

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
NOVEMBER 08, 2022 6:00 PM**

On November 08, 2022 at 6:00 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street. Councilmember Kim Clarkson provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

Judy Eychner, Mayor
Kim Clarkson, Mayor Pro Tem, Councilmember Place 2
Roman Garcia, Councilmember Place 1
Joe Herring, Jr., Councilmember Place 3
Brenda Hughes, Councilmember Place 4

COUNCILMEMBER ABSENT:

None

CITY EXECUTIVE STAFF:

E.A. Hoppe, City Manager
Mike Hayes, City Attorney
Michael Hornes, Asst City Manager
Kim Meisner, Asst City Manager
Shelley McElhannon, City Secretary
Stuart Barron, Exec Director Public Works
Julie Behrens, Director of Finance
Ashlea Boyle, Director Parks-Recreation
Danielle Brigati, Library Director

Kyle Burow, Director of Engineering
Stuart Cunyus, Public Information Officer
Guillermo Garcia, Exec Dir Innovation
Yessenia Luna, Municipal Court Coordinator
Eric Maloney, Fire Chief
Chris McCall, Police Chief
Drew Paxton, Planning Director
William Tatsch, Asst City Attorney

VISITORS PRESENT:

A list of the citizen speakers present during the meeting is on file in the City Secretary's Office for the required retention period.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcements of Community Interest provided by Stuart Cunyus, Councilmember Roman Garcia, and Mayor Eychner.

2. PRESENTATIONS:

2A. Kerrville Kindness Award recognizing Richard Vasquez.

Mayor Eychner presented the Kerrville Kindness award to Richard Vasquez, recognizing his selfless and good works. Richard Vasquez was joined by his family. Chief Chris McCall also presented recognition from the Police Department to Mr. Vasquez.

2B. Proclamation recognizing November 7-11, 2022 as Municipal Court week.

Mayor Eychner presented a proclamation proclaiming November 7-11, 2022 as Municipal Court week in Kerrville, Texas, represented by Municipal Court Coordinator Yessenia Luna and Municipal Court staff.

Mayor Eychner provided meeting and speaker protocol and visitor decorum.

3. VISITORS FORUM:

The following person(s) spoke:

- Ruben Aguilar

4. CONSENT AGENDA:

Councilmember Garcia requested to pull Consent Agenda items 4B, 4C, and 4I, and made a motion to approve the rest of the items on the Consent Agenda (4A, 4D, 4E, 4F, 4G, and 4I), seconded by Councilmember Joe Herring, Jr. The motion passed 5-0.

4A. Local Agreement by and between the City of Kerrville, Texas and the State of Texas for disposition of forfeited property in the 198th Judicial District Court resulting from the seizure of property in the City of Kerrville, Texas.

4D. Interlocal Agreement between the City of Kerrville and Kerr County for participation in the Local Hazard Mitigation Plan for Kerr County.

4E. Medical Director Agreement for the City of Kerrville Fire Department, Emergency Medical Services.

4F. Professional Services Agreement with 6S Engineering, Inc. for the 2023 Fiscal Year Street Maintenance projects in the amount of \$95,750.00.

4G. Professional Services Agreement with 6S Engineering, Inc. for the Pavement Master Plan Update in the amount of \$96,350.00.

4H. City Council workshop minutes October 25, 2022.

END OF CONSENT AGENDA.

4B. Interlocal Agreement by and between the City of Kerrville, Texas and the County of Kerr, Texas to provide access to each of their Law Enforcement Agencies' Criminal Justice Information through the Tyler Public Safety One Source System.

William Tatsch provided information and responded to questions.

Councilmember Roman Garcia made a motion to approve the Interlocal Agreement with the County of Kerr, Texas, seconded by Councilmember Herring. The motion passed 5-0.

4C. Interlocal Agreement by and between the City of Kerrville, Texas and the County of Kerr, Texas for locating supplemental workstations in the Kerr County Sheriff's Office and Kerrville Police Department and establishing a High-Speed Network Connection between the Kerrville Police Department and the Kerr County Evidence Media Server.

Chief McCall provided information and responded to questions.

Councilmember Garcia made a motion to approve the Interlocal Agreement with the County of Kerr, Texas for supplemental workstations at the Kerr County Sheriff's Office and the Kerrville Police Department, seconded by Councilmember Brenda Hughes. The motion passed 5-0.

4I. City Council meeting minutes, October 25, 2022.

Councilmember Garcia requested to approve the meeting minutes with this amendment: page 2 under item 4A, insert into the tabled motion *"to the next regular meeting and further moved that the City Attorney is instructed to revise the Declaration of Trust to only reflect the change requested by Council regarding the Secretary position and to revert the rest of the document to its previous language"*, seconded by Councilmember Clarkson. The motion passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Resolution No. 72-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 7, Block 1, Riverside Addition; and more commonly known as 339 Guadalupe; said property is located within a Medium Density Residential Zoning District (R-2); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 72-2022 caption into record.

Drew Paxton provided information and responded to questions.

The public hearing opened at 6:29 p.m.

No person(s) spoke.

The public hearing closed at 6:29 p.m.

Councilmember Hughes made a motion to approve Resolution No. 72-2022, seconded by Councilmember Clarkson. The motion passed 5-0.

5B. Resolution No. 73-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 3 and part of Lot 4, Block 3, Hazy Hills Addition; and more commonly known as 800 Lake; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 73-2022 caption into record.

Drew Paxton provided information and responded to questions. Applicants Sharon Rollins, Darrell Rollins, and Kevin Rollins provided information and responded to questions.

The public hearing opened at 6:35 p.m.

No person(s) spoke.

The public hearing closed at 6:35 p.m.

Councilmember Herring made a motion to approve Resolution No. 73-2022, seconded by Councilmember Clarkson. The motion passed 5-0.

5C. Resolution No. 74-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 1, block 1, Riverhill TH Addition; and more commonly known as 503 Oakland Hills; said property is located within a Medium Density Residential Zoning District (R-2); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 74-2022 caption into record.

Drew Paxton provided information and responded to questions.

The public hearing opened at 6:37 p.m.

No person(s) spoke.

The public hearing closed at 6:37 p.m.

Councilmember Hughes made a motion to approve Resolution No. 74-2022, seconded by Councilmember Herring. The motion passed 5-0.

5D. Resolution No. 75-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 5, Block 1, Riverhill Las Casitas Addition; and more commonly known as 220 Riverhill Club, #5; said property is located within a Medium Density Residential Zoning District (R-2); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 75-2022 caption into record.

Drew Paxton provided information and responded to questions, and applicant Janice Bowen spoke.

The public hearing opened at 6:39 p.m.
No person(s) spoke.
The public hearing closed at 6:39 p.m.

Councilmember Clarkson made a motion to adopt Resolution No. 75-2022, seconded by Councilmember Herring. The motion passed 5-0.

5E. Resolution No. 76-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 9, Block 1, Riverhill Las Casitas Addition; and more commonly known as 220 Riverhill Club, #9; said property is located within a Medium Density Residential Zoning District (R-2); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 76-2022 caption into record.
Drew Paxton provided information.
The public hearing opened at 6:40 p.m.
No person(s) spoke.
The public hearing closed at 6:40 p.m.

Councilmember Herring made a motion to adopt Resolution No. 76-2022, seconded by Councilmember Hughes. The motion passed 5-0.

5F. Resolution No. 77-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 13, Block 1, Riverhill Las Casitas Addition; and more commonly known as 220 Riverhill Club, #13; said property is located within a Medium Density Residential Zoning District (R-2); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 77-2022 caption into record.
Drew Paxton provided information.
The public hearing opened at 6:41 p.m.
No person(s) spoke.
The public hearing closed at 6:42 p.m.

Councilmember Herring made a motion to adopt Resolution No. 77-2022, seconded by Councilmember Hughes. The motion passed 5-0.

5G. Resolution No. 78-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 14, Block 1, Riverhill Las Casitas Addition; and more commonly known as 220 Riverhill Club, #14; said property is located within a Medium Density Residential Zoning District (R-2); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 78-2022 caption into record.
Drew Paxton provided information.
The public hearing opened at 6:43 p.m.
No person(s) spoke.
The public hearing closed at 6:43 p.m.

Councilmember Clarkson made a motion to adopt Resolution No. 78-2022, seconded by Councilmember Herring. The motion passed 5-0.

5H. Resolution No. 79-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 13, Block 3, Mesa Park Subdivision, Phase 1; and more commonly known as 2324 Trails End; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

Shelley McElhannon read Resolution No. 79-2022 caption into record.

Drew Paxton provided information and responded to questions, and applicant Collette Zagarella provided information and responded to questions.

The public hearing opened at 6:48 p.m.

The following person(s) spoke:

- Paul Harrison
- Heidi Uttrich

The public hearing closed at 6:51 p.m.

Councilmember Herring made a motion to adopt Resolution No. 79-2022, seconded by Councilmember Hughes. The motion passed 5-0.

6. PUBLIC HEARING AND ORDINANCE(S), FIRST READING:

6A. Ordinance No. 2022-32. An Ordinance annexing a tract of land into the corporate limits of the City of Kerrville, Texas; such property making up approximately 11.93 acres and generally located south of the intersection of State Highway 27 and Colvin Ranch Rd.; more commonly known as 5269 State Highway 27; such property more specifically described in this Ordinance and being located within the extraterritorial jurisdiction of and adjacent to the City Limits; adopting a service agreement; establishing the zoning for the annexed property as an Industrial and Manufacturing (IM) Zoning District; and providing other matters relating to this subject.

Shelley McElhannon read Ordinance No. 2022-32 caption into record.

Drew Paxton provided information and responded to questions.

The public hearing opened at 6:58 p.m.

No person(s) spoke.

The public hearing closed at 6:58 p.m.

Councilmember Clarkson made a motion to adopt Ordinance No. 2022-32 on first reading, seconded by Councilmember Herring. The motion passed 5-0.

Mayor Eychner shifted item 10A forward, before Item 7A.

10A. Consider a request for the grant of a major waiver of the requirement within the City's Subdivision Code (Ch. 82, Code of Ordinances; Section 82-50) for the extension of utilities to the property line; the property being an 11.93 acre proposed lot addressed as 5269 Highway 27 and generally located on Highway 27 at Colvin Ranch Rd. E. Applicant: Ingram Ready Mix, No. 10.

Shelley McElhannon read item 10A caption into record.

Drew Paxton, Stuart Barron, E.A. Hoppe, and Mike Hayes provided information and responded to questions.

Applicant representatives James McKnight and James McGarr provided information and responded to questions.

Councilmember Garcia made a motion to table the item until the next regular meeting, seconded by Councilmember Hughes. The motion to table passed 5-0.

7. INFORMATION & DISCUSSION:

7A. Report from Short-Term Rental Committee in accordance with Resolution No. 55-2022, (Committee Chair Layng Guerriero).

Committee Chair Layng Guerriero provided information and a report from the Committee, and responded to questions.

The following person(s) requested to speak, however discovered that they signed up for item 7A and 8A, and both passed on 7A:

- Jon Perrin
- Robin Perrin

8. ORDINANCE(S), FIRST READING:

8A. Ordinance No. 2022-30. An Ordinance amending Chapter 30 "Businesses" of the City's Code of Ordinances by adopting a new Article VI "Short-Term Rental Units"; requiring permitting and inspection for Short-Term Rental Units; containing a cumulative clause; 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.

Shelley McElhannon read Ordinance No. 2022-30 caption into record.

Guillermo Garcia and Mike Hayes provided information and responded to questions.

The following person(s) spoke:

- Sarah Lewis (declined when called)
- Jon Perrin
- Robin Perrin
- Larry Howard

Council agreed to modify the Ordinance No. 2022-30 with three amendments: (1) Create a new Chapter dedicated to Short-Term Rentals, (2) If a structure has an occupancy sleeping over ten (10) individuals, then the structure requires a sprinkled fire system, (3) strike the #2 *Whereas* clause and strike #4 *Whereas* clause.

Councilmember Garcia made a motion to adopt Ordinance No. 2022-30 on first reading and to set a time for future review by December 2023, seconded by Councilmember Herring. The motion passed 5-0.

Mayor Eychner recessed the meeting at 8:26 p.m.

Mayor Eychner reconvened the meeting at 8:38 p.m.

8B. Ordinance No. 2022-33. An Ordinance amending Chapter 102 "Traffic and Vehicles," Section 102-1 "Definitions" of the Code of Ordinances of the City of Kerrville, Texas by revising the definitions of "Excessive or Unusual Noise" and "Noisemakers" in their entirety; containing a savings and severability clause; providing an effective date; ordering publication; and providing other matters relating to this subject.

Shelley McElhannon read Ordinance No. 2022-33 caption into record.

William Tatsch provided information and responded to questions.

Councilmember Garcia made a motion to approve Ordinance No. 2022-33 on first reading, seconded by Councilmember Hughes. The motion passed 5-0.

9. ORDINANCE(S), SECOND READING:

9A. Ordinance No. 2022-31, second reading. An Ordinance amending the City's Fiscal Year 2022 Budget to account for the receipt of additional revenue, the disbursement of such revenue, and to make other amendments as provided.

Shelley McElhannon read Ordinance No. 2022-31 caption into record.
Julie Behrens provided information.

Councilmember Hughes made a motion to approve Ordinance No. 2022-31 on second reading, seconded by Councilmember Herring. The motion passed 5-0.

10. CONSIDERATION AND POSSIBLE ACTION:

This item was shifted forward on the agenda (after item 6A and before item 7A – see above).

10A. Consider a request for the grant of a major waiver of the requirement within the City's Subdivision Code (Ch. 82, Code of Ordinances; Section 82-50) for the extension of utilities to the property line; the property being an 11.93 acre proposed lot addressed as 5269 Highway 27 and generally located on Highway 27 at Colvin Ranch Rd. E. Applicant: Ingram Ready Mix, No. 10.

10B. Resolution No. 68-2022. A Resolution adopting the City of Kerrville Water and Wastewater Master Plan update.

Shelley McElhannon read Resolution No. 68-2022 caption into record.
Stuart Barron, Ethan Shires with Freese and Nichols, and E.A. Hoppe provided information and responded to questions.

Councilmember Herring made a motion to adopt Resolution No. 68-2022, seconded by Councilmember Clarkson. The motion passed 5-0.

10C. Qualification of Five Responders as Design-Build Firms for the Public Safety Facility project.

Shelley McElhannon read item 10C caption into record.
Kyle Burow and Joel Kokomor with Freese & Nichols Inc. provided information and responded to questions.

Councilmember Hughes made a motion to approve recommended Design-Build teams to solicit Proposals: Byrne Construction Services, Joeris General Contractors, Rogers-O'Brien Construction, Skanska USA Building, Inc., SpawGlass Contracts, Inc., seconded by Councilmember Herring. The motion passed 5-0.

10D. The Butt-Holdsworth Memorial Library's participation in "Banned Books Week", the Library's policies, the Library's association with the American Library Association, and personnel conduct regarding these matters. (Barbara Dewell Ferguson, citizen; Councilmember Garcia, sponsor).

Shelley McElhannon read item 10D caption into record.
Citizen Barbara Dewell Ferguson provided information and responded to questions.
The following person(s) spoke:

- Leela Goldberg (did not show up to mic when called)
- Martha Mitchell
- Susana Gimson
- Jennifer Daschel

- Susan Sommers
- Dr. Stephane Gross
- Sylvia Ostos
- Pamela Leinhard
- Susan Wolff
- Sarah Lewis
- Carol Powers
- Ruth Carlson
- David Rogers
- Delayne Sigerman
- Debbie Oakes
- Lucia Bell (did not show up to mic when called)
- Charlie McIvain
- William Rector
- Lillian Beard
- Robin Monroe (speaking for Bethany Puccio)
- Cheri Chase
- Ian Daugherty
- Jaclyn Hall
- Katy Kappel
- Marcia King (did not show up to mic when called)
- Carol Milberger

Mayor Eychner made a motion that the Library Advisory Board make a thorough review of the Butt-Holdsworth Memorial Library collection development policy including the appendix and bring back to Council the results of their review, seconded by Councilmember Hughes. Councilmember Garcia made a motion to amend the Mayor's motion to include at the end of it *"to the extent that it removes all association with the American Library Association and to place proper safeguards to prevent books with obscene, profane, or pornographic material to be easily accessible to minors"*. Mayor Eychner called for a second to Councilmember Garcia's motion amendment, with no second for the amendment. The amended motion failed for lack of second.

Mayor Eychner called for a vote on the original motion to make a thorough review of the Butt-Holdsworth Memorial Library collection development policy including the appendix and bring back to Council the results of their review, seconded by Councilmember Hughes. The motion passed 5-0.

11. BOARD APPOINTMENT(S):

11A. Appointment to the Food Service Advisory Board.

Shelley McElhannon read item 11A caption into record.

Councilmember Hughes made a motion to appoint Shonna Ebert, Wendy Massey (reappointment), and Elena Ramirez to the Food Service Advisory Board, seconded by Councilmember Clarkson. The motion passed 5-0.

Executive Session was not called nor convened.

12. EXECUTIVE SESSION: N/A

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

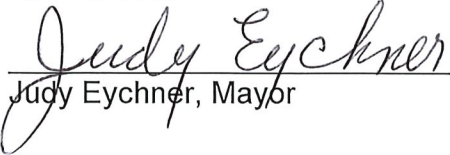
14. ITEM(S) FOR FUTURE AGENDAS:

- Councilmember Garcia requested staff review and reorganize the Council Chamber no later than January. Mayor Eychner called for a second, with no second forthcoming. The item for a future agenda failed for lack of second.

ADJOURN. The meeting adjourned at 10:41 p.m.

APPROVED BY COUNCIL: 12/13/2022

APPROVED:


Judy Eychner, Mayor

ATTEST:


Shelley McElhannon, City Secretary