



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING

APRIL 5, 2021

The City of Fredericksburg City Council met in a regular session on Monday, April 5, 2021, at 6 p.m. This meeting was held at the Rock Box Theater.

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
Russell Immel, Information Technology Director
Andrea Schmidt, Parks Department Director (participated via Zoom)
Lea Feuge, Public Information Officer
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 p.m. on Monday, April 5, 2021, in person at the Rock Box Theater and via You Tube Channel livestream. Mayor Kiehne announced a quorum of the City Council present.

2. PLEDGE OF ALLEGIANCE

Mayor Kiehne led the Pledge.

3. PROCLAMATION

A. National Public Safety Telecommunicators Week

Mayor Kiehne read the proclamation and proclaimed April 11 through 17, 2021, as National Public Safety Telecommunicators Week. He presented the proclamation to Les Metzler and thanked the dispatchers for always exhibiting compassion and professionalism while doing their jobs.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, stated he received a call thanking Officer Brandon Griffin for his professionalism and assistance during a traffic stop.

5. PUBLIC COMMENTS

Mayor Kiehne read the sign-up process and the rules for speaking.

Tom Marschall spoke regarding his After-Action Plan and suggested the City Council approve a Resolution regarding Sanctuary City for Emergency Declaration.

Angela Pirch spoke regarding CTEC Smart Meter and the effect they can have on humans.

Timothy Riley spoke regarding including Zoom as part of the meetings. He also stated that the agendas are light on items related to the Path to the Future.

Robert Phoenix spoke regarding Atwater, California and their efforts during COVID that led to no loss of life or jobs. He noted they approved a Resolution creating them as a Sanctuary City; he provided a copy of the Resolution they adopted.

Jeannette Hormuth spoke regarding the vaccine and the freedom of choice. She spoke regarding her research on the vaccine. She stated Officials or the paper are not publishing these important facts about these shots.

Kimberly Lams stated she feels the emergency declaration is unlawful, and she believes the City Council is committing a crime. She also reviewed the hospitalizations at Hill Country Memorial Hospital.

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: (Shelley Goodwin, City Secretary)

- i. February 22, 2021, Regular Meeting**
- ii. March 1, 2021, Regular Meeting**
- iii. March 3, 2021, Workshop**
- iv. March 15, 2021 Regular Meeting**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve A. i-iv. of the Consent Agenda. The City Council voted five (5) for, and none (0) opposed.

B. Consider the approval of Resolution 2021-03R amending the Order adopted on February 1, 2021, ordering a General Election to be held on May 1, 2021, for the purpose of electing two (2) City Councilmembers to City Council; adding the provisions for the conduct of such election and resolving other matters related to the conduct of such election (Shelley Goodwin, City Secretary).

C. Consider, discuss and take action regarding modifying the previously approved Wildflower Run Health & Safety Plan for the event on April 24, 2021 (Jennifer Krupa, Special Events Coordinator).

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

- i. **Fredericksburg Car Fest - closure of W. Austin Street between N. Adams and N. Crockett Streets on Saturday, June 5, 2021, from 6 a.m. to 4 p.m.**
- ii. **Crawfish Festival - closure of a parking lane adjacent to Marktplatz and one southbound lane on Adams Street beginning on Friday, May 28, 2021 at 8 a.m. until Monday, May 31, 2021 at 6 p.m. and W. Aust Street between N. Adams and N. Crockett Streets beginning Friday, May 28, 2021 at 8 a.m. until Monday, May 31, 2021 at 6 p.m.**

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve B-D. i. and ii. of the Consent Agenda. The City Council voted five (5) for, and none (0) opposed.

7. 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 (previously discussed on March 15, 2021 City Council Regular Meeting) (Jason Lutz, Director of Development Services).

Kimberley Lams spoke against the Annexation Agreement and building rental boxes called apartments. She also spoke about the size and the number of people using the amenities, and the health issues they will cause.

Jason Lutz, Director of Development Services, reviewed the Annexation Agreement's process and the additional questions the City Council had at the March 15, 2021, City Council Regular Meeting. He also reviewed the changes and what staff is comfortable with approving. He noted staff is looking for approval or direction from the City Council regarding the agreement.

Joshua Needham provided a PowerPoint regarding the Parkland Dedication Fee and proposed parkland. He also compared the PUDs previously approved by the City Council against the one they are requesting.

Andrea Schmidt, Parks Department Director, stated there are some great elements to this project. She also noted the Parks Department cannot keep up with pocket parks and prefers the proposed park by a private park.

The City Council discussed the proposed park and public access to the park. They also discussed the proposed public amenities and the requirement of fees in lieu of the dedication of parkland.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Rickert, to take no action on this Agenda Item to allow staff time to work out an agreement, sidewalks, and park issues. The City Council voted five (5) for, and none (0) opposed.

B. Consider and discuss the Historic District Design Guidelines.

Anna Hudson, Historic Preservation Officer, provided a PowerPoint regarding the Historic District Design Guidelines/Standards' history. She reviewed the timeline of the public process. She stated the four areas staff would like City Council to provide on these:

- Guidelines Recommendation and Standards Requirements.

- Amendments to the Historic Preservation Ordinance in conjunction with adoption guidelines/standards documents.
- The Historic District and STR and placing spacing requirements in keeping with historical lot development patterns.
- Public input before adoption: workshops, open house, online survey

The City Council discussed and provided direction to allowing comments online and in-person. They also discussed getting input from owner-occupancy homes. They also discussed a provision for buildings in the Historic District that are no longer able to be saved due to deterioration.

C. Consider, discuss, and take action regarding an update on the Flood Early Warning System Project which was approved for Flood Infrastructure Fund Program funding in December 2020 (Clinton Bailey, Assistant City Manager and Director of Public Works and Utilities).

Garret Bonn, Assistant City Engineer, stated in March 2020, the Texas Water Development Board (TWDB) published the Flood Intended Use Plan for State Fiscal Year 2020 and invited eligible applicants to submit abridged applications relating to certain types of eligible projects, which the City submitted two applications. Flood Early Warning System (FEWS) Improvements are totaling \$745,000, and N. Llano (SH16N) Storm Sewer System is totaling \$2,602,930. He noted the FEWS project was approved for an 80% grant and 20% local match, but the approved eligible funding for the project was only 15%, and the City would be responsible for the remaining 85%. While finalizing the documents, the State has placed more requirements for the grant, and he reviewed the major concerns and issues.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to withdraw the application for the Flood Infrastructure Fund Program. The City Council voted five (5) for, and none (0) opposed.

D. Consider and discuss the Hotel Occupancy Tax (HOT) applications (Shelley Goodwin, City Secretary).

Amy Bicker, Gillespie County Children Foundation, reviewed her project and reasons for applying for funding.

Daniel Jones, City Attorney, stated all applicants meet the minimum legal requirements.

Kent Myers, City Manager, reviewed the process for discussing the applications. He noted the funding allocations would be made at the City Council Regular Meeting scheduled for April 19, 2021.

The City Council went through and discussed the applications.

8. CITY MANAGER REPORT

A. Annexation Schedule-Post Oak Road Area

Kent Myers, City Manager, restarting process again. He reviewed the timeline for the public hearings and consideration for institute the annexation.

B. STR Ordinance Amendments-Public Input Process

Kent Myers, City Manager, stated the Public Input Process would begin next month in May. He noted the City Council would need to hold a Work Session this summer to discuss the draft ordinance, public input, and then there will be a public hearing for the Planning & Zoning Commission and then for City Council.

C. Mid-Year Budget Process

Kent Myers, City Manager, stated several mid-year budget amendments need to be discussed. He noted the City Council would need to have a Work Session after the May 1 General Election.

The City Council discussed the May 1 General Election (timeframe for canvassing May 4, 2021, and May 14, 2021).

D. Middle School Campus Reuse

Kent Myers, City Manager, stated Fisd is holding a Bond Election in November for a new Middle School. Fisd is working on what to do if the bond passes, then they want to have a plan for the reuse of the Middle School Campus. He noted a discussion was held with several members of the staff and Councilmember Musselman to talk about concerns, questions, and issues. He also noted he contacted a firm that previously helped with office space needs and requested a quote to update their previous study.

E. Legislative Update

Kent Myers, City Manager, reviewed several Bills:

- Bill 1469 (HOT Funds for City Parks) – has not been set for hearing yet.
- SB 10 (use public funds for lobbying) - hearing tomorrow.

He also reviewed the following:

- Sales Tax Bill-Ways and Means Committee tomorrow.
- Broadband Bill - could receive additional funding.

9. ITEMS FOR FUTURE AGENDA

Kent Myers reviewed the Future Agenda items.

10. COUNCIL COMMENTS

Councilmember Rickert stated she has been holding some Mini-Workshops to help educate residents on the role of City Government, and the next one is tomorrow at 6 p.m. at St Joseph Halle.

Councilmember Luckenbach spoke regarding the purpose of an Emergency Declaration.

Councilmember Musselman spoke regarding political activity and applauded those who put themselves out to run for elected office. He reviewed the requirements for political signs and thanked James McDonald for following the rules.

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 (Pending Litigation/Consult with Attorney) and 551.072 (Deliberation Regarding Real Property):

- A. Consider and discuss Alpha Securities, LLC, Appellant, v. City of Fredericksburg, Appellee, pending in the Court of Appeals for the Fourth Appellate District of San Antonio, on appeal from Cause No. 15377 in the 216th Judicial District Court of Gillespie County (Sec. 551.071) and**
- B. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of US 290 E at the Pedernales River crossing, approximately two miles to the east of the City of Fredericksburg (Sec. 551.072).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of Regular Meeting into Executive Session at 8:29 p.m. The City Council voted five (5) for, and none (0) opposed.

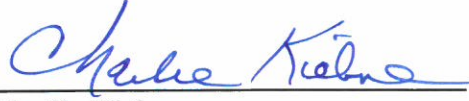
Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to go out of Executive Session into the Regular Meeting at 8:55 p.m. The City Council voted five (5) for, and none (0) opposed.

12. BUSINESS ITEM

No action was taken during this Agenda Item.

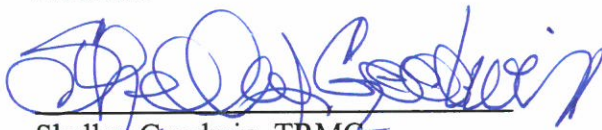
13. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to adjourn the Monday, April 5, 2021, Regular Meeting at 8:57 p.m. The City Council voted five (5) for, and none (0) opposed.



Charlie Kiehne
Mayor

ATTEST



Shelley Goodwin, TRMC
City Secretary