City of Fredericksburg

City Council Regular Meeting Agenda
Tuesday, December 3, 2024 ~ 9:00 AM
New City Hall at East Campus
2818 E. U.S. Hwy. 290
Fredericksburg, Texas 78624

Council Member Present:
Jeryl Hoover, Mayor
Emily Kirchner, Mayor Pro-Tem
Bobby Watson, Councilmember
Tony Klein, Councilmember
Randy Briley, Councilmember

City Staff Present:
Clinton Bailey, City Manager
Garret Bonn, Assistant City Manager
Mick McKamie, City Attorney
Leticia Vacek, City Secretary
Brain Vorauer, Police Chief
Krista Wareham, Finance Director
Kris Kneese, Director of Public Works/Utilities
Aaron Anderegg, IT Director
Sean Doerre, Public Information Officer
Anna Hudson Director of Dvlpmt Services
Evan Williamson, Assistant Director of Public Works
Sibyl Decker, Staff Engineer
Tyler Debish, Short Term Rental Specialist
Leslie Ball Embrey, Asst. to the City Secretary

1. CALL TO ORDER

Mayor Jeryl Hoover called the meeting to order.

2. INVOCATION

Pastor Jonathan Mollenkopf of Zion Lutheran Church delivered the Invocation.

3. PLEDGES OF ALLEGIANCE

Mayor Jeryl Hoover led the Pledges.

4. CEREMONIAL MATTERS/EMPLOYEE RECOGNITION

Municipal Court Judge Shelley Becker introduced the newest member of the court, Mr.

Ron Sutton, Juvenile Case Manager. Mayor Hoover and the Council welcomed Mr. Sutton.

5. COUNCIL COMMENTS

Councilmember Briley reported on the "Birth of Jesus, the Greatest Story ever Told" to be held at Marktplatz on December 7th at 6:30 pm. He announced the Tannenbaum Gala set for December 13th which will raise funds for historic preservation and restoration. He noted that regular tickets are still available. He noted that the CVB is hosting a winter media mission and the Light the Night Christmas Parade will have 160 floats adding that CBS will Live Stream the first 30 minutes of the parade. He reminded everyone to shop "Local". Lastly, he added that the Citizens University held their final session on December 17th and their class will be recognized at the December 17th Council Meeting.

Councilmember Tony Klein mentioned the passing of resident, Deborah Habecker who spent quite a bit of time in the audience and was a huge part of the community.

Mayor Pro-Tem Kirchner reported that she would be reading and presenting a proclamation for the Ephraim Andrews Chapter, NSDAR 50th Anniversary Day on December 4th at 6 pm at Saint Barnabas Episcopal Church. She also mentioned the free Concert entitled the Singing Christmas Tree tomorrow.

Councilmember Watson reported on the Airport Advisory Board Meeting held yesterday and stated that the Hangar Occupancy was at 100% but 2 hangars would become vacant at the end of the year and one of the two is already leased. He also reported that TacAero Flight School Tailwheel Training has moved back to Fredericksburg and is providing training and maintenance. He added that Crosswind Aviation has 22 High School Students in their training program and has developed a High School Pilot Program. Regarding fuel sales, he reported estimated sales at 530,000 gallons. Lastly, he announced Santa's Fly-In on December 21st from 1pm – 3pm noting they had about 2,000 people attend last year's Fly-In.

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 Regular City Council Meeting of November 5, 2024. (Leticia Vacek, City Secretary/RMO)**

B. **Consider the approval of Ordinance 2024-41, amending Section 24.500, "Fees For Use of Marktplatz," of Article 24.000, "Recreational Fees," of Appendix A, "Fee Schedule," of the Code of Ordinances, City of Fredericksburg, Texas; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date (Andrea Schmidt, Director of Parks and Recreation)**

C. **Consider approval of the Re-Appointment of Cathy Lindig and the New Appointment of Cheryl Rowan (replacing Wanda Detmar) to the Gillespie**

County Health Board for a 3-year term beginning January 2025 and ending December 2027. (Kelli Olfers, Director of Gillespie County Health Division)

Mayor Pro-Tem Kirchner moved to approve the Consent Agenda consisting of Items 6A, 6B, and 6C. Councilmember Watson seconded the motion. The motion carried unanimously.

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

A. **Consider the approval of Ordinance 2024-42, amending Section 24.200, "Fees For Use of Lady Bird Johnson Park Pool and Town Pool," of Article 24.000, "Recreational Fees," of Appendix A, "Fee Schedule," of the Code of Ordinances, City of Fredericksburg, Texas; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date (Andrea Schmidt, Director of Parks and Recreation)**

Mrs. Schmidt presented the adoption of Ordinance 2024-42 noting that the reason for the fee increase is to cover the cost of the life guard pay and to cover the cost of rising pool costs. Mayor Pro-Tem Kirchner asked if the city required a deposit. Mrs. Schmidt answered yes noting the $100 deposit covers entrance and abiding by the rules. Lately, trash has been left on tables, and alcohol has been brought into the area.

Mayor Pro-Tem Kirchner moved to approve Ordinance 2024-42. Councilmember Briley seconded the motion. The motion carried unanimously.

B. **Conduct 2nd Public Hearing for requested voluntary Annexation of a 1.47 acre tract of land consisting of a portion of West Travis Street, all of Catholic Cemetery Road and a portion of West Austin Street in Gillespie County, Texas; being a portion of OUTLOT NOS. 585, 586 and 587 and a portion of Block III as shown on the map of Fredericksburg, Texas and Environs by the German Emigration Company in Gillespie County, Texas. This annexation request is for the Right of Way only. This annexation will not increase or extend the City's Extraterritorial Jurisdiction (ETJ). No action is required. (Anna Hudson, Director of Development Services)**

- **i Presentation by Staff**
- **ii Conduct Public Hearing**

Mrs. Hudson presented the voluntary annexation noting it was the same presentation as the first hearing. She added that said item would be on the next agenda for action.

Mayor Hoover declared the public hearing open and called upon the citizens registered to speak. Martin Simon addressed the Council stating that both of the commercial businesses near him cause increased traffic. He stated that he did a traffic count on November 22nd and there were 509 vehicles that went by. Mayor Hoover thanked him noting that natural growth is something that is difficult to deal with. He asked if there was an alternative adding that Council is always looking for ways not to disrupt property owners. Mr. Simon replied that the property was land locked and there is only one way in and one way out of the proposed tract for development.

Tim Dooley stated that he was one of Mr. Simon's neighbors and is also concerned with the growth. He asked when the city would improve this section of the roadway. Mr. Bonn stated that if the area is annexed; this would be placed on the city's annual pavement scheduled. Mayor Hoover asked of the improvements. Mr. Bonn replied curb, gutter, and possibly drainage. Mr. Dooley noted that it should be to city standards and added that if the development is phased-in then that places other properties to apply for annexation. He also asked who will be responsible for the roadway improvement, if annexed. Mr. Bonn stated that consideration would be between the developer and the city.

Councilmember Klein made mention of the required easement. Councilmembers chimed in asking staff of the possibility of other options to denoting the future hypothetical plans stated for the area. Dr. Hammersen ended the public hearing by stating that that W. Travis residential road was never built for that amount of traffic. Mayor Hoover thanked all for their comments and declared the public hearing closed adding that no action was required.

8. OTHER ACTION ITEMS AND UPDATES

A. **Consider contract approval for the Water and Sanitary Sewer Main Replacement Project to JM Pipeline, LLC for an amount not to exceed $600,000.00. (Kris Kneese, Director of Public Works and Utilities)**

Kris Kneese presented said item and recommended approval of the Sanitary Sewer Main Replacement Project in an amount not to exceed $600,000.00. Councilmember Watson moved to approve the Sanitary Sewer Main Replacement Project as recommended by staff. Councilmember Klein seconded the motion. The motion carried unanimously.

B. **Consider approval of the Water and Wastewater Masterplan Update Project to Freese and Nichols in an amount not to exceed $300,000.00. (Kris Kneese, Director of Public Works and Utilities)**

Evan Williamson, Assistant Director of Public Works & Utilities presented. Perform a system analysis and near and long term look with regards to new and proposed developments. Have an on-call modeling program with them to focus on our distribution infrastructure and is budgeted this year.

Councilmember Klein moved to approve the Water and Wastewater Masterplan Update Project to Freese and Nichols as recommended by staff. Mayor Pro-Tem Kirchner seconded the motion. The motion carried unanimously.

C. **Consider contract approval for the Annual Sidewalk Improvement Project to Myers Concrete Construction in an amount not to exceed $150,000.00. (Sibyl Deckard, Staff Engineer)**

Sibyl Decker presented an overview of the completed sidewalk projects to include Old Fair Park, the 200-300 Blocks of West Live Oak, the 200 Block of E. Main

Street Rehab, and the 1900 N. Adams Street Project. She added that for consideration and award this year are 8 potential Projects.

She noted that projects were selected by staff by continuing where we left off this past year. A brief discussion ensued relating to naming rights for folks that contribute to pay for the repairs and continued projects. Kris Kneese stated that next year staff would reconfigure the projects and identify projects individually where escrowed funds will be utilized. Mr. Kneese noted that no local bids were received.

Mayor Pro-Tem Kirchner requested that the sidewalk plan be updated to have developers pay for sidewalks rather than the city. She asked if there was any appetite for the FISD to help cover the costs along the High School for the students to use. Mr. Bonn stated that said discussion would be continued with FISD. Mayor Pro-Tem Kirchner also mentioned sidewalk access at Fort Martin Scott. Councilmember Watson asked since there is $4,800 left in the budget; what would the cost be for fixing the sidewalk in front of Security State Bank. Mr. Kneese stated that staff would look at that and get a quote.

City Manager Bailey recognized Sibyl Decker for achieving her Professional Engineer Designation.

Councilmember Briley moved to approve the Annual Sidewalk Improvement Project to Myers Concrete Construction in an amount not to exceed $150,000. Councilmember Watson seconded the motion. The motion carried unanimously.

D. **Discussion and Possible Action on a Tax Increment Reinvestment Zone (TIRZ#1 Downtown) from Travis James of TXP. (Anna Hudson, Director of Development Services)**

1. Presentation of Feasibility Study of TIRZ by Travis James of TXP
2. Consider approval of Resolution No 2024-15 calling a public hearing to consider the designation of Tax Increment Reinvestment Zone Number One

Mayor Hoover recognized Mr. Travis James who addressed the Council regarding the TIRZ Feasibility Study. He noted that Phase 1 has been completed and Phases 2 and Phase 3 is to determine if a TIRZ would be feasible. He added that a starting point of 50 percent is what he recommended. He added that this is not a new tax and showed the potential Downtown TIRZ area Map. He also referred to the Potential Downtown TIRZ City Revenue and TIRZ Projects List.

Mrs. Hudson referenced the Llano St and San Antonio St 4-way Stop and spoke of adding pedestrian safety lighting, etc. She also referenced a slide by the Pedestrian Bridge to add signage. Mr. James noted the table of percentage of increment directed by the TIRZ over 25 years. He noted that after 5 years $794,557 would be collected. The cost of sidewalks was briefly mentioned and Mrs. Hudson replied that she did not have a hard number as the cost of sidewalks has increased. Mr. James noted the deadlines upcoming to lock in the 2024 base value. Mayor Hoover thanked Travis James and recognized Charlie

Kiehne and Tim Dooley who registered to speak on said item.

Mr. Charlie Kiehne refenced both Table 5 and Table 8 noting that there is never enough restrooms which can be addressed within the budget process as sidewalks, the 4-way stop presented among other projects listed. He also pointed out the lengthy timeline to get the projects completed. He asked how balancing of the city's budget would be affected. He mentioned that the city would be taking money away from property tax and possibly helping developers noting he was all for helping the local folks. Lastly, he reiterated that needed items be addressed through the budget process.

Tim Dooley referenced several pages of the TIRZ presentation and asked for clarification of the commercial properties zoned commercial or those used for commercial. Regarding zoning, he added that there are several properties on W. Main Street that may or may not be used for commercial and asked how they are zoned. He also asked of the total 363 parcel count and if that included government buildings. He referenced page 9 and spoke of a possible Hotel on Ufer that the P&Z members do not have knowledge of. He stated that the presentation was simply projections.

Councilmembers stated their preference in proceeding with a Public Hearing on the TIRZ Project. Mayor Hoover stated that he was concerned that there is no county support for said item. Mayor Hoover also noted that that this may not be the right funding for projects mentioned on Llano, etc.

Mayor Pro-Tem Kirchner mentioned that unless we have a dedicated fund to do some of these projects; they will not be thought of and happen. Councilmember Watson agreed and noted that Main Street is our economic driver. Lastly, he added that the TIRZ Map can be expanded or if we do not like the TIRZ, we can do away with it.

Mayor Pro-Tem Kirchner moved to approve Resolution 2024-15 calling for a Public Hearing to be held on December 17, 2024 to consider the designation of a Tax Increment Reinvestment Zone Number 1. Councilmember Watson seconded the motion. The motion carried unanimously.

At this time, Mayor addressed Item 8F.

E. **Consider and take action on appeal of denial of STR permit for 405 N. Orange Street by Kristi Galichet. (Anna Hudson, Director of Development Services)**

Mrs. Hudson presented the appeal by Kristi Galichet noting that the permit expired in October and the permit lapsed and they lost their non-conforming status.

Ms. Galichet addressed the Council noting she had been through very significant health trauma and simply missed the date adding that they did not have any violations. Councilmember Briley stated that he was sorry for the health trauma incurred and asked if HOT had been paid. Mrs. Hudson replied that HOT had been paid to date.

Councilmember Klein moved to deny the appeal for the STR at 405 N. Orange. Mayor Pro-Tem Kirchner seconded the motion. The motion carried as follows:

AYE: Councilmembers Klein, Watson, Mayor Pro-Tem Kirchner, and Mayor Hoover
NAY: Councilmember Briley

F. **Consider directing the City Manager and City Attorney to take any and all actions necessary for the Immediate Termination on December 5, 2024, of the 380 Economic Development Agreement and the Ground Lease with the Former Texas Rangers Foundation due to Default of the Agreement and the Lease; and to take such other actions as may be necessary to protect and preserve the property and interests of the City. (Mick McKamie, City Attorney)**

Mayor Hoover recognized Mr. Norm Nevins and Mrs. Lee White. Mr. Nevins acknowledged stated that they have not built the Heritage Center that they had planned to build and the Council is well within their right to terminate the lease. He added they made changes within their organization and leadership. He stated that he is requesting on behalf of the TX Former Rangers Foundation to be given time of 6 months to present a plan to Council and that the foundation believes that they can come up with a plan and if not, they have failed again.

Mr. Nevins also indicated that the foundation would like time to recreate the pavilion into a museum to get started that will eventually be an educational place and are considering all the local Rangers history. He requested an agreement with the city for free lease through June 30, 2025 to present their plan. Mayor Hoover asked if he was elected as new Chair of the Foundation. Mr. Nevins replied yes, as of yesterday.

Councilmember Klein asked about the leadership change and Mr. Nevins named several new leaders that will be very involved. Councilmember Briley asked about a press release announcing the leadership change and neutralizing the previous announcement sent out. Mr. Nevins stated they had not contemplated sending out a new release on the leadership change.

At this time, Mrs. Lee White addressed the Council announcing their proposed future outdoor history events at the Pavilion. She also invited everyone to the Ranger Christmas event on December 7th at 10 am.

Mr. Nevins added that they would do a press release if that was the wish of the Council but had just not planned on it. Mayor Hoover stated that he was not making that a condition but stated that there has been much damage to the City inflicted by their previous leaders, and added that it would be useful. Mr. Nevins apologized for that. It was noted that the previous President of the Foundation is now the Treasurer of the Association.

Councilmember Briley noted that his vote would not be contingent upon a new press release. Mr. Nevins added that his committee would meet and would have something next week and appreciated the Council's consideration and understood their frustration.

Mayor Hoover noted that this item would be discussed in executive session. Upon the Council reconvening from executive session and into open session, Item 8F was addressed as follows.

Councilmember Watson moved to direct the City Manager and City Attorney to take any and all actions necessary for the Immediate Termination on December 5, 2024 of the 380 Economic Development Agreement and the Ground Lease with the Former Texas Rangers Foundation due to Default of the Agreement and the Lease; and to take such other actions as may be necessary to protect and preserve the property and interests of the City. Councilmember Klein seconded the motion. The motion carried unanimously.

Councilmember Watson moved to direct the City Manager and City Attorney to develop a 60-day extension on the lease to February 5, 2025, on the lease subject to including the Former Texas Rangers Association. Councilmember Klein seconded the motion. The motion carried unanimously.

9. CITY MANAGER'S REPORT

City Manager Bailey reported that the deadline to apply for the 2025 Citizen University Class is this Friday. Thus far, 20 applications have been received. He added that at the next City Council Meeting; the 2024 Citizen University Class will be recognized and will close the 2024 program with a luncheon.

10. ITEMS FOR FUTURE AGENDA

A. Review Future Agenda Items/Upcoming Meetings

City Manager Bailey reviewed the future agenda items and upcoming meetings with the Mayor and Council.

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections - (551.071 and 551.074):

A. Legal Matters Update - Texas Government Code Section 551.071 (Lucy Pearson, Prosecutor)

B. Consultation with City Attorney - Former Texas Rangers Foundation 380 Agreement and Ground Lease (Section 551.071)

C. Annual Review and Evaluation of Municipal Court Judge Shelley Becker - Texas Government Code Section 551.074 (Mayor Jeryl Hoover)

Mayor Hoover announced that the Council would recess into Executive Session at 11:31 am.

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 City Council would reconvene into the Regular Meeting at 12:20 pm. Refer to Item 8F for action taken by the Council.

13. ADJOURN

There being no further business to discuss, Mayor Hoover adjourned the meeting at 12:23 pm.

for

Jeryl Hoover, Mayor

Attest:

Leticia Vacek, TRMC, CMC, MMC
City Secretary