

**CITY COUNCIL MINUTES  
REGULAR MEETING**

**KERRVILLE, TEXAS  
SEPTEMBER 12, 2023 6:00 PM**

On September 12, 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 Jeff Harris provided the invocation and led the Pledge of Allegiance.

**COUNCILMEMBERS PRESENT:**

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

**COUNCILMEMBER ABSENT:**

None

**CITY EXECUTIVE STAFF:**

Kim Meismer, Interim City Manager  
Mike Hayes, City Attorney  
Michael Hornes, Asst City Manager  
Shelley McElhannon, City Secretary  
Stuart Barron, Exec Director PW & Eng  
Julie Behrens, Director Finance  
Jacob Bogusch, Director Finance  
Kyle Burow, Director Engineering

Stuart Cunyus, Public Information Officer  
Megan Folkerts, Senior Management Analyst  
Guillermo Garcia, Exec Director Innovation  
Eric Maloney, Fire Chief  
Chris McCall, Police Chief  
Drew Paxton, Director of Planning/Zoning  
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.

**1. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

Announcements of Community Interest provided by Stuart Cunyus, Shelley McElhannon, Councilmember Harris, Mayor Eychner, Councilmember Brenda Hughes, and Councilmember Roman Garcia.

**2. PRESENTATION(S):**

2A. Proclamation recognizing September 2023 as National Recovery month.

Mayor Eychner presented a proclamation recognizing September 2023 as National Recovery month. Recovery Community Coalition members Randie Benno and Christa Lovett, along with the Hill Country Drug and Alcohol Awareness representatives Abbie Allendale, Terri Medreno, Abbie Andrea Salazar, Phil Taylor, and Kim Williamson.

2B. Proclamation recognizing September 2023 as National Suicide Prevention month.

Mayor Eychner presented a proclamation recognizing September 2023 as National Suicide Prevention month. Randie Benno, Dana Cardwell, JD Chavez, Terry Cicada, Lisa Cisneros, Joan Cortez, Nicole Cox, Maddie Dry, Kelly Falouce, Diana Gutierrez, Rob Hines, Maggie Mahoney, Paren Pierce, Julie Nelson, Diane Onteveriz, Kim Williamson, and Kelsi Wilmot received the proclamation.

2C. Proclamation: League of Women Voters Hill Country Texas (LWVHCT) Citizen Program.

Mayor Eychner honored and recognized the League of Women Voters Hill Country Texas (LWVHCT) Citizen Program, represented Lupita Barrera, Alicia Boyett, Clifton Fifer, Lila Flores,

B.K. Gamble, Susana Gimson, Karen Mattox, Maggie Megee, Laurie Patterson, Kathy Lee Royde, Lois Shaw, Janice Silman, Virginia Young, and Janice Zitelman.

Mayor Eychner announced speakers will have two minutes to speak during the visitors forum. At 6:33 p.m., Councilmember Garcia declared "Point of Order" citing limiting speaker minutes. Mayor Eychner advised City Council to proceed forward to the item.

### **3. VISITORS FORUM:**

The following person(s) spoke:

- Chae Spencer and Teresa Lara (Kerr United Against Sexual Exploitation, A Community Awareness Event on September 19, 2023, 6:00 p.m. Tivy High School).
- Nikki Caines

### **4. CONSENT AGENDA:**

Citizen George Baroody submitted a speaker request form to speak on items 4A and 4C. Councilmember Joe Herring, Jr. made a motion to approve 4B, 4D, 4E, and 4F, seconded by Councilmember Hughes. The motion passed 5-0.

4B. Resolution No. 30-2023. A Resolution approving the budget for Kerr Emergency 9-1-1 Network for Fiscal Year 2024.

4D. Project Funding Agreement between the City of Kerrville, Texas Economic Improvement Corporations and the City of Kerrville, Texas, for the upsizing of the Travis Street Pump Station (Water Utility).

4E. City Council workshop minutes, August 22, 2023.

4F. City Council meeting minutes, August 22, 2023.

### **END OF CONSENT AGENDA.**

4A. Resolution No. 29-2023. A Resolution repealing Resolution No. 43-2021, which adopted a policy for setting the City's water and wastewater fees for Fiscal Years 2023 through 2026.

The following person(s) spoke:

- George Baroody
- Julie Behrens and Stuart Barron provided information and responded to questions.

Councilmember Hughes made a motion to approve Resolution No. 29-2023, seconded by Councilmember Herring. The motion passed 5-0.

4C. Administrative Services contract between the City of Kerrville and City of Kerrville, Texas Economic Improvement Corporation.

Shelley McElhannon read item 4C caption into record.

The following person(s) spoke:

- George Baroody
- Michael Hornes and Stuart Barron provided information and responded to questions.

Councilmember Garcia made a motion to approve the Administrative Services contract between the City of Kerrville and the Kerrville Texas Economic Improvement Corporation with an amendment to strike Article 1, Section A. Mayor Eychner called for a second, with no second forthcoming. Motion died for lack of second.



Councilmember Herring made a motion to approve the Administrative Services contract between the City of Kerrville and City of Kerrville, Texas Economic Improvement Corporation, seconded by Councilmember Harris. The motion passed 4-1 with Mayor Eychner, Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

**5. PUBLIC HEARING AND ORDINANCES, FIRST READING:**

5A. Ordinance No. 2023-22. An Ordinance changing the zoning of a property known as 202 Mack Hollimon Drive, consisting of Lot 1, Block 1, of the Oak Hollow Estates Addition, and within the City of Kerrville, Kerr County, Texas; from a Single-Family Residential Zoning District (R-1) to a Neighborhood Commercial Zoning District (C-1); and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2023-22 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:59 p.m.

No person(s) spoke.

Mayor Eychner closed the public hearing at 6:59 p.m.

Councilmember Herring made a motion to approve Ordinance No. 2023-22 on first reading, seconded by Councilmember Hughes. The motion passed 5-0.

5B. Ordinance No. 2023-25. An Ordinance adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2024; providing appropriations for each City department and fund; containing a cumulative clause; and containing a savings and severability clause.

Shelley McElhannon read Ordinance No. 2023-25 caption into record.

Julie Behrens and Mike Hayes provided information and responded to questions.

Mayor Eychner opened the public hearing at 7:02 p.m.

The following person(s) spoke:

- Peggy McKay
- George Baroody

Mayor Eychner closed the public hearing at 7:09 p.m.

Councilmember Hughes made a motion to approve Ordinance No. 2023-25 to adopt the City's budget for Fiscal Year 2024 on first reading, 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.

Roll call vote:	In Favor	Opposed
Mayor Judy Eychner	<u>  X  </u>	<u>      </u>
Councilmember Roman Garcia	<u>      </u>	<u>  X  </u>
Councilmember Jeff Harris	<u>  X  </u>	<u>      </u>
Councilmember Joe Herring, Jr.	<u>  X  </u>	<u>      </u>
Councilmember Brenda Hughes	<u>  X  </u>	<u>      </u>

Councilmember Herring made a motion ratifying the vote to adopt the budget that will require raising more revenue from property taxes than the previous fiscal year, seconded by Councilmember Hughes. The motion was approved 5-0.

5C. Ordinance No. 2023-26. An Ordinance levying an Ad Valorem (Property) Tax for the use and support of the Municipal Government for the City of Kerrville, Texas, for Fiscal Year 2024; apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid.

Shelley McElhannon read Ordinance No. 2023-26 caption into record.

Julie Behrens provided information and responded to questions.

Mayor Eychner opened the public hearing at 7:22 p.m.

The following person(s) spoke:

- Russell Mobley

Mayor Eychner closed the public hearing at 7:25 p.m.

Councilmember Herring made a motion to approve Ordinance No. 2023-26 that the property tax rate be increased by the adoption of a tax rate of \$0.5595, which is effectively a 2.98% percent increase in the tax rate, seconded by Councilmember Hughes. The motion passed 5-0.

Roll call vote:	In Favor	Opposed
Mayor Judy Eychner	<u>  X  </u>	<u>      </u>
Councilmember Roman Garcia	<u>  X  </u>	<u>      </u>
Councilmember Jeff Harris	<u>  X  </u>	<u>      </u>
Councilmember Joe Herring, Jr.	<u>  X  </u>	<u>      </u>
Councilmember Brenda Hughes	<u>  X  </u>	<u>      </u>

## **6. ORDINANCES, FIRST READING:**

6A. Ordinance No. 2023-28. An Ordinance amending Chapter 26 "Building and Building Regulations" of the Code of Ordinances, City of Kerrville, Texas, by adding a new Article XI "Grading and Filling", to create regulations, including a permit requirement, for any activity associated with the disturbance of land under specified conditions; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2023-28 caption into record.

Drew Paxton provided information and responded to questions.

Councilmember Hughes made a motion to approve Ordinance No. 2023-28, seconded by Councilmember Herring. The motion passed 5-0.

## **7. CONSIDERATION AND POSSIBLE ACTION:**

7A. Resolution No. 26-2023. A Resolution approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2023 Rate Review Mechanism Filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC's Legal Counsel.



Shelley McElhannon read Resolution No. 26-2023 caption into record.  
Mike Hayes provided information and responded to questions.

Councilmember Herring made a motion to adopt Resolution No. 26-2023, seconded by Councilmember Harris. The motion passed 5-0.

7B. Resolution No. 31-2023. A Resolution approving the right of City employees to purchase continue health coverage at retirement subject to conditions specified within the City's Personnel Policies and Procedures Manual.

Shelley McElhannon read Resolution No. 31-2023 caption into record.  
Kim Meisner provided information and responded to questions.

Councilmember Herring made a motion to adopt Resolution No. 31-2023, seconded by Councilmember Harris. The motion passed 5-0.

7C. Authorization to negotiate a Professional Services Agreement for the Facility Condition Assessment and Maintenance Plan Project.

Kyle Burow provided information and responded to questions.

Councilmember Hughes made a motion to authorize the City Manager to negotiate and finalize an agreement for the project, seconded by Councilmember Harris. The motion passed 5-0.

## **8. INFORMATION & DISCUSSION:**

8A. City's Water System update.

Stuart Barron provided information and responded to questions.

## **9. APPOINTMENT(S):**

9A. Appointments to the Kerrville Area Youth Leadership Academy (KAYLA).

Shelley McElhannon read Item 9A caption into record.  
Megan Folkerts provided information.

Councilmember Garcia made a motion to appoint the seven applicants, which are Autumn, Elyse, Payton, Jonah, Una, Will, and Callie, seconded by Councilmember Herring. The motion passed 5-0.

9B. Appointment of City of Kerrville delegate for the 2023 Texas Municipal League (TML) Annual Conference business meeting (Dallas, TX).

Shelley McElhannon read item 9B caption into record.  
Councilmember Hughes moved to appoint Mayor Eychner, seconded by Councilmember Herring. This motion was approved 4-1 with Mayor Eychner, Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

## **10. BOARD APPOINTMENT(S):**

10A. Appointments to the Kerrville Charter Review Commission.

Shelley McElhannon read Item 10A caption into record.

Mike Hayes and Mayor Eychner provided information.  
The following person(s) spoke:

- Peggy McKay

Councilmember Herring moved to appoint Danny Almond, Brenda Craig, Jason Gilbreath, Greg Richards, Mike Sigerman, Tim Summerlin, and Sandra Yarbrough to the Charter Review Commission, and seconded by Councilmember Hughes. This motion was approved 4-1 with Mayor Eychner, Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

Councilmember Garcia stated Danny Almond told Councilmember Garcia that Almond had withdrawn the Charter Review Commission application, and stated Paul Devine had told Councilmember Garcia that Devine was no longer interested in being a member of the Charter Review Commission. Councilmember Garcia requested to amend the original motion by striking Danny Almond and appointing Jerry DiGiampaolo as a member. Mayor Eychner called for a second, with no second offered. Motion died for lack of second.

Councilmember Garcia then made a motion to strike Danny Almond, Mike Sigerman, and Brenda Craig as members of the Charter Review Commission and appoint Jerry DiGiampaolo, Corey Fuquay, and Jim Caines as a member. Mayor Eychner called for a second, with no second offered. Motion died for lack of second.

10B. Appointments to the Main Street Advisory Board.

Shelley McElhannon read Item 10B caption into record.  
Megan Folkerts provided information.

Mayor Eychner made a motion to appoint Teresa Craighead, Sarah Lewis, Travis Lindner, and Bethany Mikeska, seconded by Councilmember Garcia. The motion passed 5-0.

10C. Appointments to the Building Board of Adjustment and Appeals. (This item eligible for Executive Session).

Councilmember Garcia moved to reappoint Daniel Lowery and Bob Rue, and appoint Caleb Mizell as members, seconded by Councilmember Harris. This motion was approved 5-0.

11. **EXECUTIVE SESSION:** Executive Session not called nor convened.

11A. Appointments to the Building Board of Adjustment and Appeals. (551.074)

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

13. **ITEM(S) FOR FUTURE AGENDAS:** None

**ADJOURN.** The meeting adjourned at 8:19 p.m.

APPROVED BY COUNCIL: 9/26/23

APPROVED:

ATTEST:

  
Judy Eychner, Mayor

  
Shelley McElhannon, City Secretary