

CITY COUNCIL MINUTES
REGULAR MEETING

KERRVILLE, TEXAS
NOVEMBER 12, 2019

On November 12, 2019, at 6:01 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 Gary Cochrane, followed by the Pledge of Allegiance led by Councilmember Cochrane.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Gary Cochrane	Councilmember
Kim Clarkson	Councilmember
Delayne Sigerman	Councilmember

COUNCILMEMBER ABSENT:

Judy Eychner	Councilmember
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CITY EXECUTIVE STAFF PRESENT:

Mark McDaniel	City Manager
E.A. Hoppe	Deputy City Manager
Mike Hayes	City Attorney
Shelley McElhannon	City Secretary
Stuart Barron	Director of Public Works
Julie Behrens	Assistant Director of Finance
Stuart Cunyus	Public Information Officer
Guillermo Garcia	Executive Director of Innovation
David Knight	Chief of Police
Kim Meisner	Executive Director of General Operations
Dannie Smith	Fire Chief

VISITORS PRESENT: On file in City Secretary's Office for required retention period.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Items of Interest to the Community were presented by Stuart Cunyus, Councilmember Kim Clarkson, and Councilmember Delayne Sigerman.

2. VISITORS FORUM:

No visitors/citizens signed up to speak.

3. PRESENTATIONS:

3A. Mayor Blackburn presented a Certificate of Recognition to the Tivy High School Marching Band 2019-2020 for competing at the State Championship Marching Band Competition on November 04, 2019 in San Antonio, Texas.

3B. Mayor Blackburn presented a Proclamation observing the Kerrville Public Utility Board Apprenticeship Week. The Proclamation was received by Kerrville Public Utility employees and apprentices.

3C. Mayor Blackburn and Mark McDaniel presented Amy Dozier and Julie Behrens with the Distinguished Budget Presentation Award issued by the Government Finance Officer

Association for the City of Kerrville's annual budget fiscal year beginning October 1, 2018 through September 30, 2019.

4. CONSENT AGENDA:

Staff requested to pull item 4B from the Consent Agenda. This item will be presented during a future Council meeting.

Councilmember Cochrane moved to approve items 4A, 4C, 4D, 4E, 4F, 4G, and 4H as presented. Councilmember Sigerman seconded, and the motion passed 4-0.

4A. Resolution No. 48-2019. A Resolution casting votes of the City of Kerrville, Texas for Kerr Central Appraisal District Board of Directors for the 2020-2021 term.

4C. Project Funding Agreement between the City of Kerrville, Texas, Economic Improvement Corporation and the City of Kerrville, Texas for site, building, and infrastructure improvements for business enterprises at the Kerrville-Kerr County Airport.

4D. Authorize the Kerrville-Kerr County Joint Airport Board to amend its 2020 Fiscal Year budget as presented, thereby increasing the amount of its budget for said fiscal year.

4E. Purchase of one Type 1 Ambulance from Mac Haik Dodge Chrysler Jeep at a price not to exceed \$228,025.

4F. Selection of additional participant to Kerrville Area Youth Leadership Academy. An additional application has been received for membership to the Academy. Applicant name is Paige Foster.

4G. Minutes for the City Council workshop held October 22, 2019.

4F. Minutes for the City Council meeting held October 22, 2019.

END OF CONSENT AGENDA

4B. Resolution No. 51-2019. A Resolution authorizing a banking services agreement with Wells Fargo Bank, N.A.

No action. This item was pulled from consideration.

5. PUBLIC HEARINGS AND RESOLUTIONS:

5A. Resolution No. 49-2019. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of all of Lot 1-A, Block 6, of the Lowry addition, a subdivision of record within the City of Kerrville, Kerr County, Texas, as recorded in Volume 7, Page 342 of the plat records of Kerr County, Texas; and located at 202 Lowry Street; said property is located within the R-1A Zoning District; and making said permit subject to certain conditions and restrictions contained herein.

Mayor Blackburn opened the Public Hearing at 6:22 p.m.
The Resolution caption was read into record by Shelley McElhannon.

Drew Paxton presented information and responded to questions.
No citizens spoke during the Public Hearing.

Councilmember Sigerman moved to approve Resolution No. 49-2019, and Councilmember Clarkson seconded. The motion passed 4-0.

5B. Resolution No. 50-2019. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of all of Lot 1-C, Block 6, of the Lowry addition, a subdivision of record within the City of Kerrville, Kerr County, Texas, as recorded in Volume 7, Page 342 of the plat records of Kerr County, Texas; and located at 210 Lowry Street; said property is located within the R-1A Zoning District; and making said permit subject to certain conditions and restrictions contained herein.

The Resolution caption was read into record by Shelley McElhannon.

Drew Paxton presented information and responded to questions.
No citizens spoke during the Public Hearing.

Councilmember Clarkson moved to approve Resolution No. 50-2019, and Councilmember Cochrane seconded. The motion passed 4-0.

Mayor Blackburn closed the Public Hearing at 6:27 p.m.

6. ORDINANCES, SECOND READING:

6A. Ordinance No. 2019-25. Second reading. An Ordinance amending the budget for Fiscal Year 2019 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 caption was read into record by Shelley McElhannon.

Amy Dozier advised no changes to Ordinance.

Councilmember Sigerman moved to approve Ordinance No. 2019-25 second reading, and Councilmember Cochrane seconded. The motion passed 4-0.

7. INFORMATION AND DISCUSSION:

7A. Financial update for the month ended September 30, 2019.

Amy Dozier presented information and responded to questions.

8. CONSIDERATION AND POSSIBLE ACTION:

8A. Approve the Pavement Management Plan.

The item was read into record by Shelley McElhannon.

E.A. Hoppe presented information and responded to questions.

Councilmember Cochrane moved to approve the Pavement Management Plan, and Councilmember Sigerman seconded. The motion passed 4-0.

8B. Professional Services Agreement with 6S Engineering, Inc. for design and engineering work related to FY2020 Street Reconstruction projects in the amount of \$335,495.00.

Councilmember Cochrane moved to approve the Professional Services Agreement with 6S Engineering, and Councilmember Clarkson seconded. The motion passed 4-0.

8C. Construction contract with M5 Utilities, LLC for the Olympic Drive Extension project in an amount of \$2,439,188.81.

E.A. Hoppe presented information and responded to questions.

Councilmember Sigerman moved to authorize the City Manager to enter an agreement, and Councilmember Cochrane seconded. The motion passed 4-0.

8D. Master Equity Lease Agreement for the lease of City vehicles with full maintenance agreement for fleet management services with Enterprise Fleet Management Program.

Guillermo Garcia presented information and responded to questions.

Councilmember Sigerman moved to authorize the City Manager to enter into this agreement, and Councilmember Cochrane seconded. The motion passed 4-0.

9. BOARD APPOINTMENTS:

9A. Appointments to the Senior Services Advisory Committee.

Councilmember Sigerman moved to appoint the following two individuals to the Senior Services Advisory Committee: Janice Andersen and Melba Maring. Councilmember Cochrane seconded, and the motion passed 4-0.

10. ITEMS FOR FUTURE AGENDAS:

- Membership of Senior Services Advisory Board – Sigerman

11. EXECUTIVE SESSION:

Mayor Blackburn moved to go into executive session under Section 551.071 (consultation with an attorney) of the Texas Government Code. Councilmember Sigerman seconded, and the motion passed 4-0.

Mayor Blackburn recessed the open session at 7:09 p.m., and Council convened in closed executive session.

11A. Lotus Peer Recovery LLC. Kacey Paige Williams, Christian Jane Rivers, and Madelyn Rebecca Clark v. City of Kerrville, Texas (Cause No. 5:18-CV-00925; in the United States District Court for the Western District of Texas, San Antonio, Division.) (551.071)

At 7:21 p.m. the Council reconvened in open session.

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

Mike Hayes provided information regarding the settlement with Lotus Peer Recovery; both parties will not be held liable, the charges will be dismissed and the City will be discharged from any liability. Lotus Peer Recovery LLC will not open another facility within the City of Kerrville for the next three years.

Councilmember Clarkson moved to authorize the Mayor to execute *Full and Final Settlement Agreement and Mutual Release* regarding lawsuit filed against City by Lotus Peer Recovery, LLC., etc. Councilmember Cochrane seconded, and the motion passed 4-0.

ADJOURNMENT


The meeting was adjourned at 7:22 p.m.

APPROVED:



Bill Blackburn, Mayor

ATTEST:



Shelley McElhannon, City Secretary

APPROVED BY COUNCIL: 12/10/2019