



**CITY OF FREDERICKSBURG**  
**MINUTES OF CITY COUNCIL REGULAR MEETING**  
**MAY 6, 2019**

**Members Present:**

Mayor Linda Langerhans  
Councilmember Charlie Kiehne  
Councilmember Gary Neffendorf  
Councilmember Jerry Luckenbach  
Councilmember Tom Musselman

**Members Absent:**

None

**City Staff Present:**

Kent Myers, City Manager  
Clinton Bailey, Assistant City Manager/Director Public Works and Utilities  
Daniel Jones, City Attorney  
Steve Wetz, Police Chief  
Laura Hollenbeak, Finance Department Director  
David Kellem, Senior Accountant  
Brian Jordan, Development Services Director  
Andrea Schmidt, Park Department Director  
Russell Immel, Director of Information Technology  
Kris Kneese, Assistant Director Public Works and Utilities  
Garret Bonn, Assistant City Engineer  
Anna Hudson, Historic Preservation Officer  
Shelley Goodwin, City Secretary

**1. Pledge of Allegiance**

Mayor Langerhans led the Pledge of Allegiance.

**2. Call to Order**

With a quorum of the City Council present, Mayor Langerhans called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, April 15, 2019 in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

**3. Employee Recognitions - Proclamations**

Kent Myers, City Manager, stated he received the following recognitions:

Thank you from Austin Dryer, City of Fredericksburg Paramedic, for Police Officer Bosse and his immediately response and action that assisted with saving the life of a resident.

Carolyn Smith sent an email thanking Kevin Scherer for his assistance with transporting her to the hospital.

Ann and Bill Armentrout sent an email thanking Chris Meade with Lady Bird Golf Course for all the improvements that have been made to the course.

Brian Phillips sent an email thanking Jennifer Krupa, Special Events Coordinator, for her assistance with their event.

Roy Arbrick sent an email thanking the Sanitation Department with their assistance with moving limbs and hauling them off for his neighbor who is unable to.

Jerry McCorkle sent an email thanking David Feller regarding his assistance with moving and hauling off limbs

**A. Lions Club 90<sup>th</sup> Anniversary**

Mayor Langerhans read the proclamation and presented it to the Lions Club.

**B. Historic Preservation Month**

Mayor Langerhans read the proclamation and presented it to the Historic Preservation Committee.

**4. PUBLIC COMMENTS**

Don Blount read the wording from a petition that his neighbors signed regarding the pickup and drop off locations of wine tours on Elk Street. He also reviewed the pictures that he provided in his packet

Diana Blount expressed her concern with the wine tour bus pick up and drop off.

**5. CONSENT**

**A. Consider approval of the April 15, 2019 City Council Regular Meeting Minutes.**

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf to approve Consent Agenda 5. A. with corrections. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

**6. ORDINANCES**

**A. Consider approval of Ordinance 2019-13 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish a Mixed Use Infill Zoning District in the City; and providing for an effective date (Z-1906) (MU-1; Mixed Use – Infill).**

Brian Jordan, Director of Development Services, reviewed the proposed Ordinance and stated the public hearing was held at the April 15, 2019 City Council Regular Meeting. He stated at the same meeting the City Council proposed to amend the Ordinance and held two votes which both resulted in a 2/2 split vote. He recommended incorporating a special use permit for any request over 3 stories, which means that the request will need to go before the Planning and Zoning Commission and the City Council for approval.

The City Council discussed the proposed Zoning, Overlay Zoning, and Zoning Uses.

Councilmember Musselman stated he believes that extending the current three-story height limit to four stories would compromise the character of Fredericksburg, irrevocably changing the sightline and distinctive look of our historic small town to one of an urban city center.

**Motion:** A motion was made by Councilmember Musselman, seconded by Mayor Langerhans to approve Ordinance 2019-13 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish a Mixed Use Infill Zoning District in the City; and providing for an effective date and removing item #10.

Aye: Mayor Langerhans, Councilmember Musselman, and Councilmember Luckenbach

Nay: Councilmember Neffendorf and Councilmember Kiehne  
The motion carried.

**B. Consider approval of Ordinance 2019-16 amending Article XV. Outdoor Lighting, of Chapter 5 - Buildings and Building Regulations - of the Code of Ordinances, clarifying definitions and establishing additional outdoor lighting requirements to meet minimum standards set forth in the International Dark Sky Association Community Guidelines.**

Kent Myers, City Manager, stated the past six months, Daniel Jones, Brian Jordan and himself have been working on proposed changes to the City's lighting regulations that will comply with the Dark Sky Association. He stated the last two months they enlisted a lightening consultant to help clarify the "lumens per net acre".

Daniel Jones, City Attorney, reviewed the lighting and requirements for making businesses to comply within 10 years. He also explained that some of the changes are updates regarding terminology and bring up to code.

Andrew Gauld, Lighting Consultant, reviewed luminous elements and how to measure.

**Motion:** A motion was made by Councilmember Kiehne, seconded by Councilmember Luckenbach to approve Ordinance 2019-16 amending Article XV. Outdoor Lighting, of Chapter 5 - Buildings and Building Regulations - of the Code of Ordinances, clarifying definitions and establishing additional outdoor lighting requirements to meet minimum standards set forth in the International Dark Sky Association Community Guidelines. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

**7. RESOLUTIONS – OTHER ACTION ITEMS - DISCUSSION ITEMS**

**A. Receive and discuss the Annual Audit for the Fiscal Year ending September 30, 2018.**

Laura Hollenbeak, Finance Director, stated this year the Annual Audit was conducted by the accounting firm of ABIP, P.C.

Jeremy Ariboto, Audit Presenter with ABIP, reviewed the Independent Audit Report. He stated the City of Fredericksburg has a very healthy fund balance. He recommended the City Council could continue to grow the fund balance or could put more funds back into Community Projects.

Kent Myers, City Manager, stated at the May 20<sup>th</sup> City Council Meeting the City Council will need to approve the Investment Policy, which will be recommended with no changes.

Laura Hollenbeck, Finance Director, introduce David Kellem, Assistant Finance Director.

**Motion:** A motion was made by Councilmember Neffendorf seconded by Councilmember Musselman, to accept the Annual Audit for the Fiscal Year ending September 30, 2018. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

**B. Consider the approval of the appointment of Bradley Bertrand to the Historic Review Board to fill a vacancy.**

Anna Hudson, Historic Preservation Officer, stated the May 4<sup>th</sup> Election of Bobby Watson has created a vacancy of the Historic Review Board. She recommended the appointment of Brad Bertrand, a local architect with a training in historic preservation.

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Kiehne, to approve the appointment of Bradley Bertrand to the Historic Review Board to fill the vacancy. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

**C. Consider the approval of a License Agreement template for the Parks Department to authorize use of City park property for recreational programs and services provided by third party vendors.**

Andrea Schmidt, Parks Department Director, stated over the last year staff has been approached by outside vendors to host programs in the City Parks. She stated rather than bring an agreement to the City Council each time, a generic agreement has been devolved.

Councilmember Musselman stated due to the rules at Fredericksburg ISD he recommended eliminating the Elementary School Park.

**Motion:** A motion was made by Councilmember Kiehne seconded by Councilmember Musselman, to approve a License Agreement template for the Parks Department to authorize use of City park property for recreational programs and services provided by third party vendors. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

**D. Consider approval of extending City's current electric power purchase agreement with AEP Energy.**

This Agenda Item was discussed after the Executive Session Item 11. C.

**E. Consider the approval of awarding the Friendship Ln. Phase III Mill and Overlay Project construction contract including alternate A1 (10% Contingency) in the total amount of \$494,717.58 to Allen Keller Company.**

Garrett Bonn, Assistant City Engineer, reviewed the Friendship Lane Phase III Mill and Overlay Project and the proposed timeframe. He stated staff recommends awarding the contract to the low bidder, Allen Keller Company in the amount of \$494,717.58.

The City Council discussed the project, the bid and the timeframe.

**Motion:** A motion was made by Councilmember Luckenbach seconded by Councilmember Musselman, to approve awarding the Friendship Ln. Phase III Mill and Overlay Project construction contract including alternate A1 (10% Contingency) in the total amount of

\$494,717.58 to Allen Keller Company. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

**F. Receive a presentation and update on the City Water Supply.**

Clinton Bailey, Public Works Director and Assistant City Manager, reviewed his PowerPoint regarding Water Supply Update. He also reviewed the rainfall, current water well levels, trends, history, and watering restriction.

Paul Tybor, Hill Country Underground Water Conservation District, reviewed the new water well permits and the short- and long-term weather forecast.

The City Council discussed the water variance waiver for new grass, possibility of a new water well and a cap on water well drilling.

Paul Tybor reviewed the county wide wells and the effect the wells have on the acquirer.

**8. CITY MANAGER'S REPORT**

**A. Legislative Update**

Kent Myers, City Manager, provided an update on six Legislative Bills.

**B. Sports Park Election**

Kent Myers, City Manager, stated the May 4<sup>th</sup> City Elections had less than a 15% voter turnout. He also stated the Bond for the Sports Park was defeated by 35 votes. The City Council will be holding a discussion on the Sports Park at their May 24<sup>th</sup> Council Retreat.

**9. ITEMS FOR FUTURE AGENDA**

Kent Myers, City Manager, reviewed the Future Agenda.

**10. COUNCIL COMMENTS**

Councilmember Luckenbach thanked the City Council, City Staff, and Bobby Watson for all their work and services they provide the City and residents.

Councilmember Neffendorf reported that the Economic Development Committee passed Resolution opposing the Kinder Morgan Pipeline

Councilmember Musselman thanked Councilmember Luckenbach for his service and all he has done for the citizens and community. He also welcomed Bobby Watson back on the City Council. He also stated he feels the City does need to review the wine tour parking on the City streets.

**11. EXECUTIVE SESSION**

**The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code**

- A. Section 551.072 – Consider and discuss the purchase, exchange, lease or value of real property owned by the City located in the vicinity of Friendship Lane,**
- B. Section 551.072 - Consider and discuss the purchase, exchange, lease, or value of real property owned by the City, located in the vicinity of Old San Antonio Road, and**

**C. Section 551.086 - Consider and discuss future power purchases as a competitive matter related to the City's public power utility.**

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Kiehne, to go out of Regular Session into Executive Session at 8:25 p.m. The motion carried unanimously.

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Executive Session into Regular Session at 8:53 p.m. The motion carried unanimously.

The City Council then took up Agenda Item 7. D.

**D. Consider approval of extending City's current electric power purchase agreement with AEP Energy.**

**Motion:** A motion was made by Councilmember Kiehne, seconded by Councilmember Luckenbach to approve the extension of the power supply contract with AEP Energy for five years (2028). The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

**Motion:** A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to go out of Regular Session into Executive Session at 9:05 p.m. The motion carried unanimously.

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Neffendorf, to go out of Executive Session into Regular Session at 9:34 p.m. The motion carried unanimously.

**12. BUSINESS ITEM**

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

No additional actions were taken by the City Council.

**13. ADJOURN**

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Kiehne, to adjourn the Monday, May 6, 2019 City Council Regular Meeting at 9:34 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.



Linda Langerhans  
Mayor

ATTEST

  
Shelley Goodwin, TRMC  
City Secretary