The City of Fredericksburg City Council will meet in a regular session on Monday, April 6, 2020, at 6:00 p.m. This meeting was held remotely via Zoom Teleconferencing, and in-person attendance was not available. Members of the public attended the meeting remotely by web or telephone 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 on the Teleconferencing:
Mayor Linda Langerhans
Mayor Pro Tem Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman
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
Brian Jordan, Development Services Director
Russell Immel, Information Technology Director
Andrea Schmidt, Parks Department Director
Lea Feuge, Public Information Officer
Laura Hollenbeck, Finance Director
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Shelley Goodwin, City Secretary

1. CALL TO ORDER
Mayor Langerhans called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, March 16, 2020, via Zoom Teleconference. On roll call vote:
   Mayor Langerhans      aye
   Councilmember Musselman aye
   Councilmember Neffendorf aye
Councilmember Kiehne       aye
Councilmember Watson       aye
Mayor Langerhans announced a quorum of the City Council present.

2. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC
Kent Myers, City Manager, stated when this pandemic first began, he appointed Lynn Bizzell, Fire Chief, as the representative for the City.

Lynn Bizzell, Fire Chief, reviewed the history of the pandemic and the step that has been taken in Gillespie County. He also reviewed the Stay at Home Order by Governor Abbott and the number of active cases within Region 8 and surrounding counties. He stated key staff members of the City and County are meeting every morning at 8 a.m. via Zoom meeting.

Kent Myers, City Manager, thanked Fire Chief Bizzell for his hard work with the pandemic. He also recognized the other members of the team Clinton Baily, John Culpepper, Russell Immel, Tammy Loth, Laura Hollenbeck, Brain Jordan, and Shelley Goodwin.

3. PUBLIC COMMENTS
Mayor Langerhans reviewed the different ways the public could provide comments. She stated the City received 14 citizen comments and staff will get back with those who commented.

4. 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 March 16, 2020, City Council Regular Meeting Minutes
Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve the March 16, 2020, City Council Regular Meeting Minutes with an amendment to page 6. On roll call vote:
   Councilmember Musselman       aye
   Councilmember Neffendorf       aye
   Councilmember Kiehne           aye
   Councilmember Watson           aye
   Mayor Langerhans               aye
The motion carried unanimously.

5. ORDINANCES
   A. Annexation of 91.43 acres of land situated in Gillespie County, Texas along the south side of W. Live Oak and extending from east of Post Oak Road to west of Smokehouse Road.
      i. Consider the Institution of Annexation Proceedings
Brian Jordan, Development Services Director, reviewed the history of the annexation. He also stated originally the annexation was for 117.1 acres, but the acreage was reduced as a result of the 5 property owners who signed the Pre-Annexation Development Agreement. He stated staff is recommending the approval of Institution of Annexation Proceedings and the other items, but
the City Council may choose to approve the Institution of Annexation Proceedings and approve the remaining items before the deadline of July 5, 2020.

**Motion:** A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, to approve the Institution of Annexation Proceedings. On roll call vote:

- Councilmember Neffendorf    aye
- Councilmember Kiehne         aye
- Councilmember Watson         aye
- Mayor Langerhans             aye
- Councilmember Musselman      aye

The motion carried unanimously.

**ii. Consider the approval of Annexation Agreement with CSE Commercial Real Estate, LP for the Live Oak/Post Oak Plan for Development.**

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve the Annexation Agreement with CSE Commercial Real Estate, LP for the Live Oak/Post Oak Plan for Development. On roll call vote:

- Councilmember Kiehne         aye
- Councilmember Watson         aye
- Mayor Langerhans             aye
- Councilmember Musselman      aye
- Councilmember Neffendorf      aye

The motion carried unanimously.

**iii. Consider the approval of the Ordinance 2020-01 annexing approximately 91.43 acres of land, located along the Southside of W. Live Oak Street extending from east of Post Oak Road to west of Smokehouse Road, Gillespie County, 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 the said territory and the construction and maintenance of public utilities related to such annexation.**

**iv. Ordinance 2020-02** adopting a change in the Comprehensive Plan of the City; specifically in the Land Use Map and Comprehensive Plan as to tracts located along the South Side of W. Live Oak Street extending from east of Post Oak Road to west of Smokehouse Road; changing said property to commercial, public, and high-density residential; providing that the change become a part of the Comprehensive Plan and providing for an effective date.

**v. Consider the approval of the Ordinance 2020-03 amending the Zoning Ordinance of the City and establishing the Zoning District as to tracts**
located along the south side of W. Live Oak Street, extending from east of Post Oak Road to west of Smokehouse Road, upon annexation into the City; establishing Residential, Public Facilities, and Commercial Zoning for said property upon annexation; and providing for an effective date.

The City Council discussed a comment made by a citizen regarding Governor’s Abbott suggestions about delaying action on important City business.

Daniel Jones, City Attorney, stated he has reviewed Governor Abbott’s Executive Order and is unable to find that topic. He also stated the Governor has waived the Section 418.016 of the Texas Government Code regarding remote meetings and citizen comment period.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Musselman, held the first reading, take no action, and hold the second reading before July 5, 2020 deadline:

- Ordinance 2020-01 annexing approximately 91.43 acres of land, located along the Southside of W. Live Oak Street extending from east of Post Oak Road to west of Smokehouse Road, Gillespie County, 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 the said territory and the construction and maintenance of public utilities related to such annexation.

- Ordinance 2020-02 adopting a change in the Comprehensive Plan of the City; specifically in the Land Use Map and Comprehensive Plan as to tracts located along the South Side of W. Live Oak Street extending from east of Post Oak Road to west of Smokehouse Road; changing the said property to commercial, public, and high-density residential; providing that the change become a part of the Comprehensive Plan and providing for an effective date.

- Consider the approval of the Ordinance 2020-03 amending the Zoning Ordinance of the City and establishing the Zoning District as to tracts located along the south side of W. Live Oak Street, extending from east of Post Oak Road to west of Smokehouse Road, upon annexation into the City; establishing Residential, Public Facilities, and Commercial Zoning for said property upon annexation; and providing for an effective date. On roll call vote:
  - Councilmember Watson  aye
  - Councilmember Musselman  aye
  - Councilmember Neffendorf  aye
  - Mayor Langerhans  aye
  - Councilmember Kiehne  aye

The motion passed unanimously.

6. OTHER ACTION ITEMS AND UPDATES
A. Hold a discussion and possible action regarding the May 2, 2020, City of Fredericksburg General Election.
   i. Consider the approval of Resolution 2020-08R ordering the postponement of
the May 2, 2020, general election (for the purpose of electing a Mayor and two Councilmembers) until November 3, 2020; extending the terms under the Holdover Provision of the Texas Constitution; and ordering other matters incident and related to such election.

Kent Myers, City Manager, stated TML has provided a legal opinion regarding Governor Abbott’s Stay at Home Order and the requirement to move the May 2, 2020, Election to November 3, 2020. He stated if the City Council doesn’t move the Election to November 3rd, the election could be contested.

Shelley Goodwin, City Secretary, stated in her memo and the attachment she has provided how the May 2, 2020 election ballots and documents will be secured and be used at the November 3, 2020 Election.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Neffendorf, to approve the Resolution 2020-08R ordering the postponement of the May 2, 2020 general election (for the purpose of electing a Mayor and two Councilmembers) until November 3, 2020; extending the terms under the Holdover Provision of the Texas Constitution; and ordering other matters incident and related to such election. On roll call vote:

- Councilmember Musselman: aye
- Councilmember Neffendorf: aye
- Councilmember Kiehne: aye
- Councilmember Watson: aye
- Mayor Langerhans: aye

The motion carried unanimously.

**B. Hold a discussion and possible action to extend the payment deadline for 1st Quarter CY 2020 Hotel Occupancy Tax due to COVID-19.**

Kent Myers, City Manager, stated the City has received requests to extend the payment deadline for the 1st Quarter CY2020 Hotel Occupancy Taxes due to COVID-19. He stated staff contacted the Texas Comptroller of Public Accounts, five surrounding Cities, and Avenue Insights. He stated the State Comptroller’s Office is not extending the HOT payment deadline date, but other municipalities are not extending the deadline either. The taxes have already been collected by the Hotel/Motel/STR and pass the taxes onto the State and City. City staff has encouraged Hotel/Motel/STR to file a report by April 30th, even if they cannot pay at this time.

The City Council discussed the options and the need to know what Hotel/Motel/STR taxes are due.

Daniel Jones, City Attorney, stated he has reviewed the City Code and the Tax Code and stated the State or the City cannot waive the collection. He also stated the City can waive the City penalties.

The City Council also discussed a payment plan to help the hotel industry. They also discussed using some of the City’s reserves.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Neffendorf, to the following:
• Not to extend the Hotel Occupancy Tax payment deadline
• Waive the penalty and interest for 90 days
• File their report with by the deadline

On roll call vote:
- Councilmember Neffendorf  aye
- Councilmember Kiehne  aye
- Councilmember Watson  aye
- Mayor Langerhans  aye
- Councilmember Musselman  aye

The motion passed unanimously.

C. Hold a discussion to consider delaying or canceling the CXT Concrete Building restroom and shower project at LBJ Park for a cost savings of $235,000.
Andrea Schmidt, Park Department Director, reported in November 2019 the City Council approved the purchase of replacement restroom and shower facility at LBJ Municipal Park in the camping area, which was ordered in December 2019. The demolition of the existing facility is to be demolished by the end of April, but with the virus and financial difficulties, the facility could be on hold. She stated if the project is canceled the savings could be $235,000.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the canceling of the CXT Concrete Building restroom and shower project at LBJ Park for a cost savings of $235,000. On roll call vote:
- Councilmember Kiehne  aye
- Councilmember Watson  aye
- Mayor Langerhans  aye
- Councilmember Musselman  aye
- Councilmember Neffendorf  aye

The motion passed unanimously.

D. Hold a discussion to consider closing or restricting access to additional park facilities.
Andrea Schmidt, Park Department Director, reviewed all the facilities that have been closed and other measures that have been taken to ensure social distancing will occur. She stated but there are still complaints regarding the skate park, dog park, and the basketball court.

Clinton Bailey, Assistant City Manager/Public Works and Utilities Director, reported he has spoken with Chris Meade, LBJ Golf Course, and the driving range has been closed and they stopped issuing the golf carts. He stated Touchstone has closed most of their golf courses but allowed the maintenance of the golf course to be maintained.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve closing the golf course, dog park, skate park, and basketball court. On roll call vote:
- Councilmember Watson  aye
- Mayor Langerhans  aye
- Councilmember Musselman  aye
Councilmember Neffendorf  aye
Councilmember Kiehne       aye
The motion passed unanimously.

7. CITY MANAGER’S REPORT
   A. City Finance Update
Kent Myers, City Manager, reviewed the challenges the City will face with the loss of sales tax and tourism. Revenues are high, but legal expenses are over the amount budgeted and gas expenses are will under the amount budgeted. He stated the City faces a lot of unknowns, so each department has been reducing expenses. The audit report has revealed that the City fund balance is better than what they originally thought. At the next City Council meeting, Staff will be asking City Council to consider postponing or canceling the street paving program and the sidewalk program for one year.

The City Council asked for a mid-year budget report and then discuss all the different budget issues. They also discussed the streets paving projects and how it would affect the City.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, reported the City streets are exceptional shape and there would not be affected if it is pushed out one year.

   B. HOT Funding
Kent Myers, City Manager, stated staff has looked at all the Hotel Occupancy Tax Funding recipients since some of them have canceled their events. A spreadsheet was provided to the City Council regarding the recipients’ events and their purpose. He reviewed the 3 different groups of purposes. Recommend move forward with Historic Preservation and Marketing but hold off on special events and the marketing/advertising for those events until we contact requestors for additional information.

Councilmember Neffendorf stated he is abstaining from discussions with Admiral Nimitz Museum.

The City Council discussed holding checks for Special Events and the marketing of those events until more information is received. Move forward with the Historic Preservation and the Marketing to bring tourism to the City.

Kent Myers, City Manager, stated at a late date the City Council will need to reconsider their previous action on the funding recipients.

   C. Future City Council Meetings
Kent Myers, City Manager, stated he needs direction from the City Council regarding holding their meetings on the 1st and 3rd Monday of every month and whether the City Council continues to use the Zoom Meeting format.

The City Council discussed and provided directions to continue using the Zoom Meeting format and to hold the regular meetings on the 1st and 3rd Monday of the month. They also discussed
using the Zoom Meeting format for any Special Meetings that might arise during the COVID-19 pandemic.

D. **Major Water Improvement Project**

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated the City has some major water improvement projects that began before the pandemic.

Kris Kneese, Assistant Director of Public Works and Utilities, reviewed the 3 Water Bond Projects.

1st Water Bond project is the Water Tank project; including 3 - 1 million-gallon tanks:

- Knauth Tank- 80% completed
- Cross Mountain-slab has been poured and the panels are up; roof dome is scheduled to poured April 14th.
- North Tank-slab will be poured in the next 30 days. The contractor is working on-site preparation, clearing, tank slab subgrade, and select fill under the tank slab.

2nd Water Bond project is the Knauth Pump Station Project

- Knauth Pump-March 24, 2020 bids were opened with 4 general contractors bidding the project. City Council will consider awarding the contract for this project at their April 20, 2020, City Council Regular Meeting.

3rd Water Bond project is HWY 290 East Waterline Project

- HWY 290 East waterline will connect the Knauth Well Field to the waterline on the east side of town, along HWY 290 East. City Staff is currently working on needed water line easement. This project will be going out for bids soon.

E. **Electric Services Building**

Kris Kneese, Assistant Director of Public Works and Utilities, awarded to Kendell Kasper in January 2020. The contractor is currently 90% complete with the slab formwork, slab plumbing, electrical and reinforcement, which will be poured soon. The metal building has been ordered, but there is a 2-week delay from the building manufacturing. The project should be completed in late September or early October. He stated Bond Funds are ongoing because for the rules regarding the Revenue Bonds’ timelines and designation of projects the funds can only be spent on.

8. **ITEMS FOR FUTURE AGENDA**

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

9. **COUNCIL COMMENTS**

Councilmember Neffendorf recommended calling a Special Meeting for any items or updates related to COVID-19.

Councilmember Musselman thanked the community for their understanding of what we are going through related to COVID-19 Pandemic. He stated there are very few businesses
opened on Main Street. He also stated Fredericksburg is a very strong community and it will take all of us working together to get through this.

10. ADJOURN
Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to adjourn the Monday, April 6, 2020, City Council Regular Meeting at 7:49 p.m. On roll call vote:

Councilmember Musselman    aye
Councilmember Neffendorf    aye
Councilmember Kiehne        aye
Councilmember Watson        aye
Mayor Langerhans            aye

The motion passed unanimously.

Linda Langerhans
Mayor

ATTEST

Shelley Goodwin, TRMC
City Secretary