



# CITY OF FREDERICKSBURG

## MINUTES OF CITY COUNCIL REGULAR MEETING January 18, 2022

The City of Fredericksburg City Council held their regular session on Tuesday, January 18, 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  
Councilmember Kathy O'Neill

### **Members Absent:**

No one was absent.

### **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  
Brian Vorauer, Patrol Lieutenant  
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 Tuesday, January 18, 2022.

### **2. INVOCATION**

Austin Fleener, resident, led the Invocation.

### **3. PLEDGE OF ALLEGIANCE**

Travis Reeh led the Pledge of Allegiance.

### **4. EMPLOYEE RECOGNITIONS**

Kent Myers, City Manager, announced the following recognitions:

- Thank you to Officer Luke Smith, Kyle Treibs, City electrician, and EMS for going above and beyond to help during an accident.

## 5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Welsley Reeh, City resident, spoke regarding the proposed noise ordinance.

Liza Smith, City resident, spoke regarding the proposed noise ordinance.

Leslie Spraggins, City resident, spoke regarding the proposed noise ordinance.

Tammi Smith, City resident, spoke regarding the proposed noise ordinance.

Jeannette Hormuth, City resident, spoke regarding the proposed noise ordinance and edits to the minutes.

## 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.**

**B. Consider the approval of the following events request for road closures:**

- 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.**
- 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.**
- 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>.**
- 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.**

Mayor Kiehne pulled Agenda Item 6.A. to be considered separately.

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Consent Agenda items 6. Bi. -B. iv. 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 Luckenbach, to bring back the January 18, 2022, Regular Meeting minutes with possible corrections. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

## 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).**

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Regular Session into a public hearing at 6:24 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of public hearing back into Regular Session 6:25 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- 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):**
- 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.**

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Regular Session into a public hearing at 6:26 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Kevin Spraggins, requestor, reviewed the project and the need for the zoning change request.

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of public hearing back into Regular Session 6:28 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

## **8. ORDINANCES AND RESOLUTIONS**

- A. Consider the approval of Ordinance 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, reviewed the property and the request. He also stated that the neighbors within 200’ of this property were notified of the proposed change. He also reviewed the drainage.

The City Council reviewed the drainage and the zoning change.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve 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 and waive the

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

**B. Consider the approval of the following changes to 1100 Friendship Lane requested by Kevin Spraggins (Z-2126):**

- 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.**

Jason Lutz, Development Services Director, reviewed the proposed project. He also reviewed the proposed Land Uses. He also noted the adjacent tract will be coming to City Council for a change in Land Use Plan.

The City Council discussed the surrounding area's proposed developments and the different zonings. They inquired about the other uses for M2 and M3.

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve 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 and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- 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.**

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve 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. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**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, reviewed the Noise and Sound Level Regulation history and the process used when going to a call related to noise and sound. He explained the noise complaint map, different scenarios of noise calls, and the decibel level measurements taken.

The City Council discussed the maximum fine that could be set by the Municipal Court Judge. They also discussed the residential nighttime hours. They also discussed the process for habitual STR violators. They discussed self-monitoring and tracking of the sound citations. They also discussed going in the field and assessing the different decibel levels.

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Musselman, to approve Ordinance 2022-02 on first reading and bring back for 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. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**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, reviewed the proposed grant request. He also reviewed the need for an additional officer.

The City Council discussed the need for an additional officer and where the grant funding is coming from.

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember O'Neill, to approve Resolution 2022-01R approving submission of the Application for the Fredericksburg Police Department Patrol Officer Grant. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**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 (This Agenda Items was taken up after the Executive Session).**

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to appoint the following vacancies:

Planning and Zoning Commission-Cynthia Scroggins

Zoning Board of Adjustments-Clay Sears

Zoning Board of Adjustments-Anna Wise Wynne-Smith pending verification of residency.

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, regarding the government practices.

Jerry McCorkle, City resident, spoke regarding STRs.

Edward Rode, County resident, spoke regarding the City utility bills.

Tom Marschall, City resident, spoke regarding the American Rescue Funding Act.

MaryLee Marschall, City resident, spoke regarding the American Rescue Funding Act.

George Studor, City resident, spoke regarding the Disaster Declaration and the outstanding performance of Daniel Jones, City Attorney.

Wesley Hesker, City resident, spoke regarding the American Rescue Funding Act (he also provided written comments).

Germain Charmaine, City resident, spoke regarding how STRs related to noise and sound ordinance.

Lauren Smith, City resident, spoke regarding STR owners.

Jeannette Hormuth, City resident, spoke regarding Citizen Seize and Assistance Affidavit the City Council was served on January 3, 2022. (She provided additional 76 signed Affidavits at 8:03 p.m.).

Tammy Pack, City resident, spoke regarding STRs.

## **11. CITY MANAGER REPORT**

### **A. January 31 Council Work Session**

Kent Myers, City Manager, reviewed the Agenda Items for the City Council Special Meeting and stated the meeting will begin at 1 p.m. and be held at the Cardinal Room.

### **B. Short-Term Rentals (STR) Regulations-Next Steps**

Kent Myers, City Manager, reviewed the next step in the STR process. He noted the Planning and Zoning Commission will be holding a meeting on Wednesday, January 12, 2022, at 6 p.m. at the University Center at 6 p.m. to discuss the proposed changes to the ordinance.

### **C. Planning for 2024 Eclipse Event**

Kent Myers, City Manager, stated the 2024 Eclipse would include Fredericksburg as one of the best viewing places, so the planning for the event has begun.

### **D. Recent Personnel Changes**

Kent Myers, City Manager, reviewed the recent retirements and the current job openings.

## **12. CITY COUNCIL COMMENTS**

Councilmember Watson stated the Gillespie County Airport currently has 100 T Hangers rented and 18 people on the rental waiting list. He also noted that there are 22 students presently in-Flight School, fuel sales for 2021 were \$530,000 fuel and \$403,000 in jet fuel.

Councilmember Luckenbach stated Gillespie County Commissioners appointed Commissioner Schuch as Pro-Tem and set their County's HOT procedures. He also reported that the Market Square Redevelopment Commission dedicated the playground this morning, Phase II fundraising has been completed, and they will soon be starting on Phase III.

Councilmember Musselman reported he attended the playground ribbon cutting. He also stated he has read the affidavits related to the American Rescue Funds and discovered that 51% of those who have signed the affidavits live outside the City limits.

Councilmember O'Neill reported that the Disaster Declaration should remain in effect until the positivity rate of the new COVID version goes down.

Mayor Kiehne reported that FISD needs mentoring and for those interested, please get in touch with the school.

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

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

## **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).**

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of the Regular Meeting and into Executive Session at 8:36 p.m. The City Council voted five (5) 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 9:22 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

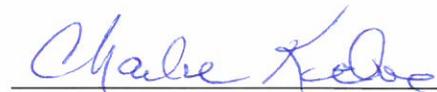
#### **15. BUSINESS ITEM**

Following Executive Session action was taken on Agenda Item 9 A. as noted above.

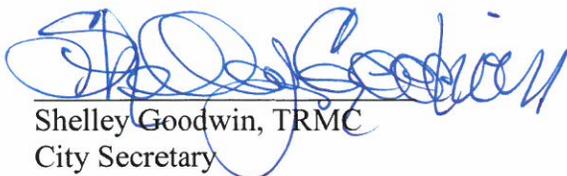
**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to set the salary for Daniel Jones, City Attorney at a rate of \$143,000 effective immediately. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

#### **16. ADJOURN**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to adjourn the Tuesday, January 18, 2022, City Council Regular Meeting at 9:26 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.



Charlie Kiehne  
Mayor



Shelley Goodwin, TRMC  
City Secretary