



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING NOVEMBER 15, 2021

The City of Fredericksburg City Council held their regular session on Monday, November 15, 2021 at 6 p.m. This meeting was held in person at the Law Enforcement Center and live streamed on the Fredericksburg YouTube Channel.

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman
Councilmember Kathy O'Neill
Councilmember Bobby Watson

Members Absent:

None

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Steve Wetz, Police Chief
Braxton Roemer, Police Lt.
Eric Whiting, Information Technology Director
Lea Feuge, Public Information Officer
Andrea Schmidt, Parks and Recreation Director
Jason Lutz, Development Services Director
Kris Kneese, Assistant Public Works Director
Garret Bonn, Assistant City Engineer
Leslie Ball- Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Kiehne called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, November 15, 2021.

2. INVOCATION

Dwight Seek, 7th Day Adventist Church led the Invocation.

3. PLEDGE OF ALLEGIANCE

Cathy Collier led the Pledge of Allegiance.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, the following:

- Leslie Embry and Jennifer Krupa for going above and beyond with the Pioneer Book Sales Event.
- Fredericksburg EMS for their quick action that saved a life.
- Officer Pablo Martinez for his assistance with a visitor.

5. PUBLIC COMMENTS

The City Council received three (3) Written Comments from Wesley Hesker, Edith McCanless, and Jeannette Hormuth.

Cathy Collier, City resident, spoke regarding recent behavior at a City Council meeting.

Timothy Riley, City resident, spoke regarding 9. D. Sidewalk/Concrete Construction Contract Renewal and Annual Sidewalk Improvement Project.

Kerri Duecker, Non-City resident, spoke regarding how Hawaii is handling COVID-19 mandates compared to Texas and the American Rescue Funding.

Sandra Slander, City resident, spoke regarding the acceptance of American Rescue Plan Funding.

Tracy Knudson, City resident, spoke regarding the American Rescue Plan Funding.

Mary Lee Marschall, City resident, spoke regarding Tom Marschall's comment from the July 19, 2021, City Council Meeting.

Tom Marschall, City resident, spoke regarding comments made at November 1, 2021, City Council Regular Meeting.

Bradley Shearer, City resident, spoke regarding City Code Section 50.20 and 50.22 ground transportation and ride share.

Kimberley Lams, City resident, spoke regarding Vares COVID Report and American Rescue Plan Funding.

Michael McColla, City resident, thanked the City Council for their hard work on the STR and increasing workforce housing.

Jeannette Hormuth, City resident, spoke regarding the American Rescue Plan Funding.

Kent Myers, City Manager, provided clarification from Texas Municipal League regarding the American Rescue Plan Funding.

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 CITY COUNCIL.

A. Consider approval of the City Council Minutes (Shelley Goodwin, City Secretary):

- i. October 25, 2021 Special Meeting**
- ii. November 1, 2021 Regular Meeting**

- B. Consider the approval of Agreement renewal with GCAD for Aerial Imagery (Evan Williamson, Staff Engineer).**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, to approve Consent Agenda items 6. A. and B. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

7. PUBLIC HEARINGS

- A. Consider a public hearing to receive citizen comments for or against a request from Robert Mosley for a Conditional Use Permit (CUP) per Section 5.400 for Condominium Residential Use to construct a condominium Development on property located at 803 South Eagle Street. (Z-2103) (Jason Lutz, Development Services Director).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of Regular Session into a public hearing at 6:47 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of public hearing back into Regular Session 6:48 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- B. Consider a public hearing to receive citizen comments for or against a request from Wes and Tammy Pack for a Conditional Use Permit (CUP) per Section 3.510 to construct a first-floor bed and breakfast unit in the Historic Shopping Overlay District on property located at 514 W. San Antonio (Z-2121)) (Jason Lutz, Development Services Director).**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Regular Session into a public hearing at 6:49 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of public hearing back into Regular Session 6:50 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- C. Consider a public hearing to receive citizen comments for or against a request from Carolyn Ellebracht to consider a requested voluntary annexation and zoning of "Single-Family Residential" (R1) for approximately 10.839 acres of land out of a remaining portion of a 258 acre tract described in Volume 63, Page 366, Deed Records, Gillespie County, Texas, also being situation in the William H. Anderson Survey No. 197, Abstract No. 2 Gillespie County, Texas, located at the south end of Stoneledge Drive, east of the Stoneridge Subdivision (Jason Lutz, Development Services Director).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Regular Session into a public hearing at 6:50 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of public hearing back into Regular Session 6:51 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- D. Consider a public hearing to receive citizen comment for or against request from John Hewitt, Hewitt Engineering for approximately 6.9 acres of land described as Lot 1, of the Villages of Windcrest Subdivision, located on the north side of W. Windcrest Drive, approximately 1,300 feet West of the Post Oak Road and W. Windcrest Drive Intersection to consider the following items: (Z-2122) (Jason Lutz, Development Services Director).**
- i. Future Land Use Change from “Medium Density Residential” (MDR) and “Low Density Residential” (LDR) to a Future Land Use Classification of “High Density Residential” (HDR)**
 - ii. Zoning Change from “Mixed Residential” (R2) to “Multi-Family Residential” (R3)**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O’Neill, to go out of Regular Session into a public hearing at 6:51 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of public hearing back into Regular Session 6:52 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- E. Consider a public hearing to receive citizen comment for or against request from Whitney Koch, Mustard Design, for the rear portion of property located at 305 S. Washington Street for the following items: (Z-2123) (Jason Lutz, Development Services Director).**
- i. Future Land Use Change from “Parks Open Space” (POS) to a Future Land Use Classification of “Commercial” (C).**
 - ii. Zoning Change from “Multi-Family Residential” (R3) and “Open Space” (OS) to a Zoning Classification of “Commercial” (C2).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember O’Neill, to go out of Regular Session into a public hearing at 6:52 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of public hearing back into Regular Session 6:53 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

8. ORDINANCES AND RESOLUTIONS

- A. Consider the approval of Ordinance 2021-30 for approximately 10.839 acres of land out of a remaining portion of a 258 acre tract described in Volume 63, Page 366, Deed Records, Gillespie County, Texas, also being situation in the William H. Anderson Survey No. 197, Abstract No. 2 Gillespie County, Texas, located at the south end of Stoneledge Drive, east of the Stoneridge Subdivision extending The Corporate Limits of the City of Fredericksburg, Texas, so as to include said territory; granting to all inhabitants and future**

inhabitants of said territory all of the rights and privileges of other citizens of the City of Fredericksburg, Texas; binding the inhabitants and future inhabitants of said territory by any and all acts, ordinances, resolutions and regulations of said City of Fredericksburg, Texas; and amending the Zoning Ordinance of the City to establish the Zoning District of said Territory as R-1: Single Family Residential. (Jason Lutz, Development Services Director).

Jason Lutz, Development Service Director, reviewed the history of the voluntary annexation. He noted that the City Council has already approved the Annexation Agreement. The requestor is requesting this approval be effective January 1, 2022.

The City Council discussed the legality of the effective date.

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Luckenbach, to approve Ordinance 2021-30 for approximately 10.839 acres of land out of a remaining portion of a 258 acre tract described in Volume 63, Page 366, Deed Records, Gillespie County, Texas, also being situation in the William H. Anderson Survey No. 197, Abstract No. 2 Gillespie County, Texas, located at the south end of Stoneledge Drive, east of the Stoneridge Subdivision extending The Corporate Limits of the City of Fredericksburg, Texas, so as to include said territory; granting to all inhabitants and future inhabitants of said territory all of the rights and privileges of other citizens of the City of Fredericksburg, Texas; binding the inhabitants and future inhabitants of said territory by any and all acts, ordinances, resolutions and regulations of said City of Fredericksburg, Texas; and amending the Zoning Ordinance of the City to establish the Zoning District of said Territory as R-1: Single Family Residential effective January 1, 2022 and waive the second reading. The City Council voted four (4) for, and none (0) opposed, (1) abstained (Mayor Kiehne). The motion carried.

- B. Consider requests from John Hewitt, Hewitt Engineering, for approximately 6.9 acres of land described as Lot 1, of the Villages of Windcrest Subdivision, located on the north side of W. Windcrest Drive, approximately 1,300 feet West of the Post Oak Road and W. Windcrest Drive Intersection to consider the following items: (Z-2122) (Jason Lutz, Development Services Director).**

Jason Lutz, Development Service Director, reviewed the request and the history of the property. He noted the applicant is looking to construct 96 units in multiple structures; 4 buildings will be 2-story and contain 48 two-bedroom units, and another building will be 3-story building and have 48 1-bedroom units. Currently, there are two land uses on the property, and they are proposing R3-Multi-family residential.

- i. **Ordinance 2021-31 adopting a change in the Comprehensive Plan especially the Land Use Map from "Medium Density Residential" (MDR) and "Low Density Residential" (LDR) to "High Density Residential" (HDR) and providing an effective date.**

Motion: A motion was made by Councilmember Watson, seconded by Councilmember O'Neill, to approve Ordinance 2021-31 adopting a change in the Comprehensive Plan, especially the Land Use Map from "Medium Density Residential" (MDR) and "Low Density Residential" (LDR) to "High Density Residential" (HDR) and providing an effective date, and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- ii. **Ordinance 2021-32 amending the Zoning Ordinance and changing the Zoning District from "Mixed Residential" (R2) to "Multi-Family Residential" (R3) and providing an effective date.**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2021-32 amending the Zoning Ordinance and changing the Zoning

District from “Mixed Residential” (R2) to “Multi-Family Residential” (R3) and providing an effective date and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- C. Consider request from Whitney Koch, Mustard Design, for approximately 0.5793 acres of land described as Petmecky Block B, Lot 9-PT, 10-PT, 11-PT & 12-PT located at 305 S. Washington Street to consider the approval of the following items: (Z-2123) (Jason Lutz, Development Services Director).**

Jason Lutz, Development Services Director, reviewed the project and the proposed changes that were made since the City Council denied their previous request. The Planning and Zoning Commission recommended approval of the requests.

- i. Ordinance 2021-33 adopting a change in the Comprehensive Plan especially the Land Use Map from “Parks Open Space” (POS) to “Commercial” (C) and providing an effective date**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Ordinance 2021-33 adopting a change in the Comprehensive Plan especially the Land Use Map from “Parks Open Space” (POS) to “Commercial” (C) and providing an effective date and waive the second reading. The City Council voted four (4) for, and one (1) opposed (O’Neill). The motion carried.

- ii. Ordinance 2021-34 amending the Zoning Ordinance and changing the Zoning District from “Multi-Family Residential” (R3) and “Open Space” (OS) to a Zoning Classification of “Commercial” (C2) and providing an effective date.**

The City Council discussed the uses allowed in C2 zoning. They also discussed the Planning and Zoning Commission recommendation.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2021-34 amending the Zoning Ordinance and changing the Zoning District from “Multi-Family Residential” (R3) and “Open Space” (OS) to a Zoning Classification of “Commercial” (C2), providing an effective date, and waive the second reading. The City Council voted four (4) for, and one (1) opposed (O’Neill). The motion carried.

- D. Consider the approval of Resolution 2021-18R instituting annexation proceedings for approximately 82.36 acres of land generally located along the East and west sides of Post Oak Road, extending northward from West Live Oak Road to 2,800 feet north of South Bowie Street, in Gillespie County (Jason Lutz, Development Services Director).**

Jason Lutz, Development Services Director, reviewed the history of the annexation process. He also reviewed the properties that are included in the proposed annexation. He noted there are still a few Non-Annexation Agreements that were offered that have not been returned.

The City Council discussed the parcel with the signed Non-Annexation Agreements.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Resolution 2021-18R instituting annexation proceedings for approximately 82.36 acres of land generally located along the East and west sides of Post Oak Road, extending northward from West Live Oak Road to 2,800 feet north of South Bowie Street, in Gillespie County and recommend offering a Non-Annexation Agreement to Mrs. King. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

9. OTHER ACTION ITEMS AND UPDATES

- A. Consider request from Robert Mosley for a Conditional Use Permit (CUP) per Section 5.400 for Condominium Residential Use to construct a condominium Development on property located at 803 South Eagle Street. (Z-2103) (Jason Lutz, Development Services Director).**

Jason Lutz, Development Services Director, reviewed the Site Plan and the proposed request. He noted Staff recommends approval of the requested CUP and associated site plan with the conditions the P&Z Commission recommended:

Conditions:

- Provide additional guest parking
- Provide sidewalks along Friendship Lane
- Re-address the property to Friendship Lane
- Enlarge the entrance to a minimum of 24' wide
- Stripe both sides at the fire lane (end of parking spaces to the curb line of the parking area).
- Move the dumpster location out of the setbacks and show the screening walls
- Remove the existing driveway on Friendship Lane and re-curb that area
- Approval of Civil Construction Plans

The City Council discussed the conditions.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember O'Neill, to approve a Conditional Use Permit (CUP) per Section 5.400 for Condominium Residential Use to construct a condominium Development on property located at 803 South Eagle Street. (Z-2103), with the conditions provided by Planning and Zoning Commission. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- B. Consider the request from Wes and Tammy Pack for a Conditional Use Permit (CUP) per Section 3.510 to construct a first-floor bed and breakfast unit in the Historic Shopping Overlay District on property located at 514 W. San Antonio (Z-2121) (Jason Lutz, Development Services Director).**

Jason Lutz, Development Services Director, reviewed the request and the changes that were made to add seven parking and one handicap parking spaces. He noted the Planning and Zoning Commission approved the request with the following conditions:

- That an 8' tall screening fence be installed on the side and rear property lines
- That occupancy for the new STR units be limited to 2 individuals

The City Council discussed the changes made to meet the concerns since the last time the City Council voted on this request.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve a Conditional Use Permit (CUP) per Section 3.510 to construct a first-floor bed and breakfast unit in the Historic Shopping Overlay District on property located at 514 W. San Antonio (Z-2121)), with the conditions provided by Planning and Zoning Commission. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Receive and consider a presentation by Kimley-Horn & Associates, Inc. on Short-Term Transportation Improvement Projects (Garret Bonn, Assistant City Engineer)

Jake Gutekunst, Kimley Horn, provided a PowerPoint regarding Short-Term Transportation Improvements and a Project Update. He reviewed the following:

- Corridor Improvements
- One-way Conversions
- Signal adjustments
- 13 locations with new turn lanes
- Summary of costs.
- The benefits and cost-efficiency for doing multiple projects at the same time.

The City Council recommended putting “Turn Right on Red” sign on Main and Adams. They also discussed the need for coordinating of the City’s waterline project and the TxDOT resurfacing and turning lane signals of US 290 East.

Kent Myers, City Council, recommended discussing long-term projects at a Workshop and discussing the possibility of a future bond election to finance these projects.

D. Receive and consider an update on Sidewalk/Concrete Construction Contract Renewal and Annual Sidewalk Improvement Project (Evan Williamson, Staff Engineer).

Evan Williamson, Staff Engineer, provided a PowerPoint of sidewalk improvements already completed. He also reviewed the Fiscal Year 2022 budgeted amount of \$100,00.

The City Council discussed the need for a future sidewalk on Llano Street.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember O’Neill, to approve the Sidewalk/Concrete Construction Contract renewal with Hazelett Concrete Contractors. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

10. CITY MANAGER REPORT

A. Short-Term Rentals (STRs)

Kent Myers, City Manager, provided a status on the STR. He noted that the draft Ordinance will include a summary page, spreadsheet for easy reference, and fact sheets.

The City Council recommended holding a Work Session in January.

11. ITEMS FOR FUTURE AGENDA

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

12. COUNCIL COMMENTS

Councilmember O’Neill spoke regarding her visit to the Consolidated Warehouse. She also noted the Electric Department have not had any loss of time in 35 years.

Councilmember Watson spoke regarding the Airport; the T Hangers are full with a waiting list. He also noted that there are predictions of a dry season next summer.

Councilmember Luckenbach spoke regarding items approved by the County Commissioners Court.

Mayor Kiehne spoke regarding Veteran's Day and encouraged everyone not to forget them.

13. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.072 (Deliberations related to Real Property):

- A. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of U.S. 290 and Friendship Lane, in the City of Fredericksburg, Texas (551.072).

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of Regular Meeting into Executive Session at 8:46 p.m. The City Council voted five (5) for, and none (0) opposed.

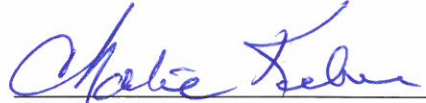
Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of Executive Session into the Regular Meeting at 9:08 p.m. The City Council voted five (5) for, and none (0) opposed.

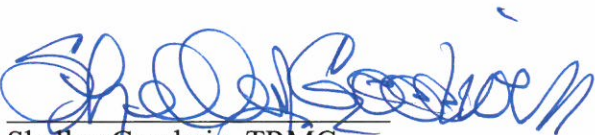
14. BUSINESS ITEM

No action was taken.

15. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to adjourn the Monday, November 15, 2021, City Council Regular Meeting at 9:09 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.


Charlie Kiehne
Mayor


Shelley Goodwin, TRMC
City Secretary

