



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING MAY 16, 2022

The City of Fredericksburg City Council held their regular session on Monday, May 16, 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 Jeryl Hoover
Councilmember Emily Kirchner
Councilmember Tony Klein
Councilmember Bobby Watson
Councilmember Kathy O'Neill

Members Absent:

No one was absent.

City Staff Present:

Clinton Bailey, City Manager
Daniel Jones, City Attorney
Brian Vorauer, Police Chief
Eric Whiting, Information Technology Director
Laura Hollenbeak, Finance Director
Lea Feuge, Public Information Officer
Garret Bonn, Interim Engineer/Interim Development Services Director
Kris Kneese, Interim Public Works/Utilities Director
Jeff Rich, Water/Wastewater Superintendent
Leslie Ball- Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. ADMINISTER OATH OF OFFICES

Municipal Judge Shelley Becker administered the Oath of Office and issued Election Certificates to Jeryl Hoover, Mayor, and Councilmembers Emily Kirchner and Tony Klein. She also administered the Ceremonial Oath of Office to Police Chief Brian Vorauer.

2. CALL TO ORDER

Mayor Hoover called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, May 16, 2022.

3. INVOCATION

Chip Johnston, Pastor of Hill Country Fellowship, led the Invocation.

4. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

5. EMPLOYEE RECOGNITIONS AND PUBLIC RECOGNITIONS

A. Mike Penick for years of service on the Historic Review Board.

Anna Hudson, Historic Review Officer, provided the history of Mike Penick's years of service to the City and the Historic Review Board. She also provided him with a plaque thanking him for his service.

B. Others

Clinton Bailey, City Manager, thanked the Election Workers and provided them with a Certificate of Appreciation. He also provided the following City employee recognitions:

- Lt. Terry Weed for his professionalism and customer service
- Jerry Warnock and Charles Collier from the Electric Department and Brandon Vollmar and David Fellers from Vegetation Management for their hard work and customer service.

6. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Mayor Hoover announced that the City Council had received 1 written comment.

Annette Bennett provided a flier and invited the Mayor and City Council to a Constitution Sheriff's Class.

Jeannette Hormuth spoke regarding the Constitution Sheriff's Class and Agenda Item 9. A. She stated she is opposed to the creation of a General Fund CIP Fund.

Tom Marschall spoke regarding the Oath of Office that the new members took earlier today.

7. 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 for:

i. May 2, 2022, Regular Meeting

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Watson, to approve Consent Agenda item 6. A. i. with the correction. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

8. PUBLIC HEARING

A. Hold a public hearing to receive comments for or against a Conditional Use Permit (CUP) per section 3.510 to construct two (2) first-floor short-term rental units in the Historic Shopping Overlay District requested by John Zook for the property located at 403 W. Austin (Z-2206).

Councilmember Kirchner file an affidavit of Conflict of Interest and left the dais.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember O'Neill, to go out of Regular Session into a public hearing at 6:24 p.m. The City Council voted four (4) for, none (0) opposed, and one (1) abstained (Councilmember Kirchner). The motion carried.

John Zook reviewed the history of the property and noted his request is for additional smaller type of buildings.

The City Council discussed the layout and the number of occupancies for each building and the entire property.

Motion: A motion was made by Councilmember Watson seconded by Councilmember O’Neill, to go out of public hearing back into Regular Session at 6:35 p.m. The City Council voted four (4) for, none (0) opposed, and one (1) abstain (Councilmember Kirchner). The motion carried.

9. RESOLUTIONS

A. Consider the approval of Resolution 2022-09R establishing an account within the City’s General Fund for the purpose of collecting excess funds on a yearly basis for payment of Capital Improvement Projects

Motion: A motion was made by Councilmember Klein, and seconded by Councilmember O’Neill, to postpone the consideration of Resolution 2022-09R establishing an account within the City’s General Fund for the purpose of collecting excess funds on a yearly basis for payment of the Capital Improvements Project until the City Council has a chance to learn more about the request. The City Council voted five (5) for, none (0) opposed. The motion carried unanimously.

B. Consider the approval of Resolution 2022-10R related to the annual review and approval of the City’s Investment Policy and Investment Strategies

Laura Hollenbeak, Finance Director, reviewed the history of the Policy and the requirement to approve it annually.

The City Council discussed the required Investment Training, Annual Audit report requirement, and priorities when it comes to investments.

Laura Hollenbeak, Finance Director, stated the priority when it comes to investment strategies the main goal is the safety of the funds.

Motion: A motion was made by Councilmember Watson, and seconded by Councilmember Kirchner, to approve Resolution 2022-10R related to the annual review and approval of the City’s Investment Policy and Investment Strategies, with a correction to the name of Guadalupe Bank. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

10. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a Conditional Use Permit (CUP) per Section 3.510 to construct two (2) first-floor short-term rental units in the Historic Shopping Overlay District requested by John Zook for the property located at 403 W. Austin (Z-2206).

Councilmember Kirchner file an affidavit of Conflict of Interest and left the dais.

Garret Bonn, Assistant City Engineer/Interim Development Services Director, reviewed the project and the need for the CUP request. The Planning and Zoning Commission recommended approval with conditions. He noted the City did receive a written comment in opposition to this request.

The City Council discussed marketing and property management.

John Zook, the property owner, reviewed the project and the request for the CUP.

Motion: A motion was made by Councilmember Watson, and seconded by Councilmember Klein, to approve the Conditional Use Permit (CUP) per Section 3.510 to construct two (2) first-floor short-term rental units in the Historic Shopping Overlay District requested by John Zook for the property located at 403 W. Austin (Z-2206), with the following conditions:

- A landscape plan is provided and approved prior to the commencement of construction.
- Payment of Parkland Dedication fees prior to issuance of Building Permit (2)
- The development of the additional STR units may not include the installation or use of hot tubs or fire pits.

The Council voted four (4) for, none (0) opposed, and one (1) abstained (Councilmember Kirchner). The motion carried.

B. Consider the approval of a Performance Agreement and associated financial security in the amount of \$32,641 for the Post Oak Village Subdivision

Garret Bonn, City Engineer/Interim Development Services Director, reviewed the proposed project and the need for reasons to acceptance of the surety. He noted that Section 5.05 of the Subdivision Ordinance provides an option for developers to pursue the approval and recordation of the final plat for a subdivision before the completion of the public improvements required in connection with the approval of the subdivision plat. He noted with this option the execution of a Performance Agreement and a security deposit of 110% of the construction cost is required until the project is completed. City Staff is recommending approval.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember O’Neill, to approve the Performance Agreement and associated financial security in the amount of \$32,641 for the Post Oak Village Subdivision. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider and discuss a presentation on the Annual Water Supply Report (Clinton Bailey, City Manager, and Kris Kneese, Assistant Public Works Director).

Clinton Bailey, City Manager, provided the background on the annual water supply.

Kris Kneese, Assistant Public Works Director, provided a PowerPoint presentation regarding the following:

- 2000-2022 Rainfall
- Knauth Well Field
- Old San Antonio Road Well Field
- Water Conservation Measures
- Water losses
- AMR “Smart” Meters
- Re-Use of Reclaimed Water
- Water Rate Adjustment/Increase
- Water Rates and Watering Restrictions
- Who Uses our Water
- Water Distribution System Integrity

The City Council discussed the water storage capacity.

Clinton Bailey, City Manager, reviewed his experience in West Texas and the proactive measures the City has taken already.

Paul Tybor, Hill Country Water, reviewed the 2021 Region K Water Plan. He also noted that Gillespie County is the only County that is not deficient. He also reviewed the following:

- Ellenburger aquifer and levels
- Water Level and location
- Drought status 2022 and 2011
- The amount of rain the City would need to be drought-free
- La Nina and El Nino pattern

The City Council discussed the future supply of the City water. And the other surrounding other aquifers. They also discussed the construction of development in the County and water availability.

D. Consider, discuss, and take appropriate action regarding the selection of the Mayor Pro Tem

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to approve the appointment of Councilmember Watson to serve as Mayor Pro Tem for a 1-year term ending in May 2023. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

11. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA.

Jerry McCorkle encouraged the residents to vote in the May 24, 2022, Run-off Election.

Walter Moldenhauer spoke regarding the Friends Fort Martin and Former Texas Rangers. He reviewed the breakdown of the assets.

Isla Roop spoke regarding Law Enforcement not having any right to protect the resident.

12. CITY MANAGER'S REPORT

A. City Council Work Session

Clinton Bailey, City Manager, stated Staff is working on a City Council Work Session regarding a brief orientation of the Texas Open Meeting Act, Public Information Act, and City Departments.

B. City Development Update Presentation

Clinton Bailey, City Manager, stated Staff is working on a presentation related to development within the City.

C. Capital Improvement Plan Project Presentation

Clinton Bailey, City Manager, stated Staff is also working on a presentation related to Capital Improvement Plan Project. He also noted that the CIP will include a 5-year and a 10-year plan.

D. Town Hall Meetings.

Clinton Bailey, City Manager, stated normally the City Manager's Coffees have been at locations where residents come to, but he wants to get out into the community and talk to different neighborhoods once a month.

13. COUNCIL COMMENTS

Mayor Hoover thanked the 175th Anniversary Steering Committee for a job well done.

Councilmember Watson congratulated the new Mayor and Councilmembers. He also reported on the Airport Advisory Board which is at 100% capacity and 30 people on the waiting list.

Councilmember Klein stated he has resigned as a member of the Hospital Authority and Economic Development Commission due to a conflict with his City Council position.

Councilmember O'Neill congratulated the Mayor and Councilmembers. She also congratulated the voters who has expresses their desire to have safe and healthy neighborhoods. She announced that tonight will be her last City Council Meeting and thanked the Staff for doing a great job.

Mayor Hoover thanked Councilmember O'Neill for her service and dedication.

14. ITEMS FOR FUTURE AGENDA

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

15. 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, reassignment, duties, or dismissal of a public officer, specifically the appointment of a person to fill a vacancy on the City’s Planning and Zoning Commission. (Section 551.074)
- B. Consider and discuss status updates for pending litigation in the 216th Judicial District Court, as follows (Section 551.071):
 - i. Alpha Securities, LLC. vs. City of Fredericksburg
 - ii. E. 290 Owners Coalition vs. City of Fredericksburg, Texas
 - iii. Jeanette Hormuth and Jerry Farley vs. Linda Langerhans, in Her Official Capacity as Presiding Officer, Mayor of the City Of Fredericksburg, Texas
 - iv. Marta Estrada vs. City of Fredericksburg and Linens N’ More, Inc., and John Doe
 - v. City Of Fredericksburg, Texas vs. Arch Ray, LLC. and Fiesta on the River RV Resort, LLC.
 - vi. Coalition of Post Oak Property Owners v. City of Fredericksburg, Texas

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to go out of the Regular Meeting and into Executive Session at 8:22 p.m. 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 Klein, to go out of the Executive Session and into the Regular Meeting at 8:50 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

16. 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.

17. ADJOURN

Motion: A motion was made by Councilmember Watson , seconded by Councilmember O’Neill, to adjourn the Monday, May 16, 2022, City Council Regular Meeting at 8:55 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