



City of Fredericksburg
CITY COUNCIL REGULAR MEETING MINUTES
TUESDAY, JANUARY 16, 2024 ~ 9:00 a.m.
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 Randy Briley

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Mick McKamie, City Attorney (via phone)
Garret Bonn, Assistant City Manager
Lynn Bizzell, Fire Chief
Brian Vorauer, Police Chief
Andrea Schmidt, Director of Parks and Recreation
Kris Kneese, Director of Public Works and Utilities
Anna Hudson, Director of Development Services
Derek Seelig, Police Lieutenant
Braxton Roemer, Police Lieutenant
Justin Calhoun, Emergency Management Coordinator
Krista Wareham, Director of Finance
Aaron Anderegg, Assistant Director of Information Technology
Leslie Embrey, Assistant to the City Secretary
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the January 16, 2024, Regular Meeting to order and announced that a quorum had been met.

2. INVOCATION

Mayor Hoover stated the volunteer who would provide the invocation today could not attend. A moment of silence was experienced.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

Clinton Bailey, City Manager, stated there are several recognitions this week:

- New Year's Eve Ball Drop Event and the changes of the event over the year. He recognized Jennifer Krupa, Assistant Parks and Recreation Director/Special Event Coordinator. Mayor Hoover recognized Jim Mikula and the Chamber of Commerce for their role in the event.

- Lynn Bizzell, Fire Chief, recognized Fire Fighter Amy Burrier for receiving her Fire Science Engineer Degree from Texas A&M in San Antonio.
- Clinton Bailey, City Manager, Chief Vorauer, and the Police Department for the outstanding handling of the recent homicide.
- Chief Vorauer reviewed the incident that occurred on January 2, 2024. He offered his condolences to the Cortez Family.
- Chief Vorauer reviewed the process for the graduation of the FBI National Academy.
- Lt. Derek Seelig spoke about his experience at the National Academy. He reviewed those who attended the training and the benefits to the course instructors. He noted this experience would bring many benefits to the City, and it helped him see the perspective of others. He thanked the City Council, Clinton Bailey, City Manager, and Chief Vorauer for allowing him this opportunity to attend this course.

5. COUNCIL COMMENTS

Councilmember Briley stated the following:

- Appreciates City Staff and is excited about all the things 2024 has to bring
- Convention and Visitor Bureau Master Plan
- The Chamber of Commerce has three new members, and they are currently working on their Strategic Plan
- Attended the City Manager Coffee – where glass recycling was mentioned

Councilmember Klein thanked the Electric Department for ensuring the residents did not lose power under the recent cold weather.

Mayor Pro Tem Watson provided the following comments:

- Thanked the City staff that worked during the holidays to keep the City services going
- Will be attending the Gillespie County Airport Advisory Board on January 17, 2024, and the upcoming EDC Meeting

Councilmember Kirchner stated that the last Comprehensive Plan Advisory Committee will meet on January 23.

Mayor Hoover provided a report on Short Term Rentals:

- STR amended Ordinance took effect January 1
- Active STR permits as of Friday, January 12th - 461 permits in R1 and 304 permits in R2
- 50 Hotel Occupancy Tax delinquent notices were sent
- Code Enforcement issued four major violations and one minor offense violation

6. CONSENT

A. Consider approval of City Council Minutes for the following:

- i. December 18, 2023, Special Meeting**
- ii. December 19, 2023, Regular Meeting**

B. Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett to N. Adams from 7:00 a.m. until 7:00 p.m. for the City Hall Open House & Touch-A-Truck event scheduled for Thursday, March 21, 2024

C. Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett Street to N. Adams Street from 3 p.m. to 10 p.m. for the Fredericksburg Volunteer Fire Department Fish Fry scheduled for Saturday, April 20, 2024, at Marktplatz

- D. Consider the approval of a street closure request for W. Austin Street, from N. Crockett to N. Adams from 6:00 a.m. until 11:00 a.m. for the Wildflower Run scheduled for Saturday, April 27, 2024**
- E. Consider the approval of a street closure request for the Crawfish Festival scheduled for Memorial Day weekend beginning Friday, May 24, 2024, until Sunday, May 26, 2024, for the following closure dates, times, and streets:**
- **N. Adams Street - close the parking lane and one southbound lane adjacent to on Sunday, May 26, 2024; and**
 - **W. Austin Street - close the entire street from N. Crockett to N. Adams Street, beginning at 7:00 a.m. on Friday, May 24, 2024, and reopening at 10:00 p.m. on Sunday, May 26, 2024**
- F. Consider the approval of the three 2024 Parade held within the City**
- i. Fourth of July Parade on Thursday, July 4, 2024, at 10:00 a.m. on Main Street**
 - ii. Gillespie County Fair Parade on Friday, August 23, 2024, at 10:00 a.m. on Main Street, and;**
 - iii. Light the Night Christmas Parade on Friday, December 6, 2024, at 6:30 p.m. on Main Street, with an inclement weather date of Friday, December 13, 2024**

Motion: Upon a motion made by Councilmember Kirchner and a second by Councilmember Watson to approve 6. A.- 6. F. of the Consent Agenda. The City Council voted five (5) for and none (0) against. The motion passed unanimously.

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. Consider the approval of Ordinance 2024-01, amending the Code of Ordinances to provide a process for petitions for release from the City's Extraterritorial Jurisdiction; providing a savings clause; providing that this Ordinance is cumulative of all Ordinances; amending Appendix A, "Fee Schedule." Article 5.500, "Application Fees, "To Add a Fee to Process a Petition for Release of Extraterritorial Jurisdiction and Public Works Fee"; and amending Article a severability clause; providing for publication; and providing an effective date**

Shelley Goodwin, City Secretary, stated the recent Legislative Session passed a bill allowing City ETJ residents to file a petition requesting removal from the City's ETJ. She stated this Ordinance provides the procedure, responsibilities, and fees for filing a petition.

Mick McKamie, City Attorney, reviewed the bill and noted the process can be posted on the City's website. He reviewed the cost associated with this Ordinance.

The City Council discussed the following:

- Only for City ETJ residents
- Choices related to the bill
- Fees to cover staff time.

Motion: Upon a motion made by Councilmember Klein and a second by Councilmember Kirchner to approve Ordinance 2024-01, amending the Code of Ordinances to provide a process for petitions for release from the City's Extraterritorial Jurisdiction; providing a savings clause; providing that this Ordinance is cumulative of all Ordinances; amending Appendix A, "Fee Schedule." Article 5.500, "Application Fees, "To Add a Fee to Process a Petition for Release of Extraterritorial Jurisdiction and Public Works Fee"; and amending Article a severability clause; providing for publication; and providing an effective date. The City Council voted five (5) for and none (0) against. The motion passed unanimously.

B. Consider a request by Juan Rodriguez with Lique Engineers, LLC. for the property located at 620 East San Antonio for a Land Use Change from Parks Open Space (POS) to Downtown Central Business District (DCBD) and a Zoning Change From Open Space (OS) to Commercial (C2) for(#Z-2328)

i. Presentation by the applicant

ii. Staff Report

iii. Hold a Public Hearing to receive comments for or against the requests

iv. Take Action on Ordinance 2024-02 amending the Comprehensive Land Use Plan relating to approximately 2.52 acres of land located at 620 E. San Antonio Street by changing the Land Use designation from Parks & Open Spaces to Downtown Central Business District; Amending Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code, as amended, by changing the zoning classification of said property from OS: Open Space to C-2: Commercial; revising the Official Zoning Map in accordance therewith; 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.

Juan Rodriguez reviewed the property's history and reason for submitting the request.

Anna Hudson, Director of Development Services, stated the existing property is under contract and asking for rezoning. She reviewed the map and the Planning and Zoning Commission recommendation of C2.

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 9:43 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 Watson, to go out of the Public Hearing and into the Regular Meeting at 9:44 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

The City Council discussed the Planning and Zoning Commission requests that were met.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to approve Ordinance 2024-02 amending the Comprehensive Land Use Plan relating to approximately 2.52 acres of land located at 620 E. San Antonio Street by changing the Land Use designation from Parks & Open Spaces to Downtown Central Business District; Amending Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code, as amended, by changing the zoning classification of said property from OS: Open Space to C-2: Commercial; revising the Official Zoning Map in accordance therewith; 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.

C. Consider a request by Morgan De Sanchez for a Conditional Use Permit per Sec. 3.110 of the Zoning Ordinance to Operate a STR-Unoccupied in an R2 Zoned Area Located in the Historic Overlay District on Property Located at 110 East Orchard (#Z-2326)

i. Presentation by the applicant

- ii. Staff Report
- iii. Hold a Public Hearing to receive comments for or against the request
- iv. Take Action on Ordinance 2024-03 amending Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code, as amended, by granting a Conditional Use Permit Permitting a Short-Term Rental, Unoccupied Use on certain property located at 110 E. Orchard Street, Fredericksburg, Texas; 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.

Morgan De Sanchez, requestor, provided the property's history and her application. She also reviewed the reason why she requested a Conditional Use Permit.

Anna Hudson, Director of Development Services, reviewed the lot and noted the property is located in the Historic District. She also reviewed that the STR occupancy is for six people, and there are five parking places. She also noted the applicant has met all the requirements.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Briley, to go out of the Regular Meeting and into the Public Hearing at 9:51 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 Kirchner, to go out of the Public Hearing and into the Regular Meeting at 9:51 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

The City Council discussed the density requirements for an additional permit.

Motion: A motion was made by Councilmember Briley, seconded by Councilmember Klein, to approve Ordinance 2024-03 amending Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code, as amended, by granting a Conditional Use Permit Permitting a Short-Term Rental, Unoccupied Use on certain property located at 110 E. Orchard Street, Fredericksburg, Texas; 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.

D. Consider a request by Adam Montgomery for a Conditional Use Permit per Sec. 3.110 of the Zoning Ordinance to Operate a STR-Unoccupied in an R2 Zoned Area Located in the Historic Overlay District on property located at 205 West Travis Street (# Z-2329)

- i. Presentation by the applicant
- ii. Staff Report
- iii. Hold a Public Hearing to receive comments for or against the request
- iv. Take Action on Ordinance 2024-04 amending Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code, as amended, by granting a Conditional Use Permit Permitting a Short-Term Rental, Unoccupied Use on certain property located at 205 W. Travis Street, Fredericksburg, Texas; 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.

Dan Montgomery, the owner, reviewed his application and the reason why he requested a Conditional Use Permit in the Historic District. He also reviewed the history of the property and neighborhood and encouraged the City Council to approve his request.

Anna Hudson, Director of Development Services, reviewed the R2 zoning and noted that the property is in the Historic District. She stated the lot size is 1,000 sq feet, and the allowable occupancy is eight people. She reported that the Planning and Zoning Commission unanimously approved the request.

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 10:00 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to go out of the Public Hearing and into the Regular Meeting at 10:01 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

The City Council discussed the one objection that a neighbor submitted. They also spoke about the need for Mr. Roberts's property manager to follow the parking rules to eliminate issues with neighbors.

Motion: A motion was made by Councilmember Briley, seconded by Councilmember Watson, to approve Ordinance 2024-04 amending Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code, as amended, by granting a Conditional Use Permit Permitting a Short-Term Rental, Unoccupied Use on certain property located at 205 W. Travis Street, Fredericksburg, Texas; 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.

- E. Consider a request by John Scribner for a Conditional Use Permit per Sec. 3.210 of the Zoning Ordinance to Operate a Drive Through in a C2 Zoned area located at the southeast corner of Friendship Lane and Highway 87 South (#Z-2324))**
 - i. Presentation by the applicant**
 - ii. Staff Report**
 - iii. Hold a Public Hearing to receive comments for or against the request**
 - iv. Take Action on the adoption of Ordinance 2024-05 amending Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code, as amended, by granting a Conditional Use Permit permitting a Drive Through Facilities Use associated with a Restaurant – Drive-In/Fast Food Use on certain property located at 501 Friendship Lane, Fredericksburg, Texas; 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.**

Mathias Haubert, Engineer, reviewed the project and the need to request a Conditional Use Permit (CUP). He stated that the Planning and Zoning Commission approved the request with conditions. He also reviewed the site layout and noted TxDOT permits exit only onto Hwy. 87.

Anna Hudson, Director of Development Services, reviewed the location of the building, parking lot, and entrance and exit of the project. She reviewed the applications and the history of the property. She also reviewed the Planning and Zoning Commission conditions. She reviewed all the recently approved projects on Friendship Lane.

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 10:21 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Tom Musselman, City resident and Planning and Zoning Commission member, stated he felt that Chick-fil-la did a great job with their presentation and documents. He noted that the Planning and Zoning Commission requested the gables feature and asked that the City Council include them in their motion. He noted concern with the traffic on Friendship Lane and encouraged the City to do a Traffic Impact Study from 290 to 16.

George Studor, City resident, spoke about the difficulty of a delivery truck turning into the property.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to go out of the Public Hearing and into the Regular Meeting at 10:26 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

The City Council discussed the following:

- Signage and lighting
- Entrance and exit of the property
- Gable roof feature
- Sidewalks and walkways
- Drive through for 54 cars
- Delivery trucks
- Playground and patio
- Rainwater harvesting
- Mr. Roberts' letter of concern about adding parking issues to the neighborhood

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Briley, to approve Ordinance 2024-04 amending Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code, as amended, by granting a Conditional Use Permit Permitting a Short-Term Rental, Unoccupied Use on certain property located at 205 W. Travis Street, Fredericksburg, Texas; 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 and adding drought resistant plants to the conditions of approval. The City Council took the following roll call vote:

Mayor Hoover	aye
Mayor Pro Tem Watson	aye
Councilmember Briley	aye
Councilmember Kirchner	aye
Councilmember Klein	aye

The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the reappointment of Judge Heupel as backup Municipal Court Judge

Mick McKamie, City Attorney, stated this is a routine reappointment for the Municipal Court Judge back up that has to be approved by the City Council.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to approve the reappointment of Judge Heupel as backup Municipal Court Judge. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider the approval of the Charter Review Committee Report, providing the proposed amendments to the City Charter

Bobby Watson, Mayor Pro Tem/Charter Review Committee Chair, thanked the Members of the Charter Review Committee. He stated the Committee began its work in mid-July and finished it with a public hearing held on January 9. He noted the Committee reviewed the current Charter more than three times. He noted that the City Charter was first approved in 1991 and is required to be approved every five years. The Committee provided a written Final Report with the background of each decision; he noted that most proposed changes are due to changes in State Law.

Randy Briley, City Councilmember/Charter Review Committee, stated that thirteen exceptional residents worked together to complete the task. He also thanked Mayor Pro Tem Watson for his leadership.

The City Council thanked the Committee for their hard work and the time they dedicated to the City.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to approve the Charter Review Committee Report, providing the proposed amendments to the City Charter. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

C. Consider an Agreement with Gillespie County Historical Society Relating to Public Restrooms at the Pioneer Museum and Operations and Maintenance of the Vereins Kirche

Garret Bonn, Asst. City Manager, reviewed the history of the Vereins Kirche operations and the Pioneer Museum restrooms. He noted the proposed agreement would require the City to do the following:

- Pay Gillespie County Historical Society \$738 a month and \$500 a month for expenses associated with the operation and maintenance of public restrooms within the historic Dambach-Besier House and the VK Museum
- Reimburse the Gillespie County Historical Society \$738 a month for the period from May 31, 2020, to the present, for the operation and maintenance of public restrooms

He noted these experiences will all come from the Hotel Occupancy Tax. The initial term of the agreement is two years, and the agreement shall automatically be renewed for consecutive two-year terms unless terminated earlier as per the agreement's provisions.

The City Council discussed the terms of the agreement and the reimbursement cost.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to approve the agreement with Gillespie County Historical Society Relating to Public Restrooms at the Pioneer Museum and Operations and Maintenance of the Vereins Kirche. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

9. CITY MANAGER'S REPORT

A. City Manager Update

Clinton Bailey, City Manager, provided an update on the following topics:

- Comprehensive Plan
- Commercial Development
- Single-Family Residential Subdivision Development
- Multi-Family Development
- Short-term Rental
- Public Works
- Parks and Recreation
- City's Finance
- Police Department
- Fire Department
- City Department Openings

- Upcoming City Election information

He also noted the City Council and Planning and Zoning Commission Joint Meeting to discuss the Comprehensive Plan. This meeting will be held on February 20 at the University Center – HEB Room beginning at 5:30 p.m.

10. ITEMS FOR FUTURE AGENDA

A. Review the Future Agenda spreadsheet

Clinton Bailey, City Manager, reviewed the City Council February 6, 2024, Regular Meeting Agenda Items.

11. EXECUTIVE SESSION

A. Consider and discuss Real Estate in the vicinity of US 290 East and Old San Antonio Rd. (Section 551.072) and

B. Consider and discuss Real Estate in the vicinity of Friendship Lane and S. Creek St. (Section 551.072).

Motion: A motion was made by Mayor Pro Tem Watson and a second by Councilmember Klein to go out of Regular Session into Executive Session at 11:40 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Mayor Pro Tem Watson r, seconded by Councilmember Klein, to go out of the Executive Session and into the Regular Meeting at 12:25 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

12. BUSINESS ITEM

No action was taken.

13. ADJOURN

With no other business, Mayor Hoover adjourned the Tuesday, January 16, 2024, City Council Regular Meeting at 12:26 p.m.



Jeryl Hoover
Mayor

Shelley Goodwin, TRMO/CMC
City Secretary