



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING DECEMBER 21, 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
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
Daniel Jones, City Attorney
Lynn Bizzell, Fire Chief
Brian Jordan, Development Services Director
Eric Whiting, Information Technology
Andrea Schmidt, Parks Department Director
Tammie Loth, Human Resources Director
Laura Hollenbeck, Finance Director
Lea Feuge, Public Information Officer
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Jennifer Krupa, Special Events Coordinator
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 21, 2020, 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 12-21-2020:

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

Texas	Case Count	Total Deaths	Active Cases	Recovered Cases		
254 counties out of 254	1,413,684 New 8,107	25,415	271,931	1,279,067		
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	155,154	2,323	13,871	138,969	4,798	23,143

COVID-19 totals of the adjacent counties' information (DSHS as of 12-21-2020):

County	New Daily Cases	Cases	Active	Recovered	Fatalities	Probable
Gillespie County	10	960	92	1,148	16	283
Kerr County	17	1403	348	1,642	32	599
Kendall County	13	760	143	1,131	30	530
Llano County		417	159	391	6	139
Mason County		156	51	159	2	56
Blanco County		223	48	214	7	46
Burnet County		1,739	286	1,525	23	95

Texas Hospital Data

Date	# Patients	Daily Confirmed Cases
12-14-2020	9,304	8,771
12-15-2020	9,472	14,556
12-16-2020	9,528	14,805
12-17-2020	9,628	16,864
12-18-2020	9,709	12,192
12-19-2020	9,796	12,244
12-20-2020	9,856	6,244
12-21-2020		8,107

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.
- FISH currently has 37 positive cases.
- Public schools in Texas 57,137 student positive cases and 33,027 staff positive cases.
- Next testing dates are tentatively January 4, 10, and 17, 2021, at the Pioneer Pavilion from 8 a.m.- 4 p.m.
- HCMH currently has 6 COVID-19 patients.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, provided the following recognitions:

- David Wisniewski for his retirement as Fire Marshall and then coming out of retirement to serve as Emergency Management Officer.
- A thank you was received for the leaf pickup program crew for going above and beyond.
- Received a thank for Officer Harry Doss' professionalism during a traffic stop
- Thank you to all City employees who have worked hard to maintain services during this pandemic.

5. PUBLIC COMMENTS

Mayor Kiehne announced that there were three (3) written comments provided, and they can be located on the City's website under Agendas.

Jael Fisk encouraged the City Council to do what the residents want and remove the mask campaign.

Jett Burns spoke regarding the CARES funding and amounts given to the State of Texas and to Fredericksburg. He also asked that the City Council not ignore the residents.

Timothy Riley encouraged the City Council to find additional ways to allow residents to speak. He also spoke regarding encouraging more patriots to speak.

6. CONSENT

A. Consider approval of Minutes:

- November 16, 2020, City Council Regular Meeting**
- November 30, 2020, City Council Workshop Meeting**

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve the Consent Agenda. On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

7. ORDINANCE

A. Consider the approval of Ordinance 2020-21 amending Article V-Speed Regulations of Chapter 44- Traffic and Motor Vehicles – of the Code of Ordinances, to amend the maximum speed limit for the far western portion of US 290 within the City limits, determined upon the basis of an Engineering and Traffic Study for said roadway (1st of two readings; City Council may waive 2nd reading).

Garret Bonn, Assistant City Engineer, reviewed the history of the speed limits on W. Main St./US 87 N. Texas Department of Transportation (TxDOT) conducted a speed study along the 290 W corridor. He also reviewed how speed limits are set on Texas highways. He noted based on the results of the study and recent crash data; the following changes are needed:

- Eastbound Traffic (inbound) from the city Limit at Barons Creek to the Western Intersection with US 87N (the "Y") – lower from 55 mph to 50 mph.
- Westbound Traffic (Outbound) from the Western Intersection with US 87N (the "Y") to the City Limit line at Barons Creek – lower from 55 mph to 50 mph.

The City Council reviewed the study and the factors TxDOT uses to change speed limits.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Ordinance 2020-21 amending Article V-Speed Regulations of Chapter 44-Traffic and Motor Vehicles – of the Code of Ordinances, to amend the maximum speed limit for the far western portion of US 290 within the City limits, determined upon the basis of an Engineering and Traffic Study for said roadway and waive 2nd reading.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

B. Employee Salaries and Benefits

- Consider the approval of Ordinance 2020-20 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 (2nd reading; 1st reading was held on December 7, 2020) (Kent Myers, City Manager).**
- Consider the approval of one-time future bonus payment, with agreement to address total compensation package adjustments in the next annual budget cycle as an alternative to the TMRS change (Councilmember Rickert).**

Kent Myers, City Manager, reviewed the history of Ordinance 2020-20 and the effects of the retirement increase would have on the City and employees. He also stated if Ordinance 2020-20 is not approved, then Councilmember Rickert has provided a future bonus option to consider.

Councilmember Rickert reported she doesn't feel it is financially a good time to approve Ordinance 2020-20, so she put together a one-time bonus plan for using the CARES funding reimbursements.

The City Council discussed Ordinance 2020-20 and the one-time bonus plan. They also discussed the future budget effects of the Ordinance. The City Council also discussed a holding a comprehensive workshop regarding salaries and benefits at the beginning of the budget cycle.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve Ordinance 2020-20 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.

Councilmember Musselman requested a clarification to the motion.

Councilmember Musselman moved for a friendly amendment to approve the one-time bonus payments in lieu of Ordinance 2020-20, and Councilmember Rickert, seconded the motion.

The City Council discussed which motion was on the floor and clarified what a vote yes would mean.

Daniel Jones, City Attorney, stated a vote yes would be for the approval of the one-time bonus payments in lieu of Ordinance 2020-20 7% TMRS.

On roll call the City Council voted on the approval of the one-time bonus:

Mayor Kiehne	nay
Councilmember Luckenbach	nay
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	nay

Motion fails two (2) for, and three (3) opposed.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve Ordinance 2020-20 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 .

On roll call the City Council voted on the approval of Ordinance 2020-20.

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	nay
Councilmember Rickert	nay
Councilmember Watson	aye

Motion passes three (3) for, and two (2) opposed.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of additional carryover of PTO time for emergency personnel (Kent Myers, City Manager) (December 7, 2020 no action was taken).

Kent Myers, City Manager, provided an update on the history of the PTO carryover request for emergency personnel.

The City Council discussed allowing the emergency personnel to choose if they want to carryover, or get a payout, or a combination of both.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Rickert, to approve allowing an option for emergency personnel to carryover their PTO or take a cash payout. On roll call the City Council voted on the approval of Ordinance 2020-20.

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

B. Consider the approval of release of access easement at Boot Ranch.

Kris Kneese, Assistant Public Works Director, stated prior to the Boot Ranch development, the City used this easement to access the old Achzen water well site. As part of the development, the developer relocated the water well and constructed paved roads to access the new well, the City no longer uses the easement.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Rickert, to approve the release of access easement at Boot Ranch.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

C. Consider, discuss, and take appropriate action regarding moratorium for outdoor gatherings of 75 or more.

Jennifer Krupa, Special Events Coordinator, reported the expiration date for the current moratorium on special events and outdoor gatherings on City-owned property of 75 or more people is December 31, 2020. She noted there are three upcoming events that have submitted health & safety plans:

- Kid Fish at the creek at Lady Bird Johnson Municipal Park scheduled for the third full week of January
- Hill Country Indian Artifact Show to take place at the Pioneer Pavilion on Saturday, January 23, 2021.
- St. Mary's Catholic Schools Week Parade to take place on San Antonio Street on Monday, February 1, 2021.

Rob Bartell, Hill Country Indian Artifacts, reviewed his Health & Safety Plan for the show.

The City Council discussed the events and their Health & Safety Plan. They agreed by consensus to move forward with the events as requested.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve the extension of the moratorium for outdoor gathering of 75 or more until February 28, 2021.

On roll call the City Council voted:

Mayor Kiehne	aye
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Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

D. Consider the approval of the 2021 City Employee Holidays.

Kent Myers, City Manager, reviewed the proposed 2021 City Employee Holidays.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the 2021 City Employee Holidays as presented.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

E. Consider the approval of a bid and purchase of playground equipment at Marktplatz.

Andrea Schmidt, Parks Director, provided the history of the playground equipment at Marktplatz and the funding raising project of the Market Square Redevelopment Commission. She noted all the funding had been raised, so the Commission will be able to take advantage of the grant. She recommended the City Council approve the purchase of the playground from Game Time for a total of \$218,117.90.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve the bid and purchase of playground equipment at Marktplatz.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

F. Consider and discuss granting a non-exclusive access easement to property owner located at 535 N. Lee Street.

Daniel Jones, City Attorney, provided the history of the Central Hill subdivision plat and a 25' wide strip of land dedicated to the City. He stated this piece of land was to be used as a public roadway, but the City never built the road. He noted the attorney for the property owner of 535 N. Lee Street is requesting a non-exclusive access easement agreement to provide continued access across the public easement to their property.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve the granting of a non-exclusive access easement to the property owner located at 535 N. Lee Street.

On roll call the City Council voted:

Mayor Kiehne	aye
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Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

G. Consider, discuss, and take action approving location for January City Council and other Public Meetings

Kent Myers, City Manager, reviewed the history of the City Council and other Public Meetings held during COVID-19 and changes made due to high positive cases. He noted the University Center is available for hybrid meetings; however they have a policy that masks are required for all meetings and as well as sanitizing the room upon completion of the meeting.

The City Council discussed the positive cases of COVID-19 and the different options of holding meetings. The City Council agreed to consider the meetings in 30 days at a time.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve holding the January City Council and other Public Meetings via Zoom.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

H. Consider, discuss, and take action regarding May 1, 2021, City Election Plan.

Shelley Goodwin, City Secretary, reviewed the May 1, 2021, City Election Plan and the additional expenses for election expenses.

The City Council discussed the Election Plan and the additional expenses. They also discussed the election calendar and different ways to encourage voting participation.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve the May 1, 2021, City Election Plan and additional expenses.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously five (5) for, and none (0) opposed.

9. CITY MANAGER REPORT

A. Legislative Issues

Kent Myers, City Manager, stated he will bring the report back to the January 4, 2021 City Council Regular Meeting.

B. Recent Personnel Changes

Kent Myers, City Manager, reviewed all of the recent retirements, promotions, transfers, hires, and vacancies.

C. Development Services Director Position.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, announced that Jason Lutz has been hired as the Development Service Director. He will start on February 1, 2021. He also thanked Brian Jordan for his dedication to the City.

10. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the upcoming agenda items and the items to be added.

11. COUNCIL COMMENTS

Councilmember Musselman thanked David Wisniewski for his dedication and service to the City.

Councilmember Rickert thanked Brian Jordan for his dedication and service to the City. She also welcomed Jason Lutz to the City Staff Team.

12. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 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).**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of the Regular Session into Executive Session at 8:01 p.m.

On roll call the City Council voted:

Mayor Kiehne	aye
Councilmember Luckenbach	aye
Councilmember Musselman	aye
Councilmember Rickert	aye
Councilmember Watson	aye

Motion passes unanimously 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 Session at 8:23 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

13. BUSINESS ITEM

No action was taken.

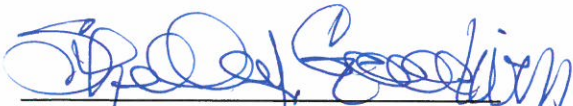
14. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to adjourn the Monday, December 7, 2020, City Council Regular Meeting at 8:24 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