



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING FEBRUARY 7, 2022

The City of Fredericksburg City Council held their regular session on Monday, February 7, 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
Councilmember Kathy O'Neill

Members Absent:

No one was absent.

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
Brian Vorauer, Patrol Lieutenant
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, February 7, 2022.

2. INVOCATION

Pastor Cody Carnett, Fredericksburg Christian Fellowship, led the Invocation.

3. PLEDGE OF ALLEGIANCE

Wes Pack led the Pledge of Allegiance.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, announced the following recognitions:

- Daryl Kott for going above and beyond with assisting a senior citizen with their trash can.
- Margie Rivera for assisting Development Services with their recent mailouts.

5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA.

Mayor Kiehne stated the City Council receive 1 written comment.

Randy Briley, City resident, spoke regarding the proposed Noise Ordinance (2022-02).

Michael Manning, Harper resident, spoke regarding the proposed Noise Ordinance (2022-02).

Moses Sanchez, City resident, spoke regarding the proposed Noise Ordinance (2022-02).

Elvis Flores, City resident, spoke regarding the proposed Noise Ordinance (2022-02).

Qutemo Flores, City resident, spoke regarding the proposed Noise Ordinance (2022-02).

Leslie Spraggins, City resident, spoke regarding the proposed Noise Ordinance (2022-02).

Jeffery Morin, City resident, spoke regarding the approval of Granicus and using a decimal reader.

Bill Synder, City resident, spoke regarding the proposed Noise Ordinance (2022-02).

Emily Reid, City resident, spoke regarding the proposed Noise Ordinance (2022-02).

Jeanette Hormuth, City resident, spoke regarding January 3, 2022, Minutes and proposed Noise Ordinance (2022-02).

Russ York, non-resident, spoke regarding the proposed annexation Ordinance (2022-06).

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. January 3, 2022 Regular Meeting.

ii. January 18, 2022 Regular Meeting

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve Consent Agenda items 6.A ii. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Councilmember Musselman o pull 6.A.i. January 3, 2022, Regular Meeting Minutes. He noted Bobby Vitek was missed spelled on Agenda Packer page 8 under D.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve Consent Agenda items 6.A i. with corrections. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

7. ORDINANCES AND RESOLUTIONS

A. Consider the approval of Ordinance 2022-02 on second reading to 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 (Brian Vorauer, Patrol Lieutenant).

Brian Vorauer, Patrol Lieutenant, reviewed the Noise and Sound Level Regulation history and the process used when going to a call related to noise and sound. He reviewed the process that was used for the City Council field trip.

The City Council discussed the residential nighttime hours. They also discussed the process for habitual STR violators.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2022-02 on second reading to amend 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. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- B. Consider the approval of Ordinance 2022-06 annexing to the City approximately 72.50 acres of land, located on the west and east sides of Post Oak Road, from W. Live Oak to 2,800 feet north of S. Bowie Street, Gillespie County, Texas; extending the Corporate Limits of the City, so as to include said territory; granting to all inhabitants and future inhabitants of said territory all of the rights and privileges of other citizens of the City; binding the inhabitants and future inhabitants of said territory by any and all acts, ordinances, resolutions and regulations of said City; and adopting an Annexation Service Plan for the extension of municipal services into said territory and the construction and maintenance of public utilities related to such annexation (City Council may waive the second reading) (Jason Lutz, Development Services Director).**

This item was discussed in Executive Session and voted on as Agenda Item 14.

- C. Consider the approval of Ordinance 2022-07 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 72.50 acres of land, generally located on the west and east sides of Post Oak Road, from W. Live Oak to 2,800 feet north of S. Bowie Street; changing said property from Rural Residential (RR), Low Density Residential (LDR), Parks and Open Space (POS), and Commercial (C) to Low Density Residential (LDR), Medium Density Residential (MDR), and Commercial (C); providing that the change become a part of the Comprehensive Plan, and providing for an effective date (City Council may waive the second reading) (Jason Lutz, Development Services Director).**

This item was discussed in Executive Session and voted on as Agenda Item 14.

- D. Consider the approval of Ordinance 2022-08 amending the Zoning Ordinance of the City and establishing the Zoning District as to approximately 72.50 acres of land, generally located on the west and east sides of Post Oak Road, from W. Live Oak to 2,800 feet north of S. Bowie Street, situated in the City; establishing said property as Single-Family Residential (R1), Mixed Residential (R2), and Neighborhood Commercial (C1); and providing for an effective date (City Council may waive the second reading) (Jason Lutz, Development Services Director).**

This item was discussed in Executive Session and voted on as Agenda Item 14.

- E. Consider the approval of a Resolution 2022-02R relating to establishing the City’s intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various city improvements from the proceeds of Tax-Exempt Obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date (Kent Myers, City Manager).**

Kent Myers, City Manager, stated this Resolution would allow the City to charge the costs for the architectural services to the bond in the future if the Council uses General Obligation bonds for the Public Safety building.

Daniel Jones, City Attorney, read the correct wording for the motion to be made.

Motion: A motion was made by Councilmember O’Neill, I move the City Council adopt a Resolution 2022-02R relating to establishing the City’s intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various city improvements from the proceeds of Tax-Exempt Obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date, seconded by Councilmember Watson, to. 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 an Order calling the May 7, 2022 General Election for the purpose of electing a Mayor and two Councilmembers (Shelley Goodwin, City Secretary)**

Shelley Goodwin, City Secretary, reviewed the recent Legislative changes in calling the May 7, 2022, General Election. She noted the purpose of the Election is to elect a Mayor and two Councilmembers. She reviewed the Early Voting and Election Day Voting dates, times, and locations.

The City Council discussed the additional wording they wanted in the Order (City of Fredericksburg Precincts 1- 4).

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, approval of an Order calling the May 7, 2022, General Election for the purpose of electing a Mayor and two Councilmembers, with corrections. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider the reconsideration of the July 19, 2021 City Council Regular Meeting Minutes (Shelley Goodwin, City Secretary)

Motion: A motion to reconsider was made by Councilmember Musselman, seconded by Councilmember O'Neill, the July 19, 2021 City Council Regular Meeting Minutes. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

The City Council discussed the wording provided by Tom Marschall and the transcript provided by City Staff.

Motion: A motion was made by Councilmember Musselman, seconded by Luckenbach, to amend the July 19, 2021 City Council Regular Meeting Minutes to read Tom Marschall spoke about the State Constitution and his belief that the provision contained therein when laws or directives are null and void if they impact negatively on constitutional rights. The City Council voted four (4) for, and one (1) opposed (Mayor Kiehne). The motion carried.

C. Consider the approval of a Master Agreement for the handling of Short-Term Rental permitting and related Hotel Occupancy Tax collection with Granicus (Kent Myers, City Manager)

Kent Myers, City Manager, reviewed the need for the change in services for handling STR and HOT collection. He also reviewed the bid process used. He noted the option of the 24/7 hotline. He also read some of the concerns that have been expressed regarding the hotline. He also noticed the effective date to release Granicus is April 1, 2022.

The City Council discussed the need for the hotline and data collection. They also discussed how the hotline would work and the communication efforts for getting the hotline information out to the public.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, approval of a Master Agreement for the handling of Short-Term Rental permitting and related Hotel Occupancy Tax collection with Granicus and including the hotline. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

D. Consider the approval of a contract for the Architect Services for the Police and Municipal Court Project to Lopez Salas Architects (Braxton Roemer, Police Lieutenant)

Braxton Roemer, Police Lieutenant for Special Services, reviewed the history of the bid process. He also reviewed the PowerPoint presentation regarding the Preliminary Design Contract.

The City Council the elevation of the property, possible drainage issues and the firm's specialization.

Lopez Salas, Architect, stated that the proposal included site engineering.

Motion: A motion was made by Councilmember O'Neill, seconded by Councilmember Luckenbach, approval of a contract for the Architect Services for the Police and Municipal Court Project to Lopez Salas Architects. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

E. Consider the approval of the execution of the Endo Subdivision Release Form for an Opioid Settlement (Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities).

Clinton Bailey reviewed the process for the Opioid Settlement with Johnson and Johnson and Endo Settlement is for additional two distributors.

Daniel Jones, City Attorney, reviewed what it meant to sign the settlement.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, the approval of the execution of the Endo Subdivision Release Form for an Opioid Settlement. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

F. Consider awarding a Construction Contract for the Heritage Hill Country Pressure Reducing Valve Project (Kris Kneese, Assistant Public Works Director).

Kris Kneese, Assistant Public Works Director, reviewed the Hill Country Pressure Reducing Valve Project and bid process. He also reviewed the need for the material purchase and noted that Staff will install the valves.

The City Council discussed the other areas of the City that have the same issues. They And future developments will need to address their own issues.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, discussed the topography's effects on water pressure.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, awarding a Construction Contract for the Heritage Hill Country Pressure Reducing Valve Project for \$118,115 to Park USA. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

G. Consider awarding a Construction Contract for the Friendship Lane Sanitary Sewer Expansion Project (Kris Kneese, Assistant Public Works Director).

Kris Kneese, Assistant Public Works Director, reviewed the bid process and the need for increasing the existing 12' line to a 16" line by using the pipe bursting method. He noted Impact Fees will be used on this project and encouraged the City Council to award the bid to Vortex Services, LLC in the amount not to exceed \$1,436,975.

The City Council discussed the process used for pipe bursting.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to award the Construction Contract for the Friendship Lane Sanitary Sewer Expansion Project to Vortex Services, LLC in the amount not to exceed \$1,436,975. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

H. Consider the approval of a Professional Services Agreement for East Main Street Water Rehabilitation Project (Kris Kneese, Assistant Public Works Director).

Kris Kneese, Assistant Public Works Director, reviewed the bid process and recommended approval of the Professional Services Agreement with HDR Engineering, Inc. to perform design professional services and construction of the project. He also reviewed the funding and the timeline for the construction.

The City Council discussed the project and the construction timeline.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve the Professional Services Agreement for East Main Street Water Rehabilitation Project with HDR Engineering, Inc. to perform services outlined in Task Order No. 10. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

I. Consider awarding a Professional Services Contract for the S. Llano Shared-Use

Bridge & Ufer St. Sidewalk Project (Garret Bonn, Assistant Engineer).

Garret Bonn, Assistant Engineer, reviewed the project and the bid processed used. He noted Staff recommends awarding a professional services contract to Kimley-Horn and Associates, Inc for the project and not to exceed \$373,207.63

The City Council discussed the need for this project.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to award a professional services contract to Kimley-Horn and Associates, Inc for the S. Llano Shared-Use Bridge & Ufer St. Sidewalk Project and not to exceed \$373,207.63. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

9. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Ruben Aguilar, City resident, spoke about the crime in Gillespie County.

Jerry McCorkle, City resident, spoke regarding expenditures.

Debra Hollbecker, City resident, spoke regarding We The People pay the taxes.

Jeanette Hormuth, City resident, spoke regarding the constitution.

Marylee Marschall, City resident, read a section of a book from Robert F. Kennedy, Jr.

Tom Marschall, City resident, spoke regarding the July 19, 2021 Regular Meeting Minutes.

Tracy Knudson, City resident, spoke regarding 5G and Wireless Harms (provided copies to the City Council).

10. CITY MANAGER REPORT

A. Action Items-January 31 Special City Council Meeting

Kent Myers, City Manager, provided a review of the five agenda items discussed at this meeting.

B. Housing Coordinator Position

Kent Myers, City Manager, reviewed the names of the organizations who assisted with the funding of \$103,000. The Advisory Committee voted unanimously to hire Vince Michelle for the position.

C. Joint City Council/Planning and Zoning Commission Meeting-February 10

Kent Myers, City Manager, reminded the public of the Special Meeting scheduled on February 10, 2022, at 10 a.m. at the University Center. He noted Clinton Bailey will be facilitating the meeting.

D. Retirement Plans

Kent Myers, City Manager, read a statement regarding his retirement from the City of Fredericksburg after the adoption of the FY 2023 Budget September 30, 2022.

11. CITY. COUNCIL COMMENTS

Councilmember Musselman spoke regarding the letter Development Services sent out a letter to all City of residents. He also spoke regarding need to ask voters to approve Public Safety Facilities.

Councilmember O'Neill thanked the City Manager for all he has done. She stated she feels the City Council should bring back the July 19, 2021 Minutes for additional consideration.

Councilmember Watson thanked the City Manager for all he has done and for his service.

Councilmember Luckenbach thanked Kent Myers for all he has done. He also reminded everyone that it is Black History Month and the upcoming events.

Mayor Kiehne thanked Kent Myers for all he has done.

12. ITEMS FOR FUTURE AGENDA

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

13. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations Regarding Real Property), 551.074 (Personnel Matters), and 551.087 (Deliberation Regarding Economic Development):

- A. Consider and discuss the lease or value of real property, located at 2818 US-290, in the City of Fredericksburg, Texas (551.072), and consider and discuss the commercial or financial information the City Council has received from a prospect seeking to develop a wine and culinary arts center located at 2818 US-290 in the City; and to deliberate the possible offer of financial or other incentive to the prospect (551.087), and**
- B. Consider and discuss the appointment, evaluation, and/or duties of a public officer or employee, specifically the City Manager (Section 551.074), and**
- C. Consider and discuss Coalition of Post Oak Property Owners, an Unincorporated Nonprofit Association v. The City of Fredericksburg, pending in the 216th District Court [551.071(1)].**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O'Neill, to go out of the Regular Meeting and into Executive Session at 9:07 p.m. The City Council voted five (5) 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 10:37 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

14. BUSINESS ITEM

Agenda Item 7. B.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve Ordinance 2022-06 annexing to the City approximately 72.50 acres of land, located on the west and east sides of Post Oak Road, from W. Live Oak to 2,800 feet north of S. Bowie Street, Gillespie County, Texas; extending the Corporate Limits of the City, so as to include said territory; granting to all inhabitants and future inhabitants of said territory all of the rights and privileges of other citizens of the City; binding the inhabitants and future inhabitants of said territory by any and all acts, ordinances, resolutions and regulations of said City; and adopting an Annexation Service Plan for the extension of municipal services into said territory and the construction and maintenance of public utilities related to such annexation, and providing for an effective date and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Agenda Item 7. C.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to approve Ordinance 2022-07 adopting a change in the Comprehensive Plan of the City, specifically in the Land Use Map, as to approximately 72.50 acres of land, generally located on the west and east sides of Post Oak Road, from W. Live Oak to 2,800 feet north of S. Bowie Street; changing said property from Rural Residential (RR), Low Density Residential (LDR), Parks and

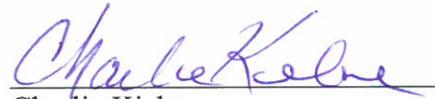
Open Space (POS), and Commercial (C) to Low Density Residential (LDR), Medium Density Residential (MDR), and Commercial (C); providing that the change become a part of the Comprehensive Plan, and providing for an effective date , and providing for an effective date and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Agenda Item 7. D,

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2022-08 amending the Zoning Ordinance of the City and establishing the Zoning District as to approximately 72.50 acres of land, generally located on the west and east sides of Post Oak Road, from W. Live Oak to 2,800 feet north of S. Bowie Street, situated in the City; establishing said property as Single-Family Residential (R1), Mixed Residential (R2), and Neighborhood Commercial (C1); and providing for an effective date and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

15. ADJOURN

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to adjourn the Monday, February 7, 2022, City Council Regular Meeting at 10:41 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.


Charlie Kiehne
Mayor


Shelley Goodwin, TRMC
City Secretary