



City of Fredericksburg

REGULAR CITY COUNCIL MEETING MINUTES MONDAY, SEPTEMBER 19, 2022 ~ 6:00 P.M. LAW ENFORCEMENT CENTER 1601 E. MAIN STREET FREDERICKSBURG, TEXAS 78624

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
Shelley Becker, Municipal Judge
Brian Vorauer, Police Chief
Eric Whiting, Director of Information Technology
Garret Bonn, Interim City Engineer/Interim Director of Development Services
Kris Kneese, Interim Director of Public Works and Utilities
Andrea Schmidt, Parks & Recreation Director
Braxton Roemer, Police Lieutenant
Laura Hollenbeak, Finance Director
Krista Wareham, Finance Manager
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, September 19, 2022. He announced the quorum had been met.

2. INVOCATION

Austin Loza, Area District of the Fellowship of Christian Athletes, City resident, provided the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

A. Constitution Week (Ephraim Andrews Chapter Daughter of the American Revolution).

Mayor Hoover read the Proclamation and proclaimed September 17th – 23rd as Constitution Week. He presented the proclamation to two members of the Ephraim Andrews Chapter Daughter of the American Revolution.

B. Jacob Brodbeck Day (Father of Aviation).

Mayor Hoover read the Proclamation and proclaimed Tuesday, September 20th as Jacob Brodbeck Day. He urged all citizens to attend the ceremony honoring the inventor and builder, at 10 a.m. at the Airport Terminal.

Clinton Bailey, City Manager, provided the following recognitions:

- Adrian Flores, Operator 1 and Michael Rhodes, Crew Worker, with the Street Department for going above and beyond to assist a resident.
- Police Officer Dustin Schutze for his professionalism during an investigation.

5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Mayor Hoover stated the City Council received three (3) written comments.

Christine Burnet, County resident, spoke regarding the tax rate.

Sandra McDonald, City resident, spoke regarding the tax rate.

Annette Bennett, City resident, spoke regarding the tax rate.

Jeannette Hormuth, City resident, spoke regarding the tax rate.

Heath Bell, County resident, spoke regarding the budget and tax rate.

Tom Marshall, City resident, spoke regarding American Rescue Plan Act Fund.

Jerry McCorkle, City resident, spoke regarding the budget and tax rate.

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 THE CITY COUNCIL.

A. Consider approval of City Council Minutes for the following meetings:

- i. September 2, 2022, Work Session**
- ii. September 6, 2022, Special Meeting**
- iii. September 6, 2022, Regular Meeting**

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Kirchner, to approve the Consent Agenda items 6 A. i. – iii. with amendments. 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 Kirk Eyring with Smitty’s Texas LLC. to consider a Conditional Use Permit per Section 3.210 to allow a drive-through associated with a car wash for property located at 513 S. Adams Street (Z-2217)

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Regular Meeting and into the Public Hearing at 6:36 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Cody Potter, Smitty’s Texas LLC., reviewed the history of the project and the need for the request of a Conditional Use Permit.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to go out of the Public Hearing and into the Regular Meeting at 6:39 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Garret Bonn, Interim City Engineer/Interim Director of Development Services, reviewed the the project and the reason for the request. He stated Planning and Zoning Commission approved the request with conditions.

B. Consider holding a public hearing to receive comments for or against the following request by Michael Linehan with Land Strategies, Inc. to consider a Conditional Use Permit per Section 3.205 to allow food sales as a permitted use for property located at 206 North Milam Street (Z-2218).

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Regular Meeting and into the Public Hearing at 6:40 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Michael Linehan with Land Strategies, Inc. reviewed the history of projects and the extra steps that the owner has taken to ensure to be a good neighbor.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to go out of the Public Hearing and into the Regular Meeting at 6:46 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Garret Bonn, Interim City Engineer/Interim Director of Development Services, reviewed the processed used to review and the project. He stated the Planning and Zoning Commission approved the request with the following conditions:

- All conditions of original CUP approval shall remain in effect.
- Use of the backyard area shall comply with the City of Fredericksburg Quiet Hours for Residential Zones (no programming between 10:00 p.m. – 7:00 a.m.).
- Provide landscaping and buffering/sound wall to mitigate any potential negative impacts to adjacent uses, keeping in mind potential negative impacts to the flood zones.
- Fire marshal approval of updated access plan, specifically as it relates to deliveries (loading zone) and fire access requirements.
- Building Permit approval for additional facilities.
- Obtain floodplain development permit for all development within FEMA designated floodplain areas and conformance with City’s Stormwater Control Ordinance (update no-detention study).

8. ORDINANCES AND RESOLUTION

A. Consider the approval of Ordinance 2022-30 adopting the City Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, and making appropriations for each department and account (1st of two readings; City Council may waive 2nd reading)

Clinton Bailey, City Manager, thanked everyone involved in the budget, for their hard work the last 109 days. He stated the proposed FY2023 Budget is based on the current rate. He reviewed the changes that we made in the budget.

The City Council reviewed the projects that were deferred, staffing shortage, and infrastructure.

Mayor Hoover stated the budget and tax rate are difficult discussion but feels the proposed budget will take care of our City, employees and infrastructure.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to approve Ordinance 2022-30 adopting the City Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, and making appropriations for each department and account; waive the second reading. The City Council voted by roll call.

Mayor Hoover	aye
Councilmember Watson	aye
Councilmember Kirchner	aye
Councilmember Joseph	aye
Councilmember Klein	aye

The motion carried unanimously.

B. 2022 Tax Rate.

- i. **Ratify the property tax increase, not to exceed the proposed rate of 0.195823, as reflected in the 2023 Budget for the City of Fredericksburg General Fund and Interest and Sinking Fund.**
- ii. **Approve the 2022 Maintenance and Operation Rate, not to exceed the proposed rate of \$0.169967, for the City of Fredericksburg.**
- iii. **Approve the 2022 Debt Service Rate, not to exceed the proposed rate of \$ 0.025856, for the City of Fredericksburg.**
- iv. **Consider the approval of Ordinance 2022-31, setting the Tax Levy for the Taxable Year 2022 not to exceed the proposed rate of \$0.195823 per \$100 of assessed valuation; and providing an effective date.**

Daniel Jones, City Attorney, discussed the process that needs to be used when approving the 2022 Tax Rate.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Joseph, to approve ratifying the property tax increase, not to exceed the proposed rate of 0.195823, as reflected in the 2023 Budget for the City of Fredericksburg General Fund and Interest and Sinking Fund. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Watson, to approve the 2022 Maintenance and Operation Rate, not to exceed the proposed rate of \$0.169967, for the City of Fredericksburg. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Watson, to approve the 2022 Debt Service Rate, not to exceed the proposed rate of \$0.025856, for the City of Fredericksburg. 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 Joseph, to approve Ordinance 2022-31 setting the Tax Levy for the Taxable Year 2022, the property tax rate be increased by the adoption of a tax rate of 0.195823, which is effectively a 18.5% increase in the tax rate, and waived the second reading. The City Council voted by roll call.

Mayor Hoover	aye
Councilmember Watson	aye
Councilmember Kirchner	aye
Councilmember Joseph	aye
Councilmember Klein	aye

The motion carried unanimously.

C. Consider the approval of Resolution 2022-19R to pursue the Bullet-Resistant Shield Grant Program offered by the Office of the Texas Governor, Criminal Justice Division.

Mic McMickle, Police Training Coordinator, reviewed the grant opportunity for 6 Bullet-Resistant Shields totaling \$17,726.85. He also reviewed who will be wearing the shields.

The City Council discussed the number of shields the City currently owns.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to approve Resolution 2022-19R to pursue the Bullet-Resistant Shield Grant Program offered by the Office of the Texas Governor, Criminal Justice Division. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

9. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a Conditional Use Permit per Section 3.210 to allow a drive-through associated with a car wash for property located at 513 S. Adams Street, requested by Kirk Eyring with Smitty's Texas LLC. (Z-2217).

The City Council discussed the project, and the following conditions the Planning and Zoning Commission approved:

- Site/Civil Construction Plan approval, including Entry Corridor Design Standards and Guidelines and landscaping/screening.
- TxDOT approval for access off of S. Adams (SH 16 South).
- Sidewalk installation to City standard for frontage along S. Adams and E. Walch Ave. as shown on the proposed site plan.
- Signage and lighting in accordance with City standards.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to approve a Conditional Use Permit per Section 3.210 to allow a drive-through associated with a car wash for property located at 513 S. Adams Street, requested by Kirk Eyring with Smitty's Texas LLC. (Z-2217) with the following conditions the Planning and Zoning Commission provided:

- Site/Civil Construction Plan approval, including Entry Corridor Design Standards and Guidelines and landscaping/screening.
- TxDOT approval for access off of S. Adams (SH 16 South).
- Sidewalk installation to City standard for frontage along S. Adams and E. Walch Ave. as shown on the proposed site plan.
- Signage and lighting in accordance with City standards.

The City Council voted four (4) for and one (1) opposed (Councilmember Klein) The motion carried.

B. Consider the approval of a Conditional Use Permit per Section 3.205 to allow food sales as a permitted use for property located at 206 North Milam Street, requested by Michael Linehan with Land Strategies, Inc.(Z-2218).

The City Council discussed the project and the conditions the Planning and Zoning Commission approved.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to approve the Conditional Use Permit per Section 3.205 to allow food sales as a permitted use for property located at 206 North Milam Street, requested by Michael Linehan with Land Strategies, Inc. (Z-2218), with the following conditions provided by the Planning and Zoning Commission:

- All conditions of the original CUP approval shall remain in effect.
- Use of the backyard area shall comply with the City of Fredericksburg Quiet Hours for Residential Zones (no programming between 10:00 p.m. – 7:00 a.m.).
- Provide landscaping and buffering/sound wall to mitigate any potential negative impacts to adjacent uses, keeping in mind potential negative impacts to the flood zones.
- Fire marshal approval of updated access plan, specifically as it relates to deliveries (loading zone) and fire access requirements.
- Building Permit approval for additional facilities.
- Obtain floodplain development permit for all development within FEMA - designated floodplain areas and conformance with City's Stormwater Control Ordinance (update no-detention study).

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

C. Consider the approval of an amendment to the Construction Manager at Risk Services agreement with JK Bernhard Construction for the Marktplatz Redevelopment Commission Project.

Andrea Schmidt, Parks & Recreation Director, reviewed the Marktplatz Project Phase II. She stated an additional \$125,000 still needs to be raised. She also reviewed the need for Construction Management and their roles.

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Kirchner, to approve an amendment to the Construction Manager at Risk Services agreement with JK Bernhard Construction for the Marktplatz Redevelopment Commission Project. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

D. Consider the approval of the Municipal Court Lease Agreement adding additional square footage

Clinton Bailey, City Manager, reviewed the Lease Agreement and the need to add additional square footage.

Shelley Becker, Municipal Court Judge, reviewed the current lease's history and size.

Daniel Jones, City Attorney, reviewed the lease and the CPI adjustments.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to approve the Municipal Court Lease Agreement adding additional 4,500 square footage for \$67,500 a year. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

E. Consider the approval of a 3-year contract for OpenGov Budgeting Software for budgeting and transparency purposes

Krista Wareham, Finance Manager, reviewed the software and the benefits. She stated that the software would increase productivity and transparency.

The City Council discussed the benefits of the Software and whether this would eliminate the need for adding additional employees to the Finance Department.

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Klein, to approve a 3-year contract for OpenGov Budgeting Software for budgeting and transparency purposes. 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, spoke regarding issues with Law Enforcement.

Edward Rode, City resident, spoke regarding moving City Council meetings to daytime.

Bill Snyder, City resident, spoke regarding residents needing help with Code Enforcement.

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

George Studor, City resident, spoke regarding Special Event Procedures.

11. CITY MANAGER'S REPORT

A. Discuss future City Council Meetings

Clinton Bailey, City Manager, reviewed the six changes:

- Removal of speaking on Items Not on the Agenda
- Moving the Public Hearing and the items needing to be approved together
- Removal of the second reading on Ordinances
- Moving the meetings to the 1st and 3rd Tuesday of the month to 9:00 a.m.
- Changing the structure of meetings to one Special/Work Session Meeting and one Regular Meeting.
- Move the City Council Comments to follow the Pledge of Allegiance.
- All changes are to be effective October 4, 2022.

B. Town Hall Meeting Update

Clinton Bailey, City Manager, stated he is working on developing Town Hall Meetings in different neighborhoods. He wants to hear from the neighborhoods about topics they want to discuss. He stated he would provide an update once the details were worked out.

12. FY2022 Budget Accomplishments

Clinton Bailey, City Manager, provided the FY2022 Budget Highlights and Accomplishments for a total budget of \$70,961,981 and 180 employees. He reviewed the accomplishments in the following departments:

- Police Department
- Fire/EMS
- Parks
- Public Works
 - Water Department
 - Electric Department
 - Engineering, Street, Sanitation and Stormwater Department
- Development Services
- Golf Course

13. COUNCIL COMMENTS

Mayor Hoover thanked everyone for their hard work during the budget process.

14. ITEMS FOR FUTURE AGENDA

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

15. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to adjourn the Monday, September 19, 2022, City Council Regular Meeting at 8:15 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.



Shelley Goodwin, TRMC/CMC
City Secretary



Jeryl Hoover
Mayor