

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
OCTOBER 9, 2018

On October 9, 2018, at 6:00 p.m. the meeting was called to order by Mayor Bill Blackburn in the City Hall Council Chambers at 701 Main Street. The invocation was offered by Mayor Blackburn, followed by the Pledge of Allegiance led by Boy Scouts from Kerrville Troop 60.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
George Baroody	Mayor Pro Tem
Vincent Voelkel	Councilmember
Judy Eychner	Councilmember
Delayne Sigerman	Councilmember

COUNCILMEMBERS ABSENT: None.

CITY EXECUTIVE STAFF PRESENT:

Mark McDaniel	City Manager
E.A. Hoppe	Deputy City Manager
Mike Hayes	City Attorney (arrived at 7:19 p.m.)
Cheryl Brown	Interim City Secretary
Amy Dozier	Director of Finance
Kim Meisner	Executive Director of General Operations
Curtis Thomason	Assistant Police Chief
Stuart Cunyus	Public Information Officer
Dannie Smith	Fire Chief
Drew Paxton	Executive Director of Development Services
Ashlea Boyle	Director of Parks and Recreation

VISITORS PRESENT: List on file in city secretary's office for the required retention period.

1. **ANNOUNCEMENTS OF COMMUNITY INTEREST:** were given.

Mayor Blackburn presented former mayor Ben Low with a Certificate of Appreciation for his many contributions to and accomplishments in and for the City of Kerrville.

2. **VISITORS/CITIZENS FORUM:** No one spoke.

3. **CONSENT AGENDA:**

Mr. Blackburn stated that staff asked that Item 3F be removed from the Consent Agenda.

Mr. Baroody asked that Items 3B and 3E also be removed from the Consent Agenda.

3A. Purchase and remount of two (2) Type 1 Ambulances from Mac Haik Dodge Chrysler Jeep at a price not to exceed \$293,000.

3.C Authorize the execution of a construction contract with Dredgit Environmental Corporation for the WWTP Oxidation Ditch, Bid Package #2: Dredging and Solids Disposal project in an amount of \$117,550.00.

3D. Ratification of emergency purchase to repair Meadowview Well.

Ms. Sigerman moved to approve Items 3A, 3C, and 3D. Ms. Eychner seconded, and the motion passed 5-0.

END OF CONSENT AGENDA

3B. Minutes for the regular meetings held on August 28, 2018, September 11, 2018, and September 25, 2018; and the workshop held on September 18, 2018.

Mr. Baroody requested a change to the September 11 minutes in the "Items for Future Agendas" portion; he was given credit for mentioning the Farmer's Market, and it should have been Mr. Voelkel.

Mr. Baroody also requested a change to the September 25 minutes in Item 4A; he stated the voting tally should say Mr. Baroody, not Ms. Baroody.

3E. Economic Development Grant Agreement between the City of Kerrville, Texas and Fox Tank, Inc.

Mr. Baroody moved to approve the Economic Development Grant Agreement with Fox Tank, Inc. as presented. Ms. Eychner seconded, and the motion passed 5-0.

3F. Ordinance 2018-30, amending Chapter 70 "Offenses and Miscellaneous Provisions", Article II "Electioneering at Polling Places", Section 7-42 "Definitions", to revise the definition of "Voting Period"; and to revise Section 70-43 "Regulations and Exceptions"; to continue to authorize the placement of political signs on City property and to allow such signs to remain through the duration of a voting period; 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.

Mr. Blackburn opened the public hearing at 6:
The Ordinance was read into the record by title only by Ms. Brown.
Mr. McDaniel presented the Ordinance.

Ms. Eychner moved to deny passage of Ordinance 2018-30. Mr. Voelkel seconded, and the motion to deny passage of the Ordinance passed 5-0.

4. PUBLIC HEARINGS AND RESOLUTIONS:

4A. Resolution No. 41-2018 allowing a Conditional Use Permit for Personal Services I (a beauty parlor) on JA Tivy Addition Block 28 Lot 1 Pt and Pt of an alley, approximately 0.132 acres (1220 Broadway).

Mr. Blackburn opened the public hearing at 6:18 p.m.

The Resolution was read into the record by title only by Ms. Brown.

Mr. Paxton presented the Resolution.

No one spoke

The public hearing closed at 6:20 p.m.

Mr. Baroody moved to approve Resolution No. 41-2018. Ms. Eychner seconded, and the motion passed 5-0.

4B. Resolution No. 42-2018 granting a Conditional Use Permit for Lot 2-R, Block 1, Freeman Fritts Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and otherwise known as 601 Spur 100N; said property is located within the 29-E Zoning District; by permitting said property to be used for manufactured home or manufactured housing; and making said permit subject to certain conditions and restrictions contained herein.

Mr. Blackburn opened the public hearing at 6:23 p.m.

The Resolution was read into the record by title only by Ms. Brown.

Mr. Paxton presented the Resolution.

No one spoke.

The public hearing closed at 6:24 p.m.

Ms. Sigerman moved to approve Resolution No. 42-2018. Ms. Eychner seconded, and the motion passed 5-0.

5. PUBLIC HEARING AND ORDINANCES, FIRST READING

5.A Ordinance No. 2018-23, annexing an approximate 59.09 acre tract of land out of the Joseph S. Anderson Survey No. 141, Abstract No. 2 and the J.S. Sayder Survey No. 142, Abstract No. 290, into the corporate limits of the City of Kerrville, Texas; said tract being located within Kerr County, Texas, and the Extraterritorial Jurisdiction of the City of Kerrville, Texas; and addressed as 1515 Knapp Road S.; further describing the property to be annexed; adopting a service plan for the property annexed; and establishing the zoning for the property annexed.

Mr. Blackburn opened the public hearing at 6:26 p.m.

The Ordinance was read into the record by title only by Ms. Brown.

Mr. Paxton presented the Ordinance.

Justin MacDonald spoke on behalf of the applicant for annexation.

Mr. Blackburn closed the public hearing at 6:42 p.m.

Ms. Eychner moved to approve Ordinance No. 2018-23. Ms. Sigerman seconded, and the motion passed 5-0.

5B. Ordinance No. 2018-25, annexing an approximate 5.335 acre tract of land out of the William Watt Survey No. 65, Abstract No. 364, into the corporate limits of the City of Kerrville, Texas; said tract being located within Kerr County, Texas, and extraterritorial jurisdiction of the City of Kerrville, Texas; and generally located adjacent to property within the Comanche Trace Residential Subdivision, which is located along State Highway 173; further describing the property to be annexed; adopting a service plan for the property annexed; establishing the zoning for the property annexed; and making findings.

Mr. Blackburn opened the public hearing at 6:44 p.m.
The Ordinance was read into the record by title only by Ms. Brown.
Mr. Paxton presented the Ordinance.
No one spoke.
The public hearing was closed at 6:52 p.m.

Ms. Eychner moved to approve Ordinance 2018-25 on first reading. Ms. Sigerman seconded, and the motion passed 4-1, with Mr. Blackburn, Mr. Baroody, Ms. Eychner and Ms. Sigerman voting in favor, and Mr. Voelkel voting against.

5C. Ordinance No. 2018-26, annexing an approximate 3.669 acre tract of land out of the J.D. Leavell Survey No. 1862, Abstract No. 1435, into the corporate limits of the City of Kerrville, Texas; said tract being located within Kerr County, Texas, and the Extraterritorial Jurisdiction of the City of Kerrville, Texas; and addressed as 884 Farm to Market Road 783 (Harper Road); further describing the property to be annexed; adopting a service plan for the property annexed; and establishing the zoning for the property annexed.

Mr. Blackburn opened the public hearing at 6:54 p.m.
The Ordinance was read into the record by title only by Ms. Brown.
Mr. Paxton presented the Ordinance.
No one spoke.
The public hearing was closed at 6:55 p.m.

Ms. Sigerman moved to approve Ordinance No. 2018-26 on first reading. Mr. Baroody seconded, and the motion passed 5-0.

5D. Ordinance No. 2018-27, annexing an approximate 3.669 acre tract of land out of the J.D. Leavell Survey No. 1862, Abstract No. 1435, into the corporate limits of the City of Kerrville, Texas; said tract being located within Kerr County, Texas, and the Extraterritorial Jurisdiction of the City of Kerrville, Texas; and addressed as 874 Farm to Market Road 783 (Harper Road); further describing the property to be annexed; adopting a service plan for the property annexed; and establishing the zoning for the property annexed.

Mr. Blackburn opened the public hearing at 6:56 p.m.
The Ordinance was read into the record by title only by Ms. Brown.
Mr. Paxton presented the Ordinance.
No one spoke.
The public hearing was closed at 6:57 p.m.

Ms. Eychner moved to approve Ordinance No. 2018-27 on first reading. Mr. Baroody seconded, and the motion passed 5-0.

5E. Ordinance No. 2018-28 amending the City's "Zoning Code" by changing the Zoning District for an approximate 0.28 acre tract of land; said tract being part of a 7.964 acre tract, generally located in the 300 block of Holdsworth Drive, North of the intersection of Holdsworth Drive and Norfolk Lane, and within the City of Kerrville, Kerr County, Texas; by removing the area from a Residential Cluster District (RC) and placing it within the 24-N Zoning District; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of Two Thousand Dollars (\$2000.00); ordering publication; and providing other matters relating to the subject.

Mr. Blackburn opened the public hearing at 6:58 p.m.
The Ordinance was read into the record by title only by Ms. Brown.
Mr. Paxton presented the Ordinance.
The public hearing was closed at 6:58 p.m.

Mr. Sanchez, owner of the barber shop, responded to questions from the Council.

Ms. Sigerman moved to approve Ordinance No. 2018-28 on first reading. Mr. Baroody seconded, and the motion passed 5-0.

6. CITY COUNCIL RECESS:

The City Council recessed the regular meeting to convene a meeting of the Tax Increment Reinvestment Zone Board of Directors for Reinvestment Zone Number One, City of Kerrville.

Councilmember Voelkel recused himself due to a conflict of interest.

The City Council reconvened the regular meeting at 7:23 p.m.

7. ORDINANCES, FIRST READING:

7.A Ordinance No. 2018-24 approving a project and financing plan for Tax Increment Reinvestment Zone Number One, City of Kerrville, Texas; making various findings related to such plan; providing for severability and providing an effective date.

The Ordinance was read into the record by title only by Ms. Brown.

Ms. Sigerman moved to approve Ordinance No. 2018-24. Ms. Eychner seconded, and the motion passed 3-1 with Mr. Blackburn, Ms. Eychner and Ms. Sigerman voting in favor, and Mr. Baroody voting against.

7B. Ordinance No. 2018-31 amending the budget for Fiscal Year 2018 to authorize the transfer of funds between different funds to account for a General Fund Balance; and to make other amendments as provided herein.

The Ordinance was read into the record by title only by Ms. Brown.
Ms. Dozier presented the Ordinance.

Ms. Eychner moved to approve Ordinance No. 2018-31 on first reading. Ms. Sigerman seconded, and the motion passed 5-0.

7C. Ordinance No. 2018-29 authorizing the City Manager to execute a Special Warranty Deed for an approximate 0.078 acre tract of land out of the B.F. Cage Survey No. 116, Abstract No. 106, within the City of Kerrville, Kerr County, Texas; said property consists of part of the City Hall site, located at 701 Main Street (SH 27); authorizing the City Manager to take other reasonable and necessary action, if any, to convey the property, repealing all conflicting Ordinances, providing for severability and declaring an effective date.

The Ordinance was read into the record by title only by Ms. Brown.
Mr. Hoppe presented the Ordinance.

Mr. Voelkel moved to approve Ordinance 2018-29 on first reading. Ms. Eychner seconded, and the motion passed 5-0.

8. ORDINANCE SECOND READING:

8.A Ordinance No. 2018-22 amending in part Ordinance No. 99-18, as amended by adopting revised rate schedules for residential services, miscellaneous services, charges, distributed generation rider, power cost adjustment factor rider, outdoor area lighting, and a new community solar LMI household rider; containing a cumulative clause; containing a savings and severability clause; and establishing an effective date.

The Ordinance was read into the record by title only by Ms. Brown.
Mr. Wittler, CEO of KPUB, presented the Ordinance.

Ms. Eychner moved to approve Ordinance 2018-22 on second reading. Ms. Sigerman seconded, and the motion passed 4-1, with Mr. Blackburn, Mr. Voelkel, Ms. Eychner, and Ms. Sigerman voting in favor, and Mr. Baroody voting against.

9. CONSIDERATION AND POSSIBLE ACTION:

9A. Approval of the minutes for the regular City Council meeting held on August 14, 2018 was tabled at the August 28, 2018 meeting, due to requested revisions by Councilmember Baroody.

Ms. Brown presented the item.

Ms. Sigerman moved to approve the minutes as originally presented, but withdrew her motion after discussion.

Ms. Eychner moved to approve the minutes for the August 14, 2018 regular City Council meeting with the requested revisions by Councilmember Baroody. Mr. Baroody seconded, and the motion passed 4-1, with Mr. Voelkel, Mr. Baroody, Ms. Eychner and Ms. Sigerman voting in favor, and Mr. Blackburn voting against.

9B. Professional Services Agreement with 6S Engineering, Inc. for the Pavement Master Plan Update in an amount of \$88,800.00.

Mr. Barron gave a brief update of the Pavement Master Plan.

Ms. Sigerman moved to approve the Professional Services Agreement with 6S Engineering, Inc. Ms. Eychner seconded, and the motion passed 5-0.

10. CITY MANAGER'S REPORT:

Mr. McDaniel made the report.

11. ITEMS FOR FUTURE AGENDAS:

12. EXECUTIVE SESSION:

Ms. Eychner moved for the city council to go into executive closed session under Section 551.074 (personnel/officers) of Chapter 551 of the Texas Government Code to discuss items 12A and 12B as listed below. The motion was seconded by Ms. Sigerman and passed 5-0

The Council recessed open session at 8:40 p.m.

Section 551.074:

10B. Appointment to the Planning and Zoning Commission.

12A. Annual City Attorney evaluation.

12B. Annual City Manager evaluation.

The Council reconvened in open session at 9:00.

13. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY

Mr. Blackburn stated that no action was taken during executive session. He also stated that the Council was opting to not do the evaluation of the City Attorney and the City Manager at this time, because they were not ready due to a lack of information. He

stated the Council was going to work on developing some forms, and do the evaluations at the end of the next Council meeting.

ADJOURNMENT.

Mr. Blackburn adjourned the meeting at 9:01 p.m.

APPROVED: 10/23/2018

ATTEST:

Bill Blackburn, Mayor

Cheryl Brown, Interim City Secretary