



# CITY OF FREDERICKSBURG

## MINUTES OF CITY COUNCIL REGULAR MEETING MARCH 21, 2022

**The City of Fredericksburg City Council held their regular session on Monday, March 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  
Anna Hudson, Historic Preservation Officer  
Leslie Ball- Embrey, Administrative Assistant  
Rebekka Goff, Administrative Assistant/Receptionist  
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, March 21, 2022.

### **2. INVOCATION**

Eric Hammersen, resident, led the Invocation.

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

Councilmember Musselman led the Pledge of Allegiance.

### **4. EMPLOYEE RECOGNITIONS**

Kent Myers, City Manager, stated he had received the following recognitions:

- Officer Sargent McMickle for going above and beyond.
- Leo Kofakowski, part-time Parks Department employee, for going above and beyond.

Kent Myers, City Manager, read a statement regarding Jason Lutz's application for an STR Permit.

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

Mayor Kiehne announced that the City Council had received 17 written comments.

Moises Sanchez, Kerrville resident, spoke regarding Short-Term Rentals and the benefits they bring to the Community.

Roger Noreen, City resident, spoke regarding Short-Term Rentals and the original authenticity of Fredericksburg.

Dixie Hodson, County resident, spoke regarding Short-Term Rentals and the benefits they bring to her family.

Tammie Smith, County resident, spoke regarding Short-Term Rentals and the benefits they bring to the Community.

Bill Synder, City resident, spoke regarding Short-Term Rentals and the prices of homes within the City.

David Turpin, City resident, spoke regarding Short-Term Rentals and the behaviors of some of those who visit.

Andrew Frimpong, City resident, spoke regarding his experience living next to families and not STRs.

Michel Mahoney, City resident, spoke regarding Short-Term Rentals and encouraged the City Council to help bring neighborhoods back.

David Petragon, City resident, spoke regarding Short-Term Rentals and encouraged the City Council to pass this Ordinance.

Matt Durrett, City resident, spoke regarding Short-Term Rentals and feels the data provided does not justify the changes to the Ordinance.

Todd Plunk, City resident, spoke regarding Short-Term Rentals and encouraged the City Council to slow down the process.

Leslie Spraggins, City resident, spoke regarding Short-Term Rentals and issues with the proposed Ordinance.

Belinda McDonnell, City resident, spoke regarding STRs and encouraged the City Council not to approve the proposed Ordinance.

Deiny Haertlein, City resident, spoke regarding STRs and the unoccupied/occupied section of the proposed Ordinance.

Randy Briley, City resident, spoke regarding Short-Term Rentals and STR Alliance. He encouraged the City Council not to approve version 6 of the proposed Ordinance.

Emaly Baehr, County resident, spoke regarding Short-Term Rentals and stated the Hill Country Board of Realtors opposed the proposed Ordinance. She provided copies of a letter from the Hill Country Board of Realtors.

## 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. **March 1, 2022 Special Joint Meeting**
- ii. **March 7, 2022 Regular Meeting**

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Consent Agenda item 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 following request by Joe Salinas Jr. for approximately 4.83 acres of land described as a portion of GE Co Outlet #192, located at the southwest intersection of W. Live Oak St. and Smokehouse Road (Z-2204)

- i. **Future Land Use Classification change from “Low Density Residential” (LDR) to “Medium Density Residential” (MDR) for 4.332 acres**
- ii. **Zoning Change from “Single-Family Residential” (R1) to “Mixed Residential” (R2) for 4.332 acres**
- iii. **Future Land Use classification change from “Low Density Residential” (LDR) to “Medium Density Residential” (MDR) for 0.508 acres**
- iv. **Annexation Agreement for approximately 0.508 acres of land**
- v. **Voluntary Annexation and a proposed Zoning Classification of “Mixed Residential” (R2) for 0.508 acres**

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of Regular Session into a public hearing at 7:01 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Jerry McCorkle, City resident, spoke regarding this annexation that is surrounded by City property.

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of public hearing back into Regular Session at 7:03 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Kent Myers, City Manager, stated the owner is requesting annexation.

### B. Consider holding a public hearing to receive comments for or against a Conditional Use Permit for the land use for property located at 419 W. Main Street to allow “Single Family Residential Detached” (Z-2205)

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Regular Session into a public hearing at 7:05 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 Luckenbach, to go out of public hearing back into Regular Session at 7:06 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 2022-13 amendments to the City’s Zoning Code regarding Short-Term Rentals, development standards, parking requirements, Land Use Charts, definitions, impervious cover and other regulations (second reading).

Daniel Jones, City Attorney, presented and discussed revisions to the ordinance that were made based on City Council direction from the first reading of the ordinance.

The City Council discussed the proposed revisions, and discussed and proposed additional revisions to the ordinance.

**Motion:** A motion was made by Councilmember O’Neill, seconded by Councilmember Watson, to revise a portion of the proposed Section 3.100 related to Conditional Use Permits, to read as follows:

#### Short-term Rental, Unoccupied (With a STR Permit and adherence to Section 5.401

- If 2 or more lot lines (only 1 or more lot lines required for a corner lot) are abutting a lawfully permitted “STR Unoccupied” use (STR B&B and STR Accessory uses are not included in this calculation); and
- If 75% or more of the properties on the same side of the street, between intersecting streets, are a lawfully permitted “STR Unoccupied” use (STR B&B and STR Accessory uses are not included in this calculation).

On roll call, the City Council voted the following:

Mayor Kiehne	Nay
Councilmember Luckenbach	Aye
Councilmember Musselman	Nay
Councilmember Watson	Aye
Councilmember O’Neill	Aye

The motion carried three (3) for and two (2) against (3-2).

**Motion:** A motion was made by Councilmember O’Neill, seconded by Councilmember Watson, to adopt Ordinance 2022-13 on second reading as presented, with the following revisions:

- Amend the proposed definition for Duplex Residential by striking the text that reads “These facilities are prohibited from receiving STR permits”.
- Amend Section 5.401 to add the requirement that a BECA sticker be located within 3 feet of the front entrance.
- Amend Section 5.401 by adding text to clarify that the “House Rules” are applicable to new and existing STRs.
- Strike the sentence in Section 5.401 that reads “The Local Contact Person shall have 60 minutes, from the time of the complaint, to correct the situation.”
- Amend Subsection 5.401(13) by adding the City’s Noise Ordinance to the list of offenses that may not be used to suspend or revoke a permit.
- Include the revision to a portion of Section 3.100 related to Conditional Use Permits, as approved by the majority of the City Council in the preceding motion.
- Set an effective date of April 1, 2022.

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

### B. Consider the following items requested by Joe Salinas Jr. for approximately 4.83 acres of land described as a portion of GE Co Outlot #192, located at the southwest

**intersection of W. Live Oak St. and Smokehouse Road (Z-2204) (Jason Lutz, Development Services Director)**

- i. Ordinance 2022-16 adopting a change in the Comprehensive Plan specifically in the Land Use Map and changing from “Low Density Residential” (LDR) to “Medium Density Residential” (MDR) for 4.332 acres**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember O’Neill, to approve Ordinance 2022-16 adopting a change in the Comprehensive Plan specifically in the Land Use Map and changing from “Low Density Residential” (LDR) to “Medium Density Residential” (MDR) for 4.332 acres and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- ii. Ordinance 2022-17 amending the Zoning Ordinance and changing the Zoning District from “Single-Family Residential” (R1) to “Mixed Residential” (R2) for 4.332 acres**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember O’Neill, to approve Ordinance 2022-17 amending the Zoning Ordinance and changing the Zoning District from “Single-Family Residential” (R1) to “Mixed Residential” (R2) for 4.332 acres and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- iii. Ordinance 2022-18 adopting a change in the Comprehensive Plan specifically in the Future Land Use Map and change from “Low Density Residential” (LDR) to “Medium Density Residential” (MDR) for 0.508 acres**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember O’Neill, to approve Ordinance 2022-18 adopting a change in the Comprehensive Plan specifically in the Future Land Use Map and change from “Low Density Residential” (LDR) to “Medium Density Residential” (MDR) for 0.508 acres and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- iv. Ordinance 2022-19 Annexing approximately 0.508 acres of land, being a portion of Outlot 192, as shown on the map of Fredericksburg and Environs by German Emigration Company in Gillespie County and amending the Zoning Ordinance of the City to establish the Zoning District of said territory as R-2 “Mixed Residential”.**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve Ordinance 2022-19 Annexing approximately 0.508 acres of land, being a portion of Outlot 192, as shown on the map of Fredericksburg and Environs by German Emigration Company in Gillespie County and amending the Zoning Ordinance of the City to establish the Zoning District of said territory as R-2 “Mixed Residential” and waive the second reading. 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 Conditional Use Permit for the land use for property located at 419 W. Main Street to be “Single-Family Residential Detached” (Z-2205).**

Anna Hudson, Historic Preservation Officer, reviewed the history of the property and the need for a Conditional Use Permit.

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve Conditional Use Permit for the land use for property located at 419 W. Main Street to be “Single-Family Residential Detached” (Z-2205). The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**B. Consider approval of Annexation Agreement for request by Joe Salinas Jr. for approximately 0.508 acres of land described as a portion of GE Co Outlot #192, located at the southern portion of 1161 W. Live Oak St. (Z-2204)**

Anna Hudson, Historic Preservation Officer, reviewed the history of the property and the reason for the Annexation Agreement.

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve the Annexation Agreement requested by Joe Salinas Jr. for approximately 0.508 acres of land described as a portion of GE Co Outlot #192, located at the southern portion of 1161 W. Live Oak St. (Z-2204). The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**C. Consider approval of a bid award for the City Broadband Project Award and approve a Master Service Agreement with a Consortium of JC Communications, Plummer, CommScope, GDT, and HCTC.**

Eric Whiting, IT Director, provided a PowerPoint on Broadband and the project's history. He also reviewed the Broadband Committee, the different phases, and funding. He noted why the City is driving the project instead of the private businesses.

The City Council discussed the City and community's benefits from this project and thanked Eric for his forward-thinking.

Mike Mitchell, Plummer, spoke regarding the forward-thinking of the City and the benefits that everyone involved will receive. He noted that this project is a 30 to 40-year investment for everyone participating.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve Phase I, award the City Broadband Project bid and approve a Master Service Agreement with a Consortium of JC Communications, Plummer, CommScope, GDT, and HCTC. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**D. Consider approval of an Interlocal Cooperation Agreement for Mutual Aid with Kerrville and Boerne IT Departments for the purpose of Information Technology Services**

Eric Whiting, IT Director, stated that this Interlocal Cooperation Agreement would allow the three cities to work together due to the pandemic and the constant attempts of cyber security attacks. He reviewed the additional benefits the proposed agreement will provide.

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve an Interlocal Cooperation Agreement for Mutual Aid with Kerrville and Boerne IT Departments for the purpose of Information Technology Services. 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.**

No one wished to speak.

**11. CITY MANAGER'S REPORT**

**A. City Council/County Commissioners Joint Meeting**

Kent Myers, City Manager, reported he is still working on a date and time for a Joint Meeting with Gillespie County. He also reviewed the proposed topics.

## **B. Municipal Utility District Petition**

Kent Myers, City Manager, reported the City received a Municipal Utility District Petition and the City has 90 days to respond. He noted the City Council would need to take action on the petition.

## **C. Police Chief Recruitment**

Kent Myers, City Manager, reported he had received public comments regarding the Police Chief Recruitment. He also reviewed the updated Job Description and noted they would only be accepting internal applications. He provided the hiring timeline.

## **12. COUNCIL COMMENTS**

No reports were provided.

## **13. ITEMS FOR FUTURE AGENDAS**

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) and Section 551.071 (Consultation with Attorney):**

**A. Consider and discuss the appointment, evaluation, and/or duties of a public officer or employee, specifically the City Manager (Section 551.074) and**

**B. Consider and discuss City of Fredericksburg, Texas vs. Arch Ray, LLC, and Fiesta on River RV Resort, LLC, pending in 216<sup>th</sup> Dist. Court (551.071)**

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of the Regular Meeting and into Executive Session at 10:04p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

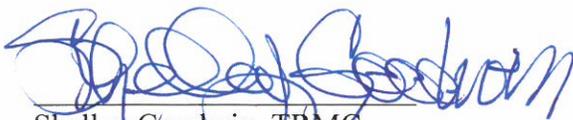
**Motion:** A motion was made by Councilmember Luckenbach seconded by Mayor Kiehne, to go out of the Executive Session and into the Regular Meeting at 10:45 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

## **14. BUSINESS ITEM**

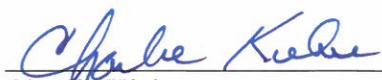
**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve and accept the settlement offer made by Arch Ray, LLC, and Fiesta on River RV Resort, LLC, per the terms as presented by the City Attorney. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

## **15. ADJOURN**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to adjourn the Monday, March 21, 2022, City Council Regular Meeting at 10:55 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