

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
NOVEMBER 14, 2023 6:00 PM**

On November 14, 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 Roman Garcia provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBER ABSENT:

Jeff Harris, Councilmember Place 2

CITY EXECUTIVE STAFF:

Dalton Rice, City Manager
Kim Meismer, Interim City Manager
Mike Hayes, City Attorney
Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary
Julie Behrens, Director of Finance
Ashlea Boyle, Director of Parks & Rec

Stuart Cunyus, Public Information Officer
Deidre Flores, Asst Director Parks & Rec
Rosa Ledesma, Parks & Rec Coordinator
Eric Maloney, Fire Chief
Chris McCall, Police Chief
Drew Paxton, Director of Planning/Zoning

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, Councilmember Garcia, Mayor Eychner, Councilmember Brenda Hughes, Chief Eric Maloney, and Chief Chris McCall.

2. PRESENTATION(S):

2A. Proclamation: Schreiner University Centennial.

Mayor Eychner presented a proclamation recognizing Schreiner University's 100th anniversary. Representatives from Schreiner University included cabinet members and students, and Schreiner University President Dr. Charlie McCormick spoke.

2B. Recovery Community Coalition (RCC) Annual Report, presented by the RCC Chair, Joe Piszcior.

RCC Chair Joe Piszcior provided information and responded to questions.

Mayor Eychner requested the visitors forum speakers to limit comments to three minutes.

3. VISITORS FORUM:

The following person(s) spoke:

- Gail Wright
- Barbara Dewell-Ferguson
- Vicki Marsh, upon the three minute mark Councilmember Garcia requested to authorize one more minute of time, seconded by Councilmember Hughes. All Councilmembers were in agreement. Speaker time extended.
- Gary Noller

- George Baroody

4. CONSENT AGENDA:

Councilmember Garcia made a motion to approve the Consent Agenda, seconded by Councilmember Hughes. The motion passed 4-0.

4A. Resolution No. 38-2023. A Resolution authorizing the filing of an application with the Alamo Area Council of Governments for 2024/2025 Solid Waste Pass Through Grant.

4B. Resolution No. 41-2023. A Resolution authorizing the acceptance of \$70,522.00 in grant funding from the Office of the Governor and its Edward Byrne Memorial Justice Assistance Grant program; for funding to purchase automatic license plate reader equipment for the Kerrville Police Department.

4C. Contract with EagleView Technologies, Inc. to acquire two flights of aerial imagery for the City of Kerrville for the amount of \$76,194.00 paid over the course of six years in payment of \$12,699.00.

4D. The Routine Airport Maintenance Program (RAMP) Grant between Texas Department of Transportation and the Kerrville-Kerr County Airport.

4E. City Council workshop minutes, October 24, 2023.

4F. City Council meeting minutes, October 24, 2023.

4G. City Council special-called meeting minutes, November 07, 2023.

END OF CONSENT AGENDA.

5. ORDINANCE(S), SECOND READING:

5A. Ordinance No. 2023-29, second reading. An Ordinance annexing an approximate 214.1-acre tract of land, which includes an adjacent right-of-way existing as a portion of Olympic Drive, all of which is out of the Samuel Wallace Survey No. 114, Abstract No. 348, and Samuel Wallace Survey No. 113, Abstract No. 347, into the corporate limits of the City of Kerrville, Texas; such property being located within Kerr County, Texas, and the extraterritorial jurisdiction of the City of Kerrville, Texas; and generally located adjacent to Loop 534 and north of Olympic Drive; further describing the property to be annexed; adopting a service plan for the property annexed; and establishing the zoning both for the property annexed and a contiguous tract of land located adjacent to Loop 534, and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2023-29 caption into record.

Drew Paxton and Dalton Rice provided information and responded to questions.

The following person(s) spoke:

- Ronald Carroll
- Ed Hamilton
- Thomas McComack
- George Baroody

Mike Hayes clarified information posed by citizen speakers.

- Adrienne Larsen
- Pablo Brinkman

During Council discussion, applicant representative and Lennar Attorney James McKnight and Dalton Rice provided information and responded to questions.

Councilmember Garcia made a motion to deny Ordinance No. 2023-29. Mayor Eychner called for a second, with no second forthcoming. The motion to deny died for lack of second.

Dalton Rice provided a presentation and information.

Councilmember Hughes made a motion to approve Ordinance No. 2023-29 on second reading, seconded by Councilmember Joe Herring, Jr. The motion passed 3-1 with Mayor Eychner, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

At 7:38 p.m. citizen Peggy McKay requested Mayor to call for a point of order due to the agenda packet was not complete. Councilmember Garcia stated Mayor Eychner had publically disclosed confidential information provided in closed Executive Session.

5B. Ordinance No. 2023-30, second reading. An Ordinance of the City Council of the City of Kerrville, Texas, designating the Windridge Tax Increment Reinvestment Zone (TIRZ), a petition-initiated TIRZ to be named Tax Increment Reinvestment Zone Number Two, Windridge, City of Kerrville, Texas, pursuant to Chapter 311, Texas Tax Code; and generally located north of Olympic Drive and on an approximate 100.36 acre tract of undeveloped property; describing the boundaries of the Zone; creating a Board of Directors for the Zone; establishing a Tax Increment fund for the Zone; containing a findings related to the creation of the Zone; providing a date for the termination of the Zone; providing that the Zone take effect immediately upon passage of the Ordinance; providing a severability clause; and providing an effective date.

Shelley McElhannon read Ordinance No. 2023-30 caption into record.

Dalton Rice and James McKnight provided information and responded to questions.

At 8:02 p.m., Mayor Eychner recessed the meeting.

At 8:11 p.m., Mayor Eychner reconvened the meeting.

Julie Behrens provided information and responded to questions.

Councilmember Herring made a motion to allow citizens three minutes to speak, seconded by Councilmember Hughes. The motion passed 3-1 with Mayor Eychner, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed. The following person(s) spoke:

- Ronald Carroll
- Ed Hamilton – advised citizen had left Council meeting
- Nikki Caines
- Gail Wright - advised citizen had left Council meeting
- Thomas McComack - advised citizen had left Council meeting
- Adrienne Larsen - advised citizen had left Council meeting
- George Baroody
- Jaclyn Hall
- Havalah Puccio
- Bruce Stracke

- Pablo Brinkman
- Barbara Dewell-Ferguson

Mike Hayes and James McKnight addressed and clarified issues posed by citizen speakers and during City Council discussion.

Councilmember Herring made a motion to adopt Ordinance No. 2023-30 on second reading, seconded by Councilmember Hughes. The motion passed 3-1 with Mayor Eychner, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

6. PUBLIC HEARING(S) AND ACTION:

6A. Request for variance from distance requirement applicable to sale of alcoholic beverages per Section 10-3, Code of Ordinances; for the property addressed as 2100 E. Main Street (The Hill Winery, Schreiner University).

Shelley McElhannon read item 6A caption into record.

Drew Paxton and applicant Kelly Hagiemier provided information and responded to questions. Mayor Eychner opened the public hearing at 8:51 p.m.

The following person(s) spoke:

- George Baroody

Mayor Eychner closed the public hearing at 8:52 p.m.

Councilmember Herring made a motion to approve the request for variance as described in the agenda bill, seconded by Councilmember Hughes. The motion passed 4-0.

7. PUBLIC HEARING AND ORDINANCES, FIRST READING:

7A. Ordinance No. 2023-31. An Ordinance amending Ordinance No. 2003-08, which created a Planned Development District on an approximate 798.7 acre tract of land generally located northeast of the intersection of State Highway 16 and Interstate Highway 10; said amendments to update the concept plan and the land use table included within Ordinance No. 2003-08, to combine various residential lot sizes into a single area (parcel), and to alter the layout of the golf course area and commercial areas; establishing a penalty and effective date; and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2023-31 caption into record.

Drew Paxton and the applicant's authorized representative Jim Boyton provided information and responded to questions.

Mayor Eychner opened the public hearing at 9:05 p.m.

The following person(s) spoke:

- Pablo Brinkman
- Zane Pressley
- Keith Williams
- Bruce Stracke
- Barbara Dewell-Ferguson

Mayor Eychner closed the public hearing at 9:21 p.m.

Drew Paxton and Mike Hayes provided clarification and information posed by citizen speakers and during City Council discussion.

Councilmember Hughes made a motion to approve Ordinance No. 2023-31 on first reading, seconded by Councilmember Herring under contingency. The motion passed 4-0.

7B. Ordinance No. 2023-32. An ordinance changing the zoning of a property known as 518 and 520 Lois Street, consisting of Lots 1-3, Block 25, of the Westland Addition, and within the City of Kerrville, Kerr County, Texas; from a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1A) to a Light Commercial Zoning District (C-2); and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2023-32 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Eychner opened the public hearing at 9:38 p.m.

The following person(s) spoke:

- Pablo Brinkman - advised citizen had left Council meeting
- Lynn Miller

Mayor Eychner closed the public hearing at 9:40 p.m.

Councilmember Herring made a motion to approve Ordinance No. 2023-32 on first reading, seconded by Councilmember Hughes. The motion passed 4-0.

7C. Ordinance No. 2023-33. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning for the property known as 226 Harper Rd (FM 783); an approximate 1.71 acre tract out of the Fosgate Survey No. 120, Abstract 138; from a Single Family Residential Zoning District (R-1) to a Residential Transition Zoning District (RT); and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2023-33 caption into record.

Drew Paxton and applicant Rodney Bacon provided information and responded to questions.

Mayor Eychner opened the public hearing at 9:47 p.m.

No person(s) spoke.

Mayor Eychner closed the public hearing at 9:47 p.m.

Councilmember Garcia made a motion to approve Ordinance No. 2023-33, seconded by Councilmember Hughes. The motion passed 4-0.

8. CONSIDERATION AND POSSIBLE ACTION:

8A. Resolution No. 36-2023. Resolution No. 36-2023. A Resolution approving a Resolution of the *City of Kerrville, Texas Economic Improvement Corporation* with respect to the issuance of up to \$20,000,000 in principal amount of its *Sales Tax Revenue Bonds, Series 2023*, to finance costs of certain projects being undertaken by the Corporation at the request, and for the benefit, of the City which are authorized to be financed by the Corporation pursuant to the *Development Corporation Act* (primarily Section 505.152 of the Texas Local Government Code); and approving an amendment to the Sales Tax Remittance Agreement between the Corporation and the City.

Shelley McElhannon read Resolution No. 36-2023 caption into record.

Drew Paxton provided information and responded to questions.

The following person(s) spoke:

- Barbara Dewell-Ferguson - advised citizen had left Council meeting
- Nikki Caines
- John Anderson
- William Rector
- Debbi Lehr
- Charlie McIlvain

- Lisa Nye-Salladin
- Angela Kennedy
- Celeste Hamman
- George Baroody
- Jaclyn Hall
- Layng Guerriero
- Rachel Johnston
- Marcus Goodyear
- Kenny Bledsoe - advised citizen had left Council meeting
- Bruce Stracke

Councilmember Herring made a motion to approve Resolution No. 36-2023, seconded by Councilmember Hughes. The motion passed 3-1 with Mayor Eychner, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

8B. General Event Production Contract between the CE Group, Inc. and the City of Kerrville for the Kerrville Eclipse Festival in an amount not to exceed \$193,500.00.

Shelley McElhannon read item 8B caption into record.

Ashlea Boyle, Dalton Rice, Deidre Flores, Julie Behrens, and Michael Hornes provided information and responded to questions.

Councilmember Hughes made a motion to authorize the City Manager to finalize and execute the contract, seconded by Councilmember Herring. The motion passed 3-1 with Mayor Eychner, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

9. INFORMATION AND DISCUSSION:

9A. Financial report for Fiscal Year ended September 30, 2023.

Julie Behrens provided information and responded to questions.

10. BOARD APPOINTMENT(S):

8A. Appointment(s) to the Food Service Advisory Board.

Councilmember Hughes made a motion to nominate Michael Clark, Daniel Portie, and Larry Wray as members of the Food Service Advisory Committee, seconded by Councilmember Garcia. The motion passed 4-0.

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

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

13. ITEM(S) FOR FUTURE AGENDAS:

- Councilmember Garcia requested a presentation at the next meeting regarding obtaining the City's Water Permit with Headwaters. Mayor Eychner called for a second, with no second forthcoming. Item for future agenda died for lack of second. Mayor Eychner requested to modify the future agenda item to add if something has changed or Council would need to be informed. Mike Hayes was responding to Mayor Eychner's questions and addressing erroneous statements issued by a

Visitors Forum citizen speaker, when at 10:58 p.m. Councilmember Garcia called for point of order. Mayor Eychner dismissed the point of order and advised Mike Hayes to proceed.

ADJOURN. The meeting adjourned at 10:59 p.m.

APPROVED BY COUNCIL: DECEMBER 12, 2023

APPROVED:


Judy Eychner, Mayor

ATTEST:


Shelley McEhannon
Shelley McEhannon, City Secretary