



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING FEBRUARY 21, 2022

The City of Fredericksburg City Council held their regular session on Monday, February 21, 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 Monday, February 21, 2022.

2. INVOCATION

Dave White, resident, led the Invocation.

3. PLEDGE OF ALLEGIANCE

Tony Klein led the Pledge of Allegiance.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, announced the following recognitions:

- Thank you to Clinton Bailey and Jason Lutz for their hard work on the STR process.

5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Eric Hammersen, City resident, spoke regarding 14 A. regarding the appointment of City Manager.

David Shields, Executive Director of Historical Society, spoke regarding Agenda Item 9. E. HOT Funding Process.

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 City Council Minutes:

- i. January 31, 2022 Special Meeting**
- ii. February 7, 2022 Regular Meeting**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve Consent Agenda items 6. A. i. and ii. 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 voluntary annexation of approximately 21.46 acres of land and request for zoning of Single-Family Residential (R1) Zoning District located at 668 Pyka (Z-2112) (Jason Lutz, Development Services Director).

Jason Lutz, Development Services Director, reviewed the property's history and noted the owner had requested voluntary annexation to construct a single-family subdivision. He stated the Planning and Zoning Commission voted unanimously to approve the annexation and zoning of R-1.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of Regular Session into a public hearing at 6:14 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously. No one wished to speak.

Mark Cornette, applicant, stated he represented the owners and is available to answer questions.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of public hearing back into Regular Session 6:15 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider holding a public hearing to receive comments for or against changes to 1100 Friendship Lane (Z-2202) (Jason Lutz, Development Services Director)

- i. Change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 14.28 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 becomes a part of the Comprehensive Plan**
- ii. Change in the Zoning Ordinance of the City and changing the Zoning District as to approximately 14.28 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)

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Regular Session into a public hearing at 6:16 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 Musselman, to go out of public hearing back into Regular Session 6:17 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider holding a public hearing to receive comments for or against amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development (PUD), to allow a land use of “Hotel-Motel”, pertaining to 10.98 acres of land being described as lots 1, 2, and 3 of the Feller Subdivision, Phase 1, located at 1511 and 1565 E. Main Street, situated in the City (Z-2201)

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Regular Session into a public hearing at 6:18 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 6:18 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 2022-09 annexing to the City approximately 21.46 acres of land out of Outlot 165, Outlot 170, and part of an Outlot Street, as shown on the map of Fredericksburg and environs by the German Emigration Company in Gillespie County, Texas, located at 668 Pyka Road; extending the corporate limits of the City so as to include said territory; granting to all inhabitants and future inhabitants of said territory all of the rights and privileges of other citizens of the City; binding the inhabitants and future inhabitants of said territory by any and all acts, Ordinances, Resolutions and Regulations of said City; and amending the Zoning Ordinance of the City to establish the Zoning District of said territory as R-1: Single Family Residential. (City Council may waive second reading).**

Jason Lutz, Development Services Director, stated this Ordinance is for the annexing of 21.46 acres and establishes the zoning for that property.

The City Council discussed the use of the land.

Mark Cornett, applicant for the property owners, stated the owners are still working on the plans for the property and support the R-1 zoning.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve Ordinance 2022-09 annexing to the City approximately 21.46 acres of land out of Outlot 165, Outlot 170, and part of an Outlot Street, as shown on the map of Fredericksburg and environs by the German Emigration Company in Gillespie County, Texas, located at 668 Pyka Road; extending the corporate limits of the City so as to include said

territory; granting to all inhabitants and future inhabitants of said territory all of the rights and privileges of other citizens of the City; binding the inhabitants and future inhabitants of said territory by any and all acts, Ordinances, Resolutions and Regulations of said City; and amending the Zoning Ordinance of the City to establish the Zoning District of said territory as R-1: Single Family Residential; 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 changes to 1100 Friendship Lane:

- i. Ordinance 2022-10 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 14.28 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 becomes a part of the Comprehensive Plan, and providing for an effective date. (City Council may waive second reading)**

Jason Lutz, Development Services Director, provided the history of the property and stated the applicant is seeking a future land use classification change from "Mixed-Use Corridor" (MU) to Commercial (C) and zoning change from Industrial Park (M3) to Commercial C2 to bring the entire tract under the same land use and zoning.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Ordinance 2022-10 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 14.28 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 and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- ii. Ordinance 2022-11 amending the Zoning Ordinance of the City and changing the Zoning District as to approximately 14.28 acres of land, being a portion of W.H. Anderson #197, Abstract No. 2, located at 1100 Friendship Lane, situated in the City; changing said property from Industrial Park (M-3) to Commercial (C-2); and providing for an effective date (City Council may waive second reading)**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Ordinance 2022-11 amending the Zoning Ordinance of the City and changing the Zoning District as to approximately 14.28 acres of land, being a portion of W.H. Anderson #197, Abstract No. 2, located at 1100 Friendship Lane, situated in the City; changing said property from Industrial Park (M-3) to Commercial (C-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.

- C. Consider the approval of Ordinance 2022-12 amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development (PUD), to allow a land use of "Hotel-Motel", pertaining to 10.98 acres of land being described as lots 1, 2, and 3 of the Feller Subdivision, Phase 1, located at 1511 and 1565 E. Main Street, situated in the City of Fredericksburg, Texas (City Council may waive second reading).**

Jason Lutz, Development Services, provided the property's history and stated the developer is seeking to amend an existing Planned Unit Development (PUD) to allow the land use of Hotel-Motel on the property.

The City Council discussed the property and the original PUD.

Kevin Spraggins, applicant, reviewed the property and the request to add Hotel-Motel to the PUD and property. He noted the surrounding neighbors/businesses support adding Hotel-Motel to this property.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2022-12 amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development (PUD), to allow a land use of "Hotel-Motel", pertaining to 10.98 acres of land being described as lots 1, 2, and 3 of the Feller Subdivision, Phase 1, located at 1511 and 1565 E. Main Street, situated in the City of Fredericksburg, Texas and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

D. Consider the approval of Resolution 2022-03R appointing Early Voting Clerk, Deputy Early Voting Clerks, Judges and Alternate Judge and adding provisions for the conduct of such election and resolving other matters related to the conduct of such election for the May 7, 2022 General Election.

Shelley Goodwin, City Secretary, provided an update related to the Legislative changes to the upcoming election. She also reviewed the need to have a Signature Verification Committee and their role. She also thanked Lea Feuge, Public Information Officer, for creating the recent "What you need to know about May 7, 2022, City Election".

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Watson, to approve Resolution 2022-03R appointing Early Voting Clerk, Deputy Early Voting Clerks, Judges and Alternate Judge and adding provisions for the conduct of such election and resolving other matters related to the conduct of such election for the May 7, 2022 General Election. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

9. OTHER ACTION ITEMS AND UPDATES

A. Consider approval of a Voluntary Annexation Agreement of approximately 21.46 acres of land to construct a Single-Family Subdivision along Pyka Road (to be considered before Agenda Item 8.A.).

Jason Lutz, Development Services, reviewed the history of the property and the request. He noted this is the first step to the Voluntary Annexation.

Mark Cornett, speaking for the owners, spoke regarding the future needs of the property.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve Voluntary Annexation Agreement of approximately 21.46 acres of land to construct a Single-Family Subdivision along Pyka Road. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider approval of SKT Architects as the design consultant for Phase 2 and contract for professional services related to the Fredericksburg Visitor Information Center expansion

Evan Williamson, Engineer Tech., reviewed the PowerPoint presentation of the process used to request qualifications. He stated Staff recommends the award of the design consultant for Phase 2 and the professional services contract to SKT Architects. He also reviewed the estimated cost for the construction, Architect, and Engineering designs.

The City Council discussed the proposed additional wing of the CVB building, which is being paid for by the Tourism Fund. They also discussed the need for additional parking spaces and designated RV parking spaces.

Ernie Loeffler, Director of CVB, noted that CVB is out of space and in need of a meeting room as well.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve SKT Architects as the design consultant for Phase 2 and contract for professional services related to the Fredericksburg Visitor Information Center expansion. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider approval of the issuance of the Requests for Proposals and Qualifications for the Hotel/Conference Center Project.

Kent Myers, City Manager, provided the project's history and asked for approval of the issuance of the RFP and Qualifications for the Hotel/Conference Center Project. He noted currently, there are three different sites (the Y, behind Sutherlands, and on Friendship across from the movie theater). He stated the RFQ document was updated to include the items discussed at the Special Meeting on January 31, 2022. He also provided a spreadsheet regarding organization/events that the CVB has turned down because Fredericksburg doesn't have a large location for their meetings.

The City Council discussed the effects that a Hotel/Conference Center has on the City and its residents. They also discussed the need for the facility to be smaller than the original Conference Center and the issues related to workforce housing and financing.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve issuance of the Requests for Proposals and Qualifications for the Hotel/Conference Center Project. The City Council voted four (4) for, and one (1) opposed (Councilmember O'Neill). The motion carried.

D. Consider approval of the City Manager Performance Goals for 2022

Kent Myers, City Manager, reviewed the Performance Goals for 2022 and noted he is already getting started on the goals. He stated the Finance Director has recommended putting excess Sales Tax in a reserve account and using it for what the City Council chooses to fund in the future.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve City Manager Performance Goals for 2022. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

E. Consider the approval of the 2022 Hotel Occupancy Tax (HOT) Funding Process and documents.

Shelley Goodwin, City Secretary, reviewed the HOT Funding Process and the proposed timeline for the 2022 award of funding.

The City Council discussed the timeline and the application.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to the 2022 Hotel Occupancy Tax (HOT) Funding Process and documents. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

F. Consider the reconsideration of July 19, 2021 City Council Regular Meeting Minutes, previously amended at the February 7, 2022 Regular Meeting.

Shelley Goodwin, City Secretary, stated at February 7, 2022, City Council Regular Meeting the City Council voted to approve the amendment to Tom Marschall's Citizen Comment from the July 19, 2021, Regular Meeting. Two members of the City Council agreed to place July 19, 2021, Regular Meeting Minutes back on the agenda to reconsider them.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, to reconsider of July 19, 2021 City Council Regular Meeting Minutes, previously amended at the February 7, 2022 Regular Meeting. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Musselman, to amend the July 19, 2021 City Council Regular Meeting Minutes, previously amended at the February 7, 2022 Regular Meeting to read "Tom Marschall spoke about the State Constitution and the provision contained therein where laws or directives are null and void if they impact negatively on constitutional rights". 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

Edward Rode, County resident, spoke about the Traffic Impact Study for the Live Oak area.

George Studor, City resident, spoke regarding the termination of Disaster Declaration and After-Action Reports.

Eric Hammersen, City resident, spoke regarding the termination of the Disaster Declaration and encouraged the City Council to return the American Rescue Funds.

MaryLee Marschall, City resident, spoke regarding COVID-19.

Tom Marschall, City resident, spoke regarding Business Sanctions.

Jeannette Hormuth, City resident, asked for corrections to January 18, 2022 Council minutes and encouraged the City Council to send back the American Rescue Funds.

11. CITY MANAGER REPORT

A. Introduction of New Housing Coordinator

Vince Michell, Housing Coordinator, introduced himself. He indicated that his is looking forward to working with everyone. He noted his motto is "Failure is not an option."

B. TXDOT Meeting

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, provided an update on the recent meeting with TxDOT. He noted they discussed the Relief Route, recent Winter Storm, road closure process, local transportation projects (short, medium, and long term), federal funding for bridges. He noted TxDOT would be providing a follow-up to their discussions.

Kent Myers, City Manager, reminded everyone of the Joint Workshop with Gillespie County to discuss the Relief Route scheduled for March 1 at 8:30 a.m. at LEC.

The City Council reviewed the funding process for TxDOT, and the need for getting traffic around the City and off Main.

C. Comprehensive Plan

Kent Myers, City Manager, stated the City received seven proposals, and they will be reviewing them in the next few weeks and bringing back a contract for approval by City Council in April.

D. Transition to Granicus for STR Permitting and HOT Collections

Kent Myers, City Manager, stated there was a kickoff meeting two weeks ago, and Granicus' start date is officially April 1, 2022.

E. Police Chief recruitment process

Kent Myers, City Manager, reviewed the process that will be used to hire an effective leader for the Police Chief and noted the process will be for internal recruitments only.

12. CITY COUNCIL COMMENTS

Councilmember Luckenbach reported on the concrete bricks in Market Square. He also reviewed areas downtown that need repairs.

Mayor Kiehne stated he had enjoyed the beautiful day but warned everyone that the cold weather was coming back.

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 appointment, evaluation, and/or duties of a public officer or employee, specifically the City Manager (Section 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 8:08 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 9:50 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

15. BUSINESS ITEM

No action was taken.

16. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to adjourn the Monday, February 21, 2022, City Council Regular Meeting at 9:52 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.



Shelley Goodwin, TRMC
City Secretary



Charlie Kiehne
Mayor