



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING JUNE 17, 2019

Members Present:

Mayor Linda Langerhans
Councilmember Charlie Kiehne
Councilmember Gary Neffendorf
Councilmember Tom Musselman
Councilmember Bobby Watson

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
Lynn Bizzell, Fire Chief
Brian Jordan, Development Services Director
Andrea Schmidt, Parks Department Director
Russell Immel, Information Technology Director
Lea Feuge, Public Information Officer
Anna Hudson, Historic Preservation Officer
Kris Kneese, Assistant Director Public Works and Utilities
Garret Bonn, Assistant City Engineer
Ray Ortegon, Code Enforcer
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, June 17, 2019, in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

3. Employee Recognitions

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

Down trees and services restored-Teresa Garza-electric department assisted quickly by Electric Department Employees.

4. PUBLIC COMMENTS

Pederick spoke regarding the water fluoridation science.

Sonia Rivera spoke regarding City Council Rules and Procedures. She encouraged the City Council to change the number of reading for adoptions of Ordinances from one to two.

5. CONSENT

A. Consider approval of the May 24, 2019 City Council Special Meeting Minutes.

B. Consider approval of the June 3, 2019 City Council Regular Meeting Minutes.

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

6. ORDINANCES AND RESOLUTIONS

A. Zoning case #Z-1910 Expansion of local historic district with "HO" historic zoning overlay

1. Presentation

Councilmember Watson filed affidavit of conflict of interest and left the dais.

Anna Hudson, Historic Preservation Officer, provided a PowerPoint update on the history of the Historic District. She reviewed the Certificate of Appropriateness and staff level approval for building improvements.

Kim Rabin spoke in opposition to the Historic District expansion and how she is concerned about making changes to her home.

Bill Heath spoke in opposition to the Historic District expansion and feels the City Council should focus their attention on other issues.

Paul McCall spoke in opposition to the Historic District expansion.

Mike Johnson spoke in support of the Historic District expansion and how it is a generational gift.

Patricia Smith spoke in opposition to the Historic District expansion and how it should be up to the land owner.

Mary Lou Abbott spoke in support of the Historic District expansion and how it honors our diversity.

Dora Lee Sorrell spoke in opposition of the Historic District expansion and how the expansion is taking away property rights.

Mathew Badders, Attorney with Drought, Drought and Bobbitt of San Antonio, spoke in opposition of the Historic District expansion. He stated he represented the City of Boerne in a litigation verses Saint Peter Prince of the Apostle's Church, which went to the Supreme Court of the United States and lost. He believes the change to Section 211.0165 of the Local Government Code pertains to local historic landmarks and feels the owner of the property must consent with the designation.

Mayor Langerhans asked if there was anything else.

Daniel Jones, City Attorney, stated the City is taking the position that the change to Local Government Code Section 211.0615 is regarding landmark designation and not to districts.

Anna Hudson, Historic Preservation Officer, stated she has contacted other municipalities regarding Section 211.0165 and they too believe that this was a landmark bill and not a district bill.

Kent Myers, City Manager, stated all the communications he has received from Texas Municipal League regarding the legislative session had indicated that this bill specifically relates to landmark buildings and does not apply to Historic Districts.

Mayor Langerhans reviewed the history and culture of the City. She also reviewed the history of the Community Visioning.

2. Consider the approval of Ordinance 2019-19 amending the Zoning Ordinance of the City and adding a zoning overlay to certain properties near or adjacent to the City's existing Historic Overlay District, situated in the City; designating said properties as HO: Historic Overlay.

Kent Myers, City Manager, stated the amended Ordinance 2019-19 that is before the City Council tonight excludes the Fredericksburg Middle School and the Hoffman House properties.

Anna Hudson, Historic Preservation Officer, read the clause in Ordinance 2019-19 regarding economic hardship.

Councilmember Musselman spoke regarding the district survey and recommended doing the Historic District expansion in phases instead of all at once.

Daniel Jones, City Attorney, reviewed the expansion process that was used and doing in phases would cause the process to start over.

Motion: A motion was made by Councilmember Neffendorf and seconded by Councilmember Kiehne, to approve Ordinance 2019-19 amending the Zoning Ordinance of the City and adding a zoning overlay to certain properties near or adjacent to the City's existing Historic Overlay District, situated in the City; designating said properties as HO: Historic Overlay. The City Council voted three (3) for, one (1) opposed (Councilmember Musselman), and one (1) abstained (Councilmember Watson). The motion carried.

B. Consider the approval of Resolution 2019-10R authorizing the sale of City owned real property, by notice and sealed bid per Chapter 272 of the Local Government Code (725 Country Creek Lane).

Kent Myers, City Manager, stated last year the City received a property donation from the Wallner family. He stated the property at 725 Country Creek is to benefit Animal Services. He reviewed the market value of the property and he recommended taking bids for the estate.

Daniel Jones, City Attorney, reviewed the donation and Resolution 2019-10R. He stated an appraisal will be conducted before the property is sold.

Motion: A motion was made by Councilmember Kiehne and seconded by Councilmember Musselman, to approve Resolution 2019-10R authorizing the sale of City owned real property, by

notice and sealed bid per Chapter 272 of the Local Government Code and get an appraisal (725 Country Creek Lane). The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

7. OTHER ACTION ITEMS AND UPDATES

A. Zoning case #Z-1909 Conditional Use Permit for 115 E. Austin Street.

1. Presentation

Brian Jordan, Development Services Director, introduced Casey Phillips with Scully Enterprises.

Cass Phillips, Scully Enterprises, reviewed the project and request for four additional short term rentals units in the rear of 115 E. Austin Street. He stated the project is for two units on the first floor and two units on the second floor, which the first floor units will require a Conditional Use Permit.

2. Public hearing to receive comments for or against

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Watson to go out of Regular Session into a Public Hearing at 6:10 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Mayor Langerhans asked if anyone wished to speak, no one did.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson to go out of Public Hearing into Regular Session at 6:11 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Brian Jordan, Development Service Director, reviewed the project. He stated the Section 3.510 of the Zoning Ordinance requires a Conditional Use Permit for a Bed & Breakfast unit on the first floor. He reviewed the parking and the surrounding land uses.

3. Consider the approval of Conditional Use Permit for Short Term Rentals on the First Floor.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf to approve zoning case #Z-1909 Conditional Use Permit for 115 E. Austin Street. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider the approval of the Mid-Year Budget FY2019 Amendments.

Kent Myers, City Manager, reviewed the Mid-Year Budget FY2019 Amendments.

The City Council discussed the City's contribution to the Golf Course, the Golf Course incentive, Hotel Motel Occupancy Fund Distribution, and Animal Control Donation Expenditures.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman to approve the Mid-Year Budget FY2019 Amendments. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

C. Consider the Professional Service Agreement for the Retail Coach in the amount of \$20,000 with the City paying \$5,000.

Kent Myers, City Manager, reviewed the Agreement for Retail Coach and the discussion the City Council held at their May 24th City Council Workshop.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kiehne to approve the Professional Service Agreement for the Retail Coach in the amount of \$20,000 with the City paying \$5,000. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

D. Consider City Council Budget Priorities for FY2020.

Kent Myers, City Manager, reviewed the list of City Departments Major Priorities.

Mayor Langerhans discussed the pumper truck, ambulance, restroom improvements at Lady Bird Johnson Park, and the restrooms at Sports Park/Oakcrest Park.

Clinton Bailey, Assistant City Manager/Director Public Works and Utilities, reviewed the process the City is using to work with local Sport Associations. He also reviewed the different options for utilities in the Oakcrest Park.

Councilmember Musselman discussed the impact of the 3.5% Tax Cap the State Legislature passed.

Kent Myers, City Manager, stated the effective date for the Property Tax Cap will not be effective for the FY2020 Budget.

Councilmember Watson discussed the need of additional Firefighters and vehicles. He also discussed the Marktplatz Improvements

Lynn Bizzell, Fire Chief, stated the Fire Department is currently working on a 5 year staffing plan.

Kent Myers, City Manager, stated all departments will be putting together a 5 year plan for their needs.

Councilmember Watson and Councilmember Musselman discussed the Sidewalk Fund and Sidewalk Plan.

Mayor Langerhans stated she feels the major roadway improvements should include Cherry Street.

Kent Myers, City Manager, stated City Staff is recommending Cherry Street be done by General Obligation Bond.

Councilmember Neffendorf discussed making the Sports Park a priority and putting \$500,000 towards that project and to talk to the County Commissioners regarding their commitment of \$2.5 million. He also stated he is opposed to funding for Sunrise Street.

Councilmember Kiehne discussed the process for awarding funding of improvements to historic properties.

Brian Jordan, Director of Development Services, stated the criteria for funding is currently being developed.

The City Council agreed to add funding to improvements to historic properties.

E. Consider the approval of revision to the City Council Rules of Procedures.

Kent Myers, City Manager, reviewed the changes to the City Council Rules of Procedures.

The City Council discussed changing Facebook to Social Media. They also discussed changing the readings of Ordinances to two reading and allow City Council to waive the second readings and adopt on the first reading.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Watson, to approve the revisions to the City Council Rules of Procedures with amendments. Change Facebook to Social Media and change Ordinance readings to two, but allow City Council to waive second reading and adopt on first reading. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

F. Discussion and possible action regarding amending the City's Water Conservation Measures Ordinance related to adjustment of outside watering times.

Clinton Bailey, Assistant City Manager/Director Public Works and Utilities, reviewed the history of the watering times and water evaporation verses fungus. He also reviewed the reasons the conservation measures were created and explained the reason for recommending not changing the watering times.

The City Council agreed by consensus to not change the watering times.

Clinton Bailey, Assistant City Manager/Director Public Works and Utilities, provided an updated status on the meter replacement. He also stated these new meters will notify residents of their water usage and send a friendly reminder regarding watering violations.

8. CITY MANAGER'S REPORT

A. Legislative Update

Kent Myers, City Manager, reviewed the Final Legislative Update provided by TML. He reviewed 7 bills; Senate Bill 2, House Bill 347, House Bill 352, House Bill 4347, Senate Bill 2489, and House Bill 2496.

9. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the Future Agenda items.

10. COUNCIL COMMENTS

Councilmember Watson reported on fuel sales and the T Hangers at the Airport.

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 Old San Antonio Road, and

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 Country Creek Lane.

Mayor Langerhans stated Agenda Item 11. B. was previously approved by the City Council.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Watson, to go out of Regular Session into Executive Session at 8:49 p.m. The motion carried unanimously.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Watson, to go out of Executive Session into Regular Session at 9:31 p.m. The motion carried unanimously.

The City Council then discussed the proposed to purchase right-of-way from the City with two representatives from Kinder Morgan, Greg Neal and Alan Fore. They responded to several questions from Councilmembers regarding the purchase of an easement from the City. Mr. Fore confirmed that Kinder Morgan would not use eminent domain action against the City in an effort to acquire this easement.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to go out of Regular Session into Executive Session at 9:39 p.m. The motion carried unanimously.

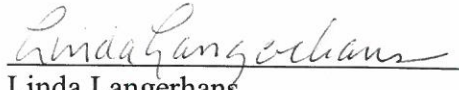
Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to go out of Executive Session into Regular Session at 10:45 p.m. The motion carried unanimously.

12. BUSINESS ITEM

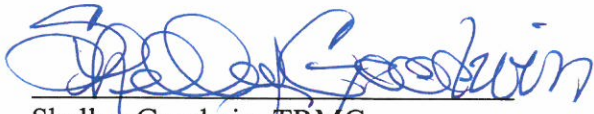
Motion: A motion was made by Councilmember Watson, seconded by Councilmember Neffendorf, to instruct staff to negotiate with Kinder Morgan representatives on an agreement to purchase the easement from the City and that this agreement would be considered by the City Council at the July 1, 2019 Regular Meeting. The motion carried unanimously.

13. ADJOURN

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Watson, to adjourn the Monday, June 17, 2019 City Council Regular Meeting at 10:46p.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

