



City of Fredericksburg
CITY COUNCIL REGULAR MEETING MINUTES
TUESDAY, APRIL 16, 2024 ~ 9:00 a.m.
LAW ENFORCEMENT CENTER
1601 E. MAIN STREET
FREDERICKSBURG, TEXAS 78624

Members Present:

Mayor Jeryl Hoover
Mayor Pro Tern Bobby Watson
Councilmember Randy Briley
Councilmember Emily Kirchner
Councilmember Tony Klein

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Mick McKamie, City Attorney
Garret Bonn, Assistant City Manager
Lynn Bizzell, Fire Chief
Brian Vorauer, Police Chief
Andrea Schmidt, Director of Parks and Recreation
Kris Kneese, Director, Public Works and Utilities
Shelby Collier, Senior Planner, Development Services
Sean Doerre, Public Information Officer
Aaron Anderegg, Interim Director, Information Technology
Leslie Embrey, Assistant to the City Secretary
Melinda Uriegas, Interim City Secretary

1. CALL TO ORDER

Mayor Hoover called the April 16, 2024, Regular City Council Meeting to order at 9:00 a.m. and announced that a quorum had been met.

2. INVOCATION

Mayor Hoover introduced Kate Walker, who led the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

City Manager Bailey introduced Melinda Uriegas, Interim City Secretary.

Mayor Hoover read and presented a Proclamation to Larry Jackson for 20 years of service on the Historic Review Board.

5. COUNCIL COMMENTS

Councilmember Briley:

- Stated that he attended a meeting held by the Fredericksburg ISD on April 1, 2024, which highlighted the District's 2025 Utilization Plan
- Thanked vendors that provided food to emergency personnel during the Eclipse event
- Reported that the Chamber of Commerce State of the Burg was scheduled for May 15, 2024

Mayor Pro Tem Watson:

- Reported on the impact of the Eclipse on air traffic and associated services at the Gillespie County Airport
- Highlighted local aeronautical events scheduled for 2024
- Stated that he would be attending the following events:
 - Fredericksburg Food and Wine Festival Meeting scheduled for April 17, 2024
 - Hill County Alliance Leadership Conference scheduled for April 18, 2024
 - Gillespie County EDC Meeting scheduled for April 19, 2024
 - Coffee with the City Manager on April 24, 2024
- Noted that the May 4, 2024, Election Ballot also included 23 Charter Amendments

Councilmember Kirchner:

- Thanked staff for coordinating Eclipse events and reported on the associated economic impact to the community
- Highlighted soccer field improvements made by Friends of the Field
- Thanked the community for re-electing her as she did not have an opponent in the May 4, 2024 Election and provided election information
- Reported that the Optimist T-Ball season was scheduled to start on May 4, 2024

Mayor Hoover provided an overview of Short Term Rental residential activity and cases before Municipal Court.

6. CONSENT

A. Approve a street closure request for the Fredericksburg Morning Rotary Club's 14th annual Kraut Run, taking place on Saturday, October 5, 2024 (Jennifer Krupa, Assistant Director, Parks and Recreation/Special Events Coordinator).

B. Approve a street and lane closure request for the Fredericksburg Craft Beer Festival scheduled for Saturday, June 8, 2024, at Marktplatz (Jennifer Krupa, Assistant Director, Parks and Recreation/Special Events Coordinator).

C. Approve street closures and parking lot usage for Oktoberfest 2024, taking place the first weekend of October 2024, at Marktplatz (Jennifer Krupa, Assistant Director, Parks and Recreation/Special Events Coordinator).

D. Approve a street closure request for the Gillespie County 4-H Adult Leaders BBQ, scheduled for Friday, August 23, 2024, at Marktplaz (Jennifer Krupa, Assistant Director, Parks and Recreation/Special Events Coordinator).

E. Approve a street closure request for the Fredericksburg Car Fest, scheduled for Saturday, June 1, 2024, at Marktplaz (Jennifer Krupa, Assistant Director, Parks and Recreation/Special Events Coordinator).

A motion was made by Mayor Pro Tem Watson and seconded by Councilmember Kirchner to approve the Consent Agenda. All five (5) voted in favor, motion passed unanimously.

7. ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS

A. Request #Z-2403: by Charles and Janet Chenoweth to consider the following (Anna Hudson, Director, Development Services):

1. Land Use change from Low Density Residential (LOR) to Commercial (C1) for property located at 105 West Creek Street.
2. Zoning change from Single Family Residential (R1) to Neighborhood Commercial (C1) for property located at 105 West Creek Steet.

Charles Chenoweth, applicant, noted that the property was operating as a B&B when purchased and that current zoning regulations limited his ability to make home improvements for use as vacation home while current economic conditions prevented him from selling the property.

Shelby Collier, Senior Planner, reported that the property did not qualify to operate as a short term rental property as it did not meet any of the special exception requirements outlined in the Short Term Rental Ordinance; but the requested change in land use and zoning designation did conform with the zoning designations of neighboring properties as well as meet the requirements outlined in the Comprehensive Plan.

Ms. Collier noted that the property was located in an historic district and Historic Preservation guidelines limited the redevelopment of the home and also prevented the home from being demolished. She stated that parking would be an issue based on the lot size.

As it relates to community input, four letters of opposition were received while both the Planning and Zoning Commission and staff recommend approval of the land use and zoning requests.

A motion was made by Councilmember Kirchner and seconded by Mayor Pro Tem Watson to open the Public Hearing. All five (5) voted in favor, motion passed unanimously.

Mayor Hoover opened the Public Hearing at 9:24 a.m.

Mike Mahoney, resident, spoke against the requests submitted by Mr. and Mrs. Chenoweth. He stated that the proposed land use and zoning changes, if approved, would result in "spot zoning" as well as allows for the property to be used as a short term rental "into perpetuity."

A motion was made by Councilmember Klein and seconded by Councilmember Kirchner to close the Public Hearing. All five (5) voted in favor, motion passed unanimously.

Mayor Hoover closed the Public Hearing at 9:28 a.m.

Mick McKamie, City Attorney, clarified that the proposed land use and zoning changes did not meet the legal definition of spot zoning.

At the request of Councilmember Briley, Ms. Collier stated that the property could be used as a short term rental; but the applicant was still required to apply for a permit. She highlighted options available for use as a short term rental property and noted that parking would be a challenge regardless of the zoning designation.

Councilmember Briley addressed concerns with the requested zoning reclassification.

Councilmember Klein noted that the neighboring zoning designations had not changed and reported that he had received calls from residents in opposition to the proposed changes.

Councilmember Kirchner stated that she did not support staff's recommendation for approval as the Comprehensive Plan allowed for a range of mixed-use development in the area and that the change would benefit the seller.

Mayor Pro Tem Watson spoke in support of the land use and zoning change requests as the neighboring properties were already zoned as C-1. He stated that the reclassification would not result in spot zoning.

Mayor Hoover voiced his concern with the impact the changes would have on future short term rental properties and noted that the changes would not guarantee the sale of the property.

#Z-2403 - DENIED

A Ordinance amending the Comprehensive Land Use Plan relating to approximately 0.2008 acres of land located at 105 West Creek Street by changing the land use designation from Low Density Residential to Commercial; amending Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code, as amended, by changing the zoning classification of said property from R1: Single Family Residential to C-1: Neighborhood 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.

A motion was made by Councilmember Kirchner and seconded by Councilmember Klein to deny Z-1. A roll call vote was taken with the following: Mayor Pro Tem Watson and Councilmember Briley voting against the Motion to Deny. Councilmember Kirchner, Councilmember Klein, and Mayor Hoover voting for the Motion to Deny. The motion to Deny Z-1 was approved by a 3-2 vote.

A motion was made by Councilmember Kirchner and seconded by Councilmember Klein to deny Z-2. A roll call vote was taken with the following: Mayor Pro Tem Watson and Councilmember Briley voting against the Motion to Deny. Councilmember Kirchner, Councilmember Klein, and Mayor

Hoover voting for the Motion to Deny. The motion to Deny Z-2 was approved by a 3-2 vote.

B. Consider the approval of Resolution 2024-06R suspending for 45 days the effective date proposed by Atmos Energy-Mid-Texas Division (Atmos-MidTex) in its application filed on or about February 23, 2024, pursuant to Section 104.301 of the Gas Utility Regulatory Act (Mick McKamie, City Attorney)

Mr. McKamie stated that the request was to suspend the imposition of the new gas rates.

Councilmember Kirchner requested clarification on when customers would see the rate change. Mr. McKamie reported that the State determined imposition time lines and that rates were imposed after the completion of rate studies.

A motion was made by Mayor Pro Tem Watson and seconded by Councilmember Kirchner to approve Item 7B. All five (5) voted in favor, motion passed unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider accepting the Phase 2 - Boot Ranch Water Tank Site Property (Kris Kneese, Director, Public Works and Utilities).

Kris Kneese, Director of Public Works and Utilities, reported that in 2005, the City and developer entered into an agreement which stipulated that the City would provide water and sewer utilities to the Boot Ranch development. He noted that the property was initially divided into two phases and that a Phase I improvement was the installation of a one-million-gallon water storage tank.

A timeline of Phase 2 water and sewer infrastructure improvements was provided and it was reported that one improvement made by the developer on the identified track of land was the installation of a half-million-gallon water storage tank. Mr. Kneese stated that the conveyance of the water storage tank to the city was consistent with current guidelines which stipulate ownership by the city of all water storage tanks operated by the city and constructed on city owned property. It was noted that the City would be responsible for Operation and Maintenance expenses for the storage tank. He recommended that the property conveyance agreement include a provision reflecting ownership of the tank by the City.

Councilmember Klein asked about the possibility of the developer needing to purchase additional property for expansion purposes. Mr. Kneese responded that at this time the developer did not have an expansion plan in place, but the property size did allow for some additional development. He clarified that staff was not proposing on expanding utility services.

At the request of Mayor Hoover, Mr. Kneese stated that if the City did not accept the conveyance of the land, a separate access easement agreement would need to be approved as staff still needs to access the property.

A motion was made by Councilmember Kirchner and seconded by Mayor Pro Tem Watson to accept the property identified in Item 8A. All five (5) voted in favor, motion passed unanimously.

B. Consider the approval of an agreement with the Fredericksburg Chamber of Commerce relating to the Fredericksburg Food and Wine Fest (Garret Bonn, Assistant City Manager)

Garret Bonn, Assistant City Manager, reported that the agreement being presented addressed council concerns to include contract terms, performance and termination provisions, and intellectual property rights. He noted that staff recommended approval of the revised agreement.

Mayor Hoover requested that the revised agreement include a provision stipulating that the City would not incur any costs associated with the conveyance of intellectual rights.

A motion was made by Councilmember Klein and seconded by Councilmember Briley to approve Item 8B with corrections. All five (5) voted in favor, motion passed unanimously.

C. Consider a petition for release from the City of Fredericksburg's Extraterritorial Jurisdiction (Mick McKamie, City Attorney)

i. Property located at 1076 Boerner-Weirich Rd (+/- 107 acres)

Mr. McKamie noted that the petition was submitted, and signatures verified in accordance with a statute that went into effect September 1, 2023 which allows residents of a municipality's ETJ to petition for release from the ETJ. He stated that the City Council did not have an option to deny the petition.

A motion was made by Councilmember Klein and seconded by Councilmember Briley to approve Item 8C. All five (5) voted in favor, motion passed unanimously.

9. CITY MANAGER'S REPORT

A. City Manager's Monthly Update

Clinton Bailey, City Manager, provided an update on the following:
Single-Family and Multi-Family Development
Financial Forecast to include revenue
Police and Fire/EMS service calls

10. ITEMS FOR FUTURE AGENDA

A. Review the Future Agenda spreadsheet

Mr. Bailey provided an overview of items to be discussed at the May 4, 2024 Regular City Council meeting and highlighted items to be discussed until June 2024.

Garret Bonn reported that the City Council was scheduled to have a Special Meeting on May 30, 2024, at 5:30 p.m. to review HOT applications and clarified that the City modified the submittal deadline in order to allocate additional funding. He stated that the funding period was for calendar year 2025.

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections (551.072 & 551.074):

- A. Consider and discuss Real Estate in the vicinity of US 290E and Old San Antonio Rd. (Section 551.072)
- B. Consider and discuss Real Estate in the vicinity of US 290E and Industrial Loop (Section 551.072)
- C. Consider and discuss the value and possible disposition of city-owned real properties located throughout the City (Section 551.072)
- D. Consider and discuss the appointment, evaluation, reassignment, duties, or dismissal of a public officer, specifically the appointment of new member a new member to fill a vacancy on the City's Historic Review Board (Section 551.074)

A motion to go into Executive Session was made at 10:42 a.m. by Councilmember Kirchner and seconded by Councilmember Klein. All five (5) voted in favor, motion passed unanimously.

12. BUSINESS ITEM

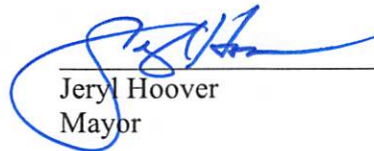
City Council returned from Executive Session at 11:16 a.m. and took action to fill the vacancy on the Historic Review Board.

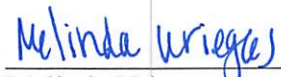
A motion was made by Mayor Pro Tem Watson and seconded by Councilmember Kirchner to appoint Cydney Donnell to the Historic Review Board. All five (5) voted in favor, motion passed unanimously.

13. ADJOURN

A motion to adjourn was made by Mayor Pro Tem Watson and seconded by Councilmember Klein. All five (5) voted in favor, motion passed unanimously.

Mayor Hoover adjourned the April 16, 2024 Regular City Council Meeting at 11:17 a.m.


Jeryl Hoover
Mayor


Melinda Uriegas
Interim City Secretary