CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING DECEMBER 6, 2021

The City of Fredericksburg City Council held their regular session on Monday, December 6, 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
Braxton Roemer, Police Lt.
Eric Whiting, Information Technology Director
Lea Feuge, Public Information Officer
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, December 6, 2021.

2. INVOCATION
Pastor Colby Friday, Willow City Church led the Invocation.

3. PLEDGE OF ALLEGIANCE
Sam Sutton led the Pledge of Allegiance.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, recognized the following:

- New citizen commenting on all the services the City provides.
- Leaf Pick up crew for going above and beyond to help a customer
- Officer Rivera for his professionalism.

5. PUBLIC COMMENTS

The City Council received six (6) Written Comments from Eric Hammersen, Tonya Benson, John Weisinger, Michael McCrea, Mike Tatsch, and Anna Wynne-Smith.

Larry Jackson, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Bill Schneider, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Anna Wynne-Smith, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Kimberley Lams, City resident, spoke amendment to the City Council Rules and Procedures.

Evan Tuk, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Kenneth Carr, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Mike Mahoney, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Ray Rogers, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Todd Plunk, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Cullen Eckert, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Michael Manning, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Eric Hammersen, City resident, spoke regarding the City Council Rules and Procedures amendments.

Carol Hammersen, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium and the City Council Rules and Procedures amendments.

Kathy Lux, County resident, spoke regarding the City Council Rules and Procedures amendments.

David Turpin, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Jeffery Morin, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Belinda McDonald, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Jereme Chastain, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Leslie Spraggins, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Tami Smith, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Sara Mock, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Matt Curtis, Williamson County resident, Short-Time Rental (STR) expert, provided his opinion of Short-Term Rentals (STR) 's the economic impact on the City. He announced an STR Workshop on February 3rd, a location to be announced.

Jeannette Hormuth, City resident, spoke regarding the amendments to the City Council Rules and Procedures and American Rescue Plan Funding.

Timothy Riley, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium and the City Council Rule and Procedures amendments.

Ruben Aguilar, City resident, spoke regarding the events occurring in the United States.

Deeny Haertlein, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Marcus Parker, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Edward Rhode, County resident, spoke regarding the procedures for giving notices on annexations.

Emily Reed, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Debra Hollenbeck, City resident, spoke regarding the electrical energy and future issues 5g creates. She also thanked Eric Whiting, Fire Department, and Street/Sidewalk presentation.

Robert Phoenix, County resident, spoke regarding the American Rescue Plan and citizens needing to participate in the City Council Meetings.

Jett Burns, County resident, spoke regarding the amendments to the City Council Rules and Procedures.

Mary Lee Marschall, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium and the American Rescue Plan.

Heath Bell, City resident, spoke regarding the amendments to the City Council Rules and Procedures.

Emily Baehr, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Tammy Pack, City resident, spoke regarding the proposed Short-Term Rental (STR) moratorium.

Jason Lutz, Development Services, reviewed the responsibilities Avenue Insight plays with Short-Term Rental (STR).

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 the City Council November 15, 2021, Regular Meeting Minutes.

B. Consider the approval of Resolution 2021-19R appointing two (2) City representatives to the Gillespie County Economic Development Commission Board (EDC) for a two (2) year term (reappointing Brad Hardin and Jim Jarreau) (Kent Myers, City Manager)

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve Consent Agenda items 6. A. with amendments and 6. B. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

7. ORDINANCES AND RESOLUTIONS

A. Consider the approval of Ordinance 2021-35 amending Article 25.000 - Health Department Fees, of Appendix A -" Fee Schedule", of the Code of Ordinances, to update and amend the fees for temporary food establishment permits issued by the City (City Council may waive the second reading) (Kelli Olfers, Health Department Director).

Kelli Olfers, Health Department Director, reviewed the need to change the Ordinance.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, to approve Ordinance 2021-35 amending Article 25.000 - Health Department Fees, of Appendix A -" Fee Schedule", of the Code of Ordinances, to update and amend the fees for temporary food establishment permits issued by the City. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion to Reconsider: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to reconsider the approval of Ordinance 2021-35 amending Article 25.000 - Health Department Fees, of Appendix A -" Fee Schedule", of the Code of Ordinances, to update and amend the fees for temporary food establishment permits issued by the City. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, to approve Ordinance 2021-35 amending Article 25.000 - Health Department Fees, of Appendix A -" Fee Schedule", of the Code of Ordinances, to update and amend the fees for temporary food establishment permits issued by the City and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider the approval requests of Ordinance 2021-36 Amending Section 17-95 of Chapter 17 – Fire Protection, of the Code of Ordinances, to modify the restrictions related to outdoor burning and fires in the City and providing for an effective date. (City Council may waive the second reading) (Reagan Rabke, Fire Marshall).

Reagan Rabke, Fire Marshall, reviewed the history of the outdoor burning and fire pits. He also reviewed the need for the changes to the current Ordinance.

The City Council reviewed the process of who will enforce the outdoor burning and the location of fire pits regarding setbacks.

Jason Lutz, Development Services Director, reviewed the different scenarios and who would enforce the different situations.

The City Council discussed how the residents would be notified of the changes.

Kent Myers, City Manager, reviewed the different ways staff will inform the residents of the changes.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve Ordinance 2021-36 amending Section 17-95 of Chapter 17 – Fire Protection, of the Code of Ordinances, to modify the restrictions related to outdoor burning and fires in the City and providing for an effective date and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. **Consider the approval of Ordinance 2021-37 amending Section 22.101 of Appendix A -" Fee Schedule", of the Code of Ordinances, to update and amend the Fees for Services rendered by the City's Emergency Medical Services (EMS). (City Council may waive the second reading) (Lynn Bizzell, Fire Chief).**

Lynn Bizzell, Fire Chief, stated the fee schedule is reviewed annually by comparing our EMS fees to other EMS agencies. He noted due to the rise in medical responses and the cost of providing out-of-hospital medical care; the Fire Department is requesting a $100 increase in EMS fees per call.
The City Council discussed the fee increase.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve Ordinance 2021-37 amending Section 22.101 of Appendix A -" Fee Schedule", of the Code of Ordinances, to update and amend the Fees for Services rendered by the City's Emergency Medical Services (EMS) and waive the second reading. 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 a one-year Hotel Occupancy Tax (HOT) Grant Agreement with the Fredericksburg Convention and Visitor Bureau, Inc. (Kent Myers, City Manager).**

Kent Myers, City Manager, reviewed the services the CVB provides to the City and Gillespie County.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve of a one-year Hotel Occupancy Tax (HOT) Grant Agreement with the Fredericksburg Convention and Visitor Bureau, Inc. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. **Consider the approval of the amendment to the City Council Rules and Procedures (Kent Myers, City Manager)**

Kent Myers, City Manager, reviewed the history of the City Council Rules and Procedures. He reviewed the proposed changes.

The City Council discussed the wording on Section 12. The City Council reviewed bringing back Section 12 for a future agenda.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, for the approval of the amendment to the City Council Rules and Procedures and make the following changes:
Section 9-5. Public Comments change the last sentence to...*If a speaker wishes to provide handouts to the City Council and have them follow alone, then they are required to provide the City Secretary with 10 copies before the meeting; if the City Secretary does not receive 10 copies, then the City Council will receive the handout the following day.*
Section 12 bring back the proposed changes at a future meeting.
The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider the approval of a temporary moratorium on new Short-Term Rental (STR) permit applications in R-1 and R-2 zoning districts (Councilmember O'Neill and Councilmember Luckenbach)

Councilmember O'Neill reviewed why she requested this agenda item and why she feels there is a need for a temporary moratorium. The proposed moratorium would only be for R-1 and R-2 Zoning Districts and changes to the applications that are currently in the process. She noted that she feels all the other applications could be handled on a case-by-case basis.

Councilmember Luckenbach reviewed why he feels there should be a temporary moratorium on Short-Term Rentals.

The City Council discussed the proposed temporary moratorium.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of Regular Session and into Executive Session to receive legal advice at 8:50 p.m. (Item 13. B.). The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

13. B. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071:

Receive legal advice regarding Texas Local Government Code Chapters 211, 212, 214 and 245, and applicable Texas case law, concerning enactment of a moratorium, vested development rights, and the takings provision of the Texas Constitution, Article I, Section 17. [551.071(2)].

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Executive Session and into the Regular Meeting at 9:10 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Luckenbach, to approve a temporary moratorium on new Short-Term Rental (STR) permit applications in R-1 and R-2 zoning districts, with a process to address the applications that are currently in the process and a separate process to consider the other applications on a case-by-case basis. The City Council voted two (2) for, and three (3) opposed (Mayor Kiehne and Councilmembers Watson and Musselman). The motion failed.

D. Consider the award of a bid to JaniKing for the Janitorial Services at the City Facilities in the amount of $119,275.19 (Andrea Schmidt, Parks Department Director).

Andrea Schmidt, Parks Department Director, reviewed the bid process and recommended awarding the bid to JaniKing.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to award the bid to JaniKing for the Janitorial Services at the City Facilities in the amount of $119,275.19. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

E. Consider the award of a bid to Tuscany Pavers, LLC. for the pavers and limestone replacement at Marktplatz in an amount not to exceed $300,000 (Andrea Schmidt, Parks Department Director).

Andrea Schmidt, Parks Department Director, reviewed the bid process and the need for the replacement of the pavers. She recommended awarding the bid to Tuscany Pavers, LLC.

The City Council discussed the phases of the pavers and limestone replacement.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to award the bid to Tuscany Pavers, LLC. for the pavers and limestone replacement at Marktplatz in an amount not to exceed $300,000 The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

F. Consider the award of a bid to Interpool Inc. for the plaster replacement at both swimming pools for $210,000 (Andrea Schmidt, Parks Department Director).

Andrea Schmidt, Parks Department Director, reviewed the need for plaster replacement at both swimming pools after the winter storm. She noted insurance did not feel the issues were caused by the winter storm.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to award the bid to Interpool Inc. for the plaster replacement at both swimming pools for $210,000. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

G. Consider the award of a bid to CXT Concrete Building for the purpose of a restroom and shower for the Lady Bird Johnson Park in the amount of $238,856 (Andrea Schmidt, Parks Department Director).

Andrea Schmidt, Parks Department Director, reviewed the history of the restroom and shower at the Lady Bird Johnson Park. She also recommended awarding the bid to CXT Concrete Building.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to award the bid to CXT Concrete Building for the purpose of a restroom and shower for the Lady Bird Johnson Park in the amount of $238,856. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

H. Receive a presentation on the Emergency Medical Services Billing (Lynn Bizzell, Fire Chief).

Lynn Bizzell, Fire Chief, reviewed the current process and the need for an outside source to handle the Emergency Medical Services Billing.

Brent Stovall, Director of Client Development with Emergicon, reviewed the process and the benefits of outsourcing Medical Services Billing.

The City Council asked that a contract be presented at a future agenda.

I. Consider the approval of the implementation of the salary survey conducted by Evergreen Consultants (Tammie Loth, Human Resources Director).

Tammie Loth, Human Resources Director, provided a PowerPoint presentation. She reviewed the process for the step program created for Fire/EMS and Police Department. She reviewed the Salary Survey Cost per department.

Kent Myers, City Manager, stated he feels that every year before the budget process begins, staff should look at our entry-level positions.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve the implementation of the salary survey conducted by Evergreen Consultants. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

10. CITY MANAGER REPORT

A. Special City Council Meeting-December 20 at 5:00 p.m.

Kent Myers, City Manager, reviewed the need for a Special Meeting on December 20, 2021, at 5 p.m.

B. January City Council Work Session-Date to Be Determined

Kent Myers, City Manager, reviewed several items for a proposed City Council Work Session.

The City Council discussed holding a separate meeting for Short-Term Rentals on January 10, 2022, at the University Center (the meeting has moved to January 12). They also agreed to hold a separate Work Session on Monday, January 31, 2022, at the Law Enforcement Center (the meeting has moved to Cardinal Room starting at 1 p.m.).

C. Changes in Shifts for Fire/EMS Employees

Kent Myers, City Manager, reviewed the changes to the Fire/EMS shifts, which will begin on January 1, 2022. He noted during emergency events; the shifts might change to 12 hours on and 12 hours off.

11. ITEMS FOR FUTURE AGENDA

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

12. COUNCIL COMMENTS

Councilmember Musselman spoke regarding the decorum at City Council Meetings.

Councilmember Luckenbach spoke regarding COVID and American Relief Fund.

Mayor Kiehne spoke regarding the Christmas Parade and all those students who participated and attended the Fredericksburg Football Playoff game.

13. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.072 (Deliberations related to Real Property):

A. Consider and discuss Coalition of Post Oak Property Owners, an Unincorporated Nonprofit Association v. The City of Fredericksburg, pending in the 216th District Court [551.071(1)(a)], and

B. Receive legal advice regarding Texas Local Government Code Chapters 211, 212, 214 and 245, and applicable Texas case law, concerning enactment of a moratorium, vested development rights, and the takings provision of the Texas Constitution, Article I, Section 17. [551.071(2)] (previously held).

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Regular Meeting into Executive Session at 10:18 p.m. on item 13. A. The City Council voted five (5) for, and none (0) opposed.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Executive Session into the Regular Meeting at 10:33 p.m. The City Council voted five (5) for, and none (0) opposed.

14. BUSINESS ITEM

No action was taken.

15. ADJOURN

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to adjourn the Monday, December 6, 2021, City Council Regular Meeting at 10:34 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