



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING APRIL 18, 2022

The City of Fredericksburg City Council held their regular session on Monday, April 18, 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
Andrea Schmidt, Parks Director
Garret Bonn, Assistant Engineer and Interim Development Service 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, April 18, 2022.

2. INVOCATION

Jamey Day, Pastor at Faith Baptist Church, resident, led the Invocation.

3. PLEDGE OF ALLEGIANCE

Taylor Day led the Pledge of Allegiance.

4. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, stated he had received the following recognitions:

Shelley Goodwin, City Secretary, for her assistance with explaining the Ballot by Mail process to resident.

5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Mayor Kiehne announced that the City Council had received 0 written comment, and no one wished to sign up to speak during public comment.

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 City Council Minutes for:

i. April 4, 2022 Regular Meeting

ii. February 10, 2022 Work Session Meeting

Kent Myers, City Manager, noted he has a conflict with Agenda Item 6. A. ii. and will not participate in the discussion of that item (he left the dais).

Councilmember Musselman pulled Consent Agenda item 6. A. i. to be considered separately.

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

The City Council discussed the minutes from April 4, 2022, and recommended no changes.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve 6. A. i. Minutes for April 4, 2022, City Council Meeting. 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 2022-20 amending Appendix A – Fee Schedule, of the Code of Ordinances, to establish a fee to defray costs of collecting delinquent Municipal Court Fines, Fees, Court Costs, and other debts, pursuant to Article 103.0031 of the Texas Code of Criminal Procedure (City Council may waive the second reading).

Kent Myers, City Manager, provided information on court costs and noted the additional fee of 30% is the delinquent amount owed to Municipal Court after 60 days. He also stated the fee would cover the cost of hiring a collection firm to collect delinquent accounts.

Shelley Becker, Municipal Court Judge, reviewed the need for the collection fee and hiring a firm to collect delinquent accounts.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve of Ordinance 2022-20 amending Appendix A – Fee Schedule, of the Code of Ordinances, to establish a fee to defray costs of collecting delinquent Municipal Court Fines, Fees, Court Costs, and other debts, pursuant to Article 103.0031 of the Texas Code of Criminal Procedure and waiving the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider the approval of Resolution 2022-07R responding to the application of Atmos Energy Corporation – Midtex Division, to increase rates under the Gas

Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the "Atmos Texas Municipalities;" determining that the meeting at which the Resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date.

Kent Myers, City Manager, reviewed the need to delay the increases and work with a coalition of cities.

The City Council discussed the process of the rate hearing.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve of Resolution 2022-07R responding to the application of Atmos Energy Corporation – Midtex Division, to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the "Atmos Texas Municipalities;" determining that the meeting at which the Resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider approval of the FY2021-2022 Audited Financial Statements and Independent Auditors Report

Laura Hollenbeck, Finance Director, introduced Jane Pittman with ABIP, P.C.

Jane Pittman, ABIP, P.C., reviewed the following:

- Management Discussion and Analysis
- Each Fund Balance
- Expenditures
- Budget and Actual

Kent Myers, City Manager, thanked the Finance Department for their hard work on the audit. He noted that the Finance Department is recommending the creation of a Capital Improvement Fund in the General Fund, which will come before the City Council at the May 2, 2022 Regular Meeting.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve the FY2021-2022 Audited Financial Statements and Independent Auditors Report. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider the approval of the Construction Manager at Risk Services Proposal with JK Bernhard Construction for the Market Square Redevelopment Commission Project.

Jerry Luckenbach stated he serves on the Market Square Redevelopment Commission and noted he would not be participating in this discussion (he left the dais).

Andrea Schmidt, Parks Director, reviewed the project and the amount of the Market Square Redevelopment Commission. She recommended the JK Bernhard Construction for the Project.

Stan Klein, Architecture, provided a timeline for the project and stated the notice to proceed on May 22, 2022.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the Construction Manager at Risk Services Proposal with JK Bernhard Construction for the Market Square Redevelopment Commission Project. The City Council voted four (4) for, none (0) opposed, and one (1) abstain (Councilmember Luckenbach). The motion carried.

C. Consider the approval and award a bid to JM Pipeline, LLC for the Water and Sanitary Sewer Main Replacement Project construction in an amount not to exceed \$600,000.

Kris Kneese, Assistant Public Works Director, reviewed the project and the bids process. He recommended JM Pipeline, LLC for the Water and Sanitary Sewer Main Replacement Project. He also reviewed the funding for the project.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Luckenbach, to approve and award a bid to JM Pipeline, LLC for the Water and Sanitary Sewer Main Replacement Project construction in an amount not to exceed \$600,000. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

D. Consider and discuss approval of a contract with Perdue Brandon pursuant to Article 103.001, Texas Code of Criminal Procedure, said contract being for the collection of court fine and fees owed to the City, and notice of which is provided with the agenda in accordance with Section 2254.1036 of the Government Code.

Kent Myers, City Manager, reviewed the need for the approval of the contract and the benefits the City will receive from the collection of delinquent accounts.

Carlos Arcie, Perdue Brandon, reviewed the services they will provide to the City. He reviewed the contract and noted the defendants would pay the extra fees.

Shelley Becker, Municipal Court Judge, reviewed the qualifications of the selected firm. She also stated they provide templet letters, and she will control the tone of the letters that are sent out.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember O'Neill, to approve a contract with Perdue Brandon pursuant to Article 103.001, Texas Code of Criminal Procedure, said contract being for the collection of court fine and fees owed to the City, and notice of which is provided with the agenda in accordance with Section 2254.1036 of the Government Code. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

E. Consider the approval of agreements with Texas Center for Wine and Culinary Arts (FlaveryTX):

i. Lease Agreement for property located at the University Center

ii. Chapter 380 Economic Development Agreement

Councilmember Watson stated he serves on Texas Center for Wine and Culinary Arts and noted he would not be participating in this discussion (he left the dais).

Kent Myers, City Manager, reviewed the history of the project and the agreement. He noted the City would incur \$16,530 this year for cleaning the site and additional expenses in the future if the project is funded.

Ernie Loffler, CVB Executive Director, reviewed the project, target groups, and the rebranding name. He provided a map of the proposed located and noted if approved tonight, then fundraising will begin.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O’Neill, to approve approval of agreements with Texas Center for Wine and Culinary Arts (FlavoryTX); Lease Agreement for property located at the University Center and Chapter 380 Economic Development Agreement. The City Council voted four (4) for, none (0) opposed, and one (1) abstain (Councilmember Watson). The motion carried.

G. Consider the award of the 2022 Hotel Occupancy Tax (HOT) recipient funding

The City Council agreed by consensus to approve all requests \$8,000 and under but to review all other requests individually.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson to approve the following and to transfer the additional \$36,565 from Tourism account.

- Fredericksburg Education Imitative DBA Systems Go \$5,000
- Fredericksburg Chamber of Commerce, Inc..... \$12,000
- Holy Ghost Lutheran Church- Global Leadership Summit \$1,000
- German Choirs of Fredericksburg \$2,500
- Gillespie County Fair & Festivals Association \$65,000
- Gillespie County Historical Society \$100,000
- Friends of Gillespie County Country Schools \$30,000
- Fredericksburg Chorale..... \$2,500
- Hill Country Film Society \$8,000
- Fredericksburg Music Club, Inc. \$2,000
- Admiral Nimitz Foundation..... \$140,000
- Oktoberfest..... \$10,000
- Fredericksburg Food & Wine Fest \$10,000
- Hill Country Run Motorcycle Rally \$10,000
- Fredericksburg Craft Beer Festival \$10,000
- Fredericksburg Jaycees \$20,000
- Vereins Quilt Guild..... \$5,000
- Hill Country University Center (5th Annual Forging Futures Classic)..... \$8,000
- Hill Country University Center (1st Annual Chickenfest) \$5,000
- Fredericksburg Farmers Market..... \$6,000
- Former TX Rangers Foundation (Texas Rangers Day) \$10,000
- Former TX Rangers Foundation (Celebrate TX)..... \$10,000
- Die Kunstler von Fredericksburg \$4,500
- Fredericksburg Theater Company \$40,000
- MOM Center \$2,000
- Der Stadtische Friedhof \$10,000
- July 4th Parade and Program \$5,000
- Fredericksburg Art Guild..... \$6,065

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.

Jerry McCorkle, City resident, spoke regarding Governor Abbott and the Emergency Orders.

George Studor, City resident, spoke regarding the City audits and residents’ ATMOS bills.

10. CITY MANAGER’S REPORT

A. City Council/County Commissioners Meeting-April 26

Kent Myers, City Manager, reviewed the proposed discussion items for the upcoming City Council/ County Commissioners Meeting to be held at 8:30 a.m. on April 26, 2022, in the Fire Training Room:

- Proposed new Fire Station site
- Communication System for Fire/EMS
- Update on Sports Parks
- Housing Coordinator Report

He noted there might be an additional item related to the Friendship Extension.

B. Police Chief Recruitment Process

Kent Myers, City Manager, stated the Police Chief Candidate presentations went well, and several members of the public attended the event. He reviewed the next steps in the process and the timeline for hiring the next Chief.

C. Development Services Department Update.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, reviewed the following items:

- Comprehensive Plan-two proposals were selected to go through the interview process, which will begin in mid-May.
- Director position-amending the job description and the interview process. He noted the advertising would begin in the next couple of weeks.

Garret Bonn, Assistant Engineer, and Interim Development Service Director, stated the department is handling their roles and responsibilities plus additional ones during this interim period.

11. COUNCIL COMMENTS

Councilmember Watson provided an Airport Commission report:

- Airport T Hangers are 100% full, and there are 30 on the waiting list.
- Fuel Sales are 26% over last year and partly because the Forest Services uses the Airport as a hub.
- Fisd will implement a flying program within the next two years.
- Attended the Airport Open House, where the plans were discussed.

He also noted that the May 7th weekend would be busy with the 175th Celebrations and Election Day.

Councilmember Musselman provided the following updates:

- Attended the Observation Deck Ribbon Cutting last week.
- The City has approved several projects on Friendship Lane to increase the housing stocks including:
 - Friendship and Eagle Condos
 - Collins Condos Project
 - Friendship Oaks

Mayor Kiehne stated he played the Easter Bunny at the Pioneer Museum this past weekend. He also reported that the Blue Bird Daycare facility recently closed; a new owner is reopening the daycare after remodeling the facility.

12. ITEMS FOR FUTURE AGENDAS

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 Sections 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney):

- A. Consider and discuss the appointment, evaluation, and/or duties of a public officer or employee, specifically the City Attorney (Section 551.074), and**
- B. Consider and discuss Jeanette Hormuth and Jerry Farley v. Linda Langerhans, in her official capacity as presiding officer, Mayor of the City of Fredericksburg, Texas, pending in the 216th District Court (551.071)**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of the Regular Meeting and into the Executive Session at 7:53 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 the Executive Session and into the Regular Meeting at 8:07 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

14. BUSINESS ITEM

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to appoint Councilmembers O’Neill and Watson as mediators in the lawsuit Jeanette Hormuth and Jerry Farley v. Linda Langerhans, in her official capacity as presiding officer, Mayor of the City of Fredericksburg, Texas. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

15. ADJOURN

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to adjourn the Monday, April 18, 2022, City Council Regular Meeting at 8:08 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.



Shelley Goodwin, TRMC
City Secretary



Charlie Kiehne
Mayor