CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING OCTOBER 7, 2019

Members Present:
Mayor Linda Langerhans
Mayor Pro Tem Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman

Members Absent:
Councilmember Bobby Watson

City Staff Present:
Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director Public Works and Utilities
Daniel Jones, City Attorney
Brian Jordan, Development Services Director
Lea Feuge, Public Information Officer
Steve Wetz, Police Chief
Lynn Bizzell, Fire Chief
Russell Immel, Information Technology Director
Kris Kneese, Assistant Director of Public Works and Utilities
Garret Bonn, Assistant Engineer
Anna Hudson, Historic Preservation Officer
Dave Wisniewski, Fire Marshall
David Millegan, Building Official
Shelley Goodwin, City Secretary

1. PLEDGE OF ALLEGIANCE
Mayor Langerhans led the Pledge.

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, October 7, 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 thank yous:

- Fire and EMS for their assistance at Cross Country Meet held at LBJ Park
- Engineering Department for their assistance with a project
- Fire, EMS, and the Police Department for their assistance at an incident

4. PUBLIC COMMENTS

No one wished to speak.

5. **CONSENT**
   A. **Consider approval of the September 11, 2019, City Council Special Meeting Minutes.**

   B. **Consider approval of the September 16, 2019, City Council Regular Meeting Minutes.**

   C. **Consider approval of the September 19, 2019, City Council Special Meeting Minutes.**

   D. **Consider the corrections to the May 7, 2018, City Council Regular Meeting Minutes.**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to approve Consent Agenda 5. A.-D. with corrections. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

6. **PUBLIC HEARING**
   A. **Annexation of approximately 117.1 acres of land situated in Gillespie County, Texas along the south side of W. Live Oak and extending from east of Post Oak Road to west of Smokehouse Road.**
      i. **Hold public hearing to receive comments for or against (2nd public hearing October 21, 2019)**
      ii. **Discussion on the proposed annexation**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go into the Public Hearing at 6:09 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Brian Jordan, Development Services Director, reviewed the location of the proposed annexation. He also reviewed the history of the process used for annexation, exemption of properties and the Resolution that was adopted on May 14, 2019. He also stated the Planning and Zoning Commission is considering the zoning request for this area at their meeting on October 8, 2019.

Bobby Stewart stated he is the owner of tract F and will be requesting an R3 Zoning change.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go out of the Public Hearing and back into the regular session at 6:21 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Brian Jordan, Development Services Director, reviewed the differences between R2 Zoning and R3 Zoning. He also reviewed the definition of spot zoning.

The City Council discussed R2 and R3 Zoning and spot zoning.

Kent Myers, City Manager, stated City staff has met with Mr. Stewart several times over the years about the development of affordable housing on tract F.

7. **ORDINANCES AND RESOLUTION**
   A. **Consider the approval of Ordinance 2019-27 amending Chapter 5 – Buildings and Building Regulations, and amending Chapter 7 – Fire Protection, of the Code of Ordinances, to adopt updated versions of the International Codes related to**

building construction, property maintenance, and fire protection within the City, and providing for effective date (second reading).

David Millegan, Building Official, provided an update on the public meeting on October 24th at City Hall in the Fire Training Room at 11:30 a.m. He reviewed the benefits for the City and residents for approving the proposed Ordinance.

The City Council discussed the ISO Rating on new construction. They also discussed the public meeting and the effective date.

Kent Myers, City Manager, discussed the process that will be used for plans that are currently being reviewed.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to adopt Ordinance 2019-27 amending Chapter 5 – Buildings and Building Regulations, and amending Chapter 7 – Fire Protection, of the Code of Ordinances, to adopt 2015 International Building Code as published by the International Code Council and including Appendices A, C, D, and F, the 2015 International Fire Code including Appendices B, C, D, H, and I, the 2015 International Residential Code including Appendices E,G, and J, but excluding Parts VI, VII, and VIII, the 2015 International Plumbing Code including Appendix C, 2015 International Fuel Gas Code with Appendices A, B, C, and D, the 2015 International Energy Conservation Code, the 2014 International Mechanical Code, the 2015 International Property Maintenance Code, the 2014 National Electric Code with local amendments and providing for an effective date . The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

B. Consider the approval of Ordinance 2019-30 amending Article 16.000 – Water and Sewer Rates and Fees, of Appendix A – Fee Schedule, of the Code of Ordinances, to update and amend the fees for Water and Sewer Utility Service provided by the City (first of two readings; City Council may waive second reading).

Kris Kneese, Assistant Director of Public Works and Utilities, reviewed the PowerPoint presentation on the history of the rate increase and the phases. He stated this is the second phase of the rate increase which was part of the Budget revenue process.

Councilmember Neffendorf discussed the possibilities of refinancing bond allowing for a lower rate increase.

Kent Myers, City Manager, stated the lower rate increase would be reviewed before the third rate increase phase.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman , to approve Ordinance 2019-30 amending Article 16.000 – Water and Sewer Rates and Fees, of Appendix A – Fee Schedule, of the Code of Ordinances, to update and amend the fees for Water and Sewer Utility Service provided by the City on first of two readings. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a contract with HHM & Associates for Professional Services to update the Historic District Design Guidelines.

Anna Hudson, Historic Preservation Officer, reviewed the project and the need for updating the Historic District Design Guidelines. She also reviewed the process used Request for

Qualifications and the selection committee recommend approval of the proposed contract with HHM & Associates at a cost of $35,000.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to approve a contract in the amount of $35,000 to HHM & Associates for Professional Services to update the Historic District Design Guidelines. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

B. Receive and award a construction contract bid for the Cross Mountain, North and Knauth 1.0 Million Gallon Water Ground Storage Tanks.

Kris Kneese, Assistant Director of Public Works and Utilities, reviewed the process used for the bids for the Cross Mountain, North and Knauth 1.0 Million Gallon Water Ground Storage Tanks. He reviewed the timeline. He also stated staff recommends awarding the contract in the amount of $4,920,800 to Preload, LLC for the Cross Mountain, North and Knauth 1.0 Million Gallon Water Ground Storage Tanks project.

Motion: A motion was made by Councilmember Neffendorf, seconded by Musselman, to award a construction contract in the amount of $4,920,800 to Preload, LLC for Cross Mountain, North and Knauth 1.0 Million Gallon Water Ground Storage Tanks project. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

C. Receive a presentation and consider the renewal of the construction contract to Hazelett Concrete Contractors for the City's Annual Sidewalk Improvement Program.

Evan Williamson, Staff Engineer, reviewed the PowerPoint presentation regarding the Annual Sidewalk Improvement Program. He stated staff recommends the renewal of the construction contract with Hazelett Concrete Contractors.

The City Council discussed the sidewalk improvement and the order of the projects.

The City Council agreed by consensus to leave the 900 Block of W. Main to the end.

Motion: A motion was made by Councilmember Neffendorf, seconded by Kiehne, to renew the construction contract with Hazelett Concrete Contractors for the City's Annual Sidewalk Improvement Program. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

A. City Council Work Session-October 29th

Kent Myers, City Manager, reviewed the discussion items on the Agenda:

- Affordable Housing
- Short-term Rentals
- PTO Policy
- Marktplatz User Fees
- Civil Penalties for City Code Violations

B. Oktoberfest Event

Kent Myers, City Manager, reported that there were minimal issues, but there was a concern with the long lines entering the event. He thanked everyone involved for a successful event.

C. Recycling Services

Kent Myers, City Manager, reported that City staff is working with the newspaper to get information out regarding the Recycling Center and the items being accepted.

The City Council recommended having Garret Bonn meet with Fredericksburg ISD and other organizations to assist with the education of the Recycling Services.

D. Complete Count Census Committee

Kent Myers, City Manager, provided an update and stated they are still looking for committee members to assist with outreach to the community. He stated this committee will also assist with education and getting information to residents.

10. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the Future Agenda Items and reminded the City Council that Councilmember Kiehne and he will not be present at the October 21, 2019, City Council Regular Meeting.

11. COUNCIL COMMENTS

Councilmember Musselman reported that on the night of the accident at his home, it took four minutes for the EMS, Fire Department and Police Department to respond. He complimented the City on the services they provide.

Councilmember Musselman reported that he participated in the Kraut Run and how outstanding the City streets are.

Councilmember Kiehne thanked everyone for all their hard work in making Oktoberfest a success. He also stated he and his wife won the 42 contest.

12. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.087 (Deliberation Regarding Economic Development Negotiations) and Section 551.071 (Consultation with Attorney):

A. Consider and discuss economic development agreement related to the construction and operation of a Hotel and Conference Center in the City; and to receive legal advice concerning said economic development agreement (Section 551.087 and Section 551.071), and

B. Consider and discuss Penick vs. City of Fredericksburg, Texas, (Section 551.071),

C. Consider and discuss Alpha Securities vs. City of Fredericksburg, Texas, (Section 551.071) and

D. Consider and discuss Rena and Edward A. Blair vs. City of Fredericksburg, Texas, in the 216th District Court (Section 551.071).

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to go out of Regular Session into Executive Session at 7:20 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Neffendorf, to go out of Executive Session into Regular Session at 8:26 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

13. BUSINESS ITEM

No action was taken.

14. ADJOURN

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to adjourn the Monday, October 7, 2019, City Council Regular Meeting at 8:26 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Linda Langerhans

Linda Langerhans
Mayor

ATTEST

Shelley Goodwin

Shelley Goodwin, TRMC
City Secretary