



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING

APRIL 15, 2019

Members Present:

Mayor Linda Langerhans
Councilmember Charlie Kiehne
Councilmember Gary Neffendorf
Councilmember Tom Musselman

Members Absent:

Councilmember Jerry Luckenbach

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director Public Works and Utilities
Daniel Jones, City Attorney
Steve Wetz, Police Chief
Brian Jordan, Development Services Director
Andrea Schmidt, Park Department Director
Eric Whitting, Information Specialist
Kris Kneese, Assistant Director Public Works and Utilities
Garret Bonn, Assistant City Engineer
Shelley Goodwin, City Secretary

1. Pledge of Allegiance

Mayor Langerhans led the Pledge of Allegiance.

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, April 15, 2019, in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

3. Employee Recognitions

Kent Myers, City Manager, stated he received an email from an out of state visitor who thought she had lost her purse at McDonalds in Fredericksburg. She thanked Police Sgt. Lovelady for going above and beyond to help her with a Police Report so she could get back on the airplane.

4. Public Comments

Curtis Cameron, spoke in opposition to the 290 E. Annexation.

Richard Gray displayed the trash that he picked up on Lower Crabapple Road today and stated there is a need for Community pride. He also spoke to the maintenance of the proposed Sports Park.

Eric Mustard spoke in support of the new zoning district.

Gregory Kaderli spoke in support of the new zoning district and eliminating the Special Parking Regulations. He stated he lives in a residential neighborhood, but he is feeling the effects that the commercial districts.

5. CONSENT

- A. Consider approval of the April 1, 2019 City Council Regular Meeting Minutes.**
- B. Consider approval of a street closure request for the 10th annual Oktoberfest Kraut Run for W. Travis Street from N. Crockett to N. Adams beginning Saturday, October 5, 2019 from 6:30 a.m. - 12 p.m.**
- C. Consider approval of two street closure requests for Oktoberfest 2019 for Adams Street between Main and Austin on Wednesday, October 2, 2019 at 5 p.m. – Monday, October 7, 2019 at 3 p.m. and second closure at Austin Street between Crockett and Adams on Thursday, October 3, 2019 at 12 p.m. – Monday, October 7, 2019 at 12 p.m.**
- D. Consider approval of a street closure request for the 2019 Fredericksburg Food & Wine Fest for parking lane and one southbound lane of Adams Street adjacent to Marktplatz between Main Street and Austin Street beginning Thursday, October 24, 2019 at 3 p.m.- Monday, October 28, 2019 at 3 p.m.**

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Neffendorf to approve Consent Agenda 5. A. -5. D. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

6. PUBLIC HEARINGS

- A. Public hearing to receive comments on the annexation of approximately 213.64 acres of land situated in Gillespie County, Texas along U.S. Highway 290 East, consisting primarily of frontage properties located along U.S. Highway 290 East, extending from the existing City Limit line to the east approximately one (1) mile to the City's Extraterritorial Jurisdiction (ETJ). (2nd Public Hearing).**

Mayor Langerhans stated Agenda Items 6.A. and 8.D. are being pulled from the Agenda due to a Court Order.

Kent Myers stated Friday, April 12, 2019 an Addendum was added to the Agenda for an Executive Session pursuant to Texas Government Code Section 551.071 Consider and discuss 290 E. Owner's Coalition (an Unincorporated Non-Profit Association) vs. City of Fredericksburg, Texas.

- B. Public hearing to receive comments on request Z-190I to consider Ordinance 2019-10 amending Section 7.825 - Special Provisions Applicable to Central Fredericksburg – of Appendix B – Zoning Ordinance of the Code of Ordinances; to reduce the area along W. Main Street subject to Special Parking Regulations.**

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Kiehne, to go out of Regular Session into a Public Hearing at 6:18 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Brian Jordon, Development Services Director, reviewed the history of Ordinance 24-005 adopted in May 2014 and Ordinance 25-017 adopted in September 2015. He stated the lack of onsite parking created an issue and the City Council asked the Planning and Zoning Commission to review the parking. He received 11 letters from residents supporting the proposed change and several people

spoke in favor of this change at the Planning and Zoning Commission. The Planning and Zoning Commission voted unanimously to recommend the approval of the proposed ordinance.

Mayor Langerhans asked if anyone wished to speak during the public hearing. No one did.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go out of the Public Hearing into Regular Session at 6:20 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Mayor Langerhans then moved to Agenda Item 7.A.

C. Public hearing to receive comments on request Z-1902 to consider Ordinance 2019-11 amending the Appendix B-Zoning Ordinance of the Code of Ordinances; to prohibit use of Outdoor Amplified Sound when adjacent to property zoned for Single Family Residential Use.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go out of Regular Session into a Public Hearing at 6:24 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Brian Jordon, Development Services Director, reviewed the history of the initiation of ordinance to amend the Zoning Ordinance to prohibit outdoor amplified sound adjacent to single family residential zoning district. The Planning and Zoning Commission voted unanimously to recommend the approval of the proposed ordinance.

Mayor Langerhans asked if anyone wished to speak during the public hearing. No one did.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go out of the Public Hearing into Regular Session at 6:26 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Mayor Langerhans then moved to Agenda Item 7.B.

D. Public hearing to receive comments on a request Z-1905 to consider Ordinance 2019-12 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish an additional Commercial Zoning District in the City (C-1.5, Medium Commercial Zoning District).

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go out of Regular Session into a Public Hearing at 6:30 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Brian Jordan, Development Services Director, provided the history of the adoption of the Comprehensive Plan that established a Mixed Use Corridor Land Use Category. He stated the Planning and Zoning Commission has created a zoning district that would attempt to address several issues. The Planning and Zoning Commission voted unanimously to recommend the approval of the proposed ordinance.

Mayor Langerhans asked if anyone wished to speak during the public hearing. No one did.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to go out of the Public Hearing into Regular Session at 6:35 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

E. Public hearing to receive comments on request Z-1906 to consider Ordinance 2019-13 amending the Appendix B – Zoning Ordinance of the Code of Ordinances; to establish a Mixed Use Infill Zoning District in the City (MU-1; Mixed Use-Infill).

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to go out of Regular Session into a Public Hearing at 6:40 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Brian Jordan, Development Services Director, stated two different Mixed Use Districts have been created, one is for major corridors and the other is for infill development. The proposed Ordinance 2019-13 is for the infill development (MU-1), but previously several issues were addressed in a PUD. The Planning and Zoning Commission has voted to create this zoning district that would attempt to address several issues. He also stated the Ordinance in the Agenda Packet includes clarification to the maximum height allowed under the Special Site and Development Regulations of 4-stories above grade and 54', and that there will be a provision to allow a portion of the required parking to be located in front of the building. The Planning and Zoning Commission voted six (6) for and one (1) against to recommend the approval of the proposed ordinance.

Mayor Langerhans asked if anyone wished to speak during the public hearing.

Eric Mustard stated that the PUD process has allowed several zoning issues to be addressed, but this zoning will let the developers know upfront the categories that will be allowed in MU-1 District.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go out of the Public Hearing into Regular Session at 6:55 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

F. Public hearing to receive comments on a request Z-1907 to consider Ordinance 2019-14 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish a Mixed Use Corridor Zoning District in the City (MU-2; Mixed Use – Corridor).

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go out of Regular Session into a Public Hearing at 7:07 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Brian Jordan, Development Services Director, stated this proposed zoning is different from the MU-1 (Infill) and provides zoning regulations for the Corridor. He also provided the intent and permitted uses allowed in the proposed zone. The Planning and Zoning Commission voted six (6) for and one (1) against to recommend the approval of the proposed ordinance.

Mayor Langerhans asked if anyone wished to speak during the public hearing.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go out of the Public Hearing into Regular Session at 7:15 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

7. ORDINANCES

- A. Consider approval of Ordinance 2019-10 amending Section 7.825 - Special Provisions Applicable to Central Fredericksburg – of Appendix B – Zoning Ordinance, of the Code of Ordinances; to reduce the area along W. Main Street subject to special parking regulations, and providing for an effective date (Z-1901).**

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to approve Ordinance 2019-10 amending Section 7.825 - Special Provisions Applicable to Central Fredericksburg – of Appendix B – Zoning Ordinance, of the Code of Ordinances; to reduce the area along W. Main Street subject to special parking regulations, and providing for an effective date (Z-1901). The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

- B. Consider approval of Ordinance 2019-11 amending the Appendix B-Zoning Ordinance of the Code of Ordinances; to prohibit use of Outdoor amplified sound when adjacent to property zoned for single family residential use, and providing for an effective date (Z-1902).**

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Neffendorf, to approve Ordinance 2019-11 amending the Appendix B-Zoning Ordinance of the Code of Ordinances; to prohibit use of Outdoor amplified sound when adjacent to property zoned for single family residential use, and providing for an effective date (Z-1902). The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

- C. Consider approval of Ordinance 2019-12 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish an additional Commercial Zoning District in the City; and providing for an effective date (Z-1905) (C-1.5, Medium Commercial Zoning District).**

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to approve Ordinance 2019-12 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish an additional Commercial Zoning District in the City; and providing for an effective date (Z-1905) (C-1.5, Medium Commercial Zoning District). The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

- D. Consider approval of Ordinance 2019-13 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish a Mixed Use Infill Zoning District in the City; and providing for an effective date (Z-1906) (MU-1; Mixed Use – Infill).**

The City Council discussed the use of MU-1 in the Historical District, height, line of site and parking.

Brian Jordan, Development Services Director, provided some examples and areas that MU-1 could be used.

Motion: A motion was made by Councilmember Musselman, seconded by Mayor Langerhans, to approve Ordinance 2019-13 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish a Mixed Use Infill Zoning District in the City; and providing for an effective date (Z-1906) (MU-1; Mixed Use – Infill) and striking #10 from the Ordinance. The City Council voted two (2) for and two (2) opposed (Councilmembers Neffendorf and Kiehne). The motion failed.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Kiehne, to approve Ordinance 2019-13 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish a Mixed Use Infill Zoning District in the City; and providing for an effective date (Z-1906) (MU-1; Mixed Use – Infill) and reword #10 in the Ordinance to not allow four (4) stories in the Historic District. The City Council voted two (2) for and two (2) opposed (Councilmember Musselman and Mayor Langerhans). The motion failed.

Mayor Langerhans asked that Ordinance 2019-13 be brought back to the May 6, 2019 City Council Regular Meeting.

E. Consider approval of Ordinance 2019-14 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish a Mixed Use Corridor Zoning District in the City; and providing for an effective date (Z-1907) (MU-2; Mixed Use – Corridor).

The City Council discussed the building height and making it part of a conditional use permit.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to approve Ordinance 2019-14 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish a Mixed Use Corridor Zoning District in the City; and amend #10 to read heights above 3 stories be subject to a Conditional Use Permit. The City Council voted four (4) for and none (0) opposed. The motion passed unanimously.

F. Consider approval of Ordinance 2019-15 amending Article 16.500 – Impact Fees, of Appendix A – Fee Schedule, of the Code of Ordinances, to update and amend the Impact Fees assessed by the City.

Kris Kneese, Assistant Director Public Works and Utilities, reviewed the process of the Impact Fee Committee, public hearings and the timeline used to review fee schedule. He reviewed the effective date of July 1st and the \$1,000 increases every year for 3 years.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to approve Ordinance 2019-15 amending Article 16.500 – Impact Fees, of Appendix A – Fee Schedule, of the Code of Ordinances, to update and amend the Impact Fees assessed by the City. The City Council voted four (4) for and none (0) opposed. The motion passed unanimously.

8. RESOLUTIONS – OTHER ACTION ITEMS - DISCUSSION ITEMS

A. Consider the approval of Resolution 2019-03R opposing the routing of the proposed Permian Highway Pipeline through Gillespie County; requesting immediate action from the State Legislature; and providing an effective date.

Kent Myers, City Manager, stated Resolution 2019-03R is to signify the opposition to the Permian Highway Pipeline through Gillespie County. He also stated several local governments and other agencies have approved resolution opposing this pipeline.

Mayor Langerhans suggested changing the will cause in the sixth paragraph to may cause. The City Council choose to leave the wording to will cause.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Neffendorf, to approve Resolution 2019-03R opposing the routing of the proposed Permian

Highway Pipeline through Gillespie County; requesting immediate action from the State Legislature; and providing an effective date. The City Council voted four (4) for and none (0) opposed. The motion passed unanimously.

B. Consider the approval of a Lease Agreement with Fort Martin Scott Friends for the facilities they exclusively use at Fort Martin Scott.

Andrea Schmidt, Parks Department Director, stated City Staff has been working with the Fort Martin Scott Friends organization since December to create a lease agreement for the facilities they have exclusive use to at Fort Martin Scott. She reviewed the agreement and the use of the different buildings.

The City Council discussed the trails at Fort Martin Scott.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to approve the Lease Agreement with Fort Martin Scott Friends for the facilities they exclusively use at Fort Martin Scott. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

C. Consider setting time and place to hold Special Meeting to canvas the May 4, 2019 City General and Special Election, Issue the Certificate of Elections, and administer the Oath of Offices.

Shelley Goodwin, City Secretary, reviewed the timeframe provided by the Secretary of State for canvassing the May 4th Election. She recommended Tuesday, May 14th at 4:00 in the City Hall Conference Room.

The City Council discussed the timeframes of the Voter Registrar and the Ballot Board to reconvene if necessary. They also discussed doing a canvass for the City Council members and a separate canvass for the Bond proposal.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to set a Special Meeting to canvas the May 4, 2019 City General and Special Election, Issue the Certificate of Elections, and administer the Oath of Offices on Tuesday, May 14, 2019 at 5 p.m. in the City Hall Conference Room. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

D. Discussion on the annexation of approximately 213.64 acres of land situated in Gillespie County, Texas along U.S. Highway 290 East, consisting primarily of frontage properties located along U.S. Highway 290 East, extending from the existing City Limit line to the east approximately one (1) mile to the City's Extraterritorial Jurisdiction (ETJ).

See Agenda Item 6.A.

9. CITY MANAGER'S REPORT

A. Legislative Update

Kent Myers, City Manager, reviewed a Legislative Session handout on the six bills that the City is tracking.

B. Sports Park Election

Kent Myers, City Manager, stated City Staff continues to hold education sessions. He stated there will be an education presentation at the Rotary Club, Optimist Club, and a Public presentation on April 22nd

at 6 p.m. at the Law Enforcement Center. He also stated a Fact Sheet regarding the Bond will go in the utility bills this month.

9. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the Future Agenda items for the May 6, 2019 and May 20, 2019 City Council Regular Meetings.

10. COUNCIL COMMENTS

Mayor Langerhans stated that Councilmembers Musselman and Kiehne, and herself attended the fundraiser for the Nimitz Foundation where General Kelly spoke. She stated it was a great event.

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 – Consider and discuss E. 290 Owner’s Coalition (an Unincorporated Non-Profit Association) vs. City of Fredericksburg, Texas.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to go out of Regular Session into Executive Session at 7:38 p.m. The motion carried unanimously.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to go out of Executive Session into Regular Session at 8:30 p.m. The motion carried unanimously.

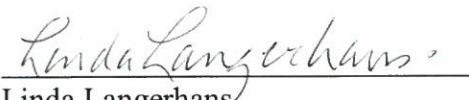
12. BUSINESS ITEMS

The City Council will reconvene into Regular Session upon conclusion of the Executive Session, the City Council may take action on any item posted in Executive Session, as necessary.

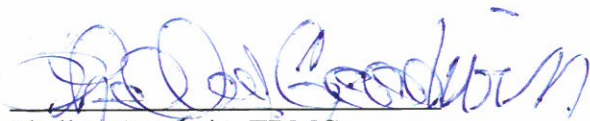
No action was taken following the Executive Session.

13. ADJOURN

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to adjourn the Monday, April 15, 2019 City Council Regular Meeting at 8:31 p.m.. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.


Linda Langerhans
Mayor

ATTEST


Shelley Goodwin, TRMC
City Secretary