



City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA

MONDAY, JANUARY 4, 2021 ~ 6 P.M.

VIA ZOOM

Charlie Kiehne, Mayor
Tom Musselman, Councilmember
Bobby Watson, Councilmember

Jerry M. Luckenbach, Councilmember
Polly Rickert, Councilmember
Kent Myers, City Manager

The City of Fredericksburg City Council will meet in a regular session on Monday, January 4, 2021, at 6 p.m. **This meeting will be held via Zoom Teleconferencing (see details below).**

Members of the public may attend remotely using one of the following:

Computer Join Zoom Meeting:

<https://us02web.zoom.us/j/84219992785>

Meeting ID: 842 1999 2785

Passcode: 462202

Join by Telephone:

888 788 0099 US Toll-free

877 853 5247 US Toll-free

Meeting ID: 842 1999 2785

You may also access this meeting through livestream on the City of Fredericksburg's Facebook page.

Audio of this meeting will be recorded and uploaded to the City website following the conclusion of the meeting.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC

4. EMPLOYEE RECOGNITIONS

5. PUBLIC COMMENTS

During the COVID-19 pandemic, the City of Fredericksburg is allowing written or verbal public comments:

Written Comments: to be submitted remotely:

1. Must be received by 3 p.m. on January 4, 2021.
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to sgoodwin@fbgtx.org; or
4. Complete a Citizen Comment Form located inside the Public Access entrance at 126 W. Main Street, Fredericksburg, Texas, and place in the box marked Citizen Comment Form.

Copies of the submitted comments will be provided to the City Council and made public on the City website under the “January 4, 2021, City Council Regular Meeting” tab.

Verbal Comments:

1. Must submit your name, address and contact information to sgoodwin@fbgtx.com by 3 p.m. on January 4, 2021.
2. Please log on to the meeting 15 minutes early.
3. Set your name in the ID on the Zoom Meeting
4. Wait for your name to be called.

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 Minutes (Shelley Goodwin, City Secretary):
 - i. December 7, 2020, City Council Regular Meeting (Agenda Packet Pages 5-12)

7. OTHER ACTION ITEMS AND UPDATES

- A. Consider, discuss, and take action regarding 2021 Legislative priorities (Kent Myers, City Manager).
(Agenda Packet Pages 13-16)
- B. Consider, discuss and take action regarding a Citizen Request to be on City Council Agenda to discuss the rescinding of Fredericksburg Declaration of State of Local Disaster and Mask Mandate or establish criteria to be met for the rescinding the same items in the near future (George Studor).
(Agenda Packet Pages 17-38)

8. CITY MANAGER REPORT

- A. Next City Council Work Session

9. ITEMS FOR FUTURE AGENDA

(Agenda Packet Pages 37-40)

10. COUNCIL COMMENTS

Reports about items of community interest, which no action will be taken.

11. 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):

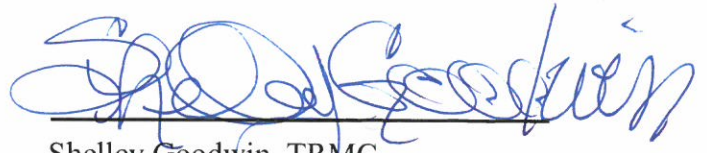
- A. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of US 290 E at the Pedernales River crossing, approximately two miles to the east of the City of Fredericksburg (Sec. 551.072).

12. BUSINESS ITEM

The City Council will reconvene into Regular Session upon the conclusion of the Executive Session; the City Council may take action on any item posted in Executive Session, as necessary.

13. ADJOURN

This is to certify that I, Shelley Goodwin, posted this Agenda at 4:50 p.m. on December 29, 2020, at the entrance and on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

A handwritten signature in blue ink, appearing to read 'Shelley Goodwin', is written over a horizontal line.

Shelley Goodwin, TRMC
City Secretary



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 Preformed	
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



CITY COUNCIL MEMO

DATE: December 28, 2020
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: 2021 Legislative Priorities

Summary:

It is important for the City Council to set your 2021 legislative priorities for the coming year so that we can ensure that City staff addresses these priorities in our meetings and discussions with legislative members and their staffs during the coming months. This information is also useful for the public to understand the priorities that we will be addressing during the upcoming legislative session.

Recommendation:

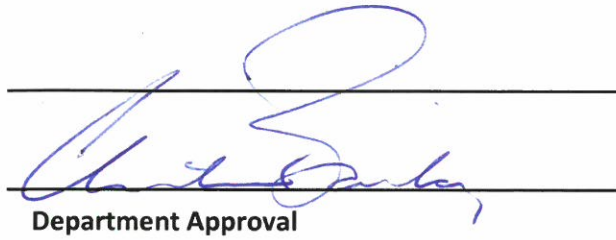
It is recommended that the City Council consider the attached listing of legislative priorities. Following any changes or additions by the Council, it is recommended that the listing of legislative priorities be approved.

Background / Analysis:

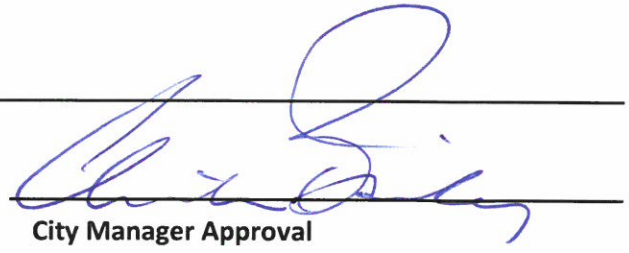
Attached is a draft of the City's legislative priorities for the coming year. These priorities are based upon recent discussions with Council members. Also, several of these priorities were previously adopted by the City Council prior to the 2019 legislative session.

Attachments:

Draft of Legislative Priorities.



Department Approval



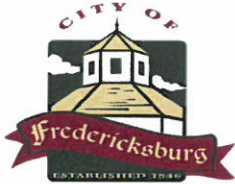
City Manager Approval

DRAFT

City of Fredericksburg

2021 Legislative Priorities

1. Support Efforts to Preserve Municipal Authority to Regulate Short-Term Rentals
2. Support Bill that Will Allow Use of a Portion of the City HOT Funds to Park Improvements that Directly Benefit Visitors
3. Support Efforts to Preserve Municipal Authority to Issue Certificates of Obligation (C of O) for Infrastructure Improvements
4. Oppose Legislation that Would Create Additional Limits on Municipal Authority to Set Property Tax Rates
5. Support Efforts to Amend HB 2439 (2019) that Prohibits Cities from Adopting or Enforcing Ordinances that Limit the use of Certain Building Products or Materials.
6. Support any legislation that eliminates unfunded mandates for which the costs for the legislation is passed down to residents.
7. Support the City's efforts to preserve the provisions in HB 4347 (2019) which includes an allowance for a future conference center in the City of Fredericksburg to qualify for a rebate of their 6% State HOT revenues over a 10-year period.
8. Oppose legislation that would diminish the City's authority to regulate growth and development through land use and development regulations, building codes, comprehensive planning, annexation or eminent domain.



City of Fredericksburg

Citizen Request to be on City Council Agenda

Name: George Studor

Address: 1015 Avenue D, Fredericksburg, TX

Phone number: 281-415-3986

Email: [REDACTED]

Topic: Rescind Fredericksburg Declaration of State of Local Disaster and Mask Mandate
or Establish Criteria to be met for the rescinding the same items in the near future.

Topics may be added to the agenda by a citizen by one of the following:

1. Mayor's approval
2. Approval by at least two City Councilmembers

Rules for topics:

1. Not a political item
2. Maximum time allotted is 10 minutes
3. Your form and Mayor's approval, or approval from two City Councilmembers must be received by the City Manager 7 days before the meeting (City Council Regular Meetings are held on the 1st and 3rd Monday unless a holiday and then it will be held the following day).
4. If your topic will have backup material, it will need to be submitted with this form. No information should be distributed at the Council Meeting.
5. No more than one (1) Agenda Item should be requested.

Office Use

Date received form: 12-22-2020

approved 12-24-2020

Mayor's signature _____ approval date _____

Councilmember _____ approval date _____

Councilmember _____ approval date _____

Agenda Date: 1-4-2021

January 4, 2021
City Council Meeting Agenda item
Fredericksburg TX
George Studor
1015 Avenue D
281-415-3986

Request the Council to:

- 1. Rescind Fredericksburg Declaration of State of Local Disaster**
- 2. Rescind the Mask Mandate and related resolutions**
- 3. Establish a “hands-off” policy with respect to COVID 19 guidelines that puts it in the same category as other communicable diseases.**

(1) Rescind the Fredericksburg Mask Mandate:

- Mayor Keihne made a public promise on October 27th 2020
- Fredericksburg Emergency Management Plan(current: June 2017) calls for **ONLY** advisory directives – NOT broad unenforceable mandates.
- Allow Freedom of Choice – Individuals and businesses know the risks of COVID, preventative and therapeutic treatments are available.
- Stop the division between pro-Mask and anti-Mask opponents.

(2) Rescind the “Declarations of Local Disaster(DLD)” due to COVID19

- Fredericksburg can no longer fits the definition of “Disaster” in Texas Gov Code 418 – not widespread/severe and doesn’t require emergency action.
 - also THSC Chapter 81 “Public Health Disaster” (see Backup pg 9&10)
- Declaration of Local Disaster was meant to be SHORT TERM (TGC 418).
- TGC 418.108(b) Requires “consent of the governing body” (City Council) for the Declaration to be continued beyond 7 days...only done once!
- **on March 23rd, the FBG City Council’s 2020-07R granted “consent to the continuation of the disaster declaration indefinitely.” – Inappropriate!**
- Related City Resolutions like 2020-12R need to be rescinded with it.

(3) Establish a “hands-off” policy on COVID19 guidelines which would treat COVID19 like other communicable diseases.

Return to Pre-COVID Normal disease management - consistent with Disaster Life-Cycle Planning & Fredericksburg Emergency Management Plan.

Proposed DECLARATION OF POLICY with respect to COVID19:

“Whereas there no longer exists a LOCAL STATE OF DISASTER over the COVID19 epidemic, the City of Fredericksburg has rescinded its past COVID mandates and will treat COVID19 in like manner to other communicable diseases are treated, with individuals, businesses and organizations allowed the freedom to make decisions regarding COVID19 risks. The city recognizes the free right and responsibility of every individual to make choices and act for their own best interest in this matter in careful consideration for others. A list of City Resolutions and Ordinances that are rescinded will be provided on our website. The City of Fredericksburg reserves the right to establish its own rules for city property and its employees. Current advice and guidance will be provided to all at our webpage:

<https://www.fbgtx.org/1009/Coronavirus-COVID-19-Information>
and <https://www.fbgtx.org/1003/Coronavirus-COVID-19-Information>”

(Note: recommend consolidating these two webpages).

Backup Charts

March 13 – Governor’s Texas Disaster Declaration

March 19/31 – GA08/31- Social-Distancing

- FBG: March 19/20 – Fburg Local State of Disaster; Gillespie County SoD
- **FBG: March 23 – Fburg City Council Resolution 2020-07R**

“consent to the continuation of the disaster declaration indefinitely.”

April-June – GA16, 18, 21, 23, 26 – “Open Texas” – cities can require masks

- **FBG: June 29 – Supplemental Order for Mandatory Wearing of Face Coverings**
 - **“unless extended, modified or terminated by the city council, county judge or Governor of Texas”**

June 26 - GA28 – 50% occupancy + much more - GA 10, 13, 17, 19, 24, 25, 27 still in force

- July 2 – GA29 – wear a face mask - \$250 fine/no jail
 - Counties with fewer than 30 cases/14 day period exempt

- FBG: August 10 – Extend June 29th order to September 30

August 25 – TABC Business “Best Practices” & Checklist

Sep 17 – GA30/31 – reopening, non-essential medical

- FBG: Sep 28 – Extend Local State of Disaster & June 29th order to November 2 -

Oct 7 – GA32 – reopening revisions - \$1,000 fine

- FBG: Nov 2 – Extend Local State of Disaster & June 29th order to November 16
- FBG: Nov 16 – Extend Local State of Disaster & June 29th order to November 30
- FBG: Nov 30 – Extend Local State of Disaster & June 29th order to December 31

Some History - 2020

RESOLUTION 2020-07R

WHEREAS, on March 19, 2020, Mayor Linda Langerhans declared a local state of disaster for the City of Fredericksburg, due to concerns related to the coronavirus pandemic (COVID-19) (the "disaster declaration"); and

WHEREAS, the Texas Government Code provides that such a declaration of disaster may not be continued for a period of more than seven days, except with the consent of the governing body of the political subdivision; and

WHEREAS, the City Council unanimously approved a motion at the March 23, 2020 meeting to consent to the continuation of the disaster declaration indefinitely.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:

Section 1. That the City Council hereby consents to the disaster declaration signed by Mayor Linda Langerhans on March 19, 2020, and amended on March 20, 2020, and consents to its continuation indefinitely, until such time as it is terminated by order of the Mayor or the City Council.

PASSED AND APPROVED this 23rd day of March, 2020.


Mayor

ATTEST:


City Secretary

Indefinitely?
WHY???

WHAT
WERE
YOU
THINKING???

No further
involvement
by City Council
in 2020?

Latest CDC Guidelines – Dec 2020 – No change

- If these are Guidelines, why can't individuals make their own choices as to when and how they follow them?

- Wash your hands often with soap and water for at least 20 seconds. If soap and water are not available, use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose and mouth with unwashed hands.
- Avoid close contact with people who are sick.
- Stay home if you feel sick.
- Cover your cough or sneeze with a tissue, then wash your hands.
- Clean and disinfect frequently touched objects and surfaces.
- Practice Social Distancing.
- Wear a mask or face covering.

Texas Government Code 418:

- 1975 - Texas Disaster Act established
- 1978 - FEMA was established
- 1987 - Texas Government Code(TGC) 418 Emergency Management
- **“Declaration of Disaster”** is the cornerstone of putting Texas Emergency Management into action.
- **Sec. 418.015. “EFFECT OF DISASTER DECLARATION.**
“(a) An executive order or proclamation declaring a state of disaster:
(1) activates the disaster recovery and rehabilitation aspects of the state emergency management plan applicable to the area subject to the declaration; and
(2) authorizes the deployment and use of any forces to which the plan applies and the use or distribution of any supplies...”

Is there Rationale for a Local Disaster Declaration?

Definition of Disaster: Sec. 418.004.

"**Disaster**" means **the occurrence or imminent threat of widespread or severe damage, injury, or loss of life** or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, **epidemic**, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity **requiring emergency action**, or energy emergency.

Public Health Disaster – Definition

Texas health and Safety Code – Chapter 81.003

Sec. 81.003. DEFINITIONS.

(7) "Public health disaster" means:

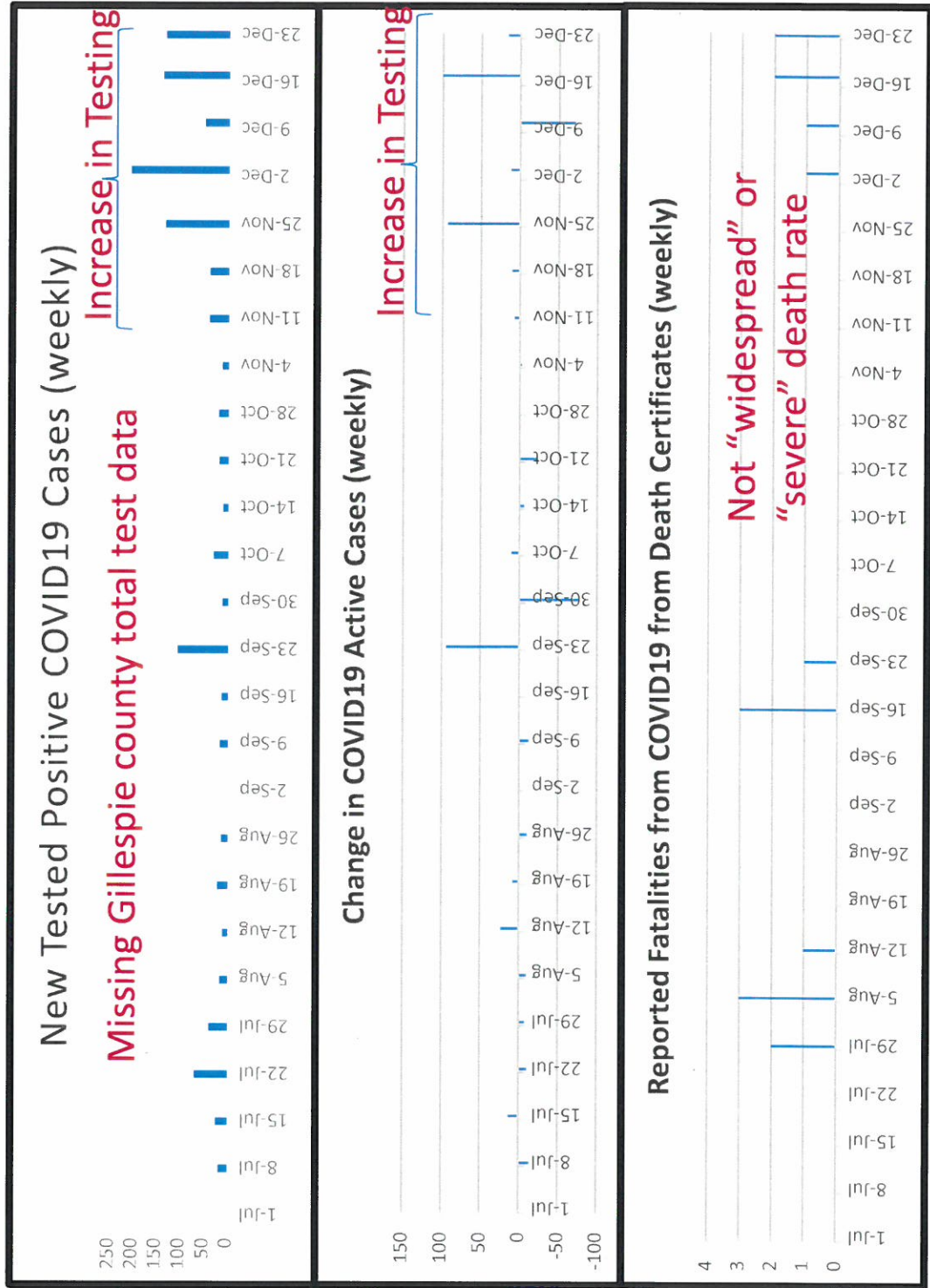
- (A) a declaration by the governor of a state of disaster; and
- (B) a determination by the commissioner that there exists an immediate threat from a communicable disease that:
 - (i) poses a high risk of death or serious long-term disability to a large number of people; and
 - (ii) creates a substantial risk of public exposure because of the disease's high level of contagion or the method by which the disease is transmitted.

[https://statutes.capitol.texas.gov/Docs/HS/htm/HS.81.htm#:~:text=\(7\)%20%22Public%20health%20disaster,large%20number%20of%20people%3B%20and](https://statutes.capitol.texas.gov/Docs/HS/htm/HS.81.htm#:~:text=(7)%20%22Public%20health%20disaster,large%20number%20of%20people%3B%20and)

Is there Rationale for a Local Disaster Declaration?

- **"Disaster" the occurrence or imminent threat of:**
 - **"widespread or severe injury or loss of life"**
 - **17 deaths out of 27,000+ in the county**
 - ✓ **"resulting from an Epidemic"**
 - **COVID19 is still an epidemic**
 - **"requiring emergency action"**
 - **Local Disaster was declared in Fburg 3/20/2020**
 - **Subsequent orders to manage the crisis.**
 - **Emergency Actions still required in Fburg?**

Do the Gillespie County Trends Indicate that Emergency Action is Required?



Terminating the Declaration of State of Disaster:

TGC Sec. 418.014. “The state of disaster continues until the governor:

- (1) finds that: (A) the threat or danger has passed; **or**
 - (B) the disaster has been dealt with to the extent that **emergency conditions no longer exist**;
- and (2) terminates the state of disaster by executive order.”

“The legislature by law may terminate a state of disaster at any time.
On termination by the legislature, the governor shall issue an executive order ending the state of disaster.”

TGC 418.108(b) - Local Disaster Requires the Governing Body to allow it to be continued or Renewed:

“A declaration of local disaster may not be continued or renewed for a period of more than seven days except with the consent of the governing body of the political subdivision or the joint board as provided by Subsection (e), as applicable.”

City Order Rescinding the Declaration of Local Disaster should be sent to Gillespie County.

- **Sec. 418.102. COUNTY PROGRAMS.**
- (a) **Each county shall maintain an emergency management program** or participate in a local or interjurisdictional emergency management program that, except as otherwise provided by this chapter, **has jurisdiction over and serves the entire county** or interjurisdictional area.
 - (a-1) An emergency management program required by Subsection (a) and maintained by a county, or in which a county participates, must provide for catastrophic debris management.
- (b) **The county program is the first channel through which a municipal corporation or a joint board shall request assistance when its resources are exceeded.** Requests that exceed the county capability shall be forwarded to the state as prescribed in the state emergency management plan.

Fredericksburg Emergency Management

418.106 (a) “Each local and interjurisdictional agency shall prepare and keep current an emergency management plan for its area, providing for disaster mitigation, preparedness, response, and recovery.”

418.106 (b) “Each local or interjurisdictional agency shall conduct at least one public meeting each calendar year to exchange information about its emergency management plan.”

Fredericksburg Emergency Operations Plan – Annex H - Health and Medical – Current June 2017(Not updated for COVID19)

- Ref: <https://www.fbgtx.org/291/Emergency-Operations-Plan>

FBurg EM Director – Mayor Charlie Kiehne

FBurg EM Coordinators – John Culpepper and Dave Wisniewski

Note: According EM Training: “Individuals have the ultimate responsibility for their own personal emergency plans. It is important not to neglect the personal aspect of emergency response.”

TGC418.106 Emergency Management - Local Gov Responsibilities

- **Preparedness:**
 - Recognize hazards and assess potential risks
 - Determine community's capability to mitigate risks/respond
 - Identify Improvements
 - Update existing plans
- **Preparation:**
 - Improvements & cooperation agreements
 - Stockpile supplies/equipment
 - Educate the public
 - Train emergency personnel
 - Activate response plans
 - Execute Contracts
 - Develop operating procedures
 - Establish Warning Systems
- **Recovery:**
 - Assessing Damage caused by the emergency
 - Assisting citizens to return to a normal life as soon as possible.
- **Mitigation:**
 - Establish codes, ordinances and land-use programs to minimize future impact
 - Implement additional training programs
 - Investigate complaints

Fredericksburg Emergency Operations Plan(EOP)

Health and Medical – June 2017

Ref: <https://www.fbgtx.org/291/Emergency-Operations-Plan>

I. Activities By Phases of Emergency Management

Monitoring and Enforcing Compliance

1. Prevention:

Nothing about Issuing, Monitoring and Enforcing Compliance

- a. Give immunizations.
- b. Conduct continuous health inspections.
- c. Promote and encourage the use of the blood donation program.
- d. Conduct specialized training (e.g. hazmat, decontamination, etc.).
- e. Conduct epidemic intelligence, evaluation, presentation, and detection of communicable diseases.
- f. Conduct normal public health awareness programs.

2. Preparedness:

- a. Maintain adequate medical supplies.
- b. Coordinate with County/City officials to ensure water quality.
- c. Coordinate with County/City officials to provide safe waste disposal.
- d. Review emergency plans for laboratory activities regarding examination of food and water, diagnostic tests, and identification, registration and disposal of the deceased.
- e. Train and exercise personnel.

Fredericksburg Emergency Operations Plan(EOP)

Health and Medical – June 2017

Ref: <https://www.fbgtx.org/291/Emergency-Operations-Plan> **Compliance**

3. Response:

Nothing about Issuing, Monitoring and Enforcing Public Mandates

a. Conduct public information programs dealing with personal health and hygiene.

b. Conduct disease control operations.

c. Monitor sanitation activities.

d. Ensure that supplies of potable water are available.

e. Conduct environmental health activities regarding waste disposal, refuse, food and water control, and vector control.

f. Begin the collection of vital statistics.

4. Recovery:

a. Compile health reports for state and federal officials.

b. Identify potential and/or continuing hazards affecting public health.

c. Distribute appropriate guidance for the prevention of the harmful effects of the hazard.

d. Continue to collect vital statistics

Also Suggest:

- Assign an action to the Fredericksburg Emergency Management Coordinators after the city council discusses and agrees to the wording of the action which follows up on the 3 Propositions.
 - Coordinate with COVID19 Recovery Task Force, Gillespie County Health Board, and legal.
 - Initial Response Due as a Jan 18, 2021 City Council agenda item.

• Develop Criteria and Action Plan to return to Fredericksburg to Normal ASAP:

- Recommend any COVID19 Emergency Actions that can be justified.
- Recommend a plan to eliminate these remaining COVID19 Emergency Actions as soon as practical.
- Assess relevance and consistency with county & state executive orders and make recommendations.
- Recommend updates to Fredericksburg Emergency Operating Plan, Annex 8 - Health and Medical (dated 6/2017)

Sec. 418.021. FEDERAL AID FOR LOCAL GOVERNMENT.

(a) On the governor's determination that a local government of the state has suffered or will suffer a substantial loss of tax and other revenue from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, the governor may apply to the federal government on behalf of the local government for a loan and may receive and disburse the proceeds of an approved loan to the local government.

(b) The governor may determine the amount needed by a local government to restore or resume its governmental functions and certify that amount to the federal government. The amount sought for the local government may not exceed 25 percent of the annual operating budget of the local government for the fiscal year in which the major disaster occurs. (c) The governor may recommend to the federal government, based on the governor's review, the cancellation of all or part of repayment if in the first three full fiscal years following the major disaster the revenues of the local government are insufficient to meet its operating expenses, including additional disaster-related expenses of a municipal operation character.

Future Agenda Items

City Council

January 19, 2021 Regular Meeting

City Council = Red

4th and 19th Regular Meetings @ 6p.m.

Planning & Zoning = Green 1-6-2021 @ 5:30 p.m.

Historic Review Board = Purple 1-12-2021 @ 5:30 p.m.

Board of Adjustment = Blue 1-14-2021 @ 5:30 p.m.

City Events = Yellow

Sun	Mon	Tues	Wed	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Proclamation

Consent

1. 1-4-2021 City Council Regular Meeting Minutes
2. 12-21-2020 City Council Regular Meeting Minutes

Ordinances

Resolutions

1. Call the May 1, 2021 City General Election

Public Hearing

1. Z-2019 Keller Oaks CUP

Approvals

1. Z-2019 Keller Oaks CUP
2. Swimming Pool Agreement

Presentations, Discussions and Updates:

1. Proportionality appeal analysis for the Windcrest subdivision

Executive Session

1. Annual performance evaluation for City Manager and City Attorney

February 1, 2021 Regular Meeting

City Council = Red

4th and 19th Regular Meetings @ 6p.m.

Planning & Zoning = Green 1-6-2021 @ 5:30 p.m.

Historic Review Board = Purple 1-12-2021 @ 5:30 p.m.

Board of Adjustment = Blue 1-14-2021 @ 5:30 p.m.

City Events = Yellow

Sun	Mon	Tues	Wed	Thur	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

Proclamation

Consent

- 1-19-2021 City Council Regular Meeting Minutes

Ordinances

Resolutions

Public Hearing

Approvals-Misc.

Presentations, Discussions and Updates:

Executive Session