

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
JANUARY 23, 2024 6:00 PM**

On January 23, 2024 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:

Dalton Rice, City Manager
Mike Hayes, City Attorney
Kim Meismer, Asst City Manager
Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary
Stuart Barron, Executive Director
Julie Behrens, Director of Finance
Kyle Burow, Director of Engineering

Stuart Cunyus, Public Information Officer
Megan Folkerts, Sr Mgmt Analyst
Guillermo Garcia, Executive Director
Eric Maloney, Fire Chief
Chris McCall, Police Chief
Drew Paxton, Director of Planning/Zoning
Charvy Tork, Director Information Services

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.

Anne Berger-Entrekin, Hilltop Securities
Josh Holcomb, Byrne Construction James McKnight, Attorney Lennar Homes
Robbye Meyer, Arx Advantage

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Community announcements provided by Stuart Cunyus and Councilmember Brenda Hughes.

2. PRESENTATION(S):

2A. Proclamation recognizing the Kerrville Fire Department providing 30 years of Emergency Medical Services to the City of Kerrville and surrounding community.

Mayor Eychner presented a proclamation which recognized the Kerrville Fire Department providing 30 years of Emergency Medical Services to the City of Kerrville and the surrounding community. Fire Chief Eric Maloney accepted the proclamation along with several Kerrville Fire Department Firefighters, Paramedics, and Emergency Medical Technicians, who were honored. Chief Maloney provided information.

3. VISITORS FORUM:

The following person(s) spoke:

- Barbara Burton
- George Baroody

4. CONSENT AGENDA:

Councilmember Hughes requested to pull item 4F. Councilmember Roman Garcia requested to pull item 4A and 4D. Mayor Eychner requested to pull item 4B.

Councilmember Garcia made a motion to approve Consent Agenda items 4C and 4E, seconded by Councilmember Hughes. The motion passed 5-0.

Shelley McElhannon read Consent Agenda captions into record.

4.C Texas Main Street Locally Designated Program 2024 Contract between the Texas Historical Commission and the City of Kerrville.

4.E City Council workshop minutes January 09, 2024.

END OF CONSENT AGENDA.

4A. Municode, LLC f/k/a Municipal Code Corporation, a division of Civic Plus, annual full-service supplementation subscription for Ordinance codification.

Shelley McElhannon provided information and responded to questions.

Councilmember Garcia made a motion to approve agenda item 4A and the full service supplemental subscription in the expenditure of an initial \$5,000 with a reoccurring of \$5,150, seconded by Councilmember Jeff Harris. The motion passed 5-0.

4.B Public "Work for Hire" Art Agreement Between City of Kerrville, Kerrville Convention and Visitors Bureau, and Guardnplanet, LLC.

Megan Folkerts provided information and responded to questions.

Mayor Eychner made a motion to authorize the City Manager to finalize and execute the agreement, seconded by Councilmember Hughes. The motion passed 5-0.

4.D Ratification of Loop 534 Well, Meadowview Well, and ASR 2 Well Rehabilitations.

Stuart Barron provided information and responded to questions.

Councilmember Garcia made a motion to ratify the expense related to the well rehabilitation, seconded by Councilmember Hughes. The motion passed 5-0.

4.F City Council meeting minutes January 09, 2024.

Councilmember Hughes advised the meeting video of January 09, 2024 Councilmember Garcia erred when he moved to adopt Ordinance No. 2023-“24” instead of Ordinance No. 2024-“34”. Councilmember Hughes requested to approve the January 09, 2024 written minutes as presented and acknowledge the audible error on the video by Councilmember Garcia, seconded by Councilmember Herring. The motion passed 5-0.

5. ORDINANCES, FIRST READING:

5A. Ordinance No. 2024-01. An Ordinance ordering a Special Election to be held on May 4, 2024, for the purpose of submitting propositions to the voters for proposed amendments to the City Charter; said Election to be held in conjunction with the City's General Election; establishing early voting times and places; and providing for public review.

Shelley McElhannon read Ordinance No. 2024-01 caption into record.

Mike Hayes provided information and responded to questions.

Councilmember Garcia made a motion to adopt Ordinance No. 2024-01 with the following amendment on page fifteen, proposition F: use the word “increase” instead of the word “revise”, seconded by Councilmember Herring. The motion passed 4-1 with Mayor Eychner, Councilmember Garcia, Councilmember Harris, and Councilmember Herring voting in favor, and Councilmember Hughes opposed.

5B. Ordinance No. 2024-02. An Ordinance authorizing the issuance of \$2 million dollars in principal amount of City of Kerrville, Texas Tax Note, Series 2024; securing the payment thereof by authorizing the levy of an annual ad valorem tax; and approving and authorizing the execution of a paying agent/registrar agreement, a purchase letter, and all other instruments and procedures related thereto.

Shelley McElhannon read Ordinance No. 2024-02 caption into record, with a proviso of \$2 million dollars”.

Julie Behrens and Anne Berger-Entrekin provided information and responded to questions. The following person(s) spoke:

- George Baroody

Chief Maloney provided clarification.

Councilmember Hughes made a motion to approve Ordinance No. 2024-02 on first and only reading and authorize staff to complete issuance of \$2,000,000 in tax notes as described by the Ordinance, seconded by Councilmember Herring. The motion passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6.A Resolution No. 02-2024. A Resolution supporting the application of Freedom's Path Kerrville II Limited Partnership to construct affordable rental housing pursuant to the Low Income Housing Tax Credit program administered by the Texas Department of Housing and Community Affairs.

Shelley McElhannon read Resolution No. 02-2024 caption into record.

Michael Hornes provided information and responded to questions.

Applicant Robbie Meyer with Arx Advantage provided information and responded to questions. The following person(s) spoke:

- Gary Noller
- Nathan Vick
- Cynthia Pino
- Vicki Marsh

Councilmember Herring made a motion to approve Resolution No. 02-2024 supporting the application of Freedom's Path Kerrville II Limited P seconded by Councilmember Garcia. The motion passed 5-0.

6.B Resolution No. 03-2024. A Resolution authorizing a waiver of various fees associated with the construction of single-family homes for Habitat for Humanity Kerr County, Inc.; said waiver applicable to the construction of three such homes on existing lots.

Shelley McElhannon read Resolution No. 03-2024 caption into record.

Drew Paxton provided information and responded to questions.

Councilmember Herring made a motion to approve Resolution No. 03-2024, seconded by Councilmember Hughes. The motion passed 5-0.

6.C First Amendment to the Design-Build Contract with Marksmen General Contractors, LLC in the amount of \$225,800 for the Heart of the Hills Heritage Center Project.

Shelley McElhannon read item 6C caption into record.

Michael Hornes provided information and responded to questions.

The following person(s) spoke:

- William Rector
- Angela Kennedy

Councilmember Herring made a motion to authorize the City Manager to finalize the Design-Build contract amendment for the Heart of the Hills Heritage Center project, seconded by Councilmember Hughes. The motion passed 5-0.

6.D Second Amendment to the Design-Build Contract with Thos. S. Byrne, Inc. dba Byrne Construction Services Corporation in the amount of \$6,029,009.00 for the Public Safety Facility Project.

Shelley McElhannon read item 6D caption into record.

Michael Hornes, and Josh Holcomb provided information and responded to questions.

Councilmember Hughes made a motion to authorize the City Manager to finalize the Design-Build contract amendment for the Public Safety Facility project amount \$6,029,009.00, seconded by Councilmember Herring. The motion passed 5-0.

6.E Professional Services Agreement with Rock Engineering & Testing Laboratory, Inc. in the amount of \$111,900.00 for the Public Safety Facility Project.

Shelley McElhannon read item 6E caption into record.

Kyle Burow provided information and responded to questions.

Councilmember Hughes made a motion to authorize the City Manager to finalize and execute the professional services agreement in the amount of \$111,900.00, seconded by Councilmember Herring. The motion passed 5-0.

6.F Professional services agreement for the Texas Department of Transportation for a Transportation Alternatives Set-Aside (TASA) Sidewalk Improvement project.

Shelley McElhannon read item 6F caption into record.

Kyle Burow provided information and responded to questions.

Councilmember Herring made a motion to authorize the City Manager to negotiate and execute the professional services agreement for the Texas Department of Transportation for Transportation Alternatives Set-Aside Sidewalk Improvement project, 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.

6.G Purchase of two (2) Sutphen G2 custom pumbers from Texas Fire Apparatus through the Buyboard Purchasing Cooperative #651-21, at a price not to exceed \$1,900,000.

Shelley McElhannon read item 6G caption into record.

Fire Chief Eric Maloney provided information and responded to questions. Councilmember Herring made a motion to authorize the City Manager to finalize and execute the purchase of two custom pumpers, seconded by Councilmember Hughes. The motion passed 5-0.

6.H Windridge Project Development Agreement, an agreement out of the City's Tax Increment Reinvestment Zone Number Two, and with Lennar Homes of Texas Land and Construction, Ltd., for the Windridge residential subdivision.

Shelley McElhannon read item 6G caption into record.

Michael Hornes, James McKnight, and Dalton Rice provided information and responded to questions.

The following person(s) spoke:

- Pablo Brinkman
- Nikki Caines
- George Baroody

Michael Hornes and Dalton Rice clarified information.

Councilmember Herring made a motion to approve the Development Agreement between the City of Kerrville and Lennar Homes of Texas Land and Construction, seconded by Councilmember Hughes. The motion passed 4-1 with Mayor Eychner, Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

7. INFORMATION & DISCUSSION:

7.A Financial report for month-ended 12-31-2023.

Julie Behrens provided information and responded to questions.

8. BOARD APPOINTMENTS:

8.A Consider appointments to the Tax Increment Reinvestment Zone Number Two (TIRZ2), City of Kerrville, Texas also called the Windridge TIRZ.

Shelley McElhannon read item 8A caption into record.

Michael Hornes provided information and responded to questions.

Councilmember Hughes made a motion to approve the recommended appointments to the Tax Increment Reinvestment Zone #2 City of Kerrville Texas, also called the Windridge TIRZ, seconded by Councilmember Harris. The motion passed 5-0.

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

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

11. ITEM(S) FOR FUTURE AGENDAS:

Mayor Eychner – EIC appointment for vacancy.

ADJOURN. The meeting adjourned at 8:25 p.m.

APPROVED BY COUNCIL: 2/13/2024

APPROVED:


Judy Eychner, Mayor

ATTEST:


Shelley McElhannon, City Secretary