

**CITY COUNCIL MINUTES  
REGULAR MEETING**

**KERRVILLE, TEXAS  
OCTOBER 10, 2023 6:00 PM**

On October 10, 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 Joe Herring, Jr. 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 Cunyus, Public Information Officer  
Guillermo Garcia, Exec Director Innovation  
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.

Amy Dozier, CFO Kerrville Public Utility Board Mike Wittler, CEO Kerrville Public Utility Board  
Clifton Karam, Lennar Homes James McKnight, Lennar Homes Lawyer

**1. ANNOUNCEMENTS OF COMMUNITY INTEREST:**

Announcements of Community Interest provided by Stuart Cunyus and Mayor Eychner.

**2. PRESENTATION(S):**

2A. Proclamation recognizing October 2023 as Fire Prevention month.

Mayor Eychner presented a proclamation recognizing October 2023 as Fire Prevention month to Fire Chief Eric Maloney, firefighters, and personnel from the Kerrville Fire Department.

2B. Proclamation recognizing Mini Mart 50<sup>th</sup> Anniversary.

Mayor Eychner presented a proclamation recognizing the 50<sup>th</sup> Anniversary of Mini Mart and the company's philanthropic contributions to the City of Kerrville and citizens of Kerr County. The proclamation was received by Sylvia Fritz Dobbs and David Fritz.

Mayor Eychner requested speakers to limit comments to three minutes.

**3. VISITORS FORUM:**

The following person(s) spoke:

- George Baroody
- Peggy McKay
- Brad Willson
- Sarah Kocurek
- Bill Blackburn

**4. CONSENT AGENDA:**

Councilmember Roman Garcia made a motion to approve Consent Agenda items 4A through 4E with the amendment to 4D, seconded by Councilmember Herring. The motion passed 5-0.

4A. Resolution No. 28-2023. A Resolution canceling the regular meetings of the City Council scheduled for November 28, 2023 and December 26, 2023.

4B. Amendment to the Professional Services Agreement with Freese & Nichols, Inc. for the Public Safety Facility Design-Build Advisor Services in the amount of \$640,888.00.

4C. Professional Services Agreement with Utility Engineering Group, PLLC for the Wastewater Lift Station Rehabilitations project in the amount of \$64,620.00.

4D. City Council workshop minutes, September 26, 2023.

The minutes were amended with the adjourn time as 6:00 p.m.

4E. City Council meeting minutes, September 26, 2023.

**END OF CONSENT AGENDA.**

At 6:30 p.m. Councilmember Jeff Harris departed Council dais, recusing himself from item 5A due to conflict of interest.

**5. PUBLIC HEARINGS AND RESOLUTIONS:**

5A. Resolution No. 33-2023. 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 Blvd; 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. 33-2023 caption into record.

Drew Paxton provided information and responded to questions.

Applicant Rick Perry spoke and responded to questions.

Mayor Eychner opened the public hearing at 6:35 p.m.

No person(s) spoke.

Mayor Eychner closed the public hearing at 6:35 p.m.

Councilmember Brenda Hughes made a motion to approve Resolution No. 33-2023, seconded by Councilmember Herring. The motion passed 4-0.

At 6:36 p.m. Councilmember Harris re-joined Council dais.

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

6A. Ordinance No. 2023-29. 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, Dalton Rice, Mike Hayes, Michael Hornes, and (applicant representatives) James McKnight and Pablo Brinkman provided information and responded to questions.

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

The following person(s) spoke:

- Cory Edmonson, letter read into record
- Brad Barnett
- Pablo Brinkman
- Nikki Caines
- Jerry Wolff
- Bruce Stracke
- Clifton Karam
- George Baroody
- James McKnight

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

Councilmember Herring made a motion to adopt Ordinance No. 2023-29 annexing approximately 214.1 acre tract of land on first reading, 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.

6B. Ordinance No. 2023-30. 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.

Michael Hornes and applicant representative James McKnight provided information and responded to questions. Applicant Clifton Karam spoke.

Mayor Eychner opened the public hearing at 7:49 p.m.

The following person(s) spoke:

- Cory Edmonson, letter previously read into record
- Jaclyn Hall
- Brad Barnett
- Pablo Brinkman, passed to speak when called
- Nikki Caines
- Peggy McKay
- Jerry Wolff

Dalton Rice clarified issues and provided information.

- Bruce Stracke
- George Baroody
- James McKnight

Mayor Eychner closed the public hearing at 8:17 p.m.

Michael Hornes clarified issues and provided information.

Mike Hayes and Dalton Rice provided information and responded to questions.

Councilmember Garcia made a motion to table Ordinance No. 2023-30 until the October 24, 2023 meeting. Mayor Eychner called for a second, with no second forthcoming. Motion to table Ordinance No. 2023-30 died for lack of second.

Councilmember Herring made a motion to adopt Ordinance No. 2023-30 to create a Windridge TIRZ on first reading, 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.

At 8:36 p.m., Mayor Eychner recessed the meeting.

At 8:44 p.m., Mayor Eychner reconvened the meeting.

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

7A. Ordinance No. 2023-27. An Ordinance amending Chapter 58, Article III of the City's Code of Ordinances, titled "Smoking in Enclosed Public Places and Places of Employment"; to clarify various sections; revise regulations in accordance with State Law, to include the definition of a "Minor"; and to change defenses to affirmative defenses; ordering publication; and providing other matters related to the subject.

Shelley McElhannon read Ordinance No. 2023-27 caption into record.

Guillermo Garcia provided information and responded to questions.

Councilmember Garcia made a motion to adopt Ordinance No. 2023-27 on first reading, seconded by Councilmember Hughes. The motion passed 5-0.

## **8. ORDINANCES, SECOND READING:**

8A. Ordinance No. 2023-24, second reading. An Ordinance amending in part Ordinance No. 99-18, as amended by adopting revised rate schedules for residential services, and distributed generation rider; containing a cumulative clause; containing a severability clause; and establishing an effective date.

Shelley McElhannon read Ordinance No. 2023-24 caption into record.

Amy Dozier and Mike Wittler were present for any questions.

Councilmember Hughes made a motion to approve Ordinance No. 2023-24 on second reading, seconded by Councilmember Garcia. The motion passed 5-0.

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

9A. Resolution No. 32-2023. A Resolution authorizing the City Manager to contract with a Real Estate Broker for the sale of real property located at 505 Center Point Drive E, such property described as Lot 1 Oak View Estates, a Subdivision out of the Benjamin B. Peck Survey No. 51, Abstract No. 266, and consisting of approximately 17.68 acres.

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

Guillermo Garcia and Dalton Rice provided information and responded to questions.

Councilmember Herring made a motion to approve Resolution No. 32-2023 to enter into a contract with a real estate broker for the sale or disposition of real property, seconded by Councilmember Hughes. The motion passed 5-0.

9B. Resolution No. 34-2023. A Resolution nominating a candidate(s) to Kerr Central Appraisal District Board of Directors. (This item is eligible for Executive Session 551.074.).

Shelley McElhannon read Resolution No. 34-2023 caption into record.

Mayor Eychner provided information and responded to questions.

City Council passed on Resolution, and no action occurred.

9C. Resolution No. 35-2023. A Resolution creating an Ad Hoc Animal Regulations Review Committee.

Mayor Eychner read Resolution No. 35-2023 caption into record.

Councilmember Hughes provided information and responded to questions.

Councilmember Hughes made a motion to approve Resolution No. 35-2023 and appoint the following members to the Ad Hoc Animal Regulations Review Committee: Karen Guerriero with Kerrville Pets Alive, Jennifer Houghton with Town and Country Veterinary Clinic, Amy Underwood with Kerrville Pets Alive, Leslie Jones with Big Fix, and Curtis Thomason retired Assistant Police Chief, 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.

**10. INFORMATION AND DISCUSSION:**

10A. Solar Eclipse update.

Chief McCall and Chief Maloney provided information and responded to questions.

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

11A. Resolution No. 34-2023. A Resolution nominating a candidate(s) to Kerr Central Appraisal District Board of Directors. (551.074.)

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

**13. ITEM(S) FOR FUTURE AGENDAS:**

- Councilmember Harris requested to add to the October 24, 2023 Council agenda to waiver Parade and Park fees for the November 11, 2023 Veterans Day Parade. This item was sponsored by Councilmember Hughes, and seconded by Councilmember Herring. Consensus to add item 5-0.

**ADJOURN.** The meeting adjourned at 9:33 p.m.

**APPROVED BY COUNCIL:** 10/24/2023

APPROVED:

Judy Eychner  
Judy Eychner, Mayor

ATTEST:

Shelley McElhanon  
Shelley McElhanon, City Secretary