



City of Fredericksburg

CITY COUNCIL REGULAR MEETING AGENDA SEPTEMBER 19, 2022 ~ 6 P.M. LAW ENFORCEMENT CENTER

Jeryl Hoover, Mayor
Tony Klein, Councilmember
Bobby Watson, Councilmember

Sharon Joseph, Councilmember
Emily Kirchner, Councilmember
Clinton Bailey, City Manager

WRITTEN COMMENT

Comment Form #	Name	Address
1	Stuart and Carolyn Schultz	
2	Jeannette Hormuth	
3	George Studor	
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6		
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8		

Shelley Goodwin

From: Carolyn Schultz <scaldm@gmail.com>
Sent: Sunday, September 18, 2022 9:38 PM
To: Citizen Comments
Subject: Please reconsider...

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Categories: CC meetings

Dear Elected Officials,

Please reconsider raising taxes. It is imperative to our families that we not be taxed anymore than what we are paying.

Our dollars are stretched thinner than ever. Food, gas, medical...you name it, everything is going up, up, up. We have trimmed our home budget, eliminated unnecessary expenses and tried to save for the next unexpected expense, like our water well needing a new tank and pump this summer or our son's emergency appendectomy.

We strive to avoid government handouts and programs knowing they should be for the truly destitute. We take pride in being debt free except for our mortgage. But, the reality is that our cushion of 1-2 months living expenses has been eaten away by higher priced everything and salaries that do not begin to keep up with all around inflation.

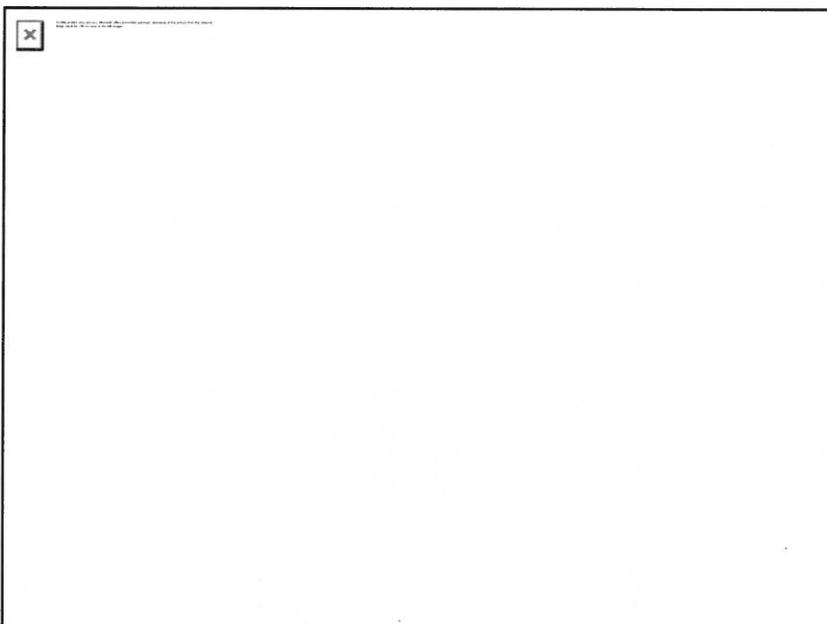
Why would you keep raising taxes?

Is it absolutely necessary? Are there not other things you could do first to trim your budget and eliminate unnecessary expenses?

On behalf of every family and person struggling to make ends meet and keep our heads above water financially, please reconsider. Do not raise taxes.

With gratitude,

Stuart and Carolyn Schultz



It's always easier to spend other people's money.

As the Council considers their vote on the 2022 budget and tax rate, I strongly urge the council to show restraint on the taxpayers' burden and adopt at very least the No New Revenue Tax Rate of .165262 and adjust the budget accordingly.

The No New Revenue Tax Rate should be the norm. Not the exception. For as long as I can recall, Fredericksburg has only once chosen to adopt the no new revenue tax rate, which was last year after a large public outcry. This year, it has been wrongly reported that the city has adopted the no new revenue tax rate for the past three years. This is incorrect. See the documents taken directly from the City website included the end of this writing.

As appraisals go up, the tax rate should come down. The No New Revenue Tax Rate is calculated to adjust for the change in the appraisals so that basically most homeowners would pay about the same amount in taxes as the year before, regardless whether the appraisals have gone up. Meanwhile, the city would collect about the same amount of revenue as the year before, however, the city would still make more money. The No New Revenue Tax Rate does not account for the new home sales or new developments. It also does not account for the large sales tax revenue that the city takes in (which was originally implemented to offset property taxes for the people). This year (as many past years) the City will still benefit from an additional healthy INCREASE in revenue from new home sales and the many large developments that Fredericksburg has had. The city also has enjoyed record increased sales tax revenues.

Instead of striving for a No New Revenue Tax Rate at minimum, year after year, the city has chosen to grow the budget beyond their means, while unreasonably increasing the tax burden on its people.

Mayor and City Council members, you have been entrusted as representatives of the people to whom you are called to serve. Your desire to protect and preserve our way of life, our communities, families and hardworking employees of this town, not to mention your concerns regarding the problem of affordable housing resonates with many.

Housing is no longer affordable when the tax rate continues to rise faster than wages can keep up. The inalienable rights to life, liberty and the pursuit of happiness, not to mention the right of private property, all of which you have pledged to protect through your oath to uphold the Constitution, the contractual agreement between government and the people, are increasingly being infringed upon by the unreasonable imposition of these increased property taxes.

The reality for me, as for many others, is that we are literally being taxed out of our very homes. We are the people of Fredericksburg, the long-time residents who have raise our children here, worked hard, and contributed to this town which we call our own. We are being pushed out. We are being deprived of our property. This is unjust, and unnecessary.

I also ask you, "Is this really the time to be increasing the city budget and charging the taxpayers more?" Many hardworking people are already overly burdened by considerably higher costs for food, gas, energy and other essentials dipping deeper into their pocketbook. Would it not be more prudent and

mindful for the City to exercise all possible fiscal restraint and discipline in consideration of the people who fund the City with their tax money?

As has been demonstrated over the past couple of months by many people have brought forth important data, facts and specific recommendations which provide more than ample ways to curtail the budget and make the numbers work, while still responsibly managing the budget and the essential operations of the City.

Where there is a Will there is a way.

If the City were instead to do their part by not adding burden on their taxpayers and thereby adopting the No-New-Revenue tax rate of .1652, there would be no increase in property tax for most homeowners. At the same time, the City would still reap a healthy increase in their own revenue over last year from new home sales and large housing developments. Also, if the city were to more accurately estimate the fund revenues and city sales tax revenues lines in the budget, while cutting back on the excess increases, the city could potentially even give taxpayers a break below the no-new-revenue rate. Wouldn't this be a better choice for all?

Please be the people's advocate. Direct the City to do what ever it takes to put the budget in line with the No New Revenue Tax Rate or below.

Jeannette Hormuth

ADOPTION OF BUDGET

The City Council adopted the FY 2021 budget at the September 21, 2020 council meeting. The recorded vote on the adoption of the budget is as follows:

Mayor Gary Neffendorf	Yes
Council Member Charlie Kiehne	Yes
Council Member Tom Musselman	Yes
Council Member Polly Rickert	Yes
Council Member Bobby Watson	Yes

PROPERTY TAX

This budget will raise the same amount of revenue from property taxes as last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$91,061.

PROPERTY TAX RATES

	FY 2020	FY 2021
Adopted Property Tax Rate	\$0.227284	\$0.220775
No-New-Revenue Tax Rate	\$0.207284	\$0.220775
No-New-Revenue Maintenance & Operations Tax Rate	\$0.169749	\$0.184625
Voter-Approval Tax Rate	\$0.245636	\$0.241311
Debt Rate	\$0.037535	\$0.036150

The total amount of municipal debt obligation secured by property taxes for the City of Fredericksburg is \$6,455,000.

ADOPTION OF BUDGET

The recorded vote for each member of the governing body by name voting on the adoption of the Fiscal Year 2022 budget is as follows:

Mayor Charlie Kiehne	Yes
Council Member Jerry Luckenbach	Yes
Council Member Tom Musselman	Yes
Council Member Kathy O'Neill	Yes
Council Member Bobby Watson	Yes

PROPERTY TAX

This budget will raise more revenue from property taxes than last year's budget by an amount of \$173,759. The property tax revenue to be raised from new property added to the tax roll this year is \$120,368.

PROPERTY TAX RATES	FY 2021	FY 2022
Adopted Property Tax Rate	\$0.220775	\$0.195823
No-New-Revenue Tax Rate	\$0.220775	\$0.195823
No-New-Revenue Maintenance & Operations Tax Rate	\$0.184625	\$0.168029
Voter-Approval Tax Rate	\$0.241311	\$0.232379
Debt Rate	\$0.036150	\$0.027794

The total amount of fiscal year 2022 municipal debt obligations secured by property taxes for the City of Fredericksburg is \$5,815,000. In fiscal year 2022, the City will spend \$814,251 on principal and interest payments on this municipal debt.

All events approved by the city must be evaluated to not violate Texas Penal code 43
I am particularly concerned that an event at Marketplatz tomorrow – Sep 20th has NOT
been reviewed sufficiently that it complies with Texas Penal code 43.
George Studor

Texas Penal Code 43.24, Sale, Distribution or Display of Harmful Material to Minors, prohibits the dissemination of materials deemed harmful to minors, which is defined as material whose dominant theme taken as a whole:

- (A) **appeals to the prurient interests of a minor in sex, nudity, or excretion;**
- (B) is **patently offensive to prevailing standards in the adult community** as a whole with respect to what is suitable for minors; and
- (C) is utterly without redeeming social value for minors, **but** it also includes an affirmative defense to prosecution if the sale, distribution, or exhibition was by **a person having scientific, educational, governmental, or other similar justification.**

Reference: https://texas.public.law/statutes/tex_penal_code_section_43.24

Unless a proposed activity can prove and document that it's displays or use of harmful materials for minors HAVE scientific, educational, governmental or other similar justifications, that clearly outweigh the risk of harm to public at large and minors specifically, any proposed event on city property should not be allowed.

Should an event be conducted that violates TPC 43.24 without this approval, clearly displayed at the event, law enforcement shall take action to stop the event.

Texas Penal Code 43.27 "Duty to Report"

- a) For purposes of this section, "visual material" has the meaning assigned by Section [43.26 \(Possession or Promotion of Child Pornography\)](#).
- b) A business that develops or processes visual material and determines that the material may be evidence of **a criminal offense** under this subchapter **shall report the existence of the visual material to a local law enforcement agency.**

Section 43.22 Obscene Display or Distribution

43.23 Obscenity

Sec. 43.26 Possession or Promotion of Child Pornography

(a) A person commits an offense if:

- (1) the person knowingly or intentionally possesses, or knowingly or intentionally accesses with intent to view, visual material that visually depicts a child younger than 18 years of age at the time the image of the child was made who is engaging in sexual conduct, including a child who engages in sexual conduct as a victim of an offense under Section 20A.02 (Trafficking of Persons)(a)(5), (6), (7), or (8); and

(2) the person knows that the material depicts the child as described by Subdivision (1).

(b) In this section:

- (1) "Promote" has the meaning assigned by Section 43.25 (Sexual Performance by a Child).
- (2) "Sexual conduct" has the meaning assigned by Section 43.25 (Sexual Performance by a Child).
- (3) "Visual material" means:

(A) any film, photograph, videotape, negative, or slide or any photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative, or slide; or

- (B) any disk, diskette, or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method.
- (c) The affirmative defenses provided by Section 43.25 (Sexual Performance by a Child)(f) also apply to a prosecution under this section.
- (d) An offense under Subsection (a) is a felony of the third degree, except that the offense is:
- (1) a felony of the second degree if it is shown on the trial of the offense that the person has been previously convicted one time of an offense under that subsection; and
 - (2) a felony of the first degree if it is shown on the trial of the offense that the person has been previously convicted two or more times of an offense under that subsection.
- (e) A person commits an offense if:
- (1) the person knowingly or intentionally promotes or possesses with intent to promote material described by Subsection (a)(1); and
 - (2) the person knows that the material depicts the child as described by Subsection (a)(1).
- (f) A person who possesses visual material that contains six or more identical visual depictions of a child as described by Subsection (a)(1) is presumed to possess the material with the intent to promote the material.
- (g) An offense under Subsection (e) is a felony of the second degree, except that the offense is a felony of the first degree if it is shown on the trial of the offense that the person has been previously convicted of an offense under that subsection.
- (h) It is a defense to prosecution under Subsection (a) or (e) that the actor is a law enforcement officer or a school administrator who:
- (1) possessed or accessed the visual material in good faith solely as a result of an allegation of a violation of Section 43.261 (Electronic Transmission of Certain Visual Material Depicting Minor);
 - (2) allowed other law enforcement or school administrative personnel to possess or access the material only as appropriate based on the allegation described by Subdivision (1); and
 - (3) took reasonable steps to destroy the material within an appropriate period following the allegation described by Subdivision (1).