

CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING MAY 18, 2020

The City of Fredericksburg City Council will meet in a regular session on Monday, May 18, 2020, at 6:00 p.m. This meeting was held remotely via Zoom Teleconferencing, and in-person attendance was not available. Members of the public attended the meeting remotely by web or telephone via Zoom Teleconferencing. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Members Present on the Teleconferencing:

Mayor Pro Tem Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman
Councilmember Bobby Watson (left meeting at 8:36 p.m.)

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
Brian Jordan, Development Services Director
Russell Immel, Information Technology Director
Andrea Schmidt, Parks Department Director
Lea Feuge, Public Information Officer
Laura Hollenbeck, Finance Director
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Pro Tem Neffendorf called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, May 18, 2020, via Zoom Teleconference. On roll call vote:

Mayor Pro Tem Neffendorf aye
Councilmember Musselman aye
Councilmember Kiehne aye
Councilmember Watson aye

Mayor Pro Tem Neffendorf announced a quorum of the City Council present.

Mayor Pro Tem Neffendorf reported Linda Langerhans announced her resignation effective May 17, 2020, the City Council and staff wish her the best. He stated as Mayor Pro Tem he will run tonight's meeting and later in the meeting there is an Agenda Item to discuss this item more.

2. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC

Lynn Bizzell, Fire Chief, reviewed the history of the pandemic and how Gillespie County and the City has addressed the issues. He updated the Council on the Governor's plan to test all nursing homes (residents and staff), jails/prisons, and meatpacking plants. He also reviewed the following:

- World cases 4,629,000 positive cases and over 300,000 deaths
- National cases- 1,466,000 positive cases and 87,730 deaths
- Texas cases- 48,693 positive cases, 1,347 deaths, and 72,313 tested
- Region 8 -2,943 positive cases and 91 deaths.

He also reviewed the surrounding counties cases:

Gillespie County 5
Mason County 31
Llano County 3
Blanco County 6
Burnet County 28
Kerr County 10
Kendall County 21

He reminded everyone of the symptoms of the virus and to continue:

- Social distancing
- Wearing masks
- Good hygiene
- Stay home when sick
- Wipe down offices and home
- Use hand sanitizers

He wanted to thank Garrison Brothers, who has been making hand sanitizer and donating some to the City. He also announced that this week is EMS week and he wanted to commend them for their hard work and compassion.

3. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, stated he wanted to recognize Lea Feuge, Public Information Officer, for all her work preparing the Annual Report "Steps in Path of the Future." He reported it is another quality job.

4. PUBLIC COMMENTS

Mayor Pro Tem Neffendorf reviewed the different ways the public could provide comments. He stated the City received three citizen comments, and the staff will get back with those who commented.

5. 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

i. April 27, 2020, Special Meeting

ii. May 4, 2020, Regular Meeting

Motion: A motion was made by Councilmember Musselman, seconded by Mayor Pro Tem Neffendorf, to approve the City Council Minutes for April 27, 2020, Special Meeting and May 4, 2020, Regular Meeting. On roll call vote:

Councilmember Musselman	aye
Mayor Pro Tem Neffendorf	aye
Councilmember Kiehne	aye
Councilmember Watson	aye

The motion carried unanimously.

6. ORDINANCES

A. Consider the approval of Ordinance 2020-13 amending Article V-Speed Regulations, of Chapter 44-Traffic and Motor Vehicles-of the Code of Ordinances, amending the maximum speed limit for W. Main Street (US 87 North) within the City Limits, determined upon the basis of an Engineering and Traffic Study for said roadway. W. Main St./US 87N Speed limit modification (first of two readings; City Council may waive second reading).

Garrett Bonn, Assistant Engineer, stated TxDOT-Austin District recently conducted a speed study on W. Main Street (US 87 North). He reviewed the process for amending Speed limits on Texas highways. As a result of the speed study, TxDOT is proposing to lower the speed limit for the following:

- Southbound Traffic (Inbound) from the City Limit Line to Bowie St.; lower from 45 mph to 40 mph.
- Northbound Traffic (Outbound) from the Bowie St. to the City Limit line; lower from 45 mph to 40 mph.

He also reviewed the process for signage and stated staff supports these speed limit changes.

The City Council discussed the signage process and the process to educate the public on these changes.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Watson, to approve Ordinance 2020-13 amending Article V-Speed Regulations, of Chapter 44-Traffic and Motor Vehicles-of the Code of Ordinances, amending the maximum speed limit for W. Main Street (US 87 North) within the City Limits, determined upon the basis of an Engineering and Traffic Study for said roadway. W. Main St./US 87N Speed limit modification; waive second reading. On roll call vote:

Mayor Pro Tem Neffendorf	aye
Councilmember Kiehne	aye
Councilmember Watson	aye
Councilmember Musselman	aye

The motion passed unanimously.

B. Consider the approval of Ordinance 2020-14 creating a Joint Airport Zoning Board; and investing such Joint Airport Zoning Board with the powers authorized under the provisions of the Airport Zoning Act (Chapter 241 of the Texas Local Government Code) (first of two readings; City Council may waive second reading).

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, reviewed the history of the Joint Airport Zoning Board and the Nov 25, 2019, Gillespie County Commissioners Court Meeting. They approved the process of updating the airport zoning ordinance via a Joint Airport Zoning Board. He also reported on March 16, 2020, the City Council voted unanimously to select Councilmembers Bobby Watson and Gary Neffendorf to serve on the Joint Airport Zoning Board. He noted the reasons why the Airport Zoning Ordinance should be updated.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Watson, to approve Ordinance 2020-14 creating a Joint Airport Zoning Board; and investing such Joint Airport Zoning Board with the powers authorized under the provisions of the Airport Zoning Act (Chapter 241 of the Texas Local Government Code); waive second reading. On roll call vote:

Councilmember Kiehne	aye
Councilmember Watson	aye
Councilmember Musselman	aye
Mayor Pro Tem Neffendorf	aye

The motion passed unanimously.

C. Consider the approval of Resolution 2020-11R approving the Annual Review of the City's Investment Policy and Investment Strategies.

Laura Hollenbeck, Finance Director, stated the Public Funds Investment Act requires that the City's Investment Policy be reviewed and approved by City Council on an annual basis. She stated by approving Resolution 2020-11R, the City Council will adopt the Policy and Strategies for this year.

Motion: A motion was made by Councilmember Musselman seconded by Councilmember Watson, to approve Resolution 2020-11R approving the Annual Review of the City's Investment Policy and Investment Strategies. On roll call vote:

Councilmember Watson	aye
Councilmember Musselman	aye
Mayor Pro Tem Neffendorf	aye
Councilmember Kiehne	aye

The motion passed unanimously.

7. OTHER ACTION ITEMS AND UPDATES

A. Consider approval of Mid-Year Budget Amendments for Fiscal Year 2020.

Kent Myers, City Manager, stated with the decreases the City is experiencing in our major revenue accounts, it is necessary to make amendments to our budget to reduce our expenses for the remainder of the fiscal year. He reviewed the directions the City Council provided at their May 4, 2020, Regular Meeting. He also stated the amendment includes the final payment from the Wallner Estate for Animal Control Services.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, reviewed some of the reductions:

- Street Fund that would allow us to do about ½ of the normal street paving this year
- Main Street Decorative Lighting Project included as a recommended cost reduction of \$225,000. The total cost of this project is \$450,000.
- Hiring freeze
- Cuts in each department's budget, while preserving services.

The City Council discussed revenue and expenditure accounts. They also discussed the Main Street Light Fund and agreed by consensus to fund ½ of \$225,000 (\$112,500) and maintain those funds for replacement of the poles that are most in need. They also recommended staff make a priority list of the light poles that are in most need.

Motion: A motion was made by Councilmember Musselman seconded by Councilmember Watson, to approve the Mid-Year Budget Amendments for FY 2020 (including the change to the Main Street Light Fund). On roll call vote:

Councilmember Musselman	aye
Mayor Pro Tem Neffendorf	aye
Councilmember Kiehne	aye
Councilmember Watson	aye

The motion passed unanimously.

B. Consider, discuss, and take appropriate action concerning the resignation of Linda Langerhans, Mayor, effective May 17, 2020, and the appointment of a qualified person to fill the vacancy of the Office of the Mayor until the next city election.

Daniel Jones, City Attorney, reviewed the City Charter and the process to fill the Mayor or City Council vacancy.

The City Council discussed the process provided in the City Charter and to return to this item after the Executive Session.

Motion: A motion was made by Councilmember Kiehne seconded by Councilmember Musselman, to approve with regrets the resignation of Linda Langerhans, Mayor, effective May 17, 2020. On roll call vote:

Mayor Pro Tem Neffendorf	aye
Councilmember Kiehne	aye
Councilmember Watson	aye
Councilmember Musselman	aye

The motion passed unanimously.

C. Discuss and consider the reopening of City Facilities.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated the City Council previously approved the reopening of certain City facilities and now staff is requesting to reopen City Hall and the City Hall Annex (June 1, 2020), the Recycling Center, City Park facilities, and additional phases for reopening the Golf Course. All reopening will require some minor modifications, and employees will be required to follow the CDC Guidelines and the Texas Health and Human Services Office-Based Employee Checklist. He reviewed the Recycling Center, Parks Department, LBJ Golf Course reopening plans.

The City Council discussed the modifications to the Customer Service areas, Recycling Center, and the need for wearing masks.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to approve the reopening and schedule of City Facilities per staff's recommendation. On roll call vote:

Mayor Pro Tem Neffendorf aye
Councilmember Kiehne aye
Councilmember Watson aye
Councilmember Musselman aye

The motion passed unanimously.

D. July 4th Parade

i. Discuss and consider the July 4th Parade and insurance coverage.

Kent Myers, City Manager, stated Daryl Whitworth, with the 4th of July Parade, has requested that the City provide insurance coverage for the Parade if it is held this year. This insurance has been provided in previous years and costs the City about \$100 to add to our policy.

Daryl Whitworth reviewed the challenges the Committee is facing due to COVID-19. He stated he would like to move forward with planning, and the final day to cancel is June 23, 2020.

The City Council discussed the cancellation process and Governor Abbott's current Executive Order.

Motion: A motion was made by Councilmember Watson seconded by Councilmember Musselman, to approve moving forward with the planning of the July 4th Parade and the City covering the insurance coverage for this year. On roll call vote:

Councilmember Kiehne aye
Councilmember Watson aye
Councilmember Musselman aye
Mayor Pro Tem Neffendorf aye

The motion passed unanimously.

ii. Discuss and consider the Recurring Fee Waiver Request for the Fredericksburg Veterans of Foreign Wars (VFW) Post 7105 Fourth of July Kiddie Parade.

Andrea Schmidt, Parks Department Director, stated the Fredericksburg Veterans of Foreign Wars (VFW) Post 7105 traditionally sponsors a Fourth of July "kiddie parade" on Independence Day. She noted this event meets the definition of a special event per the City Special Events Ordinance, and the requirements that must be met or waived. She reviewed Jim Bisson's request letter for a waiver or discount reservation fee for the use of Kiner Halle annually on July 4th.

The City Council discussed the requested waiver.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to approve waiving the fee this year for the July 4th Kiddie Parade conducted by VFW Post 7105.

On roll call vote:

Councilmember Watson aye
Councilmember Musselman aye
Mayor Pro Tem Neffendorf aye
Councilmember Kiehne aye

The motion passed unanimously.

8. CITY MANAGER'S REPORT

A. Governor Abbott's Executive Orders

Kent Myers, City Manager, stated Governor Abbott held a press conference today. He reported that City staff is still working through the new order, but some of the reopenings approved are:

- The immediate reopening of daycares and Boys/Girls Clubs.
- Restaurants can increase their capacity to 50% with restrictions.
- Bowling Alleys at 25% capacity with restrictions.
- Youth sports and camps on June 1st with restrictions.
- Summer school on June 1st with restrictions.

B. COVID-19 Recovery Task Force

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated the COVID-19 Recovery Task Force will hold their third meeting tomorrow. He noted the Task Force elected Julie Kuhlken as the Chair and Dr. James Partin, M.D., as the Vice-Chair. The Task Force is still working on its Mission and Vision Statement. Each member has provided input regarding their business or industries' way of dealing with the Governor's latest Executive Orders.

9. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the Future Agenda Items.

10. COUNCIL COMMENTS

Councilmember Musselman read the following statement:

As Mayor Linda Langerhans retires from public office, we look back on an era of steady leadership during a time of growth and change. Linda was Fredericksburg's first home rule mayor, elected in 1992, serving four terms until 2000. The voters of Fredericksburg elected her mayor again in 2014, and she has served another three full terms with distinction. Linda's vast wealth of knowledge about Fredericksburg will be sorely missed by those who have served with her as elected officials.

Personally, I know, I will miss her counsel!

But, the Mayor is not going anywhere and she will still be active in numerous projects that are close to her heart. She is a member of the Fredericksburg 175th Anniversary Committee, as well as the Market Square Redevelopment Commission. Additionally, her counsel, guidance, and knowledge of our local history will be an invaluable asset as a member of the Courthouse Square Advisory Committee.

Linda will continue her long history of service to Fredericksburg. I know that she will act as a mentor to the next generation of young businessmen and women who will, as she has done so many times, step up to the challenge and agree to serve this community as a volunteer, City Board member, or elected City official.

Linda, your hard work and dedication to our community has left a lasting impression. You have helped make Fredericksburg what it is today, and what it will become in the future.

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 (Consultation with Attorney), Section 551.087 (Deliberation Regarding Economic Development Negotiations), and Section 551.074 (Personnel Matters):

- A. Consider and discuss the appointment of a qualified person to fill the vacancy of the Office of the Mayor until the next City election, and to receive legal advice regarding**

the interpretation of the City Charter and other laws as applicable to said appointment (Section 551.071 and Section 551.074); and

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to go out of Regular Session into Executive Session at 8:06 p.m. for 30 minutes to discuss Agenda Item 11. A. On roll call vote:

Councilmember Musselman	aye
Councilmember Neffendorf	aye
Councilmember Kiehne	aye
Councilmember Watson	aye

The motion carried unanimously.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of Executive Session into Regular Session at 8:29 p.m. On roll call vote:

Councilmember Musselman	aye
Councilmember Neffendorf	aye
Councilmember Kiehne	aye
Councilmember Watson	aye

The motion carried unanimously.

7.A. Consider, discuss, and take appropriate action concerning the resignation of Linda Langerhans, Mayor, effective May 17, 2020, and the appointment of a qualified person to fill the vacancy of the Office of the Mayor until the next city election.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, appoint Gary Neffendorf to fill the vacancy of the Office of the Mayor until the next city election.

On roll call vote:

Councilmember Musselman	aye
Councilmember Neffendorf	aye
Councilmember Kiehne	aye
Councilmember Watson	aye

The motion carried unanimously.

B. Consider and discuss preliminary analysis and recommendation to the City Council prepared by legal counsel, regarding pending ethics complaint (Section 551.071 and Section 551.074); and (Councilmember Watson was not present during this discussion)

C. Consider and discuss economic development agreement related to the construction and operation of a Hotel and Conference Center in the City; and to receive legal advice concerning said economic development agreement (Section 551.087 and Section 551.071).

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to go out of Regular Session into Executive Session at 8:36 p.m. to discuss remaining items. On roll call vote:

Councilmember Musselman	aye
Councilmember Neffendorf	aye
Councilmember Kiehne	aye
Councilmember Watson	was not present

The motion carried unanimously.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to go out of Executive Session into Regular Session at 9:01 p.m. On roll call vote:

Councilmember Musselman	aye
Councilmember Neffendorf	aye
Councilmember Kiehne	aye
Councilmember Watson	was not present

The motion carried unanimously.

11.B.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to approve the following:

- Take no action be taken in response to the complaint. None of the facts alleged or facts uncovered through the investigation have given rise to a violation of Article VI, Chapter 2 of the Fredericksburg Municipal Code.
- There was not a Substantial Interest violation as none of the three items at issue were concerning real property in which Watson had a Substantial Interest.
- There was not an Economic Benefit violation as none of the three items at issue caused Watson to obtain anything of value.
- There was not an Economic Interest violation as none of the three items at issue would cause Watson an economic impact that is indistinguishable from the impact on any other property owner within the Boot Ranch development.

On roll call vote:

Councilmember Musselman	aye
Councilmember Neffendorf	aye
Councilmember Kiehne	aye
Councilmember Watson	was not present

The motion passed.

12. BUSINESS ITEM

See the actions taken in Executive Session under Agenda Items 11. A. and 11.B.

13. ADJOURN

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to adjourn the Monday, May 18, 2020, City Council Regular Meeting at 9:08 p.m.

On roll call vote:

Councilmember Musselman	aye
Councilmember Kiehne	aye
Councilmember Watson	was not present
Mayor Pro Tem Neffendorf	aye

The motion passed unanimously.


Gary Neffendorf
Mayor

ATTEST


Shelley Goodwin, TRMC
City Secretary

In the name and by the authority of

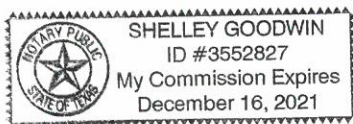
The State of Texas

OATH OF OFFICE

I, Gary Neffendorf, do solemnly swear, that I will faithfully execute the duties of the office of Mayor of the City of Fredericksburg, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Affiant

SWORN TO and subscribed before me by affiant on this 19th day of May, 2020.



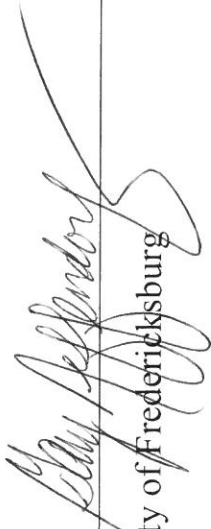
Signature of Person Administering Oath

Shelley Goodwin
Printed Name

Notary Public
Title

Statement of Officer

I, Gary Neffendorf, due solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.



City of Fredericksburg

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.



Signature of Officer
6/2/2020

Date

