Jr.	X	_____

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Resolution No. 06-2023. A Resolution expressing official intent to reimburse certain project costs from obligations to be issued by the City of Kerrville, Texas, authorizing certain consultants to prepare documents and take actions necessary in relation to the issuance of such obligations; and authorizing other matters related thereto.

Shelley McElhannon read Resolution No. 06-2023 caption into record.
Julie Behrens provided information and responded to questions.

Councilmember Herring made a motion to adopt Resolution No. 06-2023, seconded by Councilmember Clarkson. The motion passed 5-0.

6B. Construction Agreement with M&C Fonseca Construction Co., Inc. for Water Street Water Main Replacement project in the amount of \$314,667.50.

Shelley McElhannon read item 6B caption into record.

Kyle Burow and Stuart Barron provided information and responded to questions.

Councilmember Hughes made a motion to authorize the City Manager to finalize and execute a construction contact, seconded by Councilmember Clarkson. The motion passed 5-0.

6C. Construction Agreement with M&C Fonseca Construction Co., Inc. for the Knapp Lift Station Force and Gravity Main project in the amount of \$4,895,585.00.

Shelley McElhannon read item 6C caption into record.

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

Councilmember Clarkson made a motion to authorize the City Manager to finalize and execute a construction contact, seconded by Councilmember Hughes. The motion passed 5-0.

At 7:42 p.m., Councilmember Herring recused himself from Item 6D citing conflict of interest and departed seat at Council bench.

6D. Professional Services Agreement with Hewitt Engineering for the River Trail Downtown Extension in the amount of \$154,500.

Shelley McElhannon read item 6D caption into record.

Ashlea Boyle provided information and responded to questions.

Councilmember Clarkson made a motion to authorize the City Manager to finalize and execute the professional services agreement, seconded by Councilmember Hughes. The motion passed 4-0.

At 7:44 p.m., Councilmember Herring joined seat at Council bench.

7. INFORMATION AND DISCUSSION:

7A. Financial report for December 2022.

Julie Behrens provided information and responded to questions.

8. EXECUTIVE SESSION: Executive Session not convened.

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

10. ITEM(S) FOR FUTURE AGENDAS:

- Mayor Eychner requested to add discussion regarding moving the Visitor/Citizen section to the end of the agenda, seconded by Councilmember Clarkson. The motion passed 4-1 with Councilmember Clarkson, Councilmember Hughes, Mayor Eychner, and Councilmember Herring voting in favor, and Councilmember Garcia opposed.

ADJOURN. The meeting adjourned at 7:59 p.m.

APPROVED BY COUNCIL: 2/14/23

APPROVED:

Judy Eychner
Judy Eychner, Mayor

ATTEST:

Shelley McElhannon
Shelley McElhannon, City Secretary