



City of Fredericksburg

City Council Regular Meeting Minutes
Tuesday, November 19, 2024 ~ 9:00 AM
New City Hall at East Campus
2818 E. U.S. Hwy. 290
Fredericksburg, Texas 78624

City Council Members Present:

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

City Staff Present:

Clinton Bailey, City Manager
Garret Bonn, Assistant City Manager
Mick McKamie, City Attorney
Leticia Vacek, City Secretary
Brian Vorauer, Chief of Police
Kris Kneese, Director of Public Works/Utilities
Krista Wareham, Director of Finance
Tammie Loth, Director of Human Resources
Aaron Anderegg, Director of IT
Anna Hudson, Director of Development Services
Lynn Bizzell, Fire Chief
Sean Doerre, Public Information Officer
Evan Williamson, Assistant Director of Public Works/Utilities
Tyler Baethge, Short Term Rental Specialist
Leslie Ball Embrey, Assistant to the City Secretary

1. CALL TO ORDER

Mayor Jeryl Hoover called the meeting to order.

2. INVOCATION

Colleen Haley of Christ in the Hills Church delivered the invocation.

3. PLEDGES OF ALLEGIANCE

Mayor Jeryl Hoover led the Pledges.

4. CEREMONIALS

Mayor Jeryl Hoover announced that there were no Ceremonial Items.

5. COUNCIL COMMENTS

Councilmember Briley reported that he attended the Veterans in Classrooms on November 11th with a total of 18 Veterans speaking to 34 classrooms reaching over 650 kids explaining the value of military service and its impact on their professional careers. He reported that the Chamber would be putting up a webpage in the Q1 timeframe with available rental properties for Chamber Members. He also mentioned that 80 floats were registered for the parade. Lastly, he reported on a vendor's event at the La Cantera Christmas Holiday Event with 15 different vendors showcasing Fredericksburg to drive more tourism our way.

Councilmember Klein reported on the Gillespie County Wild Game Dinner this Saturday evening at the Fairgrounds. He added the funds raised are for the Youth involved in Agriculture. He also attended the County Commissioners Special Meeting yesterday to certify the vote count. He stated that 76.3% of Gillespie County registered voters cast their ballots. He mentioned that the County had a lot of help and volunteers and all went smoothly. He noted 3 County precincts were recounted and the outcome was zero errors. He added that the County Elections Staff did a good job and congratulated them.

Councilmember Watson reported attending a November 14th Lunch with the Mayor, Messrs. Mikula, Closson and a group from Bardstown, KY. The purpose of their visit was to learn how to do it right balancing their Tourism, and Main Street, etc...That evening he also attended the Hill Country Leadership Institute Graduation Ceremony with Mr. Bonn and Judge Jones who have been involved this past year. He added that County Commissioner Don Weinheimer will be involved next year. At the Airport, he reported they still have a waitlist for Hangars; and sold in total thus far 469,000 gallons of fuel this year vs 424,000 last year, up 11%.

Mayor Pro-Tem Kirchner reported that the Fredericksburg Parks Foundation has fully funded their project goal for the number of Trees that will be planted at the Soccer Fields. She added that the Holiday Home Tour is this Saturday from 11am – 5pm. She reported that she would be speaking tomorrow at the Eye Opener Class about ways that youth can be involved in the community.

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 following meetings:
City Council Regular Meeting of September 17, 2024
City Council Regular Meeting of October 15, 2024
- B. Consider approving the reappointment of two of the City Appointees – Stephen Harris and Julie Kuhlken to the Gillespie County Economic Development Commission (EDC) Board of Directors for another two-year term beginning December 31, 2024. (Tim Lehmberg, EDC Executive Director)
- C. Consider approving the purchase of Decorative Lighting for Marktplatz in the Fiscal Year 2025 Budget for \$166,588. (Andrea Schmidt, Director of Parks & Recreation).

Mayor Pro-Tem Kirchner noted a minor change to the minutes she provided to the City Secretary and moved to approve Consent Agenda Items 6A, 6B, and 6C. Councilmember Watson seconded the motion. The motion carried unanimously.

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

A. Conduct Public Hearing for Requested Voluntary Annexation of the Right of Way (ROW) of Catholic Cemetery Road and a portion of West Travis Street. This annexation is for right-of-way only. This annexation will not increase or extend the City's Extraterritorial Jurisdiction (ETJ). (Anna Hudson, Director of Development Services)

i Presentation by Staff

ii Conduct Public Hearing – no action required

Mrs. Hudson presented the voluntary annexation for the right-of-way pointing out the timeline for the annexation. She added that no action was required.

Mayor Hoover declared the public hearing open and recognized Charles Montgomery who supports the annexation. Tim Dooley addressed his concerns with regards to the annexation. A brief discussion ensued regarding the contiguous parcel should the annexation be approved.

Mayor Hoover declared the public hearing closed and stated that no action was required at this time.

B. Conduct Public Hearing and take action on Voluntary Annexation of 97 Hitchin' Post Trail referred to as approximately 18.7 acres of land described as the Samuel R. Wilson Survey No. 38, Abstract No. 735 of Gillespie County, Texas. (Anna Hudson, Director of Development Services)

i. Presentation by the Applicant

ii. Presentation by Staff

iii. Hold the Public Hearing

iv. Take Action to adopt Annexation Ordinance 2024-37

Mr. Christopher Wilde of Fredericksburg Development, Inc representing Frieden presented their voluntary annexation request of the 18.7 acres. Mrs. Hudson noted that the annexation of the land is contiguous to their existing development.

Mayor Hoover declared the public hearing open and asked if there was anyone present to speak. He noted that no one requested to speak. Mayor Hoover declared the public hearing closed.

Councilmember Klein asked if there was a question about the MUD. Mrs. Hudson responded that there was an one existing. Councilmember Briley asked how the Planning & Zoning (P&Z) Commission voted. Mrs. Hudson responded that P&Z does not oversee annexations.

Mayor Pro-Tem Kirchner moved to adopt Ordinance 2024-37. Councilmember Briley seconded the motion. The motion carried unanimously.

7C. Request #Z-2419 By Casey Zins to consider the following LandUse Change from Rural (R) to Mixed Use Corridor (MUC). (Anna Hudson, Director of Development Services)

- 1. A LandUse Change from Rural (R) to Mixed Use Corridor (MUC) for property located at 97 Hitchin Post Trail, also referred to as approximately 18.7 acres of land described as the Samuel R. Wilson Survey No. 38, Abstract No. 735 of Gillespie County, Texas.**
- 2. Establish a Zoning of Planned Unit Development (PUD) for property located at 97 Hitchin Post Trail, also referred to as approximately 18.7 acres of land described as the Samuel R. Wilson Survey No. 38, Abstract No. 735 of Gillespie County, Texas.**

Casey Zins addressed the Council and presented their requests as denoted above for a LandUse Change and Establishing a Zoning of Planned Unit Development (PUD).

Mrs. Hudson noted that on this item; the Council would vote on each request individually for a total of two motions beginning with the LandUse Change request followed by Establishing the Zoning. She presented both items noting approval by the Planning and Zoning Commission.

Mayor Hoover declared the Public Hearing open. Tom Musselman noted that the PUD approved in 2017 is different than today's PUD. There being no one else to speak, Mayor Hoover declared the Public Hearing closed.

Councilmember Watson moved to adopt Ordinance 2024-35 relative to the LandUse Change. Mayor Pro-Tem Kirchner seconded the motion. The motion carried unanimously.

Mayor Pro-Tem Kirchner moved to adopt Ordinance 2024-36 relative to establishing the Zoning. Councilmember Klein seconded the motion. The motion carried unanimously.

7D. Conduct a Public Hearing and take action on Voluntary Annexation of 1010 N. Cherry also known by legal description, German Emigrant Company Blk II, 3.48. (Anna Hudson, Director of Development Services)

- i Presentation by the Applicant**
- ii Presentation by Staff**
- iii Conduct Public Hearing**
- iv Take action to Adopt Annexation Ordinance 2024-40**

Kevin Spraggins, applicant with VEI Engineering presented the voluntary annexation of 1010 N. Cherry. Mrs. Hudson added that the request is contiguous and noted the 3.48 acres does not extend the ETJ of Fredericksburg.

Mayor Pro-Tem Kirchner asked if this would be a subdivision. Mr. Spraggins responded yes and added that it would mirror the properties to the north with lots sizes of 10,000 to 12,000 sf. He added that that the lots would back up to backyard.

Mayor Hoover declared the Public Hearing open. Dr. Eric Hammersen addressed the Council indicating that they will not be a mirror image of the existing lots. He added that there will be 3 intersections within 150 ft. He proposed if they put in that road, they will remove many trees and asked if there is a proposal to replace those trees. He asked where the drainage pond would be. He added that the proposal is for one house but as was stated, it could be 10 lots, thus, it will not mirror the other homes as stated. George Studor also agreed with the concerns of Dr. Hammersen. He added that he and his wife walk the area and if another intersection is added, that will be dangerous. Ms. Samatha Ray of 1205 Jennifer Lane stated she had major concerns with the proposal. She noted there are gaps, and asked of the traffic impact, preservation of trees, wildlife, and light pollution. She stated that a site plan would be needed in order to make the best decision.

Mayor Hoover asked a couple questions and Mrs. Hudson responded that they are required to hold one Public Hearing for annexations. With regards to the trees; she noted that Cherry Street is the defacto trail as it is within our Comprehensive Plan and noted that the Council has the ability to place requirements on the request. It was noted that the applicant was not the owner. Mayor Hoover declared the Public Hearing closed.

Councilmember Klein asked of the number of houses. Mr. Spraggins replied that they are going to follow the R-1 Code but first must go through the annexation, zoning, then platting. He added that once they get to the Planning and Zoning step; they will have a plat. Councilmember Watson asked if they have to extend Jennifer Lane. Mr. Spraggins replied they don't have to do it. It was asked if that residential street is big enough to handle traffic. Mr. Bonn responded that we are proposing the extension of Jennifer Lane for a second point of access.

A discussion ensued with regards to a traffic study, the proposed street, a stop sign, and requirement of stormwater detention. It was noted that there will be public comment on the site plan.

Councilmember Briley moved to adopt Ordinance 2024-40 subject to reviewing for pedestrian safety and providing for public commentary at Planning and Zoning on the site plan. Councilmember Klein seconded the motion. The motion carried unanimously.

7E. REQUEST #Z-2422 By Kevin Spraggins with VEI Engineering, to consider the following:

1. A LandUse Change from Rural to Low Density Residential (LDR) for property located at 1010 North Cherry Street, also referred to as Block II, as laid out by the German Emigration Company in Gillespie County, Texas.

2. Establish a Zoning of R1, Single Family Residential for the property located at 1010 North Cherry Street, also referred to Block II as laid out by the German Emigration Company in Gillespie County, Texas.

i Presentation by the Applicant

ii Presentation by the Staff

iii Hold Public Meeting

iv Take action to Adopt Ordinance 2024-38 for the LandUse Change from Rural to Low Density Residential, and

v. Take action to Adopt Ordinance 2024-39 Establishing the Zoning of R1.LandUse and Zoning for 1010 North Cherry Street

Mr. Kevin Spraggins with VEI Engineers presented two requested items of a LandUse Change and Establishing the Zoning for 1010 North Cherry Street. Mrs. Hudson presented said items noting two independent votes would be required for the two requests.

Mayor Hoover declared the public hearing open for the LandUse Request and to Establish the Zoning at 1010 North Cherry Street. The following individuals addressed the Council with the same concerns pointed out in the previous item. Dr. Eric Hammersen and Kathy Lope expressed concerns with the idea of having to extend Jennifer Lane to the South. Ms. Lope added that this property has been a quiet neighborhood and the proposed development did not mirror the existing. George Studor made note of the Comprehensive Plan and if this development fits within same. Tim Dooley referenced a map from the Appraisal District that shows the property lines and asked that the same individual owns property to Morris Street; thus, what continued development is planned north and south. He asked that staff look at the map and anticipate what will be going on prior to taking any action today.

Tom Musselman with P&Z addressed the one entrance ingress and egress; he added that with the development that has occurred; the city has made a requirement that there be 2 entrances for safety reasons. He noted that said street will not remain rural; we also work under the state legislature that changes the rules every 2 years.

Mayor Pro-Tem Kirchner noted that the city cannot dictate what people will do with their property, as that is that is their right. Mayor Hoover noted that the action items before the Council today are for LandUse and Zoning; not to place requirements on what may be or anticipated. Mayor Hoover declared the Public Hearing closed.

Mayor Pro-Tem Kirchner moved to adopt Ordinance 2024-38 related to the LandUse for 1010 North Cherry Street. Councilmember Briley seconded the motion. The motion carried unanimously.

Mayor Pro-Tem Kirchner moved to adopt Ordinance 2024-39 related to the Zoning for 1010 North Cherry Street. Councilmember Briley seconded the motion. The motion carried unanimously.

7F. Consider the adoption of Ordinance 2024-33 approving budget amendments to the FY2024 City Budget that began October 1, 2023 and ended September 30, 2024 providing for amended appropriations for each affected departmental account to close out Fiscal Year 2024. (Krista Wareham, Director of Finance)

Mrs. Wareham recommended adoption of Budget Amendment Ordinance 2024-33 that closes out FY 2024. She added that staff has reviewed the financials noted denoted in Exhibit A which was recapped with Council.

Councilmember Watson moved to adopt Ordinance 2024-33 as recommended by staff. Councilmember Briley seconded the motion. The motion carried unanimously.

7G. Consider the adoption of Ordinance 2024-34 vacating and abandoning a Right-of-Way (ROW) recorded in Volume 375, Pages 415-420 of the Real Property Records of Gillespie County and reverting the ROW to the Fredericksburg Independent School District. (Evan Williamson, Assistant Public Works Director)

Mr. Williamson presented said item stating that the ROW was for the FISD Middle School Campus adding that the ROW was from Friendship Lane to Billy Drive to provide safety for students and staff. Mr. Bonn added that it would provide for the extension as part of the school zone.

Mayor Pro-Tem Kirchner moved to adopt Ordinance 2024-34 as recommended by staff. Councilmember Watson seconded the motion. The motion carried unanimously.

Mayor Hoover recessed the regular meeting for 7 minutes. Mayor Hoover reconvened the regular meeting and addressed item 8A at this time.

7H. Consider and provide direction to staff on the creation of an new cooperation agreement under Texas Local Government Code, Section 392.059(b) to the Texas Housing Foundation (THF) to acquire, finance, develop, operate, and manage an affordable housing development zoned as part of the Reserve at Vineyard Oaks; The Lot No. 1, more particularly described as 11.37 acres± in size out of Gillespie Central Appraisal District Parcel 15671; and generally located to the northwest of the intersection of Friendship Lane and S. Eagle Street, Fredericksburg, Gillespie County, Texas. (Anna Hudson, Development Services Director)

Mrs. Hudson introduced Allison Milliorn with the THF and Spencer Rasmussen with Lone Star Development Partners. Mayor Hoover asked for the market study. Mr. Askinson stated that they looked at the affordability level in Fredericksburg.

Tom Musselman addressed the Council and referenced the letter from Jeffrey Morin of 702 S. Eagle which adjoins the proposed property in addition to the McDonald property. He stated that Friendship Lane did not need a tax abatement to be developed. He stated that he was not against the development

but was against the city property tax abatement for this or any other site.

Councilmember Briley noted 242 vacancies; with 80% occupancy. Mayor Hoover stated that we need affordable housing which would have the most positive impact but would this project address the issue; not necessarily. He then asked if we address the affordable housing issue by not approving any type of abatement from the general fund. Councilmember Briley added that with regards to incentives; we needed to continue to pay for our police step plan. I would not support the incentive. He noted that it was an urgent issue but this was not the correct tool to solve the issue. Councilmember Watson stated that if we keep talking about the need for affordable housing and it will affect the general fund, he would favor same. Mayor Pro-Tem Kirchner stated that in her research, in the past, developers applied for tax credits. She stated that there was a benefit to the community for payment in lieu of taxes, although there has to be more that we can discuss. Mr. Rasmussen stated that they are not requesting tax credits and showed their presentation. He stated that they would be reducing the rents by 10 percent. He added that they can do targeted marketing. Ms. Milliorn stated that they would need to follow the FAIR Housing Act. Councilmember Klein added that he was not in favor of incentive. Ms. Milliorn indicated that they would not get to affordable housing without some sort of incentive(s).

The discussion continued as Mayor Pro-Tem Kirchner asked of the dollar amount benefit. It was noted that Lone Star Development Partners currently has a contract on the proposed property.

Councilmember Briley moved to deny the request to move forward. Councilmember Klein seconded the motion. The motion failed as follows:

AYE: Councilmembers Briley and Klein

NAY: Councilmember Watson, Mayor Pro-Tem Kirchner, and Mayor Hoover

Mayor Pro-Tem Kirchner moved to approve moving forward with the request. Councilmember Watson seconded the motion. The motion carried as follows:

AYE: Councilmember Watson, Mayor Pro-Tem Kirchner, and Mayor Hoover.

NAY: Councilmembers Briley and Klein

7I. Consider the Approval of Resolution 2024-14 approving the Gillespie County, Texas Multi-Jurisdiction Hazard Mitigation Plan. (Justin Calhoun, Emergency Management Coordinator).

Mr. Calhoun presented the Gillespie County, Texas Multi-Jurisdiction Hazard Mitigation Plan stating that it required City Council approval for its submission.

Councilmember Watson moved to approve Resolution 2024-14. Mayor Pro-Tem seconded the motion. The motion carried unanimously.

At this time, Mayor Hoover addressed Item 8B.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider and Take Action on the First Amendment to the Friends of the Fredericksburg Nature Center Construction and License Agreement. (Andrea Schmidt, Director of Parks & Recreation).

Mrs. Schmidt presented said item and introduced Lonnie Childs, President of the Friends of the Fredericksburg Nature Center. Mr. Childs addressed the Council with regards to the amendment as it relates to naming rights.

Councilmember Watson moved to approve the First Amendment to the Friends of the Fredericksburg Nature Center Construction and License Agreement. Mayor Pro-Tem Kirchner seconded the motion. The motion carried unanimously.

Mayor Hoover addressed item 7H at this time.

B. Consider and take action on Appeal of City Manager's Denial of Vested Rights Determination for STR Use at 105 W. Creek by David Gottfried for Dan and Jan Chenoweth. (Anna Hudson, Director of Development Services)

David Gottfried, attorney for Dan and Janet Chenoweth presented and requested approval or an extension of time for the STR use of the property at 105 W. Creek. Mayor Hoover noted that Mr. Gottfried claimed that the city was acting arbitrary, and capricious and in disregard of the facts. A discussion ensued and Mayor Pro-Tem Kirchner asked when the property was last occupied as an STR. Mr. Gottfried replied in 2020. Councilmember Watson asked if he could produce any records of the HOT being paid. Mr. Gottfried stated that he received documentation from the management company showing that HOT was paid the last quarter in 2019.

Mayor Pro-Tem Kirchner moved to deny the appeal for 105 W. Creek Street. Councilmember Watson seconded the motion. The motion carried unanimously.

9. CITY MANAGER'S REPORT

City Manager Bailey reported on the TIRZ Feasibility Study that will be presented on December 3, 2024. Mrs. Hudson noted the next steps after the Feasibility Study is presented. Lastly, she noted that staff would be recommending moving forward with the same boundaries as presented. Mayor Pro-Tem Kirchner asked how the County could benefit from the TIRZ. Mrs. Hudson stated that the County could benefit by renovating County-owned buildings.

City Manager Bailey briefly referenced the Chamber Apartment Survey for Multifamily Housing Growth for Q3 of 2024. Mayor Pro-Tem Kirchner referenced the occupancy rates and asked if that number was high or low. City Manager Bailey noted that the data showed an increase in the occupancy of units in a short period of time.

He also reminded everyone of the Annual Parks Event - "Night of Lights" on November 26, 2024 at 5:30 pm at Marktplatz.

He mentioned that the Sales Tax Receipts are increasing and referenced the Sales Tax Collections of surrounding Cities.

Mr. Bonn reported on the Hotel Occupancy Tax Funding Timeline noting a Special Meeting will be held January 16, 2025 to review/interview the applications received for funding. He added that at the January 21, 2024 Regular Council Meeting; the Council will award the HOT Funds.

Kris Kneese reviewed the Water and Revenue Consumption report. He noted the Traffic Modifications related to the signal and traffic patterns. He also reported that TxDOT has completed the striping on Main Street and they have now started on the side streets in the evenings. He added that after everything is completed; TxDOT will conduct an evaluation in the Spring.

The Police Department Monthly Update was provided of incidents/calls for service from January, 2024 to October, 2024. A Fire/EMS slide of incidents/calls for service was also reviewed.

10. ITEMS FOR FUTURE AGENDA

A. Review of the Future Agenda List. (Clinton Bailey, City Manager)

City Manager Bailey reviewed the Future Agenda Items and Future Meetings List with the Council.

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 the Industrial Loop. (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 recessed the regular meeting at 12:05 pm to go into executive session.

12. BUSINESS ITEM

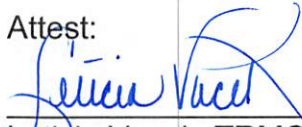
The City Council will reconvene into Regular Session upon the conclusion of the Executive Session, the City Council may take action on any item posted in Executive Session, as necessary.

Mayor Hoover reconvened the regular meeting at 12:33 pm and stated that no action would be taken.

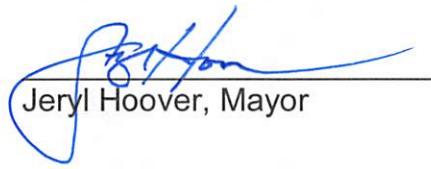
13. ADJOURN

Mayor Hoover adjourned the meeting at 12:33 pm.

Attest:

A handwritten signature in blue ink, appearing to read "Leticia Vacek", written over a horizontal line.

Leticia Vacek, TRMC, CMC, MMC
City Secretary

A handwritten signature in blue ink, appearing to read "Jeryl Hoover", written over a horizontal line.
Jeryl Hoover, Mayor