



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING

MARCH 15, 2021

The City of Fredericksburg City Council held their regular session on Monday, March 15, 2021 at 6 p.m. This meeting was held in person at the Rock Box Theater and live streamed on the Fredericksburg YouTube Channel.

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman
Councilmember Polly Rickert
Councilmember Bobby Watson

Members Absent:

None

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Lynn Bizzell, Fire Chief
Steve Wetz, Police Chief
Eric Whiting, Information Technology Director
Andrea Schmidt, Parks Department Director
Laura Hollenbeck, Finance Director
Lea Feuge, Public Information Officer
Justin Calhoun, Emergency Management Coordinator
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Jennifer Krupa, Special Events Coordinator
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 15, 2021. Mayor Kiehne announced a quorum of the City Council present.

2. PLEDGE OF ALLEGIANCE

Mayor Kiehne led the Pledge.

3. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC

Lynn Bizzell, Fire Chief, reported as of 3-15-2021:

Texas Counties	Texas Total Cases	Texas Deaths	Texas Daily New Deaths	Texas Active Cases	Texas Daily New Cases	Texas Recovered	Texas Probable
254 out of 254	2,346,924	45,570	27	111,498	1,437	2,560,773	374,202

COVID-19 totals of the adjacent counties' information (DSHS as of 2-1-2021):

County	Cases	Active	Recovered	Fatalities
Gillespie County	2,163	115	2,006	42
Kerr County	3,575	217	3,275	84
Kendall County	2,308	148	2,105	55
Mason County	338	14	320	4
Llano County	1,270	298	937	35
Blanco County	265	148	104	13

FISD reporting 6 positive cases.

Vaccines -Gillespie County

People vaccinated – 1 dose	People fully vaccinated
6,262	3,980

Hospital Data- As of March 14,2021 Texas 3,980 and Hill Country Memorial 2

Lynn Bizzell, Fire Chief, reported on the following:

- CDC Guidelines
- Social distancing to eliminate community spread
- Good hygiene
- Cover your mouth when you cough
- Do not travel to hot spot areas, if possible
- Avoid crowds of 10 or more.
- The next COVID-19 testing will be March 15th – 19th, 2021, from 8 a.m. – 5 p.m. at the Pioneer Pavilion.

He also reported that there is a risk of severe weather and large hail expected this week.

Kent Myers, City Manager, stated the hospital are still in need of volunteers at the vaccine site.

4. PROCLAMATION

A. Red Cross Month

Mayor Kiehne read the proclamation and proclaimed March as Red Cross Month.

Jacques DuBose, American Red Cross Hill Country Chapter Executive Director, reviewed the Red Cross' role in disaster and everyday life. He also reviewed the role they have played in COVID-19, vaccine sight, and recently during the winter storm.

5. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, stated he did not have any recognitions.

6. PUBLIC COMMENTS

Mayor Kiehne reviewed the different ways the public could provide comments. He stated the City received fifteen citizens who signed up for verbal comments and six written citizen comments.

Kenneth Olson (County resident) read a statement regarding Public Servants and stated the City Council works for their voters.

Ruben Aguilar (County resident) stated he is a reformed criminal and expressed how important it is to follow the laws. He also stated how important our borders are secured and entry into the US be legal.

Robert Phoenix (City resident) thanked the City Council for holding in-person meetings. He encouraged the City Council also to provide Zoom meetings so other residents can participate and be transparent.

Tom Marschall (City resident) spoke regarding the Mask Mandate and the need for an After Action Report on the effects that masks have on people.

Jett Burns (County resident) thanked the City Council for rescinding the Mask Mandate. He also reviewed the inaccuracy of the data from the CDC.

Jeannette Hormuth (City resident) stated residents voted for the City Council, making them their bosses. She also spoke regarding the concerns of the vaccine, which is an experiment.

Kimberly Lams (City resident) spoke and expressed that there is no emergency in Fredericksburg, which has affected businesses. She noted the hospital advises the City and the residents do as well, and she feels the residents' advice is more important.

7. PUBLIC HEARING

A. Hold a public hearing to receive citizen comments for or against a request from John Needham from SECO Enterprises (#Z-2101) (Jason Lutz, Director of Development Services).

- i. Regarding a request for a Future Land Use change from Medium Density Residential (MDR) to Mixed Use Corridor (MUC) for approximately 27.491 acres of land, and a Future Land Use change from Rural (R) to Mixed Use Corridor (MUC) for approximately 5.044 acres of land, all land located at the southwest corner of Friendship Lane and South Eagle Street.**
- ii. Regarding a request to change the zoning from Mixed Residential (R2) to a Planned Unit Development (PUD) for approximately 27.491 acres of land located at the southwest corner of Friendship Lane and South Eagle Street.**
- iii. Regarding a request by the property owner for annexation of approximately 5.044 acres of land located on the west side of South Eagle Street, approximately 1,000 feet south of the southwest corner of Friendship Lane and South Eagle Street.**

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to open the public hearing at 6:38. The City Council voted unanimously five (5) for, and none (0) opposed.

Marilyn McNabb spoke regarding the need for affordable housing options. She stated that this project offers will serve the need for this type of housing.

James McDonald spoke regarding a Councilmember's wife verbally opposing this project and inquired whether Councilmember Musselman will abstain on voting on this project.

James Lodrias spoke in opposition to this project and felt this area should stay rural.

Kimberly Lam spoke regarding living in these types of places and the issues they can cause for those who live there. She stated she is opposed to this project.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to close the public hearing at 6:52 p.m. The City Council voted unanimously five (5) for, and none (0) opposed.

8. ORDINANCE AND RESOLUTION

- A. Consider the approval of Ordinance 2021-03 adopting a change in the Comprehensive Plan of the City of Fredericksburg; specifically in the Land Use Map and Comprehensive Plan as to portions of Outlots 1, 2, 3, 6, 7, 8, and 9, as recorded in the Deed Records of Gillespie County, Texas, situated in the City of Fredericksburg, Texas and the Extraterritorial Jurisdiction of the City; changing said property from Medium Density Residential and Rural to Mixed Use Corridor; providing that the change become a part of the Comprehensive Plan, and providing for an effective date. (1st of two readings; City Council may waive 2nd reading) (Jason Lutz, Director of Development Services).**

Jason Lutz, Director of Development Services, reviewed the items in the Agenda Packet. He also reviewed the modifications/conditions the Planning and Zoning Commission's modifications/conditions added to their 7-0 approval of the Future Land Use, PUD, and annexation agreement.

Joshua Needham with SECO Enterprises provided a PowerPoint of the property's history, terms of the partnership, and the proposed project. He also noted the project will be done in three phases and includes single-family units, multi-family units, retail facilities, and office facilities.

Councilmember Musselman stated he met with the City Attorney regarding the reasons why a Councilmember should abstain from voting. He noted he would not be abstaining from voting on this project.

Mayor Kiehne provided a disclosure that one of the realtors in the office is representing the landowner. However, this will not benefit him, so he will be voting on this project after a discussion with the City Attorney.

The City Council discussed the Zoning, changes to the Comprehensive Plan, parking, park dedication, sidewalks, and traffic study.

Motion: A motion was made by Councilmember Rickert, seconded by Councilmember Luckenbach, to approve Ordinance 2021-03 adopting a change in the Comprehensive Plan of the City of Fredericksburg; specifically in the Land Use Map and Comprehensive Plan as to portions of Outlots 1, 2, 3, 6, 7, 8, and 9, as recorded in the Deed Records of Gillespie County, Texas, situated in the City of Fredericksburg, Texas and the Extraterritorial Jurisdiction of the City; changing said property from Medium Density Residential and Rural to Mixed Use Corridor; providing that the change become a part of the Comprehensive Plan, with the recommendations that Planning and Zoning Commission

provided and to waive the 2nd reading. The City Council voted four (4) for, and one (1) opposed (Councilmember Musselman).

- B. Consider the approval of Ordinance 2021-04 amending the Zoning Ordinance of the City and changing the Zoning District for approximately 27.62 acres of land located at the southwest corner of Friendship Lane and South Eagle Street in Fredericksburg, Texas; changing said property from Mixed Residential (R-2) to Planned Unit Development (PUD) Zoning for said property; and providing for an effective date. (1st of two readings; City Council may waive 2nd reading) (Jason Lutz, Director of Development Services).**

Motion: A motion was made by Councilmember Rickert, seconded by Councilmember Luckenbach, to approve Ordinance 2021-04 amending the Zoning Ordinance of the City and changing the Zoning District for approximately 27.62 acres of land located at the southwest corner of Friendship Lane and South Eagle Street in Fredericksburg, Texas; changing said property from Mixed Residential (R-2) to Planned Unit Development (PUD) Zoning for said property; and waive 2nd reading. **Friendly**

Amendment Motion: A motion was made by Councilmember Musselman, seconded by Mayor Kiehne, to hold a 2nd reading to allow time for the developer to address the issues with height and commercial development within the project. On roll call, the City Council voted on the Friendly Amendment:

Mayor Kiehne	aye
Councilmember Luckenbach	nay
Councilmember Musselman	aye
Councilmember Rickert	nay
Councilmember Watson	nay

Motion failed two (2) for, and three (3) opposed.

On roll call, the City Council voted on the Main Motion:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	nay
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes four (4) for, and one (1) opposed.

9. OTHER ACTION ITEMS AND UPDATES

- A. Consider the approval of an Annexation Agreement with SECO Ventures, related to the requested annexation of approximately 5.004 acres of land located on the west side of South Eagle Street, approximately 1,000 feet south of southwest corner of Friendship Lane and South Eagle Street (Jason Lutz, Director of Development Services)**

Jason Lutz, Director of Development Services, reviewed the Annexation Agreement. He noted any park issues could be addressed during the final plat approval.

The City Council discussed the pond, amenities, and parkland. The City Council agreed by consensus to take no action on this Agenda Item and to bring it back at April 5, 2021, City Council Regular Meeting.

- B. Consider, discuss, and take action of the Golf Course Bunker Renovation Project Bid Award (Clinton Bailey, Assistant City Manager/Public Works and Utilities Director).**

Clinton Bailey, Assistant City Manager/Public Works and Utilities Director, stated this project would not be paid for out of the General Fund. This project will be paid for by Touchstone. He noted Chris Meade and his team has done a great job at LBJ Golf Course, and this project will benefit the course and the players.

Chris Meade, Touchstone, reviewed the project, the benefits, and the need for renovating the golf course bunkers.

Evan Williamson, Staff Engineer, reviewed the bid process and timeline. He noted the staff is recommending awarding the bid to Fusion Golf at \$227,285.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to award the bid to Fusion Golf for the amount of \$227,285. The City Council voted unanimously five (5) for, and none (0) opposed.

C. Consider, discuss, and take appropriate action regarding the current Moratorium on Special Events and Outdoor Gatherings of 75 or more (Jennifer Krupa, Special Events Coordinator).

Tracy Knudsen, spoke regarding people needing to attend events and encouraged the City Council to lift the Moratorium on Special Events.

Matt Long, County resident, spoke regarding how not holding events hurts the business and the City. He reviewed the US Constitution and the First Amendment Rights to assembly.

Kimberly Lams, City resident, spoke regarding lifting the moratorium because Fredericksburg needs tourism. She stated, if the City cares about people's health, then they need to lift the moratorium.

Annette Bennett, County resident, spoke regarding the Governor's Order and the need to lift the moratorium.

Jeannette Hormuth, City resident, spoke regarding the moratorium and the need to lift it. She also noted the events are the lifeblood of the community and hold everyone together.

Rosemary Estenson, County resident, spoke regarding even though some businesses did not follow the Governor's Order, her companies did, and now she feels it is time to lift the moratorium.

Angela Smith, County resident, spoke regarding the moratorium and how it goes against the Constitution. She noted the Oath that elected officials take is to uphold the Constitution and the City is no longer in a state of emergency.

Kenneth Koby stated he is a past elected official from Minnesota. He noted that you hurt businesses, City revenues, employees, and several others when you cut activities. He feels the City Council should remove the moratorium, and if people don't feel safe in going, then they shouldn't go.

Robert Phoenix, City resident, inquired if any Councilmembers were Urban Planners. He also reviewed medical data and encouraged the City Council to lift the moratorium.

James McDonald, City resident, encouraged the City Council to rescind the moratorium and the Health and Safety Plans.

Tom Marschall, City resident, spoke regarding the loss the Texas Mesquite Association had due to not holding their event in 2020. He encouraged the City Council to rescind the moratorium.

Scott Knudsen spoke regarding the need to rescind the moratorium. He stated businesses and events need to be open.

Jennifer Krupa, Special Events Coordinator, reviewed the moratorium and the Health & Safety Plan history. She reviewed how other Special Events Coordinators in Texas are handling events and Health & Safety Plans.

The City Council discussed options for handling events.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Rickert, to have future Health & Safety Plans approved by the Special Event Committee instead of the City Council. The City Council voted unanimously five (5) for, and none (0) opposed.

Motion: A motion was made by Councilmember Rickert, seconded by Councilmember Watson, to rescind waiver requirements for outdoor events of 10-299 people. The City Council voted unanimously five (5) for, and none (0) opposed.

D. Consider, discuss and take action regarding approval of the Health and Safety Plan for the following events (Jennifer Krupa, Special Events Coordinator):

Jeannette Hormuth, City resident, spoke regarding several events that she has fond memories of Fredericksburg's events. She also encouraged the City Council to remove the Health and Safety Plan.

i. FBG Volunteer Fire Department Fish Fry's and street closure request of W. Austin Street between N. Adams and N. Crockett Streets on Saturday, April 17, 2021 from 12 p.m. until 9 p.m.

Paul Hannemann, President of the Volunteer Fire Department, reviewed the items the Fish Fry profits have purchased. He also reviewed the Health and Safety Plan and the need for street closure.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve the Health and Safety Plan for the FBG Volunteer Fire Department Fish Fry's and street closure request of W. Austin Street between N. Adams and N. Crockett Streets on Saturday, April 17, 2021 from 12 p.m. until 9 p.m. The City Council voted unanimously five (5) for, and none (0) opposed.

ii. Hill Country Indian Artifact Show on Saturday, April 3, 2021 at the Pioneer Pavilion.

Jennifer Krupa, Special Events Coordinator, stated the Hill Country Indian Artifact Show previously received approval for their January 23, 2021 event at their December 21, 2021 City Council Meeting. Unfortunately, their event was cancelled. The show organizer has asked to move the March event to the first weekend in April.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve the Health and Safety Plan for the Hill Country Indian Artifact Show on Saturday, April 3, 2021 at the Pioneer Pavilion. The City Council voted unanimously five (5) for, and none (0) opposed.

E. Consider, discuss and take action regarding approval of City Manager 2021 Performance Goals (Kent Myers, City Manager).

Kent Myers, City Manager, reviewed the City Manager Performance Goals.

Mayor Kiehne read the City Manager Performance Goals out loud.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the City Manager 2021 Performance Goals. The City Council voted unanimously five (5) for, and none (0) opposed.

F. Consider, discuss, and take action regarding an update on the COVID-19 Metric (Justin Calhoun, Emergency Management Coordinator).

Kimberly Lams, City resident, stated she does not support adding a Metric to get funding. She also stated the COVID-19 Testing that is occurring is not for COVID-19, and the people are dying from the vaccines.

Annette Bennet, County resident, stated she read Justin Calhoun's report and inquired at what point the City will stop the emergency declaration.

Councilmember Musselman reviewed the process of Emergency Declarations beginning with Federal-through City.

Councilmember Luckenbach stated he feels the next three weeks would tell us more about the positivity rate after Spring Break. He also feels we should be watching the hospital rates.

Jeannette Hormuth, read the meaning of Emergency Disaster and demanded the City Council terminate immediately. She stated that if the City continues to receive funding, they are doing it fraudulently; she also stated she is putting the City on Notice.

Justin Calhoun, Emergency Management Coordinator, reviewed PowerPoint Presentation regarding the following:

- Hospitalizations for January-March
- Trauma Service Area O and P for January – March
- EMS COVID-19 Contacts by Age
- COVID-19 Vaccinations by Age

Kent Myers, City Manager, reviewed the emergency declaration and what it means to the City and County.

10. CITY MANAGER REPORT

A. March 3rd City Council Work Session Action Items

Kent Myers, City Manager, reviewed the four City Council Work Session Items. He stated Garret Bonn is working on the Advance Funding Agreement, and the Development Services has begun the process for the Comprehensive Plan.

B. Legislative Update

Kent Myers, City Manager, stated that he will provide the Legislative Update at the April 5, 2021, Regular Meeting in the interest of time.

C. Winter Weather Storm Update

Kent Myers, City Manager, stated the Public Works Department is continuing to pick up debris, and an After-Action Report is being finalized. He noted the City will be holding an Appreciation Luncheon for those that helped during the Winter Weather Storm.

The City Council discussed the shape of the pavers at Market Square and the pumps at the pool.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated they are looking at options and getting cost estimates for replacement.

Kent Myers, City Manager, reported the pumps at the pool will be covered by insurance.

11. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the upcoming meeting agenda items.

12. COUNCIL COMMENTS

Councilmember Watson stated the fuel sales at the Airport were low in February. He also noted that he attended the After-Action Meeting and was impressed how everyone worked together and went above and beyond to keep people safe.

Councilmember Rickert stated she held a mini-Workshop with 20 to 30 people regarding basic information on the City. She noted a lot of people do not understand the role of City government.

Councilmember Musselman encouraged everyone to sign up to receive Agenda Packets.

Councilmember Luckenbach reported he attended the Market Square Redevelopment Commission meeting this morning. He noted the funds for Phase I have all been raised, and the Commission is currently working on Phase II. He also noted the Commission received a large donation towards Phase II.

Mayor Kiehne thanked everyone who stepped up to keep residents safe during the storm especially those who were facing their disasters at home.

13. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.086 (Certain Public Power Utilities: Competitive Matters):

A. Consider and discuss with consultant certain competitive matters related to energy supply (Section 551.086).

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Regular Session into Executive Session at 9:49 p.m. The City Council voted unanimously five (5) for, and none (0) opposed.

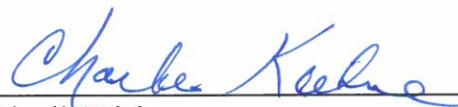
Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to go out of Executive Session into the Regular Session at 10:25 p.m. The City Council voted unanimously five (5) for, and none (0) opposed.

14. BUSINESS ITEM

Motion: A motion was made by Councilmember Rickert and seconded by Councilmember Watson, to approve a three-year payment plan to LCRA for additional ancillary and congestion charges due to the recent weather event. The City Council voted unanimously five (5) for and none (0) opposed.

15. ADJOURN

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to adjourn the Monday, March 15, 2021, City Council Regular Meeting at 10:33 p.m. The City Council voted unanimously five (5) for, and none (0) opposed.


Charlie Kiehne
Mayor

ATTEST


Shelley Goodwin, TRMC
City Secretary