

CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING JANUARY 19, 2021

The City of Fredericksburg City Council met in a regular session on Tuesday, January 19, 2021, at 6 p.m. This meeting was held remotely via Zoom Teleconferencing. 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
Steve Wetz, Police Chief
Russell Immel, Director of Information Technology
Eric Whiting, Information Technology
Andrea Schmidt, Parks Department Director
Laura Hollenbeck, Finance Director
Lea Feuge, Public Information Officer
Justin Calhoun, Emergency Management Coordinator
Reagan Rabke, Fire Marshall
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 Tuesday, January 19, 2021, 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 1-19-2021:

1-19-2021:

World		United States					
94,124,612 Positive Cases		23,653,919 Positive Cases					
Texas Counties	Texas Total Cases	Texas Deaths	Texas Daily New Deaths	Texas Active Cases	Texas Daily New Cases	Texas Recovered	Texas Probable
254 out of 254	2,135,028	32,394	310	376,764	8,312	1,711,009	262,414
Region 8 Counties	Region 8 Total Cases	Region 8 Deaths	Region 8 Active Cases	Region 8 Pending investigation	Region 8 Recovered	Region 8 Probable	Region 8 Confirmed
28 out of 28	221,666	2,823	20,307	7,948	198,547	32,732	179,986

COVID-19 totals of the adjacent counties' information (DSHS as of 1-19-2021):

County	Cases	Active	Recovered	Fatalities	Probable
Gillespie County	1,368 (17 New Cases)	99	1,728	32	462
Kerr County	1,797	240	2,768	61	1,223
Kendall County	1,141	136	1,748	44	769
Mason County	216	82	254	4	124
Llano County	558	136	639	30	247
Blanco County	265	276	31	11	53
Burnet County	2,022	1,933	229	34	174

Schools

Texas Public Schools	FISD
800,078 – Staff 44,662 - positive cases	26 positive cases
2,873,692 - Students 74,277 - positive cases	

Vaccines -Texas

Doses Allocated	Doses Shipped	People vaccinated – 1 dose	People fully vaccinated	Total doses administer
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3,334,900	1,725,575	1,181,483	177,193	1,358,676
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Vaccines -Gillespie County

People vaccinated – 1 dose	People fully vaccinated
1,084	20

Hospital Data

Date	# Patients	Daily New Confirmed Cases
1-13-2021	14,106	21,000
1-14-2021	14,052	20,000
1-15-2021	13,953	21,300
1-16-2021	13,929	20,500
1-17-2021	13,728	15,700
1-18-2021	13,858	10,100
1-19-2021	13,900	8,312

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.
- Last week testing was conducted, and 1,428 people were tested, and 886 were Gillespie County residents. The testing resulted in 184 positive cases.
- The next COVID-19 testing will be February 11th – 15th, 2021, from 8 a.m. – 4 p.m. at the Pioneer Pavilion.

The City Council discussed the tracking, cost, and getting information out to the residents for the vaccines.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, provided the following recognitions:

- Thank you for Shelley Goodwin, City Secretary for her performance during the November 3, 2021 City Election.
- Thank you for Tammie Loth, Clinton Bailey, Kris Kneese, Jeff Rich and the Water/Wastewater Department for their assistance with taking care of a sewer backup problem.
- Thank you for Brian Jordan's service to the City of Fredericksburg and tonight is his last City Council meeting.

5. PUBLIC COMMENTS

Mayor Kiehne reviewed the different ways the public could provide comments. He stated the City received twelve citizen who signed up for verbal comments (5 by agenda items) and two written citizen comments.

Tonya Benson signed up to speak during this agenda item; however, she did not speak when she was called on.

Kathy Lux spoke regarding the World Health organization and the effects that lockdowns have on people.

Nobel Fisk spoke regarding a clear goal to getting back to business and holding an in-person City Council meetings.

Jennifer Jarvie spoke regarding shutdowns and the need to shut down more businesses like Wal-Mart and HEB.

Matt Long spoke regarding the 2021 City Council Legislative Priorities and the priorities that he opposes because he feels Cities are trying to take residents' rights.

Timothy Riley spoke regarding the need for the City to educate the public on several issues.

Kenneth Olson, signed up to speak during this agenda item; however, he did not speak when he was called on.

Jael Fisk spoke regarding the City Council's need to care about what the residents want.

George Studor spoke regarding the City Council's plan to get out of the current lockdown status. He also read Debbie Reed's email regarding the vaccine and asked how the City Council plans to address residents without emails.

6. CONSENT

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

i. December 21, 2020 City Council Regular Meeting

ii. January 4, 2021, City Council Regular Meeting

Motion: A motion was made by Councilmember Musselman, 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. PUBLIC HEARING

A. Hold Public Hearing to receive comments for or against a subdivision proportionality appeal petition for the Oaks of Windcrest Phase V Subdivision. The appeal relates to the construction of a section of West Windcrest Drive adjacent to Phase V which is comprised of 60 single-family residential lots (Clinton Bailey, Assistant City Manager/Director of Public Works/Utilities).

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to open the Public Hearing at 7:41 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.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, provided the Oaks of Windcrest Subdivision history. He stated as discussed at the August 12, 2020, City Council meeting, the City's subdivision ordinance allows a developer to file a subdivision proportionality appeal petition for relief with the Director of Public Works and Utilities to contest the requirement to construct public improvements. It is the Director of Public Works and Utilities' responsibility to review the petition and make a recommendation to the City Council. Based on the petition filed by the developer and the recommendation of the Director of Public Works and Utilities, the City Council must then determine whether the construction of improvements is "roughly proportional" to the nature and extent of the impacts created by the proposed development on public facilities such as roadways. He reviewed the Ordinance and the actions the City Council can take.

Mark Cornett provided the history and timeline summary. He also reviewed the packet and the contents he provided to the City.

Garrett Bonn, Assistant Engineer, reviewed the bid process, bids, and timeline.

The City Council discussed the timelines, bid process, and summary of the project.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of the Public Hearing and back into the regular session at 8:13 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 passed unanimously five (5) for, and none (0) opposed.

8. ORDINANCE

A. Consider the approval of Ordinance 2021-1 amending Section 24.200 of Appendix A-Fee Schedule, of the Code of Ordinances, to update and amend the fees for use of Lady Bird Johnson Park Pool and Town Pool by Recreational Program providers (1st of two readings; City Council may waive 2nd reading).

i. Consider approval of non-exclusive license agreement between the City and program provider for programs within City park pools. (Andrea Schmidt, Park Department Director).

Andrea Schmidt, Park and Recreation Director, provided the history of the programs that groups provide at Park Pool. She stated that these groups do not have a license agreement. She reviewed the Ordinance and the proposed rates for Park Pool lanes and the Park Pool leisure Pool for Non-profits and For-profit.

The City Council reviewed the proposed Ordinance and license agreement.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Rickert, to approve Ordinance 2021-1 amending Section 24.200 of Appendix A-Fee Schedule, of the Code of Ordinances, to update and amend the fees for use of Lady Bird Johnson Park Pool and Town Pool by Recreational Program providers and the license agreement. ***A Friendly Amendment to the Original Motion:*** A motion was made by Councilmember Musselman, seconded by Councilmember Rickert, to approve Ordinance 2021-1 amending Section 24.200 of Appendix A-Fee Schedule of the Code of Ordinances, to update and amend the fees for use of Lady Bird Johnson Park Pool and Town Pool by Recreational Program providers and to waive the second 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.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve the non-exclusive license agreement between the City and program provider for programs within City park pools. 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. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of an Election Order to call the General Election on May 1, 2021 for the purpose of electing two (2) City Councilmembers to City Council, adding the provisions for the conduct of such election. (Shelley Goodwin, City Secretary).

Shelley Goodwin, City Secretary, reviewed the proposed Order calling the Saturday, May 1, 2021, General Election. This election is to elect two (2) City Councilmembers. Early Voting will be held at the Girl Scout Cabin due to lack of space for Voting in City Hall. She also reviewed the early voting dates. She stated since the creation of the Order; the City was informed that FISD has contracted with the County, and they will be holding their election day voting at the FISD Middle School. She provided the City Council with some options for Election Day Voting.

The City Council discussed the Order and asked that the City Secretary check with the Middle School and see if there is an additional room that the City can use to conduct the City General Election and bring back the Order on February 1, 2021, Regular Meeting.

B. Consider the approval of a subdivision proportionality appeal petition for the Oaks of Windcrest Phase V Subdivision. (Clinton Bailey, Assistant City Manager/Director of Public Works/Utilities).

Jake Gutekunst, Kimley Horn, reviewed the proportionality Methodology and Calculation. He also provided a PowerPoint and reviewed the proposed Development and Roadway Improvements.

The City Council then moved into Executive Session Agenda Item **13. B.**

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

Receive legal advice regarding Texas Local Government Code Section 212.904, rough proportionality, and apportionment of City infrastructure costs for development in the City (551.071).

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of the Regular Session into Executive Session at 8:32 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 Musselman, seconded by Councilmember Luckenbach, to go out of Executive Session into the Regular Session at 8:43 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 Musselman, to go with the City Staff recommendation to deny the petition for relief (option #1 in the Subdivision Ordinance). 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 action regarding 2021 Legislative priorities (Kent Myers, City Manager).

Kent Myers, City Manager, stated every two years, the City Council adopts their legislative priorities, which are then communicated to our legislative delegation at various meetings during the session. The City Council provided direction to combine Councilmember Musselman's list with those provided at January 4, 2021, Regular Meeting. Mr. Myers reviewed the list and noted that none of the priorities listed removed citizens' authority or rights.

Angela Smith signed up to speak during this agenda item; however, she did not speak when she was called on.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to the 2021 Legislative Priorities listed on page 45 of the City Council Agenda Packet. 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.

D. Consider, discuss, and take action regarding a presentation by Dr. Jim Partin with Hill Country Memorial Hospital on Key Community COVID Data (Kent Myers, City Manager).

Dr. Partin, Hill Country Memorial Hospital, reviewed the current COVID-19 case numbers in Gillespie County and the hospital's current number. He also reviewed the importance of watching the hospital's positive cases to ensure they do not get overrun and have to stop all surgeries except emergencies. He noted residents can check the HCM website at www.HillCountryCovid.case and click on "Vaccine Registration" or call 830-990-6648 when vaccines are available.

Kimberly Lams spoke regarding COVID-19 and our duty as residents to attend in-person meetings to receive updates and express concerns. She also compared COVID-19 to other viruses and diseases. She also stated City government needs to stay out of regulating Short Term Rentals.

Jeanette Hormuth signed up to speak during this agenda item; however when she was called on, she did not speak.

The City Council discussed the current COVID-19 positive case numbers, patients in the hospital, and vaccine sign up procedures. They also discussed a benchmark with percentage of residents receiving the vaccine and positive cases curving downwards.

E. Consider, discuss and take action regarding a presentation from the Fredericksburg Soccer Association regarding the proposal for expansion of Oakcrest Park (Andrea Schmidt, Parks & Recreation).

Andrea Schmidt, Parks & Recreation Director, stated the Fredericksburg Soccer Association has a proposal they would like the City Council to consider. She also noted that the Little League Association has also presented a preliminary layout for new baseball fields.

Dan Kemp, Fredericksburg Soccer Association, reviewed the history of soccer in Fredericksburg. He also reviewed the proposed agreement, soccer field layout, and construction budget. He also reviewed the need to move forward with an agreement so that they could begin fundraising.

Mark Southard, Fredericksburg Little League, reviewed the letter he submitted to the City Council and the proposed baseball/softball field layout.

The City Council discussed the lights, parking, and cost for irrigation. They also discussed the proposed agreement's length and the need to include a performance agreement with a renewal process.

Kent Myers, City Manager, stated Staff can continue to negotiate a lease agreement and bring it back to City Council in February or March.

F. Consider, discuss and take action regarding format and location of February City Council and other Public Meetings (Kent Myers, City Manager).

Kent Myers, City Manager, noted that previously the City Council approved the Zoom format due to the increase of COVID-19 positive cases. He noted that the HEB Room at the University Center is currently unavailable. He also reviewed the challenges for hybrid meetings without technology improvements.

Eric Whiting, Information Technology, reviewed the issues that we are facing with using the Law Enforcement Center. He also reviewed the cost to install the equipment and to livestream the meetings.

The City Council discussed the current number of positive cases and different location options. They also discussed the capacity of the Law Enforcement Center using the CDC guidelines.

Motion: A motion was made by Councilmember Rickert to continue holding City Meetings in February via Zoom and to instruct staff to find a venue and the technology to make it work for in-person and livestream City Meetings. ***A Friendly Amendment to the Original Motion:*** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to continue to hold Zoom City meetings for the month of February and ask City staff investigate venues for City Meetings to be used for the hybrid format. 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.

G. Consider, discuss and take action regarding approving the Health and Safety Plan for the Scallywompus events and the Wanderlust Run on March 20, 2021 (Jennifer Krupa, Special Events Coordinator)

Jennifer Krupa, Special Events Coordinator, reviewed the Health and Safety Plan for the Wanderlust Run.

Bart Childers, Scallywompus event, reviewed the event and after race plans. He noted the number of attendees.

The City Council discussed the missing items from the Health and Safety Plan, the gathering planned for the after the race event, and the missing questions.

The City Council agreed to not take action on the Health and Safety Plan, so more information can be completed. They also agreed to consider the plan at the February 1, 2021, City Council Meeting.

10. CITY MANAGER REPORT

A. Selection of New IT Director

Kent Myers, City Manager, announced Russell Immel, IT Director has announced his retirement and the new IT Director will be Eric Whitting. He stated Eric has been with the City of Fredericksburg and currently knows all the City programs and software. He noted with this move Aaron Anderegg will move up to fill Eric's vacancy and Aaron's current position will be posted.

B. Annexation Update

Kent Myers, City Manager, provided an update on the Post Oak Road/Cherry Street Annexation. He noted the Ag Exempt letters have been sent out the property owners and they are due back by March 15, 2021.

C. Marktplatz Improvements

Andrea Schmidt, Parks & Recreation Director, provided an update on Marktplatz. She noted the playground equipment was ordered. Market Square Redevelopment Commission has raised the funds for Phase 1 and they are now moving forward with Phase II fundraising. She also noted the Commission received \$150,000 from the Holden Foundation.

D. Golf Course Improvements

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated Touchstone has informed him that they will be paying for improvements at the Golf Course. He stated this includes the bunker project and the replacement of the windows in the Clubhouse.

11. ITEMS FOR FUTURE AGENDA

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

12. COUNCIL COMMENTS

Councilmember Watson reported he attended Gillespie County Economic Development; the following occurred:

- Discussion on Broadband
- Elected the new board
- Discussion on hotel occupancy
- Discussion on affordable housing

He stated he also attended Airport Committee Meeting and reported T-Hanger are full, but gas is down from last year.

Councilmember Luckenbach reported he attended the Gillespie County Commissioners Court. He also had a meeting with the County Judge and a Commissioner regarding several topics related to the County and City.

Mayor Kiehne thanked the Parks Department for their hard work on the City walking trails.

13. 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 annual evaluation of the City Manager, City Attorney, and Municipal Court Judge (Section 551.074 – Personnel Matters) and

B. Receive legal advice regarding Texas Local Government Code Section 212.904, rough proportionality, and apportionment of City infrastructure costs for development in the City (551.071).

Mayor Kiehne stated 13. A. will be discussed at the February 1, 2021 City Council Regular Meeting. He also noted 13. B. was discussed earlier.

14. BUSINESS ITEM

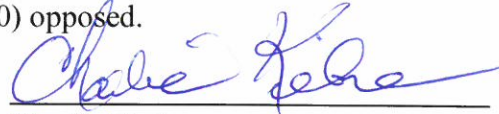
This item was not needed.

15. ADJOURN

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to adjourn the Tuesday, January 19, 2021, City Council Regular Meeting at 10:03 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.



Charlie Kiehne
Mayor

ATTEST


Shelley Goodwin, TRMC
City Secretary