



# City of Fredericksburg

## REGULAR CITY COUNCIL MEETING MINUTES MONDAY, AUGUST 15, 2022 ~ 6:00 P.M. LAW ENFORCEMENT CENTER 1601 E. MAIN STREET FREDERICKSBURG, TEXAS 78624

The City of Fredericksburg City Council held their Regular Meeting on Monday, August 15, 2022, at 6:00 p.m. This meeting was held in person at the Law Enforcement Center and live streamed on the City of Fredericksburg's YouTube Channel.

### 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  
Brian Vorauer, Police Chief  
Derek Seelig, Patrol Division Lieutenant  
Lynn Bizzell, Fire Chief  
Eric Whiting, Information Technology Director  
Lea Feuge, Public Information Officer  
Garret Bonn, Interim City Engineer/Interim Development Services Director  
Kris Kneese, Interim Director of Public Works and Utilities  
Justin Calhoun, Emergency Management Coordinator  
Regan Rabke, Fire Marshal  
Krista Wareham, Finance Manager  
Leslie Ball-Embrey, Administrative Assistant  
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, August 15, 2022.

### 2. INVOCATION

Michael Burdick, Pastor of Victory Fellowship Church, provided an invocation.

### 3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

### 4. EMPLOYEE RECOGNITIONS

Clinton Bailey, City Manager, stated he had received the following employee recognitions:

- Officer Bryan Davis, Police Department, for his professionalism and assistance during a traffic stop
- Shelby Collier, Associate Planner, for her customer service
- Kyle Treibs, Lineman, for going above and beyond the call of duty
- Sergeant Chad Lovelady, Police Department, for an excellent job during an investigation

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

Mayor Hoover announced that everyone who signed up to speak has requested to speak on agenda item 8. G., so he will take the comments at the agenda item.

## **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 for the following meetings:**

- July 27, 2022, Work Session**
- August 1, 2022, Joint Work Session**
- August 1, 2022, Regular Meeting**

### **B. Consider the approval of a street closure request from the Knights of Columbus for Bestfest to close one southbound traffic lane and the parking lane on N. Adams Street, adjacent to Marktplatz from Austin to Main Street beginning Friday, October 14, 2022, at 7 a.m. and ending Sunday, October 16, 2022, at 12 p.m.**

**Motion:** A motion was made by Councilmember Joseph, seconded by Councilmember Watson, to approve Consent Agenda item 6. A. i. (with corrections), ii. (with corrections), iii. and B. The City Council voted five (5) for, and none (0) opposed on 6. A. i., ii., and iii. The motion carried unanimously. The City Council voted four (4) for, none (0), and one (1) abstain (Councilmember Klein). The motion carried.

## **7. PUBLIC HEARING**

### **A. Hold a public hearing to receive comments for or against a request by Roger and Joan Schrenk for Conditional Use Permit per Section 3.110 to operate an unoccupied Short-Term Rental in a R2 zoned area located in the Historic Overlay District on property located at 109 East College (Z-2212)**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to open the public hearing at 6:17 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Joan Schrenk, the property owner, reviewed the project and the need for the Conditional Use Permit.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to close the public hearing at 6:19 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 a request by Bryan Benson with Jet Capital, LLC., for a Conditional Use Permit per Section 3.700 to allow for a "Drive Through or Drive-In Facilities" for property located at 1511 E. Main Street (Z-2213)**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to open the 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 Watson, seconded by Councilmember Klein, to close the public hearing at 6:25 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**C. Hold a public hearing to receive comments for or against a request by Ronnie and Norma Crossland, for a Conditional Use Permit per Section 3.110 to operate an unoccupied Short-Term Rental in a R2 zoned area located in the Historic Overlay District on property located at 112 East Schubert (Z-2216)**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Klein, to open the public hearing at 6:30 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Neal Reeh, representative for the requestor, stated he was present to answer questions.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to close the public hearing at 6:31 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**8. OTHER ACTION ITEMS AND UPDATES**

**A. Consider approval of a Conditional Use Permit per Section 3.110 to operate an unoccupied Short-Term Rental in a R2 zoned area located in the Historic Overlay District on property located at 109 East College (Z-2212).**

Garret Bonn, Interim City Engineer/Interim Development Services Director, reviewed the request and the process for notifying neighbors. He noted City staff feels this property meets all the criteria, and the Planning and Zoning Commission approved it unanimously with the following conditions:

- Review/inspection and approval of an STR Permit Application
- Payment of applicable fees (\$250 for a 2-bedroom unit)

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Klein, to approve a Conditional Use Permit per Section 3.110 to operate an unoccupied Short-Term Rental in a R2 zoned area located in the Historic Overlay District on property located at 109 East College with the conditions provided by Planning and Zoning Commission (Z-2212). The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**B. Consider approval of a Conditional Use Permit (CUP) per Section 3.700 to allow for a “Drive Through or Drive-In Facilities” for property located at 1511 E. Main Street (Z-2213)**

Garret Bonn, Interim Development Services Director/Interim City Engineer, reviewed the request and the property location. He noted City staff feels this property meets all the criteria and the Planning and Zoning Commission voted unanimously to approve the CUP.

The City Council discussed the lighting at the location.

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Joseph, to approve a Conditional Use Permit (CUP) per Section 3.700 to allow for a “Drive Through or Drive-In Facilities” for property located at 1511 E. Main Street (Z-2213). The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**C. Consider approval of a Conditional Use Permit (CUP) per Section 3.110 to operate an unoccupied Short-Term Rental in a R2 zoned area located in the Historic Overlay District on property located at 112 East Schubert (Z-2216)**

Garret Bonn, Interim Development Services Director/Interim City Engineer, reviewed the request and the property location. He noted City staff received three protest letters.

The City Council discussed the protest letters and the following conditions for the CUP that were recommended by the Planning and Zoning Commission:

- Review/inspection and approval of an STR Permit Application
- Payment of applicable fees (\$250 for a 2-bedroom unit)

Neal Reeh stated he is representing the owners of the property. He discussed the possibility of adding screening.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to approve a Conditional Use Permit (CUP) per Section 3.110 to operate an unoccupied Short-Term Rental in a R2 zoned area located in the Historic Overlay District on property located at 112 East Schubert with the conditions provided by Planning and Zoning Commission and to add a screen between the neighbors, which must be approved by the Historic Review Board (Z-2216). The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**D. Consider approval of a Third Amendment to Lease Agreement for the Fredericksburg Art Guild Building (This item will be considered after Agenda Item 13)**

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to approve the Third Amendment to Lease Agreement for the Fredericksburg Art Guild Building for a three-year lease. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**E. Consider approval of a Second Amendment to the Ground Lease Agreement and Subordination Agreement with the Former Texas Rangers Foundation (This item will be considered after Agenda Item 13)**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to approve a Second Amendment to the Ground Lease Agreement with the Former Texas Rangers Foundation, with the lease ending February 2, 2025. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**F. Consider the award of contract for the Comprehensive Plan and Parks Master Plan to Half Associates**

Anna Hudson, Historic Preservation Officer, reviewed the Request for Proposals and the bidding process used.

Chelsea Irby, Half Project Manager, reviewed a PowerPoint on six focus areas, the project approach, and the four phases. Community engagement. She also reviewed the Parks Master Plan.

The City Council discussed the recommended Advisory Committee.

Garret Bonn, Interim Development Services Director/Interim City Engineer, reviewed the project's cost. He noted \$40,000 in the FY2022 budget, and the remaining cost is part of the FY2023 budget.

**Motion:** A motion was made by Councilmember Joseph, seconded by Councilmember Kirchner, to award of contract for the Comprehensive Plan and Parks Master Plan to Halff Associates. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**G. Consider the selection of winning proposal for the Hotel Conference Center or the rejection of the Request for Proposals**

Clinton Bailey, City Manager, reviewed the history of the project and the process of the Request for Proposals.

Tim Lafferty, City resident, spoke against the proposed Hotel Conference Center.

Mickey Poole, spoke against the proposed Hotel Conference Center and the proposed incentives.

Jerry McCorkle, City resident, spoke against the proposed Hotel Conference Center.

Eric Hammersen, City resident, spoke against the proposed Hotel Conference Center.

Polly Rickert, City resident, spoke against the proposed Hotel Conference Center and the need to bring higher end jobs to the City.

Renee Abel, City resident, spoke against the proposed Hotel Conference Center.

Sylvia Hicks, City resident, spoke against the proposed Hotel Conference Center.

Jeannette Hormuth, City resident, spoke against the proposed Conference Center.

Matt Durrett, the owner of COZI, spoke against the proposed Hotel Conference Center.

The City Council discussed the timing of the proposed Hotel Conference Center project.

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to reject both Requests for Proposal for the proposed Hotel Conference Center. The City Council voted three (3) for and two (2) opposed (Councilmembers Watson and Joseph). The motion carried.

**9. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA**

Rosemary Estenson encouraged the City Council to read The Big Thirst book and follow the watering schedules.

Annette Bennett read her written comments regarding the American Rescue Act Fund.

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

Jeannette Hormuth, City resident, spoke regarding American Rescue Act Fund and the grant for the proposed downtown parking facility.

George Studor, City resident, spoke regarding City laws, rules, and enforcement.

Chris Johnson, City resident, encouraged the City Council to approve the lease with the Fredericksburg Art Guild.

## **10. CITY MANAGER'S REPORT**

### **A. Water supply update**

Kris Kneese, Interim Director of Public Works and Utilities, reported on the water pumping and usage. He noted City staff is continuing to educate the public on water usage, and he encouraged everyone to sign up for the City's Customer Portal. He also stated the City is currently in Stage 3 Watering Restrictions.

### **B. Big Sky Fire update**

Lynn Bizzell, Fire Chief, provided the attached PowerPoint Presentation.

Clinton Bailey, City Manager, reviewed his experience watching the Fire/EMS crews fight the fire.

### **C. FY2023 Budget update**

- i. Budget Workshop on August 17, 2022, at 9 a.m. in the Cardinal Room at the Lady Bird Golf Course.**
- ii. City Council Workshop for Public Hearing on proposed FY2023 Budget and No-New-Revenue Tax Rate on August 22, 2022, at 4 p.m. in the Cardinal Room at the Lady Bird Golf Course.**
- iii. City Council Regular Meeting adoption of the Tax Rate and the FY2023 Budget on September 19, 2022, at 6 p.m. at the Law Enforcement Center.**

Clinton Bailey, City Manager, announced the following:

- A public hearing on the proposed FY2023 Budget and No-New-Revenue Tax Rate is scheduled for August 22, 2022, at 4:00 p.m. in the Cardinal Room at the Lady Bird Golf Course.
- Adoption of the Tax Rate and the FY2023 Budget is scheduled for September 19, 2022, at 6:00 p.m. at the Law Enforcement Center.

## **11. COUNCIL COMMENTS**

Councilmember Watson provided a report from the Airport Commission. He stated the T Hangers are at 100% occupancy, and there are 34 on the waitlist. He noted the Airport is building four more hangers and fuel sales are 26% ahead of last year's sales.

Councilmember Joseph announced Ernie Loeffler, President/CEO of the Fredericksburg Convention and Visitor Bureau, has announced his retirement after 25 years of service.

## **12. ITEMS FOR FUTURE AGENDA**

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

## **13. EXECUTIVE SESSION**

**The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.072 (Real Estate):**

- A. Consider and discuss exchange, lease, or value of real property, located in the vicinity of the intersection of Austin Street and N. Washington Street, in the City of Fredericksburg, (Sec. 551.072), and
- B. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of E. Main Street at Heritage Hills Drive, in the City of Fredericksburg, Texas (551.072).

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

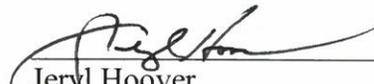
**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Klein, to go out of the Executive Session and into the Regular Meeting at 8:50 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**14. BUSINESS ITEM**

The City Council then took up Agenda Items.

**15. ADJOURN**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Klein, to adjourn the Monday, August 15, 2022, City Council Regular Meeting at 8:53 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

  
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Jeryl Hoover  
Mayor  
\_\_\_\_\_  
Shelley Goodwin, TRMC/CMC  
City Secretary