



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING MARCH 16, 2020

Members Present:

Mayor Linda Langerhans
Mayor Pro Tem Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman
Councilmember Bobby Watson

Members Absent:

None

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Brian Jordan, Development Services Director
Steve Wetz, Police Chief
Russell Immel, Information Technology Director
Andrea Schmidt, Parks Department Director
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Shelley Goodwin, City Secretary

1. PLEDGE OF ALLEGIANCE

Mayor Langerhans led the Pledge.

2. CALL TO ORDER

With a quorum of the City Council present, Mayor Langerhans called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, March 16, 2020, in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

3. PUBLIC RECOGNITIONS

Kent Myers, City Manager, stated he received a thank you for all the volunteers who came out to help after the accident on Main Street.

Mayor Langerhans also thanked everyone who came out to help get the businesses and got the walkway opened for business the next day.

4. PUBLIC COMMENTS

Donna Mitchell, Yee-Haw Ranch, expressed her concerns about Bypass and the Live Oak Road area annexation. She also expressed her concerns with vehicle count on Highway 290.

Mayor Langerhans stated the City Council did not have a say in the By-Pass Route. However, she related that there are some members of Council on the Relief Route Task Force.

Clinton Bailey, Assistant City Manager/Public Works and Utilities Director, stated TxDOT had a hand count study done and they provided the number of trucks used in the recent study.

Mickey Poole expressed his concerns regarding the By-Pass.

5. CONSENT

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS PULLED AT THE REQUEST OF A MEMBER OF CITY COUNCIL.

A. Consider approval of City Council Minutes:

- i. **February 11, 2020, City Council Joint Meeting with Historic Review Board and Planning and Zoning Commission (Page)**
- ii. **February 28, 2020, City Council Joint Meeting with Gillespie County (Page)**
- iii. **March 3, 2020, City Council Regular Meeting (Page)**

B. Consider approval of street closing on W. Austin Street between N. Adams and N. Crockett Street on Saturday, June 6, 2020, from 6 a.m.-6 p.m. for the Masonic Car Show.

Motion: A motion was made by Councilmember Musselman seconded by Councilmember Watson, to approve the Consent Agenda Items 6. A and B. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

6. PUBLIC HEARING

A. Annexation of approximately 91.24 acres of land situated in Gillespie County, Texas along the south side of W. Live Oak and extending from east of Post Oak Road to west of Smokehouse Road (2nd public hearing).

- i. **Hold a public hearing to receive comments for or against**
- ii. **Discussion on the proposed annexation**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go out of Regular Meeting into Public Hearing at 6:10 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Edward Rhode expressed his concerns regarding the annexation. He feels the City Council should not be following the provisions law that allowed them to adopt a Resolution to continue with annexations they were working on before the recent changes to this law.

Joe Martinez Salinas, III, expressed his concern with the 15-year duration of the Pre-Annexation Development Agreement since statute says that cities can adopt agreements up to 45 years.

Motion: A motion was made by Councilmember Musselman seconded by Councilmember Neffendorf, to go out of Public Hearing into Regular Meeting at 6:18 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Daniel Jones, City Attorney, reviewed the statute regarding the Pre-Annexation Development Agreement, and the provision that allows Cities to shorten the time. He also stated his previous Memo explained the agreement and continuing non-confirmative use. He also stated he has been unable to find the statute regarding notification requirements Mr. Rhode referred to.

Brian Jordan, Development Services Director, provided the history of the annexation and indicated that staff is following the directions of the City Council. He also explained the process of public notices and the reason why the process was started over. He reviewed the timeline and the next steps in the process.

7. ORDINANCES AND RESOLUTIONS

A. Consider the approval of Ordinance 2020-10 amending Section 29-7 – Permanent Signs Permitted by District, of Chapter 29 – Signs, of the Code of Ordinances, to establish Uniform Sign Standards and Regulations for signs located in Medium Commercial (C-1.5) zoning districts (first of two readings; City Council may waive second reading).

Brian Jordan, Development Services Director, stated this is cleanup to signage regulations in C 1.5 Zoning. He reviewed the proposed changes to the Ordinance.

Motion: A motion was made by Councilmember Kiehne seconded by Councilmember Musselman, to approve Ordinance 2020-10 amending Section 29-7 – Permanent Signs Permitted by District, of Chapter 29 – Signs, of the Code of Ordinances, to establish Uniform Sign Standards and Regulations for signs located in Medium Commercial (C-1.5) zoning districts and waive second reading. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider the approval of Resolution 2020-06R creating the Market Square Redevelopment Commission, establishing and adopting the procedural rules for, and the duties and functions associated therewith; and providing for an effective date.

Daniel Jones, City Attorney, stated the City Secretary's Office couldn't locate a document formally creating the Commission. So this Resolution would formally create the Commission. He reviewed the proposed Resolution and the Commission's functions, duties, and role. He stated the Commission reviewed the Resolution and only asked for the terms to be set at 3-years like the other City Commissions.

Motion: A motion was made by Councilmember Musselman seconded by Councilmember Watson, to approve Resolution 2020-06R creating the Market Square Redevelopment Commission,

establishing and adopting the procedural rules for, and the duties and functions associated therewith; and providing for an effective date. The City Council voted four (4) for and one (1) opposed (Mayor Langerhans). The motion carried.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider appointing Airport Zoning Board Members.

Clinton Bailey, Assistant City Manager/Public Works and Utilities Director, stated Gillespie County Commissioners' Court approved the process of updating the Airport Zoning Ordinance through a Joint Airport Zoning Board. At the Joint City Council and Commissioner Court Meeting in February, both agreed to move forward and establish a Joint Airport Zoning Board. He reviewed the reasons the Airport Zoning Ordinance should be updated and the makeup of the Board. He indicated that staff would bring back an ordinance officially appointing the members that were selected this evening.

Motion: A motion was made by Councilmember Musselman seconded by Councilmember Kiehne, to appointment Councilmember Neffendorf and Councilmember Watson to the Airport Zoning Board. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider the approval of the Landmark Designation of the Old High School on Fredericksburg Middle School Campus at 110 W. Travis (Building 400).

Anna Hudson, Historic Preservation Officer, reviewed a PowerPoint presentation of the history of the Old High School. She reported the Old High School Building was identified as being eligible for the National Register and local landmark designation as part of the 2018 Historic Resources Survey. She stated the City Council expanded the historic district in June of 2019 in an area that surrounds the campus. The Council decided not to include the entire Middle School Campus with the understanding that the Old High School would be protected by designation as a local historic landmark.

The City Council discussed the architecture styles and the new architecture firm hired by the school district.

Motion: A motion was made by Councilmember Watson seconded by Councilmember Neffendorf, to approve the Landmark Designation of the Old High School on Fredericksburg Middle School Campus at 110 W. Travis (Building 400), staff's recommendation as noted on the plan with the yellow dotted line. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

C. Receive a presentation and discuss Gillespie County Health Board's 2019 Annual Report.

Kent Myers, City Manager, stated this item will need to be brought back at a later date.

9. CITY MANAGER'S REPORT

A. Recent Staffing Changes

Kent Myers, City Manager, reviewed the following changes:

- Police Department has experienced some recent successes in their recruiting to fill their vacancies.
- Fire/EMS- Retirement of Dave Wisniewski and John Culpepper resignation from Tom Egan, they are interviewing to fill these positions.
- Finance Department-Retirement of Danny Kneese and Nicole Moellering is being promoted to take his position.
- Municipal Court Clerk- Ida Sotela resigned and Sally Tatsch has agreed to temporary assist until this position can be filled.

He reported the City Secretary and Municipal Court will post their openings.

B. Friendship Oaks Development

Kent Myers, City Manager, reported Dale Crenwelge has sold his property. The new owner will still be developing affordable housing but will not pursue a PID. He reported they will be looking at the possibility of building modular homes.

C. Coronavirus Update

Lillian Smothers expressed her concerns about a shut down Main Street.

Kent Myers, City Manager, reported he has appointed Lynn Bizzell, Fire Chief, as the point of contact. He stated the virus information is changing every day and provided an update and how to respond to the virus. He reviewed the CDC guideline regulations and the effects on the City facilities and events. He stated communication is the key and the City will be expanding the website tomorrow. He also reported a meeting was held today to discuss an emergency declaration and the process for approving one.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, provided the benefits for adopting an emergency disaster declaration.

The City Council discussed the potential need for an emergency declaration.

Tim Lafferty spoke regarding his concerns with the airport and visitors flying in.

10. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the upcoming agenda items.

11. COUNCIL COMMENTS

Councilmember Musselman thanked the on CVB and Chamber of Commerce for all the information they have been putting out.

Councilmember Watson reported the Airport T Hangers are full and there is a waiting list. He also stated fuel is up 20% higher than last year.

12. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071

A. Consider and discuss Penick R&C, LP vs. City of Fredericksburg, Texas, pending in the United States District Court for the Western District of Texas (Sec. 551.071)

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of Regular Session into Executive Session at 7:18 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

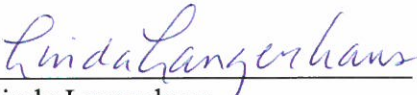
Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Neffendorf, to go out of Executive Session into Regular Session at 7:47 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously. The Council took no action following this executive session.

13. BUSINESS ITEM

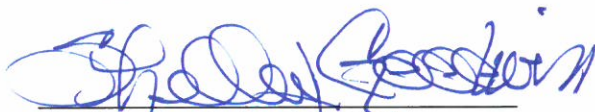
The City Council did not discuss this Agenda Item.

14. ADJOURN

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to adjourn the Monday, March 16, 2020, City Council Regular Meeting at 7:48 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.


Linda Langerhans
Mayor

ATTEST


Shelley Goodwin, TRMC
City Secretary