



City of Fredericksburg

CITY COUNCIL REGULAR MEETING
MONDAY, MARCH 21, 2022 ~ 6:00 P.M.

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

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

WRITTEN COMMENT

Comment Form #	Name	Address
1	Randy Briley	
2	Randy Briley	
3	Jeffery Morin	
4	Shelly Wilfong	
5	Rhoda Reynolds	
6	Gabriela Viveros	
7	Tammy Murphy	
8	Derrick Crist	1433 Knopp School Rd
9	Susan Tilley	
10	Mike and Renee de Lota	
11	Gregory Kaderli	611 W. San Antonio
12	David Murphy	

13	Holly Allen	
14	Joe Coito	
15	Don Allen	
16	Kelli Garcia	
17	Eleanor Reynolds	

March 7, 2022 City Council Meeting

In 2018 I was approached by Jon Weisinger - Visioning Committee to assist in developing the Quality of Life: Family Friendly and Safe Atmosphere deliverable to the city.

The committee consisted on myself, Randy Briley - Jill Carr - Tamesha Jumper - Mary Gallagher - Janie Holloway Weisinger - This Was A 7 Month Effort to Draft

MISSION STATEMENT

Maintain Fredericksburg as the crown jewel of the Texas Hill Country and maintain it (as a destination of choice) and the most desirable place to live and raise a family.

We advanced ideas to include:

Enforce traffic laws/noise/light ordinances:

Management and Oversight of STRs and balance w/our neighborhoods.

Promote Gillespie County & Fredericksburg as a historical, cultural and family destination:

Tonight, our residences will speak about noise and traffic and parking issues:

2018 recommendation to:

Ensure safety first, and maintain a good quality of life for Fredericksburg residents and tourists.

When I hear our residences speak about STR guest behavior and trash issues

I am reminded that we wrote:

Establish reliable governance so (that STRs) are properly managed and provide a balance between our residents and our guests.

When I hear city residences speak about the drunken behavior, I think back to our visioning document that *cautioned against becoming a destination of excess!*

When I hear OUR County neighbors speak about their concerns for affordable housing in our town – I am reminded that \$200k desirable homes did not exist Gillespie County let alone Fredericksburg

June of 2021 - City Residence form The STR Alliance –

To be good neighbors and to raise the bar with STRs community.

Since June our members have volunteered close to 3,000 hours to provide:

- Input on all versions of the ordinance.
- 2 open door sessions to educate owners and residences.
- Privately funded a Good Policy and Jobs Summit in February
- Created a “best practices guide” for STR owners and prospective owners.
- Worked to professionalize the STR community.

So Why the History Lesson?

After a combined 18 months of work on Visioning and the Alliance, my goals have always focused on construct input for managed growth and the quality of life for all residence.

Poor civil execution of 2018 ordinance should not involve the loss of anyone's individual's property rights. Proper enforcement of 2018 addresses the vast majority of complaints that you may hear tonight.

Once this ordinance is in place, I would wager that no elected official will want to touch it again – this ordinance needs to right the first time and this draft in its current form is not ready.

Sincerely,

Randy Briley

**Fredericksburg STR V6 Ordinance:
March 19, 2022**

Good afternoon, City Council and City Staff,

Listed below are several concerns with version 6 STR ordinance. Most notably is the single infraction may now be grounds for STR permit revocation.

The STR Alliance voiced concern in the fall of 2021 regarding moving code violations from the municipal court to a civil adjudication process. The issuing authority of a given violation was now judging the offence as well as acting in the appeals process. This will create a quick and very efficiently ability of removing any STR permit from an owner for simple violations such as guests parking, noise, not responding in 30 minutes and any number of other minor infractions. I would recommend inserting planning and zoning to arbitrate the appeals process to ensure a more balanced approach.

Secondly is the issue of an owner/operator resolving a situation in 60 minutes. This might require eviction of intoxicated guests departing a property onto public streets. This isn't safe for anyone and contrary to Chief Wetz's recommendations.

Lastly, the issue of occupancy needs to be better defined. If an operator is permitted for a set number and advertises for something greater, this needs to be addressed through a violation. If a guest brings additional people onto a property without the owner's consent, then this is a guest behavior issue and citations should be addressed to the individual placing the reservation.

5.400	The request (property) will have no adverse effect – 200 ft	“Adverse” is subjective. Remove this section.
5.401-11	Local person has 60 to CORRECT the situation...	Depending upon the situation, this could create dangerous situations.
5.401-13	"Regular and consistent complaints with evidence"	Subjective, rewards nuisance callers potentially.
5401	Upon A conviction of Section 5.401 – City Manager may suspend OR revoke STR	<u>A single offence</u> now can be grounds for revocation.

Upon a (single) conviction of section 5.401 – The city manager may suspend OR revoke and STR permit. This includes any of the following:

- | | |
|--|---|
| 1. All STR facilities ADA compliance (pg 73) | |
| 2. Utilities (pg 74) – | Single meter. Most ADUs tie into the home. |
| 3. Max occupancy – (p 76) – | Subject to abuse by guests and owners |
| 4. Noise and sound ordinance – (p76) | Subject to abuse by guests and owners |
| 5. Not responding within 30 minutes – (p76) | What constitutes responding – on site/cell? |
| 6. Not correcting within 60 minutes – (p76) | May created dangerous situation. |

Thank you in advance for considering this request and ensuring that we have a fair and balanced ordinance.

Sincerely

Randy Briley

Shelley Goodwin

From: Jeffery P. Morin <jpmorin@austin.rr.com>
Sent: Sunday, March 20, 2022 2:20 PM
To: Citizen Comments
Cc: 'Randy Briley'; 'Milton Buckelew'; 'Belinda McDonnell'; KSpraggins@VEI-Tx.com; 'Texas Hill Country Vacations -'
Subject: Protesting Approval and requesting a NO VOTE on STR City Ordinance. !!

Ref: Protesting Approval and requesting a NO VOTE on STR City Ordinance. !

We are Jeffery and Vicki Morin, city residents, and request the city Council Vote No on this STR Ordinance.

Why would the Fbg. City Council even consider this ordinance when we know that:

STRs in Fbg. In 2021, STR's Accounted for \$81,224,570. In STR, Gross Revenues in Fredericksburg lodging.

STRs in Fbg. Account for 70% of the entire Fredericksburg, lodging.

STRs in Fbg. Brought in a whopping \$7,900,000. in hot taxes. (Yes, \$7.9 Million)

STRs in Fbg. Employee over 2000 local residents.

STRs in Fbg. Eliminate a HomeStead Exception for every home not owner occupied.

STRs in Fbg. Reduce the burden on our local Fisd school system by having no participation by that home.

STRs in Fbg. And Texas, Have been ruled by The Texas Supreme Court, that STR's are residences not commercial businesses.

STRs in Fbg. Provide the lodging, that the City of Fbg., Chamber of Commerce, has so aggressively promoted in Tourism.

What started out as complaints about, Noise, Parking, Trash, and Lighting has turned into a 100 Page Ordinance.

This new ordinance threatens our STR property rights by possible, suspension of our Permits.

But we all know now that Kent Myer, in his email to the city pointed out that Noise, parking, and Trash, really was not an issue.

Also Kent Myer, sent an email to the city, stating that an economic Study of STR's would not be beneficial because he knew that

STR's really do have an enormous impact on the City of Fredericksburg.

So why would you even consider, An ordinance that restricts our property rights and has unconstitutional clauses in it?

We request that we have better enforcement of already existing laws and codes in place.

Please vote NO on this Ordinance.

Jeffery P. Morin - Vicki M. Morin
"In God We Trust"

Shelley Goodwin

From: Shelly Wilfong <srwilfong@yahoo.com>
Sent: Sunday, March 20, 2022 4:07 PM
To: Citizen Comments
Subject: STR Issue - Please vote NO!

Dear Fredericksburg City Council:

My husband and I are property owners in Fredericksburg where we operate an STR. I contract with Heavenly Hosts to manage the guest reservation process and provide immediate assistance to guest concerns etc. I am on-site there personally about 20% of the time.

We are just one year into ownership and have spent over \$70,000 on upgrading the property inside and out. We've used all local vendors and service companies to provide all services including landscaping, sprinkler system, electrical, plumbing, and furnishings. We have met and exchanged numbers with all of our neighbors which include a full time resident, several (non-STR) second homes, and several STRs. We subscribe to the local paper and strive to be solid members in our new community.

It's possible that this home may be our retirement home in 10 years. But to make that work, we need to be able to operate the home as an STR.

I am very concerned about how my property rights are being threatened by some of the proposed regulations.

Rather than making sweeping changes, I implore you to consider these options:

- Enforce current ordinances including noise, trash, light pollution, and parking
- Support property owners' rights to use and enjoy their property in a manner that the property owner sees fit
- Oppose any future provision or zoning proposal that would restrict a property owner's right to sell a property as a short-term rental
- Reject any ordinance that will harm the local economy or result in costly taxpayer-funded lawsuits.

Please consider a more measured approach.

Respectfully,
Shelly Wilfong

Shelly Wilfong
This Is Texas Wine Podcast
<http://www.ThisIsTexasWine.com>

Toast Wine Talk
Dallas wine education and freelance wine writing
<http://www.ToastWineTalk.com>

214.356.6459

Shelley Goodwin

From: Rhoda Reynolds <reynolds.rhoda@gmail.com>
Sent: Sunday, March 20, 2022 4:08 PM
To: Citizen Comments
Subject: STR city ordinance

As property owners in the city of Fredericksburg and residents of the county, we are requesting that you vote NO on the proposed STR City Ordinance.

The proper enforcement of the 2018 ordinances has not been applied as a remedy to any complaints against STRs. It appears that so much has been based on people's opinions instead of research and sound reasoning.

If you move forward with this it will only exacerbate the feelings of "us versus them" that has grown since the issue was brought up last spring. We are a community and we should be working together to solve issues instead of encouraging division.

Please vote NO and allow citizens to work together to address any true issues.

Respectfully,

Rhoda and Ned Reynolds

Shelley Goodwin

From: gabs viveros <gabsviveros@gmail.com>
Sent: Sunday, March 20, 2022 8:34 PM
To: Citizen Comments
Subject: protesting Approval and requesting a NO VOTE on STR City Ordinance. !

im gabriela viveros city resident

Ref: Protesting Approval and requesting a NO VOTE on STR City Ordinance. ! and request the city Council Vote No on this STR Ordinance.

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STRs in Fbg. Reduce the burden on our local Fisd school system by having no participation by that home.

STRs in Fbg. And Texas, Have been ruled by The Texas Supreme Court, that STR's are residences not commercial businesses.

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Also Kent Myer, sent an email to the city, stating that an economic Study of STR's would not be beneficial because he knew that

STR's really do have an enormous impact on the City of Fredericksburg.

So why would you even consider, An ordinance that restricts our property rights and has unconstitutional clauses in it?

We request that we have better enforcement of already existing laws and codes in place.

Please vote NO on this Ordinance.

Gabriela viveros

“In God We Trust “

Shelley Goodwin

From: Tammy <tammymurphy216@gmail.com>
Sent: Sunday, March 20, 2022 8:38 PM
To: Citizen Comments
Subject: Vote NO to STR Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Protesting Approval and requesting a "NO" vote on STR City Ordinance by City Council.

STRs have been ruled by The Texas Supreme Court as residences not commercial businesses. This new ordinance threatens property rights of STR owners.

The economic impact that STRs have on the city of Fredericksburg speak for themselves:

1. STRs brought in \$7.9 MILLION in HOT taxes to the city of Fredericksburg.
2. In 2021, STRs accounted for over \$81Million in Gross Revenues in Fredericksburg lodging.
3. STRs in Fredericksburg employ over 2,000 local residents.
4. Locally, STRs account for 70% of the entire Fredericksburg lodging. The same lodging that the City of Fredericksburg and the Chamber of Commerce has so aggressively promoted in tourism.

PLEASE VOTE NO ON THIS ORDINANCE.

Warm Regards,
Tammy Murphy

Shelley Goodwin

From: derrick.crist@exprealty.com
Sent: Sunday, March 20, 2022 9:41 PM
To: Citizen Comments
Subject: No vote on STR city ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Ref: Protesting Approval and requesting a NO VOTE on STR City Ordinance. !

We are Derrick and Becky Crist, city residents, and request the city Council Vote No on this STR Ordinance.

Why would the Fbg. City Council even consider this ordinance when we know that:

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STRs in Fbg. Reduce the burden on our local Fisd school system by having no participation by that home.

STRs in Fbg. And Texas, Have been ruled by The Texas Supreme Court, that STR's are residences not commercial businesses.

STRs in Fbg. Provide the lodging, that the City of Fbg., Chamber of Commerce, has so aggressively promoted in Tourism.

What started out as complaints about, Noise, Parking, Trash, and Lighting has turned into a 100 Page Ordinance.

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Also Kent Myer, sent an email to the city, stating that an economic Study of STR's would not be beneficial because he knew that

STR's really do have an enormous impact on the City of Fredericksburg.

So why would you even consider, An ordinance that restricts our property rights and has unconstitutional clauses in it?

We request that we have better enforcement of already existing laws and codes in place.

Please vote NO on this Ordinance.

Derrick D. Crist - Becky Crist

Consumer Protection Notice

Best Regards,

Derrick Crist | **REALTOR**[®]
eXp Realty
Mobil: (830) 998-9048
Derrick.Crist@exprealty.com
1433 Knopp School Rd.
Fredericksburg TX 78624

Sent from Yahoo Mail for iPhone

Shelley Goodwin

From: Susan Tilley <stilley@austin.rr.com>
Sent: Sunday, March 20, 2022 10:20 PM
To: Citizen Comments
Subject: City Ordinance STR

To our City Council,

Please vote NO on the city ordinance for STR's.

Sincerely,
Susan Tilley, Resident of Fredericksburg for 52 years

Sent from my iPhone

Shelley Goodwin

From: Renee and Mike de Lota <rmdelota@gmail.com>
Sent: Monday, March 21, 2022 8:56 AM
To: Citizen Comments
Subject: Please Vote NO on Version 6 of Proposed STR Ordinance

We humbly ask you to vote NO on Version 6 of the Proposed STR Ordinance. This ordinance goes too far and violates our property rights. Specifically, the 1 strike rule that is proposed does not give any opportunity for STR owners to rectify violations in good faith. This is not the kind of hostile community that we believe Fredericksburg to be. Additionally, including grandfathering for current STR permits will ensure fair treatment of community members that invested in this city.

For a variety of reasons that have been outlined by many of our fellow STR owners, **we are seeking to make short term rentals a productive part of the Fredericksburg community**, providing the small-town charm that attracts tourists to our fine city and providing city taxes that make our city even better.

As a city that relies heavily on tourism, Fredericksburg's economy is buoyed by the support provided by short term rentals through tax dollars and jobs. This has been largely studied by 3rd party experts. Our short term rental has provided work for up to 6 small business owners that are local to the community on a very regular basis.

Other Texas cities have already gone down a path similar to version 6 of this ordinance and our Texas Supreme Court has deemed those ordinances and regulations unconstitutional. These Texas cities give us an opportunity to learn from their mistakes and the precedents set to create an ordinance that works for our community and is constitutional. We have a chance to come to a resolution at the city-level before our state takes this out of our hands.

When we purchased our home in Fredericksburg, we never envisioned that we would face this affront to our property rights. **Before voting on version 6, please understand that it will force the hands of STR owners in Fredericksburg to take legal action to protect our rights, spurring litigation and expenses that cannot be supported by the taxes or STR permit fees that the city collects.** Let's instead think of productive ways to make STRs a positive part of our city.

In your time serving Fredericksburg, you have always been a fair and just representative. We hope that those characteristics, and your keen business sense, are at the forefront as you consider voting NO for Version 6.

Thank you for taking the time to read our letter.

All our best,
Mike and Renee de Lota

Shelley Goodwin

From: Gregory Kaderli <gregkaderli@gmail.com>
Sent: Monday, March 21, 2022 10:00 AM
To: Citizen Comments
Subject: STR Ordinance

I am for the ordinance as presented. Please approve it.

Gregory Kaderli, Life Long citizen of Fredericksburg
611 W. San Antonio St
Fredericksburg, TX

Shelley Goodwin

From: David Murphy <davidmurphy1972@gmail.com>
Sent: Monday, March 21, 2022 11:41 AM
To: Citizen Comments
Subject: Vote NO

Follow Up Flag: Follow up
Flag Status: Flagged

To all that this may concern:

It's unfortunate that one or a few can drive such a misguided agenda forward, with very little regard for the greater welfare of the community. The tragic and cascading economic consequences of this false narrative are far reaching; beyond the STR Owners. It will affect every landscape service, handy man business, general contractor, property management company, housekeeper, local retailer, and the list goes on and on. Not to mention the potential effects on tourism and the far reaching impacts that poses. There are ways to manage the needed and necessary operation of STRs in Fredericksburg while maintaining the charm and character of this unique city. The 2018 STR ordinance should be enforced to maintain responsible ownership practices. However, there was first an attempt to infringe on property rights and now there is a plan proposed to over enforce frivolous violations with a unilaterally controlled enforcement and appeals process. All this is being done to solve a problem that doesn't even exist!

According to the city's own data for Summer 2021, STR's generated only two types of zoning violations:

- 15 operating without a permit
- 3 trash violations
- 0 parking violations
- 0 sign violations
- 0 exterior lighting violations
- 0 watering violations

There were NO, NONE, ZERO reported health, safety or security-related issues relating back to STRs.

Regarding STR proliferation:

In 2018 (according to STRHelper info) there were approximately 725 STRs operating within the city of Fredericksburg. As of March 11, 2021 Jason Lutz sent an email to Council showing a total of 742 STR units. Over three years, there was LESS THAN 2.5% GROWTH in the number of STRs in operation. Then during the May 24, 2021 public meetings, the city reported 758 operating STRs, over 2% growth in less than two months due to panic driven applications caused by the false narrative created by specific city leaders, making this a self perpetuating problem.

There is no health or safety issue relating to STRs! There is no uncontrolled proliferation of STRs! If these facts are evident to me, they surely are to those who are trying to change the rules as well. That begs the question as to what their motives really are!

Vote NO and end this nonsense!

Best regards,

David Murphy
-Fredericksburg home owner
-Fredericksburg STR owner

-Decades long fan/visitor to Fredericksburg

Shelley Goodwin

From: Holly Allen <hollyallen1@gmail.com>
Sent: Monday, March 21, 2022 12:27 PM
To: Citizen Comments
Subject: Vote NO on STR City Ordinance

To the City Commissioners,

I am opposed to v.6 of the STR ordinance for many reasons including one strike and you're out. Code enforcement of current codes and especially grandfathering of current B&B's is also important. Property rights goes two ways.

Thank you,
Holly Allen

Shelley Goodwin

From: Joe Coito <joecoito82@gmail.com>
Sent: Monday, March 21, 2022 12:31 PM
To: Citizen Comments
Subject: Please vote no on th STR ordinance

Requesting a NO VOTE on STR City Ordinance.

Please focus your efforts on eliminating the bad actors and finding a healthy balance between sustaining the neighborhoods we all love in Fredericksburg and allowing STR's. The health of our community is at stake. This is not a black and white issue. One possible method could be to limit the number of permits per neighborhood. You have been presented with a number of alternatives and an organized alliance of STR owners who are reasonable, willing to compromise and utilize best practices to respect our neighbors.

Respectfully,

Joe

Lakeway TX resident / part-time FBG resident.

Shelley Goodwin

From: Don Allen <donallen3@gmail.com>
Sent: Monday, March 21, 2022 12:32 PM
To: Citizen Comments
Subject: To the City Commissioners,

Follow Up Flag: Follow up
Flag Status: Flagged

I am opposed to V.6 of the STR ordinance for many reasons including one strike and you're out. Code enforcement of current codes and especially grandfathering of current B&B's is also important. Property rights goes two ways.

Don Allen

Shelley Goodwin

From: Kelli Garcia <ekgarcia2001@yahoo.com>
Sent: Monday, March 21, 2022 1:36 PM
To: Citizen Comments
Subject: Protesting Approval and requesting a NO VOTE on STR City Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Council-Members,

I am an owner of an STR in Fredericksburg and I am writing to ask you to VOTE NO on the STR City Ordinance.

I was partially raised in Fredericksburg as my dad and stepmother lived there from 1985 until 2015. They were business owners and made their livelihoods in Fredericksburg and Kerville. My sister and I loved shopping on Main Street every time we visited and grew to love Texas Wine Country as we grew of age. We were heartbroken when my parents aged and were forced to move away from Fredericksburg. After years of renting B&Bs and hotel stays, we decided to invest in Fredericksburg and purchased a home in February of 2021 as an STR so that we and others could enjoy what we both love so much. We purchased the home with inheritance our mother left us and have spent countless hours of blood, sweat and tears improving the home and property that we are so proud of. We have done everything by the book and have no violations other than lighting, which has been corrected. We count on the income from our STR to pay the mortgage. We currently employ housekeepers, Local Dry Cleaning, Hill Country Pest Control, Perfect Touch hot tub services, yard services, electricians and plumbers all who live in Fredericksburg and the surrounding area to maintain our property. This ordinance would affect the livelihoods of these business owners, their establishments and their families. These are your residents of Fredericksburg.

Combined, my sister and I have four kids and typical household expenses for our families. As well, we are stressed due to income recovery from the pandemic. This ordinance would drastically affect our livelihood and ability to maintain proper income to pay bills.

It breaks my heart that a city we love so much and chose to invest in seems to be actively working against us with this new ordinance that restricts our property rights and has unconstitutional clauses in it.

What started out as complaints about, Noise, Parking, Trash, and Lighting has turned into a 100 Page Ordinance that threatens our STR property rights by possible, suspension of our Permits.

**We request that we have better enforcement of already existing laws and codes in place.
Please, Vote No on the STR ordinance in Fredericksburg.**

Thank you for your consideration.

Sincerely,

Kelli Garcia and Shari Meyers

Below, I have provided statistics from the Fredericksburg, TX STR Alliance Summit Economic Impact Study.

According to this study, STRs have an enormous positive impact on the City of Fredericksburg. It stands to reason that elimination of STRs in Fredericksburg would mean less tourism and therefore less money spent in restaurants, less money spent in shops, less jobs, less city income.

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STRs in Fbg. Brought in a whopping \$7,900,000. in hot taxes. (Yes, \$7.9 Million)

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STRs in Fbg. Provide the lodging, that the City of Fbg., Chamber of Commerce, has so aggressively promoted in Tourism.

Please vote NO on this Ordinance.

“No act of kindness, no matter how small, is ever wasted.”

— Aesop

Shelley Goodwin

From: Eleanor Reynolds <reynolds.eleanor@gmail.com>
Sent: Monday, March 21, 2022 2:24 PM
To: Citizen Comments
Subject: Vote NO on the proposed STR City Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

As a resident of Gillespie County, graduate from FISS, and property owner in Fredericksburg, I request that you vote no on the proposed STR City Ordinance.



Virus-free. www.avast.com