

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
SEPTEMBER 13, 2022 6:00 PM**

On September 13, 2022 at 6:01 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main 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	Megan Folkerts, Senior Analyst
Mike Hayes, City Attorney	Guillermo Garcia, Exec Dir Innovation
Michael Hornes, Asst City Manager	Chad Hierholzer, HR Coordinator/Risk Mgmt
Shelley McElhannon, City Secretary	Eric Maloney, Fire Chief
Julie Behrens, Director of Finance	Drew Paxton, Planning Director
Ashlea Boyle, Director Parks/Recreation	Curtis Thomason, Asst Chief of Police
Stuart Cunyus, Public Information Officer	

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.

Sharon Constantinides, Chief Appraiser KCAD
Mark Del Toro, Executive Director 911
Mike Wittler, KPUB CEO

Mayor Eychner shifted Agenda Item 2 **Presentations** forward, before Item 1.

2. PRESENTATIONS: This item was shifted forward before Item 1, see above.
2A. Kerrville Kindness Award presented to Zachary Reyna.

Mayor Eychner presented Zachary Reyna the Kerrville Kindness Award, for numerous acts of selflessness and kindness.

2B. Proclamation recognizing September 17, 2022 through September 23, 2022 as US Constitution week.

Mayor Eychner presented the Daughters of the American Revolution the US Constitution week Proclamation in Kerrville, Texas.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST: Announcements of Community Interest provided by Stuart Cunyus. Mayor Eychner introduced Mike Dovell with the Raphael Free Clinic who introduced the new Executive Director Albert Vasquez. Mayor Eychner called Katie Finesky, President of the Kerrville Public School Foundation, who introduced the new Executive Director Jen Whittler.

2. **PRESENTATIONS:** This item was shifted forward before Item 1, see above.

Shelley McElhannon read general business protocols of conduct into record.

3. **VISITORS FORUM:** None

4. **CONSENT AGENDA:**

Councilmember Roman Garcia pulled Consent Agenda items 4B, 4C, 4D, and 4F.

Councilmember Kim Clarkson made a motion to approve items 4A and 4E, seconded by Councilmember Brenda Hughes. The motion passed 5-0.

4A. Resolution No. 54-2022. A Resolution approving the budget for Kerr Emergency 9-1-1 Network for Fiscal Year 2023.

4E. City Council workshop minutes August 23, 2022.

END OF CONSENT AGENDA.

4B. Resolution No. 53-2022. A Resolution providing for the City's approval or disapproval of the Kerr Central Appraisal District's Fiscal Year 2023 budget.

Shelley McElhannon read Resolution No. 53-2022 caption into record.

Councilmember Garcia stated that there is a line in the Resolution for City Council to show approval or disapproval; Councilmember Garcia made a motion to insert the word Approve on the line and approve Resolution No. 53-2022, seconded by Councilmember Joe Herring, Jr. The motion passed 5-0.

4C. First Amendment to the Interlocal Agreement between Kerr County, Texas and the City of Kerrville, Texas for the provision of animal control services within the City of Kerrville, Texas, and services of the Butt-Holdsworth Memorial Library for residents of Kerr County.

Shelley McElhannon read Item 4C caption into record.

Councilmember Garcia noted that on September 12, 2022, the Kerr County Commissioners' Court approved the Interlocal Agreement with a one-year extension instead of two-year, and made a motion to approve the first amendment to the Interlocal Agreement for the provision of animal control services within the City of Kerrville, Texas, and services of the Butt-Holdsworth Memorial Library for residents of Kerr County as amended, seconded by Councilmember Clarkson. The motion passed 5-0.

4D. Contract with BlueSky Restoration Contractors, LLC for the repair of the railing on the Arcadia Loop Brige in the amount of \$91,762.16.

Shelley McElhannon read Item 4D caption into record.

Chad Hierholzer provided information and responded to questions.

Councilmember Garcia made a motion to award the contract to BluSky Restoration Contractors LLC for the repair of the railing on the Arcadia Loop Bridge in the amount of \$91,762.16 which will be subrogated with the private citizen's insurance company by

Texas Municipal League on behalf of the City, and to authorize the City Manager to finalize and execute a contract with BluSky Restoration Contractors LLC, seconded by Councilmember Hughes. The motion passed 5-0.

4F. City Council meeting minutes August 23, 2022.

Councilmember Garcia made a motion to approve the meeting minutes for August 23, 2022 with the following correction: *the minutes to be amended on page 4 by replacing "\$____" with the money amount "\$44,400,000" per the language in the title of Ordinance No. 2022-27*, seconded by Councilmember Herring. The motion passed 5-0.

5 PUBLIC HEARINGS AND RESOLUTION(S):

5A. Resolution No. 52-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lots 23, 24, 25, and 26, Block 3, Riverhill TH 8 Addition; and more commonly known as 510 Preston Trail Loop E; said property is located within a Medium Density Residential Zoning District (R-2); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 52-2022 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:37 p.m.

No person(s) spoke.

Mayor Eychner closed the public hearing at 6:37 p.m.

Councilmember Clarkson made a motion to approve Resolution No. 52-2022, seconded by Councilmember Hughes. Councilmember Clarkson withdrew the motion for approval.

Councilmember Herring made a motion to adopt Resolution No. 52-2022 granting a Conditional Use Permit at this property, but limited to only that Casita as recommended by the Planning and Zoning Commission, seconded by Councilmember Hughes. The motion passed 5-0.

6 PUBLIC HEARINGS AND ORDINANCE(S), FIRST READING:

6A. Ordinance No. 2022-29. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by changing the zoning for an approximate 7.1 acre tract out of the Wallace Survey No. 113, Abstract No. 347; said property more commonly known as 365 Clearwater Paseo Path; within the City of Kerrville, Kerr County, Texas; from a Multifamily Residential Zoning District (R-3) to a Public and Institutional Zoning District (PI); and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2022-29 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:41 p.m.

No person(s) spoke.

Mayor Eychner closed the public hearing at 6:41 p.m.

Councilmember Hughes made a motion to approve Ordinance No. 2022-29 on first reading, seconded by Councilmember Clarkson. The motion passed 5-0.

6B. Ordinance No. 2022-28. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by amending the Land Use Table as found within said Code by changing which Zoning Districts a Short-Term Rental Unit is authorized as a permitted or conditional use; adding a new Subsection (18) to Section 60-60 of the Zoning Code regarding Short-Term Rental Units; a providing a cumulative clause; providing for severability; providing an effective date; ordering publication; providing an effective date; and providing other matters related to the subject.

Shelley McElhannon read Ordinance No. 2022-28 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:48 p.m.

The following person(s) spoke:

- Nikki Caines
- Kim Richards
- Robin Perrin
- Libba Maddry (declined to speak when called)
- Bill White
- Jerry Stroud
- Errol Candy
- Robert Brooks
- Michael Killeen
- Jon Perrin
- Karen Sides
- Larry Howard
- Margaret Harrod

Mayor Eychner closed the public hearing at 7:10 p.m.

Drew Paxton and E.A. Hoppe provided clarification, information, and responded to questions.

Councilmember Garcia made a motion to approve Ordinance No. 2022-28 on first reading with an amendment to strike Section 2 on page 2, and seconded by Councilmember Hughes. The motion passed 5-0.

7 ORDINANCE(S), FIRST READING:

7A. Ordinance No. 2022-30. An Ordinance amending Chapter 30 "Businesses" of the City's Code of Ordinances by adopting a new Article VI "Bed and Breakfast Inns and Short-Term Rental Units"; requiring permitting and inspection for Bed and Breakfast Inns and Short-Term Rental Units; containing a cumulative clause; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject.

Shelley McElhannon read Ordinance No. 2022-30 caption into record.

Drew Paxton provided information and responded to questions.

The following person(s) spoke:

- Karen Sides
- Jeremy Kerth (when called, was not in attendance)
- Kim Richards
- Robin Perrin
- Sharon Mason
- Larry Howard

- Jon Perrin

Drew Paxton provided information, and Drew Paxton and E.A. Hoppe responded to questions.

Councilmember Clarkson made a motion to table Ordinance No. 2022-30 and direct staff to bring forward a plan to create an Ad Hoc Committee, seconded by Councilmember Hughes. The motion passed 5-0.

At 8:15 p.m., Mayor Eychner called for recess of meeting.

At 8:20 p.m., Mayor Eychner reconvened the meeting.

8 ORDINANCES, SECOND READING:

8A. Ordinance No. 2022-23, second reading. An Ordinance creating a "Planned Development District" (Zoning) for Light Commercial Uses and a Stand-Alone Parking Lot on an approximately 1.49 acre property, consisting of Lot 21-R, Block G, B.F. Cage Addition; within the City of Kerrville, Kerr County, Texas; and more commonly known as 820 Sidney Baker and 829 Clay Street; adopting a concept plan and conditions related to the development and use of said lot; and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2022-23 caption into record.

Drew Paxton provided information and the summary of edits, and Drew Paxton and Mike Hayes responded to questions.

The following person(s) spoke:

- JuLee Reeves
- George Baroody
- Patrick Cohoon
- Marily Jo Stewart

Drew Paxton and Mike Hayes provided clarification, and responded to questions.

Councilmember Garcia made a motion to deny the Ordinance. Mayor Eychner called for a second, and the motion died for lack of second.

Mike Hayes presented summary of the edits, and will present Council with a clean final version. Patrick Cohoon interjected comments.

Councilmember Clarkson made a motion to table Ordinance No. 2022-23, seconded by Councilmember Herring. The motion to table passed 5-0.

8B. Ordinance No. 2022-25, second reading. An Ordinance adopting the annual budget for the City of Kerrville, Texas, Fiscal Year 2023; providing appropriations for each City department and fund; containing a cumulative clause; and containing a savings and severability clause.

Shelley McElhannon read Ordinance No. 2022-25 caption into record.

The following person(s) spoke:

- George Baroody
- Peggy McKay

Julie Behrens provided clarification and presented information.

Councilmember Clarkson made a motion to approve Ordinance No. 2022-25 to adopt the City's budget for Fiscal Year 2023 on second reading, seconded by Councilmember Hughes. The motion passed 5-0.

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

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

8C. Ordinance No. 2022-26, second reading. An Ordinance levying an Ad Valorem Tax for the use and support of the Municipal Government for the City of Kerrville, Texas, for Fiscal Year 2023; 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. 2022-26 caption into record.
Julie Behrens provided information.

Councilmember Clarkson made a motion to approve Ordinance No. 2022-26 and that the property tax rate be increased by the adoption of a tax rate of \$0.5750, which is effectively a 12.90% percent increase in the tax rate, seconded by Councilmember Herring. The motion passed 5-0.

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

9 CONSIDERATION AND POSSIBLE ACTION:

9A. Resolution No. 51-2022. A Resolution establishing a policy of the City Council to set the City's Parkland Dedication Fees for Fiscal Years 2023 through 2026.

Shelley McElhannon read Resolution No. 51-2022 caption into record.
Ashlea Boyle provided information and responded to questions.

Councilmember Herring made a motion to adopt Resolution No. 51-2022 to establish a policy of the Parkland Dedication Fees for Fiscal Years 2023 through 2026, seconded by Councilmember Hughes. The motion passed 5-0.

9B. Authorization to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for a downtown infrastructure and beautification project along Clay Street from Main Street to Water Street and on Water Street from Clay Street to Sidney Baker.

Councilmember Herring recused himself from items 9B and 9C as a conflict of interest, and departed the bench at 9:12 p.m.

Shelley McElhannon read Item 9B caption into record.

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

Councilmember Hughes made a motion to authorize the request to submit a funding application to the City of Kerrville Texas Economic Improvement Corporation for a downtown infrastructure and beautification project, seconded by Councilmember Clarkson. The motion passed 4-0.

9C. Authorization to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for Phase 1 of the Downtown River Trail extension, from the Tranquility Island Bridge to the Scenic Downtown Overlook, along with environmental permitting for all phases of the Downtown River Trail to the G Street bridge.

Shelley McElhannon read Item 9C caption into record.

Councilmember Herring remained recused from this item (9C) as a conflict of interest.

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

The following person(s) spoke:

- Larry Howard (when called, was not in attendance)

Councilmember Hughes made a motion to authorize the request to submit a funding application to the City of Kerrville Texas Economic Improvement Corporation for Phase 1 of the proposed Downtown River Trail extension along with environmental permitting for all phases of the Downtown River Trail concept, seconded by Councilmember Clarkson. The motion passed 4-0.

Councilmember Herring joined Council bench at 9:31 p.m.

9D. Authorization to submit a funding application to the City of Kerrville, Texas Economic Improvement Corporation for a Fitness Court at Louise Hays Park.

Shelley McElhannon read Item 9D caption into record.

Michael Hornes and Ashlea Boyle provided information and responded to questions.

The following person(s) spoke:

- Larry Howard (was not in attendance)

Councilmember Clarkson made a motion to authorize staff to submit a funding application to the City of Kerrville Texas Economic Improvement Corporation for a Fitness Court at Louise Hays Park, seconded by Councilmember Garcia. The motion passed 5-0.

10 APPOINTMENTS:

10A. Appointments to the Kerrville Area Youth Leadership Academy (KAYLA).

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

Councilmember Garcia made a motion to appoint the six applicants which are Madison Collins, Gracelyn Geurin, Ellie Harper, Peter Lockwood, Corbyn Loftin, and Ry'lee Paxton, seconded by Councilmember Hughes. The motion passed 5-0.

10B. Appointment of City of Kerrville delegate for the 2022 Texas Municipal League (TML) Annual Conference business meeting.

Shelley McElhannon read item 10B caption into record.
Councilmember Garcia provided information.

Councilmember Clarkson moved to appoint Mayor Eychner as our delegate to serve the annual business meeting to be held during the 2022 TML Annual Conference, seconded by Councilmember Hughes. This motion was approved 5-0.

11 BOARD APPOINTMENTS:

11A. Appointments to the Senior Services Advisory Committee.

Shelley McElhannon read Item 11A caption into record.

Councilmember Clarkson made a motion to approve Tammie Heathman to the Senior Services Advisory Committee, seconded by Councilmember Herring. The motion passed 5-0.

10 EXECUTIVE SESSION: None

11 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY: N/A

12 ITEM(S) FOR FUTURE AGENDAS:

- Councilmember Garcia – requested to remove the second City Council meeting in November and the second City Council meeting in December by Ordinance, instead of an annual Resolution.

ADJOURN. The meeting adjourned at 9:44 p.m.

APPROVED BY COUNCIL: 9/27/2022

APPROVED:


Judy Eychner, Mayor

ATTEST:


Shelley McElhannon, City Secretary