



City of Fredericksburg

CITY COUNCIL SPECIAL MEETING AGENDA TUESDAY, OCTOBER 4, 2022 ~ 9:00 A.M. FIRE TRAINING ROOM 126 W. MAIN STREET FREDERICKSBURG, TEXAS 78624

Jeryl Hoover, Mayor
Tony Klein, Councilmember
Bobby Watson, Councilmember/Pro Tem

Sharon Joseph, Councilmember
Emily Kirchner, Councilmember
Clinton Bailey, City Manager

The City of Fredericksburg City Council will meet in a special session on Tuesday, October 4, 2022 at 9:00 a.m. Link to City of Fredericksburg YouTube Channel ([Fredericksburg, Texas USA - YouTube](https://www.youtube.com/c/FredericksburgTexasUSA)<https://www.youtube.com/c/FredericksburgTexasUSA>).

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

Online Comment Card for Written or Verbal Comments-submitted by 4:00 p.m. the day before meeting.

- i. Complete the Comment Card online at www.fbgtx.org;
- ii. Make sure to check the appropriate box (verbal or written)
- iii. Only one (1) agenda item per comment card.

Sign up in-person between 8:30 a.m. and 9:00 a.m. at the meeting location.

- i. Comments will be made by the agenda item
- ii. Only one (1) agenda item per comment card
- iii. Speakers will be limited to 3 minutes to speak. **Please Note:** The Mayor has the option to reduce the number of minutes for all speakers during Public Comment on a single agenda item, depending on the number of people who sign up for the item.
- iv. Any citizen handouts 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, otherwise the City Council will receive your handouts the following day.

1. CALL TO ORDER

2. INVOCATION

(John Willome, Good Samaritan Center)

3. PLEDGE OF ALLEGIANCE

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

A. Native Plant Society of Texas

5. COUNCIL COMMENTS

6. ACTION ITEMS AND UPDATES

- A. Consider approval of City Council Minutes for the following meetings: (Shelley Goodwin, City Secretary).
 - i. September 14, 2022, Special Meeting

(Agenda Packet Pages 7 - 10)

ii. September 19, 2022, Regular Meeting

(Agenda Packet Pages 11 - 18)

- B.** Consider the approval of Resolution 2022-20R appointing individuals to fill vacancies in the membership of the City's Zoning Board of Adjustment (Shelley Goodwin, City Secretary).
(Agenda Packet Page 19 - 24)
- C.** Consider, discuss, and take action regarding Agenda format of future Special Council Meetings and Work Sessions and discuss a list of discussion topics for these meetings
(Clinton Bailey, City Manager).
(Agenda Packet Page 25 - 26)
- D.** Consider, discuss, and take action regarding the Kickoff of the Comprehensive Plan (Garret Bonn, Interim City Engineer/Interim Director of Development Services).
(Agenda Packet Page 27 - 28)
- E.** Consider, discuss, and take action regarding a six-month review of the Short-Term Rental permitting statistics, implementation of Granicus software, enforcement matters, and potential next steps (Garret Bonn, Interim City Engineer/Interim Director of Development Services).
(Agenda Packet Page 29 - 30)

8. CITY MANAGER'S REPORT

- A.** Town Hall Meetings
- B.** Development Services Director

9. ITEMS FOR FUTURE AGENDA

(Agenda Packet Pages)

10. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections - 551.072 (Deliberation Regarding Real Property), 551.071 (Consultation with Attorney), 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 N. Adams at Travis Street, in the City of Fredericksburg (Sec. 551.072),
- B.** Consider, discuss, and receive legal advice on Chapter 2, Article VI, of the City Code of Ordinances, concerning administration of the City's ethics ordinance (Sec. 551.071(2)),
- C.** Consider and discuss the appointment and evaluation of a public officer, specifically the appointment of persons to fill vacancies on the City's Board of Adjustment (Section 551.074), and
- D.** Consider and discuss evaluation, appointment, and/or duties of a public officer or employee, specifically the City Attorney (Sec. 551.074).

11. 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.

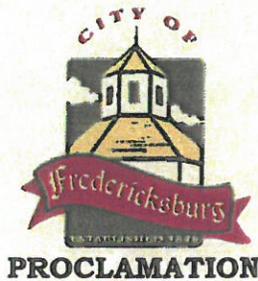
12. ADJOURN

CERTIFICATION

This is to certify that I, Shelley Goodwin, posted this Agenda at 5:45 p.m. on September 28, 2022, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelley Goodwin, TRMC/CMC
City Secretary



WHEREAS, Texas Native Plant Week has been celebrated throughout the state since 2009 to emphasize the use of native plants to help alleviate ongoing drought conditions, and maintain our butterflies and other pollinators that are so important to our agricultural economy and ecosystem; and

WHEREAS, the Native Plant Society of Texas is a leader in our state and actively promotes the conservation, research, and use of native plants and plant habitats in our region through education, outreach by example, and is leading a “bioblitz challenge” for everyone to document the wild plants anywhere within the state during the period of October 16-22; and

WHEREAS, this year, the International Union for Conservation of Nature classified migratory monarch butterflies as endangered, and our Texas Hill Country plays an important role as a nursery in the spring and waystation in the fall for these butterflies on their 2,500-mile migration from Mexico to Canada; and

WHEREAS, Texas native wildflowers, trees, grasses, and shrubs play an important role in supporting butterflies, birds, bats and other wildlife, as well as help reduce the use water in home and business landscapes; and

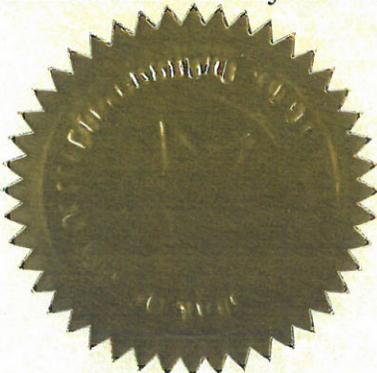
WHEREAS, the Fredericksburg Chapter of the Native Plant Society of Texas is a membership organization that supports stewardship, education, and initiatives throughout the year to increase the use of Texas native plants and reduce the use of non-native and invasive species by hosting speakers at its monthly public meetings; submitting information to the Fredericksburg Standard-Radio Post; maintaining the native plant gardens at the Fredericksburg Post Office, working on the pollinator garden and Nature Trail at Cross Mountain; holding a twice-yearly members-only native plant sale, and many other events; and

NOW THEREFORE, I, Jeryl Hoover, Mayor of the City of Fredericksburg, Texas, in the State of Texas, by virtue of the authority vested in me, do hereby proclaim the week of October 16-22, 2022, as

Texas Native Plant Week

In the City of Fredericksburg, Texas and encourage our community to volunteer, learn about, plant, and help preserve Texas’ native plants for the future preservation of monarch butterflies’ migration in Texas, as well as local native pollinators, birds, other wildlife supported by our gardens, and wild spaces which are important to our local economy and well-being.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 4th day of October, 2022.




Jeryl Hoover
Mayor



CITY COUNCIL

WORK SESSION MINUTES WEDNESDAY, SEPTEMBER 14, 2022 ~ 1 P.M. LADY BIRD GOLF COURSE-CARDINAL ROOM 341 GOLFERS LOOP FREDERICKSBURG, TEXAS 78624

Members Present:

Mayor Jeryl Hoover
Mayor Pro-Tem Bobby Watson
Councilmember Emily Kirchner
Councilmember Tony Klein
Councilmember Sharon Joseph

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Daniel Jones, City Attorney
Lynn Bizzell, Fire Chief
Brian Vorauer, Police Chief
Lea Feuge, Public Information Officer
Laura Hollenbeak, Finance Director
Garret Bonn, Interim City Engineer/Interim Director of Development Services
Kris Kneese, Interim Public Works Director
Derek Seelig, Police Patrol Lieutenant
Braxton Roemer, Police Lieutenant
Justin Calhoun, Emergency Management Coordinator
Reagan Rabke, Fire Marshall
David Kellam, Finance Manager
Krista Wareham, Finance Manager
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the Work Session of the Fredericksburg City Council to order at 1:00 p.m. on Wednesday, September 14, 2022. He announced the quorum has been met.

2. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

3. PUBLIC COMMENTS ON AGENDA ITEM

Eric Hammerson, City resident, spoke in opposition to the American Rescue Plan Fund Act.

Carol Hammersen, City resident, spoke in opposition to the American Rescue Plan Fund Act.

Judy McCorkle, City resident, spoke in opposition to the American Rescue Plan Fund Act.

Dennis McCanless, County resident, spoke in opposition to the American Rescue Plan Fund Act.

Edith McCanless, County resident, spoke in opposition to the American Rescue Plan Fund Act.

Kimberley Lams, City resident, spoke in opposition to the American Rescue Plan Fund Act.

George Studor, City resident, spoke in opposition to the American Rescue Plan Fund Act.

Mike Mahoney, City resident, spoke in opposition to the American Rescue Plan Fund Act.

Sandra McDonald, City resident, spoke in opposition to the American Rescue Plan Fund Act.

Kitt Kilpatrick, County resident, spoke in support of the American Rescue Plan Fund Act and broadband.

Annette Bennett, City resident, spoke in opposition to the American Rescue Plan Fund Act.

Wesley Hesker, City resident, spoke in opposition to the American Rescue Plan Fund Act.

Carmen Armstrong, City resident, spoke in opposition to the American Rescue Plan Fund Act.

Jeannette Hormuth, City resident, spoke in opposition to the American Rescue Plan Fund Act.

Tom Marschall, City resident, spoke in opposition to the American Rescue Plan Fund Act.

MaryLee Marschall, City resident, spoke in opposition to the American Rescue Plan Fund Act.

Johnathan Johnson, County resident, spoke in opposition to the American Rescue Plan Fund Act.

Debra Habecker, City resident, spoke in opposition to the American Rescue Plan Fund Act and increasing the proposed tax rates.

4. 2022 TAX RATES

A. Receive comments from Clinton Bailey, City Manager.

Clinton Bailey, City Manager, reviewed the reasons for an additional public hearing and issues on which the City Council needs to provide directions.

B. Presentation on the proposed 2022 Tax Rate.

Clinton Bailey, City Manager, provided the attached PowerPoint presentation. He also reviewed the need for today's public hearing.

C. Hold a public hearing to receive comments for or against the proposed tax rate that is greater than the no new-revenue tax rate, but not higher than the voter-approval tax rate.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to open the public hearing at 2:13 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Jerry McCorkle, City resident, spoke in opposition to anything above no new revenue taxes.

Carmen Armstrong, City resident, spoke in opposition to anything above no new revenue taxes.

Jeannette Hormuth, City resident, spoke in opposition to anything above no new revenue taxes.

Kyle Biederman, City resident, spoke in opposition to anything above no new revenue taxes.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to close the public hearing at 2:00 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

D. Review, discuss, and provide direction.

Clinton Bailey, City Manager, reviewed the Voter Approval Rate and the current Tax Rate. At the last meeting, he noted that the City Council reduced the budget by \$300,000. He noted that if the City Council wants to reduce the tax rate to No New Revenue, an additional \$700,000 will need to be cut. He reviewed the several potential areas that cuts could and the potential for a Sales Tax decrease due to the economy's slowdown.

Tim Lemberg, Gillespie County Economic Development Corporation CEO, stated that June and July Sales Taxes have been flat. He felt the wise thing to do was to be conservative with the Sales Tax figures.

The City Council discussed the following:

- Scoreboards for the fields
- One-time payments for equipment out of reserves instead of leasing
- Paying some Park salaries (\$145,000) out of Hotel Occupancy Tax
- \$50,000 sidewalks
- Additional Accountant
- The current sales tax projections in the budget

Daniel Jones, City Attorney, reviewed the qualifications for using Hotel Occupancy Tax.

Clinton Bailey, City Manager, stated he feels the City needs to look at the usage fees for Market Square.

E. Announcement of the date, time, and location of the adoption of the FY2023 City Budget and the 2022 Tax Rate is Monday, September 19, 2022, at 6:00 p.m. at the Law Enforcement Center- 1601 East Main Street, Fredericksburg, TX 78624.

Clinton Bailey, City Manager, announced the adoption of the FY2023 City Budget and the 2022 Tax Rate is Monday, September 19, 2022, at 6:00 p.m. at the Law Enforcement Center- 1601 East Main Street, Fredericksburg, TX 78624.

5. OTHER ACTION ITEMS AND UPDATES

A. Consider the formal acceptance or rejection of the American Rescue Plan Act Funds

Mayor Hoover stated he had been listening to the residents on both sides of this subject for several months. He reviewed several of the concerns the City Council had heard, so he started to research and investigate the Act. He reviewed the answers to the questions and topics he had heard. He also reviewed the areas the City can improve regarding grants and contracts. He stated that the City Council inherited this issue and felt the benefits and risk of keeping the funds outweighs the benefits of returning the funds.

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Kirchner, to keep the American Rescue Plan Fund Act already received and to accept the additional 2023 totaling \$2,848,547. The City Council held a roll call vote:

Mayor Pro-Tem Watson	aye
Councilmember Kirchner	aye
Councilmember Klein	aye
Councilmember Joseph	aye
Mayor Hoover	aye

The motion carried unanimously.

B. Consider possible direction related to the proposed FY2023 City Budget.

No discussion was held.

6. ADJOURN

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Watson, to adjourn the Wednesday, September 14, 2022, City Council Regular Meeting at 3:18 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



City of Fredericksburg

REGULAR CITY COUNCIL MEETING MINUTES MONDAY, SEPTEMBER 19, 2022 ~ 6:00 P.M. LAW ENFORCEMENT CENTER 1601 E. MAIN STREET FREDERICKSBURG, TEXAS 78624

Members Present:

Mayor Jeryl Hoover
Mayor Pro-Tem Bobby Watson
Councilmember Emily Kirchner
Councilmember Tony Klein
Councilmember Sharon Joseph

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Daniel Jones, City Attorney
Shelley Becker, Municipal Judge
Brian Vorauer, Police Chief
Eric Whiting, Director of Information Technology
Garret Bonn, Interim City Engineer/Interim Director of Development Services
Kris Kneese, Interim Director of Public Works and Utilities
Andrea Schmidt, Parks & Recreation Director
Braxton Roemer, Police Lieutenant
Laura Hollenbeak, Finance Director
Krista Wareham, Finance Manager
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the Regular Meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, September 19, 2022. He announced the quorum had been met.

2. INVOCATION

Austin Loza, Area District of the Fellowship of Christian Athletes, City resident, provided the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

A. Constitution Week (Ephraim Andrews Chapter Daughter of the American Revolution).

Mayor Hoover read the Proclamation and proclaimed September 17th – 23rd as Constitution Week. He presented the proclamation to two members of the Ephraim Andrews Chapter Daughter of the American Revolution.

B. Jacob Brodbeck Day (Father of Aviation).

Mayor Hoover read the Proclamation and proclaimed Tuesday, September 20th as Jacob Brodbeck Day. He urged all citizens to attend the ceremony honoring the inventor and builder, at 10 a.m. at the Airport Terminal.

Clinton Bailey, City Manager, provided the following recognitions:

- Adrian Flores, Operator 1 and Michael Rhodes, Crew Worker, with the Street Department for going above and beyond to assist a resident.
- Police Officer Dustin Schutze for his professionalism during an investigation.

5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Mayor Hoover stated the City Council received three (3) written comments.

Christine Burnet, County resident, spoke regarding the tax rate.

Sandra McDonald, City resident, spoke regarding the tax rate.

Annette Bennett, City resident, spoke regarding the tax rate.

Jeannette Hormuth, City resident, spoke regarding the tax rate.

Heath Bell, County resident, spoke regarding the budget and tax rate.

Tom Marshall, City resident, spoke regarding American Rescue Plan Act Fund.

Jerry McCorkle, City resident, spoke regarding the budget and tax rate.

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 THE CITY COUNCIL.

A. Consider approval of City Council Minutes for the following meetings:

- September 2, 2022, Work Session**
- September 6, 2022, Special Meeting**
- September 6, 2022, Regular Meeting**

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Kirchner, to approve the Consent Agenda items 6 A. i. – iii. with amendments. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

7. PUBLIC HEARINGS

A. Consider holding a public hearing to receive comments for or against the following request by Kirk Eyring with Smitty's Texas LLC. to consider a Conditional Use Permit per Section 3.210 to allow a drive-through associated with a car wash for property located at 513 S. Adams Street (Z-2217)

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Regular Meeting and into the Public Hearing at 6:36 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Cody Potter, Smitty's Texas LLC., reviewed the history of the project and the need for the request of a Conditional Use Permit.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to go out of the Public Hearing and into the Regular Meeting at 6:39 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Garret Bonn, Interim City Engineer/Interim Director of Development Services, reviewed the the project and the reason for the request. He stated Planning and Zoning Commission approved the request with conditions.

B. Consider holding a public hearing to receive comments for or against the following request by Michael Linehan with Land Strategies, Inc. to consider a Conditional Use Permit per Section 3.205 to allow food sales as a permitted use for property located at 206 North Milam Street (Z-2218).

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Regular Meeting and into the Public Hearing at 6:40 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Michael Linehan with Land Strategies, Inc. reviewed the history of projects and the extra steps that the owner has taken to ensure to be a good neighbor.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to go out of the Public Hearing and into the Regular Meeting at 6:46 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Garret Bonn, Interim City Engineer/Interim Director of Development Services, reviewed the processed used to review and the project. He stated the Planning and Zoning Commission approved the request with the following conditions:

- All conditions of original CUP approval shall remain in effect.
- Use of the backyard area shall comply with the City of Fredericksburg Quiet Hours for Residential Zones (no programming between 10:00 p.m. – 7:00 a.m.).
- Provide landscaping and buffering/sound wall to mitigate any potential negative impacts to adjacent uses, keeping in mind potential negative impacts to the flood zones.
- Fire marshal approval of updated access plan, specifically as it relates to deliveries (loading zone) and fire access requirements.
- Building Permit approval for additional facilities.
- Obtain floodplain development permit for all development within FEMA designated floodplain areas and conformance with City's Stormwater Control Ordinance (update no-detention study).

8. ORDINANCES AND RESOLUTION

A. Consider the approval of Ordinance 2022-30 adopting the City Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, and making appropriations for each department and account (1st of two readings; City Council may waive 2nd reading)

Clinton Bailey, City Manager, thanked everyone involved in the budget, for their hard work the last 109 days. He stated the proposed FY2023 Budget is based on the current rate. He reviewed the changes that we made in the budget.

The City Council reviewed the projects that were deferred, staffing shortage, and infrastructure.

Mayor Hoover stated the budget and tax rate are difficult discussion but feels the proposed budget will take care of our City, employees and infrastructure.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to approve Ordinance 2022-30 adopting the City Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, and making appropriations for each department and account; waive the second reading. The City Council voted by roll call.

Mayor Hoover	aye
Councilmember Watson	aye
Councilmember Kirchner	aye
Councilmember Joseph	aye
Councilmember Klein	aye

The motion carried unanimously.

B. 2022 Tax Rate.

- i. **Ratify the property tax increase, not to exceed the proposed rate of 0.195823, as reflected in the 2023 Budget for the City of Fredericksburg General Fund and Interest and Sinking Fund.**
- ii. **Approve the 2022 Maintenance and Operation Rate, not to exceed the proposed rate of \$0.169967, for the City of Fredericksburg.**
- iii. **Approve the 2022 Debt Service Rate, not to exceed the proposed rate of \$ 0.025856, for the City of Fredericksburg.**
- iv. **Consider the approval of Ordinance 2022-31, setting the Tax Levy for the Taxable Year 2022 not to exceed the proposed rate of \$0.195823 per \$100 of assessed valuation; and providing an effective date.**

Daniel Jones, City Attorney, discussed the process that needs to be used when approving the 2022 Tax Rate.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Joseph, to approve ratifying the property tax increase, not to exceed the proposed rate of 0.195823, as reflected in the 2023 Budget for the City of Fredericksburg General Fund and Interest and Sinking Fund. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Watson, to approve the 2022 Maintenance and Operation Rate, not to exceed the proposed rate of \$0.169967, for the City of Fredericksburg. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Watson, to approve the 2022 Debt Service Rate, not to exceed the proposed rate of \$0.025856, for the City of Fredericksburg. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to approve Ordinance 2022-31 setting the Tax Levy for the Taxable Year 2022, the property tax rate be increased by the adoption of a tax rate of 0.195823, which is effectively a 18.5% increase in the tax rate, and waived the second reading. The City Council voted by roll call.

Mayor Hoover	aye
Councilmember Watson	aye
Councilmember Kirchner	aye
Councilmember Joseph	aye
Councilmember Klein	aye

The motion carried unanimously.

C. Consider the approval of Resolution 2022-19R to pursue the Bullet-Resistant Shield Grant Program offered by the Office of the Texas Governor, Criminal Justice Division.

Mic McMickle, Police Training Coordinator, reviewed the grant opportunity for 6 Bullet-Resistant Shields totaling \$17,726.85. He also reviewed who will be wearing the shields.

The City Council discussed the number of shields the City currently owns.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to approve Resolution 2022-19R to pursue the Bullet-Resistant Shield Grant Program offered by the Office of the Texas Governor, Criminal Justice Division. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

9. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a Conditional Use Permit per Section 3.210 to allow a drive-through associated with a car wash for property located at 513 S. Adams Street, requested by Kirk Eyring with Smitty's Texas LLC. (Z-2217).

The City Council discussed the project, and the following conditions the Planning and Zoning Commission approved:

- Site/Civil Construction Plan approval, including Entry Corridor Design Standards and Guidelines and landscaping/screening.
- TxDOT approval for access off of S. Adams (SH 16 South).
- Sidewalk installation to City standard for frontage along S. Adams and E. Walch Ave. as shown on the proposed site plan.
- Signage and lighting in accordance with City standards.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to approve a Conditional Use Permit per Section 3.210 to allow a drive-through associated with a car wash for property located at 513 S. Adams Street, requested by Kirk Eyring with Smitty's Texas LLC. (Z-2217) with the following conditions the Planning and Zoning Commission provided:

- Site/Civil Construction Plan approval, including Entry Corridor Design Standards and Guidelines and landscaping/screening.
- TxDOT approval for access off of S. Adams (SH 16 South).
- Sidewalk installation to City standard for frontage along S. Adams and E. Walch Ave. as shown on the proposed site plan.
- Signage and lighting in accordance with City standards.

The City Council voted four (4) for and one (1) opposed (Councilmember Klein) The motion carried.

B. Consider the approval of a Conditional Use Permit per Section 3.205 to allow food sales as a permitted use for property located at 206 North Milam Street, requested by Michael Linehan with Land Strategies, Inc.(Z-2218).

The City Council discussed the project and the conditions the Planning and Zoning Commission approved.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to approve the Conditional Use Permit per Section 3.205 to allow food sales as a permitted use for property located at 206 North Milam Street, requested by Michael Linehan with Land Strategies, Inc. (Z-2218), with the following conditions provided by the Planning and Zoning Commission:

- All conditions of the original CUP approval shall remain in effect.
- Use of the backyard area shall comply with the City of Fredericksburg Quiet Hours for Residential Zones (no programming between 10:00 p.m. – 7:00 a.m.).
- Provide landscaping and buffering/sound wall to mitigate any potential negative impacts to adjacent uses, keeping in mind potential negative impacts to the flood zones.
- Fire marshal approval of updated access plan, specifically as it relates to deliveries (loading zone) and fire access requirements.
- Building Permit approval for additional facilities.
- Obtain floodplain development permit for all development within FEMA - designated floodplain areas and conformance with City's Stormwater Control Ordinance (update no-detention study).

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

C. Consider the approval of an amendment to the Construction Manager at Risk Services agreement with JK Bernhard Construction for the Marktplatz Redevelopment Commission Project.

Andrea Schmidt, Parks & Recreation Director, reviewed the Marktplatz Project Phase II. She stated an additional \$125,000 still needs to be raised. She also reviewed the need for Construction Management and their roles.

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Kirchner, to approve an amendment to the Construction Manager at Risk Services agreement with JK Bernhard Construction for the Marktplatz Redevelopment Commission Project. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

D. Consider the approval of the Municipal Court Lease Agreement adding additional square footage

Clinton Bailey, City Manager, reviewed the Lease Agreement and the need to add additional square footage.

Shelley Becker, Municipal Court Judge, reviewed the current lease's history and size.

Daniel Jones, City Attorney, reviewed the lease and the CPI adjustments.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to approve the Municipal Court Lease Agreement adding additional 4,500 square footage for \$67,500 a year. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

E. Consider the approval of a 3-year contract for OpenGov Budgeting Software for budgeting and transparency purposes

Krista Wareham, Finance Manager, reviewed the software and the benefits. She stated that the software would increase productivity and transparency.

The City Council discussed the benefits of the Software and whether this would eliminate the need for adding additional employees to the Finance Department.

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Klein, to approve a 3-year contract for OpenGov Budgeting Software for budgeting and transparency purposes. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

10. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Ruben Aguilar, City resident, spoke regarding issues with Law Enforcement.

Edward Rode, City resident, spoke regarding moving City Council meetings to daytime.

Bill Snyder, City resident, spoke regarding residents needing help with Code Enforcement.

MaryLee Marshall, City resident, spoke regarding the American Rescue Fund Plan Act.

George Studor, City resident, spoke regarding Special Event Procedures.

11. CITY MANAGER'S REPORT

A. Discuss future City Council Meetings

Clinton Bailey, City Manager, reviewed the six changes:

- Removal of speaking on Items Not on the Agenda
- Moving the Public Hearing and the items needing to be approved together
- Removal of the second reading on Ordinances
- Moving the meetings to the 1st and 3rd Tuesday of the month to 9:00 a.m.
- Changing the structure of meetings to one Special/Work Session Meeting and one Regular Meeting.
- Move the City Council Comments to follow the Pledge of Allegiance.
- All changes are to be effective October 4, 2022.

B. Town Hall Meeting Update

Clinton Bailey, City Manager, stated he is working on developing Town Hall Meetings in different neighborhoods. He wants to hear from the neighborhoods about topics they want to discuss. He stated he would provide an update once the details were worked out.

12. FY2022 Budget Accomplishments

Clinton Bailey, City Manager, provided the FY2022 Budget Highlights and Accomplishments for a total budget of \$70,961,981 and 180 employees. He reviewed the accomplishments in the following departments:

- Police Department
- Fire/EMS
- Parks
- Public Works
 - Water Department
 - Electric Department
 - Engineering, Street, Sanitation and Stormwater Department
- Development Services
- Golf Course

13. COUNCIL COMMENTS

Mayor Hoover thanked everyone for their hard work during the budget process.

14. ITEMS FOR FUTURE AGENDA

Clinton Bailey, City Manager, reviewed the Future Agenda spreadsheet.

15. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to adjourn the Monday, September 19, 2022, City Council Regular Meeting at 8:15 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



CITY COUNCIL MEMO

DATE: October 4, 2022
TO: Mayor and City Council
FROM: Shelley Goodwin, City Secretary
SUBJECT: Board of Adjustment Vacancies

Summary:

This item is to fill the vacancies on the Board of Adjustment.

Recommendation:

Staff recommends the City Council appoint two residents to serve as alternates on the Board of Adjustment.

Background / Analysis:

The City Council made appointments to the Board of Adjustment at their Regular Meeting on June 20, 2022. At that time there were not enough applications to consider the two alternate positions. Since then, the Board has struggled to hold a super majority vote.

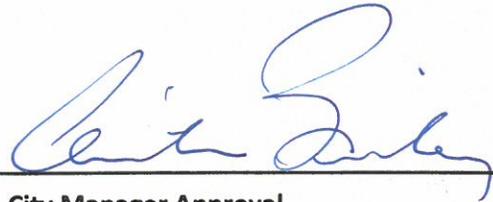
Attachments:

Resolution
Board information

The City of Fredericksburg



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

RESOLUTION 2022-20R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, APPOINTING INDIVIDUALS TO FILL VACANCIES IN THE MEMBERSHIP OF THE CITY'S ZONING BOARD OF ADJUSTMENT.

WHEREAS, the City's Zoning Board of Adjustment has one or more vacancies, due to resignation of a member and/or the expiration of a member's term; and

WHEREAS, it is essential to appoint individuals to the City's Zoning Board of Adjustment who are objective, knowledgeable, and that possess the relevant experience and qualifications established by law; and

WHEREAS, it is prudent to quickly fill any vacancies on the City's Zoning Board of Adjustment, to maximize opportunities for a quorum and efficiency in conducting City business.

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

Section 1. The City Council hereby appoints the following individuals as members of the City's Zoning Board of Adjustment, as follows:

- i. _____, is hereby appointed as an alternate member of the City's Zoning Board of Adjustment, with a term of office expiring June 2024.
- ii. _____, is hereby appointed as an alternate member of the City's Zoning Board of Adjustment, with a term of office expiring June 2024.

Section 2. *Severability.* In the event any clause, phrase, provision, sentence or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional

Section 3. *Effective Date.* This Resolution shall be effective upon its passage.

PASSED AND APPROVED on this the ____ day of _____, 20____.

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC/CMC
City Secretary

Board of Adjustments

Duties

Variances. To authorize upon appeal in specific cases such variance from the terms of the Zoning Property Development Regulations and Sign Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provision of the Zoning Regulations will result in unnecessary hardship, and so that the spirit of the Zoning Regulations shall be observed, and substantial justice done. See [Section 5.600](#).

Administrative Appeals. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Regulations. See [Section 5.700](#).

Membership

According to the Local Government Code Sec. 211.008. BOARD OF ADJUSTMENT. (b) A board of adjustment must consist of at least five members to be appointed for terms of two years. The governing body must provide the procedure for appointment. The governing body may authorize each member of the governing body, including the mayor, to appoint one member to the board. The appointing authority may remove a board member for cause, as found by the appointing authority, on a written charge after a public hearing. A vacancy on the board shall be filled for the unexpired term.

Position #	Commissioner's Name	Appointments	Term Expires
1	Clay Sears	1-18-2022 V	2023
2	Jim McAfee	7-6-2021 R	2023
3	Marcus Vidrine	7-6-2021 R	2023
4	Devin Mullen	6-20-2022 A	2024
5	Ashley Hunter	6-20-2022 A	2024
6	Vacant (alternate)		2022
7	Vacant (alternate)		2022



CITY COUNCIL MEMO

DATE: October 4, 2022

TO: Mayor and City Council

FROM: Clinton Bailey, City Manager

SUBJECT: Agenda Format and Discussion Topics for Special Meetings and Work Sessions

Summary:

This item is intended to be an open discussion with the Council regarding the format of future Special Council Meetings and Work Sessions and to discuss developing a list of topics for discussion during these meetings.

Recommendation:

It is recommended that the City Council provide direction to City Staff regarding the format of future Special Council Meetings and Work Sessions and a list of topics to be considered for discussion during these meetings.

Background / Analysis:

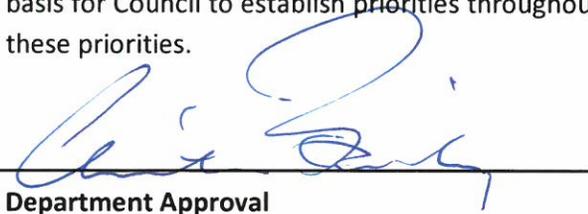
During the Special Meeting of the City Council on Monday, September 6, 2022, the City Council voted unanimously to change the format of City Council meetings from two regular Council meetings (business meetings) each month to one regular meeting (business meeting) and one work session meeting each

The City of Fredericksburg

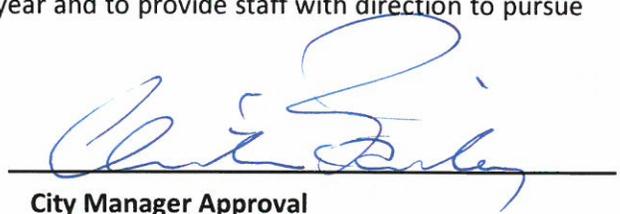
month. This change in meeting format is consistent with Section 3.10 of the City of Fredericksburg City Charter which requires the City Council to hold at least one regular Council meeting each month.

The Council can only take action on items listed on an agenda for meetings designated as "Regular" or "Special" City Council Meetings. According to Section 4 of the City Council Rules of Procedure, Special Meetings designated as "Work Sessions" shall be advertised and conducted in the same manner as regular meetings and are for the purpose of in-depth review and discussion of specified issues. Council actions shall not be taken at designated "Work Sessions". As Work Sessions are scheduled throughout the year it may be necessary periodically to take action on items on the agenda. If action items shall be included on what would otherwise be designated as a Work Session meeting, the meeting will be designated as a Special Meeting.

In addition to the meeting format, Staff recommends the Council discuss developing a list of topics for discussion during future Special and Work Session Meetings. It is anticipated these discussions will be the basis for Council to establish priorities throughout the year and to provide staff with direction to pursue these priorities.



Department Approval



City Manager Approval

The City of Fredericksburg



CITY COUNCIL MEMO

DATE: October 4, 2022

TO: Mayor and City Council

FROM: Garret Bonn – Interim Director of Development Services/City Engineer

SUBJECT: Comprehensive Plan Update

Summary:

Half Associates has been contracted to complete the Comprehensive Plan effort which includes preparation of a Parks Master Plan. Council and staff will discuss kickoff meetings that have occurred to date, advisory committee/focus group members, and next steps in the process, including community engagement efforts.

Recommendation:

N/A.

Background / Analysis:

Half Associates has been contracted to complete the City's Comprehensive Plan and Parks Master Plan. The project will involve six phases:

1. Project Management & Initiation (underway)
2. Community Engagement
3. Comprehensive Plan Elements
4. Parks Master Plan Elements
5. Draft Plans
6. Adoption of Plans/Implementation

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The project will take approximately 16 months to complete.

Attachments:

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Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg



CITY COUNCIL MEMO

DATE: October 4, 2022

TO: Mayor and City Council

FROM: Garret Bonn – Interim Director of Development Services/City Engineer

SUBJECT: Six Month Review of Short-Term Rental Ordinance

Summary:

City Council and staff will discuss current Short-Term Rental (STR) permitting statistics, implementation of the Granicus software, enforcement matters, and potential next steps.

Recommendation:

N/A.

Background / Analysis:

Ordinance No. 2022-13 went into effect on April 1, 2022. This ordinance includes development and land use regulation amendments in multiple zoning districts for development across the City, including but not limited to, short term rental uses, parking requirements, and permitted land uses. After six months, Council and staff will discuss positive and negative effects of the ordinance along with potential modifications to address ongoing issues.

Attachments:

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Department Approval



City Manager Approval



City Attorney Approval

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