



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING DECEMBER 7, 2020

The City of Fredericksburg City Council met in a regular session on Monday, December 7, 2020, at 6 p.m. This meeting was held remotely via Zoom Teleconferencing, and in-person at the University Center-HEB Room, 2818 US 290 Fredericksburg, Texas. 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:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman (participated via Zoom)
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(participated via Zoom)
Daniel Jones, City Attorney
Lynn Bizzell, Fire Chief, (participated via Zoom)
Brian Jordan, Development Services Director, (participated via Zoom)
Eric Whiting, Information Technology
Andrea Schmidt, Parks Department Director (participated via Zoom)
Tammie Loth, Human Resources Director (participated via Zoom)
Laura Hollenbeck, Finance Director (participated via Zoom)
Lea Feuge, Public Information Officer
Kris Kneese, Assistant Director of Public Works and Utilities, (participated via Zoom)
Garrett Bonn, Assistant Engineer (participated via Zoom)
Jennifer Krupa, Special Events Coordinator (participated via Zoom)
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 7, 2020, in person at the University Center-HEB Room via Zoom Teleconference. Mayor Kiehne announced a quorum of the City Council present.

2. PLEDGE OF ALLEGIANCE

Mayor Kiehne led the Pledge.

3. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC

Lynn Bizzell, Fire Chief, reported as of 12-7-2020:

World	United States
66,422,058 Positive Cases	14,636,914 Positive Cases

Texas	Case Count	Total Deaths	Active Cases	Recovered Cases	Test Performed	
254 counties out of 254	1,258,214 New 8,712	22,627	200,050	1,038,806	11,455,346	
Region 8 Counties	Region 8 Total Cases	Region 8 Deaths	Region 8 Active Cases	Region 8 Recovered	Region 8 Pending investigation cases	Region 8 Probable
28 out of 28	92,929	2,101	3,596	80,969	905	14,367

COVID-19 totals of the adjacent counties' information (DSHS as of 12-07-2020):

County	New Daily Cases	Cases	Active	Recovered	Fatalities
Gillespie County	17	997	188	786	11
Kerr County	17	415	222	118	25
Kendall County	12	1,031	119	906	17
Llano County	2	140	96	253	5
Mason County	2	354	15	123	2
Blanco County	0	191	15	170	6
Burnet County	0	1,526	224	1,283	19

Texas Hospital Data

Date	# Patients	Daily Confirmed Cases
12-1-2020	9,047	15,182
12-2-2020	9,106	14,758
12-3-2020	9,151	13,857
12-4-2020	9,015	13,581
12-5-2020	8,916	11,672
12-6-2020	8,681	8,436
12-7-2020	8,790	8,712

Lynn Bizzell, Fire Chief, reported on the following:

- CDC Guidelines
- Social distancing to eliminate community spread
- Good hygiene
- Cover your mouth when you cough
- Do not travel to hot spot areas, if possible
- Avoid crowds of 10 or more.
- FISD currently has 34 positive cases.
- Next testing will occur on Monday, December 14 and 20, 2020, at the Pioneer Pavilion from 8 a.m.- 4 p.m.
- HCMH Drive-Up COVID testing has been moved to HCM Immediate Care.
- FISD has closed their schools due to large number of positive cases (62) until after Thanksgiving Holidays.

Kent Myers, City Manager, reported a few key employees have tested positive and several are in quarantine.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, stated he did not have any recognitions.

5. PUBLIC COMMENTS

Mayor Kiehne reviewed the different ways the public could provide comments. He stated the City received one citizen who signed up for verbal comments and three written citizen comments.

Kent Myers, City Manager, read a written statement regarding the COVID-19 Request Tracker (see attached).

Mayor Kiehne reviewed the process for verbally speaking during Citizen Comment Period.

Timothy Riley spoke via Zoom thanked Chief Bizzell for his COVID-19 reports. He suggested the COVID-19 Recovery Task Force Committee address the issue of making people follow the mandates.

Debra Habecker spoke regarding honoring the soldiers who died on December 7, 2020. She also quoted Tucker Carson about human rights.

Tim Bolton spoke in opposition of the COVID-19 Tracking Tool. He provided the history of another time that he believes is similar to the process used for the Tracking Tool.

Matt Long stated he is a member of the Fredericksburg Tea Party. He stated he believes that this Reporting Tool goes against individuals' freedom and liberty and their rights.

Jennifer Jarvic spoke against the COVID-19 Tracking Tool. She also spoke against the collections of names and the improper way of how people wore their masks.

Tonya Benson spoke against the COVID-19 Tracking Tool. She stated she believes personal liberties are going under attack.

Theresa Griffith spoke against the COVID-19 Tracking Tool. She noted that some people can't wear a mask and that the mandate and tool are invasions of privacy.

Jeannette Hormuth spoke against the COVID-19 Tracking Tool. She stated she believes a lot of issues begin with the government telling everyone what they can do.

Dana McGill spoke against the COVID-19 Tracking Tool. She stated she feels the tool is a form of dictatorship.

Carolyn Lux spoke against the COVID-19 Tracking Tool. She stated she believes individuals are solely responsible for their actions and behaviors.

Ken Olson spoke against the COVID-19 Tracking Tool. He also stated he feels the mandate is not enforceable.

Jerry McCorkle spoke against the COVID-19 Tracking Tool. He stated he believes the mandate is not enforceable and violates the law and constitution.

Annette Bennett spoke against the COVID-19 Tracking Tool. She requested the Tracker Tool be removed.

Angela Smith stated she is the founder of the Fredericksburg Tea Party. She stated she believes CivicPlus, the website provider, collected information for 3rd party providers.

Kimberly Lains spoke against the COVID-19 Tracking Tool. She stated she is a business owner and wants a chance to make her business work and feels the tool fights her opportunity to be successful.

Rosemary Estenson spoke against the COVID-19 Tracking Tool. She stated she believes this Tracker Tool will put neighbors against neighbors.

Tom Marschall spoke against the COVID-19 Tracking Tool. He noted he was a Poll Watcher at Gillespie County Central Counting and displayed what he saw when Ballot Boxes were opened.

Ryan Carrion spoke against the COVID-19 Tracking Tool. He stated the only proper mask is the N95 mask, and most people don't use the mask correctly.

Beth Anne McDonald stated the Governor's mask mandate only requires a mask to be worn when you are unable to social distance.

James McDonald spoke against the COVID-19 Tracking Tool. He inquired about the intent of the tracker because the violations are safety-related and not against the laws.

Susan Danzler spoke against the COVID-19 Tracking Tool. She provided statistics on the number of positive cases when people always wore a mask.

Robert Phoenix spoke against the COVID-19 Tracking Tool. He read a letter from a friend from Poland who spoke of the invasion.

Cody Lawson spoke against the COVID-19 Tracking Tool. He reviewed the science of the virus and the usage of the mask.

Cody Music spoke against the COVID-19 Tracking Tool. He stated he believes the tracker is not the correct approach and recommended sitting down with others and coming up with a solution.

Mary Studor spoke against the COVID-19 Tracking Tool. She read the Oath of Offices that the City Council signed.

George Studor spoke against the COVID-19 Tracking Tool. He read an email he sent the City Council regarding the virus and protocol of a disaster.

Jim Chapman spoke against the COVID-19 Tracking Tool. He noted he feels the action of the Tracking Tool violates the constitution of the United States.

Cord Switzer spoke against the COVID-19 Tracking Tool. He stated he believes this tool is encouraging everyone to tell on each other.

Luke Lozano spoke regarding the budget and the Social Protocols line item. He spoke against the COVID-19 Tracking Tool.

Angela Pinch spoke against the COVID-19 Tracking Tool. She stated she believes business owners should be protected against this type of abuse.

Karla Harch spoke against the COVID-19 Tracking Tool. She stated she believes that wearing a mask creates additional health issues and should be a personal choice.

Derek Spence spoke against the COVID-19 Tracking Tool. He stated she believes the tracker is a waste of time and the City Council should not put the Police Department in the position to address the complaints.

Luke Ramos spoke against the COVID-19 Tracking Tool. He encouraged the City Council to remove the tool from the website.

Kelley Welsch spoke against the COVID-19 Tracking Tool. She stated local businesses need the tourist and the residents and feels this tool is harmful.

KK Welsch spoke against the COVID-19 Tracking Tool. She stated food and beverage industries were hit the hardest during the shutdown, and now they are getting hit again with the tool.

Julie Jumes stated she provided written comments that included pictures of how easy it to deduct a child wearing a mask. She stated she does not want her daughter wearing a mask due to trafficking.

6. CONSENT

A. Consider approval of Minutes (Shelley Goodwin, City Secretary):

- i. November 2, 2020, City Council Regular Meeting**
- ii. November 16, 2020, City Council Special Meeting**

B. Consider the approval of the appointments of three (3) appointments to the Gillespie County Health Board (Kelli Olfers, Health Department Director).

C. Consider the approval of two (2) appointments to the Economic Development Board for two (2) year terms (Kent Myers, City Manager).

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the Consent Agenda. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

7. ORDINANCE

A. Consider the approval of Ordinance 2020-2020 approving an increase in both City and Employee Deposit Rate to the Texas Municipal Retirement System (TMRS) from 6% to 7% and authorizing Updated Service Credits and CPI Increases to TMRS, and establishing an effective date for the Ordinance (1st of two readings; City Council may waive second reading). (Kent Myers, City Manager).

Kent Myers, City Manager, stated at the last City Council Work Session, the City Council directed to bring an Ordinance for the City Council to consider. He stated the packet includes the TMRS cover letter, Ordinance, and Plan Change Study.

The City Council discussed the proposed Ordinance and the CARES funding the City received. They also discussed the impact the increase of 1% will have on future budgets. They also discussed the need for retaining employees, the 3.5% tax cap the City is facing in future budgets, and other businesses not giving a raise this year.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to move Ordinance 2020-2020 approving an increase in both City and Employee Deposit Rate to the Texas Municipal Retirement System (TMRS) from 6% to 7% and authorizing Updated Service Credits and CPI Increases to TMRS, forward to hold a 2nd reading on December 21, 2020. 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 additional carryover of PTO time for emergency personnel (Kent Myers, City Manager).

Kent Myers, City Manager, stated the City provides paid time off (PTO) time for City employees for time away from work while sick, on vacation, and for other purposes. PTO ranges from 12 days a year to 27 days, depending on the number of years you have been with the City. The maximum amount of PTO that can carry over is 480 hours (60 days). He noted with the impact of the virus that some personnel in the Police Department and Fire/EMS have not taken their time off. This item is requesting that those individuals carry their excess PTO hours over to the next year, so they do not lose them.

The City Council discussed the number of employees involved and inquired whether there are other City employees in the same situation. They also discussed a possible payout.

The City Council agreed by consensus to take no action and to bring this agenda item back to December 21, 2020, Council Meeting with other options and budget figures.

B. Consider, discuss, and take appropriate action regarding the LBJ Golf Course (Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities and Chris Meade, Regional Manager for Touchstone).

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, provided the golf course history and the contract with Touchstone. He also reviewed the benefits and successes that Touchstone has achieved.

Chris Meade, Regional Manager for Touchstone, provided an update on their customer service challenges and necessary improvements at the beginning of the contract and their future improvements. He also reviewed their financial status and upcoming goals.

9. CITY MANAGER REPORT

A. November 30 City Council Work Session

Kent Myers, City Manager, updated the City Council on the STR Ordinance status, Annexation schedule for Cherry Street, and the 5-year Finance Plan, including a limited SWOT Analysis.

B. Legislative Issues

Due to time, this report will be provided at the December 21, 2020, City Council Meeting.

C. Recent Personnel Changes

Due to time, this report will be provided at the December 21, 2020, City Council Meeting.

D. Development Services Director Position

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, provided an update on the interview process and the remaining three interviews. He stated the City has some good prospects for the positions, and the process has been going well.

10. ITEMS FOR FUTURE AGENDA

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

11. COUNCIL COMMENTS

No comments were provided.

12. EXECUTIVE SESSION

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

- A. 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), and**
- B. Consider and discuss claim against the City filed by J. Rosanky (551.071)**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of the Regular Session into Executive Session at 9:11 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Executive Session into the Regular Session at 9:33 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

13. BUSINESS ITEM

12. B. Consider and discuss claim against the City filed by J. Rosanky (551.071)

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to deny the claim submitted by J. Rosanky. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

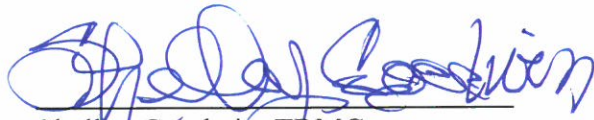
14. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Rickert, to adjourn the Monday, December 7, 2020, City Council Regular Meeting at 9:34 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.



Charlie Kiehne
Mayor

ATTEST


Shelley Goodwin, TRMC
City Secretary