

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
JUNE 13, 2023 6:00 PM**

On June 13, 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 Joe Herring, Jr. provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT:

None

CITY EXECUTIVE STAFF:

E.A. Hoppe, City Manager
Mike Hayes, City Attorney
Kim Meismer, Asst City Manager
Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary
Stuart Barron, Exec Dir PW & Eng
Julie Behrens, Director of Finance

Danielle Brigati Director of Library
Ashlea Boyle, Director of Parks & Rec
Stuart Cunyus, Public Information Officer
Guillermo Garcia, Exec Director Innovation
Eric Maloney, Fire Chief
Chris McCall, Police Chief
Charvy Tork, Director of IT

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.

2. PRESENTATION(S):

2A. Proclamation recognizing June 2023 as Great Outdoors month in Kerrville, Texas.

Mayor Eychner presented a proclamation recognizing June 2023 as Great Outdoors month. Director of Parks & Recreation Ashlea Boyle along with Parks & Recreation staff Rosa Ledesma, Deidre Flores, and Tina North, and Parks & Recreation Advisory Board Chair Lisa Nye-Salladin received the proclamation.

3. VISITORS FORUM:

Shelley McElhannon advised Mayor Eychner that twenty-three speakers had signed up to speak during the forum. Mayor Eychner suggested each speaker be limited to two minutes instead of four minutes, which Councilmember Roman Garcia objected. Councilmember Brenda Hughes made a motion that during this visitors forum each speaker be limited to two minutes, seconded by Councilmember Herring. The motion was approved 4-1. At 6:10 p.m., Councilmember Garcia called "point of order" citing Rule 5.3 in the *Procedural Rules* stating a speaker time can be extended but not reduced. Mike Hayes advised the Presiding Officer rules on "point of order". At 6:13 p.m., Mayor Eychner acknowledged Councilmember Garcia's "point of order" and ruled to proceed with the vote. The motion passed 4-1 with Mayor Eychner, Councilmember Jeff Harris, Councilmember Hughes, and Councilmember Herring voting in favor, and Councilmember Garcia opposed.

The following person(s) spoke:

- Kim Clarkson
- Jennifer Daschel
- Carolyn Dreyer
- Joann Livingston – passed when called
- Mike and Jan Pieraccini
- Martha Hix
- Jaclyn Hall
- Gillian Wiggins
- Susan Sommers
- Pamela Lienhard
- Joe Rexach
- Robin Monroe
- Susan Wolff
- Bethany Puccio
- Barbara Ferguson
- Cheryl Fitch
- Marnie Bethel
- David Espenlavb
- Carolynn O'Quinn
- Brent Bates
- Karen Guerriero
- George Baroody
- Sean Boerner

Mayor Eychner, Councilmember Hughes, and Councilmember Herring recognized and thanked E.A. Hoppe for his leadership.

4. CONSENT AGENDA:

Councilmember Garcia requested to pull item 4B. Councilmember Harris made a motion to approve Consent items 4A, 4C, 4D, 4E, and 4F, seconded by Councilmember Garcia. The motion passed 5-0.

4A. Resolution No. 18-2023. A Resolution authorizing the use of internal combustion engines on Nimitz Lake upstream of the City's impoundment dam for the Kerrville Triathlon and the safety of competitors.

4C. City Council workshop minutes, May 23, 2023.

4D. City Council meeting minutes, May 23, 2023.

4E. City Council meeting minutes, May 26, 2023.

4F. City Council meeting minutes, May 30, 2023.

END OF CONSENT AGENDA.

4B. Renewal of Microsoft subscription licenses in the amount of \$110,279.48 through SHI under a cooperative contract of the Texas Department of Information Resources (DIR) DIR-TSO-4092.

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

Councilmember Herring made a motion to adopt item 4B the renewable Microsoft software subscription in an amount not to exceed \$110,279.48, seconded by Councilmember Hughes. The motion passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. A.C. Schreiner House renovation and Heart of the Hills Heritage Center Project update.

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

Councilmember Hughes made a motion to direct the City Manager to contractually proceed with the 30% design phase and the structural assessment of the A.C. Schreiner House, seconded by Councilmember Herring. The motion passed 5-0.

5B. Placement of the Visitor/Citizen forum within the order of the City Council agenda.

Mayor Eychner provided information and responded to questions.

The following person(s) spoke:

- Jaclyn Hall – did not show up at mic, and was advised citizen had left the meeting
- Gail Wright
- Bethany Puccio
- Nikki Caines
- Peggy McKay
- Lilly Beard
- Jerry Wolff
- George Baroody

Mayor Eychner advised that the Visitor/Citizen forum section will remain in the same order on the agenda.

Councilmember Garcia made a motion to place the Visitor/Citizen forum immediately after the Invocation and Pledge. Mayor Eychner called for a second, with no second. Motion failed from lack of a second.

5C. City's electioneering rules and policies (Chapter 70, Article III Electioneering at Polling Locations, City's Code of Ordinances).

Councilmember Hughes provided information.

The following person(s) spoke:

- Barbara Ferguson
- Nikki Caines
- George Baroody

Council discussion ensued during item review.

SIGNS:

1. *No one may post political signs or literature on City of Kerrville owned or controlled property that is being used as a polling place at any time other than during the voting*

period of a particular election, as defined in Section 61.003(b)(2) of the Texas Election Code, and for 30 minutes before and after the voting period ends. This includes laying signs out on the property.

Council consensus of approval 5-0.

2. *No more than ten (10) signs per candidate may be placed or erected on the controlled property being used as a polling place. This includes all types of signs i.e. banners, ground signs, hand-held signs, magnetic signs, billboard type signs, posters, etc. Strike etc and place period after posters.*

Councilmember Hughes made a motion to approve and eliminate the word etc, seconded by Councilmember Herring. The motion passed 4-1 with Mayor Eychner Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

3. *No signs may be erected or placed in a public walkway, sidewalk, or thoroughfare.*
Councilmember Harris made a motion to approve and eliminate the word etc, seconded by Councilmember Hughes. The motion passed 4-1 with Mayor Eychner Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

4. *Signs must not prohibit visibility of traffic or obstruct the view of traffic.*
Council consensus of approval 5-0.

5. *No signs can be placed any closer than 100 feet from the polling location.*
Council consensus of approval 5-0.

6. *No signs will remain on the polling location property overnight.*
Council consensus of approval 5-0.

7. *No more than four (4) signs per candidate may be carried on the controlled property being used as a polling place. Person(s) carrying signs must not impede the progress of voters, and avoid walkways and thoroughfares, and must not prohibit visibility of traffic or obstruct the view of traffic.*

Councilmember Hughes made a motion to combine number 7 with number 2 and make it a bit more clear that the total is ten (10) signs and that four (4) of those ten (10) signs can be held, seconded by Councilmember Herring. The motion passed 4-1 with Mayor Eychner Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

8. *No one may post a political sign using posts that may damage subterranean water and electrical lines. For purposes of these regulations, the term "posts" shall include, but not be limited to wooden stakes, rebar, PVC posts, metal posts. Heavy gauged wire is generally used for political yard signs and is allowed.*
Council consensus of approval 5-0.

9. *No one may post a political sign on any permanent structure, including buildings, fences, gates, and trees.*

Councilmember Harris made a motion to replace 9 with the current Polling Article III item 3 "No one may attach, place, or otherwise affix an electioneering sign, literature,

or material to any building, tree, shrub, ole, or other improvement at the polling place", seconded by Councilmember Hughes. The motion passed 5-0.

10. *No one may post signs nor hold signs larger than 36 square feet or taller than eight (8) feet from the ground, including the supporting poles, nor uses lights or any moving elements on controlled property being used as a polling place.*

Councilmember Garcia made a motion to strike the language "or any moving elements" seconded by Councilmember Hughes. The motion passed 5-0.

11. *No one may post a sign that is larger than 18 inches by 24 inches within ten feet of the public roadway adjacent to the polling place.*

Council consensus of approval 5-0.

12. *Any political sign in violation of these regulations may be removed by City Staff City Manager or designee and placed in temporary storage. The sign owner will be contacted, and will arrange a time during normal working hours to pick up the sign(s). If the owner of the political sign fails to pick up the removed sign(s) within five (5) business days, the City will dispose of the sign(s).*

Council consensus of approval 5-0 and to strike City Staff and replace with City Manager or designee.

13. ~~These regulations will be in effect from the date of approval of the revised regulations.~~

Council consensus to strike 5-0.

SOUND AMPLIFICATION DEVICE OR SOUND TRUCK:

- ~~Section 61.004 of the Texas Election Code sets forth the prohibition of using a sound amplification device to electioneer within 1,000 feet of the early voting or election day polling place: Electioneering for or against any candidate, measure, or political party (and for the purpose of this Subsection, a person operates a vehicular loudspeaker if the person drives the vehicle, or uses the loudspeaker, or operates any sound equipment in connection with the loudspeaker).~~

~~An offense under this section is a Class C misdemeanor.~~

Councilmember Garcia moved to replace wording under **Sound Amplification**

Device and insert language directly from Section 61.004 of the Texas Election Code:

"Section 61.004 of the Texas Election Code states: (a) A person commits an offense if during the voting period and within 1,000 feet of a building in which a polling place is located, the person operates a sound amplification device or a vehicle with a loudspeaker while the device or loudspeaker is being used for the purpose of: (1) making a political speech; or (2) electioneering for or against any candidate, measure, or political party. A person operates a vehicle with a loudspeaker if the person drives the vehicle, uses the loudspeaker, or operates sound equipment in connection with the loudspeaker. An offense under this section is a Class C misdemeanor.", seconded by Councilmember Harris. The motion passed 5-0.

- ~~No one may disturb the peace nor play music, speak over a p.a. system, loud speakers, bull horns, or any other amplification device, within 1,000 feet of the polling location on early voting days or election day.~~

Council consensus to strike 5-0.

CAMPAIGNING:

- *A candidate can have one tent set up in the east-end of Jefferson Street parking lot – along the fence line of the Cailloux property and St. Peters property.*
Council consensus to table item 5-0, and directed City Manager to provide a 240 feet radius from the polling location outward - to the Eastern boundary of the property.
- *A candidate/representative should arrive at the polling location grounds no more than thirty minutes before polls open, and should depart the polling location by thirty minutes after polls close.*
Council consensus of approval 5-0, and adding applicable language in reference to tents, signs, and campaign materials.
- *A candidate must adhere to the 100 foot rule and not cross within 100 feet of the polling location in order to campaign.*
Council consensus of approval 5-0.
- *Candidates may not accost, harass, intimidate, or touch voters, and any citizens traveling to and from the polling locations.*
Council consensus of approval 5-0.
- *A candidate must not block the sidewalk, the parking lot, or impede a person's progress.*
Mayor Eychner made a motion to approve the campaigning item "A candidate must not block the sidewalk, the parking lot, or impede a person's progress", seconded by Councilmember Hughes. The motion passed 4-1 with Mayor Eychner Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.
- ~~*Citizens do have the right to file harassment and press charges.*~~
Council consensus to strike 5-0.

Mayor Eychner directed staff to amend Ordinance with the policies approved by City Council (above).

6. BOARD APPOINTMENTS:

6A. Appointments to the Economic Improvement Corporation. (Item eligible for Executive Session).

Councilmember Herring made a motion to convene closed Executive Session under 551.071 (consultation with attorney), seconded by Councilmember Hughes. The motion passed 5-0. The open meeting recessed, and closed Executive Session convened at 9:15 p.m.

7. EXECUTIVE SESSION:

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

7.B Economic Development projects update: Project Mount Saddle, Project Wildflower, Project Windridge (551.071, 551.087)

The closed Executive Session adjourned and the open meeting re-convened at 9:40 p.m. Item 7B was not discussed.

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

8A. Appointments to the Economic Improvement Corporation.

Mayor Eychner made a motion to reappoint Gregg Appel and Kim Clarkson, and to appoint Councilmember Herring as a Council liaison member, and Celeste Hamman as a new member, seconded by Councilmember Herring. The motion passed 4-1 with Mayor Eychner Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

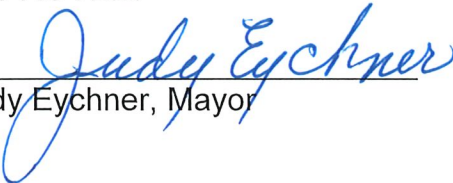
9. ITEM(S) FOR FUTURE AGENDAS:

- Councilmember Garcia – (1) To schedule a special-called meeting or as a regular agenda topic to discuss City Manager recruitment plan. Mayor Eychner called for a second, with no second forthcoming. Item failed as an agenda topic due to a hired Search Firm conducting individual meetings. (2) Declaration of Disaster update.

ADJOURN. The meeting adjourned at 9:48 p.m.

APPROVED BY COUNCIL: June 27, 2023

APPROVED:



Judy Eychner, Mayor

ATTEST:



Shelley McElhannon, City Secretary