

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, MAY 23, 2023, 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 MEETING AGENDA

MAY 23, 2023 6:00 PM

CITY HALL, 701 MAIN STREET, KERRVILLE, TEXAS



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

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 meeting begin. Each speaker is limited to four minutes.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property.

Thank you for your participation!

CALL TO ORDER: Mayor Judy Eychner

INVOCATION AND PLEDGE OF ALLEGIANCE: Councilmember Roman Garcia

1. RESOLUTION(S):

1.A Resolution No. 17-2023. A Resolution canvassing the result of a recount held for the May 6, 2023, City General Election with respect to the office of Councilmember Place Two.
Attachment: [20230523 Reso 17-2023 Canvass of Recount Place 2.pdf](#)

2. STATEMENT AND OATH OF OFFICE: Councilmember Place 2

3. CERTIFICATE OF ELECTION SIGNED AND ISSUED BY MAYOR ECHNER, AND STATEMENT BY ELECTED COUNCILMEMBER.

Councilmember Place 2 will join City Council bench. The City Council regular meeting will commence immediately following the induction and seating of Councilmember Place 2.

4. 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.

5. PRESENTATIONS:

5.A Proclamation recognizing May 21-27, 2023 as Emergency Medical Services Week in Kerrville, Texas.

5.B Proclamation recognizing Williams Syndrome Awareness Month in Kerrville, Texas.

6. 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.

7. **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:*



7.A Resolution No. 16-2023. A Resolution approving the use of Tax Increment Funding in an amount not to exceed \$40,000 pursuant to a recommendation from the Reinvestment Zone Number One, City of Kerrville Texas; such funding to be used by the City for pedestrian crosswalks and ADA accessibility improvements at the intersection of Clay and Water Streets, including an all-way stop, pedestrian crosswalk striping, and ADA accessible curb ramps, said project within the City's Tax Increment Reinvestment Zone.

Attachment: [20230523_Reso 16-2023 TIRZ funds crosswalks Water&Clay.pdf](#)



7.B Purchase a Pump for the Birkdale Lift Station, from Xylem Water Solutions USA, Inc. a sole source company, in an amount not to exceed \$150,524.00.

Attachment: [20230523_Quote Xylem Lift Station pump.pdf](#)

7.C City Council meeting minutes May 09, 2023.

Attachment: [20230523_Minutes CC meeting 5-09-23 6pm.pdf](#)

7.D City Council special-called meeting minutes May 16, 2023.

Attachment: [20230523_Minutes CC meeting-Canvass 5-16-23 630pm.pdf](#)

END OF CONSENT AGENDA.

8. INFORMATION & DISCUSSION:

8.A Financial Report for month-ended April 30, 2023.

9. BOARD APPOINTMENTS:

9.A Appointments to the Economic Improvement Corporation. (Item eligible for Executive Session 551.074).

10. APPOINTMENT(S):

10.A Appointment of Mayor Pro Tem. (Item eligible for discussion in Executive Session 551.074)

11. **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 issues:*

11.A Appointments to the Economic Improvement Corporation. (551.074)

11.B Appointment of Mayor Pro Tem. (551.074)

12. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY.

13. ITEMS FOR FUTURE AGENDAS: *City Council may suggest items or topics for future agendas.*

ADJOURN.



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

SUBJECT: Resolution No. 17-2023. A Resolution canvassing the result of a recount held for the May 6, 2023, City General Election with respect to the office of Councilmember Place Two.

AGENDA DATE OF: May 23, 2023 **DATE SUBMITTED:** May 19, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

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:

The City held its general election on May 6, 2023. Following the election, but before the canvass occurred, the City received a petition for a recount as to the contest for the office of Councilmember Place Two. City Council, pursuant to the state's election laws, conducted the canvass for this election by adopting Resolution No. 15-2023. This resolution canvassed the election results determined by the election officials. Following the Council's adoption of this resolution, the person elected to the office of Councilmember Place One, Councilmember Roman Garcia, took the oath of office.

On Friday, May 19, 2023, the City conducted a recount. At the conclusion of the recount, conducted in accordance with the state's election laws, the recount committee issued a report based upon their hand-count showing a change in votes for the election. Thus, based upon their report and state law, City Council must now conduct a new canvass for the office of Councilmember Place Two, which will have the effect of voiding the previous canvass with respect to this position.

RECOMMENDED ACTION:

Approve Resolution No. 17-2023.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 17-2023**

**A RESOLUTION CANVASSING THE RESULT OF A RECOUNT
HELD FOR THE MAY 6, 2023, CITY GENERAL ELECTION WITH
RESPECT TO THE OFFICE OF COUNCILMEMBER PLACE
TWO**

WHEREAS, the City of Kerrville, Texas, held its general election on May 6, 2023 (the “Election”), for the purpose of electing a Councilmember Place One and Councilmember Place Two; and

WHEREAS, following the Election, but before its canvass, the City received a petition for a recount of the Election with respect to the Councilmember Place Two position; and

WHEREAS, at a special meeting held on May 16, 2023, City Council, pursuant to its adoption of Resolution No. 15-2023, found and determined that the Election was held in accordance with the authorized procedures; that notice of the Election was duly given in the form, manner, and time required by law; and that the Election was in all respects legally held and conducted in accordance with the applicable laws of the State of Texas; and

WHEREAS, City Council, pursuant to Resolution No. 15-2023, accepted and approved the official tally for the Election and named those persons who received the most votes for the offices of Councilmember Place One and Councilmember Place Two; and

WHEREAS, following Council’s adoption of Resolution No. 15-2023, the person receiving the most votes for the office of Councilmember Place One took the oath of office for that position; and

WHEREAS, on May 19, 2023, the City conducted a recount for the position of Councilmember Place Two, such recount conducted by hand and in all other manners administered in accordance with state law; and

WHEREAS, following the recount, the recount supervisor issued a report based upon the recount committee’s findings, said report attached as **Exhibit A**; and

WHEREAS, City Council, pursuant to Section 213.033, Texas Election Code, must now conduct a canvass for the office of Councilmember Place Two using the recount committee’s report, which will make the original canvass for this office void and the new canvass now designated as the official canvass for this office; and

WHEREAS, it is necessary and legally required for the City Council to canvass the results for the office of Councilmember Place Two;

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

SECTION ONE. The statements and findings provided above are adopted.

SECTION TWO. The official tally for the position of Councilmember Place Two, as determined by the recount committee and signed by the recount supervisor, is shown in **Exhibit A** and is accepted and approved.

SECTION THREE. From the recount held by the recount committee on May 19, 2023, the candidates for the office of Councilmember Place Two received the following votes:

PLACE	NAME OF CANDIDATE	VOTES RECEIVED
Councilmember – Place Two	Jeff Harris	1,812
Councilmember – Place Two	Barbara Dewell Ferguson	1,809

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 person, having received the highest number of votes cast for the office of Councilmember Place Two is declared duly elected for a term that will continue through May 3, 2025, subject to their qualifying and taking the required oath:

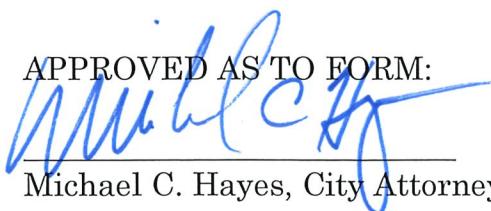
Jeff Harris, Councilmember Place Two

SECTION FIVE. With respect to Resolution No. 15-2023, this Resolution is only intended to approve the new canvass for the office of Councilmember Place Two, thereby replacing and making void the previous canvass for said office. To the extent of any conflict between this Resolution and Resolution No. 15-2023, this Resolution shall apply.

PASSED AND APPROVED ON this _____ day of May A.D., 2023.

Judy Eychner, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

ATTACHMENT A

REPORT OF RECOUNT SUPERVISOR

By Precinct

FOR

CITY OF KERRVILLE

COUNCILMEMBER PLACE 2

	Absentee	Early Voting	Election Day	TOTAL
Choice	Voting		Voting	
Jeff Harris	57	1431	324	1812
Barbara Dewell Ferguson	8735	1318	454	5809
		1380		
CAST VOTES:				
Undervotes	1	20	10	31
Overvotes				

8 95
93 2769
2771 788 3,652

Judy Eychner
Judy Eychner, Recount Supervisor

Copies: Recount Coordinator

General Custodian of Election Records

* 2 votes provisional were counted in absentee (mail)
it should have been in early voting.

COMMITTEE REPORT OF RECOUNT

By Precinct

FOR

CITY OF KERRVILLE

COUNCILMEMBER PLACE 2

	Absentee	Early Voting	Election Day	TOTAL
Choice	Voting		Voting	
Jeff Harris	57	1,431	324	1812
Barbara Dewell Ferguson	3735	1,318	434	1809
		1320		
CAST VOTES:				
Undervotes	1	20	10	31
Overvotes				

95 2769 785 3652
93 2771

Brenda J Craig
Brenda Craig, Recount Committee Chair

Copies: Recount Supervisor
General Custodian of Election Records

* 2 votes provisional were counted in absentee (mail)
* should have been in early voting.

CIUDAD DE KERRVILLE, TEXAS
RESOLUCIÓN NÚM. 17-2023

UNA RESOLUCIÓN QUE REVISA LAS DECLARACIONES Y DECLARA LOS RESULTADOS DE LAS ELECCIONES GENERALES DE LA CIUDAD DEL 6 DE MAYO DE 2023 CON RESPECTO AL CARGO DE CONCEJAL LUGAR DOS, DESPUÉS DE UN RECUENTO

CONSIDERANDO, que la Ciudad de Kerrville, Texas, celebró sus elecciones generales el 6 de mayo de 2023 (las "Elecciones"), con el propósito de elegir un Concejal del Lugar Uno y el Concejal del Lugar Dos; y

POR CUANTO, después de la Elección, pero antes de su escrutinio, la Ciudad recibió una petición de recuento de la Elección con respecto al puesto de Concejal del Segundo Lugar; y

POR CUANTO, en una reunión especial celebrada el 16 de mayo de 2023, el Concejo Municipal, de conformidad con la adopción de la Resolución N.º 15-2023, encontró y determinó que la Elección se llevó a cabo de acuerdo con los procedimientos autorizados; que la notificación de la Elección fue debidamente dada en la forma, manera y tiempo requerido por la ley; y que la Elección se llevó a cabo legalmente en todos los aspectos y se llevó a cabo de acuerdo con las leyes aplicables del Estado de Texas; y

POR CUANTO, el Concejo Municipal, de conformidad con la Resolución Núm. 15-2023 , aceptó y aprobó el recuento oficial de la Elección y nombró a las personas que recibieron la mayor cantidad de votos para los cargos de Concejal Lugar Uno y Concejal Lugar Dos; y

POR CUANTO, luego de la adopción por parte del Consejo de la Resolución No. 15-2023, la persona que recibió la mayor cantidad de votos para el cargo de Concejal Lugar Uno prestó juramento para ese cargo; y

POR CUANTO, el 19 de mayo de 2023, la Ciudad realizó un recuento para el puesto de Concejal Lugar Dos, dicho recuento se realizó manualmente y de todas las demás maneras administradas de acuerdo con la ley estatal; y

POR CUANTO, después del recuento, el supervisor de recuento emitió un informe basado en el informe del comité de recuento, dicho informe se adjunta como **Anexo A** ; y

POR CUANTO, el Concejo Municipal, de conformidad con la Sección 213.033 del Código Electoral de Texas, ahora debe realizar un escrutinio para el cargo de

Concejal Lugar Dos utilizando el informe del comité de recuento, lo que anulará el escrutinio original para este cargo y el nuevo escrutinio ahora designado como escrutinio oficial para este cargo; y

POR CUANTO, es necesario y legalmente requerido que el Concejo Municipal haga un escrutinio de los resultados para el cargo de Concejal Lugar Dos;

AHORA, POR LO TANTO, EL CONCEJO MUNICIPAL DE LA CIUDAD DE KERRVILLE, CONDADO DE KERR, TEXAS, RESUELVE:

SECCIÓN PRIMERA. Se adoptan las declaraciones y conclusiones proporcionadas anteriormente.

SECCIÓN SEGUNDA. El recuento oficial, determinado por el comité de recuento y firmado por el supervisor de recuento, se muestra en el **Anexo A** y se acepta y aprueba.

SECCIÓN TRES. Del recuento realizado por el comité de recuento el 19 de mayo de 2023, los candidatos para el cargo de Concejal Lugar Dos recibieron los siguientes votos:

LUGAR	NOMBRE DEL CANDIDATO	VOTOS RECIBIDOS
Concejal - Lugar dos	Jeff Harris	1,812
Concejal - Lugar dos	Bárbara Dewell Ferguson	1,809

SECCIÓN CUARTA. La elección fue debidamente convocada, notificada de la misma y celebrada de acuerdo con las leyes del Estado de Texas que rigen la misma; que la siguiente persona nombrada, habiendo recibido el mayor número de votos emitidos para ese cargo, sea declarada debidamente elegida por un período que continuará hasta el 3 de mayo de 2025, sujeto a su calificación y al juramento requerido:

Jeff Harris , Concejal Lugar Dos

SECCIÓN QUINTA. Con respecto a la Resolución Núm. 15-2023, esta Resolución sólo tiene por objeto aprobar el nuevo escrutinio para el cargo de Concejal Lugar Dos, reemplazando y dejando sin efecto el escrutinio anterior para dicho cargo. En la medida de cualquier conflicto entre esta Resolución y la Resolución N° 15-2023, se aplicará la presente Resolución.

APROBADO Y APROBADO EL día 23 de mayo de 2023 D.C.

Judy Eychner, alcaldesa

APROBADO EN CUANTO A LA FORMA: DOY FE:

Michael C. Hayes, abogado de la ciudad

Shelley McElhannon, secretaria de la ciudad



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

SUBJECT: Proclamation recognizing May 21-27, 2023 as Emergency Medical Services Week in Kerrville, Texas.

AGENDA DATE OF: May 23, 2023 **DATE SUBMITTED:** April 27, 2023

SUBMITTED BY: Mayor Judy Eychner

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:

The City of Kerrville recognizes May 21-27, 2023 as Emergency Medical Services Week.

RECOMMENDED ACTION:

Present proclamation.



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

SUBJECT: Proclamation recognizing Williams Syndrome Awareness Month in Kerrville, Texas.

AGENDA DATE OF: May 23, 2023 **DATE SUBMITTED:** May 18, 2023

SUBMITTED BY: Mayor Judy Eychner

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:

The City of Kerrville recognizes Williams Syndrome Awareness Month.

RECOMMENDED ACTION:

Present proclamation.



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

SUBJECT: Resolution No. 16-2023. A Resolution approving the use of Tax Increment Funding in an amount not to exceed \$40,000 pursuant to a recommendation from the Reinvestment Zone Number One, City of Kerrville Texas; such funding to be used by the City for pedestrian crosswalks and ADA accessibility improvements at the intersection of Clay and Water Streets, including an all-way stop, pedestrian crosswalk striping, and ADA accessible curb ramps, said project within the City's Tax Increment Reinvestment Zone.

AGENDA DATE OF: May 23, 2023

DATE SUBMITTED: May 12, 2023

SUBMITTED BY: Megan Folkerts, Senior Management Analyst

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
40000	NA	40000	70-7000-5100

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? Yes

Key Priority Area D - Downtown Revitalization

Guiding Principle N/A

Action Item D5.3 - Make Downtown more pedestrian-friendly by improving walkways, adding accessibility ramps, beautifying the area with landscaping and street trees, etc.

SUMMARY STATEMENT:

At the May 11, 2023 Tax Increment Reinvestment Zone (TIRZ) meeting, the TIRZ board recommended funding \$40,000 for a pedestrian crosswalks and ADA accessibility project at the intersection of Clay Street and Water Street for improvements, including an all-way stop, pedestrian crosswalk striping, and ADA accessible curb ramps within the City's Tax Increment Reinvestment Zone.

The project to be funded by this request specifically aligns with Chapter 310.010 of the Local Government Code, which dictates that TIRZ funds can be utilized for the construction of a road, sidewalk, or other public infrastructure in or out of the zone, including the cost of acquiring the real property necessary for the construction of the road, sidewalk, or other public infrastructure.

This proposed project involves the construction of pedestrian ramps at the intersection, the

installation of all-way stop signs, and pedestrian crosswalk striping.

Texas Tax Code Sections 311.008(b)(1) and (b)(4)(B) are applicable to this project because they will upgrade the pedestrian access in the TIRZ district through reconstructed sidewalks, and reconstructed pedestrian signalization.

(b) A municipality or county may exercise any power necessary and convenient to carry out this chapter, including the power to:

- (1) cause project plans to be prepared, approve and implement the plans, and otherwise achieve the purposes of the plan;
- (2) acquire real property by purchase, condemnation, or other means and sell real property, on the terms and conditions and in the manner it considers advisable, to implement project plans;
- (3) enter into agreements, including agreements with bondholders, determined by the governing body of the municipality or county to be necessary or convenient to implement project plans and achieve their purposes, which agreements may include conditions, restrictions, or covenants that run with the land or that by other means regulate or restrict the use of land; and

(4) consistent with the project plan for the zone:

- (A) acquire blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed real property or other property in a blighted area in the zone for the preservation or restoration of historic sites, beautification or conservation, the provision of public works or public facilities, or other public purposes;
- (B) acquire, construct, reconstruct, or install public works, facilities, or sites or other public improvements, including utilities, streets, street lights, water and sewer facilities, pedestrian malls and walkways, parks, flood and drainage facilities, or parking facilities, but not including educational facilities;

RECOMMENDED ACTION:

Approve Resolution No. 16-2023.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 16-2023**

A RESOLUTION APPROVING THE USE OF TAX INCREMENT FUNDING IN AN AMOUNT NOT TO EXCEED \$40,000 PURSUANT TO A RECOMMENDATION FROM THE REINVESTMENT ZONE NUMBER ONE, CITY OF KERRVILLE TEXAS; SUCH FUNDING TO BE USED BY THE CITY FOR PEDESTRIAN CROSSWALKS AND ADA ACCESSIBILITY IMPROVEMENTS AT THE INTERSECTION OF CLAY AND WATER STREETS, INCLUDING AN ALL-WAY STOP, PEDESTRIAN CROSSWALK STRIPING, AND ADA ACCESSIBLE CURB RAMPS, SAID PROJECT WITHIN THE CITY'S TAX INCREMENT REINVESTMENT ZONE

WHEREAS, City Council, pursuant to Chapter 311 of the Texas Tax Code as known as the Tax Increment Financing Act (the "Act") and its adoption of Ordinance No. 2018-19, previously designated a geographic area within the City as a tax increment reinvestment zone ("TIRZ"); and

WHEREAS, Ordinance No. 2018-19 designated the TIRZ as "Reinvestment Zone Number One, City of Kerrville, Texas" (the "Zone") and established a tax increment fund for the Zone (the "TIF Fund") pursuant to the Act; and

WHEREAS, the goal of the Zone and the use of the TIF Fund, in accordance with the Act, is to fund the construction of needed public infrastructure and to encourage private development within the boundaries of the Zone; and

WHEREAS, during an open meeting held on May 11, 2023, the Board of Directors for the Zone, pursuant to its powers under the Act, voted to make a recommendation to City Council that revenue accumulated within the TIF Fund be used to fund the completion of pedestrian crosswalks and ADA improvements project at the Clay and Water Street intersection, in an amount not to exceed \$40,000 (the "Project"); and

WHEREAS, the Act contemplates the construction of roads, sidewalks, or other public infrastructure within the Zone's boundaries; and

WHEREAS, the Project includes the construction of an all-way stop, pedestrian crosswalk striping, and ADA accessible curb ramps; and

WHEREAS, City Council desires to approve the recommendation from the Board of Directors of the Zone for the use of TIF Funds for the Project;

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

SECTION ONE. All of the above findings are found to be true and correct.

SECTION TWO. City Council authorizes the use of TIF Funds, in an amount not to exceed \$40,000.00, to fund the Project as specified above.

PASSED AND APPROVED ON this _____ day of _____ A.D., 2023.

Judy Eychner, 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: Purchase a Pump for the Birkdale Lift Station, from Xylem Water Solutions USA, Inc. a sole source company, in an amount not to exceed \$150,524.00.

AGENDA DATE OF: May 23, 2023

DATE SUBMITTED: May 1, 2023

SUBMITTED BY: David Barrera, Assistant Director of Public Works

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$150,524.00	\$96,000.00	\$96,000.00	19-1906-5300

PAYMENT TO BE MADE TO: Xylem Water Solutions USA, Inc.

Kerrville 2050 Item? Yes

Key Priority Area W - Water / Waste-Water / Drainage

Guiding Principle N/A

Action Item W5.2 - Enhance KLS basin capacity and improve service reliability

SUMMARY STATEMENT:

Birkdale Lift Station was built in 2016 and has the largest wastewater capacity in the collection network. The station operates with three pumps, which are all in use and function in cycles. Pumps typically require maintenance throughout their lifespan. A pump failure would result in unfavorable conditions to include stress on the remaining pumps and a large expenditure to implement a bypass system. Furthermore, estimated lead times for pump replacement is at least 3-5 months. This pump was budgeted in the FY2023 adopted budget at \$96,000 within the Water Asset Replacement Fund. Due to inflation, the price has gone up substantially. The Wastewater Collection Division has delayed this purchase in hopes of receiving lower quotes with the leveling of inflation. The quote attached is the best price available to-date and approval is recommended in order to ensure this lift station is able to be repaired quickly in the event an existing pump fails. Funding to cover the \$54,000 difference between budget and actual cost will come from the Water Asset Replacement Fund Balance. This fund currently has collected \$9,000 more in revenue from asset disposal and interest than budgeted and approximately \$8,000 in savings from leased vehicles budgeted but not yet received. Fund balance is adequate to cover the excess \$30,000. This purchase is compliant with the City's purchasing policy using the Sole Source letter attached.

RECOMMENDED ACTION:

Authorize the City Manager to finalize and execute this purchase.



**Xylem Water Solutions USA, Inc.
Flygt Products**

April 26, 2023

4965 Eisenhauer Rd. #102
San Antonio, TX 78218
Tel
Fax

CITY OF KERRVILLE
701 MAIN ST
KERRVILLE TX 78028-5301

Quote # 2023-SNT-0044
Project Name: City of Kerrville
Job Name: Birkdale Lift Station

Xylem Water Solutions USA, Inc. is pleased to provide a quote for the following Flygt equipment for the project referenced above.

Replacement Pump

Qty	Part Number	Description	Extended Price
1	3231.745-YYYY	Flygt NP 3231, 63-480, 390 mm Intended for semi permanent wet installation, guiding claw included other installation components to be ordered individually Hard iron impeller and insert ring Drive Unit: 745, 4 pole, 250 hp, 460 V, Std motor, Approval: FM Ex Cooling jacket for direct media cooling Insulated support bearing Cables Power: 2 x 65ft SUBCAB 3x70 + 2G35/2 + S(2x0,5) Cable Grip not included. Pilot: 65ft SUBCAB ctrl screened S 12x1.5 Cable Grip not included. Material Shaft: AISI 431 Stainless steel Supervision FLS, leakage detector, in junction box, FLS, leakage detector, in stator housing, PT-100 in one stator winding, PT-100 in lower bearing, Pump memory START UP CHARGE FLYGT 1-TP MODELS: 3000,7000,8000	\$ 142,196.00
1	14-69 00 09	SHIPPING AND HANDLING-NO TAX	\$ 1,575.00
1	14-69 98 30N		\$ 6,753.00
		Total Price	\$ 150,524.00

Terms & Conditions



This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at <http://www.xyleminc.com/en-us/Pages/terms-conditions-of-sale.aspx> and incorporated herein by reference and made a part of the agreement between the parties.

Purchase Orders: Please make purchase orders out to: Xylem Water Solutions USA, Inc.

Freight Terms: 3 DAP - Delivered At Place 08 - Jobsite (per Incoterms 2020)

See Freight Payment (Delivery Terms) below.

Taxes: State, local and other applicable taxes are not included in this quotation.

Back Charges: Buyer shall not make purchases nor shall Buyer incur any labor that would result in a back charge to Seller without prior written consent of an authorized employee of Seller.

Shortages: Xylem will not be responsible for apparent shipment shortages or damages incurred in shipment that are not reported within two weeks from delivery to the jobsite. Damages should be noted on the receiving slip and the truck driver advised of the damages. Please contact our office as soon as possible to report damages or shortages so that replacement items can be shipped and the appropriate claims made.

Exclusions: This Quote includes only the items listed specified above.

Terms of Delivery: Prepaid

Validity: This Quote is valid for thirty (30) days and is contingent upon final approval of submittals and release for fabrication within 90 days of PO date.

Start Up: One (1) day Start Up / Owner Training is included.

Warranty: Standard warranty terms apply to the items in this quotation.

Schedule: Submittals are not applicable. Delivery lead times are 18-20 weeks after order acceptance.

Terms of Payment: 100% N30 after invoice date.

Xylem's payment shall not be dependent upon Purchaser being paid by any third party unless Owner denies payment due to reasons solely attributable to items related to the equipment being provided by FLYGT.

COVID 19: Delivery lead-times may be impacted by the current COVID-19 virus pandemic relative to transportation logistics.

Terms & Conditions: The Xylem Water Solutions USA, Inc. North American Terms and Conditions of Sale apply to this offer.

We thank you for your interest in Flygt equipment from Xylem Water Solutions USA, Inc. and look forward to being of service to you in the near future.

Sincerely,



Anthony Stone

Marcos Valdez





**Xylem Water Solutions USA, Inc.
Flygt Products**

Customer Acceptance

This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at <http://www.xyleminc.com/en-us/Pages/terms-conditions-of-sale.aspx> and incorporated herein by reference and made a part of the agreement between the parties.

A signed copy of this Quote is acceptable as a binding contract.

Purchase Orders: Please make purchase orders out to: Xylem Water Solutions USA, Inc.

Quote #: 2023-SNT-0044
Customer Name: CITY OF KERRVILLE
Job Name: Birkdale Lift Station
Total Amount: \$ 150,524.00
(excluding freight)

Signature: _____

Name: _____
(PLEASE PRINT)

Company/Utility: _____

PO: _____

Address: _____

Date: _____

Phone: _____

Email: _____

Fax: _____



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

SUBJECT: City Council meeting minutes May 09, 2023.

AGENDA DATE OF: May 23, 2023 **DATE SUBMITTED:** April 27, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

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:

City Council meeting minutes May 09, 2023 6:00pm, City Hall.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
MAY 09, 2023 6:00 PM**

On May 09, 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	Deidre Flores, Asst Director Parks & Rec
Mike Hayes, City Attorney	Megan Folkerts, Senior Analyst
Michael Hornes, Asst City Manager	Guillermo Garcia, Exec Director Innovation
Shelley McElhannon, City Secretary	Eric Maloney, Fire Chief
Julie Behrens, Director Finance	Chris McCall, Police Chief
Stuart Cunyus, Public Information Officer	Drew Paxton, Planning Director

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:

Announcements of Community Interest provided by Stuart Cunyus and Chief Maloney.

2. PRESENTATION(S):

2A. Commendations for Kerrville Area Youth Leadership Academy (KAYLA) members.

Mayor Eychner and Megan Folkerts presented commendations for service on the Kerrville Area Youth Leadership Academy received by Madison Collins, Grace Geurjin, Ellie Harper, Peter Lockwood, Corbyn Loftin, and Ry'lee Paxton.

2B. Proclamation recognizing May 09, 2023 as Child Care Provider Appreciation Day in Kerrville, Texas.

Mayor Eychner presented a proclamation recognizing May 09, 2023 as Child Care Provider Appreciation Day in Kerrville, Texas. The proclamation was received by: Little Safari Learning Center: Deanna Blevins, Marla Compton, Tanya Poe, Cierra Santos: A Child's Place Learning Center: Dana Busby, Linda Garcia, Clarissa Lozano, Paisley Pennington, Anna Robles, Sarah Sheets, Lora Stufflet, Alicia Vargas; Zion Lutheran Children's Center: D'Ann Arnett, Brianna Behrens, Cheyenne Duarte, Priscilla Hauser, Sade Henderson, Stacie Jons, Gloria Mata, Staci Pollard, Alisa Prunedo, Danielle Ramirez, Jessica Russell, Katie Smith, Brittany Torres, Liz Velasquez, Faith Wright; KISD Early Childhood Center: Loiri Ayala, Kathy Ingram, Thelma Lopez, Yareli Ortega, Grace Parker, Cynthia Smith.

2C. Proclamation recognizing the weeks of May 09, 2023 to May 20, 2023 as National Police Week.

Mayor Eychner presented a proclamation recognizing May 09, 2023 through May 20, 2023 as National Police Week. Chief Chris McCall and Kerrville Police Officers received the proclamation.

2D. Proclamation recognizing the month of May as Mental Health Awareness month in Kerrville, Texas.

Mayor Eychner presented a proclamation recognizing May 2023 as Mental Health Awareness month, received by the National Alliance on Mental Health (NAMI) members Pam Cann, Joy Morales, Willie Morales, and Ed Rendon – Vice President.

2E. Proclamation recognizing May 2023 as Building Safety month in Kerrville, Texas.

Mayor Eychner presented a proclamation recognizing May 2023 as Building Safety month, received by Guillermo Garcia, Jason McMurray, and Drew Paxton.

3. VISITORS FORUM:

The following person(s) spoke:

- Portia Watkins
- Nikki Caines

4. CONSENT AGENDA:

Mayor Eychner requested to pull item 4A. Councilmember Kim Clarkson made a motion to approve Consent items 4B and 4C, seconded by Councilmember Roman Garcia. The motion passed 5-0.

4B. City Council workshop minutes April 25, 2023.

4C. City Council meeting minutes April 25, 2023.

END OF CONSENT AGENDA.

4A. Resolution No. 14-2023. A Resolution recognizing Saturday, May 13, 2023 as World Migratory Bird Day.

Deidre Flores provided information.

The following person(s) spoke:

- Chris Distell
- Katy Kappel

Councilmember Hughes made a motion to approve Resolution No. 14-2023, seconded by Councilmember Clarkson. The motion passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Agreement between the City of Kerrville, Texas and the Kerrville Convention & Visitors Bureau, Inc. (KCVB) for Oversight of a Community Arts Program.

Shelley McElhannon read item 5A caption into record.

Megan Folkerts and Julie Behrens presented information and responded to questions. KCVB President Julie Davis was in attendance if needed.

Councilmember Hughes made a motion to authorize the City Manager to finalize and execute an agreement with the KCVB for a Community Arts Program, seconded by Councilmember Joe Herring, Jr. The motion passed 5-0.

5B. General Event Promotion Contract between the CE Group, Inc and the City of Kerrville for the Kerrville River Festival and Annular Eclipse Celebration in the amount of \$110,000.

Shelley McElhannon read item 5B caption into record.

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

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

6. EXECUTIVE SESSION: Executive Session not convened.

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

8. ITEM(S) FOR FUTURE AGENDAS:

- Councilmember Hughes – Rules for electioneering, seconded by Councilmember Herring. Council consensus 5-0.

Councilmember Clarkson thanked City staff and citizens.

ADJOURN. The meeting adjourned at 7:14 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: City Council special-called meeting minutes May 16, 2023.

AGENDA DATE OF: May 23, 2023 **DATE SUBMITTED:** April 27, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

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:

City Council Canvass of the Election meeting minutes May 16, 2023 6:30pm, Arcadia Theater Live!.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
SPECIAL-CALLED MEETING**

**KERRVILLE, TEXAS
MAY 16, 2023 6:30 PM**

On May 16, 2023 at 6:30 p.m., Mayor Judy Eychner called the Kerrville City Council special-called meeting, Canvass of the Election, to order at the Arcadia Theater, 717 Water Street. Mayor Eychner 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	Michael Hornes, Assistant City Manager
Mike Hayes, City Attorney	Kim Meismer, Assistant City Manager
Shelley McElhannon, City Secretary	Kesha Franchina, Deputy City Secretary

Mayor Eychner provided a statement referencing Section 212.033 of the Texas Election Code, the canvassing authority notes that the results of the election for Councilmember Place Two are the subject of a recount. The recount is scheduled to occur on Friday, May 19, 2023, beginning at 9:00 a.m., Kerr County Juvenile Facility, 3501 Legion Drive, Kerrville, Texas 78028. Councilmember Place 2 Kim Clarkson will remain seated on Council bench until the Place 2 successor is declared and sworn in.

1. RESOLUTION(S):

- Resolution No. 15-2023. A Resolution canvassing the returns and declaring the results of the May 6, 2023, City General Election.

Shelley McElhannon read Resolution No. 15-2023 caption into record.

Councilmember Roman Garcia made to approve Resolution No. 15-2023, seconded by Councilmember Brenda Hughes. The motion passed 5-0.

2. STATEMENTS BY OUT-GOING COUNCILMEMBER(S):

Mayor Eychner and Mayor Bill Blackburn honored Councilmember Clarkson. Councilmember Clarkson provided outgoing statements, and remained seated at Council bench.

3. STATEMENT AND OATH OF OFFICE GIVEN BY THE DEPUTY CITY SECRETARY, KESHA FRANCHINA:

Councilmember Place 1 Roman Garcia

4. CERTIFICATES OF ELECTION SIGNED AND ISSUED BY MAYOR JUDY EYCHNER:

Councilmember Place 1 Roman Garcia

5. STATEMENTS BY ELECTED COUNCIL:

Councilmember Place 1 Roman Garcia

ADJOURN. The meeting adjourned at 7:09 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary



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

SUBJECT: Financial Report for month-ended April 30, 2023.

AGENDA DATE OF: May 23, 2023 **DATE SUBMITTED:** April 18, 2023

SUBMITTED BY: Julie Behrens, Director of Finance

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:

Financial report for month-ended April 30, 2023.

RECOMMENDED ACTION:

No action.



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

SUBJECT: Appointments to the Economic Improvement Corporation. (Item eligible for Executive Session 551.074).

AGENDA DATE OF: May 23, 2023 **DATE SUBMITTED:** April 27, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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:

Four terms expire June 1, 2023.

Seven applications have been received:

Gregg Appel (eligible for reappointment), Kim Clarkson (eligible for reappointment), Beck Gipson, Steven Hall, Celeste Hamman, Katy Kappel, Gilberto Paiz.

Interview Team: Mayor Eychner and Councilmember Herring.

Staff Liaison: Michael Hornes.

RECOMMENDED ACTION:

Appoint members.



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

SUBJECT: Appointment of Mayor Pro Tem. (Item eligible for discussion in Executive Session 551.074)

AGENDA DATE OF: May 23, 2023 **DATE SUBMITTED:** April 27, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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:

RECOMMENDED ACTION:

Appoint Mayor Pro Tem.