



CITY COUNCIL MEETING AGENDA
FEBRUARY 28, 2023 6:00 PM
CITY HALL, 701 MAIN STREET, KERRVILLE, TEXAS



***Council Meeting Procedures, City Council and City Staff Safety Measures, and
Citizen Participation Guidelines***

Citizens may view and hear City Council meetings on Spectrum Channel 2 or by live-streaming via the City's website (www.kerrvilletx.gov). City Council meetings are recorded and the recordings are posted on the City's website. Citizens wishing to speak during a meeting shall submit a completed "speaker request form" to the City Secretary before the item is introduced, but are encouraged to submit the form before the meeting begin. Each speaker is limited to four minutes.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property.

Thank you for your participation!

CALL TO ORDER: *By Mayor Judy Eychner*

INVOCATION AND PLEDGE OF ALLEGIANCE: *Led by Councilmember Brenda Hughes*

- 1 **ANNOUNCEMENTS OF COMMUNITY INTEREST:** *Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.*

- 2 **PRESENTATIONS:**
 - 2.A Kerrville Kindness award recognizing Starkey Elementary fourth grader Cooper Smithson.
 - 2.B Proclamation recognizing March 2023 as Texas History Month in Kerrville, Texas.
 - 2.C Commendations for outgoing Board members of the Recovery Community Coalition and the Senior Services Advisory Board.
 - 2.D Kerrville Police Department Team Member Recognition.

- 3 **VISITORS/CITIZENS FORUM:** *Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. The speaker request form must be submitted to the City Secretary before the item is called or read into record. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.*

- 4 **CONSENT AGENDA:** *These items are considered routine and can be approved in one motion unless a Councilmember asks for separate consideration of an item. It is recommended that the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:*
 - 4.A Resolution No. 08-2023. A Resolution of the City of Kerrville, Texas designating the City of Kerrville as a HIPAA Hybrid Entity in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and providing an effective date.
Attachment: [20230228_Reso 08-2023 HIPAA.pdf](#)
 - 4.B City Council workshop minutes, February 14, 2023.
Attachment: [20230228_Minutes Council workshop 2-14-23 4pm.pdf](#)

4.C City Council meeting minutes, February 14, 2023.
Attachment: [20230228_Minutes Council meeting 2-14-23 6pm.pdf](#)

END OF CONSENT AGENDA.

5 ORDINANCE(S), FIRST READING:

5.A Ordinance No. 2023-09. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, titled "Streets, Sidewalks, and Other Public Places"; by adding a new Article titled "Right-Of-Way Management", to create regulations, including a permit requirement, for construction, maintenance, and repair work within the City's Rights-Of-Way; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; and providing other matters relating to the subject.

Attachment: [20230228_Ord 2023-09 ROW regulations.pdf](#)

6 PUBLIC HEARING AND POSSIBLE ACTION:

6.A Request for variance from distance requirement pursuant to §30-17, City's Code of Ordinances, for a proposed boarding home facility at 316 Jefferson.

Attachment: [20230228_Map Boarding Home Facility.pdf](#)

7 CONSIDERATION AND POSSIBLE ACTION:

7.A Resolution No. 07-2023. A Resolution in support of the submission of an application to the 2023 competitive housing tax credit (HTC) program through the Texas Department of Housing and Community Affairs (TDHCA) by Communities River Rock Partners, LLC, for the new construction of affordable senior housing.

Attachment: [20230228_Reso 07-2023 River Rock Partners Sr Housing.pdf](#)

7.B Authorization to negotiate a Design-Build contract for the Public Safety Facility.

7.C Resolution No. 09-2023. A Resolution authorizing the approval of a contract for collection services for debts and accounts receivable with Linebarger Goggan Blair and Sampson, LLP; such services to include collections of unpaid fines, fees, and court costs pertaining to the City's Municipal Court; making certain findings required by Section 2254.1036 of the Texas Government Code; authorizing the City Manager to execute the contract; and providing for an effective date.

Attachment: [20230228_Reso 09-2023 Collection services for municipal court.pdf](#)

8 INFORMATION & DISCUSSION:

8.A Financial update for month ending January 31, 2023, and Tax Increment Reinvestment Zone (TIRZ) Annual Report for year-ended September 30, 2022.

Attachment: [20230228_Presentation TIRZ annual.pdf](#)

10 EXECUTIVE SESSION: *City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel/officers), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code.*

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

12 ITEMS FOR FUTURE AGENDAS: *City Council may suggest items or topics for future agendas.*

ADJOURN.

The facility is wheelchair accessible, and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1118 for further information.

I hereby certify that this agenda was posted as notice of the meeting on the bulletin board at the City Hall of the City of Kerrville, Texas, and on the City's website on the following date and time: February 24, 2023 at 3:30 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Shelley McElhannon, City Secretary, City of Kerrville, Texas

NOTICE OF A PUBLIC MEETING

(pursuant to §2254.1036, Tx. Gov't Code)

Notice is hereby given that a meeting of the City Council of the City of Kerrville, Texas will be held on February 28, 2023, beginning at 6:00 PM, at City Hall, 701 Main St., Kerrville, Texas for the purpose of considering and taking action on all matters on the agenda for the meeting, including the approval of an agreement with the law firm of Linebarger Goggan Blair & Sampson, LLP (the "Law Firm"). City Council will consider appointing the Law Firm as special counsel to perform all legal services necessary to collect unpaid fines, fees, and court costs as provided in Art. 103.0031, Texas Code of Criminal Procedure ("Art. 103.0031") and authorizing the execution of such agreement (the "Agreement").

The proposed Agreement is necessary for the most effective collection of unpaid fines, fees, and court costs owed to the Kerrville Municipal Court. The City seeks to collect the unpaid fines, fees, and court costs as provided in the Texas Code of Criminal Procedure.

The Law Firm is fully qualified to provide this representation, being the largest law firm specializing in the collection of governmental receivables in the State of Texas, as well as the United States, and having been engaged in this specialized legal service for more than 40 years. In addition, the Law Firm possesses infrastructure and technology, such as call center technology, that the City does not possess. The Law Firm has not represented the City in the collection of past due Municipal Court Fees and Fines for any past years.

The specialized legal services required by the Agreement cannot be adequately performed by the attorneys and supporting personnel of the City due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient in-house attorneys and staff with the level of experience and competence necessary to perform these activities.

The Law Firm will be compensated on a contingent fee basis as provided in Art. 103.0031. This law specifically provides for an additional collection fee in the amount of 30 percent in certain cases to compensate collection attorneys for their efforts. An agreement to pay outside attorneys on an hourly basis would represent an additional cost to the City.

Entering into the proposed Agreement is in the best interests of the residents of the City because the unpaid fines, fees, and court costs will be professionally and competently collected without the additional costs to the City of implementing infrastructure and technology, and employing in-house personnel or paying outside counsel on an hourly fee basis which would otherwise be required.

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