



**REGULAR CITY COUNCIL MEETING AGENDA**  
**TUESDAY, JANUARY 18, 2022 ~ 6 P.M.**  
**LAW ENFORCEMENT CENTER**  
**1601 EAST MAIN STREET**  
**FREDERICKSBURG, TEXAS 78624**

Charlie Kiehne, Mayor  
Tom Musselman, Councilmember  
Bobby Watson, Councilmember

Jerry M. Luckenbach, Councilmember  
Kathy O'Neill, Councilmember  
Kent Myers, City Manager

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**The City of Fredericksburg City Council will meet in a regular session on Tuesday, January 18, 2022 at 6 p.m. This meeting will be held in person and live stream on our YouTube Channel.**

Link to City of Fredericksburg YouTube Channel [Fredericksburg, Texas USA - YouTube](https://www.youtube.com/c/FredericksburgTexasUSA)  
( <https://www.youtube.com/c/FredericksburgTexasUSA> )

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**1. CALL TO ORDER**

**2. INVOCATION**

(Austin Fleener, resident)

**3. PLEDGE OF ALLEGIANCE**

**4. EMPLOYEE RECOGNITIONS**

**5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA**

The City Council welcomes citizen participation and comments at all City Council Regular Meetings.

**Written Comments:** to be submitted remotely:

- 1) Must be received by 3 p.m. on January 18, 2022.
- 2) Complete the Citizen Comment Form online at [Fredericksburg, TX - Official Website \(fbgtx.org\)](https://www.fbgtx.org); or
- 3) Email your comments to [CitizenComments@fbgtx.org](mailto:CitizenComments@fbgtx.org) or
- 4) Complete a Citizen Comment Form located inside the Public Access entrance at 126 W. Main Street, Fredericksburg, Texas, and place in the box marked Citizen Comment Form.

Copies of the submitted comments will be provided to the City Council and made public on the City website under the "**January 18, 2022**, City Council Regular Meeting" tab.

**Verbal Comments:**

- 1) Sign up in-person between 5:30 p.m. and 6 p.m. at the Law Enforcement Center in order to comment.
- 2) You will be limited to 3 minutes to speak.
- 3) If any citizen has handouts, these should be provided to the City Secretary prior to speaking. If you wish the City Council to receive your handouts for the meeting, please provide 10 copies, if not the City Council will receive your handouts the following day.

**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 January 3, 2022 Regular Meeting Minutes (Shelley Goodwin, City Secretary).  
(Agenda Packet Pages 5-12)
  
- B.** Consider the approval of the following events request for road closures (Jennifer Krupa, Events Coordinator):
  - i.** City Staff is hosting the annual Touch a Truck on Thursday, March 24, 2022 and is requesting the closure of W. Austin Street between N. Adams and N. Crockett Street beginning at 7 a.m. until 7 p.m. on March 24, 2022.  
(Agenda Packet Pages 13-16)
  
  - ii.** Hill Country Memorial Wellness Center is hosting the annual Fredericksburg Wildflower Run & Walk (10K & 5 K) on Saturday, April 23, 2022, at Marktplatz and is requesting the closure of W. Austin Street between N. Adams and N. Crockett Streets on April 23, 2022 from 6 a.m. and 12 p.m.  
(Agenda Packet Pages 17-22)
  
  - iii.** Fredericksburg Jaycees is hosting the annual Crawfish Festival from Friday, May 27- Sunday, May 29, 2022 and is requesting the closure of one southbound lane on Adams Street adjacent to Marktplatz beginning May 27<sup>th</sup> at 8 a.m. until 10 p.m. on May 29<sup>th</sup> and the closure of W. Austin Street between N. Adams and N. Crockett Streets beginning May 27<sup>th</sup> at 8 a.m. until 10 p.m. on May 29<sup>th</sup>.  
(Agenda Packet Pages 23-30)
  
  - iv.** Fredericksburg Rotary Club is hosting the annual Fredericksburg Car Fest on Saturday, June 4, 2022 at Marktplatz and is requesting the closure of W. Austin between N. Adams and N. Crockett Street on, June 4, 2022, from 6 a.m. to 4 p.m.  
(Agenda Packet Pages 31-34)

**7. PUBLIC HEARINGS**

- A.** Hold a public hearing to receive comments for or against a request for a zoning change from “Single-Family Residential” (R1) to a zoning classification of “Mixed Residential” (R2) for approximately 6.69 acres of land, described as, 1.26 acres out of the GE CO #10, 0.93 acres out of the GE CO #10, 1.38 acres out of the GE CO #10, and lot 1 of the Brentwood Oaks Subdivision, located at 626, 702, 704, and 616 South Eagle Street. request by Jeffrey Morin and Lorne Kowert, (Z-2127) (Jason Lutz, Development Services Director).  
(Agenda Packet Pages 35-42)
  
- B.** Hold a public hearing to receive comments for or against the following requested changes to 1100 Friendship Lane requested by Kevin Spraggins (Z-2126) (Jason Lutz, Development Services Director):  
(Agenda Packet Pages 43-54)
  - i.** A Future Land Use change from “Mixed-Use Corridor” to a Future Land Use classification of “Commercial” for approximately 8 acres of land, to be subdivided from, ABS A0002 W H Anderson #197, Tract 3, 22.28 acres
  
  - ii.** A zoning change from “Industrial Park” (M3) to a zoning classification of “Commercial” (C2) for approximately 8 acres of land, to be subdivided from, ABS A0002 W H Anderson #197, Tract III, 22.28 acres.

## **8. ORDINANCES AND RESOLUTIONS**

- A.** Consider the approval of Ordinance 2022-03 amending the Zoning Ordinance of the City and changing the Zoning District as to approximately 6.69 acres of land, located at 626, 702, 704, and 616 South Eagle Street, situated in the City; changing said property from Single-Family Residential (R-1) to Mixed Residential (R-2); and providing for an effective date (Z-2127) (Jason Lutz, Development Services Director):  
(Agenda Packet Pages 35-42)
  
- B.** Consider the approval of the following changes to 1100 Friendship Lane requested by Kevin Spraggins (Z-2126):  
(Agenda Packet Pages 43-54)
  - i.** Ordinance 2022-04 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 8.0 acres of land, being a portion of W.H. Anderson #197, Abstract No. 2; changing said property from Mixed Use Corridor (MU) to Commercial (C); providing that the change become a part of the Comprehensive Plan, and providing for an effective date
  
  - ii.** Ordinance 2022-05 amending the zoning ordinance of the city and changing the zoning district as to approximately 8.0 acres of land, being a portion of W.H. Anderson #197, Abstract No. 2, situated in the City; changing said property from Industrial Park (M-3) to Commercial (C-2); and providing for an effective date.
  
- C.** Consider the approval of Ordinance 2022-02 on second reading to amending Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, by making revisions for clarity, by establishing different distances for measurements of sound in residential zoning districts, and by repealing the sunset provision; and providing for an effective date (Brian Vorauer, Patrol Lieutenant).  
(Agenda Packet Pages 55-68)
  
- D.** Consider the approval of a Resolution 2022-01R approving submission of the Application for the Fredericksburg Police Department Patrol Officer Grant (Brian Vorauer, Patrol Lieutenant).  
(Agenda Packet Pages 69-72)

## **9. OTHER ACTION ITEMS AND UPDATES**

- A.** Consider the appointments to fill a vacancy on the Planning and Zoning Commission and Zoning Board of Adjustments (Jason Lutz, Development Services Director).  
(Agenda Packet Pages 73-74)

## **10. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA**

## **11. CITY MANAGER REPORT**

- A.** January 31 Council Work Session
  
- B.** Short-Term Rentals (STR) Regulations-Next Steps
  
- C.** Planning for 2024 Eclipse Event
  
- D.** Recent Personnel Changes

## **12. CITY COUNCIL COMMENTS**

### **13. ITEMS FOR FUTURE AGENDA**

(Agenda Packet Page 75)

### **14. EXECUTIVE SESSION**

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.074 (Personnel Matters)

- A. Consider and discuss the appointments to fill vacancy of Planning and Zoning Commission and Zoning Board of Adjustments (Section 551.074) and
- B. Consider and discuss the annual evaluation of the City Attorney (551.074).

### **15. BUSINESS ITEM**

The City Council will reconvene into Regular Session upon the conclusion of the Executive Session; the City Council may take action on any item posted in Executive Session, as necessary.

### **16. ADJOURN**

This is to certify that I, Shelley Goodwin, posted this Agenda at 12:15 p.m. on January 12, 2022, at the main entrance bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelley Goodwin, TRMC  
City Secretary



# CITY OF FREDERICKSBURG

## MINUTES OF CITY COUNCIL REGULAR MEETING

January 3, 2022

The City of Fredericksburg City Council held their regular session on Monday, January 3, 2022 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 Bobby Watson

### Members Absent:

Councilmember Kathy O'Neill

### 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  
Jason Lutz, Development Services Director  
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, January 3, 2022.

### 2. INVOCATION

Pastor Bobby Vitek, Holy Ghost Lutheran Church led the Invocation.

### 3. PLEDGE OF ALLEGIANCE

Jeannette Hormuth led the Pledge of Allegiance.

### 4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, announced the following recognitions:

- Thank you to Kris Connley for going above and beyond with helping a visitor find their lost backpack.

- Thank you to Evan Schmidt for going above and beyond for assisting with EMS on a call.

## **5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA**

Mayor Kiehne read a statement regarding those who have applied for American Rescue Fund and those who applied under the lawful guidelines.

Annette Bennett, City resident, spoke regarding the proposed Rules of Decorum.

Kimberly Lams, City resident, spoke regarding the proposed Rules of Decorum. She also spoke regarding the American Rescue Fund.

Heath Bell, City resident, spoke regarding the American Rescue Fund and the proposed Rules of Decorum.

Eric Hammersen, City resident, spoke regarding the proposed Rules of Decorum and the American Rescue Fund.

George Studor, City resident, spoke regarding the American Rescue Plan Act Funds.

## **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. December 20, 2021 Special Meeting**

#### **ii. December 20, 2021 Regular Meeting**

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Consent Agenda items 6. A. i. and ii. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

## **7. ORDINANCES AND RESOLUTIONS**

### **A. Consider the approval of Ordinance 2022-01 amending Section 24.100 of Appendix A - Fee Schedule, of the Code of Ordinances, to update and amend the fees for use of Lady Bird Johnson Municipal Golf Course (City Council may waive the second reading) (Chris Meade, Touchstone).**

Chris Meade, Touchstone, reviewed the history of the Golf Course Fees. He noted this is the fifth year of contract and they are requesting 5% to continue the outstanding service.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve Ordinance 2022-01 amending Section 24.100 of Appendix A - Fee Schedule, of the Code of Ordinances, to update and amend the fees for use of Lady Bird Johnson Municipal Golf Course and waive the second reading. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

### **B. Consider the approval of Ordinance 2022-02 amending Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, by making revisions for clarity, by establishing different distances for measurements of sound in residential zoning districts, and by repealing the sunset provision; and**

**providing for an effective date. (City Council may waive the second reading)  
(Brian Vorauer, Patrol Lieutenant).**

Brian Vorauer, Patrol Lieutenant, reviewed the history of the Ordinance and the need for changes.

The City Council discussed the process of measuring the sound and the distant to measure from.

Jason Lutz, Development Services Director, reviewed the different distance for measurement and recommended 25 feet from source or 10 feet from the property line.

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Ordinance 2022-02 amending Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, Section 20-210 b) 1) 25' and b) 2) 10' by making revisions for clarity, by establishing different distances for measurements of sound in residential zoning districts, and by repealing the sunset provision; and providing for an effective date. The City Council voted four (4) for, and none (0) opposed to approve the on first reading of the Ordinance. The motion carried unanimously.

## **8. OTHER ACTION ITEMS AND UPDATES**

### **A. Consider the approval of an Agreement for Specialized Professional Ambulance Billing Services with Emergicon, LLC. (Lynn Bizzell, Fire Chief).**

Lynn Bizzell, Fire Chief, reviewed the history of the EMS billing. He noted the benefits of contracting out the billing for EMS. He also noted that Staff recommends contracting with Emergicon, LLC.

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve the Agreement for Specialized Professional Ambulance Billing Services with Emergicon, LLC. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

### **B. Consider the approval of amendment to the City Council Rules of Procedure Public Comment Policy Section 12- Decorum and Debate (Daniel Jones, City Attorney).**

Kent Myers, City Manager, stated the Texas Open Meetings Act was amended in 2019 to create a right for the public to make comments at City Council meetings. The proposed decorum section, set forth in Section 12 of the City Council rules of procedure, is written to comply with the Texas Open Meetings Act, while providing for the orderly conduct of City Council Meetings.

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve the amendments to the City Council Rules of Procedure Public Comment Policy Section 12- Decorum and Debate. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

### **C. Consider the approval of the findings on the proposed Post Oak Road annexation area zoning (Z-2102) (Jason Lutz, Development Services Director).**

Jason Lutz, Development Services Director, reviewed the 6 required findings:

1. City Council shall make a specific finding as to whether the change is consistent with the objectives of this Ordinance and with the Comprehensive Plan.

2. The property affected by the request is adequate in size and shape to facilitate those uses normally associated with the requested designation.
3. The property affected by the request does not exceed the capabilities of the infrastructure.
4. The request will have no adverse effect on any property within six hundred (600) feet of the affected property.
5. The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan.
6. The request, together with the applicable conditions, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve the findings on the proposed Post Oak Road annexation area zoning (Z-2102). The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

**D. Consider the award of the American Rescue Plan Act (ARPA) funding to local non-profit organizations (Kent Myers, City Manager).**

Kent Myers, City Manager, stated In May 2021, the City was informed that we were eligible to receive funding from the ARPA by the U.S. Department of Treasury. During the FY 2022 Budget process, he noted that the City Council agreed to include funding for broadband improvements, generators, and Municipal Court backlog of cases due to COVID. He noted the remaining balance was set aside in this year's Budget for unallocated expenses. The City Council discussed the remaining balance of ARPA funds and agreed to solicit applications from local non-profit agencies that met the Department of Treasury requirements.

Dr. Andrea Bray, Frontera Healthcare Network, reviewed the services they provide related to a clinic within the community and focusing on pediatric age and parents of children. She also reviewed the request and the benefits they would have on the community.

Abigail Garces, Hill Country Council on Alcohol and Drug Abuse, reviewed the need for the assistance from the American Rescue Funds. She also reviewed the benefits from the funds and what the funds would be used for. She also provided a handout regarding their programs.

Cindy Heifner, Hill Country Community Needs Council, reviewed the number of people they have served and the different programs they provide to the community. She also reviewed the benefits the ARPA funds would bring to their programs.

Pastor Bobby Vtech, Holy Ghost Lutheran Church, reviewed the programs that the American Rescue Funds would benefit within the community. He noted the effects that COVID-19 has had on their programs.

Bobby Walsch and Mike Eilers, St. Vincent de Paul Society of St. Mary's Church, reviewed the programs they offer within the community. He also reviewed the effects that COVID-19 had on their programs and the benefits the funds would provide to their programs.

Hattie Allen, The Grace Center, reviewed the programs they provide within the community. She reviewed the benefits their programs would receive from the funding.

The City Council thanked the applicants and for all they do for the community.

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to award Frontera Healthcare Network \$15,900 from American Rescue Plan Act (ARPA). 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 award Hill Country Council on Alcohol and Drug Abuse \$30,000 from American Rescue Plan Act (ARPA). 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 award Holy Ghost Lutheran Church \$23,000 from American Rescue Plan Act (ARPA). 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 award St. Vincent de Paul Society of St. Mary's Church, \$120,000 from American Rescue Plan Act (ARPA). 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 award The Grace Center, \$120,000 from American Rescue Plan Act (ARPA). 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 Luckenbach, to award Hill Country Community Needs Council, \$120,000 from American Rescue Plan Act (ARPA). The City Council voted three (3) for, none (0) opposed, and (1) abstain (Councilmember Musselman-filed a conflict affidavit). The motion carried unanimously.

## **9. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA**

Heath Bell, City resident, read the affidavit of the Constitution.

Debra Hollenbecker, City resident, continued to read the Constitution affidavit.

Annette Bennet, City resident, continued to read the Constitution affidavit.

Jerry McCorkle, City resident, continued to read the Constitution affidavit.

Jeannette Hormuth, City resident, continued to read the Constitution affidavit. The group provided one box of affidavits for each of the Mayor, City Council, and City Manager (given to the City Secretary at 7:55 p.m.).

Kimberley Lams, City resident, spoke regarding COVID-19 and Vares Report.

Eric Hammersen, City resident, spoke regarding the American Rescue Funds.

## **10. CITY MANAGER REPORT**

### **A January 12, 2022, Council Work Session**

Kent Myers, City Manager, announced January 12, 2022, Work Session (STR) at 6 p.m. at the University Center.

**B. January 31, 2022, Council Work Session**

Kent Meyers, City Manager, announced the January 31, 2022, Work Session at 1 p.m. at Cardinal Room. He also reviewed the list of items.

**C. January 4, 2022, Candidate Orientation**

Kent Myers, City Manager, announced that there would be a Candidate Orientation tomorrow Tuesday, January 4, 2022.

**COUNCIL COMMENTS**

Mayor Kiehne thanked everyone for the outstanding New Year’s Events and all who assisted.

**11. ITEMS FOR FUTURE AGENDA**

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

**12. 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) and 551.074 (Personnel Matters):**

- A. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of S. Milam Street at Whitney Street, in the City of Fredericksburg, Texas (551.072) and**
- B. Consider and discuss the annual evaluation of the City Attorney and Municipal Court Judge (Section 551.074).**

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of the Regular Meeting and into Executive Session at 8:09 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 Executive Session and into the Regular Meeting at 8:55 p.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

**13. BUSINESS ITEM**

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve the abandonment and conveyance of City-owned property to the adjacent property owners the property located at the intersection of Milam and Whitney Street subject to the following: 1) the owners paying for all costs for transfer of ownership; 2) the City retains the necessary utility easements on the property; and 3) the owners assume responsibility for all property maintenance. 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 Luckenbach, to approve an annual salary of \$105,000 for the Municipal Court Judge and make the increase effective January 1, 2022. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

**14. ADJOURN**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to adjourn the Monday, January 3, 2022, City Council Regular Meeting at 8:58 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

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Charlie Kiehne  
Mayor

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Shelley Goodwin, TRMC  
City Secretary





## CITY COUNCIL MEMO

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**DATE:** January 7, 2022

**TO:** Mayor and City Council

**FROM:** Jennifer Krupa, Special Events Coordinator

**SUBJECT:** Street Closure Request: City Hall Open House and Touch-A-Truck

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### **Summary:**

The 3rd annual City Hall Open House & Touch-A-Truck is scheduled for Thursday, March 24, 2022, from 3:30 PM-7:00 PM. Employees will be on-site with table displays to disseminate information about the department services they offer, to mingle with residents and host fun activities for children.

Departments with vehicles, equipment, and large trucks will display them in a way so residents and children can view and “touch-a-truck” all while meeting the heroes and amazing staff that operate them. The event is family-friendly, hands-on, and educational.

In order to fit the city’s fleet into the event footprint and for the safety of our residents, the event committee is asking for City Council to approve a street closure request from 7:00 AM-7:00 PM on W. Austin Street, from N. Crockett to N. Adams. An emergency access lane will remain open on W. Austin Street during the closure. If we wait to close the street until later in the afternoon, we will have vehicles parked within the event footprint.

### **Recommendation:**

Recommend Council consider a motion to approve closing W. Austin Street between N. Adams and N. Crockett Street beginning at 7:00 a.m. on Thursday, March 24, 2022, and ending at 7:00 p.m. that evening for the City Hall Open House and Touch-A-Truck event.

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### **Background / Analysis:**

The City of Fredericksburg

A street closure on W. Austin Street between N. Crockett and N. Adams was approved for the 2018 & 2019 events. The planning committee determined that W. Austin Street should close for set-up to keep vehicles from parking within the event footprint prior to the event start time of 3:30 PM. In addition, in the event of inclement weather (or if the lot is too muddy to place heavy equipment) all departments using the grass lot will be moved onto Austin Street.

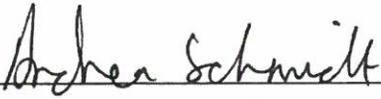
The event will encompass City Hall, City Hall Annex #1, existing City Hall parking lots, Kinder Halle, Austin Street between Crockett and Adams, and the grass parking lot owned by Bethany Lutheran Church. We estimate that close to 800 residents attended in past years.

The Special Events Coordinator has received permission to use the grass parking lot owned by Bethany Lutheran Church and they do not have any issues with the street closure request. The Special Events Coordinator also notified the church and San Saba Soap Company about the potential street closure in writing and no additional feedback was received.

**Attachments:**

Street Closure Request Form

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Department Approval

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City Manager Approval

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City Attorney Approval

## SPECIAL EVENTS STREET CLOSURE REQUEST



Street closure requests must be made two (2) months in advance to City Council for any closure two (2) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

<b>Event Name:</b>	2022 City Hall Open House & Touch-A-Truck
<b>Event Date(s):</b>	Thursday, March 24, 2022
<b>Contact Name:</b>	Jennifer Krupa
<b>Contact Phone:</b>	(830 )990-2044

**Closure Area:**

Entire Street     
  Parking Lane Only     
  Partial Street     
  Blocking City owned property

Side of street: \_\_\_\_\_ (N,S,E,W)      Side of street: \_\_\_\_\_      Location: \_\_\_\_\_

Additional details (attach additional pages as needed for more streets and describe details of use below):

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### Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
Austin Street	N. Crockett	N. Adams	March 24, 2022	7:00 a.m.	March 24, 2022	7:00 p.m.

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. Attach a copy of the notification letter and a list of addresses the letter will be sent to.

Date notice provided: December 7, 2021

Printed Name: Jennifer Krupa

Date: 12/13/21

Signature: *Jennifer Krupa*

Date: 12-13-21

Street Department: A. Duro + via email

Date: 12-13-21

Police Department: Lt. Vorauer via email

Date: 12-15-21

Parks Department: *Jennifer Krupa*

Date: 12-13-21





## CITY COUNCIL MEMO

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**DATE:** January 6, 2022

**TO:** Mayor and City Council

**FROM:** Jennifer Krupa, Special Events Coordinator

**SUBJECT:** Street Closure Request for Wildflower Run on April 23, 2022

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**Summary:**

The Fredericksburg Wildflower Run & Walk (10K & 5K) is an annual event held in the spring sponsored by Hill Country Memorial Wellness Center benefitting the Fredericksburg Academic Boosters. The course begins and ends at Marktplatz.

Event organizers have submitted a request to close W. Austin Street between N. Adams Street and N. Crockett Street for six hours during the 2022 event.

**Recommendation:**

Consider the adoption of a motion to allow the closure of W. Austin Street between N. Adams and N. Crockett Streets on Saturday, April 23, 2022, from 6:00 a.m. until 12:00 p.m.

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**Background / Analysis:**

City council approved West Austin Street between N. Adams and N. Crockett Streets to be closed from 6:00 a.m. – 12:00 p.m. for the 2021 event.

Emergency vehicle access will be allowed throughout the closure.

The City of Fredericksburg

The Wildflower Run event coordinator contacted Bethany Lutheran Church & San Saba Soap Company and alerted them of the closure request; no negative feedback was received. In addition, Lt. Brian Vorauer (Fredericksburg Police Department) and Garrett Durst (Streets Division) have reviewed and verbally approved the street closure request form.

**Attachments:**

Wildflower Run Street Closure Request and route maps

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Department Approval

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City Manager Approval

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City Attorney Approval

## SPECIAL EVENTS STREET CLOSURE REQUEST FORM; PAGE 9



Street closure requests must be made two (2) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

<b>Event Name:</b>	HCM Wellness Center Present Wildflower Run 2022
<b>Event Date(s):</b>	April 23, 2022
<b>Contact Name:</b>	Jessie Aleman
<b>Contact Phone:</b>	( 830 ) 997-1355

**Closure Area:**

Entire Street     
  Parking Lane Only     
  Partial Street     
  Blocking City owned property  
 Side of street: \_\_\_\_\_ (N,S,E,W)     
 Side of street: \_\_\_\_\_     
 Location: Marktplatz- Adelsverein Hall

Additional details (attach additional pages as needed for more streets and describe details of use below):

### Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example: Austin Street	Crockett Street	Adams Street	Friday, 4/2/18	6:00 PM	Sunday, 4/4/18	12:00 PM
W Austin Street	N Crockett Street	N Adams Street	April 23, 2022	6:00AM	April 23, 2022	12:00pm

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. Attach a copy of the notification letter and a list of addresses the letter will be sent to.

Date notice provided: January 5, 2022

Printed Name: Jessie Aleman

Signature: \_\_\_\_\_

Date: 1-5-2022

Street Department: Garrett Durst via email

Date: \_\_\_\_\_

Police Department: Lt. Vorauer via email

Date: 1-6-22

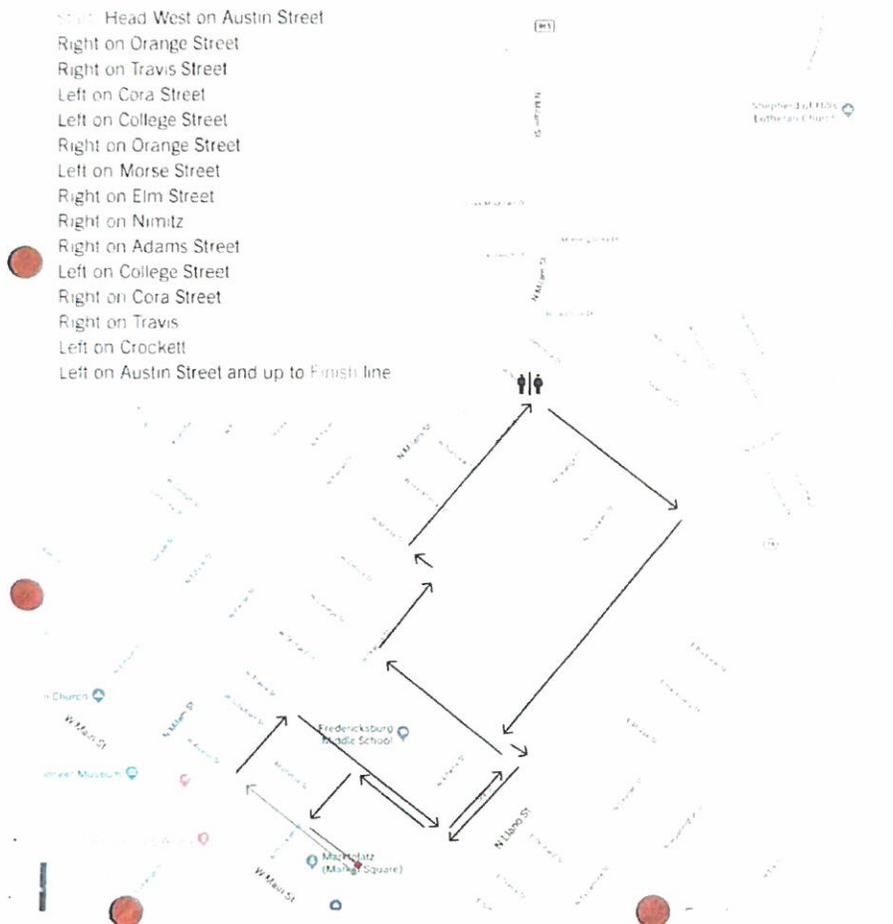
Parks Department: Jeifer KR

Date: 1-5-22

9 \* no amplified sound before 7a.m.

**5K Route**

- Start: Head West on Austin Street
- Right on Orange Street
- Right on Travis Street
- Left on Cora Street
- Left on College Street
- Right on Orange Street
- Left on Morse Street
- Right on Elm Street
- Right on Nimitz
- Right on Adams Street
- Left on College Street
- Right on Cora Street
- Right on Travis
- Left on Crockett
- Left on Austin Street and up to Finish line



**10K Route**

- Start: Head West on Austin Street
- Right on Orange Street
- Right on Travis Street
- Left on Cora Street
- Left on College Street
- Right on Orange Street
- Left on Morse Street
- Right on Elm Street
- Right on Seamoor
- Left on Adams
- Left on Lower Crabapple Rd
- Right on Frederick Rd
- Left on Briarwood Circle
- Left on Tanglewood
- Right on Adams
- Left on College Street
- Right on Cora Street
- Right on Travis Street
- Left on Crockett
- Left on Austin Street and up to FINISH Line







## CITY COUNCIL MEMO

---

**DATE:** January 7, 2022

**TO:** Mayor and City Council

**FROM:** Jennifer Krupa, Special Events Coordinator

**SUBJECT:** Street Closure Request for 2022 Fredericksburg Crawfish Festival

---

### Summary:

The Fredericksburg Jaycees have submitted a street closure request for review and approval to host the annual Fredericksburg Crawfish Festival on Friday, Saturday, and Sunday, May 27, 28, & 29, 2022, at Marktplatz.

Event organizers have requested to close the parking lane adjacent to Marktplatz on Adams Street and to close one southbound lane on Adams Street adjacent to Marktplatz beginning Friday, May 27<sup>th</sup> at 8:00 a.m. until Sunday, May 29<sup>th</sup> at 10:00 p.m., and close W. Austin Street between N. Adams and N. Crockett Streets beginning Friday, May 27<sup>th</sup> at 8:00 a.m. until Sunday, May 29<sup>th</sup> at 10:00 p.m.

### Recommendation:

City council should consider adoption of a motion to close:

- The parking lane adjacent to Marktplatz and one southbound lane on Adams Street beginning on Friday, May 27, 2022, at 8:00 a.m. until Sunday, May 29, 2022, at 10:00 p.m., and;
- W. Austin Street between N. Adams and N. Crockett Streets beginning Friday, May 27, 2022, at 8:00 a.m. until Sunday, May 29, 2022, at 10:00 p.m.

---

### Background / Analysis:

The City of Fredericksburg

**Street closure request background:** The Crawfish Festival is an annual event sponsored by the Fredericksburg Jaycees and is held on Memorial Day weekend each May. Festival organizers requested to close the parking lane and one southbound lane of Adams Street adjacent to Marktplatz from Austin Street to Main Street and both lanes of Austin Street between Adams Street and Crockett Street for the 2021 event and the closure was approved through Monday at 6:00 p.m. The street closure request for 2022 will end on Sunday evening at 10:00 p.m. vs. Monday evening at 6 p.m., therefore shortening the hours the streets will be closed.

Bethany Lutheran Church attendees are allowed parking access on Sunday, May 29, 2022, for church services.

The Jaycees also contacted Bethany Lutheran Church & San Saba Soap Company and alerted them of the closure request; no negative feedback was received. In addition, Lt. Brian Vorauer (Fredericksburg Police Department) and Garrett Durst (Streets Division) have reviewed and verbally approved the street closure request form.

The Jaycees have agreed to also notify the businesses located on N. Adams Street between Main & Austin of the one southbound lane closure, however the lane closure will not block any business on Adams Street.

**Attachments:**

Fredericksburg Crawfish Festival Street Closure Request Form, Merchant Letters, Event Layout/Map

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Department Approval

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City Manager Approval

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City Attorney Approval

The City of Fredericksburg

## SPECIAL EVENTS STREET CLOSURE REQUEST



Street closure requests must be made two (2) months in advance to City Council for any closure two (2) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

<b>Event Name:</b>	Fredericksburg Jaycees Crawfish Festival
<b>Event Date(s):</b>	May 27-29, 2022
<b>Contact Name:</b>	Sloan McBride
<b>Contact Phone:</b>	( 830 ) 998-5220

**Closure Area:**

Entire Street     
  Parking Lane Only     
  Partial Street     
  Blocking City owned property  
 Side of street: West (N,S,E,W)     
 Side of street: West     
 Location: \_\_\_\_\_

Additional details (attach additional pages as needed for more streets and describe details of use below):

Austin Street will be fully closed street and Adams will be have the parking lane and one southbound lane closed

### Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
Austin Street	Crockett Street	Adams Street	Friday, 5/27/22	8:00 AM	Sunday, 5/29/22	10:00 PM
Adams Street	Main Street	Austin Street	Friday, 5/27/22	8:00 AM	Sunday, 5/29/2022	

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. Attach a copy of the notification letter and a list of addresses the letter will be sent to.

Date notice provided: December 23, 2021

Printed Name: Sherri S. Bumpas

Date: 12/22/21

Signature: [Handwritten Signature]

Date: 12/22/21

Street Department: G. Dust via email

Date: 1-3-22

Police Department: Lt. Vorauer via email

Date: 1-6-22

Parks Department: Janifer King

Date: 12-30-21



To the Merchants on Adams Street,

**Texas Jack Wild West Outfitters**  
**Martini's Seafood House**  
**Cross Cultures**  
**Creations in Jewelry**

The Fredericksburg Jaycees are in the process of planning our annual Crawfish Festival May 27<sup>th</sup> to May the 29<sup>th</sup> 2022. As you may know, we must go to City Council to request either a Street Closure or a Lane Closure. This year we are seeking a parking lane closure and ONE south bound lane closure on the Adams Street side of Market Platz and the Parking Lanes, West and East bound lanes on the Austin St. side beginning Friday morning, May 27<sup>th</sup> at 8am through Sunday afternoon, May 29<sup>th</sup> at 6pm. The goal of the Fredericksburg Jaycees is to work with the merchants on both streets amicably.

As a courtesy, you are receiving this letter and map showing the street closure intentions of the Fredericksburg Jaycees.

Thank You:

**Sherri Bumpas**  
**Jaycees Treasurer**  
**830-998-9177**



**Austin Street Merchant,**

The Fredericksburg Jaycees are in the process of planning our annual Crawfish Festival May 27<sup>th</sup> to May the 29<sup>th</sup> 2022. As you may know, we must go to City Council to request either a Street Closure or a Lane Closure. This year we are seeking a parking lane closure and ONE south bound lane closure on the Adams Street side of Market Platz and the Parking Lanes, West and East bound lanes on the Austin Street side. The goal of the Fredericksburg Jaycees is to work with the merchants on both streets amicably.

Please feel free to contact me if there are any questions or concerns and I will be glad to work with you. Your signature below confirms that you have received a verbal and written notice, as well as a map showing the street closure intentions of the Fredericksburg Jaycees.

Thank You:

A handwritten signature in black ink, appearing to read "Sherri Bumpas".

Sherri Bumpas  
Jaycees Treasurer  
830-998-9177

A handwritten signature in black ink, appearing to be a stylized name, possibly "Bethany".  
\_\_\_\_\_  
Signature : Bethany Lutheran ChurchA handwritten signature in black ink, appearing to be "L. Petty".  
\_\_\_\_\_  
Print : Bethany Lutheran Church



**Austin Street Merchant,**

The Fredericksburg Jaycees are in the process of planning our annual Crawfish Festival May 27<sup>th</sup> to May the 29<sup>th</sup> 2022. As you may know, we must go to City Council to request either a Street Closure or a Lane Closure. This year we are seeking a parking lane closure and ONE south bound lane closure on the Adams Street side of Market Platz and the Parking Lanes, West and East bound lanes on the Austin Street side. The goal of the Fredericksburg Jaycees is to work with the merchants on both streets amicably.

Please feel free to contact me if there are any questions or concerns and I will be glad to work with you. Your signature below confirms that you have received a verbal and written notice, as well as a map showing the street closure intentions of the Fredericksburg Jaycees.

Thank You:

Sherri Bumpas  
Jaycees Treasurer  
830-998-9177

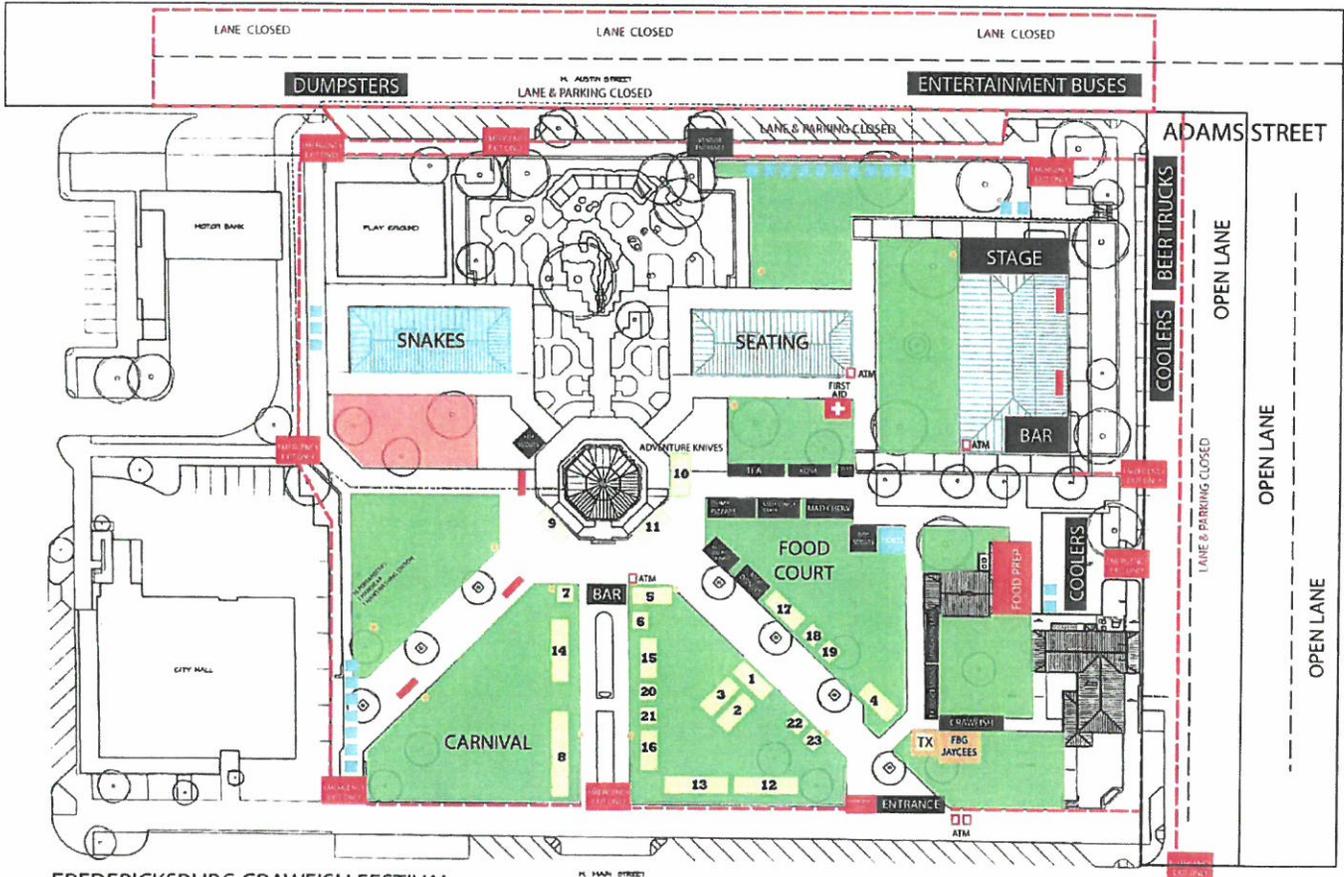
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Signature : San Saba Soap Company

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Print : San Saba Soap Company

AUSTIN STREET



FREDERICKSBURG CRAWFISH FESTIVAL  
MARKTPLATZ LAYOUT

- DODGE TRUCK
- PORTAPOTTY
- ELECTRIC
- FENCE
- 10'X10' VENDOR SPACE
- 10'X10' PRIME VENDOR SPACE





## CITY COUNCIL MEMO

---

**DATE:** January 10, 2022

**TO:** Mayor and City Council

**FROM:** Jennifer Krupa, Special Events Coordinator

**SUBJECT:** Street Closure Request: 17<sup>th</sup> Annual Fredericksburg Car Fest 2022

---

### **Summary:**

The Fredericksburg Car Fest, formerly known as the Masonic Car Show, hosted by Fredericksburg Morning Rotary Club, is an annual event held the first weekend in June at Marktplatz. Event organizers have requested to close W. Austin Street between N. Adams Street and N. Crockett Street for ten hours during the 2022 event.

The event organizer has submitted a special events application to the special events coordinator.

### **Recommendation:**

Recommend council consider a motion to approve the closure of W. Austin Street between N. Adams and N. Crockett Streets on Saturday, June 4, 2022, from 6:00 a.m. to 4:00 p.m.

---

### **Background / Analysis:**

The request to close Austin Street was approved by City Council for the 2020 event however, the event was canceled due to the coronavirus. The event footprint has expanded as the number of cars participating in the car show have increased year after year. Therefore, some of the car show entries will need to be parked on Austin Street for judging. In addition, during the 2019 event, the event organizers invited local first responders to participate in a meet-and-greet and it was very well received by the event attendees. A few of the first responder vehicles and equipment have proven to be too large to place on

The City of Fredericksburg

Marktplatz during the car show (i.e. Fire Engine & Ambulance), therefore Austin Street would be used instead. For 2021, a new car expo was added to allow attendees to get up close and personal to new vehicles from leading manufacturers.

Closing Austin Street will allow car show participants that use the grass parking lot at Bethany Lutheran Church to safely cross Austin Street to and from Marktplatz. Emergency vehicle access will be allowed throughout the closure.

The event coordinator contacted Bethany Lutheran Church and San Saba Soap Company and alerted them of the closure request; no negative feedback was received. In addition, Lt. Brian Vorauer (Fredericksburg Police Department) and Garrett Durst (Streets Division) have reviewed and verbally approved the street closure request form.

**Attachments:**

Street Closure Request Form; correspondence with Bethany Lutheran Church and San Saba Soap Company

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Department Approval

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City Manager Approval

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City Attorney Approval

**SPECIAL EVENTS STREET CLOSURE REQUEST FORM; PAGE 9**



Street closure requests must be made two (2) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

<b>Event Name:</b>	Annual Car Show / First Responder / New Car Expo
<b>Event Date(s):</b>	6/4/2022
<b>Contact Name:</b>	Max Beckmann
<b>Contact Phone:</b>	( 830 ) 456-2735

**Closure Area:**

Entire Street     
  Parking Lane Only     
  Partial Street     
  Blocking City owned property  
 Side of street: \_\_\_\_\_ (N,S,E,W)     
 Side of street: \_\_\_\_\_     
 Location: \_\_\_\_\_

Additional details (attach additional pages as needed for more streets and describe details of use below):  
 Car show entrant parking, area for fire engines and ambulance as part of our First Responder program, and to make it safe for the public to

make it more orderly for parking cars.

**Street Closure Details:**

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
<b>Example:</b> Austin Street	Crockett Street	Adams Street	Friday, 4/2/18	6:00 PM	Sunday, 4/4/18	12:00 PM
Austin	Crockett	Adams	Sat June 4 2022	6:00AM	Sat Jun 4 2022	4PM

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. **Attach a copy of the notification letter and a list of addresses the letter will be sent to.**

Date notice provided: 12/13/2021

Printed Name: Walter Pletz for Max Beckmann

Signature: *Walter Pletz*

Date: 12/13/21

Street Department: A. Dust via email

Date: 12-13-21

Police Department: Lt. Vonnuer via email

Date: 12-15-21

Parks Department: *Jen Berke*

Date: 12-13-21

Fredericksburg Car Fest  
June 4, 2022

No objection to street closure for Fredericksburg Car Fest, Saturday, June 4, 2022

Bethany Lutheran Church

Name: Layne Petty *Layne Petty*

Phone: 830-456-1817

Email: laynebl@gmail.com

San Saba Soap Company

Name: Leanne Holley

Phone: 325-642-7974

Email: sales@sansabasoap.com

received 12-10-21  
*JKP*



## CITY COUNCIL AGENDA MEMO

---

**DATE:** January 18, 2022

**TO:** Mayor and City Council Members

**FROM:** Jason Lutz

**SUBJECT:** Z-2127 – REQUEST BY JEFFERY MORIN AND LORNE KOWERT, OWNERS, TO CONSIDER A REQUEST FOR A ZONING CHANGE FROM “SINGLE-FAMILY RESIDENTIAL” (R1) TO A ZONING CLASSIFICATION OF “MIXED RESIDENTIAL” (R2) FOR APPROXIMATELY 6.69 ACRES OF LAND, DESCRIBED AS, 1.26 ACRES OUT OF THE GE CO #10, 0.93 ACRES OUT OF THE GE CO #10, 1.38 ACRES OUT OF THE GE CO #10, AND LOT 1 OF THE BRENTWOOD OAKS SUBDIVISION, LOCATED AT 626, 702, 704, AND 616 SOUTH EAGLE STREET.

---

**Summary:**

The applicant is seeking a zoning change from Single-family residential (R1) to Mixed Residential (R2).

**Analysis:**

The property currently consists of vacant undeveloped land and single-family structures, some of which are being operated as STRs.

Land uses and zoning surrounding this property include multi-family (R3) to the north, vacant land (Mixed Residential, R2) to the west, vacant land (Commercial, C1, proposed apartment complex) to the south, and Single-family (R1) across S. Eagle St. to the east.

The Future Land Use Plan identifies the subject areas as a “Medium Density Residential”, which would allow the R2 zoning district and require no changes to the City’s future land use plan.

Given that the subject parcels are adjacent to the requested zoning, located between proposed and existing multi-family developments (north and south), and the zoning request is inline with the City’s comprehensive plan staff can support the requested zoning change.

---

The City of Fredericksburg

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**Recommendations:**

P&Z held a public hearing on January 3, 2022, and unanimously recommended approval of the requested zoning change.

Staff recommends approval of the requested zoning change as presented.

**Attachments:**

Location/Zoning Map, Future Land Use Map, and Draft Ordinance

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Department Approval

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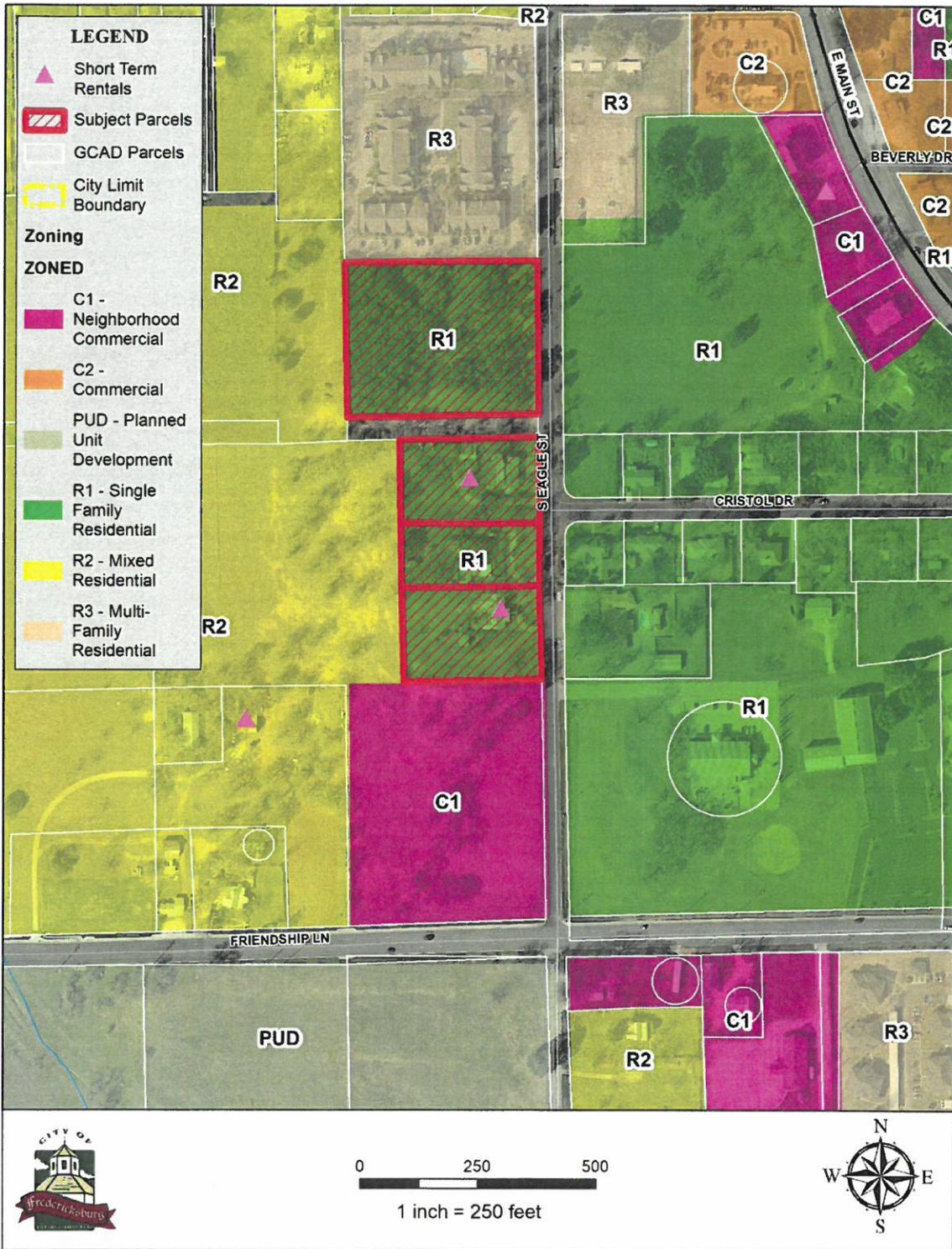
City Manager Approval

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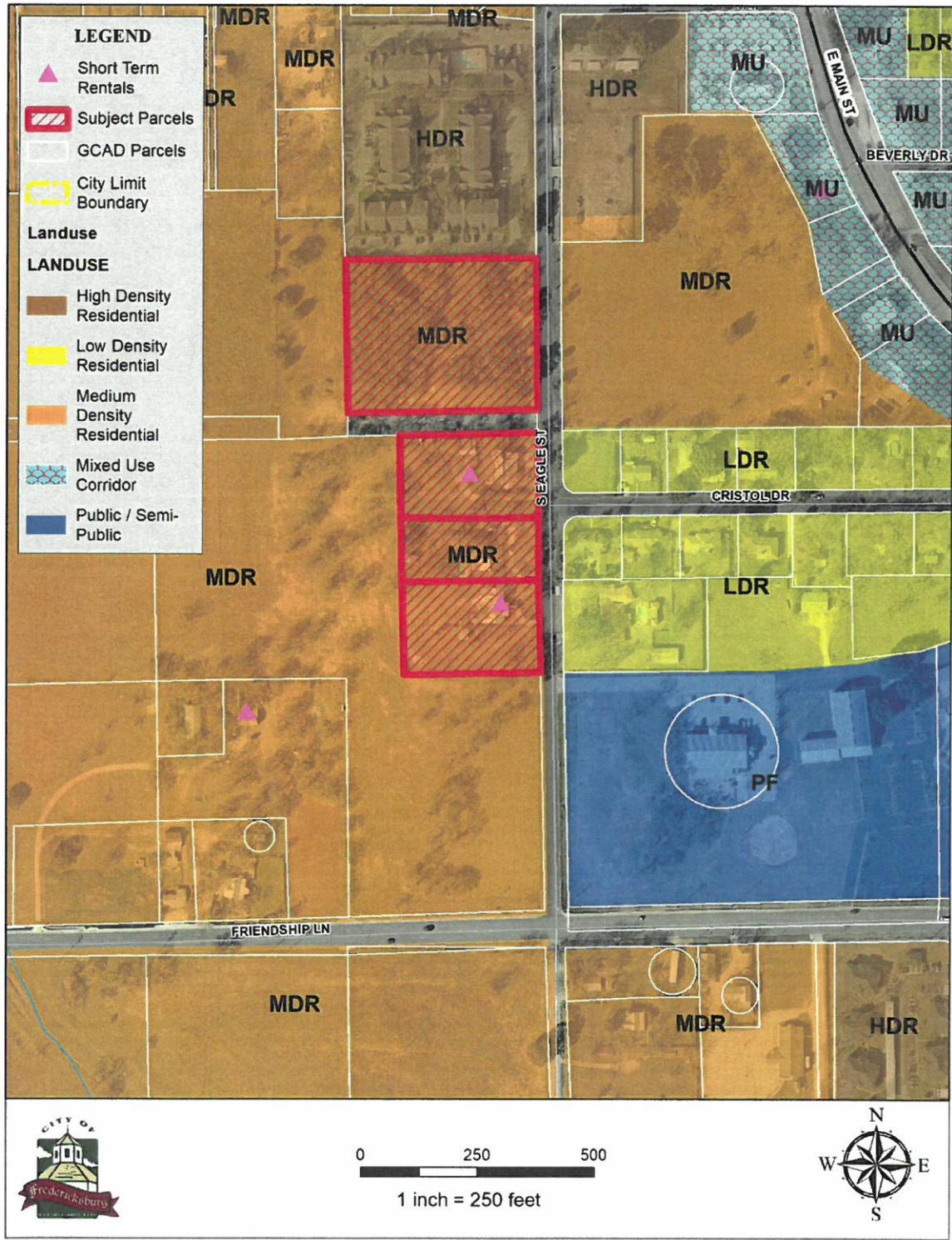
City Attorney Approval

**The City of Fredericksburg**



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## The City of Fredericksburg

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY AND CHANGING THE ZONING DISTRICT AS TO APPROXIMATELY 6.69 ACRES OF LAND, LOCATED AT 616, 626, 702, and 704 SOUTH EAGLE STREET, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM SINGLE FAMILY RESIDENTIAL (R-1) TO MIXED RESIDENTIAL (R-2); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, an Application for Rezoning has been submitted by the owners of lots described as APPROXIMATELY 6.69 ACRES OF LAND, OUT OF THE GE CO #10 AND LOT 1 OF THE BRENTWOOD OAKS SUBDIVISION, LOCATED AT 616, 626, 702, and 704 SOUTH EAGLE STREET in the City of Fredericksburg, Texas, to change the present zoning district of said lots from SINGLE FAMILY RESIDENTIAL (R-1) TO MIXED RESIDENTIAL (R-2); and

**WHEREAS**, public hearings before the Planning and Zoning Commission and the City Council of the City of Fredericksburg have been duly noticed and held regarding such application, as required by the City of Fredericksburg Zoning Ordinance; and

**WHEREAS**, the Planning and Zoning Commission has determined that such zoning change is in conformity with the uses established by the Comprehensive Land Use Plan of the City of Fredericksburg and is consistent with the objectives of the City of Fredericksburg Zoning Ordinance, and has recommended to the City Council of the City of Fredericksburg, based upon positive findings under the review and evaluation criteria established by such ordinance, that the rezoning be enacted; and

**WHEREAS**, the City Council has specifically found, following public hearing, that such change is consistent with the objectives of the City of Fredericksburg Zoning Ordinance and Comprehensive Land Use Plan of the City of Fredericksburg and there has not been a protest against rezoning signed by owners of twenty per cent (20%) or more either of the area of the property included in the zoning request, or of the area of the property immediately adjoining the same and extending two hundred feet (200') therefrom.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:**

**Section 1.** That the zoning ordinance of the City of Fredericksburg is hereby amended to incorporate the certain change in zoning district as follows:

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, said lots being described as APPROXIMATELY 6.69 ACRES OF LAND, OUT OF THE GE CO #10 AND LOT 1 OF THE BRENTWOOD OAKS SUBDIVISION, LOCATED AT 616, 626, 702, and 704 SOUTH EAGLE STREET in the City of Fredericksburg, Texas, and as additionally shown and designated on the map attached hereto as Exhibit A, to be and are hereby rezoned and designated as MIXED RESIDENTIAL (R-2).

**Section 2.** That all references in City of Fredericksburg Code of Ordinances to the Zoning Ordinance shall henceforth refer to such as is amended hereby.

**Section 3.** That this Ordinance shall take effect upon the date of its passage.

PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Charlie Kiehne, Mayor  
City of Fredericksburg, Texas

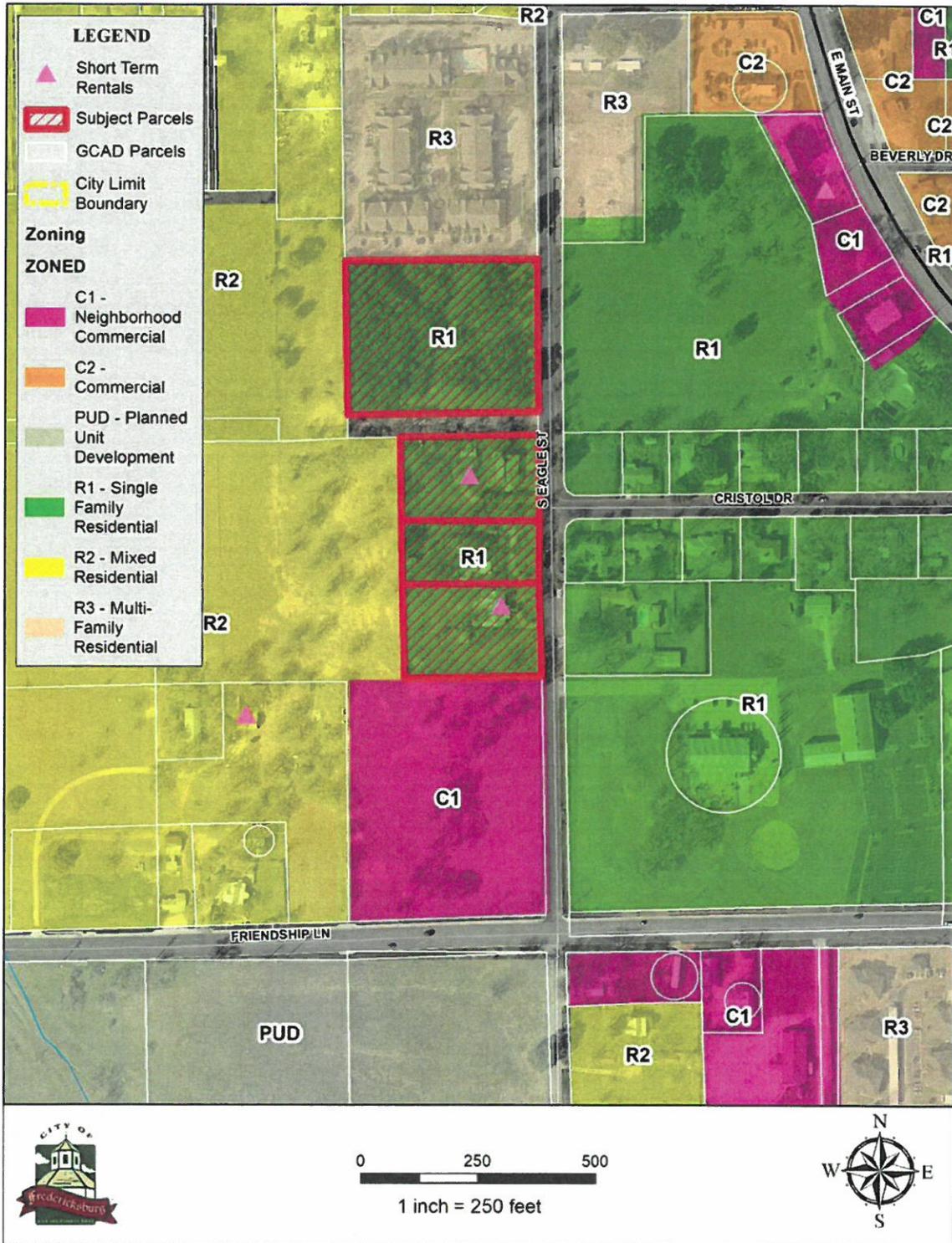
ATTEST:

\_\_\_\_\_  
Shelley Goodwin, TRMC  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel D. Jones, City Attorney

**Exhibit A**







## CITY COUNCIL AGENDA MEMO

---

**DATE:** January 18, 2022

**TO:** Mayor and City Council Members

**FROM:** Jason Lutz

**SUBJECT:** Z-2126 – REQUEST BY KEVIN SPRAGGINS, APPLICANT, TO CONSIDER THE FOLLOWING:

1. A REQUEST FOR A FUTURE LAND USE CHANGE FROM “MIXED-USE CORRIDOR” (MU) TO A FUTURE LAND USE CLASSIFICATION OF “COMMERCIAL” FOR APPROXIMATELY 8 ACRES OF LAND, TO BE SUBDIVIDED FROM, ABS A0002 W H ANDERSON #197, TRACT III, 22.28 ACRES, LOCATED AT 1100 FRIENDSHIP LANE.
2. A REQUEST FOR A ZONING CHANGE FROM “INDUSTRIAL PARK” (M3) TO A ZONING CLASSIFICATION OF “COMMERCIAL” (C2) FOR APPROXIMATELY 8 ACRES OF LAND, TO BE SUBDIVIDED FROM, ABS A0002 W H ANDERSON #197, TRACT III, 22.28 ACRES, LOCATED AT 1100 FRIENDSHIP LANE.

---

### **Summary:**

The applicant is seeking a zoning change from M3 to C2 to construct a hotel and conference center located along Friendship Lane.

### **Analysis:**

The property is currently vacant undeveloped land located on the south side of Friendship Lane behind the existing Sutherlands facility.

Land uses surrounding this property include intense retail to the east and north (Sutherlands & Walmart), vacant land and multi-family to the west, and an RV Park and single-family residential (ETJ) to the south.

Surrounding zoning is Industrial Park (M3) to the west, Planned Unit Developments (PUDS) to the north and east, Medium Manufacturing (M2) to the southeast, and unzoned property (ETJ) to the southwest.

The City of Fredericksburg

The Future Land Use Plan identifies the subject area as a “Mixed Use Corridor”, but the property is not currently in the City’s Entry Corridor Overlay District.

The Future Land Use Describes the “Mixed Use Corridor” classification as a district that would be generally applicable along major roadways, such as US Highway 290 and 87, and State Highway 16. The City’s present C-1 and C-2 zoning districts allow residential uses only by CUP (conditional use permit), but in this district residential uses would be permitted by right. Although uses could be mixed, there would be no requirement that they be “integrated” into a project or within the same building. This new district should incorporate many of the new TND (Traditional Neighborhood Design) and New Urbanism concepts that are being developed in many parts of the country today. These design concepts could be incorporated through a zoning overlay district for these areas. In this district, commercial uses should be limited, and retail, office, hospitality, and institutional uses should be encouraged. This district will ultimately encourage a better image of Fredericksburg along these major roadways.

The current zoning of Industrial Park (M3) is not compatible with the existing zoning and land uses in the area and staff supports a change from M3 to any other Commercial zoning category within the city.

Staff did have a concern with the requested future land use change as this would create an island of “Commercial” between two Mixed Use Corridors. The owner of the remainder of the M3 tract has submitted a zoning and land use change application to be considered at the February P&Z meeting. Given this new application would bring the entire property into the same zoning and land use categories, staff can support the requested changes.

---

**Recommendation:**

P&Z held a public hearing on January 03, 2022, and unanimously recommended approval of the requested land use and zoning changes.

Staff recommends approval of the requested future land use and zoning changes as presented.

**Attachments:**

Location/Zoning Map, Future Land Use Map, and Draft Ordinances

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*Jason Lutz*

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Department Approval

*[Signature]*

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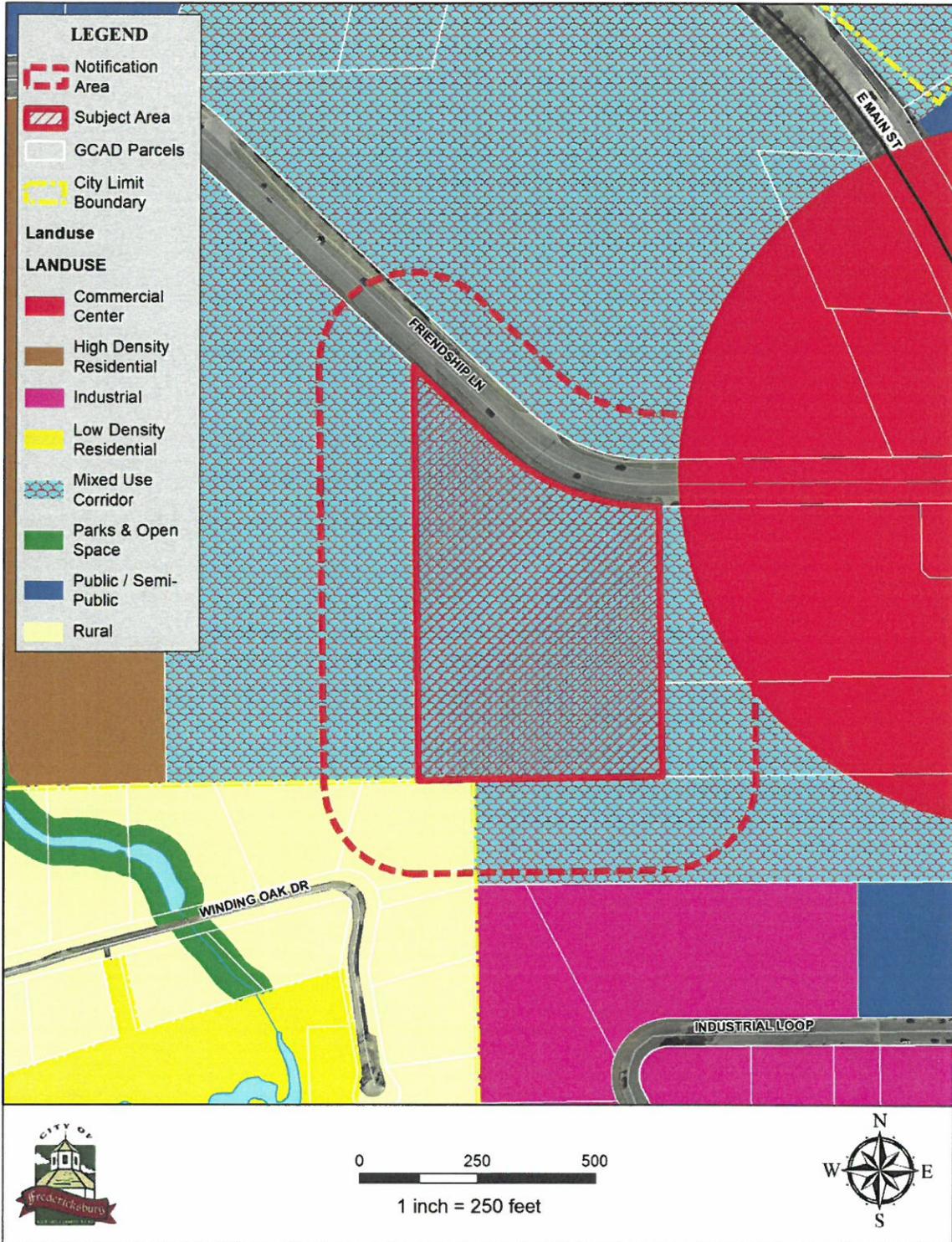
City Attorney Approval

*[Signature]*

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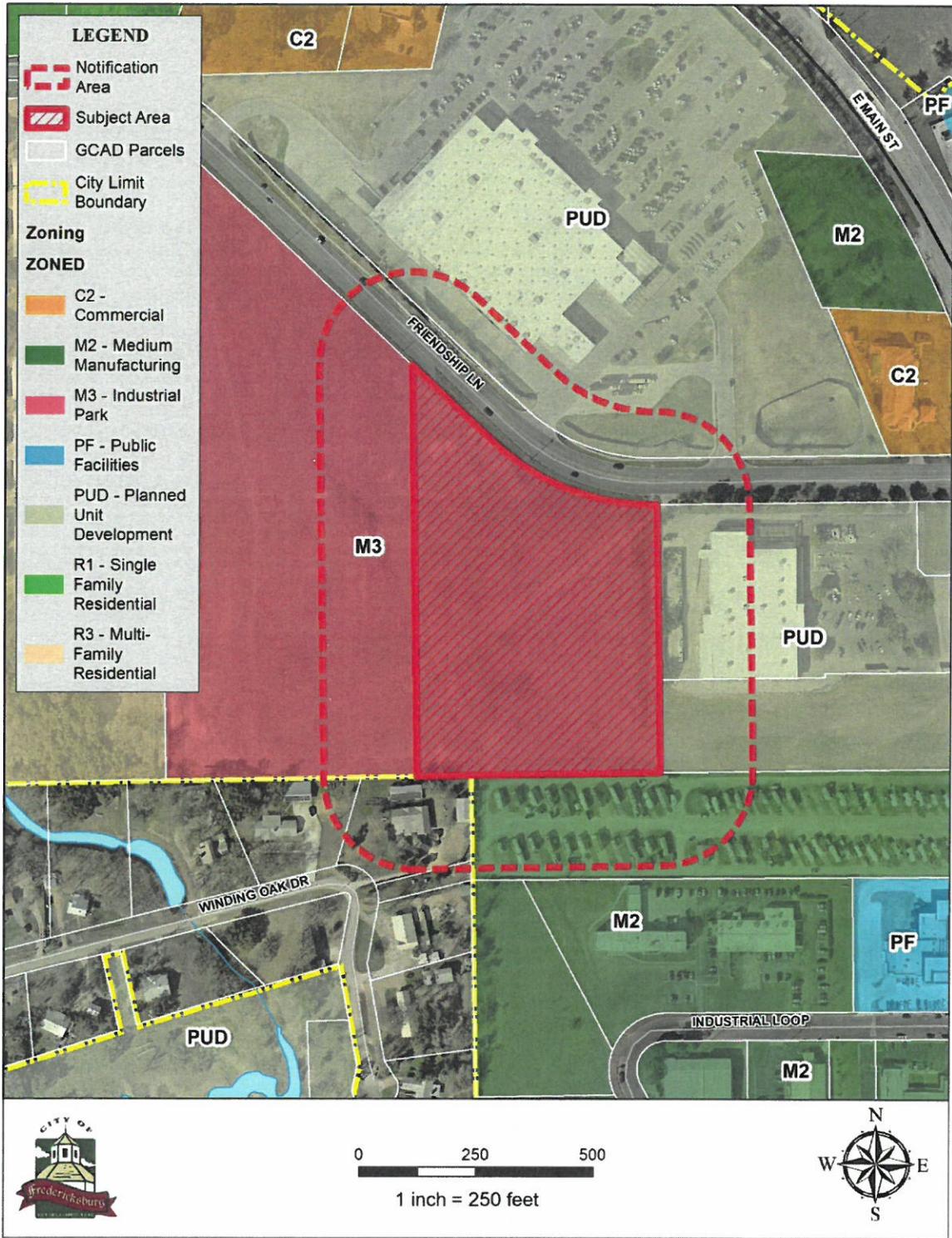
City Manager Approval

**The City of Fredericksburg**



## The City of Fredericksburg

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## The City of Fredericksburg

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**ORDINANCE NO. 2022-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, ADOPTING A CHANGE IN THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG, SPECIFICALLY IN THE LAND USE MAP, AS TO APPROXIMATELY 8.0 ACRES OF LAND, BEING A PORTION OF W.H. ANDERSON #197, ABSTRACT NO. 2, LOCATED AT 1100 FRIENDSHIP LANE; CHANGING SAID PROPERTY FROM MIXED USE CORRIDOR (MU) TO COMMERCIAL (C); PROVIDING THAT THE CHANGE BECOME A PART OF THE COMPREHENSIVE PLAN, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, upon adoption of the Comprehensive Plan for the City of Fredericksburg, the City Council recognized, as is required by such Plan, that such Plan is not static but must be re-evaluated in terms of physical, environmental, social, economic and public value factors which have occurred since the adoption of the Plan; and

**WHEREAS**, the Planning and Zoning Commission of the City of Fredericksburg has re-evaluated such Plan and has recommended that such Plan be changed, and that the Land Use Plan be amended to reflect such changes in land use; and

**WHEREAS**, public hearings before the Planning and Zoning Commission and the City Council have been duly noticed and held regarding such proposed change as required by the City of Fredericksburg Zoning Ordinance; and

**WHEREAS**, the City Council has specifically found, following the public hearing, that such change is consistent with the objectives of the Comprehensive Plan of the City of Fredericksburg and that it would be in the best interests of the public that such change be made.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:**

**Section 1.** That the Comprehensive Plan of the City of Fredericksburg is hereby amended to incorporate the certain change to the Land Use Plan as follows:

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, said land being known as APPROXIMATELY 8.0 ACRES OF LAND, BEING A PORTION OF W.H. ANDERSON #197, ABSTRACT NO. 2, LOCATED AT 1100 FRIENDSHIP LANE, and as additionally shown and designated on the map attached hereto as Exhibit A, are hereby designated as COMMERCIAL (C).

**Section 2.** That all references in City of Fredericksburg Code of Ordinances to the Comprehensive Plan or to the Land Use Map shall henceforth refer to such as are amended hereby.

**Section 3.** That this Ordinance shall take effect upon the date of its passage.

PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Charlie Kiehne, Mayor  
City of Fredericksburg, Texas

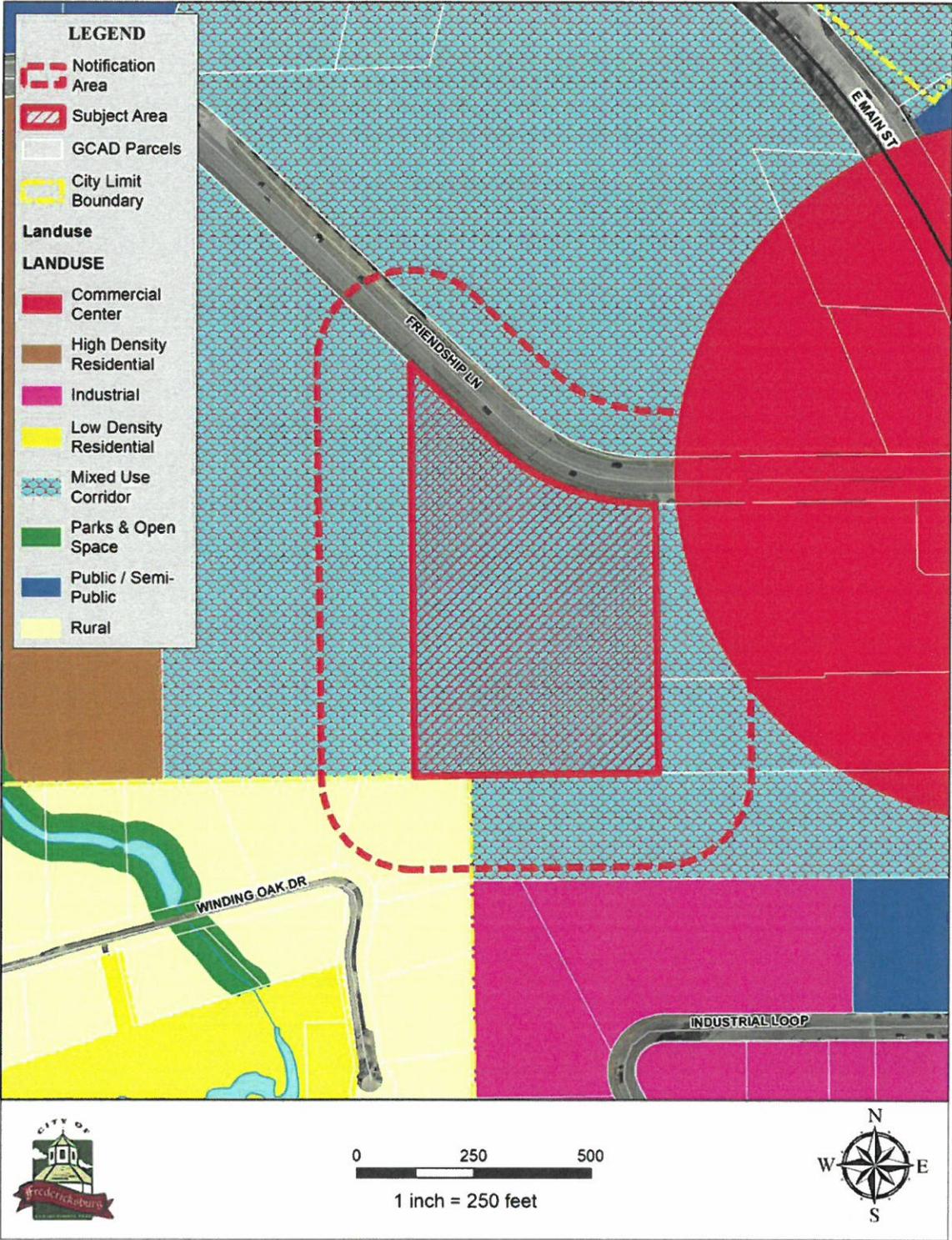
ATTEST:

\_\_\_\_\_  
Shelley Goodwin, City Secretary, TRMC

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel D. Jones, City Attorney

EXHIBIT "A"



**ORDINANCE NO. 2022-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY AND CHANGING THE ZONING DISTRICT AS TO APPROXIMATELY 8.0 ACRES OF LAND, BEING A PORTION OF W.H. ANDERSON #197, ABSTRACT NO. 2, LOCATED AT 1100 FRIENDSHIP LANE, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM INDUSTRIAL PARK (M-3) TO COMMERCIAL (C-2); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, an Application for Rezoning has been submitted by the owners of lots described as APPROXIMATELY 8.0 ACRES OF LAND, BEING A PORTION OF W.H. ANDERSON #197, ABSTRACT NO. 2, LOCATED AT 1100 FRIENDSHIP LANE in the City of Fredericksburg, Texas, to change the present zoning district of said lots from INDUSTRIAL PARK (M-3) TO COMMERCIAL (C-2); and

**WHEREAS**, public hearings before the Planning and Zoning Commission and the City Council of the City of Fredericksburg have been duly noticed and held regarding such application, as required by the City of Fredericksburg Zoning Ordinance; and

**WHEREAS**, the Planning and Zoning Commission has determined that such zoning change is in conformity with the uses established by the Comprehensive Land Use Plan of the City of Fredericksburg and is consistent with the objectives of the City of Fredericksburg Zoning Ordinance, and has recommended to the City Council of the City of Fredericksburg, based upon positive findings under the review and evaluation criteria established by such ordinance, that the rezoning be enacted; and

**WHEREAS**, the City Council has specifically found, following public hearing, that such change is consistent with the objectives of the City of Fredericksburg Zoning Ordinance and Comprehensive Land Use Plan of the City of Fredericksburg and there has not been a protest against rezoning signed by owners of twenty per cent (20%) or more either of the area of the property included in the zoning request, or of the area of the property immediately adjoining the same and extending two hundred feet (200') therefrom.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:**

**Section 1.** That the zoning ordinance of the City of Fredericksburg is hereby amended to incorporate the certain change in zoning district as follows:

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, said lots being described as APPROXIMATELY 8.0 ACRES OF

LAND, BEING A PORTION OF W.H. ANDERSON #197, ABSTRACT NO. 2, LOCATED AT 1100 FRIENDSHIP LANE in the City of Fredericksburg, Texas, and as additionally shown and designated on the map attached hereto as Exhibit A, to be and are hereby rezoned and designated as COMMERCIAL (C-2).

**Section 2.** That all references in City of Fredericksburg Code of Ordinances to the Zoning Ordinance shall henceforth refer to such as is amended hereby.

**Section 3.** That this Ordinance shall take effect upon the date of its passage.

PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Charlie Kiehne, Mayor  
City of Fredericksburg, Texas

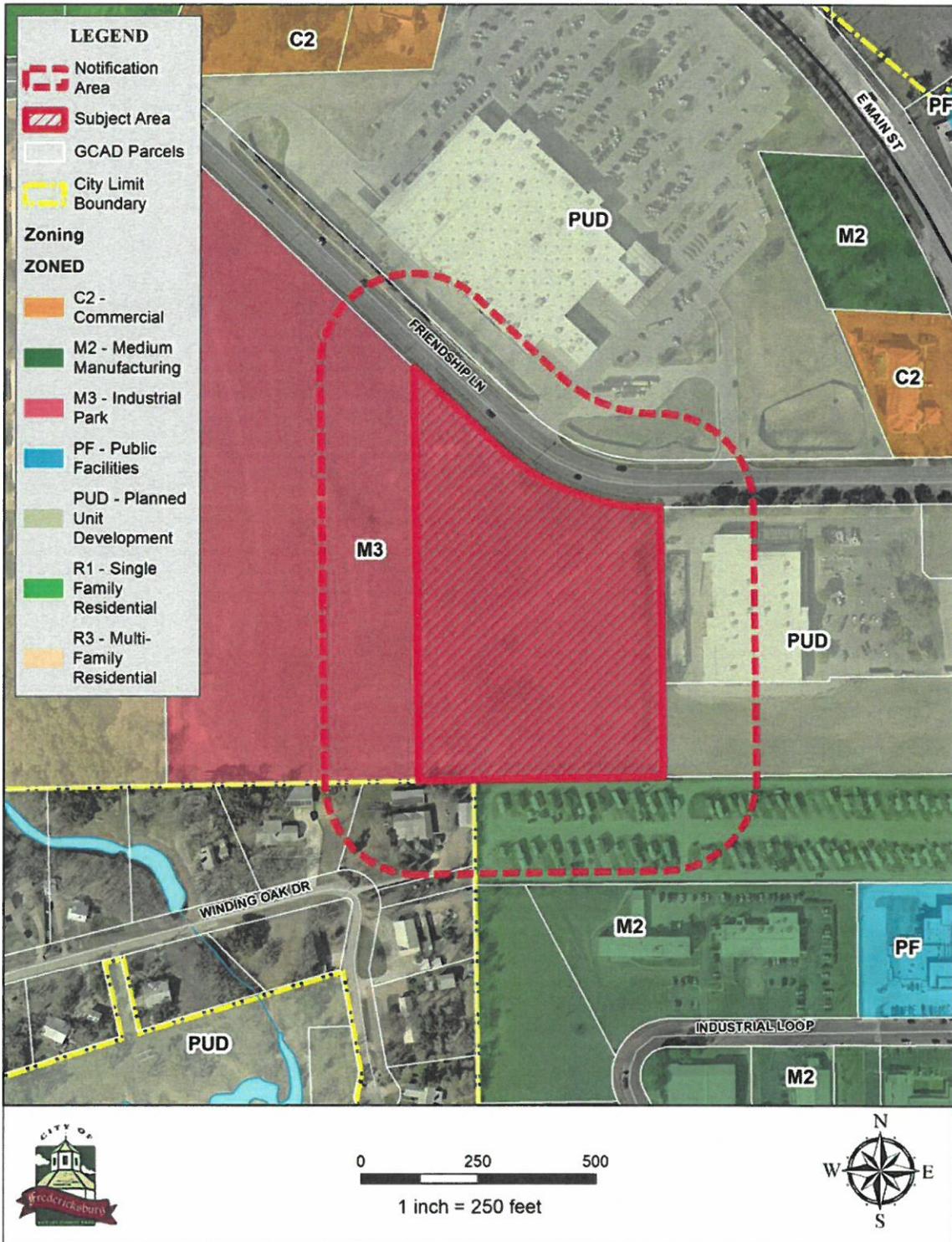
ATTEST:

\_\_\_\_\_  
Shelley Goodwin, TRMC  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel D. Jones, City Attorney

Exhibit A







## CITY COUNCIL MEMO

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**DATE:** January 10, 2021  
**TO:** Mayor and City Council  
**FROM:** Brian Vorauer, Patrol Lieutenant  
**SUBJECT:** Noise and Sound Level Regulation – Second Reading

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### **Summary:**

This agenda item is a revision of the current City of Fredericksburg Article VI. Noise and Sound Level Regulation Section 20-208 through Section 20-211. The City Attorney and the Fredericksburg Police Department worked together to revise the current ordinance language in which the noise or sound is measured in residential areas.

### **Recommendation:**

It is recommended that the City Council approve the revised Article VI. Noise and Sound Level Regulation Section 20-208 through Section 20-211.

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### **Background / Analysis:**

The Noise and Sound Level Regulation was adopted November 19, 2012. Changes to the 2012 ordinance were made in 2017 and the current version was adopted May 15, 2017. The current ordinance is over four years old and needs to be updated to correct language, remove subjective language, and adjust the distance in which the noise or sound is measured in residential areas. Due to an increase in noise and sound complaints in residential areas city staff reviewed the complainants and determined that the Noise and Sound Level Regulation needed to be revised. From April 23 – December 12, 2021, the Fredericksburg Police Department received 172 calls for noise ordinance violations. The 172 calls are spread throughout the city and cover noise complaints from talking to loud, barking dogs, and amplified sound. A breakdown

The City of Fredericksburg

of these calls and a map of the call locations are attached for reference. For the last two months the police department measured decibel levels in various noise and sound scenarios and documented those findings in the attached document. Decibel levels measurements were taken with a police department issued decibel meter.

**Attachments:**

Noise and Sound Ordinance Breakdown

Noise Complaint Map

Noise and Sound Ordinance Scenarios

Redline edit of the current Article VI. Noise and Sound Level Regulation and clean edit of the proposed Article VI Noise and Sound Level Regulation.

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**Department Approval**

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**City Manager Approval**

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**City Attorney Approval**

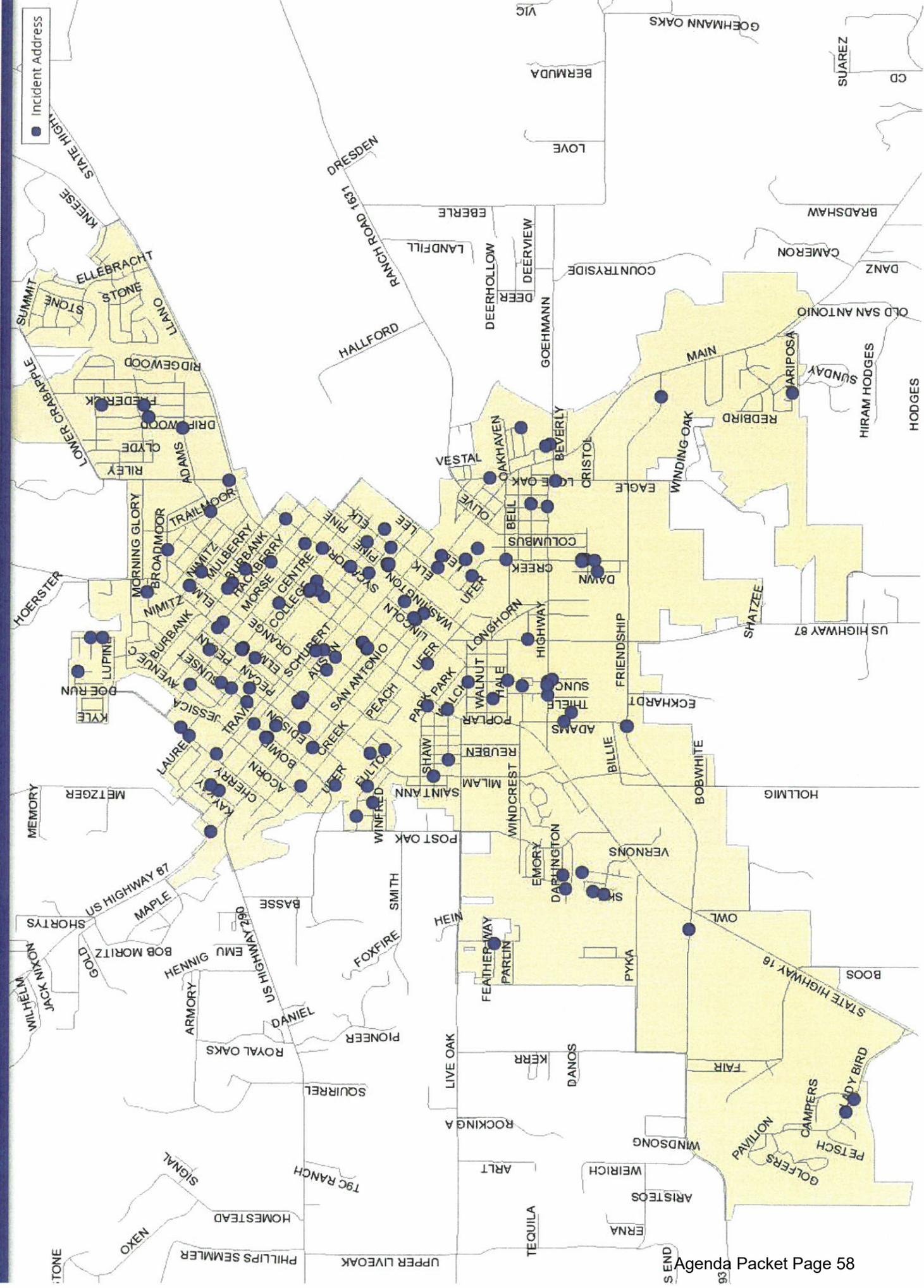
The City of Fredericksburg



## Noise and Sound Ordinance Breakdown

April 23 - December 12, 202

Breakdown	Count
Unfounded	40
Under dB level	19
Barking Dog	17
Under dB level - STR	15
Amplified Sound	14
Amplified Sound - STR	10
Unfounded - Apartment	7
Unfounded - STR	6
Talking	6
Vehicle	5
Venue	5
Under dB level Amplified - STR	2
Apartment	2
Hotel	2
Outside City Limit	2
City Park Amplified Sound	2
Over dB level Amplified Sound	1
Over dB level Amplified - STR	1
Over dB level Talking - STR	1
Over dB level Commercial	1
Talking - STR	1
Animals	1
Construction	1
Lawn Equipment	1





## Noise and Sound Ordinance Scenarios

April 23 - December 12, 2021

Residential Ambient Noise	7:00 PM	43 dB
	10:00 PM	38 dB
Meetings / Staff Meetings		55-65 dB
Citizen Conversation before city council meeting	At Source	55 dB
Citizen Conversation during city council meeting executive session	At Source	60 dB
<b>Amplified Vehicle Speaker Line of Sight</b>	<b>At Source</b>	<b>85 dB</b>
	25 Feet	65 dB
	50 feet	61 dB
	<b>At Source</b>	<b>75 dB</b>
	25 feet	64 dB
	50 feet	60 dB
<b>Amplified Bluetooth Speaker Line of Sight</b>	<b>At Source</b>	<b>85 dB</b>
	10 feet	65 dB
	25 feet	60 dB
	50 feet	55 dB
<b>Amplified Bluetooth Speaker Privacy Fence</b>	<b>At Source</b>	<b>85 dB</b>
	10 feet	60 dB
	25 feet	53 dB
	50 feet	50 dB
<b>Amplified Bluetooth Speaker Line of Sight</b>	<b>At Source</b>	<b>55 dB</b>
	10 feet	47 dB
	25 feet	45 dB
<b>Amplified Bluetooth Speaker Privacy Fence</b>	<b>At Source</b>	<b>57 dB</b>
	10 feet	44 dB
	25 feet	44 dB

ORDINANCE NO. 2022-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING ARTICLE VI. - NOISE AND SOUND LEVEL REGULATION, OF CHAPTER 20 OF THE CODE OF ORDINANCES, BY MAKING REVISIONS FOR CLARITY, BY ESTABLISHING DIFFERENT DISTANCES FOR MEASUREMENTS OF SOUND IN RESIDENTIAL ZONING DISTRICTS, AND BY REPEALING THE SUNSET PROVISION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:**

**Section 1.** That Section 20-208, entitled “Prohibitions”, of Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, is hereby amended to read as follows:

**Sec. 20-208. Prohibitions.**

Sounds exceeding, or not complying with, the following under the conditions and measurement criteria set forth in this chapter shall be unlawful and no Responsible Party shall make, assist in making, permit, continue or cause to be made or continued such sounds in any Zoning area except as defined in this Article.

- (a) Sound levels shall not exceed the following:
  - (1) Eight-five db(A) during Daytime Hours; or
  - (2) Seventy-five db(A) during Evening Hours Commercial or Evening Hours Residential as applicable; or
  - (3) Sixty-five db(A) during Nighttime Hours Commercial.
  - (4) Fifty-five db(A) Nighttime Hours Residential.
- (b) Outdoor Amplified sound is prohibited from 10:00 p.m. on any day until 7:00 a.m. the following day in residentially zoned properties (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs).
- (c) The pouring of a slab, demolishing a building, or utilizing any yard tools, mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device, commercial or industrial power tools is prohibited from 10:00 p.m. on any day until 7:00 a.m. the following day on any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs) or commercially zoned property (C-1, C-2, CBD or related PUDs) on any day without first having obtained a permit issued in accordance with section 20-211 below for such work.
- (d) Knowingly making, or causing to be made, any unreasonable sound is prohibited on any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs). In determining whether a sound is unreasonable, the following factors shall be considered as applicable to the circumstances:
  - 1. That the sound occurs between the hours of 10:00 p.m. and 7:00 a.m.;
  - 2. That the sound is not compatible with the normal activity of the area in which the property is located at that time of day;
  - 3. That the sound created at a location where the sound emanates is due to an excessive number of people for that time of day;
  - 4. That the sound has been enhanced in volume or range by any type of electronic, mechanical or other means; and

5. That the sound is plainly audible or physically detectable at a distance defined in section 20-210(b) below.

Prior to issuance of a complaint the City Police Department and or Municipal Court Prosecutor may require a written complaint from anyone complaining of an excessive noise under this subsection (d).

Upon receipt of a prior notice or warning, verbal or otherwise, from a peace officer or a code enforcement officer of the City of Fredericksburg, it shall be presumed that the person has knowledge that the sound is unreasonable.

- (e) The use of any motor vehicle so that it creates any loud and unreasonable or unusual sound which is heard above all other vehicles at a distance of 50 feet from the vehicle is prohibited.
- (f) The making of or causing to be made, any Amplified Sound from a motor vehicle on a public roadway that is plainly audible from a distance of 50 feet from the vehicle on abutting streets of, or properties which are zoned PF, R-1, R-2, R-3, R-4, R-5, Rural Residential, C-1, C-2, CBD or related PUDs is prohibited.
- (g) The operation of an engine of any motor vehicle as defined by the Texas Transportation Code so as to "brake" or slow the same through the use of gears (commonly known as "jake braking") or by any other method which produces any noise in addition to the normal operating engine noise is prohibited.
- (h) The operation of or allowing of an engine of any sort of motor vehicle, except emergency equipment at any location or vehicles then located at a permitted public event or parade, to idle for more than one hour is prohibited.
- (i) Reserved.
- (j) The acts enumerated in the foregoing subsections of this Section are declared to be loud, disturbing, and unnecessary noises and nuisances in violation of this Article.

*{End of code text}*

**Section 2.** That Section 20-209, entitled "Noisy animals and birds", of Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, is hereby amended to read as follows:

**Sec. 20-209. Noisy animals and birds.**

- (a) The keeping of any animal or bird that causes or makes frequent or long and continued sound that unreasonably disturbs the peace is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this chapter, regardless of whether the sound so created by said animal or bird is otherwise within the permissible levels specified in section 20-208(a) above.
- (b) The fact that any animal or bird sound or noise which disturbs the peace, and which occurs in residential areas (R-1, R-2, R-3, R-4, R-5, Rural Residential, or related PUDs) during Nighttime Hours Residential or when none of the residents of the place where the animal or bird is being kept are at home, shall create a rebuttable presumption that such sound or noise is unreasonable and in violation of this Article.
- (c) In any prosecution for a violation of this Section, the fact that any animal or bird has been allowed or permitted to persistently and chronically violate this section, as demonstrated by the issuance of two or more citations within a six month period shall create a rebuttable presumption that such noise was in violation of this Article.

*{End of code text}*

**Section 3.** That Section 20-210, entitled "Method of sound measurement", of Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, is hereby amended to read as follows:

**Sec. 20-210. Method of sound measurement.**

- (a) Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association or better. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise. Measurements will be made for a duration of no less than 30 seconds. Violations will be based on the highest registered reading within such time period which is attained more than one time in said time period or sustained.
- (b) Measurements of sound shall be taken from either:
  - (1) ~~the a minimum of 10 feet from any~~ property line of the property from which the sound originates, but in no event less than 50 feet from the sound source when the sound is generated in non-residential ~~areas, and in no event less than 25 or 10 feet from the sound source when the sound is generated in a residential zoned area (R-1, R-2, R-3, R-4, R-5, Rural Residential, or related PUDs);~~ zoned areas, and all measurements shall be taken toward the source of the sound; or
  - (2) ~~a minimum of 10 feet from~~ the property line nearest the sound source of a property occupied by a person who reports a violation of this Article, but in no event less than 50 feet from the sound source when the sound is generated in non-residential zoned areas, and ~~in no event less than 25 or 10 feet from the sound source when the sound is generated in a residential zoned area (R-1, R-2, R-3, R-4, R-5, Rural Residential, or related PUDs);~~ and all measurements shall be taken toward the source of the sound; or
  - (3) a minimum of 50 feet from the sound source in the event the sound violation originates from a source where property lines are not applicable.

*{End of code text}*

**Section 4.** That Subsection 20-211(c), of Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, is hereby amended to read as follows:

**Sec. 20-211. Permit for construction or use of tools, equipment.**

- (c) Shall be obtained by making application to the City Building Department or other person or department of the City so designated by the City Manager.

*{End of code text}*

**Section 5.** That Section 20-214, entitled “Sunset”, of Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, is hereby repealed and deleted in its entirety.

**Section 6. Severability or Invalidity.** If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

**Section 7. Repealer.** All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 8. Effective Date.** This Ordinance shall be effective on and after the day of its passage and publication.

PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_

Charlie Kiehne, Mayor

City of Fredericksburg, Texas

ATTEST:

\_\_\_\_\_  
Shelley Goodwin, TRMC, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel D. Jones, City Attorney

**ORDINANCE NO. 2022-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING ARTICLE VI. - NOISE AND SOUND LEVEL REGULATION, OF CHAPTER 20 OF THE CODE OF ORDINANCES, BY MAKING REVISIONS FOR CLARITY, BY ESTABLISHING DIFFERENT DISTANCES FOR MEASUREMENTS OF SOUND IN RESIDENTIAL ZONING DISTRICTS, AND BY REPEALING THE SUNSET PROVISION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:**

**Section 1.** That Section 20-208, entitled “Prohibitions”, of Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, is hereby amended to read as follows:

**Sec. 20-208. Prohibitions.**

Sounds exceeding, or not complying with, the following under the conditions and measurement criteria set forth in this chapter shall be unlawful and no Responsible Party shall make, assist in making, permit, continue or cause to be made or continued such sounds in any Zoning area except as defined in this Article.

- (a) Sound levels shall not exceed the following:
  - (1) Eight-five db(A) during Daytime Hours; or
  - (2) Seventy-five db(A) during Evening Hours Commercial or Evening Hours Residential as applicable; or
  - (3) Sixty-five db(A) during Nighttime Hours Commercial.
  - (4) Fifty-five db(A) Nighttime Hours Residential.
- (b) Outdoor Amplified sound is prohibited from 10:00 p.m. on any day until 7:00 a.m. the following day in residentially zoned properties (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs).
- (c) The pouring of a slab, demolishing a building, or utilizing any yard tools, mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device, commercial or industrial power tools is prohibited from 10:00 p.m. on any day until 7:00 a.m. the following day on any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs) or commercially zoned property (C-1, C-2, CBD or related PUDs) on any day without first having obtained a permit issued in accordance with section 20-211 below for such work.
- (d) Knowingly making, or causing to be made, any unreasonable sound is prohibited on any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs). In determining whether a sound is unreasonable, the following factors shall be considered as applicable to the circumstances:
  - 1. That the sound occurs between the hours of 10:00 p.m. and 7:00 a.m.;
  - 2. That the sound is not compatible with the normal activity of the area in which the property is located at that time of day;
  - 3. That the sound created at a location where the sound emanates is due to an excessive number of people for that time of day;
  - 4. That the sound has been enhanced in volume or range by any type of electronic, mechanical or other means; and

5. That the sound is plainly audible or physically detectable at a distance defined in section 20-210(b) below.

Prior to issuance of a complaint the City Police Department and or Municipal Court Prosecutor may require a written complaint from anyone complaining of an excessive noise under this subsection (d).

Upon receipt of a prior notice or warning, verbal or otherwise, from a peace officer or a code enforcement officer of the City of Fredericksburg, it shall be presumed that the person has knowledge that the sound is unreasonable.

- (e) The use of any motor vehicle so that it creates any loud and unreasonable or unusual sound which is heard above all other vehicles at a distance of 50 feet from the vehicle is prohibited.
- (f) The making of or causing to be made, any Amplified Sound from a motor vehicle on a public roadway that is plainly audible from a distance of 50 feet from the vehicle on abutting streets of, or properties which are zoned PF, R-1, R-2, R-3, R-4, R-5, Rural Residential, C-1, C-2, CBD or related PUDs is prohibited.
- (g) The operation of an engine of any motor vehicle as defined by the Texas Transportation Code so as to "brake" or slow the same through the use of gears (commonly known as "jake braking") or by any other method which produces any noise in addition to the normal operating engine noise is prohibited.
- (h) The operation of or allowing of an engine of any sort of motor vehicle, except emergency equipment at any location or vehicles then located at a permitted public event or parade, to idle for more than one hour is prohibited.
- (i) Reserved.
- (j) The acts enumerated in the foregoing subsections of this Section are declared to be loud, disturbing, and unnecessary noises and nuisances in violation of this Article.

*{End of code text}*

**Section 2.** That Section 20-209, entitled "Noisy animals and birds", of Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, is hereby amended to read as follows:

**Sec. 20-209. Noisy animals and birds.**

- (a) The keeping of any animal or bird that causes or makes frequent or long and continued sound that unreasonably disturbs the peace is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this chapter, regardless of whether the sound so created by said animal or bird is otherwise within the permissible levels specified in section 20-208(a) above.
- (b) The fact that any animal or bird sound or noise which disturbs the peace, and which occurs in residential areas (R-1, R-2, R-3, R-4, R-5, Rural Residential, or related PUDs) during Nighttime Hours Residential or when none of the residents of the place where the animal or bird is being kept are at home, shall create a rebuttable presumption that such sound or noise is unreasonable and in violation of this Article.
- (c) In any prosecution for a violation of this Section, the fact that any animal or bird has been allowed or permitted to persistently and chronically violate this section, as demonstrated by the issuance of two or more citations within a six month period shall create a rebuttable presumption that such noise was in violation of this Article.

*{End of code text}*

**Section 3.** That Section 20-210, entitled "Method of sound measurement", of Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, is hereby amended to read as follows:

**Sec. 20-210. Method of sound measurement.**

- (a) Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association or better. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise. Measurements will be made for a duration of no less than 30 seconds. Violations will be based on the highest registered reading within such time period which is attained more than one time in said time period or sustained.
- (b) Measurements of sound shall be taken from either:
- (1) a minimum of 10 feet from any property line of the property from which the sound originates, but in no event less than 50 feet from the sound source when the sound is generated in non-residential zoned areas, and all measurements shall be taken toward the source of the sound; or
  - (2) a minimum of 10 feet from the property line nearest the sound source of a property occupied by a person who reports a violation of this Article, but in no event less than 50 feet from the sound source when the sound is generated in non-residential zoned areas, and all measurements shall be taken toward the source of the sound; or
  - (3) a minimum of 50 feet from the sound source in the event the sound violation originates from a source where property lines are not applicable.

*{End of code text}*

**Section 4.** That Subsection 20-211(c), of Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, is hereby amended to read as follows:

**Sec. 20-211. Permit for construction or use of tools, equipment.**

- (c) Shall be obtained by making application to the City Building Department or other person or department of the City so designated by the City Manager.

*{End of code text}*

**Section 5.** That Section 20-214, entitled "Sunset", of Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, is hereby repealed and deleted in its entirety.

**Section 6. Severability or Invalidity.** If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

**Section 7. Repealer.** All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 8. Effective Date.** This Ordinance shall be effective on and after the day of its passage and publication.

PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Charlie Kiehne, Mayor

City of Fredericksburg, Texas

ATTEST:

\_\_\_\_\_  
Shelley Goodwin, TRMC, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel D. Jones, City Attorney





## CITY COUNCIL MEMO

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**DATE:** January 7, 2022

**TO:** Mayor and City Council

**FROM:** Brian Vorauer, Patrol Lieutenant

**SUBJECT:** Resolution - Fredericksburg Police Department Patrol Officer Request

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**Summary:**

The Alamo Area Council of Governments (AACOG) has announced that Federal Funds are authorized for distribution under 34 U.S.C. 10152 Edward Byrne Memorial Justice Assistance Grant Program (JAG).

AACOG has determined that a maximum of \$75,000 in grant funding is available to agencies who apply and are awarded a Justice Assistance Grant.

Agencies are also restricted to applying for one request in a funding stream, for example, equipment, personnel, or program. The request for a personnel grant will only cover the cost of salary and benefits and cities must agree to fund the position in the following budget years.

The cost for a patrol officer position is \$57,120 in salary and \$27,069 in benefits for a total of \$84,189 not including uniforms, equipment, or vehicle.

The grant application must be submitted by February 10, 2022. If the Fredericksburg Police Department is selected to receive grant funding it would occur after October 1, 2022.

**Recommendation:**

The Fredericksburg Police Department requests that the City Council approve the grant application for a Patrol Officer Position in the FY2023 budget and agree to continue funding for that position after the FY2023 budget if the grant is awarded.

The City of Fredericksburg

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**Background / Analysis:**

The City of Fredericksburg Police Department is in need of an additional patrol officer position. Due to the continued increase in population throughout the county and the rapidly growing tourism industry, the City of Fredericksburg has seen an increase in calls for service and traffic. The City of Fredericksburg is also rapidly developing, and several new subdivisions and apartment complexes are under different stages of development or construction. The City of Fredericksburg is also in the process of annexing property and is considering additional property for annexation. A couple hotel projects are currently under construction with more in the planning phase. Festivals, parades, and other special events have seen an increased in both venue size and attendance. The increased population and tourism along with the rapidly developing subdivisions has created the need for additional patrol officers. The goal of this grant is to add an additional patrol officer to the Fredericksburg Police Department. The patrol officer will provide police services to the citizens of Fredericksburg and visitors.

At this time the AACOG has announced that Federal Funds are authorized for distribution under 34 U.S.C. 10152 Edward Byrne Memorial Justice Assistance Grant Program (JAG). Grant authorization is dependent on the cities agreement to accept all other costs associated with the position. Other expenses would include approximately \$10,100 in equipment and uniforms and \$69,450 for a vehicle and vehicle equipment for a total of \$79,950.

The deadline for the application is February 10, 2022, and notification for grant awards will be made in May 2022, which would be before our final FY2023 budget discussions are complete.

The cost for a patrol officer position is \$57,120 in salary and \$27,069 in benefits which include TMRS, health insurance, and payroll taxes, for a total of \$84,189.

**Attachments:**

Grant Resolution

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Department Approval



City Manager Approval

The City of Fredericksburg

**RESOLUTION 2022-01R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, APPROVING SUBMISSION OF THE APPLICATION FOR THE FREDERICKSBURG POLICE DEPARTMENT PATROL OFFICER REQUEST GRANT.**

**WHEREAS**, the City of Fredericksburg finds it in the best interest of the citizens of Fredericksburg, Texas, that the Fredericksburg Police Department Patrol Officer Request project be operated for October 1, 2022 – September 30, 2023; and

**WHEREAS**, the City of Fredericksburg agrees to provide applicable matching funds for the said project as required by the Edward Byrne Memorial Justice Assistance Grant Program (JAG) application; and

**WHEREAS**, the City of Fredericksburg agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City of Fredericksburg assures that the funds will be returned to the Criminal Justice Division in full.

**WHEREAS**, the City of Fredericksburg designates the City Manager as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW THEREFORE, BE IT RESOLVED** that the City of Fredericksburg approves submission of the grant application for the Fredericksburg Police Department Patrol Officer Request project to the Office of the Governor.

Signed by: \_\_\_\_\_

Charlie Kiehne  
Mayor, City of Fredericksburg

Passed and Approved this \_\_\_\_\_ (Day) of \_\_\_\_\_ (Month), \_\_\_\_\_ (Year)

Grant Number: 4431501





## CITY COUNCIL MEMO

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**DATE:** January 12, 2022

**TO:** Mayor and City Council

**FROM:** Kent Myers, City Manager

**SUBJECT:** Appointments to Planning and Zoning Commission and Board of Zoning Adjustment

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**Summary:**

The City currently has one position open on the Planning and Zoning Commission and one position open on the Board of Zoning Adjustment (BZA).

**Recommendation:**

Following discussion by the City Council, it is recommended that you appoint one citizen to fill the vacancy on the Planning and Zoning Commission and one citizen to fill a vacant position on the Board of Zoning Adjustment.

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**Background / Analysis:**

Due to a recent resignation, the City has a vacancy on the Planning and Zoning Commission. In addition, the City has a current vacancy on the BZA that needs to be filled. The City recently received five applications for these positions. An Executive Session has been scheduled in case the Council wants to discuss these applicants in a closed meeting prior to making your appointments.

**Attachments:**

Applications for Planning and Zoning Commission

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The City of Fredericksburg

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Department Approval

*D. J. [Signature]*

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City Attorney Approval

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City Manager Approval

*[Signature]*

The City of Fredericksburg

**Upcoming City Council Agenda Items**

<b>CITY COUNCIL MEETING DATES &amp; FUTURE AGENDA ITEMS</b>		
<b>Monday, February 7, 2022 (Regular Meeting)</b>		
1	Consent-January 18, 2022 Minutes for Regular Meeting	Shelley
2	Order the Calling of the 5-7-2022 General Election	Shelley
3	Resolution appointing Election Judges	Shelley
4	Resolution contract for sharing of Election Poll on 5-7-22 with the County	Shelley
5	University Center lease to the Texas Center for Wine and Culinary Arts	Kent
6	Approval of Market Square Improvement Bids	Andrea
7	Short-Term Transportation Projects Plan Approval (authorization to submit to TxDOT)	Garret
8	Consent- January 12, 2022 Work Session Minutes	Shelley
9	Consent- January 31, 2022 Work Session Minutes	Shelley
10	STR/HOT collection contract- Granicus	Jason
11	Public Safety Facility Architect Contract	Garret
12	Professional Services Contract - East Main Street Water Rehab Project	Kris
13	Heritage Hill Country Pressure Reducing Valve Project Bid Award	Kris
14	Friendship Lane Sanitary Sewer Expansion Project Bid Award	Kris
15	Approval of consultant contract for Fredericksburg Visitor information center expansion	Evan
16	Professional Services Contract Award for S. Llano Shared-Use Bridge & Ufer St. Sidewalk Project	Garret
<b>Monday, February 21, 2022 (Regular Meeting)</b>		
1	Consent-February 7, 2022 Minutes for Regular Meeting	Shelley
2	Review the HOT receipt Procedures	Shelley
3	Amendment to the Fee Ordinance regarding taxi cab fees	Shelley
4	Public Hearing and approval of Annexation agreement 668 Pyka	Jason
5	Public Hearing and approval of amendment to the Sutherland PUD	Jason
<b>Monday, March 7, 2022 (Regular Meeting)</b>		
1	Consent - February 21, 2022 Regular Meeting Minutes	Shelley
2	Parks Eclipse plans, fees and regulations	Andrea
3	Texas Ranger update on management of Fort Martin Scott	Andrea
4	Consent - Street closures 175 <sup>th</sup> Anniversary Parade on Saturday, May 7, 2022, at 10 a.m., Fourth of July Parade on Monday, July 4, 2022, at 10 a.m., Gillespie County Fair Parade on Friday, August 26, 2022, at 10 a.m., and Light the Night Christmas Parade on Friday, December 2, 2022, at 6:30 p.m. (inclement weather date of Friday, December 9, 2022)	Jennifer
<b>Monday, March 21, 2022 (Regular Meeting)</b>		
1	Consent - March 7, 2022 Regular Meeting Minutes	Shelley
2	Agreement with Soccer Association	Clinton/Daniel/Andrea
3	Fair Association agreement easment access	Andrea
4	MOU with State for license plate reader	Brian V
5	Approval of annexation - Pyka	Jason
<b>Monday, April 4, 2022 (Regular Meeting)</b>		
1	Consent - March 21, 2022 Regular Meeting Minutes	Shelley
2	Approval of Consultant Contract for New Comprehensive Plan	Jason
3	Contract award for Small Water Main Replacement Program	Evan
<b>Monday, April 18, 2022 (Regular Meeting)</b>		
1	Consent - April 4, 2022 Regular Meeting Minutes	Shelley
2	Audit presentation (April 18, 2022)	Laura
3	Annual Investment Policy Review (April 18, 2022)	Laura
<b>FUTURE AGENDA ITEMS</b>		
1		
2		