CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING
OCTOBER 21, 2019

Members Present:
Mayor Linda Langerhans
Mayor Pro Tem Gary Neffendorf
Councilmember Tom Musselman
Councilmember Bobby Watson

Members Absent:
Councilmember Charlie Kiehne

City Staff Present:
Clinton Bailey, Assistant City Manager/Director Public Works and Utilities
Daniel Jones, City Attorney
Brian Jordan, Development Services Director
Steve Wetz, Police Chief
Lynn Bizzell, Fire Chief
Russell Immel, Information Technology Director
Laura Hollenbeak, Director of Finance
Kris Kneese, Assistant Director of Public Works and Utilities
Garret Bonn, Assistant Engineer
Anna Hudson, Historic Preservation Officer
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 21, 2019, in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

3. EMPLOYEE RECOGNITIONS
Clinton Bailey, Assistant City Manager/Director Public Works and Utilities, stated he did not have any recognitions.

4. PUBLIC COMMENTS
Jerry McCorkle spoke regarding recycling concerns and fluoride election.

Rosemary Estinson spoke regarding Main Street concerns with allowing franchises over ten, weekend vendors and the liquor establishments on the golden blocks.

Cord Switzer spoke regarding concerns of ETJ and losing property rights. He was also concerned with the lack of concept of community and notifying ETJ members.

5. 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 CITY COUNCIL.

A. Consider approval of the October 7, 2019, City Council Regular Meeting Minutes.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Watson, to approve the October 7, 2019, City Council Regular Meeting Minutes. 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 a public hearing to receive comments for or against

ii. Discussion on the proposed annexation

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go into the Public Hearing at 6:13 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Brian Jordan, Development Services Director, provided an update on the process and the history of the proposed annexation. He also pointed out the properties that signed an agreement and are identified as Agricultural, Timber or Wildlife Ad Valorem Exemptions.

Bobby Stewart, the owner of Tract F, stated a few years ago LCRA approached them about extending power on the current lines, which will make his property go from 16 acres to 10 acres.

Reginal Wells spoke regarding the boundary lines and how the buffer zone will affect her.

Brian Jordan, Development Services Director, reviewed the location of the property lines and how the buffer zones will affect property owners.

Edward Rode spoke regarding the new annexation bill and the notification requirements.

Brian Jordan, Development Services Director, provided an update on the process used in annexations and the adoption of Resolution 2019-6R before the new legislation became effective.

Daniel Jones, City Attorney, reviewed the law and the new legislation.

Pricilla Murphy spoke in opposition to the annexation and the impact that zoning change will have in this area.

Joe Salinas spoke in opposition to the annexation. He also spoke regarding the effects that becoming in City limits will have on them.

Brian Jordan, Development Services Director, reviewed the Salinas property and the agriculture usage of the property. He also stated their property applied for exemption. If they sell, then they would have to comply with City ordinances. He also reviewed the process for the Service Plan and the deadlines.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of the Public Hearing and back into the regular session at 6:44 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

7. ORDINANCE

A. 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 (second and final reading).

Kris Kneese, Assistant Director of Public Works and Utilities, stated this is the second reading of Ordinance 2019-30 of the Water and Wastewater rate. He reviewed the history and process of the rate increases. He also stated this rate increase is part of the revenue budget for FY2020.

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 second and final reading. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Zoning Case #Z-1916 by Dotty Duecker on behalf of St. Vincent De Paul Society for a Conditional Use Permit to expand a Nonconforming Use Per Section 6.110 of the Zoning Ordinance at 610 and 612 W. Live Oak Rd.

i. Presentation

ii. Hold a public hearing to receive comments for or against

iii. Consider the approval of the Zoning request.

Dotty Duecker, St. Vincent De Paul Society, provided the history of the project.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to go into the Public Hearing at 7:23 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of the Public Hearing and back into the regular session at 7:24 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Brian provided the history of the zoning and the processes of the St. Vincent DePaul Society project.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve Zoning Case #Z-1916 by Dotty Duecker on behalf of St. Vincent De

Paul Society for a Conditional Use Permit to expand a Nonconforming Use Per Section 6.110 of the Zoning Ordinance at 610 and 612 W. Live Oak Rd. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

B. Zoning Case #Z-1917 by the City of Fredericksburg to change the Land Use Plan area east of Post Oak Road from Low Density Residential to Commercial and change the first two tracts west of Post Oak Road from Low Density Residential to High Density Residential. And establish the Zoning C1 Neighborhood Commercial on the east of Post Oak Road, R-3, Multi-Family Residential on two tracts west of Post Oak Road, R-1, Single Family Residential on the remaining tracts over to Smokehouse Road, and R-1A, Single Family Residential on the small lot tracts west of Smokehouse Road

- **i. Presentation**
- **ii. Hold a public hearing to receive comments for or against**
- **iii. Consider the approval of the Land Use Plan**
- **iv. Consider the approval of the request to establish the Zoning**

Brian Jordan, Development Services Director, reviewed the location of the property and the current zoning. He also reviewed the proposed Land Use Plan density and different zonings.

The City Council discussed the number of R1A and R1 zonings in the area. They also discussed the density of R3 and R2 zoning.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go into the Public Hearing at 6:59 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Reginal Wells spoke regarding the future residents of the proposed homes and apartments in this area.

Pricilla Murphy spoke regarding her concern with no ingress or egress other than Live Oak. She also felt a Traffic Impact Study should be done on all the rezoning properties.

Bobby Stewart stated he has remodeled the Fredericksburg Inn and Suites into a first-class venue. He also stated he is trying to assist the City with the housing issues in Fredericksburg.

Joey Salinas spoke regarding his concerns about the proposed density and property values.

Carol Wells spoke regarding his concern with the growth and traffic increase in Fredericksburg.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to go out of the Public Hearing and back into the regular session at 7:10 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

The City Council discussed the different properties and their ability to change their zoning.

Brian Jordan, Development Services Director, provided an update on property owners' ability to petition for a Land Use Plan.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to approve Zoning Case #Z-1917 by the City of Fredericksburg to change the Land Use Plan area east of Post Oak Road from Low Density Residential to Commercial and change the first two tracts west of Post Oak Road from Low Density Residential to High Density Residential. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve establishing the Zoning C1 Neighborhood Commercial on the east of Post Oak Road, R-3, Multi-Family Residential on two tracts west of Post Oak Road, R-1, Single Family Residential on the remaining tracts over to Smokehouse Road, and R1, Single Family Residential on the small lot tracts west of Smokehouse Road The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

C. Consider the approval of the Landmark Designation of the Old High School at 110 W. Travis (Building 400) (previously postponed from September 16, 2019, Regular Meeting).

Anna Hudson, Historic Perseveration Officer, provided an update on the Landmark Designation of the Old High School and requested this item be postponed until the school's architect can review.

The City Council agreed by consensus to postpone until Fredericksburg ISD's architect can review the designation.

D. Consider the approval of a lease agreement with Poarch Realty for the use of a downtown parking lot located at 108 East San Antonio Street.

This item is being discussed in Executive Session.

E. Consider the approval of the FY 2020 Budget Amendments for expenditures that were approved in the FY 2019 Budget but not completed.

Laura Hollenbeak, Director of Finance, stated at the end of FY2019 (September 30, 2019) a few projects and purchases were not completed. She stated a budget amendment is needed for these projects and purchases in the FY2020 Budget.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the FY 2020 Budget Amendments for expenditures that were approved in the FY 2019 Budget but not completed The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

F. Consider awarding the bid for FY 2020 Lease Purchase Financing for the acquisition of equipment for Public Works and Fire Department.

Laura Hollenbeak, Director of Finance, stated in the FY2020 Budget funds were approved for funding the for lease-purchase payments for the acquisition of equipment. She also reviewed the equipment being leased and stated the purchase price to be financed is $1,192,959.44. Staff recommends that the City Council award the financing to Frost Bank.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Neffendorf, to award the bid for FY 2020 Lease Purchase Financing for the acquisition of equipment for Public Works and Fire Department to Frost Bank. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

G. Consider awarding a Professional Services Contract to Kimley-Horn and Associates, Inc. for the completion of the Transportation Projects Traffic Impact Study.

Garret Bonn, Assistant Engineer, reviewed the process for bidding, the scope of the project, the bids that were submitted, and the Qualifications Evaluation Criteria. He stated staff recommends awarding a Professional Services Contract to Kimley-Horn and Associates, Inc.

The City Council discussed the projects and referring Friendship Lane Extension to Inner Loop.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to award a Professional Services Contract to Kimley-Horn and Associates, Inc. for the completion of the Transportation Projects Traffic Impact Study. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

H. Receive a presentation and discuss the Texas PACE Program.

John Clamp, Chief Financial Officer AACOG, provided a presentation Texas Pace Program. He reviewed the meaning of PACE, how it works, actions needed by City Council, benefits to the City, property owners, and annual investments. He also stated this program is zero cost to the City.

Clinton Bailey, Assistant City Manager/Director Public Works and Utilities, explained how property owners' loans are paid back. He also stated staff is looking for directions and the City Council supports the PACE Program, then they will need to approve a Resolution at a future City Council meeting.

Lean McCormick, Lone Star PACE, explained that they are an administrator for the AACOG PACE Program. He stated they provide marketing and the other services to the City and property owners.

The City Council agreed by consensus to bring back a Resolution at a future City Council meeting supporting the Texas PACE Program.

9. Future Agenda

Clinton Bailey, Assistant City Manager/Director Public Works and Utilities, reviewed the upcoming agenda items.

10. CITY MANAGER'S REPORT

A. City Council Work Session-October 29th

Clinton Bailey, Assistant City Manager/Director Public Works and Utilities, reviewed the five agenda items and stated the Work Session will be held at the LBJ Golf Course in the Cardinal Room at 8:30 a.m.

B. November 5, 2019, Special Election

Clinton Bailey, Assistant City Manager/Director Public Works and Utilities, reminded everyone about the City Election.

Shelley Goodwin, City Secretary, reviewed the voting hours and locations for Early Voting and Election Day.

Councilmember Musselman expressed his concerns regarding the information being provided by CleanWater Fred Specific-Purpose Committee.

Daniel Jones, City Attorney, stated the City can provide factual information regarding their water.

10. COUNCIL COMMENTS
Councilmember Watson reviewed the usage of fuel at the Airport Hanger.

Councilmember Musselman thanked the City employees who helped him and his wife during an incident.

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 the purchase, exchange, lease, or value of real property, located near the intersection of S. Llano St. and E. San Antonio St., in the City of Fredericksburg (Sec. 551.072).

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to go out of Regular Session into Executive Session at 8:24 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to go out of Executive Session into Regular Session at 9:07 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

12. BUSINESS ITEM
No action was taken.

13. ADJOURN
Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Watson, to adjourn the Monday, October 21, 2019, City Council Regular Meeting at 9:07 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