



**City of Fredericksburg**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**TUESDAY, MAY 21, 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  
Betsy Elam, City Attorney  
Mick McKamie, City Attorney (by phone)  
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  
Anna Hudson, Director, Development Services  
Michael Erwin, Building Official  
Sean Doerre, Public Information Officer  
Aaron Anderegg, Director, Information Technology  
Leslie Embrey, Assistant to the City Secretary  
Melinda Uriegas, Interim City Secretary

**1. CALL TO ORDER**

Mayor Hoover called the May 21, 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 Jerry McCorkle, Elder, Willow City Church, who led the Invocation.

**3. PLEDGE OF ALLEGIANCE**

Mayor Hoover led the Pledge of Allegiance.

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

##### **A. Ceremonial Swearing-In of Mayor and Two Councilmembers**

Municipal Court Judge Heupel Swore-in Mayor Hoover and Councilmembers Kirchner and Klein who were re-elected to a two-year term of office to expire May 2026.

Anna Hudson, Director, Development Services, reported that the department was fully staffed with the promotion of Jan Musgrove to Planner I and Tyler Baethge to Short Term Rental Specialist.

#### **5. COUNCIL COMMENTS**

##### **Councilmember Briley:**

- Reported that he participated in the 3<sup>rd</sup> Grade Community event and the Chamber of Commerce State of the Burg Summit
- Announced upcoming events to include a Seminar on Fraud Prevention sponsored by the Hill Country Leadership Institute, Fun After Five presentation on Travel and Tourism hosted by the CVB, and a Memorial Day event in front of the Gillespie County Courthouse

##### **Councilmember Klein:**

- Reported on rededication events sponsored by the Market Square Redevelopment Commission

##### **Mayor Pro Tem Watson:**

- Highlighted the relevance of the presentations made at the Chamber of Commerce State of the Burg Summit and Hill Country Leadership Institute Seminar
- Stated that he attended the Airport Advisory Board Meeting and reported on the increased demand of airport services and highlighted community events

##### **Councilmember Kirchner:**

- Encouraged individuals serving on boards to attend Hill Country Community Foundation's board member training meeting June 16, and urged the other Councilmembers to attend the Alamo Area Council of Governments meeting for elected officials May 31<sup>st</sup>.
- Announced the opening of the swimming pool and hours of operation

##### **Mayor Hoover:**

- Provided an overview of Short Term Rental activity to include the number of renewal applications submitted, citations issued to property owners for operating without a permit, and notices mailed for delinquent occupancy taxes

#### **6. 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 THE CITY COUNCIL.**

##### **A. Consider approval of City Council Minutes for the April 2, 2024, regular meeting.**

- B. Approve a street closure request for the Fredericksburg Food & Wine Festival - Austin Street Patron Dinner, taking place on October 25, 2024, at Marktplatz (JENNIFER KRUPA, ASSISTANT DIRECTOR OF PARKS AND RECREATION/SPECIAL EVENTS COORDINATOR)

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

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

- A. Request #Z-2405: By Hill Country Church to Consider a Conditional Use Permit Per Section 3.100 to Allow for a Religious Assembly Use for a Property Located at 1406 Cross Street (ANNA HUDSON, DIRECTOR OF DEVELOPMENT SERVICES)

### **ORDINANCE 2024-16**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX B, "ZONING ORDINANCE," OF THE FREDERICKSBURG MUNICIPAL CODE, AS AMENDED, BY GRANTING A CONDITIONAL USE PERMIT PERMITTING A RELIGIOUS ASSEMBLY USE ON CERTAIN PROPERTY LOCATED AT 1406 CROSS 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

Kaleb Dale, Operation Director, Hill Country Church, stated that a Conditional Use Permit Application for 1406 Cross Street was submitted to address capacity challenges resulting from increased membership. He highlighted improvements to be made to include replacing the privacy fence and making accessibility upgrades as well as completing the identified curb and driveway improvements required by the City.

Anna Hudson, Director, Development Services, described the zoning classification for 1406 Church Street and the neighboring properties and stated that the requested zoning change was compatible with existing neighborhood patterns and mixed-use development. She noted that the Planning and Zoning Commission approved the request with conditions.

Mayor Hoover opened the Public Hearing.

Mayor Hoover announced that no citizens had signed up to speak and closed the Public Hearing.

A motion was made by Mayor Pro-Tem Watson and seconded by Councilmember Kirchner to approve #Z-2405 with conditions. All five (5) voted in favor, motion passed unanimously.

## **8. OTHER ACTION ITEMS AND UPDATES**

- A. Discuss and Take Action on the Mayor Pro-Tem Appointment and City Council Liaisons to Other City Boards and Commissions

Mayor Pro Tem Watson made a motion and seconded by Councilmember Klein to nominate Councilmember Kirchner as Mayor Pro Tem for a one-year term of office to expire May 2025. Four voted in Favor: Councilmember Briley, Councilmember Klein, Councilmember Watson, and Mayor Hoover. Abstained: Councilmember Kirchner. Motion passed unanimously.

Mayor Hoover made the following City Council Liaison assignments:

Councilmember Klein: Gillespie County Commissioner's Court, and Market Square Redevelopment Commission

Councilmember Briley: Convention and Visitors Bureau (CVB) and Chamber of Commerce

Councilmember Watson: Gillespie County Airport Advisory Board and Gillespie County Economic Development Commission (EDC)

Mayor Pro-Tem Kirchner: Fredericksburg ISD

Garret Bonn, Assistant City Manager, stated that staff would continue to serve as Liaisons to the Texas Historical Commission, Friends of the Fields, and the Racquet Center.

**B. Appeal of denial of STR Permit by Ben Edgerton for 705 Franklin Street (ANNA HUDSON, DIRECTOR OF DEVELOPMENT SERVICES)**

Ben Edgerton, owner/operator of the short term rental (STR) property located at 705 Franklin, stated that he contracted with a management company to file permits and pay hotel occupancy (HOT) taxes and while in the process of changing management companies became aware that the STR permit expired in March 2023, an application to renew the 2023 STR permit had not been submitted, and HOT taxes had not been paid. Mr. Edgerton stated that HOT taxes had been paid in full and requested an exception to the STR permitting process.

Mayor Hoover provided Mr. Edgerton with a history of actions taken by the City to notify him of the expired permit and taxes owed and stated that he was responsible for submitting all required paperwork and payment of taxes.

Ms. Hudson, Director, Development Services, reported that the STR Ordinance outlined the criteria for approving special exemptions for the issuance of permits and stated that the appeal submitted by Mr. Edgerton did not meet the criteria. She stated that the City had difficulty determining the correct amount of taxes paid or owed by Mr. Edgerton as a result of the accounting practices used by the original management company. Ms. Hudson clarified that the new STR Ordinance required the City Council to hear appeals.

Councilmember Klein made a motion to deny the appeal. Mayor Hoover announced that the motion for Item 8B failed as it lacked a second.

Councilmember Briley made a motion and seconded by Councilmember Klein to approve the appeal for Item 8B. A roll call vote was taken with the following: Councilmembers Briley and Watson Aye. Councilmembers Klein and Mayor Hoover Nay. Mayor Pro Tem Kirchner Abstained.

Mayor Hoover announced that the motion to approve the appeal for Item 8B failed due a tie vote.

**C. Appeal of Denial of STR permit by Christy Crook for 705 E. Highway Street- unit 101 (ANNA HUDSON, DIRECTOR OF DEVELOPMENT SERVICES)**

Christy Cook, property owner, stated that her appeal was submit due to management company failing to make HOT payments and submitting the renew permit. She stated that outstanding taxes to include penalties had been paid.

Ms. Anna Hudson stated that the new STR Ordinance prohibited the use of condominiums as STR properties and the identified property owned by Ms. Cook was a condominium. Ms. Hudson provided a history of notifications sent to Ms. Cook by the City.

A motion was made by Mayor Pro Tem Kircher and seconded by Councilmember Briley to deny the appeal for Item 8C. All five (5) voted in favor, motion passed unanimously.

**D. Discussion and possible action on construction and license agreement for a Fredericksburg Nature Center at Lady Bird Johnson Municipal Park (ANDREA SCHMIDT, PARKS & RECREATION DIRECTOR)**

Andrea Schmidt, Director, Parks & Recreation, stated that in May 2023 the City Council approved a resolution in support of the educational programs to be offered by the Fredericksburg Nature Center.

Lonnie Childs with the Fredericksburg Nature Center reported that the new facility to be located at the LBJ Municipal Park would offer educational programs focused on land stewardship and conservation efforts. He highlighted features and reported that the construction estimated was \$4 million.

Ms. Schmidt stated that the Construction and License Agreement required the Nature Center to raise funds and build the facility within 5-years, the Center would retain the right to sell the facility and that with City Council approval, the Center was authorized to name certain areas. She reported that upon the completion of construction in 2029, the City would be responsible for facility maintenance and operation oversight to include staffing at an estimated cost of \$135,000 to \$150,000 annually.

A motion was made by Mayor Pro Tem Kirchner and seconded by Councilmember Briley to approve Item 8D. All five (5) voted in favor, motion passed unanimously.

**E. Consideration of an Operating Agreement with Texas Historical Commission Relating to Fort Martin Scott (GARRET BONN, ASSISTANT CITY MANAGER)**

Garret Bonn, Assistant City Manager, highlighted provisions of the Operating Agreement to include the Texas Historical Commission (THC) being responsible for the daily oversight of staffing, maintenance,

operations, and Fort Martin Scott site improvements. He reported that the City would deed the Fort Martin Scott property to THC while retaining first right of refusal, at no cost, if THC were to sell or transfer ownership of the property; lease approximately 64-acres of land to THC for Fort activities; and allocate a minimum of \$40,000 annually in HOT Funds. He stated the THC planned on opening June 2024 with limited services and hours of operation and reported that THC would conduct an archaeological assessment of the old cemetery property.

Mayor Pro-Tem Kirchner added that the Texas Historical Commission will present a Legislative Appropriation Request (LAR) in advance of the 2025 Legislative session to cover the operating costs of the Fort.

A motion was made by Councilmember Klein and seconded by Councilmember Briley to approve Item 8E. 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:

- Single-Family, Multi-Family, and Commercial Development
- City Financial Forecast to include revenue from sales tax and utilities
- Police incidents, code enforcement citations issued, and vacancy assessment and recruitment efforts
- Fire/EMS incidents and infrastructure needs
- Staffing compliment
- Soccer Field improvements

Mr. Bailey stated that a report would be presented detailing Stage 4 Water Restriction citations issued and historical trends on water consumption and conservation efforts.

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

### **A. Future Agenda spreadsheet**

Mr. Bailey provided an overview of items scheduled for discussion at future City Council Meetings.

Mayor Pro-Tem Kirchner requested that Development Services provide an update on the Sidewalk Plan.

## **11. EXECUTIVE SESSION**

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section - 551.072:

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

B. Consider and discuss the value and possible disposition of city-owned real properties located throughout the City (Section 551.072)

Mayor Hoover announced the recess of the Meeting into Executive Session.

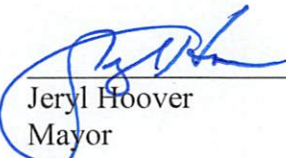
Mayor Hoover announced that no action was taken by the City Council during Executive Session.

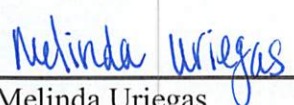
**12. BUSINESS ITEM**

Mayor Hoover announced that there were no other items to bring forth for a future agenda.

**13. ADJOURN**

Mayor Hoover adjourned the Regular City Council Meeting at 11:29 a.m.

  
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Jeryl Hoover  
Mayor

  
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Melinda Uriegas  
Interim City Secretary