



# City of Fredericksburg

## CITY COUNCIL REGULAR MEETING MINUTES TUESDAY, OCTOBER 18, 2022 ~ 9:00 A.M. FIRE TRAINING ROOM 126 W. 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  
Brian Vorauer, Police Chief  
Lynn Bizzell, Fire 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  
Derek Seelig, Police Lieutenant  
Braxton Roemer, Police Lieutenant  
Justin Calhoun, Emergency Management Coordinator  
Evan Williamson, Staff Engineer  
Anna Hudson, Historic Preservation Officer  
Ted Boyer, Code Enforcement Officer  
Shelby Collier, Associate Planner  
Leslie 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 9:00 a.m. on Tuesday, October 18, 2022. He announced the quorum had been met.

### **2. INVOCATION**

Colby Friday, Pastor of Willow City Church, provided the Invocation.

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

Mayor Hoover led the Pledge of Allegiance.

### **4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION**

#### **A. Hill Country Night Sky Month**

Mayor Hoover read the Proclamation and proclaimed October as Hill Country Night Sky Month. He presented the proclamation to Lea Feuge, Public Information Officer.

#### **B. Code Enforcement Officers Month**

Mayor Hoover read the Proclamation and proclaimed October as Code Enforcement Officers Month. He presented the proclamation to Ted Boyer, Code Enforcement Officer (Ray Ortegon was unable to attend).

#### **5. COUNCIL COMMENTS (551.0415)**

Councilmember Watson announced that he attended the Joint Airport Commission Meeting and announced the following:

- T Hanger occupancy is 100% with 37 airplanes on waiting list
- Saturday, December 13<sup>th</sup> is the Santa Fly In Event
- Cross Wind currently has 39 students learning to fly
- May 20, 2023 is the 75<sup>th</sup> Anniversary of the Airport, more details will be available
- Fireworks that were rescheduled from July 4<sup>th</sup> will be held on October 28<sup>th</sup> with weather permitting

Councilmember Kirchner provided updates on the following items:

- Nine representatives from the City of Fredericksburg attended the Texas Municipal League Annual Conference in San Antonio. They attended sessions on a variety of topics and made great connections with other city staff and elected officials.
- The Friends of Fredericksburg Nature Center's Wings over Nature Center Event was held on October 9<sup>th</sup> with an estimated 100 people in attendance.
- Gillespie County Commissioner's Court discussed and set the pay rates for the November Election workers.
- Leadership Gillespie County will be holding a cemetery cleaning day with Der Stadt Friedhof on Saturday, October 22, 2022, from 8:00 a.m. – 12:00 p.m.; let her know if you are interested in helping.
- Bestfest was held on October 15<sup>th</sup>. She stated it was a great event, but the attendance numbers are not in yet.

Councilmember Klein announced that the Fredericksburg Food and Wine Fest is Saturday, October 22, 2022, at noon – 7:00 p.m. He encouraged everyone to attend or to volunteer to help; all proceeds go to the Market Square.

Mayor Hoover stated that the Fire Training Room is a temporary location, he noted the permanent location is the Law Enforcement Center starting Tuesday, November 1, 2022, at 9:00 a.m.

#### **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. October 4, 2022, Special Meeting**

**B. Consider approval of the following purchases allocated in the Fiscal Year 2023**

**Budget:**

**i. County Wide Radio System Purchase Agreement**

- ii. **Lease Purchase Agreements with BankFunding, LLC, for the acquisition of a Fire – EMS Radio System for the Fire and EMS Departments in the amount of \$1,124,625.00**
- iii. **Lease Purchase Agreement with BankFunding, LLC, for the acquisition of City vehicles and equipment in the amount of \$933,977.65**
- iv. **Parks Equipment – Groundsmaster 4000, Groundsmaster 5900, Workman with sprayer, Infield Groomer with a broom, and Workman for Marktplatz for an estimated total of \$386,246.84**
- v. **Renewing the construction Contract for the fourth time with Hazelett Concrete Contractors for the Sidewalk Program and other Concrete Flatwork Improvements**

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

## **7. ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS**

- A. **Request by Travis Jacko to consider a Land Use Change from Low-Density Residential (LDR) to Medium Density Residential (MDR) and a Zoning Change from (R-1) Single Family Residential to (R-2) Mixed Residential for properties located at 611 & 613 East Austin Street and 106 & 108 North Columbus Street (Z-2219)**

- i. **Presentation**

Garret Bonn, Interim Development Services Director/City Engineer, provided the history of the request, and an update from Planning and Zoning Commission.

- ii. **Hold a public hearing to receive comments for or against the request**

The public hearing was opened at 11:00 a.m. No one wished to speak.

The public hearing was closed at 11:01 a.m.

- iii. **Consider the approval of Ordinance 2022-32 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to lots located at 611 and 613 East Austin Street, and 106 and 108 North Columbus Street; changing said property from Low Density Residential (LDR) to Medium Density Residential (MDR); providing that the change become a part of the Comprehensive Plan and providing for an effective date**

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Kirchner to approve Ordinance 2022-32 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to lots located at 611 and 613 East Austin Street, and 106 and 108 North Columbus Street; changing said property from Low Density Residential (LDR) to Medium Density Residential (MDR); providing that the change become a part of the Comprehensive Plan and providing for an effective date. The City Council voted five (5) for and none (0) opposed. The motion passed unanimously.

- iv. **Consider the approval of Ordinance 2022-33 amending the Zoning Ordinance of the City and changing the Zoning District as to lots located at 611 and 613 East Austin Street, and 106 and 108 North Columbus Street, situated in the City; Changing said property from Single Family Residential (R-1) to Mixed Residential (R-2); and providing for an effective date**

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Kirchner to approve Ordinance 2022-33 amending the Zoning Ordinance of the City and changing the Zoning District as to lots located at 611 and 613 East Austin Street, and 106 and 108 North Columbus Street, situated in the City; Changing said property from Single Family Residential

(R-1) to Mixed Residential (R-2); and providing for an effective date. The City Council voted five (5) for and none (0) opposed. The motion passed unanimously.

**B. Request by John Needham with Seco Enterprises, LLC, to consider an amendment to the Planned Unit Development Zoning District (PUD) to allow food sales and consumer convenience services as a Conditional Use for the Seco Development located at the southwest corner of the intersection of Friendship Lane and South Eagle Street (Z-2220)**

**i. Presentation**

John Needham with Seco Enterprises, LLC. provided an update on the project. He noted the request is to amend the PUD for clean up and to add a Conditional Use Permit for food sales and essential services.

Garret Bonn, Interim Development Services Director/City Engineer, reviewed the history of the property and the original PUD. He also reviewed the CUP process and noted that Planning and Zoning Commission received one protest letter.

**ii. Hold a public hearing to receive comments for or against the request**

The public hearing was opened at 11:07 a.m.

Tom Musselman, City resident, spoke regarding the addition of food sales to the request. He noted that if this is a request for a destination place with sit down meals, then if approved the traffic and parking could create issues.

Garret Bonn, Interim Development Services Director/City Engineer, stated this request would be to approve a concept. The project will have to come back to get approval.

The public hearing was closed at 11:15 a.m.

**iii. Consider the approval of Ordinance 2022-34 amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development pertaining to 32.55 acres of land located at the southwest corner of Friendship Lane and South Eagle Street, situated in the City, to amend the Conditional Land Uses allowed in said Planned Unit Development**

**Motion:** A motion was made by Councilmember Joseph, seconded by Councilmember Watson to approve Ordinance 2022-34 amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development pertaining to 32.55 acres of land located at the southwest corner of Friendship Lane and South Eagle Street, situated in the City, to amend the Conditional Land Uses allowed in said Planned Unit Development. The City Council voted five (5) for and none (0) opposed. The motion passed unanimously.

**C. Request by Skip Preble to consider an amendment to the Planned Unit Development Zoning District (PUD) to allow hotel/motel as a principle permitted use in the CD District for the development known as Frieden located at 133 Otto Eckhardt Road (Z-2221)**

**i. Presentation**

Garret Bonn, Interim Development Services Director/City Engineer, reviewed the project and the history of the property. He also noted Planning and Zoning Commission did not receive any protest letters and they approved the request unanimously.

Skip Preble, Developer, stated this request is for an amendment due to an error he made when he submitted the original request.

**ii. Hold a public hearing to receive comments for or against the request**

The public hearing was opened at 11:19 a.m.

No one wished to speak.

The public hearing was closed at 11:20 a.m.

- iii. **Consider the approval of Ordinance 2022-35 amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development pertaining to approximately 219.4 acres of land located adjacent to US Hwy 87 South, situated in the City, commonly known as the Frieden Subdivision, to amend the uses allowed in the Commercial Zone of said Planned Unit Development**

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Watson to approve Ordinance 2022-35 amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development pertaining to approximately 219.4 acres of land located adjacent to US Hwy 87 South, situated in the City, commonly known as the Frieden Subdivision, to amend the uses allowed in the Commercial Zone of said Planned Unit Development. The City Council voted five (5) for and none (0) opposed. The motion passed unanimously.

**D. Request by Skip Preble to consider a Zoning Change from R-1 Single Family Residential to R-5, Patio Home Residential for approximately 70.175 acres located at 256 Pyka Road (Z-2222)**

**i. Presentation**

Skip Preble, Developer, provided a PowerPoint of a proposed subdivisions of Patio Homes. He also reviewed the traffic flow, entrances, and the age restriction projects with zero lot line. He noted the price range of mid \$500,000, restriction on STRs, and a dark sky community.

Garret Bonn, Interim Development Services Director/City Engineer, reviewed the property history and the zoning process. He stated Planning and Zoning Commission received nine protest letters which were mostly related to density. He stated this request is only for the consideration of the zoning.

**ii. Hold a public hearing to receive comments for or against the request**

The public hearing was opened at 11:30 a.m.

No one wished to speak.

The public hearing was closed at 11:31 a.m.

- iii. **Consider the approval of Ordinance 2022-36 amending the Zoning Ordinance of the City and changing the Zoning District as to approximately 70.175 acres located at 256 Pyka Road, situated in the City; changing said property from Single Family Residential (R-1) to Patio Home Residential (R-5); and providing for an effective date**

The City Council discussed the traffic, age restriction subdivision, and the shape of the roads.

**Motion:** A motion was made by Councilmember Kirchner, seconded by Councilmember Joseph, to approve Ordinance 2022-36 amending the Zoning Ordinance of the City and changing the Zoning District as to approximately 70.175 acres located at 256 Pyka Road, situated in the City; changing said property from Single Family Residential (R-1) to Patio Home Residential (R-5); and providing for an effective date. The City Council voted five (5) for and none (0) opposed. The motion passed unanimously.

**E. Request by Gordon Sauer to consider a Conditional Use Permit per Section 3.220 to construct a Single-Family Residence on property located at 112 East Austin (Z-2223)**

**i. Presentation**

Garret Bonn, Interim Development Services Director/City Engineer, reviewed the history of the property and the project. The Planning and Zoning Commission stated he did not receive any protest letters but did receive two letters in support of the project.

**ii. Hold a public hearing to receive comments for or against the request**

The public hearing was opened at 11:40 a.m.

No one wished to speak.

The public hearing was closed at 11:41 a.m.

**iii. Consider the approval of the Conditional Use Permit**

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Watson, to approve the Conditional Use Permit per Section 3.220 to construct a Single-Family Residence on property located at 112 East Austin. The City Council voted five (5) for and none (0) opposed. The motion passed unanimously.

**8. OTHER ACTION ITEMS AND UPDATES**

**A. Consider, discuss, and take possible action on Short-Term Rental uses, code violations, and enforcement matters, and consider possible initiation of a text amendment to the City's Zoning Ordinance related to same**

Clinton Bailey, City Manager, stated at the recent Coffee with City Manager event, Short-Term Rental issues was the main topic with those in attendance. He noted after speaking with Mayor Hoover, this item was added to the Agenda.

Mike Mahoney, City resident, spoke in support to stricter changes to the Short-Term Rental Ordinance and enforcement.

Jeff Morin, City resident, spoke regarding issues with the Short-Term Rental software.

Mayor Hoover stated there is an issue with Granicus software connection, which is currently being addressed. He reviewed the STR process and enforcement issues that citizens have expressed to him. He noted that he feels the City Manager should be removed from the revocation process in the new Ordinance.

Councilmember Watson was involved in the development of the revised STR process. He stated he is not satisfied with the current STR enforcement and the software.

Councilmember Klein stated he would like to see the revocation of permit section to be strengthened.

Councilmember Kirchner stated there is a backlog of violations in Municipal Court. She inquired to the process of the Civil Administrative Hearing. She also expressed her concerns with the software, enforcement, and loopholes in the current Ordinance. She also stated that there should be a map on the City website that identify STRs and their contact information.

Councilmember Joseph stated she has concerns with the software and enforcement but is not in support of a moratorium due to the impact it could have on the economy.

Randy Briley, City resident, spoke regarding the process the STR Alliance developed for violations and enforcement.

Tara Hutchinson stated there are restrictions when listing a STR on AIRBNB which conflict with the City's Ordinance.

Tom Musselman, City resident, reviewed the process used when reviewing the current STR Ordinance. He also noted that he nor the other Councilmembers at the time were informed that the Granicus version they were provided was a trial version.

Garret Bonn, Interim City Engineer/Interim Director of Development Services, reviewed the history of the STR software, Ordinance, and enforcement. He also noted the administrative adjudication process should be included in the potential changes, as it relates to violations and suspension/revocation.

Bill Snyder, City resident, stated when he had issues with a STR, he contacted the owner and they addressed the issue and the situation changed. He stated if the management companies are acting on the behalf of the owner, then they should be held accountable.

Glenn Treibs, City resident, encouraged the City Council to find a way to provide better enforcement of the ordinance.

Leonard Bentsch, City resident, stated he feels it is a cultural issue and that some owners do not care. He feels the best way to handle the issues is to have more policing.

Carol Hammersen, City resident, stated she feels the owners should have to appear in person when there is a violation. She also feels the more the violations a STR has, the steeper the fine should be.

The City Council agreed by consensus to look at new software.

**Motion:** A motion was made by Councilmember Kirchner, seconded by Councilmember Joseph to initiate the process for Planning and Zoning Commission to review Ordinance 2022-13 to review (but not limited) to the following:

- Fine Schedule
- Suspension and Revocation process
- Noise violation
- Sections 13 and 5.401
- Contact definition
- All nuisance items (including Parking and lighting)
- Clean up 11 (b) and 7.710
- Administrative Adjudication process as related to violations and suspension/revocation
- Clarification on impervious cover
- Transferability of the STR permits

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

**B. Consider the approval of the appointment of Joe Mirsky as the Civil Hearing Officer**

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Watson, to approve the appointment of Joe Mirsky as the Civil Hearing Officer. The City Council voted five (5) for and none (0) opposed. The motion passed unanimously.

**C. Consider approval of a Collateral Assignment of the Chapter 380 Agreement, and a Ground Lessor's Subordination Agreement, related to the Ground Lease Agreement and Chapter 380 Agreement with the Former Texas Rangers Foundation**

No action was taken on this item.

**9. CITY MANAGER'S REPORT**

**A. Town Hall Update**

Clinton Bailey, City Manager, stated the first meeting will be held on Thursday, October 27<sup>th</sup>. He asked that any City Councilmember interested in attending please contact him. He noted the meetings will be held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays at 6:00 p.m.

**B. City Manager Coffee Update**

Clinton Bailey, City Manager, stated the City Manager's Coffees have become a popular event. He noted several attendees just come to listen and get informed. He also noted that he has been contacted by a County Commissioner who is interested in attending.

**C. Comprehensive Plan Update**

Clinton Bailey, City Manager, stated there are several outreach meetings scheduled for November as well as three focus groups.

**10. ITEMS FOR FUTURE AGENDA**

Mayor Hoover requested to add downtown parking to the November 1<sup>st</sup> meeting.

Councilmember Kirchner requested to add the City Manager's discussion list to the November 1<sup>st</sup> Agenda.

Clinton Bailey, City Manager, noted that the STR discussion item will be added to the November 1<sup>st</sup> Agenda.

**11. EXECUTIVE SESSION**

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections - 551.074 (Personnel Matters) and 551.072 (Real Estate)

- A. Consider and discuss the appointment, evaluation, reassignment, and/or duties of a public officer or employee, specifically the hearing officer for the City's civil adjudication process (Sec. 551.074); and**
- B. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of East Main Street at Heritage Hills Drive, in the City of Fredericksburg, Texas (551.072)**

**Motion:** A motion was made by Councilmember Kirchner, seconded by Councilmember Klein, to go out of the Special Meeting and into the Executive Session at 11:58 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 Joseph, to go out of the Executive Session and into the Regular Meeting at 12:12 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

**12. BUSINESS ITEM**

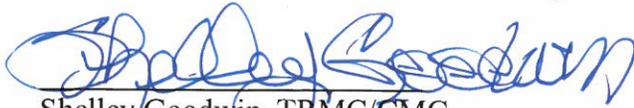
The City Council then considered Agenda Item #8.B.

**13. ADJOURN**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to adjourn the Tuesday, October 18, 2022, City Council Regular Meeting at 12:16 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