



# City of Fredericksburg

City Council Regular Meeting Agenda  
Tuesday, October 15, 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  
Leticia Vacek, City Secretary  
Gerald Pruitt, Interim City Attorney  
Krista Wareham, Director of Finance  
Tammie Loth, Director of Human Resources  
Aaron Anderegg, Director of IT  
Brian Vorauer, Chief of Police  
Lynn Bizzell, Fire Chief  
Kris Kneese, Director of Public Works/Utilities  
Anna Hudson, Director of Development Services  
Sean Doerre, Public Information Officer  
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 noting a quorum was present. He mentioned that this was the first meeting in the New City Council Chambers and was elated to welcome all in the inaugural audience to the meeting.

## **2. INVOCATION**

Dr. Eric Hammersen led the Invocation.

## **3. PLEDGES OF ALLEGIANCE**

Mayor Jeryl Hoover led the Pledges.

## **4. Proclamation Presentation by Mayor Hoover on Texas Native Plant Week (Holly**

**Simonette).**

Mayor Hoover recognized Deborah Simmons who presented a power point on Texas Native Plant Week. Mayor Hoover read and presented the proclamation for Texas Native Plant Week and thanked Deborah Simmons for all her work and presentation.

## **5. COUNCIL COMMENTS**

Councilmember Briley announced that he too was very excited to be in the new Chambers for the very first City Council Meeting. He also thanked staff for getting to this point. He announced the CVB Board Retreat on October 29; location is pending while the Stakeholder Meeting will be held November 13th at 9am at the Sunday House Inn & Suites. He noted that 5 Journalists will cover the Food & Wine Fest and added that tickets are still available. The Leadership Breakfast will be held November 13th at the Nimitz Ballroom. The preliminary Oktoberfest attendance numbers are 24,700 noting that Jim and his team are working overtime. Lastly, there are 80 Floats registered for the Night of Lights Christmas Parade.

Councilmember Klein stated that he had no comment.

Councilmember Watson expressed his excitement to be in this new great space. He reported that Mayor Pro-Tem Kirchner, Clinton, and Garret attended the Annual Texas Municipal League Conference with many interesting seminars and found some new equipment that is going on the wish list. He added that November 17th is the last session for the Hill Country Leadership Institute Cohort. He announced the EDC Meeting is Friday morning. Lastly, he reminded all of today's Ribbon Cutting for the Llano Bridge at 2 pm and tomorrow morning's Coffee with the City Manager at the Golf Course at 8 am.

Mayor Pro-Tem Kirchner reported that Connecting the Vine Interagency Group held a Health and Resource Fair at the Methodist Church on Saturday which was well attended with many resources. She mentioned that this will become an annual or semi-annual event. She added that Executives from the Alamo Area Council of Governments visited with City and County Officials noting priorities and accomplishments for our area in the near future. She also announced that Matt with the Friendly Native Nursery would be presenting at the next Native Plant Society Meeting Tuesday, October 22nd at St. Joseph's Hall at 6:30 pm.

At this time, Mayor Hoover recognized Father Ian Robbins of St. Mary's Church who entered the meeting. Father Robbins provided all with another blessing. Mayor Hoover also recognized Gerald Pruitt, filling in for Mick McKamie, City Attorney.

Mayor Hoover recognized City Manager Bailey, Aaron Anderegg and his staff and everyone that assisted with the preparations in having the interim Council Chambers ready for this meeting. He stated that this new building will serve the city well into the future. Mayor Hoover also provided the Short-Term Rental Report provided to him by Tyler Baethge. He stated that the Council is enacting the Short Term Rental Ordinance as it was intended.

**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 August 20, 2024  
City Council Budget Work Session of August 27, 2024  
City Council Regular Meeting of September 3, 2024
- B. Consider approval for the purchase of Parks Equipment in the Fiscal Year 2025 Budget of approximately \$173,434.10 but not to exceed \$178,194. (Andrea Schmidt, Director of Parks & Recreation)
- C. Confirming the appointment of Kit Patterson (replacing Linda Goldsmith) to the Convention and Visitor Bureau Board of Directors.

Councilmember Klein moved to approve items 7A-7C under the Consent Agenda. Mayor Pro-Tem Kirchner seconded the motion. The motion carried unanimously.

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

Request Z-2416: By Josh Leamons with Searchers Surveying to Request the Following:

A. A Landuse Change from Mixed Density Residential (MDR) to Commercial (C) for Properties Located at 108 S Mesquite Street also Referred to as Lot 7 & Lot 8, Block 20 of the South Heights Addition.

B. A Zoning Change from R2, Mixed Residential to C2, Commercial for Properties Located at 108 S Mesquite St also Referred to as Lot 7 & Lot 8, Block 20 of the South Heights Addition.

- i. Presentation by the Applicant
- ii. Presentation by Staff
- iii. Hold the Public Hearing
- iv. Take Action to adopt Ordinance 2024-31 related to Landuse Change Request
- v. Take Action to adopt Ordinance 2024-32 related to Zoning Change Request

Applicant Josh Leamons with Searchers presented for the property owners noting the request is for Landuse Change and for the Zoning Change (two separate items) for Lot 7 and Lot 8, Block 20 for the South Heights Addition. He added that the building is going to be very beautiful for the community.

Mrs. Anna Hudson stated that the property owner purchased the two properties that have been joined for redevelopment at 901 E. Main and 803 E. Main Street. She referenced a map showing the overall plan, location for the two properties, the neighboring lots, and proposed parking area.

Mayor Pro-Tem Kirchner stated she did not understand why the entire redevelopment should not be zoned C-2 as it did not make sense to portion it off. Councilmember Briley questioned the total number of rooms and parking spaces.

Mrs. Hudson responded with the uses for the C-2 zoning which would provide for a three-story structure to be built and noted that the site plan review would be the next step where the detailed parking would be addressed. Mayor Hoover asked if there was a residence next door. Mrs. Hudson confirmed same. It was noted that the neighboring resident was not present.

Councilmember Watson stated he would like to see the entire development zoned C-2 in order to provide more continuity to the property. Councilmember Briley added that the area was underutilized.

Mayor Hoover declared the public hearing open for the Landuse Change Request. No one requested to speak. Mayor Hoover declared the public hearing closed.

Councilmember Watson asked if the applicant had ever indicated they would develop a three-story hotel. Mrs. Hudson replied no and added once it is zoned, to down zone the property would be difficult. Mayor Pro-Tem Kirchner expressed her preference of the idea of streamlining the zoning redevelopment for simplicity.

Councilmember Klein moved to approve Item 7A – Landuse Change Request from Mixed Density Residential to Commercial as requested by the applicant for Lot 7 and Lot 8. Mayor Pro-Tem Kirchner seconded the motion. The motion carried unanimously.

Mr. Leamons presented the Zoning Change from R2 to C2 for the property redevelopment.

Mayor Hoover declared the public hearing open. No one requested to speak. Mayor Hoover declared the public hearing closed.

Councilmember Klein moved to approve Item 7B - the Zoning Change request from R-2 Mixed Residential to C-2 Commercial Zoning as requested by the applicant for Lot 7 and Lot 8. Councilmember Watson seconded the motion. The motion carried as follows:

**AYE:** Councilmembers Klein, Watson, Mayor Pro-Tem Kirchner, and Mayor Hoover

**NAY:** Councilmember Briley

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

- A. Consideration and Approval of the City's Professional Auditing Services. (Krista Wareham, Finance Director)

Mrs. Wareham announced that seven proposals were received. She added that staff reviewed the proposals and of the top three, staff's recommendation was Eide Bailly CPAs & Business Advisors. Mayor Hoover asked if this was a firm Mrs. Wareham had worked with previously. Mrs. Wareham responded no.

Councilmember Klein moved to approve staff's recommendation of Eide Bailly. Councilmember Briley seconded the motion. The motion carried unanimously.

- B. Consider and take action on Appeal of City Manager's Denial of Vesting Determination for STR use at 301 E Burbank by Clay Carter for Meneer LLC (Anna Hudson, Director of Development Services)

Attorney Welsley Reeh, representing Mr. Clay Carter presented background for the appeal. She referenced the appeal letter indicating that staff recommended to her client complete the Vested Rights Determination Form. She added that said process was followed. Ms. Reeh also made mention that the City acknowledged that records indicate that the property held a permitted Short-Term Rental that was permitted prior to April 1, 2022 making it a legal nonconforming use, thus, a Conditional Use Permit (CUP) was not required.

Mrs. Hudson stated that the owner requested a Vested Right Determination for 301 E. Burbank. She added that vested rights were not in place for a STR Permit without going through the CUP Process as the size of the non-conforming structure increased during construction. Mrs. Hudson noted the history of the house stating that the new owner was provided a demolition permit as it became apparent that what was a renovation turned into a demolition calling for a new vesting requiring a new permit.

Ms. Reeh added that she did not deny a reconstruction as the property required new walls and stated it was not a demolition but only a remodel. She noted that Longhorn Construction was responsible for the remodel not a demolition as the STR Permit was not revoked and the need to encourage remodeling.

A lengthy discussion ensued with Ms. Reeh showing photos of the overall structure. Comments were made by the Council regarding the percentage of the remodel exceeding 25% and noted the electrical panel was moved. Mrs. Hudson added that a letter was sent stating that a CUP would be required.

Councilmember Klein moved to deny the appeal for 301 E. Burbank. Mayor Pro-Tem Kirchner seconded the motion. The motion carried unanimously.

- C. Consider and take action on Appeal of Director of Development Services denial of STR permit for 805 E. Austin by Bill Seitzler. (Anna Hudson, Director of Development Services)

Mr. Bill Seitzler stated the he allowed his permit to expire and asked for grace as he had many extenuating circumstances that he encountered. He introduced his wife and friend and noted the amount of time he spent in Dallas due to the passing of a parent. He mentioned he missed the 90-day grace period and the permit lapsed.

He noted they bought the property many years ago to enjoy Fredericksburg and he and the family travels back and forth to Austin. Mayor Hoover stated that he felt very strongly about his situation but noted as Mayor; he could not offer grace on this request.

Councilmember Briley stated that this was a hard one for him but would have to follow the Ordinance consistently.

Mayor Pro-Tem Kirchner moved to deny the appeal. Councilmember Klein seconded the motion. The motion carried unanimously.

## **9. CITY MANAGER'S REPORT**

City Manager Bailey reported on the following topics for future Special Meetings.

- 1) Fire/EMS Operations Overview and 5-Year Plan
- 2) Tax Increment Reinvestment Zone (TIRZ)
- 3) Strategic Plan
- 4) ART Board/Commission
- 5) CVB and EDC Budgets
- 6) Annexations

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

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

City Manager Bailey reviewed the list of future agenda items and noted perhaps early November to meet on the top two items being the Fire/EMS 5-year plan and the TIRZ items. He mentioned that he would follow-up with the Council on scheduling a Joint Meeting with the County Commissioners.

He noted the upcoming legal update from City Attorney McKamie and his annual evaluation on the next meeting.

Brady Closson provided preliminary numbers of attendees of 24,700 which was down from last year's number of 26,600 attendees. Mayor Hoover thanked the Pedernales Creative Arts Alliance (PCAA) and Andrea Schmidt and her staff for all the work they do at Marktplatz before, during, and after events. He noted all the work that was done for a successful Oktoberfest.

## **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. (Texas Government Code Section 551.072)

Mayor Hoover announced that the Regular Council Meeting would be recessed at 10:26 am to go into executive session.

**12. BUSINESS ITEM**

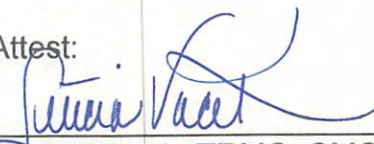
The City Council will reconvene into Regular Session upon the conclusion of the Executive Session, the City Council may take action on any item posted in Executive Session, as necessary.

Mayor Hoover announced that the Council would reconvene into their Regular Meeting at 10:55 am and stated that no action would be taken.

**13. ADJOURN**

Mayor Hoover adjourned the meeting at 10:55 am.

Attest:

  
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Leticia Vacek, TRMC, CMC, MMC  
City Secretary

  
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Jeryl Hoover, Mayor