

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
DECEMBER 11, 2018

On December 11, 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 Ms. Eychner, followed by the Pledge of Allegiance also led by Ms. Eychner.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Delayne Sigerman	Mayor Pro Tem
Vincent Voelkel	Councilmember
George Baroody	Councilmember
Judy Eychner	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
Curtis Thomason	Assistant Police Chief
Stuart Cunyus	Public Information Officer
Dannie Smith	Fire Chief
Drew Paxton	Executive Director of Development Services
Guillermo Garcia	Executive Director for Strategic Initiatives

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

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

1A. Items of Interest to the Community were made by Stuart Cunyus.

2. CONSENT AGENDA:

Ms. Eychner moved to approve items 2A, 2B, and 2C as presented. Ms. Sigerman seconded, and the motion passed 5-0.

2A. Joint election agreement between the City of Kerrville and Kerr County for the May 4, 2019 City General Election.

2B. Authorize purchase of 2019 Sutphen Monarch Pumper.

2C. Minutes for the regular City Council meetings held on November 13, 2018 and November 27, 2018.

END OF CONSENT AGENDA.

3. CONSIDERATION AND POSSIBLE ACTION:

Mr. Baroody made a motion to move those items forward because they inform later decisions. Mr. Voelkel seconded. The motion failed with a vote of 2-3, with Mr. Voelkel, Mr. Baroody voting in favor, and Mr. Blackburn, Ms. Eychner, and Ms. Sigerman voting against.

3A. First Amendment to Project Funding Agreement between the City of Kerrville, Texas, Economic Improvement Corporation and the City of Kerrville, Texas for the design of and improvement to the City's H-E-B Tennis Center.

Ms. Sigerman made a motion to approve the First Amendment to the Project Funding Agreement. Ms. Eychner seconded, and the motion passed 5-0.

3B. Authorize execution of a construction contract for the H-E-B Tennis Center Renovation with JK Bernhard Construction Co., LLC in the amount of \$1,453,939.00.

Ms. Eychner made a motion to authorize the execution of a construction contract for the H-E-B Tennis Center with JK Bernhard Construction Co., LLC. Ms. Sigerman seconded, and the motion passed 5-0.

3C. Report on granular activated carbon (GAC) benchtop study and third party review of TTHM mitigation options.

Ms. Eychner made a motion to accept the report, and authorize bidding on the granular Activated Carbon project. Ms. Sigerman seconded, and the motion passed 5-0.

3D. Third Amendment to Development Agreement by and between Comanche Trace Ranch and Golf Club, LLLP, a Colorado Limited Liability Limited Partnership and the City of Kerrville, Texas, for Comanche Trace Ranch and Golf Club.

Mr. Baroody made a motion to approve the Third Agreement to the Development Agreement. Ms. Eychner seconded, and the motion passed 5-0.

3E. Economic Development Grant Agreement between Thompson Drive Partners, LLC, the City of Kerrville, Texas Economic Improvement Corporation, and the City of Kerrville, Texas.

Ms. Sigerman made a motion to approve the Economic Development Grant Agreement. Ms. Eychner 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.

3F. Economic Development Incentive Agreement between the City of Kerrville, Texas, and Thompson Drive Partners, LLC.

Ms. Eychner made a motion to authorize the City Manager to finalize and execute the agreement utilizing Option 2A ROW. Ms. Sigerman seconded. After discussion from Council, Ms. Eychner withdrew her motion, and Ms. Sigerman withdrew her second.

Mr. Voelkel made a motion to table Item 3F, because he wanted more time to review the document, and then to direct staff to bring the item back before Council at their January 8, 2019 meeting. Mr. Baroody seconded. 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 made a motion to take the recommendation of the City for option 2A ROW, and authorize the finalization and execution of the agreement with Thompson Drive Partners, LLC. Ms. Sigerman seconded, and the motion passed 3-2, with Mr. Blackburn, Ms. Eychner, and Ms. Sigerman voting in favor, and Mr. Voelkel and Mr. Baroody voting against.

3G. Deferred Annexation Agreement with Ocaso LLC., for the Property known as Ocaso Mobile Home Park at 102 Vogues Road at Blue Ridge.

Ms. Sigerman made a motion to approve the Deferred Annexation Agreement. Ms. Eychner seconded, and the motion passed 5-0.

The Mayor called for a ten minute break at 7:27 p.m. The meeting was reconvened at 7:38 p.m.

3H. Discussion and possible action regarding an appeal by Councilmember Baroody whether a City Council has the authority to prohibit one of its members from participating in all future discussion or communication regarding any matter to be considered by the full body of the City Council.

Mr. Baroody made a motion for the Council to rescind its action on November 8, 2018, as being unwarranted, unlawful, and improper; thus affording Councilmember Place Two Baroody his lawful right to participate in any and all future discussions undertaken by the City Council, to include the Lotus Peer Recovery lawsuit; therefore allowing City Council to once again act as a body. Mr. Voelkel seconded, and the motion failed 2-3, with Mr. Voelkel and Mr. Baroody voting in favor, and Mr. Blackburn, Ms. Eychner, and Ms. Sigerman voting against.

3I. Discussion and possible action regarding an alleged rent rebate offer in return for proof of voting in the most recent City of Kerrville municipal election held on May 5, 2018.

Mr. Baroody made a motion for Council to draft an affirmative statement about this Council's stance on defense of its fair and free election; and to send such letter to the Texas Attorney General stating its support for the enforcement of voter bribery cases.

Mr. Voelkel seconded, and the motion failed 2-3, with Mr. Voelkel and Mr. Baroody voting in favor, and Mr. Blackburn, Ms. Eychner, and Ms. Sigerman voting against.

3J. Discussion and possible action to consider modifying the TIRZ #1, City of Kerrville Project Plan to include language prohibiting the use of eminent domain or condemnation in order to support implementation of the project plan within the boundaries of the TIRZ #1.

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

Mr. Baroody made a motion for Council to amend the TIRZ #1 Creation Ordinance 2018-19, or direct staff to do this, to contain an explicit prohibition against utilization of eminent domain or condemnation in implementing the project plan within the TIRZ #1 boundary. The motion died for lack of a second.

3K. Discussion and possible action: follow up on citizen's request to examine the discussion and actions taken by City Council on November 8th, 2018 to determine if they constituted a procedural and/or ethical violation, review ethics and procedural rules, and possible action moving forward.

Mr. Voelkel made a motion to create a workshop to go over the common goals that were created during the last Council retreat. Ms. Eychner seconded, and the motion passed 5-0.

3L. On November 27, 2018, the approval of the minutes for the regular meeting of the City Council that was held on October 23, 2018 was tabled. Mr. Baroody requested changes to the minutes. Both the original version and Mr. Baroody's red-lined version of the minutes are attached.

Ms. Sigerman moved to approve the City Secretary's minutes as presented. Ms. Eychner seconded. After discussion by Councilmembers, the motion passed 3-2, with Mr. Blackburn, Ms. Eychner, and Ms. Sigerman voting in favor, and Mr. Voelkel and Mr. Baroody voting against.

3M. Minutes for the special City Council meeting held on November 8, 2018.

Ms. Sigerman made a motion to approve the minutes for the November 8, 2018 City Council meeting as presented by the City Secretary. Ms. Eychner seconded, and the motion passed 3-2, with Mr. Blackburn, Ms. Eychner, and Ms. Sigerman voting in favor, and Mr. Voelkel and Mr. Baroody voting against.

4. BOARD APPOINTMENTS:

4A. Appointment to the Library Advisory Board.

Ms. Eychner moved to reappoint Carol Wichman to the Library Advisory Board. Ms. Sigerman seconded, and the motion passed 5-0.

4B. Appointments to the Recovery Community Coalition.

Mr. Blackburn moved to nominate Kara Grant and Marissa Dodson.

Mr. Voelkel requested the Council only appoint one person to the board at this time, due to there being no representative on the board from MHDD, which is one of the positions that was not filled.

Mr. Blackburn withdrew his motion.

Mr. Voelkel made a motion to appoint Kara Grant to the Recovery Community Coalition. Ms. Eychner seconded, and the motion passed 5-0.

5. **ITEMS FOR FUTURE AGENDAS:**

- Consideration to require two Councilmembers approval for an agenda item to be submitted and added to the agenda, and that agenda items be submitted in a timely fashion.

6. **EXECUTIVE SESSION:** None

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

None

ADJOURNMENT.

The meeting was adjourned at 8:59 p.m.

APPROVED: January 8, 2019

ATTEST:

Bill Blackburn, Mayor

Cheryl Brown, Interim City Secretary