

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
OCTOBER 11, 2022 6:00 PM**

On October 11, 2022 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	Guillermo Garcia, Exec Dir Innovation
Mike Hayes, City Attorney	Eric Maloney, Fire Chief
Michael Hornes, Asst City Manager	Chris McCall, Police Chief
Kim Meismer, Asst City Manager	Drew Paxton, Planning Director
Shelley McElhannon, City Secretary	Charvy Tork, Director IT
Stuart Cunyus, Public Information Officer	Joshua Young, GIS

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. Upper Guadalupe River Authority (UGRA) Board President Diane McMahon, introduced the new UGRA General Manager Tara Bushnoe.

2. PRESENTATIONS:

2A. Kerrville Kindness Award presented to the Kerrville Public Utility Board (KPUB).

Mayor Eychner presented the Kerrville Kindness award to KPUB, for KPUB's assistance in the state of Florida due to Hurricane Ian. KPUB representatives in attendance: Tammy Riley, Dave Burley, Nathaniel Crabtree, Trey Owen, and Josh Whitworth.

2B. Proclamation recognizing October 2022 as Hill Country Night Sky month.

Mayor Eychner presented the Hill Country Night Sky month October 2022 Proclamation to representatives of Kerr County Friends of the Dark Skies, Bill Rector, Cathleen Brinkman, Bruce Barton, Kim Arvidsson, Greg Martin, and Jennifer Robinson.

2C. Proclamation recognizing October 2022 as Fire Prevention month.

Fire Chief Eric Maloney introduced the item, and Mayor Eychner presented the Fire Prevention month October 2022 Proclamation to Kerrville Fire Department personnel and Fire Chief Eric Maloney.

2D. Kerrville Fire Department's presentation of Citation of Merit.

Chief Maloney presented Lieutenant Monty Johnson the Kerrville Fire Department's Citation of Merit, due to exemplary leadership, dedication, and safety of our citizens.

Shelley McElhannon provided speaker protocol.

Mayor Eychner provided visitor and audience procedures of decorum.

3. VISITORS FORUM:

The following person(s) spoke:

- Thomas Jeffers
- Julee Reeves
- Jaclyn Hall
- Cheryl Fitch
- Nikki Caines
- Bruce Stracke

E.A. Hoppe provided clarification, correct, and factual information regarding the Library.

Councilmember Roman Garcia made a motion to place an item on the next regular meeting agenda for Discussion and Possible Action and the agenda item is titled The Butt-Holdsworth Memorial Library participation in banned book week, the Library's policies, the Library's association with the American Library Association, and personnel matters regarding the conduct of the Library Director, the City Manager, and the Assistant City Managers regarding the aforementioned matters. Mayor Eychner called for a second, with no Council second. The motion died for lack of a second.

4. CONSENT AGENDA:

Mayor Eychner requested to pull and table Consent Agenda item 4A. Councilmember Garcia requested to pull Consent Agenda item 4F.

4A. Resolution No. 49-2022. A Resolution amending the Employee Benefits Trust for the City of Kerrville, Texas; such trust created and maintained pursuant to Chapter 222, Texas Insurance Code.

Councilmember Kim Clarkson made a motion to table Resolution No. 49-2022, seconded by Councilmember Hughes.

Councilmember Garcia called a point of order citing Section 4.5. Mayor Eychner acknowledged and declined the point of order.

The motion passed 4-1, with Mayor Eychner, Councilmember Clarkson, Councilmember Joe Herring Jr., and Councilmember Hughes voting in favor, and Councilmember Garcia voting opposed.

Councilmember Clarkson made a motion to approve items 4B, 4C, 4D, 4E, and 4G, seconded by Councilmember Hughes. The motion passed 5-0.

4B. Ratify Fund Agreement with the Community Foundation of the Texas Hill Country for the establishment of the Kerrville Police Department Foundation Fund; and approve Fund Agreements with the Community Foundation of the Texas Hill Country for the establishment of the Kerrville Fire Department Fund and the Kerrville Parks Foundation Fund.

4C. Renewal of the Geographic Information System Enterprise License Agreement with Environmental Systems Research Institute, Inc. (ESRI).

4D. Execute a change order decreasing the awarded amount for the 2021 Street Reconstruction project.

4E. City Council workshop minutes, September 27, 2022.

4G. City Council workshop minutes October 04, 2022.

END OF CONSENT AGENDA.

4F. City Council meeting minutes, September 27, 2022.

Councilmember Garcia proposed that in future Council minutes, the minutes include Council comments, statements, clarification, or questions. Discussion ensued among Council, and Council was not in agreement.

Councilmember Garcia made a motion to approve the meeting minutes for September 27, 2022 with the amendment: Page 3 Section F "by and sending a written notice", seconded by Councilmember Joe Herring, Jr. The motion passed 5-0.

5. PUBLIC HEARING AND RESOLUTIONS:

5A. Resolution No. 59-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of an approximate 1.373 acres out of the Martinez Survey No. 124, Abstract No. 247; and more commonly known as 2101 Arcadia Loop S; 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. 59-2022 caption into record.

Drew Paxton provided information and responded to questions.

Tim Buck, representing the applicant, was available for questions.

The public hearing opened at 7:04 p.m.

The following person(s) spoke:

- George Baroody

The public hearing closed at 7:06 p.m.

Councilmember Hughes made a motion to approve Resolution No. 59-2022, seconded by Councilmember Herring. The motion passed 5-0.

5B. Resolution No. 60-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of part of Block 11, Lowry Addition; and more commonly known as 309 Guadalupe; 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. 60-2022 caption into record.

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

Applicant Larry Howard was available for questions.

The public hearing opened at 7:11 p.m.

No person(s) spoke.

The public hearing closed at 7:11 p.m.

Councilmember Herring made a motion to adopt Resolution No. 60-2022, seconded by Councilmember Hughes. The motion passed 5-0.

5C. Resolution No. 61-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 6, of Block 1, Riverside Addition; and more commonly known as 337 Guadalupe; 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. 61-2022 caption into record.

Drew Paxton provided information and responded to questions.

Applicant Larry Howard was available for questions.

The public hearing opened 7:12 p.m.

No person(s) spoke.

The public hearing closed 7:12 p.m.

Councilmember Clarkson made a motion to approve Resolution No. 61-2022, seconded by Councilmember Hughes. The motion passed 5-0.

5D. Resolution No. 62-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 5, Colonial Manor Section 2 Addition; and more commonly known as 1425 Lois; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 62-2022 caption into record.

Drew Paxton provided information and responded to questions.

Matt Sletton, representing applicant, was available for questions.

The public hearing opened 7:15 p.m.

No person(s) spoke.

The public hearing closed 7:15 p.m.

Councilmember Hughes made a motion to approve Resolution No. 62-2022, seconded by Councilmember Herring. The motion passed 5-0.

5E. Resolution No. 63-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 27, of Block 33, Schreiner Addition; and more commonly known as 130 Loop 13; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 63-2022 caption into record.

Drew Paxton provided information and responded to questions.

Applicant Margaret Harrod provided information and was available for questions.

The public hearing opened 7:20 p.m.

No person(s) spoke.

The public hearing closed 7:21 p.m.

Councilmember Herring made a motion to adopt Resolution No. 63-2022, seconded by Councilmember Clarkson. The motion passed 5-0.

5F. Resolution No. 64-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 4-A, of Block 1, Fair Oaks Addition; and more commonly known as 1602 Quinlan Creek; 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. 64-2022 caption into record.

Drew Paxton provided information and responded to questions.

The public hearing opened 7:23 p.m.

The following person(s) spoke:

- George Baroody

The public hearing closed 7:25 p.m.

Councilmember Hughes made a motion to approve Resolution No. 64-2022 with the amendment that the Short-Term Rental be limited to the guest house. Mayor Eychner called for a second, with no Council second. The motion died for lack of a second.

Councilmember Herring made a motion to adopt Resolution No. 64-2022, seconded by Councilmember Clarkson. The motion passed 4-1 with Mayor Eychner, Councilmember Clarkson, Councilmember Garcia, and Councilmember Herring voting in favor, and Councilmember Hughes voting opposed.

5G. Resolution No. 65-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 10, of Block A, Motley Hills Addition; and more commonly known as 1701 Deer Trail; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions. (This is an appeal by applicant to City Council).

Shelley McElhannon read Resolution No. 65-2022 caption into record.

Drew Paxton provided information and responded to questions.

Applicant Niki Parks provided information and was available for questions.

The public hearing opened 7:33 p.m.

No person(s) spoke.

The public hearing closed 7:33 p.m.

Councilmember Herring made a motion to adopt Resolution No. 65-2022, seconded by Councilmember Clarkson. The motion passed 5-0.

E.A. Hoppe provided information regarding Short-Term Rental Unit timelines and application deadlines.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Resolution No. 66-2022. A Resolution authorizing and approving the creation of the Kerrville Public Facility Corporation pursuant to chapter 303 of the Texas Local Government Code to act on behalf of the City of Kerrville, Texas; approving the Certificate of Formation and Bylaws related thereto; and resolving other matters in connection therewith.

Shelley McElhannon read Resolution No. 66-2022 caption into record.

Michael Hornes, E.A. Hoppe, and Attorney Summer Greathouse with Bracewell LLP provided information and responded to questions.

The following person(s) spoke:

- Brad Barnett
- George Baroody
- Cory Edmondson

Councilmember Herring made a motion to adopt Resolution No. 66-2022, seconded by Councilmember Hughes. The motion passed 4-1 with Mayor Eychner, Councilmember Clarkson, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia voting opposed.

6B. Special District Policies as to Public Improvement Districts and Municipal Utility Districts.

Shelley McElhannon read item 6B caption into record.

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

Councilmember Hughes made a motion to approve the Public Improvement District policy, seconded by Councilmember Herring. The motion passed 4-1, with Mayor Eychner, Councilmember Clarkson, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia voting opposed.

Councilmember Garcia made a motion to table the Municipal Utility District policy until the next regular Council meeting, seconded by Councilmember Clarkson. The motion to table passed 5-0.

6C. Resolution No. 58-2022. A Resolution canceling the regular meetings of the City Council scheduled for November 22, 2022 and December 27, 2022.

Shelley McElhannon read Resolution No. 58-2022 caption into record.

Mike Hayes provided information.

Councilmember Garcia made a motion to approve Resolution No. 58-2022, seconded by Councilmember Herring. The motion passed 5-0.

Executive Session was not called nor convened.

7. EXECUTIVE SESSION: N/A

7A. Workforce Housing development projects (551.071, 551.087).

The following person(s) spoke:

- George Baroody (declined when called)

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

9. ITEM(S) FOR FUTURE AGENDAS:

The following person spoke:

- Jess Fields – Education and Parental Choice, and requested item on a future agenda. Councilmember Garcia sponsored the item, seconded by Councilmember Hughes. The item failed as a future agenda item 2-3 with Councilmember Garcia and Councilmember Hughes voting in favor, and Mayor Eychner, Councilmember Clarkson, and Councilmember Herring voting opposed.

ADJOURN. The meeting adjourned at 8:31 p.m.

APPROVED BY COUNCIL: 10/25/2022

APPROVED:

Judy Eychner
Judy Eychner, Mayor

ATTEST:

Shelley McElhannon
Shelley McElhannon, City Secretary