



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING AUGUST 16, 2021

The City of Fredericksburg City Council held their regular session on Monday, August 16, 2021 at 6 p.m. This meeting was held in person at the Law Enforcement Center and live streamed on the Fredericksburg YouTube Channel.

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman
Councilmember Kathy O'Neill
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
Steve Wetz, Police Chief
Eric Whiting, Information Technology Director
Andrea Schmidt, Parks and Recreation Director
Jason Lutz, Development Services Director
Leslie Ball-Embrey, Administrative Assistant
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, August 16, 2021.

2. INVOCATION

George Studor, led the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Kiehne led the Pledge of Allegiance.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, read the following thank yous:

- From a resident who sent an email regarding Ray Ortegon, Code Enforcement, for making a difference.

- From a resident regarding the high-level customer service by Shelby Collier, Development Services Coordinator, Jason Lutz, Development Service Director, and Shelley Goodwin, City Secretary.
- From a resident who sent an email regarding two lifeguards that jumped into action to save a child.

Kent Myers, City Manager, introduced Ted Boyer, the new Code Enforcement Officer. He also recognized the Fredericksburg PD for reaccreditation by TPCA.

5. PUBLIC COMMENTS

Debra Holbecker, City resident, spoke regarding COVID and Town Pool.

Jerry McCorkle, City resident, spoke and provided a handout regarding 45 Declared Communist Takeover Goals.

Johnny Rodriguez, City resident, spoke regarding renewable energy.

Delbert Irons, City resident, spoke regarding his service in the military and socialism.

Marylee Marschall, City resident, spoke regarding COVID and the hospital.

Tom Marschall, City resident, spoke regarding a proposed Resolution for the City Council to consider at a future meeting.

Kimberly Lams, City resident, spoke regarding personal rights and provided a handout regarding the CDC.

Cord Switzer, City resident, spoke regarding personal rights, Hill Country Medical Center trip, and government regulations.

Heather Davis, Blue Bird Beginnings Child Center, spoke regarding needing help with finding her a new location.

Tonya Benson, City resident, spoke regarding Town Pool and protecting her rights.

Jeannette Hormuth, City resident, spoke regarding the proposed Resolution and encouraged the City Council to approve.

Isla Roof, City resident, spoke regarding the Police Department.

Robert Phoenix, County resident, spoke regarding the citizen comments period.

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. August 2, 2021 Workshop**
- ii. August 2, 2021 Regular Meeting**
- iii. August 4, 2021 Workshop**

- B. Consider approval of a request from Bestfest to close one south-bound traffic lane and parking lane adjacent to Marktplatz on North Adams from Austin to Main Street beginning Friday, October 15, 2021, at 8 a.m. until Sunday, October 17, 2021, at noon (Jennifer Krupa, Special Events Coordinator).**

Councilmember Musselman pulled Agenda Item 6. B. to consider separately.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Consent Agenda items 6. A. i. – iii., with corrections The City Council voted five (4) for, and none (0) opposed. The motion carried unanimously.

The City Council discussed the Health and Safety Plan requirements.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve the request from Bestfest to close one southbound traffic lane and parking lane adjacent to Marktplatz on North Adams from Austin to Main Street beginning Friday, October 15, 2021, at 8 a.m. until Sunday, October 17, 2021, at noon. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

7. PUBLIC HEARING

- A. Hold a public hearing to receive citizen comments for or against a request by Steve and Marsha Mengle to consider a Conditional Use Permit (CUP) per Section 3.510 to Construct a first-floor bed and breakfast unit in the Historic Shopping District Overlay on property located at 211 W. Austin (Z-2113) (Jason Lutz, Development Services Director).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember O'Neill, to go out of the Regular Meeting into the public hearing at 7 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Mayor Kiehne asked if anyone wished to speak. No one did.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of the Regular Meeting into the public hearing at 7:02 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- B. Hold a public hearing to receive citizen comments for or against a request by Wes and Tammy Pack to consider a Conditional Use Permit (CUP) per Section 3.510 to Construct a first-floor bed and breakfast unit in the Historic Shopping District Overlay on property located at 514 W. San Antonio (Z-2114).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of the Regular Meeting into the public hearing at 7:03 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Mayor Kiehne asked if anyone wished to speak.

Rebecca Davis, City resident, spoke regarding her sister and how the STR is affecting her.

Jim Richmond, City resident, spoke regarding the effects that adding three more units will have on the neighborhood.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of the Regular Meeting into the public hearing at 7:05 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of an Order of Special Election for November 2, 2021 for the purpose of a proposed Measure related to Town Pool Splashpad (1st of two readings; City Council may waive 2nd reading) (Daniel Jones, City Attorney and Shelley Goodwin, City Secretary)

i. Discussion on Town Pool/Splash Pad Information meetings and citizen input (Andrea Schmidt, Parks and Recreation Director).

Andrea Schmidt, Parks and Recreation Director, reviewed the history of the Town Pool and the Splash Pad. She also reviewed the results of the public forums information she received.

Daniel Jones, City Attorney, stated August 16, 2021, is the deadline for calling a Special Election and creating the ballot language.

Motion: A motion was made by Councilmember Musselman, seconded by Mayor Kiehne, to call a Special Election to be held on November 2, 2021, so the voters can decide to keep Town Pool and add a splash pad or to convert Town Pool into a splash pad. The City Council voted one (1) for, and four (4) opposed (Councilmembers Luckenbach, Watson, and O'Neill, and Mayor Kiehne). Motion failed.

Motion: A motion was made by Councilmember Musselman, seconded by Mayor Kiehne, to call a Special Election to be held on November 2, 2021, and include the 3 Options, to keep Town Pool and add a splash pad, or to convert Town Pool into a splash pad, or do nothing at all to Town Pool. The City Council voted two (2) for and three (3) opposed (Councilmembers Luckenbach, Watson, and O'Neill). Motion failed.

The City Council agreed by consensus for Staff to bring back an Agenda Item regarding options related to Town Pool for the City Council to consider.

B. Consider an approval of a request by Steve and Marsha Mengle to consider a Conditional Use Permit (CUP) per Section 3.510 to Construct a first-floor bed and breakfast unit in the Historic Shopping District Overlay on Property Located at 211 W. Austin (Z-2113) (Jason Lutz, Development Services Director)

Jason Lutz, Development Services Director, reviewed the history and noted that the applicant wants to construct an 8-unit STR facility. This facility will include an office, commercial kitchen, and living quarters for an onsite manager. He also reviewed the site plan and noted the Fire Marshall did review this property.

The City Council discussed the occupancy, serving food, and fence. They expressed concerns about the separation of the property on the west side.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, for approval of a request by Steve and Marsha Mengle to consider a Conditional Use Permit (CUP) per Section 3.510 to Construct a first-floor bed and breakfast unit in the Historic Shopping District Overlay on Property Located at 211 W. Austin, with the condition of increasing the fence height for 6' to 8' for the fences proposed between structures along the side property lines. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider an approval of a request by Wes and Tammy Pack to consider a Conditional Use Permit (CUP) per Section 3.510 to Construct a first floor bed and breakfast unit in the Historic Shopping District Overlay on Property Located at 514 W. San Antonio (Z-2114) (Jason Lutz, Development Services Director)

Jason Lutz, Development Services Director, reviewed the history of the property. He noted that the Historic Review Board had several concerns regarding the location of the spa areas and parking configuration. Still, they approved the Certificate of Appropriateness based on the renderings and guidelines. He noted that Staff also has concerns with parking layout and location of spa areas.

The City Council discussed the occupancy of the main house, parking, and the STR units. They also discussed the current Ordinance and guidelines.

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Luckenbach, to deny the request by Wes and Tammy Pack to consider for a Conditional Use Permit (CUP) per Section 3.510 to Construct a first floor bed and breakfast unit in the Historic Shopping District Overlay on Property Located at 514 W. San Antonio. The City Council voted three (3) for, and two (2) opposed (Councilmembers Musselman and Watson). The motion carried

D. Consider an approval of an annexation agreement related to the request by Mark Cornett for a voluntary annexation for property located at 651 Post Oak Road (Jason Lutz, Development Services Director).

Jason Lutz, Development Services, reviewed the property and the reason for the annexation request.

Mark Cornett, requestor, stated he was present to answer questions.

The City Council discussed the annexation request.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember O'Neill, for the approval of an annexation agreement related to the request by Mark Cornett for a voluntary annexation for property located at 651 Post Oak Road. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

E. Consider the announcements related to the proposed Fiscal Year 2022 Budget (Laura Hollenbeak, Finance Director):

- i. **Filing the proposed Fiscal Year 2022 Budget with the City Secretary.**
- ii. **Public Hearing to receive comments on the Proposed Budget for Fiscal Year 2022, at 6:00 p.m. on Monday, August 23, 2021, at the Law Enforcement Center located at 1601 East Main, Fredericksburg, Texas 78624.**

Laura Hollenbeak, Finance Director, stated the FY 2022 proposed Budget was filed with the City Secretary on August 19, 2021. She also stated a Public Hearing to receive comments on the Proposed Budget for Fiscal Year 2022 will be held at 6:00 p.m. on Monday, August 23, 2021, at the Law Enforcement Center.

9. CITY MANAGER REPORT

A. Budget Update

Kent Myers, City Manager, stated the City Council would consider setting a proposed FY 2021 Tax Rate on August 23, 2021. He noted that if the proposed Tax Rate exceeds the no-new-revenue tax rate, the City Council will need to schedule another public hearing; September 8, 2021, at 6 p.m. in the Fire Training Room.

B. STR Update

Kent Myers, City Manager, stated the new Code Enforcement Officer would receive training for the next 30 days. He also noted that the amendment to the Ordinance is being discussed at a City Council Work Session on September 13, 2021, at 6 p.m. at University Center.

COVID-19

Kent Myers, City Manager, stated that 4 City employees have tested positive, and two employees are in quarantine. COVID positivity rate 24%, EMS have tested 133 people, and 26 of those were positive. He noted there would be a City-wide vaccination at Marktplatz on September 1, 2021.

10. ITEMS FOR FUTURE AGENDA

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

11. COUNCIL COMMENTS

Councilmember O'Neill stated she had reviewed several of the reports that citizens have shared on vaccines and noted in her opinion this information is misleading.

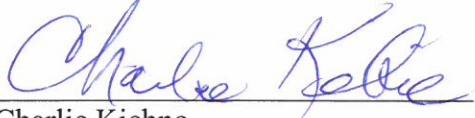
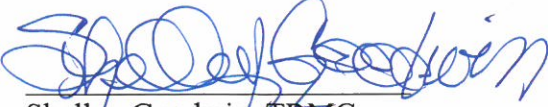
Councilmember Luckenbach reported on the Gillespie County Commissioner's Court. He also reported on the grants and donations the Marker Square Redevelopment Commission has received. He also read a statement regarding Dr. Edwards that citizens mentioned at the last Regular City Council meeting.

Councilmember Watson reported that fuel sales are up more than 43% this year.

Mayor Kiehne reported on the Water Wheel dedication ceremony, Leadership Summit Pastor Vitek held, and the FISD Scavenger Hunt.

12. ADJOURN

Motion: A motion was made by Councilmember Watson and seconded by Councilmember Luckenbach, to adjourn the Monday, August 16, 2021, City Council Regular Meeting at 8:35 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.


Charlie Kiehne
Mayor
Shelley Goodwin, TRMC
City Secretary