



**CITY OF FREDERICKSBURG**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**TUESDAY, FEBRUARY 21, 2023 ~ 9:00 AM**  
**LAW ENFORCEMENT CENTER**  
**1601 E. MAIN STREET**  
**FREDERICKSBURG, TEXAS 78624**

Mayor Jeryl Hoover  
Mayor Pro-Tem Bobby Watson  
Councilmember Emily Kirchner  
Councilmember Tony Klein  
Councilmember Sharon Joseph

**Members Absent:**

None

**City Staff Present:**

Clinton Bailey, City Manager  
Mick McKamie, Interim City Attorney  
Garret Bonn, Assistant City Manager  
Brian Vorauer, Police Chief  
Lynn Bizzell, Fire Chief  
Eric Whiting, Director of Information Technology  
Kris Kneese, Director of Public Works and Utilities  
Derek Seelig, Police Lieutenant  
Braxton Roemer, Police Lieutenant  
Justin Calhoun, Emergency Management Coordinator  
Anna Hudson, Interim Director of Development Services  
Lea Feuge, Public Information Officer  
Leslie Embrey, Administrative Assistant  
Shelley Goodwin, City Secretary

**1. CALL TO ORDER**

Mayor Hoover called the Regular Meeting of the Fredericksburg City Council to order at 9:00 a.m. on Tuesday, February 21, 2023. He announced that a quorum had been met.

**2. INVOCATION**

Christine Burdick, Assistant Pastor at Victory Fellowship Church, provided the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Mayor Hoover led the Pledge of Allegiance.

**4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION**

Kris Kneese, Director of Public Works and Utilities, introduced the following recognitions:

- Water leak at 2329 Stone Meadow - for going above and beyond:
  - Broc Graef

- Tyler McWilliams
  - Quinten Moellering
  - Ryan Bohnert
  - Keagan Sieckmann
- Water leak at Ufer and Lincoln - for teamwork, going above and beyond:

Water Dept:

- Ryan Bohnert
- Quinten Moellering
- Keagan Sieckmann
- Broc Graef
- Kaleb Wunderlich
- Tyler McWilliams
- Mike Behrends
- Nick Garza

Street Department:

- Chris Lancaster
- Garrett Zenner
- Graham Miles
- Kris Grobe
- Adrian Flores
- Michael Rhodes
- Lea Feuge, Public Information Officer

Sanitation Department:

- Hermes Holguin
  - Salomon Perez
- Water leak in front of Councilmember Kirchner's house - going above and beyond:
    - Quinten Moellering
    - Tyler McWilliams
    - Keagan Sieckmann

He also recognized Tyler Feller, Electric Department, for his customer service and for going above and beyond. And introduced Rusty Petsch a new Vegetation Management employee.

## **5. COUNCIL COMMENTS**

Councilmember Joseph stated she attended the following:

- The Chamber of Commerce had a fabulous Fun after Five Event at Wellness Center.
- The Chamber of Commerce Banquet is on March 2. Tickets are still available.
- The Chamber of Commerce surveyed Child Care issues and found that 97% require child care, and 62% have staffing disruptions due to the lack of child care.

Councilmember Kirchner stated she attended the following:

- February 9th Friends of Fredericksburg Nature Center Advisory Board Meeting
- February 13th, Gillespie County Commissioners Court

- February 1<sup>st</sup> Little Hearts Child Development Center Board Meeting. There will be a Child Care Meeting Wednesday, February 22, 2023, at 6:00 p.m. at the Good Samaritan Center, where the Alamo Work Force will discuss the needs of Health Care Employees.
- February 15<sup>th</sup> – 16<sup>th</sup> in Austin, where she and the City Manager attended meetings with the City's Senator and Representatives and others from the Hill Country. These meetings were to work on potential Legislative to help the City.

Councilmember Watson stated he attended the February 17 EDC monthly meeting, and Ross Burwell, Cavenall Grill, was voted in as a new Board Member.

Councilmember Klein stated the Gillespie County Commissioners Court held a Special Meeting to discuss the sale of Hill Country Memorial Hospital. He stated the Commissioners voted not to take a stance on the issue.

Mayor Hoover stated that there will be a Forum to discuss the sale of Hill Country Memorial on February 27, 2023, at 6:00 p.m. at the University Center HEB Room. He also noted that Thursday, February 23, 2023, is the next Neighborhood Town Hall, which the Hammersens will host at 808 Kimberley Lane.

## **6. CONSENT**

- A. Consider approval of City Council Minutes for the February 8, 2023, Special Meeting**
- B. Consider the approval of Resolution 2023-02R approving the submission of the application for the Fredericksburg Police Department Officer Rifle-Resistant Body Armor Grant**
- C. Consider approval of Resolution 2023-03R approving the purchase of new body-worn cameras through the Office of the Governor, Public Safety Office, Criminal Justice Division - Body-Worn Camera Grant Program, FY2024**
- D. Consider approval of the Police Department estimate from FarrWest Specialty Vehicles for the outfitting and installing equipment in seven new patrol vehicles (previously approved in the FY 2023 Budget)**
- E. Consider the appointment of David Shields, Director of the National Museum of the Pacific War, to fill the remaining term of the previous Museum Director on the Convention and Visitor Bureau Board (term expiring September 2023)**

The City Council pulled Consent Agenda Items 6. A. and B. are to be considered separately.

**Motion:** A motion was made by Councilmember Joseph, seconded by Councilmember Klein, to approve the Consent Agenda Items 6. C-E. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

### **6.A. Consider approval of City Council Minutes for the February 8, 2023, Special Meeting.**

Councilmember Kirchner requested the spelling on page 3 of the Chief Health Integration Officer's

last name to Kotal.

**Motion:** A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to approve the City Council Minutes for the February 8, 2023, Special Meeting with an amendment. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**6.B. Consider the approval of Resolution 2023-02R approving the submission of the application for the Fredericksburg Police Department Officer Rifle-Resistant Body Armor Grant**

Derek Seelig, Police Lieutenant, stated a grant opened up for Body Armor. The Resolution is for enough armor for 32 officers. He noted the Resolution comes from the Governor and not our form to revise.

**Motion:** A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to approve Resolution 2023-02R, approving the submission of the application for the Fredericksburg Police Department Officer Rifle-Resistant Body Armor Grant. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**7. ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS**

- A. Consider the approval of a Land Use Change and a Zoning Changes requested by Matt Durrette with Cozi Vacation Rentals for the property located at 106 E. Nimitz Street**
- i. Presentation**
  - ii. Hold a Public Hearing to receive comments for or against the request**
  - iii. Ordinance 2023-01 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 0.63 acres of land, comprised out of G E Co Blk I .639, -Homesite-, as shown on the map of Fredericksburg, Texas, and Environs by the German Emigration Company, Ge1000 - G E Co Blk I, located at 106 E. Nimitz, situated in the City; changing said property from Low-Density Residential (LDR), to Mixed Use Corridor (MUC); and; providing that the change become a part of the Comprehensive Plan, and providing for an effective date**
  - iv. Ordinance 2023-02 amending the Zoning Ordinance and changing the Zoning District as to approximately 0.63 acres of land, comprised out of G E Co Blk I .639, -Homesite-, as shown on the map of Fredericksburg, Texas, and environs by the German Emigration Company, GE1000 - G E Co Blk I, located at 106 E. Nimitz, situated in the City of Fredericksburg, Texas; changing said property from (R1) Single Family Residential, to (R2) Mixed Residential; providing that this Ordinance shall be cumulative of all ordinances; providing a penalty clause; providing a savings clause; providing a severability clause; providing for publication in the official newspaper; and providing an effective date**

Anna Hudson, Interim Director of Development Services, reviewed the history of the request and the surrounding area. She also stated the Planning and Zoning Commission voted unanimously to approve these items.

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to go out of the Regular Meeting and into the Public Hearing at 9:27 a.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Matt Durette, Cozi Vacation Rental-applicant, reviewed the request and the need for the changes.

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Joseph, to go out of the Public Hearing and into the Regular Meeting at 9:29 a.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

The City Council discussed the requested changes and the future of this property.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to approve the Ordinance 2023-01 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 0.63 acres of land, comprised out of G E Co Blk I .639, -Homesite-, as shown on the map of Fredericksburg, Texas, and Environs by the German Emigration Company, Ge1000 - G E Co Blk I, located at 106 E. Nimitz, situated in the City; changing said property from Low-Density Residential (LDR), to Mixed Use Corridor (MUC); and; providing that the change become a part of the Comprehensive Plan, and providing for an effective date. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**Motion:** A motion was made by Councilmember Joseph, seconded by Councilmember Klein, to approve the Ordinance 2023-02 amending the Zoning Ordinance and changing the Zoning District as to approximately 0.63 acres of land, comprised out of G E Co Blk I .639, -Homesite-, as shown on the map of Fredericksburg, Texas, and environs by the German Emigration Company, GE1000 - G E Co Blk I, located at 106 E. Nimitz, situated in the City of Fredericksburg, Texas; changing said property from (R1) Single Family Residential, to (R2) Mixed Residential; providing that this Ordinance shall be cumulative of all ordinances; providing a penalty clause; providing a savings clause; providing a severability clause; providing for publication in the official newspaper; and providing an effective date. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- B. Consider the approval of a Conditional Use Permit requested by Scott Horton for property located at 510 Mueller Street Unit # 23**
- i. Presentation**
  - ii. Hold a Public Hearing to receive comments for or against the request**
  - iii. Consider the approval of Z-2229 Conditional Use Permit per Section per Section 3.120 to operate an STR-Condominium in an R3 Multi-Family Residential Zoned area.**

Anna Hudson, Interim Director of Development Services, reviewed the property, the request, and the regulations for a condominium. She also reviewed the history of the request and operation violations. Staff recommended denial, and P&Z unanimously voted to deny.

**Motion:** A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to go out of the Regular Meeting and into the Public Hearing at 9:34 a.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Courtney Horton, the applicant, reviewed the location and history of the property. She noted all the STR questions and issues were addressed before purchasing the home. She reviewed the STR permitting process, complaints, and parking issues.

Tom Musselman reviewed the Planning and Zoning Commission meeting and hearing. He also spoke

about the process and adoption of the Ordinance. He encouraged the City Council to deny it due to the Ordinance regulations.

**Motion:** A motion was made by Councilmember Kirchner, seconded by Councilmember Joseph, to go out of the Public Hearing and into the Regular Meeting at 9:53 a.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Joseph, to deny the Conditional Use Permit requested by Scott Horton for property located at 510 Mueller Street Unit # 23. **Friendly Amendment** to the main motion was made by Councilmember Kirchner to prohibit the requestor from reapplying until after Municipal Court has ruled on the non-permit violation. Councilmember Klein and Councilmember Joseph agreed to add the Amendment to the main motion. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**C. Consider the approval of a Conditional Use Permit requested by Sergio Mendez for property located at 903 N. Milam Street (Anna Hudson, Interim Director of Development Services)**

**i. Presentation**

**ii. Hold a Public Hearing to receive comments for or against the request**

**iii. Consider the approval of Z-2235 Conditional Use Permit per Section per Section 6.110 to allow for the Expansion of a Legal Non-Conforming Use**

Anna Hudson, Interim Director of Development Services, reviewed the history of the property and the request. She noted that Planning and Zoning Commission voted unanimously to approve the Conditional Use Permit.

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Watson, to go out of the Regular Meeting and into the Public Hearing at 9:56 a.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Sergio Mendez, the applicant, reviewed the need for the Conditional Use Permit and his proposed project.

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Joseph, to go out of the Public Hearing and into the Regular Meeting at 9:58 a.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**Motion:** A motion was made by Councilmember Joseph, seconded by Councilmember Kirchner, to approve the Conditional Use Permit requested by Sergio Mendez for the property located at 903 N. Milam Street. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**8. OTHER ACTION ITEMS AND UPDATES**

**A. Consider the purchase of new Christmas decorations, including a new Christmas tree and wreaths for Marktplatz (previously approved in the FY 2023 Budget)**

Andrea Schmidt, Director of Parks and Recreation, reviewed the project and FY 2023 budgeted amount. She noted the estimate has come in lower and will be a \$69,880 savings.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to approve the purchase of new Christmas decorations, including a new Christmas tree and wreaths for Marktplatz. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**B. Consider the approval of the Harmony Hills Performance Agreement and financial security for the remaining required public improvements for the subdivision.**

Evan Williamson, Assistant City Engineer, reviewed the Agreement, the process used by Public Works, and the outstanding items. He also reviewed why this process was used and the surety bond amounts.

The City Council discussed the Performance Agreement.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to approve the Harmony Hills Performance Agreement and financial security for the remaining required public improvements for the subdivision. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**C. Consider a presentation and discussion on the 2023 Water Supply and Future Weather Outlook.**

Clinton Bailey, City Manager, reviewed the need for this presentation and the reasons for the recommendations.

Kris Kneese, Director of Public Works and Utilities, and Paul Tybor, HCUWCD, provided a joint presentation attached.

Rosemary Estenson, County resident, encouraged the City Council to pay attention to these wells. She also spoke regarding dual flush toilets and encouraged everyone to read *The Big Thirst*.

George Studor, City resident, encouraged the City Council to create a Water Board and to meet with the County regarding water issues. He also recommended getting community involvement to assist with this issue.

Clinton Bailey, City Manager, stated when he and Councilmember Kirchner met Senator Flores last week, he stated that average rural water losses at 50% of water due to leaks. He noted when he came to Fredericksburg, he made water conservation and leak detections a priority.

The City Council discussed the following:

- Noncommercial usage
- Drip irrigation
- Watering morning vs. evening
- Different types of landscaping
- Water Variances
- Code Enforcement
- Stage 4
- County moratorium for permitted wells

## **9. CITY MANAGER'S REPORT**

### **A. Short-Term Rental(STR) Permitting and Code Enforcement Update**

Garret Bonn, Assistant City Manager, reviewed the following:

- 103 permits outside the 90-day window of renewal
- Currently 1,261 permits are on file
- Code Enforcement - 26 violations, and 12 of those are STR
- Software - Mr. Hoggin completed this week
- Staff will meet with My Government Now on Friday, and this program will be tested on March 9, 2023

### **B. Legislative Update**

Clinton Bailey, City Manager, provided the following:

- An estimate of 8,000 bills will be filed before the March 10 deadline
- Attended the Hill Country Leadership Institute with Councilmember Kirchner on February 15<sup>th</sup> and 16<sup>th</sup>. Met with Representative Ellen Troxclair, Senator Pete Flores, Senator Donna Campbell, Representative Erin Zwiener, and Senator Phil King; he reviewed the different committees they serve on.
- Reviewed the Positive and potentially harmful Bills that have been filed
- Graham Pearson sent a letter to Representative Ellen Troxclair requesting a 3% increase in Hotel Occupancy Tax for Fire, EMS, and Police Departments.

The City Council thanked Councilmember Kirchner and Clinton Bailey, City Manager, for their work on the 88<sup>th</sup> Legislative process.

### **C. City Council Meeting Format**

Clinton Bailey, City Manager, reviewed the reason for the meeting format change. He noted that he feels the City Council should go back to two Regular Meetings a month instead of one Regular Meeting and one Special Meeting a month. He also recommended one Workshop every other month.

Jeannette Hormuth, City resident, spoke regarding a portion of the Texas Constitution, freedom of speech and assembly. She encouraged the City Council to add the option to sign up to speak instead of speaking only on agenda items.

### **D. Proposed City and Gillespie County Joint Meeting**

Clinton Bailey, City Manager, stated he has been working with the County Judge to set a date for the Joint Meeting with Gillespie County. He asked that everyone look at their availability for the next few weeks.

## **10. ITEMS FOR FUTURE AGENDA**

Clinton Bailey, City Manager, reviewed the Future Agenda Item.

## **11. EXECUTIVE SESSION**

### **A. Consider and discuss the annual evaluation of the City Manager (Section 551.074); and**

### **B. Consider and discuss the Municipal Court officer and operations (Section**

**551.074).**

**Motion:** A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to go out of the Regular Meeting and into the Executive Session at 11:34 a.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

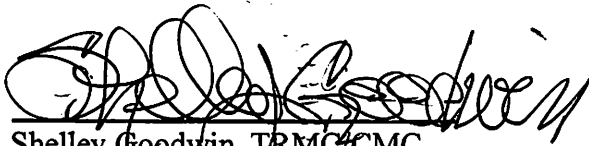
**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Joseph, to go out of the Executive Session and into the Regular Meeting at 1:10 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**12. BUSINESS ITEM**

The City Council did not take any action after the Executive Session.

**13. ADJOURN**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Klein, to adjourn the Tuesday, February 21, 2023, City Council Regular Meeting at 1:11 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

  
Shelley Goodwin, TRMC/CMC  
City Secretary  
Jeryl Hoover  
Mayor