

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
SEPTEMBER 25, 2018

On September 25, 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 Councilmember Sigerman, followed by the Pledge of Allegiance led by Kerrville Firefighter Brandon McDonald.

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
Cheryl Brown	Interim City Secretary
Amy Dozier	Director of Finance
Kim Meisner	Executive Director of General Operations
David Knight	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.

2. **VISITORS/CITIZENS FORUM:**

The following person spoke:

- John Brown, 205 Riverhill Blvd., spoke regarding the traffic and conditions on Riverhill Blvd.

3. **CONSENT AGENDA:**

Mr. Baroody requested Item 3B be removed from the Consent Agenda.

3A. Resolution No. 29-2018 approving the budget for Kerr Emergency 9-1-1 Network for Fiscal Year 2019.

3.C Resolution No. 36-2018 approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2018 Rate Review Mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC's legal counsel.

Mr. Baroody moved for approval of consent agenda Items 3A and 3C; Ms. Sigerman seconded the motion and it passed 5-0.

**END OF CONSENT AGENDA**

3B. Resolution No. 40-2018 authorizing publication of notice of intention to issue certificates of obligation for the purpose of financing waterworks and sewer system improvements (Legion Lift Station and TTHM Mitigation Project).

Ms. Dozier reviewed the details of the Resolution.

Mr. Baroody moved to approve Resolution No. 40-2018 as presented. Ms. Eychner seconded, and the motion passed 5-0.

**4. ORDINANCES, SECOND READING:**

4A. Ordinance No. 2018-19 designating a contiguous geographic area within the City as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as "Reinvestment Zone No. One, City of Kerrville"; describing the boundaries of the Zone; creating a Board of Directors for the Zone; establishing a Tax Increment Fund for the Zone; containing 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.

Mr. Voelkel recused himself due to a conflict of interest.

David Pettit reviewed the TIRZ.

Jim Plummer, Consulting Attorney, spoke about eminent domain with regard to the TIRZ. He suggested the addition of clarifying language to the Ordinance.

The following people spoke regarding this item:

- Don Voelkel
- John Miller
- Gary Cooper
- David Jackson, on behalf of the Cailloux Foundation

- Stephen King
- Walt Koenig, on behalf of the Kerr Area Chamber of Commerce
- Kevin Kurz
- Tim Summerlin
- Jerri Kunz
- Beth McLaughlin
- Kim Ort
- Barbara Dewell
- Lucy Pearson
- James Craft
- Pablo Brinkman
- Kathy Simmons
- Mary Ellen Summerlin
- Bruce Stracke

Mr. Plummer responded to questions from the speakers.

Ms. Eychner moved to adopt and approve Ordinance No. 2018-19 on second reading, with the addition of the suggested language by Mr. Plummer, Ms. Sigerman seconded, and the motion passed 3-1 with Mr. Blackburn, Ms. Eychner and Ms. Sigerman voting in favor, and Mr. Baroody voting against.

The Mayor called for a short break at 9:05 p.m.

The meeting resumed at 9:16 p.m.

4B. Ordinance No. 2018-15 amending the City's "Zoning Code" by amending article 11-I-3 "Definitions and Interpretations of Words and Phrases" and Articles 11-1-4 through 11-1-11 to amend the land use tables for various zoning districts to add "Parking Structure" and "Parking Lot, Stand Alone", as uses that are either permitted by right or as a conditional use within each specified district; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of Two Thousand Dollars (\$2000.00); and ordering publication.

Mr. Paxton presented the Ordinance.

Mr. Baroody moved to approve Ordinance No. 2018-15 on second reading, without the changes to Section 11-I-4G to the Zoning Code, and Mr. Voelkel seconded. The motion failed 2-3, with Mr. Baroody and Mr. Voelkel voting in favor, and Mr. Blackburn, Ms. Eychner, and Ms. Sigerman voting against.

Ms. Sigerman moved to approve Ordinance No. 2018-15 as presented. Ms. Eychner 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.

4C. Ordinance No. 2018-20 amending the City's "Zoning Code" by changing the Zoning District for property out of the William Watt Survey No. 65, Abstract No. 364, and

the William Watt Survey No. 66, Abstract No. 365, specifically Lots 1 through 6 and Lots 22-34, which make up a portion of Comanche Trace, Phase 13, a subdivision within the City of Kerrville, Kerr County, Texas, and more commonly known as those lots addressed as 3001 through 3011 and 2002 through 2024 Club House Drive and 1001 Comanche Hills; by removing the area from a Planned Development Zoning District (PDD) and an "R-1" single Family Residential Zoning District and placing it within a Residential Cluster 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. This Ordinance was approved on first reading on September 11, 2018 with a unanimous vote of 5-0.

Ms. Eychner moved to approve Ordinance 2018-20 as presented on second reading. Ms. Sigerman seconded, and the motion passed 5-0.

4D. Ordinance No. 2018-16 amending the City's "Zoning Code" by changing the Zoning District for Lots 52, 53, and 54, Block 14, the Parsons Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and more commonly known as 213, 215, and 221 West Barnett Street; by removing the area from the "R1A" Residential Zoning District and placing it within the 11C 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.

Ms. Eychner moved to approve Ordinance No. 2018-16 as presented on second reading. Mr. Voelkel seconded, and the motion passed 5-0.

## **5. ORDINANCE, FIRST READING**

5.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.

Ms. Dozier introduced Jill Sadberry from KPUB. Ms. Sadberry presented the details of, and reasons for, the rate changes.

Mike Wittler, CEO for KPUB, responded to questions from the Council with regard to the rate differences for high-use customers and low-use customers, and the number of new customers per year.

Ms. Sigerman moved to approve Ordinance no. 2018-22 as presented on first reading. Ms. Eychner seconded, and the motion passed 5-0.

**6. CONSIDERATION AND POSSIBLE ACTION:**

**6.A Amendments to City Council Procedural Rules for Meetings.**

Mr. Voelkel moved to approve the amendments to the City Council Procedural Rules for Meetings, without Rule 4.8. Mr. Baroody seconded.

The following person spoke regarding this item:

- Brenda Craig

The Mayor called for a vote. The motion failed 2-3, with Mr. Voelkel and Mr. Baroody voting in favor, and Mr. Blackburn, Ms. Eychner, and Ms. Sigerman voting against.

Ms. Eychner voted to approve the Amendments to City Council Procedural Rules for Meetings as presented. Ms. Sigerman seconded, and the motion passed 4-1 with Mr. Voelkel, Mr. Blackburn, Ms. Eychner, and Ms. Sigerman voting in favor, and Mr. Baroody voting against.

**6.B Professional Service Agreement with Kimley Horn to update the City of Kerrville Zoning Ordinance, Zoning Map, Subdivision Ordinance, and key development standards.**

Mr. McDaniel presented the agreement.

Ms. Eychner moved to approve the Professional Service Agreement with Kimley Horn. Ms. Sigerman seconded, and the motion passed 5-0.

**6.C Administrative Services Contract between City of Kerrville, Texas and City of Kerrville, Texas Economic Improvement Corporation.**

Mr. Hoppe presented the contract.

Ms. Eychner moved to approve the Administrative Services Contract between the City of Kerrville and EIC. Ms. Sigerman seconded, and the motion passed 5-0.

**6.D City of Kerrville Funding Agreement with Kerr Economic Development Corporation.**

Mr. Hoppe presented the agreement.

Mr. Koenig responded to comments from Mr. Baroody with regard to the funding agreement with KEDC.

Ms. Sigerman moved to approve the Funding Agreement with KEDC. Ms. Eychner seconded, and the motion passed 5-0.

6.E Approval of an Economic Development Grant Agreement between Kerr Economic Development Corporation and the City of Kerrville, Texas Economic Improvement Corporation.

Mr. Hoppe presented the agreement.

Ms. Sigerman moved to approve the Economic Development Grant Agreement between EIC and KEDC. Mr. Voelkel seconded, and the motion passed 5-0.

**7. INFORMATION & DISCUSSION:**

Presentations will be limited to ten (10) minutes with questions from City Council to follow at the conclusion of the presentation.

7.A Financial update for the month ended August 31, 2018.

Ms. Dozier gave the financial update.

**8. BOARD APPOINTMENTS.**

8.A Appointment of an alternate to the Kerrville Youth Advisory Committee.

Ms. Brown presented the application for an alternate to the Kerrville Youth Advisory Committee.

Ms. Eychner moved to appoint Daphne Dozier to the alternate position of the Kerrville Youth Advisory Committee. Mr. Baroody seconded, and the motion passed 5-0.

**9. CITY MANAGER'S REPORT**

No questions or discussion may occur without an item being specifically posted.

Mr. McDaniel gave the report.

**10. ITEMS FROM CITY COUNCIL FOR FUTURE AGENDAS:**

- Policy for retention of video recordings of meetings.
- The cost of a searchable video.
- Policy for contracts not being awarded to persons who have a lawsuit against the City, or have been convicted of a felony.
- Use of Chip Seal for street maintenance.
- Discussion regarding a future music festival.
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**11. EXECUTIVE SESSION:**

There was no executive session

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

**ADJOURNMENT.**

Mr. Blackburn adjourned the meeting at 9:28 p.m.

APPROVED: 10/09/2018

ATTEST:

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Bill Blackburn, Mayor

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Cheryl Brown, Interim City Secretary