

**CITY COUNCIL MINUTES
REGULAR MEETING**

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

On December 13, 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. 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
Mike Hayes, City Attorney
Michael Hornes, Asst City Manager
Kim Meismer, Asst City Manager
Shelley McElhannon, City Secretary
Stuart Barron, Exec Director Public Works
Julie Behrens, Director of Finance
Ashlea Boyle, Director Parks-Recreation

Kyle Burow, Director of Engineering
Stuart Cunyus, Public Information Officer
Megan Folkerts, Sr Analyst
Guillermo Garcia, Exec Dir Innovation
Eric Maloney, Fire Chief
Chris McCall, Police Chief
Drew Paxton, Planning Director

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, Mayor Eychner, Chief Chris McCall, and Chief Eric Maloney. The Womens' Christian Job Core president Carlina Villalpando introduced the new Executive Director Edna Vandiver to City Council.

2. PRESENTATIONS:

2A. Kerrville Kindness Award recognizing Citizen Police Academy Alumni and Volunteers, and the Blue Santa program.

Mayor Eychner presented the Kerrville Kindness award to the Citizen Police Academy Alumni and Volunteers, and recognizing the Blue Santa program.

2B. Proclamation recognizing the "Christmas in Kerrville" poem author.

Mayor Eychner proclaimed Katie McMillan as the "2022 Christmas in Kerrville" poetry contest winner. Citizens of Kerrville selected the poem as capturing a "Christmas in Kerrville". Katie McMillan accepted the proclamation and read the poem.

2C. Texas American Planning Association Award to the City in recognition of the City's implementation of its Kerrville 2050 Comprehensive Plan.

Texas American Planning Association Board Member Carol Barrett presented the Texas American Planning Association Award to the City of Kerrville, recognizing the City's implementation of the Kerrville 2050 Comprehensive Plan.

3. VISITORS FORUM:

The following person(s) spoke:

- William Fitch
- Ruben Aguilar
- Nikki Caines
- Karen Guerriero
- George Baroody
- Ian Daugherty

4. CONSENT AGENDA:

Councilmember Roman Garcia requested to pull Consent Agenda items 4B and 4D, and Councilmember Kim Clarkson requested to pull Consent Agenda item 4F. Councilmember Garcia made a motion to approve 4A, 4C, 4E, 4G, and 4H, seconded by Councilmember Joe Herring, Jr. The motion passed 5-0.

4A. Resolution No. 80-2022. A Resolution ordering that a General Election be held on May 6, 2023, for the election of two Councilmembers for Place 1 and Place 2; providing details relating to the holding of such election; authorizing the Mayor to enter into an agreement with the Kerr County Elections Officer for the holding of the election; and providing other matters related to this subject.

4C. Grant Funding Purchase of VirTra Training Simulator and Equipment.

4E. Contract with Recon Infosec for Managed Detection and Response (MDR) services through the TIPS purchasing contract, for the amount of \$60,486 per year.

4G. Amendment to Lease Agreement for 715 Water Street with Kerrville's Fourth on the River (Arcadia Live).

4H. City Council meeting minutes November 08, 2022.

END OF CONSENT AGENDA.

4B. Resolution No. 81-2022. A Resolution establishing the City's intent to become certified as a Dark Sky Community.

Drew Paxton provided information and responded to questions.

Councilmember Garcia made a motion to approve Resolution No. 81-2022, seconded by Councilmember Clarkson. The motion passed 5-0.

4D. Approval of Zoning Board of Adjustment Rules of Procedure.

Drew Paxton provided information and responded to questions.

Councilmember Clarkson made a motion to approve Item 4D, seconded by Councilmember Herring. The motion passed 5-0.

4F. Construction Agreement with Alsay Incorporated for the Water Well No 9 (H Street) Improvement Project in an amount of \$294,000.

Stuart Barron and E.A. Hoppe provided information and responded to questions.

Councilmember Clarkson made a motion to approve Item 4F, seconded by Councilmember Herring. The motion passed 5-0.

5. PUBLIC HEARINGS AND RESOLUTIONS:

5A. Resolution No. 82-2022. A Resolution granting a Conditional Use Permit to authorize an Independent Living Facility for Seniors on property generally located adjacent to Memorial Boulevard (SH 27) and between its intersection with Meeker Road and Laurel Street; comprising an approximate 0.53 acres and more commonly known as 2916 Memorial Boulevard; said property is located within a Light Commercial Zoning District (C-2); and making said permit subject to certain conditions and restrictions.

Shelley McElhannon read Resolution No. 82-2022 caption into record.

Drew Paxton provided information and responded to questions, and applicant Rick Perry spoke. The public hearing opened at 6:58 p.m.

The following person(s) spoke:

- George Baroody

The public hearing closed at 7:01 p.m.

Councilmember Brenda Hughes made a motion to approve Resolution No. 82-2022, seconded by Councilmember Herring. The motion passed 5-0.

5B. Resolution No. 83-2022. A Resolution granting a Conditional Use Permit to authorize a Short Term Rental on the property consisting of Lot H, Block 5, Pueblo Hills Addition; and more commonly known as 1916 Leslie; 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. 83-2022 caption into record.

Drew Paxton provided information and responded to questions.

The public hearing opened at 7:02 p.m.

The following person(s) spoke:

- Roger Palmer

The public hearing closed at 7:05 p.m.

Councilmember Herring made a motion to table until the next meeting pending resolution of the question, "*Is the applicant continuing or withdrawing?*", seconded by Councilmember Hughes. The motion to table failed 2-3 with Councilmember Herring and Councilmember Hughes voting in favor to table, and Mayor Eychner, Councilmember Garcia, and Councilmember Clarkson opposed.

Councilmember Garcia made a motion to approve Resolution No. 83-2022, seconded by Councilmember Clarkson. The motion passed 5-0.

5C. Resolution No. 84-2022. A Resolution granting a Conditional Use Permit for a Short Term Rental on the property consisting of Lot F, Block 5, Pueblo Hills Addition; and more commonly known as 1924 Leslie; 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. 84-2022 caption into record.

Drew Paxton provided information and responded to questions.

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

The following person(s) spoke:

- Roger Palmer
- George Baroody
- Bruce Stracke

The public hearing closed at 7:14 p.m.

Councilmember Herring made a motion to approve Resolution No. 84-2022, seconded by Councilmember Hughes. The motion passed 5-0.

5D. Resolution No. 85-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 14, Block 2, Galleria Estates Addition; and more commonly known as 811 Lloyd; 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. 85-2022 caption into record.

Drew Paxton provided information and responded to questions, and applicant representative Denise Morris spoke.

The public hearing opened at 7:16 p.m.

No person(s) spoke.

The public hearing closed at 7:16 p.m.

Councilmember Hughes made a motion to approve Resolution No. 85-2022, seconded by Councilmember Herring. The motion passed 5-0.

5E. Resolution No. 86-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lots 4, 5, & 6, Block 8 Hillcrest Addition; and more commonly known as 1001 Prescott; 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. 86-2022 caption into record.

Drew Paxton provided information and responded to questions.

The public hearing opened at 7:18 p.m.

The following person(s) spoke:

- Mary Kay LaMont

The public hearing closed at 7:22 p.m.

Councilmember Clarkson made a motion to approve Resolution No. 86-2022, seconded by Councilmember Hughes. The motion passed 5-0.

5F. Resolution No. 87-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 3, Block 1, Jenkins Addition; and more commonly known as 3410 Riverside; 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. 87-2022 caption into record.

Drew Paxton provided information.

The public hearing opened at 7:25 p.m.

No person(s) spoke.

The public hearing closed at 7:25 p.m.

Councilmember Herring made a motion to approve Resolution No. 87-2022, seconded by Councilmember Clarkson. The motion passed 5-0.

6. PUBLIC HEARING AND ORDINANCE(S), FIRST READING:

6A. Ordinance No. 2023-01. An Ordinance annexing a track of land into the corporate limits of the City of Kerrville, Texas; such property making up approximately 4.45 acres and generally located adjacent to and South of Kerrville Schreiner Park; more commonly known as 2511 State Highway 173 (Bandera Highway); such property more specifically described in this ordinance and being located within the Extraterritorial Jurisdiction of and adjacent to the City Limits; adopting a

Service Agreement; establishing the Zoning for the annexed property as a Mixed Use (MU) Zoning District; and providing other matters relating to this subject.

Shelley McElhannon read Ordinance No. 2023-01 caption into record.

Drew Paxton provided information and responded to questions.

The public hearing opened at 7:30 p.m.

No person(s) spoke.

The public hearing closed at 7:31 p.m.

Councilmember Clarkson made a motion to approve Ordinance No. 2023-01 on first reading, seconded by Councilmember Hughes. The motion passed 5-0.

6B. Ordinance No. 2023-02. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the Zoning of an approximate 0.63 acre property known as 226 and 228 W. Main; from a Planned Development Zoning District (PDD) to a Light Commercial Zoning District (C-2); and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2023-02 caption into record.

Drew Paxton provided information, and applicant representative Bruce Stracke spoke.

The public hearing opened at 7:34 p.m.

No person(s) spoke.

The public hearing closed at 7:34 p.m.

Councilmember Herring made a motion to approve Ordinance No. 2023-02 on first reading, seconded by Councilmember Hughes. The motion passed 5-0.

7. ORDINANCE(S), SECOND READING:

7A. Ordinance No. 2022-32, second reading. An Ordinance annexing a tract of land into the corporate limits of the City of Kerrville, Texas; such property making up approximately 11.93 acres and generally located south of the intersection of State Highway 27 and Colvin Ranch Rd.; more commonly known as 5269 State Highway 27; such property more specifically described in this Ordinance and being located within the extraterritorial jurisdiction of and adjacent to the City Limits; adopting a service agreement; establishing the zoning for the annexed property as an Industrial and Manufacturing (IM) Zoning District; and providing other matters relating to this subject.

Shelley McElhannon read Ordinance No. 2022-32 caption into record.

Drew Paxton provided information and responded to questions.

Councilmember Garcia made a motion to approve Ordinance No. 2022-32, seconded by Councilmember Herring. The motion passed 5-0.

7B. Ordinance No. 2022-30, second reading. An Ordinance creating a new Chapter 80 "Short-Term Rental Units"; requiring permitting for 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.

Guillermo Garcia provided information and responded to questions.

The following person(s) spoke:

- Robin Perrin
- Nikki Caines

Councilmember Clarkson made a motion to approve Ordinance No. 2022-30 on second reading, seconded by Councilmember Garcia. The motion passed 5-0.

7C. Ordinance No. 2022-33, second reading. An Ordinance amending Chapter 102 "Traffic and Vehicles," Section 102-1 "Definitions" of the Code of Ordinances of the City of Kerrville, Texas by revising the definitions of "Excessive or Unusual Noise" and "Noisemakers" in their entirety; containing a savings and severability clause; providing an effective date; ordering publication; and providing other matters relating to this subject.

Shelley McElhannon read Ordinance No. 2022-33 caption into record.

Councilmember Hughes made a motion to approve Ordinance No. 2022-33, seconded by Councilmember Herring. The motion passed 5-0.

8. CONSIDERATION AND POSSIBLE ACTION:

8A. Construction Agreement with D&D Contractors, Inc. for the Westminster Street Reconstruction project in the amount of \$1,846,158.40.

Shelley McElhannon read item 8A caption into record.

Kyle Burow provided information and responded to questions.

Councilmember Garcia made a motion to authorize the City Manager to finalize and execute a construction contract with D&D Contractors, Inc for Westminster Street Reconstruction project, seconded by Councilmember Hughes. The motion passed 5-0.

8B. Authorization to negotiate a Design-Build contract for the Heart of the Hills Heritage Center.

Shelley McElhannon read item 8B caption into record.

Kyle Burow provided information and responded to questions, and Joel Kokomor with Freese & Nichols, Inc spoke.

Councilmember Herring made a motion to direct staff to negotiate a contract with the design-build team that was determined to be the highest ranked proposer for the HHHC project and award a contract with construction cost limitation of 3.25 million dollars to Marksman General Contractors, seconded by Councilmember Hughes. The motion passed 5-0.

At 8:22 p.m., Councilmember Herring recused himself from Item 8C citing conflict of interest and departed seat at Council bench.

8C. Project funding agreement between the City of Kerrville, Texas, Economic Improvement Corporation and the City of Kerrville, Texas; for the development and construction of an extension to the City's River Trail from the Tranquility Island bridge to the scenic downtown overlook (pavilion).

Shelley McElhannon read item 8C caption into record.

Ashlea Boyle provided information and Ashlea Boyle, Mike Hayes, and E.A. Hoppe responded to questions.

The following person(s) spoke:

- George Baroody

Councilmember Garcia made a motion to deny the agreement as presented. Mayor Eychner called for a second, with no second forthcoming. Motion to deny failed due to lack of second.

Councilmember Clarkson made a motion to approve a project funding agreement between the City of Kerrville, Texas, Economic Improvement Corporation and the City of Kerrville, Texas, for the development and construction of an extension to the City's River Trail from the Tranquility Island bridge to the scenic downtown overlook (pavilion), seconded by Councilmember Hughes. The motion passed 3-1 with Mayor Eychner, Councilmember Clarkson, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

At 8:39 p.m., Councilmember Herring joined seat at Council bench.

8D. Funding application to the City of Kerrville, Texas, Economic Improvement Corporation, for the creation of a concept feasibility study for extensions of the Kerrville River Trail around Nimitz Lake in the amount of \$182,800.

Shelley McElhannon read 8D caption into record.

Ashlea Boyle provided information and responded to questions.

The following person(s) spoke:

- George Baroody

Councilmember Herring made a motion to approve the funding application to the City of Kerrville, Texas, Economic Improvement Corporation, for the creation of a concept feasibility study for extensions of the Kerrville River Trail around Nimitz Lake in the amount of \$182,800, seconded by Councilmember Clarkson. The motion passed 5-0.

8E. Resolution No. 88-2022. A Resolution amending The City of Kerrville Fee Schedule by adopting fees to be charged for each initial application and renewal application for Short-Term Rental Units.

Shelley McElhannon read Resolution No. 88-2022 caption into record.

Guillermo Garcia provided information and responded to questions.

Councilmember Hughes made a motion to approve Resolution No. 88-2022, seconded by Councilmember Herring. The motion passed 5-0.

9. INFORMATION & DISCUSSION:

9A. Fiscal Year 2022-Year End Financial Report, and FY2023 Financial Report 10-31-2022.

Shelley McElhannon read item 11A caption into record.

Julie Behrens provided information, and Julie Behrens and E.A. Hoppe responded to questions.

10. BOARD APPOINTMENT(S):

10A. Appointment to the Food Service Advisory Board.

Councilmember Hughes made a motion to appoint Rebecca Dittmar to the Food Service Advisory Board, seconded by Councilmember Garcia. The motion passed 5-0.

10B. Appointment(s) to the Library Advisory Board.

The following person(s) spoke:

- Jaclyn Hall
- Lillian Beard

Councilmember Clarkson called for point of order, acknowledged by Mayor Eychner.

Councilmember Hughes made a motion to appoint Barbara Jansen and Lana Tatsch to the Library Advisory Board, seconded by Councilmember Herring.

Councilmember Garcia made a motion to amend the prior motion, and to instead reappoint Beverly Avery and to appoint Crystal Smith. Mayor Eychner called for a second, with no second forthcoming. Therefore the motion to amend failed for lack of second.

Mayor Eychner then acknowledged the original motion which Councilmember Hughes made to appoint Barbara Jansen and Lana Tatsch, and seconded by Councilmember Herring, and called for a vote. The motion passed 4-1 with Mayor Eychner, Councilmember Clarkson, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

10C. Appointment(s) to the Parks & Recreation Advisory Board.

Shelley McElhannon read item 10C caption into record.

Councilmember Clarkson made a motion to appoint Russell Nemky to the Parks and Recreation Advisory Board, seconded by Councilmember Herring. The motion passed 5-0.

10D. Appointment(s) to the Recovery Community Coalition.

Shelley McElhannon read item 10D caption into record.

Councilmember Garcia made a motion to table this item to the next regular meeting, seconded by Councilmember Herring. The motion passed 5-0.

10E. Appointment(s) to the Planning and Zoning Commission.

Shelley McElhannon read item 10E caption into record.

Councilmember Hughes made a motion to reappoint David Lipscomb, Tabor McMillan, and Michael Sigerman, and to appoint Kimberly Richards to the Planning and Zoning Commission, seconded by Councilmember Clarkson. The motion passed 5-0.

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

11A. Appointment(s) to the Planning and Zoning Commission.

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

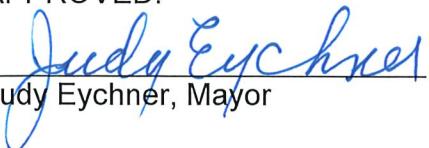
13. ITEM(S) FOR FUTURE AGENDAS:

- Councilmember Garcia – Board and Commission application process and application deadlines, seconded by Mayor Eychner, and consensus given by Council.
- Mayor Eychner announced seating arrangement change at Council bench, beginning in January 2023.

ADJOURN. The meeting adjourned at 9:26 p.m.

APPROVED BY COUNCIL: 1/10/2023

APPROVED:


Judy Eychner, Mayor

ATTEST:


Shelley McElhannon, City Secretary