

**CITY COUNCIL MINUTES
REGULAR MEETING**

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

On April 23, 2024 at 6:01 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
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
Michael Hornes, Asst City Manager
Kim Meismer, Asst City Manager
Shelley McElhannon, City Secretary
Stuart Barron, Executive Director
Julie Behrens, Director of Finance

Ashlea Boyle, Director of Parks & Rec
Danielle Brigati, Director of Library
Kyle Burow, Director Engineering
Stuart Cunyus, Public Information Officer
Guillermo Garcia, Executive Director
Eric Maloney, Fire Chief
Chris McCall, Chief of Police

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.

Michael Ash, JES Holdings
Joel Kokomor, Freese & Nichols Inc
Keith Bender, Byrne Construction
Josh Holden, Byrne Construction

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Community announcements provided by Stuart Cunyus.

2. PRESENTATION(S):

2A. Commendation of Recognition for Lt. Mitchell Ray, employee of the Kerrville Fire Department.

Mayor Eychner and Chief Eric Maloney recognized and honored Lieutenant Mitchell Ray for 39 years of service to the citizens of Kerrville and the surrounding community.

2B. Kerrville Kindness Award: Light on the Hill Methodist Church.

Mayor Eychner presented the Kerrville Kindness Award to Light on the Hill Methodist Church for commitment to serving our first responders and efforts to keep both citizens and visitors safe during the Monday, April 8, 2024 Eclipse Event. Light on the Hill Methodist Church members received the Award.

2C. Kerrville Kindness Award: Texas Department of Transportation partnering with the City of Kerrville during the Eclipse Event April 8, 2024.

Mayor Eychner, Stuart Barron, Chief Eric Maloney, and Chief Chris McCall presented the Kerrville Kindness Award to the Texas Department of Transportation for the commitment and contribution to the Kerrville community during the Monday, April 8, 2024 Eclipse Event. Texas Department of Transportation representatives Andres Gonzalez, PE,

Kerrville Area Engineer; Dale Picha, PE, PTOE, Director of Transportation and Operations; and Roberto Mariella received the Award.

2D. Proclamation recognizing April as Fair Housing month in Kerrville, Texas.

Mayor Eychner presented a proclamation recognizing April as Fair Housing month in Kerrville, Texas, to the Kerrville Board of Realtors.

2E. Proclamation recognizing the 100 year Anniversary of Mt. Wesley.

Mayor Eychner celebrated the 100 year Anniversary of Mt. Wesley, received by Methodist Encampment residents.

2F. Recognition of the Animal Regulations Review Committee members.

Mayor Eychner presented Commendations of Recognition to the Animal Regulations Review Committee members: Reagan Givens, Karen Guerrero, Jennifer Houghton, Leslie Jones, and Amy Underwood. With a special Thank you to Mike Hayes, Kim Meismer, and Councilmember Brenda Hughes.

2G. Commendations for Kerrville Area Youth Leadership Academy (KAYLA) members.

Mayor Eychner and Megan Folkerts presented Commendations of Recognition to the Kerrville Area Leadership Academy 2024 members: Autumn Atkinson, Elyse Houdeshell, Payton Montgomery, Jonah Moreno, Una Peterson, Will Sumner, and Callie Waiser.

3. VISITORS FORUM:

The following person(s) spoke:

- Delayne Sigerman
- George Baroody

4. CONSENT AGENDA:

Councilmember Roman Garcia made a motion to accept the Consent Agenda items, seconded by Councilmember Jeff Harris. The motion passed 5-0.

4A. Resolution No. 13-2024. A Resolution recognizing Saturday, May 11, 2024, as World Migratory Bird Day and authorizing local efforts and the City Manager to pursue the Bird City Texas Certification for the City from the Texas Parks and Wildlife Department.

4B. Professional Services Agreement with 6S Engineering, Inc. for the 2024 Street Maintenance projects in the amount of \$98,750.00.

4C. Interlocal Agreement between the City of Kerrville and Kerr County for participation in the Local Hazard Mitigation Plan for Kerr County.

4D. Professional Services Agreement with 6S Engineering, Inc. for services regarding the improvements to Al Mooney Road and a portion of Peterson Farm Road in the amount of \$216,462.

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

4F. City Council meeting minutes April 09 2024.

END OF CONSENT AGENDA.

5. ORDINANCE(S), SECOND READING:

5A. Ordinance No. 2024-08, second reading. An Ordinance amending Chapter 18 "Animals" of the Code of Ordinances, City of Kerrville, Texas by revising and replacing said Chapter in its entirety; the new Chapter includes regulations pertaining to the care, custody, and control of domesticated animals, seizure and impoundment under specific situations, required rabies vaccinations, and enforcement and penalties; repealing all Ordinances or parts of Ordinances in conflict herewith; ordering publication; providing and effective date; and providing other matters related to the subject.

Shelley McElhannon read Ordinance No. 2024-08 caption into record.

Councilmember Hughes made a motion to approve Ordinance No. 2024-08, seconded by Councilmember Herring. The motion passed 5-0.

5B. Ordinance No. 2024-09, second reading. An Ordinance amending the City's Fiscal Year 2024 Budget to account for increased revenues, a merger of City funds, a multiyear Public Works project, and a mid-year cost of living and adjustment for all City employees.

Shelley McElhannon read Ordinance No. 2024-09 caption into record.

Councilmember Herring made a motion to adopt Ordinance No. 2024-09 on second reading, seconded by Councilmember Hughes. The motion passed 5-0.

5C. Ordinance No. 2024-10, second reading. An Ordinance vacating abandoning, and closing all right, title, and interest in a segment of a public right-of-way known as Knapp Rd; this segment of Knapp Rd is located south of the Guadalupe river, consists of an approximate .744 acres, and extends across Lots 13, 902, and 903 of The Landing Subdivision, a Subdivision within the City of Kerrville, Kerr County, Texas, and recorded in the Plat in File No. 19-05337, Plat records of Kerr County, Texas; finding that said right-of-way is not required for future use as a public right-of-way; ordering recording; providing an effective date; and providing other matters related to this subject.

Shelley McElhannon read Ordinance No. 2024-10 caption into record.

Michael Hornes and Mike Hayes provided information and responded to questions.

The following person(s) spoke:

- Rob Killen
- Justin MacDonald
- George Baroody (declined to speak when called)
- Bonnie Johnson
- Justin MacDonald
- Bonnie Johnson

Councilmember Garcia made a motion to table Ordinance No. 2024-10 with the caveat that the Johnson's provide us with the information regarding their right to the easement so we can get this matter handled. Mayor Eychner called for a second, with no second forthcoming. Motion to table died for lack of second.

Councilmember Herring made a motion to adopt Ordinance No. 2024-10 on second reading, seconded by Mayor Eychner. The motion passed 4-1 with Mayor Eychner, Councilmember

Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Third Amendment to the Design-Build Agreement with Thos. S. Byrne, Inc. dba Byrne Construction Services Corporation in the amount of \$39,565,559.00 for the Public Safety Facility Project.

Shelley McElhannon read 6A caption into record.

Councilmember Hughes made a motion to authorize the City Manager to finalize the design-build agreement amendment for the Public Safety Facility Project, seconded by Councilmember Harris. The motion passed 5-0.

6B. Resolution No. 12-2024. A Resolution in support of the submission of an application to the Federal Home Loan Bank of Dallas and its Affordable Housing Program by Riverview Manor, L.P., for the new construction of affordable senior housing.

Shelley McElhannon read Resolution No. 12-2024 caption into record.

Michael Hornes provided information.

The following person(s) spoke:

- Michael Ash provided information and responded to questions.

Councilmember Harris made a motion to approve Resolution No. 12-2024 to support the Affordable Housing Program tax credits, seconded by Councilmember Hughes. The motion passed 5-0.

6C. Professional Services Agreement with Marmon Mok, LP, for project services relating to the Olympic Pool in the amount of \$683,036.

Shelley McElhannon read item 6C caption into record.

Ashlea Boyle provided information and responded to questions.

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

6D. Authorize request to the Tax Increment Reinvestment Zone No. 1 (TIRZ) for funding in an amount not to exceed \$50,000 for the City to contract for professional services to update its Kerrville 2050 Comprehensive Plan, focused on the area within this TIRZ.

Shelley McElhannon read item 6D caption into record.

Michael Hornes and Dalton Rice provided information and responded to questions.

Councilmember Hughes made a motion to authorize staff to approach the TIRZ Board to consider funding downtown plan, seconded by Councilmember Herring. The motion passed 5-0.

6E. Authorization to submit a funding application to the City of Kerrville, Texas, Economic Improvement Corporation for park improvements in the amount not to exceed \$800,000.

Shelley McElhannon read item 6E caption into record.

Ashlea Boyle provided information and responded to questions.

Councilmember Garcia made a motion to authorize staff to submit the funding application, seconded by Councilmember Harris. The motion passed 5-0.

6F. Authorization to submit a funding application to the City of Kerrville, Texas, Economic Improvement Corporation for Heart of the Hills Heritage Center in an amount not to exceed \$2,000,000.

Shelley McElhannon read item 6F caption into record.

Michael Hornes provided information and responded to questions.

The following signed up to speak:

- George Baroody (advised that citizen left the meeting before name being called)

Councilmember Herring made a motion to authorize staff to submit the funding application, seconded by Councilmember Hughes. The motion passed 5-0.

6G. Authorize utility (water and wastewater) connections to a property outside the City limits, such property located at 921 Harper Rd (State Highway FM 783).

Shelley McElhannon read item 6G caption into record.

Michael Hornes, property owner representative John Boyken, Dalton Rice, Mike Hayes, and Stuart Barron provided information and responded to questions.

Councilmember Hughes made a motion to allow utility connections outside the city limits with certain conditions, and Councilmember Garcia made a motion to table Councilmember Hughes' motion. Mayor Eychner called for a second to table the motion, with no second forthcoming.

After discussion between Council and the City Attorney, Councilmember Hughes withdrew her original motion to allow utility connections.

Mayor Eychner called to table the authorization for utilities connections, and directed staff to proceed with an agreement with the property owner and petition for annexation; and then staff to bring item back to City Council meeting May 14, 2024 for approval.

Councilmember Garcia made a motion to table this item, seconded by Councilmember Hughes. Motion to table passed 5-0.

7. INFORMATION & DISCUSSION:

7A. Monthly Financial Report for month-ended March 31, 2024.

Julie Behrens provided information.

7B. City's response to the Hill Country Eclipse Event on April 8, 2024.

Chief Eric Maloney, Chief Chris McCall, Ashlea Boyle, Stuart Barron, Guillermo Garcia, Danielle Brigati, Stuart Cunyus, Julie Behrens, and Dalton Rice provided information and responded to questions.

8. BOARD APPOINTMENTS:

9A. Appointment(s) to the Kerrville-Kerr County Joint Airport Board position #2.

Mayor Eychner made a motion to appoint Thomas Pogue as Airport Board member position #2, 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:**

- Councilmember Garcia requested to review the legal impact of the Charter amendments propositions due to the newspaper error made. Mayor Eychner called for a second, with no second. Request will not be placed on pending list.

ADJOURN. The meeting adjourned at 9:18 p.m.

APPROVED BY COUNCIL: 5/14/2024

APPROVED:

Joe Herring Jr.
Judy Eychner, Mayor
by Mayor Joe Herring Jr.

ATTEST:

Shelley McElhanon
Shelley McElhanon, City Secretary