CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING SEPTEMBER 7, 2021

The City of Fredericksburg City Council held their regular session on Tuesday, September 7, 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
Lynn Bizzell, Fire Chief
Eric Whiting, Information Technology Director
Andrea Schmidt, Parks and Recreation Director
Jason Lutz, Development Services Director
Laura Hollenbeck, Finance Director
Rebekka Goff, Administrative Assistant/Receptionist
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 Tuesday, September 7, 2021.

2. INVOCATION
Austin Loza, Area Director of Fellowship of Christian Athletes held 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:

- Resident kudos to two employees for their assistance.
- Officer Evan Smith for his professionalism and respect.

5. PUBLIC COMMENTS

Walter Moldenhauer, Fort Martin Scott Friends, spoke regarding the proposed management agreement of Fort Martin Scott.

Julie Ballenger, City resident, spoke regarding the proposed management agreement of Fort Martin Scott.

Mary Lu Abbott, City resident, spoke regarding the proposed management agreement of Fort Martin Scott.

Randy Briley, City resident, spoke regarding the Criminal Court vs. Alternative Adjudication process Ordinance 2021-19.

Janet Crouch, County resident, spoke regarding Short-Term Rental (STR) and the process.

Jerry McCorkle, City resident, spoke regarding affordable housing and property taxes.

Jeff Morin, City resident, spoke regarding STR violations and Hotel Occupancy Taxes collection.

Mary Lee Marschall, City resident, spoke regarding COVID-19 and regulations.

Tom Marschall, City resident, spoke regarding a Sanctuary Resolution for businesses. He also spoke regarding property taxes.

Annette Bennett, City resident, spoke regarding a Sanctuary Resolution for businesses.

Bradley Shearer, spoke regarding doing business during COVID-19 shutdowns.

Jeannette Hormuth, City resident, read the Texas Constitution Article I Section 2 and FY2022 proposed Budget.

Steve O'Brien, City resident, spoke regarding the Sanctuary Cities, and urged support of the Sanctuary Resolution for businesses.

Robert Phoenix, County resident, spoke regarding Sanctuary Resolution for businesses.

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 11, 2021 Workshop
- ii. August 16, 2021 Regular Meeting
- iii. August 23, 2021 Special Meeting

Councilmember Musselman pulled item 6. A. ii. August 16, 2021, Regular Meeting and requested these minutes be brought back to the September 20, 2021, Regular Meeting.

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Watson, to approve Consent Agenda items 6. A. i. and iii., with corrections. 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 Annexation for properties that have frontage on Post Oak Road between Live Oak Street and Bowie Street, and those properties fronting on the Cherry Street extension to the north of Bowie Street for approximately 83.33 acres, part of the City's Annexation Plan Area 6 A. and 6 B. (1st of 2 public hearings) (Jason Lutz, Development Services Director).

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of the Regular Meeting into the public hearing at 6:53 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Edward Rode spoke regarding the cost of the annexation and the other proposed annexation. He provided the City Council copies of the law he feels the City should be using when addressing annexations.

Jeffery Hutson stated he is a resident in the area proposed for annexation. He also spoke regarding the Agriculture exemption and the process.

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

8. ORDINANCES AND RESOLUTIONS

A. Consider the approval of Ordinance 2021-18 amending Article IV - Sales of Alcoholic Beverages, of Chapter 8 -Businesses, of the Code of Ordinances, to modify the issuance of Alcoholic Beverage Licenses, to align with the effective term of permits or licenses issued by the Texas Alcoholic Beverage Commission and providing for an effective date (1st of two readings; City Council may waive 2nd reading) (Daniel Jones, City Attorney).

Daniel Jones, City Attorney, reviewed the 2-year licenses process, and this amendment will allow the City to collect the remainder of the current licenses. He noted this would align the City with the TABC permit timeframe.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Ordinance 2021-18 amending Article IV - Sales of Alcoholic Beverages, of Chapter 8 -Businesses, of the Code of Ordinances, to modify the issuance of Alcoholic Beverage Licenses, to align with the effective term of permits or licenses issued by the Texas Alcoholic Beverage Commission and amend the effective date to September 7, 2021, and waive the 2nd reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider the approval of Ordinance 2021-19 amending Chapter 2 - Administration - of the Code of Ordinances, by adopting and adding an Article VII - Administrative Adjudication of Violations - providing for a Civil Administrative hearing process for violations of Ordinances described in Texas Local Government Code Section 54.032 (1st of two readings; City Council may waive 2nd reading) (Daniel Jones, City Attorney).

Daniel Jones, City Attorney, reviewed the history of the criminal process and the pros and cons of an alternative adjudication process.

Jason Lutz, Development Services Director, reviewed the benefits to the alternative adjudication process.

Kent Myers, City Manager, reviewed the history of the types of citations and changes. He also reviewed the benefits of changing to a civil process.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve Ordinance 2021-19 amending Chapter 2 - Administration - of the Code of Ordinances, by adopting and adding an Article VII – Administrative Adjudication of Violations - providing for a Civil Administrative hearing process for violations of Ordinances described in Texas Local Government Code Section 54.032.

Daniel Jones, City Attorney, reviewed the process and stated some administrative items will still need to be worked out.

The City Council reviewed some changes:

- Violation link to the Ordinance
- Effective date December 2021

Kent Myers, City Manager, suggested the effective date be January 1, 2022.

Withdraw Motion: Councilmember Luckenbach and Councilmember Watson withdrew their motion and second.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve the first reading and bring back the Ordinance with the recommended changes.
The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider the approval of Resolution 2021-09R authorizing execution of an Advance Funding Agreement (AFA) with The Texas Department of Transportation for a Transportation Alternatives Set-Aside (TASA) Project (S. Llano Shared-Use Bridge and Ufer Street sidewalk Project) (Garret Bonn, Assistant City Engineer)

Garret Bonn, Assistant Engineer, stated the S. Llano Shared-Use Bridge and E. Ufer Street Sidewalk project would connect E. San Antonio St. to E. Ufer St. via a shared-use bridge that will cross Barons Creek in the S. Llano Right of Way and provide much-needed connectivity between the historic shopping district and many other areas on the south side of Barons Creek such as Old Fair Park, the City's Recycling Center, etc. In 2019, after submittal of an application for funding to TxDOT under the Transportation Alternatives Set-Aside Program, the City received word that the project had been approved for future funding considerations under the Small Urban Transportation Alternative (TA) Funds Conditional project approval list with an 80% (State) and 20% (City). As part of a development agreement Hamuk, LLC, which is developing a hotel at the northwest corner of S. Llano and Ufer St, is responsible for contributing $100,000 towards the cost of the shared-use bridge project. On April 29, 2021, the Texas Transportation Commission formally approved the project and awarded $902,748 in federal funding. The current estimated project cost is $1,128,435, including design, environmental/floodplain clearance, construction, TxDOT administrative costs, and a 15% contingency.

The City Council discussed the project and the timeframe.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve Resolution 2021-09R authorizing execution of an Advance Funding Agreement (AFA) with The Texas Department of Transportation for a Transportation Alternatives Set-Aside (TASA) Project (S. Llano Shared-Use Bridge and Ufer Street sidewalk Project). The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

9. OTHER ACTION ITEMS AND UPDATES

A. Consider a presentation from Chief Chris McCall, TPCA Representative, for the City of Fredericksburg Police Department receiving the Texas Police Chiefs Association (TPCA) Best Practices Program to remain a recognized law enforcement agency (Steve Wetz, Police Chief and Lt. Braxton Roemer).

TPCA Representative Chief Chris McCall spoke regarding the Best Practices Program and the requirements. The Fredericksburg Police Department has received accreditation for the second four-year cycle and third assessment. He reviewed the continued compliance. He presented the re-recognition to Lt. Braxton Roemer, who accepted it on behalf of Chief Steve Wetz.

B. Consider the approval of the Texas Rangers Heritage Center's Professional Services Management Agreement at Fort Martin Scott (Andrea Schmidt, Parks and Recreation Director)

Andrea Schmidt, Parks and Recreation Director, reviewed the history of Fort Martin Scott. She recommended approval of the Professional Service Agreement.

Dr. Joey Gant, Texas Rangers Heritage Center, stated the storage of items in the office and building would need to be discussed with his Executive Board. They would like to assist them with several items until they look at a new location for their items. He noted they would continue the park host program and bring back any fees for approval by City Council.

The City Council discussed the role of the Friends of Fort Martin Scott and a continuing dialog. They also discussed the usage of the RV hook-up.

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Luckenbach, to approval of the Texas Rangers Heritage Center's Professional Services Management Agreement at Fort Martin Scott and an update in 6 months regarding Fort Martin Scott Friends. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider the approval of License Agreement with the Morning Rotary Club to add a splashpad in the green space behind Coach Tony Knopp Town Pool (Andrea Schmidt, Parks and Recreation Director).

Andrea Schmidt, Parks and Recreation Director, reviewed the update from the Morning Rotary Club's proposal to a splash pad behind Pool.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember O'Neill, to approve the License Agreement with the Morning Rotary Club to add a splashpad in the green space behind Coach Tony Knopp Town Pool. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

D. Consider, discuss, and take action regarding the Fredericksburg Convention and Visitor Bureau (CVB) FY2022 proposed Budget presentation (Kent Myers, City Manager).

Ernie Loeffler, the Convention and Visitor Bureau CEO, reviewed the proposed Budget and recapped the accomplishments for the FY2021 Budget. He noted the proposed Budget includes a Master Plan, best practices of COVID, and funding for a survey.

Councilmember Musselman, City Council representative on CVB Board, thanked them for all they do for the community and the visitors. He also praised staff CVB and CVB Board.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve the Fredericksburg Convention and Visitor Bureau (CVB) FY2022 proposed Budget. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

i. Consider the appointment of three (3) new members to fill vacancies and one (1) current Board member to be reappointed to the Fredericksburg CVB Board Members.

Ernie Loeffler, CEO of CVB, reported the Board currently has three vacancies and one reappointment that needs to be made. He recommended the following:

- John Dubea - appoint to fill a vacancy; expiring September 30, 2023.
- Abby McCulloch Mund - appoint to a 3-year term, expiring September 30, 2024.
- Karen Stevenson - appoint to fill a vacancy; expiring September 30, 2023.
- Linda Goldsmith - reappoint to a second 3-year term, expiring September 30, 2024.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve the following Fredericksburg Convention and Visitor Bureau (CVB) Board appointments:
John Dubea - appoint to fill a vacancy; expiring September 30, 2023.
Abby McCulloch Mund - appoint to a 3-year term, expiring September 30, 2024.
Karen Stevenson - appoint to fill a vacancy; expiring September 30, 2023.
Linda Goldsmith - reappoint to a second 3-year term, expiring September 30, 2024.
The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

E. Consider and discuss changes to the proposed FY2022 Budget (Kent Myers, City Manager)

Kent Myers, City Manager, reviewed the final changes

- TABC fee revenues adjustment from $187,000 to $38,600
- Development of a parking deck at CVB $80,000 in Tourism Fund.
- Support set funds aside funds from the American Rescue Fund Act.

The City Council discussed the American Relief Fund and agrees to add $80,000 for the parking proposal.

Kent Myers, City Manager, announced the next meeting related to the budget is the Tax Rate public hearing scheduled for Wednesday, September 15, 2021 at 6 p.m. in the Fire Training Room. He noted the adoption of the FY2022 Budget and FY2021 Tax Rate is scheduled for September 20, 2021 at 6 p.m. in the Law Enforcement Center.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve the FY2022 proposed Budget changes. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

F. Consider and take action regarding an update report on the Winter Storm 2021 After Action Plan (Justin Calhoun, Emergency Management Officer).

Justin Calhoun, Emergency Management Officer, reviewed the PowerPoint regarding lessons learned and updates since Winter Storm.

The City Council discussed the Winter Storm 2021 After Action Plan. They also discussed the FEMA Claims for overtime and the additional $10,000 claim for administrative time.

Kent Myers, City Manager, encouraged Justin to present the same PowerPoint to the County.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the Winter Storm 2021 After Action Plan. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

G. Consider and discuss a report summarizing the Governor's current Executive Orders (GA-38 and GA-39) concerning COVID-19, and the status of related litigation.(Daniel Jones, City Attorney)

Daniel Jones, City Attorney, reviewed the GA 38 and GA 39 required restrictions. He noted it provided clarity and uniformity for the fight against COVID-19 and relied on personal responsibility rather than government mandates. He noted that GA 39 is related to prohibiting vaccine mandates and vaccine passports subject to legislative action. He also noted there are currently six lawsuits in the court systems regarding these orders.

10. CITY MANAGER REPORT

A. Recycling Program

Kent Myers, City Manager, stated the market has come back in the last six months, mainly plastic and newspapers. He noted that this topic would be brought back to the City Council for discussion within the next six months.

B. Relief Route Task Force

Kent Myers, City Manager, stated the Relief Route Task Force would continue with the education on the Relief Route through September. He noted the Task Force felt it was not their role to do a survey, but if Commissioner's Court and City Council want a survey, they would need to handle it. He recommended the City Council hold a Joint Meeting with Commissioners Court to discuss the Relief Route in October or November.

C. Budget Update

Kent Myers, City Manager, provided the following meeting dates and times

- September 15, 2021 proposed Tax Rate public hearing at 6 p.m. in the Fire Training Room.
- September 20, 2021 adoption of Budget and Tax Rate at 6 p.m. in the Law Enforcement Center.

D. STR Update

Kent Myers, City Manager, reminded everyone of the Short-Term Rental Work Session that will be held on September 13, 2021 at 6 p.m. at University Center

E. Texas Tech Workforce Housing Study

Kent Myers, City Manager, stated Texas Tech has offered 12 students the opportunity to work with our community regarding a Housing Study. He also noted Anna Hudson, Historic Preservation Officer, will be the contact person for this project.

11. ITEMS FOR FUTURE AGENDA

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

12. COUNCIL COMMENTS

Councilmember O'Neill provided an update regarding the Chamber of Commerce meeting and SECCO Development.

Councilmember Musselman reminded everyone of the STR Work Session on Monday, September 13, 2021 at 6 p.m. at University Center.

Councilmember Luckenbach stated the Market Square Redevelopment Commission received an anonymous memorial donation for John Klein totaling $380,000. He also reviewed a story of a Freedom Fighter who died because he supported his freedom more than his health.

13. ADJOURN

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to adjourn the Tuesday, September 7, 2021, City Council Regular Meeting at 8:47 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