

CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING January 3, 2022

The City of Fredericksburg City Council held their regular session on Monday, January 3, 2022 at 6 p.m. This meeting was held in person at the Law Enforcement Center and live streamed on the Fredericksburg YouTube Channel.

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman
Councilmember Bobby Watson

Members Absent:

Councilmember Kathy O'Neill

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Steve Wetz, Police Chief
Braxton Roemer, Police Lt.
Eric Whiting, Information Technology Director
Lea Feuge, Public Information Officer
Jason Lutz, Development Services Director
Leslie Ball- Embrey, Administrative Assistant
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, January 3, 2022.

2. INVOCATION

Pastor Bobby Vitek, Holy Ghost Lutheran Church led the Invocation.

3. PLEDGE OF ALLEGIANCE

Jeannette Hormuth led the Pledge of Allegiance.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, announced the following recognitions:

- Thank you to Kris Connley for going above and beyond with helping a visitor find their lost backpack.

- Thank you to Evan Schmidt for going above and beyond for assisting with EMS on a call.

5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Mayor Kiehne read a statement regarding those who have applied for American Rescue Fund and those who applied under the lawful guidelines.

Annette Bennett, City resident, spoke regarding the proposed Rules of Decorum.

Kimberly Lams, City resident, spoke regarding the proposed Rules of Decorum and the American Rescue Fund.

Heath Bell, City resident, spoke regarding the American Rescue Fund and the proposed Rules of Decorum.

Eric Hammersen, City resident, spoke regarding the proposed Rules of Decorum and the American Rescue Fund.

George Studor, City resident, spoke regarding the American Rescue Plan Act Funds.

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 the City Council Minutes (Shelley Goodwin, City Secretary):

i. December 20, 2021 Special Meeting

ii. December 20, 2021 Regular Meeting

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Consent Agenda items 6. A. i. and ii. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

7. ORDINANCES AND RESOLUTIONS

A. Consider the approval of Ordinance 2022-01 amending Section 24.100 of Appendix A - Fee Schedule, of the Code of Ordinances, to update and amend the fees for use of Lady Bird Johnson Municipal Golf Course (City Council may waive the second reading) (Chris Meade, Touchstone).

Chris Meade, Touchstone, reviewed the history of the Golf Course Fees. He noted this is the fifth year of contract and they are requesting 5% to continue the outstanding service.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve Ordinance 2022-01 amending Section 24.100 of Appendix A - Fee Schedule, of the Code of Ordinances, to update and amend the fees for use of Lady Bird Johnson Municipal Golf Course and waive the second reading. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

B. Consider the approval of Ordinance 2022-02 amending Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, by making revisions for clarity, by establishing different distances for measurements of sound in residential zoning districts, and by repealing the sunset provision; and

**providing for an effective date. (City Council may waive the second reading)
(Brian Vorauer, Patrol Lieutenant).**

Brian Vorauer, Patrol Lieutenant, reviewed the history of the Ordinance and the need for changes.

The City Council discussed the process of measuring the sound and the distant to measure from.

Jason Lutz, Development Services Director, reviewed the different distance for measurement and recommended 25 feet from source or 10 feet from the property line.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Ordinance 2022-02 amending Article VI. - Noise and Sound Level Regulation, of Chapter 20 of the Code of Ordinances, Section 20-210 b) 1) 25' and b) 2) 10' by making revisions for clarity, by establishing different distances for measurements of sound in residential zoning districts, and by repealing the sunset provision; and providing for an effective date. The City Council voted four (4) for, and none (0) opposed to approve the on first reading of the Ordinance. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of an Agreement for Specialized Professional Ambulance Billing Services with Emergicon, LLC. (Lynn Bizzell, Fire Chief).

Lynn Bizzell, Fire Chief, reviewed the history of the EMS billing. He noted the benefits of contracting out the billing for EMS. He also noted that Staff recommends contracting with Emergicon, LLC.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve the Agreement for Specialized Professional Ambulance Billing Services with Emergicon, LLC. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

B. Consider the approval of amendment to the City Council Rules of Procedure Public Comment Policy Section 12- Decorum and Debate (Daniel Jones, City Attorney).

Kent Myers, City Manager, stated the Texas Open Meetings Act was amended in 2019 to create a right for the public to make comments at City Council meetings. The proposed decorum section, set forth in Section 12 of the City Council rules of procedure, is written to comply with the Texas Open Meetings Act, while providing for the orderly conduct of City Council Meetings.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve the amendments to the City Council Rules of Procedure Public Comment Policy Section 12- Decorum and Debate. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

C. Consider the approval of the findings on the proposed Post Oak Road annexation area zoning (Z-2102) (Jason Lutz, Development Services Director).

Jason Lutz, Development Services Director, reviewed the 6 required findings:

1. City Council shall make a specific finding as to whether the change is consistent with the objectives of this Ordinance and with the Comprehensive Plan.

2. The property affected by the request is adequate in size and shape to facilitate those uses normally associated with the requested designation.
3. The property affected by the request does not exceed the capabilities of the infrastructure.
4. The request will have no adverse effect on any property within six hundred (600) feet of the affected property.
5. The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan.
6. The request, together with the applicable conditions, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve the findings on the proposed Post Oak Road annexation area zoning (Z-2102). The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

D. Consider the award of the American Rescue Plan Act (ARPA) funding to local non-profit organizations (Kent Myers, City Manager).

Kent Myers, City Manager, stated In May 2021, the City was informed that we were eligible to receive funding from the ARPA by the U.S. Department of Treasury. During the FY 2022 Budget process, he noted that the City Council agreed to include funding for broadband improvements, generators, and Municipal Court backlog of cases due to COVID. He noted the remaining balance was set aside in this year's Budget for unallocated expenses. The City Council discussed the remaining balance of ARPA funds and agreed to solicit applications from local non-profit agencies that met the Department of Treasury requirements.

Dr. Andrea Bray, Frontera Healthcare Network, reviewed the services they provide related to a clinic within the community and focusing on pediatric age and parents of children. She also reviewed the request and the benefits they would have on the community.

Abigail Garces, Hill Country Council on Alcohol and Drug Abuse, reviewed the need for the assistance from the American Rescue Funds. She also reviewed the benefits from the funds and what the funds would be used for. She also provided a handout regarding their programs.

Cindy Heifner, Hill Country Community Needs Council, reviewed the number of people they have served and the different programs they provide to the community. She also reviewed the benefits the ARPA funds would bring to their programs.

Pastor Bobby Vitek, Holy Ghost Lutheran Church, reviewed the programs that the American Rescue Funds would benefit within the community. He noted the effects that COVID-19 has had on their programs.

Bobby Walsch and Mike Eilers, St. Vincent de Paul Society of St. Mary's Church, reviewed the programs they offer within the community. He also reviewed the effects that COVID-19 had on their programs and the benefits the funds would provide to their programs.

Hattie Allen, The Grace Center, reviewed the programs they provide within the community. She reviewed the benefits their programs would receive from the funding.

The City Council thanked the applicants and for all they do for the community.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to award Frontera Healthcare Network \$15,900 from American Rescue Plan Act (ARPA). The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to award Hill Country Council on Alcohol and Drug Abuse \$30,000 from American Rescue Plan Act (ARPA). The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to award Holy Ghost Lutheran Church \$23,000 from American Rescue Plan Act (ARPA). The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to award St. Vincent de Paul Society of St. Mary's Church, \$120,000 from American Rescue Plan Act (ARPA). The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to award The Grace Center, \$120,000 from American Rescue Plan Act (ARPA). The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to award Hill Country Community Needs Council, \$120,000 from American Rescue Plan Act (ARPA). The City Council voted three (3) for, none (0) opposed, and (1) abstain (Councilmember Musselman-filed a conflict affidavit). The motion carried unanimously.

9. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Heath Bell, City resident, read Affidavit to Show Clean Hands and Federal Partnerships.

Debra Habecker, City resident, continued to read the Affidavit to Show Clean Hands and Federal Partnerships.

Annette Bennet, City resident, continued to read the Affidavit to Show Clean Hands and Federal Partnerships.

Jerry McCorkle, City resident, continued to read the Affidavit to Show Clean Hands and Federal Partnerships.

Jeannette Hormuth, City resident, continued to read the Affidavit to Show Clean Hands and Federal Partnerships. The group provided one box of signed Affidavit to Show Cleans Hands and Federal Partnerships for each of the Mayor, City Council, and City Manager (City Secretary signed an Acknowledgement Receipt.).

Kimberley Lams, City resident, spoke regarding COVID-19 and VAERS Report.

Eric Hammersen, City resident, spoke regarding the American Rescue Funds.

10. CITY MANAGER REPORT

A January 12, 2022, Council Work Session

Kent Myers, City Manager, announced January 12, 2022, Work Session (STR) at 6 p.m. at the University Center.

B. January 31, 2022, Council Work Session

Kent Meyers, City Manager, announced the January 31, 2022, Work Session at 1 p.m. at Cardinal Room. He also reviewed the list of items.

C. January 4, 2022, Candidate Orientation

Kent Myers, City Manager, announced that there would be a Candidate Orientation tomorrow Tuesday, January 4, 2022.

COUNCIL COMMENTS

Mayor Kiehne thanked everyone for the outstanding New Year's Events and all who assisted.

11. ITEMS FOR FUTURE AGENDA

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

12. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.072 (Deliberations related to Real Property) and 551.074 (Personnel Matters):

- A. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of S. Milam Street at Whitney Street, in the City of Fredericksburg, Texas (551.072) and**
- B. Consider and discuss the annual evaluation of the City Attorney and Municipal Court Judge (Section 551.074).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of the Regular Meeting and into Executive Session at 8:09 p.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of the Executive Session and into the Regular Meeting at 8:55 p.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

13. BUSINESS ITEM

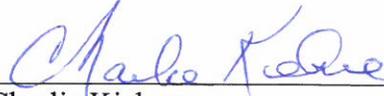
Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve the abandonment and conveyance of City-owned property to the adjacent property owners the property located at the intersection of Milam and Whitney Street subject to the following: 1) the owners paying for all costs for transfer of ownership; 2) the City retains the necessary utility easements on the property; and 3) the owners assume responsibility for all property maintenance. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve an annual salary of \$105,000 for the Municipal Court Judge and make

the increase effective January 1, 2022. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

14. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to adjourn the Monday, January 3, 2022, City Council Regular Meeting at 8:58 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.



Charlie Kiehne
Mayor


Shelley Goodwin, TRMC
City Secretary