CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING
JANUARY 21, 2019

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

Members Absent:
None

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
Russell Immel, Information Technology Director
Steve Wetz, Police Chief
Andrea Schmidt, Parks Director
Evan Williamson, Staff Engineer
Garret Bonn, Assistant City Engineer
Shelley Goodwin, City Secretary

1. Pledge of Allegiance
Mayor Langerhans led the Pledge of Allegiance.

2. Call to Order
With all members 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, January 21, 2019, in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

3. Employee Recognitions and Presentations
Jennifer Krupa, Special Events Coordinator, introduced Camille Cohn with Yellow Door Studio.

Camille Cohn, Yellow Door Studio, explained how they got involved with the Children's New Year's Eve Event. She introduced Will Bridal who was the first child to paint on the mural and together they presented Fredericksburg Starry Starry Night mural that was created by the children at the event.

4. Public Comments
Mark Cornett spoke in opposition of Agenda Item 7a. Ordinance 2019-01 and recommended the City Council vote against the rate increase.

5. **Consent**
   A. **Consider approval of the January 7, 2019 City Council Regular Meeting Minutes.**

   B. **Consider approval of the City Hall Open House and Touch-a-Truck event street closure for W. Austin Street between N. Adams and N. Crockett Street on March 21, 2019 from 12:00p.m.- 7:15p.m.**

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

6. **Public Hearing**
   A. **Hold a public hearing to receive comments on the Change in the Land Use Plan from High Density Residential to Mixed Use District, and zoning from R-3 Multi-Family Residential to C-2 Commercial on approximately 0.25 acres (Z1818).**
   B. **Hold a public hearing to receive comments on the Conditional Use Permit for drive-through associated with a Fast Food Restaurant on 0.91 acres at 1125 S. State Highway 16 (Z1818).**

Motion: A motion was made by Councilmember Musselman seconded by Councilmember Kiehne, to go out of Regular Session into a Public Hearing at 6:10 p.m.

Mayor Langerhans asked if anyone wished to speak on either hearing. No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Kiehne, to go out of the Public Hearing and back into Regular Session at 6:15 p.m.

Brian Jordan, Development Services Director, reviewed the request to change the Land Use Plan from High Density Residential to Mixed Use District. He also reviewed the request for zoning change from R-3 Multi-Family Residential to C-2 Commercial. He also stated the Planning and Zoning Commission voted unanimously for the changes.

Mayor Langerhans then moved up Agenda Items 7. A, 7. B. and 8. B.

7. **ORDINANCE**
   A. **Consider approval on second and final reading of Ordinance 2019-01 to establish new rates to be charged as a Municipal Drainage Utility System Fee.**

Clinton Bailey, Assistant City Manager/Director Public Works and Utilities, reported the City Council held the required public hearing and approved the Ordinance on the first reading at their January 7th meeting. He stated this meeting is the second and final reading to consider the approval of the Ordinance establishing the new rates. He also reviewed the reasons utility fees are necessary for drainage projects and maintenance.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Kiehne, to approve Ordinance 2019-01 to establish new rates to be charged as a Municipal Drainage Utility System Fee on second and final reading. The City Council voted four (4) for and one (1) opposed (Councilmember Neffendorf). The motion carried.

   B. **Consider the approval of Ordinance 2019-02 adopting a change in the Comprehensive Plan of the City; specifically in the Land Use Map and Comprehensive Plan as to a 0.25 acre tract of land, being a portion of Lot 1, Luckenbach Apartments, a part of German Emigration Company Outlot No. 72, of Record in Volume 573, page 513, of the Deed**

Records of Gillespie County, Texas, situated in the City; changing said property from High Density Residential to Mixed Use District; providing that the change becomes a part of the Comprehensive Plan and providing for an effective date (Z1818).

Councilmember Luckenbach filed an affidavit of Conflict with City Secretary and left the dais for Agenda Item 7 B., 7 C. and 8 B.

Brian Jordan, Development Services Director, reviewed the reasons for the need for separate public hearings and approvals. He stated the Planning and Zoning Commission unanimously voted to approve R-3 Multi-family Residential to C-2 Commercial on acres.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to approve Ordinance 2019-02 adopting a change in the Comprehensive Plan of the City; specifically in the Land Use Map and Comprehensive Plan as to a 0.25 acre tract of land, being a portion of Lot 1, Luckenbach Apartments, a part of German Emigration Company Outlot No. 72, of Record in Volume 573, page 513, of the Deed Records of Gillespie County, Texas, situated in the City; changing said property from High Density Residential to Mixed Use District; providing that the change becomes a part of the Comprehensive Plan and providing for an effective date (Z1818). The City Council voted four (4) for and none (0) opposed (Councilmember Luckenbach abstained). The motion carried unanimously.

C. **Consider the approval of Ordinance 2019-03 amending the Zoning Ordinance of the City and changing the Zoning District as to a 0.25 acre tract of land, being a portion of Lot 1, Luckenbach Apartments, a part of German Emigration Company Outlot No. 72, of Record in Volume 573, page 513, of the Deed Records of Gillespie County, Texas, situated in the City; changing said property from R-3 Multi-Family Residential to C-2 Commercial; and providing for an effective date (Z1818).**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to approve Ordinance 2019-03 amending the Zoning Ordinance of the City and changing the Zoning District as to a 0.25 acre tract of land, being a portion of Lot 1, Luckenbach Apartments, a part of German Emigration Company Outlot No. 72, of Record in Volume 573, page 513, of the Deed Records of Gillespie County, Texas, situated in the City; changing said property from R-3 Multi-Family Residential to C-2 Commercial; and providing for an effective date (Z1818). The City Council voted four (4) for and none (0) opposed (Councilmember Luckenbach abstained). The motion carried unanimously.

8. RESOLUTIONS – OTHER ACTION ITEMS - DISCUSSION ITEMS

A. **Consider the approval of Resolution 2019-01R for the Alamo Area Council of Government Grant Application for a Police Officer position in the FY2020 budget.**

Steve Wetz, Police Chief, stated the Alamo Area Council of Governments announced a $100,000 grant funding opportunity is available. He stated there are restrictions for the use of the funds and he proposes to use the funds for a Police Officer position. He also stated if chosen the grant funds would not be received until after October 1, 2019 and the position would need to be funded by the City after one year.

Kent Myers, City Manager, stated the application process is very competitive.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Luckenbach, to approve Resolution 2019-01R for the Alamo Area Council of Government Grant Application for a

Police Officer position. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider the approval of the Conditional Use Permit for drive-through associated with a Fast Food Restaurant on 0.91 acres at 1125 S. State Highway 16 (Z1818).

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to approve the Conditional Use Permit for drive-through associated with a Fast Food Restaurant on 0.91 acres at 1125 S. State Highway 16 (Z1818) with the conditions of the replat, the Civil Construction Plans and the Landscape Plans are approved prior to the issuance of the Building Permit. The City Council voted four (4) for and none (0) opposed (Councilmember Luckenbach abstained). The motion carried unanimously.

Mayor Langerhans moved up Agenda Item 8. F. and 8. G.

C. Consider the approval of awarding the Smokehouse Road Utility Extension Project construction contract to JM Pipeline, LLC. in the amount of $90,464.00.

Kris Kneese, Assistant Public Works Director, provided the history of the Smokehouse Road Utility Extension Project. He stated the bid opening was held and five bids were received; which staff is recommending the project be awarded to JM Pipeline, LLC in the amount of $90,464.00.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to approve the award of the Smokehouse Road Utility Extension Project construction contract to JM Pipeline, LLC. in the amount of $90,464.00. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

D. Consider the approval of a Non-Exclusive License Agreement with Camp Gladiator for Outdoor Group Fitness Programs within City parks.

Andrea Schmidt, Parks Department Director, stated she was approached by Camp Gladiator to offer fitness programs in the parks. She stated the program will begin in Lady Bird Johnson Park to determine the level of interest. There is a need to expand the program, then the agreement provides additional parks.

Councilmember Musselman reviewed the list of parks included in the agreement and felt that the Elementary School Park should be removed. He stated the Fredericksburg ISD policy required all adults at the school register with the office.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve the award of a Non-Exclusive License Agreement with Camp Gladiator for Outdoor Group Fitness Programs within City parks, excluding the Elementary School Park. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

E. Presentation on the proposed Water and Wastewater Rate increases.

Grady Reed, HDR Engineering, provided a PowerPoint on the revised water rate scenario that would phase the rate increase over three years. He reviewed the projects and the Water and WW Rate increases (see attached PowerPoint).

The City Council discussed the different rate charges for usage and sizes of meters for commercial businesses.

Kent Myers, City Manager, stated this is Part 1 of Rate Study that is being performed by Mr. Reed. He is also reviewing Impact Fee Study, and this is currently being reviewed by Planning and Zoning Commission, which was appointed by City Council, to serve as the Impact Fee Commission. He stated the Water and Sewer Rates and Fees will be presented to the City Council for consideration of the February 4th City Council Regular Meeting.

F. Discussion on the Hotel/Motel Occupancy Tax application submissions.

The City Council heard from the applicants that requested funding. They asked the following to provided additional information by the end of the business on Tuesday, January 29th:

- Hill Country Antique Tractor and Engine Club, Inc.
- Mom Center
- Former Texas Ranger Foundation
- Fredericksburg Music Club, Inc.
- Fredericksburg Billie Boosters. Inc.
- Fredericksburg Junior Chamber of Commerce
- Fredericksburg Convention and Visitors Bureau
- Gillespie Country Historical Society/Pioneer Museum
- Majesty Tours
- Fort Martin Scott Friends
- Fredericksburg Fourth of July Community Parade and Program
- Optimist Club of Fredericksburg
- Friends of Enchanted Rock State Natural Area, Inc.
- German Choirs of Fredericksburg

Councilmember Neffendorf left the dais during the discussion of the Admiral Nimitz Foundation.

G. Discussion on the possible appropriation of surplus Hotel/Motel Occupancy Tax funds.

Kent Myers, City Manager reviewed the history of the surplus Hotel/Motel Occupancy Tax funds. He stated that over the last several months the following requests have been received:

- $87,611 from CVB to restore their full funding
- $95,000 from Parks Department to replace Christmas lighting at Marktplatz
- $75,000 from 175th Anniversary Committee for advertising and promoting the 175th Anniversary Celebration

He also stated Tim Crenwelge, Chairman of Marktplatz Committee has requested that some of these funds be allocated to assist with the construction of new restrooms at Marktplatz.

Daniel Jones, City Attorney, stated the law does allow for the reimbursement of the Convention Visitor Bureau. He also stated the law does allow for the promoting and advertising for the 175th Anniversary; however, he would need additional information on the replacement of the Christmas lights and restrooms for Marktplatz.

Councilmember Neffendorf stated at this time the 175th Anniversary Committee does not have a budget and suggested waiting 6 months until a budget can be created.

The City Council discussed the use of the Christmas lights in the Marktplatz.

Andrea Schmidt, Parks Department Director, stated the Christmas lights around the tree trunks in Marktplatz are turned on for Octoberfest and other events and remain on until after the New Years.

She stated the lights are old and need to be replaced, but she is currently getting the cost for replacement.

Kent Myers, City Manager, recommended waiting on the Christmas lighting until more information is received. He also stated in order to reimburse CVB; a budget amendment will need to be approved by City Council.

The City Council agreed by consensus to consider a budget amendment at the February 4th City Council Meeting to reimburse CVB $87,611.

9. CITY MANAGER'S REPORT

A. Relief Route Open House-January 24

Kent Myers, City Manager, reported the Relief Route Open House is scheduled for Thursday, January 24th at Pioneer Museum from 2 p.m.-7p.m. He stated there will be a presentation every hour on the hour and the City will also have a table at the Open House regarding Friendship Lane.

B. Community Tour-January 30

Kent Myers, City Manager, reminded the City Council of the Community Tour scheduled for January 30th with the gathering at 9 a.m. outside City Hall. He also reviewed the locations on the tour that will be visited.

C. Joint Meeting with Planning and Zoning Commission-February 7

Kent Myers, City Manager, reminded the City Council of their Joint Meeting with Planning and Zoning Commission scheduled for February 7th at 5:30 p.m. at the Law Enforcement Center. He also reviewed the items that will be discussed.

10. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the proposed agenda items for February 4th.

The City Council discussed holding a Special Meeting to discuss Hotel/Motel Occupancy Tax.

Councilmember Luckenbach requested an Agenda Item be added to February 4th to review the number of alcohol businesses on Main Street.

11. COUNCIL COMMENTS

Mayor Langerhans stated she presented a 108th Birthday Proclamation today to Nora Kunz Oehler who is a Fredericksburg resident.

Councilmember Luckenbach stated the Lions Club is celebrating their 90th year and they have expressed having a proclamation proclaiming 2019 as the year of the Lion.

12. EXECUTIVE SESSION

A. Pursuant to Texas Government Code Section 551.072 – Consider and discuss the exchange, lease, or value of real property owned by the City, located on E. Austin Street.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of Regular Session into Executive Session at 8:35 p.m.

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

13. BUSINESS ITEMS
The City Council took no action after the Executive Session.

14. ADJOURN
Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf to adjourn the Monday, January 21, 2019 City Council Regular Meeting at 8:54 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